



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

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Committee against Torture

**Fourth periodic report submitted by the Republic
of Moldova under article 19 of the Convention
pursuant to the simplified reporting procedure,
due in 2021***

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* The present document is being issued without formal editing.



Abbreviations

ABA ROLI – American Bar Association Rule of Law Initiative

ACCHR – Advisory Council of the Center for Human Rights

AF – Armed Forces

AP – Anticorruption Prosecutor

APSRJS – Action Plan on the Justice Sector Reform Strategy

BMA – Bureau for Migration and Asylum

CA – Court of Appeal

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

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

CC – Civil Code

CC – Contravention Code

CC – Criminal Code

CC – Constitutional Court

CCMH – Community Center of Mental Health

CEB – Council of Europe Development Bank

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

CLEIIS – Concept of the Law Enforcement Integrated Information System

CHR – Center for Human Rights

CMEV – Committee of medical expertise of vitality

CPC – Criminal Procedure Code

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

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

CAT – Convention against Torture

CRIC – Child Rights Information Center

CT – Child trafficking

DPI – Department of Penitentiary Institutions

EC – Enforcement Code

ECHR – European Court of Human Rights

ERA – Academy of European Law

EU – European Union

FC – Family Code

FIUM – Free International University of Moldova

GF – Global Fund

GP – General Prosecution

CCTP – Center for combating trafficking in persons

HBT – Human being trafficking

HBTV – Human being trafficking victims
IAL – International Academy of Law
IC – “La Strada” – International Center “La Strada”
ICCC – Information Crime Control Center
ICPMD – International Centre for Migration Policy Development
IDCP – International Day of Child Protection
IOM – International Organization of Migration
IPD – Insulator of preventive detention
ISE – Institute of Sciences of Education
IPR – Institute for Penal Reform
ISS – Intelligence and Security Service
JIC – Journalistic Investigation Center
LB – Licensing Board
LI – Labor Inspection
LMC – Legal Medicine Center
LR – Letter rogatory
LRC – Legal Resource Center
MC – Monitoring Commission
MEI – Ministry of Economy and Infrastructure
MoJ – Ministry of Justice
MFA – Ministry of Foreign Affairs and European Integration
MIA – Ministry of Internal Affairs
GPI – General Police Inspectorate
GP’s Office – General Prosecutors Office
SCM – Superior Council of Magistracy
NIJ – National Institute of Justice
MEdu – Ministry of Education, Culture and Research
MHLSP – Ministry of Health, Labour and Social Protection
BIR – Bureau for Interethnic Relations
BMA – Bureau for Migration and Asylum of the RM
PSA – Public Services Agency
MF – Ministry of Finance
MUCL – Monitoring Unit of Child Labor
NA – National Army
NAC – National Anticorruption Center
NCCAP – National Center for Child Abuse Prevention
NCCCN – National Commission for Collective Consultations and Negotiations
NCF – National Child Forum
NGO – Non-governmental organization
NIJ – National Institute of Justice

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

Article 2

Reply to paragraph 2 (a) of the list of issues (CAT/C/MDA/QPR/4)

1. During 2017–2021, spaces were created and set up for interviewing detained, arrested, convicted persons in confidentiality with lawyers and rooms for medical examination in confidentiality in 13 Temporary Detention Isolators within Police (Police Inspectorates: Edineț, Hîncești, Ungheni, Căușeni, Orhei, Cimișlia, Sîngerei, Rîșcani, Cahul, Anenii Noi, Bălți, Comrat, Soroca).
2. At the same time, the GPI Order no.213 of 31.07.2020 on the approval of the minimum mandatory requirements for the installation in the territorial subdivisions of the Police of rooms for hearing, for the presentation for recognition of the person, for the meeting in confidential conditions of the suspected/accused persons with the defender and for waiting (transit) was approved. Similarly, the specifications for the purchase of services for the elaboration of the project documentation and estimate for the above-mentioned cells were drawn up.
3. In order to locate the premises proposed for the cells, 22 checks were carried out in the territorial subdivisions of the Police under the GPI. The overall purpose of the checks was to map the buildings of the territorial Police Inspectorates in order to form a clear picture of the infrastructure, their capacity and the planning of new premises.
4. Within the framework of the checks, the cadastral plans of the first level of the temporary detention isolators of the Police Inspectorates visited were collected and the feasible spaces for the arrangement of the cells were selected jointly with the management of the subdivisions.
5. Following this, plans-schemes of the location of the cells were drawn up and the related report submitted to the General Police Inspectorate management in order to initiate the process of implementation of the objectives of creating the above mentioned premises.
6. At the same time, 9 territorial subdivisions (IP Drochia, IP Ocnita, IP Stefan Voda, IP Vulcanesti, IP Briceni, IP Cantemir, IP Taraclia, IP Calarasi and IP Rezina) were selected and proposed to be equipped with rooms for medical examinations in conditions of confidentiality, interviews with lawyers, as well as the accumulation of cost estimates estimating the cost of the refurbishment/renovation works and their submission to the Finance Directorate, Logistics Directorate and Project Management Directorate.
7. At the same time, the right to assistance from a lawyer and the right to medical assistance were reaffirmed in the Standard Operating Procedures for the detention, escort, transportation and placement of the detained person in the Police Temporary Detention Isolator, approved by the Order of the General Police Inspectorate No.129 of 27.04.2020, which sets out the activities carried out by Police employees to ensure the rights of persons under investigation and detained.
8. According to the provisions of Article 17 of the Criminal Procedure Code of the Republic of Moldova, throughout the criminal proceedings, the parties have the right to be assisted or represented by a chosen defence counsel or by a lawyer providing legal assistance guaranteed by the state. Qualified legal assistance may be requested at any stage of the criminal proceedings.
9. In order to respect the right of defence, the renovated functional remand prisons have a room for confidential interviews with the lawyer. This right has also not been restricted in the current epidemiological situation in relation to the pandemic spread of the COVID-19 virus.
10. In order to ensure the right of defence of the parties to the proceedings, the Ministry of Justice was sent the request no.34/11-872 of 5 March 2021, which repeatedly intervened with the request to take the necessary measures to revise the current provisions of paragraph (1) of Article 21. “Granting of qualified legal aid depending on the level of income” and paragraph (1) of Article 24 “Grounds for refusing qualified legal aid” of the Law on State-guaranteed legal aid No 198/2007, as these provisions violate the fundamental rights and freedoms of the parties to the proceedings, in particular the right to defence.

11. On 05 May 2021, the Ministry of Justice received reply no. 03/3113 requesting the submission of proposals of lege ferenda in order to remove the difficulties faced by the prosecution body in the process of ensuring respect for the suspect's/accused's right to defence.
12. Following this, on 28 May 2021, by letter no.34/11-2153, proposals to amend Law no.198/2007 on state-guaranteed legal aid were sent to the Ministry of Justice, in order to ensure respect for the right to defence of the person, enshrined in Article 26 of the Constitution.
13. As regards the medical examination of detained persons, it is carried out at each exit/entry into the isolator with the completion of the medical record containing the body diagram, in accordance with the provisions of GPI Order no.380 of 21.10.2019 on the approval of the Instructions on the organization and operation of the provisional detention isolators under the GPI and the provisions of Annex no.3 of GPI Order no.444 of 15.11.2019 on the approval of the Standard Operating Procedure on the mechanism for providing medical assistance to detained persons in provisional detention.
14. Following the completion of the body diagram, entries are made on the general condition of the detainee, indicating the locations on the anterior and posterior (ventral and dorsal) view drawings of the bodily injuries detected and with their mandatory photographing.
15. For the purpose of medical examination of detainees, the Detention and Escort Services of the Territorial Police Inspectorates are provided with 1 medical officer. According to the Order of the GPI no.444 of 15.09.2019 on the approval of the Standard Operating Procedure on the mechanism of providing medical assistance to detained and provisionally detained persons medical assistant is the person who holds a diploma of secondary education in general medicine, specialization in general medicine, qualification of medical assistant, issued according to the legislation or obtained in another state and recognized/equivalent under the conditions established by the Government, with subsequent training, necessarily certified in emergency medicine.
16. Outside the hours of the felon and/or on rest days the person in police custody is brought to the public hospital for medical examination. In this context, during 2020, the single national emergency call service 112 was called, and 840 calls were made.
17. At the same time, the person in police custody may benefit from private medical assistance services at his/her own choice, at his/her own expense or, if he/she agrees, at the expense of third parties (lawyer, close relatives, cohabitant). To benefit from private medical assistance, the detained person shall submit a written request to the management of the isolator, specifying the specialty of the doctor requested, the contact details and the method of payment.
18. In the temporary detention isolators, medical assistance offices are set up separately from the offices intended for consultation and epidemiological screening, ensuring the confidentiality of information, medical examination results and other personal data, in accordance with the provisions of GPI Order no.527 of 28.12.2017 on the approval of minimum mandatory standards for detention facilities and vehicles intended for the transport of persons detained in police custody.
19. The medical examination is carried out with the assurance of the examination of the detainee by the same sex medical worker, without video surveillance, and the presence/involvement of the Police officer is ensured in case of aggressive behaviour of the detainees and only at the request of the medical worker to ensure the personal safety of the detainee. At the same time, in order to remove any suspicion of violation of detainees' rights to medical examination and to ensure the integrity of the medical worker, the premises intended for medical examination and assurance are equipped with emergency buttons (alarm).
20. In accordance with the provisions of Article 64 of the Criminal Procedure Code of the Republic of Moldova, the suspect has the right to know what he is suspected of and in relation to this, immediately after being detained or after being informed of the decision on the application of the preventive measure or recognition as a suspect, to be informed in the

presence of his defence counsel, in the language he understands, about the content of the suspicion and the legal classification of the criminal acts of which he is suspected.

21. Information on detention, transfer to another institution of the detained person shall be recorded in the Record Book of persons detained in the Police remand isolator and the Record Book of removal from rooms and cells and walks in the open air/bathroom of persons detained/detained in the Police remand isolator, both books are present in each Police remand isolator.

22. Information on the application and duration of the application of special measures to persons detained in temporary detention isolators shall be recorded in the Register of violent incidents, application of physical force or special means in the isolator.

23. By the Order of the GPI no.126 of 29.03.2019, the Framework Regulation on the organization and functioning of the Detention and Escort Section/Service of the territorial subdivisions of the GPI was approved.

24. In the context of developing the capacities of the created entities, by the order of the GPI No.217 on 21.06.2019, the "Instruction for the activity of the Detention and Escort Section/Service during escort and transport of persons in police custody" was approved. This document describes the requirements for ensuring security during escort and transport of persons in Police custody, guarding, escorting and transporting of persons deprived of liberty. These Instructions describe how the employees of the detention and escort services shall intervene during the escort to the place of destination of persons in/to Police custody. In order to effectively manage the processes related to the detention of persons deprived of liberty, on 21.10.2019, by the GPI Order no.380, the "Instructions on the organization and functioning of the Preventive Detention Isolators (hereinafter referred to as IDP) subordinated to the GPI as well as the necessary measures for their security" were approved.

25. Also was issued GPI Order No.47 of 06.02.2019, on the conduct of activities within the GPI to improve compliance with the rights and guarantees of persons deprived of liberty in Police custody, based on which the Letter of Rights was implemented, which will be handed over to the person detained and/or held in Police custody by the representatives of the investigative bodies and prosecution subdivisions of the GPI.

26. At the same time, on the basis of the GPI order no. 226 of 27.06.2019 "On carrying out activities within the GPI for improving the respect of the rights and guarantees of persons detained and held in police custody", information panels "Prevention of torture" were sent free of charge to the GPI subordinate subdivisions (30 panels).

Reply to paragraph 2 (b) of the list of issues

27. As the contracting authority, the National Administration of Penitentiaries plans and conducts annual public procurement procedures for goods, directly and directly intended for the creation of detention conditions and reasonable accommodation of prisoners. For this purpose, food products in various assortments, bed linen, personal care items, furniture, etc. are purchased.

28. The fact that prisoners are allowed to purchase for consumption and receive in packages basic necessities in the assortment provided for in Annex No. 6 to the Statute on the Execution of Sentences by Sentenced Persons is explained by the intention to facilitate prisoners' access to a wider assortment of goods than those purchased from the state budget, in order to ensure decent living conditions.

Reply to paragraph 2 (c) of the list of issues

29. On 15 November 2019, by Order of the General Police Inspectorate of No 444, the Standard Operational Procedure on how to provide medical assistance to persons in pre-trial detention was approved. The procedure describes the manner and conditions of providing medical assistance to persons detained and placed in the Police temporary detention isolators, or in order to ensure respect for the fundamental right to health as a guarantee against torture and other forms of ill-treatment.

30. At the same time, in 2020, the right to medical assistance was reaffirmed in the Standard Operating Procedures on detention, escorting, transportation and placement of the detained person in the Temporary Detention Isolators within Police, approved by the Order of the GPI no.129 of 27.04.2020, which set out the activities carried out by Police employees in order to ensure the rights of persons under investigation or detained and which have been revised and adjusted to international standards in this field.

31. The medical examination during the period of deprivation of liberty of the person is carried out by the felons in accordance with the provisions of the Order of the GPI no.444 of 15.11.2019. At the same time, taking into account the fact that the felons in the temporary detention isolators have a working schedule from 08.00 to 17.00, from Monday to Friday, in order to carry out the medical examination upon placement in isolation of the detained persons, they are escorted to the public hospital institution. Medical examination of persons placed in the temporary detention isolator is also carried out upon entry/exit from the isolator as well as in case of application of physical force, special means or other incidents such as self-mutilation etc.

32. Information on medical examinations of persons in detention is set out in the medical records of each detainee. The medical records of each detained person shall be recorded in the medical records register. The medical records of each person detained in isolation shall also be kept in the isolation cell or at the hospital institution which carried out the medical examination. At the end of the period of detention, the medical record is attached to the file of medical records, prescriptions.

33. The information on medicines received by the person detained in the Police temporary detention isolator from relatives shall be entered in the medical record of the person. At the same time, medicines received by relatives in Police custody, including life-saving medicines, shall be recorded in the register of the felon under Ord. GPI no. 444 of 15.11.2019, and shall be issued to the persons in Police custody by the felon likewise under Ord. GPI no. 444 of 15.11.2019. Registers on the use of physical force and special means are filled in all remand isolators.

Reply to paragraph 2 (d) of the list of issues

34. Currently, the drafts of the Order of the Minister of Justice on the approval of the Regulation on how to provide medical assistance to persons detained in prisons and the Order of the Minister of Justice on the approval of the Regulation on how to present seriously ill convicts for release from serving their sentences are being examined by the Ministry of Justice for endorsement and approval.

Reply to paragraph 2 (e) of the list of issues

35. According to the provisions of the ANP Order no. 64 of 08.02.2021, on the organization of the evaluation and accreditation process of medical wards in institutions subordinated to the National Administration of Penitentiaries, medical wards are in the process of evaluation and accreditation by the National Commission for Evaluation and Accreditation in Health.

36. So far, 15 outpatient medical wards have been evaluated and accredited.

37. With reference to Prison Hospital No. 16-Puncul, this institution is in the process of meeting the standards for evaluation and accreditation.

Reply to paragraph 2 (f) of the list of issues

38. According to the provisions of Articles 179, 180 of the Enforcement Code, national and international organizations and civil monitoring commissions, which ensure the protection of fundamental human rights and freedoms, have the right to conduct civil control (monitoring) of the respect of human rights in penitentiary institutions that detain persons. Thus, the People's Advocate, the People's Advocate for the Rights of the Child, the officials of the Office of the People's Advocate, the members of the Council for the Prevention of Torture and other persons accompanying them in the exercise of their duties to prevent torture, always have access to the territory of penitentiary institutions detaining persons, without any

special permission, strictly in accordance with the provisions of letters e), i), j) paragraph 1) Article 181 of the Enforcement Code.

39. During the reporting period, 153 monitoring visits and 16 unannounced checks were carried out in the Police remand prisons.

40. During 2018, in order to monitor the respect of the rights of persons deprived of their liberty placed in Police custody, visits were conducted in the remand isolators:

- 10 monitoring visits to the Provisional Detention Isolators of the PD of Chisinau and the PI of Orhei, Ștefan-Vodă, Ocnîța, Drochia, Bender, Comrat, Căușeni, Anenii Noi (7 preventive, 2 repeated, 1 ad-hock) carried out by the representatives of the Council for the Prevention of Torture at the People's Advocate (Ombudsman), as National Mechanism for the Prevention of Torture;
- 12 monitoring visits (11 preventive, 1 repeated), in the PI of Cîmislia, Cahul, Cantemir, Comrat, Drochia, Soroca, Fălești, Glodeni, Rezina, Fălești, Florești, Soldanesti carried out on the basis of the Partnership Agreement signed between the GPI and the Institute for Human Rights in Moldova;
- 7 monitoring visits to the temporary detention isolators of the PI of Drochia, Soroca, Edinet, Sîngerei, Rîșcani, Rezina, Șoldănești, Căușeni, Hîncești, Ungheni carried out by the representatives of the Detention and Escort Section of the Judicial Police Service of the GPI in Agreement with the representatives of the Institute for Human Rights in Moldova.

41. During 2019 for the purpose of monitoring the observance of the rights of persons deprived of liberty, 40 monitoring visits (26 preventive visits and 14 repeated visits) were carried out in the temporary detention isolators of the Sîngerei Police Inspectorate, Rîșcani, Edineț, Soroca, Drochia, Fălești, Briceni, Ocnîța, Glodeni, Șoldănești, Rezina, Ștefan-Vodă, Căușeni, Ceadr-Lunga, Taraclia, Hîncești, Cîmislia, Comrat, Anenii Noi, Orhei, Sîngerei, Bălți, Nisporeni, Cahul, Briceni, DP mun. Chisinau, Sîngerei, Rîșcani, Edineț, Soroca, Căușeni, Hîncești, Cîmislia, Comrat, Anenii Noi, Orhei, Cahul, PD of Chisinau, Balti, PD mun. Chisinau by representatives of the Detention and Escort Section together with representatives of the Institute for Human Rights.

42. Following monitoring visits by employees of the Detention and Escort Section of the Judicial Police Service of the GPI in agreement with representatives of the Institute for Human Rights in Moldova, Institutional Reports on detention conditions were prepared, proposing several solutions for improving detention conditions, as well as adjusting the operating algorithm of the Police temporary detention isolators, based on the principle of regionalized operation.

43. During 2020, 50 monitoring visits were carried out in Comrat, Basarabeasca, Ceadr-Lunga, Taraclia, Vulcanesti, Ialoveni, Drochia, Dondușeni, Ocnîța, Briceni, Glodeni, Fălești, Florești, Telenești, Anenii Noi, Criuleni, Bălți, Soroca, Rîșcani, Edineț, Sîngerei, DP mun. Chisinau, Cahul, Calarasi, Causeni, Cîmislia, Hincesti, Orhei, Ungheni, Comrat, Falesti, Florești, Anenii Noi, Criuleni, Balti, Soroca, Riscani, Edinet, Singerei, PD mun. Chisinau, Cahul, Calarasi, Causeni, Cîmislia, Hincesti, Orhei, Ungheni, Soroca Comrat, Criuleni.

44. During 2020, monitoring visits were made to the Police remand prisons by representatives of the following institutions:

- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- The People's Advocate (Ombudsman) in the PI of Ungheni, Leova, Cantemir, Soroca, Nisporeni, Florești, Rascani, Edinet, Causeni, Anenii Noi, Calarasi, Glodeni and Strasenii;
- The Detention and Escort Section of the Justice Interaction Directorate of the General Inspectorate of Police in agreement with representatives of the Institute for Human Rights in Moldova conducted 4 monitoring visits, namely in the Temporary Detention Isolators of the Sîngerei, Edineț, Rîșcani and Bălți Police Inspectorates;

- The Detention and Escort Section of the Justice Interaction Directorate of the General Inspectorate of Police carried out 53 checks in the Police Provisional Detention Isolators.

45. During 2021, in order to monitor respect for the rights of persons deprived of liberty, 34 monitoring visits and 16 unannounced inspections were conducted in the Police Inspectorates of Orhei, Calarasi, Causeni, Ungheni, Riscani, Cahul, Anenii Noi, Criuleni, Balti, Soroca, Comrat, Cimislia, Orhei, Edinet, Cahul, Singerei, Hincesti, PD mun. Chisinau, Edinet, Straseni, Orhei, Calarasi, Causeni, Ungheni, Riscani, Cahul, Anenii Noi, Criuleni, Balti, Soroca, Comrat, Cimislia, Orhei, Edinet, Cahul, Singerei, Hincesti, PD mun. Chisinau, Edinet, Straseni, Orhei, carried out by the employees of the Detention and Escort Section of the Interaction with Justice Department.

Reply to paragraph 3 (a) of the list of issues

46. According to the provisions of Article 166 (5) of the Criminal Procedure Code, the detention of the person may not exceed 72 hours, and in the case of a minor – 24 hours from the moment of deprivation of liberty.

47. Until the expiry of these terms of detention in police custody and detention in the temporary detention isolator, the detained person shall either be released under the conditions provided for in Article 174 of the Code of Criminal Procedure or brought before the investigating judge.

48. Exceptions to detention in remand prisons beyond 72 hours from the time of detention occur in connection with the completion of identity documents of persons who do not have a personal identification number or identity document.

49. At the moment, the Temporary Detention Isolators Police do not have protocols and qualified persons to interact with people with mental disorders and psychosocial disabilities, but trainings have been organized and conducted in which the topic of how to interact with people with mental disorders has been addressed.

Reply to paragraph 3 (b) of the list of issues

50. The application of the preventive arrest exceeds the competence of the Police.

51. For the detention of persons detained and arrested within the Police Directorates/Inspectorates, IDPs are set up, in which common rooms, cells for detainees and other service rooms (bathroom, walking area, kitchen, storage of detainees' clothes and belongings, monitoring room, etc.) are provided.

52. Places of detention and holding of persons in police custody within police subdivisions are temporary holding cells (up to 3 hours – inclusive), as well as IDP (up to 72 hours – adults, 24 hours – minors). Detention as a procedural measure of restraint is provided in the IDP.

53. Temporary detention isolator is a detention facility, managed by the territorial subdivisions of the Police, where persons are placed against whom a measure of restraint – detention, ordered by the criminal prosecution body in the criminal proceedings and/or the investigating officer in the contravention proceedings, has been applied.

54. Persons deprived of their liberty are allocated to rooms and cells in accordance with the requirements of separate detention, depending on the size and volume of the room, the number of beds, and the possibilities of natural light and ventilation.

55. In IDP they are held separately:

- (a) women – from men;
- (b) minors – from adults;
- (c) tuberculosis patients;
- (d) persons who have previously served their sentence in places of detention;
- (e) particularly dangerous repeat offenders;

- (f) persons suspected or accused of having committed particularly serious or exceptionally serious crimes;
- (g) foreign nationals and persons without nationality;
- (h) persons holding positions of responsibility (judges, police officers, prosecutors, military personnel, State officials or former officials);
- (i) persons detained on suspicion of having committed one and the same offence, at the written request of the person conducting the prosecution, the prosecuting officer or the prosecutor;
- (j) persons who are intoxicated by alcohol or drugs;
- (k) persons liable to treatment in a special psychiatric hospital;
- (l) persons escorted in transit.

Reply to paragraph 3 (c) of the list of issues

56. According to para (1) art. 185 “Preventive detention is an exceptional measure and shall be ordered only when it is demonstrated that other measures are not sufficient to eliminate the risks justifying the application of detention”.

57. Thus, with reference to the amendments to the legal provisions on reducing the duration of pre-trial detention, by Law No. 100 of 26.05.2016 on amending and supplementing the Code of Criminal Procedure, Article 186 was set out in a new wording, which regulates the term of holding the person in custody and its extension.

58. According to the amendments, the period of detention of the accused may not exceed a reasonable period, determined according to the complexity of the investigations necessary to uncover the truth and taking into account the obligation to expedite the resolution of the criminal case in which the accused is held in custody.

59. Arrest is ordered for a maximum of 30 days, and the term of arrest may be extended only when other non-custodial preventive measures are not sufficient to eliminate the risks justifying the application of preventive arrest.

60. Each period by which detention is extended may not exceed 30 days, and in respect of the same offence and the same person, detention may be applied, for both phases of the criminal proceedings, for a maximum of 12 months cumulatively, until the court of first instance has handed down its sentence. The period during which the accused is held in custody shall include the time during which the person:

- Was detained and remanded in custody;
- Was under house arrest;
- Was in a medical institution for inpatient examination and treatment following the application of medical restraint measures to him/her.

61. For defendants, juvenile defendants, the total period of pre-trial detention may not exceed 8 months.

62. In order to reduce the cases of application of pre-trial detention, the same law amended para. (4) Article 185 of the Criminal Code: “In the conclusion of the pre-trial detention, the reasons justifying the insufficiency of other preventive measures to remove the risks that served as a basis for the application of pre-trial detention shall be indicated.”

63. Similarly, Article 185 was also amended by Law No. 179 of 26.07.2018 amending certain legislative acts.

64. According to this normative act, “when deciding on the question of preventive detention, the investigating judge or the court is obliged to examine as a priority the appropriateness of applying other preventive measures, non-custodial, then those alternative to preventive detention, and to reject the request for the application of preventive detention when it is not sufficiently motivated or if the reasons invoked are not supported by evidence

confirming the reasonable grounds for application. The investigating judge or the court has the right to order any other preventive measure provided for in Article 175.”

65. At the same time, “preventive arrest shall not be applied, and the person against whom preventive arrest has been applied shall be released from custody, with or without the application of another preventive measure, in the event of the deposit of the bail set by the court, at the request of the accused, the defendant, in the case of commission of offences referred to in Article 190 (1) and (2), Article 191 (1) and (2), Articles 223, 224, 225, 226, 227, Article 228 (a) and (b), Articles 241, 242, 244, 2441, 246, 2461, 250, 257, 258, 262, 263 of the Criminal Code.”

Reply to paragraph 3 (d) of the list of issues

66. At the moment, the Temporary Detention Isolators Police do not have protocols and qualified persons to interact with people with mental disorders and psychosocial disabilities, but trainings have been organized and conducted in which the topic of how to interact with people with mental disorders has been addressed.

Reply to paragraph 3 (e) of the list of issues

67. The capacity of the Police to provide security for persons in criminal and/or misdemeanour proceedings through the creation of confidential hearing and interview rooms with defence counsel in renovated remand prisons and similar rooms in other police facilities. The investments made in staff training with the participation of national and international experts, as well as the development of standard operating procedures to standardise the types of interventions, constitute a qualitative leap in ensuring respect for human rights, and the reduction in the number of referrals of alleged cases of abuse and ill-treatment to police employees is a case in point.

Reply to paragraph 4 (a) and (b) of the list of issues

68. The subordinate subdivisions of the GPI in partnership with the International Center “La Strada” and with the support of the US Embassy in Moldova have developed the letter informing victims of sexual abuse and domestic violence about their rights under the Law no. 137/2016 on the rehabilitation of victims of crime, which is handed to the victim at the first contact with the police employee.

69. On 16 June 2017, the General Prosecutor’s Office sent to the General Police Inspectorate the Methodical Recommendation No. 25-13d/-258 on the implementation of legislation in the field of combating domestic violence for guidance and application in the work.

70. On 13 November 2017 by IGP Order No. 449 the standard operating procedure “Police intervention in cases of domestic violence” was approved.

71. During the reporting period emergency restraining orders were issued against family aggressors as follows:

- 2,161 against family aggressors in 2017;
- 3,877 against family abusers in 2018;
- 4,250 against domestic abusers in 2019, 4,939 in 2020, 2,773 in 2021.

72. During 2017–2021 in the field of domestic violence 996 police employees were trained in 20 courses/workshops.

73. In accordance with the Study Plan on professional training at work for 2020, the employees of the Police studied the GPI Order No.360 of 08.08.2018, “On the approval of the Methodical Instruction on Police intervention in solving cases of domestic violence”.

74. GPI jointly with the Ministry of Health, Labour and Social Protection in the framework of the “Family Festival”, the International Campaign “16 Days of Actions against Gender Based Violence” and other joint activities, during which 2,659 awareness raising and information activities were carried out at local level, more than 104,546 citizens were informed and more than 59,190 leaflets and information publications were distributed.

75. At the same time, the GPI's territorial subdivisions carried out local campaigns to raise society's awareness of the phenomenon of violence: "Say No to Domestic Violence", "Protect your family from violence", "Campaign to raise civil society's awareness of the dangers of conflicts in family relationships", "I want a happy childhood too", "Adolescence without violence", "A life without violence", "Stop Domestic Violence". In addition, 11 local information campaigns on the prevention of domestic violence were organised and carried out by the territorial subdivisions of the GPI as follows:

- Balti: – Campaign for the prevention of domestic violence "Be smart, don't be violent", organized from 10.01 to 31.03.2020;
- Campaign for the prevention of domestic violence "It's not a story. Domestic violence distorts reality", organised from 04.06 to 31.07.2020;
 - Soldanesti: "Say no to domestic violence", 24.08–26.09.2020, "The role of policing in ensuring public order", 25.05–30.08.2020;
 - Cantemir: – "Stop violence", 22.05–23.06.2020;
 - Drochia: – "Protect the family", 17.02–27.03.2020;
 - Glodeni: – "Stop violence in your life", 22.06–22.07.2020;
 - Donduşeni: – "Life without violence in the family", 11.09–11.10.2020;
 - Sîngerei: – "Stop violence", 25.11.–20.02.2020;
 - Sorocea and Comrat: – "16 days against gender violence", 25.11–10.12.2020.

76. The GPI together with the representatives of the International Centre "La Strada", the Public Association "Women's Law Centre" and with the support of the US Embassy in the Republic of Moldova developed and published 5,000 booklets "Don't tolerate violence, know your rights" for victims of physical, psychological and sexual abuse (in Romanian – 3,500 pieces and Russian 1,500 pieces), 5,000 booklets "You are not alone. I hear you", 600 A2 posters, 6 banners "Stop domestic violence", 50 posters – "You take the first step", 50,000 flyers for citizens "Stop violence", 4,000 leaflets "You have the right to live in safety", and 500 posters.

77. On 04 February 2019, by GPI Order No. 44, the information leaflet "Don't tolerate violence, know your rights" was put in place, for criminal prosecution officers and sector officers, which are handed out to victims at the time of reporting to the Police.

78. During 2019–2020, 11 agreements were concluded as follows:

- AO "Concordia": coordination and support of joint efforts to promote the family and reduce risk situations for children, by contributing to their harmonious integration into society with the provision of the necessary assistance;
- Cooperation Agreement no.17 of 17.12.2019 between the Public Association Centre for Innovation and Policies of Moldova and the General Police Inspectorate, concerning the phenomenon of domestic violence;
- Cooperation Agreement between the General Police Inspectorate and the Center for Rehabilitation of Torture Victims "Memoria" to promote human rights and implement the principles of gender equality and equity;
- Cooperation Agreement between the General Police Inspectorate and the AO International Centre "La Strada" for the prevention of trafficking in human beings, domestic violence, sexual violence, online child safety, child abuse and sexual exploitation, including through the use of information technologies;
- AO "Stimul" – IP Ocnita, IP Briceni;
- Youth friendly health centre "ATIS";
- Family crisis centre "SOTIS" – Balti IP;
- AO "Honour and rights of contemporary women";
- Youth friendly health centre "Viitorul" – IP Sîngerei;

- Youth friendly health centre Nisporeni – Nisporeni IP;
- Social assistance and family protection directorate Briceni.

79. On 15 December 2020, the draft Regulation on the intersectoral mechanism for the monitoring and analysis of criminal cases related to domestic violence resulting in death or serious injury to the victims' physical integrity was submitted to the institutions with competences in the field for approval.

80. On 10 March 2021, Police employees participated in the regular meeting of the Interministerial Coordinating Council for the Prevention and Combating of Domestic Violence, established under GD no. 72/2012, where the draft Forms for the collection of data on gender-based violence (GBV) in the Health System, as part of the Strategy for the Prevention and Combating of Violence against Women and Domestic Violence 2018–2023, were discussed.

81. On 12 March 2021, proposals were submitted on the endorsement of the draft Concept for the organisation and functioning of the Family Justice Centre.

82. On 09.06.2021 in order to achieve the objectives of the work of the Interministerial Coordinating Council in the field of preventing and combating domestic violence, the Council meeting was convened (in accordance with item 18 chap. IV of the Council Regulation approved by GD no.72/2012), the Report for 2020 on domestic violence and violence against women was presented. At the same time, the procedure for accreditation of social service providers and the importance of initial accreditation of social services was presented and explained. The recommendations and findings of the evaluation of the criminal justice system response to domestic violence cases were also presented. The study maps the barriers faced by victims of domestic violence in obtaining a coordinated response from the criminal justice system. In doing so, the Council set out to identify positive practices that can be piloted at national level, as well as information and training needs for criminal justice professionals.

83. In the draft that provides for the amendment of the Government Decision no. 281/2018 on the approval of the National Strategy for preventing and combating violence against women and domestic violence for 2018–2023 and the Action Plan for 2018–2020 on its implementation, the process of piloting the work of the intervention team in cases of sexual violence in 2 districts is required: Ungheni and Cahul.

Reply to paragraph 4 (c) of the list of issues

84. Annually there are made regular trainings for the employees of the law enforcement agencies in order to ensure that they are able to respond promptly and effectively to cases of domestic violence.

Reply to paragraph 4 (d) of the list of issues

85. Analysing the structure of the criminal phenomenon, it was found that the number of crimes related to domestic violence in the period 2016–2020, is 5174 or 84.23 per cent of the total number of registered information against the family and minors which constitutes 6142 crimes. 117 cases of domestic violence resulted in the death of the victims due to injuries incompatible with life. Of the total number of suspects (3274), 90 per cent are men over 30 years of age. Thus, crimes were recorded:

- In 2021 semester 1,435 cases of domestic violence were registered;
- Year 2020 – 866 cases;
- Year 2019 – 871 cases;
- Year 2018 – 905 cases;
- Year 2017 – 853 cases;
- Year 2016 – 1,679 cases.

86. The analysis shows that during the period 2016–2020 there is a continuous decrease in general crime, after the highest number of crimes in the last 10 years was recorded in 2016, thus in 2018 reaching the indicators recorded in 2010.

87. At the same time, there is a considerable increase in the share of criminal cases sent to court, which rose from 29.3 per cent of the total number of crimes recorded in 2016 to 43.03 per cent in 2020.

88. According to the legal qualification of the crime in the sphere of family relations rapes were committed as follows:

- Year 2020 – 30 cases;
- Year 2019 – 38 cases;
- Year 2018 – 39 cases;
- Year 2017 – 34 cases;
- Year 2016 – 34 cases.

Reply to paragraph 5 of the list of issues

89. During the period 2017–2021, 135 Police employees participated in 45 trainings/workshops on human trafficking.

90. Also, a cooperation agreement was signed between the GPI and the Association of the International Centre “La Strada” in the field of realization and implementation of activities related to the coordination and support in the prevention of several categories of crimes related to counteracting THB, domestic and sexual violence, children’s safety in the online environment, more specifically the annihilation of sexual abuse and exploitation of children, especially through the use of information and communication technologies. There was also 1 agreement signed on 28.05.2020, between France, Romania and Moldova on the establishment of a JIT.

91. An Agreement on the Establishment of a JIT was also concluded between France, Romania and Moldova on a case of THB and the organisation of illegal migration. The aim of the JIT is to collect and exchange information and evidence, identify the perpetrators, stop their activities, arrest the suspects in a coordinated manner, use the evidence obtained to initiate criminal proceedings, initiate financial investigations and freeze the proceeds of the offences on the territory of the countries listed.

92. 3 Joint Investigation Team Agreements were concluded in the period 2017 – 1st semester 2021: Romania and France (1) – illegal migration; Italy (1) – labour exploitation; France (1) sexual exploitation.

Reply to paragraph 6 (a) of the list of issues

93. The Ministry of Justice drafted a law to amend the Law no. 52/2014 on the People’s Advocate (Ombudsman), based on the recommendations of the Council of Europe DG Human Rights and the Rule of Law of 2015. In November 2020, the draft was submitted for examination to the Government. Subsequently, the draft was withdrawn from the Government’s agenda in connection with the request of civil society representatives to hold public discussions prior to the public consultation process on the draft law, in particular as regards the structure of the NPM, with the participation of development partners.

94. Pursuant to article 30 of Law no. 52/2014 on the People’s Advocate (Ombudsman), in order to protect individuals against torture and other cruel or inhuman or degrading treatment or punishment, beside the Office of the People’s Advocate was created the Council for the Prevention of Torture (hereinafter– the Council) as a national mechanism for the prevention of torture under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

95. Thus, according to Law no. 52/2014, the Council is comprised of 7 members. The People’s Advocate and the People’s Advocate for the rights of the child are members by right of the Council. The other members proposed by the civil society are selected by a selection

process organized by the Office of the People's Advocate. The People's Advocate ensures the fact that the members of the Council have preventive and monitoring visits to places where persons are or may be deprived of their liberty. Chapter V of Law no. 52/2014 provides guarantees regarding the independence of the members of the Council and the prohibition of interference in their activity. The Council members decide independently during their meetings on the places to be visited. The members of the Council operate under the principles of independence, impartiality, objectivity and confidentiality.

96. In its activity, the Council is assisted by a special subdivision in the Office of the People's Advocate. The resources necessary for the realization of the Council's duties, to contract specialists and experts are included in a separate budget line, part of the budget of the Office of the People's Advocate. In the process of elaborating the draft budget of the institution, the members of the Council submit the budget proposals which are fully included in the final version of the draft budget of the OPA.

Reply to paragraph 6 (b) of the list of issues

97. Between 2017–2020, to finance the activity of the NPM, a separate budget line was distributed from the OPA budget in the amount of:

	<i>Totally planned per component, thousand lei</i>	<i>Totally executed on the component, thousand lei</i>	<i>Remuneration of NPM members (planned), thousand lei</i>	<i>Remuneration of NPM members (executed), thousand lei</i>
2020 ¹	239.8	113.1	163.4	93.1
2019 ²	349.2	146.8	289.2	111.2
2018 ³	395.4	149.7	291.7	124.2
2017 ⁴	254.4	202.1	118.3	83.7

98. The financing of the NPM includes (a) expenditure on goods and services (translation and editing services for annual reports, logistics services for organizing conferences, monitoring and promotion activities, employment of the driver for carrying out monitoring visits, contracting experts in various fields for their support in monitoring visits), (b) remuneration of the members of the Council (for visits to places of detention and for attendance at the meetings), (c) procurement of fixed assets and rolling stock (vehicle, computers, cameras, special equipment for measuring various parameters, fuel supply, office supplies, personal protective equipment and disinfectant, etc.). Training or empowerment expenses, visits or exchange of experience abroad or participation in international events in physical format are provided with the support of development partners.

Reply to paragraph 6 (c) of the list of issues

99. The Council for the Prevention of Torture and the Department for the Prevention of Torture, a subdivision within the OPA, carry out regular and unannounced preventive and monitoring visits in all places where individuals are or may be deprived of their liberty, have private discussions with detainees, draw up visit reports, make recommendations to the competent authorities. Law no. 52/2014 on the People's Advocate (Ombudsman) establishes guarantees regarding the unrestricted access of members of the Council, as well as of the People's Advocate, the People's Advocate for the rights of the child and staff of the Office of the People's Advocate in any place of detention.

100. Between 2017 – August 2021, the CpPT and the Department for the Prevention of Torture within the OPA carried out 182 preventive and monitoring visits to institutions that ensure the detention of persons.

¹ <http://ombudsman.md/wp-content/uploads/2021/04/Raport-2020-FINAL-RED.pdf>, pag. 275.

² http://ombudsman.md/wp-content/uploads/2020/09/Avocatul-Poporului_Raport-_aprobare-pentru-tipar.pdf.

³ http://ombudsman.md/wp-content/uploads/2020/01/RAPORT_2018_final.pdf, pag. 183.

⁴ <http://ombudsman.md/wp-content/uploads/2018/10/raport2017redfinal.pdf>, pag. 245.

101. There were no interferences in the activity of the Council by the custodial authorities and its access to places of detention was not obstructed, except for minor incidents, which were remedied immediately during the visit.

102. Additionally, the provisions of Law no. 235/2008 on civilian control over the observance of human rights in the institutions that ensure the detention of persons provide for the members of the local monitoring commissions, comprised of representatives of the civil society, the access to places of deprivation of liberty. Currently, only 2 local commissions operate on the territory of the Republic of Moldova.

Article 3

Reply to paragraph 7 of the list of issues

103. The right of foreigners to apply for asylum in the Republic of Moldova is enshrined in the Constitution of the Republic of Moldova by art. 19 para. (3). The legal status of asylum seekers, beneficiaries of international, temporary and political asylum protection, as well as the procedures for granting, terminating and revoking protection are established by Law no. 270 of 18.12.2008 on asylum in the Republic of Moldova.

104. According to art. 31 para. (2) Law 270/2008 and Government Decision 1023/2011 on the approval of the Regulation of the Accommodation Centre, asylum seekers and family members who are asylum seekers, obliged to stay in the Centre during the asylum application procedure within the Asylum and Integration Directorate. Asylum applications are examined individually by qualified staff of the Asylum and Integration Directorate of the Migration and Asylum Bureau, who know the relevant standards applicable to asylum. It is not allowed to submit asylum applications outside the territory of the Republic of Moldova, as well as collective applications, and each case is examined individually.

105. In order to ensure the information of foreigners about the right to request the protection of the Republic of Moldova, the state border crossing points are equipped with information panels about the right to apply for asylum in the Republic of Moldova. and the United Nations High Commissioner for Refugees (UNHCR) and UNHCR partner non-governmental organizations.

106. Any asylum seeker, at the time of registration of the asylum application at the Migration and Asylum Office, shall be informed in writing of his / her rights and obligations during the period of examination of the application.

107. The legal framework guarantees asylum seekers and beneficiaries of international protection the application of the principle of non-return to the country of origin. During the asylum procedure no applicant will be expelled or returned from the border or from the territory of the Republic of Moldova. At the same time, no beneficiary of temporary international protection or political asylum may be returned or deported to a country or territory where there could be a threat to his or her life or liberty or where he or she may be subjected to torture, inhuman or degrading treatment or punishment.

108. Between 01.01.2016–31.12.2020, 513 foreigners applied for asylum on the territory of the Republic of Moldova, out of which 43 persons applied for asylum at the state border. During the similar period, international protection (refugee status, humanitarian protection) was granted to 172 people. The rate of granting international protection compared to asylum applications submitted during the years 2016–2020 constitute 33 per cent. The decrease in the rate of granting international protection compared to the previous period is due to the decrease in asylum applications received from citizens of Syria and Ukraine, in respect of which international protection has usually been granted in relation to the situation in the country of origin.

109. In order to early identify victims of torture or violence, all asylum seekers entering the asylum procedure are referred to the Public Association “Center for the Rehabilitation of Victims of Torture”.

110. The national legal framework of the Republic of Moldova does not provide for alternative methods of detention for migrants.

Article 10

Reply to paragraph 8 (a) of the list of issues

111. In November 2020, a psychiatrist was hired in the ANP Medical Directorate. At the same time, with the support of the CoE, the Mental Health Strategy in penitentiary institutions was developed, which includes training of medical and non-medical staff for appropriate and professional interaction with persons with mental disabilities.

112. With reference to the documentation of bodily injuries according to the Istanbul Protocol, with the support of the CoE, 2 training sessions were organised by international experts on the examination of detainees upon admission, including the documentation of bodily injuries (55 beneficiaries – doctors, nurses and employees of the regime and supervision service).

113. Ombudsman, the People's Advocate carries out activities to promote human rights and freedoms by contributing to strengthening education in human rights and freedoms and participating in the development of formal and informal educational programs. In this context, the People's Advocate proposed as a priority the training of employees in institutions that ensure the detention of persons, but also of detainees, including those in placement centers for persons with disabilities, on human rights and freedoms, to combat torture and ill-treatment.

114. The OPA contributed to the training and information of penitentiary system professionals, police officers, carabinieri on torture prevention. In 2018, 300 employees of the penitentiary system and 140 students were trained; in 2019 – 429 employees of the penitentiary system, 236 students, 19 police officers, 121 employees and 120 residents of the temporary placement centers for persons with disabilities in Bălți, Brânzeni and Bădiceni, 120 detainees; in 2020 – 525 employees of the penitentiary system, 123 students, 25 employees of the Ministry of Interior, 323 detainees, 86 carabinieri and 30 border police employees. In total, in the period 2018–2020, 1535 professionals were trained, 499 students at the faculties of law and psychology and 563 beneficiaries. In 2021, the OPA carried out 28 training activities for employees of the penitentiary institutions and carabinieri. Topics of the trainings addressed: national, regional and international mechanisms for the protection of human rights; minimum standards on the treatment of detainees; the ECtHR case law on ill-treatment and effective remedies; the prevention of torture and ill-treatment in penitentiary institutions: international provisions; standards for the application of physical force and special means.

115. Annually, the Office of the People's Advocate organizes campaigns to prevent torture and support victims of torture with the slogan [#Eu NU Aplic166¹ - EuRespectDemnitateaUmană](#). It includes a series of activities to promote human rights, increase legal culture of the population, combat torture, promote zero tolerance for acts of torture and ill-treatment.

Reply to paragraph 8 (b) of the list of issues

116. In order to provide continuous training to the supervisory staff of detention facilities on the provisions of the Convention and the absolute prohibition of torture, 33 training courses were planned and conducted in the period 2016–2021: 2016 – 3 courses, 2017 – 4, 2018 – 6, 2019 – 7, 2020 – 8, 2021 – 5 (until July), attended by 585 people (representatives of security and prison regime sections).

117. At the same time, out of the total number of beneficiaries, 311 had physical attendance at the ANP Training Center and 274 – online format.

118. During the reporting period 1,678 police employees were trained in the following courses/seminars:

- 142 police employees on different managerial levels, performing both coordination and carrying out detention, guarding and escorting of persons in Police custody;
- 20 guards working in the temporary detention isolators of the Police subdivisions;

- 5 police employees participated in the seminar “Simulation of a criminal trial and preliminary investigation, with identification of typical violations of torture or ill-treatment”;
- 75 police employees trained in the field of escorting and guarding detainees with the support of the Institute for Human Rights in Moldova;
- 18 persons involved in ensuring the initial and continuous training of police employees from the MIA, the Integrated Law Enforcement Training Centre of the Academy “Ștefan cel Mare”, the GPI with the support of the Institute for Human Rights in Moldova were trained in the field of combating hate crimes;
- 80 police employees were trained on the application of standard operating procedures developed in the field of detention, escorting and placement of persons deprived of their liberty in Police Temporary Detention Isolators, based on the Partnership Agreement signed between the MIA, the GPI and “Soros Moldova” Foundation;
- 17 police employees of the Temporary Detention Isolators and 8 employees working in the escort service were trained at the “Ștefan cel Mare” Academy of MIA;
- 34 police employees trained with the support of the Technical Assistance Project “Support for Police Reform in Republic of Moldova”;
- 20 police employees trained with the support of the Institute for Human Rights of Moldova under the approach of the GPI, within the “Ștefan cel Mare” Academy of MIA;
- 50 police employees trained on “Strengthening the capacities of police employees to prevent torture, reduce ill-treatment, abuse and discrimination against persons in police custody” and “Capacity building of police employees to prevent torture, reduce ill-treatment, abuse and discrimination against persons in police custody”;
- 72 police employees trained on the topic “Promotion of human rights based policing”; organized jointly with the Foundation “Soros Moldova”;
- 50 police employees trained (online) on “Prevention of torture, inhuman or degrading treatment” organised by the Integrated Centre for Law Enforcement of the Academy “Ștefan cel Mare” of the MIA;
- 9 felons from the Detention and Escort Services trained on the subject of providing medical assistance to persons in police custody, in the spirit of respect for human rights, organized jointly with the Foundation “Soros Moldova”;
- 1 police employee participated in the workshop with representatives of national authorities on the segment of prevention of torture and ill-treatment, held within the framework of the CoE Programme “Promoting a criminal justice system based on respect for human rights in the Republic of Moldova, under the aegis of the Government of Norway”;
- 100 staff trained in the framework of the project “Promoting Human Rights Based Policing in the Republic of Moldova”;
- 50 police employees participated in the (online) continuous training course “Professional intervention for the Detention and Escort Service” organized by the Integrated Law Enforcement Centre of the Academy “Ștefan cel Mare” of the MIA;
- 233 police employees participated in the (online) course on “Protection of Police employees during escort and in detention isolators during COVID-19”, organized by the General Police Inspectorate in cooperation with German development partners in the framework of the Project “Support for Police Reform in Moldova”;
- 211 police employees participated in the (online) training on “Preparedness and response to infection with the new type of coronavirus COVID-19” organised by the General Police Inspectorate;
- 15 police employees participated in the training course on “Improving the quality of health care services for detainees in police custody”, organised by the General Police

Inspectorate in cooperation with German development partners in the framework of the Project “Support for Police Reform in Moldova”;

- 40 police employees participated in the (online) training course on “Prevention of HIV/AIDS, tuberculosis and other infectious diseases in the law enforcement environment, including security in the performance of duties during the COVID-19 pandemic”, organised by the non-profit association “Union for HIV Prevention and Risk Reduction” (UORN) funded by the Kingdom of Sweden;
- 8 police employees participated in the (online) refresher/specialization course on “Protection of the rights of national minorities”, organized by the Professional Development Department of the Academy “Stefan cel Mare” of the MIA;
- 3 police employees participated in the training course “Development of practical skills in medical first aid”, organized by the Special Assignment Detachment “Pantera”;
- 9 feldsher trained jointly with German development partners in the framework of the Project “Support for Police Reform in Moldova”;
- 21 police employees trained on “Improving the quality of health care services for detainees in police custody”;
- 1 police employee attended the round table on “Presentation of the Action Plan for the implementation of the recommendations of the Report on the research on the application of pre-trial detention in the Republic of Moldova”. The event was organized by the Council of Europe and included the presentation of proposals for normative interventions on pre-trial detention and other preventive measures and their discussion with relevant actors in the field of criminal justice;
- 386 employee trained in 45 practical lessons on how and under what conditions to apply force and special means of the police to detained persons.

119. In order to continue the good practice of respecting the human rights of police employees, they participated in the event launching the Human Rights Guide for Police and Standard Operating Procedures, developed within the project “Promoting Human Rights Based Policing in the Republic of Moldova”. The event was organized by the Soros-Moldova Foundation.

120. In order to ensure compliance with the positive and negative obligations of the state, as well as to implement existing international standards for the prompt and effective investigation of allegations of ill-treatment among prosecutors, judges as well as their technical staff, within or with the assistance of the National Institute of Justice, during 2019, 125 persons were trained, as follows: 27 judges, 35 prosecutors, and the remaining 63 trained beneficiaries were from the ranks of judicial assistants, court clerks, prosecutors’ consultants and other technical staff.

121. The Prosecutor’s Office also actively participated through position papers in the round table organized by RCTV “Memoria” on 26.06.2019 under the title “Implementation of the UN Convention against Torture and the UN CAT Optional Protocol in the Republic of Moldova”.

122. Measures have been taken to ensure that the recommendations on “improving mechanisms for investigating complaints of torture and inhuman or degrading treatment in accordance with international standards and recommendations addressed to the Republic of Moldova” are implemented in practice, namely:

123. On 23–24.01.2020, in the framework of the Council of Europe Programme “Promoting a criminal justice system based on respect for human rights in the Republic of Moldova”, prosecutors of the Anti-Torture Section participated in a workshop on detention, arrest, medical examination and detention of persons with mental health problems.

124. On 18.02.2020 and 07.09.2020, 2 seminars were organized at the National Institute of Justice (INJ) with the title “International standards in the field of combating torture, inhuman and degrading treatment”, during which 27 prosecutors and 5 judges were trained on the aspects of the definition of the notion of torture, inhuman and degrading treatment by the UN,

analysed the particularities of the prevention of torture and inhuman and degrading treatment by art.3 ECHR.

125. In March 2020, prosecutors from the Anti-Torture Section of the General Prosecutor's Office gave a lecture at the International Police Cooperation Centre of the GPI of the MIA, on "Legislation in the field of prohibition of torture, inhuman and degrading treatment".

126. On 02.04.2021 and 28.09.2021, 2 seminars were organized at the INJ on "International standards in the field of combating torture, inhuman and degrading treatment", during which 14 prosecutors, 4 judges and 40 judicial assistants, clerks/consultants to the prosecutor were trained.

127. At the same time, during 2017 – first semester of 2021 prosecutors participated in various trainings and events organized abroad on the topic of combating torture, illegal migration and trafficking in persons:

- 1 prosecutor participated in the High Level Conference on prison overcrowding and the 76th meeting of the CoE Committee on Criminal Matters (CDPC) (24–26 April 2019, Strasbourg, France);
- 4 prosecutors participated in 2 events organised abroad on the topic of combating torture (62nd session of the UN Committee against Torture, (7–8 November 2017, or. Geneva, Switzerland); conference "Kazakhstan: effective investigation and documentation of cases of torture and other inhuman or degrading treatment or punishment (Istanbul Protocol)" (21. 11.2017, Astana city, Rep. of Kazakhstan); 1 prosecutor conducted 1 study visit in the framework of the IDOM Project "Institutional capacity building and advocacy to respect the rights of persons in police custody" 10–14 Sept. 2018, Prague, Czech Republic); 1 prosecutor participated in the transnational workshop on TFU victims (13–14 Dec. 2018, Lisbon, Portugal);
- 3 prosecutors participated in 2 international conferences on smuggling of migrants and irregular migration (CoE Directorate for Human Rights and Rule of Law CDPC Conference (23.06.2017, Strasbourg, France); 29th SEEPAG Conference (08.05. 2018, Belgrade, Serbia); and 2 prosecutors made a study visit to Lithuania, respectively, in the framework of Component III of the Project "Strengthening the capacities of the RM in the field of combating trafficking in human beings", funded by the International Centre for Migration Policy Development;
- 13 prosecutors participated in 11 regional study visits, trainings, conferences and workshops organized on the topic of combating trafficking in human beings (Countering TFU on migration routes training course, 24–28 Sept. 2018, Astana, Kazakhstan; regional workshop "Strengthening national and regional capacities to combat TFU for the purpose of forced crime in South Eastern Europe, 3–4 April 2019"; training courses on THB at the ILEA Academy, February 2020, Budapest, Hungary, etc.).

Article 11

Reply to paragraph 9 (a) of the list of issues

128. Following the adoption of Law No 210 of 29.07.2016 on amnesty in connection with the 25th anniversary of the proclamation of the independence of the Republic of Moldova and Law No 163 of 20.07.2017 on amending and supplementing certain legislative acts, the prison population decreased by 20.25 per cent.

129. On 01.07.2021, 6423 persons were detained, compared to 8054 persons detained on 01.01.2016.

130. At the same time, in order to reduce overcrowding in places of detention, within the limits of material possibilities and financial means allocated from the state budget, the following actions were taken:

- Reconstructed a detention block in Penitentiary No.10 – Goian (105 places, cells equipped with separate sanitary blocks and artificial ventilation);

- Elaborated the project/adjusted documentation (2021) on the reconstruction of a detention block in Penitentiary No. 5 – Cahul;
- Reconstructed a detention block in Penitentiary No. 3 – Leova (cells equipped with separate sanitary blocks and artificial ventilation), creating 134 new detention places;
- Created a semi-closed sector in Penitentiary no.7 – Rusca with the capacity of 40 new detention places, as well as an open sector with the capacity of up to 20 detention places;
- Is in the process of finishing the first stage of construction of the House of Arrest in mun. Balti, with a capacity of 650 places. Phase II of the construction of this objective is about to start.

131. By letter no.44/30-2427 of 13 July 2020, the MIA addressed the Ministry of Justice requesting its intervention in order to examine the possibility of resuming the process of transferring the competences of the Judicial Police to the Ministry of Justice by creating and strengthening an efficient and legislatively assured service with comprehensive competences in the field of ensuring the security of the courts and the act of justice as a whole.

132. The Ministry of Justice by reply no.01.1/5426 of 23 July 2020, informed the MIA that with the support of the EU technical assistance project “ATRECO – Enhancing efficiency, accountability and transparency of Moldovan courts”, the “Policy study on the transfer of the Judicial Police from the Ministry of Interior to the Ministry of Justice” was developed. As a result of the analysis the following recommendations were made:

- (a) not to transfer the Judicial Police Service to the Ministry of Justice as it is not financially and administratively reasonable;
- (b) to reorganise the Judicial Police Service with the allocation of competences to existing institutions to ensure an integrated police model and not to divide these functions to different institutions.

Reply to paragraph 9 (b) of the list of issues

133. The National Administration of Penitentiaries, in agreement with the subordinate institutions, permanently organizes measures to improve the material condition of detention facilities, in order to create adequate conditions of accommodation and reasonable accommodation of prisoners, within the limits of material possibilities and financial means allocated from the state budget, as follows:

- In all institutions the windows and doors have been replaced with PVC windows (90%);
- Refurbished (divided) the detention spaces (“Barak” type) into cells (Penitentiaries No. 3 – Leova, No. 6 – Soroca, No. 8 – Bender, No. 9 – Pruncul);
- Capital repair of about 12 000 m² of roofs of buildings under the management of penitentiary institutions;
- Modernized the food preparation rooms and equipped with food preparation equipment in Penitentiaries No. 2 – Lipcani, No. 3 – Leova, No. 5 – Cahul, No. 6 – Soroca, No. 9 – Pruncul, No. 10 – Goian, No. 11 – Bălți, No. 13 – Chișinău, No. 15 – Cricova, No. 17 – Rezina;
- The sanitary blocks are separated from the cells by a wall up to the ceiling with a door, about 90%;
- The technical-genistic networks have been rehabilitated and equipped in about 70 per cent of the institutions.

134. The National Administration of Penitentiaries annually systematizes the maintenance needs of prisoners, with subsequent procedures for the purchase of various goods, food, bed linen, personal care items, furniture, etc.

135. Food is prepared in absolutely sufficient quantities and the assortment of products provided for in Government Decision No 609/2006 is respected, with its revision every year.

136. Thus, in order to achieve the given objective, equipment and utensils for food storage, preparation and transportation (refrigeration equipment, electric equipment for food preparation, special tableware for food transportation and serving) were purchased.

137. It should be noted that in several prisons, capital repairs of food blocks and warehouses have been carried out, including the installation of forced ventilation systems.

- Cosmetic/capital repair works are planned and carried out annually in prisons;
- Special attention has also been paid to maintaining the institutions' security perimeters in satisfactory condition;
- Every year, repair work is carried out on the rooms in which inmates bathe, with the replacement of walls and faulty taps;
- The equipment in the institutions' laundry rooms is kept in working order and replaced with new equipment if necessary;
- Carried out cosmetic/capital repair work in the offices of the medical wards, rooms for long-term interviews;
- Repaired building facades;
- Renovated the perimeter lighting system (Penitentiary No. 3 – Leova and No. 7 – Rusca);
- Replaced the heating system (Penitentiary No. 5 – Cahul, No. 6 – Soroca, No. 13 – Chisinau, No. 15 – Cricova, No. 17 – Rezina),
- Repaired and equipped the spaces intended for short-term interviews;
- Repaired auxiliary buildings/rooms managed by the institutions.

138. As regards the installation of separate showers and artificial ventilation in the cells, it should be noted that such facilities were created following the commissioning of the detention blocks in Penitentiaries No. 3 – Leova and No. 10 – Goian.

Reply to paragraph 9 (c) of the list of issues

139. In the reconstructed temporary detention isolators and those under reconstruction, at least one accommodation room has been provided with a transparent glass door for persons suffering from claustrophobia, while in the accommodation rooms during the cold period of the year the heating agent is connected to ensure the thermal comfort of the detainees. Also, all renovated temporary detention isolators have been equipped with lighting systems in the cells to ensure that they meet the requirements set by national health regulations. The sanitary areas in the isolators are separated from the rest of the room by a partition wall and are adequately ventilated to prevent damp and mould. In some of the areas for the detention of persons, spatial orientation (N/S/W/E) is provided to ensure the exercise of the right to freedom of expression of religious beliefs or faith.

140. According to the CPT Rules, physical exercise is an important part of the daily schedule of detained persons, including in Temporary Detention Isolators within Police. The layout of the walking yard, was also described in the Minimum Mandatory Standards for Detention Facilities and Vehicles for the Transport of Detainees in Police Custody, approved by the Order of the Head of the GPI No. 527 of 28.12.2017. Although the CPT rules do not exhaustively establish the minimum area required for carrying out outdoor exercises for the detainee, at the design stage, the number of places in the DPI was taken into consideration, so that during the day, every person, without exceptions, is given the opportunity to exercise outdoors for at least one hour. At all DPIs, whose activity has been inaugurated, such walking spaces are provided.

141. In accordance with the execution projects developed during 2017–2018, the installation of radio systems as well as the installation of intercom communication systems in each cell are planned. These new elements are planned to guarantee a high climate of safety and protection for detainees and Police employees. Thus, during 2019, it was possible to install such systems in 9 Police DPIs (Edinet, Hincesti, Ungheni, Causeni, Orhei, Cimislia, Singerei, Riscani and Cahul). In accordance with the provisions of the Policy Matrix on the

implementation of budgetary support for police reform for the years 2017–2020, during the period in question, the Police will also install such systems in the other DPIs.

142. All modernized items were provided with furniture and inventory according to institutional needs and in proportion to the existing accommodation (tables, chairs, mattresses, blankets, bed linen (sheets), cups, plates, spoons, electric kettle, microwave oven, etc.).

143. A walking yard is provided in all temporary detention isolators. The yards are partially covered, to allow for the right to walk daily even in bad weather conditions. The layout of the courtyards allows constant supervision of the detainees and the penetration of natural light, and ensures conditions that do not allow the detainees to receive or transmit goods or papers from outside.

144. On 29.07.2019, by the Order of the Head of the GPI No.265 “On the free transfer of certain goods”, mattresses, bed linen, blankets and pillows were transferred to the temporary detention isolators of the territorial subdivisions of the Police subordinated to the General Police Inspectorate, which are in the final process of repair/renovation. Additionally, in order to guarantee the rights of detained persons while in Police custody, as well as to protect Police employees from the risks exposed in the process of performing their mission by the Order of the Head of the GPI no.374 of 18.10.2019 – portable high-performance metal detectors were provided free of charge: DP mun. Chisinau – 8, IP Cahul – 3, P Causeni – 3, IP Cimislia – 2, IP Edinet – 2, IP Hincesti – 3, IP Orhei – 2, IP Riscani – 2, IP Singerei – 2, IP Ungheni – 3, IP Anenii Noi – 2, IP Comrat – 3, IP Straseni – 1, IP Falesti – 2, IP Soroca – 2, IP Rezina – 1, IP Balti – 3, IP Briceni – 1, IP Criuleni – 2.

Reply to paragraph 10 (a) of the list of issues

145. Currently, responsibility for prison medical units has not been transferred from the National Prison Administration to the Ministry of Health, Labour and Social Protection.

146. In order to improve healthcare in prisons:

- Wards have been equipped with appropriate medical equipment, including electrocardiographs, dental units, defibrillators, oxygen concentrators, etc.;
- The evaluation and accreditation procedure of medical wards in 15 penitentiary institutions was carried out;
- A request was sent to the Ministry of Health, Labour and Social Protection to include the list of vacant medical posts in penitentiary institutions in the list of young medical specialists;
- Competitions have been and are being launched to fill vacant medical posts.

Reply to paragraph 10 (b) of the list of issues

147. Ensuring the access of the prisoner to medical assistance on his/her own account is regulated according to the provisions of the ANP order no. 32 of 22.01.2021, approving the Regulation on ensuring the access of the prisoner to the services of the private doctor on his/her own account.

148. In order to meet the needs of prisoners with disabilities and those requiring mental health and psychosocial services, the following actions were carried out:

- The Psychoneurology Section for persons with mental disorders and neurological diseases was established in Prison No. 16 – Puncul;
- In Penitentiary No. 17 – Rezina, the capital of the bathroom and toilet in Regime Block No. 3 was repaired, the capital of the cells intended for prisoners with locomotor disabilities was repaired;
- In Penitentiary No. 1 – Taraclia, ramps were installed in the administrative block for people with disabilities;
- The needs for special equipment/conditions to be purchased/created for persons with disabilities have been determined for each penitentiary institution (internal document No. 227 of 29.12.2020);

- During 2021, in Penitentiary No. 13 – Chişinău, capital repair works of 2 cells were carried out, and in Penitentiary No. 11 – Bălţi, ramps to the bathroom were made and installed.

149. It is planned to develop and approve an action plan aimed at making penitentiary institutions accessible (where the infrastructure of the buildings will allow) and to submit proposals to the Procurement Plan for the year 2022 to purchase support equipment.

150. In order to adequately address women's hygiene issues, several personal care supplies for women, such as sanitary towels, toilet and laundry soap, washing powder, are purchased and distributed annually in places of detention.

151. In addition, female prisoners are entitled to shower at least twice a week and have unlimited access to drinking water.

Reply to paragraph 10 (c) of the list of issues

152. Currently, 15 out of 17 medical wards have a sanitary operating permit, so sanitary conditions are ensured even in the medical isolators.

153. With regard to the provision of medicines, the ANP annually purchases medicines through the Centralised Health Purchasing Centre to guarantee treatment standards.

154. As a result, for the year 2021, 59 contracts were concluded with economic agents in the total amount of 888,158,834 lei, including the diversification of psychotropic preparations.

Reply to paragraph 10 (d) of the list of issues

155. Under the departmental tuberculosis programme, prisoners are examined radiologically on admission to the prison and every six months thereafter.

156. All cases of tuberculosis are transferred to the tuberculosis block of the Prison Hospital No. 16 – The prison and DOTS and DOTS+ treatment is provided under inpatient conditions.

157. In order to ensure tuberculosis screening in the prison administration system, in accordance with the provisions of the ANP Order No. 249 of 11.05.2021, on the organization of planned radio-photographic examinations of the chest, with regard to detained persons, tuberculosis screening has started.

158. During 2020, 54 new cases and relapses of tuberculosis and 22 new HIV cases were registered and detected upon entry into prisons.

159. With reference to HIV prophylaxis activities, the penitentiary administration system implements the 15 harm reduction interventions in prisons, provides voluntary testing on rapid tests at admission and periodically for HIV, Syphilis, Hepatitis, provides treatment for patients living with HIV (155 out of 167 patients receive antiretroviral treatment).

Reply to paragraph 11 (a) of the list of issues

160. According to the provisions of the NAP Order No 129 of 10.03.2021, on ensuring the quality of medical services provided in the penitentiary administration system, the Commission for the analysis of mortality cases in prisons was created, which will analyse all cases of death in prisons.

161. With reference to the number of deaths in 2019, an increase in cancer deaths from 4 cases in 2018 to 6 cases in 2019 and an increase in suicides from 6 cases in 2018 to 9 cases in 2019 was noted.

162. During 2018, 7 prisoners were released due to illness, and in 2019 – only 3 prisoners.

163. It is also noted the sentencing to execution of seriously ill prisoners, who are with severe clinical diagnoses in serious health condition and have low life expectancy.

164. Given that the Detention and Escort Section of the Justice Interaction Directorate was created in October 2018, some statistics on the number of deaths in IDPs from 2016 to early

2019 cannot be reported. At the same time, no deaths have been registered in IDP during 2019 until now.

165. In order to prevent cases of torture and ill-treatment, as well as to ensure the level of professional training of Police employees, additional study of the provisions of the standards set out in the Istanbul Protocol by the staff of the Police subdivisions during the professional training hours was ensured. Following this, questionnaires were developed with reference to topics that include the provisions set out in the Istanbul Protocol for the assessment of knowledge in the General Training within the framework of the knowledge assessment of employees of the GPI subdivisions.

Reply to paragraph 11 (b) of the list of issues

166. The courts accept the reports of independent forensic examinations and autopsies as evidence in criminal cases.

Reply to paragraph 11 (c) of the list of issues

167. During the period 2016–2021, the following statistics on cases of application of physical force/special means against convicts were recorded: 2016 – 338/206, 2017 – 364/249, 2018 – 354/241, 2019 – 351/300, 2020 – 377/296, 2021 – 240/206 (in the first semester), all of which were duly documented, with the preparation of the necessary fact-finding documents.

Reply to paragraph 11 (d) of the list of issues

168. In order to provide continuous training to the supervisory staff of detention facilities on the provisions of the Convention and the absolute prohibition of torture, 33 training courses were planned and conducted in the period 2016–2021: 2016 – 3 courses, 2017 – 4, 2018 – 6, 2019 – 7, 2020 – 8, 2021 – 5 (until July), attended by – 585 people (representatives of the security and penitentiary section).

169. At the same time, out of the total number of beneficiaries, 311 had physical attendance at the NAP Training Center and 274 – online format.

Articles 12 and 13

Reply to paragraph 12 of the list of issues

170. During the reporting period, civil servants with special status within the penitentiary administration system participated, together with representatives of other national and international state institutions, as well as relevant NGOs, in events (conferences, round tables, etc.) aimed at the evolution of the phenomenon of torture and other destructive, inhuman and/or degrading treatment in the work of the institution.

171. Thus, the institution undertook a number of actions, namely: jointly with the Office of the Ombudsman (Directorate for the Prevention of Torture) it was agreed to organize training workshops, which focus on the principles of the use of force and instruments of coercion, the responsibilities and obligations of penitentiary institutions, the provisions of international and national regulatory acts, documentation and reporting of cases of violence, abuse, torture and other acts of ill-treatment, documentation and reporting of injuries upon entering the penitentiary.

172. In order to ensure the transparency of the level of implementation of the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), a section has been created on the official website of the NPA to provide information on planned measures and their level of implementation.

173. In order to promote the message “Zero tolerance of torture and ill-treatment”, from 25 to 30 June 2020, the National Police together with the territorial subdivisions under the General Police Inspectorate, joined the campaign “#I DON’T apply 166¹ – I respect HUMAN Dignity”, which was launched by the Office of the People’s Advocate in partnership with the General Police Inspectorate, the National Administration of Prisons, the Ministry of Health,

Labour and Social Protection and the National Agency for Social Assistance, on the occasion of the International Day in Support of Victims of Torture.

174. At the highest level, the Parliament's Committee on Human Rights and Interethnic Relations held public hearings on "Prevention of torture and ill-treatment in prisons, pre-trial detention facilities and psychiatric institutions". Following this exercise, the Committee adopted the CDO Decision No. 243 of 11.12.2017, in which it set out the recommendations to be implemented by national authorities in the short term.

175. In the same context, that at the stage of drafting the new Human Rights Action Plan for the period 2018–2022, the areas of institutional intervention on different levels specific to the Police's field of activity were foreseen.

176. At the same time, the Government adopted Decision No. 748 of 20–09–2017 approving the Action Plan on the reduction of ill-treatment, abuse and discrimination against persons in Police custody for the years 2017–2020.

177. On 14.09.2018 in the Official Monitor was published Law no.157/2018, which made amendments to Article 166¹ of the Criminal Code, excluding the penalty of a fine, yet these recommendations came also from the reports of international bodies and forums working in the field concerned.

178. Pursuant to the Joint Order of the Prosecutor General, the Minister of Justice, the Minister of Internal Affairs, the Director General of the Customs Service, the Director of the National Anti-Corruption Centre and the Minister of Health No.77/572/408/639-o/197/1589 of 31 December 2013, approving the Regulation on the procedure for identifying, recording and reporting alleged cases of torture, inhuman or degrading treatment, Government Decision No.474 /2014 on the approval of the Nomenclature of special means, types of firearms and related ammunition, as well as the rules for their application, Law 218/2012 on the application of physical force, special means and firearms, the Constitution of the Republic of Moldova of 29.07.1994, the Convention of 04.11. 1950 for the Protection of Human Rights and Fundamental Freedoms, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 10.12.1984, the Guidelines on professional intervention in the exercise of duties (approved by Joint Order of the MIA, MJ, MF, CNA, SIS No. 44 of 11.01.2018, published in the Official Gazette No.68-76/328 of 02.03.2018).

179. In order to ensure the fight against the phenomenon of torture, inhuman or degrading treatment, by the Order of the Prosecutor General no.45/28 of 25.05.2020, the "Confidence Line on the facts of torture, inhuman or degrading treatment" was established, which includes the mechanism of receiving via landline, mobile phone and/or email the complaints and information about cases of torture, inhuman or degrading treatment, "Confidence Line" within the General Prosecutor's Office, specialized and territorial prosecutor's offices.

180. By Order of the Prosecutor General No.72/6 of 28.10.2021, the form of the F-P statistical report on the activity of the Prosecutor's Office, approved by Order of the Prosecutor General No.45/8 of 11.06.2021, was supplemented with Compartment VIII. Activity of examination and settlement of complaints on the application of torture, inhuman and degrading treatment, with its implementation as of 01.01.2022.

181. By Order of the Prosecutor General No. 81/6/4 of 08.11.2021, 1–2 prosecutors responsible for examining cases of torture, inhuman and degrading treatment have been appointed in the territorial and specialized prosecutor's offices. According to the provisions of the mentioned departmental normative act it was ordered, as far as possible, that the prosecutors concerned should not be engaged in activities of collusion with the subjects of the Law no.218/2012 on the manner of application of physical force, special means and firearms.

Reply to paragraph 12 (a) of the list of issues

182. As a result of the administrative procedure conducted (service investigation) 2 employees of the prison system were dismissed and 2 others were sanctioned with a severe reprimand.

183. At the same time, a circular was issued to warn the employees of the system that similar misconduct would not be allowed in the future.

184. The pronouncement of the decision of the Court, including the application of prison sentences to all defendants in the Braguța case, is beyond the competence of the IGP.

185. With reference to the actions taken to prevent such incidents in the future, on 27.04.2020, by the Order of the Head of the GPI No.129, the Standard Operating Procedure for the detention, escort and transportation of the person deprived of liberty and the placement of the detained person in the temporary detention isolator was approved. This SOP describes the actions of police officers in situations where they apply physical force or special means to the detained person, and they are obliged to report this to the prosecutor within 24 hours and present the detained person to the medical worker.

186. Similarly, the SOP expressly states that “persons deprived of their liberty and placed in temporary detention isolators are guaranteed the right to life, physical and mental integrity, no one shall be discriminated against, subjected to torture, punishment or ill-treatment, inhuman or degrading treatment”.

187. At the same time, in order to evaluate the organization of the service activities in the remand prisons managed by the General Police Inspectorate, to verify the process of execution of the service by the employees trained to guard, supervise and escort the detained and arrested persons held in the remand prisons, as well as to assess the theoretical and practical skills of safe performance of functional duties at work, pursuant to the provisions of para. 9 subpt. 11) of the Regulation on the organization and functioning of the Ministry of Internal Affairs, approved by Government Decision no. 693/2017, MIA Order no. 333 of 04.06.2019 „on the assessment of the organization and execution of the service activity in the temporary detention isolators managed by the General Police Inspectorate “, was issued from 06 to 11.06.2019, in agreement with the employees of SDOI and SPIA of MIA. On 02.09.2019, the Partnership Agreement No. 2056 was signed between the SPJ of the GPI and IDOM, for collaboration on the basis of mutual benefit, social interest and respect for Human Rights of persons in Police custody at the phases of justice interaction, through activities that will provide institutional support for the proposed and initially agreed activities.

188. With reference to the Braguța case, we would like to inform you that it was one of the main challenges in the field of combating torture and other ill-treatment faced by the Prosecutor’s Office. The case has been widely publicised in the public space and the media, but also taken up by the international forum, being the subject of reports by international mechanisms such as the UN Committee against Torture, rounds of the dialogue on the defence of human rights, etc.

189. Thanks to objective evidence and their corroboration with other rapidly accumulated evidence, it was possible to identify and assess the acts of inhuman and degrading treatment and torture committed by 22 persons, including 16 police officers, 4 co-detainees and 2 doctors, which were brought to justice within a short period of time.

190. Thus, one of these cases concerns 4 co-detainees and 3 policemen, which on 24.10.2017 (less than 2 months lasted the investigations) was handed over with indictment for examination on the merits in court.

191. In the given case, the 4 co-detainees were charged with the offences under Art. 152 para.(2) letter c1) and letter e), Art. 166¹ para.(2) letter a), c) and g) and Art. 166¹ (4) (a) and (c) of the Criminal Code (medium bodily harm, inhuman and degrading treatment and torture), 2 police officers were indicted for committing the offence under Article 166¹ (2) (a), (c) and (g), Article 166¹ (4) (a) and (c) of the Criminal Code (inhuman and degrading treatment as well as torture) and one police officer is indicted under Article 166¹ (4) (a) and (c) of the Criminal Code (torture).

192. By the sentence of the Chisinau Court, Ciocana office was ordered:

- Dumitru Tabureanu, Adrian Gogu, Boris Bologan and Stanislav Mircea were sentenced to imprisonment for a term of 5 years for committing the offence provided for in Article 152(2)(e) of the Criminal Code, while the defendants Adrian Gogu,

Boris Bologan and Stanislav Mircea were sentenced to a suspended sentence for a term of 5 years under Article 90 of the Criminal Code;

- Acquit the defendants Dumitru Tabureanu, Adrian Gogu, Boris Bologan and Stanislav Mircea on the ground that the offences provided for in Article 166¹(2)(a), (c) and (g) and Article 166¹(4)(a) and (c) of the Criminal Code were not found to have been committed;
- Convict Igor Orbu of the offence referred to in Article 166¹(2)(c) of the Criminal Code and impose a sentence of imprisonment for a term of four years, with deprivation of the right to hold certain positions within the Ministry of Interior for a term of seven years;
- Acquittal of the accused Igor Orbu on the ground that the offence provided for in Article 166¹(4)(a) and (c) of the Criminal Code was not established;
- Convicting the defendant Aureli Șapteboi for committing the offence referred to in Article 166¹(2)(c) of the Criminal Code and sentencing him to 4 years' imprisonment, with deprivation of the right to hold certain positions within the Ministry of Interior for a period of 5 years, and, by applying Article 90 of the Criminal Code, suspending the execution of the prison sentence for a period of 5 years;
- Acquit the defendant Aureli Șapteboi on the ground that the offence provided for in Article 166¹(4)(a) and (c) of the Criminal Code has not been established;
- Acquittal of the defendant Aurel Isachi on the ground that the existence of the offence referred to in Article 166¹(4)(a) and (c) of the Criminal Code was not established.

193. At the same time, Judge Maria Frunze delivered a separate opinion on the case, and according to this opinion the defendants Dumitru Tabureanu, Adrian Gogu, Boris Bologan and Stanislav Mircea are to be found guilty of committing the offences provided for in Article 166¹(4)(a) and (c) and Article 152(4)(a) and (c) of the Criminal Code. (2) (c1) and (e) of the Criminal Code, the defendants Igor Orbu and Aureli Șapteboi are to be found guilty of the offences referred to in Article 166¹ (4) (a) and (c) and Article 166¹ (2) (a) and (c) of the Criminal Code, and the defendant Aurel Isachi is to be found guilty under Article 166¹ (4) (a) and (c) of the Criminal Code, with custodial sentences.

194. As the sentence was considered unlawful in that the defendants were acquitted and the penalties imposed for the offences on the basis of which they were convicted were too lenient, it was challenged by the State prosecutor and the case is currently being examined by the Chisinau Court of Appeal.

195. A second case was sent to trial with an indictment for examination on the merits on 04.01.2018, a case in which 13 police officers are charged under Article 166¹ (2) (a), (c) and (g) of the Criminal Code (inhuman and degrading treatment).

196. Thirteen policemen of the temporary detention isolator of the Chisinau Police Department were found guilty and sentenced for inhuman treatment of Andrei Braguța.

197. By the sentence of the Buiucani Court of Chisinau, one of the defendants was sentenced to 4 years imprisonment, four defendants – to 3 years and 6 months imprisonment, one – 3 years and 6 months imprisonment, with conditional suspension of the execution of the criminal sentence, and other seven defendants – to 3 years imprisonment, with suspension of the execution of the criminal sentence for 3 years. All thirteen were also deprived of the right to hold public office for 5 years.

198. The third criminal case was sent on 08.08.2018 with indictment for examination in the Chisinau City Court, Buiucani headquarters, being accused 2 doctors, working in the Penitentiary Hospital in Pruncul, who were charged with committing offences under Article 213 lit.b) and Article 332 paragraph (1) of the Criminal Code (negligent violation of the rules and methods of providing medical assistance, resulting in the death of the patient Andrei Braguța, as well as falsification by a public person, for personal interest, of an official document – the medical prescription sheet of the patient Andrei Braguța).

199. The investigation of the prosecution's evidence is currently continuing.

200. The fourth file, which is related to the death of Andrei Braguța, was opened on 04.10.2017 and investigated in terms of exceeding the duties of service art.328 paragraph (3) letter d) of the Criminal Code regarding decision-makers from the medical service of the penitentiary system and a policeman from the escort service of the Chisinau Police Department, who contrary to legal provisions and for formal reasons prevented the placement of Mr. Andrei Braguța in Penitentiary no.13 – Chisinau on 21.08.2017.

201. On 26.03.2018, this criminal case was closed, for the reasons that in the actions of the guilty persons it was established the inexistence of the elements of the crime, but the presence of the elements of the contravention provided for by art.313 of the Contravention Code (exceeding the duties of service).

202. The materials of the contravention case were examined in the Chisinau City Court, Centre Branch, which ordered the termination of the case. Subsequently, the Chisinau Court of Appeal referred the case back to the court of first instance for further examination by another court, where the case is still pending.

203. In the same context, we note that the Public Prosecutor's Office intervened to initiate disciplinary proceedings against the prosecutor who initiated the procedure for placing Mr Andrei Braguța in pre-trial detention and the judge who accepted the prosecutor's request in this regard and decided to remand him in custody.

204. As a result of the examination of the disciplinary procedures, with regard to the prosecutor in the Prosecutor's Office of the municipality of Chisinau, Ciocana Office Ivan Filimon and the judge in the Court of the municipality of Chisinau, Ciocana Office Iurie Obada, the respective collegial bodies established the presence of disciplinary offences with the establishment of the disciplinary sanction – their dismissal from their positions. Filimon Ivan challenged the decision of the College of Discipline and Ethics of the Superior Council of Prosecutors no. 13-75/17(III) of 21 December 2017 and the decision of the Superior Council of Prosecutors no. 12-8/18 of 19 January 2018 and the case is currently under examination in the court in the administrative dispute procedure.

205. At the same time, in order to prevent and exclude possible inconsistencies in the work of all prosecutors and prosecution bodies when persons with mental health problems are involved in investigations, the Prosecutor General intervened, based on Article 531 paragraph (4) of the Code of Criminal Procedure, with Instruction No. 11-3d/17-4407 of 12.10.2017, where problematic situations in the prosecution activity were specified, solutions for the application of the legal provisions were identified with the request to comply with them.

Reply to paragraph 12 (b) of the list of issues

206. As a result of the administrative procedure conducted (service investigation) 2 employees of the prison system were dismissed and 2 others were sanctioned with a severe reprimand.

207. With reference to the events of 7 April 2009, we inform you that prosecutors have examined 108 complaints concerning allegations of torture and other illegal actions by police officers, in 31 of these cases, prosecutors have self-initiated investigations.

208. As a result of the investigations carried out on the basis of Article 274 of the Criminal Procedure Code (including after re-verification of criminal refusal proceedings) by the Anti-Torture Section of the General Prosecutor's Office, 71 criminal cases were opened, as follows: 42 cases – on the basis of Article 3091 of the Criminal Code (torture); 19 cases – on the basis of Article 328 (2)(a) of the Criminal Code (exceeding the duties of duty with the use of violence); 10 cases – on other categories of offences (including neglect of duty).

209. As a result of the corroboration of all the evidence gathered, in 10 criminal cases the criminal proceedings were closed and discontinued, and in another 30 criminal cases the prosecutors ordered the suspension of the criminal proceedings on the basis of paragraph 2 (1) of Article 287/1 of the Code of Criminal Procedure on the grounds that the persons who could be charged had not been identified.

210. On the basis of these facts, namely the application of violence in the premises of police stations by persons who cannot be identified, it was ordered to start criminal proceedings in

four criminal cases under paragraph (1) of Article 329 of the Criminal Code – negligence in service committed by the decision-makers of the police stations of the Centre, Buiucani, Ciocana and Chisinau CGP, all of which were subsequently sent with indictments to the court for examination on the merits. At the moment, no criminal proceedings or criminal cases are under investigation or prosecution.

211. In total, 27 criminal cases involving 46 police officers and one case involving a natural person, a citizen of another state, have been sent to court (28 cases involving 47 persons), of which: the courts have handed down judgments in 27 cases involving 46 persons, of which 8 convictions against 16 defendants, 2 terminations against 2 persons, 17 acquittals against 27 persons. Courts of Appeal issued 39 decisions in respect of 67 defendants, of which 18 decisions in respect of 34 persons convicting, 4 decisions in respect of 7 persons terminating, 16 decisions dismissing appeals by prosecutors and other parties to the case issued in respect of 24 defendants Supreme Court of Justice – as a court of appeal issued 31 decisions in respect of 52 defendants, of which 14 decisions in respect of 26 defendants admitting ordinary appeals, with reversal of the decisions of the court of appeal and return of the criminal cases to retrial, 3 decisions in respect of 7 persons to admit ordinary appeals with reversal of the decisions of the courts of appeal and adoption of new decisions, 14 decisions in respect of 19 persons to reject the ordinary appeals of the prosecutor, the injured parties and uphold the decisions of the court of appeal. 22 judgments became irrevocable – 22 judgments in respect of 34 persons, of which: acquittal judgments – 9 in respect of 16 persons; termination judgments – 2 in respect of 2 persons (one judgment in connection with the death of the perpetrator, and one with the application of Article 55 of the Criminal Code). of the Criminal Code by imposing a fine); convictions – 11 in respect of 16 persons (6 convictions in respect of 10 persons sentenced under Article 90 of the Criminal Code with conditional suspension of the execution of the sentence; 3 convictions in respect of 4 persons sentenced to imprisonment; 2 convictions with a fine in respect of 2 persons).

Reply to paragraph 12 (c) of the list of issues

212. Prisoners in Penitentiary No. 13 – Chisinau are placed in cells in strict accordance with the provisions of Articles 205, 206 and 309 of the Execution Code. If there is a major need, in accordance with medical recommendations, an examination is carried out by a medical doctor.

213. No cases of collusion between certain criminal groups have been recorded in Prison No. 16 – Puncul. At the same time, medical assistance to persons detained in the penitentiary is provided whenever necessary or upon request by qualified personnel, free of charge, in accordance with the legislation in force.

214. Persons detained in prisons are provided free of charge with medical treatment and medicines in the same amount as provided for by the Single Programme of Compulsory Health Insurance. In case of the need for specialised medical assistance, hospitalisation of the sick may be carried out in public medical institutions of the Ministry of Health, Labour and Social Protection on the basis of contracts concluded by the National Administration of Penitentiaries.

215. The National Administration of Penitentiaries has the following data on cases of altercations between convicts: 2018 – 115, 2019 – 179, 2020 – 115 and 2021 – 80 (in the first semester), all documented in accordance with legal provisions.

Reply to paragraph 12 (d) of the list of issues

216. During 2018, 3,442 petitions were received by the National Administration of Penitentiaries (according to national legislation, a petition is any request, proposal, referral, complaint, etc., addressed to an authority). Thus, 1) the issue of inadequate health care was mentioned 204 times in petitions; 2) the issue of ensuring the right to life and physical and mental integrity was mentioned 837 times in petitions (subjection to torture – 121, subjection to inhuman or degrading treatment or punishment – 152, endangering life – 121, ensuring personal security – 105, criminal subculture – 184, questions related to the application of physical force, special means and firearms – 63, transfer for security reasons – 91); 3) issues related to relations between SAP employees and detainees/other persons were mentioned 947

times in petitions (ethics of SAP employees – 240, holding SAP employees accountable – 263, alleged corruption committed by SAP employees – 75, improper performance of functional duties by SAP employees – 369).

217. All registered petitions (3442) were examined. On the basis of the allegations raised in 9 petitions, service investigations were initiated.

Reply to paragraph 12 (e) of the list of issues

218. When documenting cases of torture or ill-treatment, the National Administration of Penitentiaries is guided exclusively by the legislative regulations in force.

Article 14

Reply to paragraph 13 (a) of the list of issues

219. The GPI prosecution body, in its activity, is guided by the provisions of the Code of Criminal Procedure and the Interdepartmental Order No 572 of 31.12.2013 approving the Regulation on the procedure for identifying, recording and reporting alleged cases of torture, inhuman or degrading treatment.

Article 16

Reply to paragraph 14 (a) of the list of issues

220. Given the task of preventing torture and other ill-treatment in places of detention under the OPCAT mandate, the Council for the Prevention of Torture and the Department for the Prevention of Torture, a subdivision within the OPA, carry out regular and unannounced preventive and monitoring visits in all places where individuals are or may be deprived of their liberty, have private discussions with detainees, draw up visit reports, make recommendations to the competent authorities. Law no. 52/2014 on the People's Advocate (Ombudsman) establishes guarantees regarding the unrestricted access of members of the Council, as well as of the People's Advocate, the People's Advocate for the rights of the child and staff of the Office of the People's Advocate in any place of detention.

221. In the period 2017–August 2021, the CpPT and the Department for the Prevention of Torture within the OPA carried out 182 preventive and monitoring visits to institutions that ensure the detention of persons.

222. Additionally, the provisions of Law no. 235/2008 on civilian control over the observance of human rights in the institutions that ensure the detention of persons provide for the members of the local monitoring commissions, comprised of representatives of the civil society, the access to places of deprivation of liberty. Currently, only 2 local commissions operate on the territory of the Republic of Moldova.

Other issues

Reply to paragraph 15 of the list of issues

223. In addition to Law 10/2017 on preventing and combating terrorism, we mention the adoption of Law 75/2020 on the procedure for establishing violations in the field of prevention of money laundering and financing and the procedure for the application of sanctions and Government Decision 792/2020 approving the Regulation on the procedure for the implementation of financial sanctions related to terrorist activity and weapons proliferation weapons of mass destruction. At the present stage, the draft Government Decision on the approval of the regulation of the Anti-Terrorist Operational Command has been drafted and approved, and is to be promoted.

224. Regularly training in the field are delivered by the Security and Information Service.

Reply to paragraph 16 of the list of issues

225. Persons in state custody have access to qualitative and quantitative medical services according to the provisions of the Order of the ANP No 359 of 24 September 2020, on the amendment of the Order of the Director of the National Administration of Penitentiaries No 198 of 11.06.2020, on the case management of prisoners who meet the criteria of the COVID-19 case definition, which includes the following provisions:

- COVID-19 suspect/probable/confirmed case management response plan within the prison administration system;
- Model response scenarios for confirmed COVID-19 cases within the prison system;
- Procedure for sampling for testing for COVID-19 infection;
- COVID-19 case tracing algorithm among prisoners;
- The reporting model at penitentiary level;
- Reporting template at the prison hospital level;
- Ensuring active screening, isolation and testing of individuals with clinical signs of disease;
- Collection and transport of biological material for laboratory investigation of the new type of coronavirus (SARS-Cov-2) to the laboratory of the National Agency for Public Health;
- Requesting the 112 service for the assessment of medium and serious cases. Tactics will be approved in accordance with the recommendations of the medical staff of the National Centre for Pre-hospital Emergency Medical Care. The medical staff, requesting the ambulance, additionally verifies that the patient fits into the case definition, consulting the infection physician if necessary;
- In suspected/probable COVID-19 cases in pregnant women/mothers with children/minors, the 112 service will be called without delay, regardless of the prison where the case is located;
- Upon confirmation of a positive case among inmates, quarantine per sector will be instituted, and upon confirmation of 2 per cent of the prison population – quarantine per prison. Quarantine will continue for 14 days after the last case confirmed by COVID-19;
- All cases confirmed by laboratory samples, regardless of the form (except severe and extremely severe cases) will be transferred to Prison No. 16 – Puncul (up to 257 cases).

226. According to the provisions of the ANP Order No. 238 of 30.04.2021, on the implementation of the Institutional Plan of immunization against COVID-19 in the prison administration system, on 19.05.2021 the process of vaccination among prisoners started. Thus, by 26.07.2021 1520 inmates were immunized with the first dose and 460 inmates received the booster.

227. At the same time, 400 doses “Jonson&Jonson” – Jansen and 252 doses “Pfizer” – BioNtech have been received from ANSP, which are to be administered to inmates only with informed consent.

228. By Order No. 1236 of 22.12.2020, the Ministry of Health, Labour and Social Protection approved the FRAMEWORK PLAN for preparedness and response to Coronavirus new type (COVID-19) for residential care institutions social care institutions.

229. Under this strategic action document, public institutions of social assistance institutions under the management of National Agency of Social Assistance have approved their own specific response plans for the management of the COVID-19 pandemic, which have led to the prevention of the spread with minimization of the impact on health, social and economic effects, both at local/regional and national integration levels.

230. Some of the beneficiaries, depending on the situation and need, were placed in self-isolation, being accommodated in isolation or, as far as possible, in personal quarters.
231. During the period of isolation the persons benefited from all the services of the Centres.
232. In addition, 1,000 people were distributed and placed in the institutions' premises.
233. In accordance with the approved National Immunisation Plan against COV-CoV-19.
234. By the Decision of the National Extraordinary Public Health Commission No 41 of 13 January 2021, in social welfare institutions under the management of the Agency of been organized and the immunization process of residents and employees is monitored.
235. Thus, the following were immunized:
- employees: I dose – 1,038 persons (77.46 per cent), booster – 1,019 pers. (77,04 per cent) and booster – 16 pers. (1,19 per cent);
 - beneficiaries: I dose – 1861 pers. (92,08 per cent); booster – 1,828 pers. (90,45 per cent) and booster – 604 pers. (29,88 per cent).
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