

ANNUAL REPORT **on Human Rights** **and Freedoms** **in the Republic of Moldova** **2023**



ANNUAL REPORT

on Human Rights and Freedoms in the Republic of Moldova 2023

Chisinau, 2024

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WELCOME MESSAGE FROM THE OMBUDSMAN



Dear readers,

I am very pleased to present you with the 2023 Annual Report on Rights and Freedoms in the Republic of Moldova. This document has been prepared in accordance with Law No. 52/2014 on Ombudsman. The 2023 edition of the People's Advocate Office (PAO) Report aims to share information and experiences with colleagues and other stakeholders who show an interest in the Ombudsman's work. The report I present with the whole PAO team is not only a compilation of figures and statistics, but also a showcase of our strong commitment to justice, equality, and respect

for all members of our society. It also depicts the efforts undertaken to improve human rights compliance in the Republic of Moldova. The report highlights the most important observations and interventions made by the Office throughout 2023, while the annexes allow the readers to understand the work of the Ombudsman institution in-depth.

I am speaking to you not only as an Ombudsman, but also as a human rights defender. Every day I work as a guardian of transparency, as a voice that reflects justice, fairness and equality. When I was elected as Ombudsman, I committed to provide and support anyone seeking help from the Office, and I have fulfilled that commitment. Together with my team, we want everyone to be treated equally by the state of the Republic of Moldova. Our common goal, my personal one, as an Ombudsman, as well as the goal of PAO employees, of Parliament, Government, civil society and of international institutions is to guarantee the respect for human rights by all institutions, as human rights are the very essence of human dignity, a precondition for a safe life, full of dignity and respect for all people. Over the past two years, as a human rights defender, I pressed ahead on respecting human rights and freedoms, focusing my actions on such principles as legality, equality, impartiality, and transparency.

Every year, we make endeavours to ensure the necessary conditions so that all persons who wish to lodge a complaint or enjoy the Ombudsman's services are aware of the Ombudsman's existence and, therefore, benefit accordingly.



It is known that the pathway from the planned goals to specific achievements is not easy, as it may be hindered by various obstacles that arise along the way. However, the year 2023 was marked by certain achievements. For example, on the recommendation of the Sub-Committee on Accreditation, the PAO was re-accredited by the Global Alliance Committee of the National Human Rights Institution, being awarded the "A" status. However, I acknowledge that there is still much to be done. We know that things are not perfect, and that such journey is not easy, but it deserves to be taken. Expectations are high, but the challenges are even greater. I assure you that our institution is directly involved in this process. We are all working to ensure that the Ombudsman's Office becomes a well-known institution that fosters transparency and builds trust among all Moldovan citizens as soon as possible.

As we look back on the past year's events, it is crucial to acknowledge both progress and challenges. Thus, we were successful in addressing urgent issues such as the right to health. However, we cannot ignore the persistent issues such as the marginalisation of certain people, difficulties in the field of justice and limited access to social welfare and protection.

Also, there is an armed conflict at the border of the Republic of Moldova, which seemed impossible until two years ago, and as a result, many human rights have been violated, as well as many international norms. With the military aggression of the Russian Federation in Ukraine, the challenges in Moldova aggravated further. In 2023, the PAO continued to keep a close watch on how the rights of refugees are observed on the Moldovan territory in light of international and regional standards.

Given these challenges, I assure you that our commitment to human right principles and the rule of law remains firm. We will keep working to find lucrative solutions to these problems in collaboration with relevant authorities, civil society and other stakeholders. The Ombudsman's Office success cannot be achieved without the support and confidence of Parliament, to which we submit our annual reports. Thus, we will continue to cooperate with state institutions to prevent violations, as well as to protect and promote human rights in the Republic of Moldova.

In this respect, we highly appreciate a stable and result-oriented collaboration with our partners. We are sincerely grateful and proud to cooperate with international institutions that show interest in developing and consolidating the PAO, support and help us overcome the obstacles.

To conclude, I would like to reiterate that the PAO has ensured respect for human rights and freedoms by public authorities, organisations, and businesses across its 25 years of existence. Our efforts guarantee every beneficiary access to legality and transparency. Everyone deserves and should have access to complex and efficient services, and we are proud of our work in this area. In line with the PAO mandate and



commitments and with my commitment as an Ombudsman, I will continue to work relentlessly to prevent human rights violations, for the benefit of citizens and non-citizens. I shall monitor and report on how fundamental human rights and freedoms are respected and, last but not least, to promote human rights.

As an Ombudsman, I am dedicated to addressing the problems and needs of citizens. My goal is to promote efficient administration by promptly handling people's complaints, investigating and solving problems, and ensuring transparency and accountability in all activities. I would like to consolidate citizens' trust in Moldova's only National Human Rights Institution and continue to advocate respect for the rights and freedoms of all people.

Thank you!

Happy reading!

**Ceslav PANICO,
Ombudsman**



WELCOME MESSAGE FROM THE PEOPLE'S ADVOCATE FOR CHILDREN'S RIGHTS



Dear children, dear adults,

I present this report, honoured by the mandate to ensure respect for children's rights in the Republic of Moldova. The report presents the activity results from taking office to the end of 2023, as well as the work of my predecessor, Mrs. Maia Banarescu, for about half a year.

Even during the contest, I stated that I would put all my efforts and diligence into performing my duties with responsibility and respect for all children in the Republic of Moldova. Non-discrimination and ensuring that no one is left behind, with the focus on the most disadvantaged children – these are the principles that are pivotal in my activities.

The most problematic features identified in 2023 were related to support services for families with children in difficulty, services for children with deviant behaviour, and protection of children against any violence. Also, by examining petitions, we found gaps in the enforcement of court decisions in terms of establishing the child's domicile and alimony payment. But most of all I was concerned about the statistics on child poverty, for poverty hinders the full implementation of all children's rights from the outset.

On the monitoring side, with the support of UNICEF, in 2023 we conducted four thematic studies: on the observance of the right to education of Roma children and of children with sensory impairments, on the labour exploitation of children, and on the conditions and nutrition of children in hospitals located in Chisinau Municipality.

Another important study addressed the rights of refugee children. We are at the stage of ensuring the inclusion of displaced children from Ukraine, as well as inclusive education. Moreover, I have initiated cooperation with the Ukrainian authorities, and will work under the framework of the International Coalition to return the Ukrainian children deported or forcibly displaced from the temporarily occupied territories of Ukraine.

The results of monitoring how children's rights are observed can be found in this annual report, including as recommendations to the authorities. Other recommendations stem from the ex officio examination of requests and complaints, where we identified systemic problems, most often related to the implementation of the existing regulatory framework.



A major success in 2023 was the amendment of the Moldovan Citizenship Law no. 1024/2000, which previously conditioned the citizenship of the child born on the Moldovan territory on the status/legal form of residence of his/her parents. In the opinion of the Children's Ombudsman, this could result in stateless children from birth when the country of origin of their parents/one of the parents does not grant its citizenship to the children born in other states or has concerns related to them.

In 2023, with the Ministry of Justice and People's Advocate for Children Rights' support, the managed to reshape the conceptual approach to minors subjected to provisional arrest. Thus, the young detainees were moved from Penitentiary No. 13 to Penitentiary No. 10 – Goian, where a wholly renovated residential building was put into service in compliance with the detention standards.

Another major success of 2023 was the adoption of the new Law on Children's Rights, no. 370 of 30 November 2023. The previous law did not meet the international standards and was outdated in terms of social realities that progressed substantially since its adoption. Still, in 2020, the People's Advocate for Children's Rights brought that issue to the legislator's attention. After several stages of analysis and proposals, the draft Law on Children Rights reached the legislative stage in the second half of 2023. All proposals of the People's Advocate for Children Rights were accepted (regarding the children right to participate in public affairs, the empowerment and protection of children – defenders of human rights, the children right to peaceful gatherings, the children right to a clean, healthy and sustainable environment, etc.).

Overall, during 2023, the Children's Ombudsman submitted a legislation improvement proposal and 12 opinions on draft regulatory acts.

For the first time, a chapter dedicated to children's rights was included in the 2023 regular study on the perception of children's rights. Traditionally, the perception of the population is that children's rights are the most respected rights in the Republic of Moldova. However, both the qualitative part of the study regarding children and the new questions included in the questionnaire, show that the rights of certain categories of children (children with disabilities, poor children, abandoned children/orphans, those belonging to minority ethnic groups) are perceived as not being respected by a large part of the population. These results are more accurate in terms of reflecting statistical data, as well as the findings of other relevant studies, including those conducted by the PAO.

Throughout 2023, I tried to make sure that the children's voice was heard. During the monitoring visits and public awareness activities for children's rights, we consulted children particularly through the Children's Advisory Council to the People's Advocate for Children's Rights. The traditional National Forum on Children's Rights, organised in 2023 under the World Children's Day, gathered more than 70 children



and adolescents from all regions of the country, including Transnistria. The children presented the Children rights monitoring results to the authorities (representatives of Parliament, the Ministry of Education and Research, the Ministry of Health and the Ministry of Justice) and formulated a series of recommendations to improve the existing situation. For example, members of the Children's Advisory Council by the People's Advocate for Children Rights addressed an important topic touching the relationship and communication between school teachers and students, noting that students often did not feel safe and protected to express their thoughts, emotions and needs. All questions and concerns stated during the forum were analysed, systematised and shaped as recommendations for the competent authorities, including their implementation follow-up.

In addition to working with the authorities and children, we initiated a dialogue platform with the NGOs working in the field of children's rights to tackle the priorities, prospects and possibilities of cooperation on the most urgent issues related to the observance of children's rights in the Republic of Moldova. This dialogue is also crucial in light of the UN Committee on the Rights of the Child's review of the Republic of Moldova, which will most likely take place in 2024 through a streamlined reporting procedure. The review starts with the children rights related key issues presented by NGOs, children, and the People's Advocate for Children Rights to be revised by the Committee.

In 2024, I will continue monitoring the observance of children's rights and shall draft at least four thematic reports. In addition to advocating for children's rights, I will focus on promoting the People's Advocate for Children Rights' mandate, role, duties, and referral mechanism. I believe it is important to build and maintain the trust of children and of the general population in the institution I represent. This obliges me to consistently act with the required level of professionalism whenever the rights of a child are violated.

Our top priority for 2024 and the years to come, in light of achieving candidate status for the European Union, is to contribute during the accession process to the alignment of our national regulatory framework, processes, and practices in the field of children's rights to the EU standards.

Finally, I would like to thank the Children's Rights Division team and to all other divisions of the Ombudsman's Office, including the territorial ones, for their support during my tenure. I also express my gratitude to the partners, especially to UNICEF, which brought substantial contribution to monitoring children's rights.

Faithfully yours,
Vasile COROI
People's Advocate for Children's Rights



ANNUAL REPORT ON HUMAN RIGHTS FOR 2023

Executive Summary

The period of 2023 was full of events for both the National Human Rights Institution (People's Advocate Office) and the National Human Rights system in general. Thus, during the reporting period, the PAO managed to align with the standards established by the Paris Principles, being re-accredited with the "A" status by the Global Alliance of National Human Rights Institutions. Also, during the reporting year, the PAO was engaged in four alternative reporting procedures, where it shared its position on the areas covered by international treaties under consideration.

Regarding **Chapter I** of this report, we specify that the human rights domain has not undergone any significant changes in the society, while people continue to experience limitations of civil rights and freedoms in different areas. During 2023, the Ombudsman thoroughly examined the right to the highest **health** standard. The Ombudsman appreciates the state effort in developing and consolidating public health policies, being forced, however, to point out the poor monitoring of their implementation. Moreover, the Ombudsman notes that most health issues persist from year to year, without being subject to any significant changes, even though public policies underwent some structural changes in 2023. Individuals continue to complain about abuse and inappropriate behaviour of health workers and discriminatory practices in service delivery. Also, the Ombudsman draws attention to the fact that the central public authorities committed errors in paying allowances to medical employees who suffered from the COVID-19 pandemic, errors that were remedied during 2023.

In the field of **justice**, the Ombudsman notes that the authorities' efforts were massively focused on the judicial reform. However, the Ombudsman points out that nowadays the population does not perceive any improvements in the justice system, and still experience hardships in exercising their right to a fair trial. The justice professionals' reluctance to the launched reform was caused primarily by the lack of transparency and communication, as well as by the incidents that occurred following the vetting procedures. However, we can see some considerable improvements brought to the laws governing the justice system. Meanwhile, the Supreme Council of Magistracy (SCM) and the Supreme Council of Prosecutors (SCP) became operational only after new member-judges and, respectively, member-prosecutors had been elected. The Ombudsman also emphasises that, during the reporting period, promotion of the right to a fair trial takes on a new scale with



Moldova obtaining the status of an EU candidate country, and the authorities increasing their efforts towards joining the European Union.

Regarding the right to **social welfare and protection**, the Ombudsman notes, as in the previous period, that poverty, social and energy crises, limited efficiency of decentralised social services in the regions still are major impediments to achieving the right to social protection. These difficulties continue to affect the most vulnerable social groups: elderly people, children, single mothers. As the 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova showed, this right is still perceived to be provided to a low or very low degree in the Republic of Moldova, i.e. 63% for allowances offered at birth and 83.3% for pensions. As in the previous period, the situation of such vulnerable groups as the elderly people, people with disabilities and single mothers is critical. Most people falling within those categories struggle, literally, to secure their livelihood in conditions of increased expenses and diminished income. At the same time, the Study finds that the right to social protection registered a good percentage increase (44.8% of respondents consider that this right is respected) in 2023, compared to 35.2% reported in the previous study in 2020, and represents a substantial increase in comparison with 2016 (15.3%).

Regarding **labour protection**, the Ombudsman notes that the government authorities have recently taken several measures to consolidate the framework for protecting the right to labour and employment, in particular, by strengthening the state Labour Inspectorate in March 2023, when it was mandated to conduct surprise visits. However, these actions will have an impact during the future reporting periods. Despite the economic difficulties, the Ombudsman notes that the labour market has recovered from the pandemic, although significant structural challenges persist. The Ombudsman also specifies that the right to fair pay has to ensure an existence fit for a human being. For a gradual fulfilment of this right, the government is required to ensure a minimum wage to employees, which would entitle them and their family to a decent life. Although there is a positive growth of the minimum wage, its value is far from being sufficient to guarantee a decent living to those who get it. In this respect, we welcome the ruling of the Constitutional Court of 16 June 2022 regarding the minimum wage amount.

Regarding **the right to safety and freedom**, the Ombudsman notes that detention conditions are still precarious. Most ECHR judgments against Moldova refer to inhuman conditions of detention. No significant systemic measures to remedy the situation had been taken during the reporting period. All 17 penitentiaries had been built back in the Soviet times. No significant improvements have been made since Moldova's independence, and the prisons now exceed their intended capacity. Inappropriate access to medical treatment, overcrowding and the general poor state of prisons, as well as the lack of proper reporting and investigation of possible ill-treatment and violence remain largely unaddressed.



Also, the Ombudsman specifically draws the attention of the authorities to cases of violence against the people admitted to psychiatric hospitals. Thus, following the joint meetings with the Standing Committee for Human Rights and Interethnic Relations to discuss the Special Report titled 'Monitoring Compliance with the Rights of Patients in Coercive Medical Treatment'¹ a set of recommendations has been submitted to the relevant authorities. Yet, they have not been properly implemented.

The Ombudsman also points out that informal and even abusive communication was noticed among conscripts or between conscripts and non-commissioned officers in **the National Army** during the monitored period. Although the officers did not make use of verbal violence, on the contrary, they treated the reservists or conscripts with professionalism; yet, they remained silent when their subordinates committed verbal violence, often leaving such unaddressed.

Regarding the observance of human rights on **the left bank of Nistru River**, the Ombudsman notes that the year 2023, regretfully, was not marked by any positive changes.

Currently, most of the information on human rights is provided by civil society organisations from the uncontrolled region, non-profit organisations from the Right Bank of Nistru River that monitor the situation in the region, the Varnita Representation of the PAO, or international organisations that operate in the region or monitor it. In this situation, the PAO, as the head of the National Human Rights Institution, reports this issue to the national and international authorities on a regular basis and reviews it in his annual or thematic reports.

Also, while carrying out his mandate, Căslav Panico, the Ombudsman of the Republic of Moldova, had sent two inquiries to Antonio Guterres, the Secretary General of the United Nations, and to Dunja Mijatović, the Council of Europe Commissioner for Human Rights. Thus, the Ombudsman informed the high officials about the current situation regarding the human rights in the Transnistrian region and about the recent regress in this respect.

Finally, the Ombudsman specifies that, regarding the recommendations submitted to the public authorities in the 2022 Annual Report on Human Rights and Freedoms in the Republic of Moldova, out of 63 recommendations, five have been implemented, seven are in-progress, 14 recommendations are partially implemented, 11 recommendations are not implemented at all, and 26 recommendations could not be evaluated at the time of developing this report.

Regarding children's rights (Chapter II), the People's Advocate for the Children Rights monitored the observance of the child's right to life, survival, and development.

¹ <https://ombudsman.md/post-document/raport-special-monitorizarea-respectarii-drepturilor-pacientilor-plasati-la-tratament-prin-constrangere-cu-caracter-medical-2/>



Thus, following the information disseminated in the media, the Children's Ombudsman initiated ex officio the case of two children, who, on 11.02.2023, being in the mining perimeter exploited by JSC Quarry Micauti during 1996-2021, in the process of insolvency at the time of the incident, fell into the quarry and suffered numerous injuries.

The People's Advocate also studied the issue of playgrounds safety. Respectively, the frequency of incidents and injuries caused to the beneficiaries point to a systemic character of the cases when children are severely hurt by the metal constructions installed on playgrounds (football gates).

As for the right to health, the People's Advocate for Children Rights mentions that, in 2023, the Children's Ombudsman monitored the conditions and nutrition in four public healthcare institutions located in Chisinau to promote the child's right to health pursuant to Art. 24 of the UN Convention on the Rights of the Child: Municipal Clinical Hospital for Infectious Diseases of Children, Municipal Clinical Hospital for Children no. 1, Municipal Clinical Hospital of Pulmonary Tuberculosis and V. Ignatenco Municipal Hospital for Children.

Thus, we found that the conditions of treatment of patients in the Municipal Clinical Hospital of Pulmonary Tuberculosis are relatively good, such being attained through frequent repairs. Therefore, capital renovation is required in all clinical and paraclinical buildings, including the Children's Unit premises (floors 2 and 4 of the curative building no. 1). Although meals are prepared in salubrious conditions, the latter are maintained only through regular cosmetic repairs, as the food block was subject to capital renovation long time ago.

Regarding the right to education, the People's Advocate for Children Rights considered how this right is fulfilled for Roma children. Thus, the Children's Ombudsman points out that there are some inconsistencies in the collected data. Hence, the data provided by the Ministry of Education and Research/local public authorities, by the family doctors differ from those collected by community mediators or by the NGOs concerned with the rights of Roma people. According to the data recorded by the Family Doctors' Office, as of 1 September 2023, there were 920 Roma children of school age (7-16 years) in Otaci town. Based on those data, the rate of compulsory schooling in the first semester of the 2023-2024 school year in Otaci was equal to 10% (92/920) and not 30.5%, as follows from the data presented by the Ministry of Education and Research. Still, a more significant discrepancy between the data provided by the authorities (100% schooling rate – 85/85) and by the community mediator (13.5% – 85/623) was registered in Edinet Town. The issue of accuracy of collected and reported data on the total number of school-age children was also raised in Soroca Town and in Chisinau Municipality.



The Children's Ombudsman also examined the right to education of children with sensory impairments and appreciates that most Study recommendations have been included in the 2024-2027 Inclusive Education Development Programme of the Republic of Moldova.

Concerning the protection of children against any violence in educational institutions, the Children's Ombudsman found that educational institutions rarely resort to the provisions of Art. 135 (1) i) of the Education Code and of Art. 86 (1) n) of the Labour Code (dismissal) in regard to the teaching staff who were violent towards children, imposing reprimand only. Sometimes, teachers resign voluntarily only to find a job in another education sector entity. There is no log of sanctions applied to teachers, including for violence against children, which would be helpful for future employers and educational institutions to consult with. Another finding is related to similar thematic cases registered by the People's Advocate for Children Rights aimed at 'determining the nature of offenses committed by school staff' in light of Article 1661, 'Torture, inhuman or degrading treatment' of the Criminal Code.

At the same time, the Children's Advocate notes that informal charges in schools remain a problem in the monitored segment, as does restriction of access to educational institutions for students who do not wear the school uniform or do not comply with the dress code required by the institution.

Regarding child-friendly justice, the People's Advocate for Children Rights notes that, in 2023, the National Administration of Penitentiaries, with the Ministry of Justice and the Children's Ombudsman's support, managed to reshape the conceptual approach to minors subject to a provisional arrest. Thus, the young detainees were moved from Penitentiary No. 13 to Penitentiary No. 10 – Goian, where a wholly renovated residential building was put into service in compliance with the detention standards. The Ombudsman also notes such persistent problems like criminal subculture, cases of self-harm and imposing disciplinary sanctions.

Regarding the child protection against labour exploitation, according to the Ministry of Labour and Social Protection (MoLSP) data, 40 complaints of violations of employment regulations concerning children have been filed in the last five years. These complaints involved 40 children (24 boys and 16 girls). The inspections revealed and reported 15 violations concerning children: employment infringing the legal procedure, absence of preventive medical check-ups, employment in jobs prohibited to children, non-compliance with the reduced work hours, and infringements in terms of remuneration. The reporting rate of child labour exploitation cases is low. Unfortunately, the national legal framework does not clarify the age from which the child can be admitted to work within the family, particularly regarding the child's education through labour in the family.



Regarding the right to name and nationality, the Children's Ombudsman welcomes the amendment of Art. 11 of Law no. 1024/2000 on Citizenship of the Republic of Moldova, which prevents the occurrence of stateless children from birth when the country of origin of their parents/one of the parents does not grant its citizenship to children born in other states or has concerns related to them.

Regarding the protection of civil rights and freedoms, the Children's Ombudsman submitted children's recommendations to the Ministry of Education and Research, including those of the Children's Advisory Council by the People's Advocate for Children Rights, set out by the National Forum on Children's Rights.

During the reporting period, the Children's Advocate carefully monitored how the rights of Ukrainian children, war refugees, and children from the left bank of Nistru River were observed. The Ombudsman provided the authorities with a set of recommendations for each item.

In conclusion, the People's Advocate for Children Rights addressed **41** recommendations to public institutions in his 2022 Report on human rights and freedoms in the Republic of Moldova. In this context, having monitored the implementation process, the Children's Ombudsman notices that **four** recommendations were fully implemented, **28** were partially implemented, **six** were not implemented, and **three** could not be evaluated.

Regarding **Chapter III of this report (Prevention of Torture)**, it is highlighted that **28 visits** were conducted in 2023 for preventive and monitoring purposes in places of deprivation of liberty (*compared to 72 visits in 2022*)². The National Mechanism for the Prevention of Torture, which is made up of the Division for the Prevention of Torture (PAO) and the Council for the Prevention of Torture, developed **23 visit reports**. Among these, seven were written by the Division for the Prevention of Torture. As many as **356 recommendations** were developed during those visits. *In 2022, 29 visit reports were developed comprising 570 recommendations*³. PAO took action in four cases of increased social interest, having prepared **four special reports** (*seven special reports in 2022*)⁴

² The PAO Division for the Prevention of Torture conducted 11 visits (five preventive visits, five follow-up visits, and one information visit), and the Council for the Prevention of Torture conducted 17 preventive and monitoring visits.

³ The Council for the Prevention of Torture prepared and submitted 16 visit reports with 268 recommendations to the authorities, while the Department for the Prevention of Torture prepared and submitted seven visit reports with 88 recommendations.

⁴ For a special report on a police-involved shooting at a vehicle in Ialoveni, special report on failure to protect residents against sexual abuse at an accommodation centre, special report on a questionable suicide in the pre-trial detention facility of Cimislia Police Inspectorate, special report on a questionable death of a drug addict detained by Chisinau Police, click the following links: <https://ombudsman.md/rapoarte/prevenirea-torturii/speciale/>



and developed **16 quarterly thematic reports** on safety in places of deprivation of liberty⁵.

Overall, the implementation rate of recommendations was 33% in the medium term, and 10-15% in the long term (*resources and policies*). We notice a trend of reluctance, disregard and superficial responses following the Ombudsman's recommendations and findings. Also, the representatives of concerned authorities reacted publicly with messages of disdain, disparagement, and interference in the work of the Ombudsman in relation to the findings of special reports⁶. MAI later informed that it had warned the heads of the interior subdivisions to refrain from affecting the autonomy of decisions and activities carried out by the Ombudsman's institution⁷. The Ministry of Defence, too, was another public authority that showed reluctance to accept the Ombudsman's recommendations and mandate. Along the way, the defence institution tried to debate the Ombudsman's findings and recommendations through various methods, groundlessly invoking state secret, personal data in the context of torture prevention efforts, collection of information about the injuries suffered by conscripts, about their diseases, or the request for notice of preventive/surprise inspections, etc. The Ministry of Defence employees made several attempts to intimidate the PAO representatives during the preventive visits and while considering individual complaints of conscripts.

The PAO had conducted **seven meetings** with representatives of central and local public authorities to promote the Ombudsman's and Council for Prevention of Torture recommendations.

Regarding **Chapter IV (Protection of Refugees in the Context of the Armed Conflict in Ukraine)**, it is highlighted that, in 2023, the PAO continued monitoring the rights of refugees accommodated on the Moldovan territory, in light of international and regional standards, and conducted **60 monitoring visits** to the temporary accommodation centres for refugees and to border crossing points where they interacted with various decision-makers to prevent possible risks of human rights violations. Four reports were developed based on the monitoring results, including two special reports on access to medical services for refugees, on statelessness phenomena, and on the rights of stateless persons under the national legal framework.

The last chapter of the report addresses human rights promotion as another essential component of the Paris Principles. This function enables the dissemination of information and knowledge about human rights to the general public and specific

⁵ <https://ombudsman.md/rapoarte/prevenirea-torturii/tematice/>

⁶ <https://newsmaker.md/ro/intimidari-imixtiune-si-atac-asupra-independentei-institutiei-avocatul-poporului-declaratie-dupa-scrisoarea-primita-de-la-seful-politiei/>

⁷ The Minister of Interiors' response (dated 09/02/2024) to the Ombudsman report on interference.



target groups. The promotion of human rights primarily aims to create a culture of human rights where every individual in society is aware of and respects them.

Also, the promotion of human rights is closely related to their protection. Whether human rights violations are intentional or unintentional, education and awareness of human rights values play a crucial role in preventing them.

The PAO carries out a number of initiatives to support and promote human rights. This chapter will present the actions undertaken by the PAO in 2023 within its mandate to promote human rights. At the national level, these actions actively contribute to preventing human rights violations and strengthening their observance.



CHAPTER I: HUMAN RIGHTS

Item 1: Developments and challenges of the National Human Rights Institution during 2023

The year 2023 was quite favourable for the PAO as the National Human Rights Institution (NHRI). Thus, during the reporting period, several amendments were made to the legislative framework governing the Institution (Law no. 52 of 3 April 2014 on Ombudsman and Law no. 164 of 31 July 2015 approving the Organisational and Operational Regulation of the People's Advocate Office). Also, in 2023, on the recommendation of the Accreditation Sub-Committee, the PAO was re-accredited with an "A" status for a five-year period by the Committee of the Global Alliance of National Human Rights Institutions (GANHRI), which confirms the Ombudsman institution full compliance with Resolution no. 48/134 of 20 December 1993 on the Principles Relating to the Status of National Institutions (the Paris Principles) adopted by the General Assembly.

Given that both events directly impact the NHRI and, therefore, affect the overall situation on human rights in the country, the Ombudsman will present his opinion *de principio* on said impact. Thus, concerning the **amendments of Law no. 52/2014⁸ and Law No. 164/2015⁹ (laws governing the Ombudsman's work)**, the Ombudsman notes, in general, their positive effect over the amendments of procedures for the appointment and dismissal of the Ombudsman and his/her Deputies, changes that contributed to the transparency of the processes and their alignment with the recommendations of the Accreditation Sub-committee in 2018¹⁰. The Ombudsman also notes as positive the increase in staff numbers from 65 to 72. This change will strengthen considerably the institution as it had to broaden its activities after the Russian Federation invaded Ukraine.

Mandating the PAO to receive and **investigate applications submitted by legal entities** is another positive change undertaken by Parliament. Given the mentioned circumstances, the Ombudsman will be able to contribute to the enforcement of the rights and freedoms not only of natural persons, but also of legal persons. The importance of this amendment is also justified in the discussions held at the national and international levels about the need to establish an Ombudsman business function. Thus, the national legislator managed to prove that the field of human rights started to acquire modern trends, which were not explored before in the classical jurisprudence.

⁸ https://www.legis.md/cautare/getResults?doc_id=136396&lang=ro#

⁹ https://www.legis.md/cautare/getResults?doc_id=120702&lang=ro

¹⁰ <https://ganhri.org/wp-content/uploads/2019/11/SCA-Report-May-2018-Eng.pdf>



Nonetheless, the Ombudsman notes that, in addition to the positive matters of the legal amendments brought to Law 52/2014, a number of amendments were made, which threaten its independent and impartial functioning. In this regard, the Ombudsman draws attention to the amendments made to Art. 4 of the Law, by which the Ombudsman's **general immunity was waived**. Where the consent of the Parliament was previously required for any criminal prosecution actions against the Ombudsman, the new provisions exclude the consent of the legislative body in case of a flagrant offense and for crimes covered by Art.243, 324-328 and 330² (money laundering, passive corruption, passive political corruption, active corruption, active political corruption, influence peddling, exercising public sector duties in a conflict of interest situation, abuse of power or abuse of office, excess of power or exceeding office duties) of the Criminal Code no.985/2002¹¹. In this context, the Ombudsman considers that, although the original intention of these amendments is a noble one, namely fighting corruption and abuse of power in the public administration system, the authors of the draft law and later the legislator, when adopting the amendments in question, did not take into account the nature and specifics of the National Human Rights Institution. Therefore, the innovations brought into the basic legislative act have a negative rather than positive impact.

Moreover, we specify that by its nature and purpose, the PAO, as a National Human Rights Institution, represents minimal or even null risks in the public sphere in terms of acts of corruption and abuse of power. The NHRI does not have coercive legislative levers, nor can it impose certain behaviours on its beneficiaries, for the Ombudsman's acts are, ultimately, non-regulatory. Thus, the Ombudsman notes that these levers could intimidate and influence the Ombudsman's position or decisions. The Ombudsman specifies that, by the nature of his activity, he has to analyse situations and adopt recommendations that can affect decision-makers' interests. However, this should not entitle the government to set terms for controlling, directly or indirectly, the Ombudsman's work.

Another legal risk is that the Legislature did not grant the required financial independence to the NHRI. The Parliament approves the institution's budget under Law No. 181 of 25 July 2014 **on Public Finances and Fiscal Responsibility**¹², **that is, only within the spending limits set by the Ministry of Finance and subject to its prior coordination and approval**. The Ombudsman repeatedly specified the need to remedy the problem when Law No. 52/2014 was amended, but the recommendations included in the institution's opinion were largely rejected. Both financial and functional independence are indispensable elements for the NHRI proper functioning, a fact also noted by the Accreditation Sub-Committee in its recommendations for 2023 to be discussed below. So, we would like to highlight

¹¹ https://www.legis.md/cautare/getResults?doc_id=109495&lang=ro

¹² https://www.legis.md/cautare/getResults?doc_id=135212&lang=ro#



that although several amendments were made now to strengthen the Ombudsman institution, such as increasing the number of employees, they cannot be implemented due to the lack of financial resources in the institution's budget.

Thus, currently, the Ombudsman points out that, although he appreciates the positive changes made by the state to strengthen the National Human Rights Institution, the aforementioned elements in their current status are rather excessive (I consider it necessary to specify, in particular, the: 1) disregard of the PAO strategic development needs in compliance with the established priorities, as the PAO activities under its mandate have not been funded; 2) reluctance to adjust the rates of pay for the PAO employees, at least to align them with the rates set for specialised public authorities, in terms of both their reference value and specific bonuses; 3) Ministry of Finance inaction regarding the adjustment of the costs required for the restoration of the PAO HQ located at 16 Sfatul Tarii St., Chisinau Municipality), and can pose a risk and hinder the achievement of the institution's mandate.

Also, during the reporting period, the PAO **was re-accredited with an “A” Status by the Global Alliance of National Human Rights Institutions**. Following the re-accreditation process, the Accreditation Sub-committee submitted a set of recommendations¹³ to public authorities, including:

- ! to insert provisions on ensuring pluralism and diversity in the NHRI constitutive law;
- ! to ensure adequate funding of the institution so that it can efficiently fulfil its mandate, and the PAO employees be remunerated at rates comparable to other civil servants;
- ! to abolish the provisions limiting the Ombudsman's immunity and to return to the previous general provisions.

At the same time, in this chapter, the Ombudsman notes some important changes in the legislative framework that impact the PAO activity. Accordingly, the Ombudsman appreciates the amendments made to Law No. 3 of 25 January 2016 on the Prosecutor's Office¹⁴, particularly Article 69, which **excludes the Ombudsman from the Supreme Council of Prosecutors**. The Ombudsman believes that the amendments made to this law contribute to strengthening the Ombudsman institution's independence by dissociating it from the decision-makers of certain public institutions. During the re-accreditation procedure of 2023, the Accreditation Sub-Committee of the Global Alliance of National Human Rights Institutions also praised the Ombudsman's exclusion from the Superior Council of Prosecutors.

¹³ <https://ganhri.org/wp-content/uploads/2023/11/SCA-Report-Second-Session-2023-EN.pdf>

¹⁴ https://www.legis.md/cautare/getResults?doc_id=140076&lang=ro#



Likewise, the Ombudsman welcomes the amendment of Law No. 418 of 22 December 2023 on the State Budget for 2024¹⁵, which **raised the PAO employees' salaries**. Thus, the reference value of the PAO employees' rates of pay was increased from MDL 1,900 to 2,500, and of the Ombudsman and his Deputies, from MDL 1,900 to 3,000. The Ombudsman notes that this amendment is partly in line with the recommendations of the GANHRI Committee and of the Venice Commission, which advise the state to ensure financial independence of the National Human Rights Institution, including by guaranteeing high rates of pay for its staff.

It should be noted that **the PAO does not get enough funds from the state budget to employ a staff of 72 persons, as stipulated in Art.1 b) of Law 164/2015 on Approval of the Organisational and Operational Regulation of the People's Advocate Office**. This is because the calculations of personnel costs, according to the draft state budget law for 2024, were estimated to be MDL 13.2 million, only for 58 units of personnel and for the reference value of MDL 2,100. We note that the state budget law for 2024 did not adjust the personnel costs to the reference value of MDL 2,500, although the reference to the calculation for 58 personnel units was kept. Hence, even for the actual number of 48 employees as of 01.01.2024, we have a budget deficit of about MDL 1 million on payroll. Thus, the 2024 State Budget Law has to be amended by increasing the allocations for the personnel at least to the level enough to cover the expenses for 58 people stipulated in the Budget Law (out of 72 units). In this regard, we estimate a need of about MDL 3 million. These will also include the costs necessary to implement the PAO new staffing structure, approved on 12 February 2024, following the amendment of Law 164/2015. If none of the above happens, the Ombudsman's institution **will operate with about 60% of the required staffing only**.

Also, in this chapter, the Ombudsman notes that one of the institution's continual challenges is that **the PAO still does not have its headquarters, where it could work permanently and in full capacity**. So far, the Ministry of Finance has not adjusted the costs required to restore the PAO HQ located at 16, Sfatul Tarii St., Chisinau Municipality, expressly, by MDL 23 million, estimated in 2017 based on a feasibility study, which involved the demolition of the current building. However, demolition is impossible because the current PAO HQ is included in the local Historical Monuments Register of Chisinau Municipality under no. 359 and is about 115 years old. The Agency for Inspection and Restoration of Monuments considers it impossible to demolish this building, referring to MDL 48 million estimated in 2022 based on another feasibility study involving its restoration. Thus, the institution is forced to use temporary premises based on a lease agreement,

¹⁵ https://www.legis.md/cautare/getResults?doc_id=140974&lang=ro



which is settled by international development partners. It is worth mentioning that, starting in 2025, the state budget will bear the lease costs of about MDL 2.2 million. Therefore, the longer the process of identifying the resources necessary to restore the PAO HQ located at 16, Sfatul Tarii St., the more expenses will be incurred for lease services.

The Ombudsman also states that one of the NHRI challenges is its **limited access to the Transnistrian region** and the aggravation of the human rights situation on the left bank of Nistru River, which we will discuss in more detail in the relevant chapter.

Thus, considering the above, the People's Advocate states that now, the PAO, as the National Human Rights Institution, has achieved appreciable progress in the reporting period. In order to strengthen the progress achieved, the state institutions must undertake a series of actions. Against this background, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 1.1.1: The Ministry of Justice should initiate the process of amending Law 52/2014 as advised by the Accreditation Sub-Committee of the Global Alliance of National Human Rights Institutions, including full implementation of recommendations made by the Venice Commission.

RECOMMENDATION 1.1.2: The Government should ensure that while drafting amendments to the 2024 State Budget Law, the necessary funds for the staff units assigned to the PAO by Law 52/2015 on Ombudsman are allocated.

RECOMMENDATION 1.1.3: The Government should ensure that while developing the midterm budgetary framework for 2025-2027 and the 2025 State Budget Law, the real spending needs of the PAO (including sufficient funds for the reconstruction and extension of the Ombudsman's Office) are taken into account.

Item 2: International reporting

During the reporting period, the PAO, as the National Human Rights Institution, participated in the Alternative Reporting process under the procedure of four international institutions (four **alternative/international reports**), including the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)¹⁶ – responsible for monitoring the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence; Lanzarote Committee¹⁷ – responsible for monitoring the implementation of the Council of Europe Convention on protection of Children against Sexual

¹⁶ <https://www.coe.int/en/web/istanbul-convention/grevio>

¹⁷ <https://www.coe.int/en/web/children/lanzarote-committee>



Exploitation and Sexual Abuse¹⁸ (the information on the Lanzarote Committee will be presented in the Chapter on Children's Rights); Council of Europe Commission Against Racism and Intolerance¹⁹ and the preparatory procedure before the UN Committee on Human Rights – in charge for monitoring the implementation of the International Covenant on Civil and Political Rights²⁰.

Thus, in **its alternative report to the GREVIO Committee²¹ (the area of combating violence against women and domestic violence)**, the Ombudsman noted that the Government of Moldova approved the National strategy for preventing and combating violence against women and domestic violence for 2018-2023 (Government Decision No. 281 of 03 April 2018), which is based on Four Pillars of the Istanbul Convention²². Therefore, this Strategy is in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence. Its purpose is to ensure a systemic approach to violence against women and domestic violence aimed at mitigating such phenomena and to ensure effective responses of relevant bodies to cases of violence.

The Strategy also envisages promoting zero tolerance towards all forms of violence, raising public awareness about the severity of violence against women, improving legislation in line with the international standards, as well as developing a range of specialised services for domestic violence victims. Following an analysis of the State Report on the implementation of the action plan for 2021-2022, of the National Strategy for Preventing and Combating Violence against Women and Domestic Violence for 2018-2023, conducted in January-June 2022²³, we found that most of the measures proposed by the Government were implemented. Yet, some measures were implemented only in part.

Thus, the Ombudsman found that the state failed to implement the measures aimed at promoting the Methodology and Operational Guidelines for the Task Force in cases of sexual violence. At the same time, the state needs to adjust and test the data collection methodology for the 'Violence against Women and Domestic Violence Survey', as well as the yearly collection of healthcare administrative statistics on domestic violence cases.

¹⁸ <https://rm.coe.int/168046e1d9>

¹⁹ <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/-/council-of-europe-anti-racism-commission-to-prepare-report-on-the-republic-of-moldova>

²⁰ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=MDA&Lang=EN

²¹ <https://www.coe.int/en/web/istanbul-convention/moldova>

²² https://www.legis.md/cautare/getResults?doc_id=128809&lang=ro

²³ <https://social.gov.md/wp-content/uploads/2022/10/Raport-monitorizare-Strategie-VF-l-semestru-2022-c.pdf>



The Ombudsman also drew the GREVIO Committee's attention to shortcomings in collecting relevant and disaggregated statistics on all forms of violence covered by the Convention scope. Thus, the Ombudsman noted that the Republic of Moldova currently did not have a disaggregated database on issues related to the banning of violence against women and domestic violence. The last study on domestic violence against women was implemented by the National Bureau of Statistics with the help of the development partners in 2010 and was published in 2011²⁴.

Also, in 2023, the PAO shared its vision with **the Council of Europe Commission against Racism and Intolerance (ECRI) (the area of equality and non-discrimination)**. Thus, the Ombudsman noted, inter alia, that since his last report, the Republic of Moldova has improved its legislative framework by advancing the human rights protection of LGBTQIA+ persons. The year 2022 brought some positive changes for the rights of LGBTQIA+ persons in Moldova, as several laws were passed that were indispensable in a democratic and human rights-centred society. Thus, such legislative amendments included the ones on anti-discrimination and on combating hate speech.

In this respect, hate speech is mentioned in the Criminal Code for the first time in the Republic of Moldova. Thus, the state developed a package of legislative norms under the Criminal Code relating to criminalising actions based on hatred, discrimination, or intolerance. Those norms were introduced as aggravating elements to various types of crimes. Respectively, sexual orientation and gender identity were included in the list of protected reasons.

Indeed, some progress was noted after the legislative amendments and addenda entered into force, a fact visible in politicians' behaviour. They used and disseminated hate speech, but now they have become more cautious.

However, despite the legislative achievements made by the state, the problem of discrimination against LGBTQIA+ people persists. Thus, the Ombudsman also drew the authorities' attention to the protection of the rights of LGBTQIA+ people, especially in situations where these groups organise activities or mass gatherings.

The Ombudsman also communicated about a tragic case that occurred in early 2022 (the case of Felis). It involved a teenage transgender girl from Chisinau, who committed suicide because of the humiliations and violence she was exposed to in school by her classmates and teachers. She had been beaten by her classmates and expelled from two schools because she insisted on her gender identity. We believe that the state institutions would have sanctioned the persons concerned more promptly if the amendments voted on 21 April 2023, had been in place at the time of the incident.

²⁴ https://statistica.gov.md/public/files/publicatii_electronice/Violenta/Raport_violenta_fam.pdf



The Ombudsman also drew the Commission's attention to cases of discriminatory and intolerant messages, including the ones reported by the recipients. They referred, in particular, to intolerant messages towards sexual minorities posted on social networks by the leaders of some political parties participating in elections.

In the Alternative Reporting Procedure framework to the ECRI, the Ombudsman also presented the situation regarding the rights of persons belonging to national and ethnic minority groups. That section focused especially on Roma people living on the Moldovan territory. The Ombudsman noted the need to strengthen the state efforts aimed to implement, monitor, and evaluate the measures taken in accordance with Government Decision No. 576 of 3 August 2022, approving the Programme to support the Roma population in the Republic of Moldova for 2022-2025²⁵. In this regard, the need to strengthen the institution of community mediators, who play a crucial role in supporting the Roma population, was considered in particular.

The Ombudsman also communicated to the Commission about observing the rights of Ukrainian people who fled their country following the military aggression of the Russian Federation in Ukraine and found shelter in our country. The Ombudsman mentioned the challenges most often faced by those people, such as social integration, securing a job, or ensuring the right to education. At the same time, the Ombudsman presented his findings to the Commission based on thematic reports²⁶ carried out by the PAO to monitor compliance with the human rights in relation to the respective group of people.

The Ombudsman also drew the Commission's attention on how equality and non-discrimination were observed in the elections that took place during the reporting period. Respectively, in the context of parliamentary elections in Moldova and based on the experience of previous electoral campaigns, which showed that hate speech, homophobic, racist, xenophobic, and sexist messages increased considerably during the electoral period, the PAO launched in July the Campaign titled #ElectoralăFărăUră! (#ElectionsWithoutHate!) #ElectoralăFărăDiscursDeUră! (#ElectionsWithoutHateSpeech!). The campaign aimed to inform the public about hate speech and raise awareness among the political forces participating in the electoral process by urging them not to use and not to accept hate speech. Also, the Institution joined efforts with the Council for Equality and Promo-LEX to develop, with the Council of Europe support, a video titled 'What is hate speech?' and disseminated it online.²⁷

²⁵ https://www.legis.md/cautare/getResults?doc_id=133208&lang=ro

²⁶ <https://ombudsman.md/rapoarte/drepturile-persoanelor-straine/>

²⁷ http://ombudsman.md/wp-content/uploads/2022/03/AP_raport_2021.pdf



According to the Ombudsman, the free and democratic feature of the 2021 elections was affected, yet again, by a series of circumstances, namely the imperfection of the legal framework on elections, the use of hate speech and intolerance during the electoral campaign; persisting discrimination of persons with special needs; a biased reflection of electoral competitors in the Media; the defective process of setting polling stations abroad and for voters from the left bank of Nistru River; obstruction of the right to vote for persons residing in the Transnistrian region; poor examination of electoral appeals; delays in addressing complaints, as well as some inconsistent decisions in critical aspects of the electoral process; continued practice of using the image of children and exploitation of child labour in the election campaign, inhuman and degrading treatment.

During the reporting period, the Ombudsman also submitted a list of topics for discussion at **UN Human Rights Committee** meetings **to monitor the International Covenant on Civil and Political Rights (the area of civil and political rights)**. Thus, in its submission, the Ombudsman drew the Committee's attention to topics such as gender equality and non-discrimination, prevention of torture and inhuman treatment, freedom and safety of the person, conditions of detention, the right to a fair trial, freedom of expression, freedom of association and child-friendly justice. The Ombudsman also dedicated a separate chapter to inform the Committee how human rights are observed in the Transnistrian region.

Also, in 2023, the Ombudsman met with the UN independent expert on the enjoyment of all human rights by older persons. The Ombudsman said that, in 2023, the Government approved the Active and Healthy Aging Programme for 2023-2027²⁸. The new policy document correlated with the National Development Strategy "European Moldova 2030", which emphasised the weak integration of the active and healthy aging principle in sector policies, being necessary to promote a lifelong healthy and active lifestyle, the implementation of continuous education and lifelong learning concepts, etc. The Ombudsman pointed out the high risk that the Programme's objectives might be compromised by economic factors, as many planned actions were not backed with cost estimates and specific sources, while the spending was planned as per the institution budget.

Subsequently, during the presentation of preliminary findings and recommendations on 16 November 2023, the UN expert recommended:

- ! Adequate resources should be planned in future budgets, laws and programmes to ensure quality and effective implementation of that priority.

²⁸ https://www.legis.md/cautare/getResults?doc_id=138059&lang=ro



In conclusion, the Ombudsman highlights that, during 2023, the PAO strengthened its position vis-a-vis the international human rights monitoring institutions, thus becoming a reliable partner for international human rights organisations.

Thus, in the context of alternative reporting procedures carried out within the reporting period, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 1.2.1: The Ministry of Labour and Social Protection should develop an Action Plan to implement the GREVIO Committee recommendations issued following the initial evaluation of the state.

RECOMMENDATION 1.2.2: The Ministry of Labour and Social Protection and the National Bureau of Statistics should develop a set of disaggregated and comprehensive statistical indicators for preventing and combating violence against women and domestic violence.

RECOMMENDATION 1.2.3: The Ministry of Labour and Social Protection should initiate the process of amending Law No. 45 of 1 March 2007 on Preventing and Combating Domestic Violence, in line with the recommendations of the GREVIO Committee.

RECOMMENDATION 1.2.4: The Ministry of Justice should develop a legal framework regarding the equality of LGBTQIA+ persons, with explicit regulation of conditions and procedures for the legal recognition of gender, and establish clear guidelines on the provision of gender affirmation healthcare.

RECOMMENDATION 1.2.5: The Government should ensure that, for Roma inclusion, the authorities allocate appropriate funds to significantly increase the number of community mediators, develop an appropriate policy to recruit and retain community mediators, and ensure that they enjoy adequate working conditions.

Item 3: Generic aspects of human rights

In this section, the Ombudsman will present topics that have not had a significant impact on society to be tackled in a separate section, although they are human rights-related. Nonetheless, some issues need to be considered for their importance in the field of human rights.

The Ombudsman will start this section by reflecting on **the issue of compliance with the ownership right in case of patent holders**²⁹. This matter concerned a large part of the society, trading or service delivery businesses, in particular, and was reported to the PAO. Nonetheless, the Ombudsman will not refer to the economic and political grounds of the adopted decision, leaving this up to the authorities. Yet

²⁹ <https://ombudsman.md/pozitia-avocatul-poporului-ombudsmanul-privind-desfasurarea-primelor-etape-ale-reformei-patentelor/>



it is worth noting the haste with which the initiative was promoted without giving individuals a real possibility to participate in the decision-making process, a right that is guaranteed by international human rights treaties.

On this issue, the Ombudsman concluded that in the initial stages of the patent reform, the state created sufficient prerequisites and options to ensure the transition period and mitigate the socioeconomic impact on patent holders through the initiated reform. However, the Ombudsman recommends that, at future stages, the process of awareness-raising, assistance, and support be continued, both for those who have adopted the new tax regime for self-employment and for those who have chosen other forms of activity provided by the legislation. In this respect, the Government, through the Ministry of Economic Development and Digitisation, took into account the Ombudsman's recommendations and revised the period of compensation of expenses incurred by the patent holders, by accepting applications for compensation after 31 August 2023 (the originally set deadline). At the same time, the Government accepted the Ombudsman's recommendation to continue the transition process and mitigation of the reform impact on the former patent holders through information, support, and mentoring (as needed), with priority given to remote areas and to elderly or disabled people. In particular, some people were offered initial technical, information and maintenance support on the use of cash-register machines.

Another subject with significant impact was **the elections of the Bashkan of Gagauzia**, which, practically, have had no outcome. The person who has won the polls cannot effectively exercise her mandate nor can she have a seat in the Cabinet of Ministers. However, the Ombudsman notes that Comrat Court of Appeal has ascertained the electoral process lawfulness.

Also, within this section, the Ombudsman would like to focus on **the right to receive and access information of public interest**. Thus, in terms of ensuring the right to information, the Ombudsman contributed to the public consultations organised by the Ministry of Justice on the new draft law on access to information of public interest by presenting opinions on the bill.

As the draft author states, the new law on access to information of public interest aims to achieve objective 20.3 of the Government Action Plan for 2021-2022, approved by Government Decision No. 235/2021, which provides for the revision of the legal framework to ensure access to information of public interest. The adoption of the new law on access to information of public interest is an action expressly outlined in the action plan for implementing the measures proposed by the European Commission in its opinion on the Republic of Moldova application for membership, approved by the National Commission for European Integration on 4 August 2022.



In this context, the Ombudsman continues to insist on the need to amend Art. 21 of Law No. 148 of 9 June 2023 on Access to Information of Public Interest³⁰, requesting the development of alternative or adapted mechanisms to ensure access to information for all. We refer here to the provision 'information of public interest is communicated to the applicant in the language in which it is available'. This violates the right of national minorities to request and receive information in their native language or in the language they know, as stipulated in the UN Convention on the Elimination of All Forms of Racial Discrimination³¹.

To further highlight this issue, we would like to mention the conclusions of the 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova. Thus, the Study finds a sharp increase in the perception of access to get information from the authorities. Two-thirds of respondents welcomed the provision of that right (scoring 7-10 on a scale from 1 to 10). This value has more than doubled compared to 2016 and is 50 percentage points higher than in 2018 and 2020.

During the reporting period, the Ombudsman had also analysed the issues of respect for the **freedom of assembly and expression**, which is one of the fundamental freedoms in a democratic state. The Ombudsman notes that, during the reporting period, no significant changes were ascertained in this regard compared to the last year; therefore, this matter will not have a separate item in this Report. However, the Ombudsman points out that the emergency endures due to external factors just like in the previous period. For this reason, the Commission for Exceptional Situations is apparently needed. Against this background, the Ombudsman specifies that, although it is at the discretion of the central authorities to support such commission, it is nevertheless of principle to mention that international standards in the field of human rights and the rule of law state unequivocally that any limitation or restriction of citizens' fundamental rights must be temporary, not perpetual. The same applies to the establishment of emergency management bodies. Such bodies are meant to take rapid measures to respond to impending crises. In other situations, they are to be dissolved, and the decision-making powers shall return to the authorities that exercised them before.

The Ombudsman notes that although the situation remains tense, mainly due to the Russian military aggression, questions still arise about the size and effect of the imposed limitations when crises have already been overcome, while the ordinary public authorities can take over and maintain control over the areas of competence.

Ensuring human rights in the context of road traffic safety was another area the Ombudsman focused on in 2023. This area was a separate topic on the

³⁰ https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro

³¹ <https://www.ohchr.org/en/documents/concluding-observations/committee-elimination-racial-discrimination-concluding-9>



Ombudsman's agenda for that period, and the prepared Thematic Report will be presented later. Therefore, we will refer here just to a few fundamental issues mentioned in that report. The Ombudsman examined the issue of human rights in road traffic in the context that many road accidents occurred in the Republic of Moldova, which involved severe injuries and deaths. Inflicting bodily injuries is an attack on the right to health, while the death of a person is equivalent to an attempted attack on the right to life and has severe repercussions on the most important values protected by the legal norms.

The Ombudsman states that road safety is closely connected to other safety conditions, particularly, public safety. Road accidents are usually committed on public roads or spaces used by all citizens. Personal guarantees must be established at the regulatory level, as well as effective mechanisms to implement them and ensure their enforcement.

In the context of the section above, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 1.3.1: *In 2024, also, the Ministry of Economic Development and Digitalisation should continue the process of transition and mitigation of the reform impact on the former patent holders through information, support, and mentoring (as needed) with priority given to remote areas, older persons or people with disabilities.*

RECOMMENDATION 1.3.2: *The Ministry of Justice should initiate the process of amending Art. 21 of Law 148/2023 on Access to Information of Public Interest to apply an alternative or adapted mechanism, which ensures access to information of public interest for all.*

Item 4: The right to the highest standard of health

Priority 1 of the Strategic Development Programme for 2023-2030 developed by the PAO: All people shall have access to high quality and safe health services.

As the 2023 Study on Perceptions of Human Rights in the Republic of Moldova showed, only 52.1% of the surveyed population considered that the right to health was ensured to ordinary citizens, and 44.8% claimed the contrary. However, compared to 2016 data showing that only 20.9% of respondents believed that the right to health was respected, the 2023 survey showed an improvement trend. At the same time, to ensure a broader vision over the field, the Ombudsman also referred to the European Commission Report on the progress made by the Republic of Moldova in the EU enlargement policy³². Thus, in the section related to the right to the highest standard of health, the Commission mentioned that Moldova achieved

³² https://mfa.gov.md/sites/default/files/2023_comisia_europeana_pachet_de_extindere_ro.pdf



a certain level of preparation and alignment with the EU Acquis on the segments discussed. The Commission also noted a very low level of digitisation in the public health system, which was an impediment to collecting statistics. It also highlighted that limited progress had been made in developing a legal framework for eHealth, and no eHealth strategy was available.

To this point, the Ombudsman specifies that 2023 was quite favourable for the Ministry of Health when two critical sector policies for health care were adopted. The Ombudsman **welcomes the implementation of recommendation 1.1.1 of the Annual Report on Human Rights for 2022 for the 'Parliament to adopt a National Health Strategy'**, i.e., the development of the National Strategy "Health 2030"³³, which foresees a complex transformation of the health system and establishes priority interventions through a series of national programmes, which will be carried out by 2030. Precisely for this reason, in the process of consulting the draft strategy, the Ombudsman came up with a series of recommendations for it to represent an accurate strategic public policy document and to expand the areas of intervention, such as ensuring the right to health for people who fall under the Law on Asylum in the Republic of Moldova no. 270/2008 and the population from the left bank of Nistru River; integration of healthcare in prisons, in the police system and in other places of deprivation of liberty; measures to hold the healthcare workers accountable for the violation of the right to health, etc. Other suggestions were proposed for the draft Strategy's intervention areas, namely public health, integrated and quality healthcare services for everyone, and affordable medicines and medical devices, but these are mostly absent in the approved document. At the same time, the Ombudsman notes that, for now, given the short period from the adoption of the draft Strategy, it was not possible to assess any results regarding the preliminary implementation of this strategic document.

Another major document in the field of health adopted during the reporting period is Government Decision No. 129 of 15 March 2023, approving the National Programme for Prevention and Control of Priority Non-communicable Diseases in the Republic of Moldova for 2023-2027³⁴. According to the official information, the programme is based on an integrated approach to determining risk factors for non-communicable diseases (NCDs), focusing on cross-sector actions. They are directed towards promoting healthy lifestyles, controlling tobacco and alcohol consumption, reducing air pollution, and improving the supervision and management of NCDs within health services.

Thus, the action plan for implementing the National Programme includes specific measures, such as carrying out awareness-raising and communication measures

³³ <https://gov.md/ro/content/strategia-nationala-sanatatea-2030-aprobata-de-executiv>

³⁴ https://www.legis.md/cautare/getResults?doc_id=136642&lang=ro



and developing guidelines and recommendations for local public authorities, professionals in various fields, and for non-governmental organisations. It is also proposed to pursue a steadfast development of the web portal for Health Promotion and NCD Risks Reduction —www.prosanatate.md. The 5-year estimated budget of the programme is over MDL 58 million.

However, the Ombudsman wishes to draw attention to two issues that should be treated with particular care in light of both documents cited above. These issues relate to the consumption of alcohol and cigarettes or nicotine derivatives. Official statistics show that about 29% of Moldova's population are smokers, ranking it on the 32nd place in the world³⁵. According to the Ombudsman, this is a critical position given that the number of Moldovans is constantly decreasing. The Ombudsman also notes that about 63.2% of the adult population are alcohol consumers³⁶. Respectively, the Ombudsman urges the public authorities to take concrete measures stipulated in the mentioned policy papers to reduce or even eradicate the consumption of alcohol or tobacco products and their derivatives.

The Ombudsman noted that, throughout the year, the authorities failed to restrict the marketing of nicotine-containing electronic products, while favouring the traders' interests was noticeable even at the highest level.

Referring to the European Commission Report of 8 November 2023³⁷, the Ombudsman further states that the prevalence rate of modern contraceptives among women is 38.1%, while the unmet family planning needs of women of reproductive age (15 to 49 years) is 16.9 %. Women and girls, especially those in vulnerable situations, face stigma and discrimination, which hamper realising their sexual and reproductive health rights. Not all facilities that provide sexual and reproductive health services are physically accessible to those women and often lack gynaecological examination rooms and equipment.

Further, the Ombudsman draws attention to a policy document about which the Ministry of Health (MoH) informed that it was adopted in 2023 and which was supposed to bring its impact, including during the reporting period. Thus, MoH announced the adoption of Decision No. 971 of 6 December 2023, approving the National Programme for Mental Health for 2023-2027³⁸. The Ombudsman notes that, although the authorities stated the regulatory act included 2023 as well, the above Government Decision was adopted as late as 6 December 2023, and published in Monitorul Oficial/Official Gazette on 19 January 2024. The Ombudsman welcomes at least the fact that the authorities did not introduce

³⁵ <https://wisevoter.com/country-rankings/smoking-rates-by-country/#moldova>

³⁶ <https://diez.md/2023/10/02/circa-63-din-populatia-adulta-a-republicii-moldova-consuma-alcool-tinerii-sunt-mai-afectati-decat-persoanele-in-varsta/>

³⁷ https://mfa.gov.md/sites/default/files/2023_comisia_europeana_pachet_de_extindere_ro.pdf

³⁸ https://www.legis.md/cautare/getResults?doc_id=141327&lang=ro



activities for 2023 in the Action Plan; otherwise, they would have been considered overdue from the outset.

At the same time, the Ombudsman additionally informs the health authorities and other stakeholders about the adoption of a set of human rights sensitive statistical indicators for the right to health, which were developed based on the Memorandum of Partnership between the People Advocate's Office, the Council for Equality and the National Bureau of Statistics, with the support of the UN Office for Human Rights in the Republic of Moldova. The indicators represent a viable solution for health authorities to report correctly the statistical indicators from the right-to-health perspective. This set also opens up new opportunities for collecting statistical data, which public authorities had not previously explored.

Regarding the cases in the field of the highest standard of health reviewed by the Ombudsman during the reporting period, several issues related to the misconduct of some healthcare workers and doctors towards the patients were identified. Thus, some patients reported several cases and situations of verbal aggression and intimidation by medical staff to the Ombudsman. The patients mention that nurses in hospitals shout at them, and mistreat them. In this context, the Ombudsman would like to refer to one of the cases under investigation regarding a patient who had recently undergone a liver transplant surgery and had to be repeatedly admitted to a district hospital, where she was bullied and verbally assaulted by the nurses and the doctor on call. The Ombudsman found that a remedy was no longer possible, while the in-house investigation was not done properly. No sanctions were imposed on all persons involved in the incident.

Another case the Ombudsman reviewed during the reporting period was the health insurance for a person in hot weather. Thus, having reviewed the case above, we found that the critical issue here is the limited capacity of the competent authorities to respond in hot weather conditions, especially to vulnerable groups. The latter require reducing direct exposure to meteorological factors, such as low temperatures and high air humidity, and avoiding prolonged exposure to the sun in areas such as work, education, medical and social welfare, etc. Further, we would like to specify that the central authorities have delegated the responsibility to develop intervention plans in each locality to the local authorities, in collaboration with the medical institutions and local subdivisions of the National Public Health Agency³⁹, as **the Regulation on the Classification of Emergencies and on the Method of Collecting and Presenting Information on the Protection of Population and Territory in case of Emergencies** does not comprise any provisions regarding the hot season.⁴⁰

³⁹ MoH Order No. 547/2010 on Organising Medical-Sanitary Activities during hot summers.

⁴⁰ GD No. 1076/2010 on the classification of emergencies and on the method of collecting and presenting information on the protection of population and territory in emergency cases.



Another case reviewed by the Ombudsman concerned a medical worker from a district medical institution who claimed the infringement of the right to be paid a one-time allowance for COVID-19 infection during the service in violation of Art.VI of Law 69/2020 on **Measures during the State of Emergency in Public Health and Amending Certain Regulatory Acts**, which stated that during the state of emergency in public health, stated by the decision of the National Extraordinary Public Health Commission no. 10 of 15.05.2020, COVID-19 infected employees of the National Public Health Agency, medical institutions/subdivisions subordinated to the Ministry of Internal Affairs (MoIA), the Ministry of Defence, the National Administration of Penitentiaries, public healthcare facilities, pre-hospital urgent medical assistance institutions, and primary healthcare shall be paid a one-time allowance worth MDL 16,000.

During the case review, the Ombudsman concluded that the mechanism used to assess the situation of medical staff infected with COVID-19 virus during within the medical institution was deficient, which consequently led to the violation of rights of many medical workers employed by the medical institution concerned.

Therefore, the Ombudsman recommended that the Ministry of Health re-evaluates the circumstances of the medical worker infected by COVID-19 who sent a complaint to the Ombudsman, as well as the situation of other medical workers infected during their activity in the medical institution, and reconsider the possibility of their inclusion in the list of medical personnel infected with COVID-19 in order to pay them a one-time allowance.

The Ministry of Health reported that the subsequent checks established that, besides the medical worker who sent a complaint to the Ombudsman, 32 more employees of the medical institution were identified and listed as medical personnel directly involved in medical activities to combat COVID-19 infection, to be entitled to receive the allowance as appropriate.

Subsequently, the Ombudsman received confirmation that the employees of the medical institution, in respect of which the Ombudsman's opinion was issued, were included in the nominal list of medical personnel directly involved in medical activities to combat COVID-19 infection and paid a one-time allowance of MDL 16,000.

At the same time, while monitoring the implementation of the commitments undertaken by the authorities on the given case, we found out that, as of 26.07.23, 1,311 employees, including 1,287 medical personnel, were identified in the health system as having contracted COVID-19 at work. As a result, MDL 20.9 million was allocated from the Government Intervention Fund, out of which the one-time allowance of MDL 16,000 was paid.



In the context of the described area, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 1.4.1: *The Ministry of Health should develop the National eHealth Strategy.*

RECOMMENDATION 1.4.2: *The Ministry of Health should ensure the strengthening of the national framework to ban the marketing of nicotine-containing products in whatever form or type outside specially authorised facilities.*

RECOMMENDATION 1.4.3: *The Ministry of Health, National Health Insurance Company should ensure the organisation/diversification of campaigns to reduce the consumption of alcohol and nicotine-containing substances.*

RECOMMENDATION 1.4.4: *The Ministry of Health should ensure the development of a quantitative and qualitative assessment study on how all establishments providing sexual health services are equipped with the needed devices and utensils.*

RECOMMENDATION 1.4.5: *The Ministry of Health should ensure the development of a family planning strategy.*

RECOMMENDATION 1.4.6: *The Ministry of Health should draft a law on malpractice.*

RECOMMENDATION 1.4.7: *The Ministry of Health should develop a concept, at the level of medical institutions of all types, regarding the reception, analysis, and formulation of responses to the requests/claims of patients in light of the human rights-based approach.*

RECOMMENDATION 1.4.8: *The Ministry of Health should ensure the dissemination and use, in all subordinate institutions, of a set of statistical indicators sensitive to human rights, in the field of health.*

RECOMMENDATION 1.4.9: *The Ministry of Internal Affairs and the Ministry of Environment should monitor the implementation of the National Climate Change Adaptation Programme and intervene upon case with the support needed by the implementing authorities, including through the lens of Specific Objective 3: expand the budgeting for climate change adaptation, build resilience, and develop and make public monitoring reports.*



Item 5: Justice and the right to fair trial

Priority 3 of the Strategic Development Programme for 2023-2030 developed by the PAO: Every person who reaches the justice system shall enjoy real access to justice and fair trial.

As in the previous periods, the right to a fair trial was a controversial topic in the Republic of Moldova in 2023. This right is enshrined in the most important international and regional acts on human rights, such as the Universal Declaration of Human Rights⁴¹, the Covenant on Civil and Political Rights⁴², the UN Convention on the Rights of Persons with Disabilities⁴³, and the European Convention on Human Rights⁴⁴. The right to a fair trial is faithfully translated into the national legal framework starting with the Constitution of the Republic of Moldova⁴⁵, which later finds its practical applicability in the relevant specialised regulatory framework.

The Ombudsman welcomes the efforts of the authorities to strengthen the right to a fair trial. The election of new members of the Superior Council of Magistracy and of the Superior Council of Prosecutors represented essential measures that would contribute to overcoming the stagnation of the recent period. The ODIHR/OSCE Report also noted a positive situation⁴⁶, which marks the state efforts in guaranteeing the right to a fair trial, but also recommends strengthening future efforts. Thus, the ODIHR recommends that the state raise transparency in the decision-making process by actively involving relevant non-commercial organisations in the field, which can contribute through their own experience or the experience of development partners. The ODIHR advises the state to ensure the relevant regulatory framework is straightforward and does not provide interpretation doubts for liability holders and end beneficiaries.

The Ombudsman notes that during the reporting period, the observance of the right to a fair trial takes on a new scale, with the obtaining of the EU candidate status and the progress of authorities towards the European Union membership. Thus, the analytical report of the European Commission of 8 November 2023⁴⁷ stated that Moldova has a certain level of training in the judicial system and that the state has made good progress in reforming it. The Commission notes that the state has made progress relating to the extraordinary evaluation of judges and prosecutors, a process welcomed by the development partners. However, the Commission points

⁴¹ https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/rum.pdf

⁴² https://www.legis.md/cautare/getResults?doc_id=115567&lang=ro

⁴³ https://www.legis.md/cautare/getResults?doc_id=117839&lang=ro

⁴⁴ https://www.echr.coe.int/documents/convention_ron.pdf

⁴⁵ https://www.legis.md/cautare/getResults?doc_id=111918&lang=ro

⁴⁶ <https://www.osce.org/files/f/documents/c/8/554131.pdf>

⁴⁷ https://neighbourhood-enlargement.ec.europa.eu/document/download/d8ef3ca9-2191-46e7-b9b8-946363f6db91_en?filename=SWD_2023_698%20Moldova%20report.pdf



out that the length of proceedings, low case resolution rates, and a large number of outstanding cases adversely affect the efficiency of the judicial system. The Commission also notes that Moldova's appointment of candidates for the judge position from among the National Institute of Justice graduates or those who passed the exam based on seniority remains challenging. Respectively, it was found that in the Republic of Moldova, the number of judges (17) per 100,000 inhabitants is lower than the European average (22.2), and the number of prosecutors (23) per 100,000 is double the European average (11.8).

The Ombudsman supports the European Commission's conclusions regarding the quality of justice. The EU institution highlighted a general reluctance and dissatisfaction with the justice reform process at the national level, both among professionals and the general population. Respectively, the professionals in the field, expressed regret in several cases over the lack of transparency in the evaluation process and the fact that the authorities did not take into account the recommendations received from the profile organisations.

At the same time, ordinary citizens gave the right to a fair trial a relatively modest score. Thus, in the 2023 Study on Perceptions of Human Rights in the Republic of Moldova conducted by the PAO, 43.6% of respondents stated **that the right to a fair trial was not duly ensured**. In the same vein, the study showed that, **compared with the previous studies, trust in the judicial system is continuously growing**. In case of ordinary citizens as a category used as a measurement standard, **the increase over the measurement period was 25% (from 13% in 2016 to 38% in 2023) – the highest score recorded so far**.

Moreover, the Ombudsman states that according to the aforementioned Study on Perceptions, corruption has a great impact on human rights, especially on the right to a fair trial. **About 86% of respondents said that merely corruption contributed substantially to the violation of human rights**. This idea is also supported by the Group of States Against Corruption (GRECO), which, in its report published on 19 May 2023,⁴⁸ specified that although Moldova achieved some progress in the field, it needed to undertake comprehensive measures to adopt a new national strategy on integrity and combating corruption for 2024 and the subsequent years, as well as an action plan for its implementation. GRECO also opined the need to strengthen the National Integrity authority by filling in the mandate staff and drafting an institutional strategy.

Also, concerning public policies and legislation, the Ombudsman noted that the field of justice and the right to a fair trial were marked by the promotion and adoption of several legislative initiatives. Thus, the Parliament adopted the Law on

⁴⁸ <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680ab41b9>



the Supreme Court of Justice,⁴⁹ the Law on External Evaluation of SCJ Judges,⁵⁰ the Law on State Fee,⁵¹ the draft Law on Anti-Corruption Judicial System and amending some regulatory acts⁵², the Intelligence and Security Service Act⁵³; the Law on Counterintelligence and Foreign Intelligence⁵⁴, the Law on the Centre for Strategic Communication and Combating Disinformation and amending some regulatory acts⁵⁵. Also, amendments and addenda were brought to the regulatory framework related to Law No. 147/2023 on Selection and Performance Evaluation of Judges⁵⁶; to some regulatory acts, such as the mechanism of selection, evaluation, and disciplinary liability of prosecutors⁵⁷; the Law on Bailiffs⁵⁸; the Law No. 25/2016 on the Use of International Restrictive Measures⁵⁹; the Administrative Code, and, subsequently, the Enforcement Code⁶⁰; the Code of Criminal Procedure and the Contravention Code⁶¹; the Disciplinary Responsibility of Judges and the Operation of Judicial Inspection.

In this regard, the Ombudsman would like to focus particularly on the **Law on State Fee**, which was amended during the reporting period and on which the Ombudsman submitted several objections not taken into account by decision-makers. The Ombudsman pointed out that the draft law included several regulations, which only worsened the financial burden of the parties to a trial and, thus, hindered their access to justice. In particular, this financial burden will be even heavier for the socially and financially vulnerable and marginalised groups, who still do not have access to sufficient and efficient mechanisms or do not have other possibilities to regain their violated rights. In this regard, the Ombudsman considers that the fees must be affordable and correlated with the financial situation of the person who resorts to the judicial system. In particular, the Ombudsman notes that levying stamp duty, the exemption, instalment, or deferral of which is not possible (Art. 2 (1)), represents a significant limitation of the right to fair trial. In the informative note, the author does not explain the need for introducing this additional fee. It will further burden the

⁴⁹ Law No. 64 of 30.03.2023.

⁵⁰ Law No. 65 of 30.03.2023.

⁵¹ Law No. 213 of 31.07.2023.

⁵² <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6597/language/ro-RO/Default.aspx>

⁵³ Law No. 136 of 08.06.2023.

⁵⁴ Law No. 179 of 07.07.2023.

⁵⁵ Law No. 242 of 31.07.2023.

⁵⁶ Law No. 340 of 24.11.2023.

⁵⁷ Law No. 200 of 31.07.2023

⁵⁸ <https://justice.gov.md/ro/content/modificarile-la-legea-privind-executorii-judecatoresti-adoptate-de-parlament>

⁵⁹ Law No. 339 of 24.11.2023.

⁶⁰ <https://multimedia.parlament.md/parlamentul-a-votat-in-prima-lectura-modificari-la-codul-administrativ-al-republicii-moldova/>

⁶¹ Law No. 245 of 31.06.2023.



people who want to file an action in court and discourage them from subsequently resorting to the judicial system to defend their fundamental rights. However, once the stamp duty is introduced, it would be reasonable to allow for its exemption, deferral, or instalment payment, at least for the vulnerable people who would be unable to pay (Art.2)⁶².

Regarding the legislative field, the Ombudsman notes with regret that not all proposals and recommendations submitted by the National Human Rights Institution were taken into account. In some cases the legislative drafts were not even shared with all stakeholders, to **the detriment of a transparent and participatory process**. The Ombudsman is aware of the existing particip.gov.md consultation mechanism. Still, it is common for some bills to be shared for approval at very short notice or, generally, at the last minute, when the bill has already been sent to the Parliament. Respectively, there were situations when the PAO and other actors from the non-profit sector did not manage to analyse the bills and consistently failed to provide their opinions by the required deadlines.

The European Court of Human Rights continues to find violations of the right to a fair trial. In its 2023 report⁶³, the Court specifies that of the total judgments issued against Moldova in the reporting period, most (14) fell in the scope of Article 6 (the right to fair trial).

Finally, regarding the public policy for justice and fair trial, the Ombudsman notes with regret that, as in the previous reporting period, the Ministry of Justice has failed to develop (at the time the 2023 Annual Report was developed) its Progress Report for Semester II 2023 as per the Action Plan for the Implementation of the Justice Sector Independence and Integrity Strategy for 2022-2025. Moreover, the Ombudsman also notes that although two years have passed since the approval of Law No. 211 of 6 December 2021, which approves the Independence and Integrity Strategy for the Justice Sector for 2022-2025 and the Action Plan for its implementation⁶⁴, some of the measures planned for the already due periods of 2022-2023 are in-progress or have not yet been implemented.

In this context, the Ombudsman must state that Recommendation 1.2.1 from the 2022 Annual Report on Human Rights and Freedoms in the Republic of Moldova has yet to be implemented. It reads: 'Parliament and Government should strengthen the mechanism for implementing and monitoring the implementation of the Justice Sector Independence and Integrity Strategy for 2022-2025'⁶⁵.

⁶² <https://ombudsman.md/wp-content/uploads/2023/11/opinie-legex-taxei-de-stat.pdf>

⁶³ <https://www.echr.coe.int/documents/d/echr/annual-report-2023-eng>

⁶⁴ https://www.legis.md/cautare/getResults?doc_id=129241&lang=ro

⁶⁵ <https://ombudsman.md/rapoarte/drepturile-omului/anuale/>



In casuistry terms, the Ombudsman noted a series of problems caused by putting into practice the amendments brought to Law No. 68 of 14 April 2016 on Judicial Expertise and the Status of Court Expert⁶⁶. Respectively, the Ombudsman was informed of the case of two defendants accused of committing the crime covered by Art.145 of the Criminal Code. Thus, they requested the Court to order a genetic judicial expertise (DNA). The Central Office of Balti Court decided on 24 May 2021 that the filing regarding the specification of evidence/micro objects should be accepted and **that the state would cover the expenses incurred for carrying out the expertise**. Consecutively, on 31 May 2021, a letter was sent to the Court by which the Forensic Medicine Centre requested a prior presentation of a guarantee on the subsequent payment for the expertise in question, otherwise the Centre would refuse doing it. On 21 July 2021, the Court was informed that no expertise was possible because Balti Court failed to present a payment guarantee.

Ultimately, the petitioners claimed before the Ombudsman that the Forensic Centre and the Court had restricted their right to fair trial due to a misinterpretation of Law 68/2016. Thus, following the Ombudsman's interventions, the Superior Council of Magistracy issued a circular letter addressed to all courts in order to develop, approve and implement a mechanism on judicial expertise.

The Ombudsman also received an inquiry from a Ukrainian citizen, who disagreed with the Prosecutor General's demand to extradite him to Ukraine. Having examined the circumstances of the case, the Ombudsman, based on international standards of extradition and taking into account the current armed conflict in Ukraine, submitted his Conclusions to the Court, and as a result, the Prosecutor's demand was rejected.

The Ombudsman keeps **receiving petitions where individuals express dissatisfaction with lawyers' services**. In particular, individuals claim that they disagree with the charges claimed by lawyers for the concluded legal aid contracts. Individuals also claim that the duration of trials is quite long, and the delays are often caused by the authorities. In view of the received petitions, the Ombudsman had a working meeting at the Superior Council of Magistracy, where several topics aimed at ensuring the right to fair trial were addressed. Thus, the participants in the discussion analysed several issues, namely: delays in criminal, civil, and administrative trials; ensuring citizens' access to trials via videoconferences; detention of persons in the court premises; defective communication between court employees and convicted and/or detained persons; access of persons with special needs to fair trial; the system of court organisation, etc.

Also, as in the previous period, the Ombudsman received complaints about the compensatory mechanism for the sentence remission pursuant to Art. 473³ of the Criminal Procedure Code. Thus, the Ombudsman notes that the authorities

⁶⁶ https://www.legis.md/cautare/getResults?doc_id=93158&lang=ro



failed to take sufficient measures to improve the situation since the last reporting procedure.

Ultimately, in view of the above, the Ombudsman **RECOMMENDS**:

RECOMMENDATION 1.5.1: The Supreme Council of Magistracy (SCM) should expedite the development of a regulation on the selection and evaluation of candidates for judge position until the new Selection Committee within the SCM is sworn in.

RECOMMENDATION 1.5.2: The Parliament and the Government (Ministry of Justice and other line ministries) should ensure compliance with the transparent decision-making mechanism (and participatory approach to decision-making) to make sure that everyone interested can contribute to the consultation of regulatory acts.

Item 6: The right to social welfare and protection

Priority 4 of the Strategic Development Programme for 2023-2030 developed by the PAO: Persons in risky and vulnerable situations shall enjoy protection, social welfare and community social services.

Pursuant to the 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova⁶⁷ conducted by the PAO, the right to social welfare and protection was assessed by referring the size of salaries and social payments to the cost of living. From the information provided by the respondents, the Ombudsman concluded that the right to a decent living and social protection **is one of the least respected and safeguarded rights**. The study has shown that this right is still safeguarded to a small or very small extent in the Republic of Moldova, or 63% (referring to the allowances offered at birth) and 83.3% in case of pensions. As in the previous period, the situation of vulnerable groups, such as older persons, people with disabilities, and single mothers, remains critical. Most of these people struggle to make a living, with rising expenses and falling incomes. At the same time, the Study reveals that the right to social protection had a good percentage increase in 2023 (44.8% of respondents consider it observed) compared to the 2020 survey (35.2%), being a substantial increase compared to 2016 (15.3%).

As in the previous period, the Ombudsman notes that poverty, social and energy crises, and the low efficiency of decentralised social services still impede the right to social protection. These impediments continue to affect the majority of vulnerable social groups: older persons, children, and single mothers.

⁶⁷ <https://ombudsman.md/studiu-perceptii-asupra-drepturilor-omului-in-republica-moldova-in-2023/>



During 2023, the Ombudsman carefully monitored the legislative trends in the area of social protection. Thus, the Ombudsman submitted recommendations to the Government on urgent measures to mitigate the adverse effects of **insufficient indexation** carried out in April 2023, including additional social assistance through social services or social benefits, especially for the most affected groups. The submission was preceded by the adoption of some derogatory rules⁶⁸ upon the indexation of social benefits. Thus, the indexation rate was practically halved compared to what was provided by the legislation.

There were objections raised regarding several amendments: extending the period between repeated applications for the unemployed status from three to six months, limiting health insurance under the unemployment benefit to the period of dole payment, and increasing the waiting period for reapplying for social aid from three to six months. In the Ombudsman's view, these regressive measures undermine the economic and social human rights.

The social security of a country population is outlined in a series of international agreements. They prioritise the well-being of individuals by implementing measures to ensure a decent standard of living in the event of specific risks such as illness, disability, and old age. Any action or inaction of state actors in implementing social security measures directly affects the beneficiaries, including their life expectancy.

The legislation must be adjusted to evolutionary social realities to avoid human rights violations. Obviously, the state failure to intervene in order to improve the social protection legal norms will directly violate the right to social protection.

The Ombudsman presented a proposal to Parliament and the Ministry of Labour and Social Protection regarding several deficiencies revealed in the pension system regulatory framework, namely a list of jobs under special conditions; retirement and contribution period under special working conditions; contribution period for women who gave birth to five or more children; non-contributory periods assimilated to the contribution period; social protection of policyholders in case of non-submission of social insurance contributions by the employer; value coefficients used in the pension calculation; contribution period of persons who take care of children under three years (other than the parents). The National Social Insurance House informed that some proposals could be considered in the part that fits to the requirements regarding the observance of all basic principles of the public social insurance system. In its response, the Ministry of Labour and Social Protection avoided saying for or against the proposed improvements to the legislation, though it noted that in some situations the sources of financing should be identified.

⁶⁸ 2023 State Social Insurance Budget Law No. 357/2022.



Likewise, the Ombudsman examined the matters on cancelling the monthly allowances for specific merits to the state of those citizens who now reside abroad⁶⁹. The Ombudsman considers that, by cancelling those allowances, we discriminate between the beneficiaries of state allowances for specific merits to the state (e.g., for participation in combat actions to defend the territorial integrity and independence of the Republic of Moldova) who reside in the Republic of Moldova and those who have permanent residence abroad.

In this context, it is essential to note the Constitutional Court's opinion, which points out that the legislator's discretion implies its competence to adopt actions limiting the guaranteed rights while always complying with the principles of legality, legitimacy of the purpose pursued, and proportionality. The reason for suspending the payment of the monthly state allowance is neither clear nor based on the principles of legality, legitimacy, and proportionality.

The Ombudsman carefully monitored the initiation of the RESTART reform of the social welfare system⁷⁰ during the reporting period. The reform is designed to achieve several goals, such as harmonious development of social services, uniform planning and implementation of essential social services, and revising the List of social services and their classification, which has not been updated since 2011. The current List classifies the social services into three categories: primary, specialised, and highly specialised. In the current reality, it is necessary not only to revise the services (for example, it is proposed to merge professional parental assistance and family-type children's homes into one social service) but also to ensure their better classification to emphasise their nature and the development and financing paradigm. However, for the moment, the Ombudsman cannot see any concrete results in the development of this policy document; therefore, this issue will be left for future reporting procedures.

Following the examined practical cases, the Ombudsman would like to present the case of a career military officer with an employment contract, which contained divergences in terms of legal provisions used to calculate his seniority in special work. Hence, a proposal was submitted to the Government suggesting to amend the provisions of Art. 18 of Law No.1544 of 23 June 1993 on Pensions to Servicemen, Officer Corps, and the Internal Affairs Troops⁷¹. Specifically, it was proposed to bring more clarity in the professional stages laid down by the legislation, which are included in the calculation of seniority to establish the retirement pension amount. At the same time, it was recommended to correlate the provisions of Art. 32 of Law

⁶⁹ https://www.legis.md/cautare/getResults?doc_id=119851&lang=ro

⁷⁰ <https://social.gov.md/wp-content/uploads/2023/05/Reforma-sistemului-de-asistenta-sociala-FINAL-1.pdf>

⁷¹ https://www.legis.md/cautare/getResults?doc_id=124434&lang=ro



No. 162 of July 22, 2005 on the Status of Servicemen⁷² and the Law on Pension for Servicemen, Officer Corps and the Internal Affairs Troops No. 1544/1993 with Art. 124 of the Labour Code and with other related acts.

In the context of the above, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 1.6.1: The Ministry of Labour and Social Protection should ensure amending the Law on Public Pension System, No. 156/1998, Government Decision approving the List of jobs, under special conditions, according to which the old-age pension is granted on favourable terms, as well as the Guidelines on how to apply the job list and to confirm the special seniority no.256/2018.

RECOMMENDATION 1.6.2: The Ministry of Labour and Social Protection should revise the rules limiting the beneficiaries who permanently reside abroad to get their monthly state allowances for special merits to the state, so that they continue to receive those allowances.

Item 7: The right to work and labour protection

Priority 7 of the Strategic Development Programme for 2023-2030 developed by the PAO: Women and men shall enjoy equal access to work and fair treatment in the workplace.

According to the 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova conducted by the PAO, the respondents considered that the state best ensured the right to work for women, the topic accumulating 58.3% of respondents' votes, and worst for persons with disabilities (38.8%), the Moldovan citizens residing in the Transnistrian region (38.7%) and prisoners and ex-prisoners (35.3%). At the same time, the Study showed that in 2023, the right to work and labour protection had the highest percentage increase (63% of respondents answered the right was respected) compared to the 2020 Study (45.1%) and represented a substantial increase in comparison with 2016 (19.8%).

Although the government authorities have recently taken several measures to consolidate the system of labour protection and employment, in particular, by strengthening the State Labour Inspectorate in March 2023, when the institution was entitled to pay unannounced visits, the majority of those measures would only take effect in the next reporting periods. In this context, the number of unannounced inspections increased (527 in 2021, 745 in 2022). The information for 2023 was not available at the time of developing this Report.

⁷² https://www.legis.md/cautare/getResults?doc_id=110385&lang=ro



Also, in the reporting year, the Parliament supplemented Art.9¹ of Law No. 140/2001 on State Labour Inspectorate⁷³ with paragraph (3), comprising new incompatibility criteria for labour inspectors. The Ombudsman believes that the respective legal restriction contradicts Art.43 of the Constitution. The National Confederation of Trade Unions and the Equality Council⁷⁴ also stated that those provisions were discriminatory and needed to be deleted from the law.

Thus, the Ombudsman notes that despite the economic difficulties, **the labour market has recovered from the pandemic**, although significant structural challenges persist. The employment rate increased by 1.8% in QIV 2022 as compared to the previous period. The structurally low employment rate (among the population aged 15+) has increased slightly to 40.5% in 2022 but remains well below the EU average of 54.1%. Informal employment in agriculture, construction, and commerce is estimated to be over 22% of the total.

The unemployment rate in Moldova has been consistently low, partly reflecting the low labour market participation and the substantial share of self-employed people. Due to the economic decline and the increase in the workforce size in 2022-2023 (including the people fleeing from the path of Russia's aggression against Ukraine), the unemployment rate rose to 4.6% compared to 2.6% the year before.

Regarding the employment policy, in November 2022, the Government adopted the **National Employment Programme for 2022-2026**. Among other things, the Programme provides for an increase in the number of employed women. Although two years have passed since the Programme approval, the Ombudsman notes that at the time of developing this Report, there was only one report (for 2022) on the implementation of the National Employment Programme for 2022-2026⁷⁵ posted on the Ministry of Labour and Social Protection (MoLSP) official web page. However, we point out that the MoLSP report does not contain any qualitative benchmarks to evaluate the degree of Programme implementation. Also, no data on the Programme implementation schedule were found. Moreover, most of the Programme's actions have just commenced, and the impact of the implemented actions on the final beneficiaries has yet to be evaluated. Therefore, we cannot conclude on the positive or negative aspects of this public policy act. Nonetheless, the Ombudsman emphasises that, in principle, the adoption of such document at the national level is a positive step.

The Ombudsman also points out that the European Commission's 2023 Report⁷⁶ recommends the Republic of Moldova to address the main shortcomings of the

⁷³ Law No.112/2023 amending some Regulatory Acts (to facilitate business environment), Art. V.

⁷⁴ Advisory Opinion of 27 December 2023, Case 171/23.

⁷⁵ <https://social.gov.md/wp-content/uploads/2023/07/Raport-privind-realizarea-in-anul-2022-a-Programului-national-pentru-ocuparea-fortei-de-munca-pe-anii-2022-2026.pdf>

⁷⁶ <https://mfa.gov.md/ro/content/maeiexplica-aderarea-la-ue>



labour market, in particular, by increasing incentives for labour participation, and to take measures to combat informal employment; to undertake the preparatory work for joining the European Network of Employment Services (EURES) at the time of being granted the EU membership; to further develop, adopt and implement the measures set out in the concept paper on the reform of the National Employment Agency; to ensure capacity building and establish a monitoring and evaluation system; to take concrete measures to strengthen the mandate and ensure administrative and institutional capacity building of the State Labour Inspectorate.

In furtherance of efforts to bring the national legislation in line with the international standards, in particular, with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), essential amendments were brought to the regulatory framework for combating the harassment in the workplace⁷⁷: the Contravention Code, the Labour Code, the Law on Equal Opportunities for Women and Men, the Law on State Labour Inspectorate and the Law on Trade Unions. Thus, the notion of ‘workplace harassment’ was introduced, and employers were required to update their in-house regulations with procedures aimed to prevent, monitor, and combat harassment in the workplace.

The ratification of International Labour Organisation Convention No. 190 on Violence and Harassment in the World of Work⁷⁸ by the Moldovan Parliament is another crucial step in the field of labour. The Convention is the first international instrument to set specific standards applicable worldwide, **on combating harassment and work-related violence** and which clearly specifies the role of governments and social partners in preventing, addressing and remedying harassment and violence. The ratification and implementation of the Convention by Moldova will improve the relevant legislation and solve different practical problems.

The Ombudsman also specifies that the right to fair pay must ensure a dignified human existence. In order to progressively realise this right, the state must provide workers with a minimum wage that allows them to live decently and support their family. Although the minimum wage has shown a positive growing trend, its size still needs to be increased to guarantee a decent living for employees who get a minimum wage. In this respect, we welcome the ruling of the Constitutional Court of 16 June 2022 regarding the minimum wage amount.

Regarding the size of the pay, the Constitutional Court notes that when establishing the minimum wage, the legislator must take into account the employees’ basic needs. However, as a constitutional value, human dignity is not limited to survival

⁷⁷ Law No. 74 of 31.03.2023.

⁷⁸ Law No. 440 of 28 December 2023.



necessities. On the contrary, it includes the socio-cultural needs of the working-age population. Thus, the second aspect of human dignity implies that when establishing the minimum wage the government authorities should also take into account the socio-cultural needs of the working-age population. This aspect of human dignity stems from the desire of people to participate in social life. The Ombudsman notes that **as of 1 January 2024, the nationwide minimum wage will amount to MDL 5,000 per month, 25% up compared to 2023**⁷⁹.

During the reference year, the Constitutional Court stated in different judgments its opinion on the right to work and labour protection. The Court declared Article 27³ d) unconstitutional, and the text 'have not been convicted of crimes committed with intent, according to a final court judgment' of Article 22¹ c) (1) of the Law on Private Detective and Security Services No. 283/2003.

The Ombudsman opinion submitted to the Constitutional Court mentions that the challenged norms interfere with the right to work, as Article 43 of the Constitution guarantees. The European Court's case law was also mentioned, according to which restrictions on access to a profession may fall within the scope of the right to respect for private life. The Ombudsman also points out several legal norms that govern the status of certain professions, such as forbidding the hiring of persons with a criminal record. The rules are more restrictive in case of private security services and prohibit the employment of persons who have committed intentional crimes, regardless of whether their criminal record has expired.

Regarding the practical cases, the Ombudsman maintains before the legislative body that most of the received applications address the issues of wage rights, working conditions and appealing the sanctions. Thus, while the latter is beyond the mandate of the PAO, and most of those applications got rejected, the Ombudsman examined the matters concerning the wage rights and working conditions. Following the PAO employees' interventions, it was found that most wage issues were related to the enterprise financial status or authorities' insufficient funds. The Ombudsman considers the wage deductions unjustified in a contemporary society. If it happens, the competent public authorities must consider with due diligence the causes and consequences of those actions.

In the context of the above, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 1.7.2: The Ministry of Labour and Social Protection should ensure the ratification of Article 4 of the Revised Social Charter relating to fair remuneration.

⁷⁹ GD no. 985 of 06.12.2023.



Item 8: The right to safety and freedom

Priority 8 of the Strategic Development Programme for 2023-2030 developed by the PAO: The person's right to freedom and security is ensured; torture and ill-treatment are eradicated.

Following the analysis of findings of the 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova, conducted by the PAO, the Ombudsman has ascertained that the right to freedom from torture and inhuman and degrading treatment is persistently violated for some specific groups in the Republic of Moldova. Very often/quite often this right is violated for persons detained by the police (37.8% of respondents), inmates (35.1%); young conscripts (36%) and children in remand or detention (33.7%). Likewise, an alarming finding is that 31.8% of respondents said they did not feel protected against torture, which is a worsening of the situation compared to the 2020 Study (28.4% of respondents).

In this regard, the Ombudsman will also support the European Commission's opinion expressed in its report of 8 November 2023⁸⁰. The Commission notes that detention conditions remain precarious. Most ECHR judgments against Moldova refer to inhuman conditions of detention. No significant systemic remedies were undertaken to improve the situation during the reporting period. All 17 penitentiaries were built during the Soviet time. No significant improvements have been made since Moldova's independence, and the prisons now exceed their intended capacity. Inadequate access to medical treatment, overcrowding and the general poor state of prisons, the lack of reporting or investigations of potential ill-treatment and violence remain largely unaddressed.

Also, the Ombudsman points to the persisting precarious conditions in social detention institutions. Respectively, the state **failed to make any significant improvements to detention facilities, whether penitentiary or social ones**. The issue of detention conditions is addressed in more detail in Chapter III of the Annual Report, in the section on Prevention of Torture.

As for the practical cases, the Ombudsman specifies that most of the problems in the reporting period are similar to the ones mentioned previously, and the situation has not undergone essential changes. Therefore, the Ombudsman will review the most frequently encountered problems in the field. During the reporting period, the persons held in state custody most often invoked problems related to **unsatisfactory delivery of healthcare service**—the Ombudsman received several complaints stating that people were refused medical assistance from medical workers in prisons or isolators or postponed for long periods whenever they requested a doctor's

⁸⁰ https://mfa.gov.md/sites/default/files/2023_comisia_europeana_pachet_de_extindere_ro.pdf



appointment. The inmates also invoke that they are often denied medical assistance from the local hospitals, citing reasons such as lack of equipment or repair of the wards in which they are to be admitted; **abuses committed by medical workers** – as in the previous periods, convicts and detainees, as well as people held in social detention centres often report situations of verbal or physical abuse by the employees of these institutions. The detention system continues to be punitive, where abuse and force prevail as corrective measures; **lack of employment/violation of remuneration rights** – in some of the appeals submitted to the PAO, it is still found that the persons held in state custody are deprived of employment or often are not properly remunerated; **lack of confidentiality of letters or discussions with defenders** – during 2023, too, the people held in state custody reported they were not sure of the integrity of mailings and claimed they were eavesdropped when discussing with their defenders.

Acknowledging the systemic and perpetual nature of the aforementioned issues and the failure of competent authorities to undertake conclusive measures aimed to address them, the Ombudsman has no choice but to turn to the European Court of Human Rights practice and bring the relevant recommendations to the level of 'Pilot Recommendations'. Thus, the Ombudsman will convey the set of recommendations in the field of 'the rights of persons in state custody' to the State Chancellery, which will be permanently rated as UNIMPLEMENTED, and included in the Common Monitoring Matrix generated pursuant to Art. 4 d) of Parliament Decision no. 195 of 14 July 2023 on the 2022 Ombudsman's Report on Human Rights and Freedoms in the Republic of Moldova⁸¹.

Also, the Ombudsman specifically draws the authorities' attention to cases of violence against patients in psychiatric hospitals. Thus, following the joint meetings with the Standing Committee for Human Rights and Interethnic Relations to discuss the Special Report titled 'Monitoring Compliance with the Rights of Patients in Coercive Medical Treatment',⁸² a set of recommendations has been submitted to the relevant authorities. **Yet the recommendations have not been properly implemented.**

Also in terms of persons held in state custody, the reporting period was marked by training exercises organised by the armed forces during 3-7 April 2023⁸³. Thus, owing to the fact that a PAO employee was one of the recruits summoned to the training,

⁸¹ https://www.legis.md/cautare/getResults?doc_id=138053&lang=ro

⁸² <https://ombudsman.md/post-document/raport-special-monitorizarea-respectarii-drepturilor-pacientilor-plasati-la-tratament-prin-constrangere-cu-caracter-medical-2/>

⁸³ <https://diez.md/2023/04/07/au-fost-incheiat-exercitiul-cu-rezervistii-fortelor-armate-din-luna-aprilie-urmatorul-se-va-desfasura-in-luna-mai/>



the National Human Rights Institution had the opportunity to directly monitor the process, starting with the procedure of handing out the summonses at the Chisinau Territorial Military Centre. Respectively, from the very beginning, it was noted that the authorities failed to develop an appropriate public awareness-raising campaign, and most of the people summoned to the Centre for the first time were not even informed about the purpose. Subsequently, on 3 February 2023, the reservists were once more summoned to the Recruitment Centre only to discover that the Centre's employees obliged those who presented sickness certificates, duly issued by civilian medical institutions, to participate in the exercise. In that respect, it was invoked that the only medical certificate offering the possibility to postpone the military exercises was the one issued by the Military Medical Commission.

Moreover, although there were people who showed signs of cold/virus infection in the room where the reservists were gathered and later in the minibuses they were transported to the military unit, the persons in charge did not take any protective measures. A makeshift ward to conduct rapid tests for SARS-CoV-2 virus was set up only after they arrived at the military facility and disembarked from the overcrowded minibuses.

During the cantonment, the PAO noted, as a positive fact, that the technical conditions for soldiers in the Motorised Infantry Brigade no. 2 in Chisinau and within the military site in Bulboaca Commune had been improved. We also note that although the organisational aspects were marked by some lapses and deviations, they did not, for the most part, lead to severe human rights violations. The Ombudsman also draws attention to the good quality of meals during the cantonment training. Thus, from the reported information, good quality and enough meals were served on time (no cases of intoxication were reported). As for the slices of bread, they were even in excess, for none of the people ate the bread that was mandatorily served. The leftovers were thrown into containers for food residues.

The Ombudsman also points out that informal and even abusive style of communication was noted among conscripts or between conscripts and non-commissioned officers in the National Army during the reporting period. Although the officer corps did not make use of verbal aggression, on the contrary, they addressed the reservists or conscripts with professionalism; yet, the officers remained largely silent to verbal abuses committed by their subordinates, often letting it go unnoticed.

At the conclusion of the monitoring period, the Ombudsman specifies that, for the most part, such exercises are organised with respect for human dignity and



human rights, but some components still need to be improved. In this regard, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 1.8.1: The Ministry of Health should strengthen the monitoring procedure for implementing the Special Report titled 'Monitoring Compliance with the Rights of Patients in Coercive Medical Treatment'.

RECOMMENDATION 1.8.2: The Ministry of Defence should develop a system/mechanism that would ensure an adequate transparent recruitment and military exercises for reservists.

RECOMMENDATION 1.8.4: The Ministry of Defence should develop a strategy to prevent any acts of violence and abuse among conscripts and on the side of non-commissioned officers.

Item 9: The rights of whistleblowers

As many as 47.5% of the population involved in the 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova conducted by the PAO specified that **corruption significantly affects human rights.**

The new provisions of Law No. 122 of 2018 on Whistleblowers, which were supposed to fill some legal shortcomings, gaps and vacuums, involved conceptual and technical changes to ensure the regulatory framework compliance with Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

It has been five years since Law No. 122 of 12 July 2018 on Whistleblowers was enforced, and several shortcomings have been identified, leading to the development of a new law on whistleblowers. These shortcomings include: lack of coherence in using notions, concepts and wording; limited number of subjects that come within the purview of this law; insufficient regulations on the ways to disclose violations of laws, as well as the procedure for examining them; lack of special provisions for keeping record of disclosures and their archival life; ambiguous and vague deadlines for examining disclosures of breaches of laws, as well as informing the whistleblower about the outcomes of such examination; no regulations on the processing of personal data when examining disclosures; insufficient regulations for the protection of whistleblowers and no provisions regarding anonymous whistleblowers; lack of regulations regarding the prohibition of retaliation against whistleblowers; lack of an effective mechanism for sanctioning and holding the competent authorities accountable for the violations of legal provisions.

The new Law on Whistleblowers aims to improve and streamline the ways of disclosing the violations of laws, as well as to deter legal violations because the state has not only the obligation to enable the dissemination of information, but also to



encourage the employees to embark on preventing and combating illegal practices. Likewise, the state has the obligation to protect the staff, which imposed the need to align the national legal framework with the regional and international requirements.

In this regard, the EU Commission noted in its analytical report that the Republic of Moldova had made certain progress and intended to strengthen its efforts in that field.

During 2023, the Ombudsman received five inquiries in which persons who considered themselves whistleblowers requested the protection of the Ombudsman. While documenting those inquiries, no components and requirements of the whistleblowing mechanism could be identified. Hence, the Ombudsman could not grant the requested protection as would be proper in the case of whistleblowers.

The Ombudsman examined ex officio the problem of the right to expression in the case of a beneficiary of the Temporary Accommodation Centre for Children with Disabilities in Orhei who made a public disclosure of illegal practices⁸⁴ regarding the living conditions and inhumane treatment to which he was personally exposed, as well as other beneficiaries of the Centre, which made a widely publicised case. Following that disclosure, the young man was held liable for libel.

According to the Ombudsman, the person with disabilities, beneficiary of the Temporary Accommodation Centre for Children with Disabilities in Orhei, was subjected to retribution pursuant to Art. 15(2) b) of Law No.122/2018) since it was later established that, on the same day (07.09.2022), immediately after the public disclosures were made, he was administratively sanctioned for the offense covered by Art.70 (1) of the Contravention Code and was made to pay a fine worth MDL 2,400.

Finally, having examined the case, the Ombudsman intervened to the court, where he expressed his opinions and findings on the given case, and the court took into account all the circumstances of the case, including the Ombudsman conclusions (dated 9 January 2023) and issued a decision to admit the appeal lodged, having declared null and void the Minutes on the contravention, drawn up by the investigating agent of Orhei Police Inspectorate pursuant to Art. 70 (1) of the Contravention Code, and the decision, by which the person was imposed a fine worth 48 conventional units.

In view of the above, the Ombudsman **RECOMMENDS the Government** (and all institutions that will deal with whistleblower-related cases):

RECOMMENDATION 1.9.1: *The authorities should strengthen in-house whistleblower protection mechanisms.*

⁸⁴ Art. 3 of Law 122/2018 'Disclosure of illegal practices – disclosure of manifestations of corruption, as defined and listed in the Integrity Law no. 82/2017, of breaches of environmental law, violations of fundamental rights and freedoms, those related to the national security, as well as other violations, actions or inactions that threaten or prejudice the public interest.'



Item 10: Human rights and freedoms in the administrative-territorial settlements located on the left bank of Nistru River and Bender municipality (Transnistrian region)

Unfortunately, the year 2023 was not marked by positive changes for human rights in the region located on the left bank of Nistru River. According to the results of 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova conducted by the PAO, the lowest scores on respect for human rights (*to a large/very large extent*) were assigned to *users of drugs and psychotropic substances* (25.6%), *sexual minorities (LGBTQIA+)* (31.7%), *inmates and ex-inmates* (33.4%), to **citizens of the Republic of Moldova living in the Transnistrian region** (36.3%).

The Ombudsman notes that, lately, the governmental authorities have taken more active steps towards the country reintegration, coupled with the Bureau for Reintegration Policy upturns. However, the Ombudsman also notes that some actions taken by the constitutional authorities to ensure the state security could adversely affect the negotiation process. In this regard, we specify that the amendment of the Criminal Code by Law no. 9 of 2 February 2023 amending Certain Regulatory Acts⁸⁵ and the introduction of 'Separatism' into Art. 340¹ as a corpus delicti could invoke retaliatory actions from the de facto authorities in relation to the citizens of the Republic of Moldova living on the left bank of Nistru River. However, this measure could be considered an intent to limit Tiraspol's tendency to violate human rights through actions such as the adoption of the 'Guretskii law' by the self-proclaimed Left Bank authorities in 2022, which the Ombudsman strongly criticised.

Thus, we specify that the harsh actions of the Moldovan authorities could push the de facto authorities in Tiraspol away from Chisinau and closer to the Russian Federation, which was highlighted at the meeting between the Ombudsman of the Russian Federation and the so-called "Authorised Person for Human Rights" from Transnistria in the summer of 2023⁸⁶. Respectively, the Ombudsman criticised that abuse of power exercised by the Russian Ombudsman.

The Ombudsman concludes that the situation in the uncontrolled region worsened in 2023. The de facto authorities in the breakaway region merely mimic observance of their obligations set by international and regional experts. It is also worth mentioning that, at present, neither the Ombudsman nor his institution (the PAO) enjoys free, unconditional, and systematic access to the region, making it impossible to effectively fulfil the duties of monitoring, promoting, and protecting human rights in the Transnistrian region.

⁸⁵ https://www.legis.md/cautare/getResults?doc_id=135630&lang=ro

⁸⁶ <https://ombudsman.md/avocatul-poporului-condamna-orice-forma-de-manipulare-si-dezinformare-care-inclusiv-conduc-la-neglijarea-suveranitatii-independentei-si-securitatii-din-republica-moldova-in-urma-recentei-intalniri/>



Currently, most of the information on human rights is provided by civil society organisations from the uncontrolled region, non-profit organisations from the right bank of Nistru River monitoring the situation in the region, the Varnita Representation of the PAO, or by international organisations that operate in or monitor the region. In this situation, the Ombudsman, as the head of the National Human Rights Institution, continues to report this issue to national and international authorities and tackles it in his annual or thematic reports.

Thus, we specify that in 2023, the human rights situation in the region substantially worsened, which was explained, inter alia, by the armed conflict started by the Russian Federation against Ukraine. The Ombudsman notes that human rights violations are a serious and worrying problem in the Transnistrian region. People suffer from a range of greater or lesser violations, such as arbitrary arrests and detentions, restrictions on freedom of assembly and speech, and severe threats to life and physical integrity. Reports prepared by international organisations and the local civil society paint a bleak picture of the current situation in the region. These reports also suggest that human rights violations exacerbate the interethnic tensions.

The assassination of opposition leader Oleg Horjan is an example demonstrating that safety and security (primarily political) are violated.

Also to note, among the most severe violations of human rights in the region is ***the violation of the right to free movement***, which, with the start of the Russian military aggression, took a negative trend. Respectively, new illegal control posts have been installed on the region's perimeter now, and the controlling rules for people are tightened. Also, in the context of the Russian Federation's aggression against Ukraine, it is noted that ***the right to disseminate information and the right to freedom of assembly*** further worsened. In this context, the Ombudsman notes the case of Victor Plescanov, a resident of Tiraspol, who flew the Ukrainian flag in March 2022 and was sentenced to thirty-eight months of deprivation of liberty on 26 September 2022.

The right to freedom of thought, conscience, and religion is another pressing issue in the Transnistrian region. Accordingly, the Ombudsman notes a series of complaints of young people in the region who do not want to be enlisted in the compulsory military service and favour an alternative service by virtue of their religious beliefs. They are persecuted or may face criminal penalties for evading the compulsory military service. This situation is valid even for persons who have passed the alternative service within the Red Cross or those who have already served with the constitutional armed forces on the right bank of Nistru River.

Social welfare and protection of older people is another challenge in the region. Thus, the separatist authorities have developed neither friendly infrastructure for active aging nor social welfare services for older people, who are left without the care of close relatives.



The Ombudsman also notes the National Social Insurance House (NSIH) reticence in establishing the old-age or years-of-service pension for the Left Bank residents who have worked for the constitutional authorities of the Republic of Moldova. The Ombudsman also identified a risk of interference with the protection of personal data when the NSIH conveyed the data of its beneficiaries to the de facto authorities of Transnistria.

At the same time, the Ombudsman welcomes the implementation, even partially, of the recommendation to include the PAO employees **in government sector groups, including the human rights group**⁸⁷. During the working meeting, the PAO employees tackled issues related to ensuring the rights of persons with mental disabilities, access to quality health services and unification of approaches from both banks of Nistru River in applying relevant international standards. References were made to the freedom of thought, conscience, and religion in Transnistria and to the rights of refugees who found temporary shelter in communities of Transnistria during the war in Ukraine. Moldova became the first non-EU country to grant temporary protection status to refugees, but this positive practice cannot be applied to internally displaced persons from Transnistria.

At the same time, experts from Chisinau warned about the problems related to Tiraspol's restriction of freedom of movement of people to Transnistria, especially of journalists and human rights activists. The identification of an effective mechanism for intervening in individual cases of human rights violations had a distinctive place on the discussion agenda. At the same time, requirements were re-iterated regarding the rights of citizens Dudnic, Dimov, Menzarari, Plescanov, Pogorletchii, and other persons illegally held by the force agencies subordinated to Tiraspol.

Thus, the Ombudsman had the opportunity to tackle topics on ensuring the rights of persons with mental disabilities, access to quality health services and unification of approaches on both banks of Nistru River in the use of relevant international standards, observance of the freedom of thought, conscience and religion in Transnistria, of the rights of refugees who found their temporary shelter in the communities of Transnistria due to the war in Ukraine.

Also, in carrying out his mandate, Ceslav Panico, the Ombudsman of the Republic of Moldova, sent two inquiries to Antonio Guterres, the UN Secretary-General, and to Dunja Mijatović, the Council of Europe Commissioner for Human Rights. Thus, the Ombudsman informed the high officials about the current situation regarding the observance of human rights in Transnistria and mentioned the recent regression in that respect.

In the same context, the Ombudsman communicated about the actions taken by

⁸⁷ <https://ombudsman.md/grupul-de-lucru-pentru-drepturile-omului-intrunit-la-sediul-din-bender-al-misiunii-osce-in-moldova/>



the National Human Rights Institution—the People's Advocate Office—to monitor the observance of human rights in territories uncontrolled by the constitutional authorities. He also noted that, although the PAO managed to undertake two monitoring visits to prisons located on the left bank of Nistru River in 2022, nevertheless, he highlighted that access to the separatist region remained prohibited for both the Ombudsman and the entire human rights institution. Thus, independent monitoring of human rights and providing protection to the Transnistrian region population cannot be carried out efficiently and safely in line with the international standards.

The Ombudsman also drew the attention of the international institution that with the start of the military aggression of the Russian Federation against Ukraine, the human rights situation in the Transnistrian region had worsened considerably. Thus, the separatist authorities banned the contact of persons with the constitutional authorities, introduced criminal punishment for such actions, and also imposed additional restrictions on the movement of persons in the region. The assassination of political leaders in the region remains a perpetual risk for people who want to assert themselves in the public space. At the same time, Tiraspol has blocked the dialogue on human rights issues between Chisinau and Tiraspol for several years.

Regarding the human rights on the left bank of Nistru River, the Ombudsman

RECOMMENDS:

RECOMMENDATION 1.10.1: *The **Parliament** should undertake holistic human rights measures so that Moldova's National Human Rights Institution, the People's Advocate Office, can unconditionally monitor all custodial institutions on the left bank of Nistru River.*



CHAPTER II: THE RIGHTS OF THE CHILD

Priority 9 of the Strategic Development Programme for 2023-2030 developed by the PAO: All children shall enjoy the rights protected by the UN Convention on the Rights of the Child.

The Study of human rights perceptions traditionally has found that children's rights are perceived as most respected. The answers to additional questions comprised by the Study questionnaire highlighted that there are groups of children (poor children, children with disabilities, children left without parental care, Roma children) whose rights are perceived to be less respected. The People's Advocate for Children's Rights urges caution in construing the Study results, primarily because only adults answered the questionnaire, and adults' subjective perceptions of children's rights do not always reflect the reality experienced by children. This shows the importance of children's individual and group participation in decision-making on matters affecting them and in assessing the impact of such decisions. The Children's Ombudsman appreciates that the children's voice was also included in the current study following the focus-group discussions with children.

Item 1: The right to life, survival and development

The UN Convention on the Rights of the Child stipulates that 'States Parties recognize that every child has the inherent right to life⁸⁸, and Art. 2 (Right to life) of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) guarantees that 'Everyone's right to life shall be protected by law'.

1.1 Children safety in road traffic

As the number of road fatalities continues to rise worldwide, the EU reaffirmed its long-term strategic goal to get close to zero deaths by 2050 – 'Vision Zero'.

The 'Safe System' concept⁸⁹ presupposes that road crashes would always happen, but deaths and serious injuries can be largely prevented. The 'Safe System' approach aims for a less punitive road system. It **admits that people make mistakes** and advocates a combination of multi-level measures to prevent people from dying because of their mistakes, taking into account **the features of human vulnerability**. For example, optimised vehicle construction, improved road infrastructure, and

⁸⁸ Article 6 of the UN Convention on the Rights of the Child.

⁸⁹ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0407_RO.html



managed traffic speed can all reduce the impact and consequences of road crashes. Together, they should honour levels of protection, i.e. if one component fails, another one will compensate (mitigate) to prevent the worst outcome.

The safety of vulnerable users is a critical issue for all developing countries, the Republic of Moldova inclusive. Hitting a pedestrian is the most prevalent type of accident on the public road network, accounting for over 35% of the total number of recorded road crashes. Pedestrians account for 36% of road crash deaths, compared to the average European rate of 27% and about 19% in high-income countries (World Health Organisation, 2018)⁹⁰.

Consequently, the high number of road crashes involving minors is the most significant concern of the Children's Ombudsman.

In 2023, 427 minors were involved in road crashes (a 5.7% decrease compared to 453 in 2022), representing 17.2% of the total number of victims from the recorded crashes, out of them 17 (p.y.15, +13.3%) died, 296 (p.y.299, -1%) suffered minor injuries, 83 (p.y.108, -23.1%) had severe injuries, and 31 (p.y.31) suffered no trauma. The figures reveal a slight decrease in the number of minors involved, as well as in the number of injuries, but compared to the same period of the previous year, there is a 13.3% increase in fatal cases. As long as children are under the authority of adults, every child's life lost as a result of human error is an irretrievable and oppressive loss for all of us, and the share of 17.2% of the total number of victims is excessively high.

The overall picture of the problem points to the need to undertake urgent and thoughtful measures to redress the situation⁹¹. Measures built on the experience of each case of a life lost are necessary. Such measures should not be focused solely or overwhelmingly on punishing the culprit but rather on providing solutions to prevent the crashes, eliminate the risks, and increase the safety of road users.

Ensuring, even more so, improving road safety is a complex activity involving many distinct elements. The responsible authorities mandate is pretty diverse and implies active involvement and cooperation of LPAs⁹², the Ministry of Infrastructure

⁹⁰ [Ilie Bricicaru \(2016\). Ph. D. thesis. "Strategii privind îmbunătățirea siguranței circulației pe rețeaua de drumuri publice din Republica Moldova". /"Strategies to Improve Traffic Safety on the Public Road Network in the Republic of Moldova."](https://www.researchgate.net/profile/Ilie-Bricicaru) Gheorghe Asachi Technical University of Iasi. <https://www.researchgate.net/profile/Ilie-Bricicaru>

⁹¹ Information note on road crashes for the period 01.01.2023-31.12.2023, p. 14, https://politia.md/sites/default/files/accidenta_2023.pdf

⁹² Article 57 of Law no. 131/2007 states that public authorities must implement the legal opinions of the Ministry of Internal Affairs.



and Regional Development⁹³, the Ministry of Education and Research⁹⁴, the Public Services Agency⁹⁵, and, of course, of Police, Prosecutor's Office, courts and of other authorities. Therefore, the current model of narrow/unilateral approach must be replaced by a complex/multilateral vision on the matter.

In light of the above, the People's Advocate for Children's Rights **RECOMMENDS**:

RECOMMENDATION 2.1.1: The Government (the Ministry of Internal Affairs, the Ministry of Justice) should develop a visionary document that would provide a combination of multi-level measures, indicating the path, connections, and responsibilities of all actors involved in ensuring/improving the road safety in such a way as to obtain a complex/multilateral vision on the matter. The People's Advocate for Children's Rights recommends the thematic report titled *The Right to Life, Health, Safety and Security in Road Traffic* as a starting document.

1.2 Safety of children residing near hazardous industrial objects

The People's Advocate for Children's Rights was notified ex officio following the information disseminated in the media regarding the case of two children who, on 11.02.2023, visited the mining site exploited by JSC "Cariera Micauti"/Micauti Quarry during 1996-2021, in the process of insolvency at the time of the incident, and fell into the quarry suffering multiple injuries.

To address the case, a demand was sent to involve the Mayor's Office of Micauti Village, Strasen district, the Administrator of JSC "Cariera Micauti", the Environmental Protection Inspectorate, the General Prosecutor's Office, and Strasen Police Inspectorate to investigate the case and prevent further risks.

In this regard, the People's Advocate for Children's Rights **RECOMMENDS**:

RECOMMENDATION 2.1.2: The Ministry of Infrastructure and Regional Development should take the initiative to inspect all industrial mining facilities to ensure a systemic approach to the incident that occurred on the mining site of JSC "Cariera Micauti."

⁹³ Law 131/2007 empowers the Ministry of Infrastructure and Regional Development (MIRD) with the mandate to develop technical regulations, norms, standards, and procedures for the planning, design, operation, and maintenance of public roads, but also to certify professionals in the field of road transportation, skills to develop rules for implementing the **Road Safety Impact Assessment, road safety audit, road safety inspection** as well as the initial and advanced training and accreditation of road safety auditors.

⁹⁴ According to Law 131/2007, the Ministry of Education and Research competence is to develop illustrative and visual-auditory methodical-didactic programmes and learning materials in the field of road education and ensure relevant activities in preschool educational institutions and in schools; provide formal and advanced training to the teachers responsible for these activities, etc.

⁹⁵ According to Art. 14 of Law 131/2007, it is within the Public Services Agency (PSA) competence to develop government rules on driving licenses and driving tests, templates, issue driver's licenses, manage the State Register of Drivers, etc.



1.3 Safety of children on playgrounds

The state stimulates the organisation and promotion of physical culture and sports, which are implemented by public administration authorities and non-governmental organisations in the area of education, health care, armed forces, economic entities, etc. At the same time, sports grounds, buildings, and facilities, as well as sports activities, must be organised, carried out, and designed to precisely comply with the safety standards for the life and health of beneficiaries.

In 2023, the Children's Ombudsman investigated ex officio the accidents on children's playgrounds that caused the death of several children. The frequency of accidents and bodily injuries caused to children indicate the already systemic nature of cases when children are crushed by metal elements installed on the playgrounds (e.g., football gates).

In particular, the Children's Ombudsman is concerned with the realisation of the state obligation under Art. 2 of the European Convention on Human Rights. Monitoring the causes and circumstances that caused death must be adequate and effective, capable of ensuring 'the implementation of domestic laws protecting the right to life and, in cases involving state agents or state bodies, ensuring their liability for the deaths occurring under their responsibility'⁹⁶. It is difficult to consider the investigation of the case in Seliste Village, Orhei district, as an effective one, provided that the judicial expertise was not commissioned, which was necessary to ascertain whether the quality assurance in construction was applied or not in that case, which is meant to 'lead to the realisation and exploitation of constructions of appropriate quality, in order to protect people's lives, their property, guarding society and the environment'⁹⁷. The submission received by the Children's Ombudsman does not clarify whether the criminal investigator conducted on-site research to collect, document, and recover the data required to commission such an expertise.

On the basis that the Prosecutor's Office dominates the procedural field of criminal investigations, a hierarchical audit of all ongoing investigation cases or of those where final resolutions have already been issued would constitute an objective measure to ensure effective and appropriate investigations of each case of death of children on playgrounds. Thus, the Children's Ombudsman **RECOMMENDS:**

RECOMMENDATION 2.1.3: *The Prosecutor General's Office should undertake a hierarchical audit to ensure effective and appropriate investigations of each case of death of children on playgrounds.*

⁹⁶ [Hugh Jordan v. United Kingdom, p. 105; Nachova et al. v. Bulgaria (MC), p. 110; Al-Skeini et al. v. United Kingdom (MC), p. 163].

⁹⁷ Art. 4 of Law no. 721 of 02.02.1996 on Quality in Construction.



Item 2: Right to health

Priority 1 of the Strategic Development Programme for 2023-2030 developed by the PAO: All persons shall have access to high quality and safe health services.

To ensure the child's right to health covered by Art. 24 of the UN Convention on the Rights of the Child, the Children's Ombudsman monitored the conditions and nutrition in four public health institutions located in Chisinau Municipality during 2023, namely Municipal Children's Hospital of Infectious Diseases, Municipal Children's Hospital no. 1, Municipal Clinical Hospital of Pulmonary Tuberculosis and V. Ignatenco Municipal Children's Hospital.

Overall, the conditions in the monitored hospitals are good, with the exception of the Municipal Clinical Hospital of Pulmonary Tuberculosis. Nutrition is adequate in all monitored hospitals, strictly following the diets established by MoH Order No. 238 of 31 July 2009 on Improving the Nutrition of Inpatients.

We found the treatment conditions at the Municipal Clinical Hospital of Pulmonary Tuberculosis relatively satisfactory. However, maintenance is ensured primarily through current repairs. At the same time, a complete renovation is required in all clinical and paraclinical facilities, including the Children's Unit premises (floors 2 and 4 of the curative building no. 1).

Although meals are prepared in salubrious conditions, the latter are maintained through regular cosmetic repairs, as the food building was subject to capital renovation long ago. At the same time, the institution needs high-performance medical equipment because some pieces of equipment are highly worn or missing, and infectious patients are transported for examinations and consultations to general-profile institutions.

The central building does not have an accessible elevator for persons with disabilities, and the medical buildings do not have ramps. Besides, the first two floors of the paraclinical building are occupied by the Republican Narcological Dispensary, which offers substitution treatment to drug users. The latter have free access to the territory of the Municipal Clinical Hospital of Pulmonary Tuberculosis. Therefore, syringes, needles, disposable cups, and other medical items dropped on the site can endanger the lives of inpatients, including the children.

Moreover, those children who are undergoing extensive tuberculosis treatment continue their studies in the hospital with the assistance of teachers from Constantin Sibirschi Lyceum. We found that the school furniture (benches, boards, etc.) is old; moreover, it is not adapted to different age groups, and the classrooms are tiny.



Given the above, the People's Advocate for Children's Rights **RECOMMENDS:**

RECOMMENDATION 2.2.1: The Ministry of Health should review the methodology for calculating the expenses per treated case and adjust them following further increases in prices. Currently, directors of health institutions claim they are forced to save money from other budget lines to cover the costs of treated cases.

RECOMMENDATION 2.2.2: The Ministry of Health should identify solutions to encourage medical practitioners to come to the premises of the Municipal Clinical Hospital of Pulmonary Tuberculosis for the examination of TB patients to avoid their transportation to other healthcare facilities.

RECOMMENDATION 2.2.3: The Ministry of Health should adopt measures to prevent the risks posed on children by the Republican Narcological Dispensary that carried out its activity in the premises of the Municipal Clinical Hospital of Pulmonary Tuberculosis.

RECOMMENDATION 2.2.4: The Ministry of Health should assess the current condition of the Municipal Clinical Hospital of Pulmonary Tuberculosis in order to renovate it, including the canteen, the children's unit, and their endowment with the necessary equipment (medical equipment, kitchenware, the necessities for the educational process); reasonable accommodation for children with disabilities, including access ramps.

RECOMMENDATION 2.2.5: The Ministry of Health should inform the children and their legal representatives, in a way accessible to them, about the diagnosis and the stages of treatment, providing psycho-emotional support to children throughout their stay in the hospital, and, depending on the severity of the diagnosis, also at the time of its disclosure.

Item 3: Right to education

Priority 2 of the Strategic Development Programme for 2023-2030 developed by the PAO: The education system shall ensure equal opportunities and promote social cohesion and human rights.

3.1 Education of Roma children

To know a phenomenon scope is essential because it guides how to manage it correctly. The Children's Ombudsman points out that there are some inconsistencies among the data provided by the Ministry of Education and Research/local public authorities, by the Family Doctors' Offices, and those collected by community mediators or by the non-governmental organisations concerned with the rights of Roma people⁹⁸.

⁹⁸ The thematic report 'The Right to Education of Roma Children in the Republic of Moldova' <https://ombudsman.md/post-document/respectarea-dreptului-la-educatie-a-copilor-de-etnie-roma/>



According to the data provided by the Ministry of Education and Research, the schooling rate of Roma children is 100% in 41 localities of the country, 90% – in seven localities, and below 50% – in three localities (Briceni – 49%, Otaci – 30.5%, and Soroca – only 17.5%). In two localities children were not enrolled in school, no school-age children were recorded in Durllesti, Cimislia, and Strasenii towns, and no data were available for three other localities. Overall, 556 school-age children were not enrolled in the education system.

Thus, according to the data recorded by the Family Doctors' Office, as of 1 September 2023, there were 920 Roma children of school age (7-16 years) in Otaci town. Based on those data, the rate of compulsory schooling in Otaci during the first half of the 2023-2024 school year was equal to 10% (92/920), not to 30.5% as follows from the data presented by the Ministry of Education and Research. Still, a more significant discrepancy between the data provided by the authorities (100% schooling rate – 85/85) and those made available by the community mediator (13.5% – 85/623) was registered in Edinet Town. The issue of accuracy of collected and reported data on the total number of school-age children was also raised in Soroca Town and Chisinau Municipality. One of the reasons behind this phenomenon is that the undocumented/unschooled Roma children are just disregarded.

Most urban localities lack a centralised database with up-to-date, truthful data on the total number of Roma children of school age (7-16 years). The persistent discrepancy in the statistical data delivered by the institutions appointed by the mayoralities (e.g., local guardianship authorities)/ level I LPAs prevents the accurate calculation of the schooling/non-schooling rate of Roma children of school age (7-16 years) in most urban localities.

Unfortunately, frequent/increasing unmotivated absenteeism has become prevalent among the Roma students. The enrolment rate of school-age Roma children (7-16 years) in general compulsory education institutions, including their right to quality education, is affected by their socially vulnerable and educationally disengaged domestic environment, determined by the complex social profile of Roma parents, who persistently face the vicious circle of poverty as illiterate/unemployed/socially marginalised people. The persistent socio-economic challenges in educationally disengaged Roma households do not encourage streamlining the education-related expenses.

Primary and secondary education institutions from localities with dense Roma populations report a high level of discrimination against Roma students. Thus, the People's Advocate for Children's Rights **RECOMMENDS:**



RECOMMENDATION 2.3.1.1: The Ministry of Education and Research should institutionalise a cross-sector cooperation mechanism among the Local Agencies in the Field of Education (LAFE)/ level II LPAs, mayors (local guardianship authorities)/ level I LPAs, Roma parents, and Roma community mediators in the localities with dense Roma population. This is crucial to ensure the complete compulsory schooling of Roma children. Part of this mechanism is the development and regular updating of a centralised, reliable database on the total number of Roma children of school-age.

RECOMMENDATION 2.3.1.2: The Ministry of Education and Research should increase the level of salaries of Roma community mediators to the equivalent wages of social workers in order to reduce professional discouragement in their cross-sector involvement/ activity;

RECOMMENDATION 2.3.1.3: The Ministry of Education and Research should increase the schooling rate of school-age Roma children by providing a) additional educational services in after-class groups in primary schools; b) an additional hot meal for the children in after-class groups (primary school), who come from socially vulnerable and educationally disengaged households; c) at least one hot meal for the lower secondary school children who come from socially vulnerable and educationally disengaged households; d) additional educational services provided by the teachers engaged in levelling educational differences in case of 'failing and truant students' (mostly Roma children).

RECOMMENDATION 2.3.1.4: The Ministry of Education and Research should develop teaching materials and organise training workshops based on examples of successful actions/good practices in schooling, prevention/combating of absenteeism, and dropout.

3.2 Education of children with sensory impairments⁹⁹

The Convention on the Rights of the Child (CRC) tends to see a child as an active participant in his/her development process. Promoting inclusion and individualised teaching requires a complex and continuous approach and some specific skills that all teachers who directly assist a child or student with SEN are obliged to have.

In the 2020-2021 school year, 221 children with hearing disabilities were mainstreamed in general education (65 children in community kindergartens, 156 children in primary and lower secondary schools), and 73 children were enrolled in special school No. 12 of Chisinau Municipality. There were 165 children with visual disabilities (37 in community kindergartens and 128 in primary and lower secondary

⁹⁹ Sensory impairment is a neurological disorder resulting from the brain's inability to integrate certain information from seven sensory functions of the body: auditory, olfactory, gustatory, visual, tactile, proprioceptive, and vestibular.



schools). Another 75 children were enrolled in the Technological Lyceum for children with poor eyesight in Chisinau Municipality¹⁰⁰.

According to the information of the General Department for Education, Youth and Sports of Chisinau Municipality, TL "Miguel de Cervantes Saavedra", TL "Pro Succes", Gymnasium "Galata", and Gymnasium "Decebal" located in Chisinau Municipality are provided with special technical gadgets (screen readers, electronic magnifiers for reading, magnifying devices/monitors, etc.). The situation is completely different in other general education institutions – most schools are not endowed with this specialised technical equipment.

The teachers who assist or teach the children with hearing disabilities and hypoacusis must master and apply sign language. In the Republic of Moldova, the training of specialists in sign language is provided by only one higher education institution, which has the appropriate infrastructure, methodical support, and specially trained teachers, namely Ion Creanga State Pedagogical University. However, more professionals in this field are needed.

Other findings/conclusions of the study conducted by the PAO¹⁰¹:

- The individualised assistance provided through inclusive education services does not fully meet the needs of children/pupils with visual impairments, hypoacusis, and late deafness. There is a shortage of support staff for children with SEN;
- Travelling to/from school is challenging for children with visual impairments due to the absence of street infrastructure and accommodated transport;
- The financing formula for inclusive education (2% of the education budget allocated per district) does not cover the real needs, the funds being used mainly to pay the support teachers;
- The existing psycho-pedagogical approaches to children/pupils with sensory visual impairments, hypoacusis, late deafness, and teaching materials within general education institutions do not fully support the quality of education in accordance with the needs of these groups of children/pupils;
- In general education, there is a shortage of teachers trained in special psycho-pedagogy, the sign language is unknown, insufficient support staff and, in general, insufficient training of the entire teaching staff and specialised teachers;
- Apparently, some children, parents, and teachers in general schools reject by default children/pupils with visual sensory impairments, hypoacusis, and late deafness;
- Parents of children/pupils with visual impairments, hypoacusis, and late deafness

¹⁰⁰ <https://gov.md/sites/default/files/document/attachments/subiect-03-nu-765-mec-2023.pdf>

¹⁰¹ Report on the Right to Education of Children with Sensory Impairments, <https://ombudsman.md/post-document/asigurarea-dreptului-la-educatie-a-copiiilor-cu-deficiente-senzoriale/>



are insufficiently informed about the benefits for a child's development in inclusive school;

- Families are not prepared to engage with their own child with SEN;
- The registration of children with disabilities, without taking into account their type of disability, does not enable the public authorities to have a clear and comprehensive picture regarding the real needs of families and children with hearing and vision impairments. It also hinders the development of social services focused on specific and real needs that each type of disability implies.

Thus, the Children's Ombudsman **RECOMMENDS:**

RECOMMENDATION 2.3.2.1: The Ministry of Education and Research should equip the general education institutions, which have integrated children with SEN, with textbooks, teaching materials, and specific equipment and supporting technologies according to the needs of children/students (hearing aids; glasses to see better; walking aids and sticks, tailored computer keyboards, communication boards, special chairs, etc.).

RECOMMENDATION 2.3.2.2: The Ministry of Education and Research should ensure capacity building for teachers and management in developing, implementing, monitoring, evaluating, and reviewing Individual Education Plans.

RECOMMENDATION 2.3.2.3: The Ministry of Education and Research should teach the sign language or assist in using it the professionals who teach children with hearing and vision disabilities.

RECOMMENDATION 2.3.2.4: The Ministry of Education and Research should provide accommodated transportation means to/from school for school students with visual impairments.

RECOMMENDATION 2.3.2.5: The Ministry of Education and Research should revise the financing formula for inclusive education and staff of general education institutions to enable employment of additional support teachers, speech therapists, psychologists, psycho-pedagogues in general schools attended by students/children with SEN.

RECOMMENDATION 2.3.2.6: The Ministry of Education and Research should ensure everything necessary for the baccalaureate exams to be passed by children/pupils with visual impairments, hypoacusis, and late deafness.

RECOMMENDATION 2.3.2.7: The Ministry of Education and Research should inform and train auxiliary staff, parents, and children in general schools how to interact with children/pupils with visual impairments, hypoacusis, and late deafness.

RECOMMENDATION 2.3.2.8: The Ministry of Health should ensure fair access to prevention, detection, treatment, and rehabilitation services for people with visual and hearing impairments.



3.3 Informal payments in schools

Collecting informal payments in schools is a widely discussed topic in society. This phenomenon impacts all educational process actors: children, parents, and teachers. Its consequences are dramatic: the education system is degrading, hindering children's access to quality education on equal terms.

In 2020, the Institute of Public Policy conducted a study on informal payments in schools. The study showed that parents in cities spend MDL 6,959 a year on informal payments and an average of MDL 5,493 a year on formal payments. This ratio is different in villages, where parents reported higher spending on formal payments – an average of MDL 6,244, and MDL 4,943 on informal payments.

The extent of this problem determined the MoER to develop an Anti-corruption Plan in Education for 2024. Among its most important priorities are: conducting a study on ethics and integrity in general education institutions (the size, frequency and requestors of informal payments); creating an account on the government electronic payment service platform (MPay) intended for donations for the benefit of general education institutions; developing mechanisms on how to manage financial resources from parents' donations; integrating professional ethics modules in continuous professional development of teachers¹⁰².

The National Anticorruption Centre (NAC) is the specialised body directly empowered to prevent this phenomenon. In 2023, more than 60 information campaigns/activities were organised for school students and parents regarding the prohibition of informal payment collection¹⁰³.

The cooperation agreement¹⁰⁴ between the MoER and the NAC stipulates 'the creation of an interagency group to monitor the process and the approach to examining petitions reporting acts of corruption, inform the education sector employees about integrity standards and prevention mechanisms and tools (including the National Anti-Corruption Hotline and specialised institutional hotlines), and consequences of corruption. It also aims to develop active civic spirit in terms of reporting acts of corruption, organise trainings for parents and legal representatives of children on their role in eradicating corruption', etc. However, according to the MoER letter sent in response to the 'Parinti Solidari' NGO inquiry dated 24.08.2023, 'no interagency group was created, only a few liaison persons being designated'.¹⁰⁵

¹⁰² <https://mecc.gov.md/ro/content/prevenirea-si-combaterea-coruptiei-domeniul-educatiei-pe-agenda-ministerului-educatiei-si>

¹⁰³ Ibidem

¹⁰⁴ MoER press-release, MoER-NAC cooperation agreement.

¹⁰⁵ Report titled 'The Findings of the Examination of Complaints on Corruption and/or Unethical Behaviour in the Education Sector undertaken by the MoER and its Subordinate Institutions', page 12.



Where preventive measures do not achieve their purpose, procedures are to be applied in order to prosecute and punish those who claim, accept, or receive rewards or material benefits, as well as those who promise, offer, or give the rewards. The Children's Ombudsman encourages the authorities to apply Art. 315 of the Contravention Code and to be firmly involved whenever children's future is threatened.

In this context the People's Advocate for Children's Rights **RECOMMENDS:**

RECOMMENDATION 2.3.3.1: The Ministry of Education and Research should resume the dialogue between the MoER and the NAC on the interagency group issue to monitor the process and the approach to examine petitions reporting acts of corruption.

3.4 School Uniforms

Parents and pupils informed the People's Advocate for Children's Rights about the restriction of access to educational institutions to students who were not dressed in school uniforms or did not comply with the dress code imposed by the institution (e.g., classic style in white-navy-blue colours and decent look; no makeup, no eccentrically dyed hair and extravagant jewellery; neat hair for boys, etc.).

In one case, even the administration admitted that the students' access to the institution was restricted, but only when 'some female students were dressed scantily, almost indecently (bare shoulders, bare belly, jeans torn top-down, shorts, etc.)'.

The UN Committee on the Rights of the Child, in its General Comment no. 1, notes that children do not lose their human rights by virtue of passing through the school gates. Thus, education must be ensured in a way that respects the child's inherent dignity and allows the child to freely express their opinions and participate in school life. Article 3 (1) of the Convention on the Rights of the Child reads that 'In all actions concerning children, whether undertaken by public or private social welfare institutions, the best interests of the child shall be a primary consideration'. Whenever a decision is required that may affect a particular child, a group of identified children, or children in general, the decision-making process must include an assessment of the potential impact (positive or negative) the decision may have on the child or children concerned.

The People's Advocate for Children's Rights points out that, in implementing their obligations under the Convention, the educational institutions concerned have not paid sufficient attention to protecting children's rights, while the decisions restricting students' access to school do not respect the principle of the best interests of the child. At the same time, educational institutions did not apply properly the strategies



aimed at promoting a school dress code, which, as provided by the circular letter of the Ministry of Education, Culture and Research of the Republic of Moldova no.03/1-09/2461 of 24.07.18¹⁰⁶, should not include coercive, discriminatory, and sanctioning procedures by using various forms of intimidation to students and their families. According to the circular letter, the educational institution must promote exclusively those instruments of students' and parents' education and awareness that are based on respect, empathy, fairness, and responsibility for ensuring each child's right to education. In the event of inevitable disagreements/conflicts arising due to children's non-compliance with the adopted dress code, the school administration shall identify solutions to remedy them, observing the principle of the child's best interests. **Under no circumstances shall the student be restricted or prohibited/denied access to school or classroom.**

In the context of the above, the People's Advocate for Children's Rights **RECOMMENDS:**

RECOMMENDATION 2.3.4.1: The Ministry of Education and Research should disseminate MECR Circular Letter No. 03/1-09/2461 of 24.07.18 and address the topic within the Capacity-Building Programme for Education Professionals 'We Invest in Teachers', in light of the actions to be undertaken by teachers and management when children do not comply with the adopted dress code, sticking to the principle of the best interests of the child, the right to education, protection and opinion.

3.5 Protection of Children from All Forms of Violence

Children have the right to be protected from all forms of violence (Art. 19 of the Convention on the Rights of the Child; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention), etc.). The Republic of Moldova has a positive obligation to take all necessary actions to prevent, identify, and respond to violence against children.

The prevalence of violence against children in the Republic of Moldova is alarming. It is due to various factors, including societal acceptance of violence, especially physical punishment, as a method of education or discipline. The 'Violence against Children Survey' (VACS)¹⁰⁷ conducted in Moldova in 2019 showed that two out of five girls (36.8%) and boys (37.8%) were subjected to some form of violence before the age of 18. In addition, one in seven girls (14.4%) and one in 20 boys (5.3%) have been subjected to sexual violence by the time they reach the age of 18, and most did not tell anyone about their experiences.

¹⁰⁶ https://monitor.drepturilecopilului.md/wp-content/uploads/2018/08/circulara_uniforma_scolara.pdf

¹⁰⁷ <https://www.togetherforgirls.org/en/resources/moldova-vacs-report-2020>



Bullying is another widespread phenomenon in educational institutions in Moldova. A 2019 UNICEF study ('Bullying among Adolescents in the Republic of Moldova')¹⁰⁸ showed that 70.8% of students in grades 6-12 are the victims of bullying. According to a WHO study on the health and well-being of adolescents, released in May 2020¹⁰⁹, Moldova is among the top five countries covered by the HBSC survey (50 countries) for the prevalence of bullying in school; among the top three in terms of bullying other school students, and takes the first place among 11-year-old adolescents who assaulted a schoolmate at least twice over the past two months. According to a study conducted by the alliance of NGOs working in the field of child and family social protection (APSCF) during January-June 2023, approximately 21% of 5-12 grade students are bullied weekly. Moreover, three out of 100 students reported experiences of cyberbullying at least once a month in the past school year.

The online phenomena of sexual abuse and exploitation of children are also worrying. According to a study conducted in 2021 by 'La Strada' on negative online experiences of children in the Republic of Moldova and the risks they were exposed to¹¹⁰, 12% of 3,829 respondents aged 9-17 who participated in an online survey said they had received messages containing vulgar words or images of sexual content. About one percent of 12-17-year-olds reported sending photos or videos of their naked body parts to people they were communicating with over the internet in the past 12 months. 13% of them sent the images to someone they only knew online (8% because they were threatened, 4% to get money or certain goods in return).

According to the half-yearly reports developed by the Ministry of Education and Research¹¹¹, circa 8,000 cases of violence against children take place in the educational institutions of the Republic of Moldova every year.

¹⁰⁸ <https://www.unicef.org/moldova/media/3146/file/Bullying-ul%20%C3%AEn%20r%C3%A2ndul%20adolescen%C8%9Bilor%20din%20Republica%20Moldova.pdf>

¹⁰⁹ <https://www.who.int/europe/publications/i/item/9789289055000>

¹¹⁰ https://lastrada.md/storage/pic/uploaded/Studiu_Siguranta_online-comportamente_si_riscuri-FINAL.pdf

¹¹¹ <https://mec.gov.md/ro/content/prevenirea-si-combaterea-violentei-0>



Academic year	Forms of violence							Total cases			Source of petition				Decision after evaluation	
	Physical	Psychological	Sexual	Bullying	Neglect	Labour exploitation	Trafficking, prostitution	Girls	Boys	Total children	Teacher	EI employee	Parents	Children	Examination in EI	Case referral
2022-2023 Semester I	1,540	988	16	-	1,012	31	2	1,044	2,545	3,589	1,898	306	448	937	3,021	568
2022-2023 Semester II	1,778	974	22	610	1,095	19	0	1,493	3,005	4,498	2,248	469	729	1,052	3,770	728
2022-2023 Total	3,318	1,962	38	610	2,107	50	2	2,537	5,550	8,087	4,146	775	1,177	1,989	6,791	1,296
2023-2024 Semester I	1,297	782	15	475	870	17	4	1,120	2,701	3,821	2,059	412	481	869	3,340	481

It is worth noting that a new column (for bullying) was introduced in the report for the second semester of the 2022-2023 academic year. Analyzing these data in light of the studies above, we conclude that the number of cases is underreported. This is due to several factors, including the low capacity of the educational institutions' staff to identify and respond to cases of violence against children and the erroneous belief that it is better to safeguard the reputation of the institution than to report such cases.

In 2023, we welcomed the Ministry of Education and Research (MoER) intention to enable a safe and friendly school environment for all educational actors, including the teaching staff. In the context of the draft law for amending certain regulatory acts (in the field of education) promoted by the Ministry, the Children's Ombudsman presented his opinion¹¹², noting that the protection of teachers can only take place together with the protection of children, and that this process must be based on respect for human dignity. Any differentiated approach risks affecting the realisation of the child's rights, given their interdependence.

¹¹² <https://ombudsman.md/post-document/opinia-avocatului-poporului-pentru-drepturile-copilului-cu-privire-la-aprobarea-proiectului-de-lege-pentru-modificarea-unor-acte-normative-din-domeniul-educatiei/>



The reported cases and ex officio reviews of violence against children committed by teachers demonstrated that the educational institutions rarely resort to the use of Art. 135 (1) i) of the Education Code and Art. 86 (1) n) of the Labour Code (dismissal) towards a violent teacher, limiting themselves to sanctions such as reprimand. Sometimes, teachers resign voluntarily only to find a job in another educational institution. There is no log of sanctions applied to teachers, including for violence against children, which would be helpful for future employers and educational institutions to consult with.

Another finding is related to similar thematic cases registered by the People's Advocate for Children's Rights as 'assessment of actions of educational institutions' employees' in light of Article 166¹ of the Criminal Code: 'Torture, inhuman or degrading treatment'.

These cases are affected by uneven jurisprudence and by the lack of consensus in terms of construing and applying Art. 166¹ of the Criminal Code, especially regarding the special subject-matter of offense components and its severity, which must be present for these acts to be considered as inhuman or degrading treatment. The problem is exacerbated by the patchy judicial practice of the Supreme Court of Justice, which decisions were referred to by the inferior courts.

Concluding the above, the People's Advocate for Children's Rights **RECOMMENDS:**

RECOMMENDATION 2.3.5.1: The Ministry of Justice should analyse the current possibilities of pressing charges, as per contravention or criminal laws, on teachers who use violence against children, with the deprivation of the right to work in the education sector for a certain period, depending on the severity of their actions.

RECOMMENDATION 2.3.5.2: The Ministry of Justice should amend the Criminal Code to provide clarity and predictability in applying Art. 166¹ 'Torture, inhuman or degrading treatment' to education sector employees.

RECOMMENDATION 2.3.5.3: The Ministry of Education and Research should consider the current practice of sanctioning the teachers who use violence against children, or some possible ways to deprive them of the right to be employed in the education sector for a certain period, depending on the severity of their actions, and conditioning their subsequent return to work with children subject to their successful participation in a programme that should improve their social and emotional competencies.

RECOMMENDATION 2.3.5.4: The Ministry of Education and Research should develop a register of sanctions applied to teachers, including for violence against children, for future employers and educational institutions to consult with.



RECOMMENDATION 2.3.5.5: The Ministry of Education and Research should develop and improve teachers' competencies to prevent and combat violence against children, including bullying (initial and continuous education).

RECOMMENDATION 2.3.5.6: The Ministry of Education and Research should ensure the participatory development and implementation of policies for the protection of children in educational institutions.

RECOMMENDATION 2.3.5.7: The Ministry of Education and Research should provide all educational institutions with school psychologists.

RECOMMENDATION 2.3.5.8: The Ministry of Education and Research should provide psycho-emotional support and professional burnout prevention programmes to teachers.

RECOMMENDATION 2.3.5.9: The Ministry of Education and Research should improve/strengthen social and emotional competencies of teachers.

RECOMMENDATION 2.3.5.10: The Ministry of Education and Research should review the school curriculum to integrate all critical concepts of comprehensive sex education and improve teachers' competencies to implement it.

RECOMMENDATION 2.3.5.11: The Ministry of Education and Research should develop parental education programmes, including parents' schools and thematic positive parenting sessions during the meetings with parents in educational institutions.

RECOMMENDATION 2.3.5.12: The Ministry of Education and Research should improve teachers' competencies to develop children's skills in democratic culture (including respect for human rights, human dignity and cultural diversity, cooperation, non-violent conflict management, empathy).

RECOMMENDATION 2.3.5.13: The Ministry of Labour and Social Protection should develop social services to support families with children in difficulty.

RECOMMENDATION 2.3.5.14: The Ministry of Labour and Social Protection should develop specialised services for children with deviant behaviour.

RECOMMENDATION 2.3.5.15: The Ministry of Health should develop programmes for treating and rehabilitating children with deviant behaviour within Community Mental Health Centres and Youth Clinics.

Item 4: Child-friendly justice

Priority 3 of the Strategic Development Programme for 2023-2030 developed by the PAO: Every person who reaches the justice system shall enjoy real access to justice and fair trial.



4.1 Children in detention

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention, or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age¹¹³.

Over the recent decades, the justice sector in the Republic of Moldova has undergone significant reforms. Several changes in the regulatory framework aimed to ensure transition from an outdated justice system, based primarily on punitive measures, monitoring, and institutionalisation, to an approach focused on reintegration and rehabilitation, respect for human rights, fair trial, and ensuring the rule of law.

In 2023, with the Ministry of Justice and the People's Advocate for Children's Rights' support, the National Administration of Penitentiaries managed to reshape the conceptual approach to minors subjected to provisional arrest. Traditionally, the minors subjected to arrest as a preventive measure are placed in criminal prosecution isolators, where adults are also held. This influences the minor's path through the local enforcement system in the most damaging way because minors take over negative behavioural patterns from adults. In particular, minors are prone to copy the criminal subculture rules, a scourge that undermines the entire effort of prison administration to prevent recidivism.

Thus, the juvenile detainees were moved from Penitentiary No. 13 to Penitentiary No. 10 in Goian, where a fully renovated residence building was put in service in compliance with the detention standards. The Children's Ombudsman appreciates this as a breakthrough, which will launch a new approach to juvenile detainees in the local criminal enforcement system.

Monitoring of prisons is one of the priority areas of the Children's Ombudsman as an ex officio member of the Council for the Prevention of Torture. Council members paid a preventive visit to Penitentiary No. 10 on 7 July 2023, from 9:20 to 13:00¹¹⁴.

¹¹³ Article 37 of the UN Convention on the Rights of the Child.

¹¹⁴ The findings and recommendations of this chapter have been taken from the Report on the monitoring visit of the National Administration of Penitentiaries to Penitentiary no. 10 in Goian on 07 July 2023. <https://ombudsman.md/post-document/raport-privind-vizita-de-monitorizare-efectuata-la-penitenciarul-nr-10-goian-din-cadrul-administratiei-nationale-a-penitenciarelor-la-07-iulie-2023/>



Number of juvenile inmates in the penitentiary system in 2021-2023.

Year		2021	2022	2023
Total detainees		45	45	31
Sex	Boys	44	44	29
	Girls	1	1	2
On remand		15	13	14
Convicted detainees		30	32	17

Criminal subculture

The monitoring team found no cases of non-compliance with the provisions requiring the detention of minors according to specific categories: prisoners and individuals in pretrial detention. However, the criminal subculture among juvenile prisoners has not been eliminated yet. One inmate complained of psychological pressure from his cellmates because he had been employed and asked to be placed in another cell.

Documentation and reporting of bodily injuries

The administration and the authorities have an obligation to ensure adequate investigations and special measures to prevent suicide and self-harm. The visiting team members found that the number of bodily injuries and self-harm among convicts was increasing. The Council for the Prevention of Torture (CPT) also found divergences between the number of reported cases and the actual records.

Table of cases of bodily injuries and self-harm in 2021-2023

Injuries/self-harm	2021	2022	2023
Bodily injuries	23	33	41
Self-harm	-	7	18

This points out to a generally unsafe environment of detention. The penitentiary employees explain the phenomenon by transferring minors in the criminal investigation phase from Penitentiary No. 13 to Penitentiary No. 10. Changing the environment (infrastructure) and, with it, the rules of detention could be the cause of such a response from the juvenile detainees. However, the Children's Ombudsman recommends that staff continuously engage in capacity building to improve their prompt response to prevent any form of abuse among underage prisoners or with their participation.



The use of disciplinary sanctions

The issue of disciplinary sanctions, such as suspension of the right to meetings, was pointed out in the CPT reports after visiting the Republic of Moldova both in 2018 and in 2020. The CPT warned the authorities to take due measures, including through the revision of the legislation, so that disciplinary punishments applied to detainees do not lead to a ban on their contact with the family.

In 13% of cases, sanctions were applied for self-harm (most of the self-harm cases take place among the inmates of Building A, and the reason cited is the ban on smoking). In self-harm cases, sanctions are applied disparately. Some prisoners are sanctioned with disciplinary isolation, others with a warning or restriction on packages and visits by their family members. The Council noticed practices of excessive enforcement of disciplinary isolation as a sanction.

Healthcare

Health service providers in Penitentiary Institution No. 10 include the Health Service head, four certified nurses, a halftime psychiatrist, a halftime radiologist, and a halftime technician-radiologist. The penitentiary health service has undergone improvements in terms of equipment and technical capacities.

The institution, however, does not have clinical psychologists trained in mental health, especially for minors, to participate in the structured assessment for the diagnosis of mental health problems, in the development of plans, and in the treatment and rehabilitation of patients through psychotherapy and specific psychological counselling. The Health Service of Penitentiary No. 10 has neither a sanitary certificate and nor accreditation.

As of July 2023, the renovation and endowment had been completed to meet all accreditation requirements.

Material conditions of detention

According to the 24th CPT General Report, 'a well-designed juvenile detention centre shall provide favourable and personalised conditions for the detention of young people, respecting their dignity and privacy. All cells shall be adequately furnished and have access to natural light and adequate ventilation'. The material conditions in the residential facilities meet the requirements.

Regime and activities

Juvenile prisoners should be provided with a complete programme of education, sports, vocational training, recreation, and other outdoor activities throughout the day. Vocational education and training offered to minors in detention should be similar to those provided in the community.



According to the data provided by the Institution Director, the prisoners can enrol in lower and upper secondary school training programmes and vocational training in six specialties and attend ten programmes aimed to develop social skills: conflict management, communication, cognitive development, improvement of knowledge and skills.

In conclusion, the Children's Ombudsman **RECOMMENDS:**

RECOMMENDATION 2.4.1.1: The National Administration of Penitentiaries should plan and implement a cross-sector plan to deter and eliminate the criminal subculture among juvenile inmates.

RECOMMENDATION 2.4.1.2: The National Administration of Penitentiaries should ensure organisational and logistical support for the accreditation of the Health Service within P-10 Goian.

RECOMMENDATION 2.4.1.3: The National Administration of Penitentiaries should ensure adequate supervision of juvenile prisoners and identify the causes of violence and self-harm to reduce the number of such cases.

4.2 Enforcement of court decisions relating to the determination of domicile or access to children

The enforcement actions regarding minors should be adapted to each specific case to avoid or minimise any unjustified intrusion into the privacy of those involved and to prioritise the best interests of the child.

The national legal framework concerning the enforcement of decisions related to determining a minor's residence and ensuring visit schedules can be described as brief. It occasionally uses inappropriate terminology for legal institutions and does not adequately describe how these legal relationships should be maintained. Article 154 of the Enforcement Code is the only article that enforces warrants regarding the child's domicile.

During the survey to develop the *Methodological Guidelines on Improving the Enforcement of Court Decisions Regarding the Determination of Domicile or Access to Children*¹¹⁵, bailiffs highlighted the inadequacy of legal regulations as the primary reason behind the increased difficulty in enforcing warrants related to a child's determined domicile. This opinion was shared by 66.7% of respondents. Among the respondents who handle enforcement cases related to determining a child's

¹¹⁵ The Guidelines were developed within the Project titled "Support to Further Strengthening the Efficiency and Quality of the Judicial System in the Republic of Moldova", financed by the European Union and Council of Europe and implemented by the Council of Europe under the Partnership for Good Governance Programme II for 2019 – 2022.



domicile, 58.3% reported that the enforcement of these warrants lasts for over 24 months, and 16.7% indicated that it exceeded 12 months.

Establishing or determining the child's domicile

There is an alternation of wordings 'identification of the child's domicile' and 'determination of the child's domicile' in Art. 63 (1) and (1¹) of the Family Code. This cannot be regarded as assigning different legal meanings to these two terms. The purpose of determining the child's domicile is to establish a legal relationship between the child and the parent responsible for childcare. It has nothing to do with the place of residence. *Determining parental care*, the term used in Law No. 370/2023 of 30.11.2023 on Children's Rights, would be a linguistically more precise wording encompassing the legal effects of determining the child's domicile.

At the same time, establishing a minor child's domicile does not affect their right to see the parent who lives separately. The conclusion is based on Art. 64 (2) of the Enforcement Code, according to which the parents are entitled to conclude an agreement on exercising the parental rights by a parent living separately from the child.

The legislation governing the identification of a minor child's domicile could be improved by inserting the notion of *identification/determination* of a minor child's domicile in the Family Code, which shall also include the rights and obligations of the parties in this relationship. This new regulation would remove the doubts concerning the court decision enforceability, provide more predictability to the parties, and clarify their future conduct.

Child's resistance to comply with the enforcement of court decisions

If the debtor opposes the enforcement of a court decision, the legislator has provided some more or less effective remedies¹¹⁶. However, if a child opposes being transferred to the adult indicated in the enforceable document, the legislation does not offer any solutions. The regulatory omission is quite significant in this case. This is because a child's psychological beliefs cannot be overcome through coercive measures, such as civil or misdemeanour penalties, as is the case with adult debtors or as regulated by the Enforcement Code. Thus, the bailiff faces a regulatory vacuum that cannot be filled even by law analogy. Often, the bailiff may lack the skills, training, and knowledge necessary to interact with a psychologically affected child, whose psyche and morale are very sensitive and fragile. In these situations, inaction seems to be the only solution the bailiff can adopt. It should be noted that passivity in actions goes against the law's spirit and the bailiff's mission.

¹¹⁶ Devising a Minutes stating the impossibility of executing a court decision and filing an inquiry to the court of trial to determine how the decision can be executed; devising a Minutes for identifying the debtor's offense under Art. 318 of the Contravention Code for wriggling out of court decision execution.



For example, the Romanian legislator offers solutions when the minor refuses to leave the debtor or has an aversion to the creditor. The bailiff will then prepare a report documenting his findings, which will be shared with the involved parties and the representative of the organisation responsible for social welfare and protection of children's rights. Based on the child's age, this will prompt the competent court to order a psychological counselling programme lasting no more than three months.

The court shall prioritise this inquiry and hold the proceedings in closed session. The child parents shall be summoned and, if applicable, the person the child is staying with. Legal provisions on hearing the child will also apply. The court shall issue a final judgment that is not open to appeal, by which it appoints a psychologist and the counselling programme to be followed. Upon completing the counselling programme, the psychologist shall prepare a report to be submitted to the court, the bailiff, and the local agencies responsible for social welfare and protection of children's rights.

The Children's Ombudsman considers that the effective enforcement of court decisions in establishing the child's domicile must be viewed through the lens of combined powers and efforts of the bailiffs, judicial, and law enforcement authorities.

In the context described, it is essential to note the active role of the bailiff and the significant contribution that children's rights protection bodies and relevant NGOs could make in such enforcement proceedings. The courts should ensure the quality and consistent examination of these procedures, and the solutions should ensure a balance between the children's rights and their best interests and the parents' rights and obligations. The legislator, in turn, is to react to the findings and proposals of professionals to remove white spots and improve the national regulatory framework.

Based on this, the Children's Ombudsman **RECOMMENDS:**

RECOMMENDATION 2.4.2.1: *The Ministry of Justice should assess the regulatory framework in light of the ECtHR case law and the regulations adopted in other countries. This is to ensure fairness and completeness in the procedures for determining the child's domicile. Specific measures should be diversified to ensure action is taken. This includes organising psychological counselling preparatory sessions with children or their parents¹¹⁷, involving several social services, seeking the assistance of psychiatrists or child psychologists¹¹⁸, and resorting to family mediation¹¹⁹. These measures aim to facilitate contact between parents, and between parents and children.*

¹¹⁷ Pisica against the Republic of Moldova (Case no.23641/17).

¹¹⁸ Svernei against Moldova (no. 42787/19).

¹¹⁹ Cengiz Kılıç against Turkey of 6 December 2011.



RECOMMENDATION 2.4.2.2: The Supreme Court of Justice should apply the provisions of Article 4 (1), b) of Law No. 64 of 30 March 2023 on the Supreme Court of Justice, to explore the option of issuing an advisory opinion on the application of legislation in procedures related to determining a child's domicile.

RECOMMENDATION 2.4.2.3: The National Union of Bailiffs should apply the provisions of Article 49 (3) b) of Law No. 113 of 17.06.2010 on Bailiffs and should promote the widespread practice of enforcing court decisions related to establishing the child's domicile, while also sharing good practices.

Item 5: Child protection from labour exploitation

Article 32 of the UN Convention on the Rights of the Child prohibits any work that could be harmful to the child's health, education, or full development. The state must establish a minimum age for admission to employment of children; provide for appropriate regulation of conditions of employment; and provide for appropriate penalties or other sanctions for those who violate these norms. Children have the right to a dignified and secure life without being exposed to economic risks or pressures.

According to the data provided by the Ministry of Labour and Social Protection (MoLSP), during the last five years, 40 complaints about violations of the regulatory framework were registered where 40 children (24 boys and 16 girls) were employed. During the inspections, 15 violations related to children were revealed and reported: employment infringing the legal procedure, absence of preventive medical examination, jobs forbidden to children, non-compliance with the required shortened working hours, and violations in payroll calculations. Following those inspections, four reports on contraventions against children were produced and submitted to the courts of relevant jurisdiction. The court issued two sanction decisions with fines of MDL 3,000 and MDL 10,500. Two other cases are under examination.

There is a low reporting rate of child labour exploitation cases. The survey participants pointed out that one reason why cases of child labour exploitation were not reported was the lack of trust in the authorities and the social protection system; many children were not aware of who to turn to for help or did not trust that they would be listened to and supported. There is a risk that reporting could lead to retaliation from employers or families who rely on children's income.

The annual report titled "*Findings on the Worst Forms of Child Labor*" published by the U.S. Department of Labor¹²⁰ notes that the Republic of Moldova made

¹²⁰ Available online: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/moldova>



significant advancement in efforts to eliminate the worst forms of child labour – five years after it was evaluated with the rating ‘minimum advancement’ in this field. Progress in the field was possible thanks to reforms and programmes promoted by the relevant central public authority – the Ministry of Labour and Social Protection. After the adoption of Law No. 355/2022, which amended certain regulatory acts to combat undeclared work, changes were made to Law No. 140/2001 regarding the State Labour Inspectorate. As a result, labour inspectors are now authorised to conduct unannounced inspections of companies if they have evidence or information about potential violations of labour laws, including human trafficking or exploitation. However, these amendments do not allow the inspectors to investigate matters beyond the initial scope of unannounced inspections.¹²¹

While Law No. 131 of 08.06.2012 on State Supervision of Entrepreneurial Activity lays down strict rules regarding the procedure and types of state inspection, we believe that efforts to prevent violations of human and children's rights should be integrated into the activities of regulatory bodies, with dedicated units or specialised personnel at the institutional level. This will lead to a systemic approach to child protection against exploitation and abuse in the context of a general human rights-based approach.

Unfortunately, the national legal framework does not clarify the age from which the child can be admitted to work within the family, particularly regarding the child's education through labour in the family. The minimum age at which a child's work within the family could be considered as abuse or exploitation on the part of parents or caregivers needs to be clarified.

According to Law 140/2013 and GD No. 270/2014, the authorities shall use a cross-sector cooperation mechanism to identify, assess, refer, assist, and monitor child victims or potential victims of violence, neglect, exploitation, and trafficking. This mechanism involves effective collaboration among various institutions and organisations dealing with child protection.

A survey conducted within the framework of the thematic study "Child Labour Exploitation"¹²² has shown that this mechanism works better for abuse and neglect but entails difficulties in the field of labour exploitation, i.e., obscure operational procedures, limited human resources and facilities, lack of information and poor public awareness, sporadic coordination and communication among the actors involved, etc.

¹²¹ Art. 19 (6) of Law No. 131/2012 on State Supervision of Entrepreneurial Activity.

¹²² Thematic report titled "Child Labour Exploitation", <https://ombudsman.md/post-document/exploatarea-copiilor-prin-munca/>



In view of the above, the People's Advocate for Children's Rights **RECOMMENDS:**

RECOMMENDATION 2.5.1: The Ministry of Labour and Social Protection should amend the national regulatory framework to regulate children's work in the informal sector, establish minimum safety and health standards, ensure access to education and social services, and punish those who violate the legislation. This will contribute to respecting the international conventions to which the Republic of Moldova is a party and to improving the quality of life of children involved in economic activities.

RECOMMENDATION 2.5.2: The Ministry of Labour and Social Protection should amend Government Decision No. 270/2014 by adding the investigation procedure by employees of the State Labour Inspectorate and its territorial subdivisions and other entities responsible for intervention in case of child labour exploitation, step up efforts to ensure adequate resocialisation and reintegration services for children victims of exploitation.

RECOMMENDATION 2.5.3: The Ministry of Labour and Social Protection should supplement the activity plans of the inspecting entities with actions aimed at enhancing respect for and protection of human rights, in general, and of children, whose labour is exploited in entrepreneurial activity, in particular.

RECOMMENDATION 2.5.4: The Ministry of Labour and Social Protection should organise campaigns to inform parents/caregivers and potential child victims of labour exploitation about their rights and how to seek protection and assistance services. At the same time, to ensure that information is easily understood, it is essential to create and distribute informational materials tailored for various groups of victims and potential victims of exploitation (such as children and parents/caregivers) and different types of exploitation. These materials should be adapted for victims with multiple vulnerabilities, such as those with mental or sensory disabilities, illiteracy, and other challenges.

Item 6: Child's right to name and nationality

From birth, every child has the right to a name and nationality. Children have the right to acquire their nationality, name, and connection with their family; if they are deprived of these rights, they should be restored. Violating a child's right to name and nationality inherently leads to the violation of other fundamental rights, such as the right to education, health, social welfare and protection, work, free movement, etc.



According to Art. 7 of the UN Convention on the Rights of the Child¹²³, the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

The Citizenship Law of the Republic of Moldova No. 1024 of 02 June 2000¹²⁴ establishes the legal framework for relational citizenship in the Republic of Moldova. With regard to ensuring the right of a child to name and nationality from the moment of his/her birth, we have the specific provisions of Art. 11 of this Law.

The People's Advocate for Children's Rights identified a challenging situation for children born on the territory of the country, but from parents who hold the citizenship of another state, or one of them is stateless or enjoys international protection, and the other is a foreign citizen. Before, Article 11 (1) c) of the Law on Citizenship of the Republic of Moldova No. 1024/2000 stated that a child born in the Republic of Moldova would be granted citizenship based on the residence status/legal form of stay of the child's parents in the country. According to the Children's Ombudsman, this situation could result in stateless children from birth. This could happen in cases where the parents or one of the parents' countries of origin does not confer citizenship to children born in other countries or has certain restrictions in place. In this context, the People's Advocate for Children's Rights, on May 21, 2021, asked the Constitutional Court to exercise the constitutional review of Art. 11 (1) c) of the Citizenship Law of the Republic of Moldova No. 1024/2000¹²⁵.

Despite the Constitutional Court's inadmissibility decision on the constitutional review of Art. 11 of the Citizenship Law of the Republic of Moldova, No. 1024/2000¹²⁶, a member of the Parliament of the Republic of Moldova took up the proposal to amend it. As a result, on 08.06.2023, the Parliament adopted Law No. 142 to amend Article 11 of the Citizenship Law of the Republic of Moldova No. 1024/2000, which became effective on 03.11.2023.

Law no. 370/2023 on Children's Rights establishes the fundamental rights of the child, the principles and measures of ensuring these rights, the duties of central and local public authorities, and their interaction in ensuring the observance of these rights. Art. 7 of this Law provides that every child has the right to a name and to be

¹²³ UN Convention on the Rights of the Child, <https://www.unicef.org/moldova/media/6116/file/with%20Kids'%20drawings%20rom.pdf>

¹²⁴ Citizenship Law of the Republic of Moldova, no. 1024/2000, https://www.legis.md/cautare/getResults?doc_id=137681&lang=ro#

¹²⁵ Petition to the Constitutional Court, <https://old2.ombudsman.md/wp-content/uploads/2022/02/2021sesizare-Curtea-Constitu%C8%9Bional%C4%83-Legea-cet%C4%83%C8%9Beniei.pdf>

¹²⁶ The Constitutional Court Decision, <https://old2.ombudsman.md/wp-content/uploads/2022/02/Decizia-Curtii-Constitutionale.pdf>



registered under the conditions provided by law; the right to citizenship; to retain their citizenship, name, and family relations under the conditions provided by law without any interference.

The People's Advocate for Children's Rights has noted that the most common violations of a child's right to name and citizenship are often due to the negligence of both parents and authorities. The authorities fail to intervene promptly and sufficiently cooperate, usually claiming ignorance of the situation, uncertainty about how to intervene, or that it is beyond their jurisdiction.

It is important to note that various measures are implemented in some regions of the country to prevent situations involving undocumented children. These measures include: conducting information campaigns; collaborating closely with the Public Services Agency; providing psycho-social support to families encountering difficulties in documenting their children; early identification and monitoring of social risk factors that could lead to undocumented children; offering educational programmes for both children and parents; providing financial support to cover documentation-related expenses; and establishing effective collaboration with healthcare and educational institutions.

In conclusion, the People's Advocate for Children's Rights **RECOMMENDS:**

RECOMMENDATION 2.6.1: The Ministry of Labour and Social Protection should develop special instructions for intervention in cases of undocumented children.

RECOMMENDATION 2.6.2: The Ministry of Labour and Social Protection should strengthen the cross-sector cooperation mechanism in the prevention, identification, reporting, intervention, and monitoring of cases of non-documentation of children, particularly in cases containing extraneous elements.

RECOMMENDATION 2.6.3: The Public Services Agency should enhance the population registration mechanism by creating a national database of undocumented children.

RECOMMENDATION 2.6.4: The Public Services Agency should identify alternative solutions for the children whose parents, for religious reasons, refuse to document them.

RECOMMENDATION 2.6.4: The Public Services Agency should organise and carry out information and support campaigns for parents and future parents on the children documenting procedure, as well as on the risks that the undocumented children may be exposed to.



Item 7: Ensuring civil rights and freedoms

According to General Comment No. 12 of 2009 of the UN Committee on the Rights of the Child, the right of all children to be heard and taken seriously constitutes one of the fundamental values of the UN Convention on the Rights of the Child. The Committee on the Rights of the Child has identified this right as one of the four pillars of the Convention, the others being the right to non-discrimination, the right to life, survival and development, and the priority consideration of the child's best interests. The child's right to be heard, stipulated in Art. 12 of the Convention, establishes not only a right per se, but also the fact that it should be taken into account when construing and implementing all other rights.

The participatory approach encourages children to get involved and take on responsibilities. It can empower them to initiate and implement projects and activities. Of course, this does not happen automatically, and children need support and encouragement to get involved.

Thus, the UN Committee on the Rights of the Child recommends that member states take measures to provide children with opportunities to express their views and to be given due attention. By General Comment No. 2 of 2002 on the role of Independent National Human Rights Institutions in the promotion and protection of the rights of the child, the UN Committee on the Rights of the Child indicates that the national institutions must ensure they have direct contact with children and that the latter are appropriately involved and consulted/advised.

Against this background, in September 2022, the People's Advocate for Children's Rights created the Children's Advisory Council by the Children's Ombudsman with the aim to align with the international standards in the field of protection and promotion of the child's rights.

The Children's Advisory Council by the Children's Ombudsman is a platform through which children can freely express their opinions on implementing the obligations assumed by the Republic of Moldova under the UN Convention on the Rights of the Child. The Council is a standing advisory structure consisting of 30 children aged 10 to 17, elected for a two-year term.¹²⁷

In 2023, the members of the Children's Advisory Council attended several meetings and workshops organised by the People's Advocate for Children's Rights, jointly with the Information and Documentation Centre on Child Rights (IDCCR).

On 1 April 2023, circa 80 children aged 12-17 from different regions of the Republic of Moldova, including members of the Children's Advisory Council, attended the

¹²⁷ Regulation of the Children's Advisory Council to the People's Advocate for the Rights of the Child (Children's Ombudsman), <https://ombudsman.md/despre-noi/consiliul-consultativ-al-copilor/>



general meeting of children titled 'People's Advocate for Children's Rights, Maia Banarescu: Seven Years Close to Children'.

On 9 April 2023, the Children's Advisory Council by the People's Advocate for Children's Rights met at the PAO. The Children's Ombudsman spoke to children from different regions of the country about the history of the National Human Rights Institution, the role and importance of knowing one's rights, and the need to be able to defend them when the rights are violated.

On 21 November 2023, the People's Advocate for Children's Rights organised the National Forum for Children's Rights in honour of the World Children's Day. This traditional event aims to amplify children's voices and facilitate their dialogue with the authorities. Since its first edition, the Forum has proved to be an excellent opportunity to involve children in discussions and debates about their problems and enable an open and friendly space for them to freely express their opinions.

This year, the seventh Forum was marked by the active participation of 70 children aged 12 to 18. These children are members of various groups such as the Children's Advisory Council by the People's Advocate for Children's Rights, the Children's Platform, the Children's Human Rights Defenders group, and Taraclia Children's Advisory Council. Additionally, the Forum was attended by children from various regions of the country, including Transnistria, who have interest in children's rights.

This activity aimed to provide a platform for practical discussions and interaction of children with public authorities on issues of interest and problems faced by children, such as teacher-student communication, the importance of children's participation in law-making processes, emotional intimacy, and the inclusion of children with disabilities in schools.

The National Forum on Children's Rights was attended by central authorities' representatives, such as the Parliament of the Republic of Moldova, the Ministry of Education and Research, the Ministry of Justice, and the Ministry of Health.

During this event, members of the Children's Advisory Council by the People's Advocate for Children's Rights presented the results of their research on the teacher-student relationship (1,070 children answered the questionnaire developed and disseminated by members of the Children's Advisory Council).

Other issues/problems were tackled during the discussions held by children with the central public authorities' representatives. As a result, **the children submitted the following recommendations to the Ministry of Education and Research:**

- Create curricula for teachers with the following topics: encouraging children to ask questions, to freely express their opinion, respect for diversity, nonviolent communication, etc;



- Create a mechanism to consult students' opinions on issues concerning them;
- Create a mechanism for addressing/filing complaints from children;
- Create a mechanism for systematic assessment of the overall well-being of school children;
- Run information campaigns on school violence and methods of reporting and intervention in cases of violence;
- Introduce and organise classes for parents with topics such as risk assessment, intimate relationships, support in stressful situations, etc.;
- Employ school psychologists and task them to provide support to children and guidance/participation/involvement of parents as needed;
- Train teachers on topics such as emotions, acceptance, psycho-emotional development of children, etc.;
- Introduce in the curriculum (initial and continuous education) for future teachers and psychologists class hours dedicated to emotions and how to intervene in situations when children have emotional concerns, how to manage emotions correctly;
- Train/educate future teachers and psychologists how to organise the learning process taking into account the needs of every child;
- Provide methodological support to local educational bodies and, respectively, to the administrations of educational institutions in order to:
 - a) organise activities to promote children's rights in educational institutions, focusing on preventing and combating school violence;
 - b) organise ad hoc monitoring visits in educational institutions;
 - c) create conditions and a friendly space where students are able to freely express their opinions, thoughts, emotions, questions, and worries;
 - d) effectively implement the cross-sector cooperation mechanism for the prevention and protection of children from all forms of violence;
 - e) make sure teachers have access to appropriate learning resources, as needed, to improve communication skills;
 - f) the ANET Coordinator to organise information sessions for children on the mechanism for reporting cases of violence in school;
 - g) the ANET Coordinator to conduct information sessions for teachers, including auxiliary staff and parents, on nonviolent education and assertive communication with children;



- h) encourage children to freely express their opinions, answer children's questions and intervene promptly in difficult situations;
- i) teachers to apply non-formal methods of education to involve all children, encourage group and opinion diversity;
- j) class/homeroom teachers to organise team-building activities with students, develop trust relationships;
- k) ensure effective communication with students, adequate support in communication bottlenecks with other teachers;
- l) organise discussions between the class/homeroom teachers and the parents to encourage and support the students in overcoming school challenges.

Item 8: Respect for the rights of displaced children from Ukraine

In February 2022, the situation in Ukraine was marked by an armed conflict that led to instability, forcing many people, including children, to seek safety, protection, and assistance in the neighbouring countries. The war triggered by the Russian Federation against Ukraine generated a large flow of migrants, which was to be managed by the neighbouring countries, including the Republic of Moldova.

Children were affected the worst as they became innocent victims of acts of violence. Due to their vulnerable nature and lack of ability to protect their rights, they had been and are currently exposed to various risks associated with violence. Pursuant to Article 22 of the UN Convention on the Rights of the Child (CRC), refugee children or those seeking to obtain such status shall receive appropriate protection, and the state is obliged to cooperate with governmental and non-governmental organisations that provide such protection or assistance.

Social protection

According to the data available on the UNHCR portal,¹²⁸ 333,769 Ukrainian children entered Moldova from the onset of the conflict until the end of October 2023.

Granting temporary protection was a crucial measure to ensure the security and well-being of refugee children. The expansion of the temporary protection status has widened the scope of services available to children, not only in terms of social protection but also in significantly improved access to healthcare. These measures have substantially contributed to enhancing the realisation of fundamental rights of refugee children.

The Advisory Council on Preventing Violations of the Rights of Refugees, established by the PAO in March 2022, pointed out that the Ukrainian children living in Moldova

¹²⁸ <https://data.unhcr.org/en/working-group/336?sv=54&geo=10784>



with only one parent, who were neither Ukrainians nor stateless people, but had a valid residence permit in Ukraine before 24 February 2022, were unable to legalise their status and access the rights offered by temporary protection. The situation is paradoxical because the same child would be eligible for and enjoy temporary protection whether accompanied by the second parent, a Ukrainian citizen, or unaccompanied by any of his/her parents¹²⁹.

Right to healthcare

During the initial phase of the humanitarian crisis, the free medical assistance for the Ukrainian refugees covered medical services only for individuals who met the COVID-19 case definition criteria and in cases of medical-surgical emergencies (paragraph 20 of Commission for Exceptional Situations (CES) Provision no. 2 of 25 February 2022). In 2023, it was decided to expand the package of free medical services offered to children displaced from Ukraine, enjoying temporary protection, to cover those without a temporary protection status. Thus, CES Provision no. 88 (p. 6) of 13.10.2023 stipulated that the National Health Insurance Company would cover the costs of emergency healthcare, primary healthcare and free medical examination for public health reasons, offered as of 1 March 2023 by the healthcare institutions, which come under the compulsory health insurance system, to displaced children from Ukraine, including those without a temporary protection status. The services offered free of charge to that category of beneficiaries included pre-hospital, primary healthcare (provided by the family doctor's team), and urgent hospital assistance.

Right to education

The Constitution of the Republic of Moldova grants everyone, including foreigners, the right to education.

According to the Ministry of Education and Research official data, between 24 February 2022 and August 2023, more than 2,450 Ukrainian refugee children were integrated into the educational system of the Republic of Moldova. As of October 2023, 1,542 refugee children were enrolled in the country primary, lower and upper secondary education institutions.

Granting temporary protection reaffirms the authorities' obligation to provide equal access to public education for displaced children from Ukraine under similar conditions as for the Moldovan citizens. According to Government Decision No. 21 dated 18.01.2023, paragraph 17, the Ministry of Education and Research 'shall ensure that minors enjoying temporary protection shall have access to education in public institutions of general education within the educational system capacity and under

¹²⁹ Thematic report "Respect for the rights of displaced children in Ukraine" - <https://ombudsman.md/post-document/respectarea-drepturilor-copiilor-stramutati-din-ucraina/>



similar conditions as minors who are Moldovan citizens¹³⁰. The wording '*within the educational system capacity*' cannot, in any case, be construed in a restrictive sense, according to the Children's Ombudsman. Therefore, removing it would reflect a responsible approach, and motivate the system to adapt and find solutions to ensure access to education for all.

The Ministry of Education and Research of the Republic of Moldova, by Order No. 1109 of 04.09.2023, approved the guidelines for integrating the children of Ukrainian refugee families into the general education institutions of the Republic of Moldova, in compliance with Government Decision No. 21/2023¹³¹. As per the Guidelines, children who are citizens of Ukraine and have entered the territory of the Republic of Moldova *after* 24 February 2022, have the following options: (I) they can enrol in pre-school and general education institutions; (II) they can participate in online lessons organised by the educational institutions they attended in Ukraine. This will give them access to the educational platforms and resources created by the Ministry of Education and Research within the educational institutions. The Children's Ombudsman welcomes this initiative and proposes an extensive logical interpretation of its provisions or an express extension of the group of individuals who would benefit from these regulations. This is because those Ukrainian children who entered the Republic of Moldova before 24 February 2022 are in the same conditions in terms of their return to the country of origin. As specified in Order No. 1109 of 04.09.2023, the friendly integration procedure into the Moldovan educational system should be accessible to all Ukrainian children who have been deprived of their right to study in their country due to the war.

Despite the efforts to give all refugee children the right to education, a complex reality is emerging. Overall, there is a formal acknowledgment of the need to ensure this fundamental right, but the quality of education raises concerns and reveals vulnerabilities and structural challenges. The education system still faces a significant challenge in ensuring inclusive education for Roma children. Ensuring access to education for refugee children implies not only granting access, but also providing quality education tailored to their specific needs and context.

Of course, the integration of refugee children into the national educational environment also determined students' behaviour in terms of their interpersonal relationships. The Study *Knowledge, Attitudes and Practices on Child Protection in School Environment*¹³², developed by the National Center for the Prevention of Child Abuse (CNPAC), in partnership with the United Nations High Commissioner for Refugees (UNHCR), has revealed that 85% of surveyed children believe that refugee

¹³⁰ https://www.legis.md/cautare/getResults?doc_id=135260&lang=ro

¹³¹ https://mecc.gov.md/sites/default/files/ordin_mec_1109_din_04.09.2023_instruatiune_refugiati.pdf

¹³² https://www.cnpac.md/wp-content/uploads/2023/12/Raport_CNPAC_UNHCR_RO-to-print.pdf



children have the right to learn in school like all other children, 6% believe that refugee children do not have this right, and another 4% do not know who the refugees are. The study also has found that three out of four students like it when children from other communities or localities come to their school and when a different language is spoken in their school. One in ten pupils responded that 'refugee children are less liked than other pupils.'

Although 69% of teachers have discussed discrimination with students and the importance of treating all children equally and respectfully, the Children's Ombudsman urges all teaching staff in the country to make maximum effort and raise awareness about the plight of refugees fleeing from war. He emphasizes that a respectful and friendly approach towards them is the first and most natural thing one can do about their fellow human beings.

In the context of the above, the Children's Advocate **RECOMMENDS:**

RECOMMENDATION 2.8.1: The Ministry of Internal Affairs should review certain provisions of Government Decision No. 21/2023 on granting temporary protection to displaced persons from Ukraine, specifically:

- Pt. 1: Expand the category of persons eligible for temporary protection to include 'non-Ukrainian third persons and stateless persons who prove they have legal residence in Ukraine based on a permanent residence permit issued under the Ukrainian law and cannot safely return to their country or region of origin';
- Pt. 17: exclude the wording 'within the educational system's capacity'.

RECOMMENDATION 2.8.2: The Ministry of Labour and Social Protection should propose a framework regulation to the Government for approval on the organisation and operation of a social service temporary accommodation centre for displaced persons from the territory of other states, as well as the Minimum Quality Standards, having focused on the following issues:

- ensuring that procedures are adopted and applied to grant children protection from all forms of violence, neglect, exploitation, and trafficking in all temporary accommodation centres for persons displaced from other states;
- ensuring an admission mechanism of persons displaced from other states to the Social service temporary accommodation centre, which would prevent ethnicity-based segregation.

RECOMMENDATION 2.8.3: The Ministry of Labour and Social Protection should establish alternative measures to support the families with children who are not eligible to stay at the Social service temporary accommodation centre for displaced persons from other states, at least, for a specified period.



RECOMMENDATION 2.8.4: The Ministry of Labour and Social Protection should build the capacity of institutional and professional staff in all social services to better assist the families with refugee children.

RECOMMENDATION 2.8.5: The Ministry of Labour and Social Protection should inform the families with refugee children about the full range of available social services and the eligibility criteria for accessing them.

RECOMMENDATION 2.8.6: The Ministry of Health should expand the list of free medical services granted to children enjoying temporary protection within specialised outpatient medical care.

RECOMMENDATION 2.8.7: The Ministry of Education and Research should expand the methods and criteria for recognising and equating previously acquired education and competencies. It should also identify and promote flexible educational programmes to effectively bridge the educational gaps and overcome the language barriers.

RECOMMENDATION 2.8.8: The Ministry of Education and Research should encourage schooling and support/empower the parents displaced from Ukraine to enrol their children in the educational system.

Item 9: Respect for children's rights in the Transnistrian region

One of the priority and steady areas on the Children's Ombudsman's agenda is to ensure respect for children's rights in the Transnistrian region.

Following the monitoring process of fundamental human rights and freedoms observance in localities on the left bank of Nistru River and Bender Municipality, in 2023, the case of minor D., aged 14, who lived alone in a rented apartment in Tiraspol Municipality, was identified. His mother was working abroad. The entities subordinated to Tiraspol ordered the minor to be placed in a residential secondary school for the minors in conflict with the law. The People's Advocate for Children's Rights considered ungrounded the institutionalisation of the minor as the status of a child in conflict with the law was not determined. All case details have been clarified through the PAO representation in Varnita and the Social Welfare and Family Protection Department of Sangerei District Council. Hence, the minor's mother's close relatives were located and their contact information. On 15 March 2023, the leader of the PAO Representative in Varnita facilitated the release of this minor girl following the dialogue with Tiraspol relevant entities. The minor was assigned in the care of her older brother and of the Social Welfare and Family Protection Division (SWFPD) Office in Sangerei.



Right to education

Education policy documents extensively address the operation of Romanian-language schools on the left bank of Nistru River. On 21-22 August 2023, representatives of the Bureau for Reintegration Policy, the Ministry of Education and Research, the Agency for Technical Supervision, and the National Public Health Agency inspected five out of eight Romanian-language educational institutions that have building lease agreements in the Transnistrian region.

During the visit to Roghi Gymnasium, concerns were expressed regarding the smooth running of the educational process, both on behalf of the educational institution's administration and on behalf of the Bureau. Due to political reasons, Tiraspol is unwilling to repair certain roads on the Cocieri plateau. One of these roads is near Roghi Gymnasium, posing a real risk of land subsidence on school territory. While visiting the Theoretical Lyceum "Lucian Blaga" in Tiraspol, the representatives noted no gym there. That issue hindered the educational process and needed to be solved. The help of Tiraspol representatives was asked to identify the best solution for the children's interest.¹³³

The reports stated that the year of 2023 did not bring significant developments for those schools either as they continued to face the same challenges that were described in the previous reports: a) failure to regain their previous premises; b) record keeping of young people and the risk of their conscription in 'the TMR army'¹³⁴; c) restricted freedom of movement and constant harassment.

The authorities' approach to recognising the aforementioned problems, in particular, the lack of their own facilities, is encouraging, but further efforts are needed to overcome them. Respectively, the prospects for the return of premises or the identification of new premises adapted to the educational process are not clear.¹³⁵

According to the report on the activity of the de facto administration of Bender for the first 9 months of 2023, Bender Municipality population (with the villages of Proteagailovca and Ghisca) amounts to 87,929 people, of which 5,345 are children aged 0-7. Of these, 3,237 children are enrolled in preschool institutions of Level 0, or 61% of the total number of children aged 0-7.

The lack of Level 0 educational institutions in the localities on the left bank of Nistru River and Bender Municipality that would follow the national curriculum was discussed with the administration and teachers of Romanian-language educational institutions several times. They mentioned that children faced difficulties in learning the school

¹³³ <https://gov.md/ro/content/despre-inspectiile-comune-cele-5-institutii-de-invataman-t-cu-predare-limba-romana-ce>

¹³⁴ TMR – self-proclaimed Transnistrian Moldavian Republic.

¹³⁵ Promo-Lex, Report on Human Rights in the Transnistrian Region of the Republic of Moldova, retrospective of 2023 <https://bendery.gospmr.org/ot4etnosti.html>



curriculum after attending the level 0 educational institutions subordinated to the de facto authorities of Transnistria, where the educational process does not match the national acts in the field, provided mostly in Russian, less often in 'Moldovan' language based on Cyrillic script.

Since 2000, no child has been placed in the boarding school for orphan children located in Bender Municipality. The school two three-storey buildings, which have bedrooms, a game room, a bathroom, and a shower, are idle. The building of Theoretical Lyceum "Alexandru cel Bun" and a canteen (which currently cooks food for Lyceum pupils) are located in the boarding school yard. Based on these factual circumstances, the Children's Ombudsman suggested to the state authorities to establish an educational complex. Such complex would ensure proper succession of education system levels and cycles in line with the Education Code of the Republic of Moldova, and the child's right to practice age-appropriate recreational activities, to freely participate in cultural and artistic life, etc.¹³⁶ Although the Ombudsman's proposal was accepted at the highest level of decision-making, no concrete actions were taken to implement the project even in 2023.

The risk of children left without parental care being trafficked through the so-called 'adoptions' in the Transnistrian region

First, the Children's Ombudsman found that confidentiality of personal data in case of orphans or those left without parental care was not observed. According to the so-called 'ministry of social protection and labour (MoSPL) of the TMR', there are 754 orphans or children left without parental care in nine educational institutions, of which 143 are of preschool age, and 584 – of school age¹³⁷. All data on children left without parental care and on persons registered as foster parents and guardians are stored in the database formed under the 'TMR law on state database of children left without parental care'.¹³⁸ Thus, based on this 'law', the secessionist authorities publish photos and other information on children left without parental care from Transnistria on the 'MoSPL' website¹³⁹. These data directly or indirectly identify the child¹⁴⁰.

¹³⁶ <http://ombudsman.md/news/ombudsmanul-copilului-propune-crearea-unui-complex-educational-multifunctional-in-municipiul-bender/>

¹³⁷ http://minsoctrud.gospmr.org/gosudarstvennyiy_bank_dannyyih_o_detyah_ostavshihnya_bez_popecheniya_roditeley/

¹³⁸ <http://www.minjust.org/web.nsf/All/67d3c0fc2e526e7fc22577380024b2df!OpenDocument&ExpandSection=1.1.10>

¹³⁹ <http://minsoctrud.gospmr.org/children.php>

¹⁴⁰ Annex no.1 to the Requirements for ensuring the security of personal data when processing them within the information systems of personal data approved by GD 1123 of 14.12.2010. https://www.legis.md/cautare/getResults?doc_id=16012&lang=ro.



Any of these children is at risk of being trafficked¹⁴¹ due to the absence of authorities responsible for ensuring children protection in the Transnistrian region, as well as the lack of mechanisms to enforce the Law on Adoption Legal Procedure, No. 99 of 28.05.2010, in the villages located on the left bank of Nistru River and Bender Municipality. Moreover, the risk is also due to the fact that the Russian Federation Embassy in Chisinau, contrary to the provisions of the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Cases No. 262 of 22.01.1993,¹⁴² issues Russian civil status documents based on those issued by the Transnistrian entities.

According to the People's Advocate for Children's Rights, the risk of trafficking in children on the left bank of Nistru River and Bender Municipality can be significantly curbed by establishing the guardianship authority for the left bank of Nistru River and Bender Municipality (at the borderline zone); developing clear and non-bureaucratic provisions on civil status documentation in Transnistria; designating legal representatives for the orphans from the left bank of Nistru River and Bender Municipality (e.g., director of a boarding school in the region who holds the citizenship of a recognised state); developing a streamlined mechanism for establishing the legal status of children left without parental care in Transnistria; ensuring the access of guardianship authorities representatives from both banks of Nistru River to carry out the assigned children protection duties.

In this regard, the People's Advocate for Children's Rights **RECOMMENDS:**

RECOMMENDATION 2.9.1: The Bureau for Reintegration Policy should use the widely recognised platforms for dialogue with the Transnistrian side in order to provide premises for educational institutions teaching in Romanian language and to ensure functionality of educational institutions of Level 0 in the localities on the left bank of Nistru River and Bender Municipality.

RECOMMENDATION 2.9.2: The Bureau for Reintegration Policy should use the widely recognised platforms for dialogue with the Transnistrian side to protect the personal data of orphans or children left without parental care and provide them with identity documents of the Republic of Moldova.

¹⁴¹ Greciuschin Case, <https://ria.ru/20091214/199207297.html>

¹⁴² https://www.legis.md/cautare/getResults?doc_id=116625&lang=ro



CHAPTER III: PREVENTION OF TORTURE

On 19-21 September 2023, the Council of Europe's Committee of Ministers initiated a verification of the measures taken by the Moldovan Government in the LEVINTA group of cases – ECtHR decisions, which ascertained the use of torture and ill-treatment by the police, their defective investigation, conviction based on evidence obtained through mistreatment, and failure to provide adequate medical assistance to persons in detention¹⁴³. The Government must provide the requested information to the Committee of Ministers by 31 October 2024. The Legal Resource Centre of Moldova (LRCM)¹⁴⁴ and Promo-LEX¹⁴⁵ sent communications to the Committee of Ministers on the national authorities' reluctance and failure to carry out reforms and anti-torture measures.

Another flagrant case reviewed by the Committee of Ministers concerns the group of cases 'COSOVAN vs. the Republic of Moldova', which concerns human rights and health in the local penitentiary system¹⁴⁶. Promo-LEX, jointly with the European Prison Litigation Network and the PAO, submitted a joint communication with conclusions, findings and recommendations to the Government of Moldova¹⁴⁷. The Committee of Ministers called on the national authorities to urgently implement general measures on prison healthcare, improve access to medical treatment, etc.

In the current year, the ECtHR issued two relevant judgments against the Republic of Moldova on violation of Art.3 of the Convention: MACHINA case (failure to prevent the transmission of hepatitis C virus and failure to provide adequate medical care in detention)¹⁴⁸ and LUCA case (failure to protect from domestic violence and failure of the authorities to conduct prompt and effective investigation into the claimant's allegations)¹⁴⁹.

¹⁴³ H46-22 Levinta vs. the Republic of Moldova (Application no. 17332/03), 1475th meeting, 19-21 September 2023 (DH) https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680ac9b1f

¹⁴⁴ <https://crjm.org/wp-content/uploads/2023/07/2023-07-26-LRCM-Submission-9.2-Levinta-group.pdf>

¹⁴⁵ https://promolex.md/wp-content/uploads/2023/08/Communication_Levinta-group_in-accordance-with-Rule-9.2-of-the-Rules-of-the-Committee-of-Ministers-for-the-supervision-of-the-execution-of-judgments-and-the-terms-of-friendly-settlements.pdf

¹⁴⁶ H46-20Cosovanvs.theRepublicofMoldova(Applicationno.13472/18),1483rdmeeting,5-7December 2023 (DH) https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680ad8093

¹⁴⁷ [https://hudoc.exec.coe.int/#{%22execidentifier%22:%22DH-DD\(2023\)1323E%22%22}](https://hudoc.exec.coe.int/#{%22execidentifier%22:%22DH-DD(2023)1323E%22%22})

¹⁴⁸ Case of Machina vs. the Republic of Moldova, Application no. 69086/14, final 17/04/2023: <https://hudoc.echr.coe.int/#{%22itemid%22:%22001-222307%22%22}>

¹⁴⁹ Case of Luca vs. the Republic of Moldova, Application no. 55351/17, final 17/01/2024: <https://hudoc.echr.coe.int/#{%22itemid%22:%22001-228151%22%22}>



At the Ombudsman's request, the Ministry of Justice accepted the publication of the CPT Visit Report following its ad hoc visit in 2022¹⁵⁰. We remind that the CPT visited three penitentiary institutions (P4, P13 and P18) in order to re-examine the treatment of prisoners, the material conditions, the phenomenon of criminal subculture, as well as to assess the progress made by the Moldovan authorities in addressing violence and intimidation among inmates. The CPT made three urgent recommendations and 46 other recommendations (including 30 new recommendations and 16 repeated ones) related to medical assistance, material conditions of detention, and other systemic deficiencies within the prison system¹⁵¹.

Based on the National Human Rights Action Plan (NHRAP) 2018-2022 Implementation Report developed by the State Chancellery, 11 monitoring indicators were reported as achieved under Objective II, strategic targets A and B, three more were in progress, and one indicator was partially completed.¹⁵² In terms of outcomes, the authorities reported four partially implemented actions, two failed actions, and two actions with unevaluated indicators for the same objective and targets¹⁵³.

According to the results of the 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova, there is a persistent perception of torture, inhuman and degrading treatment in the Republic of Moldova. The respondents reported that the most frequent violation of rights is the right to be free of torture and inhuman or degrading treatment. Such responses were given in 37.8% of cases referring to persons detained by the police and in 35.1% of cases referring to prisoners. Regarding the other population groups, about 30% of respondents consider that this right is violated very frequently/quite frequently¹⁵⁴.

Item 1: Summary of torture prevention activities

In 2023, **28** preventive and monitoring visits were conducted in places of deprivation of liberty, *compared to 72 visits in 2022*¹⁵⁵. The National Mechanism for the Prevention of Torture, comprising the PAO Division for the Prevention of Torture (DpT) and the CPT, developed **23 visit reports with 356 recommendations** (*29 visit reports and*

¹⁵⁰ <https://www.coe.int/ro/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-the-response-of-the-moldovan-authorities-to-the-report-on-the-2022-visit>

¹⁵¹ <https://ombudsman.md/post-document/raportul-comitetului-european-pentru-prevenirea-torturii-si-a-pedepselor-sau-tratamentelor-inumane-si-degradante-2022/>

¹⁵² Report on the implementation of the NHRAP for 2018-2022, presented by the State Chancellery in 2023: https://cancelaria.gov.md/sites/default/files/raport_pnado_2022.pdf

¹⁵³ NHRAP evaluation report for 2018 -*, presented by the State Chancellery in 2023: https://cancelaria.gov.md/sites/default/files/raport_de_evaluare_pnado_2018-2022.pdf

¹⁵⁴ <https://ombudsman.md/studiu-perceptii-asupra-drepturilor-omului-in-republica-moldova-in-2023/>

¹⁵⁵ The PAO Division for the Prevention of Torture paid 11 visits (five preventive visits, five follow-up visits, and one information visit), and the CPT paid 17 preventive and monitoring visits.



Regarding the prevention of torture by training the holders of obligations and rights, the DpT employees have conducted **32 training activities**, reaching **748 employees** overall, including 513 prison employees, 138 police employees, 46 Carabinieri employees, 43 migration advisers, eight border police employees, and, additionally, 50 students of the Technical University¹⁶³.

Various donor organisations supported the prevention activities in the Republic of Moldova. These included the Council of Europe in Moldova through the project "Strengthening the Criminal Justice System Based on Respect for Human Rights in Moldova",¹⁶⁴ the Soros Foundation Moldova through the institutional project "PAO Capacity Building in the Monitoring, Reporting, and Investigation of Ill-treatment",¹⁶⁵ and the Special Fund of the Optional Protocol to the UN Convention against Torture and OHCHR through the project "Support of the National Torture Prevention Mechanism in the Republic of Moldova", by organizing effective collaboration with representatives of civil society and monitored public institutions.¹⁶⁶ Additionally, support was provided by the International Centre for Migration Policy Development (ICMPD) within the institutional project titled "Capacity for a Rights-based Reception System for Moldova".¹⁶⁷ Representatives of civil society organisations such as "The Institute for Penal Reforms", "The Law Center of Advocates", "Promo-LEX", "IDOM", "The National Institute for Women of Moldova "Equality", and "Amnesty International" also contributed to those endeavours.

The PAO's access to places of deprivation of liberty in the Transnistrian region of the Republic of Moldova remains limited.

Item 2: Prohibition of torture

Regulatory framework on combating and preventing torture

In 2023, the Ministry of Justice and the Prosecutor General's Office (PGO) held meetings and developed initiatives to revise the criminal enforcement, criminal, and criminal procedural legislation, as well as the provisions of some government decisions and of Joint Order no.77/2013, being supported in some instances by civil society and the PAO.

¹⁶³ <http://ombudsman.md/activitate/prevenirea-torturii/prevenirea-torturii/>

¹⁶⁴ <https://www.coe.int/ro/web/chisinau/strengthening-the-human-rights-compliant-criminal-justice-system-in-the-republic-of-moldova>

¹⁶⁵ <https://ombudsman.md/echipa-oficiului-avocatului-poporului-instruita-in-domeniul-investigarii-si-monitorizarii-actelor-de-rele-tratamente/>

¹⁶⁶ <https://irp.md/about/projects/1424-sprijinirea-mecanismului-naional-de-prevenire-mnp-a-torturii-n-republica-moldova-prin-organizarea-unei-colaborri-eficiente-cu-reprezentanii-societii-civile-i-instituiile-publice-monitorizate.html>

¹⁶⁷ <https://www.icmpd.org/our-work/projects/capacity-for-a-rights-based-reception-system-for-moldova-carefor>



Among the most striking changes in force, we should mention the additional provision to Art.276 ¹² of the Criminal Prosecution Code (CPC) with the following contents: *'The prosecution starts **in the absence of the victim's complaint** if the crime defined by Art.152 (1) or Art.155 of the Criminal Code no.985/2002 was committed in detention facilities'*.¹⁶⁸ The PGO supported this amendment, pursuing the aim to increase people's confidence in justice, especially when they are victims of ill-treatment in custodial places and cannot denounce aggressors due to justified fears.

Although such provisions are intended to resolve the conflicts among inmates and facilitate a more 'effective' investigation, this practice could create uncertainties in investigating and documenting specific offenses. The aforementioned norm explains neither the process of registering and initiating criminal prosecution nor the reporting procedure to the criminal investigation body. Indeed, a 'conflict of competence' could arise in this case as any statement, complaint, or information suggesting that a person was subjected to torture, inhuman or degrading treatment, as stated in Art.166¹ of the Criminal Code, or to other cruel punishments or treatment while being held in the state custody has to be presented or immediately sent to the prosecutor for examination according to Art.274 (3¹) of the CPC¹⁶⁹. If the prosecutor finds that the offense does not contain the crime components as outlined in Art.166¹ of the Criminal Code, but there are reasonable grounds to believe that the crime described in Art.152 (1) or Art.155 of the Criminal Code has been committed, the information shall be forwarded to the criminal investigation body to make a decision on initiating criminal investigation. The current situation will also delay the prompt examination of complaints, as they will be received late by the criminal investigation body. This raises concerns about potential destruction or loss of evidence, and the possibility to influence the victim or witnesses. These issues could negatively impact the fairness and transparency of evidence handling, as well as the overall criminal process and the rights of all involved parties. When the criminal investigation body is required to consider and investigate all information received from places of detention, it may be exposed to overwork. This could potentially undermine the quality of case investigations where the victim is complaining about another person's illegal actions. The victim's position in such cases is crucial. The course of criminal prosecution and the eventual decision to convict a person pursuant to Art.152 and Art.155 of the Criminal Code must be based solely on the victim's statements. The latter will support and claim the physical damage since the stated offenses belong to those against the individual's life and health.

Amendments to the Criminal Code were made on 28 December 2023. Article 149 was amended to include paragraph (1²), dealing with '*Deprivation of life by **the***

¹⁶⁸ https://www.legis.md/cautare/getResults?doc_id=138674&lang=ro adopted on 31 July 2023 and entered into force on 22 August 2023

¹⁶⁹ [https://www.legis.md/cautare/getResults?doc_id=140290&lang=ro#art.262 \(4¹\)](https://www.legis.md/cautare/getResults?doc_id=140290&lang=ro#art.262%20(4)1)



imprudence of a public person or by an official on duty', and Article 157 was amended to include paragraph (2), which reads '*Serious or moderate harm to bodily integrity or health due to **imprudence** of a public person or an official **on duty***'. Although the legislator introduced a separate norm for the 'State agents', in our opinion, it created legal uncertainty regarding the absolute right 'Prohibition of torture' as punished by Art.166/1 of the Criminal Code. Thus, the 'public agents' could be sentenced to milder punishments, thus circumventing the punishments for 'acts of torture, including injury and deprivation of life while exercising one's duties' and undermining the international commitment made to combat 'torture' effectively. At the time of working on the Annual Report, the norm in question was not published in the Monitorul Oficial¹⁷⁰.

Other changes approved at the end of the year were, according to the original text, some military offenses (Art.366 of the Criminal Code (**Insulting a Serviceperson**), Art.371 of the Criminal Code (**Desertion**)). Thus, the responsibility for such offenses was transposed into Art.56² and Art.56³ of the Contravention Code. The Ombudsman believes these are positive amendments because they will facilitate the situation of conscripts, as the cancelled military offenses, by their nature, do not present a high degree of danger.

The last necessary amendment to the relevant criminal legislation concerns the addenda to Art. 90 (4) of the Criminal Code. The new rule will ban sentencing with **conditional suspension** of punishment for individuals who committed acts of torture according to Art.166¹ (2)-(4) of the Criminal Code.

The Ombudsman's comments on the shortcomings of the national legal and institutional framework on the prevention and combat of torture set out in the 2022 Annual Report still apply¹⁷¹.

Impunity for the acts of torture

In 2023, the Prosecutor General's Office registered and examined **397 complaints** (485 in 2022) on allegations of ill-treatment (34 cases related to minors). Following the complaints examination, orders were adopted to decline initiation of criminal prosecution in 318 cases, of which 18 involved minors. Criminal prosecution was ordered in 79 cases, of which 11 cases concerned acts of ill-treatment committed against minors (in 2022, 69 criminal cases were started, eight of them in relation to minors).

¹⁷⁰ The amendments were adopted on 28 December 2023, and, according to the initial text, they should have become effective on the date of publication in the Monitorul Oficial. At the time of developing this report, the provisions in question were not put into effect yet. <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6497/language/ro-RO/Default.aspx>

¹⁷¹ P.64 <https://ombudsman.md/post-document/raport-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2022/>



Compared to 2022, orders were adopted to decline initiation of criminal prosecution in 404 cases, which constituted over 83% of the allegations regarding the acts of torture/ill-treatment. The prosecutor found that the invoked facts did not constitute crimes and, therefore, the allegedly guilty persons were not punished. In 2023, impunity accounted for over 80% of all complaints containing allegations of torture, inhuman or degrading treatment.

Likewise, the PGO investigated and engaged in 203 criminal cases of ill-treatment (156 in 2022), of which 112 were pending from 2022. Prosecution was completed in only 46 cases (43 in 2022). As many as 21 criminal cases were sent to courts for consideration, and the prosecution was ceased or closed in 26 cases.

Referring to the number of complaints registered in 2022, those 21 criminal cases sent to the court for consideration on merits would make up only 5.28%. This highlights impunity, especially taking into account the high rate of acquittal of torturers by courts. However, this ratio is up by two percentage points compared to 3.09% in 2022. In 2023, the trial courts handed down 25 sentences against 28 public and military agents. As a result, three persons were sentenced to imprisonment, 13 – to suspension from work, one was sentenced to a fine, proceedings were ceased in two other cases, and nine persons were acquitted.

Next, we highlight the issue of collecting the '**data on torture**' because each institution maintains such records if it deem necessary. Therefore, a clear and comprehensive picture on impunity is lacking. There is no exchange of information across institutions, no transparent mechanism for registration and documentation, and the adopted case-related solutions are rarely brought to the attention of the reporting institution. Moreover, some enforcement agencies prefer not to report incidents of abuse to the prosecutor's offices. At the same time, the PGO system for combating torture needs to be enhanced. The Counter-Torture Division/Anti-Torture Bureau has limited institutional capacities. The contest conducted to appoint the head of this subdivision has failed. There are only three delegated prosecutors who continue to perform the relevant duties, which are both extensive and complex. The PGO initiated a working group to decide on the appropriateness of amending Order 77/2013¹⁷².

RECOMMENDATION (repeated) 3.2.1: The Prosecutor General's Office and the Superior Council of Prosecutors *should strengthen the Anti-Torture Bureau as an effective mechanism to combat torture and ill-treatment.*

¹⁷² https://www.legis.md/cautare/getResults?doc_id=44302&lang=ro



Item 3: Situation of persons detained in penitentiary institutions

General findings

To date, the numerous findings outlined in the Ombudsman's and the CPT annual, visiting and thematic reports¹⁷³ are pending implementation, while the revealed deficiencies show no positive trends of being addressed. The authorities face consistent challenges deeply rooted in the prison system, and some issues, also highlighted by international institutions¹⁷⁴, cannot be solely addressed by the prison system. The issues could be solved if all responsible actors would pool their efforts. This requires prompt, clear political will, transparency and accountability.

We note, however, a positive trend in the human dimension approach of the National Administration of Penitentiaries (NAP)/MoJ towards people in detention, particularly in the national policies.

But the most entrenched problems remain to be: ***criminal subculture, insecurity of prisoners and employees, overcrowded premises, improper conditions of detention, lack of adequate medical care and occupational activities***. At the same time, ***mistreatment, harassment, and intimidation*** persist among prisoners from ***vulnerable groups***, committed mainly by other prisoners. The prison system faces a ***professional staffing crisis***, lacking educated and specialised personnel. At the same time, incidents of violence among prisoners, attacks against integrity, and protests manifested in ***refusal of food*** show a growing trend.

Criminal subculture remains a significant problem within the penitentiary system in the Republic of Moldova, which has been reported several times by the CPT. A study on the criminal subculture in the country's prisons¹⁷⁵, developed with the Council of Europe support in 2018, addressed the precise links between criminal subculture and violence among inmates. The study offers more than 30 recommendations on how to counteract this negative phenomenon. As a result, GD 948/2022 approved the 'Crime Prevention and Combating Programme for 2022-2025', which, inter alia, included combating the criminal subculture¹⁷⁶. According to the Programme, the state aims to '*reduce organised crime in prisons*' by *developing standard operating procedures* for investigative officers. It included interaction between the NAP and other authorities entitled to carry out special investigations, and *blocking communications in prisons*, the amount of MDL 50,000

¹⁷³ <http://ombudsman.md/rapoarte/anuale/>, <http://ombudsman.md/rapoarte/prevenirea-torturii/anuale/> <http://ombudsman.md/consiliul-pentru-prevenirea-torturii/rapoarte/>

¹⁷⁴ <https://www.coe.int/ro/web/cpt/republic-of-moldova>, <https://www.ohchr.org/en/countries/moldova>

¹⁷⁵ <https://rm.coe.int/criminal-subculture-md-en-1680796111>

¹⁷⁶ https://www.legis.md/cautare/getResults?doc_id=135455&lang=ro adopted on 28 December 2022 and entered into force on 09 February 2023



being allocated to this end. We consider inappropriate the approach followed by authorities to fight the criminal subculture.

RECOMMENDATION 3.3.1: *The Ministry of Justice and the National Administration of Penitentiaries should boost activities to prevent and combat the criminal subculture through prompt and effective measures, following the national and international recommendations.*

Based on Strategic Activity II, objective 2.1 of Law 211/2011, which approves the Strategy for ensuring the Justice Sector Independence and Integrity during 2022-2025, the following objectives were to be pursued in 2023: a) define the criteria for analysing the information on the use of preventive measures for imprisonment and periodic analysis of information on the use of these measures in order to ensure effective observance of the right to freedom; b) set up and implement a progressive system for the enforcement of criminal punishment; (c) develop probation programmes to change behaviour and prevent recidivism among the convicted individuals; (d) create prison industry to offer employment to convicts and facilitate their resocialisation¹⁷⁷.

The MoJ has resumed the talks with stakeholders on **the progressive system of** punishment enforcement, which were suspended in 2017¹⁷⁸. As a result, a Concept on introducing a progressive system of custodial sentence enforcement has been approved to become effective in 2026¹⁷⁹. The progressive system shifts the focus from punishment to resocialisation; improves safety in prisons; forgoes the penitentiary-type concept; courts will no longer be responsible to determine the type of institution for enforcing the punishment; the penitentiary staff will have the authority to decide on security levels based on individual needs and risks; the punishment enforcement system will be based on safety and re-education measures; aims to change criminal behaviour; promotes the autonomy of individuals serving sentences; establishes specialised units for risk assessment posed on convicts; strengthens the importance of an individual plan for enforcing the punishment; decentralises managerial decisions at the institution level; streamlines in-house registration and documentation processes; modernises the criminal enforcement system, etc.¹⁸⁰

The initiative seems to be successful. It can be realised only by combining a real political will, which would ensure: sufficient financing of the penitentiary system's needs, tailoring the facilities for efficient realisation of the individualised plan

¹⁷⁷ https://www.legis.md/cautare/getResults?doc_id=129241&lang=ro

¹⁷⁸ <https://justice.gov.md/ro/content/conceptul-privind-instituirea-unui-sistem-progresiv-de-executare-pedepselor-privative-de>

¹⁷⁹ https://justice.gov.md/sites/default/files/document/concept_sistemul_progresiv_de_executare_a_pedepsei_rev.2023_final.pdf

¹⁸⁰ <https://www.parlament.md/LinkClick.aspx?fileticket=PqeF6l1tsMM%3D&tabid=84&mid=486&language=ro-RO>



of punishment, mitigating of criminal subculture influence in the system, hiring qualified prison personnel, increasing their motivation, and organising the necessary tools needed for 'working effectively with prisoners'. Otherwise, this Strategy may fail or miss the expected result. The authorities have time until 2026 to remedy all those risks. The proposed amendment to the Enforcement Code includes establishing a progressive system to enforce punishments. As outlined in the government's action plan for the year, the proposal is scheduled to be voted on by the Parliament's plenary in 2024¹⁸¹.

The Government has got pending initiatives from 2023, which include amending Law 300/2017 on the penitentiary administration system to remove ambiguous provisions that hinder law implementation and enhance the motivational package for the prison staff. There are also plans to amend some regulations to make it easier for prisoners to find employment, adopt a Government decision (GD) on medical examinations for seriously ill prisoners, revise the GD on the convict's progress regarding the enforcement of punishment, and amend the GD on the minimum norms for daily meals, provision of toiletries and housekeeping items for prisoners.

On 28 December 2023, **amendments to the Enforcement Code** were approved in final reading. The amendments aim to: (a) review the criteria for the separation of convicts and detainees; (b) allow convicts to submit petitions; (c) allow short-term meetings via videoconferencing; (d) exempt convicts from expenses related to in-person meetings; (e) grant the right to make telephone calls; (f) remove the prohibition on granting long-term meetings to life sentence prisoners in the initially ruled regime; (g) establish a procedure for seizing prohibited objects and substances; (h) abolish the practice of collecting payments for self-harm and sanctioning individuals for committing self-harm; (i) expand the opportunities for life sentence prisoners to engage in paid work under standard and/or facilitated regimes; (j) redefine the disciplinary procedure; (k) review the duration of stay for those sentenced to life imprisonment; (l) unify the regulations regarding the terms for repeated submission of inquiry for probation¹⁸². Those adjustments took effect in February 2024.

Another legislative initiative, in force as of 9 January 2023, was the supplementing of Art.7 (1) of Law 243/2021 on **Amnesty** in connection with the 30th anniversary of Moldova's independence, with the possibility to commute the term of punishment for the convicts who do not fit in the general conditions. For someone sentenced to seven years, the term of punishment is reduced by 1/3; for someone sentenced to 7-10 years, the term of punishment is commuted by 1/4; for someone sentenced to over ten years, by 1/5; for someone convicted for life, to 30 years of imprisonment; for someone aged 18-21 on the date the offense was committed, by 1/3; it shall be

¹⁸¹ <https://gov.md/sites/default/files/document/attachments/subiect-02-nu-948-cs-2023.pdf>

¹⁸² <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6427/language/ro-RO/Default.aspx>



commuted by 1/2 if the convict was a minor on the date of the offense; and for a convict older than 60 years or a person with severe and expressed disabilities, the term of punishment is reduced by one third¹⁸³. The regulatory adjustments aim to address issues highlighted in the Ombudsman's 2022 Report, particularly the improvement (even if partial) of the situation of life sentence prisoners who are deprived of seeking amnesty on equal terms with the rest of convicts.

Regarding the **construction of a new penitentiary in Chisinau**, the Ministry of Justice (MoJ) has taken several actions. Following the Court of Accounts recommendations set out in its Decision no. 19 of 25 May 2022, stemming from the audit report on the performance attained by the project "Construction of a penitentiary in Chisinau" as of 28 June 2023¹⁸⁴, the Ministry of Justice resumed the Supervisory Committee meetings and contracted three consultants for the Project Implementation Unit (PIU)¹⁸⁵. It also revised the expenditure estimates due to a 60-percent increase in construction costs, resulting in the reduction of detention facilities' capacity. Moreover, the PIU structure was adjusted, and some structural competencies were specified. In September 2023, the contest to select candidates to fill the PIU vacancies was to be announced¹⁸⁶. The contest was not organised, and the financial audit established that of the total loan amount of EUR 49 million from the Council of Europe Development Bank, only EUR 700 thousand, or 1.4%, were disbursed. The auditors' findings state several shortcomings and no progress in initiating the construction works, which, according to the Grant Agreement signed in 2013, were to be completed as early as 31 December 2017, and the penitentiary to be put into operation in 2018.

Dynamics of the prison population

According to the NAP data¹⁸⁷, on 1 January 2024, the penitentiary institutions held **5,695** inmates (compared to 6,084 in 2022). Of these, 964 were under preventive arrest (compared to 1,037 in 2022); 301 women/two minors (compared to 326 women/a minor in 2022), 31 minors (compared to 35 in 2022), five mothers with children (compared to four in 2022), 103 former civil servants (compared to 102 in 2022), and 136 life convicts (compared to 133 in 2022). Three thousand forty-two prisoners were released.

Moreover, according to the available statistics, the problem of overcrowding persists in P-1, P-9, P-11, P-13, and P-15 compared to 2022, when a surplus of

¹⁸³ https://www.legis.md/cautare/getResults?doc_id=134481&lang=ro#

¹⁸⁴ https://www.ccrm.md/ro/decision_details/1174/hotararea-nr19-din-25-mai-2022-cu-privire-la-raportul

¹⁸⁵ https://www.legis.md/cautare/getResults?doc_id=127876&lang=ro#

¹⁸⁶ https://www.legis.md/cautare/getResults?doc_id=129951&lang=ro

¹⁸⁷ The statistical data are based on the official information received from the NAP regarding the number of detainees from 01.01.2023 to 01.01.2024. The reference year 2022 is calculated from 01.01.2022 to 01.01.2023 and 2023 from 01.01.2023 to 01.01.2024.



persons in detention was found in P-1, P-2, P-3, P-7, P-11, P-13, and P-15. Although efforts have been made to reduce overcrowding, and the total number is already decreasing, yet there are difficulties in managing the large number of people in detention:

P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12	P-13	P-15	P-16	P-17	P-18
Maximum detention capacity set by the MoJ in 2023: 6,622 Total number of prisoners on 01.01.2024: 5,695																
355	363	366	728	180	753	280	279	448	164	258	169	570	464	256	337	652
Overcrowding (de facto)																
356	294	365	710	166	636	229	123	469	33	330	123	814	481	149	250	556
+10								+21		+72		+244	+17			

The number of detainees decreased from 1,134 people in 2021 to 1,037 in 2022 and 964 in 2023. The age of prisoners, by the most numerous category, is 30-40 years. By gender, 5.29% of prisoners are female. By nationality, only 1.33% of the prisoners are foreign nationals. Likewise, 82.98% of prisoners were convicted, 16.93% were under preventive arrest, and 0.09% – under contravention arrest. On average, 27.2% serve a sentence between five and 10 years, 15.93% – between 10 and 20 years, and 12.82% – between three and five years¹⁸⁸.

On 28 January 2023, the MoJ published for consultation the draft new Order on establishing the types of penitentiary institutions, the detention sectors within them, and the accommodation capacity for each penitentiary institution, following the repeal of MoJ Order No.150 of 2022 (contested by the Administration of Penitentiaries (AP) and civil society)¹⁸⁹. The PAO was informed that the Minister of Justice approved Order No.41 of 09.02.2023.

Despite these efforts, the Ombudsman and the CPT note the overpopulation of common detention spaces in the visited penitentiary institutions. In its 2022 report, the CPT recommended reducing the number of inmates per cell/barracks to provide everyone with the minimum required detention space.

Safety of prisoners in the penitentiary system

In 2023, the penitentiary institutions continued to report daily incidents within the penitentiary system to the Ombudsman as per the requirements laid down in Article

¹⁸⁸ <https://drive.google.com/file/d/1B-UC205iaRf1Lvl2ExO2ud5hQvyzGUCa/view>

¹⁸⁹ <https://www.justice.gov.md/ro/content/proiectul-ordinului-ministerului-justitiei-cu-privire-la-stabilirea-tipurilor-de-institutii>



232 (3) of the Enforcement Code. Following the operational reporting, the PAO was informed of **28 deaths** (up 6 cases compared to 2022); **14 suicide attempts** (minus six cases compared to 2022); **1,072 cases of violence among prisoners** (up 689 cases compared to 2022); **82 cases of self-harm** (minus 120 cases compared to 2022); **15 cases of attack on employees** (up two cases compared to 2022); **22 cases of tear gas use** (minus seven cases compared to 2022); **99 cases of food refusal**; **six cases of using physical force on female prisoners** (minus two cases compared to 2022). **Physical force or special means were used on prisoners in 244 cases.** Likewise, **131 incidents against minors in detention** were documented (up 40 cases compared to 2022)¹⁹⁰.

However, according to the NAP data, 193 cases of physical force, 148 cases of using special means, 614 cases of self-mutilation, 680 cases of bodily injuries on prisoners in penitentiary institutions, 298 cases of bodily injuries on escorted prisoners, and only 98 cases of altercations among inmates were documented over the past year. The NAP reports a decrease in self-mutilation cases by 6%, altercations among detainees by 14% and a 6%-increase in the number of detainees with injuries compared to 2022. Hunger strike cases are also down by 14%, with only 572 documented cases¹⁹¹.

The penitentiary institutions reported notable accidental injuries, as per the specified categories, among which prevail: sports injuries, unintentional hitting against the bed, slips and falls in the bathroom/hallway/on the stairs, on-the-job injuries, and consequences of epileptic seizures/psychotic disorders.

Other notable categories include intentional injuries, such as self-harm, often self-inflicted as a sign of protest. Also found are injuries caused by altercations, minor violence among prisoners, acts of severe or exceptionally severe violence, injuries during or before detention, and injuries caused by the use of physical force or special means (such as bruises, twisted limbs, or handcuff marks). Moreover, on 30.10.2023, a group of 57 convicts held in 22 cells of penitentiary No.17 Rezina declared a hunger strike as a **collective riot**¹⁹².

Many times, prisoners are compelled to engage in self-harm and mutilation as a form of protest against the perceived unfair conditions or treatment by the prison staff, as well as against the prosecutors' or judges' actions/decisions.

One major issue is that the PGO fails to verify the lawfulness of the information provided by the NAP. This creates a legal and practical vacuum that endangers the safety of prisoners and victims. However, the Ombudsman is restricted in his

¹⁹⁰ <https://ombudsman.md/siguranta-in-sistemul-penitenciar-in-2023/>

¹⁹¹ <https://drive.google.com/file/d/1B-UC205iaRf1LvI2ExO2ud5hQvyzGUCa/view>

¹⁹² <https://ombudsman.md/post-document/raport-special-privind-respectarea-drepturilor-condamnatilor-la-detentie-pe-viata-2/>



actions, which are limited to the prevention of torture. Repeated instances of 'accidental trauma, injury, or fracture' raise a reasonable doubt of possible abuse or ill-treatment. We reiterate that only effective investigations can deter illegal or informal behaviour.

At the same time, we recall that a medical examination of prisoners immediately after a violent incident or a case of using force is a fundamental guarantee against ill-treatment and impunity. Most often, the medical service does not regularly visit the convicts in the residential sectors; therefore, injuries are documented only at the convict's request or if the medical worker is notified by the penitentiary administrative staff¹⁹³. We assume that not all injuries, alleged acts of torture or ill-treatment are recorded and documented. At the same time, it is regrettable that the complaints of convicts/preventively arrested individuals regarding psychological torture are neither recorded nor investigated.¹⁹⁴

Likewise, in case the order within a prison is threatened, all officers need to be trained to use force and special means proportionally and apply acceptable methods of control and coercion.

The criminal subculture impact, the prisoners' and employees' safety, improper conditions of detention, and the lack of medical care remain among the most noticeable problems in the prison system. Prisoners from vulnerable groups continue to be mistreated, harassed, and intimidated for various reasons.

The high number of acts of violence with severe consequences among prisoners raises questions about protection and safety in prisons. In 2023, 852 prisoners were provided with personal security (and there is a growing demand for it). The violent and oppressive authoritarian structure of prisoners' hierarchy that leads to humiliation, extortion, and violence against vulnerable prisoners or against those who do not obey the 'informal rules' is probably an issue of increasing concern of being held in a penitentiary institution. Obviously, prioritising the combat against the criminal subculture and its impact is crucial. This commitment lies with the prison system and the political factor, which must show firm, unconditional, and prompt will. Failing to conduct thorough in-house investigations and refusing to pursue criminal charges for serious violence in penitentiaries undermines the commitment to protecting human rights within the prison system, upholding the law and other social and human values.¹⁹⁵

¹⁹³ <http://ombudsman.md/wp-content/uploads/2023/01/12-9-72-2451-2452-ANP-raport-monitorizare-P-4-Cricova-din-14-15.09.22.pdf>

¹⁹⁴ http://ombudsman.md/wp-content/uploads/2022/04/Raport-CpPT_P16_22.02.2022-FINAL_FINAL_pe-site_expediat-autoritator.pdf

¹⁹⁵ <https://ombudsman.md/post-document/raport-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2022/>



RECOMMENDATION (repeated) 3.3.2: The Ministry of Justice should strengthen the supervision mechanism of prisoners against all forms of violence.

Critical self-harm by inmates

During 2023, **614 cases** of self-mutilation were documented (compared to 729 cases in 2022), including **82 critical cases** (compared to 202 in 2022) (*ingestion of extraneous particles, insertion of sharp objects into the body, suturing of oral cavity, injection of fluids into lower limbs/face, introduction of extraneous particles into genitals, wounds/cuts of fingers, etc.*).

Some people resort to serious self-harm due to reasons such as disagreeing with court judgments, prison authorities' actions, the living conditions, and the quality of medical assistance or treatment. Some people refuse to explain their motivation. There were cases when prisoners *sutured their oral cavities or eyes, swallowed extraneous particles, ingested substances, amputated lower and upper limbs, and caused life-threatening wounds in various parts of the body*. Some prisoners resort to such actions many times or do it on a regular basis. The information submitted to the PAO indicates that the prisoners received the necessary medical care at that time.

The cases covered by the operational reporting show that prisoners continue to resort to self-harm quite often to succeed in communicating with the prison administration, either to challenge their certain inactions/actions or to protest against court judgments. Apparently, there are significant communication issues between the administration and prisoners. The employees disregard the problems reported by prisoners, while the latter may sometimes overstate their rights. Accordingly, the employees not mentioned in the prisoners' complaints resort to the use of special or physical means to 'calm' the prisoners down. As a result, the prisoner's problem is rather delayed until the next act of self-harm than solved. On the other hand, proactive involvement of specialised personnel (educators, psychologists, doctors, etc.) is required in the described situations. At the same time, the courts do not take any measures when prisoners decide to declare any form of protest.

Likewise, there are cases of self-harm repeatedly done by the same prisoners due to psychological/psychiatric problems. Such prisoners are deprived of specialised medical/psychological assistance and, therefore, are dangerous not only for themselves but also for all prisoners. The dramatic lack of psychologists or therapists drastically diminishes any effort undertaken by the administration to improve the quality of prisoners' re-education and resocialisation process.

GD no. 971/2023, dated 6 December 2023, approved the National Programme on Mental Health for the years 2023-2027. This Programme aims to develop specialised



integrated mental health services based on a multidisciplinary approach in penitentiary institutions, devise working procedures and responsibilities specific to each service, and establish quality standards. However, the Programme actions are related to 2026. It is right that measures for the patients in detention have been included in the National Strategy, but mental health services in detention institutions seem to be rather individual, specific and need to be addressed separately.

RECOMMENDATION (continued) 3.3.3: The Ministry of Justice should develop a comprehensive mental health care strategy in the penitentiary system.

RECOMMENDATION 3.3.4: The National Administration of Penitentiaries should develop a comprehensive training programme for the prison staff to strengthen their capacity to assess the risk of prisoners developing self-harm behaviour.

Human resources in penitentiaries, employees' safety

As of 1 January 2024, the staff number across the penitentiary system is the same as in 2022, i.e., 2,940 functional units according to the staffing structure (2,951 units in 2021, including 1,108 officers, 1,615 agents, and 228 specially hired staff), including 2,552.75 filled and 386.25 vacant positions. The NAP claims that in 2023, the number of hires in public positions with special status doubled, especially the corps of prison agents, which increased by 365 employees. At the same time, the number of resignations from the corps of agents and prison officers decreased. In 2023, 2,082 prison employees were incentivised, 18 were disciplined, and five were fired.

In the Ombudsman's opinion, the ratio between the number of prisoners and the number of employees working in prisons remains equally **critical**: one employee per 4/6 inmates during the day or one employee per 10/30 inmates / four employees per 600 inmates during the night. Although the agents' reference wage rate has increased, these measures seem insufficient to motivate the staff. Beyond employment challenges, the penitentiary system needs to be supplemented with professionals in the educational, social, medical, and occupational fields to respond to prisoners' real needs, including in the context of applying progressive punishment. The NAP will have to essentially increase the staff numbers to employ both penitentiary and specially hired staff in view of the new progressive system of sentence execution. This measure needs to be launched as of 2024.

We reiterate further that this state of affairs not only causes impediments to the performance of prison safety and regime activities but also makes it impossible to prevent acts of violence and other forms of ill-treatment in detention institutions or address other major risks.



RECOMMENDATION (continued) 3.3.5: The Ministry of Justice, the National Administration of Penitentiaries should provide the penitentiary system with competent, professional, and well-motivated staff, including in the context of applying the progressive system of sentence execution.

The number of cases of assault on employees is decreasing, from 22 in 2021 to 14 in 2022 and 15 in 2023. Such cases were reported in P-2, P-3, P-5, P-7, P-10, P-13, P-15, P-16, and P-18. For example, *headbutting someone's face, fisting in the face; a prisoner bit a guard on the left upper limb and biceps, subsequently headbutting him on the chest and bit him on the right lower limb and calf; a female employee was thrown a plastic vessel with water in the face; a prisoner grabbed a guard by the neck with both hands aiming to cause bodily injuries, and such injuries could cause the employee's death; an inmate grabbed a guard by the coat and the neck with one hand, intending to cause bodily injury, he grabbed him by the shoulder and hit his left eye, etc.*

Criminal charges were pressed in all cases. There are also cases of verbal abuse, intimidation, and offending by prisoners/ informal leaders.

The Ombudsman received more information on continued violence against employees. The criminal punishment for disobeying the legitimate requirements seems not drastic enough to discourage such behaviours. The lack of mechanisms to protect the employees from psychological and physical violence is a significant problem for the penitentiary human resources. We believe that, given the increasing influence of the criminal subculture and the insufficient number of employees, the authorities must pay attention to this topic to avoid larger risks in the future. Using physical force **in case of** resistance, as per Art.233 of the Enforcement Code, is no better or more reasonable solution.

RECOMMENDATION (continued) 3.3.6: The Ministry of Justice, the National Administration of Penitentiaries should revise the legal mechanism for sanctioning the convicts for intentional acts of violence committed against prison employees as representatives of the state.

Material conditions of detention

According to the NAP, current repairs were carried out in 200 detention premises, 159 service offices, and other facilities, such as canteens, reading rooms, warehouses, pharmacies, medical archives, corridors, checkpoints, booths, sanitary facilities, medical examination rooms, exercise yards, and roofs. Likewise, separation walls and doors were installed in 72 toilets in P-13 and P-17, a watch perimeter was repaired in P-6 and P-15, dog kennels in P-6 and P-12, and carpentry was renovated in three detention sectors¹⁹⁶.

¹⁹⁶ <https://anp.gov.md/rapoarte-de-bilant-semestriale-anuale>



According to the activity reporting indicators, prisons have 1,563 housing units as follows:

P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12	P-13	P-15	P-16	P-17	P-18
Number of residential facilities within the institution																
108	46	118	161	57	146	99	40	94	66	62	53	176	88	79	96	74

As for the capital investments, the amount of MDL 15 million was allocated for the first stage of renovation of the House of Arrest in Balti¹⁹⁷; a planned budget of MDL 10 million was envisaged for the reconstruction of building P-5 in Cahul, but there were no bidders, and the ToR was re-assessed and republished at the end of the year; for the renovation of the watch perimeter of P-7 Rusca an additional MDL 7 million was allocated, and its completion is due in 2024; for the reconstruction of the watch perimeter of P-10 Goian the amount of MDL 10 million was allocated, but the contracted works are progressing very slowly; works worth over MDL 10 million were completed on the roof and ventilation system of the Pulmonary Tuberculosis building of P-16. Some reconstructions cannot be carried out because the Public Property Agency, rather than the MoJ/ the NAP, is responsible for the management of public lands. Thus, a public authority competes with another using the same public budget and bringing public benefit. The government must solve this confusing situation because the NAP is not a private entity, and prison security is in the general public interest and deserves a serious approach.

In 2023, PAO employees paid a monitoring visit to P-18 (follow-up visit), while CPT members visited five penitentiary institutions (P-7, P-15, P-2, P-10 and P-13). Findings on material conditions of detention are still rated as **inhuman**:

Follow-up visit to P-18 Branesti¹⁹⁸. Positive aspects were noted, such as the implementation of six out of 11 previously conveyed recommendations (60% of the remaining five are material and will be implemented along with the new public procurement in 2024). Housing sector no. 10, Building B has an area of circa 210 m² and consists of barrack-type bedrooms: one bedroom has an area of circa 70 m² with 65 bunk beds where 39 persons are held (51 in 2022 and 57 in 2021). According to the presented data, the number of prisoners placed in the barracks has decreased, diminishing the overpopulation of housing sector no.10, but this does not improve the cohabitation conditions and the psychosocial living environment. In addition, the previous observations regarding the lack of a ventilation system, the absence of light adapted to the requirements, the persistent specific odour, and the presence

¹⁹⁷ The House of Arrest in Balti is being built since 2016.

¹⁹⁸ <https://ombudsman.md/post-document/raport-privind-vizita-de-follow-up-la-penitenciarul-nr-18-branesti/>



of worn items (*worn linen with dirty spots*) remain relevant, an amalgam of sounds produced by different devices (*TV, radio*) – all these make detention in common facilities impossible.

The CPT visit to P-7 Rusca¹⁹⁹ highlighted positive aspects, such as the employment of 50% of female prisoners and satisfactory detention conditions (*including food/water*). However, the recommendations on filling in the medical logs and the lack of informed consents on the administration of medicines remain unimplemented.

The CPT visit to P-15 Cricova²⁰⁰ produced a series of less positive findings, highlighting the overpopulation of housing facilities for prisoners, the use of special means and physical force, and the lack of elementary living conditions (*access to natural light, water, ventilation, outdoor life, and personal hygiene*). A critical element in ensuring the quality of medical care for prisoners is the medical staff; therefore, it is necessary to improve the methodologies/practices for recording all injuries and monitoring cases of violence among prisoners to intervene with psychologists'/psychiatrists' consultation to reconcile conflicts and prevent altercations.

The CPT visit to P-2 Lipcani²⁰¹ The team included in its report some previous recommendations that had not been implemented, such as overcrowding, the need for a more even space allocation to prisoners, i.e. 4m² according to the CPT standards, the penitentiary infrastructure adaptation to people with special needs, and documentation on alleged acts of torture, in accordance with General Prosecutor's (common) Order No.77 of 31.12.2013. Penitentiary No.2 lacks both specialised doctors and other prison staff. The vacancy filling difficulties generate significant vulnerability in the efficient management of the entire prison system and have a negative impact on employees' mental and physical health. To improve the situation, it is recommended to increase the staff numbers (including doctors) and develop motivational and attractive facilities to fill the vacancies.

The CPT visit to P-10 Goian²⁰². The report highlighted the increased number of disciplinary sanctions, of which 42% of cases involved suspending juvenile detainees' right to visits, and 30% – disciplinary isolation. The implementation rate of recommendations submitted by the CPT in the 2017 Visit Report reached 75%. In its 2023 Report, the Council reiterated such gaps as the shortage of trained personnel (psychologists, psychotherapists, psycho-pedagogues, social workers, etc.), the

¹⁹⁹ <https://ombudsman.md/wp-content/uploads/2023/07/08-1-14-1746-din-11.07.2023-Raportul-CPT-p-d-vizita-de-monitorizare-P-7-din-20.01.2023-P-7.pdf>

²⁰⁰ <https://ombudsman.md/wp-content/uploads/2023/10/Raportul-p-d-vizita-la-P-15-din-27.04.2023.pdf>

²⁰¹ <https://ombudsman.md/wp-content/uploads/2023/11/08-1-23-2803-din-16.11.2023-Raportul-de-vizit%C4%83-P2Lipcani.pdf>

²⁰² <https://ombudsman.md/post-document/raport-privind-vizita-de-monitorizare-efectuata-la-penitenciarul-nr-10-goian-din-cadrul-administratiei-nationale-a-penitenciarelor-la-07-iulie-2023/>



failure to renovate the canteen and the common toilets in the institution and to adapt the infrastructure to safeguard the right of persons with disabilities to health, etc. This Report compiled several aspects regarding the importance of juvenile prisoners' access to occupational and developmental activities, which can stimulate their intellectual abilities.

The CPT visit to P-13 Chisinau²⁰³. A few invariable recommendations were reiterated, such as the urgent need for capital renovation of cells and improvement of living conditions (access to water, air, natural/artificial light) and the identification of effective solutions for the segregation and transfer of prisoners to reduce the penitentiary overcrowding. Penitentiary No. 13 is committed to ensure compliance with sanitary and hygienic rules. Thus, the prisoners will have access to the bathroom on a weekly basis, be able to maintain the safety of their lodging facilities, and enjoy the support and assistance of medical personnel. It is crucial to maintain rigorous building standards to facilitate the access of people with disabilities, which is an essential component in preventing ill-treatment.

At the same time, the Ombudsman received complaints from prisoners with allegations about their inhuman and degrading treatment, such as *inadequate conditions of detention, overpopulation, poor quality and insufficient food, lack of adequate medical care (lack of medicines, specialised doctors, medical equipment), dental pain, lack of hygiene (parasitic insects, dirt, rodents), lack of beds, lack of proper ventilation, no access to daylight, toilets deplorable conditions, dirty bathrooms; lack of privacy in toilets and bathrooms; relations among prisoners; discriminatory treatment, intimidation and harassment committed by the administration, disagreement with searches and other actions undertaken by prison staff, spaces unaccommodated for women, sick persons and people with special needs, etc.*

The Ombudsman reaffirms the Government commitment to ensuring dignified conditions in enclosed spaces and repeatedly urges the executive to decide on the overall evaluation of the situation. Fragmentary and insufficient allocation of financial resources in each year is not the best solution.

RECOMMENDATION 3.3.7: *The Ministry of Justice should substantially increase the NAP budget to ensure dignified conditions in all penitentiary institutions.*

Using the release mechanisms

According to the NAP data, 3,735 complaints about poor conditions of detention were filed in 2023 (5,360 in 2022), of which only 3,670 were reviewed. As a result, 2,425 complaints were accepted by the courts (1,692 in 2022), 401 were partially accepted,

²⁰³ <https://ombudsman.md/wp-content/uploads/2023/11/Raportul-de-vizit%C4%83-din-03.11.2023.pdf>



543 were rejected, 69 were closed, and 391 were sent to courts of relevant jurisdiction. The prisoners appealed 2,115 applications, of which 316 were accepted, 1,348 were rejected (out of 1,664 applications that were considered). Eighty-one prisoners were released through the compensatory mechanism. Monetary compensations reached the amount of MDL 1,375,877.

Out of the more than 3,700 eligible convicts, 569 prisoners were amnestied under Law 243/2021 on Amnesty. The penitentiary commissions examined 1,339 petitions from convicts on the application of Art. 91, 92 of the Criminal Code, of which only 475 were filed to courts. The latter considered 142 parole requests and 130 requests to modify the remaining part of the sentence with a lighter penalty. The NAP claims that the rate of considered requests under Art.91 and 92 of the Criminal Code is decreasing.

As for the amnesty mechanism for **life sentence prisoners**, we would like to highlight the following. The Special Commission of P-17 Rezina selected and submitted 75 amnesty requests for eligible persons sentenced to life imprisonment (25 with a medium risk of recidivism and 50 with a low risk of recidivism). Orhei Court, Rezina Office, reviewed 74 requests and rejected them due to *incorrect assessments of the convict's conduct, inconsistency of the conclusion on the risk of recidivism, or the existence of damage caused by the crime*. In 2023, the Court of Appeal delivered ten judgments: two appeals were rejected, and eight appeals were accepted and sent to retrial. So far, 14 cases requesting amnesty are under consideration at Orhei District Court, Rezina Office. There is some reluctance on the part of the court system to release life sentence prisoners, including due to possible public pressure on the grounds of prejudice, etc. During some technical meetings, the MoJ tried to identify a practical solution to considering petitions for amnesty submitted by life sentence prisoners. In 2024, the Council of Europe in Moldova ordered the evaluation of a viable mechanism for their release.

According to the NAP data, the hypothetical release of those 75 people should be: six persons in 2023, four in 2024, seven in 2025, two in 2026, six in 2027, two in 2028; four in 2029, seven in 2030, eight in 2031, four in 2032, two in 2033, one in 2034, two in 2035, two in 2036, two in 2037, one in 2038, one in 2039, one in 2040, zero in 2041, one in 2042, three in 2043, two in 2044, five in 2045, one in 2046, zero in 2047, one in 2048, zero in 2049 and one in 2050.

Using force and other repressive measures against prisoners

According to the NAP, prison employees used physical force in 193 cases and special measures in 148 cases. All such situations were adequately investigated, and relevant fact-finding reports were prepared. Verbal abuse cases, which became a daily routine, were not covered. Firearms were not used.



The PAO documented 244 cases of using physical force for *disobedience, violation of daily timetable and regime, property damage, or aimed to stop acts of violence, prevent self-harm and suicide attempts, threats with retribution, hitting prison staff, aggressive behaviour, opposing resistance, refusing to enter the cell, inciting to disorder, prison and isolation ward escapes.*

'Tear gas', as an exceptional measure, was used in **22 cases** (16 cases in P3, two cases in P15, three cases in P4, and one case in P5) for *disobedience, aggressive behaviour, to restore order and security in prisons, cope with altercations, opposing resistance, damaging property, ignoring the requirements of prison employees, inciting disobedience*²⁰⁴.

In six cases, employees of P-7 Rusca resorted to the use of physical force toward female prisoners (eight cases in 2022).

RECOMMENDATION (repeated) 3.3.8: The Ministry of Justice should develop clear guidance on the use of physical force and special means in enclosed spaces, negotiations, and mediation of conflicts, and equip the penitentiary system with special safe means.

RECOMMENDATION 3.3.9.: The National Administration of Penitentiaries should examine the relevance of installing a special shooting ground at the Training Centre and equipping it with simulators for the training of employees on the use of weapons, physical force, and special means upon need, and arranging improvised grounds for tactical exercises and simulations to prevent disorders.

Organisation of convict labour

According to the data provided by the Penitentiary Industry Directorate, the penitentiary administration system has an employment potential of up to 4,000 people and rental spaces exceeding 10,000 m². Thus, 316 convicts can be employed in P-2 Lipcani, 400 – in P-6 Soroca, 50 – in P-17 Rezina, 400 – in P-4 Cricova, 200 – in P-15 Cricova, 200 – in P-9 (only there are no rental spaces), 70 – in P-7 Rusca (women), 200 – in P-18 Branesti, 150 – in P-3 Leova, and 200 – in P-1 Taraclia²⁰⁵.

As many as 3,780 working-age inmates were identified in the penitentiary institutions (*about 5,200 working-age convicts in 2022*). On average, 550 inmates (or 10% of the total) are involved in unpaid sanitary and maintenance work of prison facilities and campus on a daily basis.

The NAP managed to create 1,336 paid jobs last year, including 657 domestic jobs to maintain the prison facilities and 679 jobs with private companies:

²⁰⁴ <https://ombudsman.md/post-document/raport-tematic-siguranta-in-sistemul-penitenciar-2023/>

²⁰⁵ <https://anp.gov.md/index.php/industrie-penitenciara>



P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12	P-13	P-15	P-16	P-17	P-18
Number of prisoners employed in paid jobs at production units																
7	1	45	88	0	70	48	0	18	0	0	0	0	0	0	26	102

P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12	P-13	P-15	P-16	P-17	P-18
Number of prisoners employed in unpaid jobs																
141	225	131	167	25	115	170	7	128	59	36	38	97	59	54	9	70

P-1	P-2	P-3	P-4	P-5	P-6	P-7	P-8	P-9	P-10	P-11	P-12	P-13	P-15	P-16	P-17	P-18
Number of prisoners employed in household activities																
45	45	50	61	13	92	32	32	62	29	19	20	57	58	27	27	278

According to the NAP data, private companies owe over MDL 10,094,749.51 in arrears for the services rendered by convicts over several years.

P-3	P-4	P-6	P-7	P-9	P-15	P-17	P-18	TOTAL
651,913.01	825,247.98	209,726.53	374,794.94	285,997.91	1,193,784.23	4,454,341.00	2,098,943.92	10,094,749.52

We remind that, according to the 2024 Government Action Plan, measures are planned to amend some regulatory acts in order to facilitate the creation of jobs for prisoners.

RECOMMENDATION 3.3.10: *The Ministry of Justice should intervene with the companies to make them honour their contractual commitments towards prisoners and penitentiary institutions, to avoid their forced labour.*

Elderly people in penitentiaries

There are 450 people (32 women and 418 men) aged 50-60 in the prison system, which makes up 8.92%. Other 208 people (29 women and 179 men) are aged 60 years and older.

Order No. 373 of 18.11.2019 issued by the NAP approved the Psycho-Social Programme for older persons and people with disabilities held in penitentiary institutions. This Programme is implemented in each prison according to the eligibility criteria, with 103 attendees and 140 sessions.



Some of the general issues faced by older adults in detention include (a) lack of job opportunities, except for crocheting/concerts, (b) lack of accommodation for their special needs, (c) poor material conditions, (d) inadequate medical assistance and care, (e) untreated gynaecological, dental, and psychological problems of older women, (f) no protection from abuse by peer inmates or employees, (g) no involvement in community or public affairs (except for elections), (h) shortage of specialised personnel such as educators, caregivers, companions, psychologists, etc., (i) nutrition is inadequate for their age, dietary needs or with calorie deficit, etc.

Overall, the state policy of protecting older people is limited to their 'isolation'.

In November 2023, the UN Independent Expert on the enjoyment of all human rights by older persons, Ms. Claudia Mahler, visited the Republic of Moldova²⁰⁶. The expert assessed the situation of older people, including those held in the penitentiary system. A report with recommendations is expected to be presented in autumn 2024.

RECOMMENDATION 3.3.11: *The Ministry of Justice should implement policies to protect and provide dignified care for older prisoners pursuant to UN General Assembly Resolution 24/20 dated 08 October 2023*²⁰⁷.

Item 4: Situation of persons detained and arrested by the Police

General findings

The National Public Order and Security Programme for 2022-2025 outlines the following priorities: (a) preventing the acts of torture and ill-treatment of individuals held in the custody of Public Order Services and facilitating the reporting and investigation of suspicious cases; and (b) establishing hearing rooms, presentation rooms for the identification of individuals, confidential meeting rooms for suspected/accused persons and waiting rooms within the local police stations, in full compliance with the EU standards.²⁰⁸

According to the General Police Inspectorate (GPI) 2023 Action Plan, the police are committed to ensuring decent conditions of temporary custody, organising training courses in the area of torture prevention, and implementing the 2020 CPT recommendations²⁰⁹. The Ombudsman notes there is no plan to reduce cases of ill-treatment and abuse by the police. A government decision was developed in 2017 for three years, but the GPI failed to return to that goal after 2020.²¹⁰

²⁰⁶ <https://www.ohchr.org/en/special-procedures/ie-older-persons>

²⁰⁷ https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/24/20

²⁰⁸ <https://mai.gov.md/sites/default/files/document/ordine%20publica.pdf>

²⁰⁹ https://politia.md/sites/default/files/plan_de_activitate_igp_anul_2023_.pdf

²¹⁰ <https://politia.md/ro/content/rezultatele-obtinate>



During the monitoring period, the police continued building their operational and technical capacities to combat traffic offenses. Thanks to the generous support of foreign donors, the patrol police were provided with new vehicles and technical equipment designed to reduce the rate of road accidents. Still, the commitments made in the National Programme and annual plan mentioned above remained unimplemented in 2023.

Regarding compliance with the fundamental safeguards in cases of detaining by the police, the PAO revealed further conclusive concerns. The commitments to eradicate torture require the use of non-offensive methods of detention, ensuring a range of safeguards against abuses, a professional attitude towards policing, proper respect for human dignity, enabling a professional environment for police officers, high-quality equipment, including for personal protection, clear operational processes, regular training, etc.

According to the data collected by the PAO, police officers continue to abuse their legal prerogatives in the process of detaining persons. Thus, the number of bodily injuries due to the use of force during the detainment has been steadily increasing since 2022. Furthermore, police officers sometimes used excessive force to disperse protesters and protest organisers. The Ombudsman reiterates that freedom of expression and assembly are fundamental for all persons. Excessive interventions by law enforcement bodies, including under the alleged cover to protect the legal regulations, can undermine the fundamental values in a free and democratic state. On the contrary, the police's role is to protect the protesters while they exercise their right to freedom of speech and assembly. Only in this manner can a balance be upheld between freedom of speech and public order.

RECOMMENDATION 3.4.1.: The General Police Inspectorate should develop a Plan to reduce ill-treatment and abuse by the police.

Dynamics of detaining and placing in temporary custody

In 2023, the Police detained and put in remand centres **3,687 persons** (1,092 fewer people than in the previous year), including 76 light offenders, 11 persons with physical disabilities, 11 persons with mental disabilities, 30 persons with HIV/AIDS, 31 persons with TB, two persons infected with COVID-19, 20 drug addicts, 18 persons in a methadone programme, etc.

The police kept in its isolators **252 persons** for more than 72 hours, which is a significant decrease compared to 2022, when 1,097 persons were detained beyond the legally permitted term. Furthermore, the detention and convoy units ensured convoy and transportation for 17,395 people.



During the same period, physicians (Feldshers) of remand centres wrote **468 reports** about the injuries detected in the detained persons. We found no data on whether prosecutors examined those reported cases or how they were addressed.

RECOMMENDATION (repeated) 3.4.2: The General Police Inspectorate should develop internal mechanisms within the police system to guarantee that the 72 hours of provisional detention stipulated by law is respected in all cases. This is a fundamental condition of detention and pre-trial arrest.

RECOMMENDATION (repeated) 3.4.3: The Prosecutor General's Office should thoroughly investigate all reports of injuries or ill-treatment occurring in pre-trial detention facilities following the detention process. This includes examining the legality of police interventions towards organisers and participants in anti-government protests.

Allegations of abuse and ill-treatment by the Police

According to the data comprised by Registers of received and sent complaints, declarations, and other reports about alleged acts of torture, inhuman or degrading treatment, **only 81 cases** were recorded in 2023 and 89 cases in 2022.

As per the information provided by the GPI, **576 cases of using physical force** and special means were registered. At the same time, the Prosecutor General's Office informed the PAO that it had examined **1,049 cases** on the use of physical force and special means reported by the police, including **four cases of using firearms**.

We noted a significant discrepancy between the data reported by the PGO and that recorded by the police (*a difference of 473 reported cases*) pursuant to Order 77/2013.²¹¹ However, due to the neglect of these provisions, as evidenced by the late notification of the prosecutor, only 11 service investigations were initiated. Seven complaints were filed against police officers for physical force abuse, and two for special means abuse.

For the threat or violence committed against police employees, **105 criminal cases** were started against the aggressors based on reasonable suspicion of committing the crime as per Art.349 of the Criminal Code²¹².

During the same period, 30 criminal cases were initiated in respect of **31 employees** on reasonable suspicion of committing torture, inhuman, or degrading treatment. This indicator shows 98 fewer cases than in 2022 when 128 criminal cases were initiated.

²¹¹ Approved through Joint Order of PGO/MoJ/MoIA/CO/NAC/ MoD no.77/572/408/639-0/197/1589 of 31 December 2013 https://www.legis.md/cautare/getResults?doc_id=44302&lang=ro

²¹² Threat or violence committed against persons in positions of authority or those performing public duty.



The PAO received information on 278 cases of detention of people with injuries obtained before detention (33 cases up compared to 2022); 29 cases of injuries caused to detained persons by police employees from PD Chisinau, PI Hancesti, PI Cahul, PI Balti, PI Causeni, PI Cimislia, PI Calarasi, PI Ialoveni, PI Anenii Noi, PI Soroca and PI Soldanesti (nine cases down compared to 2022).

At the same time, the Ombudsman issued three special reports regarding the conduct of police personnel towards suspected persons or those deceased while in their custody. Special reports are unique, current, and relevant regarding the police work, as well as other stakeholders:

Excerpt from the Special Report on questionable suicide in the pre-trial detention facility of Cimislia Police Inspectorate, 2023²¹³

On July 13, 2023, a prisoner's death was reported in the pre-trial detention facility of Cimislia Police Inspectorate. The detainee was found strangled in the bathroom of his cell. This information was communicated to the Ombudsman by the CPT members, who had a surprise inspection of the remand facility in Cimislia. Cimislia District Prosecutor's Office declined to initiate a criminal investigation because the deceased *was not tortured or suicidal*, and his death *was not prompted by third parties*. The internal police investigation uncovered specific systemic issues and omissions and resulted in a disciplinary penalty of three Cimislia police employees. The Special Report's main findings, based on input from the authorities, criminal trials, and internal investigations, reveal several challenges: (a) the issue of ensuring the right to life of individuals in custody as guaranteed by Art. 2 of the ECHR; (b) inadequate training of police personnel in monitoring individuals in custody, including the first aid; (c) lack of emergency medical equipment; (d) failure to ensure proper protection of employees' rights in compliance with the nature of their work; (e) issues relating to objective medical examination of individuals during their detention and/or placement in the police pre-trial facility; (f) lack of temporary detention cells; and (g) investigating and documenting death cases among the persons held in police custody²¹⁴.

²¹³ <https://ombudsman.md/problematica-asigurarii-dreptului-la-viata-reflectata-intr-un-raport-special-al-avocatului-poporului-ca-urmare-al-unui-suicid-dubios-in-izolatorul-politiei-de-la-cimislia/>

²¹⁴ <https://multimedia.parlament.md/audieri-privind-monitorizarea-mecanismelor-de-asigurare-a-dreptului-la-viata-a-persoanelor-aflate-in-custodia-politiei-organizate-la-parlament/>



Excerpt from the Special Report on the use of firearms at a vehicle by laloveni police agents, 2023²¹⁵

On the night of 21 January 2023, the patrol officers used their firearms to stop a manoeuvring car on the laloveni-Costesti road. The police officers fired 18 shots on the road in Milestii Mici, where the car was blocked and stopped. Having initiated a monitoring process for this case, the Ombudsman analysed the available public information, the in-house investigation outcomes, and other sources to prepare a special report. The document outlines the Ombudsman's perspective on the justification for using weapons on manoeuvring vehicles, on passengers in public spaces at night correlated with upholding the fundamental human rights principles and safeguarding against abuse. By this report, the Ombudsman does not substitute the exclusive powers of prosecutor's offices to check the legality of using the firearms in this case. Rather, the Ombudsman intends to contribute to improving the practice of using firearms by police. The Ombudsman appreciates the diligence of police in fighting crimes and does not support/encourage any criminal behaviour. However, *'during law enforcement activities'*, the authorities are urged to refrain from actions that infringe on the right to life, health, safety and security of people, especially in road traffic.²¹⁶ The police are particularly encouraged to *minimise the use of means* that can harm human rights and freedoms in general. The Special Report findings point to several factors: a) the state's failure to ensure the right of individuals to physical and mental integrity and to conduct effective case investigations; b) inadequate training of police employees in the use of firearms and crisis management; c) lack of effective and nonviolent mechanisms to stop vehicles; d) excessive chasing of vehicles, posing risks to physical integrity; e) organisational and communication deficiencies; and f) incomplete investigations.

Excerpt from the Special Report titled 'Questionable death of a drug addict in police custody in Chisinau, 2023'²¹⁷

A young man died suddenly while being documented by police for a minor offense on 23 July 2023. He felt sick and died by the time the ambulance arrived. The individual, whose identity was not established, was escorted to Ciocana Police Inspectorate for exhibiting suspicious behaviour in public or being in a

²¹⁵ <https://ombudsman.md/rezultatele-raportului-special-al-avocatului-poporului-politia-trebuie-sa-si-imbunatateasca-mecanismele-non-violente-de-stopare-a-unitatilor-de-transport-iar-arma-de-foc-trebuie-folosita-in-ultima-i/>

²¹⁶ <http://ombudsman.md/news/avocatul-poporului-s-a-sesizat-din-oficiu-cu-privire-la-accidentul-teribil-de-pe-viaductul-din-chisinau-fapt-ce-atesta-un-prejudiciu-la-dreptul-la-viata-siguranta-si-securitate-in-traficul-rutier/>

²¹⁷ <https://ombudsman.md/post-document/raport-special-deces-dubios-al-unei-persoane-drog-dependente-retinute-de-angajatii-politiei-municipiului-chisinau/>



state of narcotic intoxication, as reported by PULSMEDIA.md. According to the police officer's report, a male individual displayed aggressive and inappropriate behaviour and appeared to be under the influence of drugs. He was told to calm down multiple times, but he would not; he had to be handcuffed. He resisted and, while inside the police car, kicked some parts of the vehicle with his legs. He was taken to Ciocana Police Inspectorate for identification and documentation. The detainee needed urgent medical attention when he entered the police inspectorate. After a short time, the detainee died, and the EMS confirmed his death. According to the forensic report, S.A. died due to acute intoxication with a psychotropic substance. The victim had physical injuries. In his Special Report, the Ombudsman found that the state had failed to ensure the right to life of a person in custody due to factors such as insufficient training of employees, incomplete examination of the death, incomplete police reports, incomplete investigation and documentation processes, etc.

The cases reported above show that the MoIA/GPI have severe gaps in preventing and combating abuses. We emphasise that respect for human dignity during detention and custody needs to become a priority for the police.

According to the GPI, during the same period, **458 police officers** attended workshops on human rights-centred policing, and other **46** were informed about the first aid. This constitutes about 5% of over 9,000 police staff.

RECOMMENDATION (repeated) 3.4.4: The Ministry of Internal Affairs should ensure that legal instructions are implemented for recording and reporting of any cases of injuries, violence, or ill-treatment during detention and custody by the CPT rules and PGO Joint Order 77/2013.²¹⁸

RECOMMENDATION (repeated) 3.4.5: The Ministry of Internal Affairs should instruct the subordinate institutions to ensure that medical examinations are conducted strictly in compliance with the suggestions provided by the CPT, especially in case of allegations of ill-treatment in detention or custody.

RECOMMENDATION 3.4.6: The Ministry of Internal Affairs and the Prosecutor General's Office should establish a clear and effective mechanism for reporting incidents of ill-treatment, abuse, and use of physical force and special means.

RECOMMENDATION 3.4.7: The Ministry of Internal Affairs should develop clear methodologies or regulations concerning the involvement of police personnel in cases of detaining individuals with mental disorders, disabilities, alcohol or drug dependency, etc. This is to prevent abuse towards them and to protect the MoIA employees.

²¹⁸ https://www.legis.md/cautare/getResults?doc_id=44302&lang=ro



RECOMMENDATION 3.4.8: *The Ministry of Internal Affairs should establish a process for informing the Ombudsman about cases of death, suicide, mistreatment, or other forms of abuse within the police system. This should be done following the international commitments to prevent and eradicate torture and to ensure protection of police employees.*

Compliance with material conditions in temporary custody, safety of detainees

Only 14 out of 47 territorial and specialised subdivisions of the GPI have renovated remand centres, comprising 102 cells to concurrently detain 247 persons in preventive custody.

The concerns about the situation of detainees in the remand centres (apart from the material conditions) are related to several procedural issues, namely: (a) not all detainees undergo medical examinations; (b) medical examinations are not always conducted upon admission/release from the remand facility; (c) the detainees are transferred for hearings outside the remand centre; (d) failure to ensure confidentiality of medical data; (e) no medical staff members are available at nights; (f) management of drugs; (g) the medical rooms are inadequately equipped; (h) there are no accommodations for detainees with disabilities; (i) there is no adequate nutrition for detainees with chronic diseases; (j) accuracy of internal registers and medical documentation, etc.²¹⁹

The lack of **waiting halls** and of **temporary detention rooms** remains a common problem for all police inspectorates (PIs). None of the PIs with no remand centre has a facility for temporary detention (detention ward). While their status is being determined, the detainees may wait near the PI unit, in the hallway, on chairs, in the PI yard, etc., before their lawyer or the detention and escort service arrives, which can take from 10 min. to 2 hours.

These findings are similar to those established in the previous years. The GPI assures that it has developed a ToR and that the things should be reorganised soon.

RECOMMENDATION (repeated) 3.4.9: *The General Police Inspectorate should set up temporary detention wards within police inspectorates.*

RECOMMENDATION (repeated) 3.4.10: *The General Police Inspectorate should ensure the medical examination of detainees for injuries/other allegations and report any abuse cases that occurred during the detention procedure.*

²¹⁹ <http://ombudsman.md/consiliul-pentru-prevenirea-torturii/rapoarte/>



Item 5: Situation of persons detained at the border

Numerous border incidents were reported in public spaces throughout the year. The reported incidents resulted in the death of employees,²²⁰ trauma to passengers²²¹, unjustified detentions, and barring hundreds of foreigners from entering the country²²², sometimes for unclear reasons, particularly, during the state of emergency. The employees of the General Inspectorate of Border Police (GIBP) used force and special means on outraged foreigners, particularly at Chisinau International Airport (CIA), in full view of passengers, etc. Increased safety measures were implemented at the CIA by Special Intervention Teams and Carabinieri armed with weapons.

Due to the war in Ukraine, the national border has become highly vulnerable. The national authorities reiterate through policies and declarations the increased security risks at the Ukrainian or eastern border segment. Against this background, perceptions of foreigners transiting or crossing the border 'illegally' acquire a more negative rather than protective connotation. The flow of Ukrainian men to Moldova is constantly increasing. The GIBP considers illegal these border crossings, even if the individuals are fleeing from conscription in the Ukrainian army or deployment and are potential applicants for some form of protection. Once in the country, although they have no status, they are interrogated to denounce their 'point men', being held for hours or days at the border crossing points, where there are no facilities to this end. Such individuals are denied exit from the Republic of Moldova. At the same time, the GIBP is facing a dilemma between ensuring the national security and guaranteeing human rights at the border due to the absence of clear legal instruments.

The authorities launched consultations on a draft Law on the state border, which was passed in February 2024. The Ombudsman submitted some proposals to improve the draft.

As regards ensuring safeguards against torture at the border, the Ombudsman reiterates the need to comply with the series of recommendations submitted to the authorities in previous years²²³.

²²⁰ <https://tvn.md/live-ministerul-afacerilor-interne-despre-rezultatele-anchetei-in-cazul-dublului-omor-de-la-aic/>

²²¹ <https://www.echipa.md/2023/06/21/un-cetatean-strain-a-sarit-de-pe-trapa-avionului-dupa-ce-i-s-a-interzis-intrarea-in-r-moldova-barbatul-se-afla-in-spital/>

²²² <https://border.gov.md/>

²²³ <https://ombudsman.md/post-document/raport-tematic-accesul-persoanelor-straine-in-republica-moldova-prin-intermediul-ptf-aeroportul-international-chisinau-din-07-decembrie-2022-2/>
<https://ombudsman.md/post-document/raport-privind-vizita-de-follow-up-la-punctul-de-trecere-a-frontierei-ocnita-2-sectorul-politiei-de-frontiera-ocnita-si-punctul-de-trecere-a-frontierei/>
<https://ombudsman.md/post-document/raport-privind-vizita-anuntata-la-punctul-de-trecere-a-frontierei-criva-mamaliga-si-sectorul-politiei-de-frontiera-criva-din-cadrul-directiei-regionale-nord-a-inspe-4/>
<https://ombudsman.md/post-document/raport-privind-vizita-anuntata-la-punctele-de-trecere-a-frontierei-ceadir-lunga-maloiaroslavet-basarabeasca-serpniovo-1-si-sectorul-politiei-de-frontiera/>



RECOMMENDATION 3.5.1: The General Inspectorate of Border Police should establish Registers of Detained Persons and Anti-Torture Registers at the border crossing points and border police stations. They should also report to the PAO all incidents concerning injuries, use of force and special means, detentions lasting more than 6 hours, and any other injuries or attacks on employees.

Item 6: Situation of persons placed in psychiatric hospitals

Three psychiatric institutions are operational in Moldova: Chisinau Clinical Psychiatric Hospital with 740 beds (*CPH Chisinau*); Orhei Psychiatric Hospital with 145 beds (*PH Orhei*), and Balti Psychiatric Hospital with 530 beds (*PH Balti*). They offer comprehensive, specialised, therapeutic, and rehabilitation services for individuals with mental or behavioural disorders.

According to the data submitted by the psychiatric institutions, 12 deaths were recorded in PH Orhei, 46 deaths – in CPH Chisinau, and 29 deaths – in PH Balti last year. Most of the deaths occurred due to the circulatory system diseases, followed by mental and behavioural disorders. During the same period, there was one suicide attempt and one case of physical abuse on patients at CPH Chisinau, and 24 cases of physical abuse among patients at PH Balti. Likewise, there were five cases of violence against employees at PH Orhei, nine cases of violence against employees at CPH Chisinau, and 45 cases of violence against employees at PH Balti. At CPH Chisinau, there were 460 cases of bodily injuries revealed upon admission, with 157 occurring within the institution. At PH Orhei, 12 patients were admitted with injuries; at PH Balti 43 patients were admitted with injuries and 19 cases of trauma received in the institution, such as falls and self-harm during agitation, etc. PH Orhei resorted to physical restraintment (binding with towels) in eight cases; PH Balti applied physical restraintment in 11 cases, chemical restraintment in six cases, and physical and chemical restraintment in three cases, and at CPH Chisinau, physical restraintment was applied in 181 cases.

In 2023, a total of 2,059 patients, including 1,351 men and 708 women, were hospitalised at PH Orhei; 6,231 patients were hospitalised at PH Balti, including 2,428 women, 3,803 men, including 338 minors. CPH Chisinau provided specialised medical assistance to 5,925 inpatients, with 2,917 men, 3,008 women, including 301 minors benefiting from such services. The average duration of patient admissions at PH Orhei was 22 days, PH Balti – 23.7 days, and at CPH Chisinau: children – 20.4 days, men Unit 2 – 32.3 days, women Unit 3 – 24.3 days, women Unit 4 – 24.6 days, men Unit 5 – 26.9 days, men Unit 6 – 25.9 days, Psycho-TB Unit – 57.8 days, men Unit 8 – 20.6 days, Unit 9 – 518.7 days, Unit 10 – 1,034.5 days, Unit 11 – 690 days.

At CPH Chisinau, out of 728 approved staff positions, 687.25 positions were filled (with only 77 doctors for over 6,000 patients). At PH Orhei, out of 161.75 approved



positions, 150.25 were filled (with only 11.25 doctors for 2,000 patients). Finally, out of 652 approved positions at PH Balti, 531 were filled to care for 6,200 patients. The shortage of specialised medical personnel is evident.

The PAO received and documented the following information: 54 deaths (*56 in 2022*), 531 cases of injuries detected either at the time of admission or during the patient's stay in the institution (*80 in 2022*), 45 hetero-aggressive incidents among patients (*71 in 2022*), and the use of means to immobilise patients in 148 cases (*136 in 2022*). Twelve cases of attack on medical staff were reported (*four in 2022*)²²⁴.

We note **a high rate of using the means to restrain the patients** (*up 12 cases*), including five cases of chemical immobilisation through *rapid drug tranquilisation*. CPH Chisinau²²⁵ claims that it resorts to the use of means of immobilisation after having exhausted all alternative methods to address the incidents on the following grounds: *hostile behaviour manifested during hospitalisation; irascibility, or inability to manage an hyperactive patient; refusal to administer the treatment; tendency to attack; suicide attempted by swallowing glass shards; unpredictable behaviour, alerts; threat to medical personnel; destruction of property; hyper-aggressiveness manifested towards the medical personnel and other patients; exposure of delusional ideas*. Likewise, the CPH states that immobilisation occurred '*by binding the patient with wide leather straps with soft lining, fitted with bed fastening system and adjustable cuffs*'. The procedure was applied without any witnesses among the patients in a ward intended for restraints. The exercise was coordinated by professionals. The person was supervised during the exercise, and no personal injuries occurred after it. Physical restraints last for 20 to 60 minutes. PH Orhei claimed it did not resort to chemical restraintment or other immobilisation measures, and PH Balti reported no such incidents.

Patient-staff altercations and attacks on personnel are on the rise, which indicate the failure to manage aggressive patient behaviours, establish patient-physician therapeutic relationships, implement dynamic surveillance strategies, and address other related factors.

Extract from the Special Report titled 'Monitoring compliance with the rights of patients placed in coercive medical treatment'²²⁶:

On 27 October 2022, a significant incident took place in Unit 10 (medical coercion with rigorous regime for men) of CPH Chisinau, involving 62 patients in actions of vandalism, arson, hostage taking, damage of goods, death threats, barricades, including the intervention of law enforcement and emergency services. In its 2023 Special Report, the Ombudsman found that mental health authorities

²²⁴ <https://ombudsman.md/siguranta-in-sistemul-psihiatric-in-2023/>

²²⁵ The only institution reporting such incidents.

²²⁶ <https://ombudsman.md/post-document/raport-special-monitorizarea-respectarii-drepturilor-pacientilor-plasati-la-tratament-prin-constrangere-cu-caracter-medical-2/>



had failed to manage aggressive patients and those with behavioural issues, did not document correctly bodily injuries, no effective mechanism was available to file complaints, the internal investigation was incomplete and subjective, the procedure for changing or stopping treatment by coercion remaining unclear. At the same time, law enforcement agencies intervened excessively; the case was examined superficially. The Standing Committee for Social Protection conducted six sessions to review the Special Report. CPH Chisinau obtained funding from the MoH to renovate some wards and Unit 10. The report contains 20 urgent recommendations.

During the monitoring visit to PH Orhei, the CPT found that the infrastructure of psychiatric institutions did not meet the needs of people with physical disabilities. Moreover, poor material conditions for treatment fuel traumatic accidents. The sanitary blocks are often flooded, creating conducive spaces for slipping. The lack of elevators, terracotta floors, and eroded steps cause additional injuries. In addition, the exercise yards do not comply with safety and accessibility requirements; ventilation is missing; the heating system is worn out; there is no access to natural and artificial light; and non-compliance with sanitary-hygienic norms has been noted²²⁷.

At the same time, we point out that patients are not engaged in any occupational activities and spend most of their time in dormitories, enduring precarious conditions and relying on tranquillisers.

The Ombudsman is also concerned that Law No. 1402 of 16 December 1997 **on Mental Health**²²⁸, specifically, Art.28, lists the grounds for hospitalisation without free consent. According to this article, persons suffering from mental disorders may be hospitalised in a psychiatric facility without their free consent or the consent of their legal representative, who should act in conformity with the expressed wishes of persons with mental disorders. Individuals can be hospitalised before a court decision is made if their examination or treatment requires in-patient conditions, and the mental disorder is severe and poses a direct danger to society or their health. The Ombudsman notes that it is necessary to revise these provisions and establish clear protection mechanisms for emergency medical situations to exclude the risk of arbitrary hospitalisation of persons with psychosocial disabilities.

At the same time, the Ombudsman is aware that involuntary placement and detention in a secure unit of a healthcare institution interfere with the detained person's human rights and fundamental freedoms²²⁹.

²²⁷ <http://ombudsman.md/consiliul-pentru-prevenirea-torturii/rapoarte/>

²²⁸ https://www.legis.md/cautare/getResults?doc_id=131976&lang=ro#

²²⁹ <https://ombudsman.md/post-document/submission-of-the-peoples-advocate-office-for-the-138th-session-26-june-28-july-2023-of-the-un-human-rights-committee-on-the-suggested-list-of-issues-prior-to-reporting-to-be-adop/>



RECOMMENDATION (repeated) 3.6.1: The Ministry of Health should develop crisis management strategies in psychiatric institutions.

RECOMMENDATION 3.6.2: The Ministry of Health and the Ministry of Justice should develop rules for applying the legal provisions on coercive treatment (rigorous and ordinary) and decide on the status of persons placed in units 9, 10, and 11 of CPH Chisinau.

RECOMMENDATION 3.6.3: The Ministry of Health should develop other forms (domestic or community-based) of treatment for people with mental disabilities to minimise coercive hospitalisation.

Item 7: Situation of persons placed in temporary accommodation centres, of persons with disabilities

On 6 December 2023, the Government approved Decision No. 955 to establish and operate the Agency for Managing Highly Specialised Social Services (AMHSSS) and reorganise some public institutions under its authority. Those institutions were the predecessors of the National Social Assistance Agency (NSAA), which operated for only eight years²³⁰. The new entity shall be responsible for: (a) ensuring the access of beneficiaries to highly specialised social services; (b) preventing institutionalisation and deinstitutionalisation of beneficiaries of highly specialised social services, and (c) managing the means of the Social Support Fund for the Population. Also, the Agency shall manage 15 accommodation centres founded by the MoLSP. The same GD rules to reorganise the accommodation centre for older people and people with disabilities located in Cocieri Commune, Dubasari District, and merge it with the Temporary Accommodation Centre for adults with disabilities also located in Cocieri Commune, Dubasari District (absorbed legal entity). The new institution shall be named the Temporary Accommodation Centre for Older People and Persons with Disabilities of Cocieri Commune, Dubasari District. At the same time, temporary accommodation centres for children with disabilities from Hancesti and Orhei shall be reorganised into temporary accommodation centres for people with disabilities in Hancesti and Orhei Municipalities. This regulatory act entered into force on 1 January 2024, following the “RESTART” objectives (reforming the social welfare system).²³¹

In March 2023, the NSAA published a report evaluating the progress achieved by the action plan for implementing the National Programme aiming to deinstitutionalise individuals with intellectual and psychosocial disabilities from the residential institutions. The report revealed that out of all planned actions within six objectives established for the stated period, only ten were fully completed

²³⁰ https://www.legis.md/cautare/getResults?doc_id=140478&lang=ro

²³¹ <https://cancelaria.gov.md/sites/default/files/document/attachments/nu-946-mmps-2023.pdf>



in 2022. Additionally, one action was partially completed, ten were in progress, and 15 were unrealised (particularly the ones regarding the funding). Some of the reasons hindering the implementation of the National Deinstitutionalisation Programme include: failure to allocate sufficient financial resources from the state budget to maintain and support the systemic reforms; lack of compassionate treatment of persons with disabilities in public policies; failure to establish a team responsible for implementing the deinstitutionalisation programme; the former SNAA limited capacity to implement the programme; absence of legal authority and tools for reorganising the residential institutions; onerous involvement of LPAs and their lack of interest in developing such services locally; inadequate financial resources for creating alternative services; insufficient financial means for the recipients of social services; lack of qualified human resources in social welfare; poor condition of housing acquired for social services, which is not accommodated to the needs of persons with disabilities; high maintenance costs for the recipients of social services; low number of individuals who can practically undergo deinstitutionalisation, etc.²³²

According to the information communicated to the PAO by some residential institutions, 59 deaths were recorded last year (33 men, 25 women, and one minor) (*36 deaths in 2022*) due to somatic disorder and mental illness; only five cases of violence among residents were documented (*13 cases in 2022*), one case of disciplinary isolation of a resident and two cases of rape²³³. The Ombudsman issued a special report for both instances of non-consensual sexual acts.

Excerpt from the Special Report titled ‘Failure to protect residents from sexual abuse at an accommodation centre’²³⁴:

On 1 March 2023, Cocieri Temporary Accommodation Centre for Persons with Disabilities (TACPD) informed the PAO about two non-consensual sexual acts committed during 20-24.02.2023, one of which in perverse forms on a man and another by a local man on a woman, both victims being residents of Cocieri TACPD. In his Special Report, the Ombudsman finds that: (a) residents were subjected to ill-treatment by third parties, i.e. were sexually and physically abused; (b) the state failed to meet its obligation to initiate and conduct an effective criminal investigation following the allegations of sexual abuse; (c) the authorities failed to meet their obligation to ensure adequate protection of privacy and family, including due to the fact that the Moldovan legislation does

²³² https://www.anas.md/wp-content/uploads/2023/11/raport_plan_2022_prognationaldizabiliti.pdf

²³³ <https://ombudsman.md/post-document/raport-tematic-siguranta-in-institutiile-rezidentiale-2023/>

²³⁴ <https://ombudsman.md/post-document/raport-special-privind-omisiunea-protectiei-rezidentilor-impotriva-abuzurilor-sexuale-la-un-centru-de-plasament/>



not provide sufficient protection for institutionalised persons with intellectual disabilities and/or during criminal proceedings; (d) the authorities failed to meet their obligation to ensure adequate psychological and moral protection and compensation for victims of rape or persons with disabilities; (e) the lack of effective or sufficient mechanisms available to beneficiaries to report on abuse cases; (f) the ineffectiveness of measures to prevent any form of abuse among beneficiaries and violence against them; (g) inaccurate and superficial in-house investigations; (h) the ineffectiveness of police intervention, etc. The report contains 26 recommendations.

In its response submitted to the Special Report, Cocieri TACPD (being absorbed) explained it coped with a series of challenges regarding the protection of residents from alleged rape or other abuse²³⁵, namely the lack of clear guidelines for specialised training of legal and social professionals, insufficient prevention policies, inadequate awareness and sex education programmes tailored to the needs of individuals with mental disabilities, support services not adapted to people with special needs, residential institutions not able to provide support services to victims, absence of empowerment programmes and public awareness campaigns promoting respect for the dignity of every individual, and challenging interaction with other authorities.

The Ombudsman understands that the aforementioned problems are typical for the social welfare and protection system as a whole and urges the MoLSP to prioritise the commitment to protect the persons with intellectual and physical disabilities in residential institutions, ensuring adequate protection against any form of abuse.

Further, the Ombudsman recalls that *staff members* in all accommodation institutions cannot cope with the work complexity and load, and that fundamental adjustments are needed to improve the staff-beneficiary ratio. A fortiori, there is a high rate of residents in temporary accommodation centres with significant and severe forms of disability, making it necessary to overlap and intensify the requirements of control and assistance. It is crucial to hire and retain a competent and efficient professional team that can contribute to maintaining a rehabilitative environment, caring for beneficiaries with challenging profiles, assisting residents with mobility disorders, proactively monitoring beneficiaries' behaviour and intervening in case of behavioural issues, organising occupational therapy activities, etc.²³⁶

²³⁵ Response of Cocieri TACPD No.6 of 12/01/2024.

²³⁶ <https://ombudsman.md/rapoarte/prevenirea-torturii/rapoarte-de-vizita/>



In 2023, the Ombudsman and the CPT conducted four monitoring and follow-up visits to Balti TACPD, Cocieri TACPD, Hancesti TACPD,²³⁷ and Badiceni TACPD²³⁸. The residential institutions continue to face longstanding challenges (with some minor improvements) such as overcrowding, lack of natural and artificial light, poor ventilation, limited accessibility for people with disabilities, inadequate storage space for personal belongings, ancient furniture in bedrooms, safety hazards, dampness, and uncomfortable sanitary facilities. The meals are well below the quality standards. There are no occupational activities; therefore, the beneficiaries have to improvise to keep themselves busy, which often leads to violence, incitement, and depression. Additionally, portable information and entertainment devices cannot ensure comprehensive coverage, leading to discrimination among the beneficiaries. Accessibility to indoor and outdoor premises is still a challenge for persons with physical disabilities. There is no strategy or dedicated staff to improve residents' independence, which undermines the rehabilitation purposes during their stay; this inaction turns accommodation centres into long-term isolation facilities; the undermined importance of free will and beneficiaries' complaints hinders the anticipation of some negative consequences, which can be prevented through a constructive therapeutic collaboration between beneficiaries and entity professionals; the lack of protection instruments against abuses and inefficient complaint mechanisms; staff members are disincentivised due to underfunding and poor working conditions, etc.

Article 8 (7) of Law 60/2012 on Social Inclusion of Persons with Disabilities came into effect in January 2024. This article states that the [state, through responsible public authorities and institutions specialised in defending human rights (Ombudsman), ensures the equal right of persons with disabilities to enjoy legal capacity in all aspects of life and guarantees them equal and adequate legal protection against discrimination on any basis...].²³⁹

RECOMMENDATION (repeated) 3.7.1: The Ministry of Labour and Social Protection should upgrade the accommodation institutions to residents' physical and intellectual needs, including the access ways.

RECOMMENDATION (repeated) 3.7.2: The Ministry of Labour and Social Protection should develop and implement strategies to remedy conflicts/violence among residents, prioritising the commitment to protect the persons with intellectual and physical disabilities placed in residential institutions, to ensure adequate protection against all forms of abuse by creating specialised protection mechanisms to this end.

²³⁷ <https://ombudsman.md/rapoarte/prevenirea-torturii/consiliul-pentru-prevenirea-torturii-mnpt/cppt-mnpt-rapoarte-de-vizita/page/3/>

²³⁸ <https://ombudsman.md/post-document/raport-privind-vizita-de-follow-up-centrul-de-plasament-temporar-pentru-persoane-cu-dizabilitati-adulte-badiceni-soroca-03-octombrie-2023/>

²³⁹ https://www.legis.md/cautare/getResults?doc_id=138928&lang=ro



RECOMMENDATION (repeated) 3.7.3: The Ministry of Labour and Social Protection should increase the number of employees of the Agency for Managing Highly Specialised Social Services (AMHSSS) and of accommodation centres, including by hiring or contracting alternative services that can ensure occupational activities, education, and socialisation of residents, as well as provide medical, therapeutic, occupational support, etc. to residents.

Item 8: Situation of foreigners held in public custody

In 2023, the Ombudsman made a preventive visit to the Temporary Accommodation Center for Foreigners (TACF), managed by the General Inspectorate for Migration of the MoIA. Compared to the previous visits, we note some improvement in residents' health safety measures (*employment of medical personnel and psychologists, updated procedures, initiation of Registers, etc.*) and attitude towards foreign residents.²⁴⁰

In the first nine months of 2023, the TACF **accommodated 112 foreigners** (105 men, seven women, and no minors) in public custody ruled by the courts. The number of foreign residents increased by about 52% compared to 2022. For example, there were 65 foreigners in 2021 and only 47 in 2022. The profile of foreigners held in public custody by their **country of origin** was as follows: citizens of India – 24, Bangladesh – 19, Pakistan – 11, Russian Federation – 11, Ivory Coast – 9, etc. The average duration of stay during the nine months of 2023 was 29.03 days (*44.34 in 2022 and 40.27 in 2021*). As many as 60% of foreigners left the institution in less than 30 days.

According to the information available from the TACF comprehensive report for the first nine months of 2023, the foreign residents submitted **17 asylum applications** (nine in 2022 and four in 2021) as follows: citizens of Pakistan (3), Russian Federation (3), Turkey (3), Nigeria (2), Bangladesh (2), India (1), Algeria (1), Azerbaijan (1) and Turkmenistan (1). Asylum seekers were referred to the General Inspectorate for Migration's Asylum and Statelessness Directorate (*upon expiry of the six-month term and by the court's decision to refuse the extension of public custody*).

Of 112 foreign residents, 83 were **deported** (74%) via the Chisinau International Airport border crossing point. Likewise, the TACF ensured a convoy mission for a citizen of Nigeria to the transit country (Turkey). The budget for forced returns was increased in 2023 compared to 2022 and 2021, which we appreciate as a positive development following the Ombudsman's recommendation in the monitoring report on the forced return operation of 13 February 2023²⁴¹. If the amount of MDL 284 thousand was allocated in 2022, the budget for return operations was increased to MDL 495 thousand in 2023. **The material conditions** of detention in Building 1 remain

²⁴⁰ <https://ombudsman.md/post-document/raport-privind-vizita-de-monitorizare-efectuata-la-centrul-de-plasament-temporar-al-strainilor-din-cadrul-biroului-migratie-si-azil-al-mai-la-17-august-2022-2/>

²⁴¹ <https://ombudsman.md/post-document/raport-de-monitorizare-a-operatiunii-de-retunare-fortata-a-strainului-din-13-februarie-2023-2/>



satisfactory. The accommodations and facilities for centre's residents are similar to the ones mentioned in the Ombudsman's visit report of 06.12.2008²⁴². According to the TACF representatives, in the first nine months of 2023, no cases of self-harm, food refusal, or ill-treatment were reported by foreigners.

RECOMMENDATION (continued) 3.8.1: The Ministry of Internal Affairs should increase the allocations for forced return and readmission operations.

RECOMMENDATION (continued) 3.8.2: The Ministry of Internal Affairs should acquire specialised non-offensive safety and protection equipment used in forced return actions.

RECOMMENDATION (continued) 3.8.3: The General Inspectorate for Migration should train staff on communication techniques and use of force during forced return procedures and ensure an effective complaint mechanism for foreigners against all forms of abuse (TACF and GIM subdivisions).

RECOMMENDATION 3.8.4: The General Inspectorate for Migration should organise a process of continuous communication with the PAO about the recording, reporting, in-house investigations, and the facts of violence, death, suicide, suicide attempts, abuses by GIM employees against the detained foreigners/foreigners held in custody regardless of their terms, and vice versa, incidents with the staff, use of physical force and of special means, injuries, or acts of ill-treatment, etc., that took place during the de facto detention, in the public space or any other space/place, in vehicles or other special/private units, or any other space for accommodation/short-term detention.

Item 9: Situation of persons in military units

On 3 February 2023, the Ministry of Defence held a meeting with actors from the NHRI, civil society, and international structures. During the meeting, it reiterated the institution's openness to promoting human rights, the principle of equality, and non-discrimination. It invited the participants to contribute to the joint implementation of the human rights action plan in the National Army²⁴³.

Yet, during the reporting period, the Ministry failed to turn back to the offer launched on 3 February 2023, while the progress achieved in action plan realisation was never made public.

At the end of the year, amendments to the criminal and contravention legislation were approved. According to the original text, military offenses covered by Art. 366 of the Criminal Code, 'Insult aimed at the military', and Art. 371 of the Criminal Code,

²⁴² <https://ombudsman.md/post-document/raport-privind-vizita-preventiva-la-centrul-de-plasament-temporar-al-strainilor-din-subordinea-biroului-migratie-si-azil-al-ministerul-afacerilor-interne-al-r-moldova-din-06-decembrie-2018-2/>

²⁴³ <https://www.army.md/index.php/duhovniceti/inf/12319398354?lng=2&action=show&cat=122&obj=8015> / <https://newsmaker.md/ro/combaterea-discriminarii-si-asigurarea-egalitatii-de-gen-in-armata-nationala-discutate-la-ministerul-apararii/>



'Desertion', were transposed into Art. 56² and 56³ of the Contravention Code. In the Ombudsman's opinion, these are positive amendments because they will facilitate the situation of conscripts as the repealed military offenses, by their nature, do not pose a high risk.

The PAO paid two preventive follow-up visits to the Motorised Infantry Brigade "Moldova" located in Balti Municipality²⁴⁴ and to the Motorised Infantry Brigade "Stefan cel Mare" located in Chisinau Municipality²⁴⁵. During the follow-up visits, the Ombudsman identified several shortcomings related to human rights, the protection of conscripts at bootcamp. These are the same issues as previously reported²⁴⁶, namely: (a) the conscription process does not meet the requirements of the Conscription Regulation; (b) the examination of personal files and the assessment of eventual conscription are often outdated; (c) the recruitment process is carried out in a conveyor-belt fashion, allowing the conscription of physically and mentally unprepared young individuals; (d) the military units discriminate against the conscripts with low adaptability potential, subjecting them to degrading treatment; (e) the conscripts do not enjoy a human rights-based approach in terms of management and education; (f) the military units' leadership fails to address discriminatory behaviours and to apply sanctions; (g) the civilian personnel in military units responsible for advising the military personnel do not fulfil their obligations regarding the confidentiality of discussions held with service beneficiaries; (h) interventions in military life lack necessity and justification; (i) there are no efforts to promote a non-discriminatory spirit in military units; (j) there are no alternatives to military service; (k) the mechanisms for the protection of conscripts are inefficient; (l) despite a shortage of young people able to serve in the army, the rates of conscription are higher when they should be lower.

Moreover, there are other issues in the military units: (a) home areas where the army men can rest do not meet the requirements for such locations; (b) home areas are poorly endowed, they look precarious; non-orthopaedic beds can cause health issues; (c) medical rooms of medical departments gathered outdated medical devices, unable to meet the demands for health, medical examination and treatment; (d) the lack of qualified personnel makes it impossible to meet the measurable health indicators; (e) there is only one nurse position, who is incapable to handle a large number of military personnel; (f) rigid savings is the key strategy to ensuring the military men with gear and uniform; (g) the right to food of the military men does not meet the needs of a human body involved in frequent and energy-consuming exercises; (h) the mental health of conscripts is not a distinguished domain of health

²⁴⁴ <https://ombudsman.md/post-document/raport-de-vizita-follow-up-la-brigada-de-infanterie-motorizata-moldova-din-municipiul-balti/>

²⁴⁵ <https://ombudsman.md/post-document/raport-de-vizita-follow-up-la-brigada-de-infanterie-motorizata-stefan-cel-mare-din-municipiul-chisinau/>

²⁴⁶ http://ombudsman.md/wp-content/uploads/2022/04/Raport_Special_cazul_pavlescu_FINAL-3.pdf



services, which contributes to a growing number of suicides, fights and anxiety in the armed forces; (i) the military environment remains hostile and humiliating to individuals with alternative sexual orientation who choose to serve in the military; (j) injuries, whether accidental or caused by violence among military personnel, are not adequately documented; (k) visual examinations of new recruits are conducted by officers rather than by medical staff; (l) the military system often ignores the status and facts on a new recruit reported by the psychological service; (m) the defence institution lacks a clear mechanism to postpone or exempt individuals from the military service; (n) conscripts are limited to mostly landscaping and equipment maintenance duties instead of learning military strategy to meet new challenges, mainly due to outdated military regulations; (o) men in military custody do not have access to defence and to an efficient appeal mechanism, etc.

RECOMMENDATION (repeated) 3.9.1: The Ministry of Defence should ensure that any injury, trauma or other serious incident caused during the military service in peacetime, on grounds of revenge, abuse, violence or other forms of violence and punishment is recorded, is promptly and effectively investigated, while the aggressors are held liable.

RECOMMENDATION (repeated) 3.9.2: The Ministry of Defence should ensure that the mechanisms for protecting the military whistleblowers who report abuse are effective, safe, and operational. Similarly, the military enlisted by contract must have sufficient levers of control and supervision.

RECOMMENDATION 3.9.3: The Ministry of Defence should establish a psychological service in specialised units outside the medical-military services, as separate entities with delimited and independent duties, to serve as a mechanism for preventing abuse in military units.

RECOMMENDATION (repeated) 3.9.4: The Ministry of Defence should inform the Ombudsman about all cases of death, suicide attempts, suicide, violence among the military and against the military; document injuries, traumas, hazing, stating the date, time, and circumstances of the incident and actions undertaken by the military unit to remedy the situation, without referencing to Nomenclature 411/2010 on information qualified as state secret as a reason for non-information, for these data are not qualified as state secret.

Recommendation (repeated) 3.9.5: The Ministry of Defence should review the military training programmes by diversifying the military training areas and using modern techniques and tactics to teach military discipline. This would involve using modern military tools, exercises, strategies, trainings, and tactics.

RECOMMENDATION (repeated) 3.9.6: The Ministry of Defence should order the medical units staff to record and report all conscript injuries and immediately inform the prosecutor thereof.



CHAPTER IV: PROTECTION OF REFUGEES IN THE CONTEXT OF THE ARMED CONFLICT IN UKRAINE

The PAO and members of the Advisory Council for Preventing the Violation of Refugees' Human Rights,²⁴⁷ as a temporary body established in the context of the armed conflict in Ukraine, have developed a dynamic assessment of the situation of refugees from Ukraine, as well as of foreigners who stay in Moldova or have applied for a form of international protection in Moldova since the outbreak of the armed conflict in the neighbouring country.

The situation described in this chapter is based on the findings of the monitoring field visits carried out and summarised in two half-yearly reports (developed in 2023) by the Advisory Council members.²⁴⁸ They focus on the accessibility of health services for refugees in the Republic of Moldova,²⁴⁹ the phenomenon of statelessness, and the observance of stateless individuals' rights under the national legal framework.²⁵⁰

In addition, the chapter mirrors the results of PAO interaction with local and central public authorities during the last year through various working meetings and monitoring visits. It also refers to findings and data made available by the UNHCR Protection Task Force. It is worth mentioning that the PAO plays the role of a *co-lead* member of the UNHCR Protection Task Force.

The Russian military aggression in Ukraine caused thousands of people to take refuge in other countries, including Moldova. Thus, the European Union decided to activate temporary protection at the EU level for the people who arrived from Ukraine. As an EU candidate country, the Republic of Moldova has committed, **for the first time, to transpose and implement the EU Temporary Protection Directive 2001/55/EC**. In addition to providing temporary protection, the national authorities have given refugees access to asylum procedures, thus assuming the responsibility to fairly ensure all human rights and freedoms on the country's territory, with the exceptions provided for by the legislation in force.

²⁴⁷ <https://ombudsman.md/despre-noi/consiliul-consultativ-pe-refugiati/>

²⁴⁸ <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-ianuarie-iunie-2023/> ; <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-in-contextul-conflictului-armat-din-ucraina-pentru-perioada-iulie-decembrie-2023/>

²⁴⁹ <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/>

²⁵⁰ <https://ombudsman.md/post-document/raport-special-privind-fenomenul-apatridiei-si-respectarea-drepturilor-persoanelor-apatride-in-contextul-cadrului-legal-national/> ;



In 2023, the PAO continued the monitoring of refugees' rights observance in Moldova through the lens of international and regional standards. It carried out **60 monitoring visits** at temporary accommodation centres for refugees and border crossing points, and interacted with various decision-makers to prevent possible risks of human rights violations. Following the monitoring process, four reports were developed, including two special reports on refugee access to medical services and the issue of statelessness, as well as respect for the human rights of stateless individuals under the national legal framework.

The 2023 Study regarding the Perceptions of Human Rights in the Republic of Moldova showed that the respondents gave their highest score to refugees and children as social categories whose rights are best ensured (67.6% referring to refugees compared to 55.4% to ordinary citizens). The same situation is noted in case of specific rights, while over 60% of respondents consider that practically all rights are ensured. The right to property is the only one that is valued more highly by the Moldovan citizens than by refugees. The refugees' responses comprised the highest scores in comparison with the general population. Therefore, the country response to the refugee crisis by providing them with safe conditions from all perspectives is highly appreciated by the country population and confirmed by the refugees.

Item 1: Legal condition

The Contracting State shall recognize a refugee's status and the acquired rights arising from that status.²⁵¹ Rules should be laid down to govern access to the asylum procedure in the context of temporary protection in the event of a mass influx of displaced persons, in conformity with the Member States' international obligations and with the Treaty. Temporary protection shall not prejudice recognition of refugee status under the Geneva Convention. Member States shall apply temporary protection, with due respect for human rights and fundamental freedoms and their obligations regarding non-refoulement.²⁵² The authorities must grant access to the asylum procedure to any foreigner in the Republic of Moldova or at the state border as soon as they express their request for protection from the state of the Republic of Moldova, whether in writing or verbally.²⁵³

Following the monitoring of refugees' rights observance it was found that refugees had no access to temporary protection. At each monitoring stage throughout 2022, we addressed the recommendation to the national authorities to urgently grant that form of protection. Finally, it was implemented in January 2023 by

²⁵¹ Art.13 of Geneva Convention relating to the Status of Refugees.

²⁵² Art.3 of Directive No. 2001/55/CE of 20 July 2001 on minimum standards of temporary protection in the event of a massive influx of displaced persons and measures to promote a balance between the efforts of the member states to host such persons and to bear the consequences of such hosting.

²⁵³ Art.41 of Law No.270/2008 on Asylum in the Republic of Moldova.



Government Decision No.21, which entered into force on 1 March 2023. As such mechanism was implemented for the first time in the Republic of Moldova, as a non-EU country, the government's assurance of the guarantees approved through Government Decision No.21/2023 was an essential topic of the monitoring process. Thus, the Ombudsman established that encumbering the process of granting temporary protection with intermediate stages, such as an online form to be filled in on the GIM launched platform, followed by an interview, unduly hinders immediate access to the temporary protection procedure.²⁵⁴ In the Ombudsman's view, any limitation in rights conditional on these intermediate stages is unlawful and arbitrary.

In addition to this form of immediate protection, it was necessary to assess the refugees' access to other forms of asylum both from a legislative perspective and from the perspective of the identified negative practices.

In his developed and published reports,²⁵⁵ the Ombudsman has found that **the asylum application procedure in the Republic of Moldova broadly aligns with the international humanitarian principles**. It is important to note that anyone who has stated his/her intention to submit an asylum application is considered an applicant with all the rights and responsibilities that come with this status. The 'first contact' authority, such as the Border Police in our case, is not allowed to deny access to the asylum procedure or assess the foreigner's needs in terms of protection.

However, the practices of Border Police representatives noted both during the monitoring and examination of refugees' applications seeking access to asylum procedures are not exactly in line with the commitments undertaken by the state in the context of the ratification of international and regional standards on the protection of persons seeking a form of protection²⁵⁶. Thus, there is a *pushback* phenomenon at the border crossing points, with some foreigners being ignored or refused by the border police representatives when they apply for asylum. Some border police employees do not accept asylum seekers' applications, even in written form, and do not report them to the General Inspectorate for Migration.

Expressions such as *'they don't look like refugees'* or *'it's late to apply, it was supposed to be at the entrance counter, not in the sterile area'*, as well as hostile and xenophobic

²⁵⁴ P.29 of the Monitoring Report on the observance of the rights of foreign refugees on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for January-June 2023; <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-ianuarie-iunie-2023/>

²⁵⁵ <https://ombudsman.md/rapoarte/drepturile-persoanelor-straine/>;

²⁵⁶ P.9-10 of the Monitoring Report on the rights of foreign refugees on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for January-June 2023; <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-ianuarie-iunie-2023/>



behaviours of some border police representatives at the crossing points and reported by foreigners to the Ombudsman, confirm the existence of hindered access to asylum procedures. Considering the identified practices, in his reports, the Ombudsman recommended the competent authorities to review the mechanism for accessing asylum procedures at the border and make available information on how to apply for asylum in any area of the border crossing point.²⁵⁷

When people express their intention²⁵⁸ to seek temporary protection, they should have access to immediate protection, including, but not limited to, medical assistance, accommodation, social services, etc. From that moment on, the guarantees of temporary protection should take effect and produce legal outcomes. Thus, the Ombudsman established that encumbering the process of granting temporary protection with intermediate stages, such as an online form to be filled in on the platform launched by the GIM, followed by an interview, unfairly impacts the legal effects of temporary protection. According to the GIM data, between 1 March 2023 and 12 February 2024, 44,509 individuals were pre-registered for temporary protection. However, only 34,745 identity cards of temporary protection were issued, including 10,260 cards for minors.²⁵⁹ Thus, 9,764 individuals are not covered by the immediate guarantees offered by temporary protection and are deprived of several rights related to them. One of the main recommendations to the relevant national authorities was to exclude any impediments to accessing temporary protection.²⁶⁰ In the same vein, the Ombudsman pointed out the following issues: limited eligibility of certain groups for temporary protection, requirements to confirm the address of residence or temporary residence in the Republic of Moldova to obtain the document of temporary protection, and some requirements for the termination of temporary protection. These factors are more restrictive compared to those used in other European countries. In this regard, the Ombudsman addressed a number of recommendations to the relevant authorities.²⁶¹

²⁵⁷ P.10 of the Monitoring Report on the rights of foreign refugees on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for January-June 2023; <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-ianuarie-iunie-2023/>;

²⁵⁸ P.5 and p. 7 of Government Decision No.21/2023 on Temporary Protection.

²⁵⁹ <https://igm.gov.md/ro/content/statistica-s%C4%83pt%C4%83m%C3%A2nal%C4%83-inspectoratului-general-pentru-migra%C8%9Bie-14>

²⁶⁰ P.29 of the Monitoring Report on the observance of the rights of foreign refugees on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for January-June 2023; <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-ianuarie-iunie-2023/> ;

²⁶¹ P.29-31 of the Monitoring Report on the observance of the rights of foreign refugees on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for January-June 2023; <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-ianuarie-iunie-2023/> ;



In light of the above, the Ombudsman stresses that while the state ensures refugees' access to a form of protection in the Republic of Moldova through various legal measures, individual access is often unfairly restricted by negative practices and/or excessive legal requirements.

In light of the above, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 4.1.1: The Government shall exclude any impediments and conditions imposed by the national authorities, practical or legislative, which directly affect the access to asylum procedures and, respectively, the rights deriving therefrom for the refugees on the territory of the Republic of Moldova.

Item 2: Well-being

The Contracting State shall accord to refugees the same treatment with respect to public relief and assistance as is accorded to its nationals²⁶². The Member States shall make provision for persons enjoying temporary protection to receive necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources, as well as emergency care and essential treatment of illness. The Member States shall provide necessary medical or other assistance to persons enjoying temporary protection who have special needs²⁶³. The Member States' obligations as to the conditions of reception and residence of persons enjoying temporary protection should be determined. These obligations should be fair and offer an adequate level of protection to those concerned²⁶⁴.

Social welfare is an important component of the National Social Protection System and one of the state guarantees, which would prevent the marginalisation and social exclusion of persons and families in difficulty. Given the vulnerability of refugees in the context of armed conflict, access to appropriate social services or means of subsistence must be ensured as a priority. Regarding this subject, during the two-year monitoring process, shortcomings of both legislative and practical order were found, which are reflected in the Ombudsman's reports²⁶⁵ as of 2022.

In 2023, monitoring the **right to social welfare and protection** covered, in the present case, social guarantees, stemming from Government Decision No.52/2023

²⁶² Art.23 of Geneva Convention relating to the status of refugees.

²⁶³ Art.13 of Directive No. 2001/55/CE of 20 July 2001 on minimum standards of temporary protection in the event of a massive influx of displaced persons and measures to promote a balance between the efforts of the member states to host such persons and to bear the consequences of such hosting.

²⁶⁴ P. (15) of Directive No. 2001/55/CE of 20 July 2001 on minimum standards of temporary protection in the event of a massive influx of displaced persons and measures to promote a balance between the efforts of the member states to host such persons and to bear the consequences of such hosting.

²⁶⁵ <https://ombudsman.md/rapoarte/drepturile-persoanelor-straine/>;



on Granting Temporary Protection. Analysing the overall national legal framework and the perspective of integration and accessibility of refugees to the social protection system, the Ombudsman found that the access of persons enjoying temporary protection to social welfare is granted only to unaccompanied children and families with children, which contradicts the provisions of Directive 2001/55/EC, which establishes the right to social welfare for all persons enjoying temporary protection. In this context, the Ombudsman notes that the right of families enjoying temporary protection is reduced only to one of the social services included in the minimum package approved by Government Decision no.800/2018, namely to social support services for families with children.²⁶⁶ To ensure equal access to social services, the competent authorities were recommended to adjust the national framework on social protection.²⁶⁷

Ensuring respect for refugees' right to health in the Republic of Moldova through the four essential elements of availability, accessibility, acceptability, and quality (AAAQ framework), was also monitored in 2023.

Following the evaluation of **medical services accessibility** for persons enjoying temporary protection, it was found that asylum seekers and stateless persons were ineligible for individual health insurance. Low accessibility of free medicines was also noted. Information materials in English and Ukrainian were developed to prevent TB and ensure refugees' access to specialised TB services. However, antiviral treatment for chronic viral hepatitis was not provided²⁶⁸. Refugees perceive access to treatment in inpatient units and laboratory and instrumental investigations as very difficult, as it requires referral from the family doctor and depends on the availability of beds in medical institutions²⁶⁹.

At the same time, it has been found that refugees located in municipalities and district centres have easier access to medical services than people located in

²⁶⁶ P. 12-13 of the Monitoring Report on the observance of the refugees rights on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for July - December 2023 <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-in-contextul-conflictului-armat-din-ucraina-pentru-perioada-iulie-decembrie-2023/> ;

²⁶⁷ P.16 of the Monitoring Report on the observance of the refugees rights on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for July - December 2023 <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-in-contextul-conflictului-armat-din-ucraina-pentru-perioada-iulie-decembrie-2023/> ;

²⁶⁸ P.37 of the Evaluation Report regarding the accessibility of essential health services for refugees on the territory of the Republic of Moldova <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/> ;

²⁶⁹ P.38 of the Evaluation Report regarding the accessibility of essential health services for refugees on the territory of the Republic of Moldova <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/> ;



rural areas²⁷⁰. The lack of medical documents and confirmation of the degree of disability hinders access of persons with disabilities to medical services.²⁷¹ While an application for protection is being considered, all groups of refugees, except for asylum seekers and individuals with mental disorders, are not entitled to free health assistance that is provided for the applied category of care. This significantly hampers their right to health.²⁷² Delivering health services for people with disabilities highlights the following difficulties: inability to receive medical assistance without a residence visa, inability to travel to medical institutions, and lack of financial resources to cover the costs of medical services.²⁷³ To guarantee the right to health, the Ombudsman presented a series of recommendations to policymakers.²⁷⁴ Some critical recommendations to national authorities include abolishing HIV testing for persons enjoying international protection. Also, it is recommended to include persons enjoying temporary protection, asylum seekers, and stateless persons in the categories eligible for individual health insurance.

In this context, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 4.2.1: The Ministry of Labour and Social Protection should correlate the minimum package of social services for persons enjoying temporary protection with the legal provisions on social services to include the persons enjoying temporary protection in the categories eligible for social welfare measures.

RECOMMENDATION 4.2.2: The Ministry of Health, in reasonable terms, should harmonise the legal framework on health services to remedy any differences in unfair treatment and ensure access to individual health insurance for asylum seekers, persons enjoying temporary protection, and stateless persons.

²⁷⁰ P.31 of the Evaluation Report regarding the accessibility of essential health services for refugees on the territory of the Republic of Moldova <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/> ;

²⁷¹ P.33 of the Evaluation Report regarding the accessibility of essential health services for refugees on the territory of the Republic of Moldova <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/> ;

²⁷² P.17 of the Evaluation Report regarding the accessibility of essential health services for refugees on the territory of the Republic of Moldova <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/> ;

²⁷³ P. 34 of the Evaluation Report regarding the accessibility of essential health services for refugees on the territory of the Republic of Moldova <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/> ;

²⁷⁴ P.62-65 of the Evaluation Report regarding the accessibility of essential health services for refugees on the territory of the Republic of Moldova <https://ombudsman.md/post-document/raportul-avocatului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/>



Item 3: Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination.²⁷⁵ Under Directive 2001/55/EC of 20 July 2001, with respect to the treatment of persons enjoying temporary protection, the Member States are bound by obligations under instruments of international law to which they are party and which prohibit discrimination.²⁷⁶ All citizens of the Republic of Moldova are equal before the law and public authorities, regardless of race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, wealth, or social background.²⁷⁷ Foreign citizens and stateless persons shall enjoy the same rights and duties as citizens of the Republic of Moldova, with the exceptions laid down by law.²⁷⁸

During the monitoring process, several aspects were revealed regarding the unfair treatment of refugees in terms of providing social and medical services. Although several recommendations have been submitted, the situation in question does not display significant changes.

Thus, while the centres have preserved the same premises, they failed to carry out reasonable accommodation for people with special needs. Even though some refugee centres have been renovated, the renovation was primarily decorative. There is a persisting practice of segregated placement of Roma, Azerbaijani, etc., displaced from Ukraine. The monitoring visits show that the centres still lack clear procedures for ensuring the accommodated persons' protection against sexual harassment or other forms of gender-based violence.

The people hosted by centres lack adequate defence mechanisms against discrimination and discriminatory treatment. A vulnerable category is Roma people who often become victims of discrimination, being deprived of the possibility to claim their rights, due to prejudice and intolerance present in the justice system. Dysfunctional management of accommodation centres, lack of accountability mechanisms in case of abuse and discrimination of refugees and non-involvement of authorities in examining and sanctioning disciplinary misconduct encourage unfair practices, generating violations of refugees' rights²⁷⁹. The use of informal

²⁷⁵ Art.3 of Geneva Convention relating to the status of refugees.

²⁷⁶ Art.13 of Directive No. 2001/55/CE of 20 July 2001 on minimum standards of temporary protection in the event of a massive influx of displaced persons and measures to promote a balance between the efforts of the member states to host such persons and to bear the consequences of such hosting.

²⁷⁷ Art.16 of the Constitution of the Republic of Moldova.

²⁷⁸ Art.19 of the Constitution of the Republic of Moldova.

²⁷⁹ P.35 of the Monitoring Report on the observance of rights of foreign refugees on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for January-June 2023 <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-ianuarie-iunie-2023/>;



mechanisms to manage accommodation centres triggers arbitrary actions on the side of temporary placement centre managers and of other decision-makers. This negatively affects the fair realisation of Roma refugees' right to accommodation²⁸⁰. Although the Ombudsman interventions in some cases of unfair treatment have restored some persons' rights, it is imperative that the relevant national authorities set as a priority objective the elimination of negative practices referred to above.

In the context of what has been reported, the Ombudsman **RECOMMENDS:**

RECOMMENDATION 4.3.1: The Ministry of Labour and Social Protection *should eliminate discriminatory practices at any stage of service delivery to refugees and ensure protection mechanisms against sexual harassment or other forms of gender-based violence.*

²⁸⁰ P.34 of the Monitoring Report on the observance of rights of foreign refugees on the territory of the Republic of Moldova in the context of the armed conflict in Ukraine for July-December 2023 <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-in-contextul-conflictului-armat-din-ucraina-pentru-perioada-iulie-decembrie-2023/>;



CHAPTER V: PROMOTION OF HUMAN RIGHTS

Promoting human rights is a fundamental principle of the PAO operation and an essential element of the Paris Principles. This function enables dissemination of information and knowledge about human rights to the general public and specific target groups. Basically, by promoting human rights it is aimed to create a culture of human rights every individual in society is aware of and complies with.

Also, the promotion of human rights is closely related to their protection. Whether human rights violations are intentional or unintentional, education and awareness of human rights values play a crucial role in preventing such violations.

The PAO carries out several initiatives to support and promote human rights. This chapter will present the actions undertaken by the PAO in 2023 within its mandate to promote human rights. At the national level, these actions actively contribute to preventing human rights violations and strengthening respect for human rights.

Promoting human rights at the national level

The PAO carries out its mission to promote human rights at the national level through a complex set of initiatives and actions. They encompass various activities mirrored in the PAO action plan, including topics related to education and training, public awareness, media strategies, publications, and national partnerships.

Human rights education and training

By exercising its mandate, the PAO brings a substantial contribution to raising public awareness for human rights, addressing both the public authorities, as obligations-holders, and the community, as rights-holders. This action prevents potential human rights violations and fosters a culture of human rights, promotes understanding and respect for fundamental freedoms among all members of society.

In 2023, **167 training and information activities** covered a wide range of **human rights topics**. The latter included protection of whistleblowers, prevention and combat of torture and ill-treatment, children's rights, prevention and combat of violence against women and domestic violence, the rights of patients, and promotion of human rights in the regions of Balti, Comrat, Cahul, and Varnita.

The PAO team organised 14 training sessions on the whistleblower mechanism, attended by 663 judges and court employees. Also, two information sessions on the rights of patients were conducted, involving 51 medical employees.

Regarding prevention of torture through the training of obligations-holders and rights-holders, 32 training sessions were organised for 748 employees, including 513



prison employees, 138 police employees, 46 Carabinieri employees, 43 migration counsellors, eight border police employees and for 50 Technical University students. Another ten training activities were organised for 150 judges, prosecutors, and police on the topic titled 'Carrying out job duties in light of principles of non-discrimination and tolerance in the context of the refugee crisis in Ukraine', in partnership with the Law Center of Advocates. Likewise, ten workshops were conducted for 100 police employees on the topic titled 'Informing on the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence', in partnership with the National Institute for Women "Equality".

Regarding children's rights, 50 training activities were organised to inform and train 1,791 individuals on various topics, including 'Child protection against violence, abuse and neglect', 'Human trafficking', 'Children Ombudsman's competences and respect for children's rights', etc.

The information sessions addressing the mechanisms for protecting human and children's rights were attended by 1,385 persons. These activities included 11 sessions in Balti, seven in Cahul, 25 in Comrat and six in Varnita, tackling in detail specific topics related to human and children's rights.

The PAO information and training activities had a significant impact, reflected in an impressive number of beneficiaries – **4,938**. Those activities were primarily aimed at promoting and understanding human rights in a variety of communities and categories of beneficiaries.

A broad and diversified approach to these actions ensured a comprehensive coverage of different social and professional groups. The beneficiaries included judges, court and prison staff, law enforcement agents (police and Carabinieri), migration counsellors and border guards, students, members of the Children's Advisory Council, doctors, teachers, mayors, parents, schoolchildren, NGO professionals, prisoners, police officers, journalists, and medical and social assistants.

This diversified target audience has raised awareness and understanding of fundamental human rights in different areas and life contexts. It is essential to emphasise that the positive impact of these activities extends beyond the large number of participants and strengthens the human rights related knowledge and values in the broader community. Thus, the PAO efforts have played a significant role in promoting respect for and use of human rights in the Republic of Moldova.

Public awareness of human rights

The PAO aims to strengthen public awareness of human rights through various initiatives and events. This subchapter contains an overview of the PAO actions, including awareness campaigns and nationwide events sharing practices and experiences within its mandate and presenting its initiatives and events. The PAO



has created platforms for dialogue with the national authorities, civil society, and human rights experts through meetings, round-tables and discussions. Also, various informative videos have been produced where the PAO shares relevant information.

Awareness campaigns play an essential role in promoting social values and goals. In this context, **five awareness** and information campaigns have been implemented.

The PAO, jointly with the CPT, launched the fifth edition of **'EuNUaplic166/1 – I Respect Human Dignity' Campaign**²⁸¹. It aimed to promote zero tolerance towards acts of torture among people of the professional risk group. The campaign encouraged over 15 central authorities and territorial subdivisions in charge of torture prevention to join in awareness-raising activities devoted to respect for human dignity. The Ombudsman and the CPT note that the Republic of Moldova must strengthen its efforts in implementing the international and national obligations and recommendations on the prevention of torture and inhuman and degrading treatment. Although some progress has been noted, the country needs to catch up in fulfilling these obligations, and the public authorities are urged to take account of the need to implement the issued recommendations.

Between 25 November and 10 December, the Ombudsman joined the **'16 Days of Activism against Gender-Based Violence' Campaign**²⁸² conducted nationally and internationally. Its purpose was to inform and raise public awareness of violence against women. The concept of those 2023 campaigns was related to the prevention of gender violence, while the Office activities included public lectures, special reports, participation in various media broadcasts, and dissemination of information materials. The PAO objective was to change attitudes and raise awareness of the phenomenon, contributing to a culture that combats violence and supports the rights and safety of women and girls. The colour of the information and awareness campaign was orange with the hashtag #NICIOSCUSA.

On 15-20 May, the People's Advocate for Children's Rights joined **the UN Global Campaign for Road Safety**²⁸³, which aimed to raise awareness and reduce road deaths by 50% by 2030. During the information activities in educational institutions, the Ombudsman highlighted the importance of children safety in traffic and the adults' responsibility in creating safety conditions and providing education.

The Roma Culture Week "Amare Amala—Our Friends"²⁸⁴ focused on information about state initiatives to protect and respect the rights of Roma people. It promoted mechanisms for implementing public documents targeting Roma people, their

²⁸¹ <https://ombudsman.md/campania-eunuaplic166-1-eurespectdemnitateamana-3/>

²⁸² <https://ombudsman.md/campania-16-zile-de-activism-impotriva-violentei-in-baza-de-gen/>

²⁸³ <https://ombudsman.md/avocatul-poporului-pentru-drepturile-copilului-se-alatura-campaniei-globale-de-siguranta-rutiera-bienala-organizata-de-organizatia-mondiala-a-sanatatii/>

²⁸⁴ <https://ombudsman.md/saptamana-culturii-romilor-amare-amala-prietenii-nostri/>



social inclusion, improving their situation, and respect for fundamental rights. The importance of capitalising on cultural diversity, the Roma population inclusive, was also stressed.

The UN World Campaign was dedicated to the 75th Anniversary of the Universal Declaration of Human Rights²⁸⁵, in which we marked the great importance of commitments to respect and protect the fundamental rights of each individual. On this occasion, we sent a message highlighting the Declaration importance, which enshrined inalienable rights for all, regardless of their diversity.

Also, during the year, awareness messages were conveyed in the context of **international human rights days**, such as.

- 27 January International Holocaust Remembrance Day²⁸⁶;
- 30 January International School Day for Non-violence and Peace²⁸⁷;
- 1 March International Zero Discrimination Day²⁸⁸;
- 8 April International Roma Day²⁸⁹;
- 1 June International Children's Day²⁹⁰;
- 12 June World Day Against Child Labour²⁹¹;
- 20 June World Refugee Day²⁹²;
- 20 November World Children's Day;
- 10 December International Human Rights Day²⁹³.

Other significant initiatives conducted by the PAO included organising **five large-scale events**, including two at the international level (which will be described below) and three at the national level, which included 'People's Advocate for Children's

²⁸⁵ <https://www.facebook.com/photo.php?fbid=762607182573931&set=pb.100064739674622.-2207520000&type=3>

²⁸⁶ https://www.facebook.com/permalink.php?story_fbid=pfbid0ybiWXfcRz5wfd61cNF5WdF-gVSZj1ZSp7TAx1LPjRQxrsQRn9UqnRSjwESbEfK4eLI&id=497701353616168

²⁸⁷ <https://old2.ombudsman.md/news/ziua-internationala-a-nonviolentei-in-scoala/>

²⁸⁸ https://www.facebook.com/permalink.php?story_fbid=pfbid0eQ6ndpwTZaZmf128KPkCMLT-JrhRr4aG8t6Sm91r5CAhr7uNvcwLyxJV54YAAWzHDI&id=497701353616168

²⁸⁹ https://www.facebook.com/permalink.php?story_fbid=pfbid02CX7hLNbvTWxt5JQPccr46urH-BoeAXEgJCfiocaiNLwDcmTTvgpBZ6B9LxnFFMDMeI&id=497701353616168

²⁹⁰ https://www.facebook.com/permalink.php?story_fbid=pfbid02Dnwag9AUCUR9zszc8K-Wag3APZ3maprprDXJRC45QYEj7dJZ4sgVEypGP2aPrCSjI&id=100064739674622

²⁹¹ <https://old2.ombudsman.md/news/12-iunie-ziua-mondiala-impotriva-exploatarii-prin-munca-a-copiiilor/>

²⁹² <https://old2.ombudsman.md/news/20-iunie-ziua-mondiala-a-refugiatului/>

²⁹³ <https://www.facebook.com/photo.php?fbid=769309855236997&set=pb.100064739674622.-2207520000&type=3>



Rights – Seven Years Close to Children’, the National Forum for Children’s Rights and the Human Rights Forum. Through those effective means the PAO aimed to reach various segments of society as they enabled the PAO to highlight relevant topics and offer solutions or outlooks.

To mark the end of the People's Advocate for Children’s Rights mandate, a children's general assembly titled **‘The People's Advocate for Children's Rights: Seven Years Close to Children’ was organised on 1 April 2023.**²⁹⁴ The aim was to present in a child-friendly language the activities of the Children's Ombudsperson, Maia Banarescu, carried out during 2016-2023. The participants discussed the involvement of children in identifying and solving problems, highlighting their and adults’ roles. An important moment was the mentioning of the Children's Advocate Advisory Council. The participants analysed violations of children's rights and drew up proposals and recommendations. The event was organised in collaboration with UNICEF and Caritas in Moldova.

On 21 November 2023, on the occasion of World Children's Day, the People's Advocate for Children’s Rights organised **the National Children's Rights Forum**²⁹⁵ for the seventh time in the Republic of Moldova. The traditional forum enabled an open space for children to freely express their opinions and discuss the problems they encountered.

The attending children presented the findings of their 2023 monitoring of children's rights and recommended improvements. The discussions covered various topics, including the relationship between teachers and students, sex education, children’s emotional state, and educational inclusion of children with disabilities.

The nationwide event, which gathered more than 70 children, was organised by the PAO in collaboration with partners such as UNICEF Moldova, Caritas Moldova, and the Information and Documentation Centre on Child Rights (IDCCR).

The Human Rights and Equality Forum²⁹⁶ held on 6 December 2023 in the Republic of Moldova, on the occasion of the International Human Rights Day and of the ‘16 Days of Activism against Gender-Based Violence’ Campaign, represented a crucial initiative for promoting the fundamental rights. The forum focused on the debates on human rights and equality, enabling the exchange of best practices and facilitating collaboration among different sectors.

The event offered the opportunity to share experiences, discuss contemporary challenges, and identify effective solutions for protecting and promoting human rights and equality. The forum presented an early stage of the human rights survey

²⁹⁴ <https://ombudsman.md/intrunirea-general-a-copii-lor-cu-avocatul-poporului-pentru-drepturile-copilului-maia-banarescu-7-ani-mai-aproape-de-copii/>

²⁹⁵ <https://ombudsman.md/forumul-national-al-drepturilor-copii-lor-la-cea-de-a-vii-a-editie/>

²⁹⁶ <https://ombudsman.md/forumul-drepturilor-omului-si-egalitatii-2023/>



conducted in the Republic of Moldova, a population opinion survey covering topics such as perceptions of rights in 2023 and refugee and children's rights. Another event on human rights and environmental protection was conducted, during which the Ombudsmen highlighted the importance of clear legislation to prevent pollution and promote sustainable resource use to ensure a healthy environment for all citizens, including for children. The event gathered representatives from various sectors, contributing to an extensive collaboration to improve the situation of human rights and equality in the country.

We have produced **five informative videos** to raise awareness of the human rights protection mechanism. The first video presents the Ombudsman's successful endeavours in finding a temporary headquarters for the PAO, marking a 25-year-long struggle to provide its employees and beneficiaries with a favourable and safe working environment. Hence, the video provided information on the legal address, how to get to the PAO HQ in Chisinau, the open hours, how to submit applications, highlighting our support and services for access to justice and protection of human rights. The second video focuses on the national mechanism for the prevention of torture, represented by the PAO Council for the Prevention of Torture. The third video showcases the "A" status awarded to the PAO, explains its significance and what benefits it brings to society. The fourth video provides an overview of the Ombudsman's involvement in monitoring the observance of the refugees' rights in accommodation centres²⁹⁷. The last video emphasises the crucial role of the National Institution for Human Rights (NIHR) in the state. It provides the information needed for society awareness-raising about the NIHR role for both obligations-holders and rights-holders.

The activities carried out by the Ombudsmen and the PAO support team in 2023 played a significant role in shaping public awareness. Hence, knowledge was enhanced, awareness among authorities was increased, and the public policy was improved to promote and observe human and children's rights in the Republic of Moldova. However, the findings on the need to step up the efforts in the Republic of Moldova stem from the persisting challenges in these areas, stressing the importance of continued and enhanced efforts to create safer, fairer, and more respectful societies for human rights.

Media strategy for promoting human rights

The Media strategy for promoting human rights involves using communication means and Media platforms to raise awareness, inform, and mobilise the public to respect and promote human rights. The PAO takes this approach to draw attention to human rights violations, inform the people about these rights, and support positive societal changes.

²⁹⁷ <https://agora.md/2023/12/12/intre-refugiu-si-drepturile-omului-centrul-de-plasament-temporar-pentru-refugiati-din-cojusna-monitorizat-de-avocatul-poporului>



This chapter presents the Media strategy actions in the context of promoting human rights:

The PAO developed a **Communication Strategy for 2023-2026**²⁹⁸, which aims to make the National Human Rights Institution more accessible and closer to people, ensuring that relevant information reaches the general public and that their concerns and needs are properly understood and addressed. Implementing this strategy will consolidate the PAO trust and legitimacy, thus strengthening its essential role in promoting and protecting fundamental human rights and freedoms.

The PAO has had significant Media visibility, being a matter of discussions, and covering complex human and child rights issues. The PAO visibility was ensured through **5,360 news articles published in the national newspapers**, based on **220 press releases**²⁹⁹, **four newsletters**³⁰⁰, **17 interviews** on human and child rights issues, **67 TV shows**, and **49 radio programmes**.

There were live radio broadcasts, helping disseminate information and raise public awareness of human rights violations. Special attention was also given to the presence on TV, including the weekly Ombudsman show streamed on NTS – a TV station from the Southern part of Moldova.³⁰¹

These activities illustrate the PAO continued commitment to promote and protect human rights through various communication means.

Further collaboration with the Media, participation in live broadcasts and addressing various social themes remain standing priorities to ensure effective and impactful communication in society. Maintaining this strategy is essential to strengthen the commitment to promoting human and child rights and addressing the key issues.

Publications

The development and dissemination of publications are essential tools to raise awareness, educate the population about human rights, and prevent abuses, thus

²⁹⁸ <https://ombudsman.md/post-document/strategia-de-comunicare-a-oficiului-avocatului-poporului-pentru-2023-2026/>

²⁹⁹ <https://ombudsman.md/comunicare/and> <https://www.facebook.com/profile.php?id=100064739674622>

³⁰⁰ Newsletter January-March 2023 <https://old2.ombudsman.md/news/buletinul-informativ-al-oficiului-avocatului-poporului-ianuarie-martie-2023/>; Newsletter April-June-2023 <https://old2.ombudsman.md/news/buletinul-informativ-al-oficiului-avocatului-poporului-aprilie-iunie-2023/>; Newsletter July-September 2023 <https://old2.ombudsman.md/news/buletinului-informativ-al-oficiului-avocatului-poporului-iulie-septembrie-2023/> Newsletter October-December 2023 <https://ombudsman.md/buletinul-informativ-al-oficiului-avocatului-poporului-octombrie-decembrie-2023/>

³⁰¹ https://www.youtube.com/results?search_query=NTS+%D0%BD%D0%B0%D1%80%D0%BE%D0%B4%D0%BD%D1%8B%D0%B9+%D0%B0%D0%B4%D0%B2%D0%BE%D0%BA%D0%B0%D1%82



promoting a culture of respect for fundamental freedoms in the Republic of Moldova. Specifically, **three brochures** have been published, each to promote and inform about human rights and prevent abuse in the Republic of Moldova.

The brochure on refugees' rights aims to inform the public about refugees' rights and needs, as well as about the resources and services available to them in the Republic of Moldova.

The brochure on the torture prevention mechanism, i.e. the CPT, aims to provide information on the CPT role and functions in preventing and combating torture and inhuman or degrading treatment in the Republic of Moldova.

The brochure on prevention of domestic violence aims to raise awareness and educate the public about the prevention of domestic violence and the importance of promoting healthy and non-violent family relations.

In 2023, the PAO developed four **alternative reports**, informing the international human rights institutions on the situation in the country, as well as the bodies established under international treaties. Those reports covered various issues, such as compliance with the Istanbul Convention, the International Covenant on Civil and Political Rights, the fight against racial discrimination, the prevention of child sexual abuse and exploitation, and the prevention of torture and inhuman or degrading treatment. The reports aimed to promote transparency and accountability for compliance with and implementation of international human rights standards. This is an essential step in monitoring and improving the human rights situation in the Republic of Moldova.

The PAO has conducted rigorous monitoring and evaluation of respect for rights in various fields pursuant to its mandate. The findings are presented in **23 thematic reports**. Each report focused on a specific theme related to children's rights, prevention of torture, or respect for the refugees' rights. Thus, five thematic reports on children's rights, two thematic reports on monitoring the refugees' rights, and sixteen thematic reports on prevention of torture were developed. The reports are available on the PAO's website, under 'Reports' heading. By thoroughly reviewing each topic and developing relevant recommendations, the Ombudsman aims to help identify shortcomings and promote positive changes in relevant policies and practices. These reports are essential tools to improve protection and respect for human rights in the Republic of Moldova.

The **six special reports** inform about specific concerns and significant incidents in the field of prevention of torture and monitoring the refugees' rights.

These reports have been developed to identify shortcomings and gaps in human rights observance, recommend relevant situation improvements to competent authorities, and promote positive changes in relevant human and child rights policies and practices.



National partnerships

In 2023, the PAO concluded **four national partnerships** to promote and protect human rights. Those partnerships aimed to strengthen efforts in order to promote fundamental rights and improve the human rights situation in the country.

The PAO, the Council for Equality, and the Agency for Interethnic Relations, with the support of the OSCE mission, have signed a Memorandum of Understanding (MoU). The MoU outlines the establishment of an expert group comprising representatives of national institutions responsible for human rights and minority protection in the Republic of Moldova.

The partnership with the NGO 'Legal Resources Center of Moldova' (LRCM) aims to develop relations based on mutual respect and good faith through activities targeting improved monitoring and observance of human rights and protection of human rights defenders in the Republic of Moldova.

Agreement with Amnesty International Moldova seeks constant cooperation in combining efforts to promote respect for human rights and fundamental freedoms.

The programme with the Institute for Penal Reforms will support the Moldovan National Preventive Mechanism by organising effective collaboration with representatives of civil society and the monitored public institutions.

The national partnerships concluded in 2023 prove the joint commitment of civil society institutions and organisations to promoting and protecting human rights. Through collaboration and synergy among these entities, new opportunities open up for improving the rule of law and strengthening democracy in the country. These partnerships represent an important step towards building a fairer, more equitable and respectful society in terms of fundamental human rights and freedoms in the Republic of Moldova.

During 2023, the Ombudsmen and PAO representatives attended **eleven working groups** involved in various anti-corruption, human rights, and children's rights issues. The working groups were established within various institutions, such as the National Anti-corruption Center, the Ministry of Justice, Ungheni District Court, the Ministry of Labour and Social Protection, and the Ministry of Education.

The PAO actively participated in the activities specific to each working group throughout the reported period. Thus, working meetings were organised to discuss, evaluate, and develop strategies according to the objectives set for each area.

The meetings were attended by 57 participants, mirroring the combined efforts of institutions involved in developing and implementing public policies in various fields of national and international interest. By actively participating in the analysis of public policies using a human rights-based approach, the Ombudsmen have



brought significant contributions to public policy improvement and promotion of governance in accordance with the international human rights standards.

Promoting human rights internationally

In this chapter, we will highlight the PAO endeavours to promote human rights at the international level by working with various relevant institutions and organisations to include the partnerships with National Human Rights Institutions (NHRIs) from various countries and international organisations such as the Global Alliance for National Human Rights Institutions (GANHRI), the European Network of National Human Rights Institutions (ENNHRI), the International Ombudsman Institute (IOI), the Association of Ombudsmen and Mediators of La Francophonie (AOMF), the European Ombudsmen Institute (EOI), the European Network of Ombudspersons for Children (ENOC) and other external partners (Council of Europe, OSCE Mission, OSCE Office for Democratic Institutions and Human Rights OSCE/ODIHR). Thus, the PAO contributes to strengthening and supporting these institutions to act in accordance with the international standards represented by the Paris Principles.

Collaboration involves providing support and resources within these networks so that the NHRI can effectively fulfil its mandate of protecting and promoting human rights. The exchange of knowledge and experience among these institutions at the regional and global levels enables them to improve their practices and strengthen their international position.

Through their joint actions and influence on the global political agenda, the PAO and other national human rights institutions contribute significantly to the promotion and respect for human rights around the world. This collaboration and active involvement in the international community demonstrates a strong commitment to promoting human rights values and principles worldwide.

Exchange of experiences and best practices in the area of human rights

In 2023, the Ombudsman and the PAO team members actively engaged in several international events, strengthening relations and facilitating the exchange of good practices and experiences in the area of human rights. Their participation provided a valuable opportunity to share the knowledge acquired through the PAO daily activities. Such contribution enhanced expertise efficiency and advocated for high standards in protecting human rights and freedoms. Through these international events, the PAO employees have had the opportunity to discuss good practices, learn from the experience of other similar institutions, and strengthen partnerships with relevant international organisations. Thus, attending these 11 events was essential to maintaining an open and constructive dialogue with the international community dedicated to promoting and protecting human rights.



The Ombudsman shared the PAO experience and challenges regarding human rights during the pandemic period at the International Conference in Ankara³⁰²

The Ombudsman shared the PAO experience in monitoring the observance of human rights in the context of the epidemiological situation development and the measures undertaken by the national authorities in response to the health crisis at the International Ombudsman Conference "The Future of Human Rights in the 21st Century", which took place in Ankara, Turkey. The Moldovan Ombudsman's practices during the pandemic were a source of information for the conference participants, triggering discussions on making the mechanisms for protecting and monitoring human rights in specific situations more efficient. During the event, the Ombudsman, Căslav Panico, talked with Dmitri Croitor, the Ambassador of the Republic of Moldova to the Republic of Turkey. They expressed their openness and willingness to cooperate in order to contribute to the enforcement of fundamental human rights and freedoms.

The PAO attended the annual meeting of the Global Alliance of National Human Rights Institutions (GANHRI)³⁰³

The PAO shared good practices with counterpart institutions from other GANHRI member states and strengthened cooperation with members of the European Network of National Human Rights Institutions (ENNHRI) and the Global Alliance of National Human Rights Institutions (GANHRI) during the latter's annual meeting held at the United Nations Palace in Geneva, Switzerland. The event brought together 110 national human rights institutions from around the world, the Republic of Moldova inclusive. Communicating professional experiences is extremely important not only for developed democracies but also for all countries that seek to achieve a higher standard of human rights protection.

Ombudsman – support for strengthening national human rights monitoring capacities within the Council of Europe³⁰⁴

During the meeting of the CoE Committee of Ministers, the Ombudsman welcomed the CoE Community initiative to support and strengthen the national human rights institutions in exercising their mandate to monitor respect for human rights by expressing his gratitude to the event participants and facilitators for the opportunity to share the institution's progress internationally. The discussions focused on implementing the Council of Europe's Recommendations aimed to strengthen the

³⁰² <https://old2.ombudsman.md/news/avocatul-poporului-a-impartasit-experienta-si-provocarile-oficiului-avocatului-poporului-privind-respectarea-drepturilor-omului-in-perioada-pandemica-in-cadrul-conferintei-internationale-de-la-ankara/>

³⁰³ <https://old2.ombudsman.md/news/oficiul-avocatului-poporului-oap-prezent-la-reuniunea-anuala-a-aliantei-globale-a-institutiilor-nationale-pentru-apararea-drepturilor-omului-ganhri/>

³⁰⁴ <https://old2.ombudsman.md/news/avocatul-poporului-sprijin-pentru-consolidarea-capacitatilor-nationale-de-monitorizare-a-drepturilor-omului-in-cadrul-consiliului-europei/>



national institutions' capacities in order to reinforce the monitoring mechanisms and implement the recommendations addressed to entities responsible for fulfilling the obligations.

Ombudsman's working visit to the EU Border and Coast Guard Agency (Frontex)³⁰⁵

The purpose of that event was to introduce NHRIs of Balkan countries (Albania, Montenegro, North Macedonia, and Serbia) and of the Republic of Moldova into the Frontex Agency work, focusing on human rights protection of illegal migrants and/or refugees.

The Ombudsman promotes human rights in the Republic of Moldova through active collaboration with the CoE institutions³⁰⁶

During the 1467th Meeting of the CoE Council of Ministers, the Ombudsman highlighted the key areas explored by the Moldovan NHRI, including artificial intelligence and human rights, the business-human rights relationship, and the protection of persons seeking international protection following the military invasion of the Russian Federation in Ukraine. He also proposed initiating preparations for the development of a Council of Europe new action plan for the Republic of Moldova starting in 2025.

The Ombudsman joins the call to reduce the impact of the world's military systems on climate change and respect for human rights launched at the International Conference of Ombuds Institutions for the Armed Forces (ICOAF)³⁰⁷

The PAO of the Republic of Moldova expresses its openness and commitment to join efforts with the participants and the DCAF to continuously exchange experience and strengthen capacities in the field of climate change and global security by participating in the 15th International Conference of Ombuds Institutions for the Armed Forces (15ICOAF) titled 'Governing the Impacts of Climate Change – Ombuds Institutions and Armed Forces'. The PAO, as the National Human Rights Institution, has set in the Strategic Development Plan 2023-2030 as one of its priorities to ensuring a healthier and more sustainable environment for all. Therefore, on the path of this alignment with the stated objective, the PAO contributes to strengthening the legislative and institutional framework for environmental protection and human rights.

³⁰⁵ <https://old2.ombudsman.md/news/vizita-de-lucru-a-avocatului-poporului-la-agentia-europeana-pentru-securitatea-frontierelor/>

³⁰⁶ <https://old2.ombudsman.md/news/avocatul-poporului-promoveaza-drepturile-omului-in-republica-moldova-prin-colaborare-activa-cu-institutiile-consiliului-europei-rezultatele-recen-tei-reuniuni-si-prioritatile-discutate/>

³⁰⁷ <https://old2.ombudsman.md/news/avocatul-poporului-se-aliniaza-indemnului-de-a-reduce-impactul-sistemelor-militare-din-lume-asupra-schimarilor-climatice-si-respectarii-drepturilor-omului-lansat-in-cadrul-conferintei-internationale/>



ENOC Annual Conference titled “The Strength of Independent Children’s Rights Institutions: Upholding Children’s Rights in Europe”

On 19-21 September, the People's Advocate for Children’s Rights participated in the ENOC Annual Conference , titled “The Strength of Independent Children's Rights Institutions: Upholding Children's Rights in Europe”, during which, together with his ENOC counterparts, he proposed a series of recommendations to states and national and international organisations on strengthening the national institutions protecting children's rights.

Attending the International Conference in Rome, the Ombudsman urged to rethink human rights protection mechanisms in the context of the current global crises³⁰⁸

In his speech at the International Conference titled "The Role of Ombudsman institutions in the World: between realities and possibilities", the Ombudsman urged to rethink human rights mechanisms in the context of the current global crises. The event took place on 21-22 September 2023 in Rome, Italy. In his speech, the Ombudsman highlighted several obstacles to the full exercise of human rights in today's world. He proposed solutions to address those issues by strengthening the National Human Rights Institutions and promoting effective collaboration among institutions, states, and citizens to protect human rights in any context.

Strengthening the Republic of Moldova partnership with Denmark, with an impact on promoting human rights and democratic values³⁰⁹

The Ombudsman made a significant contribution to strengthening the partnership between the Republic of Moldova and Denmark during his visit to Copenhagen, on 6-8 November 2023, by participating in the working meeting with Lotte Machon, the Danish State Secretary for Development Policy. Thus, he highlighted the human rights challenges Moldova was facing and the crucial role of the PAO in achieving its commitment towards the shared values of democracy, human rights, fundamental freedoms, and the rule of law. The Ombudsman contributed to raising awareness among the Danish partners about the Republic of Moldova current needs and the country efforts to strengthen democracy and respect for human rights.

Efforts and strategies, both individual and collective, in combating torture and other forms of ill-treatment, presented by the NHRI and the NMPT at the GANHRI International Conference

³⁰⁸ <https://old2.ombudsman.md/news/in-cadrul-conferintei-internationale-din-roma-avocatul-poporului-a-venit-cu-indemnul-de-regandire-a-mecanismelor-de-protectie-a-drepturilor-omului-in-contextul-crizelor-globale-actuale/>

³⁰⁹ <https://old2.ombudsman.md/news/consolidarea-parteneriatului-dintre-republica-moldova-si-danemarca-cu-impact-asupra-promovarii-drepturilor-omului-si-a-valorilor-democratice/>



The Ombudsman attended the International Conference of National Human Rights Institutions (NHRI) in Copenhagen, Denmark, and participated in discussions on the NHRIs' role in combating and preventing torture and other forms of ill-treatment. He brought valuable insight and practical experience to the debate on those issues. He emphasised the importance of global collaboration and the exchange of best practices between NHRIs and other national institutions responsible for human rights. The matter was highlighted in the context of the GANHRI network, which offers an essential platform for collaboration and for identifying common strategies in combating human rights serious violations.

Ombudsman's dialogue with the European Network of Ombudsmen in Brussels and the commitment to European values in the context of aspiring to join the European Union³¹⁰

The Ombudsman attended the ENO Conference at the invitation of Emily O'Reilly, the European Ombudsman. The Moldovan Ombudsman demonstrated his country's commitment to join the European Network of Ombudsmen and actively discuss human rights and ethical standards in public administrations. The conference provided a platform for discussing topical issues such as the use of artificial intelligence in public administrations, migration, and fundamental rights. Participation in the conference marked an essential step in strengthening the relations between the Moldovan PAO and the ENO.

Attending the International Conference titled "Freedom or Fear" dedicated to the 75th anniversary of the Universal Declaration of Human Rights, Kyiv, Ukraine³¹¹

During the International Conference "Freedom or Fear" held in Kyiv, Ukraine, Moldova displayed its dedication to promoting and safeguarding human rights globally. This was demonstrated through the participation of the Ombudsman and the Children's Ombudsman in the event, which was held to commemorate the 75th anniversary of the Universal Declaration of Human Rights. The participants highlighted Ukraine's efforts in managing the refugees' situation and the importance of cooperation in ensuring human rights. The need for a shared commitment to meeting human rights challenges was stressed, having emphasised the importance of international collaboration in protecting human rights.

The international events organised by the PAO celebrated essential moments dedicated to promoting and protecting human rights in the Republic of Moldova.

³¹⁰ <https://old2.ombudsman.md/news/eforturile-si-strategiile-atat-individuale-cat-si-colective-in-lupta-impotriva-torturii-si-a-altor-forme-de-rele-tratamente-prezentate-de-indo-si-mnpt-in-cadrul-conferintei-internationale-a-instit/>

³¹¹ <https://old2.ombudsman.md/news/avocatul-poporului-in-dialog-la-bruxelles-cu-reteaua-europeana-a-ombudsmanilor-si-angajamentul-pentru-valorile-europene-in-contextul-aderarii-la-uniunea-europeana/>



Having addressed some pertinent subjects, the events had a significant impact as they brought innovative and crucial topics for society advancement to the forefront.

Those initiatives represented both opportunities for exchanging ideas and good practices and fundamental moments to raising public opinion and decision-makers' awareness of new challenges and opportunities in the area of human rights in Moldova. Thus, by organising those events, the PAO had contributed significantly to promoting a progressive and future-oriented approach to human rights in our country.

International Conference titled "People's Advocate Institution for Children's Rights: 15 years of activity"³¹²

On March 27, the People's Advocate for Children's Rights, in collaboration with Moldova State University and in partnership with UNICEF and Caritas Moldova, held the International Conference titled: "People's Advocate Institution for Children's Rights: 15 years of activity". The event gathered many personalities, including Ombudspersons from other countries and representatives of international and local organisations. They discussed the achievements and challenges of the People's Advocate for Children's Rights over the past 15 years, the impact of her work, and future prospects. Relevant reports and studies were presented and analysed, and public authorities also provided feedback on the institution's work. In conclusion, Maia Banarescu was awarded a diploma of recognition for her contribution in the area of children's rights.

International Conference titled "Protection and Promotion of Fundamental Human Rights in the Context of New Challenges and Realities in Modern Societies"

On 27 September 2023, the PAO celebrated its 25th anniversary by organising an International Conference titled "Protection and Promotion of Fundamental Human Rights in the Context of New Challenges and Realities in Modern Societies". The event gathered distinguished personalities and focused on the ways to solve human rights challenges in the Twenty-First Century.

Modern societies face complex human rights challenges such as disinformation, armed conflict, social tensions, technological momentum, and private sector involvement in guaranteeing human rights. The conference was an opportunity to share experiences, discuss the key aspects of contemporary challenges, and initiate the identification of effective and sustainable solutions to protect and promote fundamental human rights.

³¹² <https://ombudsman.md/avocatul-poporului-pentru-drepturile-copilului-a-organizat-conferinta-stiintifico-practica-internationala-institutia-avocatului-poporului-pentru-drepturile-copilului-15-ani-de-activ/>



On the first day of the Conference³¹³, the participants addressed various and relevant topics for the modern society, including the monitoring, assistance and protection of the rights of persons in need of international protection, promotion and education of human rights and equality as tools to combat disinformation and propaganda, as well as the impact of new digital realities on human rights.

On 28 September,³¹⁴ the International Conference progressed into the second day of its agenda. The discussions addressed crucial topics about the role of human rights and equality in promoting social cohesion and empowering the private sector to respect human rights. The conference emphasised the importance of effective collaboration among the Ombudsman's institutions in order to level practices and strengthen social cohesion in the context of its fragility and multiple crises.

Moldova PAO stood out as one of the few national human rights institutions, capable of addressing private sector-related topics, not just those of public law. This aspect is one of the strategic objectives of the Ombudsman's Institution, according to its Strategic Development Programme 2023-2030, which contributes to the development of intervention mechanisms adapted to the national context, societal crises, and human rights related peculiarities in the business context.

Over 200 participants, including representatives of public institutions, civil society, international organisations, and business companies, and over 30 foreign participants, including representatives of National Human Rights Institutions and Ombudspersons, attended the event.

International partnerships

In 2023, the PAO concluded **three essential agreements** with **international organisations**, having strengthened its commitment to promoting and protecting human rights in the Republic of Moldova.

The partnership between the PAO and the Office of the High Commissioner for Refugees laid the foundation for a collaboration aimed at building the PAO's capacities to effectively protect refugees' rights in our country. It also envisaged improving protection and assistance to refugees, thus having strengthened their rights in the Republic of Moldova.

The PAO-UNICEF partnership helped develop a programme aimed at capacity building for independent monitoring of children's rights in the Republic of Moldova. The partnership pursued the goal to inform decision-makers about key issues

³¹³ <https://ombudsman.md/prima-zi-a-conferintei-internationale-protectia-si-promovarea-drepturilor-fundamentale-ale-omului-in-contextul-noilor-provocari-si-realitati-existente-in-societatile-moderne-la-chisi/>

³¹⁴ <https://ombudsman.md/incheierea-conferintei-internationale-protectia-si-promovarea-drepturilor-fundamentale-ale-omului-in-contextul-noilor-provocari-si-realitati-existente-in-societatile-moderne-la-chisi/>



faced by children, improve mechanisms for reporting violations of children's rights, and promote the active participation of children in decision-making through the Children's Advisory Council and other legal mechanisms.

In 2023-2024, with the support of the Embassy of Finland in Bucharest, the PAO will implement an innovative project titled "Strengthening the Ombudsman's Office Mechanisms for Defending Human Rights against Reprisals and Revenge." This project is a proof to our commitment to a more just, equitable, and inclusive society. With a particular focus on new mechanisms, we are creating a set of specialised and powerful tools to help us identify potential situations of retaliation, intimidation, and violence against people in detention because they report the matter to the Ombudsman or other competent institutions to protect their rights. We also focus on developing an innovative practical guide to identifying, investigating, and supporting journalists and Media representatives in individual cases of violation of their rights, press freedom being an essential pillar of our society. These efforts will facilitate reporting human rights violations and ensure efficient protection.

Numerous meetings were held with international partners, ambassadors, and organisations as part of the Ombudsman's Office activities. Those meetings were essential for enhancing bilateral relations, exchanging ideas and experiences, and holding fruitful discussions on issues relevant to promoting and protecting human rights in the Republic of Moldova. During those meetings, the PAO representatives had the opportunity to discuss the developments and challenges in the area of human rights with their national and international partners. Open dialogue and active collaboration have been critical elements in establishing common strategies for improving human rights legal and institutional frameworks. The **twelve meetings** fostered constructive information exchange and identified effective collaboration methods to achieve the common goals.

Initiating a new cooperation partnership between the PAO and the US Embassy in Moldova³¹⁵

The Ombudsman and the People's Advocate for Children's Rights had a discussion with the US Ambassador in Chisinau, Kent D. Logsdon, on matters of common interest for developing and strengthening human rights in the Republic of Moldova. By showing interest in a lasting and reliable partnership, the U.S. Ambassador expressed a desire to support the implementation of PAO strategic objectives. This collaboration can bring significant benefits in promoting and strengthening human rights in the Republic of Moldova.

³¹⁵ <https://old2.ombudsman.md/news/initierea-unui-nou-parteneriat-de-cooperare-intre-oficiul-avocatului-poporului-si-ambasada-statelor-unite-ale-americii-in-moldova/>



Ombudsman reporting to GREVIO Committee³¹⁶

During the hearings with the GREVIO expert group, the PAO drew attention to critical issues related to the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence in the Republic of Moldova. The PAO representatives actively contributed to the hearing, highlighting the concern for the protection of women and girls fleeing from the armed conflict in Ukraine, for combating violence among vulnerable groups, and issues related to the implementation of the Convention.

The CoE Office in Chisinau, in partnership with the PAO, will contribute to strengthening protection of rights of refugees and migrants in the Republic of Moldova³¹⁷

The reports on monitoring respect for foreigners' rights, prepared by the PAO and the Advisory Council, served as a reliable source for the Report prepared by the fact-finding mission of the Special Representative of the CoE Secretary-General on Migration and Refugees. This aspect underlines the importance of the information provided by the Ombudsman in assessing and understanding the situation of refugees' rights in the Republic of Moldova.

Strengthening cooperation in the area of human rights between the PAO and the European Union Delegation³¹⁸

The Ombudsman met with Janis Mazeiks, the Ambassador of the EU Delegation in Chisinau, to discuss the human rights situation in the Republic of Moldova. The meeting between the official representatives aimed to exchange opinions and identify related areas of cooperation to improve the human rights situation in the Republic of Moldova.

The situation on preventing and combating violence against women and domestic violence in the Republic of Moldova reported to the Council of Europe GREVIO Expert Group³¹⁹

The PAO reported on the progress in implementing the Istanbul Convention, having addressed the most pressing issues and those that require increased attention from the state authorities to remedy them. The report was presented

³¹⁶ <https://old2.ombudsman.md/news/ombudsmanul-audiat-de-comitetul-grevio/>

³¹⁷ <https://old2.ombudsman.md/news/oficiul-consiliului-europei-la-chisinau-in-parteneriat-cu-oficiul-avocatului-poporului-vor-construi-la-consolidarea-protectiei-drepturilor-persoanelor-refugiate-si-migrantilor-in-republica-moldova/>

³¹⁸ <https://old2.ombudsman.md/news/consolidarea-cooperarii-in-domeniul-drepturilor-omului-intre-oficiul-avocatului-poporului-si-delegatia-uniunii-europene/>

³¹⁹ <https://old2.ombudsman.md/news/situatia-privind-prevenirea-si-combaterea-violentei-impotriva-femeilor-si-violentei-domestice-in-republica-moldova-raportata-grupului-de-experti-al-consiliului-europei-grevio/>



to the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO), which visited the Republic of Moldova during 30 January – 3 February 2023.

The Ombudsman and the Danish Refugee Council: a new collaboration to overcome the current challenges and achieve positive results in protecting refugees³²⁰

The Ombudsman met with Verica Recevic, Danilo Nedvetskyi, and Isaac Robinson, representatives of the Danish Refugee Council (DRC), to discuss the DRC activities in Moldova in view of the armed conflict in Ukraine. During the meeting, the DRC presented and discussed its current activities in Moldova, focusing on the support provided in the documentation and legal assistance of refugees. The DRC highlighted its membership in the protection working groups under the auspices of the United Nations High Commissioner for Refugees (UNHCR).

Working meeting of the Ombudsman with members of the Central European and Central Asian Commission on Drug Policy³²¹

The Ombudsman met with the members of the Central European and Central Asian Commission for Drug Policy, who paid an official visit to Moldova to exchange good practices in drug policy in the context of European integration. They discussed the European states practices, the drug addicts' protection standards, the national anti-drug policies, the criminal and contravention practices, and the Ombudsman institution involvement in the protection of vulnerable groups.

Human Rights Working Group meeting at the OSCE Mission to Moldova HQ in Bender³²²

On 10 October 2023, the PAO employees attended the Human Rights Working Group meeting at the OSCE Mission to Moldova HQ in Bender. During the working meeting, the PAO employees discussed issues related to ensuring the rights of individuals with mental disabilities, access to quality medical services, and unification of approaches in terms of applying the relevant international standards on both sides of Nistru River. They also addressed the right of freedom of thought, conscience, and religion in the Transnistrian region, as well as the rights of refugees who have found temporary refuge from the war in Ukraine in Transnistrian localities. Moldova became the first

³²⁰ <https://old2.ombudsman.md/news/avocatul-poporului-si-consiliul-danez-pentru-refugiati-oua-colaborare-pentru-depasirea-provocarilor-existente-si-obtinerea-rezultatelor-pozitive-in-protejarea-persoanelor-refugiate/>

³²¹ <https://old2.ombudsman.md/news/intrevederea-de-lucru-a-avocatului-poporului-cu-membrii-comisiei-central-europene-si-central-asiatice-pentru-politica-drogurilor/>

³²² <https://old2.ombudsman.md/news/grupul-de-lucru-pentru-drepturile-omului-intrunit-la-sediul-din-bender-al-misiunii-osce-in-moldova/>



non-EU country to grant temporary protection to refugees, but this positive practice cannot be applied to refugees from the Transnistrian region.

Functional and financial independence of the PAO under the scrutiny of the European Union Delegation³²³

The Ombudsman met Luigi Nicolo' Segarizzi, representative of the EU Delegation, to discuss the human rights situation as part of the dialogue between the European Union and the Republic of Moldova. During the meeting, several key issues related to the evolution of human rights in the Republic of Moldova were addressed, with an emphasis on the Transnistrian region. The discussions included topics such as monitoring in the region, implementation of the mechanism for the protection of persons in the region, functioning of the internal mechanism for displacement, and implementation of the national human rights strategy.

Local elections of November 5 – a topic of common interest for the Ombudsman and the ODIHR Election Observation Mission³²⁴

During the meeting with the ODIHR Election Observation Mission the participants addressed several key issues related to the latest legislative changes in electoral matters and the evolution of human rights in the Republic of Moldova. The discussions included topics such as monitoring the electoral process for compliance with the OSCE and other international commitments and standards for democratic elections, including the national legislation standards. The discussions also focused on the right to vote of women, persons with disabilities and vulnerable groups.

New areas of cooperation discussed by the People's Advocate for Children's Rights with representatives of the International Committee of the Red Cross³²⁵

The People's Advocate for Children's Rights, Vasile Coroi, and his Deputy Oxana Gumennaia met with Doris El Doueihy, Head the International Committee of the Red Cross (ICRC) Delegation. During the meeting, several key issues related to the evolution of human rights in the Republic of Moldova were addressed. The discussions included topics such as monitoring and implementing the mechanism for the protection of refugees, asylum seekers, and stateless persons, as well as all categories of persons enjoying some form of protection.

³²³ <https://old2.ombudsman.md/news/independenta-functionala-si-financiara-a-oficiului-avocatului-poporului-in-atentia-delegatiei-uniunii-europene/>

³²⁴ <https://old2.ombudsman.md/news/alegerile-locale-din-5-octombrie-subiect-de-interes-comun-pentru-avocatului-poporului-si-misiunea-de-observare-a-legerilor-a-oficiului-osce-pentru-institutii-democratice-si-drepturile-omului/>

³²⁵ <https://old2.ombudsman.md/news/noi-domenii-de-colaborare-discutate-de-avocatul-poporului-pentru-drepturile-copilului-cu-reprezentantii-comitetului-international-al-crucii-rosii/>



Working meeting of the Ombudsman with the delegation of the German Bundestag and the Ambassador of the Federal Republic of Germany to the Republic of Moldova³²⁶

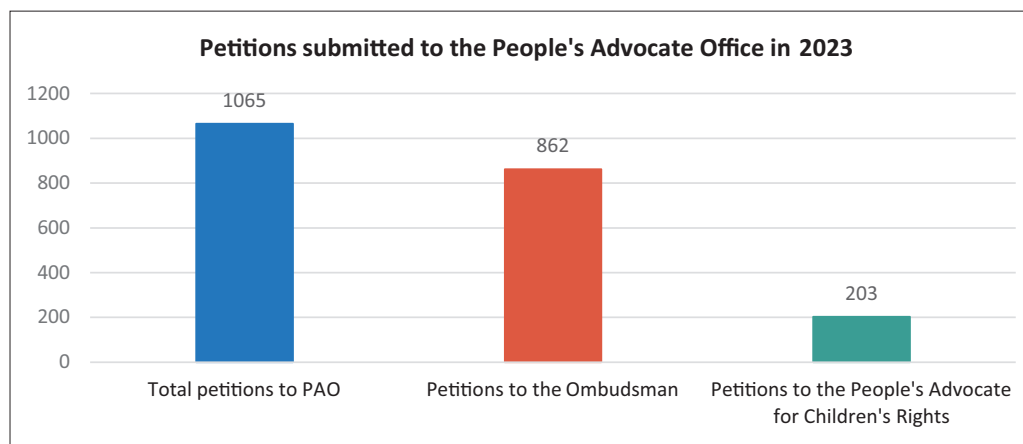
The PAO hosted a constructive meeting with the German Bundestag delegation, represented by MPs Knut Abraham and Dr. Jonas Geissler, and His Excellency, Ambassador of the Federal Republic of Germany to the Republic of Moldova, Margret Uebber. During the meeting, the Ombudsman Ceslav Panico proposed to provide the members of the German delegation with a detailed perspective on the role, function and activities carried out by the People's Advocate Institution of the Republic of Moldova. A detailed presentation of the Ombudsman's mandate was given, highlighting the ongoing projects and the Institution's main concerns in the current context.

³²⁶ <https://old2.ombudsman.md/news/intrevederea-de-lucru-a-avocatului-poporului-cu-delegatia-bundestag-ului-german-si-ambasadoarea-republicii-federale-germania-in-republica-moldova/>

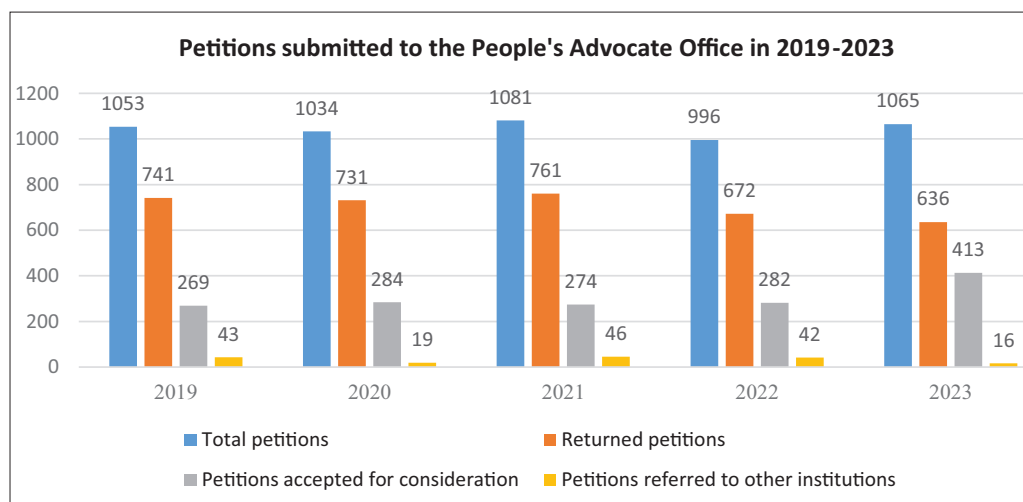
Human rights statistics in 2023

Protecting individuals and contributing to the restoring of rights

According to Article 16 of Law No. 52/2014 on Ombudsman, one of the Ombudsman's duties is to receive and consider petitions regarding human rights and freedoms violations and prepare written responses within the specified timeframe.



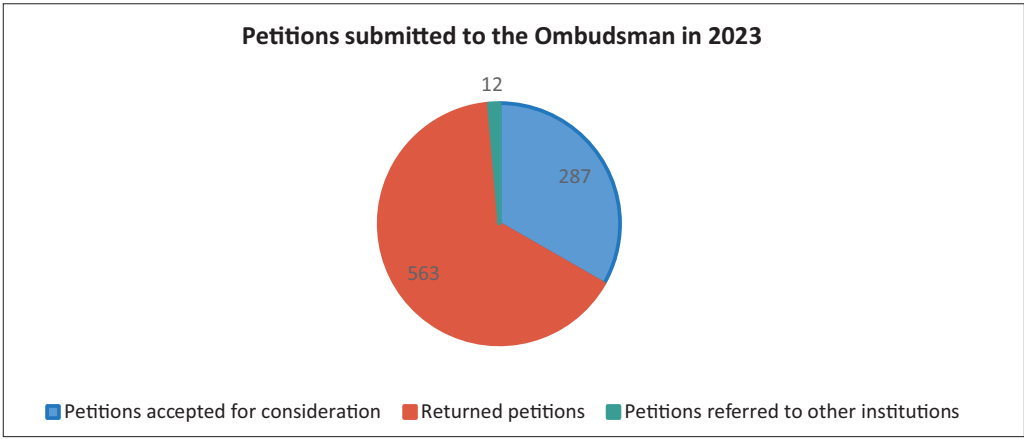
In 2023, the PAO registered 1,065 petitions. Of these, 862 (80%) were addressed to the Ombudsman and 203 (20%) to the People's Advocate for Children's Rights. Thus, in 2023, we noted the increased acceptance rate of petitions to the Ombudsmen (38% compared to the previous two years: 28% in 2022 and 25% in 2021).



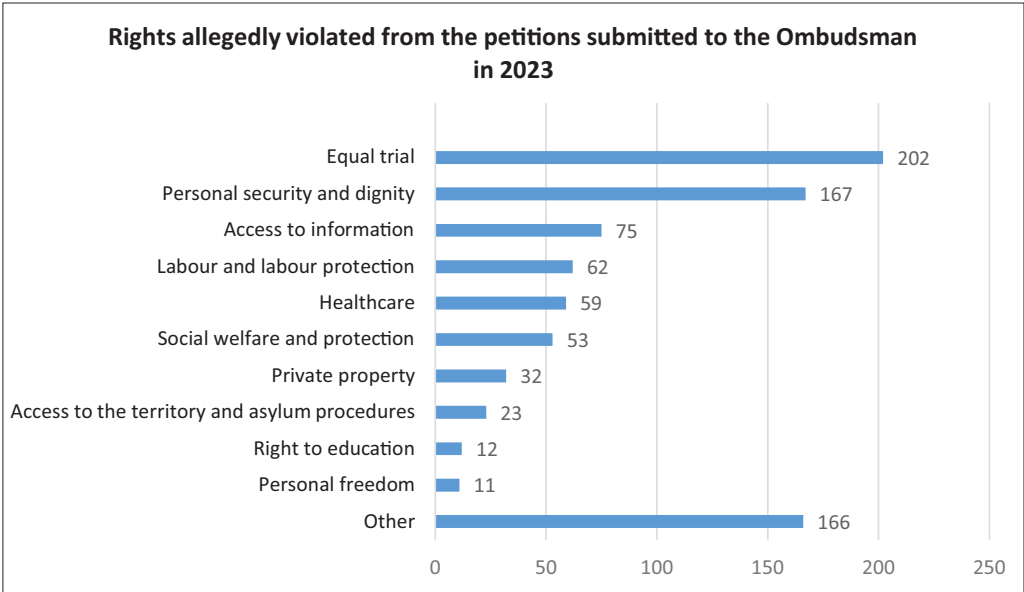


At the same time, in 2023, the PAO received 2,389 phone calls and listened to 1,552 visitors to discuss their allegedly violated rights. A total of 47 petitions were accepted from visitors.

Out of the 862 submissions to the Ombudsman, 287 were accepted for consideration under Art.25 of Law No.52/2014. Twelve petitions were referred by the Ombudsman to the competent authorities to be reviewed within their mandates. The Ombudsman returned 563 applications under Art.18, 19, and 20 of Law No.52/2014, of which one was later accepted.



The most frequently invoked and alleged violations of rights, according to the received petitions, were:



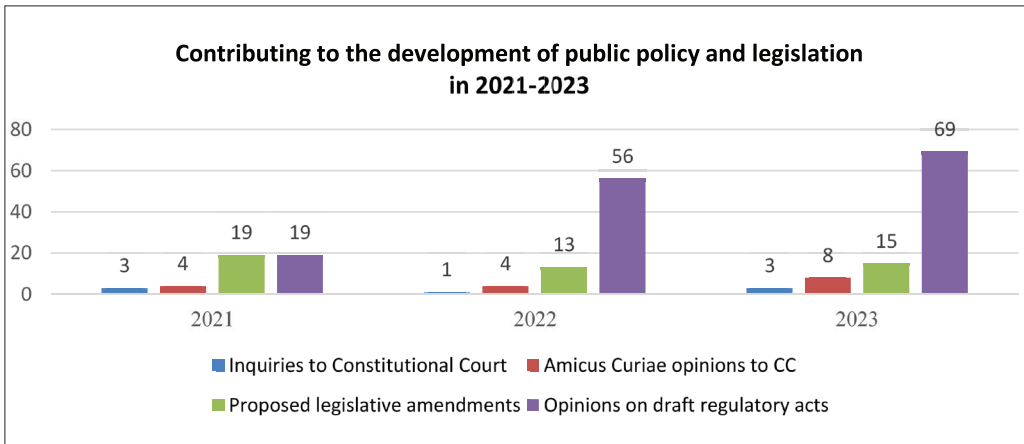


Out of all petitions accepted for consideration, **287** reported **61** cases of human rights and freedoms violations. Owing to the Ombudsman's intervention, the rights of **60** individuals were restored. In some instances where systemic problems were identified, and recommendations were made, it was impossible to count the number of persons who had their rights restored in that way. For example, 1,036 healthcare system employees received compensation for work-related infections. Other improvements included improving the conditions of the pantry and kitchen in P-17 Rezina, removing communication barriers between inmates and visitors (such as glass walls), training medical workers on issuing sanatorium documentation, and improving the mechanism for examining complaints from patients by disciplinary commissions within medical institutions. Also, no rights were violated in **118** cases. At the end of the year, **57** petitions were still under investigation.

During 2023, the Ombudsman resolved **four** cases through mediation; in **eight** other cases, he had to participate in court trials. At the same time, the Ombudsman took notice of other **19** cases on his own initiative.

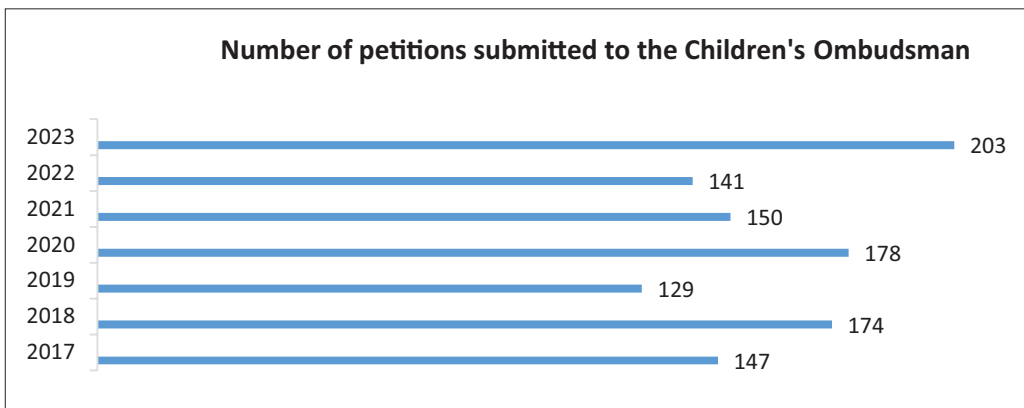
Contributing to the development of public policy and legislation

The Ombudsman sent **three** reports to the Constitutional Court and conveyed **eight** Amicus Curae reviews; one opinion was submitted by the People's Advocate for Children's Rights. In the reference year, **15** proposals to improve the legislation were submitted, including one by the People's Advocate for Children's Rights. Moreover, **60 opinions on draft regulatory acts containing 228 recommendations** were developed, and nine opinions on draft regulatory acts developed in ATU Gagauzia; 55 recommendations were accepted. The People's Advocate for Children's Rights wrote 12 opinions on draft regulatory acts, containing 29 recommendations, of which 12 were accepted (these refer only to the recommendations to the regulatory acts and amendments operated in 2023). In 2023, the PAO employees participated in 50 meetings of 11 working groups, including on children's rights; they also attended three meetings with members of the Venice Commission, and 11 public debates-consultations.

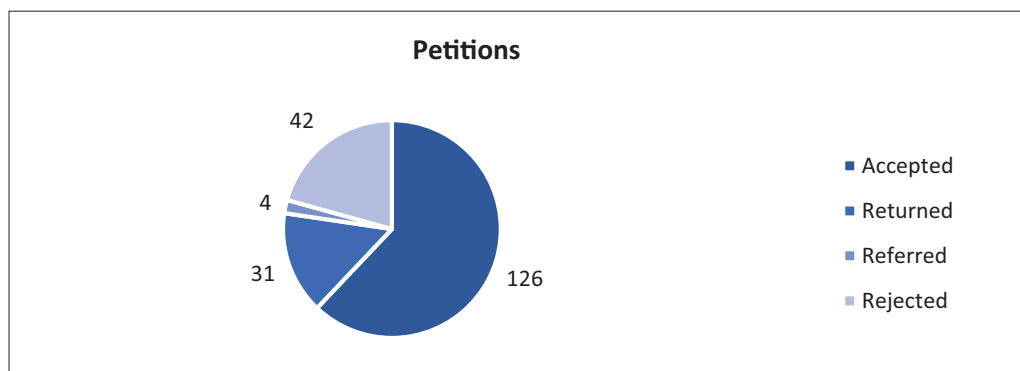


Children's Rights Division

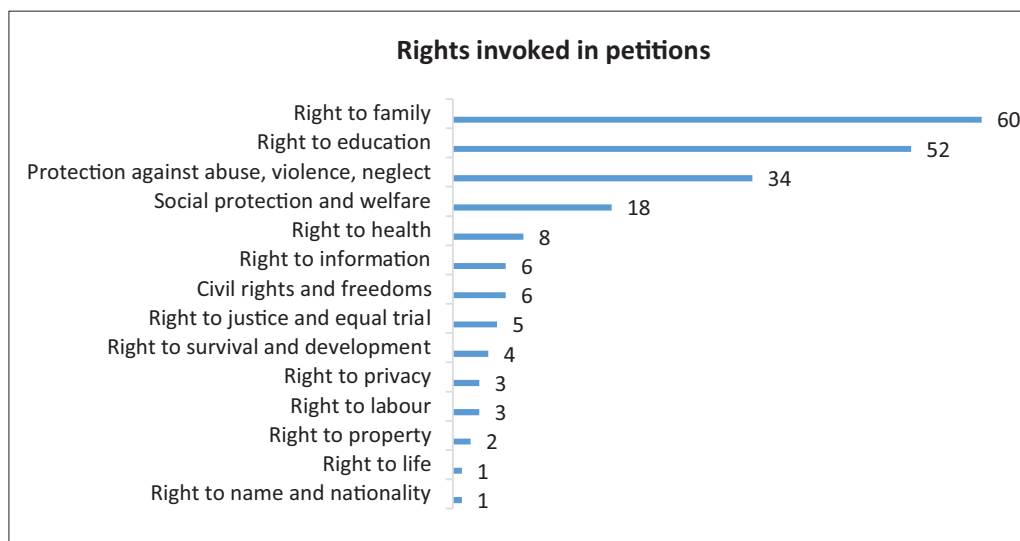
In 2023, the People's Advocate for Children's Rights received **203 petitions**, an increase in comparison with the previous years (147 in 2017, 174 in 2018, 129 in 2019, 178 in 2020, 150 in 2021, and 141 in 2022).



Of the total number of petitions, 126 met the eligibility criteria and were accepted for examination. Decisions of denial were issued for 42 petitions, and 31 petitions were given back to petitioners along with explanations concerning the procedure to be used in order to defend their rights and freedoms. Four out of the accepted petitions were submitted to the competent authorities for examination within their mandate.



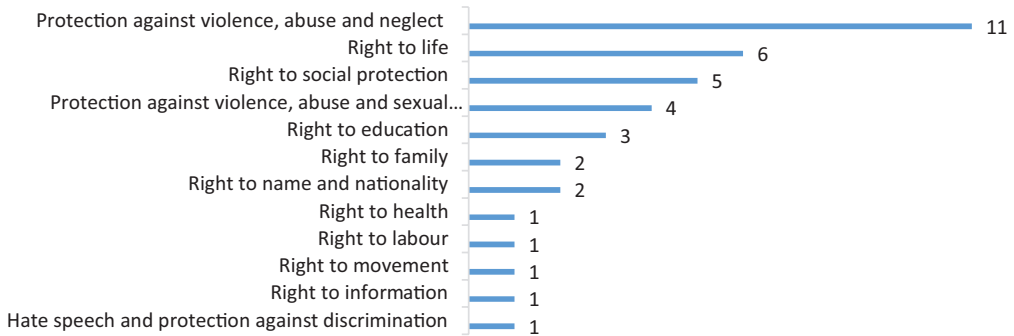
Following the examination of petitions submitted to the People’s Advocate for Children’s Rights, we find that the rights invoked as allegedly violated are as follows:



In the context of functional duties, to ensure respect for children’s rights, the People’s Advocate for Children’s Rights is entitled to act *ex officio* to assist the child in difficult or risky situations. Following the information in the Media, social networks, and calls received by the “Child phone” (080011116) during 2023, the Children’s Ombudsman **was notified ex officio of 38 cases**, in which the infringement of the following rights was noted:

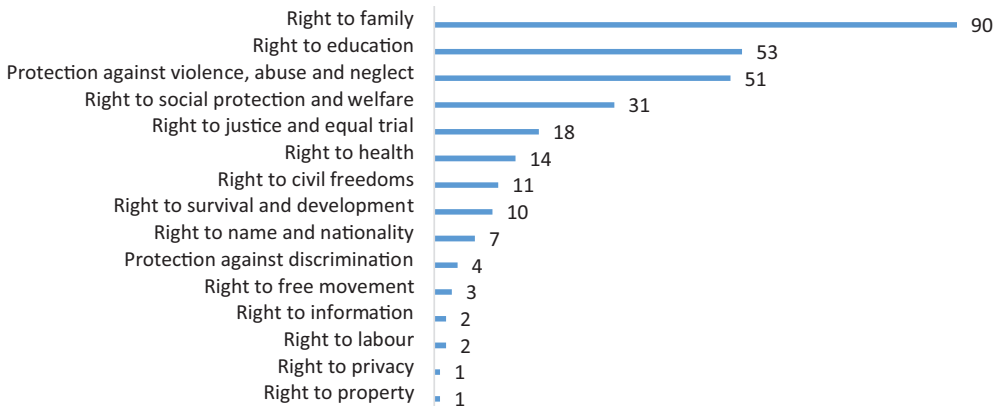


Rights allegedly violated (initiated ex officio)



In 2023, the Children's Rights Division provided **information and advisory support** to **258 individuals**, including on the "Child phone" managed by the Children's Ombudsman (228 individuals) and during the visiting hours (30). Out of the total number of petitions and ex officio reports, 48 petitions and ten ex officio files were accepted concerning the following rights:

Rights invoked during informational assistance delivery



During 2023, with the support of UNICEF Moldova, **four thematic reports** were developed: 'Respecting the right to education of Roma children'³²⁷, 'Child labour and exploitation'³²⁸, 'Ensuring the right to education of children with sensory

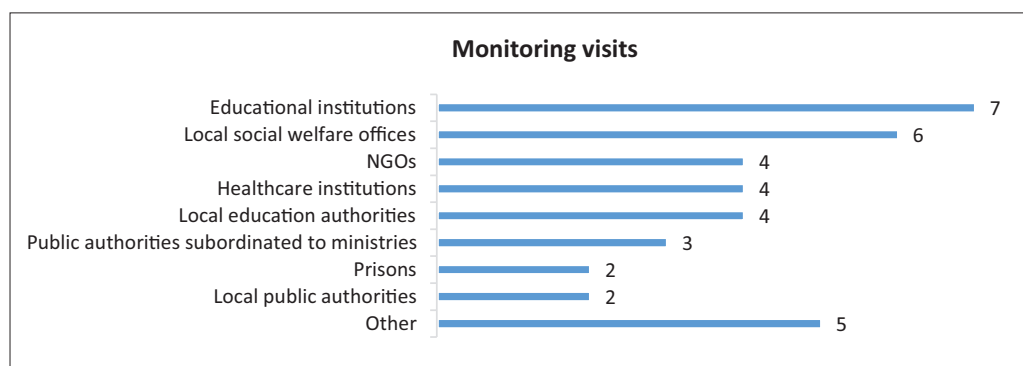
³²⁷ <https://ombudsman.md/post-document/respectarea-dreptului-la-educatie-a-copiiilor-de-etnie-roma/>

³²⁸ <https://ombudsman.md/post-document/exploatarea-copiiilor-prin-munca/>

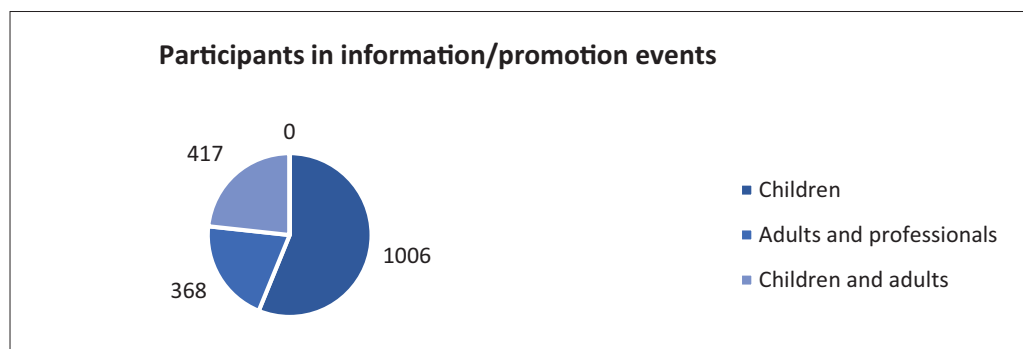


disabilities³²⁹, and ‘Conditions and nutrition of children in hospitals of Chisinau municipality’. The Children’s Ombudsman developed **another thematic report** in 2023 titled ‘The rights of displaced children from Ukraine’³³⁰.

In the context of developing thematic reports, as well as in the process of examining petitions and complaints ex officio, the Children’s Ombudsman and the Child Rights Division paid **37 monitoring visits** to educational institutions, medical institutions, detention facilities, social welfare territorial subdivisions, local bodies specialised in education, local public authorities, public authorities subordinated to ministries, non-governmental organisations, etc.



The Child Rights Division organised **50 activities to inform/promote children’s rights** with **1,791 children and professionals** (teachers, social workers, psychologists, doctors, etc.).

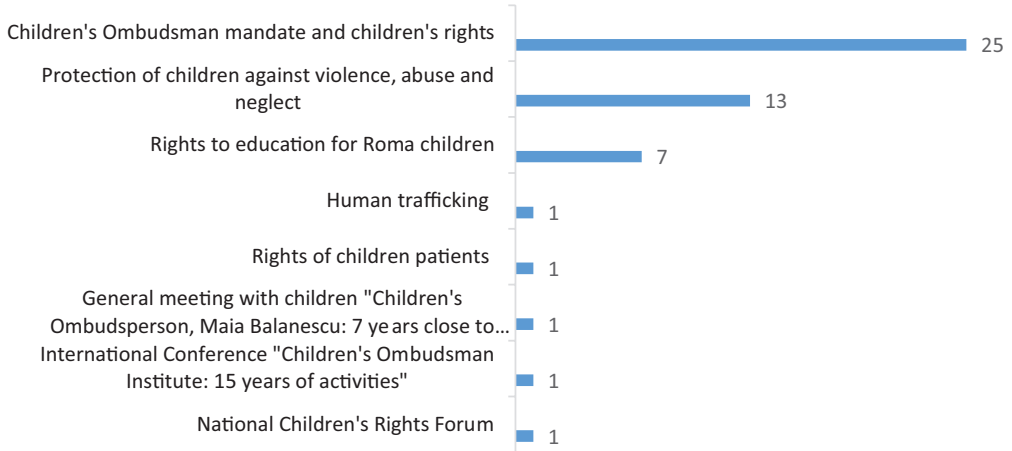


³²⁹ <https://ombudsman.md/post-document/asigurarea-dreptului-la-educatie-a-copiilor-cu-deficiente-senzoriale/>

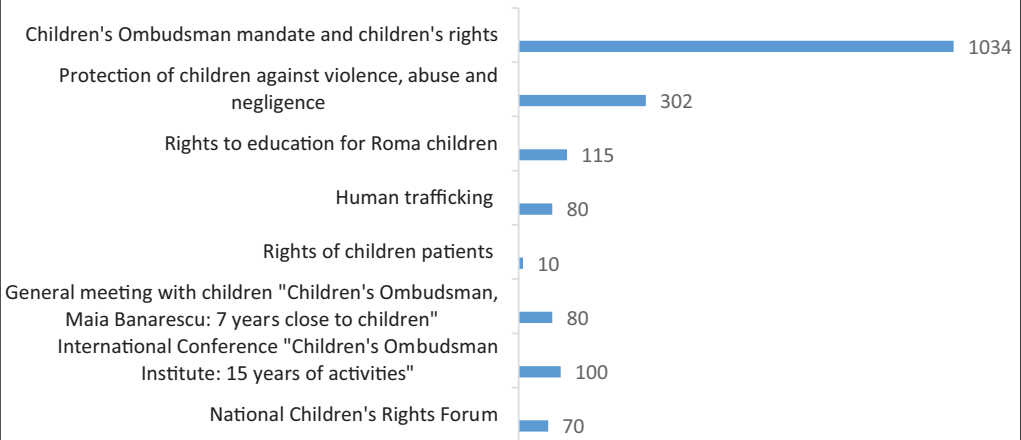
³³⁰ <https://ombudsman.md/post-document/respectarea-drepturilor-copiilor-stramutati-din-ucraina/>



Information/promotion events, by topics



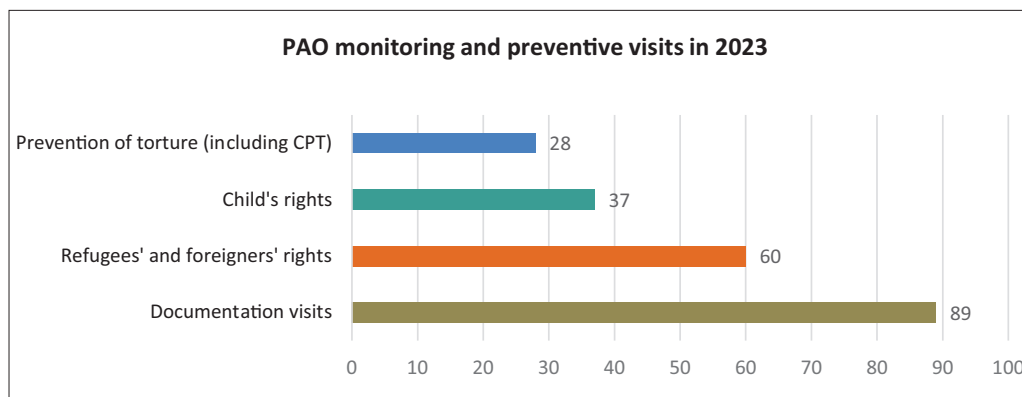
Number of informed persons, by topics





Monitoring and reporting activities

In 2023, **214 visits** were paid under the PAO aegis.



During the reporting year, 57 reports were developed and posted on the website www.ombudsman.md, of which:

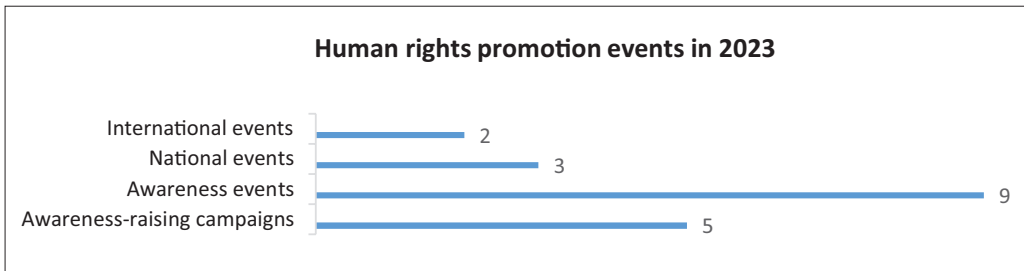
Reports prepared by the PAO in 2023					
	General reports	Prevention of torture	Rights of the child	Rights of refugees and foreigners	Total
Annual reports	1				1
Alternative reports (International)	4				4
Monitoring / visits reports		23			23
Special reports		4		2	6
Thematic reports		16	5	2	23
Total	5	43	5	4	57



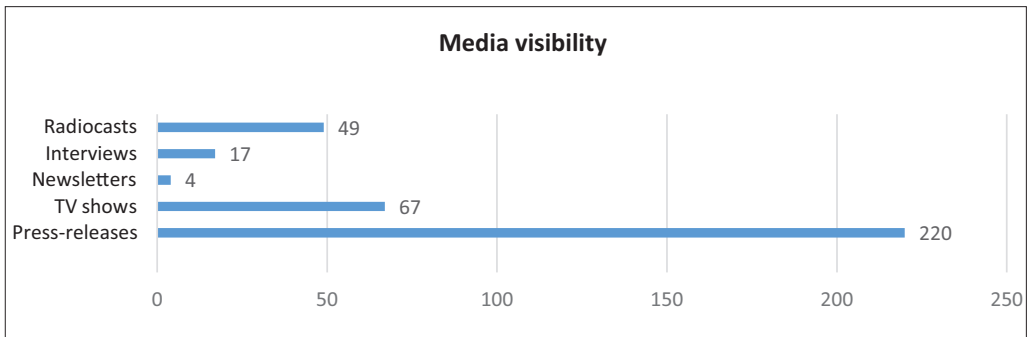
Activities to promote human rights and freedoms People's Advocate Office 2023

In 2023, **three information leaflets** were developed on the observance of refugees' rights, the mechanism for prevention of torture, and prevention of domestic violence.

During the reference period, the PAO launched and joined **five awareness campaigns** on human rights, **nine awareness-raising activities** in the context of International Human Rights Days, and organised **two international-level events** on the occasion of 25 years of PAO activity and 15 years since the establishment of the Children's Ombudsman; and **three national events**, the Human Rights Forum, the Children's Rights Forum and to celebrate the end of the 7-year mandate of the Children's Ombudsperson.



The PAO had 5,360 mentions in news articles published in the national newspapers based on **220 press releases**, **four newsletters**, **17 interviews** on various human rights and child rights-related topics, and **67 TV shows** and **49 radio programmes**.



During the reporting year, the PAO employees conducted **167 training and information sessions**, of which **49** took place in Balti, Cahul, Comrat and Varnita regions. The sessions covered various human rights issues, such as whistleblowers, patients' rights, prevention of torture, non-discrimination and tolerance, preventing



and combating violence against women and domestic violence, children's rights, and others. The total number of beneficiaries covered by these events was **4,938**, of whom **1385** were from the aforementioned regions.

Human/child's rights-related information and training activities in 2023						
	Whistleblowers	Rights of patients	Children's rights	Prevention of torture	Non-discrimination and tolerance	Preventing and combating violence
Number of activities	14	2	50	32	10	10
Number of participants	663	51	1,791	798	150	100

In the reference year, the PAO regional offices conducted **49 events** to promote human rights, having involved **1,385 beneficiaries**.

Regional information and training events in human/children's rights in 2023				
	Balti	Cahul	Comrat	Varnita
Number of activities	11	7	25	6
Number of participants	180	220	848	137

Human Resource Management 2023

Structurally, the PAO consists of the Ombudsman and his deputies, the People's Advocate for Children's Rights, the Secretary-General, and the structural and territorial subdivisions. The Ombudsman oversees the office overall management, while the Secretary-General is responsible for its organisational and administrative work.



Organisational Chart of the People's Advocate Office

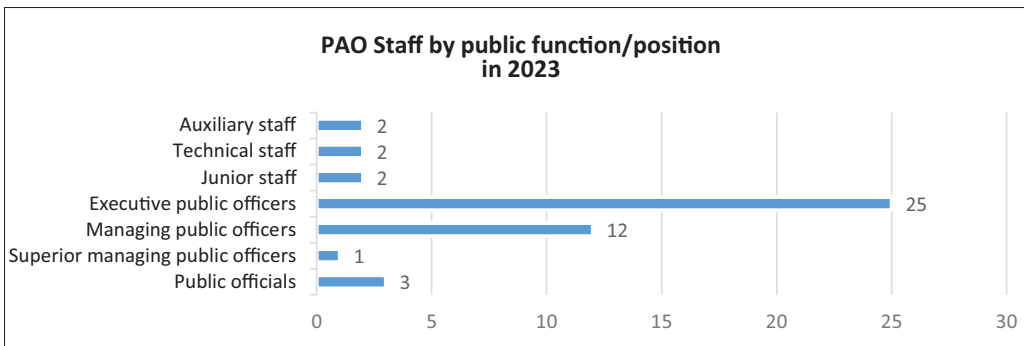
STRUCTURAL SUBDIVISIONS

- **Public Policy and Legislation Division**
- **Monitoring and Reporting Division**
- **Prevention of Torture Division**
- **Children's Rights Division**
- **Management and Investigation of Applications Division**
- **Human Rights Promotion and Communication Division**
- **Secretariat**
- **Legal Service**
- **Human Resources Service**
- **Internal Management Support Service**
- **Internal Audit Service**
- **The Financial Management Unit**

The institutional activities across the country's territory are ensured through four regional offices:

- **Balti Office;**
- **Cahul Office;**
- **Comrat Office;**
- **Varnita Office.**

In late 2023, there were 47 people employed in the PAO.





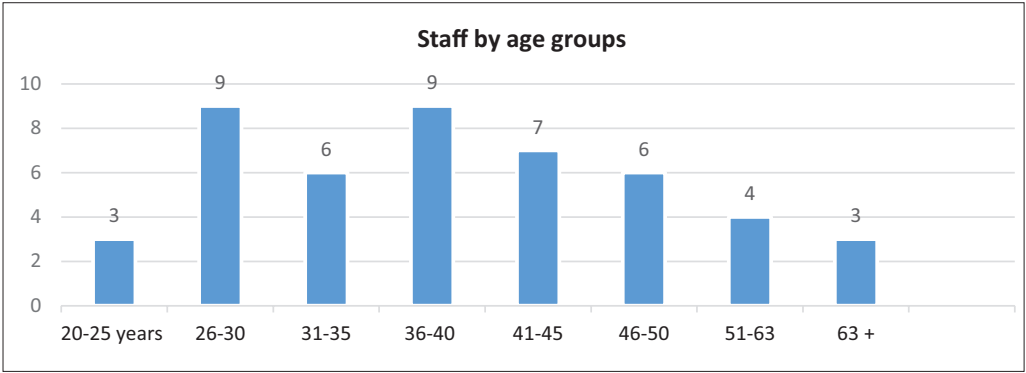
Staff by gender

The analysis of the staff structure by gender shows that women predominate in the institution, their number being 27 against 20 men.

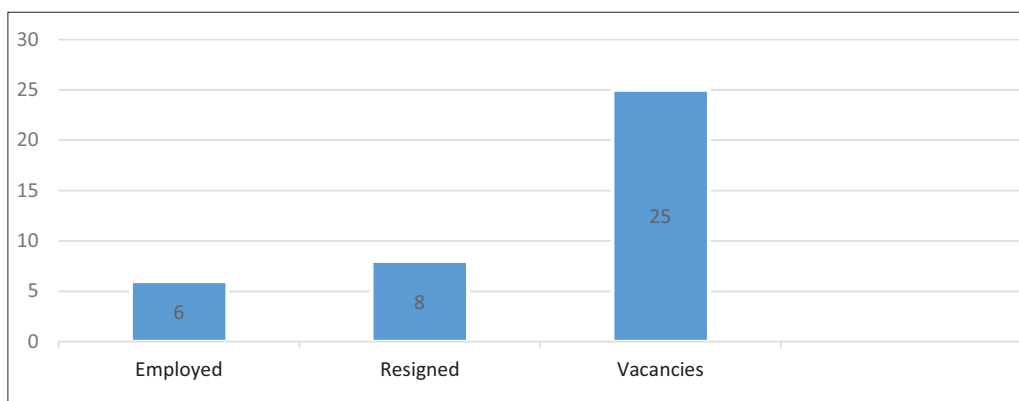


Staff by age

The analysis of the staff structure by age shows an equal distribution of employees in two age groups: 26-30 and 36-40, with nine persons in each group.



In 2023, six new individuals were employed in the PAO, eight employees resigned, and 25 positions were vacant.



Budget of the People's Advocate Office in 2023

In line with the budget limits set for 2023 by Law No.359/2022, the amount of MDL 22,528.5 thousand was allocated to fund the PAO activities, with MDL 5,000 thousand earmarked for the renovation of the PAO HQ located at 16 Sfatul Tarii Street, Chisinau Municipality. During the year, a few amendments were made to the State Budget Law by increasing the allocations to some expenditure lines and decreasing allocations to other lines. Thus, the amended budget amounted to MDL 18,113.1 thousand. The money was distributed to finance the following two budget lines:

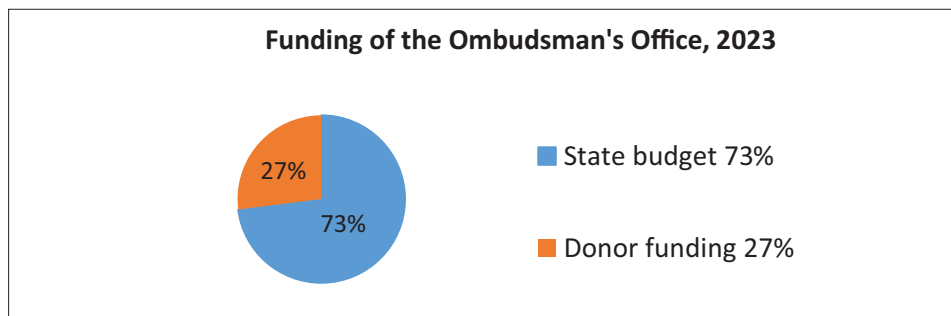
- 00101 Supervising human rights: MDL 17,780.3 thousand, including MDL 700 thousand for capital renovation of the People's Advocate Office HQ at str. 16, Sfatul Tarii St., Chisinau Municipality;
- 00453 National Preventive Mechanism: MDL 332.8 thousand.

In addition, during 2023, the institution signed cooperation agreements with international organisations promoting and protecting human rights and accumulated donations to support the activities as per the agreements signed by the parties and necessary within the mandate of the Ombudsman and the People's Advocate for Children's Rights. Raising funds from donors was necessary because the amount allocated from the state budget was insufficient to carry out the activities planned in the institution's Strategic Development Plan for 2023-2030, which is intended to implement its mandate. Thus, the PAO, following the conclusion of cooperation agreements with international organisations, asked the Ministry of Finance to increase expenditure allocations by MDL 6,689.0 thousand, at the account of the collected donations. The latter were received from the following organisations in 2023:

- United Nations High Commissioner for Refugees (UNHCR) – MDL 5,705.8 thousand for monitoring the refugee crisis and institutional development activities of the PAO;



- UNICEF – MDL 251.6 thousand for capacity building of the Ombudsman Institution for the Rights of the Child;
- SOROS Foundation – MDL 731.6 thousand for the implementation of grant contract no. G15134 of 30.09.2021, for “Carabinieri for Human Rights” Project implementation.



By the end of 2023, the PAO budget implementation rate was 93.2%, broken down by expenditure components as follows:

Expenditure by components	Amended, thousand MDL	Executed, thousand MDL	% execution
Supervising respect for human rights			
Personnel expenses	13,084.4	12,299	94
Services	9,265.6	8,569.3	92.5
Social services	197	191.2	97.1
Other expenses (membership fees in international organisations)	350	348.5	99.6
Procurement of fixed assets	327.4	318.6	97.3
Procurement of supplies	544.9	525.3	96.4
Buildings in progress Capital Investments Renovation of PAO HQ at 16, Sfatul Tarii St.	700	588.9	84.1
Total per component	24,469.3	22,840.8	93.3
National Preventive Mechanism			
Remuneration of NPM Council members (for visits and meetings)	332.8	270.6	81.3
Total per component	332.8	270.6	81.3
TOTAL	24,802.1	23,111.4	93.2



The proportion of capital investments executed is 84.1%. In 2023, the institution initiated a public procurement process for the technical design and budget estimate for the reconstruction of its HQ at 16 Sfatul Tarii Street. The technical design is expected to be developed during 2023-2024. Originally, the state budget allocated MDL 5 million for capital investments. However, once it became clear how much funds could be executed in 2023, the PAO suggested that the Ministry of Finance amend the state budget law by reducing the institution's capital investment allocation by MDL 4,300 thousand.

The share spent on other current expenses, such as remunerations of the Council for the Prevention of Torture, is about 81 percent. Council members' visits and meetings are implemented in accordance with the CPT Action Plan approved by the Ombudsman. According to Art. 30 of the Law on Ombudsman No. 52/2014, Council members are remunerated based on their visit reports and attendance at Council meetings.

In late September 2023, following the agreement and financial support from the Office of the United Nations High Commissioner for Refugees (UNHCR), an **International Conference was held to commemorate the 25th anniversary of the National Human Rights Institution of the Republic of Moldova**. The Conference was attended by ombudspersons or their representatives from many countries and international organisations responsible for human rights protection and promotion. For this purpose, air tickets were purchased for the participants from abroad, accommodation was provided to participants, various activities to promote the Republic of Moldova were conducted, transfer to and from the airport, live broadcasting of the International Conference, payment of rent, and catering services, official reception and various promotional materials were prepared – participant's handouts and other materials necessary for proper organisation of this activity. Most expenses were covered from the funds received from the UNHCR.

It is also important to mention that some promotion activities were funded by partners directly. Thus, **the Human Rights Forum at the end of 2023 was** organised by the PAO and financially supported by the Council of Europe Office in Chisinau and other partners.

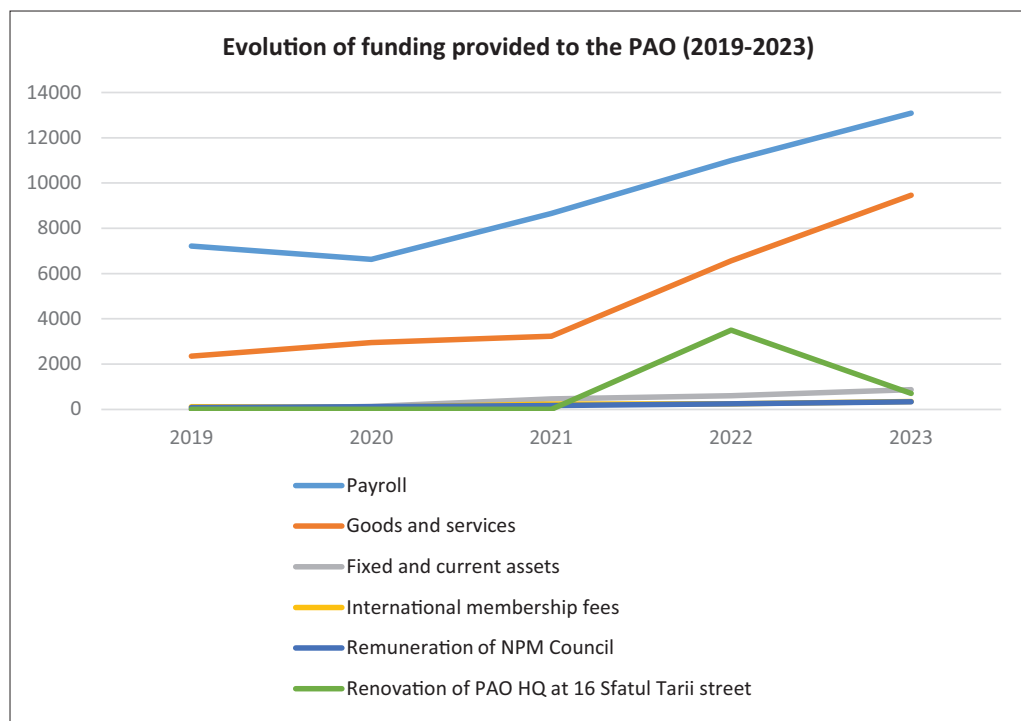
In 2023, the cooperation agreement with UNICEF Moldova was signed for 2023-2024. Based on this agreement, experts will be invited to analyse the observance of children's rights in the Republic of Moldova, identify problems, develop thematic reports, and organise various activities to promote children's rights. With the UNICEF financial support, the Annual Children's Forum, attended by 70 participants, was conducted at the end of 2023.

During the year, the Institution's activities and needs were sometimes funded quickly and sometimes with delays. Still, most payments to employees, the state budget,



and supplier invoices were generally paid without delay. No outstanding debts were recorded in the course and by the end of the year.

Evolution of funding provided to the Institution.



The situation in numbers:

Allocations, thousand MDL	2019	2020	2021	2022	2023
Supervising respect for human rights					
Payroll, compulsory state social insurance contributions, and social allowances	7,218.1	7,856.6	8,657.1	10,987.8	13,084.4
Goods and services	4,740.8	3,623.3	3,226.8	6,559.5	9,462.6
Procurement of fixed assets and operating supplies	1,273.9	554.3	459.9	607.7	872.3
Membership fees in international organisations	224.2	229.5	231.0	249.9	350
Reconstruction of PAO HQ at 16, Sfatul Tarii St.	-	-	-	3,500	700
Total per component	13,457.0	12,263.7	12,574.8	21,904.9	24,469.3

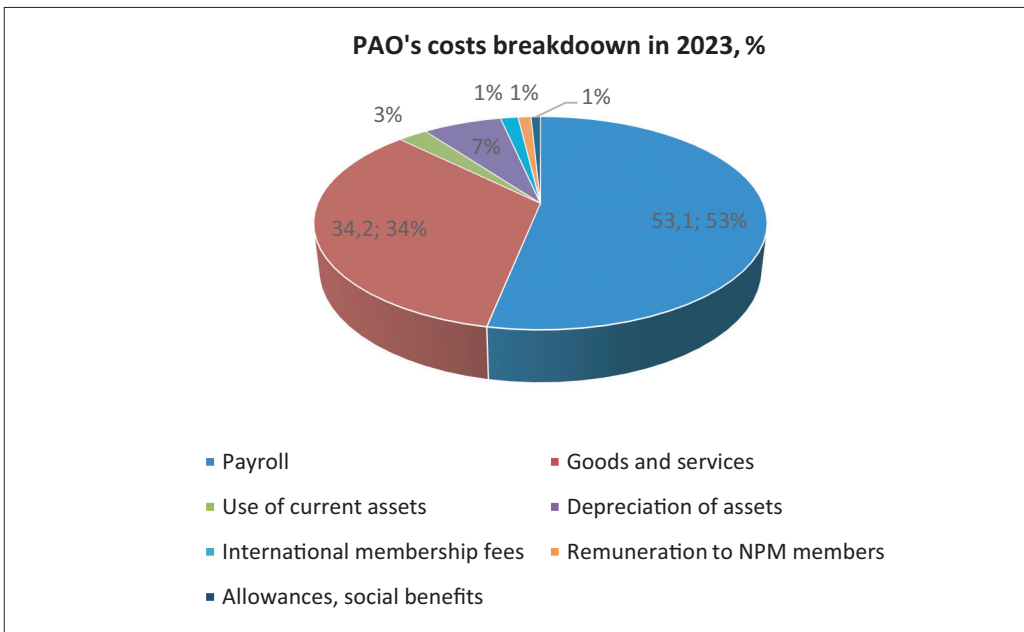


National Preventive Mechanism					
Goods and services	60	56.4	-	-	-
Remuneration of NPM Council members (for visits and meetings)	289.2	163.4	172.4	242.6	332.8
Procurement of fixed assets and operating supplies		20	-		
Total per component	349.2	239.8	172.4	242.6	332.8
Total allocations	13,806.2	12,503.5	12,747.2	22,147.5	24,802.1

When comparing allocations across the years, we note an increase in payroll. This can be attributed to the increased reference value and the allocation of additional finance to specific job positions. Additionally, there is an increase in goods and services due to larger allocations from donors.

Analysis of the real expenditure of the People's Advocate Office in 2023

During 2023, the PAO spent MDL 23,103.4 thousand.





The expenditures can be grouped into:

- Personnel costs – circa 53.1% of the total expenses, including payroll and compulsory social security contributions. The payroll complies with the Payroll Law 270/2018;
- Expenses for goods and services make circa 34.2% of the total costs and include fees for the maintenance of the institution's premises – bills for electricity, heating, water, security services, rental, telephone, repair, transportation, cleaning, contracting of experts in various fields, training services, translation services, travel, other activities within the mandate of the Ombudsman and of the People's Advocate for Children's Rights. Many of these expenses were financed at the expense of donations from development partners, such as UNHCR, UNICEF, SOROS Foundation, etc.;
- Costs of supplies: about 2.5% of total spending (fuel, household goods, office supplies, spare parts, promotional materials, informative materials, etc.);
- Depreciation costs amounted to 6.7% of total expenses, including wear and tear expenses and amortisation of intangible assets;
- Membership fees in international organisations – about 1.5% of total expenses. These are explained by the fact that the PAO is a full member of several international institutions for the protection of human rights and is required to pay annual membership fees;
- Remuneration of NPM Council members – about 0.8% of total expenses (remuneration of the Council for the Prevention of Torture members for visits and meetings). The CPT members have the freedom to plan and conduct meetings and organise visits independently. Their remuneration is paid according to the actual number of visits and meetings.

We can conclude that payroll expenses make up the largest share of the total budget. Although the average number of people employed in 2023 was about 2/3 of all staffing positions, they managed to be visible and carry out a large part of the activities per mandate, increasing the institution's visibility and credibility and implementing its Annual Action Plan with minimal expenses.



Ombudsman's recommendations

Recommendations to public institutions: 83 recommendations

Parliament – 2;

Government – 6;

Ministry of Justice – 14;

Ministry of Labour and Social Protection – 11;

Ministry of Economic Development and Digitalisation – 1;

Ministry of Health – 13;

Ministry of Internal Affairs – 8;

Ministry of Environment – 1;

Ministry of Defence – 8;

Superior Council of Magistracy – 1;

National Health Insurance Company – 1;

National Bureau of Statistics – 1;

General Prosecutor's Office – 3;

Superior Council of Prosecutors – 1;

National Administration of Penitentiaries – 5;

General Police Inspectorate – 4;

General Inspectorate of Border Police – 1;

General Migration Inspectorate – 2.

Recommendations to Parliament:

1. Ensure decision-making transparency and a participatory approach to enable all stakeholders to participate in the discussion of regulatory acts.
2. Undertake holistic human rights measures so that the National Human Rights Institution of the Republic of Moldova, the PAO, can unconditionally monitor all detention centres on the left bank of Nistru River.

Recommendations to Government:

1. Ensure that the financial sources necessary to employ the staff positions established for the PAO by Law 52/2015 on Ombudsman are adequately allocated while drafting amendments to the State Budget Law for 2024.



2. Ensure that the medium-term budgetary framework for 2025-2027 and the state budget law for 2025 will take into account the real financing needs of the PAO (including sufficient sources for the renovation and extension of the PAO).
3. On the issue of Roma inclusion, ensure that the authorities allocate appropriate funds to significantly increase the number of community mediators, develop an appropriate policy to recruit and retain community mediators, and ensure that they enjoy adequate working conditions.
4. Ensure decision-making transparency and a participatory approach to enable all stakeholders to participate in the discussion of regulatory acts.
5. Authorities should strengthen internal whistleblower protection mechanisms.
6. Ensure that the national authorities exclude any practical or legislative impediments and conditions directly affecting refugees' access to asylum procedures and, respectively, the rights deriving therefrom on the territory of the Republic of Moldova.

Recommendations to the Ministry of Justice:

1. Initiate the process of amending Law 52/2014 as advised by the Accreditation Subcommittee of the Global Alliance of National Human Rights Institutions, including full implementation of the recommendations made by the Venice Commission.
2. Develop a legal framework regarding the equality of LGBTQIA+ persons, with explicit regulation of conditions and procedure for the legal recognition of gender, and establish clear guidelines on the provision of gender affirmation healthcare.
3. Initiate the process of amending Art. 21 of Law 148/2023 on Access to Information of Public Interest to apply an alternative or adapted mechanism, which ensures access to information of public interest for all.
4. Ensure compliance with the decision-making transparency mechanism (and participatory approach to decision-making), thus enabling all stakeholders to participate in approving regulatory acts.
5. Boost activities to prevent and combat the criminal subculture through prompt and effective measures, following the national and international recommendations.
6. Strengthen the mechanism for supervising prisoners against all forms of violence.
7. Develop a comprehensive mental health care strategy in the prison system.
8. Provide the penitentiary system with competent, professional, and well-motivated staff, including in the context of applying the progressive system of punishment execution.



9. Revise the legal mechanism for sanctioning convicts for intentional acts of violence committed against employees – representatives of the state.
10. Substantially increase the NAP budget to ensure decent conditions in all penitentiary institutions.
11. Develop clear guidance on the use of physical force and special means in enclosed spaces, negotiations, and mediation of conflicts and provide the penitentiary system with special safe means.
12. Make sure the economic agents respect their contractual commitments to the working detainees and the penitentiary institutions and exclude the detainees' coercive labour.
13. Adopt policies to protect and decently care for older people in detention, following UN General Assembly Resolution 24/20 of 08 October 2023.
14. Develop rules for applying the legal provisions on coercive treatment (rigorous and ordinary) and decide on the status of persons placed in Units 9, 10, and 11 of CPH Chisinau.

Recommendations to the Ministry of Labour and Social Protection:

1. Develop an Action Plan to implement the GREVIO Committee recommendations issued following the initial evaluation of the state.
2. Develop a set of disaggregated and comprehensive statistical indicators for preventing and combating violence against women and domestic violence.
3. Initiate the process of amending Law No. 45 of 1 March 2007 on preventing and combating domestic violence, in line with the recommendations of the GREVIO Committee.
4. Ensure amending the Law on Public Pension System No. 156/1998, Government Decision approving the list of jobs under special conditions, according to which the old-age pension is granted on favourable terms, as well as the Guidelines on how to apply the job list and to confirm the special seniority no. 256/2018.
5. Revise the rules limiting the beneficiaries who permanently reside abroad to get their monthly state allowances for special merits to the state, so that they continue to receive those allowances.
6. Ensure the ratification of Article 4 of the Revised Social Charter regarding fair pay.
7. Upgrade the accommodation institutions to residents' physical and intellectual needs, including the access ways.
8. Develop and implement strategies to remedy conflicts/violence among residents, prioritising the commitment to protect the persons with intellectual and physical



disabilities placed in residential institutions to ensure adequate protection against all forms of abuse by creating specialised protection mechanisms to this end.

9. Increase the number of employees of the Agency for Managing Highly Specialised Social Services and of accommodation centres, including by hiring or contracting alternative services that can ensure occupational activities, education, and socialisation of residents, as well as provide medical, therapeutic, occupational support, etc. to residents.
10. Correlate the minimum package of social services for persons enjoying temporary protection with the legal provisions on social services to include the persons enjoying temporary protection in the categories eligible for social welfare measures.
11. Eliminate discriminatory practices at any stage of service delivery to refugees and ensure protection mechanisms against sexual harassment or other forms of gender-based violence.

Recommendations to the Ministry of Economic Development and Digitisation:

1. In 2024, also, continue the process of transition and mitigation of the reform impact on the former patent holders through information, support, and mentoring (if necessary), with priority given to remote areas, older people or persons with disabilities.

Recommendations to the Ministry of Health:

1. Develop the National eHealth Strategy.
2. Ensure the strengthening of the national framework to ban the marketing of nicotine-containing products in whatever form or type, outside specially authorised premises.
3. Ensure the organisation/diversification of campaigns to reduce the consumption of alcohol and nicotine-containing substances.
4. Ensure the development of a quantitative and qualitative assessment study on how all establishments providing sexual health services are equipped with the needed devices and utensils.
5. Ensure the development of a family planning strategy.
6. Draft a law on the malpractice.
7. Develop a concept at the level of medical institutions of all types regarding the reception, analysis, and formulation of responses to the requests/claims of patients in light of the human rights-based approach.



8. Ensure the dissemination and use, in all subordinate institutions, of a set of statistical indicators sensitive to human rights, in the field of health.
9. Strengthen the monitoring procedure for implementing the Special Report titled 'Monitoring Compliance with the Rights of Patients in Coercive Medical Treatment'.
10. Develop crisis management strategies in psychiatric institutions.
11. Develop rules for applying the legal provisions on coercive treatment (rigorous and ordinary), and decide on the status of persons placed in Units 9, 10, and 11 of CPH Chisinau.
12. Develop other forms (domestic or community-based) of treatment for people with mental disabilities to minimise coercive hospitalisation.
13. In reasonable terms, harmonise the legal framework on health services to remedy any differences in unfair treatment and ensure access to individual health insurance for asylum seekers, persons enjoying temporary protection, and stateless persons.

Recommendations to the Ministry of Internal Affairs:

1. Monitor the implementation of the National Climate Change Adaptation Programme and intervene upon case with the support needed by the implementing authorities, including through the lens of Specific Objective 3: expand the budgeting for climate change adaptation, build resilience, and develop and make public monitoring reports.
2. Ensure that legal instructions are implemented for recording and reporting of any cases of injuries, violence, or ill-treatment during detention and custody by the CPT rules and PGO Joint Order 77/2013.
3. Instruct the subordinate institutions to ensure that medical examinations are conducted strictly in compliance with the suggestions provided by the CPT, especially in case of allegations of ill-treatment in detention or custody.
4. Establish a clear and effective mechanism for reporting incidents of ill-treatment, abuse, and use of physical force and special means.
5. Develop clear methodologies or regulations concerning the involvement of police personnel in cases of detaining individuals with mental disorders, disabilities, alcohol or drug dependency, etc. This is to prevent abuse towards them and to protect the MoIA employees.
6. Establish a process for informing the Ombudsman about cases of death, suicide, mistreatment, or other forms of abuse within the police system. This should be



done following the international commitments to prevent and eradicate torture and to ensure protection of police employees.

7. Increase the allocations for forced return and readmission operations.
8. Acquire specialised non-offensive safety and protection equipment used in forced return actions.

Recommendations to the Ministry of Environment:

1. Monitor the implementation of the National Climate Change Adaptation Programme and intervene upon case with the support needed by the implementing authorities, including through the lens of Specific Objective 3: expand the budgeting for climate change adaptation, build resilience, and develop and make public monitoring reports.

Recommendations to the Superior Council of Magistracy:

1. Expedite development of a regulation of the selection and evaluation of candidates for judge position, until the new Selection Committee within the SCM is sworn in.

Recommendations to the National Health Insurance Company:

1. Ensure the organisation/diversification of campaigns to reduce the consumption of alcohol and nicotine-containing substances.

Recommendations to the National Bureau of Statistics:

1. Develop a set of disaggregated and comprehensive statistical indicators for preventing and combating violence against women and domestic violence.

Recommendations to the Ministry of Defence:

1. Develop a system/mechanism that would ensure an adequate transparent recruitment and military exercises for reservists.
2. Develop a strategy to prevent any acts of violence and abuse among conscripts and on the side of non-commissioned officers.
3. Ensure that any injury, trauma or other serious incident, caused during the military service in peacetime, on grounds of revenge, abuse, violence or other forms of violence and punishment is recorded, is promptly and effectively investigated, while the aggressors are held liable.
4. Ensure that the mechanisms for protecting the military whistleblowers who report abuse are effective, safe, and operational. Similarly, the military enlisted by contract must have sufficient levers of control and supervision.



5. Establish a psychological service in specialised units outside the medical-military services, as separate entities with delimited and independent duties, to serve as a mechanism for preventing abuse in military units.
6. Inform the Ombudsman about all cases of death, suicide attempts, suicide, and violence among the military and against the military; document injuries, traumas, hazing, stating the date, time, and circumstances of the incident and actions undertaken by the military unit to remedy the situation, without referencing to Nomenclature 411/2010 on information qualified as state secret as a reason for non-information, for these data are not qualified as state secret.
7. Revise the military training programmes by diversifying the military training areas and using modern techniques and tactics to teach military discipline. This would involve using modern military tools, exercises and strategies, training and tactics.
8. Order the medical unit staff to record and report all conscript injuries and immediately inform the prosecutor thereof.

Recommendations to the General Prosecutor's Office:

1. Strengthen the Anti-Torture Bureau as an effective mechanism to combat torture and ill-treatment.
2. Thoroughly investigate all reports of injuries or ill-treatment occurring in pre-trial detention facilities following the detention process. This includes examining the legality of police interventions towards organisers and participants in anti-government protests.
3. Identify a correct and clear mechanism for reporting ill-treatment, abuse, application of physical force, and special means.

Recommendations to the Superior Council of Prosecutors:

1. Strengthen the Anti-Torture Bureau as an effective mechanism to combat torture and ill-treatment.

Recommendations to the National Administration of Penitentiaries:

1. Boost activities to prevent and combat the criminal subculture through prompt and effective measures, following the national and international recommendations.
2. Develop a comprehensive training programme for the prison staff to strengthen their capacity to assess the risk of prisoners developing self-harm behaviour.
3. Provide the penitentiary system with competent, professional, and well-motivated staff, including in the context of applying the progressive system of punishment execution.



4. Revise the legal mechanism for sanctioning the convicts for intentional acts of violence committed against prison employees as representatives of the state.
5. Examine the relevance of installing a special shooting ground at the Training Centre and equipping it with simulators for the training of employees on the use of weapons, physical force, and special means upon need, and arranging improvised grounds for tactical exercises and simulations to prevent disorder.

Recommendations to the General Police Inspectorate:

1. Develop a plan to reduce ill-treatment and abuse by the police.
2. Develop internal mechanisms within the police system to guarantee that the 72 hours of provisional detention stipulated by law is respected in all cases. This is a fundamental condition of detention and pre-trial arrest.
3. Set up temporary detention wards within police inspectorates.
4. Ensure the medical examination of detainees for injuries/other allegations and report any abuse that occurred during the detention procedure.

Recommendations to the General Border Police Inspectorate:

1. Establish Registers of Detained Persons and Anti-Torture Registers at the border crossing points and border police stations. They should also report to the PAO all incidents concerning injuries, use of force and special means, detentions lasting more than 6 hours, and any other injuries or attacks on employees.

Recommendations to the General Inspectorate for Migration:

1. Train staff on communication techniques and use of force during forced return procedures and ensure an effective complaint mechanism for foreigners against all forms of abuse (TACF and GIM subdivisions).
2. Organize a process of continuous communication with the PAO about the recording, reporting, in-house investigations, and the facts of violence, death, suicide, suicide attempts, abuses by GIM employees against the detained foreigners/foreigners in custody regardless of their terms, and vice versa, incidents with the staff, use of physical force and of special means, injuries, or acts of ill-treatment, etc., that took place during the de facto detention, in the public space or any other space/place, in vehicles or other special/private units, or any other space for accommodation/short-term detention.



Recommendations of the People's Advocate for Children's Rights

62 recommendations to state institutions

Ministry of Internal Affairs – 2;

Ministry of Justice – 3;

Ministry of Infrastructure and Regional Development – 1;

General Prosecutor's Office – 1;

Ministry of Health – 8;

Ministry of Education and Research – 25;

Ministry of Labour and Social Protection – 12;

National Administration of Penitentiaries – 3

Supreme Court of Justice – 1;

National Union of Bailiffs – 1;

Public Services Agency – 3;

Bureau for Reintegration Policy – 2.

Recommendations to the Ministry of Internal Affairs:

1. Develop a visionary document that would provide a combination of multi-level measures, indicating the path, connections, and responsibilities of all actors involved in ensuring/improving the road safety in such a way as to obtain a complex/multilateral vision on the matter. The People's Advocate for Children's Rights recommends the thematic report titled 'The Right to Life, Health, Safety and Security in Road Traffic' as a starting document.
2. Review certain provisions of Government Decision No. 21/2023 on granting temporary protection to displaced persons from Ukraine, specifically:
 - Pt. 1: Expand the category of persons eligible for temporary protection to include non-Ukrainian third persons and stateless persons who prove they have legal residence in Ukraine based on a permanent residence permit issued under the Ukrainian law and cannot safely return to their country or region of origin;
 - Pt. 17, exclude the wording 'within the educational system's capacity'.

Recommendations to the Ministry of Justice:

1. Analyse the current possibilities of pressing charges, as per contravention or criminal laws, on teachers who use violence against children, with the deprivation



of the right to work in the education sector for a certain period, depending on the severity of their actions.

2. Amend the Criminal Code to provide clarity and predictability in applying Art. 166¹ 'Torture, inhuman or degrading treatment' to education sector employees.
3. Assess the regulatory framework in light of the European Court of Human Rights case law and the regulations adopted in other countries. This is to ensure fairness and completeness in the procedures for determining the child's domicile. Specific measures should be diversified to ensure action is taken. This includes organising psychological counselling preparatory sessions with children or their parents, involving several social services, seeking the assistance of psychiatrists or child psychologists, and resorting to family mediation. These measures aim to facilitate contact between parents, and between parents and children.

Recommendations to the Ministry of Infrastructure and Regional Development:

1. Take the initiative to inspect all industrial mining facilities to ensure a systemic approach to the incident that occurred on the mining site of JSC "Micauti Quarry".

Recommendations to the General Prosecutor's Office:

1. Undertake a hierarchical audit to ensure effective and appropriate investigations of each case of death of children on playgrounds.

Recommendations to the Ministry of Health:

1. Review the methodology for calculating the expenses per treated case and adjust the costs following further increases in prices. Currently, directors of health institutions claim they are forced to save money from other budget lines to cover the costs of treated cases.
2. Identify solutions to encourage medical practitioners to come to the premises of the Municipal Clinical Hospital of Pulmonary Tuberculosis for the examination of TB patients to avoid their transportation to other healthcare facilities.
3. Adopt measures to prevent the risks posed on children by the Republican Narcological Dispensary that carried out its activity in the premises of the Municipal Clinical Hospital of Pulmonary Tuberculosis.
4. Assess the current condition of the Municipal Clinical Hospital of Pulmonary Tuberculosis in order to renovate it, including the canteen, the children's unit, and their endowment with the necessary equipment (medical equipment, kitchenware, and the necessities for the educational process); reasonable accommodation for children with disabilities, including access ramps.



5. Inform the children and their legal representatives, in a way accessible to them, about the diagnosis and the stages of treatment, providing psycho-emotional support to children throughout their stay in the hospital, and, depending on the severity of the diagnosis, also at the time of its disclosure.
6. Ensure fair access to prevention, detection, treatment and rehabilitation services for people with visual and hearing impairments.
7. Develop programmes for treating and rehabilitating children with deviant behaviour within Community Mental Health Centres and Youth Clinics.
8. Expand the list of free medical services granted to children enjoying temporary protection within specialised outpatient medical care.

Recommendations to the Ministry of Education and Research:

1. Institutionalize a cross-sector cooperation mechanism among the Local Agencies in the Field of Education (LAFE)/ level II LPAs, mayors (local guardianship authorities)/ level I LPAs, Roma parents, and Roma community mediators in the localities with dense Roma population. This is crucial to ensure the complete compulsory schooling of Roma children. Part of this mechanism is the development and regular updating of a centralised, reliable database on the total number of Roma children of school-age.
2. Increase the level of salaries of Roma community mediators to the equivalent wages of social workers to reduce the professional discouragement in their cross-sector involvement/activity.
3. To increase the schooling rate of school-age Roma children by providing a) additional educational services in after-class groups in primary schools; b) an additional hot meal for the children in after-class groups (primary school) who come from socially vulnerable and educationally disengaged households; c) at least one hot meal for the lower secondary school children who come from socially vulnerable and educationally disengaged households; d) additional educational services provided by the teachers engaged in levelling educational differences in case of 'failing and truant students' (mostly Roma children).
4. Develop teaching materials and organise training workshops based on examples of successful actions/good practices in schooling, prevention/combating of absenteeism and dropout.
5. Equip the general education institutions, which have integrated children with SEN with textbooks, teaching materials, and specific equipment and supporting technologies, according to the needs of children/students (hearing aids; glasses to see better; walking aids and sticks, tailored computer keyboards, communication boards, special chairs, etc.).



6. Ensure capacity building for teachers and management in developing, implementing, monitoring, evaluating, and reviewing Individual Education Plans.
7. Teach the sign language or assist in using it the professionals who teach children with hearing and vision disabilities.
8. Provide accommodated transportation means to/from school for school students with visual impairments.
9. Revise the financing formula for inclusive education and staff of general education institutions to enable employment of additional support teachers, speech therapists, psychologists, psycho-pedagogues in general schools attended by students/children with SEN.
10. Ensure everything necessary for the baccalaureate exams to be passed by children/pupils with visual impairments, hypoacusis, and late deafness.
11. Inform and train auxiliary staff, parents and children in general schools how to interact with children/pupils with visual impairments, hypoacusis, and late deafness.
12. Resume the dialogue between the MoER and the NAC on the interagency group issue to monitor the process and the approach to examine petitions reporting acts of corruption.
13. Disseminate MoER Circular Letter No. 03/1-09/2461 dated 24.07.18 and address the topic within the capacity-building program for education professionals titled 'We Invest in Teachers,' in light of the actions that teachers and management should take when students do not comply with the adopted dress code, sticking to the principle of the best interests of the child, the right to education, protection, and opinion.
14. Consider the current practice of sanctioning teachers who use violence against children, or some possible ways to deprive them of the right to be employed in the education sector for a certain period, depending on the severity of their actions, and conditioning their subsequent return to work with children subject to their successful participation in a programme that should improve their social and emotional competencies.
15. Develop a register of sanctions applied to teachers, including for violence against children, for future employers and educational institutions to consult with.
16. Develop and improve teachers' competencies to prevent and combat violence against children, including bullying (initial and continuous education).
17. Ensure the participatory development and implementation of policies to protect children in educational institutions.



18. Provide all educational institutions with school psychologists.
19. Provide psycho-emotional support and professional burnout prevention programmes to teachers.
20. Strengthen the social and emotional competencies of teachers.
21. Review the school curriculum to integrate all critical concepts of comprehensive sex education and improve teachers' competencies to implement it.
22. Develop parental education programmes, including parents' schools and thematic positive parenting sessions during the meetings with parents in educational institutions.
23. Improve teachers' competencies to develop children's skills in democratic culture (including respect for human rights, human dignity, and cultural diversity, cooperation, non-violent conflict management, empathy).
24. Expand the methods and criteria for recognizing and equating previously acquired education and competencies. Identify and promote flexible educational programmes to bridge educational gaps and overcome language barriers.
25. Encourage schooling and support/empower the parents displaced from Ukraine to enrol their children in the educational system.

Recommendations to the Ministry of Labour and Social Protection:

1. Develop social services to support families with children in difficult situations.
2. Develop specialised services for children with deviant behaviour.
3. Amend the national regulatory framework to regulate children's work in the informal sector, establish minimum safety and health standards, ensure access to education and social services, and punish those who violate the legislation. This will contribute to respecting the international conventions to which the Republic of Moldova is a party and to improving the quality of life of children involved in economic activities.
4. Amend Government Decision No. 270/2014 by adding the investigation procedure by employees of the State Labour Inspectorate and its territorial subdivisions and other entities responsible for intervention in case of child labour exploitation, step up efforts to ensure adequate resocialisation and reintegration services for children victims of exploitation.
5. Supplement the activity plans of the inspecting entities with actions aimed at enhancing respect for and protection of human rights, in general, and of children, whose labour is exploited in entrepreneurial activity, in particular.



6. Organise campaigns to inform parents/caregivers and potential child victims of labour exploitation about their rights and how to seek protection and assistance services. At the same time, to ensure that information is easily understood, it is essential to create and distribute informational materials tailored for various groups of victims and potential victims of exploitation (such as children and parents/caregivers) and different types of exploitation. These materials should be adapted for victims with multiple vulnerabilities, such as those with mental or sensory disabilities, illiteracy, and other challenges.
7. Develop special instructions for intervention in cases of undocumented children.
8. Strengthen the cross-sector cooperation mechanism in the prevention, identification, reporting, intervention, and monitoring of cases of non-documentation of children, particularly in cases containing extraneous elements.
9. Propose a framework regulation to the Government for approval on the organisation and operation of a social service temporary accommodation centre for displaced persons from the territory of other states, as well as the Minimum Quality Standards, having focused on the following issues:
 - ensuring that procedures are adopted and applied to grant children protection from all forms of violence, neglect, exploitation, and trafficking in all temporary accommodation centres for displaced persons from other states;
 - ensuring an admission mechanism of persons displaced from other states to the social service temporary accommodation centre, which would ethnicity-based segregation.
10. Establish alternative measures to support the families with children who are not be eligible to stay at the social service temporary accommodation centre for displaced persons from other states, at least, for a specified period.
11. Build the capacity of institutional and professional staff in all social services to better assist the families with refugee children.
12. Inform the families with refugee children about the full range of available social services and the eligibility criteria for accessing them.

Recommendations to the National Administration of Penitentiaries:

1. Plan and implement a cross-sector plan to deter and eliminate the criminal subculture among juvenile inmates.
2. Ensure organisational and logistical support for the accreditation of the health service within the P-10 Goian.
3. Ensure adequate supervision of juvenile prisoners and identify the causes of violence and self-harm to reduce the number of such cases.



Recommendations to the Supreme Court of Justice:

1. Apply the provisions of Article 4 (1) b) of Law No. 64 of 30 March 2023 on the Supreme Court of Justice, to explore the option of issuing an advisory opinion on the application of legislation in procedures related to determining a child's domicile.

Recommendations to the National Union of Bailiffs:

1. Apply the provisions of Art. 49 (3) b) of Law No. 113 of 17.06.2010 on Bailiffs and promote the widespread practice of enforcing court decisions related to establishing the child's domicile while also sharing good practices.

Recommendations to the Public Services Agency:

1. Enhance the population registration mechanism by creating a national database of undocumented children.
2. Identify alternative solutions for the children whose parents, for religious reasons, refuse to document them.
3. Organise and carry out information and support campaigns for parents and future parents on the children documenting procedure, as well as on the risks that undocumented children may be exposed to.

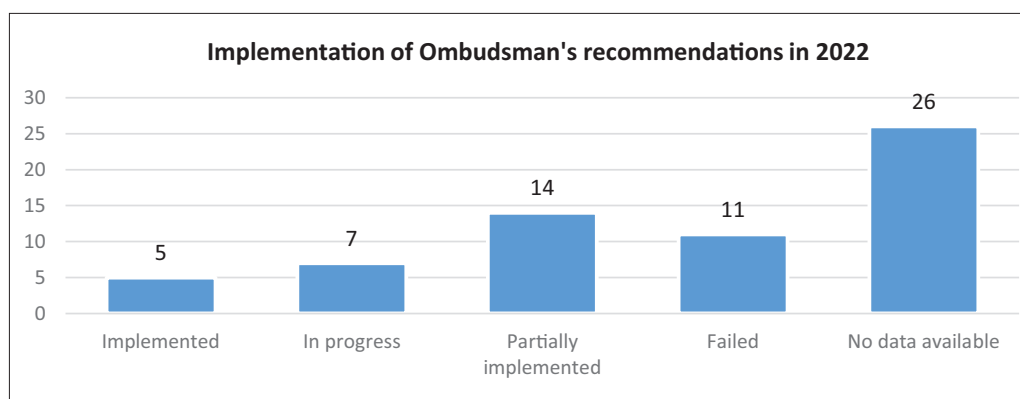
Recommendations to the Bureau for Reintegration Policy:

1. Use the widely recognised platforms for dialogue with the Transnistrian side in order to provide spaces for educational institutions teaching in Romanian language and to ensure functionality of educational institutions of Level 0 in the localities on the left bank of Nistru River and Bender Municipality.
2. Use the widely recognised platforms for dialogue with the Transnistrian side to protect the personal data of orphans or children left without parental care and provide them with identity documents of the Republic of Moldova.

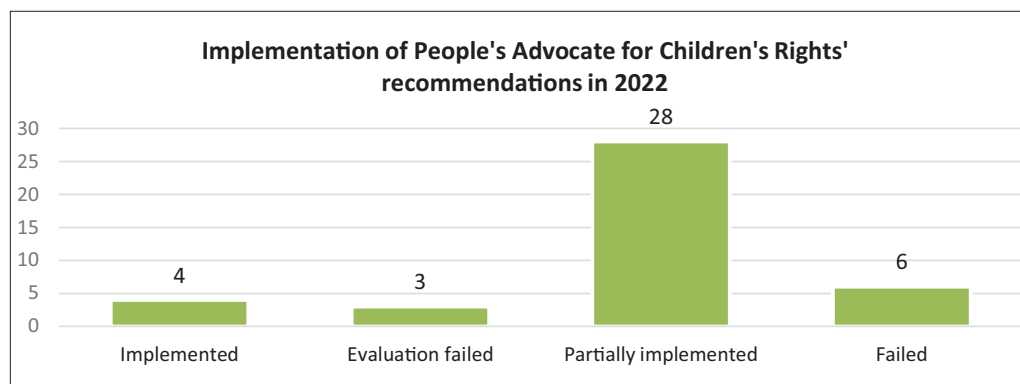


Progress on implementing the recommendations made in the 2022 Annual Report on Human Rights and Freedoms in the Republic of Moldova

The Ombudsman in his report on the observance of human rights and freedoms in the Republic of Moldova for 2022 addressed **63** recommendations to state institutions. In the process of monitoring of the extent to which the recommendations were implemented, the Ombudsman found that five recommendations were implemented, seven were in progress, 14 were partially implemented, 11 failed to be implemented, and no data was available for other 26 recommendations.



The People's Advocate for Children's Rights addressed **41** recommendations to state institutions in his 2022 Report on the observance of human rights and freedoms in the Republic of Moldova. In this context, having monitored the implementation process, the Children's Ombudsman noted that **four** recommendations were fully implemented, **28** were partially implemented, **six** were not implemented, and **three** could not be evaluated.



PEOPLE'S ADVOCATE OFFICE :
11/3 Calea Iesilor street, Chisinau, Republic of Moldova, MD 2069
+373 (022) 23-48-00, fax: (022) 23-48-00
www.ombudsman.md