

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/MDA/CO/2)*

**REPUBLIC OF MOLDOVA**

(...)

**C. Main issues of concern and recommendations**

(...)

**Parliamentary advocates and national preventive mechanism**

13. The Committee notes with concern that serious legislative and logistic constraints impede effective functioning of the national preventive mechanism established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee is particularly concerned about the lack of clarity as to what constitutes the national preventive mechanism (arts. 2, 11 and 16).

**The State party should clarify what constitutes the national preventive mechanism, and strengthen the independence and capacity of parliamentary advocates and the national preventive mechanism, including its consultative council, to carry out regular and unannounced visits to all places of detention. In particular, the State party should:**

**(a) Clarify the legal provisions in relation to the rights of members of the national preventive mechanism to conduct regular and unannounced visits to all places of detention, without restriction, and to ensure that all members of the consultative council enjoy equal status as part of the national preventive mechanism, to enable it to fulfil its role effectively as a torture-prevention mechanism;**

**(b) Provide the national preventive mechanism as a whole, including the consultative council, with adequate support and resources, including logistic and secretarial support;**

**(c) Provide training and take relevant measures to ensure that all persons conducting visits under the Optional Protocol to the Convention are able to fulfil their role in documenting treatment of individuals in detention;**

**(d) Ensure that all persons involved in the administration of places of detention are aware of the rights of all members of the national preventive mechanism to have unhindered and unaccompanied access to all areas in all places where persons are deprived of their liberty, without**

any form of prior notice; these powers should include the possibility for the national preventive mechanism to examine, on demand, detention-related registries, including medical registries, taking due account of the rights of the persons concerned;

**(e) Initiate disciplinary proceedings against officers who interfere with the free access of all persons conducting visits under the Optional Protocol to the Convention to all places where people are deprived of their liberty, or otherwise deny them private and confidential access to detainees, restrict their ability to review and copy registries and other relevant documents, or otherwise interfere with the performance of their duties;**

**(f) Ensure that, as a rule, and unless there are compelling human rights reasons to the contrary, the report and recommendations of each individual visit of the national preventive mechanism are made public and posted on the Internet website of the Centre for Human Rights of Moldova shortly after the visit, following measures to ensure rights of personal security of person and privacy for detainees, and following collegial approval within the national preventive mechanism as a whole;**

**(g) Develop other measures to ensure public awareness of torture and other forms of ill-treatment in detention facilities in the Republic of Moldova.**

#### **Excessive use of force by law enforcement officers**

15. The Committee is concerned about credible reports on the excessive use of force by law enforcement officers, with particular reference to the post-election demonstrations in April 2009. The Committee is particularly concerned about reports of arbitrary arrest, failed crowd control methods, including beatings, and torture and ill-treatment of persons detained in connection with post-election demonstrations (arts. 2, 10, 11, 12, 13, 14 and 16).

#### **The State party should:**

**(a) Promptly, impartially and effectively investigate all complaints and allegations of misconduct by law enforcement officers during the post-election demonstrations in April 2009 by establishing an independent, impartial and credible body that should comply with relevant international standards in this area, particularly the updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, the findings of which should be made public;**

**(b) Ensure that law enforcement officers found responsible for acts of torture and ill-treatment of protestors and detainees, including those in positions of command responsibility, are prosecuted and, if found guilty, convicted with appropriate penalties. In connection with prima facie cases of torture and ill-treatment, implicated officers should as a rule be subject to suspension or reassignment during the process of investigation, especially if there is a risk that he or she might interfere with or impede the investigation;**

**(c) Ensure that an official apology is given and adequate compensation is provided to all victims of torture and other forms of ill-treatment that took place in connection with the post-election demonstrations in April 2009, irrespective of the outcome of criminal prosecutions against the perpetrators, and that adequate medical and psychological rehabilitation is given to victims.**

16. The Committee is concerned at reports that police and other law enforcement officers wore masks and did not carry identification badges during the post-election demonstrations of 7 April 2009, and that people were apprehended by officers in plain clothes, making identification impossible when complaints of torture or ill-treatment were presented (arts. 12 and 13).

**The State party should enact and enforce legislation that requires all law enforcement officers on duty, including riot police and members of the special forces, to wear identification, and provide all law enforcement officers with uniforms that include appropriate visible identification to ensure individual accountability and protection against acts of torture and ill-treatment.**

(...)

**Redress, including compensation and rehabilitation**

20. The Committee notes that, while the 1998 Law on Procedure for Compensation for Damage Caused by Unlawful Actions of Criminal Prosecution Bodies, Prosecutor's Offices and the Courts and article 1405 of the Civil Code contain provisions regarding the right to compensation for victims, there is no explicit law that provides for full redress, including forms of psychosocial treatment and rehabilitation. The Committee regrets the lack of centralized statistics on the number of victims of torture and ill-treatment who may have received compensation and the amounts awarded in such cases (CAT/C/MDA/Q/2/Add.1, paras. 294–295), and information on other forms of assistance, including medical or psychosocial rehabilitation, provided to victims of torture and ill-treatment. The Committee also regrets the lack of information on the measures taken by the State party to execute the judgements rendered by the European Court of Human Rights with a finding of a violation of article 3 of the European Convention on Human Rights against the Republic of Moldova, and on compensation given to the victims (art. 14).

**The State party should:**

**(a) Strengthen its efforts to provide redress and compensation to victims of torture and ill-treatment, including the means for as full rehabilitation as possible and to develop health and rehabilitation services for them;**

**(b) Take measures to execute judgements rendered by the European Court of Human Rights with a finding of a violation of article 3 of the European Convention on Human Rights against the Republic of Moldova;**

**(c) Provide in its next periodic report information on any reparation programmes, including treatment of trauma and other forms of**

**rehabilitation provided to victims of torture and ill-treatment, and on the allocation of adequate resources to ensure the effective functioning of such programmes. The State party is encouraged to adopt the necessary legislation, establish a domestic fund for victims of torture and allocate sufficient financial sources for its effective functioning.**

(...)

**Forcible detention of persons with tuberculosis**

24. The Committee notes with concern that, under a regulation promulgated in August 2009, persons with tuberculosis may be subjected to forcible detention if deemed to have “avoided treatment”. In particular, the regulation is unclear as to what constitutes the avoidance of treatment and fails to provide for, inter alia, adequate safeguards in the areas of regular access to legal counsel, upon request, as well as procedural rights, in particular with regard to regular review of the reasons for detention or for maintaining continued detention, privacy, family and correspondence, confidentiality, data protection, non-discrimination and non-stigmatization (art. 16).

**The State party should urgently review the regulation on forcible detention of persons with tuberculosis and related policies, and bring them into compliance with the Convention, in particular guaranteeing independent regular review of detention measures, patient confidentiality and privacy, as well as non-discrimination in their application.**

(...)

33. The Committee requests the State party to provide, within one year, information in response to the Committee’s recommendations contained in paragraphs 13, 15, 16, 20 and 24 above.

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