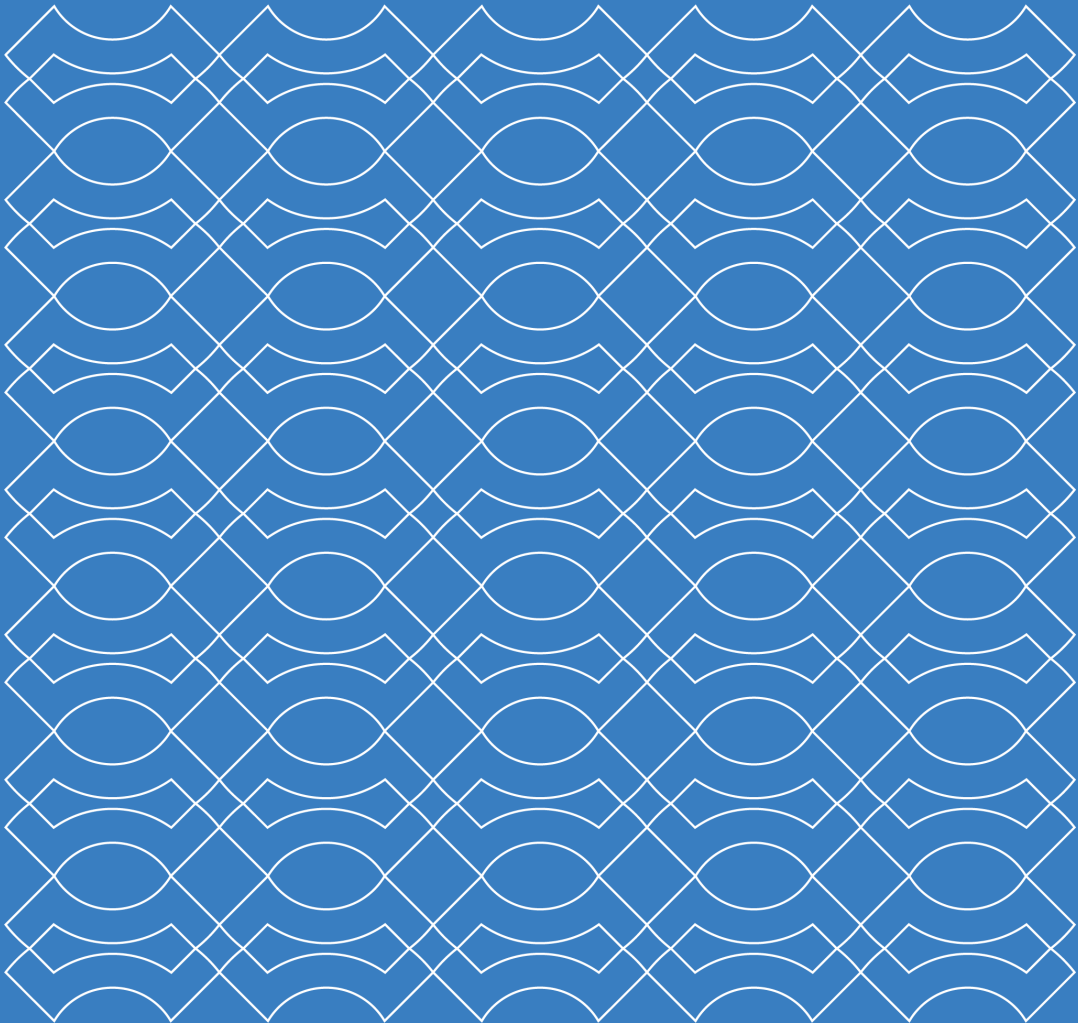


ANNUAL REPORT

on Human rights and Freedoms in the Republic of Moldova 2024





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Chişinău, 2025

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List of abbreviations

Institutions

CIA – Chisinau International Airport

NAP – National Administration of Penitentiaries

PA – People's Advocate

NAC – National Anticorruption Center

CPT – Council for the Prevention of Torture

CPT – European Committee for the Prevention of Torture

TPCPD – Temporary Placement Centres for People with Disabilities

CTPF – Center for Temporary Placement of Foreigners

PD – Police Department

DPT – Department for the Prevention of Torture

IGC – General Inspectorate of Carabinieri

GIM – General Inspectorate for Migration

GPI – General Police Inspectorate

GIBP – General Inspectorate of Border Police

TDF – Temporary Detention Facilities

PI – Police Inspectorates

MAI – Ministry of Internal Affairs

MoD – Ministry of Defence

PAO – People's Advocate Office

GPO – General Prosecutor's Office

ISS – Information and Security Service

International organisations

CAT – UN Committee Against Torture

ECtHR – European Court of Human Rights



Conventions and normative acts

ECHR – European Convention on Human Rights

Other abbreviations

alin. – paragraph

cca – circa

GM – Military Garrison

NHRI – National Human Rights Institution

P – Prison

BP – Border Police

BCP – Border Crossing Points

MU – Military Unit



WELCOME MESSAGE FROM THE OMBUDSPERSON



Dear friends,

Addressing fundamental human rights and freedoms is not limited to abstract principles and the legal regulatory framework, but also involves referring to everyday realities, to specific situations in which people face injustice, as well as to the continuous efforts to build a safe and inclusive society where everyone feels respected and treated with dignity. To this regard, in my capacity as the People's Advocate, I would like to remind you that guaranteeing human rights is not a privilege, but the foundation of a democratic state, where respecting these rights is an obligation of the

authorities. Ensuring fundamental rights is a multidimensional task that requires the engagement of public authorities, civil society, and the National Institution for Human Rights, all working together to promote and protect human rights and prevent their violations.

In this context, I am pleased to present to you the **Annual Report on human rights and freedoms in the Republic of Moldova for 2024**. Traditionally, the report highlights the results and efforts of the continuous and detailed process of monitoring and evaluating the implementation of fundamental rights in the Republic of Moldova by the People's Advocate Office team. The Report itself is not only a reflection of the current situation but can also be regarded as an essential tool for promoting the rule of law, strengthening social equity and defending individuals against any forms of injustice or abuse.

The year 2024 was full of changes and transformations, opening new horizons, but also highlighting significant challenges on our path towards a fair and democratic society. In this context, I would like to highlight as a positive step the fact that the Republic of Moldova has made significant progress in the process of accession to the European Union, a national strategic objective that involves not only harmonizing legislation with the *acquis communautaire*, but also reforming institutions, practices and the way in which people's fundamental rights are guaranteed. As part of this process, the People's Advocate Office actively participated in the second stage of the European Union screening, offering its expertise in assessing progress in the field of human rights and highlighting the challenges that need to be overcome.



One of the main pillars of democracy is the existence of an active civil society and human rights defenders who can act without fear or intimidation. The reporting year highlighted the increased need to create a clear legal framework for the protection of human rights defenders, whether we are talking about civic activists, lawyers, journalists or other people who campaign for justice and transparency. To this regard, the People's Advocate Office proposed a Concept on human rights defenders, aimed at establishing clear protection mechanisms for them.

Another alarming aspect identified in 2024 is the spread of disinformation and hate speech. Against the backdrop of regional crises, the armed conflict in Ukraine and geopolitical instability, disinformation has become a dangerous weapon, used to manipulate public opinion and undermine democratic institutions. Thus, I want to draw attention to the need to strengthen measures to combat hate speech, without jeopardizing freedom of expression. Limiting access to truthful and accurate information and promoting false narratives constitute a direct threat to democracy, and People's Advocate Office has notified the competent authorities to intervene actively in combating this phenomenon. At the same time, it is imperative to strengthen human rights education and develop a culture of critical thinking among the population, so that each person can identify what is true and what is not.

Throughout the past year, the People's Advocate Office continued its active role in monitoring achievements and identifying problems that need to be mitigated so that the Republic of Moldova can advance and implement the highest human rights and freedom standards. Justice reforms, guaranteeing the highest standards in healthcare, ensuring an efficient social protection mechanism, increasing institutional transparency and combating corruption are essential aspects that need to be implemented rigorously.

The implementation of judicial reforms has progressed through the continuation of the vetting process for judges, the adoption of merit-based regulations for judicial selection and evaluation, and the appointment of new members of the Superior Council of Magistracy and the Superior Council of Prosecutors, thus contributing to strengthening the independence of the system and standardizing judicial practice. However, the process of reforming the justice system is still slow.

In the health sector, treatments for viral hepatitis and rare diseases have been expanded, regulations on mental health and patient safety have been improved, and the Ministry of Health has introduced measures to regulate nicotine products. Even so, concerns persist regarding issues such as delays in treatment, corruption in the system, limited access to palliative care, and the lack of clear legislation on medical malpractice.

In terms of social protection, the Republic of Moldova has made progress by increasing pensions, social assistance and expanding support for vulnerable people, including through programmes dedicated to people with disabilities.



However, the lack of financial resources, difficulties in accessing social services and inequalities in the distribution of benefits continue to affect certain categories of citizens. To enhance the transparency of public institutions, the adoption of Law No.148/2023 strengthened the right to access information of public interest, and the Ombudsperson has expanded its monitoring role to identify and correct deficiencies.

In the fight against corruption, Law No.165/2023 strengthened the protection of whistleblowers, encouraging civic involvement in reporting illegalities. Furthermore, a new legislative project aims to strengthen the mechanisms for confiscating criminal assets, which is an important step in combating corruption and organised crime.

The key reforms implemented over the past year reflect authorities' commitment to strengthen democracy and improve mechanisms for the protection of fundamental rights. However, the effectiveness of these efforts also depends on maintaining the independence of the National Institution for Human Rights (NHRI).

Interference in the work of the NHRI can seriously affect the exercise of its constitutional mandate to promote fundamental rights, prevent abuse and ensure the protection of the vulnerable. Any interference by other authorities contravenes international standards, such as the Paris Principles and the recommendations of the Council of Europe, which leads to undermining the independence and effectiveness of the NHRI in exercising its role as a guarantor of human rights. Such a scenario, not only weakens the institution's ability to fulfil its mission but also sets a dangerous precedent that can compromise the entire system of fundamental rights protection. In a state governed by the rule of law, human rights institutions must be fully protected against any attempts, so that they can exercise their functions impartially, objectively and effectively. The lack of a clear mechanism to protect the independence of NHRI can lead to the loss of public confidence in democratic institutions and the deterioration of mechanisms to protect fundamental rights.

In this context, the protection of the most vulnerable members of society – women, children, people with disabilities, the elderly, refugees and ethnic minorities – must remain a constant priority. The independence and effectiveness of human rights institutions are essential for ensuring equal access to justice, combating discrimination and guaranteeing an adequate protection system for all citizens.

Hence, the People's Advocate Office continues to serve as a guarantor for human rights for every individual and a promoter of European and democratic values. In this way, we reaffirm our commitment to oversee the protection of human rights, to monitor and report any violations, and to promote sustainable reforms that contribute to the well-being of all persons.

Respectfully,
Ceslav PANICO,
The People's Advocate (Ombudsperson)



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



Dear children, esteemed adults,

In the Republic of Moldova, international children's rights standards are largely incorporated into the national regulatory framework, with difficulties particularly when it comes to their implementation. Of course, there is room for improvement in the regulatory framework, and an opportunity to this regard is the EU accession process, which involves aligning the regulatory framework, national processes and practices in the field of children's

rights with EU standards. In 2024, we had several achievements to this regard, such as the transposition of the European Directive on the protection of young people at work and the incorporation of the Hague Convention on the civil aspects of international child abduction into the national regulatory framework.

In 2024, we monitored the progress of the implementation of the National Child Protection Programme 2022-2026, which includes the 'RESTART' Reform. Throughout the year, the first achievements of the reform became apparent, along with emerging challenges. For example, the provision of essential services to certain categories of children, particularly children with disabilities, has been hindered by the exclusion of some administrative-territorial units from the reform. In this context, together with the People's Advocate, we plan to conduct a study in 2025 to assess the effectiveness of the reform, highlighting both progress made and areas requiring improvement, with a focus on safeguarding human and children's rights. The most problematic issues in 2024 remained to be related to the availability, accessibility, acceptability and quality of support services for families with children in difficulty, services for children with antisocial behaviour or complex emotional needs, and the protection of children from any form of violence. Persistent gaps were identified in enforcing court decisions on establishing the child's domicile, compliance with the visitation schedules and payment of child support. On a positive note, in a significant development in 2024, is the decision of the Constitutional Court on the indexation of child support, which obliges the authorities to establish a clear legal mechanism to adjust fixed financial support, thereby safeguarding children's rights against the impacts of inflation and economic fluctuations.

As in the previous year, I was most concerned about the statistics on child poverty, which continue to remain worryingly high.



In this regard, I appreciate the initiative of the Ministry of Labour and Social Protection, with the support of UNICEF, to develop a public policy document aimed at combating the social exclusion of children in difficulty. This initiative implements the Council Recommendation (EU) 2021/1004 on establishing a European Child Guarantee. The objective of this Recommendation is to prevent and combat social exclusion by guaranteeing access to a set of essential services for children in difficulty, thereby supporting children's rights, reducing child poverty and promoting equal opportunities.

In 2024, I welcomed the authorities' concern and the organisation of public consultations to identify solutions for the numerous cases of non-compliance with children's and parental rights, particularly when parents are separated or undergoing divorce, through acts of alienation, usually targeted at the parent living separately (parental alienation/psychological violence). I consider that these solutions must be examined from the perspective of the best interest of the child, guided by the principles established in the case law of the European Court of Human Rights (ECtHR) regarding respect for the right to family life, as well as the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

I welcome the increased reporting of suspected cases of bullying in 2024, which indicates that the phenomenon is now better recognised and understood among educational stakeholders and reflects the efforts of the Ministry of Education and Research to strengthen the capacity of education professionals to implement the Methodology on the prevention and combating of bullying. At the same time, I have received numerous requests highlighting the insufficient training of staff in educational institutions to respond promptly and effectively to bullying situations, which is why I consider it necessary to continue training activities. School psychologists also play a vital role in this regard, and I therefore view positively the new regulations permitting the establishment of the psychologist post irrespective of the number of pupils in the institution.

In 2024, despite my opinion and that of civil society, the Education Code was amended by introducing sanctions and rewards for children. Although, I welcome the concern of the Ministry of Education and Research to create a safe and friendly school environment for all educational actors, including teachers, I believe that intersectoral and multidisciplinary intervention is needed to meet the needs of children with antisocial behaviour. In this regard, I welcomed the amendment, promoted in 2024 by the Ministry of Labour and Social Protection, of Government Decision No. 270/2014, which regulates distinct intersectoral intervention procedures that would respond to the profile of children at risk of committing crimes and children in conflict with the law.

I also appreciate the strengthening of the social assistance and protection system in 2024, with the support of UNICEF, through the addition 150 specialists in child



rights protection. A very important achievement in 2024 is the improvement of the data collection system, through the development of the Information System in the field of child protection. The information system improves the case management of children registered through the competent authorities, the tracking of social services provided to children, the forms of protection identified for children and replaces the manual reporting processes.

Recent developments in the deinstitutionalization process reflect a strong commitment by the national authorities to align the child protection system with international standards, which emphasise the right of every child to live in a safe and protective family environment. In 2024 alone, 129 children were deinstitutionalized, including 23 children with disabilities.

In this regard, I appreciate the piloting, during the year, of the professional parental assistance service (APP) for children with severe disabilities, as well as the APP Service for children at risk of offending or in conflict with the law. I also welcome, the establishment of the emergency APP, a good practice model found in several European countries, which offers guardianship authorities a family-type alternative for the emergency placement of children, thereby preventing their institutionalisation. Based on these findings, including requests received, ex officio notifications, and consultations conducted with children we monitored, with the support of UNICEF, and developed four thematic reports on the following: Mechanisms for submitting requests by children in cases of violation of their rights; Analysis of the mechanism and procedures for enforcing child support; Respect for children's rights to opinion and involvement in the decision-making process; Evaluation of the implementation of the latest recommendations to the Republic of Moldova of the UN Committee on the Rights of the Child, other conventional bodies and existing monitoring mechanisms.

In 2024, we submitted 12 proposals on legislation improvement, issued 13 opinions on draft normative acts and filed one amicus curiae opinion to the Constitutional Court.

In 2024, we consulted children's opinions during monitoring visits and information and promotion activities, including within the framework of the Human Rights Caravan and the National Children's Rights Forum. The forum brought together over 60 children and adolescents from across the country, including the Transnistrian region. Children presented the results of monitoring their rights to the authorities and put forward a series of recommendations to improve the existing situation. For example, child human rights defenders raised the issue of children's participation in law-making processes, while children from the SafeTeen group presented the national 'Education Does Not Hurt' Campaign.

In 2025, I will continue to monitor the respect of children's rights, developing at least four thematic reports. I will promote children's rights and the mandate of the



Ombudsperson for Children's Rights. I will also exercise my mandate to prevent violations of children's rights and ensure their immediate restitution.

Finally, I would like to thank the team of the Children's Rights Directorate, and of other subdivisions, including territorial ones, of the Ombudsperson's Office, for the support provided in the exercise of their mandate. I also express my gratitude to our partners, especially UNICEF, who have made a substantial contribution to children's rights monitoring activity.

**Respectfully,
Vasile COROI,
Ombudsperson for Children's Rights**



SUMMARY OF THE ANNUAL REPORT ON HUMAN RIGHTS IN 2024

In 2024, the People's Advocate Office (PAO) continued to be a key actor in the defence and promotion of fundamental rights in the Republic of Moldova, strengthening the efforts to promote international and European standards. The active participation of the PAO in the screening process to the accession to the European Union was an important part to providing support in assessing the progress and challenges in the field of human rights. Furthermore, efforts were carried out for the creation of an independent mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities, an initiative that marks a major step forward in protecting vulnerable groups.

One alarming aspect in 2024 was the attempted interference in the work of the National Human Rights Institution (NHRI), a situation that unfortunately continued in 2025. Such interference violates not only the Paris Principles but also the Council of Europe's recommendations, undermining the institution's essential role of monitoring and reporting human rights abuses. This not only calls into question the autonomy and effectiveness of the NHRI but also sets a dangerous precedent that may undermine the whole system of fundamental rights protection.

Alongside these challenges, human rights education remained a priority, with information campaigns aimed at raising awareness among the population. The focus is on promoting a more inclusive society where everyone is aware of their rights and can defend them. In **Chapter I** of this Report, it is emphasised that, although numerous reforms have been implemented to strengthen human rights and freedoms, certain gaps persist that limit their full realisation. Regarding **the right to the highest attainable standard of health**, the Ombudsperson notes that the national plans and programmes adopted in 2024, including the National Development Plan 2024 - 2026 and the National Programme to Combat Viral Hepatitis 2024-2028, focus on prevention, accessibility and the improvement of the health infrastructure. However, their implementation relies on the allocation of adequate funding and the equitable distribution of resources, particularly for vulnerable groups. Mental health has been recognised as a priority through new regulations introducing the concept of 'mental wellbeing', emphasising prevention and community support. Nevertheless, the lack of community services, an adequate support system, and appropriate treatment remains a significant issue. These problems have contributed to serious incidents, including offences committed by people with mental disorders. Access to services for patients with rare diseases has improved through the National Programme on Rare Diseases 2024-2028, but challenges related to early diagnosis, treatment



and social inclusion remain on the Ombudsperson's agenda. Patient protection was strengthened through new safety standards and hospital accreditation, and public health regulations focused on banning the sale of nicotine products outside authorised premises. Simplifying medical examination procedures for seriously ill prisoners was also an important step in ensuring fair treatment for all patients. However, structural problems persist. Delays in treatment, corruption and informal payments, discriminatory treatment of patients and lack of palliative care are just some of the difficulties reported. In addition, the lack of a law on medical malpractice and the delayed implementation of the National e-Health Strategy hamper the modernisation and efficiency of the healthcare system.

In the field of **justice**, the Ombudsperson notes several important developments, such as the adoption of important laws, among which: the revision of the judicial map, the introduction of the electronic form of the lawyer's mandate and the improvement of mechanisms for sanctioning offences. Moreover, the Ombudsperson provided key recommendations in the consultation process on relevant draft legislation, including the new Law on the Constitutional Court and the mechanism for confiscating criminal assets. One controversial matter was the State tax act, which initially imposed non-exempt stamp duties on vulnerable groups. The Ombudsperson's intervention in this matter contributed to the declaration of these provisions as unconstitutional. The Ombudsperson also criticised the removal, after one year, of applications for judicial protection measures, which limited free access to justice. The justice reform process also included measures to strengthen judicial integrity, the appointment of a new General Prosecutor and the implementation of the vetting mechanism, a complex and publicly debated process. At the same time, the justice system remains central to Moldova's European integration, with the European Commission issuing six specific recommendations in this regard. Despite the reforms, the Ombudsperson identified certain shortcomings in the right to a fair trial, including non-execution of judgements, delays in trials, passivity of appointed lawyers, and barriers faced by people with disabilities.

In the area of **ensuring the right to social assistance and social protection**, the Ombudsperson welcomes the ratification of some provisions of the (revised) European Social Charter but recommends the extension of international commitments and the ratification of the Additional Protocol on collective complaints. With reference to the 6% indexation of pensions, this increase was considered insufficient to cover the real living costs in the context of high inflation rates. Although measures to support citizens through the 'Ajutor la contor' energy compensation programme have been introduced, these measures do not fully cover the actual increase in energy prices, leaving many households vulnerable. Furthermore, the Ombudsperson emphasised the need to extend social assistance for people with disabilities and to ensure a fair mechanism to access benefits for people in the Transnistrian region, supporting the amendment of the legislation on social assistance and the elimination of differential



treatment of people without a stable residence. The Ombudsperson also intervened in the case of the suspension of social payments for disabled persons in detention, emphasising the disproportionate impact such a measure would have on them.

Regarding **labour protection**, the Ombudsperson welcomed the increase of the minimum wage to 5,000 MDL but emphasised that this remains insufficient for a decent standard of living. The partial ratification of the (revised) European Social Charter also leaves unresolved the issue of guaranteeing an adequate income. Undeclared work continues to be a serious problem. Although authorities have stepped up efforts to carry out inspections, the effectiveness of these measures is hindered by legislative changes that may limit the powers of labour inspectors. Similarly, the Ombudsperson welcomes the expansion of the paid traineeship programme in the public sector, providing more opportunities for young people; however, making such programmes attractive to youth remains a challenge. Higher employment rates among women have been noted, but this increase remains concentrated in sectors such as education and health, while men continue to dominate technical fields. Despite the implementation of the ILO convention on violence and harassment at work, discrimination and unequal treatment persist.

In the area of the **right to security and liberty**, the Ombudsperson highlighted numerous systemic problems persisting in prisons, psychiatric hospitals, and placement centres for people with disabilities, emphasising the urgent need for protective measures. In 2024, the Ombudsperson's institution received 181 complaints, most concerning poor prison conditions, lack of hygiene, overcrowding and inadequate access to medical services. The influence of the criminal subculture remains a serious threat, resulting in intimidation, violence and blackmail among prisoners. People with disabilities in prisons also face discrimination, with no access to reasonable accommodations or social benefits that could improve their economic situation.

A worrying aspect is the violation of the right to petition and communication of prisoners, who often face unjustified restrictions on correspondence and a lack of response from the prison administration. Reprisals against prisoners who report abuses also remains a concern for the Office of the Ombudsperson. In this regard, the PAO has developed a Guide on Preventing Reprisals for employees and members of the Council for the Prevention of Torture and has organised training sessions for over 100 prison staff. In addition, prisoners were informed about their rights and available protection mechanisms through public lectures.

Another major problem identified by the People's Advocate in 2024 was the **conscription process**, where serious irregularities were found. One documented case shows how a young man was conscripted before completing his studies, despite court's decision suspending his conscription. Moreover, he was subjected to degrading treatment and physical assault in the military unit. In this respect, the



Ombudsperson called for the creation of effective mechanisms to protect the right to education for recruits and the adoption of stricter measures to prevent abuses in the army.

In the context of **whistleblowers' rights**, the Ombudsperson emphasises that the adoption of the Law No. 165/2023 on whistleblowers marked a significant step forward in protecting whistleblowers who report law violations, bringing the national regulatory framework in line with European standards. However, effective implementation of these provisions remains a challenge. In 2024, the People's Advocate Institution received seven requests for protection, from individuals who identified as whistleblowers. These cases revealed practices of retaliation and intimidation, such as unlawful dismissal, interference in professional activities and pressure on whistleblowers. Unfortunately, the regulatory framework in force poses problems of interpretation and application, making it difficult for the Ombudsperson to actually intervene in certain situations. One problem identified to this regard is that the protection of the whistleblower depends on the decision of the competent authority - in this case, the National Anti-Corruption Centre (NAC). Another common problem is that, even if reprisals formally cease, their effects continue to impact the whistleblower. For example, a person who has been unlawfully dismissed and is litigating for reinstatement may no longer face direct retaliation but still suffers the adverse consequences of the original sanction.

In the field of **ensuring access to information of public interest**, the Ombudsperson points out that the entry into force of the Law No.148/2023 on access to information of public interest represents a significant step forward in ensuring the transparency in public institutions, but its implementation faces major challenges, especially at local level. The Ombudsperson, appointed as the monitoring authority, identified difficulties in the implementation of the new regulations related to limited resources, lack of adequate training of local authorities and uneven application of the law throughout the country. Another problem repeatedly identified last year concerns the wording of Article 21 of the current law, which restricts access to information in languages other than the language in which the documents are available. Such wording hinders the principle of equal access to public information, in particular when it comes to minority groups of people.

Regarding **the rights of people living on the left bank of the Nistru**, the People's Advocate notes a continuous increase in human rights violations in the Transnistrian region, where the *de facto* authorities not only ignore international recommendations, but also impose arbitrary rules that restrict the fundamental freedoms of the inhabitants. The Ombudsperson's access to the cities on the left bank of the Nistru and the municipality of Bender remains restricted, making direct monitoring impossible. Under these circumstances, investigations rely on individual complaints, reports by international organisations, and data collected by the Varnita Representative Office. Although dialogue with the *de facto* entities is conducted



strictly according to international standards, it remains an essential tool for protecting fundamental rights and preventing abuses against illegally detained persons. One notable breakthrough was the release of Moldovan citizen Vladimir Dudnic after two years of illegal detention, a result achieved through co-operation between the People's Advocate, the Bureau for Reintegration Policies, the OSCE Mission and international partners. However, many other cases of arbitrary detention continue to be monitored. In this regard, the Varnita Representative Office maintains an active dialogue with state institutions and civil society organisations, such as Promo-LEX, to identify effective solutions.

At the same time, the Moldovan authorities have taken measures to facilitate access to public services for the region's inhabitants. These include simplifying documentation procedures, increasing the number of driving licences issued and funding development projects in the Security Zone. However, the lack of a clear legal framework for the protection of internally displaced persons remains a serious problem, and young people who refuse forced recruitment into Transnistrian military structures are at risk of persecution. The Ombudsperson therefore emphasises the need for legislative changes to provide protection for those forced to leave the region because of the repression of the Tiraspol regime. Another major concern is the limited access to justice for the inhabitants of the Transnistrian region, and the reorganisation of the judicial system could further restrict their ability to defend their rights. Following the Ombudsperson's interventions, the Parliament decided to maintain the seat of the Causeni Court in Varnița until 2030, an essential step to ensure access to justice for the citizens of this region.

In **Chapter II, concerning children's rights**, the Children's Ombudsperson highlighted both progress and challenges in the implementation of children's rights in the Republic of Moldova.

Children's right to life, survival and development is a fundamental obligation of the Moldovan state, and in this regard, the People's Advocate for Children's Rights has monitored and intervened in situations that jeopardise the safety of children in public spaces. In 2023 and 2024, several tragic cases highlighted negligence in the management and safety of children's playgrounds, parks and recreational spaces, leading to serious incidents, including trauma, severe injuries, and fatalities.

Among the most alarming incidents investigated were football goals collapsing on children, cases of electrocution in parks, and accidents in recreational areas such as inflatable slides. Monitoring revealed that in many public areas, children's equipment is worn, unsafe and insufficiently inspected, while accident prevention measures are either ineffective or absent.

To remedy these problems, the People's Advocate for Children's Rights organised consultations with national and local authorities, involving the Ministry of Infrastructure and Regional Development, the Ministry of Education and Research,



the Ministry of Health, the National Inspectorate for Technical Supervision and the Moldovan Football Federation, among others. The discussions highlighted the lack of clear regulations on the safety of sports fields and equipment used, making it difficult to prevent accidents. The Code of practice in construction (CP C.01.09:2017 - 'Civil Buildings. Open flat buildings for physical culture and sport'¹) does not provide strict requirements for the safety of football pitches and football gates, and the international standards recommended by FIFA and UEFA are not systematically implemented.

In the context of ensuring the right to health, the People's Advocate for Children's Rights emphasises the need to ensure equitable access to quality healthcare services for all children, without discrimination, and an integrated approach that includes adequate nutrition, access to clean water, hygiene and a healthy environment. According to General Comment No.15 of the UN Committee on the Rights of the Child, states must remove any barriers to this right and ensure sufficient resources for the implementation of effective health policies.

The People's Advocate for Children's Rights also emphasises that the state must provide preventive, curative and rehabilitative health services at high standards and in a timely manner. In this regard, Law No. 370/2023 on the Rights of the Child sets out State's obligation to ensure prioritised access for children at all levels of healthcare. In addition, Article 3 of the UN Convention requires that the best interest of the child shall be a primary consideration in all actions concerning them.

Regarding children with rare diseases, the Children's Ombudsperson draws attention to the difficulties by them and their families in accessing necessary treatments. Access to essential medicines, special foodstuffs, and nutritional supplements is limited due to high costs and the absence of compensation mechanisms. To improve access to treatment and prevent severe complications, the Ombudsperson advocates for the need of dedicated funding for children diagnosed with rare diseases. In addition, nutritional supplements and medical diets should be available in pharmacies accredited by the National Health Insurance Company and treated in the same way as compensated medicines. These measures are essential for the survival and optimal development of these children and to reduce the financial pressure on affected families. Therefore, The People's Advocate for Children's Rights recommends the inclusion of these products in the list of those compensated from the funds under the compulsory healthcare insurance, in accordance with Law No.1585/1998.

In the context of the right to education, the People's Advocate for Children's Rights notes that such a right must be guaranteed to every child, regardless of their socio-economic status, special needs or related challenges. In the Republic of Moldova, although national and international legislation recognises this right, reality shows that many children face obstacles in accessing inclusive and qualitative education.

¹ <https://ednc.gov.md/wp-content/uploads/2023/06/CP-C.01.09-2017.pdf>



A key aspect in ensuring an inclusive education system, is the integration of children with special educational needs (SEN). Although there is a programme to develop inclusive education, children with specific needs, such as children with disabilities, are not fully integrated and accepted due to social attitudes.

Accurately assessing the development of a child is another challenge, as many schools do not initiate such assessments, either due to lack of information or parents' refusal. This prevents the provision of ensuring appropriate educational support and undermines in the end the best interest of the child.

Violence against children remains of the most alarming phenomenon in Moldova. Children are exposed to various forms of violence, including bullying in schools. Moreover, the lack of specific knowledge to support the child or failure to apply existing reporting and intervention mechanisms means that many of these cases remain unsolved. Of particular concern is the sexual abuse of minors, which in many cases is perpetrated by persons close to the child. Teachers, who should recognise signs of abuse, are not always equipped to do so.

Another significant issue is the poor condition of educational infrastructure, particularly sanitary facilities. In some schools, children lack access to indoor toilets, and hygiene conditions are inadequate. Although the government has a plan to modernise these facilities, progress remains slow, and many pupils continue to suffer from the lack of proper sanitation and hygiene.

Additionally, child-friendly justice remains a key area of intervention for the People's Advocate for Children's Rights. The 2024 special report by the Council for the Prevention of Torture highlighted multiple shortcomings in the prison system when it comes to the detention conditions for minors, including the lack of adequate safe and security measures for detained children, poor detention conditions, insufficient rehabilitation and reintegration programmes and the lack of an adequate approach for minors with mental health problems.

The Children's Ombudsperson highlighted existing shortcomings in the enforcement of court judgments on establishing the child's domicile, compliance with the programme of interviews, removal of the parent living separately. The Ombudsperson reiterated the proposed solutions based on the best interests of the child, guided by principles from the case law of the European Court of Human Rights (ECtHR) regarding respect for the right to family life, as well as the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

When it comes to social protection and assistance, the People's Advocate for Children's Rights points out that child poverty rates in the Republic of Moldova remain high, affecting in particular children living in rural areas (44.6% compared to 14.4% in urban areas). To combat social exclusion, the Ministry of Labour and Social



Protection, with the support of UNICEF, initiated the development of a public policy, in line with the European Child Guarantee and has introduced a Child Protection Information System (CPIS), which optimises case management.

At the same time, the RESTART reform, launched in 2023, transferred the management of social services to the Territorial Social Assistance Agencies; however, underfunding of personal assistance persists, resulting in waiting lists. In Chişinău, administrative measures have adversely affected the rights of beneficiaries and employees, prompting intervention by the People's Advocate and the Children's Rights Ombudsperson, who requested the cancellation of these measures and the restoration of the rights of those affected. Meanwhile, the de-institutionalisation process continues, reducing the number of children in institutions and promoting alternative services such as Professional Parental Assistance (PPA), including for children with severe disabilities, those in conflict with the law, or at risk of offending.

As regards allowances for families with children, a case of refusal by the NOSI revealed problems in data interoperability, affecting access to benefits. The People's Advocate for Children's Rights intervened to correct the error and recommended measures to prevent such situations in the future.

Regarding the mechanism and procedures for child support, the Children's Ombudsperson, with the support of UNICEF and the National Union of Court Bailiffs, has published a thematic report. The report highlights the difficulties enforcing child support decisions, due to legislative shortcomings and debtors' practices of avoiding payment. Statistics reveal a drastic decline in the enforcement success, from over 50% in 2012 to less than 20% today. The report also makes recommendations to improve the regulatory framework, enhance transparency, increase the efficiency of enforcement measures, and adjust the maintenance amounts to reflect economic realities.

At the same time, during the reporting year, the People's Advocate for Children's Rights, with the support of UNICEF, produced a report on the mechanisms through which children can lodge complaints in cases of violations of their rights. Although national legislation guarantees this right, there are gaps in regulating procedures and informing children, including those in rural areas and from vulnerable groups (Roma children, children with disabilities, migrant children). Written mechanisms are rarely used, with children preferring to report by calling 112 or 116 111. Recommendations aim at adapting procedures to children's needs, improving accessibility and increasing children's awareness of their rights.

In the context of ensuring civil rights and freedoms, the Children's Ombudsperson notes the holding of the National Forum on Children's Rights, which provided a platform for children to express themselves and engage in dialogue with the authorities. Participants addressed issues such as student involvement in decision-making processes, violence in schools and protection of privacy. They also discussed



the poor quality of education in areas such as personal development and sexual education. The need for children to be consulted in the legislative process was emphasised, and children's human rights defender groups (CHRDs) highlighted challenges including lack of recognition, discrimination and bullying.

When it comes to the respect for children's rights in the Transnistrian region, the Children's Ombudsperson highlights similar issues as reflected in previous reports, concerning the right to education, the risk of children left without parental care being trafficked through so-called 'adoptions', but also the lack of Romanian language courses available for bilingual children from the left bank of the Nistru and Bender municipality, considering the increased number of native Russian-speaking children wishing to enrol in Romanian-language schools.

Chapter III on Prevention of Torture highlights **58 preventive, thematic and monitoring visits** to places of deprivation of liberty carried out in 2024 (in 2023 - 28 visits, in 2022 - 72 visits). As a result of such visits, **17 visit reports with 152 recommendations** were prepared (in 2023 - 23 visit reports with 356 recommendations; in 2022 - 29 visit reports with 570 recommendations), as well as **seven complex thematic reports with 130 recommendations**. **PAO intervened in two cases of increased social interest** with **two special reports** (in 2023 - four special reports; in 2022 - seven special reports) and drafted **eight regular thematic semi-annual reports** on safety in places of deprivation of liberty.

For the first time, the PAO monitored six **readmission operations of Moldovan citizens from EU countries conducted aboard aircraft**, by the General Inspectorate of Migration, with the support of the European Agency FRONTEX. Overall, the rate of implementation of recommendations stands at 33% in the medium term and 10-15% in the long term (concerning resources and policies) at 10-15%. Most of the recommendations remain repetitive.

From 26 to 30 June 2024, the 6th edition of the Ombudsperson's Campaign 'EuNUaplic166/1' was carried out. The PAO in partnership with Promo-LEX and the European Prison Litigation Network submitted a joint communication to the Committee of Ministers in the *case of I.D. v. Republic of Moldova*. When it comes to work on prevention of torture through training of duty-bearers and right-holders, 42 training activities were carried out for 658 prison staff, 61 police staff, 29 carabinieri, 40 employees of the judiciary and prosecution, 43 employees of the border police, 120 persons deprived of their liberty and 138 students.

From 22 to 25 July 2024, PAO hosted a study visit of the National Mechanism for the Prevention of Torture from Ukraine. Access to places of deprivation of liberty in the Transnistrian region of the Republic of Moldova by the Mechanism for the Prevention of Torture remains limited.



Chapter IV on the protection of refugees and asylum seekers in the context of the armed conflict in Ukraine highlights that during the reporting year, the People's Advocate Office continued to monitor the situation of refugees, identifying existing problems and making recommendations to improve the legislative framework and administrative practices.

When it comes to the legal and institutional framework, the Ombudsperson notes that the Republic of Moldova regulates the status of refugees through the Asylum Law No.270/2008 and the Law on the Integration of Foreigners No.274/2011. Even though such legislation exists, there are still legislative gaps that hinder access to work, education and health. Among the problems identified include difficulties in recognising professional qualifications, barriers in obtaining an entrepreneur's permit and legislative discrepancies that hinder economic integration. The legislative changes adopted in 2024 aimed at improving refugees' access to healthcare and social protection, but some vulnerable groups remain unprotected.

In discussing access to temporary and international protection, the Ombudsperson highlights that administrative requirement, such as the obligation to present a valid identity document or the rule allowing individuals to exit and re-enter Ukraine only once, can restrict such a right. Furthermore, the absence of General Inspectorate for Migration representatives at all border crossing points hampers the application process for temporary protection. It should be noted that the number of refugees has been steadily rising, and temporary placement centres are currently operating at full capacity. In 2024, the implementation of the EXIT Strategy, designed to gradually close these centres, faced criticism for being discriminatory and lacking transparency.

Additional restrictive measures have also impeded the right to international protection. These include denying entry to certain vulnerable groups of people and initiating criminal proceedings against asylum seekers crossing the border illegally.

In Chapter V, which focuses on the promotion of human rights, the People's Advocate presents the institution's initiatives and activities in 2024, dedicated to strengthening the respect for and protection of fundamental rights in the Republic of Moldova. PAO carried out extensive activities to educate, raise awareness and sensitise the public, involving public authorities, civil society and international partners.

Recognising education as a fundamental means of preventing human rights violations, PAO has prioritised this component in its Strategic Development Programme 2023 - 2030. Through carrying out information sessions and educational campaigns, the institution has focused on eight key areas including health, justice, social protection and children's rights. The institution engaged extensively with the media to make information more accessible to citizens.



In 2024, PAO conducted outreach activities, training over 7,500 people. The majority of these sessions concentrated on torture prevention, human rights education and children's rights. Beyond these efforts, the institution also organised thematic events and awareness-raising campaigns, including the Human Rights Caravan and the Human Rights Festival, which attracted thousands of participants.

Among the most significant events organised by the PAO were national and international round tables and conferences, that brought together officials, experts and civil society representatives. For instance, the National Forum on Children's Rights enabled direct dialogue between children and authorities, while the Human Rights and Equality Forum served as a key platform for discussing issues of equality and social inclusion.

A key aspect of the PAO's work in 2024 was national and international co-operation. The institution strengthened its relationships with international organisations such as the United Nations (UN), the Council of Europe, and the European Network of National Human Rights Institutions (ENNHRI). Additionally, the PAO also actively participated in international conferences and exchanges of experience and signed cooperation agreements with organisations both within the Republic of Moldova and abroad, focusing on the protection of vulnerable groups and the promotion of human rights.

Similarly, the PAO maintained an active media presence, with hundreds of appearances on various platforms, including press releases, social media posts, TV and radio programmes and interviews. It also produced podcasts and educational videos, broadening access to human rights information.



CHAPTER I. HUMAN RIGHTS

Item 1.1: Developments and challenges of the National Human Rights Institution in 2024

During the reporting period, the People's Advocate played an active role in institution-building and the protection of fundamental rights, supporting Moldova's alignment with democratic standards and values throughout its EU accession process. The PAO's participation in the second phase of the EU screening facilitated the evaluation of progress and challenges in the field of human rights. Moreover, the initiative to create an independent mechanism for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities was an important step in protecting this vulnerable group. The Ombudsperson also highlighted the underfunding of the institution, the risks regarding its independence, and the continued barriers to accessing the Transnistrian region. In response to attempts to interfere with its work, the Ombudsperson acted decisively, underscoring the critical importance of both institutional and functional independence.

The People's Advocate underlines that **opening of the second phase of the screening** on 25 June 2024 represents an essential step in Moldova's accession process to the EU, having a direct impact in strengthening the protection of human rights. In this context, **the active involvement of the Ombudsperson's Office** has played a significant role in evaluating progress on fundamental rights and aligning national legislation with the EU *acquis communautaire*.

To this regard, the Ombudsperson supported the authorities by completing relevant questionnaires, providing specific information on human rights, and involving its staff in working groups to organise materials by thematic chapters. A significant contribution was made within **Cluster 1 'The Fundamentals of the Accession Process'**, where the Office prepared and presented key information on its mandate, its role as a National Human Rights Institution (NHRI), statistics on the Ombudsperson's activities over the past five years, as well as existing challenges and prospects for the future.

Through such involvement, the Ombudsperson has not only provided an objective assessment of progress and challenges in the field of human rights but has also affirmed its position as a key actor in ensuring compliance with European human rights standards.

The initiative to create an **independent mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities**, launched by People's Advocate Office in 2024, in collaboration with OHCHR-Moldova and organisations representing persons with disabilities, represents a crucial step toward



ensuring effective and objective oversight of the rights of this vulnerable group. The objective is in line with the provisions of Article 33 of the Convention, which requires States to establish a mechanism, in accordance with the Paris Principles, to guarantee an independent, impartial and effective monitoring process. To this regard, the Ombudsperson organised consultations with relevant organisations to assess the possibility of integrating such a mechanism within the PAO, taking into account its broad mandate, institutional independence as well as its expertise in protecting human rights. Without such an independent mechanism, monitoring the implementation of the UN Convention remains fragmented and ineffective, leaving persons with disabilities at risk of discrimination and social exclusion.

The People's Advocate notes that during 2024, **positive changes** have been introduced in relation to the **PAO's staff salary, which was increased twice throughout the year**. Employees' salaries were increased by approximately 30%, following the adoption of Law No. 418 of 22 December 2023 concerning the State Budget for 2024². Additionally, following the adoption of Law No. 305 of 19 December 2024 amending Law No. 270/2018 on the unified salary system³, Annex 3 was adjusted to increase salary grades for public positions within the PAO were increased: by five successive grades - for managerial public positions; by ten successive grades - for executive public positions. Therefore, as of January 2025, salaries of PAO employees increased by 25%. Although this represents significant progress, the Ombudsperson notes that this salary adjustment only partially complies with the recommendations of the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) and the Venice Commission on ensuring an adequate salary level. These recommendations emphasise that salaries should be set at a level equivalent to that of the highest court in a country (in the case of Republic of Moldova - the Supreme Court of Justice or the Constitutional Court). Even such adjustments, salaries continue to remain relatively low compared to other public institutions where civil servants having a similar status to those working in the PAO. Such discrepancies also lead to high levels of staff turnover. The European Commission against Racism (ECRI) also emphasised the need to provide the People's Advocate with sufficient financial and human resources to effectively carry out its mandate, including, where relevant, at the regional level.

In its Report on the Republic of Moldova (sixth monitoring cycle) published on 12 November 2024,⁴ ECRI expressed concern, that the resources available to the institution remain insufficient for fulfilling all of its functions.

The Ombudsperson also highlights as positive the **major steps taken in restoring the premises of the People's Advocate Office** located at 16 Sfatul Țării Street, mun. Chișinău. This achievement is in line with People's Advocate 2023 *'RECOMMENDATION 1.1.3 The Government should ensure that the real financing needs*

² https://www.legis.md/cautare/getResults?doc_id=140974&lang=ro

³ https://www.legis.md/cautare/getResults?doc_id=146549&lang=ro

⁴ <https://rm.coe.int/sixth-report-on-the-republic-of-moldova/1680b2097e>



of the People's Advocate Office (including sufficient resources for the reconstruction and extension of the People's Advocate's Office premises) are taken into account when drafting the Medium-Term Budget Framework for 2025-2027 and the State Budget Law for 2025'. In this context, the Ombudsperson notes that the project documentation and cost estimates for the restoration and development of the property have already been prepared, along with the specifications for the public procurement procedure covering technical supervision services and construction works. At the same time, the Ombudsperson notes that the Medium-Term Budgetary Framework for 2025-2027 provides for the continuation of funding for reconstruction works and related activities under Sub-programme 0402 'Respect for human rights and freedoms' which specifies the amounts allocated for restoration. The total estimated cost covering the reconstruction of the premises exceeds 47 million MDL, and the allocated budget is to cover these expenses. The Ombudsperson stresses the urgent need to complete the reconstruction works, noting that securing the necessary budget will allow the entire staff of the Ombudsperson's Office to carry out their mandate fully and effectively.

However, regarding Recommendation 1.1.3, the Ombudsperson draws attention to certain challenges in the Medium-Term Budget Framework for 2024-2026, specifically the omission of the necessary allocations required for the full implementation of the mandated activities. This has led to difficulties in implementing human rights awareness raising activities, institutional capacity-building and recruitment of expert services for the preparation of studies and special/thematic reports. This budgetary shortfall made it necessary to seek external funding, as a result of which in 2024, 22.26% of the total budget of the People's Advocate Office was financed through contributions from partners and donors.

With reference to the same recommendation, the People's Advocate reiterates that, even in 2024, the PAO lacked sufficient financial resources to staff all 72 positions as required under the Law No.164 of 31 July 2015 on the approval of the Regulation on the organisation and functioning of the People's Advocate Office⁵. There has been ongoing dialogue with representatives of the Government, the Ministry of Finance, and other relevant authorities, during which arguments were put forward, including those related to strengthening the PAO budget. Such dialogues resulted in the adoption of Parliament Decision No.163 of 27.6.2024 which instructed the Government to identify the necessary resources to finance all staff positions, including salaries set at least at the level of ministries. However, the implementation of these measures remains incomplete. Despite certain salary increase measures, the issue of underfunding staff positions persists. Currently, out of 72 approved posts, only 54 are budgeted, covering 75% of the institution's needs, where only 46 are actually employed.

⁵ https://www.legis.md/cautare/getResults?doc_id=135503&lang=ro#



The Ombudsperson emphasises that the current financial situation does not fully comply with the Venice Principles and the recommendations of the Sub-Committee on Accreditation, which specifically state that the Ombudsperson's institutions must have a sufficient budget allowing them to fulfil their duties completely, independently and effectively. Insufficient financial resources undermine the institution's autonomy and effectiveness, limiting its capacity to safeguard and promote citizens' fundamental rights.

The Ombudsperson underscores that during the reporting period, the provisions of Article 4 of Law No.52/2014 on the Ombudsperson, which guarantee the Ombudsperson's inviolability, remained in force. Under paragraph 2 of this article, the Ombudsperson may be detained, arrested or searched without the consent of the Parliament only in cases of *flagrante delicto* and for the offences referred to in Articles 243, 324 - 328 and 330² of the Criminal Code No. 985/2002.

Following the amendment of this article by Law No.1 of 2 February 2023, the Ombudsperson noted that, while the measures introduced are grounded in the fight against corruption and are vital in safeguarding democracy, the rule of law and human rights, they nonetheless raise concerns regarding the independence of the Ombudsperson institution. The National Human Rights Institution must remain autonomous and safeguarded against any political influence or external pressures so that it can fulfil its mandate objectively, effectively and without interference. In this regard, the Sub-Committee on Accreditation has qualified such provisions as a restriction of the Ombudsperson's immunity and has therefore recommended public authorities to remove such provisions and revert to the general ones. To date, this recommendation has not been implemented.

In view of the fundamental importance of safeguarding the independence of the National Human Rights Institution, the Ombudsperson draws attention to a **case of interference in its work that jeopardised the exercise of its mandate**⁶. Following an *ex officio* referral concerning the suspicious suicide of a detainee on 13 July 2023 in the Remand Prison of the Cimişlia Police Inspectorate, the People's Advocate prepared a special report⁷, given the case's particular social significance. The report's specific purpose was to examine whether the guarantees of the right to life and to physical and psychological integrity under Article 2 of the ECHR, as well as the safeguards against torture under Article 3 of the ECHR, were respected for persons in state custody. More broadly, the report aimed to contribute to improving practices related to the protection of the rights of individuals in police custody. The

⁶ <https://ombudsman.md/reactia-avocatului-poporului-privind-imixtiunea-in-activitatea-sa-si-subminarea-garantiilor-de-independenta/>

⁷ Special report on suspicious suicides in the remand isolation centre of the Cimişlia Police Inspectorate <https://ombudsman.md/post-document/raport-special-privind-suicidul-dubios-in-izolatorul-de-detentie-preventiva-al-inspectoratului-de-politie-cimislia/?fbclid=IwAR1DLK2EsBHAjzzK2IHPpQ96PFTFkXT0ilmd4Q70RdJFLHOGn45dY-Hvell>



investigation revealed serious deficiencies in meeting these standards, most notably the state's failure to guarantee the right to life of persons in its custody. In addition, several systemic shortcomings were identified, including insufficient training of police officers in monitoring detainees and administering first aid, as well as the absence of emergency medical equipment. As part of its mandate, in accordance with point e¹), Article 11 of the Law No. 52/2014 on the Ombudsperson, the report was submitted to the competent institutions for the adoption of appropriate measures pursuant of its recommendations. In response the head of the General Police Inspectorate, Mr Viorel Cernăuțeanu, sent an official letter contesting certain findings of the report, requesting their amendment and the withdrawal of public communications on the matter, and threatening legal action in case of non-compliance. This request was interpreted as a direct attack on the independence of the institution of the Ombudsperson.

At the same time, such pressures contravene international standards on the independence of national human rights institutions, including the Paris Principles (UN), the Venice Principles and the recommendations of the Committee of Ministers of the Council of Europe. Challenging the Ombudsperson's reports through administrative proceedings is inappropriate and legally unfounded, as the People's Advocate Office does not function as a public authority and its reports, being non-binding, cannot be considered as administrative acts subject to annulment in administrative proceedings.

In the context of this case, the People's Advocate welcomes the fact that, following the referral submitted to the Ministry of Internal Affairs, the Prime Minister, the President of the Parliament and the specialised committees, measures have been adopted to prevent such interference in the future.

Another significant challenge that continues to hinder the full exercise of the mandate of the People's Advocate is the **limited access in the region on the left bank of the Nistru River (Transnistrian region)**. Despite these obstacles, the Representation of the People's Advocate Office in Varnița continues its efforts to collect information and assess the actual situation on the ground, which will be detailed in the relevant sub-chapter.

During the reporting period, the Ombudsperson points out that on **17 December 2024, the United Nations General Assembly adopted Resolution No. 79/177, reaffirming the essential role of the Ombudsperson and mediator institutions in safeguarding human rights, promoting good governance and strengthening the rule of law.**

Thus, the UN General Assembly emphasised the importance of upholding the principles relating to the Status of National Institutions (the Paris Principles), as well as the State's commitment to the values enshrined in the United Nations Charter and the Universal Declaration of Human Rights.



Moreover, the resolution is a clear call to state authorities to strengthen the Ombudsperson's independence by:

- Guaranteeing the autonomy and independence of the Ombudsperson's institutions;
- Allocating sufficient financial resources for monitoring and protection activities;
- Protecting NHRI staff against intimidation and retaliation;
- Recognising NHRI's contribution to the implementation of international standards.

In this context, of particular relevance is also the recommendation included in the European Commission's 2024 Report on the progress made by the Republic of Moldova in the EU enlargement policy. In this report the Commission calls on the Republic of Moldova to strengthen inter-institutional co-operation, in particular with the Council for Equality and the Ombudsperson, and to ensure the provision of adequate resources.⁸

Against this background, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.1.1: The Parliament to implement the necessary measures to protect PAO staff against intimidation and retaliation, thus ensuring the safe implementation of activities.

RECOMMENDATION 1.1.2: The Ministry of Justice to revise the legislation on the immunity and guarantees of the Ombudsperson to ensure the institutional independence and protection of the Ombudsperson and its employees against external pressures (return to the existing guarantees before the amendment of Law No. 52/2014 in 2023).

RECOMMENDATION 1.1.3: The Ministry of Justice to adopt the necessary legislative framework (adaptation of the Law on the Ombudsperson) for the establishment of the independent mechanism for monitoring the rights of persons with disabilities, in accordance with Article 33 of the UN Convention on the Rights of Persons with Disabilities.

RECOMMENDATION 1.1.4: The Government to ensure a sustainable funding mechanism for the People's Advocate Office, to guarantee the independence and efficiency of its work, in line with international recommendations.

RECOMMENDATION 1.1.5 (repeated): the Ministry of Finance to allocate the necessary resources to fully fund the 72 staff positions approved for the PAO to implement the constitutional mandate of the Ombudsperson.

RECOMMENDATION 1.1.6 (repeated): the Ministry of Finance to implement a concrete plan to bring the level of PAOs' salaries up to the standards recommended by the GANHRI, UN Resolutions and the Venice Commission.

⁸ <http://www.enlargement.ec.europa.eu>



Item 1.2: International reporting

In 2024, the People's Advocate Office prepared and submitted three alternative reports to the following international mechanisms: the UN Committee on the Elimination of Racial Discrimination, the UN Committee on the Rights of Persons with Disabilities and the European Committee of Social Rights, assessing the implementation of the commitments undertaken by the State. The reports provided an analysis of key challenges and recommendations in to improve national policies in these areas. In addition, the Ombudsperson contributed to the European Network of National Human Rights Institutions (ENNHRI) 2024 Rule of Law Report, drawing attention to key issues concerning respect for democratic principles and strengthening the protection of fundamental rights.

In the Alternative Report submitted to **the UN Committee on the Elimination of Racial Discrimination**⁹, the Ombudsperson emphasised the importance of introducing key changes in the legislation on preventing and combating discrimination and ensuring equal treatment. Thus, Law No.121 of 25 May 2012 on ensuring equality was strengthened through the extension of the list of protected criteria, the clarification of the definitions of direct and indirect discrimination, and the introduction of the concepts of continuous and prolonged discrimination.

Provisions were also introduced to ensure protection against discrimination in access to healthcare, social, banking, transport, cultural and other public services. At the same time, amendments to Article 9 of the Law strengthened the legal framework in the field of education by explicitly defining actions that qualify as discriminatory.

An important progress was also the revision of Article 346 of the Criminal Code concerning incitement to bias-motivated violent actions. Also, Article 77(d) of the Criminal Code includes the commission of offences motivated by bias as an aggravating circumstance, while Article 134/21 of the same Code defines such bias to include criteria such as race, colour, ethnicity, nationality or social origin. The Contravention Code has also been amended to introduce aggravating circumstances under Article 46/315 and to criminalise incitement to discrimination under Article 70/1. Additionally, Article 52(3) regulates hate speech in the context of election campaigns.

In practice, however, the application of these provisions remains weak and the authorities' response to investigating offences committed on such grounds remains often superficial. Furthermore, disaggregated data on offences motivated by bias, hostility or hatred is not systematically collected.

At the same time, the Ombudsperson reiterated concerns regarding Article 21 of Law No.148/2023 on Access to Information of Public Interest, which stipulates

⁹ <https://ombudsman.md/post-document/raportul-alternativ-al-oficiului-avocatului-poporului-in-baza-conventiei-onu-privind-eliminarea-tuturor-formelor-de-discriminare-rasiala-2024/>



that such information must be provided in the language in which it is available. In this context, the Ombudsperson emphasised the need to develop alternative or adapted mechanisms to ensure compliance with the Framework Convention for the Protection of National Minorities, the UN Convention on the Elimination of All Forms of Discrimination, Law No. 382 of 19.07.2001 on the Rights of Persons belonging to National Minorities, and the legal status of their organisations. The latest amendments¹⁰ to Article 8 of Law. 382/2001, which stipulates that 'In territories where persons belonging to a national minority constitute a significant part of the population, acts of local public administration authorities shall be published in Romanian and, where appropriate, in the language of the respective minority', have raised concerns. This amendment could restrict the rights of national minorities, as the use of their language in official publications is not fully and automatically guaranteed.

The People's Advocate highlights the importance of implementing at national level the Strategy for strengthening interethnic relations in the Republic of Moldova for 2017-2027¹¹ and the Programme for the implementation of the Strategy for 2023-2025 approved by Government Decision No.169/2023. Progress achieved includes the expansion of the community mediators' network (with 50 community mediators working in localities, and 8 vacant positions). The salaries of community mediators without formal education have been increased by four successive salary grades. Additionally, civil servants have received training on the rights of national minorities and cultural activities, among others. However, challenges persist, including staff shortage for creating programmes in minority languages and insufficient salaries for community mediators to fully perform their duties. Additionally, the Ombudsperson welcomes the approval of the Programme for the support of the Roma population in the Republic of Moldova for the years 2022-2025, approved by the Government Decision No. 576 of 03.08.2022, which represents an important step in strengthening the rights of this community and promoting their social inclusion. Such a programme is part of the commitments undertaken by Moldova in the accession process to the European Union and is included in the Action Plan for the implementation of the measures recommended by the European Commission. The programme aims to address the main problems faced by the Roma population, focusing on nine priority areas, among which education, health, employment, social protection, combating discrimination and participation in the public life. The programme also aims to improve access to public services, support community mediators and promote Roma culture in the media. However, challenges such as poverty, unemployment, school dropout rates and discrimination persist. For such a programme to have a real impact, there is a need for effective implementation, grounded in rigorous

¹⁰ Law No 49 of 21.3.2024 on the amendment of some normative acts (process of elaboration and promotion of draft normative acts) https://www.legis.md/cautare/getResults?doc_id=142636&lang=ro

¹¹ https://www.legis.md/cautare/getResults?doc_id=97804&lang=ro



monitoring, adequate financial resource allocation, and cooperation between public authorities and Roma civil society.

In the Alternative report **shortcomings were furthermore noted in the provision of disaggregated statistical data regarding the exercise of economic and social rights by ethnic minority groups**, particularly the Roma. The Ombudsperson notes that the 2014 census included additional data on ethnic groups in public administration and the labour market. The preliminary results of the 2024 Population and Housing Census¹² provided disaggregated data on the ethnic composition of the population and its changes compared to 2014. As the data have not yet been published, the Ombudsperson will monitor whether the results comply with the recommendations of the UN Committee on the Elimination of Racial Discrimination, particularly regarding the provision of detailed statistics on the socio-economic situation of minority groups, including their access to education, employment, healthcare and housing. The Ombudsperson also welcomes that the methodology of the 2024 census covers a broad range of social and economic indicators, including data on housing, utilities, education, employment and income.

The Alternative report highlights gaps in securing the right to education for Roma children¹³, noting the absence of an effective mechanism for compulsory schooling and prevent absenteeism and dropout. Contributing factors include inadequate housing and unstable employment for parents, which create economic hardships that lead families to prioritise basic needs over education.

Another issue highlighted in the report concerns Roma refugees from Ukraine, ethnic Azeris and other minority groups, who have encountered discrimination in temporary accommodation centres in the Republic of Moldova. The Ombudsperson reports¹⁴ document cases of refusal of accommodation on ethnic grounds, requests for ethnicity information prior to admission, and discouragement of Roma individuals from seeking protection. Additional problems identified include poor living conditions, limited access to services and segregation in accommodation centres.

In 2024, the People's Advocate Office submitted also **the alternative report to the UN Committee on the Rights of Persons with Disabilities**¹⁵. The Ombudsperson notes that, although the Republic of Moldova ratified the UN Convention on the Rights of Persons with Disabilities in 2010 and the Optional Protocol to the Convention in 2021, and adopted a relatively progressive legislative framework, its implementation remains fragmented and insufficient. Although Law No. 60/2012

¹² https://statistica.gov.md/ro/rezultatele-preliminare-ale-recensamantului-populatiei-si-locuintelor-2024-10077_61626.html

¹³ <https://ombudsman.md/post-document/respectarea-dreptului-la-educatie-a-copilor-de-etnie-roma/>

¹⁴ <https://ombudsman.md/rapoarte/drepturile-persoanelor-straine/>

¹⁵ <https://ombudsman.md/post-document/raport-alternativ-in-baza-conventiei-onu-privind-drepturile-persoanelor-cu-dizabilitati-2024/>



on the social inclusion of persons with disabilities contains anti-discrimination provisions, in practice people with disabilities continue to face exclusion from social and economic life.

According to the Study on Perceptions of Human Rights in the Republic of Moldova 2023¹⁶, elaborated by the People's Advocate Office, 53.7% of respondents believe that the right of persons with disabilities to be free from discrimination is respected. This marks an 11.1% increase, compared to 2020. While this reflects some improvement in public perception, the relatively modest growth, suggests that significant challenges remain. The Ombudsperson argues that this may indicate both limitations in the implementation of legislation and a lack of public awareness about the rights of people with disabilities.

Similarly, the Ombudsperson drew the Committee's attention to the situation of women with disabilities, who face multiple discrimination based on both gender and disability. They are furthermore more vulnerable to domestic violence and exclusion from the labour market. Another critical concern is the situation of children with disabilities, who encounter significant barriers to accessing education, healthcare services and social care. Although the State has adopted policies to promote their inclusion, such as the National Child Protection Programme for 2022 - 2026 and its corresponding Action Plan, the implementation of these policies remains weak.

Other challenges emphasised in the report are related to the physical accessibility of buildings, transport, roads and public services, which remain inadequately adapted to the needs of people with disabilities. Additionally, during the preparation of the annual report, the Ombudsperson observed that the accessibility of information published on public authorities' websites is limited. These websites are not compliant with Article 10 of Law No.148/2023 on Access to information, which mandates adaptations such as text size, contrast, and other visual elements to accommodate the needs of persons with disabilities.

Regarding access to justice, the Ombudsperson welcomed the amendments to Law No.198/2007 on State-guaranteed legal aid, which now include persons with severe and accentuated disabilities as beneficiaries, regardless of their disability level. More recently, the Ombudsperson highlighted the importance of establishing a state-guaranteed mediation mechanism through the adoption of Law No. 395/2023, which also extends benefits to persons with severe or accentuated disabilities.

The Ombudsperson also highlighted shortcomings in social protection of persons with disabilities. Many live in extreme poverty, and social benefits are insufficient to guarantee a decent standard of living. Recent reforms, including changes to the personal assistance service, have generated uncertainty and jeopardised access to essential services for people with disabilities.

¹⁶ <https://ombudsman.md/studiu-perceptii-asupra-drepturilor-omului-in-republica-moldova-in-2023/>



The Ombudsperson also emphasised the importance of implementing Article 33 of the UN Convention on the Rights of Persons with Disabilities, which mandates that States strengthen or designate an independent mechanism to promote, protect and monitor the implementation of the provisions of the Convention. This mechanism must take into account the status and functioning of national human rights institutions. On 3 December 2024, under the auspices of the People's Advocate Office and with the support of the UN Office for Human Rights in Moldova, a consultative meeting was held with representatives of civil society organisations of persons with disabilities. The meeting focussed on establishing an independent monitoring mechanism under Article 33, in addition to the People's Advocate Office. This initiative aligns with the recommendations of the UN Committee on the Rights of Persons with Disabilities, which stress that the independent mechanism must comply with the Paris Principles. The People's Advocate Office, possessing 'A' reaccreditation status and an extended mandate, demonstrates the capacity to fulfil this role.

In 2024, the Ombudsperson's Office outlined its perspective in an **ad hoc report on the cost of living crisis submitted to the European Committee of Social Rights**¹⁷. The report notes a 25% increase in the minimum wage as of 1 January 2024, compared to the previous year. While the People's Advocate welcomed this upward trend, the minimum wage remains insufficient given the rise in prices. According to the National Bureau of Statistics, prices in February 2024 were 4.3% higher than in the same month in 2023. Food prices rose by 3.5%, non-food goods by 5.6%, and services by 3.1%. Although this price increase is less steep than in the previous year, when prices rose by 25.9%, many individuals continue to face financial struggles. The Ombudsperson argues that when setting the minimum wage, legislators must consider not only employees' basic needs but also the importance of maintaining human dignity, which encompasses social and cultural needs beyond mere survival.

The Ombudsperson also noted governmental measures to alleviate the cost of living crisis, such as the 'Help on the Meter' programme. This initiative assists household consumers in coping with increased tariffs arising from the energy crisis by compensating them in their annual gas bills or providing monthly payments of up to 800 MDL for heating with wood or coal. During the 2024 – 2025 cold season, compensations are issued solely in monetary form to each household, by card or post, and calculated individually through the 'Energy Vulnerability' System. The minimum compensation was set at 300 MDL, and the maximum at 800 MDL, amounts deemed insufficient by beneficiaries. On 30 December 2024, the Government increased the monetary compensation from 500 MDL to 1,000 MDL.¹⁸

¹⁷ <https://rm.coe.int/mld-comments-ombudsman-office-on-ad-hoc-report-cost-of-living-2024/1680b08a76>

¹⁸ [HG899/2024](#)



In addition, the Ombudsperson positively assessed state's measures to combat poverty through the 'Social Aid' and 'Social Canteens' programmes. However, the legislation regulating the activity of social canteens is outdated. Law No. 81 of 28 February 2003 which regulates social canteens, only provides for a single form of service delivery to beneficiaries, consequently there is need to diversify the range of services offered to better meet the needs of beneficiaries.

The report also addressed the indexation coefficient of pensions between 2021 and 2024. The Ombudsperson notes that the rate of pension indexation has not kept pace with consumer price inflation, resulting in most pensions losing purchasing power and creating a gap between pension amounts and the real cost of living. For instance, the indexation coefficient was 13.94% in 2022, reflecting inflation at the end of 2021. In 2023, pensions were indexed by 15%, while inflation reached a record 40%, with the consumer price index rising 30.24%. The 2024 pension indexation of only 6% is among the lowest in recent years and raises concerns over the ability of pensions to sustain living standards.

As a member of the European Network of National Human Rights Institutions (ENNHRI), People's Advocate Office **contributed to drafting the Rule of Law Report 2024**¹⁹. To this regard, the People's Advocate noted that national authorities have made significant efforts to align national legislation with international standards. A key achievement was the transposition of the Istanbul Convention provisions into national legislation, which prompted amendments to the Criminal Code, the Code of Criminal Procedure and the Family Code, as well as the establishment of a mechanism of state-guaranteed legal aid for victims of domestic violence. The Ombudsperson welcomes the Government's effort in adopting the National Programme for Preventing and Combating Violence against Women and Domestic Violence for 2023 - 2027 and the establishment of the National Agency for Preventing and Combating Violence against Women and Domestic Violence. At the same time, in the area of child protection, new provisions for implementing the Lanzarote Convention were highlighted. These provisions guarantee that minors are heard under special conditions, regardless of their age, and remove the obligation for the victim to file a complaint to initiate criminal proceedings in cases of child sexual abuse and exploitation.

At the same time, the Ombudsperson highlighted ongoing serious issues in upholding the rule of law, including the so-called 'Guretskii Law,' which restricts citizens in the Transnistrian region from addressing national and international authorities about human rights violations committed by the so-called Transnistrian authorities. Additionally, the Ombudsperson pointed to measures in the Gagauz Autonomous Territorial Unit (Gagauz ATU) that impede the realisation of LGBTQI+ rights.

¹⁹ <https://rule-of-law.ennhri.org/?country%5B0%5D=33&year%5B0%5D=2024&>



Regarding the independence and efficiency of the National Human Rights Institution, the Ombudsperson emphasised in the questionnaire the extension of the institution's competences to include the examination of applications for the protection of whistleblowers and the rights of legal persons. The Ombudsperson also noted the increase in staff numbers and salaries at the PAO, which is an important step towards ensuring the institution's financial stability. However, concerns were raised about potential risks to the independence of the institution, particularly following the abolition of the provision requiring the Parliament's consent for initiating criminal proceedings against the Ombudsperson in cases of offences *in flagrante delicto* and certain offences under the Criminal Code. This legal change may expose the institution to external pressures and vulnerabilities.

The Ombudsperson highlighted the impact of security measures on the rule of law and fundamental rights. While acknowledging that the Government of the Republic of Moldova has adopted actions to protect the information space, the Ombudsperson expressed concerns regarding freedom of the press and the right to information. Specifically, the decision of the Commission for Exceptional Situations in October 2023 to suspend the activity of six TV stations and to block certain national websites drew criticism. The Ombudsperson underscored the need for greater transparency in applying such measures, emphasising the importance of respecting the principle of proportionality.

In the field of implementation of the judgments of the European Court of Human Rights, the Ombudsperson noted that the Republic of Moldova was sanctioned in 24 cases in 2023, the main violations regarding the right to a fair trial, the prohibition of torture and respect for the liberty and security of the person. To support the implementation of the European Court judgements, the Ombudsperson participated in the meetings of the Advisory Council of the Governmental Agent and proposed measures to improve the mechanism for the implementation of the ECtHR judgements.

Item 1.3: General aspects of human rights

The following sub-chapter highlights, for the second year in a row, the challenges and events of the reporting year concerning human rights and freedoms, and the rule of law and good governance. The Ombudsperson has been monitoring the challenges in relation to the above-mentioned issues, activity which is part of its broad mandate of preventing, protecting and promoting human rights.

In the beginning of 2024, the Government adopted the new **National Programme on Human Rights Enforcement for the years 2024 - 2027** through the Decision No.164 of 6 March 2024.²⁰ The new programme aims to ensure the continuity, evolution and progress of Moldova's national human rights policy. This

²⁰ https://www.legis.md/cautare/getResults?doc_id=142723&lang=ro



programme aims to further implement recommendations from international, regional and national human rights protection mechanisms, helping increase respect for and enforcement of the rights for everyone, and reducing the risks of human rights violations in the country. The Ombudsperson highlights that the 2024-2027 Programme marks a significant improvement over the previous plan. It better aligns with international standards, brings a clearer implementation and monitoring system, and focuses more on vulnerable groups and human rights issues as Moldova moves towards EU accession.

During the working group meetings for drafting the Programme, Ombudsperson's Office representatives insisted and ensured the inclusion of a set of priority actions for the period. These actions cover health and social protection, prevention of ill-treatment, human rights education and initiatives targeting vulnerable groups of people especially regarding respect for human rights. Furthermore, the new Programme, commits the government to realising rights for people with disabilities. The People's Advocate welcomes the creation and trial of support service for persons with disabilities in the decision-making process; the development of palliative care; the expansion of hospice facilities, including paediatric care; the adoption of provisions from revised European Social Charter; the regulation of the social service 'Assisted social housing'; the revision of the compulsory curriculum for pre-school, school and university level from a human rights perspective, as well as training for teachers in the field of human rights.

A key aspect worth mentioning in the report, concerns the status of **human rights defenders**. Strengthening human rights' defenders' normative frameworks has been an objective widely discussed on the international scene. Their protection has become mandatory, especially considering the outbreak of armed conflicts, geopolitical changes, climate challenges and the persistence of crises in various sectors.

Although Moldova's national legal framework does not provide comprehensive regulation in this area, there are still legal provisions that apply to human rights defenders. These include guarantees for lawyers (Law No.1260 of 19.07.2002 on lawyers²¹), protection for journalists against obstruction in their work (the Press Law No. 243 of 26.10.1994²²), the right of doctors to defence against interference in their professional activities (Law No. 264 of 27.10.2005 on the exercise of the medical profession²³), safeguards for the protection of reputation and honour (Law No. 64 of 23.04.2010 on freedom of expression²⁴) and, last but not least, the recognition of children as human rights defenders (Law No. 370 of 2023 on the rights of the

²¹ https://www.legis.md/cautare/getResults?doc_id=146148&lang=ro

²² https://www.legis.md/cautare/getResults?doc_id=109428&lang=ro#

²³ https://www.legis.md/cautare/getResults?doc_id=141904&lang=ro

²⁴ https://www.legis.md/cautare/getResults?doc_id=141515&lang=ro#



child²⁵). The Ombudsperson regards this recent development as an important step in strengthening and advancing the concept of human rights defenders. However, the need for additional measures is emphasised to guarantee a clear and effective legal framework. Building on this progress, and with the aim of enhancing protection for human rights defenders in Moldova, the Ombudsperson proposed the introduction of the **concept on human rights defenders** to public authorities and civil society during consultations held in early December 2024.²⁶

The concept brings together information about the situation of human rights defenders worldwide and highlights the risks and challenges they face, while also reflecting successful practices adopted by various countries, such as the introduction of the concept of children human rights defenders. This process will continue in 2025, together with the evaluation of the normative framework for the protection of human rights defenders, an activity undertaken by the Ministry of Justice.

Moreover, the Ombudsperson points out that the National Programme on Human Rights Enforcement for 2024-2027 includes Specific Objective 1.4, which aims to ensure a normative framework for the protection of human rights defenders and journalists, including in the Transnistrian region. The Ombudsperson has actively advocated for the inclusion of this objective in the Programme, supporting the need to draft legislation dedicated to human rights defenders.

Another crucial aspect in 2024 was the signature of the **Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law** on 5 September 2024 by the Republic of Moldova. The People's Advocate welcomes such an important step, which clearly demonstrates public authorities' commitment to align national frameworks with European and international standards, balancing technological innovation and the protection of fundamental rights, and ensuring that artificial intelligence serves public interest without undermining democratic values and human rights.²⁷

As Moldova is currently developing the national regulatory framework on digital services, the Ombudsperson presented an opinion on the draft law proposed by the Ministry of Economic Development and Digitalisation. The Ombudsperson recommended authorities to ensure a clear and balanced legislative framework that respects the fundamental rights of users and prevents possible abuses in the digital sphere. Moreover, the Ombudsperson emphasised the need to regulate the cooperation procedure between the national digital services coordinator and the European Digital Services Committee to guarantee the autonomy and independence of the body responsible for overseeing digital services. The Ombudsperson also

²⁵ https://www.legis.md/cautare/getResults?doc_id=140710&lang=ro#

²⁶ <https://ombudsman.md/avocatul-poporului-initiaza-consultari-pentru-protectia-aparatorilor-drepturilor-omului/>

²⁷ <https://ombudsman.md/avocatul-poporului-saluta-semnarea-conventiei-cadru-a-consiliului-europei-privind-inteligenta-artificiala-drepturile-omului-democratia-si-statul-de-drept/>



drew public authorities' attention to the procedure on handling complaints, calling for a review of the mechanism to remove illegal content to ensure a fair and proportionate approach. Another major problem identified regards the regulation of online advertising based on surveillance.

The Ombudsperson further emphasises in this report the importance of **transparency in the work of state authorities**, a fundamental principle of good governance. Society must have free and unrestricted access to information of public interest, including official reports, activity plans, organised events and draft legislation subject to public consultation. Access to this information is essential to ensure open, accountable and inclusive governance, enabling citizens to actively participate in the decision-making process and evaluate the performance of state institutions.

To this regard, the Parliament submitted in 2024 for public consultation the draft Code on the Organisation and Functioning of the Parliament. The same document was submitted to the People's Advocate Office for issuing an opinion. The People's Advocate made key recommendations concerning the improvement of the functioning of the legislative forum. Among the proposed recommendations, one was to introduce rules of conduct for members of the Parliament, inspired from the European Parliament's Rules of Procedure, which entail mutual respect, prohibit disruption of parliamentary proceedings, guarantee security in Parliament's buildings and prohibit the use of offensive language in debates.

Another recommendation proposed by the Ombudsperson concerned strengthening the rights of the opposition in Parliament. The Ombudsperson suggested clarifying the procedure for requesting an 'opposition day', establishing a transparent mechanism for setting the plenary session agenda, and regulating the opposition's competence to chair the plenary session on 'opposition day'. Further suggestions included amending legislative procedures to set a clear deadline for publishing the plenary agenda to ensure predictability and transparency. It was also recommended to specify the circumstances under which the standing committee responsible may accept amendments tabled after the deadline, and to regulate the extension of the state of emergency by a qualified majority as a procedural safeguard to respect fundamental rights and uphold the principle of constitutionality. A key point in the Ombudsperson's opinion was the need to strengthen the independence and integrity of the National Institution for the Protection of Human Rights, ensuring these are aligned with both national and international standards. To address this, the Ombudsperson recommended that the authorities create formal channels of cooperation between the Parliament and the Ombudsperson. This would involve the Ombudsperson's participation in parliamentary committees to offer expertise on human rights, provide professional guidance on issues related to protecting fundamental rights, and maintain ongoing dialogue and effective information exchange.



In 2024, two major events also shaped the democratic environment: **the national constitutional referendum and the presidential elections held on 20 October**. These events not only influenced the country's democratic direction but also reinforced a commitment to the rule of law. However, the Ombudsperson noted with regret that these events affected inter-human relations, including a rise in radicalisation and hate speech, which have undermined social cohesion and democratic debate. The report also addressed vote buying, a practice that threatens the fairness of the electoral process and exposes the vulnerabilities of certain social groups. Additionally, the Ombudsperson condemned attacks and intimidation against the media, stressing that such actions jeopardise freedom of expression and the public's right to receive fair and objective information. It has further noted that public debates have often taken place in a divided atmosphere rather than one of respect and unity, exacerbating social divisions instead of promoting progress and unity. These findings underline the need for collective effort to strengthen democracy, protect fundamental rights and promote respectful, responsible dialogue.²⁸

Also in 2024, Moldova held the **Population and Housing Census**, a nationwide effort, essential for the development of the country. Conducted from the 8 April to 7 July, the census provides essential data on the population's demographic and socio-economic characteristics, households, housing stock, and living conditions. These data are fundamental for guiding public policies in key areas for citizens, such as health, education, social protection, economic security and community development.

The preliminary results of the census were presented on 30 January 2025²⁹. These results covered key factors such as the size and structure of the population by sex, major age groups, residence and country of birth, as well as the distribution of the population by development regions and ethno-cultural characteristics (ethnicity, religion, mother tongue, language spoken, difficulties in carrying out daily activities). Such factors are essential for a rapid assessment of demographic trends and represent the basis for establishing effective public policies. Furthermore, these results help to identify the specific needs of certain groups, including those facing difficulties in carrying out daily activities, thus facilitating the implementation of appropriate social inclusion measures. However, to strengthen the efforts of public authorities to implement coherent and efficient interventions, a comprehensive and detailed analysis of the whole data collected is necessary.

A crucial development in strengthening the protection of fundamental rights and responding effectively to the alarming phenomenon of gender-based violence

²⁸ <https://ombudsman.md/indemnul-avocatului-poporului-ombudsmanul-ceslav-panico-in-contextul-turului-doi-de-alegeri-prezidentiale/>

²⁹ https://statistica.gov.md/index.php/ro/rezultatele-preliminare-ale-recensamantului-populatiei-si-locuintelor-2024-10079_61630.html



and domestic violence in the Republic of Moldova, was the establishment of the **National Agency for the Prevention and Combating of Violence against Women and Domestic Violence (NAPCV)** by Government Decision No. 926 of 29 November 2023.³⁰ The Agency's mission is to implement public policies aimed at preventing and combating violence against women and domestic violence. It works to ensure the implementation at national level of the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter - Istanbul Convention), adopted on 11 May 2011 and ratified by Law No. 144/2021, and other relevant international instruments that promote the protection of women's rights against all forms of violence. The Agency coordinates inter-institutional activities in the field of preventing and combating violence against women and domestic violence and facilitates cooperation and dialogue with the public sector, the non-commercial sector and civil society. In this context, the Ombudsperson welcomes the creation of the Agency as an essential step in ensuring real support for victims of domestic violence, emphasising the importance of an effective and coherent mechanism to combat this phenomenon.

In 2024, the Ombudsperson also investigated several serious road accidents that occurred in 2023, which had a significant social impact, resulting in numerous fatalities. As a result, the thematic report '**The right to life, health and safety in road traffic**'³¹ was prepared, aimed at identifying the systemic causes behind these accidents and proposing solutions for their prevention. The report highlighted the need for Moldova to take a more proactive approach to road safety - not only through punitive measures, but also by improving infrastructure, enforcing stricter regulation on drivers' behaviour, and promoting road safety education for all road users.

The main problems identified included shortcomings in the system for penalising speeding and drunk driving, the lack of a National Road Safety Strategy, and the poor road infrastructure quality. There was also concern over the rising number of children involved in road accidents, which emphasises the need for additional protective measures. Excessive speed remains the leading cause of fatal accidents and the lack of a central institution to oversee road safety further complicates the implementation of effective policies.

Based on these findings, the Ombudsperson issued over 40 recommendations to relevant authorities, including the Ministry of Internal Affairs, the Ministry of Infrastructure and Regional Development and the General Police Inspectorate. Proposed measures include developing a new National Road Safety Strategy, upgrading infrastructure, establishing a road safety agency, tougher penalties for reckless drivers and the development of traffic safety education programmes, including in schools.

³⁰ https://www.legis.md/cautare/getResults?doc_id=140357&lang=ro

³¹ <https://ombudsman.md/raport-tematic-dreptul-la-viata-sanatate-siguranta-si-securitate-in-traficul-rutier/>



The Ombudsperson will monitor the implementation of these recommendations and actively work with the authorities to overcome obstacles to improving road safety. The aim will be on moving from a reactive to a preventive approach, inspired by successful international models such as the 'Safe System - Vision Zero' concept. The goal is to reduce the number of accidents and casualties through a coherent and well-implemented strategy at national level.

Based on the above, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.3.1: The Government to ensure the effective implementation of the National Programme on Ensuring Respect for Human Rights (NHRP) 2024-2027. This requires better budget planning, rigorous monitoring, and the implementation of recommendations of international mechanisms, with particular attention to protecting vulnerable groups. Elaboration and submission of a Programme Implementation Report for 2024.

RECOMMENDATION 1.3.2: The Ministry of Justice to develop and adopt a clear legislative framework for the protection of human rights defenders, including journalists, lawyers and children recognised as human rights defenders, and to create an effective mechanism to prevent intimidation and reprisals against them.

RECOMMENDATION 1.3.3: The Ministry of Justice, the Ministry of Economic Development and Digitalisation to find a balance between technological innovation and the protection of human rights by clearly regulating the use of artificial intelligence and digital services, in compliance with European and international standards on fundamental rights.

RECOMMENDATION 1.3.4 (repeated): The Parliament and the Government (including the Ministry of Justice and other line ministries) to ensure that the mechanism of transparent decision-making and participatory law-making is respected, allowing all citizens and stakeholders to take part in legislative authorisation processes within reasonable timeframes, thus ensuring open and inclusive governance.

RECOMMENDATION 1.3.5: The Parliament to reform the legislative process by clarifying the procedure for 'opposition day', setting up a transparent mechanism for determining the agenda of plenary sessions and regulating the extension of the state of emergency by a qualified majority to ensure respect for fundamental rights and the principle of constitutionality.

RECOMMENDATION 1.3.6: The Central Election Commission, Ministry of Internal Affairs to intensify efforts to prevent and combat vote buying and information manipulation, as well as to ensure the protection of journalists from attacks and intimidation, to guarantee a free and fair electoral process.



RECOMMENDATION 1.3.7: The Central Electoral Commission and the Ministry of Internal Affairs to intensify measures to prevent and combat hate speech during election periods, including by applying appropriate sanctions against political parties and electoral candidates who promote messages that incite hatred and prejudice, and thus ensure a fair electoral process that upholds democratic values.

RECOMMENDATION 1.3.8: The Government to support the effective functioning of the National Agency for Preventing and Combating Violence against Women and Domestic Violence and ensure sufficient resources for the implementation of protection measures for victims of domestic violence, in line with the Istanbul Convention.

Item 1.4: The right to the highest standard of health

Priority No. 1 'All people have access to quality and safe healthcare services' of the Strategic Development Programme of the People's Advocate Office for 2023-2030

The right to the enjoyment of the highest standard of health is a fundamental human right and an essential condition for the well-being of the population. The Republic of Moldova has continued to advance this right through public policies aimed at improving access to healthcare services, modernising health infrastructure, and strengthening protections for vulnerable groups. In 2024, notable progress was achieved in several areas, however key reforms remain under implementation.

In 2024, specific priorities were set out in the **National Programme on Respect for Human Rights 2024-2027**³². These include scaling up policies to combat viral hepatitis, revising the legal framework on HIV and reforming punitive drug policies to ensure support and rehabilitation for drug users. The programme also foresees improving patients' access to information on the availability of medicines, harmonising pharmaceutical legislation with European standards, integrating human rights principles in both the accreditation of medical institutions and training of medical staff. Another key objective is the development of geriatric and palliative care services, alongside the provision of psychological support for patients and their families.

The commitment to develop a modern, resilient and efficient healthcare system has been affirmed through the adoption of **the National Development Plan for 2024-2026**. The plan foresees the implementation of a broad range of measures, including the construction and rehabilitation of the healthcare infrastructure, the digitalisation of the sector, and improving equal access to healthcare services for children, women and men. Key objectives also include reducing maternal mortality, preventing HIV transmission and tuberculosis, combating hepatitis, and addressing water-borne and other communicable diseases, among others.

³² Government Decision No. 164/2024 on the approval of the National Programme on Human Rights Enforcement for 2024-2027.



The adoption of the **National Programme for the Control of Viral Hepatitis B, C and D for 2024-2028** ensures the continuation of actions to combat viral hepatitis B, C and D, with the objective to improve the overall health status of the population. The programme seeks to expand access to effective, safe and affordable prevention, testing, diagnosis, treatment and care services, in line with one of the Ombudsperson's key recommendations for 2024. The Ombudsperson has expressed support for these initiatives, while underscoring the need to give particular attention to socially vulnerable groups, including persons deprived of liberty, people who use drugs, and communities in both urban and rural areas.

The Ombudsperson endorses the development of the **National Programme on Rare Diseases for 2024-2028**, which aims to guarantee equitable access to early diagnosis, treatment, and rehabilitation services for all people with rare diseases. The programme also seeks to strengthen international research collaboration, to create an integrated system of healthcare services for rare diseases, in line with European standards.³³ For years, the vulnerability of people living with rare diseases has been a key concern highlighted in the People's Advocates' reports.^{34, 35, 36}

In the field of **mental health**, regulations have been adopted that strengthen patients' rights and establish support mechanisms for people with mental disorders. This reflects one of the Ombudsperson's main recommendations for 2024. The recently enacted legislation³⁷ introduces the concept of 'mental wellbeing', emphasising prevention, community-based support and stronger safeguards for patients through a clearer, more effective regulatory framework. The legislation defines the procedures for voluntary and involuntary admission and includes oversight measures to ensure that patients' fundamental rights are upheld. However, further progress is still needed at the implementation stage to realise these improvements fully.

Another advance made in 2024 concerns the prevention of torture for specific categories of detained persons, **in particular, seriously ill prisoners**. The progress has taken the form of streamlined procedures for the medical assessment of seriously ill detainees, allowing for their release from sentence or the modification or revocation of pre-trial detention.³⁸ The process for medical examination of seriously ill prisoners is no longer regulated by an inter-ministerial Order (as it was previously), but by a

³³ https://www.legis.md/cautare/getResults?doc_id=143104&lang=ro

³⁴ <https://ombudsman.md/viata-unui-pacient-se-afla-in-pericol/>

³⁵ <https://ombudsman.md/parintii-copiilor-cu-boli-rare-sunt-nevoiti-sa-procure-din-bani-propriei-medicamente/>

³⁶ <https://ombudsman.md/post-document/raport-anual-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2020/>

³⁷ Law No.114/2024 on mental health and mental well-being

³⁸ Government Decision No.417/2024 on the approval of the Regulation on the procedure of medical examination of seriously ill detainees for the release from execution of sentence, or for the replacement, revocation of pre-trial detention, as well as the List of serious illnesses that prevent persons from being held in detention (including those in pre-trial detention)



Government Decision. These amendments have been introduced in response to years of recommendations from the People's Advocate, aiming to ensure fair access to medical care for all categories of patients.

The People's Advocates supported the initiative of the Ministry of Health to **prohibit the sale of nicotine products outside authorised premises**, as recommended in the Annual Report 2023³⁹. They urged Parliament to adopt the Tobacco Control Bill No. 280/2024 without amendments that would weaken the effectiveness of its protective measures. This initiative aims to reduce tobacco consumption, ban advertising, and align national legislation with international standards, in particular the World Health Organisation (WHO) Framework Convention and the EU Association Agreement. The People's Advocates recommended measures to prevent tobacco industry influence, combining regulation with educational campaign programmes and strict monitoring. Protecting children from access to tobacco remains a priority, with enforcement by authorities being crucial. Although supported by the government, the proposed amendments had yet to be adopted at the time of writing.⁴⁰

A significant advancement in the health sector in 2024 was the introduction of new standards for **patient safety and accreditation of medical institutions**, through the adoption of the Ministry of Health Order No. 660/2024. These stricter regulations, applicable to both public and private hospitals, aim to improve the quality of the healthcare services and strengthen patient protection. The new measures include establishing a transparent system for managing patient complaints, monitoring medical errors and enforcing preventive protocols, ensuring patients are well informed about treatment options and their rights, and standardising hygiene and safety standards across medical facilities.

In 2024, amendments to the **compulsory health insurance** legislation were introduced, expanding the package of services covered to provide access to a wide range of treatments. Funding for patients with rare diseases has also been increased, facilitating their access to much needed therapies. At the same time, a more transparent system for managing funds within the insurance framework was introduced, ensuring a more efficient and equitable allocation of resources for healthcare services.

While the Republic of Moldova has made progress in implementing health reforms, challenges remain. These include the failure to fully implement recommendations from the WHO, the World Bank, the EU and other international organisations to improve access and quality of healthcare services.

The National e-Health Strategy, which seeks to digitalise the healthcare sector and improve access to services through technology, has yet to be finalised. This document

³⁹ <https://ombudsman.md/post-document/raport-anual-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2023/>

⁴⁰ <https://ombudsman.md/post-document/opinia-avocatilor-poporului-cu-referire-la-proiectul-de-lege-nr-280-2024-privind-modificarea-legislatiei-in-domeniul-controlului-tutunului/>



is key for creating a more efficient healthcare system by enabling electronic patient records, online appointment booking, and better management of health resources.

A new law regulating the medicines market is still being drafted, aiming to facilitate easier access to essential treatments and establish a transparent pricing system. The lack of clear regulation in this area continues to impact patients, especially the vulnerable, who face high costs and limited availability of certain essential medicines.

Another pressing issue is the ongoing **lack of a medical malpractice law** to clearly define responsibilities and set out effective procedures for addressing cases where patients suffer harm due to medical errors. This legislative vacuum creates uncertainty for both patients and healthcare professionals. The adoption of a regulatory framework would help to build better trust and confidence in the healthcare system.

Regarding **reproductive health and family planning**, national policies have yet to be supported by a clear and effective strategy, which limits access to essential sexual and reproductive health services. Women in rural areas, in particular, face difficulties in accessing these services. Developing appropriate policies in this area would be an important step towards promoting the right to health and ensuring equitable access for all.

From the **case files examined** by the Ombudsperson in 2024, shortcomings were identified in the realisation of the right to the highest attainable standard of health. Petitions submitted by complainants, alongside findings of the monitoring process, revealed structural problems within the healthcare system, including poor access to services, unequal treatment, informal payments and lack of essential medical provisions.

Delays in treatment and lack of access to medical consultations remain a significant concern. Many complaints highlighted undue delays in scheduling appointments and restricted access to essential medical care. Patients reported long waiting times for diagnostic tests and interventions, even in cases requiring urgent response. This problem disproportionately affects people living in rural areas and people with disabilities, who face additional barriers in accessing specialised medical services. Moreover, consultation appointments are often excessively lengthy and lack transparency. Some patients have to wait several months for necessary investigations to confirm a diagnosis, leading to a deterioration in their health. These delays, combined with a shortage of healthcare professionals, create a considerable imbalance between demand and supply of healthcare services, particularly impacting those in need of urgent care.

Informal payments and corruption in the healthcare system remain prevalent despite ongoing efforts to combat these issues. Patients frequently report being asked or indirectly pressured to make payments, outside the health insurance scheme, in order to receive consultations or interventions more promptly. This practice creates major inequities in access to healthcare, favouring those with



financial resources while disadvantaging vulnerable groups who cannot afford these payments or are discouraged from seeking further care. Moreover, patients often experience difficulties in obtaining certain legally guaranteed rights, such as access to subsidised medicines or free services. They are sometimes misinformed about the availability of treatments or referred to private facilities, where they must pay for services that should be provided free of charge under public healthcare provisions.

Discriminatory treatment of patients remains a significant problem. Some patients face unfair treatment due to financial constraints or their status as members of vulnerable groups. Cases were reported where low-income patients, people with disabilities and prisoners often encounter difficulties in accessing healthcare services, either through outright refusals or unjustified delays. In some cases, patients have reported inappropriate behaviour by healthcare workers, characterised by a lack of empathy or withholding of full information about available treatments and options. Such attitudes undermine patients' trust in the healthcare system and constitute a barrier to a fair treatment for all citizens

A worrying issue raised in the complaints received concerns the limited access to **palliative care**, especially for patients with oncological diseases and other chronic illnesses in advance stages. In many medical facilities in the Republic of Moldova, these services are either unavailable or provided in a fragmented manner, without ensuring integrated support for patients and their families. The lack of medical staff specialising in palliative care and of the necessary resources to meet patients' needs creates significant difficulties in providing a dignified end of life, free from unnecessary suffering. There is also insufficient coordination between medical and social services, which prevents the integration of patients into a holistic care system that provides medical, offering both psychological and social support. In this context, there is need to develop effective policies to support the expansion of these services and ensure equitable coverage across the entire country.

The mental health situation remains a major challenge, both in terms of access to treatment and the management of people with severe mental disorders. A series of serious cases reported in 2024 have highlighted the significant risks associated with the lack of adequate community services for the supervision and reintegration of these individuals. Among the incidents recorded were several serious offences committed by people with mental disorders, including cases of murder in various districts: in Causeni, a woman fatally stabbed her five-year-old child; in Dubasari, a person released from a psychiatric hospital killed his mother; in Chişinău, a brother killed his sister and was later declared unfit; in Ceadir-Lunga, a person with mental disabilities killed his mother; in Floresti, a young man previously hospitalised for psychiatric reasons killed his father. These tragic cases underline the vulnerability of people with severe mental health conditions and the need for effective measures to prevent such events through appropriate treatment, continuous supervision, and social reintegration. Furthermore, the integration of these people into the



community and their access to appropriate treatment remain urgent priorities. The lack of community services, such as support centres and mobile mental health teams, means that many people with mental disorders do not receive the necessary care. This can lead to a deterioration in their health and potentially dangerous situations for themselves and others. A more comprehensive approach is required, one that establishes integrated mental health services combining medical treatment, social care and psychological support. Such a framework would provide patients with the support they need and help prevent relapses and critical situations.

Following a joint complaint from residents of a sector of Chişinău, the People's Advocate intervened in the case of the Civil Aviation Medical Centre (CAMC), where numerous deficiencies were reported: the lack of minimum conditions for the gynaecological surgery, a shortage of family doctors, and the absence of connections to the water and sewage networks. Investigations revealed that the Family Doctors' Office within the institution lacked a health authorisation or an accreditation certificate. As a result of the Ombudsperson's interventions to the Ministry of Health and other authorities, inspections were carried out and corrective measures imposed. Ultimately, the medical centre was connected to water and sewage, the interior spaces were renovated, and the medical staff was strengthened, including hiring a family doctor and a paediatrician. The report of the National Health Insurance Company confirmed improvements in sanitary conditions, the modernisation of the medical cabinets, and the provision of the necessary equipment, thus restoring patients' access to quality medical services.

Another case that resulted in the restoration of petitioner's rights concerned an order to reimburse the sums spent on purchasing subsidised medicines.

In the context of the subject described above, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.4.1: The Ministry of Health to finalise the drafting and begin the phased implementation of the National e-Health Strategy. This includes digitalising medical records, enabling online appointment scheduling, and providing patients with access to their treatment histories. Intermediate deadlines should be established for testing and optimising these systems.

RECOMMENDATION 1.4.2 (repeated): The Parliament and the Ministry of Health to accelerate the development and adoption of a clear legislative framework on medical malpractice. This framework should define responsibilities and establish effective mechanisms for handling cases, developed in consultation with relevant stakeholders.

RECOMMENDATION 1.4.3: The Ministry of Health, the National Health Insurance Company, the National Anti-Corruption Centre to develop and pilot an effective mechanism to monitor and reduce informal payments within the healthcare system. This should include anonymous reporting channels, preventive measures, and clear sanctions, alongside efforts to enhance transparency regarding patients' rights.



RECOMMENDATION 1.4.4: Ministry of Labour and Social Protection, Ministry of Health to continue to expand palliative and geriatric care services, ensuring a more equitable coverage of these services nationwide. Adjustments should be made as needed based on the evolving needs of the population and existing capacities.

RECOMMENDATION 1.4.5: The Ministry of Health, Ministry of Justice, CLAM, Ministry of Home Affairs to develop and implement an integrated and effective model of community services for people with severe mental illness and their integration into society, including mobile teams and support centres.

Item 1.5: Justice and the right to a fair trial

Priority 3 ‘Everyone who comes into contact with the justice system has effective access to justice and a fair trial’ of the Strategic Development Programme (SDP) of the People’s Advocate Office for 2023 - 2030

Justice reform and respect for the right to a fair trial remain key issues in strengthening the rule of law in the Republic of Moldova. In this context, the Ombudsperson highlights that the authorities have continued to adopt and implement measures aimed at ensuring the transparency, efficiency and accessibility of the judicial system. The year 2024 witnessed significant strides forward, including important legislative amendments and initiatives to protect human rights, marking notable progress in fortifying judicial mechanisms. However, some backlogs and challenges persist, requiring further intervention and improvements.

In the field of public policies and legislation, 2024 was marked by the promotion and adoption of key legislative initiatives aimed at **optimising the functioning of the judicial system and strengthening access to justice**. Accordingly, the following laws were enacted: Law No. 135 of 13 June 2024 amending various legislative acts related to the revision of the judicial map⁴¹; Law No. 284 of 5 December 2024 amending legislative acts concerning the electronic form of the lawyer's mandate⁴²; Law No. 136 of 6 June 2024 amending certain legislative acts (amendment of the Criminal Code and the Contravention Code)⁴³; Law No. 271 for the amendment of the Contravention Code of the Republic of Moldova No. 218/2008 (procedure for applying the warning sanction)⁴⁴. In addition, several legislative initiatives are currently under consideration, including the draft Law on the improvement of the mechanism for confiscating criminal assets and the draft Law on the Constitutional Court, both of which have been adopted at the first reading. At the same time, the Government approved and submitted to Parliament for review a draft law aimed at amending certain normative acts concerning the execution of Constitutional

⁴¹ https://www.legis.md/cautare/getResults?doc_id=143818&lang=ro#

⁴² https://www.legis.md/cautare/getResults?doc_id=143818&lang=ro#

⁴³ https://www.legis.md/cautare/getResults?doc_id=146142&lang=ro#

⁴⁴ https://www.legis.md/cautare/getResults?doc_id=146241&lang=ro



Court decisions and the improvement of the voluntary enforcement mechanism of enforceable documents.

The People's Advocate emphasises the importance of the entry into force in 2024 of the **state-guaranteed mediation mechanism**⁴⁵, introduced by the amendments to Law No. 198/2007 on state-guaranteed legal aid⁴⁶. These new provisions aim to broaden access to alternative dispute resolution, offering vulnerable people, such as people with severe or pronounced disabilities, minors and young persons under the age of 21, a genuine opportunity to benefit from a more accessible and efficient legal system, irrespective of income. However, according to the 2024 Activity Report of the National Council for State-Guaranteed Legal Aid⁴⁷, only one application for this service was registered, and it was subsequently refused. This situation indicates the need for a thorough analysis of the implementation of these provisions and a review of the level of information and support available to those eligible for this service.

In 2024, the Ombudsperson examined the *draft of the new Law on the method of compensation for damage caused by illegal acts committed in criminal and contravention procedures*, which is under public consultation on the Ministry of Justice platform⁴⁸. In this context, the Ombudsperson formulated key recommendations, emphasising the need for additional clarifications to ensure coherent and effective implementation of the new legislative provisions.

The People's Advocate also contributed with recommendations to the public consultation process on the **draft Law on the Constitutional Court**. This draft Law was prepared to implement the Protocol No.16 to the Convention for the Protection of Human Rights and Fundamental Freedoms. This initiative introduces an essential mechanism of co-operation and interaction between the Constitutional Court and the European Court of Human Rights, strengthening the protection of fundamental rights. In this context, the Ombudsperson made a series of recommendations aimed at improving the draft law. These included the incorporation of protections of fundamental rights within the text, expressly regulating in the law the admissibility conditions (substantive and formal requirements) of referrals to the Constitutional Court; supplementing the law with specific criteria regarding the seriousness of the harm justifying the suspension of acts subject to constitutional review; that the decisions rejecting the suspension be accompanied by detailed reasoning; granting the Constitutional Court the possibility to obtain, at the admissibility stage; the intervention of the parties, but also of third parties through *amicus curiae* opinions; detailing the structure and content of the acts issued by the Constitutional Court.

⁴⁵ Law No 395 of 15 December 2023 amending some normative acts (state-guaranteed mediation) https://www.legis.md/cautare/getResults?doc_id=140995&lang=ro

⁴⁶ https://www.legis.md/cautare/getResults?doc_id=141538&lang=ro#

⁴⁷ https://cnaigs.md/uploads/asset/file/ro/2805/Raport_anual_de_activitate_al_CNAJGS_2024_final.pdf

⁴⁸ <https://www.justice.gov.md/ro/content/proiectul-de-lege-privind-modul-de-reparare-prejudiciului-cauzat-prin-faptele-ilicite-comise>



During the public consultations on the draft Law to **revise the judicial map**, the Ombudsperson highlighted the importance of ensuring effective access to justice for people leaving in the Transnistrian region, by issuing an opinion on the matter. Moreover, the Ombudsperson believes that establishing the Bender Court, with its temporary seat in the village of Varnița, and the inclusion in its jurisdiction of the municipalities of Tiraspol and Bender, as well as the Slobozia district, will ensure free access to justice for about 200,000 people, including residents of the Transnistrian region. This guarantees that individuals will be able to seek the protection of their rights, freedoms and legitimate interests, with full assurance that these rights cannot be restricted by any law. The Ombudsperson also welcomes the decision to continue the activities of the Bender (Varnița) Court, which operates as part of the Causeni Court, until 31 December 2030. However, relocating the Comrat Court of Appeal to the municipality of Cahul, located 100 kilometres away, poses a significant barrier to justice for Comrat residents. In addition, from February 2025, the Territorial Office for State Guaranteed Legal Aid will also move to Cahul, which could further reduce access to essential legal services for people in Comrat unless provisions are being made to facilitate improved access to these services.

About the **State Tax Law No.213/2023**⁴⁹ the Ombudsperson raised concerns particularly on the provisions imposing stamp duty, which cannot be exempted, deferred or paid by instalment. This creates restrictions on the right to a fair trial, especially for vulnerable groups. The Ombudsperson once again emphasised the need for measures to ensure that these fees are proportionate and to allow exemptions for vulnerable groups with limited financial resources. The issue was resolved by the Constitutional Court Decision No. 20 of 26 September 2024, which declared unconstitutional the failure to provide exemption, deferment or instalment of stamp duty in Article 2(2) of the Law on State Duty and Article 84(4) of the Code of Civil Procedure. In his *amicus curiae* opinion to the Constitutional Court, the Ombudsperson emphasised that the burden of maintaining the justice system should not fall on citizens and that the court must take into account individuals' financial circumstances when assessing access to justice.

In 2024, the Constitutional Court examined **the constitutionality of the time limit imposed for the judgement of an application seeking the establishment of a judicial protection measure**. It declared Article 308⁽⁸⁾ of the Code of Civil Procedure unconstitutional. The Court found that removing an application for a protective measure from the proceedings constitutes a restriction on free access to justice, as it may result in repeated applications without any substantive resolution. The Constitutional Court was unable to identify any legitimate purpose for allowing the withdrawal of such applications after a one-year deadline. In the Opinion submitted to the Constitutional Court, the Ombudsperson noted that the sanction of removing the application from the register if it is not decided within one year from the date of filing the request, leaves no possibility for remedy, undermining access to justice.

⁴⁹ https://www.legis.md/cautare/getResults?doc_id=145352&lang=ro#



Similarly, the Ombudsperson submitted an opinion on the request of the Superior Council of Magistracy **regarding the Regulation on the organisation of court hearings using videoconferencing**. The Ombudsperson recommended explicitly defining the types of cases that may be heard via videoconferencing, taking into account the risks inherent to such a procedure, as well as the nature and profile of the participants involved. The Ombudsperson also proposed piloting the Regulation in several courts to assess its practical effects. Furthermore, the need was emphasised to improve the Regulation by introducing explicit provisions on sign language interpretation, establishing clear rules for reasonable accommodation of vulnerable groups, and drafting specific guidelines to facilitate videoconference hearings for all vulnerable groups.

Following the adoption of the Government Decision No. 748 of 6 November 2024, the **Agency for Digitalisation in Justice and Judicial Administration** was established through the merger of the Court Administration Agency and the Legal Information Resources Agency⁵⁰. In this context, the Ombudsperson regards the creation of this institution as a significant step in modernising the judicial system. It is expected to enhance the digitisation of judicial processes and facilitate citizens' access to justice through innovative digital solutions. The Ombudsperson also emphasises the importance of this initiative for developing an efficient, transparent and citizen-centred e-justice concept, which will contribute to improving the overall quality of the justice system.

The Ombudsperson also welcomed the adoption of Decision No. 274/19 by the Superior Council of Magistracy on 28 May 2024, which approved the Regulation on the selection and evaluation of judges. This measure is an important step towards enhancing transparency and meritocracy within the judiciary, aligning with the Ombudsperson's earlier recommendations.

Within the framework of implementing **the Action Plan for the implementation of the Strategy on Ensuring the Independence and Integrity of the Justice Sector (2022-2025)**, the Ombudsperson highlights significant progress demonstrating the authorities' commitment to justice reform. This progress includes the appointment of members and ensuring the functioning of the Superior Council of Magistrates and the Superior Council of Prosecutors, appointing the first five judges to the Supreme Court of Justice, who have started working to standardise judicial practice, appointing the Prosecutor General for a full term, electing members to the Selection and Evaluation Board for Judges and the Disciplinary Board from the judges; completing the evaluation by the Extraordinary Evaluation Commission for Prosecutors of candidates for the Disciplinary and Ethics Board and the Board for the Selection and Evaluation of Prosecutors.

The year 2024 marked a significant milestone in strengthening the integrity of judges and enhancing public confidence in the justice system. In this context,

⁵⁰ https://www.legis.md/cautare/getResults?doc_id=145852&lang=ro



the **vetting process** of judges, carried out by the Vetting Commission (judges' evaluation commission), played an essential role and has been a focal point of public discussion and debate. While the process has made notable progress, it has also faced challenges, reflecting the complexity and widespread impact of the reform on the entire justice system. Reforming the justice system is furthermore important as it directly links to Moldova's **European integration process**⁵¹. Out of the **nine recommendations** issued by the **European Commission**, **six** are directly related to justice reform, emphasising in particular the independence of the judicial courts, the fight against corruption and the protection of human rights. This outlines the need for further reforms to be carried out in the judicial system, ensuring a solid legal framework in line with European standards. Such reforms pave the way to Moldova's European integration process.

The **cases analysed by the Ombudsperson** in 2024 highlight several alleged violations regarding the right to a fair trial and access to justice. These include difficulties faced by foreign nationals in translating and submitting evidence, as required by the Code of Civil Procedure, the failure to enforce judgements, excessive delays in the resolution of cases, and disagreements with bailiffs' actions. There are also barriers to accessing justice for persons with disabilities, for example, when claims concerning accessible facilities are refused. Furthermore, violations of the right to defence were noted, such as complaints being resolved by investigating judges in the absence of those involved. As in previous years, petitioners continued to report the inefficiency or incompetence of appointed lawyers in ensuring adequate defence; these lawyers are often seen as passive or unprepared, which erodes confidence in the defence system.

Item 1.6: Right to social assistance and social protection

Priority No. 4: 'People at risk and in vulnerable situations benefit from protection, social assistance, and community social services' as outlined in the Strategic Development Programme of the People's Advocate Office for 2023-2030

Providing social assistance and protection is crucial for ensuring a decent standard of living for vulnerable members of the society. It also plays a key role in alleviating the impact of economic, social and political crises. In 2024, the Ombudsperson continued to monitor developments in this area amidst ongoing legislative changes and the introduction of new public policies. These reforms reflect the authorities' endeavours to address current challenges and strengthen social protection mechanisms. Despite these initiatives, difficulties persist when it comes to the effective implementation of social protection measures, which hinders the real impact of the reforms.

Through Law No. 185/2024, the **Republic of Moldova has extended the commitments enshrined in the European Social Charter (revised)** by ratifying

⁵¹ <https://www.justice.gov.md/ro/content/retrospectiva-realizarilor-ministerului-justitiei-anul-2024>



key provisions on social rights. As a result, workers will now benefit from increased overtime pay (Article 4.2) and young people will have access to vocational training during employment (Article 7.6). At the same time, the state guarantees the right to ongoing education and retraining (Article 10.1-5) and promotes the integration of persons with disabilities into social life (Article 15.3), therefore strengthening the protection of social rights and harmonising them with European standards. The Ombudsperson supported this initiative and recommended the ratification of the Additional Protocol on the collective complaints' procedure, which would address the improper application of the Charter's provisions. Moreover, the Ombudsperson proposed the ratification of other articles for which there are no major obstacles, including those covering labour protection, migrant workers' rights and equal opportunities (Articles 3(4), 14(1), 14(2), 18(1), 19(1) - (6), 19(9), 22, 27(1), 27(3)), as recommended by the European Committee of Social Rights.

In the context of **pension indexation** for 2024, the People's Advocate highlights a 6% increase in pension amounts and an adjustment to reflect economic growth (GDP increase). As a result, the average old-age pension rose by 249 MDL to reach 3,926 MDL, while the minimum pension for those with full contributory service is 2,778 MDL. The People's Advocate also notes that, according to the National Bureau of Statistics⁵², the minimum subsistence pension for old-age pensioners in 2023 was 2,403.9 MDL. However, the actual minimum subsistence for pensioners varies depending on location: for those living in large cities, the subsistence minimum is 2,723.3 MDL, while for those living in rural areas it amounts to 2,279.9 MDL.

Against this backdrop, the Ombudsperson considers that **the current indexation remains insufficient**, especially given the substantial rise in consumer prices in recent years. The increases to pensions do not fully address the real needs of pensioners, leaving many with insufficient income for a decent standard of living.

To address this and to prevent the situation from worsening, the Ombudsperson recommended at the start of the year that the Government introduce **additional support measures for vulnerable populations**.

Similar to 2023, in the context of applying derogations, the indexation coefficient was considerably reduced, affecting the real level of beneficiaries' income.

The People's Advocate welcomes the measures taken to support the population in response to rising energy prices, including the 'Help on the meter' programme, which has now been in place for three consecutive years via compensations.gov.md. For the 2023-2024 cold season, this support covered compensation for gas, heating and electricity bills, as well as monthly payments of 800 MDL for households using wood or coal for heating. For 2024-2025, the assistance is provided solely as

⁵² https://statbank.statistica.md/PxWeb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_04%20NIV_NIV050/NIV050090.px/table/tableViewLayout2/?rxid=cd9139c8-a3e3-410a-b617-5a26ae1f6fae



monetary compensation, with amounts initially ranging from 300 and 800 MDL, and later increasing to 500-1000 MDL. While these measures provide relief to citizens, they do not fully offset the increasing costs of energy. Many households therefore remain vulnerable, often needing to cut other essential expenses or seek alternative heating solutions.

At the same time, in 2024, the People's Advocate monitored the **evolution of protection measures for people with disabilities**. Social inclusion is an essential indicator of state progress, ensuring equal opportunities and the chance to lead an independent life. Thus, the launch by the Ministry of Labour and Social Protection of the new National Programme for Social Inclusion of Persons with Disabilities for the years 2023 - 2027⁵³ is an important step forward to tackle the problems in relation to persons with disabilities from a multidisciplinary perspective, with a particular focus on accessibility, healthcare, social care, education, empowerment and participation. Recognising the significance of this initiative, the Ombudsperson has called on the Ministry of Labour and Social Protection to request information on the status of elaboration/approval of the draft Programme, as well as information about the activity of the National Council for the Rights of Persons with Disabilities. The reply received from Ministry representatives did not provide any further information on the Programme, highlighting that the Council's Regulation is in the process of being drafted. The People's Advocate will continue to monitor the implementation of activities in the area of policy and plan development.

In order to ensure the right to a fair social protection system and decent living for people with disabilities, the Ombudsperson proposed to the Government to amend the Regulation on the establishment and payment of social assistance approved by Government Decision No.1167 of 16 October 2008.⁵⁴ The aim of this proposal is to **extend the right to social assistance to people with moderate disabilities acquired in adulthood**, as currently it is only granted to those whose moderate disability began in childhood.

According to the National Bureau of Statistics, the average minimum disability pension covers only 49.9% of the subsistence minimum, making social assistance essential to ensuring a decent standard of living. In this context, the state is obliged to provide adequate social benefits, regardless of when a disability arises. Although the proposal was not accepted, the Ombudsperson will continue to advocate for the implementation of these changes.

Additionally, in the context of social payments, the People's Advocate drew the Constitutional's Court attention to the issue of **suspending social allowances for persons in detention**. This measure **disproportionately affects people with**

⁵³ <https://social.gov.md/comunicare/ministerul-muncii-si-protectiei-sociale-lucreaza-la-un-nou-program-national-de-incluziune-sociala-a-persoanelor-cu-dizabilitati/>

⁵⁴ https://www.legis.md/cautare/getResults?doc_id=146444&lang=ro#



disabilities, making them more vulnerable, and limiting their ability to earn an income or meet their specific needs. The Court confirmed the constitutionality of Article 6(10) of Law No. 499 of 14 July 1999 on social allowances for certain categories of citizens, especially those with severe disabilities since childhood, and blind persons, as well as detained persons with severe disabilities who are entitled to personal assistance services. If the prison institution offers the necessary services, suspending the social allowance is justified. However, the state must still ensure support for the effective development and maintenance of these services within institutions where liberty is withdrawn.

Similarly, in 2024, the People's Advocate also addressed the issue of the **accessibility of parking spaces for people with disabilities**, following a review of the draft decision of the Chişinău Municipal Council on the organisation and functioning of public parking in Chişinău. The Ombudsperson proposed reasonable accommodation of parking spaces to ensure that people with disabilities can move freely from one space to another without obstacles, including within designated parking areas. It was also suggested that free parking passes or permits should be extended to individuals based on their vulnerability, and that tariffs and parking fees should take into account people's current economic and social situation, including providing tax relief for those unable to pay.

At the end of 2024, to ensure the implementation of the rights of persons with disabilities, the Ombudsperson launched an initiative to establish an **independent monitoring mechanism for implementing the UN Convention on the Rights of Persons with Disabilities, in accordance with Article 33(2) of the Convention**. Considering the Paris Principles and the broad mandate of the Ombudsperson in the area of prevention, promotion, and protection of human rights, the Ombudsperson underscores its mandate to coordinate this mechanism. During the reporting period, the Ombudsperson also noted ongoing issues in the field of social security that remain unresolved and are cause for concern.

Additionally, the Ombudsperson highlighted the issue of **differential treatment between persons without domicile in the Republic of Moldova, and those with established domicile, regarding payment of monthly state allowances for certain merits**. This practice contravenes Articles 46 (the right to private property and its protection) and 47 (the right to social assistance and protection) of the Constitution, when read together with Article 16. Consequently, the Ombudsperson referred the matter to the Constitutional Court for a constitutional review of the relevant provisions of the Regulation on the establishment and payment of monthly state allowances and material assistance to specific categories of the population, approved by Government Decision No. 470/2006.⁵⁵ As of the reporting period, the case is still pending before the Constitutional Court.

⁵⁵ https://www.legis.md/cautare/getResults?doc_id=145302&lang=ro#



In its arguments, the Ombudsperson highlighted that, according to the jurisprudence of the European Court of Human Rights (*Pichkur v. Ukraine*, paragraph 53), growing population mobility, increased levels of international co-operation and integration, and advancements in banking and information technology can no longer justify technically motivated restrictions on the payment of social security benefits of recipients living abroad. It is notable that these allowances are specifically granted to certain categories of citizens for their service to the state. These groups include military personnel, intelligence and security officers, employees of internal affairs agencies and prison administration, liquidators involved in responding to the Chernobyl Nuclear Power Plant disaster, and participants in combat operations to defend the territorial integrity and independence of the Republic of Moldova, among others.

Another concern in the field of social security involves **Moldovan citizens residing on the left bank of the Nistru River and in neighbouring localities**. Since current legislation requires individuals to apply for social benefits in the locality where they reside, and there are no subdivisions of the National Office of Social Insurance on the left bank, this creates a barrier to accessing social assistance and protection. To address this gap, the Ombudsperson proposed finding a mechanism to ensure that these citizens can access the social support system despite administrative obstacles.

From a case study perspective, the situation at the start of 2024 was brought to light, when both the People's Advocate and the People's Advocate for Children's Rights were notified by beneficiaries of **the Personal Assistance Service** in Chişinău municipality. This included personal assistants themselves, relatives of persons with disabilities and representatives of civil society. The petitioners alleged violations of personal assistants' right to work and deprivation of personal assistance for persons with severe disabilities, stemming from Decision No.7 of 29.12.2023 issued by the Commission for Exceptional Situations of Chişinău municipality.

In this context, Chişinău City Hall intended not to renew the employment contracts of personal assistants and even to terminate existing ones, which would have left people with severe disabilities without essential support. This situation resulted from the implementation of the 'Restart' reform, established by Law No. 256/2023, which transferred social assistance competences from the second-level local public authorities to the Territorial Social Assistance Agencies (except for the municipality of Chişinău and UTA Gagauzia, where these competences remained unchanged).

Simultaneously, the amendment of Law No. 435/2006 on administrative decentralisation required a technical legislative adjustment, transferring the competences related to social assistance from Article 4(2)(j)(k), which applied to all level II administrative-territorial units, to Article 61, which is exclusively dedicated to the municipality of Chişinău and the Autonomous Territorial Unit (UTA) of Gagauzia.



Another major issue has been caused by amendments to the Law on the Population Support Fund No. 827/2000, which removed the funding for the minimum package of social services from this fund. As a result, local public authorities have been compelled to find alternative sources of financing to maintain social services provision. This challenge has been further exacerbated by financial austerity measures and a reduction of more than 17.45% of the budget allocated to the Restart reform, compared to the initially planned amounts, due to macroeconomic constraints and decreased budget revenue.

Following the Ombudsperson's intervention through a notice addressed to Chişinău City Hall and the Ministry of Labour and Social Protection, solutions were found to restore the rights of the affected individuals. As a result, the Agency for the Management of Highly Specialised Social Services rehired 1,220 personal assistants, whose contracts had previously been terminated by the General Directorate for Medical and Social Assistance of the Chişinău Municipal Council. In addition, on 1 August 2024, 225 personal assistants, whose contracts had been terminated or whose working conditions and salaries had been reduced, were reemployed by decision of the General Directorate for the Protection of Children's Rights in Chişinău.

Considering the above, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.6.1: The Ministry of Labour and Social Protection to identify and allocate sufficient financial resources to ensure the uninterrupted provision of personal assistance services, avoiding the termination of personal assistants' contracts and safeguarding the necessary support for people with severe disabilities.

RECOMMENDATION 1.6.2: The Ministry of Labour and Social Protection to initiate a comprehensive evaluation of the pension and social benefit indexation formula, ensuring that annual adjustments take into account not only economic growth but also actual inflation rates and variations in the subsistence minimum according to the living environment (urban or rural).

Item 1.7: Right to work and labour protection

Priority No. 7 'Women and men have equal access to employment opportunities and receive fair treatment in the workplace' of the Strategic Development Programme of the People's Advocate Office for 2023-2030

In 2024, the Republic of Moldova made significant progress in harmonising its labour legislation by ratifying provisions of the European Social Charter, thereby strengthening guarantees for the right to work. The Ombudsperson acknowledged this progress while also noting persistent shortcomings in ensuring equal opportunities. The need remains for more effective measures to support the inclusion of women, persons with disabilities and prisoners into the labour market.



The Ombudsperson emphasises that, as highlighted in the previous section on social protection, the ratification of certain provisions of the European Social Charter (revised) through Law No.185/2024⁵⁶ has strengthened the protection of social rights, including the right to work. Although this ratification led to changes in the Labour Code, the Ombudsperson highlights that **Article 4 of the European Social Charter (revised) was only partially ratified**, with only the second paragraph being included for harmonisation. Consequently, paragraph 1, which guarantees the right of workers to sufficient remuneration for a decent standard of living for themselves and their families, remains unratified. This occurred despite the Ombudsperson's 2023 recommendations to fully adopt the provisions of Article 4. The Ombudsperson stresses that poverty and a shortage of attractive job opportunities, particularly for the younger generation, remain the primary reasons for employment either within the country or abroad. Therefore, ratifying Article 4, paragraph 1, would help ensure a decent wage and contribute to reducing economic migration.

While fair pay is influenced by inflation, state policies, and available financial resources, the Ombudsperson emphasises that authorities have a responsibility to identify and implement effective solutions to ensure a living wage that aligns with fundamental rights.

In accordance with Article 3 of Law No. 1432/2000 on establishing and reviewing the minimum wage, the Government set the minimum wage in the economy at 5,000 MDL as of 1 January 2024⁵⁷. This represents a 25% increase compared to 2023. While this upward adjustment is a positive development, **the minimum wage remains insufficient to guarantee a decent standard of living**. The ratio of the minimum wage (5,000 MDL) to the average wage in the economy (13,700 MDL) is 36%, falling short of the recommended European threshold. In this context, the Ombudsperson recalls the Government's commitment to transpose Directive (EU) 2022/2041 on adequate minimum wages in the European Union, with implementation planned by September 2025⁵⁸. The provisions of this Directive suggest that the minimum wage in each member state should be at least 50% of the average wage.

In the reporting year, the Ministry of Labour and Social Protection approved, through Order 72/1 of 11 April 2024, the National Programme for the Reduction of Undeclared Work for 2024-2025.⁵⁹ The Programme aims to reduce various forms of undeclared work, enhance labour market efficiency, and mitigate the negative impacts of undeclared work on vulnerable groups. Although undeclared work continues to pose significant challenge, the authorities have intensified their surveillance and control

⁵⁶ https://www.legis.md/cautare/getResults?doc_id=144430&lang=ro

⁵⁷ https://www.legis.md/cautare/getResults?doc_id=140420&lang=ro

⁵⁸ National Action Plan for Moldova's Accession to the European Union 2024-2027 https://www.legis.md/cautare/getResults?doc_id=141820&lang=ro

⁵⁹ <https://social.gov.md/wp-content/uploads/2024/05/Program-de-reducere-a-muncii-nedeclare.pdf>



efforts to address this issue effectively. In this regard, the State Labour Inspectorate, which has the power to carry out unannounced visits, carried out a total of 853 unannounced inspections in 2023, 108 more than in 2022. This increase suggests increased activity in identifying and combating illegal practices.

In parallel, legislative amendments governing the operations of the State Labour Inspectorate have raised concerns regarding their impact on the duties of labour inspectors. In response, the People's Advocate lodged a complaint before the Constitutional Court, seeking a constitutional review of the provisions of paragraph 3 of Article 9/1 of the Law No.140/2001, which introduced new incompatibility provisions for labour inspectors in 2023. This initiative seeks to assess whether the new provisions adhere to the principle of proportionality concerning the inspectors' roles and responsibilities. The Constitutional Court is expected to issue its ruling, which may have a direct impact on the effectiveness of mechanisms to combat undeclared work.

During 2024, state authorities substantially implemented the planned measures of the **National Employment Programme 2022-2026**, demonstrating a consistent commitment to strengthening the labour market. When it comes to **encouraging young people to take up employment in public institutions, the continuation of the paid internship programme in the public service** for individuals aged 18 to 29, **is particularly noteworthy**. Following the competition held in June, 46 young people undertook paid internships in public authorities, with the number rising to 68 in the October session. During the reporting year, important legislative changes were also initiated, including the revision of Law No.123/2023 and the amendment of Government Decision No.532/2023, which regulates the organisation and implementation of paid internships in the public service. These legislative measures are to be welcomed, as they lay the groundwork for enhancing the appeal of the public service, supporting the integration of young professionals, and promoting the career development of students and graduates.

With regard to the analysis of the **female employment rate**, the first quarter of 2024 shows significant progress, reaching its highest level in six years. The statistics indicate an increase in the employment rate to 40.8% compared to 34.3% in 2019, reflecting a considerable improvement in women's access to the labour market. This positive development is an important indicator of the effectiveness of the measures undertaken to support women's integration into the labour market.⁶⁰ These measures include the introduction of more flexible conditions for granting childcare leave in the Republic of Moldova, as well as amendments to the Labour Code concerning flexible forms of work and the use of paid partial childcare leave. Under these provisions, employees are able to adapt their working hours, including

⁶⁰ <https://social.gov.md/comunicare/cea-mai-mare-rata-de-ocupare-a-fortei-de-munca-in-randul-femeilor-in-ultimii-6-ani/>



through teleworking, flexible working arrangements, part-time work, or compressed working weeks.

Regarding **gender equality**, the World Economic Forum's Gender Gap Report 2024⁶¹ highlights the progress made by the Republic of Moldova, which has risen from 23rd place in 2020 to 13th place in 2024. Nevertheless, significant discrepancies persist in certain areas, underscoring the need for continuous efforts to achieve genuine gender equality. While women are predominantly employed in education, health, social work, journalism and arts, men continue to dominate sectors such as agriculture, construction, science, technology, engineering and mathematics. These imbalances demonstrate the need for further measures to ensure more balanced gender representation across all economic sectors.

In this context, the Government continued in 2024 to align national legislation with international standards, including the ongoing **implementation of the International Labour Organisation Convention No. 190 on violence and harassment in the world of work**. The Ombudsperson recommended that the proposed legislative amendments to be coordinated with the provisions of other existing normative acts, particularly concerning the role of the *gender coordinating group* within public authorities, as well as the necessary measures for the reparation of material and moral damages in cases where adequate assistance and protection are not provided. Most of these proposals have been accepted, thereby creating favourable conditions for an integrated and inclusive approach to preventing and combating violence and harassment in the workplace.

Furthermore, data from the National Bureau of Statistics show that 53.8% of women aged 25 to 54 are economically inactive due to family responsibilities, such as caring for children or other family members. This remains one of the primary reasons for women's inactivity in the labour market.

In this context, the Ombudsperson supports the initiative of the National Confederation of Trade Unions of Moldova to promote the ratification of **the International Labour Organisation (ILO) Convention No. 156, which seeks to ensure equal opportunities and equal treatment for workers with family responsibilities**. This convention recognises the additional challenges faced by workers balancing family and professional responsibilities and underlines the need for more favourable policies for this group, both through specific measures and broader improvements in working conditions.

Simultaneously, alongside measures aimed at increasing women's participation in the labour market, the authorities have taken steps to encourage the employment of **people with disabilities**, including the development of the Guide for Employers on Employing People with Disabilities. This document outlines the social, economic and

⁶¹ https://www3.weforum.org/docs/WEF_GGGR_2024.pdf



fiscal benefits for employers. However, the Ombudsperson cautions that the current measures are not sufficient to fully address the needs of people with disabilities and their careers.

According to the Council of Europe's Report on the assessment of needs in the field of social rights, with a particular focus on the right to work and employment of vulnerable groups in the Republic of Moldova⁶², people with disabilities, especially those living in rural areas, face an increased risk of poverty and complex challenges that require interdisciplinary collaboration. Their access to vocational training remains limited, as only a small number of institutions are adapted, and most do not provide adequate support for people with mental and psychosocial disabilities. Technical vocational education institutions are neither physically accessible nor do they offer adequate psychological support. In addition, their predominantly urban location poses additional barriers for people from rural areas, where mobility is reduced. The vocational training available is often misaligned with labour market requirements, disproportionately affecting vulnerable groups with reduced employability.

To remedy this situation, the Ministry of Labour and Social Protection committed to developing the National Programme for Social Inclusion of Persons with Disabilities 2023-2027. Although work on the programme began in 2023, the public policy document was not adopted until 2024.

In addition to people with disabilities, another vulnerable group in the labour market comprises **individuals in detention**, who face limited access to education and vocational training, as well as a scarcity of employment opportunities within the prison system. Furthermore, the Ombudsperson emphasises that in 2024, a considerable number of complaints were received from detainees regarding poor working conditions (such as a lack of protective equipment, inadequate pay, etc.) and the issue of employment barriers due to discrimination. Progress in addressing these problems was made with the adoption of the Joint Order from the Ministry of Justice and the Ministry of Education and Research on vocational training of convicted offenders⁶³. The Ombudsperson has supported this initiative, having previously intervened with authorities to ensure prisoners' access to education and employment, both of which are essential for their reintegration into society.

In terms of case law, the People's Advocate highlights that some of the most common violations of the right to work include unjustified termination of employment; non-payment or withholding of wages; lack of a system for compensating overtime or rest days; payment of wages "under the table". Complaints were also received concerning discrimination and harassment in the workplace.

⁶² <https://rm.coe.int/raport-evaluarea-necesitatilor-ron/1680af2b14>

⁶³ <https://monitorul.gov.md/ro/monitorul/view/pdf/2999#page=75>



A successful case involved a petitioner who complained of gender discrimination and a breach of the right to work in a competition organised by the Ministry of Defence and the Presidential Orchestra. The Ombudsperson identified the shortcomings raised by the petitioner and issued an Opinion to the responsible institution recommending amendments and additions to the Regulation on the procedure for selection and secondment for studies and other forms of professional development. The recommendations also included removing barriers by abolishing the term *reserve candidate*, and the priority rule applied in the selection process, as well as ensuring access for men and women to various services and privileges, including opportunities for further training, among others. Following the Ombudsperson's intervention, the recommendations were implemented, and the petitioner's rights were restored.

Another case of considerable impact involved the prevention of workplace harassment, following a journalistic investigation in which several women accused the director of a municipal health institution of sexual harassment. Although the case was discontinued due to the victims' refusal to disclose their identities, the Ombudsperson's intervention prompted the Ministry of Health to begin developing institutional policies for preventing and reporting sexual harassment in healthcare institutions. The institution concerned has also been prioritised for the implementation of these measures, including through information and awareness raising sessions for its employees.

In the context of the section described *above*, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.7.1: The Ministry of Labour and Social Protection to strengthen supervisory and enforcement mechanisms to combat undeclared work, including by allocating additional resources for unannounced inspections and removing legislative barriers that limit the powers of labour inspectors.

RECOMMENDATION 1.7.2: The Ministry of Labour and Social Protection to accelerate the process of full ratification of Article 4, paragraph 1 of the European Social Charter (revised), ensuring that the minimum wage is aligned with European standards and guarantees a decent living for workers, thus contributing to reducing economic migration and boosting employment within the country.

Item 1.8: Right to security and liberty

Priority No. 8 'The right to liberty and security of the person is ensured; torture and ill-treatment are eradicated' of the Strategic Development Programme of the People's Advocate Office for 2023 - 2030

Respecting the right to safety and liberty is fundamental for all individuals, but it is of particular concern for those in state custody, who are especially vulnerable to abuse. From the Ombudsperson's perspective, safeguarding these rights requires continuous monitoring and appropriate interventions to ensure adherence to the



principles of human dignity, legality, and proportionality when restricting individual freedoms.

In 2024, the Ombudsperson Institution received 181 complaints from individuals in state custody, the most frequent issue reported being the poor material conditions in prisons.

An analysis of the cases reported by people in detention to People's Advocate Office **repeatedly identified serious systemic problems affecting their safety, security and liberty.** These findings reveal the ongoing vulnerabilities of the most at-risk groups. In this context, the Ombudsperson draws particular attention to the situation of individuals in detention, patients in psychiatric hospitals, and those institutionalised in placement centres for persons with disabilities.

Among the main **violations reported by prisoners, many of which have also been noted in previous years,** are the lack of security due to the influence of the criminal subculture; physical assaults and various threats; intimidation and blackmail from other inmates or the prison staff; inhuman detention conditions characterised by extreme temperatures and the presence of insects and rats; overcrowding; lack of hygiene products; and limited access to adequate medical care.

Another concerning issue is discrimination against prisoners belonging to vulnerable groups, such as persons with disabilities, who are not provided with reasonable accommodations. Disabled individuals are also unable to receive disability pensions or allowances as required by law, as they fall under state care. Furthermore, they face significant barriers to entering the labour market to earn an income. Although several detainees expressed a desire to work, they are denied access to employment opportunities due to either a lack of available positions or because they do not meet the job requirements.

In some cases, prisoners also face unjustified restrictions on correspondence and telephone communication. Another significant issue is the violation of the right to petition. In 2024, the Ombudsperson received complaints from detainees regarding either the administration's refusal to their petitions or the provision of unsatisfactory replies.

In the context of investigating violations of the rights of detained persons, the Ombudsperson notes the restoration of the rights for several petitioners who reported marginalisation imposed by the criminal subculture, restricted access to common areas, and inadequate detention conditions. Following the **Ombudsperson's intervention in the alleged cases, a series of recommendations was developed to address these shortcomings and restore the rights of those affected.** Consequently, living conditions have been significantly improved through repairs, and access to common areas has been ensured. Likewise, measures have been implemented to ensure privacy in smaller cells, prevent conflict and violence, and combat the influence of the criminal subculture.



Safety within the prison system, as well as the **prevention of reprisals and acts of revenge**, remain ongoing concerns for the Ombudsperson. In this context, the Ombudsperson emphasises the need for increased attention on the issue of reprisals and intimidation in detention, taking into account several key factors: the vulnerability of detainees in accessing protection mechanisms; the absence of an effective system for filing and resolving complaints; the high risk of retaliation for communicating with persons outside the prison; and the necessity of ensuring effective mechanisms for restoring rights in cases of human rights violations.

In order to address these issues, the People's Advocate Office has internally developed the Guide on Prevention and Protection against Reprisals of Persons Deprived of Liberty (Prison System). This guide serves as a practical resource for staff of the People's Advocate Office and members of the Council for the Prevention of Torture (CfPT), aiming to enhance mechanisms for preventing and protecting prisoners against reprisals and intimidation when they communicate or intend to communicate with the PAO/CfPT about human rights violations in prisons, regardless of the accuracy of the information provided.

In parallel, the Ombudsperson has undertaken a series of complementary actions to prevent reprisals in detention, including organising informational sessions for detainees, to raise awareness about intimidation, threats and reprisals, as well as available protection mechanisms. Additionally, over 100 prison staff received specialised training on preventing reprisals, relevant national and international standards, and the crucial role of prison personnel in combating such practices. These initiatives help to foster a safer prison environment and enhance the effective protection of the rights of persons in detention.

The conscription process into military service in 2024 was marked by several irregularities and a lack of fundamental procedural guarantees in some cases. A relevant case currently under investigation by the Balti Representation of the People's Advocate Office concerns the conscription of an individual. The incorporation decision was made by officials before the commencement and completion of the admission period for studies, disregarding the fundamental right to education. As a result, the individual was prevented from continuing their technical vocational training, despite the irrevocable suspension of enrolment orders. Moreover, the individual's efforts to enforce the court's irrevocable decisions and to be released from the military service to resume their studies were ignored by officials, prompting the educational institution to initiate expulsion proceedings.

Furthermore, continuing studies is compatible with training citizens for the defence of the homeland in military academies, which involves costs borne by the trainees, placing the financial burden on the pupil/student. In contrast, military service itself is funded by the national public budget.



In addition to the violation of the right to education, the individual was subjected to degrading treatment and reprisals for contesting their enrolment. A flawed medical assessment resulted in the frequent administration of unjustified treatment, and while in the military unit, the person faced intimidation and sanctions, including being denied leave during holidays. They were also physically assaulted, with the acts of violence confirmed by an irrevocable court judgement.

The Ombudsperson emphasised that such situations constitute serious human rights violations and erode trust in the institutions responsible for the recruitment process. Accordingly, a clear recommendation was made to establish effective mechanisms to protect the right to education for young conscripts, alongside stricter measures to prevent abuse and inhumane treatment within military units. In this context, the PAO will continue to monitor the implementation of these recommendations to prevent similar occurrences in the future.

Respectively, considering the context described, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.8.1: The National Administration of Penitentiaries should implement an effective and accessible system for filing and resolving complaints in prisons, ensuring confidentiality and safeguarding prisoners from retaliation and intimidation, through an independent monitoring and rapid response mechanism.

RECOMMENDATION 1.8.2: The Deputy Prime Minister for Reintegration of the Republic of Moldova, the Ministry of Defence to ensure respect for the right to education for young people conscripted into military service, through establishing clear regulations that prevent abusive conscription, facilitate the continuation of studies, and guarantee protection against inhumane treatment and reprisals.

Item 1.9: Whistleblowers' rights

On 22 June 2023, the Parliament of the Republic of Moldova adopted Law No.165 on whistleblowers⁶⁴. This law seeks to address deficiencies, gaps and normative voids present in the previous Law No.122/2018 on whistleblowers, introducing conceptual and technical amendments to ensure compliance with EU Directive 2019/1937 of the European Parliament and the European Council on the protection of persons reporting breaches of Union law.

The new law aims to enhance and streamline mechanisms for reporting legal breaches and to discourage unlawful practices. The state has a duty not only to permit the disclosure of such offences, but also to encourage employees to actively engage in their prevention and combat. The law strengthens protection for whistleblowers, aligning national legal framework with regional and international standards.

⁶⁴ https://www.legis.md/cautare/getResults?doc_id=138148&lang=ro#



Considering the Ombudsperson's role as the authority for whistleblower protection, its involvement and active role in safeguarding whistleblowers can be exercised in cases of **external or public disclosures of legal violations. However, Law No.165/2023** enhances its powers by allowing intervention in cases of **internal disclosures, but only where serious or significant infringements of individual rights occur.**

During 2024, the People's Advocate received seven applications from individuals who identified themselves as whistleblowers and sought the institution's protection. Of these, one application was returned due to failure to meet formal legal requirements, and another one was rejected as it fell outside the competence of the People's Advocate, being within the remit of the National Anti-Corruption Centre. The remaining five requests, accounting for approximately 71.43% of the total received, were accepted for investigation. One of these investigations was subsequently closed, while the other four remain under review. Among the forms of retaliation reported by petitioners were unlawful dismissal, interference in work activities, intimidation, and similar actions. By comparison, in 2023, the People's Advocate received five such applications, however none met the criteria and requirements established under the whistleblowing framework, preventing granting of the requested protection.

In light of the case law, the Ombudsperson notes that the examination of whistleblowers' applications has revealed certain ambiguities in the regulatory framework, which complicate or even hinder the implementation of protection measures. According to Article 20 of Law No.165/2023, a whistleblower must be recognised as such by a competent authority. In three cases under the Ombudsperson's oversight, after requesting relevant information from the responsible bodies, it was found that the authority recognising the whistleblower status - in all cases the National Anti-Corruption Centre - subsequently decided to discontinue the examination of the external disclosure on the grounds that **the petitioner's allegations were unsubstantiated**. This creates a situation where the authority responsible for recognising whistleblower status ceases investigation, yet the petitioner continues to seek protective measures from the Ombudsperson. In such instances, which are not regulated by the law, the Ombudsperson is unable to intervene to provide protection, despite reasonable suspicion that retaliatory and intimidatory actions may have been taken against the petitioner. Consequently, the petitioner faces two options: either to challenge the decision to terminate the warning examination, or to pursue a public disclosure of the legal breach, seeking recognition as a whistleblower from the People's Advocate, in accordance with Article 18 of Law No. 165/2023, which governs public disclosures of violations.

Another problem identified in the examination of protection requests from whistleblowers is that individuals often seek protective measures after retaliatory actions have ceased, but the effects or consequences persist - for example, when



a person has been dismissed and the dispute over their reinstatement remains pending in court. While Law No. 165/2023 stipulates that protection is granted only if retaliation is ongoing, the Ombudsperson intervenes and provides protection even when the retaliatory actions have effectively ended, but the adverse consequences continue to impact the whistleblower's rights and interests.

Several challenges were highlighted by representatives of entities responsible for implementing the new whistleblower law at an event organised with the support of the Council of Europe⁶⁵ in June 2024. Among the shortcomings identified through a preliminary analysis of the regulatory and institutional framework on whistleblowers were:

- **Inadequate protection of whistleblowers:** Although Law No. 165/2023 aims to protect whistleblowers against retaliation, in practice, the safeguards appear insufficient, and whistleblowers may face difficulties proving that retaliatory actions are linked to their disclosures;
- **Uneven application:** Concerns exist about the inconsistent application of the law across different institutions and sectors, potentially resulting in unequal protection for whistleblowers;
- **Organisational culture:** In many institutions, the internal culture fosters a lack of trust and reluctance towards whistleblowers, creating an unfavourable environment for those seeking to report breaches.

Particular attention was given to understanding of the new concepts introduced in the new law: 'facilitator' and 'social service recipient', which represent new categories for the authorities responsible for examining whistleblowing cases and providing protection. Participants highlighted the need for clear guidance on the implementation and application of these provisions.

Discussions also focused on the importance of providing reparation measures to protect individuals from retaliation. Article 21(6) of the (EU)2019/1937⁶⁶ and Principle 26 of Council of Europe Recommendation CM/Rec (2014)7⁶⁷ prescribe interim measures as a means to prevent financial hardship by requiring employers to continue paying employees or providing compensation until legal proceedings conclude. It was emphasised that Law No. 165/2023 does not expressly include provisions for such interim measures.

⁶⁵ 6 June 2024, Round Table on 'Whistleblower Protection Measures and Disclosure of Law Violations in the Republic of Moldova', organised by the Council of Europe in the framework of the project 'Action against Corruption in the Republic of Moldova - Phase 2'

⁶⁶ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting breaches of the Union law

⁶⁷ [https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%2209000016805c5ea5%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%2209000016805c5ea5%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})



Considering the above, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.9.1: The National Anti-Corruption Centre should include clear provisions in its decisions to terminate the review of whistleblowing disclosures, specifying how and within what time limits these decisions may be appealed. This would ensure that affected individuals have access to a predictable and accessible legal framework for exercising their right to an effective remedy.

RECOMMENDATION 1.9.2: The National Anti-Corruption Centre should notify the Ombudsperson of the termination of the procedure for examining whistleblowing cases whenever it is known that the whistleblower has sought protection from the institution. This would ensure effective monitoring of the respect for whistleblowers' rights.

RECOMMENDATION 1.9.3: The Ministry of Justice to amend the provisions of the Law on Whistleblowers by adding a new paragraph to Article 16, clearly regulating the procedure for withdrawal of whistleblower status. This amendment should explicitly state that the withdrawal of the whistleblower status by the employer or the National Anti-Corruption Centre shall occur upon the issuance of the decision to terminate the examination of the whistleblower. This would prevent abusive interpretations and ensure legal certainty for those protected under this status.

RECOMMENDATION 1.9.4: The Ministry of Justice to revise the regulatory framework by establishing a procedure through which individuals can apply for provisional measures in line with EU standards.

RECOMMENDATION 1.9.5 (repeated): The Government should ensure that the subordinate authorities have strengthened internal mechanisms for the protection of whistleblowers.

Item 1.10: Access to public interest information

On 8 January 2024, Law No. 148 of 9 June 2023 on access to information of public interest⁶⁸ entered into force, aiming to enhance the transparency of public sector activities. The new provisions mark a significant change in guaranteeing this fundamental right. Article 6 of Law No. 148/2023 guarantees the right of any natural or legal person to access information of public interest, while imposing a duty on information providers to ensure such access. As a result, the process of informing the population is made more efficient, and civic oversight over public authorities and institutions is strengthened, in accordance with Article 5 of the Law.

Article 30 of Law No. 148/2023 designates the Ombudsperson as one of the competent authorities responsible for monitoring and overseeing the implementation of the new regulations. At the same time, Article 31 specifies that the Ombudsperson

⁶⁸ https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro#



ensures the right of access to information of public interest is upheld, in line with Law No. 52/2014 on the Ombudsperson.

Monitoring the implementation of Law No.148/2023 can be achieved through a number of key actions, including the collection and analysis of case law relating to access to information, as well as the delivery of educational, informational and awareness-raising initiatives for both information providers and beneficiaries of this right. However, due to limited human resources (only 60% of the posts available in the Ombudsperson's Office are currently filled) and the absence of clear monitoring and control tools, the Ombudsperson's activities in this area have been intermittent, with priority given to ad hoc interventions.

In this context, in October 2024, the People's Advocate submitted a request to the Congress of Local Authorities of Moldova (CLAM), seeking information on the difficulties faced by local public authorities (LPAs) in applying legislation on access to information, as well as their level of training in this area. The objective was to identify practical gaps and challenges to propose solutions to strengthen the capacities of local authorities in responding to access to information requests. The absence of a response from CLAM raises concerns about the genuine commitment of local authorities to implementing the new regulations – particularly as this is not the first occasion on which CLAM has failed to respond to the Ombudsperson's inquiries. Consequently, the Ombudsperson will continue to monitor training activities and the implementation of Law No. 148/2023, including at the local level, recognising that city halls and local councils are the main bodies with which citizens interact to obtain information of public interest relevant to their communities.

From a case law perspective, in 2024, the Ombudsperson received seven applications from petitioners alleging various violations of the right of access to information. Out of these, five cases were settled: in four instances, no violation was established, and in one case, the matter was closed as the dispute was already before the court. Currently, two cases remain under the management of the PAO: one concerns an information provider's failure to reply within the legal deadline, and the other relates to a petitioner's claim that the public authority failed to provide a complete and reasoned reply.

After more than a year of implementing Law No.148/2023, the Ombudsperson reiterates the need to revise Article 21, emphasising the importance of flexible and inclusive solutions to ensure equitable access to information for all citizens. As currently drafted, Article 21 restricts access by stipulating that information is provided only in the language in which it is available. This provision limits the right of national and linguistic minorities to request and receive information in their mother tongue or in a language they understand, contravening the principle of equal access to information. The Ombudsperson therefore recommends amending the legal framework to guarantee non-discriminatory and fair access to information of public interest.



Considering the above, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.10.1: The Ministry of Justice and the Parliament to initiate and promote the amendment of Article 21 of Law No. 148/2023, to guarantee the right of national minorities to request and receive information in their mother tongue or in a language they understand.

RECOMMENDATION 1.10.2: The Congress of Local Authorities of Moldova (CLAM) and the State Chancellery to develop and implement a national training programme for local public authorities, focused on the correct and effective implementation of Law No. 148/2023 on access to information of public interest.

Item 1.11: Respect for human rights and freedoms in the administrative-territorial units of the left bank of the Nistru and Bender municipality (Transnistrian region)

The year 2024 was marked by a continuation of the human rights crisis in the Transnistrian region, reflecting negative trends seen in previous years. The Ombudsperson documented a sharp deterioration in the situation, observing that the *de facto* authorities in Tiraspol not only fail to implement international recommendations but persist in imposing arbitrary rules that restrict citizens' fundamental rights.

The Ombudsperson's access and ability to monitor the situation in the administrative-territorial units on the left bank of the Nistru and Bender municipality remain highly restricted. Currently, neither the Ombudsperson nor the institution he heads (PAO) have free, unconditional or systematic access to the region, making it impossible to effectively carry out their mandate to monitor, promote and protect human rights in Transnistria. Consequently, human rights monitoring relies primarily on individual complaints, reports from international organisations and civil society, and information provided by the People's Advocate Office's representative in Varnița.

It is important to emphasise that any interaction of the Ombudsperson with the structures in Tiraspol is conducted strictly in accordance with the Paris Principles and international standards. This approach ensures a non-legitimation of the *de facto* authorities. Since the Ombudsperson has limited access to the localities on the left bank of the Nistru and Bender municipality, maintaining dialogue with *de facto* authorities remains an essential tool to protect citizens' fundamental rights and freedoms. The purpose of such communication is to enable intervention in urgent cases and to sustain the necessary relations for the peaceful settlement process of the Transnistrian conflict. A crucial element is the clear and persuasive presentation of human rights issues, employing appropriate methods of communication, while



adhering to the principle of “do no harm”, so as not to jeopardise the ongoing negotiation process for peaceful resolution.

Therefore, to fulfil its mandate to protect and promote human rights, the People's Advocate, through the **People's Advocate Office representative in Varnița**, maintains ongoing dialogue with the so-called Human Rights Commissioner in Tiraspol, Veaceslav Kosinski concerning cases of significant social interest and access to individuals held illegally. For the first time, between March and July 2024, the head of the Varnița Representative Office, Veaceslav Ursu, attended court sessions at the so-called Tiraspol court, including the session of the ‘supreme court’ on 23 July 2024. These efforts contributed to the release of the Republic of Moldova citizen, Dudnic Vladimir, on 15 August 2024, following more than two years of illegal detention in Tiraspol. The effective co-ordination of this process was carried out by the People's Advocate Office in co-operation with the Bureau for Reintegration Policies, the OSCE Mission to Moldova and international partners. Vladimir Dudnic was safely transferred to Varnița, where he reunited with his family.⁶⁹

The People's Advocate continues to monitor other similar cases, including those of Ermurachi M., Dimov Al., Menzarari S., Malîșev A., Pogorlețchii V. and others. Government authorities have intensified their efforts in the reintegration sector, while the Varnița representation maintains permanent communication with state institutions (such as the Bureau for Reintegration Policies, Special Parliamentary Commission for Monitoring and Parliamentary Control over the Reintegration Policy of the Republic of Moldova) and civil society organisations (particularly Promo-Lex) to ensure the efficient resolution of individual cases.

The active and consistent involvement of the Deputy Prime Minister for Reintegration, Oleg Serebrian, and the **Bureau for Reintegration Policies**, is to be commended. They have significantly contributed to maintaining and intensifying the dialogue on sensitive human rights issues in the Transnistrian region. Through their efforts, notable progress has been made in facilitating access to illegally detained individuals, resolving high-profile cases, and strengthening cooperation between the constitutional authorities and international partners. This strategic approach reflects a positive development in the country's reintegration policy, underlining the strong commitment of the Government of the Republic of Moldova to ensure the respect for fundamental rights throughout the country. At the same time, the Bureau for Reintegration Policies has demonstrated intense communication and responsiveness to the issues identified by People's Advocate Office, as well as to the recommendations put forward. This engagement has significantly contributed to strengthening human rights protection mechanisms in the region.

⁶⁹ <https://ombudsman.md/eliberarea-cetateanului-moldovean-dudnic-vladimir-din-detentia-ilegala-in-tiraspol-cu-suportul-oficiului-avocatului-poporului/>



In 2024, the **Special Parliamentary Commission for Monitoring and Control over the Reintegration Policy implementation** intensified its efforts to evaluate and enhance policies aimed at fostering closer ties between citizens from both sides of the Nistru. Throughout the year, members of the committee held several meetings to analyse key issues concerning human rights, security in the Transnistrian region, freedom of movement, support for Romanian-language educational institutions, the energy situation in the region, and measures to assist the local population. Several legislative initiatives aimed at improving access to public services, justice and international road traffic for residents of territories outside the control of the constitutional authorities were promoted and adopted through the committee's platform.

In 2024, the Moldovan authorities (particularly through the Bureau for Reintegration Policies) continued reintegration efforts through active dialogue and implementing concrete measures benefiting the Transnistrian population. Sectoral working groups met throughout 13 sessions, addressing key issues such as health protection, motor transport, economy and agriculture, documentation, education and social issues. Discussions centred on facilitating access to medicine for the region's economic operators, improving medical care services and protecting the health of residents on both banks of the Nistru. The People's Advocate welcomes that the recommendation issued in its 2023 Annual report, on including PAO representatives in the working groups as observers, is currently being implemented. PAO representatives were invited to participate in some of the meetings of the sectoral working groups. However, **convening a new meeting of the Human Rights Working Group was not possible in 2024, as Chişinău's proposals were excessively politicised by Tiraspol.**

Through the Programme of measures for the reintegration of the country (PMRC) for the year 2024, 31 development projects in the Security Zone were financed with a total budget of 19.6 million MDL. 4.6 million MDL was allocated to farmers in the Dubasari district to cover the expenses generated by the illegal fees perceived at unauthorised checkpoints by Tiraspol. The Bureau for Reintegration Policies has also proposed to amend the legislation to establish a mechanism for partial compensation of these costs, strengthening support to affected farmers.

The year 2024 also saw a significant rise in the number of national driving licences obtained by residents of the Transnistrian region, thanks to a simplified equivalence mechanism. A total of 6,727 licences were issued, representing a 20% increase compared to the previous year. About 50% of drivers in the region now hold Moldovan licences, reflecting their gradual integration into the national transportation system. At the same time, the process of initial registration of vehicles in Tiraspol and Ribnita was resumed in August 2024, following a prolonged hiatus caused by blockages imposed by the *de facto* authorities.



In terms of population documentation, the number of inhabitants of the Transnistrian region recorded in the State Population Register increased to 371,551, of whom 362,325 are citizens of the Republic of Moldova. Furthermore, the process of certifying civil status facts has been simplified, facilitating access to official documents for residents of the region. In this regard, 11,651 persons applied for civil status certification, and 16,746 national model documents were issued.

Another significant breakthrough was the continuation of the mechanism for apostilling educational documents from the Transnistrian region, in place since 2017. By the end of 2024, 621 neutral-model diplomas had been apostilled. This procedure facilitates graduates' access to higher education abroad, with the main destinations being the European Union, the USA, Israel and the United Kingdom.

The absence of a protection mechanism for internally displaced persons (IDPs) remains a major problem in the Transnistrian region, where Moldovan authorities lack effective control. While the 1992 conflict initially generated a wave of IDPs, most returned to their homes following the cessation of hostilities. However, current cases involve citizens being declared inadmissible by the secessionist regime, barred from returning home, or forced to flee the region to avoid detention and persecution. Young people who resist forced conscription into the so-called 'Transnistrian armed forces' are particularly vulnerable, often seeking refuge in the areas under the control of constitutional authorities, where an adequate legal protection framework is lacking.

The problem of forced displacement has been highlighted in previous Ombudsperson's reports on respect for human rights⁷⁰ and in analyses of organisations such as Promo-LEX⁷¹, highlighting the lack of specific policies to assist these people. Unlike in the field of asylum, where the Republic of Moldova has made significant progress in harmonising legislation with international standards, IDPs lack a clear regulatory framework guaranteeing their rights and access to basic services. The international definition of internal displacement, as set out in the UN Guiding Principles on Internal Displacement⁷², emphasises state's obligation to provide protection and support to internally displaced persons, including by guaranteeing access to housing, healthcare services and social assistance.

The lack of a coherent approach at national level leaves these individuals exposed to significant vulnerabilities. The issue has been discussed with relevant institutions in meetings of the Parliamentary Special Committee on Reintegration, and in meetings

⁷⁰ Report on respect for human rights and freedoms in the Republic of Moldova in 2021, p. 68 <https://ombudsman.md/post-document/raport-anual-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2021-2/>

⁷¹ https://promolex.md/wp-content/uploads/2024/10/Not%C4%83-Analitic%C4%83-PSI_2024_.pdf

⁷² <https://www.iom.int/guiding-principles-internal-displacement>



organised by the Bureau for Reintegration Policies. One possible solution would be to amend the Law on Social Assistance No. 547/2003 and the Law on Housing No. 75/2015, so that internally displaced persons can benefit from social housing and financial support. It is also necessary to establish temporary placement centres for people who leave the Transnistrian region due to human rights violations, ensuring their protection and integration into national support systems. In this regard, the establishment of a legal mechanism to recognise and support internally displaced persons, in line with international standards and fundamental rights principles, is an urgent priority for the Moldovan authorities.

Ensuring access to justice for residents of the left bank of the Nistru and Bender municipality remains a concern. The Ombudsperson examined on an *ex officio* basis, the draft law revising the judicial map and highlighted the potential risks that the proposed court reorganisation could pose to access to justice for citizens in the Transnistrian region. In particular, the proposal to merge the Anenii Noi Court with the Causeni Court, consolidating them in a single seat in Causeni, could make physical access to the courts more difficult for residents of the left bank of the Nistru, thereby restricting their right to accessible and fair justice.

In the reorganisation process of the judicial system, the Ombudsperson underlined the importance of adhering to the recommendations of the European Commission for the Efficiency of Justice (ECEJ), which highlight the need to take into account factors such as population density, infrastructure, transport and the digitalisation of courts, to ensure the accessibility of judicial services. It also emphasised the need to preserve and strengthen the court in Varnița, which serves the inhabitants of Tiraspol municipality, Bender municipality and Slobozia district, providing an essential access point for the Transnistrian region's litigants.

Following these steps, the legislature incorporated the recommendations of the People's Advocate and the new law on the revision of the judicial map provides for the maintenance of the Bender (Varnița) seat of the Causeni Court until 31 December 2030, thus ensuring free access to justice for approximately 200,000 inhabitants of the Transnistrian region.

Challenges persist regarding the application of the principle of individualisation of criminal liability and punishment. In the Republic of Moldova, the enforcement of the principle of *non bis in idem*, which ensures that no person may be prosecuted or punished twice for the same offence, is particularly challenging in territories outside constitutional control. This fundamental principle, enshrined in both the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights (ECHR), is not fully upheld in the Transnistrian region. As a result, persons who commit offences subject to criminal sanctions face the risk of being tried and convicted by both Moldovan courts and the *de facto* courts in the region, leading to double criminalisation and undermining the right to a fair trial.



To address the issue and prevent double criminalisation, it is necessary to develop and implement an effective legal mechanism, which could include the adoption of an amnesty law for cases not involving serious human rights violations. Such a measure should guarantee victims' right to remedies, encompassing access to justice, the right to the truth, investigations and prosecutions of those responsible, the imposition of appropriate sanctions, and the provision of reparations. Applying this principle would represent an important step towards harmonising criminal legislation with international standards and strengthening the protection of fundamental rights for all citizens, irrespective of their place of residence.

Forced enlistment in the 'Transnistrian armed forces' represents a systematic threat to the rights of young people living on the left bank of the Nistru.

Monitoring of the human rights situation in the administrative-territorial units on the left bank of the Nistru River and in the municipality of Bender has revealed a growing problem of compulsory recruitment of young people. The *de facto* authorities in Tiraspol continue to devise strategies to enforce military service, consolidating databases of teenagers and recruits in 'military commissariats' while promoting intensive ideological and militarised education.

In 2024, reports emerged of returnees to the region or residents permanently settled there being subjected to compulsory procedures, including medical-military examination and the issuance of a Transnistrian military booklets, followed by forced registration at military commissariats. Once citizens are registered at the 'Transnistrian passport stations', they are automatically required to register with the commissariats, and those who have not fulfilled military service obligations under the region's 'legislation', they are compelled to enlist. This practice constitutes a serious violation of fundamental human rights principles, including the right to liberty and personal security.

According to the 'legislation' imposed by Tiraspol, exemption from conscription is granted only to persons who have permanent residence outside the Transnistrian region, have been officially deregistered from military service, and possess the corresponding entries in their documents. However, even if they hold the citizenship of a recognised state, permanently and legitimately reside outside the territory controlled by the Tiraspol authorities, young people who have spent more than 90 days in the region are nonetheless included in military records and obliged to perform military service in the 'Transnistrian armed forces'. If they refuse, they risk severe sanctions, including criminal liability. To increase pressure on residents, the Tiraspol regime has imposed additional limitations: young people who have not completed their military service cannot be employed in public office and may be banned from leaving the region.

The process of forced conscription starts with the age of 16, when educational institutions are obliged to send military commissariats lists of pupils eligible for



registration. This practice particularly affects young people studying in Romanian-language schools, as by the time they graduate, they already possess the legal age for conscription. If they refuse conscription, the military commissariats refer the matter to the Tiraspol Investigative Committee, which will prosecute them under the 'Transnistrian Criminal Code'. The situation is particularly concerning for young people who have already completed military service in the Republic of Moldova or in another state for less than 12 months, as they are not recognised as exempt from military service in Transnistria. Consequently, even after fulfilling their military obligations under national law, they risk being conscripted again and forced to serve the separatist regime.

To protect young people in the region, the Children's Ombudsperson issued recommendations to the Ministry of Defence which have since been implemented to prevent the forced recruitment of those who have already completed military service in the Republic of Moldova. However, the absence of a legislative framework to protect internally displaced persons creates a significant legal gap, leaving young people who resist forced conscription without a clear protection mechanism.

Considering the above, the Republic of Moldova must take urgent measures to prevent the illegal recruitment of its young people and provide support to those who have been forced to leave the Transnistrian region due to pressure from the *de facto* authorities. Developing legislative frameworks for the protection of these people and recognising them as internally displaced persons are essential steps in defending fundamental rights and ensuring a safe environment for all citizens, regardless of where they reside.

In the Transnistrian region, the secessionist authorities persist in imposing **severe restrictions on freedom of thought, conscience and religion, targeting religious groups** that do not conform to the regime's norms. Of the most affected are the Jehovah's Witness communities, which are systematically denied official registration on the grounds that their organisation is deemed 'destructive' and that their activities 'contravene' the so-called Transnistrian 'constitution'.

Another significant problem is the absence of a genuine alternative military service option for those who refuse conscription on religious grounds. After the amendments of the 'Law of the Transnistrian Republic of Moldova on civilian alternative service' of 30 December 2019, individuals invoking reasons of conscience are obliged to perform alternative service in units of the Transnistrian armed forces, which is contrary to the religious beliefs of several denominations. In this context, residents of the region who refuse both military and alternative service in military structures, are criminally liable under the 'Transnistrian Criminal Code', risking imprisonment.

The situation is further exacerbated by the fact that individuals previously exempted from military service in the Republic of Moldova due to training with the Red Cross or other civil defence organisations are compelled to join the 'Transnistrian



armed forces' if they return to reside permanently in the region. In many instances, young people who refuse to comply with conscription orders face prosecution and persecution by military commissariats and the Tiraspol Investigative Committee.

These practices clearly contravene international standards on freedom of religion, as established by the European Court of Human Rights in the cases *Bayatyan v.Armenia* and *Aghanyan and others v.Armenia*. In these cases, the Court emphasised that forcing individuals to perform military service or alternative service controlled by military structures, against their religious convictions, constitutes a serious violation of Article 9 of the European Convention on Human Rights.

To avoid persecution and forced conscription, many inhabitants of the Transnistrian region, particularly those who refuse military service on grounds of conscience, are forced to leave the region. This situation highlights the absence of a protection mechanism by the Republic of Moldova for its citizens facing such circumstances. The Ombudsperson has repeatedly drawn attention to this issue and recommended that the Ministry of Defence take measures to protect these individuals. However, without a clear legislative framework and effective protection mechanisms, those who refuse military service on religious grounds remain vulnerable to reprisals from the Tiraspol regime.

In the Transnistrian region, the **right to freedom of expression is severely restricted** by a set of measures imposed by the *de facto* authorities, aiming to suppress any form of opposition and censoring access to alternative information. Under the pretext of ensuring information security and preventing extremism, Tiraspol adopted the 'Information Security Doctrine of the Transnistrian region for 2020 - 2026', approved by Decree No.121 of 26 March 2020 by the region's leader, Vadim Krasnoselsky. This so-called doctrine legalises censorship, restricts freedom of the press, limits the right to assembly and fosters an atmosphere of intimidation towards civil society and human rights defenders.

The implementation of this repressive framework has severely affected media pluralism, eliminated the diversity of opinions and prevented the population in the region from accessing impartial information about the Republic of Moldova and international events. In times of crisis, such as the COVID-19 pandemic or the war in Ukraine, the Transnistrian region has become a fertile ground for manipulation and propaganda, with truncated or fabricated information being used to bolster the separatist regime's narratives.

Simultaneously, the regime in Tiraspol has stepped up repression of dissenting voices, employing intimidation, arbitrary detentions, and harsh sentences against those who dare to criticise the *de facto* authorities. A striking example is the case of Mikhail Ermurachi, who has been detained since 12 December 2022 after being convicted of insulting the region's leader and criticising the *de facto* administration. Initially, in July 2021, he was fined the equivalent of approximately 10,000 MDL, which he



was unable to pay. Subsequently, in March 2023, the Transnistrian 'supreme court' converted this fine into an eight-month prison sentence, and on 30 June 2023, he was further sentenced to three years and six months' imprisonment for persisting in his criticism of the regime during his trial.

In addition to strict control over access to information and reprisals against dissenting voices, Tiraspol continues to update the 'Unified State List of Extremist Materials'. This list is being used as a tool to ban content deemed as 'dangerous' by the separatist regime. Through arbitrary decisions by *de facto* courts, certain publications, websites or publicly expressed opinions are labelled as extremist and those distributing such material risk severe sanctions.

Under these conditions, the right to freedom of expression and access to information are constantly violated and the residents of the Transnistrian region are deprived of the possibility to participate in an open and pluralistic information environment. The separatist authorities continue to create and implement policies that suppress any form of opposition, maintaining a climate of fear and self-censorship, and preventing the development of a democratic society in the region.

The reform of the 'RESTART' social assistance system aimed to enhance the efficiency of social services and expand access to social protection for all Moldovan citizens. As a result, localities in the Transnistrian region and the municipality of Bender have been organised into territorial social assistance agencies, thereby facilitating access to state benefits and services. According to the National Social Assistance Agency, in 2024, 2,991 people living on the left bank of the Nistru River benefited from these services.

However, accessing pensions and other social benefits for residents of the Transnistrian region remains an unresolved issue, constantly emphasised in the Ombudsperson's reports. In 2024, a significant number of citizens residing in localities on the left bank of the Nistru and Bender municipality submitted complaints to the People's Advocate Office, regarding the refusal of the National Office of Social Insurance (NOSI) to determine their pension, despite fulfilling all legal requirements. NOSI justified this refusal by citing the applicants' obligation, under Article 31(2) of Law No. 156/1998 on the public pension system, to apply to the territorial social security organisation of their place of residence, where they must be compulsorily registered.

Such a requirement creates a significant administrative bottleneck, as there are no territorial subdivisions of NOSI in the Transnistrian region. Residents of the region are thus forced to change their residence registration to a locality under the control of the constitutional authorities, where NOSI offices are present. This process is bureaucratically complex and can become an insurmountable obstacle for some individuals, particularly the elderly and people with disabilities.

The Ombudsperson has warned that this situation breaches the principle of social equity, as Moldovan citizens residing in the Transnistrian region, despite having



contributed to the public pension system, are unable to access the rights guaranteed by law while remaining in the region. Furthermore, the situation disproportionately affects the elderly, people with disabilities and other vulnerable groups, increasing their risk to social exclusion and poverty.

The state has the duty to ensure an accessible and equitable social protection system for all its citizens without any discrimination. In this regard, the Ombudsperson has proposed legislative amendments expressly providing for the competent authority to examine applications for pensions and other social benefits for citizens residing in the left bank of the Nistru and neighbouring localities. However, the proposal is still under consideration, and the lack of an urgent legislative solution maintains the uncertainty for thousands of citizens finding themselves in this situation.

Following the above, the Ombudsperson **RECOMMENDS:**

RECOMMENDATION 1.11.1: The Parliament to ensure a human rights-based approach in drafting legislation that is compatible with the social and economic realities and needs of the left bank of the Nistru and the municipality of Bender, thereby guaranteeing respect for the fundamental rights of the people of the region.

RECOMMENDATION 1.11.2: The Ministry of Foreign Affairs, Bureau for Reintegration Policies to intensify diplomatic and negotiating efforts, including through international partners, to facilitate regular access of the People's Advocate Office to monitor human rights in the Transnistrian region.

RECOMMENDATION 1.11.3: Parliament to adopt a clear legislative framework for recognising the status of internally displaced persons for persons who are forced to leave the Transnistrian region due to persecution, forced incorporation or other human rights violations. This law should provide for measures of financial support, access to social housing, labour market integration and legal protection.

RECOMMENDATION 1.11.4: Ministry of Defence, Bureau for Reintegration Policies to create a protection mechanism for young people from the Transnistrian region who refuse forced conscription, by simplifying procedures for changing their residence to the right bank of the Nistru, access to education and legal support in case of persecution.

RECOMMENDATION 1.11.5: The Ministry of Labour and Social Protection to amend the legislation so that citizens residing on the left bank of the Nistru River can obtain their pension without the obligation to change their residence registration, by establishing territorial offices of the NOSI in the neighbouring localities of the Transnistrian region (Varnița, Coșnița, Rezina).



CHAPTER II. THE RIGHTS OF THE CHILD

Item 2.1: Right to life, survival and development

During 2023 and 2024, The People's Advocate for Children's Rights closely examined several cases, some of which are tragic, related to the safety of children in the exercise of their right to play, rest and recreation. This issue is addressed in the Annual report on the Observance of Children's Rights in the Republic of Moldova in 2023⁷³.

Over the years, The People's Advocate for Children's Rights has been informed of three incidents in which football goals collapsed on children, resulting in injuries and fatalities. Similarly, the People's Advocate for Children's Rights has filed an *ex officio* complaint regarding the tragic case of two children who were electrocuted in a park in the capital, as well as the case of a child who was hospitalised after falling from an inflatable slide in an amusement park in the centre of Bălți.

According to Article 6 and Article 31 of the UN Convention on the Rights of the Child, the child has the inherent right to life. The State has the obligation to ensure the survival and development of the child, the child's right to rest, play and recreation, and to provide security and appropriate conditions to the realisation of this right.

Moreover, as stated in General Comment No. 4 of the UN Committee on the Rights of the Child, titled 'Health and development of adolescents in the context of the Convention on the Rights of the Child,' States Parties are obliged to take all appropriate legislative, administrative and other measures to realise and monitor the rights of adolescents to health and development. Specifically, States Parties must ensure the creation of a safe and enabling environment for adolescents, whether within their families, in schools, in all types of institutions where they may reside, in the workplace, or in society at large.

Parks, sports grounds, playgrounds and amusement parks, are among the environments where the safety measures implemented by authorities are crucial to protecting the lives and health of individuals, particularly children.

Every year, at the start of the summer holiday period, the People's Advocate for Children's Rights issues a reminder to all authorities, institutions and the wider community about the necessary measures to ensure the safety and security of

⁷³ Annual Report 'Respecting Children's Rights in the Republic of Moldova in 2023' <https://ombudsman.md/post-document/raport-anual-privind-respectarea-drepturilor-copilului-in-republica-moldova-in-anul-2023-2/>



children, including the requirement for supervision of children, appropriate to their age and abilities.⁷⁴

Positive state measures and necessary requirements to prevent tragic incidents of injury and death in parks, playgrounds, and sports grounds (under the Ombudsperson's watch) were the focus of a working session organised jointly by the Ombudsperson and the Children's Rights Ombudsperson. Representatives from various authorities, including the Ministry of Infrastructure and Regional Development, the Ministry of Education and Research, the Ministry of Health, the General Prosecutor's Office, the National Inspectorate for Technical Supervision, the National Agency for Public Health, the General Directorate for Housing and Urban Development in Chişinău, the Moldovan Football Federation, and the National Olympic and Sports Committee, shared their experiences and challenges in managing recreational facilities to ensure the safety of all persons.

It was found that national regulations, as the Construction Code of Practice. CPC.01.09:2017 - 'Civil Buildings. Open flat constructions for physical culture and sport'⁷⁵, do not specify requirements for the design and arrangement of football pitches with regard to ensuring human health and safety (e.g. permissible construction materials, maximum allowable weight, methods of fixing, anchoring, stabilisation, etc.). Against this backdrop, there is an increasing need for prompt, coordinated, uniform and effective action to develop minimum norms and standards for the design, arrangement and operation of sports grounds throughout the country.

In the absence of regulations beyond those mentioned above, and with a view to safeguarding the child's right to life, survival and development, the Children's Rights Ombudsperson has submitted an Opinion with recommendations to all municipal and regional councils. This initiative relies on the commitment of local public authorities at both the first and second levels to secure recreational areas and ensure a safe environment conducive to the growth and development of children. Pursuant to Article 43, paragraph 1, letter g) of Law No. 436/2006 on local public administration, the District Council is responsible for decisions regarding the design, construction, maintenance, and modernisation of roads, bridges, housing stock under the terms of the Law on Housing, as well as other economic, social, medical, communal and recreational objectives of district interest. Accordingly, district and municipal councils were advised:

- To include the topic of children's safety on sports fields, in their exercise of their right to rest and recreation, on the agenda of meetings of the District/ Municipal Council and the Local Councils;

⁷⁴ The Children's Rights Ombudsperson's call for the safety and security of children during the summer holidays, <https://ombudsman.md/indemnul-avocatului-poporului-pentru-drepturile-copilului-privind-siguranta-si-securitatea-copiiilor-in-perioada-vacantei-de-vara/>

⁷⁵ <https://ednc.gov.md/wp-content/uploads/2023/06/CP-C.01.09-2017.pdf>



- To establish concrete activities to identify, assess the condition of, inspect and secure the sports facilities within the districts, and identify the responsible persons to oversee this process;
- To organise and carry out information activities and campaigns on this subject (safety techniques during land use, children's rights and freedoms, responsibilities and obligations of adults, etc.), aimed at both adult and child residents as well as professionals;
- To strengthen and enhance the efficiency of the co-operation mechanism among all actors involved in children's rights and related fields, with a focus on identifying and reporting potential risk environments or situations to which children might be exposed;
- To systematically monitor recreational areas and take all necessary measures to prevent future tragic situations.

Regarding football pitches and the relevant national and international standards, the Children's Ombudsperson sought the opinion of the Moldovan Football Federation. According to the information provided, football is played according to a set of rules, known as the 'Laws of the Game'⁷⁶. These laws apply uniformly to every match worldwide, regardless of confederation, country, city and village, with the International Football Association Board (IFAB) being the sole body authorised to decide upon and approve changes to the 'Laws of the Game'. The 2024/2025 edition of the 'Laws of the Game', published by IFAB, specifies the standards required for the playing surface.

Thus, 'Law I (The Field of Play)' includes rules related to 'Goals'. While the pre-printed rules determine the dimensions of the goals, they do not impose mandatory requirements concerning the alloy used in their construction. However, the goalposts and crossbar must be made of approved materials and must not pose a danger. For safety reasons, the laws state that goals (including portable goals) must be firmly secured to the ground⁷⁷. Furthermore, the IFAB recommends that all goals used in official competitions organised under FIFA's auspices meet the requirements of the FIFA Quality Programme for Football Goals⁷⁸.

The FIFA document referenced above outlines recommendations for any end-users of football goals necessary to ensure optimal use, durability and safety for all participants, whether amateur or professional. It is crucial that goals are purchased from authorised manufacturers, and that owners of the equipment strictly adhere to the manufacturer's technical instructions during operation. Additionally, owners of sports facilities must ensure that children or adults are never allowed to climb, swing

⁷⁶ 'Laws of the Game', <https://theifab.com/>

⁷⁷ <https://downloads.theifab.com/downloads/laws-of-the-game-2024-25?l=en> p. 42.

⁷⁸ <https://digitalhub.fifa.com/m/335da56a9668f437/original/20201214-best-practice-guidelines-for-football-goals-v11.pdf>



or play with the goal structure, and must restrict access to portable goals outside of playing or training times. Regarding the strength and stability of the goal frame, the FIFA Quality Programme for Football Goals refers to the quality standards BS EN - 748:2013+A1:2018 and BS EN - 16579:2018, which expressly state that the goal may be of steel, light metal or plastic, provided they meet the requirements of these standards.⁷⁹

Referring to regulations in other European football associations, the experience of the English Football Association is noteworthy. In collaboration with the Department of Culture, Media and Sport, the Health and Safety Executive and the British Standards Institution, has developed a specialised guide for the safe use of goalposts (FA Guide to Pitch and Goalpost Safety 2024).⁸⁰

This document contains recommendations for various sizes of goal frames used in several forms of the game: 5v5 and 7v7 mini soccer; 9v9 football; 11v11 youth football and 11v11 senior football.

European suppliers specialised in the production of sports equipment have also drawn up operating conditions for the delivered inventory. The purpose of such documents is to help prevent accidents occurring through the misuse of football goals.⁸¹

The main requirements deduced from the documentation are as follows:

- Sports equipment, including goal frames, must be purchased from suppliers whose products conform to European standards;
- The manufacturer must be able to provide test/quality certificates;
- Many accidents involved homemade or modified goals, which is why it is recommended to avoid structural modifications or custom-made goals;
- Wooden goals are not allowed according to European standards, therefore they cannot be used;
- It is essential to conduct regular maintenance and inspections of the equipment used.

Law No. 422/2006 on general product safety defines a safe product, sets out general safety requirements and criteria for conformity assessment, and outlines the obligations of manufacturers and distributors, as well as market surveillance related to general product safety. Article 2 defines a safe product as: "Any product which, under normal or reasonably foreseeable conditions of use, including duration and, where appropriate, putting into service, installation and maintenance, does

⁷⁹ <https://knowledge.bsigroup.com/products/playing-field-equipment-football-goals-functional-and-safety-requirements-test-methods?version=standard>

⁸⁰ <https://www.thefa.com/get-involved/goalpost-safety>

⁸¹ <https://www.markharrod.com/goalpost-safety/>



not present any risk or presents only minimal risks, compatible with the use of the product and considered as acceptable and appropriate to a high level of protection of human health and safety, taking into account:

- (a) The characteristics of the product, in particular its composition, packaging, conditions of assembly and, where appropriate, installation and maintenance;
- (b) The effect on other products, when it is reasonably expected to be used with other products;
- (c) The presentation of the product, including labelling, warnings and instructions for its use and disposal, as well as any other indication or information concerning the product;
- d) The categories of consumers at risk when using the product, in particular children and the elderly.

The possibility of achieving higher safety or the existence of alternative products with a lower degree of risk is not a sufficient reason to consider a product as dangerous”.

According to Article 3(1) of the same law, producers (importers) and distributors are obliged to make only safe products available on the market. Article 3(2) further stipulates that a product is considered safe if it complies with specific technical regulations that set out the essential requirements the product must meet to be placed on the market. Under the Article 7(1), regulatory authorities establish safety requirements by developing technical regulations. Additionally, Article 7(1), provides that compliance with the general safety requirement for products placed on or made available on the market of products by producers (importers) and distributors is ensured through market surveillance activities, as well as through control measures applied when products enter the customs territory of the Republic of Moldova.

Important regulations in this respect are also set out in Law No.105/2003 on consumer protection, which includes specific provisions regarding the protection of life, health, heredity and consumer safety. Additionally, the checklists used within the remit of the State Inspectorate for the Supervision of Non-Food Products and Consumer Protection are established by Order No. 147/2023 of the Minister of Economic Development and Digitalisation. Checklist No. 11, titled 'Safety of toys: playgrounds' sets out the essential safety requirements for playgrounds and playground equipment.

With regard to new products, we believe it is necessary to develop specific technical regulations for football goals, given that football is widely practised in the Republic of Moldova, and in view to the identified risks to life and health of those who practise it, including children. Alternatively, it would be appropriate to make explicit reference to a particular European standard that must be respected by manufacturers (importers) and distributors.



Once placed on the market and installed, it is essential to inform users about safe usage and the risks associated with improper use (see ECtHR judgement in *Molie v. Romania*⁸²), as well as to ensure regular inspection and maintenance. In this regard, the existence of the Regulation on the management and operation of publicly owned multifunctional sports grounds in residential blocks' neighbourhoods of Chişinău municipality, approved by the Decision No. 15/24 of 29 December 2021 of the Chişinău Municipal Council, is welcomed. However, beyond regulation, effective practical implementation of these provisions is also necessary. Furthermore, the regulations should apply to all sports grounds, including those that are privately owned or managed by educational institutions.

Beyond prevention, the authorities are also failing to meet State's positive procedural obligation under Article 2 of the European Convention on Human Rights. The investigation into the causes and circumstances of a death must be adequate and effective ensuring 'the implementation of domestic laws protecting the right to life and, in cases involving State agents or organs of the State, their accountability for deaths occurring under their responsibility'⁸³.

On 30 September 2024, the European Court of Human Rights notified the Government of the Republic of Moldova of the case '*Ludmila Catruc v. Republic of Moldova*'. This case concerns the alleged failure of the Moldovan authorities to fulfil their obligation to carry out an effective investigation into the accidental death of the applicant's son.

To assist the competent authorities with concrete solutions adapted to the national context, in 2025, the Ombudsperson for Children's Rights, in partnership with UNICEF Moldova, aims to produce a thematic report on the life and safety of children in sports and recreational facilities (such as parks, sports grounds, playgrounds, amusement parks, etc.).

Following the above, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.1.1: The Ministry of Infrastructure and Regional Development (National Inspectorate for Technical Supervision), in collaboration with the Ministry of Education and Research, the State Inspectorate for the Supervision of Non-Food Products and Consumer Protection and the Moldovan Football Federation, to order the inspection of all football pitches to identify goalposts that do not meet high standards for protecting the health and safety of people, including children, and to replace them with compliant football goals.

⁸² <http://ier.gov.ro/wp-content/uploads/cedo/Cauza-Molie-impotriva-Romaniei.pdf>

⁸³ *Hugh Jordan v. the United Kingdom*, paragraph 105; *Nachova and Others v. Bulgaria* (CTM), paragraph 110; *Al-Skeini and Others v. the United Kingdom* (CTM), paragraph 163



RECOMMENDATION 2.2.1.2: The Ministry of Infrastructure and Regional Development (National Inspectorate for Technical Supervision), in collaboration with the Ministry of Education and Research, the State Inspectorate for Non-Food Product Supervision and Consumer Protection and the Moldovan Football Federation, to develop specific regulations for football goals that include safety requirements (or express reference to a specific European standard, e.g. BSEN 748:2013+A1:2018, BSEN 16579:2018), informing users of safe usage and the risks associated with its misuse, in-service supervision, inspection and maintenance.

RECOMMENDATION 2.2.1.3: The General Prosecutor's Office to ensure effective and adequate investigations into every case involving the death or injury of children on football pitches.

Item 2.2: Right to health

The child's right to health recognises that every child is entitled to the enjoyment of the highest attainable standard of physical, mental and social well-being. This right is guaranteed under Article 24 of the UN Convention on the Rights of the Child and places clear obligations on States Parties to protect, promote and ensure the health of all children.

General Comment No. 15 of the UN Committee on the Rights of the Child emphasises that ensuring the right to health for every child is a fundamental obligation of the State. According to the General Comment, all children must have equal access to quality health services, and States must remove any barriers that hinder this access. The right to health must be guaranteed to all children without discrimination, regardless of social status, ethnicity, religion, gender, disability or other characteristics.

Fulfilling the right to health requires a holistic approach, considering not only health services, but also factors such as nutrition, access to clean water, hygiene, adequate housing and a healthy environment. In addition, States must implement public policies that provide adequate health services and allocate sufficient resources to this sector.

In the same General Comment, the UN Committee on the Rights of the Child clarifies that all children have the right to opportunities for survival, growth and development, within the context of physical, emotional and social well-being. The Committee interprets children's right to health as encompassing not only timely and appropriate preventive, health promotion, curative, rehabilitative, and palliative services, but also the right of children to grow and develop to their full potential. This includes living in conditions that enable them to achieve the highest attainable standard of health through the implementation of programmes addressing the social determinants of health.

At the primary level, health services must be available in sufficient quantity and quality, and must be functional, physically and financially accessible, and acceptable



to all children. According to the UN Committee on the Rights of the Child, the State must provide comprehensive primary healthcare programmes alongside proven community-based initiatives, including preventive care, treatment of specific diseases, and nutritional interventions.

In accordance with Article 4 of the Convention, States Parties shall ensure the right of children to health to the maximum extent of available resources and, where necessary, within the framework of international cooperation. All States, regardless of their level of development, must take immediate and non-discriminatory steps to implement this obligation as a matter of priority.

According to Article 12 (1) of Law No. 370/2023 on the Rights of the Child, the State guarantees every child the right to access prophylactic, treatment and recovery methods of the highest possible standards to achieve the best attainable health. The State also ensures priority access to healthcare at all levels, respecting the best interests of the child.

We further recall the provisions of Article 3 of the UN Convention on the Rights of the Child, which imposes an obligation on the State to ensure that the best interests of the child are consistently considered and applied in all actions by any institutions that have a direct or indirect impact on children. According to General Comment No. 14 (2013) of the UN Committee on the Rights of the Child, every action concerning children (decisions, services, proposals, conduct, procedures and other measures) must take into account their best interests.

In General Comment No. 15 the Committee urges States to place the best interests of children at the centre of all decisions affecting their health and development. This includes the allocation of resources and the design and implementation of policies and interventions addressing the determinants of their health.

2.2.1. Children with rare diseases

Children affected by rare diseases are a continual focus of the Ombudsperson for Children's Rights. These children face significant daily challenges, and the medical treatments they require are often costly and difficult for families to obtain. They frequently need specialised medicines and specific dietary products (medical diets, nutritional supplements) to support their survival and optimal development.

The People's Advocate for Children's Rights highlights that within the framework of Law No. 1585/1998 on compulsory healthcare insurance, and in accordance with the Regulation on the mechanism of inclusion of medicines for compensation from the funds of compulsory healthcare insurance, it is necessary to ensure that medicines and dietary products intended for children with rare diseases and special medical needs are covered as compensated items.

These measures are of vital importance, given that, as Ministry of Health Order No. 1011 of 2018 on rare diseases, recognises that access to adequate treatment is a



fundamental right for all children, including those diagnosed with rare diseases, who require special attention and support from the State.

For children with rare diseases, it is essential to have dedicated funding from compulsory healthcare insurance funds provided for by Law No.1585. Financing treatments and specialised food products for medical purposes from these funds will help prevent severe complications and improve the quality of life for affected children. Moreover, this support will alleviate the financial pressure on families and ensure equitable access to treatment for all children, regardless of their families' financial resources.

It is equally important that foods for special medical purposes and nutritional supplements for children with rare diseases are compensated and made available in pharmacies accredited by the National Health Insurance Company. These products are not merely adjuncts to treatment, but essential for the survival and development of these children. Special nutritional supplements and medical diets must be easily accessible through pharmacies, under the same conditions as compensated medicines.

Against this background, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.2.1.1: The National Health Insurance Company to include medicines, foods and nutritional supplements intended for special medical purposes for children with rare diseases on the list of those compensated, dispensed through pharmacies.

2.2.2. Foreign children

In 2024, the Children's Ombudsperson examined an application concerning foreign children with temporary residence permits in the Republic of Moldova, who are required to pay the compulsory healthcare insurance premium. These children received notifications from the National Health Insurance Company and were included in the Compulsory Health Care Insurance (CHCI) system with the status of uninsured persons.

Article 24 (2)(b) of the UN Convention on the Rights of the Child mandates that States Parties take appropriate measures “to ensure the necessary healthcare and medical attention for all children, with particular emphasis on the development of primary healthcare”.

Paragraph 11 of the Joint General Comment No. 3(2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22(2017) of the UN Committee on the Rights of the Child on the general principles on the rights of children in the context of international migration states that: “States will ensure that children in the context of international migration are treated first and foremost as children. States Parties to the Conventions are bound



by the obligations set forth therein to respect, protect and fulfil the rights of children in the context of international migration, regardless of the migration status of their parents or legal guardians.”

According to Article 19(1) of the Constitution of the Republic of Moldova “foreign citizens and stateless persons have the same rights and duties as citizens of the Republic of Moldova.” In addition, Article 50(2) provides that: “Children and young people enjoy special assistance in fulfilling their rights. According to Article 12(1) of Law No. 370/2023 on the Rights of the Child, the State guarantees every child has the right to access prophylaxis, treatment, and rehabilitation of the highest possible standard to achieve the best attainable state of health, with due regard to the best interests of the child and ensures priority access to healthcare at all levels.

Furthermore, Article 843 of Law No. 200/2010 on the Regime of Foreigners in the Republic of Moldova stipulates that: “Foreigners with the right to stay in the Republic of Moldova have the right to rest and health protection on the same general basis as citizens of the Republic of Moldova”. Paragraph (2) of the same article specifies: “Foreigners specified in Article 2 (1)(a)-c) of Law No. 274 of 27 December 2011 on the integration of foreigners in the Republic of Moldova [...] shall have the same rights and obligations in the field of compulsory healthcare insurance as citizens of the Republic of Moldova, in accordance with existing legislation, unless otherwise stipulated in international treaties.”

According to Article 2(1) of Law No. 274 of 27 December 2011 on the integration of foreigners in the Republic of Moldova, “This law is applicable to the following categories of foreigners:

- a) Foreigners holding the right of temporary residence;
- b) Foreigners holding the right of permanent residence;
- c) Persons recognised as stateless in the Republic of Moldova;
- d) Foreigners who have obtained international protection or political asylum in the Republic of Moldova.”

Article 19(1) of Law No. 274 of 27 December 2011 on the integration of foreigners in the Republic of Moldova states that: “Foreign minors have access to healthcare under the same conditions as Moldovan minors.” Therefore, it is clear that foreign children referred to in the petition addressed to the Children's Ombudsperson fall within the scope of Article 2(1) of the Law No.274/2011, and therefore under the provisions of Article 843 of Law No. 200/2010.

According to Article 4(4) of Law No. 1585/1998 on compulsory health insurance, the Government acts as the insurer for children up to the age of 18, with no specific exceptions excluding children from benefiting from state-funded insurance coverage.



Accordingly, following the examination of the application, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.2.2.1: The National Health Insurance Company should amend the status of foreign citizens' children with the right to reside in the Republic of Moldova in the Compulsory Health Care Insurance system to that of insured persons, informing the persons concerned of this change and reimburse any amounts already paid.

2.2.3. Protection of children's health by reducing exposure to tobacco smoke and related products

The People's Advocate for Children's Rights welcomes the authorities' commitment to protecting public health by reducing exposure to tobacco smoke and related products. In this regard, the Advocate supports Draft Law No.280/2024, which proposes amendments of various normative acts in the field of tobacco control, and has been registered in the Parliament of the Republic of Moldova.

The new measures proposed by the Ministry of Health, with the support of the Government, aim to substantially reduce tobacco-related harm and fulfil Moldova's obligations under the World Health Organisation's (WHO) Framework Convention on Tobacco Control and the European Union Association Agreement.

Following the examination of the draft law and the complaints received concerning the potential interference of the tobacco industry in the legislative process, the People's Advocate and the People's Advocate for Children's Rights submitted recommendations to the Parliament of the Republic of Moldova⁸⁴. The Ombudspersons also noted a growing number of supporters urging Parliament to pass the Bill No. 280. For example, the Centre for Health Policy and Analysis appealed to the Speaker of the Parliament⁸⁵, calling for the protection of public health policies in tobacco control from commercial influences of the tobacco industry.

Globally, by 2022, at least 38 million young people aged 13 to 15 were using some form of tobacco. In the WHO European Region this figure reached 4 million users: 11.5% boys and 10.1% girls aged between 13-15 using tobacco⁸⁶.

In 2019, 16.3% of adolescents aged between 13 and 15 in the Republic of Moldova were actively using tobacco and nicotine products, with usage rates of 20.4% among boys and 11.8% among girls (GYTS study, 2019). Data from 2022 show that 25% of adolescents aged between 13 and 17 in Moldova used e-cigarettes: 28.3%

⁸⁴ <https://ombudsman.md/post-document/opinia-avocatorilor-poporului-cu-referire-la-proiectul-de-lege-nr-280-2024-privind-modificarea-legislatiei-in-domeniul-controlului-tutunului/>

⁸⁵ <https://pas.md/ro/PAS/Studies/Details/435>

⁸⁶ <https://eu4moldova.eu/ro/protejarea-copiiilor-de-interferenta-industriei-tutunului-tema-zilei-mondiale-fara-tutun-2024/>



boys and 22% girls, according to the Health Behaviour in School-aged Children (HBSC) study.

Article 36 of the Constitution guarantees the right to health protection. According to the case law of the Constitutional Court⁸⁷, this right is a fundamental human right, establishing the protection of people's health as a national priority and an essential objective of the health system. The system's aim is to achieve a high level of health and guarantee qualified medical care. Furthermore, the health protection of the population of the Republic of Moldova is recognised as an area of vital importance and particular public interest⁸⁸, obliging the State to take measures to ensure the system's viability, modernisation and development.

In its decision on the *prohibition of the sale of tobacco products near educational and health institutions*⁸⁹, the Constitutional Court stated that banning the sale of tobacco products by temporary commercial establishments in the vicinity of such institutions, does not contravene the constitutional provisions on free competition or the provisions of the Constitution on the exercise of rights or freedoms. Therefore, the legislator pursued two objectives: protecting the health of young people and safeguarding public health more broadly. Both objectives fall under the protection of the rights, freedoms and dignity of other persons, as set out by Article 54(2) of the Constitution. The Court further noted that a ban on the sale of tobacco products in the neighbourhood of protected groups reduces the number of commercial establishments and lowers the prevalence of youth smokers. Thus, the prohibition is considered among the most effective measures to discourage smoking among young people.

An important example of tobacco control can be drawn from the case law of the ECtHR, the case of *Hachette Filipacchi Presse Automobile and Dupuy v. France* (2009)⁹⁰. In this case the Court analysed restrictions on advertising of tobacco products. The plaintiffs were penalised for unlawful advertising of tobacco products under French legislation designed to protect public health. The Court ruled that these restrictions did not violate the right to freedom of expression guaranteed by Article 10 of the ECHR. The Court emphasised that the protection of public health is a legitimate aim and that the measures adopted by the State were proportionate. The decision also referred to the use of the World Health Organisation's Framework Convention on Tobacco Control as a reference for international standards for regulating the advertising of tobacco products. This case illustrates how the ECtHR allows a 'wide margin of appreciation' given to states in matters related to trade regulation and

⁸⁷ DCC No 1/2014.

⁸⁸ HCC No. 28/2004.

⁸⁹ HCC No. 9 of 8 April 2019.

⁹⁰ [https://hudoc.echr.coe.int/#/{%22fulltext%22:\[%22Hachette%20Filipacchi%20Presse%20Automobile%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-91612%22\]}](https://hudoc.echr.coe.int/#/{%22fulltext%22:[%22Hachette%20Filipacchi%20Presse%20Automobile%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-91612%22]})



public health measures, particularly when the aim is to reduce tobacco consumption, which is recognised as a global health threat.

The child's right to health and development is enshrined in Article 24 of the UN Convention on the Rights of the Child. Access to a healthy environment is essential for a child's physical and mental development. Passive exposure to tobacco smoke and related products, including e-cigarettes and heated tobacco products, constitutes a violation of this right.

In addition, Article 17 of the UN Convention on the Rights of the Child requires States to protect children from information and material that could harm their health or well-being, and Article 19 requires States to take measures to protect children from all forms of abuse, including indirect abuse through the promotion of harmful habits.

In its General Comment No. 4 on adolescent health and development⁹¹, the Committee notes its concern about the promotion of unhealthy products and lifestyles and their influence on adolescent health behaviours. In accordance with Article 17 of the Convention, States Parties are urged to protect adolescents from harmful information affecting their health and development, while emphasising their right to information and materials from various national and international sources. Therefore, States Parties are urged to regulate or prohibit the advertising and marketing of substances such as alcohol and tobacco, in particular when they target children and adolescents.

General Comment No. 15(2013) on the right of the child to the enjoyment of the highest attainable standard of health⁹² states that children need information and education on all aspects of health to enable them to make informed choices about their lifestyle as well as access to health services. Information and life skills education should cover a broad range of health topics including: ... the dangers of alcohol, tobacco and psychoactive substance use. Such education should provide appropriate information about children's right to health, government obligations, and how and where to access health information and services. This should be integrated as a central part of the school curriculum, as well as delivered through health services and in other settings for out-of-school children. Materials providing health information should be designed in collaboration with children and disseminated in a wide range of public settings. The Framework Convention on Tobacco Control states in Article 13 that a clear ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.

⁹¹ General Comment No.4 (2003) Adolescent health and development in the context of the Convention on the Rights of the Child, para. 25.

⁹² General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health Art. 24(59).



Draft Law No. 280/2024 is an essential step to align national legislation with international standards, in particular the World Health Organisation's Framework Convention on Tobacco Control (FCTC), as well as with relevant EU directives (Directive 2014/40/EU, Directive 2011/64/EU, Council Recommendation of 30 November 2009 on smoke-free environments (2009/C 296/02)). These EU Directives form an interconnected set of measures and contribute to reducing tobacco consumption, in particular among young people; protecting citizens from passive smoking; combating illicit tobacco trade; and promoting a tobacco-free environment for better public health. To harmonise domestic legislation with European standards, robust and targeted measures are needed to educate and inform children and young people about the risks of using tobacco and nicotine-containing products. Additionally, it is important to implement measures to protect young people from the harmful effects of these products, as well as from the tobacco industry's misleading strategies, which jeopardise public health, well-being and environmental protection.

The Ombudspersons consider that balancing the interests of traders with the protection of public health is essential in the regulation of harmful products such as tobacco and related products. In this balance, typically health protection takes prevalence, reflecting the justification for restrictions imposed on the tobacco industry to safeguard citizens' health.

In light of the above circumstances, the adoption of draft law No. 280/2024 represents a crucial act of responsibility towards both present and future generations, by protecting public health and safeguarding the fundamental rights of the child. We urge the Parliament of the Republic of Moldova to support this draft legislation, thereby reaffirming the State's commitment ensuring the fundamental right to health and actively combating the harmful influence of the tobacco industry.

The Children's Ombudsperson therefore **RECOMMENDS:**

RECOMMENDATION 2.2.2.3.1: The Parliament to adopt draft Law No. 280/2024, disregarding attempts by the tobacco industry or lobby groups to influence negatively and undermine these regulations, to bring national legislation in line with international standards and reaffirming the State's commitment to public health and children's rights.



Item 2.3: Right to education

2.3.1. Education of children with special educational needs (SEN), assessment of child development

The right to education of children, including those with special needs⁹³, is recognised and guaranteed by international and national legislation. The UN Convention on the Rights of the Child, Articles 28 and 29 provide for the child's right to education by emphasising the obligation of States to ensure access to free and compulsory education at the primary level, promoting also the development of the child's personality and talents, preparing the child for active adult life, nurturing respect for fundamental human rights and for the cultural and national values of the child and others.⁹⁴ In national legislation, the right of all children to education is guaranteed in Article 35 of the Constitution of the Republic of Moldova, the Education Code of the Republic of Moldova and Article 14 of Law No. 370 of 30 November 2023 on the Rights of the Child. Currently, in the Republic of Moldova, the Programme for the Development of Inclusive Education 2024-2027 is being implemented. The Children's Ombudsperson has also addressed in previous reports the right of the child to education, including those with special educational needs.⁹⁵

According to data provided by the Ministry of Education and Research, in 2023 in the Republic of Moldova were 11,748 children with SEN enrolled in general educational institutions, among which 4,084 children with disabilities. In the same year, 563 children were enrolled in special education institutions.

In 2024, UNICEF conducted a study on the 'Inclusion of children with special educational needs in the education system'.⁹⁶ The study's findings indicate that public perceptions of including children with disabilities remain largely exclusivist, with the majority of respondents believing that these children should be cared for within the family or in specialised institutions. However, over time, there has been a notable shift, with a growing number of respondents supporting the inclusion of children with disabilities in mainstream education and a declining number favouring residential care. Despite this progress, resistance to inclusion persists, particularly regarding children with mental or intellectual disabilities.

Compared to previous surveys, in 2024 there was a slight improvement in carers' attitudes towards the inclusion of children with special educational needs and

⁹³ Education Code of the Republic of Moldova, Article 3, special educational needs (SEN) - educational needs of the child/pupil/student, which imply schooling adapted to the individual peculiarities or characteristics of a disability or learning disability, as well as a specific intervention through appropriate rehabilitation or recovery actions.

⁹⁴ https://drepturilecopilului.md/files/publications/CDC_2005_final.pdf

⁹⁵ <https://ombudsman.md/rapoarte/drepturile-copilului/>

⁹⁶ [https://www.unicef.org/moldova/media/15376/file/Incluziunea%20copiilor%20cu%20cerin%C8%9Be%20educa%C8%9Bionale%20speciale%20%C3%AEEn%20sistemul%20de%20%C3%AEEnv%C4%83%C8%9B%C4%83m%C3%A2nt%20\(2024\).pdf](https://www.unicef.org/moldova/media/15376/file/Incluziunea%20copiilor%20cu%20cerin%C8%9Be%20educa%C8%9Bionale%20speciale%20%C3%AEEn%20sistemul%20de%20%C3%AEEnv%C4%83%C8%9B%C4%83m%C3%A2nt%20(2024).pdf)



disabilities. This year, 40% of carers supported the inclusion of children in mainstream institutions, up from 23% in 2018. The study also reveals that 60% of teachers in 2024 were open to the educational inclusion of children with disabilities in mainstream institutions, an increase from 41% in 2018. However, 17% of teachers still believe that these children should be cared for within the family, while 15% opt for residential institutions.⁹⁷

In 2024, The People's Advocate for Children's Rights examined a request concerning a child development assessment. The parent complained that he was unaware of the possibility of such an assessment, while the educational institution justified its inaction by citing the mother's refusal to consent. Despite observing behavioural indications suggesting the need for a developmental assessment, the institution concluded that an initial evaluation should be conducted within its multidisciplinary committee framework. During the monitoring visit, discussions with the administration of the institution revealed that out of approximately 1,200 pupils, only two had been officially recognised as children with special educational needs, and assessments had not been carried out for around seven others due to the lack of parental consent.

Upon examining the application, the Children's Ombudsperson finds that the provisions of the UN Convention on the Rights of the Child and the Order of the Ministry of Education of the Republic of Moldova No. 99 of 26 February 2015 on the approval of the Methodology for the assessment of child development, were not adhered to.

Paragraph 34 of Order No. 99/2015 stipulates that the educational institution "shall refer the case to the psycho-pedagogical assistance service on the basis of the Reference for the request for a complex assessment of the child's development (Annex 3)." According to Annex No. 3 of the same order, the educational institution, based on the decision of the Intra-school multidisciplinary commission, sends the referral for the complex assessment of the child's development to the Psycho-pedagogical assistance service. If the educational institution lacks parental consent, it further informs the Psycho-pedagogical assistance service of the lack of consent for the assessment process.

Paragraph 29 of the same Order further stipulates that "if the parent/legal representative of the child refuses to accept the assessment of the child and/or the recommendations of the Psycho-pedagogical assistance service, considering the best interests of the child, the local and territorial guardianship authority shall take decisions on applying protective measures for children."

This seems to be a systemic issue, as during visits of the Children's Ombudsperson within the territory (two Territorial Social Assistance Agency and one Territorial

⁹⁷ [https://www.unicef.org/moldova/media/15376/file/Incluziunea%20copiilor%20cu%20cerin%C8%9Be%20educa%C8%9Bionale%20speciale%20%C3%AEn%20sistemul%20de%20%C3%AEnv%C4%83%C8%9B%C4%83m%C3%A2nt%20\(2024\).pdf](https://www.unicef.org/moldova/media/15376/file/Incluziunea%20copiilor%20cu%20cerin%C8%9Be%20educa%C8%9Bionale%20speciale%20%C3%AEn%20sistemul%20de%20%C3%AEnv%C4%83%C8%9B%C4%83m%C3%A2nt%20(2024).pdf) pag.68



Social Assistance Structure), no requests were found submitted to the territorial guardianship authority for decisions relating to this matter.

It should be noted that the purpose of the assessment process is to guide educational decisions and actions, and to determine the optimal educational services tailored to the child's special needs. The child development assessment process must in all instances be subordinated to the best interests of the child.

In this regard, Children's Ombudsperson reiterates the provisions of Article 3 of the UN Convention on the Rights of the Child, which mandates that in all decisions and actions concerning children, whether taken by public or private institutions, the best interests of the child shall prevail.

Against this background, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.3.1.1: The Republican Centre for Psycho-pedagogical Assistance should organise continuous information/training activities for staff of the territorial structures for psycho-pedagogical assistance and, through them, train psychologists, teachers and management staff of educational institutions, on the application of the Methodology for the Assessment of Child Development, approved by Order of the Ministry of Education No. 99 of 26 February 2015;

RECOMMENDATION 2.2.3.1.2: The Republican Centre for Psycho-pedagogical Assistance to systematically monitor the correct and effective implementation of Order of the Ministry of Education No. 99 of 26 February 2015 on the approval of the Methodology for the assessment of child development.

2.3.2. Protection of children from all forms of violence

Children have the right to be protected from all forms of violence (Article 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 (Lanzarote Convention), etc.). The Republic of Moldova has a positive obligation to take all necessary measures to prevent, identify and respond to violence against children.

Rates of violence against children in the Republic of Moldova are cause for concern. The Violence against children survey (VACS),⁹⁸ conducted in Moldova in 2019, revealed that approximately two out of five girls (36.8%) and boys (37.8%) had experienced some form of violence by the age of 18. In addition, one in seven girls (14.4%) and one in 20 boys (5.3%) had been subjected to sexual violence by the age of 18, with the majority of victims not disclosing their experiences to anyone.

According to information provided by the National Public Security Inspectorate, 339 children (315 girls, 24 boys) were victims of sexual offences in 2023. Moreover, 37 children (boys) committed offences of a sexual nature. In comparison, in 2024,

⁹⁸ <https://www.togetherforgirls.org/en/resources/moldova-vacs-report-2020>



399 children (352 girls, 46 boys) were victims of sexual offences, and 67 children (boys) committed sexual offences. In almost half of the cases, the perpetrators and the victims knew each other, in many other cases the perpetrator was a caretaker, sometimes even the victim's father, the mother's boyfriend, the victim's grandfather or brother.

These data confirm that child sexual abuse is, in most cases, perpetrated by people within the victim's circle of trust - individuals they know, respect and trust. This makes victims vulnerable to abusers who may use their authority, influence or emotional closeness to manipulate and coerce them.

Child sexual abuse can be difficult to recognise. However, there are warning signs. Professionals who work with children, particularly teachers who observe them regularly, are well positioned to identify signs and behaviours that indicate a child may have been abused. Therefore, it is essential that professionals can recognise signs of sexual abuse, with changes in behaviour being the first suspicious indication of such abuse. A valuable resource for professionals in all fields interacting with children, developed by the Council of Europe, is "Intervening in cases of child sexual exploitation and sexual abuse: Training materials."⁹⁹

The case of the 11-year-old girl who was sexually abused by her mother's concubine and subsequently gave birth to a child, was brought to the attention of the Children's Ombudsperson. According to the local education expert body, the teachers did not observe any behavioural changes in the pupil. It was only when the girl was in her eighth month of pregnancy that some teachers at the educational institution began to suspect there was a health issue, though they were unaware she was pregnant.

In this context, the Children's Ombudsperson submitted an Opinion with recommendations to the local specialised body for education, with the recommendation to strengthen the capacity of teachers to recognise signs of sexual abuse and to intervene appropriately in such cases.

The phenomenon of online child sexual abuse and exploitation is also a matter of serious concern. According to a 2021 study conducted by La Strada on the online experiences and risks faced by children in the Republic of Moldova¹⁰⁰, out of 3,829 children aged 9 to 17 who participated in an online survey, 12% reported receiving messages containing vulgar language or sexually explicit images. Approximately 1% of children aged 12 to 17 admitted to sending photos or videos of their naked body parts to people they communicated with on the internet in the preceding 12 months. 13% of them sent the images to someone they only knew online (8% having been coerced through threats, 4% motivated by offers of money or goods in exchange).

⁹⁹ Intervention in child sexual exploitation and sexual abuse: Training materials, <https://rm.coe.int/training-intervening-abuse-ro-final/1680a40d5c>

¹⁰⁰ https://lastrada.md/storage/pic/uploaded/Studiu_Siguranta_online-comportamente_si_riscuri-FINAL.pdf



Bullying is another widespread phenomenon within Moldovan educational institutions. A 2019 UNICEF study, "Bullying among adolescents in the Republic of Moldova"¹⁰¹ found that 70.8% of students in grades 6 to 12 had been victims of bullying. According to a WHO study on adolescent health and well-being released in May 2020¹⁰², Moldova is among the top five countries in the HBSC region (50 countries) for the prevalence of students experiencing bullying at school; ranks in the top three for bullying perpetration; and holds first place for the proportion of 11-years-old who have bullied a peer at school at least twice in the last two months. Approximately 21% of pupils in grades 5 to 12 are bullied on a weekly basis, according to the survey conducted by the NGOs Alliance active in the field of Child and Family Welfare (ACFW), conducted from January to June 2023. In addition, 3 in 100 students reported experiencing cyberbullying at least once a month during the last school year.

From a regulatory perspective, the Republic of Moldova is well positioned. The Education Code, Law No. 140/2013 on special the protection of children at risk and children separated from their parents; and Government Decision No. 270/2014 on the approval of the Instructions on the Intersectoral Mechanism of Cooperation for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking are establishing a good framework. Additional regulations include Ministry of Education Order No. 77/2013 on the Procedure for institutional organisation and intervention by educational staff in cases of child abuse, neglect, exploitation, trafficking as well as Order of the Ministry of Education No. 858/2013 on the Methodology of application of the Procedure of institutional organisation and intervention of workers of pre-university educational institutions in cases of child abuse, neglect, exploitation, trafficking. With the introduction of a legal definition of bullying and the principle of non-violence in the Education Code in 2022, the Ministry of Education and Research further approved, by Order No. 1024/2022, the Methodology for preventing and combating bullying.

The implementation of this normative framework is marked by significant shortcomings.

According to biannual reports compiled by the Ministry of Education and Research¹⁰³, educational institutions in the Republic of Moldova register approximately 8,000 suspected cases of violence against children each year.

¹⁰¹ <https://www.unicef.org/moldova/media/3146/file/Bullying-ul%C3%AEn%C3%A2ndul%20adolescen%C8%9Bilor%20din%20Republica%20Moldova.pdf>

¹⁰² <https://neovita.md/studii-si-cercetari/hbsc-moldova-dinamica-datelor-2014-2018-moldova-context-national/>

¹⁰³ <https://mec.gov.md/ro/content/prevenirea-si-combaterea-violentei-0>



Year of study	Forms of violence							Total cases			Source of referral				Decision following the assessment	
	Physical	Psychological	Sexual	Bullying	Neglect	Labour exploitation	Trafficking, prostitution	Girls	Boys	Total children	Teacher	EI Co-worker	Parents	Children	Examination in EI	Case Referral
2022-2023 Semester I	1540	988	16	-	1012	31	2	1044	2545	3589	1898	306	448	937	3021	568
2022-2023 Semester II	1778	974	22	610	1095	19	0	1493	3005	4498	2248	469	729	1052	3770	728
2022-2023 Total	3318	1962	38	610	2107	50	2	2537	5550	8087	4146	775	1177	1989	6791	1296
2023-2024 Semester I	1297	782	15	475	870	17	4	1120	2701	3821	2059	412	481	869	3340	481
2023-2024 Semester II	1721	732	20	613	1084	23	0	1336	2857	4193	2348	405	568	872	3501	692
2023-2024 Total	3018	1514	35	1088	1954	40	4	2456	5558	8014	4407	817	1049	1741	6841	1173
2024-2025 Semester I	1718	631	15	587	827	6	0	1225	2559	3784	1912	295	578	999	3298	486

An analysis of this data, in the context of the aforementioned research indicates that the number of reported cases is significantly lower than the true prevalence. This discrepancy stems from several factors, including the limited capacity of educational staff to identify and respond to cases of violence against children and the misguided belief that refraining from reporting such cases protects the institution's reputation. Nonetheless, the increase in the number of suspected cases of bullying reported in the first semester of the 2024/2025 academic year (587 cases) compared to the same period in the previous academic year (475 cases), coupled with a reduction in the number of cases of psychological violence, suggests greater awareness and understanding of bullying among educational stakeholders, including children and parents. This improvement also reflects the Ministry of Education and Research's efforts to strengthen the capacity of education professionals to implement the



Methodology on preventing and combating bullying. Despite this progress, the Children's Ombudsperson continues to receive numerous requests highlighting the insufficient preparedness of educational staff to respond promptly and effectively to cases of bullying, underscoring the need for ongoing training. School psychologists have a particularly important role to play, and the recent regulations allowing the appointment of a psychologist regardless of the number of pupils in the institution are therefore to be welcomed.

An examination of case files and *ex officio* reports concerning incidents of violence against children perpetrated by teachers, reveals that educational institutions rarely apply the provisions of Article 135(1)(i) of the Education Code and Article 86 (1)(n) of the Labour Code (dismissal) to teachers who have used violence against children. Instead, sanctions are usually limited to reprimands. In some instances, teachers choose to resign voluntarily, yet they remain able to continue working in the education sector at other institutions. There is no central register of sanctions imposed on teachers, including for acts of violence against children, which future employers, educational institutions, can consult.

Another finding relates to thematic cases registered by the Ombudsperson for Children's Rights concerning the 'categorisation of acts committed by staff in educational institutions' under the Article 166⁽¹⁾ 'Torture, inhuman or degrading treatment' of the Criminal Code. These cases are hampered by inconsistent case law and lack of consensus on the interpretation and application of Article 166⁽¹⁾ of the Criminal Code, particularly regarding the specific elements of the offence and the degree of severity for acts to be classified as inhuman or degrading treatment. The problem is further exacerbated by inconsistent judicial practice of the Supreme Court of Justice, whose decisions lower courts rely upon.

The analysis conducted by academic experts Dr. Vitalie Stati and Dr. Gheorghe Reniță, published on 21 September 2024 in juridicemoldova.md, is considered both relevant and valuable. The article is titled 'Torture in schools from the perspective of the Criminal Code of the Republic of Moldova'.¹⁰⁴ Following an extensive legal analysis, the authors' hold the view that 'teachers employed in public or private educational institutions, cannot be considered subjects of the offences provided for in Article 166⁽¹⁾ of the Criminal Code of the Republic of Moldova'. In their article, the authors argue: "We firmly believe that pupils must be protected by criminal law against ill-treatment committed by those who do not have the special status required by Article 166⁽¹⁾ of the Criminal Code of the Republic of Moldova. At present, the Criminal Code of the Republic of Moldova does not provide such protection. The application by analogy of Article 166⁽¹⁾ of the Criminal Code to cases of ill-treatment of minors committed by those who do not have the special status required by this article (application by analogy, which is admitted in cases relating to the second

¹⁰⁴ <https://juridicemoldova.md/18643/tortura-in-scoli-din-perspectiva-codului-penal-al-republicii-moldova.html>



jurisprudential orientation, as set out in the Appeal in the Interest of the Law), reveals a gap in the criminal law. However, it is not within the competence of the General Prosecutor's Office or the Supreme Court of Justice to fill this gap. This competence lies with the Parliament"; "Accordingly, we recommend the legislator to add to the Criminal Code of the Republic of Moldova Article No.166⁽²⁾ 'Ill-treatment', which would read as follows: 'Intentional infliction of physical or mental pain or suffering on a minor, a pregnant woman or a person in a state of helplessness by the staff of educational institutions, medical institutions or residential social institutions, if the signs of torture, inhuman or degrading treatment are absent, shall be punishable by imprisonment for a term of 3 to 7 years with deprivation of the right to hold certain positions or to exercise certain activity for a term of 5 to 10 years'."

In 2024, despite the opinion issued by the Children's Ombudsperson¹⁰⁵, the Education Code was amended to introduce sanctions and rewards for children. While recognising the Ministry of Education and Research's (MEC) commitment to fostering a safe and friendly school environment for all educational stakeholders, including teachers, the Children's Ombudsperson emphasised that protecting teachers must occur through a unified process alongside that of children, grounded firmly in respect for human dignity.

The Children's Ombudsperson believes that intersectoral and multidisciplinary intervention is essential to address the needs of children exhibiting antisocial behaviour. Accordingly, the Ombudsperson recommended initiating discussions at the interministerial level to identify measures for redressing such behaviour and strengthening the intersectoral mechanism established by the Government Decision No. 270/2014.

In this regard, the Children's Advocate welcomed the results of the participatory process that led to the 2024 amendment of Government Decision No.270/2014, promoted by the Ministry of Labour and Social Protection. The amendment introduces distinct intersectoral intervention procedures tailored to the profiles of children at risk of committing offences and those in conflict with the law.

The explanatory memorandum notes that, with the adoption of Law No. 140/2013 on the special protection of children at risk and children separated from their parents, the approach to children in conflict with the law shifted from treating them as offenders to viewing them as victims of neglect and other forms of violence.

Although there are not yet sufficient services to respond promptly and effectively to the needs of these children, the Children's Ombudsperson welcomes the approach chosen by the Ministry of Labour and Social Protection, which prioritises the rights of the child and aligns with international standards in this field. Among the services to

¹⁰⁵ <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/>



be developed is the specialised Professional Parenting Support Service for children with behavioural difficulties/complex emotional needs.

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

RECOMMENDATION 2.2.3.2.1 (repeated): The Ministry of Justice to amend the Criminal Code to provide clarity and predictability to education professionals in the application of Article 166⁽¹⁾ 'Torture, inhuman or degrading treatment'.

RECOMMENDATION 2.2.3.2.2 (repeated): The Ministry of Education and Research to develop a sanctions registry applicable to teachers, including for violence against children, which future employers, educational institutions, can consult.

RECOMMENDATION 2.2.3.2.3 (repeated): The Ministry of Education and Research to develop and strengthen teachers' skills to prevent and combat violence against children, including bullying (through both initial and in-service training).

RECOMMENDATION 2.2.3.2.4 The Ministry of Education and Research to strengthen teachers' capacity to recognise signs of sexual abuse and properly intervene in such cases.

RECOMMENDATION 2.2.3.2.5 (repeated): The Ministry of Education and Research to revise the school curriculum to integrate all key concepts on comprehensive sexuality education and to strengthen teachers' skills to implement it.

RECOMMENDATION 2.2.3.2.6 (repeated): The Ministry of Education and Research to develop parenting education programmes, including parent schools and thematic sessions on positive parenting, to be delivered in parent sessions in schools.

RECOMMENDATION 2.2.3.2.7 (repeated): The Ministry of Education and Research to strengthen teachers' competences to develop children's skills for democratic culture (including fostering values such as respect for human rights, human dignity and cultural diversity, cooperation, non-violent conflict resolution, empathy).

RECOMMENDATION 2.2.3.2.8 (repeated): The Ministry of Labour and Social Protection to develop social support services for families with children in difficulty.

RECOMMENDATION 2.2.3.2.9 (repeated): The Ministry of Labour and Social Protection to develop specialised services for children in conflict with the law and children at risk of committing offences.

RECOMMENDATION 2.2.3.2.10 (repeated): The Ministry of Health to develop treatment and rehabilitation programmes for children with conduct disorders within the framework of Youth Clinics and Community Mental Health Centres.



2.3.3. Psycho-emotional well-being of teachers

An increasing number of children, parents and professionals across various sectors are concerned about the psycho-emotional well-being of teachers. Many teachers themselves, report experiencing psycho-emotional burnout, attributed to a number of stress factors, such as working extended hours due to inadequate pay and shortage of staff, overcrowded classrooms, and conflicts with colleagues, children and parents. Without intending to stigmatise or discriminate, we consider it necessary to monitor the psycho-emotional health of teachers. This is not only their right to the highest attainable standard of health but also crucial given the significant impact their well-being has on fulfilling children's rights to education. One such case was brought to our attention by a police inspectorate in southern Moldova. It involved a teacher at a local school who persistently exhibited inappropriate behaviour, resulting in ongoing conflicts with neighbours and colleagues and frequent unfounded complaints about those around him. Additionally, the Children's Ombudsperson regularly receives notifications or is contacted *ex officio* regarding cases of violence against children by teachers. We believe these cases should be examined in light of underlying factors to facilitate more effective prevention. Discussions with teachers revealed that, due to fear of stigmatisation, exclusion from the educational process and loss of salary, even those who recognise their need for psycho-emotional or even psychiatric support do not seek help from mental health specialists.

An analysis of Moldovan legislation concerning requirements for teachers indicates that there is currently no obligation for them to undergo medical check-ups or obtain a psychiatric assessment regarding their mental health.

According to point 7 of the Government Decision No. 1079 of 27 December 2023 on mandatory prophylactic medical examinations of workers, such examinations are to be conducted at the time of employment, periodically, and upon resumption of work.

According to point 44 of the Government Decision No. 1079/2023, the purpose of periodic medical examination is to:

- 1) Monitor dynamically the health status of workers and confirm at specified intervals their ability for the profession/function and the workplace they occupy;
- 2) Detect the onset of diseases that contraindicate activity at the current workplace;
- 3) Enable early detection of occupational diseases;
- 4) Diagnose occupational diseases;
- 5) Identify diseases that may pose a risk to the life and health of other workers at the same workplace; and others.



Annex 1 to the Health Regulation on the Supervision of Workers' Health, in column 5 'Special working conditions' does not contain any indication of the need for medical examination of teachers, although drivers, electricians, fitters, firefighters, rescuers and other categories are listed.

Only point 4 of Annex No. 1 to Annex No. 2 of the Government Decision No. 1079 of 27 December 2023 entitled 'Health regulation on compulsory medical examinations of workers on communicable diseases' lists several categories of educational institutions whose staff must undergo an annual medical examination for infectious diseases. These include workers in early education institutions, boarding schools, children's homes, children's sanatoria, workers in child healthcare institutions (summer camps).

The specified employees are required to undergo:

1. A general clinical examination by a family doctor;
2. Consultation with a specialised doctor if diagnosed with or suspected of having communicable diseases or if at risk of spreading infectious diseases;
3. Chest X-ray examination;
4. Coprobacteriological investigations for Shigella, Salmonella, and E. coli if the individual has been diagnosed with infectious bowel disease in the last 12 months or presents relevant clinical symptoms;

Notably, a general clinical examination by a psychiatrist is not mandatory. The Education Code of the Republic of Moldova defines:

- A *"tenured teacher"* - a person who holds a teaching position (in higher education - didactic and scientific-didactic), whose primary activity is carried out within a single educational institution and who is officially listed in the institution's staffing plan;
- A *support teacher* - a qualified specialist in pedagogy, psycho-pedagogy and special psycho-pedagogy, who provides psycho-pedagogical assistance to children with special educational needs."

According to Article 132 of the Education Code, the minimum qualification requirements for teaching and scientific-teaching positions are determined solely by the level of education attained and do not include any health-related criteria.

In this context, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.3.3.1 (repeated): the Ministry of Education and Research to provide psycho-emotional support for teachers and programmes to prevent burnout.



RECOMMENDATION 2.2.3.3.2: The Ministry of Education and Research to analyse the determinants of psycho-emotional burnout of teachers, which could include, but not be limited to, excessive teaching hours and overcrowded classrooms, and identify viable solutions to reduce stress factors.

RECOMMENDATION 2.2.3.3.3: The Ministry of Education and Research, in co-operation with the Ministry of Health, to ensure the regulation and implementation of compulsory initial and periodic medical examinations of teachers by a psychiatrist.

2.3.4. Access to education for children with chronic and rare diseases in early childhood education institutions

In 2024, the Children's Ombudsperson was notified of the violation of a child's right to education due to refusal of admission to full-day kindergarten. In this case, the child, diagnosed with Myasthenic Syndrome (a rare autoimmune disease), required the administration of treatment at fixed times, including during his stay in the preschool educational institution.

Article 100 of the Instruction on the protection of the life and health of children in early childhood education institutions in the Republic of Moldova, expressly prohibits both the admission of sick children to kindergarten, and the administration of any medication for treatment purposes within the institution.

At the same time, Government Decision No. 1211 of 2016 on the Approval of the Health Regulations for Early Childhood Education Institutions, under Chapter XII – Obligations of medical personnel, item 286, stipulates that to promote and maintain the state of health of both children and adults within early education institutions, certain obligations must be fulfilled, including under point t) the execution of doctor's assignments.

Thus, the Children's Ombudsperson has identified the need to amend the regulatory framework to provide clarity and predictability for heads of early education institutions in upholding the right to education of children requiring supportive treatment, rather than treatment for acute pathology.

Following a meeting attended by representatives from the Ministry of Education and Research, the Ministry of Health, the Paediatric Society of the Republic of Moldova, and the administration of the early education institution, a provisional solution was identified to enable full-day kindergarten attendance, with the two ministries expressing concerns amending the existing regulatory framework to fill this legislative vacuum.

As a result, the Government Decision No. 1211/2016 on the approval of the Health Regulations for early childhood education institutions was amended, and Article



286(t), in its current wording, provides that “long-term treatment for children suffering from chronic and rare diseases is accepted in the form of oral and rectal administration of medication. Responsibility for administering medication lies with the head and staff of the institution”.

Although the amendment to the health regulation largely addresses the difficulties outlined above, the phrase 'The responsibility for administering medicinal treatment lies with the head and staff of the institution' lacks the necessary clarity to ensure consistent and reliable application of these regulations. A practical challenge remains in identifying the person responsible for administering medication, and this ambiguity can cause confusion and pose risks both to the children and to the staff of early education institutions.

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

RECOMMENDATION 2.2.3.4.1: The Ministry of Education and Research, jointly with the Ministry of Health, to clarify the issues related to the person responsible for administering medication in early childhood education institutions to children suffering from chronic and rare diseases.

2.3.5. School sanitation

The topic of sanitation and hygiene in educational institutions is longstanding and has consistently been a priority for the Children's Ombudsperson. This concern is also reflected in the 2021 Thematic Report 'Respecting child's right to health in educational institutions'.¹⁰⁶

The child's right to sanitation and hygiene in schools is not merely a practical necessity, but a legal obligation of the state under the UN Convention on the Rights of the Child. Failure to fulfil this right affects the health, education and dignity of children, violating the fundamental principles underlying their protection and development.

Regarding the educational environment, the World Health Organisation emphasises the importance of meeting standards for access to water, sanitation and hygiene in educational establishments. It recommends that each school should have toilets located within the main building, avoiding separate facilities that may cause discomfort or feelings of insecurity. Furthermore, the recommendations call for an equitable distribution of toilets, ensuring an adequate number for both pupils and teachers, in accordance with the principles of equal access for all users.

A fundamental aspect is accessible sanitary facilities, which must meet the needs of all people, including those with disabilities or special requirements. Hygiene and safety are also major priorities, which means separate toilets for men and women

¹⁰⁶ <https://ombudsman.md/post-document/raport-tematic-respectarea-dreptului-copilului-la-sanatate-in-institutiile-de-invataman-2/>



and equipping them with individual cubicles to guarantee the privacy of each user. In addition, sanitary facilities must be easy to clean and maintain, and there must be comfortable hand-washing sinks nearby.

The Government Decision No.492/2024 on the approval of the Sanitary Regulations for primary, secondary, I and II cycle, and technical vocational schools¹⁰⁷, establishes sanitary standards for schools in the Republic of Moldova, requiring that each floor be equipped with toilets for pupils. The regulation mandates one WC for every 20 girls and one WC plus a urinal for every 20 boys. The toilets must be accessible to people with disabilities, separated by gender and positioned so that they are not visible from classrooms.

According to the Sanitary Regulations, schools must have special hygiene rooms for girls, equipped with a shower, toilet, washbasin, hot and cold water, mirror and waste bin. Sanitary facilities must include washbasins (one for every 40 pupils), soap, toilet paper, towels or electric dryers, menstrual hygiene products and covered baskets. Toilet cubicles should be spacious, with lockable doors and toilet bowls, mounted in the floor and separated by sturdy partitions. Grab rails are recommended for accessibility. These measures are designed to ensure hygiene, safety and comfort for all pupils.

Implementation of the regulations of Government Decision No. 492/2024 remains a challenge. In many schools in the Republic of Moldova, the current situation does not yet fully reflect these standards, emphasising the need for continued investment and sustained efforts to improve the infrastructure as well as hygienic and sanitary conditions.

In a response to IPN¹⁰⁸, the Ministry of Education and Research reported that at the beginning of 2025, in 86 educational establishments, representing approximately 8% of all schools, pupils use toilets located in the courtyard. Of these 86 schools, 32 have toilets built inside the school buildings, that are non-functional due to the absence of essential infrastructure, i.e. sewerage and the water supply systems. In addition, another 297 schools require renovation of their sanitary facilities, with some cases needing completely new toilets to ensure decent conditions for pupils.

To remedy the situation, authorities have planned to renovate more than 160 sanitary school facilities by 2026. The renovations will be carried out by the National Office for Regional and Local Development, in collaboration with several development partners and in partnership with the Ministry of Education and Research.¹⁰⁹

¹⁰⁷ https://www.legis.md/cautare/getResults?doc_id=145136&lang=ro

¹⁰⁸ <https://moldova.europalibera.org/a/in-88-de-scoli-din-r-moldova-elevii-au-acces-doar-la-toaletele-din-curte/32912661.html>

¹⁰⁹ <https://ipn.md/peste-160-de-toalete-din-scoli-vor-fi-renovate-in-urmatorii-doi-ani/>



Against this background, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.3.5.1: The Ministry of Education and Research and the Ministry of Infrastructure and Regional Development to complete the construction and renovation of the sanitary groups and sewage systems, ensuring that all children are provided with access to water, sanitation and hygiene in educational institutions in accordance with World Health Organisation standards.

Item 2.4: Child-friendly justice

2.4.1. Children in detention

In 2024, the Council for the Prevention of Torture (CfPT), which aims to protect persons from torture and other cruel, inhuman or degrading treatment or punishment, and serves as the main National Mechanism for the Prevention of Torture, produced the Special Report on the Safety and Security of Prisoners in the Penitentiary System of the Republic of Moldova: realities and perspectives¹¹⁰. The People's Advocate for the Rights of the Child is an *ex officio* member of the Council for the Prevention of Torture.

The UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the Council of Europe Committee of Ministers' Recommendation CM/Rec (2008)11 to member states on European Rules for Juvenile Offenders, place particular emphasis on ensuring the physical and psychological safety of juveniles within the justice system. They advocate protection from all forms of violence, abuse, or ill-treatment, and stress the importance of treating young offenders with respect and safeguarding their rights.

One of the key findings by the members of the Council for the Prevention of Torture, following their visits during 2021-2024, is that ensuring security and safety in prisons plays a crucial role in preventing ill-treatment and torture in prisons. Safety and security are fundamental to the prevention of abuse, as a well-managed prison environment reduces the risk of violence and inhuman treatment between prisoners or at hands of staff.

The report analysed the level of implementation of the CfPT recommendations on improving security measures in prisons and addressed the risk factors contributing to a lack of security in prisons and the impact of prison conditions on security.

Among the eight institutions visited as part of the report's methodology, there were three institutions where children or mothers with children up to the age of three are or may be detained –namely Penitentiary No. 10 Goian, Penitentiary No. 11 Balti and Penitentiary No. 7 Rusca.

During the visit, one mother with a child up to the age of three was detained in the Penitentiary No. 7 Rusca. Even though the conditions in prison were good, there were

¹¹⁰ <https://ombudsman.md/post-document/raport-tematic-siguranta-si-securitatea-detinutilor-in-sistemul-penitenciar-al-republicii-moldova-realitati-si-perspective/>



two aspects which appeared to be problematic - there was no budget allocated for food and necessary hygiene products for the children and, the children were always with their mothers in detention, with no contact with the community (pre-school or pre-school education, as appropriate).

Penitentiary No. 11 in Bălți functions as a criminal investigation detention centre and includes closed and semi-closed sectors for men, women, and minors. At the time of the visit, six minors were detained in P-11, housed separately from adults. Detention conditions were generally unsatisfactory. The CfPT noted the presence of cockroaches and other insects, poorly ventilated and inadequately lit cells, worn bed linen and unsanitary beds. The cells have windows that are disproportionately small in relation to the total surface area, and the toilets inside the cells are in a deplorable and unhygienic condition.

Goian Penitentiary No. 10 functions as a detention centre for juveniles and young men up to the age of 23. Within P10 there is a prosecution isolator as well as closed, semi-closed and open sectors for minors and juveniles. At the time of the visit, 61 minors and juveniles were detained: 34 minors and juveniles detained in the common regime, one minor in the initial regime, and 26 children and juveniles in pre-trial detention. One juvenile detainee was placed under the conditions prescribed by Article 206 of the Enforcement Code. While the authorised staffing level is 79, only 67 employees were present at the time of the visit. The Council members visited Block A designed for remand prisoners, Block D housing common regime inmates, the medical block and the block used for educational and training activities.

The CfPT found that the physical detention conditions in the remanded juveniles' block, have significantly deteriorated compared to the conditions since their previous visit in November 2023. Most of the cells on the first floor of Block A were in a deplorable state, having been vandalised by detainees. On the first floor, windows were missing glass; the doors to the sanitary block were removed; there was no lighting, and the electrical cables were detached and removed from the wall. The attics, floors, and walls were damaged, dirty and bare. Many cells lacked basic furniture such as chairs and cupboards, bed linen was either missing or soiled, and numerous detainees had no cutlery or changes of clothing. In one cell, water had been unavailable for over one month.

Detainees voiced their dissatisfaction with the attitude of staff, the quality of food and the restrictions placed on their right to written correspondence.

CfPT expressed concern over the unfriendly relations between the staff of the Penitentiary No. 10 Goian and the minors and juveniles detained there. The detainees were unfamiliar with the prison staff, and when asked about the name of the psychologist, they mentioned only the name of a specialist psychologist from the non-governmental organisation that conducts trainings for minors, but they could not name the specialist psychologist employed by the penitentiary.



It should be noted that the staff do not prepare Individual Assistance Plans for minors in detention, citing that they have not yet been sentenced. As a result, activities tailored to their specific needs and associated risks are not planned. Moreover, the criteria used to categorise and assign minors remain unclear, and it is uncertain whether they are generally engaged in any activities.

Council members conducted two visits to the penitentiary, and on both occasions, did not observe minors participating in any activities, except for a few minors in the kitchen and a few minors engaged in storing coal. These observations suggest that staff do not actively involve themselves in managing the minors' engagement during their sentence, which frequently results in damage to cell property or aggressive behaviour towards other prisoners or staff.

This lack of involvement and constructive interaction with the juvenile detainees heightens anxiety among the staff, who are uncertain about what to expect from the detainees, as well as among the juveniles, who are unsure about how the staff will respond. In the absence of structured activities, the juveniles test the boundaries that destabilise the regime and disrupt the order of the institution.

The Nelson Mandela Rules prescribe staff training, including the rights and duties of prison staff in the performance of their duties, with an emphasis on respecting the human dignity of all prisoners and prohibiting torture and other cruel, inhuman or degrading treatment or punishment. The training should also cover security and safety measures, including the concept of dynamic security; the appropriate use of force and restraint tools; and the management of violent offenders. It should incorporate preventive and de-escalation techniques such as negotiation and mediation.

In terms of staff training, the CfPT recommends, in addition to the minimum standards mentioned above, that both officers and agents, to be trained in conflict resolution techniques, prisoner relations skills, so that they can respond to violent and disruptive behaviour in prison in an appropriate and professional manner and with a minimum use of force. Staff needs to be able to work with prisoners who may have personality disorders, substance abuse problems, and be able to respond to their needs but also risks they pose.

As in other systems, there is a clear distinction between security and regime staff, who have direct contact with prisoners, and reintegration service staff, who focus on positive work with prisoners. This strict separation offers few advantages, notably because supervisory staff have limited interaction with convicted offenders. Multi-disciplinary teams responsible for both security and reintegration are far more effective and can maintain dynamic security. This operational approach, known as modular management, has been introduced in several countries. It represents a decentralised model of prison management and plays a key role in ensuring dynamic security.



Disciplinary sanctions at Penitentiary No.10 increased in 2023 compared to the previous year (162 in 2023, 108 in 2022). This rise is attributed to the transfer of juveniles from pre-trial detention to the new block and an overall increase in the number of inmates in the institution.

Penitentiary	Self-harm		Bodily injuries		Hunger strikes		Suicide/Suicide attempts	
	2022	2023	2022	2023	2022	2023	2022	2023
Penitentiary No.10	7	43	44	82	4	15	1/0	3/0

Medical examination and documentation of bodily injuries is important in preventing acts of violence and cases of torture. In this regard, the CfPT notes the significant number of bodily injuries recorded at the Penitentiary No.10 Goian in 2023. By early August 2024, the Register of Bodily Injuries and Self-Injuries already contained 59 entries, comprising 26 cases of self-injuries and 33 instances of bodily harm. It is even more concerning that during the visit to Penitentiary No.10, Council members identified several people with injuries that had not been documented by either medical or security staff. The doctor asserted that he visits each cell at least once a day, while prisoners reported having spoken to him through the window as he passed their section. Consequently, the CfPT questions the accuracy of the data recorded and maintained by the prison administration, suggesting that the records may misrepresent the true situation or potentially conceal incidents occurring within the facility.

An increase in cases of self-harm, suicide and personal injury within the prisons, may signal serious systemic issues concerning the prison environment, the mental health of prisoners and security measures. Such a rise could reflect the administration's failure to maintain a safe environment and prevent risky behaviour. It is essential to analyse the underlying causes and to implement effective strategies to address and manage this situation.

Investing in mental health services, prison conditions and staff training can help to minimise risks and foster a safer, more humane prison environment. Neglecting these critical areas not only compromises security but also undermines the primary goal of prisoner rehabilitation and reintegration.

By analysing the risk factors, statistical data, and indicators derived from the methodology, the Council has expressed concern regarding the security and safety measures in place at the Penitentiary No. 10 Goian. The Council members believe that the focus should be placed on staffing, in particular staff training and reinforcement.

Against this background, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.4.1.1: The National Administration of Penitentiaries to ensure adequate material conditions of detention in penitentiaries where minors are detained.



RECOMMENDATION 2.2.4.1.2: The National Administration of Penitentiaries should build the capacity of staff in penitentiaries holding juvenile detainees by providing trainings in conflict resolution techniques, interpersonal skills, and appropriate methods for managing juveniles. This will enable staff to respond to violence and disruptive behaviour in an appropriate and professional manner, using the minimum of force.

RECOMMENDATION 2.2.4.1.3: The National Administration of Penitentiaries should ensure an appropriate approach to juvenile prisoners with mental health problems, in order to create a safe prison environment, respect children's rights and promote rehabilitation and social reintegration, through a comprehensive, multidimensional intervention (initial screening; specialised treatment, including psychotherapy; trained staff; creation of safe spaces; prevention of stigmatisation and discrimination; occupational therapies, etc.).

RECOMMENDATION 2.2.4.1.4: The National Administration of Penitentiaries should ensure that individual care plans are also developed for juveniles in detention, planning activities that are linked to their needs and risks.

RECOMMENDATION 2.2.4.1.5: The National Administration of Penitentiaries should ensure that the necessary food and hygiene products are budgeted for children up to the age of three who are with their detained mothers.

RECOMMENDATION 2.2.4.1.6: The National Administration of Penitentiaries, in collaboration with the local public administration, should provide socialisation and educational opportunities in the community for children up to the age of three who are with their detained mothers, including in pre-school/preschool education institutions, where appropriate.

2.4.2. Right to family life

Parental alienation/ psychological violence

Over the past two years, the highest percentage of petitions submitted to the Children's Ombudsperson have concerned alleged violations of the right to family life.

In 2024, we welcomed the authorities' concern and the organisation of public consultations aimed at finding solutions to numerous cases of violations of children's and parental rights. This is particularly important in situations where parents are separated or undergoing divorce, and where parental alienation or psychological violence, often by the parent living separately, occurs.

The Children's Ombudsperson highlights that these solutions, including the amendment of the regulatory framework, must be analysed in the light of respect for and protection of the best interests of the child. Furthermore, such cases should



be analysed in light of the principles established by the case law of the European Court of Human Rights (ECtHR) concerning respect for the right to family life, as well as the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

Article 18(1) of the UN Convention on the Rights of the Child provides that States Parties shall endeavour to ensure recognition of the principle that both parents have a shared responsibility for the upbringing and development of the child. The primary responsibility for the upbringing and development of the child rests with the parents or, where applicable, the child's legal representatives. They shall be guided, above all, by the best interests of the child. Article 27(3) highlights that parents and any other persons having the care of a child have the primary responsibility to ensure, within their abilities and financial means, the living conditions necessary for the child's development.

The UN Committee on the Rights of the Child¹¹¹ considers that shared parental responsibilities are generally in the best interests of the child. However, in decisions regarding parental responsibilities, the *only criterion will be what is in the best interests of the child concerned*.

Article 8 of the European Convention on Human Rights provides as follows:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

There is broad consensus that, in all decisions concerning children, their best interests must be the paramount consideration (see for example *Neulinger and Shuruk v. Switzerland* [CTM], No.41615/07, § 135, 6 July 2010, *X. v. Latvia* [CTM], No. 27853/09, § 96, ECHR 2013 and *Lobben Strand and Others v. Norway* [CTM], No. 37283/13, § 179, 10 September 2019). The best interests of the child may, depending on their nature and seriousness, outweigh those of the parents. In particular, Article 8 does not grant parents the right to take actions that would harm the child's health and development (see, e.g. *V.D. and Others v. Russia*, No. 72931/10, § 114, April 9, 2019). While the Court's jurisprudence requires that children's views be taken into account, these views are not necessarily fixed or decisive. Children's objections, although deserving of due weight, do not automatically override the parents' interests, particularly their interest in maintaining regular contact with the child (see *K.B. and Others v. Croatia*,

¹¹¹ General Comment No.14 (2013) on the right of the child as a child's best interests must be paramount (Art. 3 (1)(64).



No. 36216/13, § 143, March 14, 2017). The right of children to express their own views should not be understood as an absolute or unconditional veto, without considering other factors and conducting a best interest's assessment (A.V. v.s Slovenia, cited above, § 72)¹¹².

The Children's Ombudsperson recalls that the notion of 'family life' is not limited to relationships based on marriage and may include other *de facto* family ties¹¹³. For example, cases concerning right of access have been brought before the ECtHR by grandparents, adoptive parents or 'social parents' (partner, spouse of one of the parents) who are not biological or legal parents but who care for the child and participate or have recently participated in the child's upbringing.

When it comes to the relationship between grandparents and grandchildren, in normal circumstances this differs in nature and closeness from that between parent and child and, by its very nature, warrants a lesser degree of protection (Kruškić v. Croatia (dec.), 2014, § 110, T.A. and Others v. Republic of Moldova, 2021, T.J. v. Croatia (dec.), 2016, §§ 23-24). However, where grandparents have cared for a child from birth, and have acted in all respects as the child's parents, they are entitled to the same degree of protection as the parents (Terna v. Italy, 2021, § 64).¹¹⁴

In T.A. and Others v. the Republic of Moldova¹¹⁵, the Court emphasised that it is primarily the responsibility of national courts to directly assess all individuals involved and the case evidence, to strike a fair balance between the various competing Convention rights. They must give cogent reasons for their decisions and to ensure the fairness of the whole process. In the above-mentioned case, the Court noted that although the reasons given by the national courts were relevant, they were not sufficient. In particular, the Strasbourg Court noted that the proceedings could not be considered fair relying only on the father's statements without any supporting evidence, while at the same time rejecting, sometimes for purely formal reasons, the evidence and documents submitted by the grandparents and failing to obtain an independent assessment of the most important elements, e.g. the effects of the transfer of the child from his grandparents to his biological father on his psychological and physical health. Therefore, the Court concluded that the national courts did not carry out a sufficiently detailed assessment of the possible risk to the child's health and well-being in the event of an abrupt transfer to the child's father's home. For these reasons, the Court held that there had been a violation of Article 8 of the Convention¹¹⁶.

¹¹² <https://www.agentguvernamental.md/wp-content/uploads/2020/02/PISICA-v.-MDA-ROM.pdf> , para 65.

¹¹³ <https://ks.echr.coe.int/documents/d/echr-ks/contact-rights>

¹¹⁴ <https://ks.echr.coe.int/documents/d/echr-ks/contact-rights>

¹¹⁵ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%222001-213716%22%7D>, paras 57-58, 62.

¹¹⁶ Summary of the judgement by the Government Agent Directorate of the Ministry of Justice of the Republic of Moldova - <https://www.agentguvernamental.md/comunicate-de-presat-a-si-altii-v-republica-moldova-2/>



Although the aim of Article 8 is to protect the individual against any arbitrary interference by public authorities, in addition it also entails the positive obligation to ensure effective 'respect' for family life (see *Glaser v. the United Kingdom*, No.32346/96, § 63).¹¹⁷

The Court has consistently held that Article 8 implies the right of the parent to appropriate measures by the State to be with his or her child and the obligation of national authorities to apply such measures (see, for example, *Eriksson v. Sweden*, judgment of June 22, 1989, Series A No.156, Series A No.156, pp. 26-27, para. 71, *Margareta and Roger Andersson v. Sweden* of 25 February 1992, Series A No.226-A, p. 30, para. 91, *Olsson v. Sweden* (No.2) of 27 November 1992, Series A No.250, p. 35-36, para. 90, and *Hokkanen v. Finland* of 23 September 1994, Series A No.299-A).¹¹⁸

In this regard, the Court recalls that, to be effective, measures to re-establish contact between parent and child must be implemented swiftly, as delays may cause irreparable harm to the relationship between the child and the non-resident parent (see *Maire v. Portugal*, No.48206/99, § 74, ECHR 2003-VII, *Pini and Others v. Romania*, No.78028/01 and 78030/01, § 175, ECHR 2004-V, and *Bianchi v. Switzerland*, No.7548/04, § 85, June 22, 2006).¹¹⁹

When it comes to the nature and extent of the measures to be taken by authorities, the Court further recalls that such measures depend on the particular circumstances of each case. The obligation of national authorities to take concrete measures to facilitate parent-child interviews is not absolute. While they must endeavour to maintain contact between parent and child, their use of coercion is limited. Authorities must consider the interests, rights, and freedoms of all involved, especially the best interests of the child and the rights guaranteed by Article 8 of the Convention (see, *inter alia*, *Ignaccolo-Zenide*, cited above, § 94).¹²⁰

Moreover, while the behaviour and cooperation of the persons involved is always an important factor, a lack of cooperation between divorced parents does not absolve the competent authorities from their obligation to take all appropriate measures to preserve the family bond (see *Zavřel*, cited above, § 52, *Reigado Ramos v. Portugal*, No.73229/01, §55, 22 November 2005, and *Mincheva*, cited above, § 86).¹²¹

If the efforts made by national authorities were unsuccessful, this does not automatically imply that the State has failed to fulfil its positive obligations under Article 8 of the Convention (see *Mihailova v. Bulgaria*, No.35978/02, § 82, January

¹¹⁷ <https://www.agentguvernamental.md/wp-content/uploads/2020/02/PISICA-v.-MDA-ROM.pdf> , p. 63.

¹¹⁸ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-122499%22%7D>], *Ignacuolo-Zenide v. Romania*, para 94.

¹¹⁹ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-154861%22%7D>], *Tocarenco v. Republic of Moldova*, para 54.

¹²⁰ *ibid*, para 55.

¹²¹ *ibid*, para 56.



12, 2006)¹²². The State's positive obligation to restore and facilitate contact between the applicant and their children is concerned with the application of appropriate measures, rather than the achievement of specific results, therefore an obligation of means rather one of results.¹²³

The resumption of cohabitation with children who have lived with the other parent for a period is not immediate and may necessitate preparatory measures (ibid. § 58; see also *Ribić v. Croatia*, No.27148/12, § 94, April 2, 2015, and *A.V. v. Slovenia*, cited above, § 74).¹²⁴

In cases where children refuse contact with a parent, Article 8 requires States to make efforts to identify the underlying causes of such resistance and to address them accordingly (*Jurišić v. Croatia* (No. 2), 2022, § 43, *Ribić v. Croatia*, 2015, § 94).¹²⁵

In cases concerning a person's relationship with their child, there is a duty to exercise exceptional diligence, considering that the passage of time may be a decisive factor in the matter at hand (see, e.g. *Ignaccolo-Zenide*, cited above, § 102; *Süß v. Germany*, No.40324/98, § 100, November 10, 2005; *Strömblad v. Sweden*, No.3684/07, § 80, April 5, 2012; and *Ribić*, cited above, § 92)¹²⁶. This obligation, which is decisive in assessing whether time limits are reasonable under the requirements of Article 6 paragraph 1 of the Convention, also forms an implicit procedural requirement under Article 8 (*Paparrigopoulos v. Greece*, 2022, § 49; *Ribić v. Croatia*, 2015, § 92).¹²⁷

The Court highlights that, from a practical standpoint, there may come a time when attempting to compel a child to accept a situation they reject becomes futile, unproductive, or even harmful. Furthermore, coercive measures against children are undesirable and should be strictly limited in this sensitive context (see *Suur*, cited above, § 96, and *Hokkanen v. Finland*, September 23, 1994, § 58, Series A, No 299-A)¹²⁸.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)¹²⁹ requires that incidents of violence covered by its scope be taken into account when determining custody and visitation rights (Article 31(1)). Paragraph 2 of the same Article requires States Parties to take legislative or other necessary measures to ensure that the exercise of any custody or visitation rights does not jeopardise the rights and safety of the victim or their children.

¹²² ibid, para 52.

¹²³ <https://www.agentguvernamental.md/wp-content/uploads/2024/02/HOTARAREA-LUCA-v.-MDA-traducere-RO.pdf>, para 94.

¹²⁴ <https://www.agentguvernamental.md/wp-content/uploads/2020/02/PISICA-v.-MDA-ROM.pdf>

¹²⁵ <https://ks.echr.coe.int/documents/d/echr-ks/contact-rights>

¹²⁶ <https://www.agentguvernamental.md/wp-content/uploads/2020/02/PISICA-v.-MDA-ROM.pdf>

¹²⁷ <https://ks.echr.coe.int/documents/d/echr-ks/contact-rights>

¹²⁸ <https://www.agentguvernamental.md/wp-content/uploads/2024/02/HOTARAREA-LUCA-v.-MDA-traducere-RO.pdf>, para 94.

¹²⁹ <https://rm.coe.int/168046253e>



Addressing parental alienation as a way of preventing and combating psychological violence within the existing normative framework

The UN Committee on the Rights of the Child has argued that Articles 18 and 27 of the Convention reinforce primary responsibility of parents for the upbringing and development of their children. At the same time, these articles require States Parties to provide necessary support and assistance to parents (or carers) to help them fulfil these responsibilities effectively.

According to Article 9 of the Convention on the Rights of the Child, States Parties shall ensure that a child shall not be separated from his or her parents against their will, unless the competent authorities decide, subject to judicial review and in accordance with applicable law and procedures, that such separation is in the best interests of the child. Such a decision may become necessary in particular cases, such as, for example, in the case of children abused or neglected by their parents.

The notion of psychological violence is regulated in Law No. 45/2007 on preventing and combating violence against women and domestic violence and in Government Decision No. 270/2014 on the approval of the Instructions on the Intersectoral Mechanism of Cooperation for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking. The legal definition of psychological violence also includes the prohibition of contact with other family members, as well as creating obstacles to contact between parents and children. We therefore consider parental alienation to be a form of psychological violence. At the same time, Article 8 of Law No.140/2013 on the special protection of children at risk and children separated from their parents regulates the identification of children at risk, and in letter a) children subject to violence are included. Both Law No. 140/2013 and Government Decision No. 270/2014 provide for authorities' intervention in the case of these children. This includes taking into account children at risk; assessing, assisting, and monitoring them through the case management method approved by the central child protection authority; and, if the initial assessment establishes an imminent danger to the child's life or health, removing the child from their parents or carers.

The Ombudsperson considers preventing parental alienation to be a crucial aspect in protecting children affected by divorce or separation. A multidisciplinary approach involving cooperation between parents, legal, social and psychological professionals is essential in such cases. Primary prevention can be achieved through parenting education aimed at the general public, while secondary and tertiary prevention should focus on parenting education specifically for divorcing and divorced parents.

In 2024, the Romanian Parliament adopted a law amending and supplementing the Law on the Protection and Promotion of the Rights of the Child¹³⁰, which

¹³⁰ <https://legislatie.just.ro/Public/DetaliiDocument/282460>



addresses both genuine cases of parental alienation as well as instances involving unfounded allegations of parental alienation. This legislation introduces and defines the legal concepts of parental alienation, alienating parent/person, alienated parent, prevention of parental alienation situations, measures to combat such situations, and the restoration of relationships between alienated children and their parents.

The People's Advocate draws the attention to the fact that on February 1, 2016, the protocol¹³¹ was signed, whereby the Romanian Association for Joint Custody and the Institute of Judicial Psychology agreed to work together for the legal recognition of parental alienation as a form of child violence, a protocol to which the Romanian College of Psychologists also adhered to. The protocol is particularly significant, not least because it provides a definition of parental alienation. Thus, the parties have agreed to define parental alienation as *'negative interference in the development of specific parent-child relationships, or of a child's attachment relationship with his or her parent, by either parent, grandparents or any other person permanently residing with the child or exercising parental authority or guardianship in place of the parents, with the aim of alienating the child from his or her parent (called the target parent or alienated parent), in order to prevent the development and maintenance of specific parent-child relationships between the minor and the child'*. At the same time, the protocol explains the various forms of manifestation of parental alienation, as well as legal suggestions for prevention and countermeasures that state authorities could apply to prevent trauma to the child's psyche.

The protocol states that upon identifying acts of parental alienation, procedures should be started swiftly, with the *judge urgently establishing the psychological assessment of the child and parents by a qualified psychologist specialising in such expertise*. The protocol also provides for the adoption of *compensatory measures*, following confirmation of typical parental alienation behaviours. The judge may employ various procedural tools to inhibit or lessen the effects of parental alienation, for example, *compensatory extension of the programme of personal contact; obliging the alienating parent to undergo psychological counselling; establishing by court order the child's residence, etc.*

At the same time, a national conference on parental alienation was organised in 2024 in Romania¹³². During this event, it was emphasised that psychologists play an essential role in identifying and evidencing such situations. Their involvement is essential in preparing court-ordered psychological assessment reports, establishing the psychological reality of the case, and proposing practical solutions to restore the relationship and attachment with the alienated parent. Effectively preventing and addressing parental alienation, requires close co-operation between different

¹³¹ <https://www.arpcc.ro/realizari/alienare>

¹³² <https://www.juridice.ro/737119/concluziile-conferintei-nationale-de-dreptul-familiei-alienarea-parentala-violenta-in-familie-remedii.html>



authorities and specialists. The courts cannot be left alone in tackling this issue. The active involvement of guardianship authorities and psychologists is needed both at the stage of proving parental alienation and in the follow-up to court rulings that confirm its existence, sanction the alienating parent, or determine the child's residence with the alienated parent. Considering the mentioned-above reasons, the Children's Ombudsperson highlights the urgency to expedite the adoption of the law regulating the practice of psychologist, which has been pending before Parliament for several years.

In light of the above, the Children's Ombudsperson recommends the following regulatory proposals:

- Regulating preventive measures, clearly specifying the obligations of all actors to prevent and early identify actions of parental alienation;
- Regulating actions constituting parental alienation/alienation of one of the parents (see the protocol concluded between the Romanian Association for Joint Custody and the Institute of Judicial Psychology, a protocol to which the Romanian College of Psychologists also adhered to);
- Adopting the law on the practice of psychology, in recognition of the fundamental role psychologists have in preventing and combating this phenomenon;
- Regulating the use of psychological expert reports, drawn up by psychologists with relevant expertise in the field, as mandatory evidence in establishing parental alienation. In this context, practical obstacles should be analysed and solutions sought to enable psychological evaluations of children even in cases when parents or legal representatives object;
- Regulating compensatory and transitional measures to restore the relationship and attachment with the alienated parent, after parental alienation has been clearly established.

The enforcement of court decisions regarding child residence or access arrangements to children

In its 2023 report, the Children's Ombudsperson highlighted the issue of enforcement of court judgements concerning the determination of child residence or access arrangements to children. The Ombudsperson notes that, in 2024, there has been no progress, either in legislation or in its implementation.

Enforcement actions involving minors should be tailored to the specific circumstances of each case to avoid or minimise any unjustified interference with their right to privacy, while ensuring that the best interests of the child are paramount.¹³³

¹³³ <https://ombudsman.md/rapoarte/drepturile-omului/anuale/>



The national legal framework on the mechanisms of enforcement of decisions on the establishment of the minor's residence and compliance with visitation schedules can be characterised as sparse. It sometimes includes terminology that is inappropriate for the relevant legal institutions and fails to adequately detail how these legal relationships should be implemented. Thus, Article 154 of the Enforcement Code is the sole provision addressing the enforcement of documents relating to the determination of the child's domicile.

In the survey conducted during the elaboration of the Methodological Guide on improving the enforcement of judgments on the determination of domicile or access to children¹³⁴, bailiffs identified the inadequacy and insufficiency of legal regulations as the primary cause of difficulties in enforcing documents related to establishing the domicile of a minor. This view was shared by 66.7% of respondents. Among those handling enforcement cases on the child's domicile, 58.3% reported that proceedings lasted more than 24 months, while 16.7% indicated durations exceeding 12 months.

While the legislator has introduced certain remedies¹³⁵ to address a debtor's opposition to the enforcement of a judgement, the legislation does not provide any solutions for the situation where the child themselves objects to being transferred to the adult named in the enforceable document. This omission is particularly serious, as a child's psychological convictions cannot be overridden by coercive measures, in the same way as those applied to adult debtors. Consequently, the bailiff faces a regulatory gap which cannot be remedied even by analogy with existing law. Furthermore, bailiffs often lack the necessary skills, training and understanding to interact with a psychologically vulnerable children, whose emotional and moral states are highly sensitive and fragile. In these situations, inaction seems to be the only course available to the bailiff. However, such passivity contradicts both the spirit of the law and the bailiff's mission.

For example, the Romanian legislator stipulates remedies for the situation when the minor refuses categorically to leave the debtor or shows aversion towards the creditor. Therefore, the bailiff will put together a report, recording these findings and will further communicate it to the parties and the representative of the structure responsible for social assistance and protection of children's rights. The case is then further referred to the competent court, together with the report, so that the court depending on the age of the child, can prescribe a psychological counselling programme for a period of maximum three months.

¹³⁴ The guide was developed within the project 'Support for further strengthening the efficiency and quality of the judicial system in the Republic of Moldova', funded by the European Union and the Council of Europe, and implemented by the Council of Europe within the framework of the Partnership for Good Governance II Programme 2019-2022.

¹³⁵ Drawing up a report on the impossibility of enforcement with the submission of an application to the court to determine how to enforce the judgement; drawing up of a report on the offence of the debtor, under the terms of Article 318 of the Contravention Code, for evading enforcement of the court judgement.



The court will consider the application as a matter of urgency, conducting the hearing in chambers and summoning the parents and, where appropriate, the person with whom the child is residing. The legal provisions concerning the hearing of the child will also apply. The court will issue a final, non-appealable decision, specifying the name of the psychologist appointed to carry out the counselling and the counselling programme to be followed. Upon completion of the counselling programme, the psychologist will prepare a report which will be submitted to the court, the bailiff, and the territorial social welfare agencies/structures responsible for social welfare and the protection of children's rights.

While we welcome the adoption of Law No. 292 of 13 December 2024 on the special protection of children against removal abroad or unlawful retention, aimed at adapting national legal provisions to international standards in the field of children's rights, in particular to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, we consider that the current law fails to address the current practical challenges concerning the non-execution of court orders for the return of the child (Article 21). Notably, paragraph 5 provides that "Where a judgement referred to in paragraph 1 has not been enforced within two weeks from the date of initiation of the enforcement procedure, the party requesting enforcement or the central authority of the Republic of Moldova shall have the right to request the National Union of Enforcement Officers to provide reasons for the delay".

The Children's Ombudsperson considers that the effective enforcement of judgements in matters of children's domicile must be viewed in the context of the combined powers and efforts of enforcement, judicial and legislative authorities.

In this context, the Children's Ombudsperson recommends diversifying enforcement measures by organising preparatory psychological counselling sessions for children or their parents¹³⁶, involving various social services or seeking the support of psychiatrists or child psychologists¹³⁷, and using family mediation¹³⁸, to facilitate contact between parents and between parents and children.

In order to facilitate the enforcement of judgments concerning parental alienation and establishing residence with the alienated parent, *we recommend that a mechanism be put in place whereby the judge, on the basis of the psychological assessment report (or forensic psychological expertise), decides who will work with the child and for how long, to restore attachment, before the child is returned to the alienated parent. We consider it particularly important to prohibit the immediate return of the child from a parent/carer with whom the child has an established attachment, even as a result of parental alienation, to a parent with whom the child has no attachment - the alienated parent. In*

¹³⁶ Case Pisciă v. Republic of Moldova (No.23641/17).

¹³⁷ Svernei v. Moldova (No. 42787/19).

¹³⁸ Cengiz Kılıç v Turkey of 6 December 2011.



cases of severe alienation/severe psychological violence, where it is established that the child's life or health is at imminent risk if they remain with the alienating parent/carer, priority should be given to placing the child with extended family or in family-care type. Meanwhile, work should be undertaken with the child to restore the relationship with the alienated parent.

Based on the above, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.4.2.1: The Parliament of the Republic of Moldova to prioritise the adoption of the law concerning the exercise of the profession of psychologists.

RECOMMENDATION 2.2.4.2.2: The Ministry of Justice to take measures to assess and improve the regulatory framework, in the light of the case law of the ECtHR, the provisions of the UN Convention on the Rights of the Child and the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), to ensure the enforcement of court decisions establishing the child's domicile, interview programmes, return of the child in the context of Law No. 292/2024, as well as combating psychological violence caused through measures of alienation of one of the parents.

2.4.3. Respecting reasonable time limits for the trial of cases involving minors

In 2024, the Children's Ombudsperson received two complaints alleging violations of the right to effective access to justice, citing cases pending before the court of first instance for 4.5 years (civil case) and 6 years (criminal case).

Article 21(5)(b) of Law No. 52/2014 on the People's Advocate (Ombudsperson) stipulates that requests for judicial review on the merits shall not be accepted, except in cases concerning the actions and/or omissions of judges.

The Children's Ombudsperson highlights that, according to Article 6 paragraph 1 ECHR, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, which shall decide on any disputes concerning their rights and obligations on the merits of any criminal charge against them. In cases involving minors, the European Court of Human Rights has emphasised the necessity of a particular promptness when assessing whether the time taken to deliver a judgment is reasonable (see, for example, Bottazzi v. Italy and Deak v. Romania and the United Kingdom).

Within this context, the Committee on the Rights of the Child, in its General Comment No. 14 (2013), paragraph 93, indicates that "Delays or protracted decision-making processes have particular adverse effects on children as they develop. It is therefore advisable that procedures or processes concerning or affecting children are prioritised and completed as soon as possible."



In its General Comment No. 13(2011), the Committee on the Rights of the Child states: “In all proceedings involving child victims of violence, the principle of expeditiousness should be applied.”

Article 4 of Law No. 370/2023 on the Rights of the Child establishes the principle of celerity in making any decision concerning the child, as a fundamental aspect of safeguarding the child’s rights.

Article 192(1) of the Civil Procedure Code of the Republic of Moldova provides that civil cases shall be adjudicated at first instance within a reasonable time. The criteria for determining what constitutes a reasonable time include the complexity of the case, the conduct of the parties involved, the behaviour of the court and relevant authorities, and the importance of the proceedings to the person concerned. The court is responsible for ensuring that the case is judged within this reasonable timeframe. Article 20(3) of the Code of Criminal Procedure provides that “The prosecution and trial of criminal cases [...] involving [...] minors shall be carried out urgently and as a matter of priority.”

Based on the above, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.4.3.1: The Ministry of Justice, in co-operation with the Superior Council of the Magistracy, to take measures to ensure that juvenile cases are heard within a reasonable time, upholding the principles of celerity and exceptional diligence.

Item 2.5: The right to social protection and social assistance

Child poverty rates in Moldova remain high¹³⁹. In 2023 the absolute poverty rate (Sustainable Development Goal indicator 1.2.1) for the general population was 31.6%, marking a 0.5% increase compared to 2022, while the rate for children stood at 30.2% (an increase of 1.8 points compared to the previous year). The rate varies considerably depending on the child's place of residence. Children in rural areas are at much higher risk of poverty than children in urban areas. The absolute poverty rate for rural children was 44.6% in 2023 compared to 14.4% for urban children. At the same time, the poverty rate for urban children increased by 0.5% compared to the previous year, whereas in rural areas it rose by 4.1 percentage points.

In this respect, the Children's Ombudsperson welcomes the initiative of the Ministry of Labour and Social Protection, to draw up a public policy document, with the support of UNICEF, to combat social exclusion of children in difficulty, thus implementing the European Council Recommendation 2021/1004 on the establishment of a European Child Guarantee. The objective of this Recommendation is to prevent and combat social exclusion by guaranteeing access to a set of essential services for children

¹³⁹ https://statistica.gov.md/ro/situatia-copiilor-in-republica-moldova-in-anul-2023-9578_61275.html



in difficulty, thus contributing to upholding children's rights by combating child poverty and promoting equal opportunities.

The Children's Ombudsperson also welcomes the strengthening of the social assistance and protection system in 2024, supported by UNICEF, through the appointment of 150 specialists in child rights protection.

Another important achievement in 2024, is the implementation of the recommendations of the UN Committee on the Rights of the Child, which aim to improve the data collection system through the development of the Child Protection Information System. In this regard, the Government of the Republic of Moldova approved the Government Decision No. 491/2024 on the approval of the Regulation of the information resource created by the Child Protection Information System.

The Child Protection Information System (CPIS) is an integrated IT solution designed for case management of children under the supervision of competent authorities. It enables the tracking of social services provided to children and the forms of protection applied as appropriate. CPIS replaces manual reporting methods such as paper forms, telephone data collection and data reporting via Word or Excel files.¹⁴⁰

CPIS is designed to address a number of key needs in the field, by streamlining and improving existing processes. It supports:

- Obtaining relevant information on each child's case within the protection system, including case status updates, and the generation of alerts and notifications;
- Referring children to appropriate social services;
- Transferring case files between case managers across different administrative-territorial units;
- Accessing relevant information from other sectors (health, education, public order, justice) via the MConnect government interoperability platform;
- Managing child adoption cases.

The system also complies with the principles of advanced digital development and international best practices and is linked to standards and reference models. The CPIS calculates performance by monitoring indicators and generates statistical reports on the application of case management in child protection, alternative care or child adoption. These functionalities will help all parties involved in child protection to operate more efficiently and deliver better and faster services for children's benefit.

¹⁴⁰ GD No. 491/2024 on the approval of the Regulation of the information resource created by the Child Protection Information System. Available online: [HG446/2022](https://www.government.md/en/legislation/491-2024)



2.5.1. The RESTART reform, personal assistance

At the end of 2023, the RESTART social assistance reform, a strategic project aimed at optimising social policies implemented by the Ministry of Labour and Social Protection, was launched.

One of the main objectives of the reform is to ensure equitable and uniform access to quality social services for the entire population. By directly allocating financial resources from the state budget, the reform aims at an efficient and transparent distribution of funds for social services, eliminating regional disparities and improving the capacity for social intervention across the Republic of Moldova.

The RESTART reform introduced significant changes in the administrative structure of the social assistance system. Since 1 January 2024, the competences previously held by second-tier local public authorities, except for the municipality of Chişinău and the Autonomous Territorial Unit of Gagauzia, have been transferred to the newly established Territorial Social Assistance Agencies. These agencies operate under the authority of the Ministry of Labour and Social Protection and aim to improve the coordination of social services and provide more effective support to vulnerable groups.

Following the reorganisation of the social assistance system and the transfer of competences from the district councils and municipality of Balti, the financing of social services, including the 'Personal Assistance' service, is now provided directly from the state budget. The units of personal assistants formerly employed by the district councils and the Balti City Hall have been transferred to territorial social assistance agencies under the authority of the Ministry of Labour and Social Protection, and their financing is managed through the Ministry. The Children's Ombudsperson notes that budget allocations for personal assistance remain insufficient, with waiting lists for this service persisting throughout 2024.

At the end of 2023 and the beginning of 2024, decisions made by the Chişinău municipal authorities significantly impacted the work of personal assistants and the implementation of the rights of assisted persons. Some personal assistants were dismissed, while others had their work schedules reduced from full-time units to half-time units.

Considering these circumstances, the People's Advocate and the People's Advocate for Children's Rights have filed an *ex officio* complaint¹⁴¹ and have reviewed numerous complaints received from several groups of beneficiaries of the 'Personal Assistance' Social Service in Chişinău municipality, including personal assistants, relatives of persons with disabilities, public associations. In their complaints, petitioners alleged firstly a violation of their right to work, and secondly a violation of their right to

¹⁴¹ <https://ombudsman.md/sesizarea-avocatilor-poporului-legata-de-decizia-municipalitatii-chisinau-de-a-stopa-finantarea-claselor-cu-program-prelungit-in-institutiile-de-invatamant-general-si-a-serviciului-de-asistenta-person/>



social assistance and protection, particularly the deprivation of personal assistance as a consequence of Decision No. 7 of 29 December 2023 by the Commission for Exceptional Situations of Chişinău and the individual acts stemming from it in each respective case.

The People's Advocate and the People's Advocate for Children's Rights have found that, Decision No. 7 of 29 December 2023 by the Commission for Exceptional Situations of Chişinău, has adversely affected the rights of society's most vulnerable groups, in particular persons with disabilities, including children. This decision contravenes the provisions of the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, as well as other national and international standards. In these areas, it is incumbent upon the State to invest in the development and diversification of services, ensuring that they are accessible to all those in need.

Equally important is the fact that the administrative acts issued to implement the recommendations of Decision No. 7 of 29 December 2023 from the Commission for Exceptional Situations of Chişinău have also impacted the rights of employees within the Personal Assistance service, as well as the predictability of the service for its beneficiaries. It is worth noting that, according to those affected, the General Directorate for Medical and Social Assistance and the General Directorate for the Protection of Children's Rights unilaterally altered the conditions under which the service is provided.

Under these circumstances, the People's Advocate and the Children's Ombudsperson concluded that Decision No. 7 of 29 December 2023 by the Commission for Exceptional Situations of Chisinau, was issued while permitting the violation of the rights of both the beneficiaries and the employees of the Personal Assistance service. The decision was deemed to contravene the provisions governing the declaration of a state of emergency and the activation of the legal mechanisms assigned to the Commission for Exceptional Situations of the municipality. Consequently, the Ombudspersons found that Decision No. 7 of 29 December 2023—and all acts deriving from it—should be annulled, to ensure that all persons affected are immediately restored to their rights.

In this regard, the Ombudsmen submitted on 31 January 2024, to the President of the Commission for Exceptional Situations of Chişinău, an Opinion¹⁴² recommending the immediate reinstatement of the rights to social assistance and protection, as well as the right to work for all affected persons. The Opinion also underscored the importance of respecting the principle of the best interests of the child, alongside the rights to life, survival, and development.

The Opinion of the People's Advocates was also sent to the President of the Commission for Exceptional Situations of the Republic of Moldova, the Prime

¹⁴² <https://ombudsman.md/post-document/avizul-din-31-01-2024-privind-repunerea-imediata-in-drepturi-expediat-cse-chisinau/>



Minister of the Republic of Moldova. According to the Regulation of the Commission for Exceptional Situations of the Republic of Moldova, approved by Government Decision No. 1340 of 04 December 2001, the Commission for Exceptional Situations has the right to control the work of the commissions for exceptional situations of central and local public administration bodies and to examine in its meetings the reports of the heads of these commissions.

Furthermore, the People's Advocate and the Children's Ombudsperson have submitted conclusions to the court regarding the cases referred to their offices.

The Children's Ombudsperson welcomes the efforts of the Ministry of Labour and Social Protection to address the situation by promptly assuming responsibility for the financing of these personal assistants.

The Children's Ombudsperson is monitoring the implemented changes, as a result of the Restart reform, assessing the impact of the reform on the realisation of children's rights. In this context, the Ombudsperson and the Children's Ombudsperson aim to prepare a study in 2025 analysing the effectiveness of the reform, highlighting both the progress achieved and possible areas for improvement in terms of ensuring the children's human rights.

Based on the above, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.5.1.1: The Ministry of Labour and Social Protection to undertake measures, including the effective communication and coordination with the authorities of the territorial administrative units that are not part of the RESTART Reform, to prevent situations of violation of children's rights when it comes to social protection and assistance offered by the State.

2.5.2. Deinstitutionalisation and alternative care

The Children's Ombudsperson has analysed the deinstitutionalisation process in the Republic of Moldova, recognising both progress made and the ongoing challenges in implementing this crucial reform for safeguarding children's rights. Recent developments demonstrate a strong commitment by national authorities to align the child protection system in line with international standards, as set out in the UN Convention on the Rights of the Child, which affirms the right of every child to live in a safe and protective family environment.

Article 20 of the UN Convention on the Rights of the Child highlights that every child who is temporarily or permanently deprived of their family environment, or who, in their own best interests, cannot be left in such an environment, has the right to special protection and assistance from the State. States Parties shall provide alternative care in accordance with national legislation.

In recent years, the number of residential institutions for children has significantly declined, from 67 institutions in 2007, accommodating approximately 12,000



children, to 42 institutions in 2024, accommodating around 458 children, 89 of whom are disabled. According to data from the Ministry of Labour and Social Protection, between May and November 2024, 129 children were deinstitutionalised, including 23 children with disabilities. These developments are aligned with the objectives of the National Programme for Child Protection 2022-2026, which aims to close or reorganise 18 outdated residential institutions by 2026 and promote alternative family-type care services.

According to information provided by the Ministry of Labour and Social Protection on the basic social services available in 2024, the following data is available:

- The Professional Parental Assistance (PPA) service has 455 units, out of which 406 are already occupied and 49 vacant.
- The Family Type Children's Home (FTCH) service includes 70 approved units, out of which 63 are occupied and 6 planned.

The Ministry of Labour and Social Protection states that 180 PPA services are planned, out of which Specialised PPA - 54, Emergency PPA - 8 and Respite APP - 1, Respiro Social Service - 2, Mobile Team - 7, Assisted Social Housing - 9.

The Children's Ombudsperson welcomes the pilot implementation of the Professional Parental Assistance Service for children with severe disabilities, and the PPA Service for children at risk of committing offences or in conflict with the law. The Children's Ombudsperson also appreciates the establishment of the Emergency PPA, a recognised model of good practice existing in several European countries, which offers guardianship authorities an alternative family-type solution for the emergency placement of children, thereby helping to prevent their institutionalisation.

In 2024, the European Network of Ombudspersons for Children issued a position statement on respecting the rights of children in alternative care¹⁴³. This document contains recommendations for States and can be used as a resource for national authorities.

In the light of the above, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.5.2.1: The Ministry of Labour and Social Protection to speed up the deinstitutionalisation process, in compliance with the Guidelines for the Alternative Care of Children adopted by the UN General Assembly Resolution of 24 February 2020¹⁴⁴, by further developing the Professional Parenting Support Service for children with severe disabilities, the PPA Service for children at risk of committing offences or in conflict with the law, the Emergency PPA Service, and the establishment of the moratorium on new entries into the residential system.

¹⁴³ <https://enoc.eu/wp-content/uploads/ENOC-2024-position-statement-on-Childrens-Rights-in-Alternative-Care-Final-adopted.pdf>

¹⁴⁴ <https://resourcecentre.savethechildren.net/pdf/5416.pdf/>



2.5.3. Allowances for families with children

The People's Advocate for Children's Rights considers that, starting from 1 January 2024, the single childbirth allowance will be established *ex officio* by the National Office of Social Insurance (NOSI) and granted directly to the mother. In the event of the mother's death or if she doesn't meet the eligibility criteria, the allowance will be assigned to the father. This will be based on birth data recorded in the State Population Register, eliminating the need for the mother to submit a formal application.

In 2024, the Children's Ombudsperson received a notification from a mother regarding the refusal of the NOSI to grant the one-time allowance following the birth of her child, as well as the monthly childcare allowance for childcare payable up to the child's second birthday.

To clarify all circumstances, The People's Advocate for Children's Rights requested information from the Public Services Agency (PSA) and the NOSI. Due to the contradictory nature of the responses received, a meeting has been scheduled with representatives of the two authorities to clarify the issues.

During the meeting, PSA representatives confirmed that the birth certificate registered abroad was transcribed into the civil status registers of the Republic of Moldova. Furthermore, the child's birth data were transmitted to the National Office of Social Insurance (NOSI) on the same day (13 February 2024) through the automated 'State Population Register' information system via the interoperability platform (MConnect).

NOSI representatives argued that the data on the child's birth were received via the interoperability platform more than 12 months after the child's date of birth (05 June 2024), resulting in the legal impossibility of granting the one-time allowance. They further mentioned that these data were only registered in the NOSI system after the mother had issued a new identity card, a few months after the transcription of the child's birth certificate. They also stated that the data from the State Population Register were not received within the deadline stipulated by legislation, as the status of the identity card used for transcribing the birth certificate had not been validated in the system. Without this validation, the necessary data for establishing the allowance were not displayed in the NOSI information system. The PSA representatives clarified that at the time of transcribing the foreign birth certificate, the mother held a valid identity card, and therefore, no validation of her identity card was required.

Children's Ombudsperson attests that the NOSI did not utilise the provisions of points 14 and 14/1 of H.G. 1478/2002 to request missing or corrected documents, arguing that no such request was made because the data on the child's birth were not visible in the system.

It was only following the referral of the Child Ombudsperson's that the NOSI requested information from the PSA, subsequently ordered the granting of the one-time



childbirth allowance, and revised the timeframe for granting the monthly childcare allowance up to the child's second birthday, commencing from the date of birth.

Although this is only one case that has come to the attention of the Ombudsperson for Children's Rights, it cannot be excluded that other instances of refusal for the same reason may have occurred, either without challenge from the beneficiaries or without being reported to the Ombudsperson.

On the basis of the above, the Children's Ombudsperson **RECOMMENDS**:

RECOMMENDATION 2.2.5.3.1: The National Office of Social Insurance, with the support of the Electronic Government Agency, to investigate the causes behind the failure to display childbirth data in the system and address these shortcomings to prevent situations where families are denied allowances for reasons beyond their control.

Item 2.6: Mechanism and procedures for child support enforcement

In 2024, with the support of UNICEF and drawing on the expertise of the National Union of Judicial Executors, the Ombudsperson for Children's Rights prepared the Thematic Report: "Analysis of the Mechanism and Procedures for Enforcement of Child Support"¹⁴⁵.

The payment of maintenance pension is an essential mechanism for safeguarding the best interests of the child, ensuring they receive the necessary resources for harmonious development. The obligation to pay maintenance reflects the parents' responsibility to contribute towards the child's well-being, in proportion to their income, and regardless of marital status.

In the Republic of Moldova, the mechanisms and procedures for the collection of child maintenance are governed by the Constitution, the Family Code, the Law on the Rights of the Child, and related civil legislation. In cases where maintenance is not paid voluntarily, the procedures are enforced in accordance with the rules established by the Enforcement Code of the Republic of Moldova.

Recent national legislation provides parents with an increasingly broad array of options to reach amicable agreements on the amount and manner of child support payments. This positive development reflects greater parental responsibility and maturity and offers increased hope for the regular and equitable fulfilment of maintenance obligations.

Statistics show that a significant proportion of parents fail to meet their financial obligations for child maintenance, which leads to an increased number of cases of support payments.

¹⁴⁵ <https://ombudsman.md/post-document/raport-tematic-analiza-mecanismului-si-procedurilor-de-executare-a-pensiei-de-intretinere-a-copii/or/>



According to official sources, as of 1 January 2024, there were 508,700 children aged 0 to 17 in the Republic of Moldova, comprising 21.0% of the total resident population¹⁴⁶. Based on statistics provided by the National Union of Judicial Executors (UNEJ), it is estimated that over 50,000 children are beneficiaries of enforceable documents related the collection of support payments. This implies that approximately one in every 10 children in the country is involved in enforcement proceedings for the collection of maintenance pensions.

The conclusions drawn from the study emphasise the urgent need to improve child maintenance enforcement mechanisms to ensure they function effectively and fairly.

The problems identified stem from legislative gaps, institutional deficiencies, uneven application of the existing legal framework, and inadequate communication with the parties involved in enforcement proceedings.

For these efforts to have the desired result, it is essential to introduce legislative mechanisms that deter abuse by debtors and their employers, as such misconduct undermines the effectiveness of maintenance obligations.

The regulatory framework needs to be reviewed and amended to ensure a fair, efficient and proportionate enforcement procedure that guarantees the rights of each party, as currently it appears to be rather lenient towards debtors. The statistical data gathered during the study clearly illustrate this trend: since 2012, the enforcement rate of enforceable documents has dramatically declined, falling from over 50% to below 20% at present.

Both creditors and bailiffs attribute the decline in enforcement to legislative changes enacted between 2017 and 2022, which have limited the methods and scope of enforcement measures. Similarly, the majority of creditors perceive the situation of non-collection as resulting from the debtor's perceived impunity.

The difficulty in collecting support payments arises from the various methods used by debtors to conceal their income or avoid registering their property. Current enforcement measures, which focus solely on the debtor's assets, are often ineffective in these cases, highlighting the need to identify alternative measures.

Both creditors and bailiffs believe that mechanisms to enhance the effectiveness of support enforcement should focus on indirect coercive measures, which would ensure compliance with maintenance obligations in cases where the debtor's income appears untraceable.

It is therefore necessary to increase the transparency, efficiency as well as to simplify the support enforcement process, thus ensuring better protection of children's rights.

¹⁴⁶ https://statistica.gov.md/ro/situatia-copiilor-in-republica-moldova-in-anul-2023-9578_61275.html



Regarding the enhancement of transparency in enforcement procedures, creditors have expressed the need to receive up-to-date information on their cases at regular intervals. To address this, authorities should prioritise the development of a remote documentation tool that provides ongoing updates on the progress of enforcement files.

The data collected also highlight the need to address how the amount of maintenance is determined and adjusted to reflect economic realities. Both the survey findings and the statistical data reveal a significant disparity between the minimum subsistence level for a child and the average monthly maintenance payments received.

On this basis, the Children's Ombudsperson **RECOMMENDS:**

RECOMMENDATION 2.2.6.1: The Ministry of Justice to prepare and promote a draft amendment to the Enforcement Code with a view to establishing the child, as the direct creditor in support cases, to ensure the protection of assets received as support payment obligations and to avoid difficulties in the enforcement proceedings.

RECOMMENDATION 2.2.6.2: The Ministry of Justice, together with the Ministry of Labour and Social Protection, to draft an amendment to the Family Code and the Enforcement Code, based on the methodology for establishing the minimum amount of child support, depending on age, to ensure that a minimum amount of support is regulated in the Family Code. This aims to guarantee an amount that covers the minimum needs of the child, equivalent to at least the minimum subsistence level applicable for the child's age—applicable both where a fixed amount is set and where the payment is proportionate to the debtor's income.

RECOMMENDATION 2.2.6.3: The Ministry of Justice to develop and promote a draft amendment to the Enforcement Code to reconsider how the State provides financial facilities to support payment creditors. Currently, the Enforcement Code of the Republic of Moldova exempts support pension creditors from paying fees for enforceable documents, which is necessary and justified to assist creditors in recovering maintenance payments. This facility, however, shifts the costs to the bailiffs, creating an additional burden for them and negatively affecting the quality of work on this category of enforcement files. Thus, the drafting of the project would appropriately emphasise, in line with the principles of a State governed by the rule of law, that the costs of the enforcement procedure be covered by the State budget, with funds allocated to bailiffs proportionally to the number of enforcement files they handle.

RECOMMENDATION 2.2.6.4: The Ministry of Justice to contribute to the finalisation and implementation (after adoption) of the legal provisions enforcing the Constitutional Court's decisions, which highlighted the need to regulate a deadline for summoning the debtor to notify them of the possibility of voluntary execution of the enforceable document prior to initiating enforcement. This is a measure that could facilitate voluntary enforcement and prevent



potential abuses by creditors acting in bad faith. The solution identified in the draft law, adopted by the Government on 18 December 2024, strikes a balance between the interests of the parties in enforcement proceedings by providing the debtor an opportunity for voluntary enforcement without placing undue burden on creditors in maintenance collection cases. However, the Ministry of Justice still needs to amend certain provisions of the draft to ensure the enforcement of such claims does not become a legal burden for either the creditor or the bailiff. In this regard, it is necessary to reconsider the legal consequences of the debtor paying three instalments in advance (terminating the enforcement procedure on this basis should be inadmissible), to introduce the obligation for the debtor to lodge a security deposit before the enforceable document is returned, and to identify mechanisms for preserving the debtor's assets during maintenance payments. At the same time, where enforcement proceedings have been initiated by other creditors against the debtor prudential measures should be maintained to ensure the prioritisation of discharging maintenance obligations by keeping these enforceable documents active in the enforcement proceedings.

RECOMMENDATION 2.2.6.5: The Ministry of Justice, together with the National Union of Judicial Enforcement Officers, should draft an amendment to the Code of Administrative Offences to revise Article 318, proposing alternatives to administrative fines for failure to pay financial obligations. The imposition of administrative fines on debtors who do not meet their financial obligations has proven ineffective, as such individuals often lack the resources to settle outstanding amounts. In this context, unpaid work appears to be a much effective sanction, particularly if coupled with payment to the minor equivalent to the value of work performed by the debtor.

RECOMMENDATION 2.2.6.6: The Ministry of Justice to draft and promote, together with the National Union of Judicial Enforcement Officers, a draft amendment to the Enforcement Code and the Code of Administrative Offences, to revise Article 318 of the Code of Administrative Offences. The amendments should introduce the possibility of attachment (like Romanian legislation) applied to employers and other third parties who fail to comply with bailiff's order to withhold wages, as well as to establish severe fines for such non-compliance. Under this mechanism, should the garnishee (employer) fail to comply, the creditor may request that the owed amount be withheld directly from the employer's accounts. Simultaneously, the garnishee could be subject to significant fines, thereby discouraging complicity in the debtor's maintenance payment defaults.

RECOMMENDATION 2.2.6.7: The Ministry of Justice, jointly with the National Union of Court Bailiffs, should prepare and promote a draft amendment to the Enforcement Code and the Code of Civil Procedure, potentially also to other normative acts depending on the nature of the restrictions, regulate the possibility and conditions for applying restrictive measures similar to those applied in other



countries. These measures could concern the rights and freedoms of debtors in arrears with maintenance payments, such as arrest for non-enforcement passport restrictions, suspension of driving licences, and so forth. These sanctions could be lifted immediately upon payment of the outstanding amount, providing an effective incentive for debtors to fulfil their obligations. However, it is crucial to establish clear criteria for the application, maintenance, and revocation of these restrictive measures to avoid legal uncertainty and ensure respect for the fundamental rights of all parties involved in the enforcement process.

RECOMMENDATION 2.2.6.8: The Ministry of Justice, together with the National Union of Judicial Executors, should draft and promote an amendment to the Enforcement Code to clarify the calculation of the time limit for the prohibition on leaving the country. It is proposed that the six-month period for this prohibition be counted from the date of the debtor's first attempt to cross the border. This measure would prevent situations where the prohibition becomes ineffective due to its expiry coinciding with the time of enforcement.

RECOMMENDATION 2.2.6.9: The Ministry of Justice, together with the National Union of Judicial Executors, should draft and promote an amendment to the Enforcement Code with a view of extending the number of applications of the prohibition on leaving the country for debtors in maintenance enforcement cases. In this respect, it is recommended to remove the current limit of three successive applications of the prohibition or, alternatively, increase this limit to six applications within the same enforcement procedure.

RECOMMENDATION 2.2.6.10: The Ministry of Justice should draft and promote an amendment to the Code of Civil Procedure to establish a legal deadline for the resolution of applications for the enforcement of the prohibition on leaving the country, to increase the effectiveness of this measure. Simultaneously, to support the implementation of this recommendation, mechanisms are needed to discourage courts from exceeding the prescribed time limits for case examination. These mechanisms could be conceptualised and enforced by the bodies responsible for monitoring judicial conduct.

RECOMMENDATION 2.2.6.11: The Ministry of Justice, jointly with the National Union of Court Bailiffs, should draft and promote an amendment to the Enforcement Code to introduce provisions preventing the debtor from disposing of assets following the lifting of a support payment order. This should link the lifting of the order to factors such as the debtor's prior behaviour, the age of the arrears, and other relevant considerations.

RECOMMENDATION 2.2.6.12: The Ministry of Justice, together with the National Union of Judicial Executors, should prepare and promote a draft amendment to the Enforcement Code explicitly defining the term 'income' to clarify the sources of withholding of support payment.



RECOMMENDATION 2.2.6.13: The Ministry of Justice, jointly with the National Union of Judicial Executors and the Ministry of Labour and Social Protection, should draft and promote a bill to amend the Enforcement Code to fulfil the obligation to index maintenance allowance in accordance with Article 24 of the Enforcement Code. This process could build upon the draft prepared by the Ministry of Labour and Social Protection or involve the development of a broader draft encompassing the Family Code, the Enforcement Code, and Law No. 113/2010, considering the recommendations set out in the report of the People's Advocate for Children's Rights.¹⁴⁷

RECOMMENDATION 2.2.6.14: The Ministry of Justice to implement measures to discourage 'black' payments and cash payments, coordinating efforts with the Ministry of Labour and Social Protection, the Ministry of Finance, the State Tax Service, and other relevant bodies.

RECOMMENDATION 2.2.6.15: The Ministry of Justice should draft and promote a bill to amend the Enforcement Code, the Law on Notarial Procedure, and possibly the Civil Code, to introduce mechanisms preventing the debtor from disposing of the accepted portion of the estate by court order, thereby avoiding circumventing of enforcement of the debtor's obligations.

RECOMMENDATION 2.2.6.16: The Ministry of Justice, jointly with the Ministry of Finance, the State Chancellery and the National Union of Judicial Executors, should draft and promote a bill to amend the Law on Housing and the Enforcement Code to regulate the applicability of the provision of manoeuvre housing to the families of debtors, whose homes have been foreclosed as the only possible solution.

RECOMMENDATION 2.2.6.17: The Ministry of Justice to create, through joint efforts with the National Union of Judicial Executors and interested donors in supporting this activity, an online interface to the register of enforcement proceedings, allowing parties to access the file remotely, thus increasing the transparency of proceedings and reducing the pressure on court executors.

RECOMMENDATION 2.2.6.18: The Ministry of Justice to include, through the efforts of the National Union of Judicial Executors, with the support of donor organisations, standards of communication with the parties, as well as negotiation and persuasion skills in the training programmes for bailiffs.

RECOMMENDATION 2.2.6.19: The Ministry of Justice should support and expand information and awareness-raising campaigns targeting both creditors and debtors. These efforts should involve other authorities (Ministry of Labour and Social Protection, Ministry of Education and Research, National Union of Judicial Executors) and donor organisations, as well as local public authorities to ensure outreach at both urban and rural levels. Such campaigns could include initiatives aimed at raising awareness about the importance of complying with child maintenance obligations:

¹⁴⁷ <https://ombudsman.md/post-document/raport-tematic-analiza-mecanismului-si-procedurilor-de-executare-a-pensiei-de-intretinere-a-copiiilor/>



Media campaigns with emotive messages

- *Video spots and posters illustrating the positive impact of child support on a child's development, focusing on education, health and well-being*
- *Testimonials from parents and children showcasing how support payments have improved their lives*
- *Dedicated online platforms*
- *Establish a website or social media pages explaining support payment obligations, children's rights and consequences of non-payment*
- *Video tutorials and articles offering practical advice for parents on calculating and making support payments*
- *Legal education programmes*
- *Organisation of seminars, workshops and information sessions in schools (particularly in upper classes), communities and workplaces*
- *Distribution of leaflets explaining in simple terms legal obligations and the consequences of neglect*
- *Collaboration with public figures*
- *Campaigns with powerful slogans, promoted by well-known personalities, to promote messages about responsible parenting*
- *Legal simulations for young people and adults*
- *Interactive events where participants can learn about child support determination processes and children's rights*
- *Community campaigns*
- *Projects involving churches, schools and other local institutions in organising thematic discussions and events*
- *Involving parents in support groups where they can learn about the importance of supporting their child*
- *Adverts against neglect*
- *Messages emphasising the legal and moral risks of non-payment, as well as the impact on child development*
- *Fictional-realistic or real (but depersonalised) scenarios illustrating the difficulties faced by children lacking adequate financial support*



Item 2.7: Mechanisms for children to lodge complaints about violations of their rights

In 2024, with the support of UNICEF, the Ombudsperson for Children's Rights drafted the Thematic Report 'Mechanisms for children to lodge complaints in cases of violations of their rights'. The report is available on the website of the People's Advocate Office, ombudsperson.md.

Article 52 of the Constitution of the Republic of Moldova enshrines the *right to petition* as a fundamental right. Additionally, Article 50 guarantees that public authorities must ensure conditions that enable the free participation of young people in the social, economic, cultural, and sporting life of the country, thereby implicitly safeguarding children's right to petition. Furthermore, Article 15 of Law No. 370/2023 on the Rights of the Child (*hereinafter Law No. 370/2023*) provides that every child has the right to seek assistance from institutions or persons entrusted with their protection in order to freely express their opinion. The State is obliged to ensure that children's participation is both systematic and inclusive, with particular attention to those in vulnerable or difficult situations.

Certainly, the regulations within national legislation governing the exercise of children's right to lodge complaints when their rights are violated align with the general principles set forth in international instruments and recommendations, particularly those relating to:

- Informing the child about their rights, including the right to submit requests;
- Guaranteeing the secrecy and inviolability of correspondence;
- Ensuring free access to justice etc.

However, significant shortcomings exist both in the safeguards and in the legal regulation of the mechanism for children's applications, resulting in inconsistencies in their practical application.

One notable shortcoming is the insufficient regulation of the legal standing of children aged 14 and 16. Another deficiency is that national legal norms governing the mechanism for children to lodge complaints when their rights are violated tend to be declarative, lacking detailed procedures tailored for children. This falls short of the Republic of Moldova's obligations under the UN Convention on the Rights of the Child, which requires each State Party to establish an accessible, independent and child-focussed system for receiving, processing and investigating complaints from children.

Although civil legislation and the Administrative Code include certain provisions recognising children's rights to formulate and submit applications, there remains a deficiency in the regulation of procedural aspects. Specifically, there is a lack of clear mechanisms for resolving applications, procedures for summoning the legal



representative to court where appropriate, the appointment of a state-guaranteed legal aid lawyer, and processes for informing the child of the decision made based on the application as well as guidance on how to appeal that decision.

The existing mechanisms for examining applications are not sufficiently adapted to meet the needs of the children. Therefore, when dealing with a complaint lodged by a child, the authority or individual responsible must assess the relevance and significance of the complaint, by consulting specialists trained in working with minors, such as educators, psychologists, social workers. To avoid irregularities, doubts or uncertainties, children's applications and complaints should be verified through comparison with other forms of evidence.

A further shortcoming lies in the absence of legal provisions concerning the involvement of children in decisions arising from the examination of their applications and the content of the response presented directly to the petitioner. The reply and the decision made must be communicated to the child not only formally but explained in a manner appropriate to their level of understanding. In the child's best interests, there should also be an obligation to inform relevant persons, such as the legal representatives or guardianship authorities, who, by virtue of their duties, may act on the claims submitted or consider contesting the decision.

In rural communities, children have limited access to information and support services for the application process, as most such services are concentrated in urban areas and high transportation costs hinder access. Roma children also face significant barriers to accessing these services, often due to lack of information about the mechanisms available, illiteracy, or lack of documentation. Consequently, they frequently do not benefit from services tailored to their individual needs in the realisation of their rights.

Data from focus groups and interviews indicate that children generally do not use the existing complaint mechanisms when their rights are violated. The reasons for this are varied but primarily include a lack of knowledge about the procedures, limited ability to make requests and complaints or challenge decisions, insufficient understanding of their rights and how to exercise them, as well as fear of consequences, fear of parents, and concerns about confidentiality breaches.

To guarantee children's right of access to justice, amendments have been made to Law No. 198/2007 on State Guaranteed Legal Aid to allow children or guardians to request qualified legal aid without requiring the consent of parents or guardians. However, in practice, children seldom exercise this right due to insufficient knowledge of the state-guaranteed legal aid mechanism.

Equally important is to organise information campaigns informing children about their rights and the mechanism for filing complaints. Report results show that it is not enough to inform and train children about the possibility of filing complaints when their rights are violated. It is essential that children are informed about the



mechanisms for lodging complaints and that the step-by-step procedures to be followed are explained to them.

The current complaint mechanisms are not adequately adapted to children with special needs, such as those with sensory disabilities, migrants or illiterate children, as well as those who do not speak Romanian and require translation and interpretation services. As a result, these children often do not submit applications when their rights are violated. In some cases, they seek help from parents or relatives to exercise their legal rights, however, many face issues they are unable or unwilling to disclose to family members, exacerbating their situation.

Moreover, the mechanisms for submitting written complaints are little used by children, as revealed by interviews and focus groups organised with children and specialists. When their rights are violated, children prefer to contact the Single Emergency Service 112, the 116 111 Child helpline or access online platforms. This preference is not only due to the complexity of submitting written requests, which requires basic knowledge of how to present facts and demands, time for resolution, and sometimes material costs such as travel expenses, but also because telephone complaint options are more accessible and immediate.

Given these circumstances, referral to the Single Emergency Service and the use of the Child Helpline should continue to be encouraged among children. However, information and training on how to submit written applications must not be neglected.

Although the research did not specifically focus on the reasons prompting children to file complaints, interviews revealed that some of the main reasons cited by children included theft of property, bullying, and unfair punishment by teachers.

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

RECOMMENDATION 2.2.7.1: The Ministry of Justice to amend the Administrative Code, expressly regulating the child's ability to exercise their right to lodge applications/petitions in person in cases when their rights are violated.

RECOMMENDATION 2.2.7.2: The Ministry of Justice to include in the Code of Civil Procedure regulations that clearly establish the child's legal standing.

RECOMMENDATION 2.2.7.3: The Ministry of Justice to develop operational procedures setting out a detailed procedure on how copies of applications are to be submitted and the procedure for examining them, including:

- Setting clear deadlines and procedures in which the child's legal representative is involved in the administrative procedure;
- Establishing specific criteria for the persons examining applications received from children;



- Establishing procedures and time limits within which the person examining an application submitted by a child, must request the appointment of a lawyer to provide state-guaranteed legal assistance;
- Establishing the rules for the hearing of children in the administrative procedure when they have submitted an application;
- Safeguards for children in the application procedures;
- Ways of gathering information/evidence;
- Setting criteria for the reasoning and explanation of decisions, including the content of the response (providing explanation tailored to the child's level of understanding regarding the outcome, whether acceptance or refusal, and detailing the appeal procedure).

RECOMMENDATION 2.2.7.4: The Ministry of Education and Research to ensure that children are informed about national and international mechanisms for lodging complaints in cases of violation of their rights in mandatory subjects.

RECOMMENDATION 2.2.7.5: The Ministry of Labour and Social Protection to organise regular information campaigns for children regarding national and international application mechanisms.

RECOMMENDATION 2.2.7.6: The National Council for State Guaranteed Legal Aid to develop and disseminate information materials on how children can access state guaranteed legal aid, in a way that is comprehensible to all, including people with basic education but multiple vulnerabilities (children with sensory disabilities, children with low literacy, etc.), using, for example, pictograms and graphical representations.

RECOMMENDATION 2.2.7.7: The Ministry of Education and Research, the Ministry of Health, the Ministry of Labour and Social Protection to ensure that information boards and/or other forms of visual displays containing information on the procedures for children to submit applications, the bodies competent to examine them, the procedures for appealing against decisions are placed in educational, medical and social institutions.

RECOMMENDATION 2.2.7.8: Ministry of Education and Research, Ministry of Health, Ministry of Labour and Social Protection, Ministry of Internal Affairs to provide training to professionals working in the fields of education, healthcare, social assistance, law enforcement bodies on the mechanism for children to submit applications/complaints.



Item 2.8: Civil rights and liberties

2.8.1. Children's recommendations

The UN Committee on the Rights of the Child recommends that States parties take measures to provide children with opportunities to express their views. In its 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 national institutions should ensure that they have direct contact with children and involve them in consultations in ways appropriate to their needs and capacities.

In this context, The People's Advocate for Children's Rights organises every year the annual National Forum on Children's Rights. On 20 November 2024, in celebration of International Children's Rights Day, the People's Advocate for Children's Rights (Children's Ombudsperson) organised the 8th edition of the National Forum on Children's Rights. This event, held with support from the Council of Europe Office in Chişinău and UNICEF Moldova, and in partnership with the Information and Documentation Centre on Children's Rights (IDCCR) and the National Centre for the Prevention of Child Abuse (NCPA), serves as a traditional platform to amplify children's voices and establish direct dialogue between children and authorities in Moldova. This event serves as a platform for dialogue, expression and consultation of children's views regarding issues that affect them. It further provides a platform for practical discussions between public authorities, focusing on the roles and involvement of both children and duty bearers in identifying challenges and shaping solutions. Additionally, this event helps raise awareness within society and among state institutions about the importance of respecting and promoting children's rights. The year 2024 marked 35 years since the adoption of the UN Convention on the Rights of the Child and 100 years since the adoption of the Geneva Declaration of the Rights of the Child. Thereby, the National Forum on Children's Rights brought together over 60 children and adolescents from all regions of the country, including the Transnistrian region. During the National Forum on Children's Rights, participating children—members of various children's groups—presented to public authorities the results of their monitoring of children's rights throughout 2024. They also put forward several recommendations for improving the current situation.

Representatives of central authorities such as the Parliament of the Republic of Moldova, the Ministry of Education and Research, the Ministry of Health, the Ministry of Labour and Social Protection were also present at the event, to engage in an open dialogue with young people.

The 'Children Defenders for Human Rights (CDHR) for Law' group presented a toolkit on children's participation in law-making in the Republic of Moldova¹⁴⁸, highlighting

¹⁴⁸ Toolkit on Children's Participation in Law-Making in Moldova, https://www.drepturilecopilului.md/files/1.%20Participarea%20copilului%20%C3%AEn%20elaborarea%20legilor_set%20de%20instrumente.pdf



that laws significantly influence people's lives by shaping interpersonal relationships and the relationship between citizens and authorities. The group emphasised that the quality of laws depends greatly on how they are drafted and that involving citizens, including children, in the legislative process improves this quality. They also discussed children's right to participate in decision-making, which is enshrined in both national legislation and international instruments such as the UN Convention on the Rights of the Child.

In this context, the CDHR for Law Group put forward a list of recommendations for each stage of the law-drafting process, addressed to the entities vested with the right of legislative initiative:

1. At the stage of initiating legislation, it is recommended to:

- Inform children and their representative structures about ongoing activities and plans, including legislative reforms that may affect children;
- Actively seek children's views on proposed legislation, take them into account and provide feedback to children on how their input has been used in practice;
- Actively seek children's views, including on how to enhance the meaningfulness and legitimacy of their participation in the legislative process.

2. At the drafting stage, the following recommendations are made:

- To ensure equal opportunities and conditions for children's participation, by adapting standard public consultation methods and/or creating child-specific opportunities, such as establishing a children's advisory group to provide recommendations on participation processes and modalities;
- To conduct separate, child-friendly consultations with children to facilitate meaningful engagement;
- Develop child-friendly materials, including feedback for children.

3. At the stage of adopting and publishing legislation, the following recommendations are made:

- To inform children and their representative structures about the drafting or amendment of a law and share the final results;
- Consider any views received from children throughout this stage and provide them with information on how their views have been taken into account;
- Draft a child-friendly version of the law, following consultations with children.

4. At the revision stage, the following are recommended:

- Liaise with children's representative groups to stay informed about their activities;



- Incorporate children's views into the revision process and provide feedback on any recommendations they have made for legislative reforms;
- Involve children directly in monitoring activities by actively seeking and considering their views throughout the evaluation.

The members of 'CDHR through Storytelling' group spoke about the challenges of Children Human Rights Defenders, namely:

- Lack of recognition and support – as many adults do not take children's voices on human rights related matters seriously, and institutions do not always provide safe platforms for children to express their opinions;
- Discrimination and stereotyping - some Children Human Rights Defenders are marginalised due to their age, being dismissed and told they are 'too young' to understand serious issues;
- Risks of intimidation and retaliation - sometimes children can be the target of harassment or threats from adults (even their families or peers) who consider activism dangerous and discourage them from engaging in such activities;
- Limited access to information and resources - Children Human Rights Defenders often have difficulties in understanding human rights legislation and mechanisms, which need to be presented in an age-appropriate, maturity-appropriate, and child-friendly manner;
- Psychological and emotional pressure - children may experience stress and emotional exhaustion, particularly if they do not see immediate results from their efforts. They may also feel an excessive sense of responsibility or guilt if their advocacy is not successful.

In this regard, the group submits the following recommendations to the Government of the Republic of Moldova:

- Ensure that CDHRs have accessible channels to report situations of rights violations;
- Provide various forms of support to CDHRs who are at risk or experiencing negative consequences or harm;
- Collect accurate and up-to-date information on the experiences and challenges faced by CDHR.

The 'CDHR for the Rights of the Child' group informed Forum participants, duty bearers and rights holders, about an information, awareness-raising and online messaging campaign focusing on the neglect of children's rights. The children identified some of the most violated children's rights: the right to hold an opinion, the right to protection from all forms of abuse, the right to protection of privacy. According to children's opinions, in many educational institutions, pupils' voices are



not really taken into consideration by teachers, who often consider their opinions to be immature and irrelevant. Although there are structures in place to provide a framework for pupils to express their views, such as the Children Council or other consultative processes, their involvement remains at a formal level. In practice, their opinions and suggestions are either ignored or minimised, without actually having a real impact on decisions taken at school level.

Pupils' participation in discussions and decision-making processes is sometimes treated superficially, and due to a lack of support, some pupils may even approach their involvement in a mocking or teasing manner. This behaviour reinforces the perception that their views are not genuinely considered. This phenomenon is evident in various contexts, including classroom activities, Student Council operations, the organisation of school events or Board meetings. Although the principle of involving pupils in decision-making is promoted in theory, in practice, it often remains a mere formality without any real influence on final decisions.

The absence of a genuine dialogue between teachers and pupils can diminish the latter's motivation to engage in school life, affecting both the educational climate and the development of young people's civic spirit. To address this, children believe a change in mindset is necessary—one that recognises them as active partners in the educational process and actively considers and incorporates their ideas in decisions that affect them.

Pupils have further expressed dissatisfaction with how personal development lessons are conducted, feeling that teachers do not take these lessons seriously. Although the Convention on the Rights of the Child guarantees access to education that supports the harmonious development of each pupil, this principle is not upheld in practice.

An eloquent example of this issue is that personal development lessons are frequently turned into 'head teacher's classes', losing sight of the subject's original purpose. Where the head teacher instructs a different subject, such as mathematics, the lesson time is often used to catch up on or supplement that subject instead of focusing on pupils' personal development. Thus, the specific curriculum of these classes is disregarded, and vital areas such as career counselling and the development of socio-emotional skills are neglected.

Moreover, personal development should not be confined to a single class, but integrated across other subjects such as mathematics, Romanian or foreign languages. By employing modern teaching techniques, educators can foster essential life skills like critical thinking, effective communication, and conflict resolution. Such an approach would enable pupils to develop a clearer vision of their future and acquire the skills necessary for success in both their personal and professional lives.

Child Human Rights Defenders report that sexual, physical and emotional abuse of children unfortunately occurs in schools, but there are many obstacles hindering



reporting these abuses. Victims frequently encounter a climate of mistrust and stigma, making the acts of reporting seem shameful. In many situations, when a child expresses distress or attempts to alert adults to an abuse incident, their concerns are minimised or met with irony. Rather than receiving support and protection, victims are often blamed or doubted, which exacerbates feelings of helplessness and discourages other children from reporting similar situations. Another concern is that many children are not sufficiently informed on the mechanisms for reporting abuse. They often do not know whom to approach, where to seek help, or what steps to follow to ensure that their situation is taken seriously and addressed appropriately.

Pupils have furthermore highlighted an increasingly common problem in schools, namely the use and publication of their images on school websites and social networks without obtaining their prior consent. This practice raises serious privacy and personal data protection issues, as photos are distributed in public space without the prior and explicit consent of the children. In situations where a pupil requests the withdrawal of an image of them being in an uncomfortable or unpleasant pose, the responses from teachers or administrative staff are often discouraging. Rather than taking such requests seriously, pupils are met with remarks intended to downplay the impact of the photos being published, such as 'Oh, yeah, who's going to see you there?' or 'Who will recognise you?'. This kind of response not only dismisses the child's feelings but also reinforces the notion that privacy is not a priority within the educational environment. To prevent such situations, clear rules must be established regarding the use of pupils' images, ensuring their consent is respected and providing a straightforward procedure through which pupils can request the removal of unwanted photographs. It is also essential that teachers and administrative staff receive training on protecting of pupils' rights in the digital environment and foster a climate where pupils feel safe and respected.

During the National Forum on Children's Rights, participants of the SafeTeen Summer School presented the national campaign '19 Days of Activism and Prevention of Violence and Abuse against Children and Youth - Education Doesn't Hurt'. Students presented the main objectives of the campaign, emphasising the need to transform the educational environment into a safe, empathetic and positive space for all children. A first objective of the initiative was to identify and promote good educational practices, emphasising teaching methods based on kindness and mutual respect. To this end, teachers were encouraged to foster a positive learning environment in which children feel respected, listened to and supported in their personal and academic development.

Another important objective was to enhance the positive image of teachers and educational institutions by emphasising the vital role they play in pupils' education. By promoting examples of good practice, the campaign aimed to change perceptions of education and increase confidence in the education system. Finally, the initiative helped to promote an inclusive educational environment conducive



to the harmonious development of children, with a focus on creating safe spaces where pupils are encouraged to express their opinions freely, to be actively involved in the educational process and to receive the support they need to reach their full potential.

The children also emphasised that, according to the 'Knowledge, Attitudes and Practices on Child Protection in the School Environment' study, elaborated in 2023 by NCPA, with financial support of the United Nations High Commissioner for Refugees (UNHCR), violent behaviour in the school environment is a real phenomenon. For the purpose of this study, 568 pupils were interviewed, out of which 330 girls and 238 boys. Of the total number of respondents:

- 5% were called names by teachers;
- 5% feel afraid of their teachers;
- 18.5% experienced aggression from teachers;
- 32.5% did not report incidents of violence;
- 39% have experienced violence frequently or multiple times.

The children therefore are recommending the following:

1. Ministry of Education and Research:

- To organise information sessions for teachers and pupils on children's right to have their say, participation and the importance of consulting pupils' views in decision-making;
- In partnership with NGOs implement programmes providing information about the right to hold opinions;
- Analyse the internal situation and adapt the personal development curriculum to the country's level of development, in consultation with the pupils;
- Provide regular trainings to teachers, including support staff, on recognising the signs of violence.

2. Local Education Specialised Bodies, jointly with the administration of the educational institutions:

- To assess the skills and preparedness of teachers for delivering personal development lessons through training and classroom observation;
- To inform and train teachers about children's right to have their say, and on how to involve them in decision-making processes and in lessons;
- Implement a system for anonymous report of abuse (questionnaire, apps, website, complaint box);
- Hire a school psychologist who does not teach classes, to avoid any influence



on the academic situation. Additionally, equip the psychologist's office with the necessary resources to ensure a safe and comfortable environment for children;

- Organise information sessions on forms of violence and how to report them;
- To organise assemblies/briefing sessions with teachers on the sanctions applied in cases when the rules are breached;
- To develop agreements with parents and pupils regarding the right to photograph, film and publish images of children on the school website or social media;
- Explicitly inform parents, pupils about the content of the agreement they are signing and the purpose of the photographs.
- Analyse photos of children to avoid exposing them in unflattering poses, selecting images collectively;
- Respect children's decision not to be in the photographs. Children who do not wish to appear in photographs should wear a specific sign: badge, bandana, etc.

3. Media

- Disseminate informative videos for teachers and students reflecting students' right to have their say.

2.8.2. Children's right to have their say and to be involved in decision-making

In 2024, with the support of UNICEF, the Children's Ombudsperson drafted the Thematic Report: 'Respecting the right of the child to have an opinion and to be involved in decision-making'.

Article 12 of the UN Convention on the Rights of the Child deals with the legal and social status of the child, who, although not autonomous as an adult, must be recognised as a rights holder. Child participation, as defined in this article, is not just an isolated right, but a fundamental principle that influences the interpretation and application of all other rights of the child.

General Comment No. 12¹⁴⁹ of the UN Committee on the Rights of the Child emphasises that the right of the child to be heard is not just an abstract principle, but a legal obligation of States. This right must be respected in all areas of the child's life, including judicial, administrative, educational and social processes. States are responsible for adopting and revising legislation to guarantee this right, as well as for training professionals working with children to respect and value their views.

¹⁴⁹ <https://ombudsman.md/post-document/conventia-cu-privire-la-drepturile-copilului-comentariul-general-nr-12-2009-dreptul-copilului-de-a-fi-ascultat-2/>



Article 13 of the UN Convention on the Rights of the Child guarantees the right of children to express their views and have access to information through various means of communication. Governments must respect this right by avoiding any interference that could limit free expression or access to information. At the same time, they have an obligation to create a safe environment in which children's views are respected and protected from manipulation, discrimination or retaliation. Articles 14 and 15 complement this legal framework by protecting freedom of thought, conscience, religion and the right to freedom of association and peaceful assembly without any interference by the state.

Children's participation must be inclusive, involving vulnerable groups such as children with disabilities and children from ethnic minorities. Article 12 guarantees the right of the child to be heard and is interconnected with all the other rights set out in the Convention, emphasising the importance of respecting children's views in the implementation of these rights.

The UN Committee recommends that states avoid tokenistic measures and give real weight to the views expressed by children, ensuring that they are considered in decision-making processes.

General Comment No. 12 also states that all processes involving the solicitation of children's views or participation should follow the 'Standards for the Ethical and Genuine Participation of Children': transparent and informative, voluntary, respect-based, relevant, child-friendly, inclusive, supported by training, safe, accountable. The concept of participation emphasises that including children should not be a one-off action but the starting point for an ongoing, meaningful exchange of ideas between children and adults in the development of policies, programmes, and measures across all relevant areas of children's lives.

Children's participation is closely connected to the concept of 'evolving capacities'. As children grow older, they develop greater abilities to listen, gather information, express opinions and make decisions. Article 5 of the Convention emphasises that parents or carers should provide guidance suitable to these evolving capacities, taking into account the maturity and experiences of each child.

Law No. 239/2008 on the transparency of the decision-making process,¹⁵⁰ states that the opinion of citizens, including children, must be consulted by public authorities at all levels whenever they draft or amend regulations, administrative acts which may have social, economic, environmental impacts. These impacts can affect lifestyle and human rights, culture, health and social protection, local communities, and public services.

Law No. 370/2023 on the Rights of the Child stipulates the obligation of the State to recognise, support and promote the concept of children as human rights defenders,

¹⁵⁰ https://www.legis.md/cautare/getResults?doc_id=142655&lang=ro#



and effectively protect them in the exercise of their rights and human rights work. It is necessary to note that the State undertakes the obligation to create all appropriate and necessary conditions to empower children acting or aspiring to act as human rights defenders, to express their opinion, to be heard, to participate in decision-making and to exercise their freedoms, civil and political rights.

The Republic of Moldova has transposed the child's right to express an opinion and to participate in decision-making, including matters within the private sphere. According to the Family Code, the child has the right to express their opinion on family matters affecting their interests and to be heard during judicial or administrative proceedings. The child's opinion must be taken into account, in accordance with their age and maturity, provided it does not conflict with the child's best interests.

Through the Law on Youth, the state has committed to ensuring young people's participation in the decision-making process. The law empowers public administration to consult and involve young people and youth participation structures within their jurisdictions in the development and implementation of youth policies. Moreover, it requires local public administrations to develop tools to build skills for youth participation. The law provides for the creation of representation and consultation bodies at each level: at the central level, youth policy commissions; at the national level, the National Youth Council; and at the local level, specialised youth bodies organised as internal subdivisions under district or municipal councils. Additionally, the law empowers young people to establish local youth councils. These are informal youth representation structures formed on the initiative of young people within a community or region. These councils aim to ensure active youth participation in local and regional life, particularly in decision-making processes affecting them.

The 'Youth 2030' Strategy¹⁵¹ emphasises the role of young people in participatory democracy. One of its strategic objectives is to foster a culture of civic participation through training and empowerment. Priorities include holding authorities accountable for involving young people in decision-making and developing methodological benchmarks for their training.

Although the child's right to express an opinion and participate is not explicitly listed among the fundamental concepts of the Education Code, it is reflected in the educational aims, which seek to develop pupils' and students' competences for active participation in society.

Article 136 of the Education Code stipulates that the management of the institution is ensured by the board of directors, which includes a representative from the student council. It further states that students have the right to be elected to the management structures of the educational institution and to participate in the evaluation and promotion of education quality. Additionally, educational institutions must establish

¹⁵¹ https://www.legis.md/cautare/getResults?doc_id=137226&lang=ro



student self-governing bodies, which are organised and operate in accordance with a framework regulation approved by the Ministry of Education and Research, as well as the institution's own regulations.

These mechanisms enable pupils to participate in: the evaluation of the head of the educational institution; approval of the institution's budget and management of financial resources from sources other than the budget; approval of the institution's development plan; approval of the school component of the school-wide Framework Plan; approval of rules regarding class size and staffing; and the internal evaluation of teachers. The regulation on the organisation and functioning of the Students' Councils¹⁵² approved in 2023 by the Ministry of Education and Research, expands students' influence on educational and administrative matters. The councils are required to consult pupils and make recommendations on the educational process, school conditions, and protection against violence. They also receive methodological support for training and dialogue with authorities. From 2024, pupil representation will be unified under a single national body, including pupils from general and technical vocational education. Members will be selected by delegation from the Regional Councils, replacing the previous system based on Ministry of Education and Research committees.

Another strategic document in the field of education is the Education 2030 Strategy¹⁵³. Two of the key actions in Section 9, titled "Good Governance and Modern Infrastructure for Quality Education," focus on reforming management at all levels of the education system by enhancing strategic leadership, ensuring efficient and transparent management, promoting pupil and student self-governance, and strengthening public accountability. Additionally, the strategy aims to develop a system for feedback on the functioning and quality of education.

At the end of 2023, the Ministry of Education and Research approved the Methodological Guide on Democratic School Governance¹⁵⁴. This resource can be used by educational institutions to advance democratic governance, i.e. the participation in decision-making of all stakeholders in the school community, including children, in nine areas: the Board of Governors, the Teachers' Council, the Parents' Representative Council, the Pupils' Council, the Curriculum, Classroom Design, Teaching, Learning and Assessment, School-wide Initiatives, Extracurricular Activities, Co-operation with School Partners.

Consultation of children's views in decision-making is also foreseen in the National Plan for Child Protection for 2022-2026¹⁵⁵. Action number two of the plan explicitly

¹⁵² https://www.mec.gov.md/sites/default/files/ordin_mecanisme_de_participare_a_elevilor_compressed_1.pdf

¹⁵³ https://www.legis.md/cautare/getResults?doc_id=136600&lang=ro

¹⁵⁴ <https://gimnaziulioncreanga.md/wp-content/uploads/2024/01/Ordinul-MEC-nr.1643-din-07.12.2023-cu-privire-la-aprobarea-Ghidului-metodologic-de-guvernanta-democratica-a-scolii-in-Republica-Moldova.pdf>

¹⁵⁵ https://www.legis.md/cautare/getResults?doc_id=145280&lang=ro#



states that the Ministry of Labour and Social Welfare (MLSW) shall develop a mechanism for consulting the child's views in decision-making that directly or indirectly affects them and approve guidelines for consulting the views of the child in policy documents and case management.

The MLSW approved in 2023 the Case Management in Child Protection¹⁵⁶, an essential tool for specialists of the territorial social assistance structures. Case management involves several stages, from the initial assessment to the closure of the case and provides for mandatory consultation of the child in all decisions concerning them, with respect for their best interests.

To support the effective implementation of this tool, the Ministry has also developed the 'Support Guide for the practical implementation of Case Management', which includes key principles on child and family participation in decision-making. In addition, the MLSW has drafted a normative act for the approval of the Framework Regulation on the organisation and functioning of the Children's Advisory Council within the territorial social assistance structures. This council will enable children to be actively involved in the decision-making process on social protection. The draft will be submitted for public consultation before adoption.

The Youth Index of the Republic of Moldova for 2020¹⁵⁷ indicates that young people's participation in political and decision-making processes at local level is significantly lower than that of adults, with a score of 0.69 points on a scale from 0 to 1 (here 0 indicates no gap between the groups and 1 indicates the maximum gap).

Between 2016 and 2022, with the support of the Ministry of Education and Research, the National Network of Local Youth Councils (NNLYC) was established and developed to strengthen the organisational and operational capacities of district and municipal youth councils at local and regional levels. The NNLYC covers 65.7% of second level local public authorities (23 districts and municipalities) but has more limited coverage at the first level of local public authorities, reaching only 14.9% (134 local or community councils). However, many of these local structures are restricted to organising just two events annually, namely the Forum and Post forum, as noted by the authorities.

Local youth council networks are steadily growing but remain reliant on the Ministry of Education and Research's Development Assistance Programme. They lack financial and institutional independence, depend on resources and methodological support from the Ministry, and often receive limited or no local support. Since its establishment, the NNLYC has also failed to fully capitalise on its potential to represent young people, remaining largely inactive in youth representation and advocacy efforts.

¹⁵⁶ https://social.gov.md/wp-content/uploads/2023/09/Ordin-nr.-134_Management-de-caz.pdf

¹⁵⁷ https://statistica.gov.md/index.php/ro/tinerii-in-republica-moldova-in-anul-2020-9578_50070.html



The lack of direct support tools, including financial support, to boost civic participation reflects interventions focused on education without promoting learning through practical experience. The limited participation of young people with disabilities is attributed to youth mobilisation and empowerment efforts that are not sufficiently inclusive and fail to provide reasonable adjustments to meet their specific needs. Similarly, Roma young people do not benefit from widespread participation in decision-making processes, largely due to discrimination and a lack of knowledge on how to participate effectively.

The Children's Platform also addresses discrimination faced by some children in participation processes in its report, 'The right to have an opinion: as learnt and practised at school'¹⁵⁸. According to the report, pupil councils are often composed of pupils with high grades, 'exemplary' behaviour, or those involved in various activities or Olympiads inside or outside school. This results in a board that is unrepresentative, violating the right to participation and opinion of other pupils—those with low grades, different religions, from low-income families, with parents who have emigrated, or exhibiting 'non-exemplary' behaviour. Selective practices favouring the most active and motivated pupils, a lack of support mechanisms to encourage vulnerable young people's participation, inadequate infrastructure, insufficient specialists trained to work with these groups, and poor information about relevant activities all hinder the integration of these groups into programmes designed for them.

According to a civil society report¹⁵⁹ submitted for the Universal Periodic Review, child human rights defenders (CHRDs) are considered unable to understand and contribute to public affairs. Their priorities, concerns and suggestions are usually ignored, minimised or ridiculed. Some children and young people are not permitted by adults in their immediate environment to participate in certain public policy processes. While some adults may prevent them from participating as they generally lack confidence in participatory processes, most specifically doubt the capacities of child human rights defenders (CHRDs) to contribute effectively to such processes.

The report¹⁶⁰ of the National Youth Council of Moldova on youth participation in decision-making processes highlights that most youth organisations interviewed in the study acknowledged that they are generally consulted by public authorities. However, the consultation revealed that many problems remain unresolved regarding youth participation. Firstly, consultation processes are seldom meaningful and often end up becoming a tick-box exercise. Similarly, young people's recommendations are rarely considered. Furthermore, although mechanisms for youth participation

¹⁵⁸ https://drepturilecopilului.md/index.php?option=com_content&view=article&id=477&Itemid=850&lang=ro

¹⁵⁹ https://drepturilecopilului.md/files/Human_Rights_Situation_in_the_Republic_of_Moldova_With_focus_on_the_rights_of_Child_Human_Rights_Defenders.pdf

¹⁶⁰ <https://cntm.md/resurse/raport-privind-tinerii-si-participarea-in-procesele-decizionale-progres-provocari-si-opportunitati/>



exist at national and local level, they are not properly implemented due to a lack of initiative and a low level of cooperation in advocacy efforts.

The same report states that young people's participation in decision-making processes is not adequately protected from negative repercussions by decision-makers. Consequently, it is left to the discretion of those decision-makers whether to impose threats or harassment. At the school level, such consequences can affect young people's academic achievement and their physical and psychological safety. Most of the time, young people or youth organisations lack the necessary resources and information to utilise the tools provided by Moldovan legislation.

For the documentation, semi-structured interviews were conducted with representatives from the education system, including both general and technical vocational education, as well as from the social welfare system and youth sectors. In addition, 314 children aged 11 to 18 years, including those from ethnic and religious minorities across various regions of the country, completed a questionnaire. An analysis of the opinions and perceptions of these professionals and children is available in the thematic report on the People's Advocate Office website, ombudsperson.md.

Based on the above, the Children's Ombudsperson **RECOMMENDS**:

RECOMMENDATION 2.2.8.2.1: The Ministry of Education and Research to provide initial and in-service training for managers and teachers on child participation, methods of consulting children's views and involving them in decision-making processes.

RECOMMENDATION 2.2.8.2.2: The Ministry of Education and Research to strengthen mechanisms for student participation in decision-making processes, ensuring that such participation is genuinely representative.

RECOMMENDATION 2.2.8.2.3: The Ministry of Education and Research to introduce and develop tools/system to monitor the effectiveness and extent of children's participation in decision-making processes.

RECOMMENDATION 2.2.8.2.4: The Ministry of Education and Research, in collaboration with the Ministry of Labour and Social Protection and the National Agency for the Development of Youth Programmes and Activities, to organise and promote information campaigns for children, parents and the general public on the right and importance of children's participation in decision-making processes.

RECOMMENDATION 2.2.8.2.5: The Ministry of Labour and Social Protection to provide training for child protection specialists on appropriate methods for listening and incorporating children's views into case management processes, as well as on protection mechanisms for child human rights defenders.

RECOMMENDATION 2.2.8.2.6: The National Agency for the Development of Youth Programmes and Activities should ensure children's participation in the youth sector, based on the concept of 'evolving capacities of the child', i.e. ensure that trained adults guide and facilitate children's participation.



RECOMMENDATION 2.2.8.2.7: The National Agency for the Development of Youth Programmes and Activities should provide training for youth workers on child participation, children's evolving capacities, methods of consulting children's views, involving children in decision-making, and ensuring child protection in this process.

Item 2.9: Respect for children's rights in the Transnistrian region

2.9.1. Ensuring the right to education

The functioning of Romanian-language schools on the left bank of the Nistru River and in the municipality of Bender remains a constant topic in the agendas of political representatives involved in the Transnistrian settlement negotiations and education working groups. Despite efforts by the Bureau for Reintegration Policies and the Ministry of Education and Research, these schools continue to face persistent challenges identified in previous reports: a) failure to regain their premises; b) difficulties with young people's registration and the risk of conscription into the 'Transnistrian army'; c) restrictions on freedom of movement along with systematic harassment.

Additionally, as of 1 February 2024, the so-called Transnistrian authorities have unjustifiably increased utility tariffs for Romanian-language schools.

These challenges were also noted during visits of Children's Ombudsperson on the ground. These are further exacerbated by the significant increase in the number of children attending these schools in recent years.

At the same time, Romanian-language schools have become increasingly attractive for parents and children who are native Russian speakers. The difficulty in integrating these children into the educational system stems from the lack of Romanian language classes available for allophone children from the left bank of the Nistru and municipality of Bender.

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

Despite the efforts of the authorities (Bureau for Reintegration Policies, Ministry of Labour and Social Protection, Public Services Agency), the situation of children left without parental care on the left bank of the Nistru and Bender municipality remains unchanged. The Children's Ombudsperson notes the failure to respect the personal data of children left without parental care. According to the so-called 'Ministry of Social Protection and Labour' in Transnistria (so called Pridnestrovian Moldavian Republic PMR), there are 754 children left without parental care in nine educational institutions, including 143 pre-school children and 584 school-age children¹⁶¹. All data concerning these children, as well as persons registered as foster parents and guardians, are stored in a database established under the 'Law of the PMR on the

¹⁶¹ http://minsoctrud.gospmr.org/gosudarstvennyiy_bank_dannyyih_o_detyah_ostavshihsya_bez_popecheniya_roditeluy/



state database of children left without parental care'¹⁶². On the basis of this 'law', the secessionist authorities publish photographs and other information on children without parental care on the website of the 'Ministry of Social Protection and Labour of the Transnistrian region' ¹⁶³, which directly or indirectly identifies the children.¹⁶⁴

Any of these children are at risk of trafficking¹⁶⁵, due to the lack of guardianship authorities responsible for their protection in the Transnistrian region. There is also the absence of mechanisms to ensure the implementation of Law No. 99 of 28 May 2010 on the legal regime of adoption, compounded by the fact that the Embassy of the Russian Federation in Chişinău completes adoption procedures for administrative-territorial localities on the left bank of the Nistru River and in the municipality of Bender. This practice contravenes the provisions of Convention No. 262 of 22 January 1993 on legal assistance and legal relations in civil, family, and criminal matters¹⁶⁶. Additionally, Russian civil status documents are issued based on documents provided by Transnistrian entities. The issue was discussed in working groups on civil status documents and population documentation, convened on 26 July 2024¹⁶⁷, and again in working groups on social issues and humanitarian aid on 13 November 2024¹⁶⁸, with participation from the People's Advocate Office.

In this regard, the Children's Ombudsperson **RECOMMENDS**:

RECOMMENDATION 2.2.9.2.1: The Bureau for Reintegration Policies should continue to make extensive use of recognised platforms for dialogue with the Transnistrian side to provide premises for education institutions teaching in Romanian.

RECOMMENDATION 2.2.9.2.2: The Bureau for Reintegration Policies should continue to make extensive use of recognised platforms for dialogue with the Transnistrian side to ensure the protection of children left without parental care.

RECOMMENDATION 2.2.9.2.3: The Ministry of Education and Research to provide Romanian language courses for the children of the ethnic Albanians from the left bank of the Nistru and municipality Bender through Romanian language schools.

¹⁶² <http://www.minjust.org/web.nsf/All/67d3c0fc2e526e7fc22577380024b2df!OpenDocument&ExpandSection=1.1.10>

¹⁶³ <http://minsoctrud.gospmr.org/children.php>

¹⁶⁴ Annex No.1 to the Requirements for ensuring the security of personal data when processing personal data within personal data information systems approved by GD 1123 of 14.12.2010. https://www.legis.md/cautare/getResults?doc_id=16012&lang=ro.

¹⁶⁵ The Greciuşchin case, <https://www.kp.md/daily/24410.5/584730/> <https://www.kp.ru/daily/24356/542869/>

¹⁶⁶ https://www.legis.md/cautare/getResults?doc_id=116625&lang=ro

¹⁶⁷ <http://oficial.md/politica/dupa-2-ani-a-avut-loc-sedinta-grupurilor-de-lucru-pentru-actele-de-stare-civila-si-documentare-a-populatiei-din-partea-chisinaului-si-tiraspolului>

¹⁶⁸ <https://social.gov.md/comunicare/reprezentantii-ministerul-muncii-si-protectiei-sociale-au-participat-la-reuniunea-expertilor-in-domeniul-protectiei-sociale-si-ajutorului-umanitar-de-pe-ambele-maluri-ale-nistrului/>



CHAPTER III. PREVENTION OF TORTURE

Between 3 and 5 of December 2024, the Committee of Ministers of the Council of Europe resumed its examination of the Cosovan group of cases v. Republic of Moldova (*under advanced supervisory procedure*) focusing on respect for human rights and health in the penitentiary system¹⁶⁹. As part of individual measures, the Committee of Ministers urgently requested national authorities to complete the proceedings in the Machina case and to ensure regular psychiatric treatment and continuous monitoring of the applicant in the Nițu case.¹⁷⁰

This year, the ECtHR delivered four significant judgements against the Republic of Moldova concerning violations of Article 3 of the Convention. These include the Clipea and Grosu case [detention in poor conditions in a psychiatric hospital, as well as forced psychiatric treatment and inadequate investigation of ill-treatment]¹⁷¹, the Nițu case [failure of the authorities to provide adequate medical care in detention]¹⁷², the Vieru case [inadequate investigation of domestic violence]¹⁷³ and the V.I case [ill-treatment in a psychiatric institution and ineffective investigation].¹⁷⁴

Summary of torture prevention activities

In 2024, **58** (*in 2022 - 72 visits, in 2023 - 28 visits*) visits were carried out in places of deprivation of liberty¹⁷⁵. These included preventive, thematic and monitoring visits. As a result of these visits, **17 visit reports with 152 recommendations** were drafted (*in 2022 - 29 visit reports with 570 recommendations, in 2023 - 23 visit reports with 356 recommendations*)¹⁷⁶. Furthermore, **seven comprehensive thematic reports** with

¹⁶⁹ H46-26 Cosovan group v. the Republic of Moldova (Application No. 13472/18), 1514 rd meeting, 3-5 December 2024 (DH) [https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22CM/Del/Dec\(2024\)1514/H46-26E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22CM/Del/Dec(2024)1514/H46-26E%22%5D%7D)

¹⁷⁰ <https://ombudsman.md/comitetul-de-ministri-al-consiliului-europei-insista-asupra-masurilor-urgente-pentru-a-remedia-problemele-sistemice-din-sistemul-penitenciar-al-republicii-moldova-inclusiv-asigurarea-unei-asistente-m/>, <https://promolex.md/comitetul-de-ministri-al-consiliului-europei-incurajeaza-reforme-pentru-imbunatatirea-asistentei-medicale-din-sistemul-penitenciar-al-republicii-moldova/>

¹⁷¹ Case of Clipea and Grosu v. the Republic of Moldova, application no. 39468/17, final 19/02/2025: <https://hudoc.echr.coe.int/#%7B%22itemid%22:%5B%22001-238014%22%5D%7D>

¹⁷² Case of Nițu v. the Republic of Moldova, application no. 11272/16, final 11/06/2024: <https://hudoc.echr.coe.int/#%7B%22itemid%22:%5B%22001-234124%22%5D%7D>

¹⁷³ Case of Vieru v. the Republic of Moldova, application no. 17106/18, final 19/02/2025: <https://hudoc.echr.coe.int/#%7B%22itemid%22:%5B%22001-238017%22%5D%7D>

¹⁷⁴ Case of V.I. v. the Republic of Moldova, application no. 38963/18, final 26/06/2024: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-231739%22%5D%7D>

¹⁷⁵ 36 visits by the Directorate for the Prevention of Torture of the Office for the Prevention of Torture and 22 visits by the Council for the Prevention of Torture.

¹⁷⁶ The Council for the Prevention of Torture drafted and submitted to the authorities 10 visit reports with 125 recommendations and the Directorate for the Prevention of Torture drafted and submitted to the authorities 2 visit reports with 27 recommendations.



130 recommendations were drafted¹⁷⁷. PAO intervened in **two cases of high social interest** issuing **two special reports** (*in 2022 - seven special reports, in 2023 - four special reports*)¹⁷⁸, and drafted **eight regular thematic biannual reports** on safety in places of deprivation of liberty.¹⁷⁹

For the first time, the PAO monitored **six readmission operations** of Moldovan citizens from EU countries carried out **on board aircraft** by the General Inspectorate of the Border Police (GIM) with the support from the European Agency FRONTEX.¹⁸⁰ Overall, the implementation rate of medium-term recommendations remains at 33%, and for long-term recommendations related to *resources and policies* it is between 10-15%. Most recommendations are repetitive.

Between 26 and 30 June 2024, the 6th edition of the Ombudsperson's Campaign 'EuNUaplic166/1'¹⁸¹ was held. In addition, the PAO in partnership with Promo-LEX and the European Prison Litigation Network, submitted a joint communication to the Committee of Ministers in the case of I.D v. Republic of Moldova.¹⁸²

In 2024, **42 training activities** were conducted aimed at preventing torture and promoting human rights awareness among various duty bearers and rights holders. These trainings reached 658 prison staff, 61 police officers, 29 carabinieri, 40 employees of the judiciary and the public prosecutor's office, 43 border police officers, 120 persons deprived of their liberty, and 138 students.¹⁸³

Between 22 to 25 of July 2024, the PAO hosted a study visit by the National Preventive Mechanism for the Prevention of Torture of Ukraine.¹⁸⁴

Access for the torture prevention mechanism to places of deprivation of liberty in the Transnistrian region of the Republic of Moldova remains limited.

¹⁷⁷ The Council for the Prevention of Torture produced 1 complex thematic report (<https://ombudsman.md/post-document/raport-tematic-siguranta-si-securitatea-detinutilor-in-sistemul-penitenciar-al-republicii-moldova-realitati-si-perspective/>) and the Directorate for the Prevention of Torture produced 6 complex thematic reports (<https://ombudsman.md/rapoarte/prevenirea-torturii/tematice/>)

¹⁷⁸ Special Report 'Allegations of torture for the purpose of forcible taking of biological samples in a criminal case' (<https://ombudsman.md/post-document/alegatii-de-tortura-in-scopul-prelevarii-fortatei-probelor-biologice-intr-o-cauza-penala/>) and Special Report 'Suspicious Deaths in the National Army' (<https://ombudsman.md/post-document/raport-special-deces-suspect-in-armata-nationala/>)

¹⁷⁹ <https://ombudsman.md/rapoarte/prevenirea-torturii/tematice/>

¹⁸⁰ <https://ombudsman.md/rapoarte/prevenirea-torturii/rapoarte-de-vizita/>

¹⁸¹ <http://ombudsman.md/news/campania-eunuaplic166-1-eurespectdemnitateumana-3/>

¹⁸² <https://ombudsman.md/post-document/joint-submission-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-3/>

¹⁸³ <https://ombudsman.md/>

¹⁸⁴ <https://ombudsman.md/vizita-mecanismului-national-de-prevenire-a-torturii-din-ucraina-la-oficiul-avocatului-poporului-din-republica-moldova/>



Item 3.1: Prohibition of torture

Initiatives to adjust the legal framework on preventing and combating torture

Starting from 7 September 2024, women can be sentenced to life imprisonment¹⁸⁵, following a legislative change proposed by the Ministry of Justice to ensure compliance with non-discrimination standards¹⁸⁶. Previously this punishment could only be imposed on men. However, we believe that the draft amendment to the criminal law should have been subject to broader and more participatory consultation. Furthermore, this legislative change interferes with the primary purpose of punishment and detention as established by criminal law and reference standards. Introducing life imprisonment for women could represent a step backward in the State's efforts to align itself with humane detention standards, non-punitive policies, and protections for women. It is also worth noting that since 2024, conditions for male prisoners serving life sentences have improved, including detention conditions, sentence review processes, and commutation of sentences.

Last year, no women were sentenced to the maximum penalty. The penal enforcement legislation has not yet been amended to allow women to serve life sentences. Furthermore, the prison system currently lacks the necessary mechanisms to enforce this form of punishment for women. The Ombudsperson's concerns regarding these issues were supported by the Union of Lawyers, the National Administration of Penitentiaries (NAP) and other organisations¹⁸⁷. They opposed the amendment, citing biological and social differences between women and men, ECtHR case law that allows justified differential treatment, and the logistical impact on the prison system, which lacks adequate infrastructure. Supporters of the amendment consider that the exception is outdated and contrary to the principle of gender equality, arguing that European legislation does not provide for such differentiation and that punishment should be applied uniformly, regardless of sex. However, there is no urgent need for change, and maintaining the current provision is justified by legal, social and logistical considerations. Implementing the amendment would entail additional costs for the prison system without having a clear impact on the efficiency of criminal justice. In this context, maintaining the exception for women remains a justified solution, given the solid arguments for reasonable differentiation and the logistical implications. Furthermore, the progressive system of sentence enforcement promotes the extension of human rights and reduces the definitive and restrictive impact on persons placed in prison custody. It aims at the opportunity

¹⁸⁵ Article 71, paragraph 3 of the Criminal Code, in force since 7.9.2024 https://www.legis.md/cautare/getResults?doc_id=143535&lang=ro#

¹⁸⁶ Information Note of the Ministry of Justice on the draft amendment of the Criminal Code and the Advisory Opinion of the Equality Council of 12.9.2018: <https://egalitate.md/wp-content/uploads/2016/04/Aviz-detentiunea-pe-viata-femei.pdf>

¹⁸⁷ <https://particip.gov.md/ro/document/stages/proiectul-hotararii-guvernului-privind-aprobarea-proiectului-de-lege-pentru-modificarea-unor-acte-normative-modificarea-codului-penal-si-codului-contraventional/10602>



for rehabilitation by offering convicted persons the possibility of conditional release, subject to well-defined conditions and the demonstration of positive behaviour. The progressive regime tends towards the elimination of life imprisonment, replacing the indefinite isolation of offenders with fair punishment and social reintegration.

On 13 December 2024 the new Law on Mental Health and Mental Welfare came into force¹⁸⁸, replacing the Law on Mental Health of 1997. While the new law introduces useful provisions for the mental health system and the protection of citizens¹⁸⁹, it appears not to adequately address the real needs and challenges faced by the institutionalised psychiatric field. The Ombudsperson raised concerns in the 2024 thematic report *'The situation of persons undergoing compulsory treatment at the Chişinău Clinical Psychiatric Hospital, Codru'*,¹⁹⁰ and in the thematic report *'Means of restraint in psychiatric institutions'*, 2024¹⁹¹. These reports were prepared in line with Priority No.1 'All persons have access to quality and safe health services' and No. 8 'The right to liberty and security of person is guaranteed; torture and ill-treatment are eradicated' of the Strategic development programme of the PAO for 2023 - 2030¹⁹². They constitute important contributions to the country's institutional mental health system.

Within six months of the new law coming into force, the Government is required to align its regulations with the law and submit proposals to Parliament aimed at improving the legislation.

Significant progress in the penitentiary system was marked by the proposal and adoption of regulatory initiatives such as: Minimum standards for food and hygiene in penitentiary institutions, on 26 March 2024¹⁹³; a new Regulation on the medical examination of seriously ill prisoners, on 12 June 2024¹⁹⁴; Ministry of Justice Order on *instructions regarding the procedure for compensating working days from the sentence term*; NAP Order on the regulation of the conditions for examining petitions concerning matters of criminal enforcement; NAP Order on the electronic record of cases of injury, use of physical force, special means and/or firearms or alleged acts of ill-treatment; Ministry of Justice Order on the *regulations on the security of penitentiary*

¹⁸⁸ Act No.114/2024 on Mental Health and Mental Welfare https://www.legis.md/cautare/getResults?doc_id=143550&lang=ro

¹⁸⁹ Note: the subject matter of the law refers only to the protection of 'citizens and stateless persons' and not 'persons or non-citizens'

¹⁹⁰ See the full report here: <https://ombudsman.md/post-document/raport-tematic-situatia-persoanelor-aflate-la-tratament-prin-constrangere-la-spitalul-clinic-de-psihiatrie-chisinau-or-codru-in-2022-2024/>

¹⁹¹ See the full report here: <https://ombudsman.md/post-document/raport-tematic-mijloacele-de-constrangere-in-institutiile-psihiatrice-2024/>

¹⁹² See the Strategic Development Programme of the People's Advocate Office for the years 2023-2030, available: <https://ombudsman.md/post-document/strategic-development-program-of-the-peoples-advocate-office-2023-2030-4/>

¹⁹³ HG No 228/2024 https://www.legis.md/cautare/getResults?doc_id=142910&lang=ro

¹⁹⁴ HG No 417/2024 https://www.legis.md/cautare/getResults?doc_id=143736&lang=ro



*institutions; NAP Order on the regulation of disciplinary and incentive procedures for prisoners during the execution of their sentences; Ministry of Justice draft law on facilitating employment for convicted persons.*¹⁹⁵ Similarly, the Ministry of Justice has initiated an Action Plan for 2024-2027 on aligning penitentiary institutions with European standards and combating criminal subculture¹⁹⁶. This plan is based on recommendations from the Council of Europe's Committee for the Prevention of Torture (CPT) following its 2022 visit to Moldova¹⁹⁷. Of the 30 recommendations issued by the CPT, six have been fulfilled, while the remainder are still being implemented. Authorities have resolved technical issues related to completing the Bălți Detention Center and the Chișinău Penitentiary.

Compared to 2023, there were virtually no public discussions last year on the Concept of a Progressive Penal System¹⁹⁸. Meanwhile, the Ministry of Justice and the National Administration of Penitentiaries have initiated the adoption of various regulatory norms that either incorporate elements of the progressive system or contradict it. The initial draft envisaged adopting of the progressive system concept in 2026¹⁹⁹, implying a commitment to reactivate this effort during the current year.

In the activities of other law enforcement agencies, no initiatives were observed last year to strengthen the regulatory framework for the prevention and combating of torture.

At the initiative of the presidential institution, a process was launched to assess the need to amend the legislation on state security²⁰⁰ and state security bodies²⁰¹. Taking this opportunity, the People's Advocate reiterated the intention to strengthen the Ombudsperson's mandate to prevent torture and monitor the activities of state security institutions by proposing changes, within the legal framework under review, to enhance the Ombudsperson's role in supervising human rights and protecting individuals from actions or omissions of these bodies. In the context of active alignment with EU standards, the role of the Ombudsperson in monitoring the observance of human rights by the security services is indispensable.

¹⁹⁵ <https://justice.gov.md/ro/content/examinarea-sedinta-guvernului-proiectului-de-lege-pentru-modificarea-unor-acte-normative-1>

¹⁹⁶ <https://justice.gov.md/ro/content/consultarea-publica-planului-de-actiuni-privind-alinirea-institutiilor-penitenciare-la>

¹⁹⁷ <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>

¹⁹⁸ https://justice.gov.md/sites/default/files/document/concept_sistemul_progresiv_de_executare_a_pedepsei_rev.2023_final.pdf

¹⁹⁹ https://justice.gov.md/sites/default/files/document/concept_sistemul_progresiv_de_executare_a_pedepsei_rev.2023_final.pdf

²⁰⁰ Law 618/1995 on State Security https://www.legis.md/cautare/getResults?doc_id=142091&lang=ro#

²⁰¹ Law No.619/1995 on state security bodies https://www.legis.md/cautare/getResults?doc_id=142092&lang=ro



On 7 September 2024, amendments to criminal law concerning paragraph 1(2) of Article 149 of the Criminal Code and paragraph 2 of Article 157 of the Criminal Code came into force. These amendments effectively removed prosecutors' ability to apply clear criteria when classifying criminal acts committed by public officials, and limited courts' discretion to individualise penalties in specific cases. The Ombudsperson highlighted the legal risks and uncertainties created by these provisions, *in contrast* with the application of Article 166/1 of the Criminal Code, in the 2023 Report.²⁰²

The Ombudsperson's observations on the shortcomings of the national legal and institutional framework for preventing and combating torture set out in the Annual Reports of 2022, 2023 remain valid²⁰³.

Impunity for acts of torture

In 2024, the General Prosecutor's Office registered and examined **319 complaints** allegations of ill-treatment and torture, **marking a decrease compared to previous years** (485 complaints in 2022, 397 complaints in 2023)²⁰⁴. According to the prosecutors, in 2024, of the complaints examined alleging ill-treatment and torture: 147 cases occurred in streets or public places, 39 cases on the premises of Police Inspectorates; 37 cases in educational institutions; 35 referrals came from the penitentiary system; 27 cases in the homes of victims of domestic violence; 17 cases within police districts and station; 7 cases in remand isolators; 6 cases in psychiatric institutions; and 4 cases in military establishments.

There was a significant decrease in referrals alleging inhuman or degrading treatment under paragraphs 1 and 2 of Article 166/1 of the Criminal Code, dropping from 373 cases in 2023 to 306 in 2024. However, cases reported as acts of torture increased slightly from 4 in 2023 to 7 in 2024. Violence against military personnel also decreased markedly, from 13 cases in 2023 to 3 in 2024.²⁰⁵

Prosecutors received **2,644 information notes** regarding the use of physical force, physical force combined with and special means, and detection of injuries.²⁰⁶ These included 992 reports from police inspectorates, 425 from the Chişinău Police Department, 23 from the National Public Security Inspectorate, 196 from temporary detention isolators, 37 from the General Inspectorate of Border Police, 8 from the General Inspectorate of Carabinieri, 1 from the National Investigation Inspectorate,

²⁰² <https://ombudsman.md/post-document/raport-anual-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2023/> See p. 104

²⁰³ <https://ombudsman.md/post-document/raport-anual-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2022/> Pag. 64

²⁰⁴ Response GPO No.13-2d/25-129 of 31.1.2025

²⁰⁵ According to the GPO, with the liquidation of the military prosecutor's offices, the military command assumes the prerogative to decide which cases are handed over to the prosecutor's office or police inspectorates and which are limited to internal examination.

²⁰⁶ Information reported according to the Joint Order of the GPO No 77/2013: https://www.legis.md/cautare/getResults?doc_id=44302&lang=ro



1 from the Internal Protection and Anti-Corruption Service of the General Police Inspectorate (GPI), 853 from penitentiary institutions, 3 from medical institutions, 94 from psychiatric hospitals and 11 from the Forensic Medicine Centre. Out of the total information received, prosecutors initiated **115 criminal proceedings**. Additionally, 343 pieces of information were referred for examination according to material competence, while 2,186 were closed with reasoned notes.

The data presented indicates an increase in the number of criminal cases initiated, from 79 in 2023 to **83** in 2024. Of these, 78 cases concerned acts of inhuman and degrading treatment, 2 involved acts of torture, and 3 related to violence against military personnel. Regarding the locations of the offences, 34 were recorded in educational institutions, 27 in streets or public places, 8 in police inspectorates, 7 at the victim's or complainant's home, 4 in military units, and 1 case each in penitentiary institutions, psychiatric institutions, and police stations.

According to the GPO data, in 27 criminal cases violence was used for the purpose of punishment; 21 cases for intimidation/ discrimination; 21 cases involved violence to demonstrate supremacy or importance; 10 cases involved excessive use of force during apprehension; and in 4 cases, violence was used to obtain information or confessions. Of the 83 criminal cases, 46 involved minors. The most common form of violence was hitting with hands or feet, reported in 51 cases, including 22 cases involving pupils.

Regarding the subjects of the offence, 31 perpetrators were teaching staff (*educators, teachers, professors, lecturers, etc.*); 29 were police personnel (*investigation officers, public order police, carabinieri and border guards*); 14 were employees of private security agencies or members of the people's guards; 1 was a prosecutor; 1 an employee of the penitentiary system; 2 were medical workers; 2 were public figures or persons of public dignity; and 4 were military personnel.

Last year, the first instance courts delivered **14 judgements** against 18 people. Of those convicted, three people were sentenced to imprisonment, three received suspended sentences, one was fined and eight were acquitted²⁰⁷. All sentences addressed offences of inhuman or degrading treatment, and none pertained to torture. **Despite criminal law not providing for fines or suspended sentences for offences of torture or inhuman or degrading treatment, courts continue to apply these types of punishment.**

The Code of Criminal Procedure assigns exclusive competence to prosecutors for the prosecution of torture offences, as well as offences involving attempts on the lives of police officers, criminal investigation officers, intelligence and security officers,

²⁰⁷ In 2023, the courts of first instance handed down 25 judgements against 28 public and military agents. As a result, 3 persons were sentenced to imprisonment, 13 persons - suspended, 1 person - fined, against 2 persons - suspended sentences were passed, against 9 persons - acquittal sentences were passed



prosecutors, and judges in the course of their duties²⁰⁸. However, prosecutors may encounter challenges when deciding which charge to prioritise if a case contains both elements—torture and attempts on the lives of law enforcement or justice officials.

In 2024, 54 prosecutors were appointed to examine cases of torture, inhuman and degrading treatment, with one deputy prosecutor designated in each prosecutor's office. According to General Prosecutor's Office (GPO) Order No. 81/6/4 of 2021, appointed prosecutors must have at least three years of seniority and must not be involved in any collusion with subjects of Law No. 218/2012 regarding the application of physical force, special means and firearms.

There is significant problem regarding data collection on torture, as each law enforcement institution keeps its own records and its own reports only at its discretion, resulting in an unclear and fragmented understanding of impunity. The absence of a well-defined inter-institutional mechanism for information exchange and unified documentation (with unanimously accepted and synchronised data and indicators), means there are no mutually accepted or synchronised data and indicators. Solutions are often adopted on a case-by-case basis but rarely communicated to the reporting institution. Moreover, some law enforcement institutions choose not to report all cases of abuse to the prosecution. In a case of high social interest investigated by the People's Advocate, there was noted reluctance among prosecutors to effectively prosecute alleged torture offences, particularly when one of the individuals implicated was the prosecutor in the case.²⁰⁹

The inter-institutional working group on the advisability of revising or amending the Joint Order of the GPO No. 77/2013²¹⁰ has met 5 times in the past year.

RECOMMENDATION 3.3.1.1: The Ministry of Justice to initiate a comprehensive analysis and public consultation on the desirability of abolishing 'life imprisonment' as a criminal penalty.

RECOMMENDATION 3.3.1.2: The General Prosecutor's Office to expedite the adoption of amendments to Joint Order No. 77/2013, by establishing a clear mechanism for identifying, recording and reporting alleged acts of torture.

²⁰⁸ Art. 270, point 2, lit.a) b.) Criminal Procedure Code: https://www.legis.md/cautare/getResults?doc_id=146153&lang=ro#

²⁰⁹ <https://ombudsman.md/post-document/alegatii-de-tortura-in-scopul-prelevarii-fortatei-probelor-biologice-intr-o-cauza-penala/>

²¹⁰ https://www.legis.md/cautare/getResults?doc_id=44302&lang=ro



Item 3.2: The situation of persons detained in penitentiary institutions

General findings

Concerns previously set out in Reports regarding the safety and security of incarcerated persons remain relevant, as many of the findings and shortcomings highlighted in the annual visit and thematic reports of the Ombudsperson and the Council for the Prevention of Torture²¹¹ continue to go unimplemented and display passive tendencies towards resolution. Authorities persistently face entrenched difficulties with the penitentiary system, and some issues, also highlighted by international institutions²¹², cannot be tackled by the penitentiary system alone. These challenges could be effectively addressed through coordinated efforts involving all responsible actors, requiring prompt, clear, transparent and responsible political will.

A positive trend has been observed in the human dimension approach of the National Administration of Penitentiaries (NAP) and the Ministry of Justice (MJ) towards persons in detention, particularly reflected in national policies, showing gradual progress. However, deep-rooted problems persist, including inadequate and unmotivated prison staff, entrenched criminal subculture, insecurity among prisoners and staff, overcrowding, unsuitable detention conditions, lack of effective medical care, and insufficient occupational activities. Ill-treatment, harassment, and intimidation remain significant issues, especially affecting vulnerable prisoner groups, primarily from other inmates. The prison system faces shortages of professional, educational and specialised staff, while incidents with prisoners, attacks on their integrity and hunger strikes continue to be common. Notably, since 2023, the detention regime has become more humane following changes to criminal enforcement legislation. Rates of self-harm have decreased slightly from 614 cases in 2023 to 595 in 2024, and the number of hunger strikes has declined from 572 to 431 during the same period, according to NAP data.

Prison human resources, employee safety

During the reporting period, the prison system maintained the same staffing level as in 2023, with a total of **2,940** positions according to staffing tables (*1,127 prison officers, 1,601 prison agents, and 212 contract employees*). Of these, **2,636.75 positions were filled** (*in 2023, 2,552.75 positions were filled*), while **303.25** positions remained vacant (*in 2023, 386.25 positions were vacant*). Over the year, there was a decrease in both hires and resignations (397 hires and 307 resignations recorded).

Despite a slight improvement in occupancy rates, significant challenges remain in the penitentiary system staff workforce, including difficulties in retaining young

²¹¹ <http://ombudsman.md/rapoarte/anuale/> <https://ombudsman.md/rapoarte/prevenirea-torturii/anuale/>

²¹² <https://www.coe.int/ro/web/cpt/republic-of-moldova>, <https://www.ohchr.org/en/countries/moldova>



professionals, and the low attractiveness of salaries and working conditions in a harmful environment. A large proportion of employees have less than three years' seniority, indicating the need for further measures to improve professional stability.

Detailed analysis per penitentiary institution shows significant disparities in staff occupancy, particularly affecting the healthcare sector. There is an acute shortage of medical staff, with some specialists employed part-time (0.5), which seriously limits the capacity for medical intervention. In some penitentiaries, the ratio of medical staff to prisoners is extremely unbalanced; for example, institutions housing about 500 prisoners often have only one general practitioner and one medical assistant, placing considerable strain on access to quality health services.

In line with the annual staff training programme, efforts to intensify staff training have been made by updating training curricula and diversifying training modules. These initiatives, often implemented through collaborations with national and international organisations, aim to develop staff competencies and maintain an appropriate professional climate within the penitentiary system.

However, the establishment of the staffing moratorium has created additional challenges by suspending the filling of 205 key posts. In this context, a strategic and adaptable approach is needed to balance operational requirements with the available human resources, with particular attention to addressing the critical staffing needs of the prison health sector.

Cases of assault on employees have decreased over recent years, from 22 cases in 2021 to 14 in 2022, 15 in 2023 and 14 in 2024. These incidents were recorded mainly at the following penitentiaries: P-7 with 6 cases (notably increasing), P-18 with 3 cases (also increasing), and one case each at P-15, P-8, P-6, P-4, and P-3.

The dynamics of people deprived of their liberty

According to National Administration of Penitentiaries data²¹³, on 1 January 2025, there were **5,844** convicted persons detained in the 17 penitentiary institutions, with a detention ceiling of 6,622 persons (*in 2023 – 5,695, in 2022 – 6,084*). Among those detained were 1,123 remand prisoners (*in 2023 – 964, in 2022 – 1,037*), 301 women and 2 minors (*in 2022 – 326 and 1 minor, in 2023 – 301 and 2 minors*), 29 minors (*in 2022 – 35, in 2023 – 31*), 5 mothers with children (*in 2022 – 4, in 2023 – 5*), 103 employees of public bodies (*in 2022 – 102, in 2023 – 103*), 76 foreign citizens, and 136 sentenced to life imprisonment (*in 2022 – 133, in 2023 – 136*). In 2024, 2,840 prisoners were released from the penitentiary system (*in 2023 – 3,042 persons*).²¹⁴

According to statistical data, overcrowding remains a persistent problem in penitentiaries P-13 and P-11, primarily due to overcrowding in pre-trial detention facilities.

²¹³ <https://anp.gov.md/sites/default/files/DPAM/BILAN%C8%9A%202024.pdf>

²¹⁴ <https://anp.gov.md/raport-statistic-date-statistic>



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 Ministry of Justice in 2023: 6.622																
Total number of prisoners on 1 January 2025: 5.844																
355	363	366	728	180	753	280	279	448	164	258	169	570	464	256	337	652
Overpopulation (<i>de facto</i>)																
319	357	357	662	123	547	231	142	432	43	288	120	766	436	105	225	542
										+30		+196				

The efforts of the prison system to reduce overcrowding during the reporting period are appreciated. However, both the Ombudsperson and the Council for the Prevention of Torture (CfPT) have noted persistent overcrowding in common holding areas of the penitentiary establishments visited. The Committee for the Prevention of Torture (CPT), in its 2022 report, recommended reducing the number of inmates per cell or barrack to ensure that all detainees have the minimum living space required by CPT standards. According to the NAP's annual activity report, between 2022 and 2024, 638 prisoners benefited from the provisions of Law No. 243/2021 on amnesty, including 523 convicted persons and 115 remanded prisoners, representing 7% of the total number of released individuals. Courts applied the Amnesty Act to 1,506 persons; however uneven practices in court decisions were noted, especially regarding offences committed against minors. In 2024, 2,999 people were arrested and imprisoned, marking a 12.49% increase compared to 2023. The number of first-time offenders also rose to 2,564 (up from 2,394 in 2023). **Recidivism continues to be a challenge, with 1,584 people on their second conviction and 1,690 having two or more previous convictions.**

Overall, the total number of prisoners generally aligns with the legal capacity of the penitentiary system. However, when examining conditions at the level of individual institutions—and more specifically within cells, rooms, barracks, and common living spaces—overcrowding persists. This overcrowding is not due to the total institutional capacity being exceeded but rather relates to the limited capacity of these specific living areas. Factors contributing to this include the presence of criminal subculture, insufficient involvement by prison administration, and a preference for managing larger groups of prisoners more easily. Consequently, these large common living spaces continue to house from 8 up to 50 prisoners, exacerbating overcrowding issues.

Prisoner safety in the prison system

In 2024, penitentiary institutions continued to report to the People's Advocate on daily incidents occurring within the system of deprivation of liberty, in accordance with the obligations stipulated by Article 232(3) of the Enforcement Code of the Republic of Moldova. The **PAO was informed about** 24 deaths, including 4 suicides (28 deaths in 2023, 22 deaths in 2022); 12 suicide attempts (14 suicide attempts in 2023, 20 suicide attempts in 2022); 1,009 cases of violence²¹⁵ among prisoners (1,072 cases of violence

²¹⁵ The perception of accumulated data is the presumption of injuries as a result of altercations, assaults and inter-prisoner violence, and/or resulting from carelessness, specific disease crises, workplace outcomes, self-injury outcomes, and others



in 2023, P-13 constantly recording the highest number of injuries), 74 cases of serious bodily injury (82 cases of serious self-injury in 2023); 6 cases of assault on employees (15 cases of assault on employees in 2023, 13 cases in 2022); 5 cases of application of tear gas (22 cases of application of tear gas in 2023, 29 cases in 2022); 273 cases of prisoners denying food, 53 of them lasting over 3 days (99 cases of prisoners denying food in 2023); 4 cases of application of physical force on detained women (6 cases in 2023 and 8 in 2022). Special means or physical force were applied to detained persons in 179 cases, which is a decrease compared to 244 cases in 2023. Similarly, 92 incidents involved detained minors, down from 131 incidents in 2023 and slightly higher than 91 incidents in 2022).²¹⁶

Additionally, according to official NAP data, in 2024 there were: 27 deaths, including 4 suicides; 18 attempted suicides; 669 cases of inter-prisoner violence and 157 cases of inter-prisoner altercations; 595 total cases of self-inflicted bodily harm; 14 cases of assault on employees; 430 cases of denying food. Special means or physical force were applied on detainees in 456 cases (cases of application of tear gas are not recorded). Furthermore, 128 incidents involving minors in detention were also recorded (11 cases of application of special means and physical force, 57 cases of self-injury, injuries during escort in 17 cases, injuries acquired in the penitentiary in 35 cases, inter-minor altercations in 8 cases). At the same time, the number of cases of assaults on staff of penitentiary institutions remained constant, with **14 incidents recorded**, highlighting a maintenance of the risks associated with the detention environment.

In 2024, there were notable changes in the dynamics of violence and critical incidents in detention compared to 2023. Cases involving the application of physical force decreased slightly by **0.4%**, and the use of special means dropped by **0.9%**. Additionally, cases of self-mutilation declined by **6%** and altercations between detainees fell by **14%**, which may indicate improvements in detention conditions or enhanced effectiveness of preventive measures.

However, the number of detainees with injuries increased by **6%**, pointing to the ongoing presence of internal conflicts or incidents. Another significant development was a **14%** reduction in hunger strikes, with **572** cases reported, possibly reflecting a decrease in serious grievances among detainees or better management of their claims.

In terms of disciplinary and reward measures, there was a **significant decrease of 13.52%** in the number of incentives granted to prisoners, from **1,676 in 2023** to **1,449 in 2024**. This trend could indicate either changes in award criteria or a reduction in prisoner behaviour warranting such rewards. At the same time, **3,179**

²¹⁶ See in detail the thematic report for the first semester and the annual report: Security in the prison system <https://ombudsman.md/post-document/raport-tematic-siguranta-in-institutiile-penitenciare-semestrul-i-2024/> <https://ombudsman.md/post-document/raport-tematic-anual-siguranta-in-institutiile-penitenciare-in-anul-2024/>



disciplinary sanctions were imposed, with the most common being suspension of rights, disciplinary isolation and formal warnings.

Safety and security in prisons remain critical issues, as reflected by the increasing number of requests for personal protection and disciplinary measures²¹⁷. In 2024, 930 prisoners were included in the protection regime, compared to 893 in 2023, indicating a rising need for such measures. This trend underscores the persistence of problems related to the violent informal prison hierarchy, which fosters humiliation, extortion and assaults on vulnerable prisoners or those who refuse to conform to the rules of the criminal subculture.

A positive development is the systemic recording of information on reprisals against prisoners by other prisoners, implemented following the recommendation of the Ombudsperson. In the past year, **36 petitions** were filed within the prison system **concerning intimidation** or pressures from other prisoners. Most complaints from prisoners related to measures for the execution of the sentence (676 requests), followed by 504 complaints about staff-prisoner relations; another 400 requests concerning inhuman and degrading treatment; 222 complaints about inadequate medical care and over 198 requests about working conditions.

Critical self-harm by prisoners

In 2024, 611 cases of self-harm were reported (compared to 614 cases in 2023 and 729 cases in 2022), out of which 74 critical cases (compared to 82 - in 2023 and 202 - in 2022). The decline in critical self-injury cases may indicate a partial improvement in conditions or communication between prisoners and prison administration, though it could also be due to under-reporting of such incidents.

The methods used in critical self-harm cases have remained consistent over the years. These include suturing the mouth or eye cavity, injecting substances such as saliva or other liquids into limbs, inserting foreign bodies into the body—including genitals and mouth—self-inflicted wounds by repeatedly hitting the head on hard surfaces or using sharp objects, and ingesting large quantities of drugs or toxic substances.

The reasons for self-mutilation have remained largely consistent over time. Common causes include: *disagreement with court decisions; requests for specific medication or treatment; dissatisfaction with the actions of the prison administration or prison officers; requests for transfer to other prisons; untreated mental health problems*, among others. Prisoners often engage in repetitive or regular self-harm, sometimes as a form of protest against prison conditions, treatment or medical care, or to draw attention to personal problems. Self-mutilation may also be performed in support of other detainees or in response to unresolved complaints.

A significant problem continues to be the poor communication between the prison administration and prisoners, which perpetuates this type of behaviour. Staff often

²¹⁷ <https://ombudsman.md/post-document/raport-tematic-siguranta-si-securitatea-detinutilor-in-sistemul-penitenciar-al-republicii-moldova-realitati-si-perspective/>



respond to such actions with special means or physical force rather than addressing the underlying causes. Some of the self-harm is linked to untreated psychological or psychiatric conditions, posing dangers to both the individuals and others. The acute shortage of permanent psychiatrists, psychologists and therapists, and other relevant specialists remains a major challenge that undermines efforts by the administration to support prisoner rehabilitation and re-socialisation.

In 2024, in the case of *Nițu v. Republic of Moldova*, the ECtHR delivered a judgement relevant to the medical-psychiatric field of the penitentiary system, following the failure of the authorities to provide adequate medical care in detention in relation to the applicant's multiple and uninterrupted self-harm and the authorities' failure to respond effectively to it.

Through Government Decision No. 971/2023 of 6 December 2023, the National Mental Health Programme for 2023-2027 was approved, including the objective of developing integrated specialised mental health services, based on the multidisciplinary approach in penitentiary institutions; the development of working procedures; and specific responsibilities for each service and quality standards. The actions in this plan cover the year 2026. It is positive that patients in detention are acknowledged within the National Strategy. However, mental health actions in detention facilities remain fragmented, individual, and addressed separately rather than through a coordinated approach. To date, no significant progress has been made in developing comprehensive mental health care measures within detention settings.

Living conditions in detention

According to the NAP, repairing works were carried out in 359 detention facilities (*in 2023 - in 200 detention facilities*), in 264 offices and other rooms, such as food blocks, reading rooms, storerooms, pharmacies, medical archive, corridors, crossing points, kiosks, sanitary blocks, medical examination rooms, walking yards, roofs (*in 2023 - in 159 service offices and other rooms*).

According to prison activity reporting indicators, there are 1,563 accommodation spaces in prisons, 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 accommodation in prisons																
108	46	118	161	57	146	99	40	94	66	62	53	176	88	79	96	74
Number of detention facilities (up to 5 persons) repaired																
10	6	11	16	35	17	25	4	14	5	4	4	38	10	33	22	4
Number of detention facilities (up to 15 persons) repaired																
0	3	1	9	0	10	17	1	0	0	24	0	7	2	10	2	1
Number of detention facilities (more than 15 persons) repaired																
0	3	0	5	0	0	0	1	0	0	1	1	1	2	0	0	0



Regarding capital investment objectives, by the end of 2023, construction and installation works worth 105.3 million MDL were completed for the Bălți Detention Center. In 2024, cadastral works for land demarcation and conservation works were carried out at this site²¹⁸. For the reconstruction of the P-5 Cahul building, the contract was awarded after the fifth tender, demolition of some buildings was approved, and the necessary documentation was submitted to the Treasury. An additional 10.1 million MDL was allocated for the reconstruction of the security perimeter of P-7 Rusca, with completion scheduled for 2025. Furthermore, 2.2 million MDL was allocated for the reconstruction of the perimeter fence at P-10 Goian, and the work has been fully completed. Infrastructure improvement works also began at the NAP headquarters as well as at penitentiary institutions P-10, P-3, and P-6.

In 2024, PAO and CfPT conducted preventive, thematic and follow-up visits to 12 penitentiary institutions. Material detention conditions remain **inhuman**:

PAO and CfPT follow-up joint visit to P-17 Rezina on 12 March 12 2024²¹⁹ - the living conditions in detention at P-17 remain unsuitable for humane detention. Although there are annual improvements in some accommodation facilities, overall detention conditions in P-17 are considered inhuman. Interviews with detainees highlighted a persistent problem: the limited ability of detainees to make decisions about their own conditions of detention, particularly regarding essential items like mattresses and personal hygiene supplies. Although detainees are willing to improve their own conditions using their own resources, they are prohibited from carrying out repairs to their cells. The prison administration claims that it has prohibited prisoners from investing their own resources in cell repairs to ensure equal conditions of detention for all prisoners. Instead, cosmetic repairs are performed once a year from the state budget, while general cell repairs occur once every two years according to a planned schedule, which does not cover all cells.

CfPT visit to P-9 Pruncul on 06 September 2024²²⁰ - Living conditions in some sectors of detention facilities exhibit signs and allegations of ill-treatment, primarily due to overcrowding, infestations of insects, and insufficient access to toilets. CfPT welcomes the efforts made by the prison administration to renovate all accommodation blocks and to improve living conditions by dividing large cells into smaller ones. It was noted that in some sectors and floors, repair work was fully underway, with several cells already renovated. Similarly, CfPT appreciates the administration's decision to begin cell repairs, prioritising cells housing disadvantaged categories of prisoners, such as the 'humiliated' and convicts trained as labourers. Overall, detention conditions vary significantly between cells in terms of surface area, facilities and cleanliness. There are large, small, overcrowded cells or, on the contrary, cells with large surface areas for a small number of prisoners. The minimum number of convicts in a cell is two

²¹⁸ Balti prison center under construction since 2016

²¹⁹ <https://ombudsman.md/post-document/raport-tematic-vizita-de-monitorizare-efectuata-la-penitenciarul-nr-17-rezina-la-data-de-12-martie-2024/>

²²⁰ <https://ombudsman.md/post-document/raport-privind-vizita-de-monitorizare-efectuata-la-penitenciarul-nr-9-pruncul-din-cadrul-administratiei-nationale-a-penitenciarelor-la-06-septembrie-2024/>



and the maximum is 20. Despite legal provisions, some cells allow as little as 2 m² per convict, with 6 prisoners held in 12 m² cells and 12 prisoners in 30 m² cells. The material living conditions also differ, some cells are better equipped and maintained reflecting prisoners care for their own accommodation and cleanliness. Although the cells are renovated in terms of surface area, meet standards and are not overcrowded, some are clean, have furniture, equipment (kettle, television), sanitary items, among others. Other cells have only the minimum equipment provided by the prison (bed, chair, table, cupboard). Detainees reported comfortable temperatures in winter, but very hot conditions in summer, due to poor ventilation. Crowded cells often have infestations of insects, cockroaches, and bedbugs, causing bites that disrupt sleep and leave marks on prisoners' bodies. Cell walls bear traces of blood, reportedly from killed insects. Moreover, in one accommodation block, the guardhouse entrance is located in a corridor lacking ventilation, where combustion gas odors are present. This situation is prohibited due to the risk of carbon monoxide poisoning, posing a serious safety hazard.

CfPT visit to P-5 Cahul on 11 October 2024²²¹ - CfPT welcomes the efforts of the prison administration to repair the three-storey block, recognising that the current detention conditions are substandard. A budget of 180 million MDL has been allocated for the repair of this block, and currently a tender has been announced for the selection of the company that will carry out the repair works. Overall, detention conditions in the cells vary according to the surface area. There are large, small, overcrowded cells, or, on the contrary, cells with large surface areas for a small number of prisoners. The cells range from 7 m² to 17 m². The living conditions in the cells are unsatisfactory. The walls of the detention facilities are darkened due to cigarette smoke and show visible damage with holes. Current repairs have not been carried out for a long time. Cell windows are small and due to metal grills little daylight penetrates the cell. Artificial light is also dim, which hinders reading. The toilets in the cells are also in a deplorable condition. Air circulation in the room was provided through the windows. There is no ventilation system. Life-sentenced prisoners complained that they were transferred from the better conditions they had in P-17 to much worse conditions in P-5. They requested materials to carry out cosmetic repairs in their cells. Detainees confirmed that while temperatures in winter are comfortable, in summer it becomes very hot due to inadequate ventilation.

The Ombudsperson has received numerous complaints from detainees alleging inhuman and degrading treatment in detention facilities. Reported issues include: *overcrowding (with some cells providing as little as 2 m² per person and 6 persons housed in approximately 12 m² spaces); dampness; worn linen and furniture; common bathrooms in deplorable condition; strong smell of burning gases in cells; limited natural ventilation; insufficient natural light; inadequate living conditions; overcrowding; poor and insufficient quality food; lack of effective medical care (including shortage of medicines, specialised doctors, medical equipment), dental pain; poor hygiene (parasitic*

²²¹ <https://ombudsman.md/post-document/raport-de-vizita-privind-monitorizarea-efectuata-la-penitenciarul-nr-5-cahul-din-cadrul-administratiei-nationale-a-penitenciarelor-la-11-octombrie-2024raport-de-vizita/>



insects, filth, lack of bedding, presence of rodents, lack of proper ventilation, lack of access to daylight, deplorable state of toilets, dirty bathrooms; lack of privacy in toilets and bathrooms; relations between detainees; discriminatory treatment, intimidation and harassment by the administration, disagreement with searches and other staff actions, unsuitable accommodation for women, sick prisoners and persons with special needs, etc.

The Ombudsperson reaffirms the Government's commitment to ensuring dignified conditions in closed premises and again urges the executive to decide on a comprehensive assessment of the situation. The Ombudsperson cautions that the piecemeal and insufficient annual allocation of financial resources is unlikely to provide an optimal solution to the systemic problems faced in prison conditions.

Healthcare in prison

The recommendations of the Ombudsperson and CfPT regarding the prison healthcare system remain largely valid in 2024. Key issues include: *shortage of medical staff; the uniform application of treatment without tailoring to individual prisoner needs; lack of dental care; and the absence of effective measures to prevent and control communicable diseases and recurrent outbreaks within detention facilities.*

Detainees frequently report that vacant doctor positions result in irregular doctor visits, prolonged waiting times for consultations, and a lack of engagement of medical staff in assessing their health status. Often, the medical care provided is limited to ambiguous treatments without a clear therapeutic plan.

According to data provided by the NAP, mental health problems are among the most common diagnoses among prisoners. In 2024, there were 3,818 convictions associated with mental health conditions, making them the leading category in this regard. This represents a 25% increase from 2022, when 2,855 convictions were associated with such diagnoses. If more detailed analysis or supplementary information is needed on any of these topics, please feel free to ask.

The acute shortage of staff in Moldovan prison was also highlighted in the CPT Report²²² following its 2022 visit. The report acknowledged the efforts of existing medical staff to provide quality health services to prisoners, as well as to conduct medical screenings upon admission, and document injuries. However, the report highlighted that due to vacant posts for doctors and nurses, current staff often assume duties beyond their professional competences, potentially compromising the quality of medical care.

²²² The CPT recommends that the authorities of the Republic of Moldova take steps to fill the vacant posts of tuberculosis specialist, medical assistant and laboratory worker at Prison No. 13 in Chişinău. The CPT also reiterates its recommendation to increase the number of medical assistants (see paragraph 51).



For the past decade, parliamentary committees and multidisciplinary meetings involving the Ministry of Justice and Ministry of Health have been convened to discuss the improvements to the healthcare system. These discussions also address recommendations from the CPT²²³ and the Committee of Ministers, including those arising from the *Cosovan v. Republic of Moldova* case. A key proposal emerging from these discussions is the transfer of responsibility for prison healthcare from the Ministry of Justice to the Ministry of Health.

The objective of the proposed transfer is to ensure the clinical independence of medical staff and to align prison health services with those available to the general community. The transfer process is planned in several stages, starting with the development of a roadmap and the establishment of a steering committee. Gradual measures will then be introduced to fully integrate prison health services into the public health system. Initially, secondary healthcare services are recommended to be transferred to the Ministry of Health, followed by the full integration of primary healthcare services. While the CPT has recommended this transfer, the decision on its appropriateness and implementation lies with the national authorities and responsible ministries.

Use of force and means on detainees

According to the NAP, prison staff used **physical force in 235 cases**, marking an increase from 193 cases in 2023. Conversely, **special means** were used in **131 cases**, a decrease from 148 cases the previous year. The penitentiary institutions most frequently using force were P-11 - in 36 cases; P-3 - in 28 cases; P-13 - in 23 cases; P-6 - in 19 cases; P-5 - in 17 cases, P-18 - in 14 cases, etc. Special means were predominantly applied at P-11 in 24 cases; P-3 - in 19 cases; P-18 - in 16 cases, etc.

Regarding vulnerable groups, physical force was applied to juvenile prisoners at P-10 in 7 cases, and special means in 4 cases. Similarly, physical force on women detained at P-7 was used in 6 cases and in 3 cases special means were applied. All these incidents were documented with the relevant facts established and reports sent to the Prosecutor's Office and People's Advocate. These figures do not include verbal abuse, which occurs daily. Firearms were not used.

The PAO documented **179 cases of application of physical force** for *disobedience, violation of daily and regimen activities, damage to property, to stop acts of violence, to prevent self-harm and suicide attempts, for threatening to assault, hitting employees, aggressive behaviour, resisting, refusal to enter the cell, inciting disorder, etc.*

The application of 'tear gas' as a special means was reported in **5 cases**, which is a decrease compared to 22 cases in 2023 for the following: *disobeying demands, aggressive behaviour, restoring order and security of the prison, settling altercations, resisting, damaging property, ignoring the demands of employees, provoking to disobedience.*

²²³ <https://rm.coe.int/1680ac59d8>



Organising prisoners' work

In 2024, an average of 554 inmates were engaged in unpaid prison maintenance work every day. According to NAP data, out of the total number of prisoners, 3,428 were deemed able to work (*in 2023 this figure was estimated at 4,000 people*). During this period 1,702 paid jobs were created, with 658 in prison housekeeping services and 1,044 positions within external economic agents.

To facilitate employment, 64 service contracts and 35 rental/leasing contracts were signed. Relevant collaborations include the employment of 50 prisoners at P-18 by SRL 'Quality Hub'; 100 inmates at P-6; 10 inmates at P-1; rehabilitation of greenhouses at P-7 and restoration of apple orchards at Complex No.1 of P-3.

The employment rate of prisoners increased significantly in 2024, reaching 34.8%, reflecting a growing trend toward their involvement in economic activities. However, there are concerns regarding current regulations on prison labour. Although labour contracts require individual contributions to the state social insurance and compulsory health insurance funds, including for work in harmful conditions – there is no clear correlation in practice between these contributions and actual benefits for detainees. These contributions are collected by the National Office of Social Insurance (NOSI) and should be counted towards pension entitlements, depending on the length of service. As highlighted above, in practice, there is no clear correlation between the contributions paid and the actual benefits for detainees, particularly in terms of the recognition of employment periods for the granting of a pension. It therefore remains uncertain to what extent these contributions provide tangible benefits to prisoners and whether they uphold the principle of social equality. It should be noted that the People's Advocate previously submitted to the Government a legislative opinion proposing amendments to the Enforcement Code and the Tax Code concerning the regulation of labour by convicted persons in state custody. However, proposals have not, to date, been accepted.

People with disabilities

As of 31 December 2024, a total of **262 persons with disabilities** were held within the prison system, 28 of whom had locomotor impairments. Over the course of the year, 57 cases involving convicted persons with visible disabilities were recorded.

In this context, according to the NAP, penitentiary institutions have introduced measures to improve physical and informational accessibility for prisoners with disabilities, such as allocating places on lower floors, near sanitary and medical facilities. However, monitoring visits carried out by the CfPT and PAO revealed that prisons remain largely unadapted to the needs of prisoners with disabilities, as they lack independent access to essential facilities such as bathrooms, walking areas, libraries, programme rooms or kitchens. People with locomotor disabilities face



major difficulties in moving around, encountering obstacles such as high thresholds, staircases, the absence of ramps, narrow doorways and inadequately equipped toilets. This lack of accessibility hinders their mobility and creates risks of injury or difficulties in an emergency. The prisons identified as most problematic, by the CfPT's are: P-18, P-11, P-12, P-8, P-4, P-5 and P-17.

In terms of ensuring social rights, old-age and disability pensions have been established and reinstated, with 113 prisoners benefiting from them, 43 receiving disability pensions and 70 old-age pensions. Similarly, *personal assistant* positions have been created within penitentiary institutions to support prisoners with special needs. These posts are filled by other convicted prisoners, and are remunerated in accordance with Government Decision No. 152/2004, concerning the compensation bonus for work performed under unfavourable conditions.

RECOMMENDATION 3.3.2.1 (continued): The National Administration of Penitentiaries should continue its endeavour to ensure that the penitentiary system is staffed with competent, professional and well-motivated personnel, including in the context of the application of the progressive system of execution of sentences.

RECOMMENDATION 3.3.2.2 (repeated): The National Administration of Penitentiaries should continue its efforts to strengthen the mechanism of supervision of prisoners against all forms of violence.

RECOMMENDATION 3.3.2.3: The Ministry of Justice and the National Administration of Penitentiaries should continue their efforts to improve the material conditions of persons in detention, including through appropriate budgetary increases, streamlining release mechanisms and the application of alternatives to custodial sentences.

RECOMMENDATION 3.3.2.4 (repeated): the Ministry of Justice to develop Instructions on the use of physical force and special means in closed facilities; Procedures for the application of negotiations/conflict mediation, as well as to equip the penitentiary system with special safe and non-harmful means.

RECOMMENDATION 3.3.2.5: The Ministry of Justice to review and adjust the regulations on prisoners' work, recognising their work experience, with the period of work included in the calculation of the old age/social pension.

RECOMMENDATION 3.3.2.6: The Ministry of Justice to continue its efforts to improve the material and social situation of persons with disabilities/special needs in detention and to ensure access to facilities on equal terms with other detained persons.



Item 3.3: The situation of persons apprehended and detained in police custody

General findings

The National Programme for Public Order and Security for 2022–2025 sets out the following priorities: (a) preventing acts of torture and ill-treatment of persons held in custody of law enforcement agencies, and facilitating the reporting and investigation of suspected cases; and (b) the establishment and equipping of hearing rooms, identification rooms, confidential meeting rooms for suspects or accused persons, and waiting rooms within the territorial subdivisions of the police, in accordance with European Union standards.²²⁴

According to the Progress Report on the implementation of the above-mentioned Programme for 2023 (with the 2024 report to be submitted after 15 April), the following actions have been carried out: *a detailed inventory of the condition of premises of the Police subdivisions; planning for the renovation of the premises of Cahul PI, Orhei PI and Briceni PI; completion of repair works at Drochia PI, Leova PI, Floresti PI, GPI, Ciocana PI and National Public Security Inspectorate; electrical installation work on the main towers and communication networks; organising training for SDE employees; reviewing the cost-sharing mechanism for issuing identity documents to persons in police custody; training of 24 trainers in combating hate crime; training over 2,500 police officers in non-discrimination; developing the brochure 'The role of the police in preventing and combating discrimination'; training of over 46 police officers in basic tactics to enhance the capacity of police officers to create conditions for ensuring respect for human rights; equipping public order and security services with 360 portable body cameras for use during public events.*²²⁵

In the 2024 GPI work plan, the police have committed to preparing a consolidated report on the recommendations made by national and international organisations on the detention of persons by the police (paragraph 164); developing standardisation concepts of IP premises and regional directorates (paragraph 165); compiling an inventory and modernising buildings and premises owned by the police (paragraph 167); developing and approving a logistics development plan for the police for 2024–2027 (paragraph 168); preventing the use/application of metal objects for self-harm or acts of violence by persons placed in Temporary Detention Facilities (paragraph 169); preventing human rights violations while in the custody of law enforcement agencies (paragraph 173); guaranteeing decent conditions of detention and transportation for persons in police custody, as well as protecting personnel involved in guarding and escorting detainees (paragraph 177); submitting proposals for amending food and hygiene standards (paragraph 179); implementing the CPT/2020 recommendations (paragraph 182), etc.²²⁶

²²⁴ <https://mai.gov.md/sites/default/files/document/ordine%20publica.pdf>

²²⁵ <https://mai.gov.md/sites/default/files/Activitatea/Rapoarte/Raport%20POSP%20HG%20913-2023.pdf>

²²⁶ https://politia.md/sites/default/files/planul_de_activitate_al_igp_2024_.pdf



The dynamics of detention and pre-trial detention

In 2024, police staff detained **2,750 people**, 2,616 for criminal offences and 134 for administrative offences. Additionally, up to 3 hours of detention were recorded for **4,810 persons** held under arrest warrants.

A total of 4,589 persons were detained and placed in Temporary Detention Facilities (TDF) (*marking an increase from 3,687 persons in 2023*). Of these, 4,486 were detained in connection with criminal cases and 103 were detained for administrative offences. Of the total number, 108 persons were detained for more than 72 hours (*representing a decrease from 252 persons detained beyond the legal term in 2023 and 1,097 persons in 2022*). During the same period, detention and escort departments conducted a total of **21,308** escorts and transports (*an increase from 17,395 in 2023*). Similarly, TDF paramedics produced **587 reports** on injuries to persons in custody, which were forwarded to the prosecution authorities.

Allegations of police abuse and mistreatment

According to the Registers of receipt and transmission of complaints, statements or other information about alleged acts of torture, inhuman or degrading treatment, **89 complaints** were registered in 2024 (*in 2023 - 81 cases, in 2022 - 89*).

According to the information provided by the GPI, **576 cases involving physical force** and special means were registered, and **672 on-duty investigations** into such cases were carried out. At the same time, the GPO examined **1,442 information notes** submitted by the police regarding the use of physical force and special means. The data held by the GPI and the GPO on the number of cases of use of physical force differ. This significant discrepancy, approximately 866 reports, between GPO data and police records, according to Order No. 77/2013, reflects a trend observed in previous years.²²⁷

GPI data show that last year **15 complaints** (*in 2023 - 9 complaints*) relating to acts of torture, inhuman or degrading treatment were examined, along with **3 complaints of excessive force** and **16 referrals** (*in 2023 - 5 referrals*) from the prosecutor's office. No complaints about ill-treatment during detention by police officers, or injuries caused during detention, interrogation or prosecution were registered or investigated.

For the threats or violence committed against police employees, **119 criminal cases** (*in 2023 - 105 cases*) were opened against the perpetrators on reasonable suspicion of committing an offence under Article 349 of the Criminal Code²²⁸. In the same period, **16 criminal cases** under Article 166¹ of the Criminal Code were initiated.

The PAO received information about **201 cases of apprehension of persons with**

²²⁷ Approved by the Joint Order of PG/MJ/MAI/SV/SV/CNA/MA No.77/572/408/639-0/197/1589 of 31 December 2013 https://www.legis.md/cautare/getResults?doc_id=44302&lang=ro

²²⁸ Threats or violence against a person in a position of responsibility or a person fulfilling a public duty



injuries (including 11 minors, 11 women and one Ukrainian citizen), of which **179** stated that the injuries were sustained prior to apprehension. There were 22 cases of injuries caused by police employees from Chişinău PD (13 cases), Balti PI (3 cases); Orhei PI (2 cases); Cahul PI (1 case), Edinet PI (1 case); Ungheni PI (1 case); Hincesti PI (1 case) on apprehended persons. One case of self-injury was registered at Cimislia PI, and one person was detained for more than 300 days at the TDF of Causeni PI. **It is reiterated that the PAO is still not informed about abuses and incidents within the police. A request in this regard was submitted to the MIA in 2023 and reiterated in 2024. Compared to other law enforcement institutions, only the GPI withholds this information from the People's Advocate, which hampers the NHRI in carrying out its torture prevention activities.**

In 2024, the Ombudsperson produced **one Special Report** on allegations of torture related to the forcible obtaining of biological samples in a criminal case involving several police officers, including members of the Special Purpose Police Brigade 'Fulger'. The Special Report is unique, timely and relevant to the work and commitments made by the Police to align with European standards, as well as to other relevant stakeholders:

Extract from the Special Report 'Allegations of torture for the purpose of forced obtaining of biological samples in a criminal case, 2025'²²⁹

On 7 February 2024, the NAP and P-13 informed the People's Advocate that on 6 February 2024, the defendant I.I. was escorted from P-13 to the police prosecution, and upon his return to the place of detention, bodily injuries were found on his right knee, right elbow, right lumbar region, left anterior hemithorax and bilateral radio-carpal region. It was also reported that he has been physically assaulted by the employees of SPPB 'Lightning'. The PAO's investigation, conducted for over 10 months found that the defendant I.I. had been subjected to torture as a form of punishment and intimidation at the Forensic Medicine Centre for the purpose of forcibly obtaining biological samples; as a result, he suffered multiple injuries, including a fractured leg, caused by excessive force. The prosecutor's office refused to initiate a criminal case on torture, and this decision was challenged in court. The internal investigation was superficial. The main findings of the Special Report, based on responses from the authorities, focus on ensuring the right to physical and mental integrity, the prohibition of torture or inhuman or degrading treatment guaranteed by Articles 1, 3 and 13 of the ECHR; the right to a fair trial in the light of Article 6 ECHR; the right of access to a lawyer for persons detained or remanded in custody; the court authorisation required for taking samples for comparative research; compliance with procedures for identifying, recording and reporting alleged cases of torture, inhuman or degrading treatment and the protection of expert's rights.

Considering the concerns raised in previous special reports, we emphasise that the MIA/GPI still has significant progress to make in preventing and combating abuses

²²⁹ <https://ombudsman.md/post-document/alegatii-de-tortura-in-scopul-prelevarii-fortatei-probelor-biologice-intr-o-cauza-penala/>



and torture. We reaffirm that respect for human dignity in custody and detention must be prioritised by the police.

According to the GPI, during the same period, **370 police officers** out of a total of over 9,000 employees (according to staff records) participated in training on human rights in police work.

Respect of material conditions in pre-trial detention, safety of detainees

Of the 47 territorial and specialised subdivisions of the GPI, **14 inspectorates** have renovated TDFs (TDF of the Chişinău PD, Anenii Noi PI, Balti PI, Balti PI, Cahul PI, Causeni PI, Cimislia PI, Comrat PI, Edinet PI, Hincesti PI, Orhei PI, Riscani PI, Sangerei PI, Soroca and Ungheni PI) with a total capacity of 102 cells, allowing for the pre-trial detention of 247 persons simultaneously. The Criuleni PI pre-trial detention centre has not yet been put into operation.

In 2024, PAO and CfPT conducted six visits to active remand isolators. Among the findings concerning the situation of detainees, the issues outlined above persist, including: *not all detainees receiving medical examinations; medical examination not consistently carried out upon entry/exit from the isolation facility; detainees taken for hearings outside the isolation facility; failure to ensure confidentiality of medical data; lack of medical staff during night hours; management of medicines; medical cubicles inadequately equipped; insufficient adjustments for the detention of persons with disabilities; inadequate nutrition for detainees with chronic diseases; inaccuracies in internal record keeping and medical documentation, the absence of a complaints mechanism, among others.*²³⁰

The lack of **waiting areas** and **temporary holding rooms** for detainees remain a common problem for all PIs. In none of the PIs without an isolator are there designed spaces for temporary holding (holding room). Detainees may be held during status decision, or while being presented to a lawyer or the Detention and Escort Service, near the guard unit, in corridors, on chairs, in the PI yard, etc. These periods can last from 10 minutes to over two hours. These issues have persisted from previous years. In 2023, the GPI claimed to have prepared a specification to be finalised last year. However, in its 2025 response, the GPI stated that the modernisation of the Police headquarters infrastructure and the development of the holding rooms could not proceed due to lack of funding and limited partner interest to finance such investments²³¹. Similarly, no expenditure was made last year for refurbishing police remand isolators. Furthermore, PIs that do have isolators have not allocated budget for such renovations.

²³⁰ <https://ombudsman.md/rapoarte/prevenirea-torturii/consiliul-pentru-prevenirea-torturii-mnpt/cppt-mnpt-rapoarte-de-vizita/>

²³¹ GPI Answer No.34/16-105 of 03 February 2025



RECOMMENDATION 3.3.3.1: The Ministry of Internal Affairs to ensure the full funding of the measures in the GPI's 2025 Activity Plan and the National Programme for Public Order and Security, prioritising the prevention of torture and the improvement of mechanisms for reporting and investigating abuses.

RECOMMENDATION 3.3.3.2: The General Inspectorate of Police should set up, in accordance with the EU, CoE and UN standards, hearing rooms, recognition rooms, confidential sessions and waiting areas in the territorial subdivisions to guarantee safe conditions and respect for the rights of persons in custody.

RECOMMENDATION 3.3.3.3 (repeated): The General Police Inspectorate to develop internal mechanisms within the police system so that the period of pre-trial detention established by law (72 hours) is respected in all cases.

RECOMMENDATION 3.3.3.4: The Ministry of Internal Affairs to ensure that all cases of injuries, violence and ill-treatment in custody and detention are recorded and reported in accordance with CPT rules and GPO Joint Order No. 77/2013.

RECOMMENDATION 3.3.3.5: The Ministry of Home Affairs to enforce the correct application of CPT standards on medical examinations, with an emphasis on effective documentation and investigation of suspected ill-treatment in detention.

RECOMMENDATION 3.3.3.6: The Ministry of Internal Affairs and the General Prosecutor's Office to establish a clear and effective mechanism for reporting cases of ill-treatment, abuse, use of physical force and use of special means.

RECOMMENDATION 3.3.3.7: The Ministry of Interior should develop clear procedures for police intervention in cases of detention of persons with mental disorders, disabilities or under the influence of alcohol or drugs, to prevent abuse and protect both the detained persons and Ministry of Interior staff.

RECOMMENDATION 3.3.3.8: The General Police Inspectorate should inform the Ombudsperson about cases of death, suicide, ill-treatment or other forms of abuse in the police system, in line with international commitments on the prevention of torture.

RECOMMENDATION 3.3.3.9: The General Prosecutor's Office should effectively investigate all cases of injuries and ill-treatment reported by the police, assess the mechanism for recording and reporting them, and verify the legality of police interventions with detained persons.

RECOMMENDATION 3.3.3.10: The General Police Inspectorate to provide in the budget for 2026 the necessary resources for the modernisation of temporary holding rooms and for the proper maintenance of temporary holding isolators.

RECOMMENDATION 3.3.3.11: The General Police Inspectorate should ensure rigorous medical examination of detained persons to identify injuries or other signs of abuse and report any suspicion of ill-treatment immediately to the prosecutor's office.



Item 3.4: Situation of persons apprehended at the border

In 2024, state border crossing points recorded a 4.8% increase compared to 2023 in the number of persons entering and exiting the country, with 9,982,739 *entries and 9,947,015 exits*²³². The highest number of crossings was recorded at the Moldovan - Romanian border, with 9,717,511 *persons crossing, down from 10,560,759 in 2023*. During the same period, **6,658 persons** and 2,400 means of transport were denied authorisation to cross the border, due to reasons including: *invalid documents; requests from auxiliary authorities; nominal registration; minors not meeting transit conditions; non-compliance with entry requirements; use of false documents; and exceeding the permitted period of stay*. Similarly, border data indicate that during the reference period, **19,721 alerts** were issued by national authorities and 576 by Interpol. Border guards detected **8,009 border violations** and documented **3,923 persons** apprehended for illegal crossing (including attempted crossing), of whom 1,372 were recorded for illegal entry. Likewise, the Border Police identified **15,093 Ukrainian citizens**, who declared that they had entered the country through the Transnistrian sector, which is not controlled by constitutional authorities. Border guards prevented illicit trafficking of arms and ammunition in 110 cases, seizing 22 weapons and 603 rounds of ammunition (mainly at the air border and the Moldovan - Ukrainian border). Compared to previous years, this type of trafficking is decreasing. Over the 12-month period, the Border Police registered **1,938 criminal cases** (802 cases - *for organising illegal migration; 534 cases - for producing false stamps/seals; 473 cases - for illegal border crossing, 48 cases - for carrying/trading arms and ammunition, etc.*) and detained thousands of people who crossed the border unauthorisedly.

According to GIBP data, there are **31 rooms for asylum seekers within the 41 border police sectors**. The majority of these rooms are located in the Border Police Sectors (BPS) of the Eastern Regional Directorate, which has 10 rooms, followed by the Southern Regional Directorate with 9 rooms, 8 rooms in the BPSs of the Northern Regional Directorate and 2 rooms each in the West BPS and the BPS of the Chişinău International Airport. Typically, each room for asylum seekers contains at least two bunk beds. While sleeping conditions are good, access is lacking to food, telephones, information, lawyers, translators and specific facilities for vulnerable asylum seekers. The construction and outfitting of these rooms were largely funded through financial support from the UN Refugee Agency, other development partners, and the state budget via the GIBP. In our opinion, all BPSs and border crossing points should have sufficient space for the temporary accommodation of asylum seekers (including beneficiaries of temporary protection and humanitarian protection). These rooms must be properly equipped with the necessary utilities (including for vulnerable groups), minimum accommodation standards, food, water, shower, emergency

²³² GIBP Activity Note for the 2024 period.



medical care, telephones, access to lawyers or diplomatic missions, translators and clear information about their rights and obligations, and the administrative process affecting them.

Similarly, the GIBP manages **41 Border Police Sectors (BPSs), which have only six rooms for detainees**. Additionally, the Border Police oversee **81 border crossing points (BCPs)**. Until 2024, the Customs Service was responsible for equipping road crossing points²³³. Since 2025, the Customs Service has provided the Border Police with premises for conducting border checks, as well as facilities for detained persons and asylum seekers. The Border Police are responsible for equipping these premises²³⁴. Accordingly, the Border Police shall assume responsibility for the management, maintenance, construction and equipping of the BCP with (a) accommodation for asylum seekers [...], (b) rooms for second-line checks, (c) rooms for detained persons [...] and (d) rooms for the isolation of persons suspected of infectious and contagious diseases [...]. During visits conducted by the PAO last year, no BCP had all the four types of rooms (some had either rooms for asylum seekers and for second-line checks, or only one of the specified rooms). It should also be noted that BCPs and BPSs lack the budget to provide food to detained or accommodated persons during administrative procedures. Usually, BP staff purchase food for foreigners or accompany them to nearby shops where they can buy food from their own resources. Some BCPs and BPSs do not have bathroom facilities, causing hygiene issues. Typically, detained persons may be held in BPSs for between one and 20 hours. Detainees only have access to **medical care** if they are in pain, with staff calling 112 in these cases. **Medical examination** to check for injuries are not routinely conducted. The intervention mechanisms for cases involving detainees with injuries, self-harm, or suicide attempts, as well as staff protection procedures, remain unclear. A **positive development** worth mentioning is the implementation of a recommendation from the People's Advocate from previous years. By Order No. 871/2023 of the Head of the GIBP, a mechanism was established to inform the People's Advocate on alleged acts of torture, inhuman and degrading treatment. Thanks to this mechanism, in 2024, the PAO was notified about 36 cases involving the use of physical force at Chişinău International Airport and 16 other incidents at the BCP. In the **thematic report** 'Respecting the Rights of Persons in Need of International Protection at Border Crossing Points', the Ombudsperson highlighted legal and practical ambiguities in protecting human rights at the border and made 25 recommendations for improvement²³⁵ to the MIA and the GIBP.

²³³ https://www.legis.md/cautare/getResults?doc_id=137087&lang=ro

²³⁴ https://www.legis.md/cautare/getResults?doc_id=146588&lang=ro

²³⁵ <https://ombudsman.md/post-document/raport-tematic-respectarea-drepturilor-persoanelor-ce-au-nevoie-de-protectie-internationala-la-punctele-de-trecere-a-frontierei-situatia-anului-2024-2/>



RECOMMENDATION 3.3.4.1: The Ministry of Internal Affairs to initiate the process of revision of the normative framework to clarify the competences of the Border Police in managing apprehension and detention removing ambiguities between the Law on the State Border, the Law on the legal status of foreigners and the Law on Asylum in the Republic of Moldova.

RECOMMENDATION 3.3.4.2: The General Inspectorate of Border Police should identify and allocate resources for the appropriate design and equipping of rooms for asylum seekers, detained persons and persons suspected of infectious diseases at border crossing points in line with international standards.

RECOMMENDATION 3.3.4.3: The General Inspectorate of Border Police should ensure mandatory medical examination of persons apprehended at the border to identify injuries, establish a clear mechanism for intervention in cases of self-harm or suicide attempts and implement a system to protect employees in such situations.

RECOMMENDATION 3.3.4.4: The General Inspectorate of Border Police should ensure effective access to food, water, medical care, legal information and translation for detained persons by creating a dedicated budget line to cover these needs, eliminating the dependence on the individual resources of Border Police employees.

Item 3.5: Situation of people admitted to psychiatric hospitals

There are three psychiatric institutions operating in Moldova: Chişinău Clinical Psychiatric Hospital, with 740 beds (*Chişinău CPH*); Orhei Psychiatric Hospital, with 145 beds (*Orhei PH*); and Balti Psychiatric Hospital, with 530 beds (*Balti PH*). They provide comprehensive specialised, curative and rehabilitative healthcare services for patients with mental and behavioural disorders.

In 2024 psychiatric institutions reported **29 deaths (all male)** to the PAO from various causes, including brain tumour, pulmonary and cerebral oedema, cardiopulmonary multiple organ failure, vascular and renal multiple organ failure, chronic hepatitis, intestinal and renal tuberculosis, bilateral pneumonia, and angina pectoris. Notably, significant age-related deaths were recorded, including the death of a 30-year-old patient due to pulmonary failure associated with late-diagnosed pulmonary tuberculosis, and the death of a 13-year-old patient with total areflexia and severe hypertension, who was hospitalised with acute urinary retention.

In psychiatric institutions, **177 injuries acquired during hospitalisation** were recorded. These resulted from a variety of situations, including altercations between patients, slips in the bath, convulsive seizures, falls and self-inflicted injuries. Additionally, at the time of **admission a total of 328 injuries were detected**, caused by factors such as: *working at home, psychotic seizures occurring at home or in public,*



*altercations with relatives or spouses prior to admission, assaults by police or private security guards, and self-injury. The types of injuries recorded include haematoma, oedema, wound, excoriations, bruising, ecchymosis, soft tissue contusion and fractures. All these injuries have been reported including to the prosecutors.*²³⁶

Regarding the dynamics of the injuries, patients reported being assaulted by the police in two cases, by nurses in two cases, and by private security guards in one case. None of the patients reported these incidents to the police or other bodies.

In this regard, the thematic report '**The situation of persons undergoing compulsory treatment at the Chişinău Clinical Psychiatric Hospital (Codru) between 2022 and 2024**'²³⁷, highlights major shortcomings in patients' access to legal guarantees. The Ombudsperson emphasised the need to strengthen the protection of patients' rights by developing clear standards of detention distinguishing detention from hospitalisation, including rules on visits, walks, access to telephones, correspondence, legal assistance and the possibility to file complaints. The Ombudsperson also made several recommendations to the Ministry of Health regarding the development of an occupational standard for people undergoing compulsory treatment, as well as an individualised recovery plan. This plan should include appropriate diagnosis and treatment, regular psychological assessments, counselling and psychoeducation for patients and their families, alongside occupational, educational and recreational therapy programmes.

In psychiatric institutions in the Republic of Moldova, a **total of 188 cases of restraint** were recorded, of which **51 involved the use of chemical restraints** (*administration of tranquillisers, sedative drugs and other substances with a calming effect*). The reasons for applying restraint varied and included aggressive behaviour by patients, such as demanding to leave the ward aggressively, violent behaviour towards other patients or medical staff, sudden psychomotor agitation, logorrhoea, violent expressions, jostling of staff, visual and auditory hallucinations, chaotic or disorderly behaviour, and lack of response to verbal corrections or behavioural adjustments.

Regarding the application of restraint measures, both **physical restraint and chemical restraint** through the administration of sedatives (tranquilisation) were used to immobilise the patient. The duration of these restraint measures ranged between 20 and 60 minutes, while for minors aged between 14 and 18 years, the duration ranged between 30 and 60 minutes. Although these measures are intended to enhance the safety of both patients and staff, they raise concerns about the respect for patients' rights and their safety.

²³⁶ See first semester thematic report and annual report: Safety in psychiatric institutions <https://ombudsman.md/post-document/raport-tematic-siguranta-in-institutiile-psihiatrice-semestrul-i-2024/> <https://ombudsman.md/post-document/raport-tematic-anual-siguranta-in-institutiile-psihiatrice-in-anul-2024/>

²³⁷ <https://ombudsman.md/post-document/raport-tematic-situatia-persoanelor-aflate-la-tratament-prin-constrangere-la-spitalul-clinic-de-psihiatrie-chisinau-or-codru-in-2022-2024/>



Similarly, **35 cases of attacks** on employees were reported. These incidents were not preceded by obvious conflicts and occurred spontaneously, without warning. **Dozens of attempted attacks** on medical personnel are recorded monthly.

It should be noted that the mental health system remains weak in many aspects, both legislatively and practically, highlighting the ongoing challenges in delivering psychiatric services in line with human rights standards. Although the new **Law 'On Mental Health and Wellbeing'**, adopted in 2024, introduces some improvements, certain aspects require further adjustments.

One of the most significant advances is the regulation of involuntary admission. Under the new provisions, the person concerned is immediately examined by a psychiatrist and, within 24 hours, can opt for voluntary admission or outpatient treatment. If they refuse and the risks are confirmed, hospitalisation is decided by a specialised committee and approved by the court within 24 hours. This procedure ensures faster judicial review and provides the patient with additional guarantees regarding the measure's legitimacy. Another notable development is the introduction of a second medical opinion, which is not compulsory. An independent psychiatric specialist's assessment can be requested during the court's examination of the committal application. This specialist provides a written opinion on the necessity of the measure. This process may be initiated by the person concerned, their legal representative, designated lawyer or the person empowered by a protection mandate, thereby strengthening the patient's right to an objective assessment. The new law also stipulates that non-voluntary treatment may only be administered prior to the court's decision in cases of imminent danger, for a limited duration of 48 to 72 hours. This measure is intended for emergency interventions, ensuring that patients receive necessary care solely in critical circumstances. However, this practice must be strictly regulated to prevent abuse, and the final decision on long-term involuntary treatment must remain within the jurisdiction of the court.

A significant improvement is the reduction in the interval for reviewing non-voluntary treatment. Whereas reassessments previously took place every six months, the new law mandates review every two weeks, providing patients with more opportunities to reassess their medical situation. In addition, patients are guaranteed the right to have a translator or interpreter to overcome language barriers, thereby facilitating their understanding of procedures and enabling them to give informed consent or refusal.

While the law mentions the importance of ensuring the safety of medical staff, it does not provide details on staff regulations, salary facilities or grievance handling mechanisms, as were included in the previous legislation. This omission could affect the protection of employees from the risks inherent in the psychiatric institutions working environment. Concerning the judicial process, although



the new law stipulates that applications for non-voluntary admission must be examined within 48 hours, this procedure was already applied under the previous regulations without significant changes. Therefore, there is no improvement in the speed and efficiency of the process. Moreover, the procedure for authorising forced admission was the subject of objections²³⁸ raised by the People's Advocate, following requests from the Public Medical-Sanitary Institution Clinical Psychiatric Hospital, Codru town. The objections concern the case of a citizen forcibly interned at the Public Medical-Sanitary Institution Chişinău Clinical Psychiatric Hospital, which is also used for detaining persons under pre-trial detention for periods of 30 days, successively extended by the Criuleni Court. In the exercise of his constitutional mandate, the People's Advocate objected to the continued forced admission of this individual in the PMSI Chişinău Psychiatric Clinical Hospital, given that the institution lacks the necessary infrastructure for detaining persons under pre-trial detention. The People's Advocate highlighted the excessive prolongation of forced admission measures, caused by delays in the criminal proceedings. As this institution is neither a penitentiary nor a criminal isolation facility, maintaining internment under its conditions contravenes the fundamental rights and freedoms of the person concerned.

Another problematic aspect is the lack of clear regulations on the application of restrictive measures. The law emphasises that the restriction of a patient's liberty should not be punitive and should be applied only to the extent necessary, but it does not provide specific details on the proportionality and justification of such measures. In the absence of explicit regulations, there is a risk that patients may be subjected to restraint without proper justification, potentially leading to abuse in psychiatric institutions.

Examining the complexity of applying restraint measures, the Ombudsperson's **thematic report 'Means of restraint in psychiatric institutions'**²³⁹ highlights the fundamental role of psychiatric institutions within the mental health system. It stresses the imperative to strengthen their functioning by developing comprehensive, standardised methodologies for applying restraint on psychiatric patients. The report also emphasises the need to establish strict and transparent reporting mechanisms for these interventions, expressly stipulated in the legislation, designed to ensure both the integrity of the process and the protection and accountability of the medical personnel involved.

²³⁸ <https://ombudsman.md/post-document/obiectii-cu-privire-la-procedura-de-autorizare-a-dispunerii-internarii-fortate-a-persoanelor-aflate-in-arest-preventiv-intr-o-institutie-psihiatrica-adaptata/>

²³⁹ <https://ombudsman.md/post-document/raport-tematic-mijloacele-de-constrangere-in-institutiile-psihiatrice-2024/>



RECOMMENDATION 3.3.5.1: The Ministry of Health to identify legal and regulatory solutions to ensure that requests for forced hospitalisation explicitly include the statement ‘application of medical safety measures, referral to treatment in psychiatric hospital’, in line with the recommendations of psychiatric experts.

RECOMMENDATION 3.3.5.2: The Ministry of Health to develop and approve clear and uniform regulations on the application, use and monitoring of restraint measures in psychiatric institutions to prevent abuse and protect patients’ rights.

RECOMMENDATION 3.3.5.3: The Ministry of Health to develop effective crisis management strategies in psychiatric institutions, including clear intervention protocols, trained staff and adequate resources to prevent crisis escalation.

RECOMMENDATION 3.3.5.4: The Ministry of Health and the Ministry of Justice to develop clear rules on the application of the legal provisions on coercive treatment and to clarify the legal status of persons detained in Wards 9, 10 and 11 of the Chişinău PCH, ensuring respect for their fundamental rights.

RECOMMENDATION 3.3.5.5: The Ministry of Health to develop treatment alternatives for people with mental disabilities, promoting community-based care and recovery services to reduce dependency on forced hospitalisation.

Item 3.6: The situation of people in temporary placement centres for people with disabilities

Among the institutions responsible for the placement and care of people with disabilities are the Centre for the Elderly and Persons with Disabilities Chişinău, the Centre for the Elderly and Persons with Disabilities Cocieri, the Centre for the Temporary Placement of Persons with Disabilities (adults) Cocieri, Temporary placement centre for persons with disabilities (adults) Bădiceni, Temporary placement centre for persons with disabilities (adults) Balti, Temporary placement centre for persons with disabilities (adults) Brînzei, Temporary placement centre for persons with disabilities Orhei municipality, Temporary Placement Centre for People with Disabilities Hincesti municipality (TPCPD).

As a result of the **deinstitutionalisation** process (*the process by which people with disabilities are transferred from residential centres to community services or sheltered housing to promote their social inclusion and autonomy*), the residential institutions that until 2023 exclusively accommodated minors (girls at Hincesti TPCPD and boys at Orhei TPCPD) were renamed and reorganised according to current needs. Under the new regulations, these centres now provide care and assistance to persons over the age of 18. These changes were prompted by the fact that around 90 % of residents have reached adulthood. Thus, the implementation of the **deinstitutionalisation**



plan²⁴⁰ involved the training and transfer of persons with disabilities who previously held child/minor status from residential institutions in Orhei and Hincesti to community social services, as well as their integration into the labour market through formal employment.

Although the number of residents has decreased significantly, gaps remain in adapting institutional management to the new realities. At the same time, there is a lack of clarity regarding the objectives for children with special needs under the age of 18.

Moreover, **TPCPD Cocieri** underwent a significant change in 2023, with the absorption of the Temporary Placement Centre for Persons with Disabilities (adults) in the same locality, through Government Decision no. 955 of 6.12.2023. Therefore, the institution was reorganised and now operates with two distinct profiles: somatic and psychoneurological. This unification has made it possible to streamline resources and better coordinate the services offered to beneficiaries, but it has also created challenges related to the integration of different standards of care and the adaptation of staff to the new requirements.

Similarly, the **Bădiceni TPCPD** underwent managerial and administrative adjustments to better respond to the needs of the beneficiaries. Although the deinstitutionalisation process continues, and the number of residents has gradually decreased, the infrastructure and staffing have remained relatively constant, leading to the need to review how efficient the care system is. Against this backdrop, a reduction in the number of approved positions was carried out in 2024, but without any clarity on the impact on service quality.

The activity of the TPCPD (adult) centre in Balti municipality has been conducted in accordance with current legislation, although there is still a lack of clear normative guidance regarding the type of beneficiaries accommodated. The number of residents has continued to decline over the past five years, primarily due to deaths and occasional discharges. Most residents come from urban localities such as Chişinău, Orhei, Drochia, Ungheni and Balti, indicating a steady intake from urban centres. Approximately 97.1% of the centre's beneficiaries are classified as having severe or accentuated degree of disability, which underlines the necessity of maintaining the institution's operations and reinforcing its capacity. Mental disabilities are predominant (98.21%), while somatic disorders are rare (1.7%). Among those with mental disabilities, the most common diagnoses are mental retardation and schizophrenia (77.1%), while among the somatic disorders, 25% were diagnosed with mixed encephalopathy. Mortality analysis reveals that the highest risk of death occurs among beneficiaries aged 61 to 70 years, with deaths more frequent among women (seven cases) than men (five cases).

²⁴⁰ <https://agssi.md/raport-cu-privire-la-realizarea-anul-2022-planului-de-actiuni-privind-implementarea-programului-national-de-dezinstitutionalizare-persoanelor-cu-dizabilitati/>



In 2024, the responsible institutions²⁴¹ continued to report on high complexity phenomena to the PAO. Regarding mortality among beneficiaries, **31 deaths** were recorded among individuals aged between 16 and 92. Preliminary causes of death included serious illnesses such as cancer, heart disease, profound dementia associated with epilepsy, cardio-pulmonary failure, cardio-vascular failure and cardio-renal failure. Additionally, one death occurred due to the ingestion of cleaning substances (bleach). Of the 31 deaths documented by the PAO, 12 were female and 19 were male.

Similarly, **16 cases of attacks on employees** have been reported, each occurring spontaneously, without any preceding or foreseeable conflict. Nonetheless, medical staff continue to face more than dozens of attempted assaults each month and lack adequate protection. In all such situations, staff reported intervening promptly to quell the violence and ensuring that residents received the necessary medical and legal assistance, despite being a particularly vulnerable group within the workforce. Consequently, the People's Advocate has recommended, among other measures, developing an implementation plan to address outstanding issues, increasing the number of medical and nursing staff, and ensuring appropriate protection for staff in cases of assault and violent incidents.

It is worth noting the **positive implementation** of one of the People's Advocate recommendations from previous years. By Order No. 29 of 14 March 2024, issued by the Head of the Agency for the Management of Highly Specialised Services, the mechanism for informing the People's Advocate on alleged acts of torture, inhuman and degrading treatment was re-established.

The concerns raised by the Ombudsperson in his 2023 Annual Report remain valid.

It is important to recall that as of 1 January 2024, paragraph 7 of Article 8 of Law No. 60/2012 on the social inclusion of persons with disabilities has entered into force. This provision stipulates that the State, through the responsible public authorities and specialised human rights institutions (People's Advocate), shall ensure that persons with disabilities enjoy legal capacity on an equal basis with other persons in all aspects of life, and shall guarantee them equal and effective legal protection against discrimination on any grounds.²⁴²

RECOMMENDATION 3.3.6.1: The Ministry of Labour and Social Protection to develop a plan to strengthen the care and protection services for beneficiaries and staff of residential institutions.

RECOMMENDATION 3.3.6.2 (repeated): The Ministry of Labour and Social Protection to adapt residential care institutions to the physical and intellectual needs of residents, including access routes.

²⁴¹ Only some residential institutions have informed the PAO, i.e. the data do not cover the full spectrum of incidents that occurred.

²⁴² https://www.legis.md/cautare/getResults?doc_id=138928&lang=ro



RECOMMENDATION 3.3.6.3 (repeated): the Ministry of Labour and Social Protection to develop and implement strategies to address conflicts/violence among residents, including prioritising the commitment to protect people with intellectual and physical disabilities in residential institutions against all forms of abuse, including by creating specialised protection mechanisms in this regard.

RECOMMENDATION 3.3.6.4 (repeated): the Ministry of Labour and Social Protection to increase the number of AMHSS employees and placement centres, including through hiring or contracting alternative staff. This expansion should encompass education and socialisation services for residents, as well as medical, therapeutic, occupational therapy, and other support services.

Item 3.7: The situation of foreign persons in public custody

Public custody is an administrative measure restricting freedom of movement within the country, imposed by a court against a foreigner who has failed to comply with a return decision or who could not be returned within the legally prescribed time limits, who has crossed or attempted to cross the state border illegally, who entered the country during a previously ordered prohibition period, whose identity could not be established, who has been declared undesirable, against whom expulsion has been ordered or if there is a risk of abduction²⁴³. On 13 December 2024, **pre-trial detention** was introduced as a form of detention and temporary administrative detention of up to 72 hours for foreigners, which will enter into effect on 31 January 2025. Both forms of deprivation of liberty and detention take place at the Centre for Temporary Placement of Foreigners (CTPF) under the General Inspectorate for Migration (GIM).

During the reporting period, **133 foreigners** were **accommodated** in the Centre for Temporary Placement of Foreigners (CTPF), an **increase** from 112 persons in 2023 and 47 in 2022. Of these, 122 were men, 11 women, and no minors. The individuals taken into public custody by the courts originated from various countries, including India (53), Nigeria (14), Nepal (12), Turkmenistan (8), and others (12). The average duration of accommodation was 22.43 days, compared to 40.27 days in 2021, 44.34 days in 2022, and 29.03 days in 2023. Additionally, 76.51% of foreigners were returned within a period of up to 30 days, an increase from 60% in 2023.

From the foreigners accommodated, a total of 2,452 applications were received, including 24 asylum applications (compared to 9 in 2022 and 18 in 2023). The asylum seekers originated from countries such as Bangladesh (6), India (5), Nigeria (7), Cameroon (2), among others.

Out of the total number of foreigners accommodated, 103 persons were returned, reflecting a removal rate of 78.03%, primarily through the 'Chişinău International Airport'

²⁴³ Article 64 Law No. 200/2010 on the Regime of Foreigners in the Republic of Moldova:
https://www.legis.md/cautare/getResults?doc_id=146674&lang=ro#



border crossing point. Additionally, CTPF conducted 62 escort missions to border crossing points. **Living conditions** of detention in Block 1 remain satisfactory. However, renovation of Block 1 is necessary, as the last repair occurred approximately six years ago. The Ombudsperson most recent visit to CTPF took place on 12 December 2023, resulting in 14 recommendations addressed to the General Inspectorate for Migration (GIM)²⁴⁴. On 8 November 2024, the Council for the Prevention of Torture (CfPT) conducted a follow-up visit to the CTPF to monitor the implementation of recommendations made in 2022²⁴⁵. The Council found that 31 recommendations remain unimplemented and outstanding, seven have been implemented, one partially implemented, and one remains unverified. As a result, the CfPT issued 5 new recommendations to the MIA and 15 recommendations to GIM/ CTPF.²⁴⁶

In 2024, **six readmission operations** were conducted onboard aircraft to return Moldovan citizens who had been travelling illegally to EU countries, originating from a special terminal in Berlin, Germany and Poland. A total of 60 officers from the GIM trained for these types of forced return operations participated. The return process was also monitored by both international and national observers (including PAO)²⁴⁷. All readmission operations were conducted with the respect for human dignity and without incidents. The financial costs for readmission were covered by the European Agency FRONTEX.

RECOMMENDATION 3.3.7.1: The Ministry of Internal Affairs to identify financial sources for the renovation and adaptation of accommodation conditions at the Centre for Temporary Placement of Foreigners.

RECOMMENDATION 3.3.7.2 (continued): The Ministry of Internal Affairs to increase the budget for forced return and readmission operations.

RECOMMENDATION 3.3.7.3 (repeated): the General Inspectorate for Migration to organise a process of continuous communication with the PAO on recording, reporting, internal investigations and communication of acts of violence, death, suicide, suicide attempts, abuse by GIM employees of foreign detained persons and persons in custody, regardless of the periods and vice versa, incidents involving personnel, application of physical force and special means, injuries or acts of ill-treatment, among others, that occurred during de facto detention, in public spaces or any other space, in means of transport or other special or private facilities, or any other space for placement and detention for short periods.

²⁴⁴ <https://ombudsman.md/post-document/raport-in-baza-vizitei-preventive-efectuate-la-centrul-de-plasament-temporar-al-strainilor-la-data-de-12-decembrie-2023/>

²⁴⁵ <https://ombudsman.md/post-document/raport-privind-vizita-preventiva-de-monitorizare-efectuata-la-centrul-de-plasament-temporar-al-strainilordin-cadrul-inspectoratului-general-pentru-migratieal-ministerului-afacerilor-internein-data-de/>

²⁴⁶ <https://ombudsman.md/post-document/raport-privind-vizita-preventiva-de-monitorizare-efectuata-la-centrul-de-plasament-temporar-al-strainilordin-cadrul-inspectoratului-general-pentru-migratieal-ministerului-afacerilor-internein-data-de/>

²⁴⁷ <https://ombudsman.md/rapoarte/prevenirea-torturii/rapoarte-de-vizita/>



Item 3.8: The situation of persons in military units

The National Security Strategy of the Republic of Moldova (2024-2034) was adopted on 26 December 2024. The Government is to establish the mechanism for implementing the strategy by June 2025²⁴⁸. The document sets out 19 major strategic lines of action and the security budget is planned to reach 1% of GDP in 2030.

During the reporting period, military arrest was discontinued. Therefore, as of 12 August 2024, servicemen who have committed disciplinary offences are no longer placed in the Military Command of the National Army. This decision was taken by the head of the Chişinău garrison through Order No. 167 of 12 August 2024. Similarly, complex infrastructure works have been initiated at the Military Training Center of the National Army Bulboacă, with external and budgetary support.

In 2024, the Ministry of Defence and National Army Main Staff initiated a dialogue with the Ombudsperson on issues related to respect for human rights within the military, including communication and reporting. However, the defence establishment remains reluctant to fully engage, despite having undertaken some actions in this area.²⁴⁹

On 4 April 2024, at the Dacia military unit in Cahul, an incident occurred that resulted in the death of a soldier. The Ministry of Defence reported it was a *suicide by a service weapon*²⁵⁰.

This was confirmed by the internal investigation carried out and law enforcement agencies. However, in its Special Report, the Ombudsperson found the opposite to be true, noting that the authorities responded superficially to the Ombudsperson's recommendations:

Excerpt from the Special Report 'Suspicious Deaths in the National Army'²⁵¹

On 4 April 2024, the Ministry of Defence issued a statement with the headline 'Tragic case in the National Army'. According to the statement and preliminary information issued by the commander of the Dacia Military Brigade in Cahul, on 4 April 2024 a soldier on duty died [...] the young man allegedly committed suicide with his service weapon. PAO's nine-month investigation revealed multiple deficiencies in the recruitment-enrolment process of the deceased. The process was accelerated and formalised, without rigorous compliance with the deadlines, mechanisms and procedures laid down by the regulatory framework in force. In particular, the physical, medical and psychological evaluations were carried out superficially, without ensuring an objective and detailed assessment of the recruit's aptitudes (practically, on the same day he was recruited and further inducted as fit for military

²⁴⁸ HG No 319/2024 https://www.legis.md/cautare/getResults?doc_id=146655&lang=ro

²⁴⁹ Military is about people: <https://www.youtube.com/watch?v=Mhu4t9TRo5w>

²⁵⁰ Ministry of Defence statement: <https://www.army.md/?lng=2&action=show&cat=122&obj=8901>

²⁵¹ <https://ombudsman.md/post-document/raport-special-deces-suspect-in-armata-nationala/>



service). In the unit, the young man was psychologically evaluated only once and during the service his psycho-emotional state became unstable. The military authorities used his low emotional state and the presence of some allegedly vein injuries as evidence of a suicide. The deceased sustained some trauma, but this was not properly documented. Some colleagues observed his behaviour, but irrespective of this he was included in the shootings. The position of psychologist in the unit was vacant. The military investigation failed to establish the cause for the tragic act and did not focus on internal negligence. The family was deprived of death benefits, as the trauma was not acquired during military actions. The criminal investigation initiated on the grounds of inducement to suicide had no suspects and was therefore closed. Following the special report, the Prosecutor General reopened the criminal investigation. The People's Advocate established that the State has failed to ensure the right to life in procedural terms; that the recruitment authorities do not carry out a qualitative but a quantitative evaluation; the rate of conscription has increased by 30% compared to previous years and there is no justification for this; the military and recruitment authorities ignore the right to education of young people, while the obligation to conscript prevails; the alternative of conscription is not respected for those who work and have this right; there are serious suspicions about respect for human dignity in the army; the medical officers and the unit superiors did not prevent this fatal incident, although they should have acted; the trauma is not recorded; there are forms of medical negligence and the causes of death are not investigated under the Article 166 paragraph 1 of the Criminal Code (torture).

Following the **preventive visit** to the 'Dacia' Motorised Infantry Brigade in Cahul on 16 April 2024, the Ombudsperson repeatedly noted several problematic issues, including: (a) inadequate provision of decent accommodation, common hygiene and a safe environment in the barracks; (b) inadequate conditions for washing military equipment and linen; (c) degrading conditions in the military canteen; (d) a renovated and properly equipped medical centre; (e) limited occupational activities appropriate to the type and age of the young people; (f) insufficient time allocated for recreation; (g) lack of provision or inconsistent provision of psychological counselling; (h) absence of an effective complaints mechanism to address forms of abuse; (i) medical staff failing to properly record and report suspicious injuries; and (j) a positive aspect whereby officers are fed jointly with soldiers in the same canteen, among others.²⁵²

RECOMMENDATION 3.3.8.1: The General Prosecutor's Office and the Ministry of Defence to establish an effective mechanism for recording and reporting to the prosecutor all trauma and injuries suffered by serving military personnel, ensuring they are monitored and investigated in a transparent manner.

²⁵² <https://ombudsman.md/post-document/raport-in-baza-vizitei-preventive-efectuate-la-brigada-de-infanterie-monitorizata-dacia-din-mun-cahul-la-data-de-16-aprilie-2024/>



RECOMMENDATION 3.3.8.2: The Ministry of Defence and the National Army Main Staff should continue to improve accommodation and working conditions for serving military personnel and officers so that living and safety standards are met.

RECOMMENDATION 3.3.8.3 (repeated): The National Army Main Staff and the Ministry of Defence to inform the People's Advocate of all cases of death, suicide attempts, suicide, acts of violence among soldiers and towards soldiers, injuries, trauma, irregular relations; indicating the date, time, and circumstances of the incident as well as the actions taken by the military unit to remedy the situation. Such information must be provided without invoking the Nomenclature of Government Decision No. 411/2010 on classified information as a reason for withholding, as these matters are not classified as state secrets.

Item 3.9: The situation of persons detained by private security officers

A **private security organisation** is a commercial organisation that provides services to protect the life, health, and property of individuals and legal entities against unlawful acts²⁵³. Strictly speaking, such organisations are vested by law with specific police powers. The obligation to respect human rights arising from the activities of private security organisations lies both with the commercial organisation and the public authorities, that authorise these activities. Consequently, workers and guards of private security organisation may be subject to torture or ill-treatment under Article 1 of the UN Convention against Torture and Article 166⁽¹⁾ of the Criminal Code.

In 2024, video footage was publicly alleging acts of torture committed by agents of the private security and protection company "Bercut-Grup SRL" against several individuals in public spaces²⁵⁴:

- **13 July 2024** an agent of the private security company 'Bercut' physically assaulted a vulnerable person near a shopping centre in Chişinău municipality. The assault involved hitting the person's face and head with a piece of salami and stamping on their forehead, accompanied by verbal abuse regarding an alleged offence. This act, considered torture with intent and as punishment, was documented in video footage posted on the PULSMEDIA portal on the same day.²⁵⁵
- **4 August 2024, two 'Bercut' agents** apply several unjustified forceful blows to two young people, who appeared to be intoxicated, in a public space near a terrace in the Telecentru district of Chişinău municipality, at night. As a result of the severe blows, both victims lost consciousness. Video footage posted on ŞTIRI.MD portal shows the young people allegedly swearing at the private security officers, who responded

²⁵³ Article 22, Law No 283/2003 on private detective and security activity https://www.legis.md/cautare/getResults?doc_id=140665&lang=ro#

²⁵⁴ Specification: the indication of the company's name and species is not intended to denigrate its commercial image.

²⁵⁵ <https://pulsmedia.md/>



by inflicting hard blows to the red (forbidden) areas of their bodies to demonstrate superiority and punish or discipline them.²⁵⁶ Moreover, the abusive actions of the of the 'Bercut' officers took place in the presence of police officers, who failed to intervene professionally to stop the ill-treatment.

- **26 August 2024, two 'Bercut' agents** assaulted a young man at a petrol station on Alexandru cel Bun 2 Street in Ialoveni during a failed and unprofessional attempt to restrain and handcuff him. The young man was allegedly aggressive towards them. Both agents acted disproportionately and excessively, not in accordance with the law governing the application of physical force. They roughly knocked the young man to the ground, dragged him on the asphalt, delivered several strong blows to the red (forbidden) areas of his body, and jolted his arms in the opposite direction. These actions caused unjustified suffering to the victim. Footage posted on the PULSMEDIA portal on 9 September 2024, shows that after handcuffing the young man, the agents left him unattended without detaining or handing him over to the police. This indicates that the agents acted with direct intent to punish or assert superiority over the young man, who allegedly refused to comply with their demands or insulted them.²⁵⁷

According to information provided to the Ombudsperson by the General Police Inspectorate and 'Bercut-Grup SRL', criminal proceedings were initiated in the cases mentioned above. In the first case, the private security guard was dismissed from his position, and the company issued a public apology.

In a statement, the Ombudsperson strongly condemned any actions by public or private agents that may constitute torture or ill-treatment. The Ombudsperson recalled that the application of physical force, excessive use of special means, ill-treatment intended as punishment, intimidation or by coerce a victim into admitting guilt by representatives of public or private law enforcement agencies - for the purposes of punishment, asserting superiority, intimidation or exerting pressure - is prohibited punishable under Article 166⁽¹⁾ of the Criminal Code. The Ombudsperson further noted that the Law on Private Detective and Security Activity requires adherence to conditions for authorising governing *the use of physical force, special means and firearms as prerequisites for authorising such activities. Moreover, guards are prohibited from the abusive use of physical force, special means and firearms.* Although the law in question does not explicitly mention *the prohibition of torture*, the Ombudsperson emphasised the necessity and justification for such a provision. At the same time, the Ministry of Internal Affairs, through the GPI and the National Inspectorate of Public Security (NIPS), is responsible for authorising, supervising, controlling and terminating the activities of private security companies. In response to the PAO, NIPS indicated that only three inspections of the commercial organisation in question were carried out in 2024. While it is important for private companies to protect their image, clientele, and reputation, commitments to respecting human

²⁵⁶ <https://stiri.md/article/social/noi-violente-din-partea-angajatilor-bercut-imaginile-devenite-virale/>

²⁵⁷ <https://pulsmedia.md/>



dignity and prohibiting all forms of abuse must be a priority. It appears that public authorities currently lack sufficient tools to effectively monitor the activities of private security agencies to ensure compliance with human rights standards.

RECOMMENDATION 3.3.9.1: The Ministry of Internal Affairs to ensure that the activity of private security organisations is carried out in strict compliance with the conditions of their authorisation, to effectively assess their activity regarding the misuse of physical force, weapons and special means, and, where appropriate, to suspend their activity until shortcomings are remedied.

Item 3.10: The situation of illegal migrants

Following the increased influx of displaced persons from Ukraine and the expiry of the state of emergency exceptional measures in 2022, the Republic of Moldova has witnessed the emergence of the phenomenon of illegal migrants. These individuals are predominantly potential asylum seekers or beneficiaries of international or temporary protection who crossed the border without authorisation. After the lifting of the exceptional state of emergency, criminal investigation and prosecuting authorities initiated thousands of criminals, misdemeanour and administrative proceedings related to illegal border crossing and the organisation of illegal migration. During the same period, several normative acts concerning entry to and exit from the country were amended at an accelerated pace.

The Criminal Code provides for criminal penalties under Article 362 for illegal border crossing, excluding cases involving asylum or international protection seekers. The penalties include a fine of €1,940, unpaid labour and imprisonment for up to 2 years or up to 8 years if aggravating circumstances apply. Additionally, a fine ranging from €15 to €77 may be imposed for the same offence.

According to data from the GIBP, **3,743 criminal proceedings** were initiated in 2023 in Register 1 (offences). In the first nine months of 2024, this number increased to **4,042 criminal proceedings**, indicating an upward trend. The same source reports that in Register 2 (non-offences) **8,860 cases** were registered in 2023, while in the first nine months of 2024 **12,469 cases**. Statistical data from the GPO concerning criminal cases initiated under Article 362 of the Criminal Code, relating to persons from the territory of Ukraine, show a sharp increase in 2024, with **845 criminal cases** recorded. This contrasts sharply with 68 cases recorded in 2023, and 60 cases in 2022. Data processed from both institutions indicate that in 2024 alone, a total of **4,887 criminal cases** were initiated for illegal border crossing, predominantly involving displaced persons from Ukraine.

Initially, by its circulars in 2024, the GPO ordered the initiation of criminal cases against persons who entered the country illegally, predominantly along the Ukrainian segment, without recognising them as beneficiaries of temporary protection (form of asylum). The People's Advocate objected to this practice following a referral by the



Law Centre of Advocates²⁵⁸. The GPO responded positively and revised its approach accordingly. Subsequently, the MIA proposed amending criminal legislation to explicitly include the appropriate language in Article 362 of the Criminal Code. While some countries are abandoning the criminalisation of illegal border crossing, the Republic of Moldova continues to maintain it. As early as 2022, the GPO proposed to the Ministry of Justice to decriminalise Article 362 by introducing administrative penalties instead, however this initiative was not accepted. The People's Advocate has previously supported the decriminalisation of this provision, arguing that it will reduce *unjustified* asylum applications, improve the efficiency of the GPO, BP and GIM's in handling serious cases such as human trafficking and arms trafficking, and ensure effective asylum rights for displaced persons from Ukraine.²⁵⁹ Turning to the amendments in the legal framework introduced in 2024, it is evident that the criteria governing entry to and exit from the Republic of Moldova are regulated by at least four distinct normative acts²⁶⁰. A latent analysis of these provisions reveals conflicting conditionalities. For example, the Law on the Legal Status of Foreigners outlines 12 conditions for refusal of entry, while the Law on State Border lists 16 criteria. The latter includes requirements such as the 90-day stay within a 180-day period; *guarantees of departure*; *nominal entry orders*; *false travel documents*; and *proof of sufficient means of subsistence for the duration of stay and return*, conditions currently not included in the Law on the Legal status of Foreigners. At least six criteria are repeated across both laws, while other provisions are subject to interpretation. So long as both acts remain in force, the Border Police may exercise significant discretion in their application.

In our view, the new criteria introduced in the Law on the State Border both **complicate entry for foreigners** and grant the General Inspectorate of Border Police (GIBP) increased authority to refuse entry, even to potential asylum seekers. For example, an asylum seeker may cross the border clandestinely and possess illegal documents, as this could be the only means of fleeing a country where they face danger. However, under Article 23(b) of the new State Border Act, such individuals may be refused entry for presenting a false travel document and returned to the country where they are at risk, without the opportunity to apply for asylum. Similarly, if a potential asylum seeker or refugee lacks sufficient means of subsistence, the Border Police are now required to refuse entry under the new rules. Furthermore, terms such as "national alerts" and "nominal order" are not defined in the new law, creating ambiguity that could result in various human rights violations at the border.

²⁵⁸ <https://ombudsman.md/post-document/obiectii-cu-privire-la-practica-nerecunoasterii-protectiei-temporare-ca-forma-de-azil/>

²⁵⁹ <https://ombudsman.md/post-document/raport-tematic-respectarea-drepturilor-persoanelor-ce-au-nevoie-de-protectie-internationala-la-punctele-de-trecere-a-frontierei-situatia-anului-2024-2/>

²⁶⁰ Law on the State Border; Law on the Legal Status of Foreigners; Law on Asylum; Law on Border Police



It should be noted that the Border Police Information System **does not list all possible legal grounds for refusal** of entry. The authorities **maintain a restrictive record** compared to the broader grounds provided by the Law on the State Border and the Law on the Legal Status of Foreigners. Most entry refusals **by the GIBP** are based on: (a) failure to meet entry conditions, (b) possession of invalid documents and (c) minors not complying with crossing requirements. Additionally, **ancillary measures** are applied in cases where permission to enter is not granted. These include non-confirmation of the purpose of the journey, failure to comply with the requirements of designated state border crossing points, absence of a visa, unaccompanied minors, or damaged travel documents. Data from the GIBP indicate that, under the '**citizenship**' indicator, **4,756 foreigners** were denied entry for unauthorised access in 2024. Furthermore, **1,907 foreigners** received refusal decisions in the first nine months of 2024 alone. The number of foreigners receiving entry denials continues to rise.

Although the legal framework guarantees the right to appeal a refusal of entry decision, in practical terms this mechanism is ineffective. The new Law on the State Border stipulates that contesting a refusal of entry or exit from the Republic of Moldova does not suspend the execution of the decision. Consequently, the individual who is denied authorisation to cross the state border must leave the border crossing point immediately. Even though the law provides for judicial challenge, the foreign national is removed from the border crossing point and has no real opportunity to wait for the court's decision. Asylum seekers are often adversely affected by this rule. The People's Advocate has previously intervened in such cases, recommending that the right to a defence be fully guaranteed and that administrative acts be subject to contestation²⁶¹. However, the new law on the state border further deteriorates the situation of foreign persons, including potential beneficiaries of international protection, by depriving them of a comprehensive assessment of their individual circumstances.

If those refused entry include asylum seekers or persons in vulnerable situations, denying entry without a thorough assessment of their circumstances may expose Moldova to the **risk of violating the principle of non-refoulement**, which prohibits returning persons to places where their life or freedom would be at risk. According to information provided by the Border Police, **there were no final** and irrevocable court **decisions** in 2023 and 2024 annulling refusal of exit from or entry into the Republic of Moldova.

The special law on the Border Police **does not grant** the force specific powers concerning '*asylum*'. The task of '*receiving asylum applications*' is mentioned only in Item 7 of the Regulation on the organisation and functioning of the GIBP. The Law on Asylum in the Republic of Moldova, however, recognises the GIBP as the competent authority to receive asylum applications in Article 52. This creates

²⁶¹ <https://ombudsman.md/rapoarte/drepturile-persoanelor-straine/>



confusion regarding the proper application of international protection procedures at the border. The Law on Asylum further stipulates that the GIBP will grant asylum seekers access to Moldovan territory **only after informing the GIM and receiving its permission**. The GIM is then responsible for taking over the asylum seekers **within 24 hours** from the border to process their applications. Meanwhile, the GIBP is required to respect the rights of asylum seekers when receiving their applications. This provision appears to conflict with international standards of protection because the rights of asylum seekers arise at the moment of the manifestation or expression of the intention to seek asylum, not solely upon submission of a written application. While border police officers have no authority to decide on the merits of asylum claims, they bear the explicit responsibility to uphold the protection and rights of asylum seekers, providing appropriate guidance, support, facilities, and security as mandated by international standards.

There remains a problem regarding the **management of asylum applications** by GIM inspectors at the border crossing points (BCPs). The law does not require border police officers to assist individuals in lodging asylum applications or claiming asylum, as such assistance could be interpreted as exceeding their duties or potentially as a corruptible act. Consequently, most asylum seekers apprehended at the border are initially recorded as illegal entrants and only later documented as asylum seekers. This practice appears aimed at avoiding criminal liability under Article 362 of the Criminal Code of the Republic of Moldova.

Data from the GIBP show that in 2023, **1,536 Ukrainian citizens** applied for asylum at the BCP and border police sectors (BPS). In the first nine months of 2024, this number increased to **3,198 asylum applications**. Additionally, over 100 other foreign nationals applied for asylum in 2023, rising to over 160 in 2024. This increased influx and the perceived evasion of criminal responsibility have, over time, transformed asylum into a pathway of accessing the territory. This situation is problematic for security authorities, particularly given the lack of clarity in the relevant national legislation.

The People's Advocate reminds that border police officers and other state security bodies **are not authorised to assess the grounds or reasons** on which foreigners apply for asylum at the border. They must not exceed their authority or interfere with the prerogatives of the competent authorities responsible for foreigners.

RECOMMENDATION 3.3.10.1: The Ministry of Justice to reconsider the possibility of initiating a draft amendment to Article 362(1) of the Criminal Code to exclude the criminal penalty.

RECOMMENDATION 3.3.10.2: The Ministry of Internal Affairs and the General Prosecutor's Office to establish a mechanism to assess the expediency of collectively terminating criminal cases and proceedings initiated under paragraph 1, Article 362 of the Criminal Code concerning illegal border crossing.



RECOMMENDATION 3.3.10.3: The Ministry of Internal Affairs to revise the current regulatory framework to remove the phrase ‘obliged to leave the BCP immediately’. Additionally, it should establish an effective mechanism to guarantee the right to defence and to contest administrative decisions refusing entry or exit in court.

RECOMMENDATION 3.3.10.4: The Ministry of Internal Affairs to adjust the regulatory framework by clearly delineating the competences of the state security bodies from those of the competent authority for foreigners in the processing, management and decision-making concerning asylum and international protection.

RECOMMENDATION 3.3.10.5: The Ministry of Internal Affairs should ensure that beneficiaries of international protection have full and unhindered access to the country’s territory, prioritising ordinary entry and exit conditions and criteria in doing so.



CHAPTER IV. PROTECTION OF REFUGEES AND ASYLUM SEEKERS IN THE CONTEXT OF THE ARMED CONFLICT IN UKRAINE

Item 4.1: Background and methodology

The Russian Federation's military aggression against Ukraine has forced thousands of people to seek refuge in other countries, including the Republic of Moldova. Bordering Ukraine, Moldova has seen a significant influx of displaced persons entering its territory, either to transit through or to seek protection. Some of these individuals may remain in the country for up to 90 days within a 180-day period as foreigners without benefiting from a special protection regime. In response, the European Union has activated the temporary protection mechanism to ensure a rapid protection system for displaced persons from Ukraine.

According to Council Directive 2001/55/EC of 20 July 2001²⁶², 'temporary protection' is an exceptional procedure designed to provide **immediate and temporary protection** in the event of a mass influx, or imminent mass influx, of displaced persons from third countries who are unable to return to their country of origin. This procedure is specifically designed to address situations in which managing a substantial influx through the regular asylum system may have a detrimental impact on its efficient operation, thereby serving the interests of both displaced persons and others seeking protection.

As an EU candidate country, the Republic of Moldova committed to adopt and implement Directive 2001/55/EC on temporary protection. To effectively implement this mechanism, national authorities are obligated to ensure that foreign nationals have access to the standard asylum procedure, the opportunity to apply for refugee status, and guarantees of fair and non-discriminatory respect for fundamental human rights and freedoms. These obligations align with both national legislation and international standards on refugee protection.

To ensure the fulfilment of the authorities' obligations regarding the protection of displaced persons from Ukraine, the People's Advocate established the Advisory Council²⁶³ within the People's Advocate Office in March 2022. This Council provides expertise, advice and assistance to support the Office's efforts to prevent human rights violations in Moldova and to safeguard the rights of Ukrainian refugees.

Given the protracted nature of the armed conflict in Ukraine and the ongoing influx of displaced persons, as well as the issues identified during 2022-2023, the People's

²⁶² <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex:32001L0055>

²⁶³ <https://ombudsman.md/despre-noi/consiliul-consultativ-pe-refugiati/>



Advocate Office deemed it essential to continue monitoring activities in 2024. The institution concentrated its efforts on systematically identifying the obstacles and needs faced by Ukrainian refugees. In this context, it issued recommendations to competent authorities aimed at improving the regulatory framework and optimising implementation practices.

The monitoring methodology employed by the People's Advocate Office encompassed the preparation of general and thematic reports on the observance of refugee rights in Moldova. It also involved organising regional workshops with local decision-makers to identify obstacles to implementing the national legal framework. The methodology included monitoring visits to temporary accommodation centres for displaced persons, border crossing points and asylum seeker the accommodation centres. Additionally, regular meetings with decision-makers were held to analyse findings concerning refugees' difficulties in accessing services, manage strategic litigation cases, and initiate campaigns promoting refugee inclusion and raising public awareness about respecting their rights.

Item 4.2: Legal and institutional framework

The legal and institutional framework governing migration, asylum and integration of foreigners in the Republic of Moldova is established through a series of laws, regulations and procedures designed to protect the rights of migrants and refugees. Law No. 200/2010 on the Status of Foreigners regulates the status and rights of foreigners within the Moldovan territory, including procedures for obtaining visas and residence permits. Law No. 270/2008 on Asylum sets out criteria for granting refugee status and temporary protection, ensuring access to protection for persecuted or endangered persons. In addition, national legislation provides rules for the integration of foreigners, establishing mechanisms for access to education and the labour market. The key institutions responsible for implementing this framework include the Ministry of Internal Affairs, the General Inspectorate for Migration and the Border Police, which coordinate legislation enforcement, manage migration flows, and protect vulnerable persons.

In the context of implementing temporary protection and guaranteeing the right to work for beneficiaries of this status, the People's Advocate Office conducted a detailed assessment in a thematic report on **access to the labour market for beneficiaries of temporary protection**. The report²⁶⁴ also examined the interconnections between the right to work and access to healthcare and housing, highlighting the specific challenges beneficiaries face in exercising these fundamental rights.

²⁶⁴ <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-in-contextul-conflictului-armat-din-ucraina-pentru-perioada-ianuarie-iunie-2024-2/>



The People's Advocate identified several structural obstacles that make it difficult for beneficiaries to access the right to work. These include discrepancies between the national legal framework and international standards; challenges in recognising and obtaining equivalence for professional qualifications; low wages coupled with persistent gender pay gaps; the restrictive nature of domestic and care work, which limits labour market integration; discriminatory practices; and limited access to entrepreneurial patents.

The legal framework on the integration of foreigners into the labour market, namely Law No. 274 of 27 December 2011 on the Integration of Foreigners and Law No. 105/2018 on Employment Promotion and Unemployment Insurance, **is not amended to include specific provisions for persons granted temporary protection**. This misalignment between the general legal framework and legislation concerning the rights of persons under temporary protection, directly affects the right to work, creating significant obstacles for refugees from Ukraine in the integration process.

According to Article 4 of Law No. 274/2011 on the integration of foreigners in the Republic of Moldova, integration is founded on the principles of non-discrimination and equal treatment. However, beneficiaries of temporary protection who wish to engage in self-employment face legal obstacles in obtaining an entrepreneur's licence. Under Law No. 93/1998 on the Entrepreneur's Licence, the right to hold such a licence is restricted exclusively to **foreign citizens** with permanent residence permits in Moldova. This limitation compels beneficiaries of temporary protection to undergo complex administrative procedures, thereby hindering their economic integration and indirectly encouraging informal economic activities.

Based on these findings, the Ombudsperson recommended amendments to the relevant legal framework, namely:

- Amendment of Law No. 274 of 07 December 2011 on the integration of foreigners to include beneficiaries of temporary protection (TP) as an eligible category for all employment measures.
- Amendment of Law No. 105/2018 on employment promotion and unemployment insurance to include TP beneficiaries in the category of persons eligible for employment measures.
- Reduction of the minimum contribution period from 9 months to 3 months, aligning with European Union standards, as established by Law No. 289 of 22 July 2004 on temporary incapacity benefits and other social insurance benefits.
- Amendment of Law No. 93 of 15 September 1998 on the entrepreneur's licence to regulate the issuance of the entrepreneur's licence also for beneficiaries of temporary protection.



- Amendment of Law No.1593 of 26 December 2002 on the amount, method, and deadlines for payment of compulsory healthcare insurance contributions to include beneficiaries of temporary protection among the categories of payers of compulsory healthcare insurance contributions in a fixed amount insured individually.

Therefore, the Parliament of the Republic of Moldova adopted Law No. 98 of 25 April 2024, amending certain normative acts on the inclusion of the **employed** beneficiaries of temporary protection in the compulsory healthcare insurance system. The amendments concerned Article 26(1) of the Health Care Law No. 411/1995, as amended, included beneficiaries of temporary protection as a distinct category of foreigners subject to compulsory healthcare insurance. However, this inclusion **is conditional upon their employment in the Republic of Moldova based on an individual labour contract concluded in accordance with national legislation**. In December 2024, the legislation was further amended to extend compulsory healthcare insurance coverage to asylum seekers. Similar to beneficiaries of temporary protection, their access to health insurance remains contingent on employment status.

The legislative amendments introduced by Law No. 98/2024 raise concerns regarding fairness and differential treatment among various categories of foreigners **requiring access to compulsory health insurance**. While beneficiaries of temporary protection and asylum seekers are included in the system, their entitlement is conditional upon employment. This condition risks excluding vulnerable persons who may be unable to secure employment, such as persons with disabilities, the elderly, single parents, and victims of violence.

This conditionality is disproportionate as it fails to consider the vulnerable status of beneficiaries of temporary protection and asylum seekers, placing them at a disadvantage compared to other foreigners residing in the territory of the Republic of Moldova.

Such differentiation raises concerns regarding whether the differential treatment of foreigner categories is objectively and reasonably justified. According to General Comment No. 20 of the UN Committee on Economic, Social and Cultural Rights, any distinction in access to essential services must be justified and must not result in exclusion or marginalisation.

The Ombudsperson's other Recommendations²⁶⁵ on aligning the legal framework with international standards and human rights principles remain valid. In particular, it is essential that legislation on the integration of foreigners and the promotion of employment explicitly includes beneficiaries of temporary protection, thereby

²⁶⁵ <https://ombudsman.md/post-document/raport-privind-monitorizarea-respectarii-drepturilor-persoanelor-refugiate-in-contextul-conflictului-armat-din-ucraina-pentru-perioada-ianuarie-iunie-2024-2/>



ensuring their right to work on equal and non-discriminatory terms. Furthermore, administrative barriers restricting their access to entrepreneurial licences must be eliminated to promote their economic integration and prevent engagement in the informal economy.

Other amendments adopted in 2024 concern the update of Government Decision No. 21/2023 on granting temporary protection to displaced persons from Ukraine.²⁶⁶ The period of temporary protection for displaced persons from Ukraine was extended by an additional year, until 1 March 2025. Furthermore, the identity documents issued to beneficiaries of temporary protection issued until 1 March 2024 are automatically extended, ensuring the continuity of their protected status.

Following the implementation of temporary protection in the Republic of Moldova, the conditions for granting temporary protection to displaced persons from Ukraine have been amended. One of the most significant changes concerns the inclusion of a requirement for a **valid national identity document** for family members of beneficiaries of temporary protection. Accepted documents now include a marriage certificate, birth certificate, notarised legal documents attesting adoption, guardianship or curatorship, as well as a valid national identity document.

The newly introduced requirement to present a valid national identity document may pose a barrier for certain individuals, particularly those who lack such documents due to conflict or displacement. This requirement could lead to unequal treatment between those who have access to identity documents and those who do not, potentially undermining **the right to family unity and equal protection**.

If documents cannot be obtained due to legal or procedural reasons (such as invalid or inaccessible identity documents), there is a risk that family members may **be excluded from temporary protection**. This would contravene the principles of non-discrimination and the right to protection for those in need.

Another amendment adopted in 2024 introduces a restriction for adults crossing the state border using national identity documents (ID card, passport, domestic passport). According to this amendment, individuals are allowed only **one exit from or entry into Ukraine**, which may create challenges in managing cross-border flows and could undermine the right to free movement.

The restriction allowing only one entry or exit from Ukraine based on a national identity document may significantly curtail the **right to free movement**, especially during armed conflict. In such situations, individuals may need to leave and return frequently to reach safe areas, renew protection status or update other documents. Consequently, this restriction risks violating fundamental rights, including the **right to liberty of movement and the right to seek safe refuge**. Any imposed limitations must be proportionate and comply with the principles of necessity and legality.

²⁶⁶ https://www.legis.md/cautare/getResults?doc_id=142043&lang=ro



The Government has approved amendments concerning **social and financial assistance measures** for persons granted temporary protection. Paragraph 20 of the Government Decision No. 21/2023 has been updated by introducing two new paragraphs. These specify that beneficiaries of temporary protection may access financial assistance provided by international organisations based on criteria jointly developed by the Ministry of Labour and Social Protection and the Ministry of Internal Affairs. Beneficiaries can also participate in cash assistance programmes offered by international organisations to support vulnerable people during the cold season.

From a human rights perspective, the amendment is positive; however, the absence of clearly defined access criteria may lead to arbitrary or discriminatory application, violating the principles of equality and non-discrimination. It is essential that these criteria be established transparently, equitable, and with sensitivity to the diverse needs of beneficiaries. Furthermore, the provision's implementation depends on the support of international organisations, introducing uncertainty about the continuity of assistance. To ensure sustainability, the State must integrate these measures into a robust national framework, consistent with the principle of accountability.

Regarding **healthcare for beneficiaries of temporary protection**, on 1 March 2024, the Ministry of Health amended Order No. 143 of 25 February 2023²⁶⁷ concerning healthcare services for this group. The amendment expanded the list of medical services provided, specifying the types of medical assistance and the institutions authorised to deliver them. This expansion has improved both understanding of and access to medical services for beneficiaries of temporary protection, thereby enhancing the efficiency of the healthcare system for this category.

On 28 August 2024, the Government of the Republic of Moldova approved the Concept of the Information System 'UAHELP'²⁶⁸, designed to efficiently manage the flow of displaced persons from Ukraine. The system aims to ensure the registration of displaced persons, their host families, and placement centres located within Moldova. 'UAHELP' will enable the creation of a unified and systematised database, integrating information about accommodation centres and the displaced persons housed in there. The system will also facilitate the authentication and registration of individuals and families involved through an online interface.

The Ministry of Labour and Social Protection is responsible for providing the legal, financial and organisational framework necessary for the creation, administration, maintenance and development of the 'UAHELP' Information System. The Ministry holds the status of both owner and administrator of the system.

The protection of personal data is a crucial consideration in implementing an IT system for managing sensitive information about displaced persons. Collecting and processing such data carries significant risks to confidentiality and security. Therefore,

²⁶⁷ https://www.legis.md/cautare/getResults?doc_id=142613&lang=ro

²⁶⁸ https://www.legis.md/cautare/getResults?doc_id=144970&lang=ro



it is essential that data protection legislation is applied rigorously and consistently to prevent misuse or compromise of information. **Another major challenge is ensuring the digital accessibility.** As the UAHELP system uses an online interface, there is a risk of excluding vulnerable groups who lack access to technology, internet connectivity or necessary digital skills. Such exclusion would contravene the fundamental principles of equality and non-discrimination, undermining the scheme's goal of inclusion. Therefore, it is important to identify and implement measures to minimise these barriers, ensuring equitable access and usability for all beneficiaries.

In the context of aligning national legislation with European Union standards on asylum procedures and reception conditions, legislative amendments²⁶⁹ were approved concerning the asylum procedure in the Republic of Moldova at the end of 2024. These amendments include the transposition of Article 20(3) and (4) of the Directive 2011/95/EU²⁷⁰ of the European Parliament and of the Council of 13 December 2011. The Directive lays down standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection, providing a uniform status for refugees and persons eligible for subsidiary protection, as well as the content of the protection granted.

With reference to asylum procedures and reception conditions, the Republic of Moldova integrated several provisions of the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on **common procedures for granting and withdrawing international protection** into national legislation. These include Article 2(d), Article 4(1), Articles 6, 18, Article 23(3), Article 24(1) and (3), Articles 26, 31(8), 32(1), 36, 37(2) and (3), 38(1) and (2), 39(2) to (4), and Annex I.

Another relevant directive, integrated into the Moldovan legal framework, is Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013, which lays down standards for the reception of applicants for international protection. The transposition covered the following provisions: Article 2(g) and (k), Article 6(2), Articles 8, 9(1) and (3), Article 10(4), Article 13, Article 17(1), (3), and (5), Article 19, Articles 20(1) and (6), Article 21, Articles 22(1) to (3), and Article 25.

These amendments aim to clarify the notions of 'applicant for international protection' and 'reception/entry centre', setting out specific procedures for persons seeking international protection. They also regulate applicants' right to adequate reception conditions, the right to move freely within the national territory, rights related to accommodation and services, as well as additional protection measures for persons in vulnerable situations, such as unaccompanied minors or persons with disabilities. Moreover, minimum standards are set for reception conditions in asylum centres and the right to essential services. In addition, it regulates the process of

²⁶⁹ https://www.legis.md/cautare/getResults?doc_id=146730&lang=ro

²⁷⁰ <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A32011L0095>



vulnerability assessment of applicants and the conditions under which they can benefit from additional protection.

Furthermore, the Law on Asylum in the Republic of Moldova has been supplemented with a separate chapter on temporary protection. This chapter regulates the procedures for granting temporary protection; the registration and documentation of beneficiaries of temporary protection; their rights and obligations. These provisions, previously absent from the legislative framework, provide greater clarity and consistency in managing this form of protection. These legislative amendments entered into force on 16 January 2025.

According to the final provisions, the amendments to the Law on asylum procedure will enter into force on **1 January 2026**, except for certain provisions specifically Articles a), j), and o¹), Articles 11 to 39, as well as Articles II, III, and IV—which came into effect on the date of publication in the Official Gazette of the Republic of Moldova, 16 January 2025. The Law also requires the Government to amend subordinate normative acts within eight months of its publication to ensure alignment with the new provisions. Consequently, effective monitoring of the law’s implementation and impact will only be feasible towards the end of 2025.

These legislative changes demonstrate a commitment to protecting the fundamental rights of refugees and other vulnerable groups; however, their implementation may encounter challenges at both institutional and operational levels. To ensure the asylum system functions effectively and smoothly, it is essential that these amendments are implemented promptly and coherently, guaranteeing continuous protection for asylum seekers and beneficiaries of temporary protection. Equally important is the provision of adequate infrastructure and financial resources to manage asylum and temporary protection procedures efficiently, thereby preventing delays and safeguarding the rights of the individuals concerned, including the right to a fair trial and dignified reception conditions.

In 2024, the People’s Advocate Office assessed²⁷¹ the procedures for handling asylum applications at the State Border Crossing Point ‘Chişinău International Airport’ and the respect for asylum seekers rights at the Accommodation Centre of the General Inspectorate for Migration. The study identified several issues related to the regulatory framework. According to the Ombudsperson, the provision in Article 54 of Law No. 270/2008, which requires obtaining permission from the General Inspectorate for Migration before allowing asylum seekers access to Moldovan territory, may negatively impact the **right to immediate access to the asylum procedure**. This requirement may cause administrative delays and barriers, risking arbitrary decisions by the General Inspectorate of the Border Police, **violating the**

²⁷¹ <https://ombudsman.md/post-document/raport-special-privind-evaluarea-procedurilor-de-preluare-a-cererilor-de-azil-in-Punctul-de-trecere-a-frontierei-de-stat-aeroportul-international-chisinau-si-asigurarea-drepturilor-s-2/>



principle of non-refoulement, and limiting asylum seekers' right to essential services.

4.2.1. The dynamics of people flows

According to data provided by the General Inspectorate for Migration, the flow of displaced persons from Ukraine has been steadily increasing over the last three years. From February 2022 to December 2024, 1,837,411 Ukrainian citizens entered the territory Republic of Moldova. At the end of this period, 135,861²⁷² Ukrainian citizens were still in the country, and data suggest that this number will continue to increase in 2025.

As of 13 January 2025,²⁷³ among the persons remaining in the Republic of Moldova, 85,421 were pre-registered for temporary protection. The General Inspectorate for Migration (GIM) issued 66,920 identity documents to beneficiaries of this status, including 16,962 for minors. Concurrently, 6,737 Ukrainian citizens obtained residence permits. Within the asylum system, 208 persons were granted humanitarian protection and 375 were registered as asylum seekers. Additionally, **43,120** Ukrainian citizens held the status of foreigners in Moldova without other protection forms or specific permits. According to data from the Automated Information System 'UAHELP'²⁷⁴ and related statistics, as of the date of this report, 26 placement centres for displaced persons were operational in the Republic of Moldova. These centres have been established and operate according to the provisions of the Regulation on the Organisation and Functioning of the Temporary Placement Centre for Displaced Persons from the Territory of Other States. Their staffing and funding mechanisms are governed by Order of the Ministry of Labour and Social Protection No. 182/2023.²⁷⁵

Most placement centres have been operational since 2022, following the outbreak of the conflict in Ukraine. They are located in various locations, such as dormitories for pupils and students of educational institutions, multi-purpose centres, religious associations and communities, non-governmental organisations, foundations and other entities.

Placement centres host mainly persons under temporary protection, accommodating between 11 to 127 persons in each centre. At the time of writing this report, 1,390 persons were accommodated in these centres.

According to data provided by the Automated Information System 'UAHELP,' the distribution of hosts providing shelter to beneficiaries of temporary protection in the

²⁷² <https://igm.gov.md/protectia-temporara-prioritate-pentru-inspectoratul-general-pentru-migratie-in-anul-2025/>

²⁷³ <https://igm.gov.md/protectia-temporara-prioritate-pentru-inspectoratul-general-pentru-migratie-in-anul-2025/>

²⁷⁴ <https://uahelp.md/Home/Statistics>

²⁷⁵ <https://social.gov.md/wp-content/uploads/2024/07/Ordin-nr.-182-din-20.12.2023-.pdf>



districts shows a significant concentration in the municipality of Chişinău, with 7,595 hosts, followed by the Autonomous Territorial Unit Gagauzia (1,764) and the district of Ocnita (1,082). The lowest figures are reported in Soldanesti district, with only 49 hosts, followed by Leova and Nisporeni districts, with 85 and 88 hosts respectively.

The system also provides records of displaced persons staying with private hosts. According to the available data, most persons are accommodated in the municipality of Chişinău (11,276), followed by the Autonomous Territorial Unit Gagauzia (3,301) and the Ocnita district (2,068). The fewest persons are accommodated in Soldanesti district (67), followed by the Leova and Nisporeni districts, with 102 and 107 persons. In total, **29,772** beneficiaries of temporary protection are privately accommodated.

According to the available data, 1,390 displaced persons are accommodated in accommodation centres and 29,772 persons under temporary protection are accommodated in private accommodation, with a total of 31,162 persons. Moreover, the General Inspectorate for Migration (GIM) issued 66,920 identity documents to beneficiaries of this status, out of which 16,962 were for minors. As a result, a total of **35,758** beneficiaries of temporary protection are not registered in the official registration system, which raises significant concerns about ensuring universal access to protection.

4.2.2. Problems and risks identified in accommodation of beneficiaries of temporary protection

As of 2023, the Ministry of Labour and Social Protection has begun implementing the Strategy for Strengthening Refugee Accommodation Centres, known 'EXIT' (hereinafter, the EXIT Strategy). In this context, the People's Advocate, the Children's Ombudsperson, the Advisory Council for the Prevention of Violations of the Rights of Refugees from Ukraine and several civil society organisations have expressed concern about the impact of this strategy by signing and publishing a joint statement.²⁷⁶ According to the signatories, the EXIT Strategy is being implemented without an approved legal basis, in breach of to the requirements of the legislation in force, and raises serious issues regarding compliance with the principles of transparency, legality and protection of human rights. The strategy restricts eligibility for accommodation in temporary accommodation centres to those categories deemed most vulnerable (e.g. the elderly, people with disabilities, mothers with young children), disregarding that the majority of residents in these centres already face extreme vulnerability. This approach contravenes the Article 13 of the 2001/55/EC Directive, which guarantees access to adequate accommodation for all beneficiaries of temporary protection.

The closing of some accommodation centres, coupled with the repeated relocation

²⁷⁶ <https://ombudsman.md/declaratia-publica-a-avocatorilor-poporului-consiliului-consultativ-si-organizatiilor-societatii-civile-cu-privire-la-strategia-exit/>



of persons under temporary protection, has negatively impacted the process of integration into local communities. It contributes to increasing the vulnerability of beneficiaries by disrupting already established social support networks and access to essential services such as education and health.

The EXIT Strategy was neither adopted nor published in accordance with the procedures set out by Law No. 100/2017 on normative acts, thereby creating conditions for arbitrary and unclear implementation. The failure to publish the document in the Official Gazette, coupled with the absence of the required public consultations, constitute a breach of the principle of legality and the obligation of transparency in decision-making.

In this context, the signatories of the declaration addressed the following recommendations to the Ministry of Labour and Social Protection: ensuring access to accommodation, without discrimination, to all beneficiaries of temporary protection; reviewing the EXIT Strategy in compliance with national legal requirements and international human rights standards; establishing a mechanism to cap the prices of rent, while implementing measures to support the identification of private housing for displaced persons.

The analysis of the situation reveals that the EXIT Strategy, in its current form, poses risks to the fulfilment of the rights of persons under temporary protection. Within a human rights-based approach, it is crucial that public policies align with international standards, promote transparency, eliminate discrimination and uphold human dignity. A thorough review of the strategy, coupled with the introduction of clear and inclusive legal mechanisms, would help establish a more effective and just protection system.

Item 4.3: Access to temporary and international protection

4.3.1. Basic findings on access to temporary protection

During 2023 and the first nine months of 2024, no applications for temporary protection were registered in the subdivisions of the GIBP, although Border Police (BP) employees are frequently approached with questions on this matter. Displaced persons encounter difficulties in accessing temporary protection due to complex requirements and legislative restrictions, including the limitation allowing them to leave and return to Ukraine only once. Displaced persons seeking temporary protection must confirm their address of residence in the Republic of Moldova and have a Moldovan mobile phone number with internet access to be able to register online. This creates additional difficulties, especially for men who crossed the border through unofficial entry points.

Representatives of the General Inspectorate for Migration (GIM) are not present at all border crossing points (BCPs), limiting their ability to provide immediate assistance to displaced persons.



In line with priorities set by the Ombudsperson for 2024, People's Advocate Office (PAO) has decided to carry out an independent evaluation of the mechanism for guaranteeing the rights of foreigners at border crossing points, in the context of the thematic report entitled '*Respect for the rights of persons in need of international protection at border crossing points*'.²⁷⁷ It is important to emphasise that this report focuses exclusively on the Border Police component, being an integral part of the state border management system. The purpose of the Report is to encourage competent authorities to reassess its practices to provide adequate protection to persons in need of international protection, including Border Police officers.

4.3.2. Flow of persons at the border

According to the GIBP's Activity Note in the first nine months of 2024, the BCPs recorded a 5.1% increase in the number of people crossing the border compared to the same period of the previous year. For example, in the first nine months of 2022, 5,963,876 persons entered the country; during the same period in 2023, the number rose to 7,193,235; and in the first nine months of 2024, it reached 7,567,687. Since the outbreak of the war in Ukraine in 2022, the BCP has recorded an increased flow of Ukrainian citizens entering the country illegally, including some who are victims of human trafficking and victims affected by the consequences of the war. These individuals are detained and handed over to internal authorities for criminal investigation. A significant number of Ukrainian citizens are involved in criminal proceedings on charges of illegal border crossing or organising illegal migration.²⁷⁸

4.3.3. Illegal crossing of the state border

The Criminal Code of the Republic of Moldova establishes criminal penalties for crossing the state border by evading or avoiding border control. Sanctions include a fine of up to 750 conventional units (approximately 1,940 euros), unpaid community service ranging from 150 to 200 hours, or imprisonment for up to two years. Aggravating circumstances, such as the use of violence or weapons, carry a prison sentence of five to eight years. However, the law makes an exception under **Article 362, exempting foreign nationals who have entered the Republic of Moldova without a valid passport or authorisation to exercise their constitutional right to asylum**, as well as individuals who are victims of human trafficking.

According to data provided by the General Prosecutor's Office (GPO), following the expiration of the state of emergency in the Republic of Moldova on 30 December 2023, Circular No. 15-15d/24-170 was issued on 11 March 2024. This circular establishes that responsibility for state border control corresponds to the obligations

²⁷⁷ <https://ombudsman.md/post-document/raport-tematic-respectarea-drepturilor-persoanelor-ce-au-nevoie-de-protectie-internationala-la-punctele-de-trecere-a-frontierei-situatia-anului-2-024-2/>

²⁷⁸ <https://procuratura.md/search-result?query=ucraina>



of migrants at the border, in line with the principle of '*no right without registration*'. During the state of emergency, a special regime for entry and exit was applied pursuant to Article 11(5) of Law No. 215/2011 on the State Border. Consequently, crossing the Moldovan-Ukrainian border segment by citizens of Ukraine and the Republic of Moldova with valid identity documents through locations other than authorised crossing points is not deemed illegal, provided that their movement is halted and they promptly report to the Border Police subdivisions or the Migration and Asylum Office to obtain the necessary authorisation to enter the Republic of Moldova.

The analysis indicates that the General Prosecutor's Office (GPO) demonstrated limited interest in initiating criminal proceedings under Article 362 of the Criminal Code, with only 137 cases recorded between 2022 and 2023. This contrasts sharply with data from the Criminal Investigation Department of the General Inspectorate of the Border Police (CID of the GIBP), which reports over 7,785 referrals in region R-1 and 21,329 referrals in region R-2 during 2023-2024, despite the provisions of the Emergency Decision stating otherwise. In the first nine months of 2024, the GPO initiated **710 criminal cases**, a figure lower than that reported by the CID of the GIBP, but significantly higher than the prosecutors' activity in 2022 and 2023. A rough calculation suggests there should theoretically be around 8,495 criminal prosecutions under Article 362 of the Criminal Code (the sum of the 710 cases initiated by the GPO and the 7,785 referrals recorded by the Border Police). However, CID data reveals only 111 criminal cases, compared to the 46 reported by the GPO.

Additionally, the GPO recommended that prosecution authorities and prosecutors initiate criminal proceedings against persons who evade border control and fail to **promptly** notify the authorities of the illegal crossings. Strictly speaking, such individuals could only be exempted from criminal liability if they applied for asylum at the border, however, in these cases, the GPO did not recognise temporary protection as a form of international protection.

Immediately upon identifying this violation of asylum seekers' rights, the People's Advocate, following a referral from the Law Center of Advocates, raised objections²⁷⁹ to the practice of not recognising temporary protection as a form of asylum. The Ombudsperson noted in the statement on page 4 of GPO Circular No. 15d/24-170 of 11 March 2024 that individuals who circumvented border control to seek protection were automatically subject to criminal liability, except in cases where they applied for asylum. This provision, as applied to refugees from Ukraine, is considered by the People's Advocate to be excessive and disproportionate, contradicting the principle of non-punishment for illegal crossing for the purpose of protection.

²⁷⁹ <https://ombudsman.md/post-document/obiectii-cu-privire-la-practica-nerecunoasterii-protectiei-temporare-ca-forma-de-azil/>



Additionally, the fact that the obligation of immediate notification of illegal crossing can be subjectively interpreted by border police officers or the public is a significant issue. In his objections dated 23 October 2024 to the GPO, the GIBP and the GIM, the Ombudsperson argued that the current wording should be revised or revoked to prevent misinterpretation and the initiation of criminal proceedings as a form of sanctioning displaced persons. This is particularly important given that Ukrainian citizens may not be adequately informed of this obligation or may have legitimate fears in the presence of police officers.

It is noteworthy that the GPO responded promptly to the Ombudsperson's referral by recognising temporary protection as a form of international protection. At the same time, territorial prosecutors reported that over the past two years, the volume of such cases has increased by approximately 50%, accounting for about 35-40% of their overall workload. However, the majority of these criminal cases have been or will be closed or discontinued. Representatives of the GIM and GIBP also highlighted the strain caused by managing these cases. In response, the Ministry of Internal Affairs has initiated changes to the legal framework and commenced dialogue with relevant stakeholders to address the situation.

4.3.4. Refusal of entry to the territory of the Republic of Moldova

Another relevant aspect regarding access to protection concerns individuals who have been notified of a decision refusing them entry to the territory of the Republic of Moldova. This issue raises significant concerns about respect for fundamental rights, as it may **restrict access to international protection procedures**, particularly for vulnerable persons. According to the Register of persons refused entry or exit at all BCPs, 2,613 persons were refused entry or exit in 2023, and 1,907 were refused entry or exit in the first nine months of 2024. Information provided by the BP indicates that, in neither in 2023 nor in 2024, were there any final and irrevocable court decisions cancelling refusals of entry or exit to or from the Republic of Moldova.

4.3.5. Asylum applications at the border

Among the factors that may hinder the admission of potential asylum seekers into the territory are the timing of the asylum application and the competence of the BP officers to decide whether an asylum application has been made. According to the Law on Asylum, the BP is one of the authorities competent to receive asylum applications and ensures a person's access to the territory only after notifying the GIM. The special legislation provides for two forms of protection requests: verbal and written. In the written procedure, the BP supplies the person with a standard application form to be completed, which must be submitted in person at the BCP.

This procedure means that BP's role is limited to receiving the application and informing the GIM of asylum requests at the border, without **responsibility for**



verifying the asylum seekers' entry eligibility. This division of duties aligns with provisions in two special laws covering the state border and the legal status of foreigners. Typically, BP officers assess whether foreigners meet the conditions for entry, with the asylum application being received only after this assessment.

These observations stem from numerous requests addressed to the People's Advocate Office and other organisations, underscoring the need to clarify and standardise procedures to facilitate access to international protection.

4.3.6. Challenges in processing asylum applications

From a human rights perspective, several systemic challenges in the processing of asylum applications remain unresolved.

Bureaucratic procedures and restrictive preconditions persist: the BP only allow a person access to the territory after notifying the General Inspectorate for Migration (GIM) of the asylum application at the border. The BP is not authorised to verify the conditions for entry for asylum seekers, as this would contravene the two special laws governing the state border and the legal status of foreigners. Typically, BP officers assess whether foreigners meet the entry conditions based on these laws, and only after such assessment can an asylum application be accepted. These concerns have been raised through numerous applications to the PAO and other organisations. **This procedure restricts effective access to international protection and directly impacts the right to asylum.**

Asylum system overload and management of population flow present significant challenges. Data show a marked increase in the number of people crossing the border, including a substantial influx of Ukrainian citizens, often in clandestine conditions and with multiple vulnerabilities (e.g. victims of human trafficking or conflict). This surge places considerable pressure on the system, increasing the risk of administrative errors and delays in granting protection.

Criminalisation of illegal border crossing remains a concern. The Criminal Code imposes penalties for illegal border crossing, and the General Prosecutor's Office (GPO) recommends prosecuting individuals who evade border control and fail to notify authorities. Given that the GPO does not recognise temporary protection as a form of asylum, this approach may discourage vulnerable persons from seeking protection, undermining their **fundamental right to asylum**.

Discrepancies exist between the legal provisions regarding the right to asylum (which designate the BP as responsible for receiving applications and notifying the GIM) and actual practice, where these responsibilities are frequently subjectively interpreted by BP officers.



RECOMMENDATION 4.1: The Parliament to remove the employment condition for the inclusion of beneficiaries of temporary protection and asylum seekers in the compulsory healthcare insurance system, ensuring equal access to services in line with the principle of non-discrimination and international standards.

RECOMMENDATION 4.2: The Government should amend the procedures for granting temporary protection to ensure fair and non-discriminatory access to fundamental rights for all family members of beneficiaries.

RECOMMENDATION 4.3: The Government to introduce clear exceptions in legislation for persons in emergency situations, including beneficiaries of temporary protection and applicants for family reunification, to ensure their mobility and access to safety.

RECOMMENDATION 4.4: The Government to adapt the UAHELP Information System to include offline or alternative options, ensuring equal access to services for people without access to technology or internet, thereby reducing inequalities.

RECOMMENDATION 4.5 (repeated): The Government should review the mechanism for receiving asylum applications, removing the requirement that the Border Police allow asylum seekers to enter the country only after informing and obtaining permission from the General Inspectorate for Migration. This revision would ensure respect for international principles on refugee rights and facilitate prompt and unconditional access to the asylum procedure.

RECOMMENDATION 4.6 (repeated): The Ministry of Labour and Social Protection to ensure equal access to adequate accommodation for all beneficiaries of temporary protection, respecting the principle of non-discrimination, and to review the 'EXIT' Strategy in line with international standards, ensuring legality and preventing arbitrary application.

RECOMMENDATION 4.7: The Government should ensure the provision of temporary protection directly in the BCPs and ensure the constant presence of GIM representatives in all BCPs to address the concerns of foreigners in real time.

RECOMMENDATION 4.8: The Ministry of Internal Affairs, General Inspectorate of Border Police to stop verifying the grounds for asylum claims at the border and to limit itself to receiving applications in line with international standards on access to protection.



CHAPTER V. PROMOTING HUMAN RIGHTS

In a challenging socio-political context, the promotion of human rights plays a crucial role in fostering a democratic, inclusive and prosperous society. Throughout 2024, the PAO undertook various activities aimed at supporting public education, awareness-raising on fundamental rights. Through information campaigns, educational sessions and large-scale events, the PAO created a platform for dialogue among public authorities, civil society and development partners, facilitating analysis and discussion on the human rights situation in the Republic of Moldova. Additionally, through national and international partnerships, the National Human Rights Institution (NHRI) strengthened its efforts to protect and promote fundamental rights.

Item 5.1: Human Rights Education

According to the UN Declaration on Human Rights Education and Training, the NHRI plays a key role in promoting human rights education and mobilising public, international and civil society actors to support this cause.

In the Republic of Moldova, the People's Advocate Office has made a strategic commitment to promoting human rights education, recognising that education is a fundamental tool for preventing human rights violations, promoting social inclusion and strengthening a culture of respect and equality.

In the Strategic Development Programme 2023-2030, the PAO established human rights education as a key objective, reflected in **Priority No. 2: 'The education system ensures equal opportunities, promotes social cohesion and respect for human rights.'**²⁸⁰

To advance this strategic direction, the PAO organised information sessions focusing on the institution's eight priority areas, including health, human rights education, access to justice, social protection, prevention of torture, children's rights and the national human rights protection mechanism. Concurrently, the PAO conducted awareness-raising campaigns, thematic events and initiatives to promote fundamental rights. Additionally, by developing and distributing information materials, the PAO ensured the public had access to clear and accessible resources on fundamental rights.

Another key element of the PAO's strategy is working with the media, a key partner in raising the visibility of human rights and promoting inclusive educational discourse.

²⁸⁰ <https://ombudsman.md/post-document/strategic-development-program-of-the-peoples-advocate-office-2023-2030-4/>



Through media partnerships, clear messaging and thematic campaigns, the PAO has succeeded in bringing closer to citizens relevant information about human rights and the mechanisms in place to protect them.

All these activities reflect the PAO's determination to make human rights education an ongoing process that contributes to building a more equitable and informed society capable of upholding its democratic values.

Human rights information sessions

In 2024, the Ombudsperson's Office intensified its outreach efforts within its strategic areas, organising **235 activities**. These initiatives provided **5,243 rights-holders**²⁸¹ and **2,261 duty-bearers**²⁸² with essential information aimed at enhancing the respect for and enforcement of fundamental rights. In total, **7,504 persons** received information and training.

Among these, most of the sessions were focused on the **prevention of torture**, with 42 activities conducted, reaching 238 rights-holders and 851 duty-bearers. A significant number of sessions were also held in the field of **human rights education**, with 37 activities involving 1,030 rights-holders and 173 duty-bearers.

In the area of **access to justice** 34 activities were carried out, involving 478 rights-holders and 180 duty-bearers. In the area of **children's rights**, 90 activities were carried out, informing 2 759 rights-holders and 596 duty-bearers.

In the **social protection** segment, 10 activities were organised, targeting 103 rights-holders and 142 duty-bearers. At the same time, 10 activities were conducted within the framework of the sessions on the **national human rights protection mechanism** in the Republic of Moldova, reaching 141 rights-holders and 53 duty-bearers.

In the field of **health protection**, 7 activities were organised with the participation of 82 rights-holders and 179 duty-bearers. In other **related areas**, 5 information sessions were organised for 412 rights-holders and 87 duty-bearers.

Through these actions, the People's Advocate Office is strengthening its role as a promoter and guarantor of fundamental rights in the Republic of Moldova. Moreover, it goes beyond this mandate by contributing to education that fosters conscious and responsible citizens.

Public awareness-raising activities (events, campaigns, marking international human rights days)

Throughout the year, the People's Advocate Office organised events, round tables, conferences and information campaigns to raise awareness on human rights. These initiatives aimed to educate the public, raise awareness on current issues and encourage the active involvement of the authorities, civil society and citizens in

²⁸¹ Rights holders (general population and vulnerable groups).

²⁸² Duty bearers (civil servants, law enforcement, judiciary, educators, etc.).



protecting fundamental rights. In total, these awareness-raising activities involved **698 participants**, including representatives of public authorities, civil society, international organisations and children and young people.

A summary of the main events organised for this purpose is presented below:

Round Table: Presentation of the Study on the perception of human rights in the Republic of Moldova in 2023²⁸³. The event brought together 83 representatives of the authorities, international organisations and civil society, facilitating a crucial dialogue to highlight the need for action to protect vulnerable groups and reduce social disparities. The study provided an updated picture of how the Moldovan population perceives respect for human rights, highlighting both progress made in previous studies in 2016, 2018, and 2020, but also areas where urgent action is needed. Through a detailed analysis of areas such as education, health, access to justice, gender equality, and protection of vulnerable groups, the document is a strategic tool for formulating effective public policies and adjusting national protection mechanisms.

Roundtable: Presentation of the set of indicators relevant to the right to health²⁸⁴. The event marked an important step forward in improving the monitoring and implementation of public policies related to the right to health. This set of indicators plays an important role in collecting and analysing statistical data, providing authorities with a tool to assess progress and identify challenges in ensuring equitable access to health services. Through the developed mechanism, authorities will be able to generate and utilise human rights-sensitive statistical data, facilitating continuous monitoring of compliance with national and international health standards. The event was attended by 25 representatives of public authorities.

Round table to present the thematic report, Respecting the right to education of Roma children in the Republic of Moldova²⁸⁵. The event, organised within the framework of the Roma Culture Week, aimed at presenting and analysing the thematic report 'Respecting the right to education of Roma children in the Republic of Moldova' (2023). The round table provided a space for discussing access to education for Roma children, highlighting the discrepancies between official data and the reality on the ground, as well as the specific challenges they face. The event also aimed to identify solutions to improve equitable access to education, reduce discrimination and prevent absenteeism and school dropout. The event was attended by 25 representatives from public authorities, including the Parliament.

²⁸³ <https://ombudsman.md/perceptia-populatiei-privind-respectarea-drepturilor-omului-in-republica-moldova/>

²⁸⁴ <https://ombudsman.md/masa-rotunda-privind-prezentarea-setului-de-indicatori-relevanti-dreptului-la-sanatate/>

²⁸⁵ <https://ombudsman.md/avocatul-poporului-pentru-drepturile-copilului-a-prezentat-public-raportul-tematic-respectarea-dreptului-la-educatie-a-copiilor-de-etnie-roma-in-republica-moldova/>



Round table to present the thematic report 'Respecting the rights of displaced children in Ukraine'²⁸⁶. The presentation of the report aimed to analyse the measures taken by national authorities for the social protection, healthcare, and education of refugee children, as well as to formulate recommendations for their improvement. The discussions underlined the state's obligation, under the UN Convention on the Rights of the Child, to provide special protection for these children, in cooperation with governmental and non-governmental organisations. The event was attended by 23 representatives of public authorities, including the Parliament.

Public presentation of the thematic report 'Exploitation of Child Labour'²⁸⁷. The aim of this event was to bring the issue of child labour to the attention of the general public and authorities, presenting current data and recommendations to prevent and combat this phenomenon. The event was attended by 18 representatives of public authorities, including the Parliament.

Round table: Consolidation of democratic oversight of the security sector of Moldova through the activity of the People's Advocate²⁸⁸. The event emphasised the role of People's Advocate Office as a national human rights institution and the need to strengthen control and monitoring mechanisms to prevent abuses. It also discussed the protection of the rights of employees in the security sector and increasing public confidence in the institutions responsible for national security. A strategic document defining the institution's mission and functions in this area was presented during the event. The round table brought together 30 representatives of public authorities, civil society and Parliament.

Working meeting with representatives from the health and personal data protection sectors²⁸⁹. The meeting facilitated dialogue between healthcare professionals and data protection experts, addressing issues related to the confidentiality of medical information and patients' rights. The event was attended by 20 representatives of public authorities and civil society.

International Conference: Human Rights Protection Mechanisms and the Role of National Human Rights Institutions (NHRIs) in the European Union and beyond²⁹⁰. The international conference aimed at strengthening national and

²⁸⁶ <https://ombudsman.md/prezentarea-raportului-tematic-respectarea-drepturilor-copiilor-stramutati-din-ucraina/>

²⁸⁷ <https://ombudsman.md/avocatul-poporului-pentru-drepturile-copilului-a-prezentat-raportul-tematic-exploatarea-copiilor-prin-munca/>

²⁸⁸ <https://ombudsman.md/oficiul-avocatului-poporului-si-organizatia-pentru-securitate-si-cooperare-in-europa-osce-consolideaza-supravegherea-democrata-a-sectorului-de-securitate-in-moldova/>

²⁸⁹ <https://ombudsman.md/sedinta-de-lucru-cu-privire-la-protectia-datelor-personale-ale-cadrelor-medicale-organizata-de-oficiul-avocatului-poporului/>

²⁹⁰ <https://ombudsman.md/oficiul-avocatului-poporului-a-organizat-conferinta-internationala-mecanismele-de-protectie-a-drepturilor-omului-si-rolul-institutiilor-nationale-pentru-drepturile-omului-into-uniunea-eu/>



international human rights protection mechanisms, particularly in the context of the European integration of the Republic of Moldova and Ukraine. The event brought together 170 participants, including representatives of NHRIs from several countries, international organisations, public officials and European experts, to discuss the independence and effectiveness of national human rights institutions, alignment of protection mechanisms with EU standards, and emerging challenges such as digitisation and the impact of artificial intelligence on fundamental rights. A highlight of the conference was the panel discussion on serious human rights violations in the context of the armed conflict in Ukraine, organised jointly with the Institution of the Ukrainian Parliamentary Commissioner for Human Rights. Measures to counter disinformation, protect the rights of refugees, and strengthen international cooperation in the field of justice were discussed.

National Forum for Children's Rights²⁹¹. The National Forum on Children's Rights, now in its 8th edition was held on 20 November 2024 on the International Children's Rights Day. The event aimed to promote the involvement of children in decision-making processes and to facilitate a direct and constructive dialogue with the authorities to strengthen the respect and protection of their rights. The event brought together 70 children and adolescents from all over the country, including from the Transnistrian region, who presented the results of the monitoring of children's rights in 2024 and made recommendations for improvement. Topics discussed included involving children in public policy-making, preventing violence in schools and protecting the rights of those acting as children's rights defenders. Additionally, 50 representatives from public authorities and civil society attended the forum, reflecting inclusive and participatory communication.

Consultative meeting on the need to establish the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities²⁹². The consultative meeting with persons with disabilities provided an opportunity to exchange challenges, achievements and expectations regarding the fulfilment of fundamental rights. The discussion also considered the establishment of an independent mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities. This initiative aims to ensure an adequate legislative and material framework for the protection of the rights of persons with disabilities, in line with the Paris Principles. Representatives of organisations of persons with disabilities fully supported this proposal, and the Ombudsmen expressed their commitment to contribute to the development of a viable concept. The event was attended by 24 civil society representatives.

²⁹¹ <https://ombudsman.md/forumul-national-al-drepturilor-copiilor-la-cea-de-a-viii-a-editie/>

²⁹² <https://ombudsman.md/consultari-initiate-de-avocatii-poporului-cu-organizatiile-persoanelor-cu-dizabilitati-privind-necesitatea-crearii-mecanismului-independent-de-monitorizare-a-conventiei-cu-privire-la-drepturile/>



Public consultations on the Human Rights Defenders Concept²⁹³. The consultations aimed to publicly debate the Concept on Human Rights Defenders, focusing on their legal recognition and protection. The discussions brought together representatives of civil society, authorities, and international organisations, highlighting the need for a clear legislative framework to ensure the safety of those involved in the defence of fundamental rights. The presented document contains a model law developed by international experts and proposes solutions for protecting activists, journalists, and community leaders. The event was attended by 40 representatives of public authorities and civil society.

Human Rights and Equality Forum 2024²⁹⁴. The Human Rights and Equality Forum 2024, currently at its third edition, was an essential platform for dialogue and collaboration among state institutions, international organisations and civil society, with the aim of strengthening the protection of fundamental rights in the Republic of Moldova. The event emphasised the promotion of equality and social inclusion, bringing together over 200 participants, including officials, activists and human rights experts. The Forum included thematic panels on the impact of digitisation on vulnerable groups, the protection of children in alternative care and the rights of people in state custody. The second day was dedicated to the Human Rights Festival, an interactive event that promoted education and awareness-raising through information stands, film screenings and themed competitions. With this edition, the Forum reaffirmed its shared commitment to build a more equitable and inclusive society where fundamental rights are protected and respected.

Information and awareness-raising campaigns

Another key activity contributing to human rights education and raising public awareness of various social issues is the series of information and awareness campaigns organised by the PAO, including the **Human Rights Caravan**, the **#EuNUaplic166/1 - IRespectHumanDignity Campaign**, the **Human Rights Festival**. The events brought together 30 partners of the People's Advocate Office, including public institutions, civil society organisations and international organisations, all committed to a shared mission of promoting human rights.

National campaign 'EuNUaplic166/1 - IRespectHumanDignity'. The campaign is organised annually on the International Day in Support of Victims of Torture, with the main objective of promoting respect for human dignity and combating inhuman or degrading treatment. The campaign includes various awareness-raising activities designed to draw public attention to the phenomenon of torture and ill-treatment. These initiatives include information events, training sessions, the distribution of

²⁹³ <https://ombudsman.md/avocatul-poporului-initiaza-consultari-pentru-protectia-aparatorilor-drepturilor-omului/>

²⁹⁴ <https://ombudsman.md/forumul-drepturilor-omului-si-egalitatii-2024-un-pas-inainte-pentru-o-societate-mai-echitabila/>



educational materials, and collaboration with the media, with the aim of raising awareness of fundamental human rights. The campaign was supported by several public institutions, which contributed with information and awareness-raising activities, in particular among prison staff and inmates. These actions were aimed at promoting respect for human dignity and preventing inhuman or degrading treatment in prison.

Human Rights Caravan in the North, Centre and South regions (Cahul, Ungheni, Drochia)²⁹⁵. The 2024 Human Rights Caravan brought essential information about fundamental rights closer to communities, directly involving 1,160 adults and children from 16 localities through interactive sessions and educational activities. To consolidate the impact of the initiative, three working meetings were organised with 70 representatives of local authorities, including 16 mayors, with the aim of documenting the human rights challenges faced by communities. In the Human Rights Town, held in Cahul, Ungheni and Drochia, 800 people, including 300 children, participated in interactive and educational activities. In addition, over 3,000 leaflets in Romanian and Russian were distributed to increase access to information. Directly on the ground, the People's Advocate team identified pressing problems such as limited access to education and social services, shortcomings in the medical system, lack of adequate infrastructure and difficulties faced by refugees. Through visits to refugee accommodation centres and social institutions, critical situations were documented and, following consultations, concrete recommendations were collected to improve the protection of fundamental rights. The Human Rights Caravan 2024 not only informed, but created a space for dialogue and action, giving communities a voice, and authorities a clear direction for change.

Human Rights Festival. In the context of International Human Rights Day, celebrated on 10 December, the Human Rights Festival was organised within the Human Rights Forum. The event was a unique opportunity for dialogue, information and engagement, highlighting the contributions of non-governmental organisations and institutions in strengthening an inclusive and equitable society. The event provided an interactive and diverse framework, including:

- Information stands - presented by public authorities, civil society organisations and development partners to promote human rights and provide useful information on available support mechanisms.
- Documentary film screenings - focusing on relevant human rights themes.
- The Interactive Quiz intellectual games competition - which involved over 80 participants and tested their knowledge of fundamental rights in an educational and competitive format.

²⁹⁵ <https://ombudsman.md/caravana-drepturilor-omului-2024/>



In addition to these three campaigns, PAO was actively involved in **four other national and international campaigns**, contributing through the organisation of educational activities, public communication and the promotion of human rights, as follows:

National information and awareness raising campaign 'My Health - My Responsibility'²⁹⁶. An initiative to encourage citizens to adopt responsible behaviour towards their own health and the health of others. The campaign included educational sessions, distribution of information materials and public events dedicated to promoting healthy lifestyles.

Education DOESN'T HURT campaign²⁹⁷. An initiative to raise awareness and prevent all forms of violence in the educational environment. Through this campaign, PAO contributed to promoting a safe and inclusive educational climate, highlighting the importance of respecting children's rights in schools.

National campaign for the prevention and reporting of child abuse and violence. An action aimed at promoting the free helpline service for children *Child Helpline 116 111*. The campaign aimed to inform the public about the possibilities to report cases of violence and to support children in vulnerable situations.

The international campaign '16 Days of Activism against Gender-Based Violence'²⁹⁸. A global initiative in which PAO actively participated, promoting awareness of one of the most serious and frequent human rights violations – gender-based violence. The campaign's events included debates, round tables and awareness-raising actions to draw attention to this phenomenon and to encourage concrete prevention measures.

Marking international human rights days serves an essential purpose in raising public awareness and strengthening respect for fundamental rights. In the context of the **15 International Human Rights Days**, the Ombudspersons delivered key messages about the importance of human rights. International Holocaust Remembrance Day was an opportunity to commemorate the victims and reaffirm the commitment against anti-Semitism and intolerance. Similarly, Human Rights Day provided a platform to highlight the progress and challenges in respecting fundamental rights in Moldova.

Emphasis was placed on children's rights, with events dedicated to International Children's Day, Children's Rights Day, and Family Day, highlighting the importance

²⁹⁶ <https://ombudsman.md/activitati-realizate-de-oficiul-avocatului-poporului-in-contextul-zilei-mondiale-a-sanatatii-si-a-campaniei-nationale-de-informare-si-sensibilizare-sanatatea-mea-responsabilitatea-m/>

²⁹⁷ <https://ombudsman.md/avocatul-poporului-pentru-drepturile-copilului-a-participat-la-lansarea-campaniei-educatia-nu-doare/>

²⁹⁸ <https://ombudsman.md/campania-internationala-16-zile-de-activism-impotriva-violentei-fata-de-femei-si-fete-impreuna-pentru-o-lume-fara-violenta/>



of protecting children and ensuring a safe environment for their development. Topics related to nonviolent education, protecting children from labour exploitation, and supporting families in raising and educating their children were also addressed.

Gender equality and the fight against violence were the central themes to mark International Women's Day and the Day for the Elimination of Violence against Women, when the need for effective measures to prevent abuse and create a safe climate for all was emphasised.

Social and economic rights were not neglected, and International Labour Day was a time to reflect on working conditions, fair wages and worker protection. At the same time, World Environment Day emphasised the link between environmental protection and the fundamental right of every human to a healthy life.

The Ombudsperson's Office also drew attention to issues related to detention and migration, marking World Refugee Day and the International Day in Support of Victims of Torture to advocate for more inclusive and humane policies towards vulnerable groups.

Through these initiatives, the Ombudsperson has shown that human rights must be constantly protected and that each international day is an opportunity to bring democratic values closer and to promote a fairer society for all.

Information materials on human rights. During information sessions, awareness-raising events and awareness-raising campaigns carried out by the PAO, information materials, thematic reports and studies have been disseminated, which play a key role in raising awareness and strengthening the protection of fundamental rights. The materials produced include clear and concise information on rights and protection mechanisms.

The PAO produced a wide range of leaflets and brochures, totalling **55,300 units** with **40,740 distributed** in 2024. These materials provided essential information about the Ombudsperson institution, human rights protection mechanisms and human rights and freedoms. These materials were available in Romanian and Russian, ensuring accessibility for various categories of citizens.

Among the most important leaflets were:

- **Materials about the People's Advocate Office**, its role and how to contact the institution.
- **Leaflets on the rights of refugees**, available protection and assistance measures.
- **Leaflets on patients' rights**, with information on their 14 fundamental rights.



- **Materials on the Human Rights Based Approach (HRBA)**, an essential principle in the formulation of public policies and the protection of fundamental rights.

Distribution of these materials took place at public events, both for the general public and for professionals from public administration, the police, medical and educational institutions.

Human Rights Reports

In 2024, the People's Advocate Office **produced 22 thematic reports, 2 special reports, 17 visit and monitoring reports, and 4 alternative reports**. These documents reflect the main human rights challenges and developments in the Republic of Moldova.

Monitoring the rights of refugees. Against the backdrop of the conflict in Ukraine, the PAO published three thematic reports and one special report assessing conditions of refugee protection, access to services and compliance with asylum procedures. Monitoring activities included visits to Chişinău International Airport and accommodation centres for asylum seekers.

Prevention of torture. The PAO was actively engaged in monitoring detention institutions, police facilities, and psychiatric hospitals, publishing 17 reports overall. This included seven comprehensive thematic reports containing 130 recommendations²⁹⁹, two special reports addressing intervention in two cases of heightened social interest³⁰⁰, and eight regular thematic biannual reports on security in places of deprivation of liberty.³⁰¹

The Council for the Prevention of Torture (National Mechanism for the Prevention of Torture)³⁰² produced 10 visit reports to elucidate conditions in various places of detention (prisons, temporary detention isolators, temporary placement centre for foreigners).

²⁹⁹ The Council for the Prevention of Torture has produced 1 complex thematic report (<https://ombudsman.md/post-document/raport-tematic-siguranta-si-securitatea-detinutilor-in-sistemul-penitenciar-al-republicii-moldova-realitati-si-perspective/>) and the Directorate for the Prevention of Torture has produced 6 complex thematic reports (<https://ombudsman.md/rapoarte/prevenirea-torturii/tematice/>).

³⁰⁰ Special Report 'Allegations of torture for the purpose of forced taking of biological samples in a criminal case' (<https://ombudsman.md/post-document/alegatii-de-tortura-in-scopul-prelevarii-fortatea-probelor-biologice-intr-o-cauza-penala/>) and Special Report 'Suspicious Death in the National Army' (<https://ombudsman.md/post-document/raport-special-deces-suspect-in-armata-nationala/>)

³⁰¹ <https://ombudsman.md/rapoarte/prevenirea-torturii/tematice/>

³⁰² <https://ombudsman.md/rapoarte/prevenirea-torturii/consiliul-pentru-prevenirea-torturii-mnpt/>



On *Child rights and access to education*, PAO published four thematic reports:

- ‚Assessment of the implementation of the latest recommendations to the Republic of Moldova of the UN Committee on the Rights of the Child, other treaty bodies and existing monitoring mechanisms’
- ‚Respecting the child's right to opinion and involvement in the decision-making process’
- ‚Analysis of the mechanism and procedures for the execution of the child support pension’
- ‚Mechanisms for children to lodge applications in case of violation of their rights’

These reports included recommendations to improve access to education and to protect children in vulnerable situations.

Alternative Reports. The People's Advocate Office submitted three alternative reports to the following international mechanisms: the UN Committee on the Elimination of Racial Discrimination, the UN Committee on the Rights of Persons with ‘Disabilities and the European Committee of Social Rights. In addition, the Ombudsperson contributed to the European Network of National Human Rights Institutions’ (ENNHRI) 2024 Rule of Law Report, highlighting essential aspects regarding respect for democratic principles and strengthening the protection of fundamental rights.

Item 5.2: Media reflections

In 2024, the People's Advocate Office strengthened its active and diversified presence in the national media, reaffirming its role as an advocate of good governance and open dialogue with society. The PAO recorded a total of **633 media coverage**, highlighting its significant involvement in the media landscape. Among them:

- **214 press releases** were published on the institution's official website <https://ombudsperson.md/>, addressing topics such as child rights protection, prevention of torture, rights of refugees and other key human rights issues.
- **355 posts** were shared on PAO's official Facebook page, aimed at informing and raising public awareness on various human rights issues, as well as promoting events and campaigns organised by the institution.
- **12 participations** in TV and radio **programmes**, in which representatives of the PAO discussed current issues such as anti-discrimination, access to justice and the protection of vulnerable groups.



- **31 interviews** with national and international media, providing in-depth insights on current human rights and children's rights issues in the Republic of Moldova, the challenges faced and recommendations to overcome them.
- **6 press statements**, in which the PAO reacted to events and situations of public interest, reaffirming its position and providing necessary clarifications.
- **3 podcasts** and **12 YouTube videos** aimed at providing a detailed insight into the institution's activities and promoting human rights education.

The PAO's official website was constantly updated with **364 materials of public interest**, aiming to keep the public informed and ensuring transparency of the institution's activities. In the communication section, numerous relevant articles and information have been published, contributing to increasing its online visibility and strengthening public confidence in the mission of the PAO. Through this active presence on media portals and the constant updating of communication platforms, the People's Advocate Office has contributed to raising awareness among the population of the importance of respecting these rights.

Item 5.3: National and international co-operation

The People's Advocate Office strengthened its international presence in 2024 through a series of collaborations and participation in major human rights events. As the Republic of Moldova continues its European journey and manages the challenges related to the refugee influx, the institution intensified its efforts to share best practices, learn from the experiences of other states and contribute to the development of effective mechanisms for the protection of fundamental rights.

Inter-institutional cooperation and promotion of European standards. In 2024, the People's Advocate Office (PAO) prioritised the promotion of the rule of law and the strengthening of relations with European institutions. Key actions included participation in the round table organised by the European Parliament, where the Ombudsperson, together with counterparts from other EU candidate countries, discussed the strengthening of National Human Rights Institutions (NHRIs) and the European integration of the Republic of Moldova. The PAO also strengthened co-operation with local administrations through a meeting with the Secretary of the Congress of Local and Regional Authorities of Europe, Mr. Mathieu Mori. During a study visit to Spain, the PAO delegation analysed the Spanish model of human rights protection and torture prevention, and in the Republic of Malta explored mechanisms to combat discrimination and protect vulnerable persons. An important achievement was the signing of a Memorandum of Understanding with the Danish Institute for Human Rights, aimed at implementing best practices and ensuring respect for human rights in the areas of data collection, digitisation and artificial intelligence,



business environment, human rights education and institutional development at regional level.

Protection and integration of refugees. The People's Advocate Office has been active in the protection of the rights of refugees, particularly in the context of the armed conflict in Ukraine. It participated in the meeting with the members of the UN Committee on the Elimination of All Forms of Discrimination, addressing Roma segregation and discrimination against minorities. PAO also conducted a study visit to Portugal, discussing refugee integration and asylum policies with the Portuguese Ombudsperson. At the international conference in Armenia, the Ombudsperson highlighted the efforts of the Republic of Moldova in managing the refugee crisis, including the creation of the Advisory Council for Monitoring Refugees' Rights. In addition, at the Kiev conference, the Ombudsperson emphasised the need for cooperation between parliaments and ombudsperson institutions to protect fundamental rights.

Protection of children's rights. A priority area of international collaboration was the protection of children's rights, with a focus on the rights of migrant children and the impact of crises on them. At the international conference in Bucharest, the Children's Ombudsperson, Vasile Coroi, presented Moldova's experience in protecting refugee children. The international training in Rabat (Morocco), organised by the Association of Ombudsmen and Mediators of the Francophonie (AOMF), discussed the best interests of the child, and the Congress of the Association of Francophone Ombudsmen in Quebec (Canada) analysed the global challenges in this field. Also at the Kiev conference, the Children's Ombudsperson addressed the issue of indoctrination of children deported to the occupied territories of Ukraine.

Additionally, to its active participation in international events and exchanges of experience with similar institutions in other countries, the People's Advocate Office continued to expand and strengthen its strategic partnerships. Collaboration with **UNHCR, the Council of Europe, the Danish Institute for Human Rights, the Swiss Red Cross, P.A. 'HOMECARE' and P.A. CASMED** was essential for the implementation of projects aimed at improving the protection of vulnerable groups, access to healthcare services, digitisation of services and the promotion of fundamental rights in the Republic of Moldova.

At the same time, to increase its efficiency and impact at national level, the People's Advocate Office has concluded **four collaboration agreements** with organisations in the country, each targeting specific areas of human rights. The partnership with **P.A. 'Legal Clinic' in Balti** aims to support vulnerable groups and promote legal education, while the collaboration with the **ASEM Business Consultancy Legal Clinic (BCLC ASEM)** allowed the referral of cases to provide free legal assistance to citizens in specialised areas. Another agreement was signed with the **National Agency**



for the Prevention and Combating of Violence against Women and Domestic Violence (NAPCVW), strengthening joint efforts to prevent domestic violence and support victims. At the same time, the partnership with the **International Centre for Addiction Prevention and Information** focused on joint activities to prevent addictions and protect fundamental health rights.

Thus, 2024 was marked by an intensification of national and international cooperation efforts, reinforcing the role of People's Advocate Office as a key actor in the promotion of human rights. Through these initiatives and partnerships, the institution contributed to enhancing protection mechanisms, access to justice and human rights education, both within the Republic of Moldova and on the international stage.

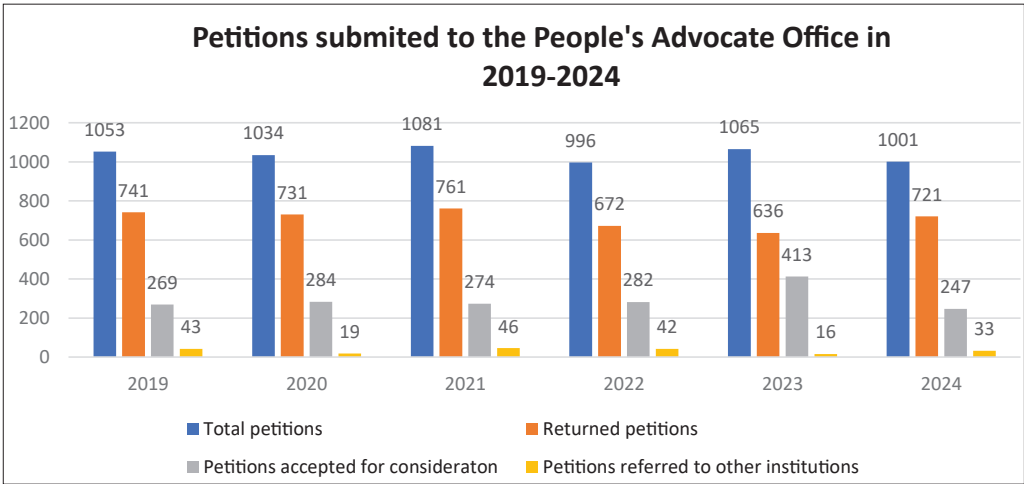


Statistical data on respect for human rights in 2024

The People's Advocate exercises its duties in accordance with the provisions of Law No. 52/2014, on the People's Advocate (Ombudsperson), as well as with the international conventions and standards to which the Republic of Moldova is a party. These tasks include examining petitions, requesting relevant information, documents and materials, as well as hearing persons in positions of responsibility, requesting explanations and information necessary to elucidate the circumstances of the case under examination.

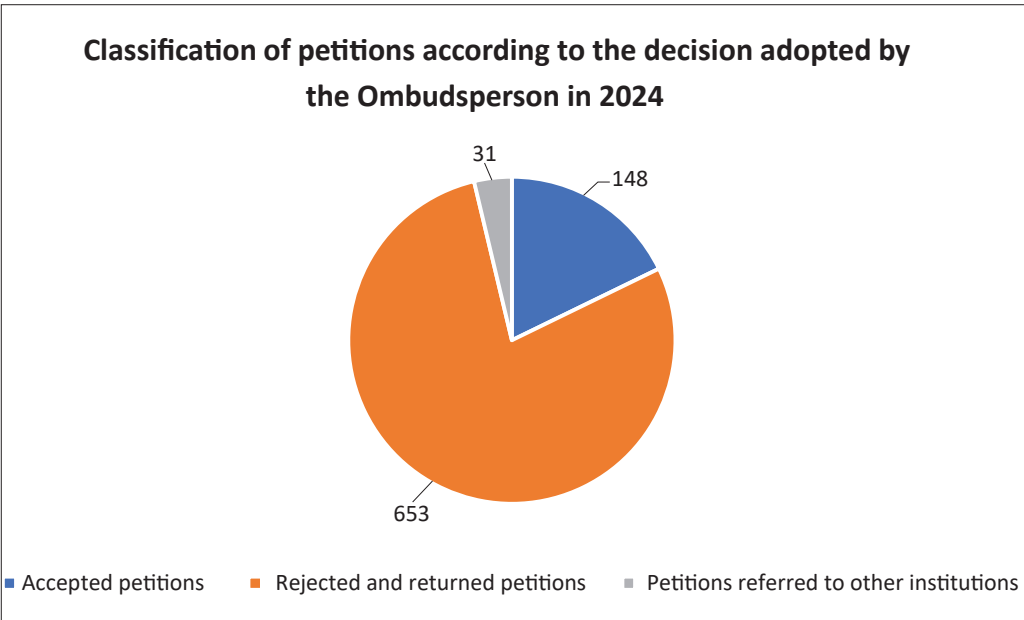
One of the basic duties of the People's Advocate is the examination of complaints regarding violations of human rights and freedoms, as provided for in Article 16 of Law No. 52/2014 on the People's Advocate (Ombudsperson). In this regard, the People's Advocate acts both based on incoming requests and *ex officio*. With the adoption of the new Law No. 165/2023 on whistleblowers, the Ombudsperson examines applications for protection of whistleblowers. Similarly, in the case of public disclosures of breaches of the law, the Ombudsperson may take *ex officio* action. In addition, following the entry into force of Law No. 148 of 9 June 2023 on access to information of public interest, the People's Advocate also examines petitions concerning violations of the right of access to information of public interest.

During 2024, the People's Advocate Office received a total of **1,001 petitions**, of which 76 petitions were registered by the PAO Representatives in Balti, Cahul, Comrat and Varnița. Of these, **832 petitions (approximately 83%) were addressed to the People's Advocate**, while **169 (around 17%) were directed to the People's Advocate for Children's Rights**. An analysis of the petitions reveals an increase in the number of returned cases, with **721 petitions returned in 2024** compared to **636 in 2023**. This rise can be attributed to several factors, including failure to comply with formal application requirements, submission of applications after the one-year deadline following the finding of a human rights violation, and cases falling under the jurisdiction of other bodies.



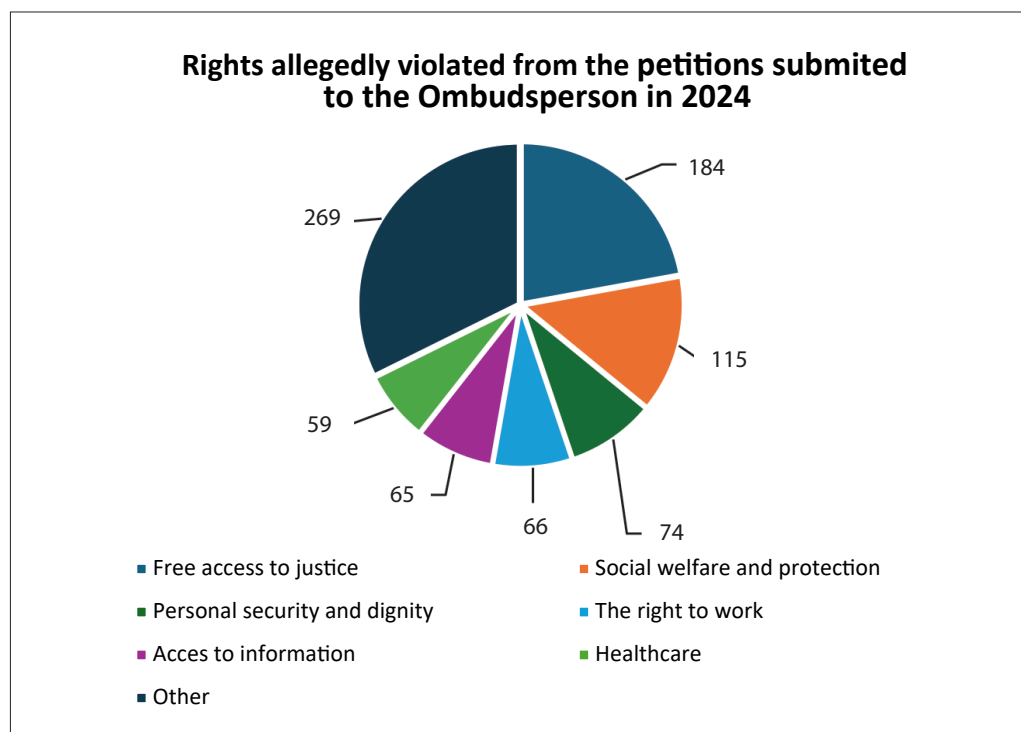
Similarly, during the year, the People's Advocate Office **conducted 2,329 physical hearings and 1,227 persons were heard over the telephone.**

Of the 832 petitions addressed to the People's Advocate, 148 met the admissibility criteria and were accepted for examination. Meanwhile, of the remaining **653** petitions, 363 petitions were rejected in accordance with legal provisions and 290 were returned without examination. However, the petitioners were provided with explanations regarding the legal procedures they could follow to protect their rights and freedoms. Additionally, **31** petitions were forwarded to the competent authorities for appropriate action within their areas of responsibility.





The most frequently invoked and alleged violations of rights, according to the received petitions, were:



Out of the 148 requests accepted for examination in 2024, 128 requests were completed or closed. Among these, in 65 cases no violation of rights was found, while in 63 cases the affected persons were partially or fully reinstated in their rights.

In examining applications, the Ombudsperson not only addressed individual cases but also identified systemic problems and took action to bring about changes with a significant impact on a large number of people. Examples include the **rehiring of 1,220 personal assistants** whose contracts had previously been terminated by the General Directorate of Medical and Social Assistance of the Chişinău Municipal Council; the **re-employment of 225 personal assistants** whose contracts were ended or whose working conditions were altered with reduced salaries; the modernisation and equipping of the Civil Aviation Medical Centre (CMAC) medical rooms with necessary equipment, restoring patients' access to quality medical services; and **the reinstatement of several detainees following improvements to their living conditions** through repairs and provision of access to common areas. These successful systemic interventions demonstrate the People's Advocate capacity to substantially improve the lives of many people while implementing lasting changes that strengthen fundamental rights protection for future generations.

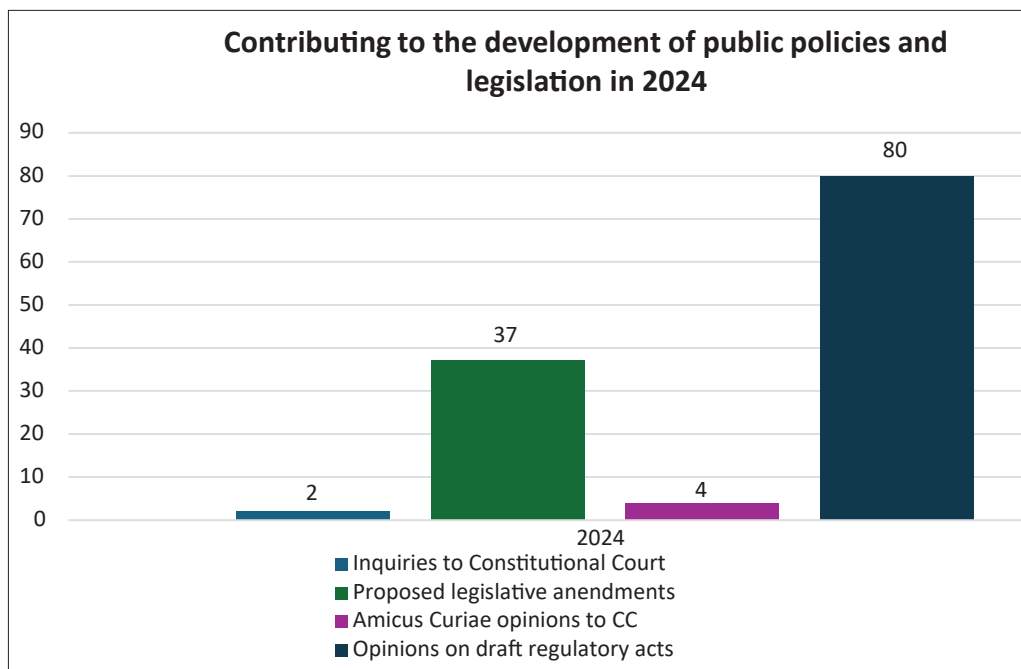


In 2024, the People's Advocate settled **three cases through mediation** and participated in court in **11 cases**. In addition, **the People's Advocate acted on their own initiative in eight cases**.

Contributing to the process of improvement of legislation in the field of ensuring human rights and freedoms

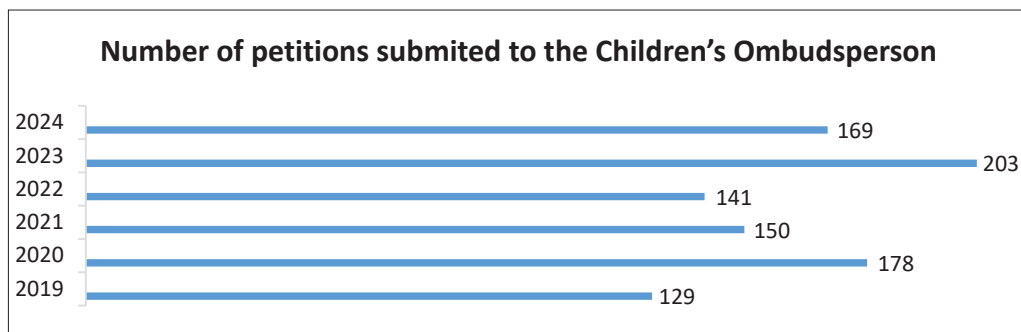
According to Article 16 of Law on the Ombudsperson No. 52/2014, one of the Ombudsperson's responsibilities is to contribute to the improvement of legislation in the field of human rights and freedoms. To this end, the People's Advocate submits proposals and recommendations aimed at eliminating the causes and conditions that create opportunities for human rights violations. The office issues opinions on draft normative acts concerning human rights and freedoms, assesses the compatibility of national legislation with international legal instruments in this field, and refers cases to the Constitutional Court for review of the constitutionality of normative acts. In 2024, fulfilling its mandate to improve existing legislation, the People's Advocate Office drafted and submitted **37 proposals for amendments to the normative framework**, 12 of which concerned children's rights. The proposed amendments are reflected both in the annual report and separate documents issued throughout the year. As a subject entitled to refer a case to the Constitutional Court, the People's Advocate submitted **two complaints** on the constitutionality of certain provisions on the right to work and differential treatment in the field of social protection. At the time of drafting the report there is no judgement or decision issued on the above-mentioned complaints. At the same time, the Ombudsperson submitted **four amicus curiae opinions** to the Constitutional Court, three of which were submitted at the request of the Court and one on his own initiative. Out of the total number of *amicus curiae* opinions submitted, one was submitted by the Ombudsperson for the Rights of the Child.

In the reporting year, the People's Advocate drafted **80 opinions on draft legislative acts**, analysed from the perspective of adhering to international human rights standards, and relevant proposals and recommendations for their improvement were formulated. Out of the total number of opinions, 13 were in the field of children's rights, and eight opinions were drafted by the Comrat Representation on drafts issued at the local level in the Gagauz ATU.



Child Rights Division

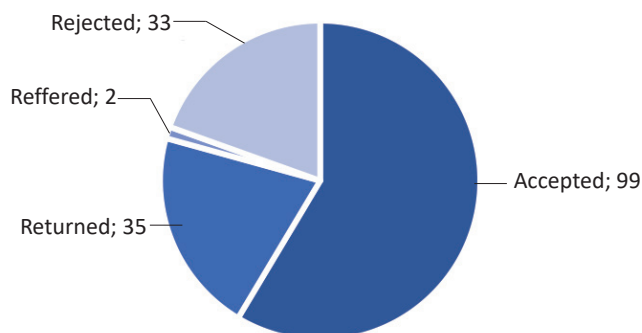
In 2024, The People's Advocate for Children's Rights received a total of **169 requests**.



Of the total number of petitions, 99 met the eligibility criteria and were accepted for examination. Decisions to deny were issued for 33 petitions, while 35 petitions were returned to petitioners along with explanations regarding the procedures they could follow to defend their rights and freedoms. Additionally, two of the accepted petitions were forwarded to the competent authorities for examination within their mandate.

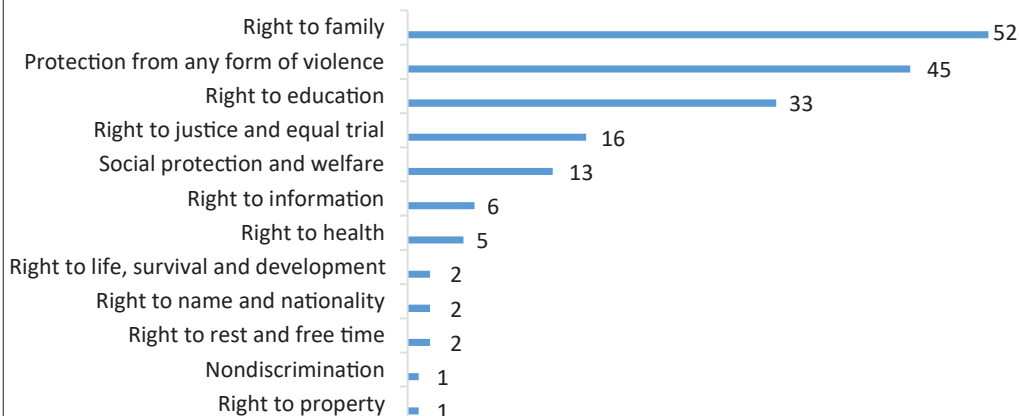


Categorisation of petitions according to the decision adopted by the Children's Rights Ombudsperson in 2024



Following the examination of petitions submitted to the People's Advocate for Children's Rights, it was found that the rights alleged to have been violated are as follows:

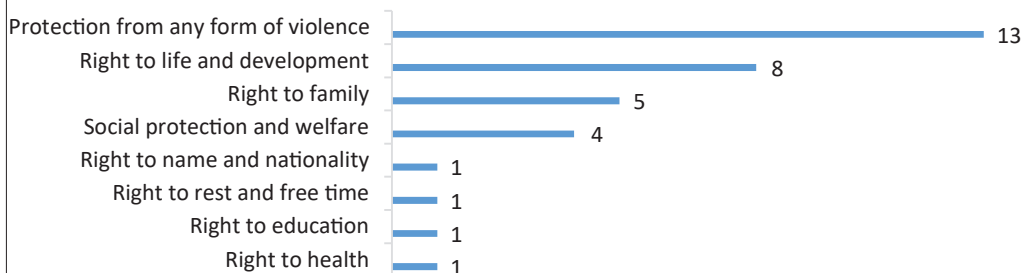
Rights invoked in petitions to the People's Advocate for Children's Rights



Within its functional remit, and to ensure that children's rights are respected, the People's Advocate for Children's Rights is entitled to act *ex officio* to assist any child in difficulty or at risk. Based on information from media reports, social networks and calls received through the Child Ombudsperson's helpline (080011116), the Children's Ombudsperson **was notified *ex officio* of 34 cases** in 2024, in which the infringement of the following rights was noted:



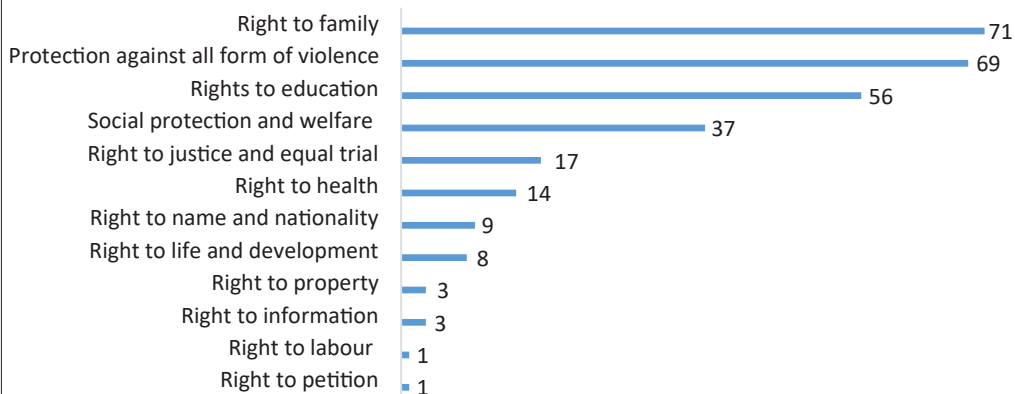
Rights allegedly infringed (initiated ex officio)



Based on the examination of *ex officio* applications and complaints, the Children's Ombudsperson issued **33 reactionary acts** (pursuant to Article 24 and Article 25 of the Law No. 52/2014 on the Ombudsperson). These included 22 opinions with recommendations, 6 complaints, 2 démarches, and 3 court conclusions.

In 2024, the Children's Rights Directorate provided information and advisory support to 284 individuals, including through various channels: the "Child Advocate's Hotline" managed by the Children's Ombudsperson (133 individuals), telephone calls (79 persons), e-mail (4 persons) and hearings (68 persons). Out of the total petitions and *ex officio* reports, 17 petitions and 2 *ex officio* files cases were accepted concerning the following rights:

Rights invoked during informational assistance delivery



Also, in 2024, with the support of UNICEF Moldova, **four thematic reports** were developed: 'Evaluation of the implementation of the latest recommendations to the Republic of Moldova of the UN Committee on the Rights of the Child, other existing

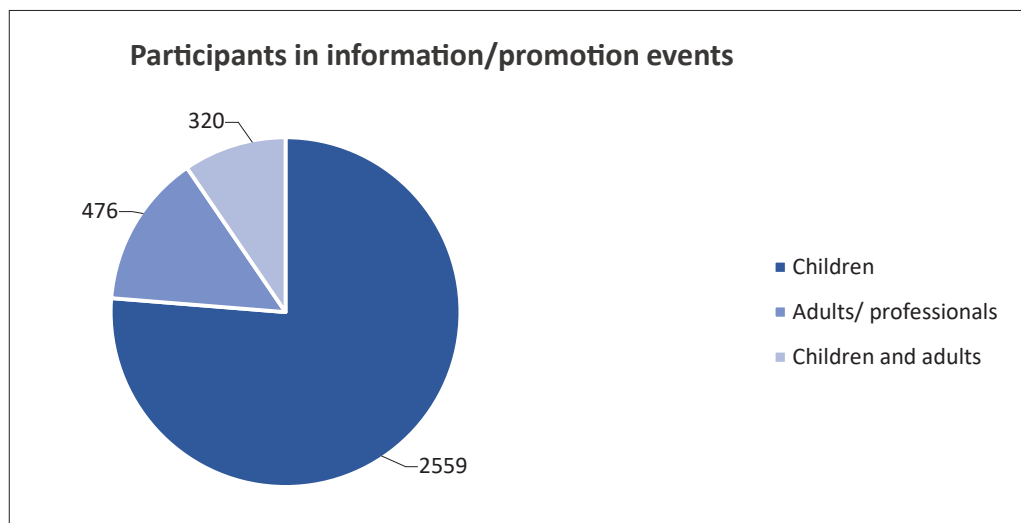


treaty bodies and monitoring mechanisms', 'Respect for the right of the child to have an opinion and to be involved in the decision-making process', 'Analysis of the mechanism and procedures for the enforcement of child maintenance' ³⁰³, 'Mechanisms for children to file complaints in cases of violation of their rights'.

In the context of the preparation of the thematic reports, as well as in the process of consideration of *ex officio* applications and complaints, the Children's Ombudsperson and the Directorate for Children's Rights carried out **33 monitoring visits** to educational institutions, social welfare territorial subdivisions, day and foster care centres, penitentiaries, etc.



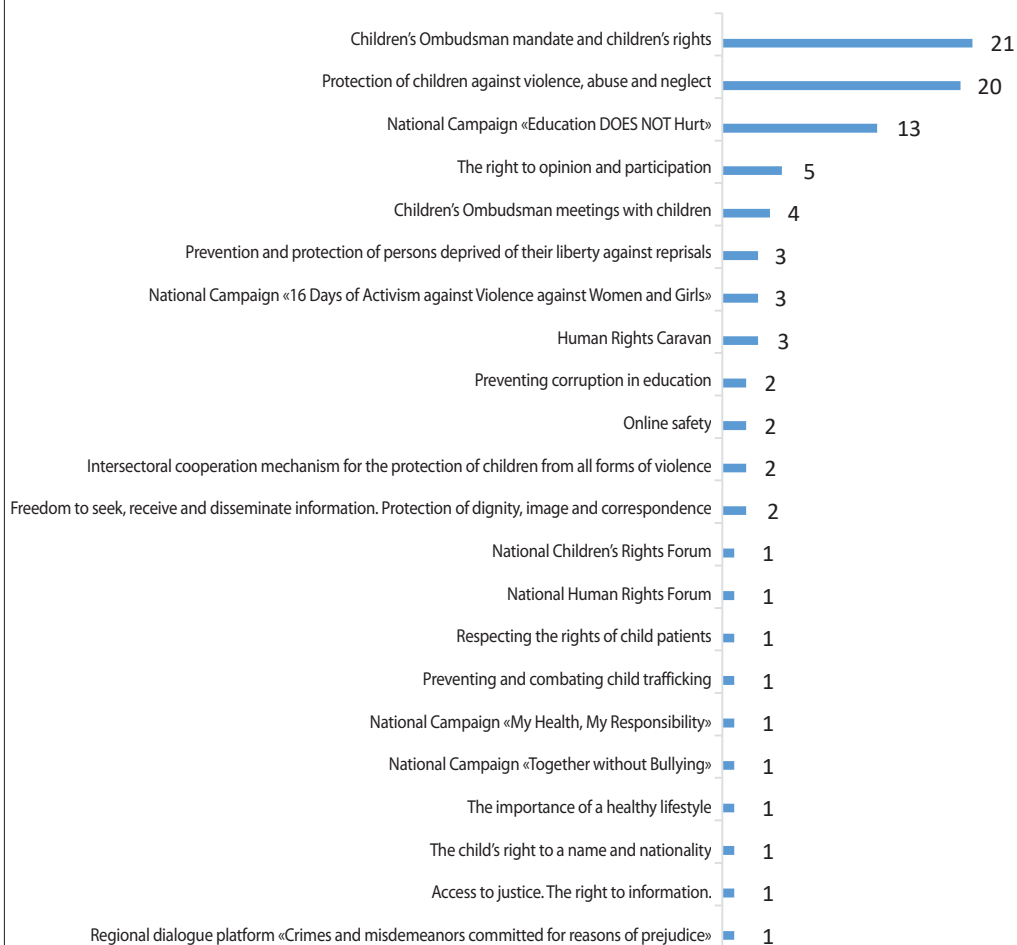
The Child Rights Division organised 90 activities to inform and promote children's rights with 3,355 children and professionals (mayors, teachers, social workers, penitentiary system staff etc.)



³⁰³ <https://ombudsman.md/post-document/raport-tematic-analiza-mecanismului-si-procedurilor-de-executare-a-pensiei-de-intretinere-a-copiilor/>

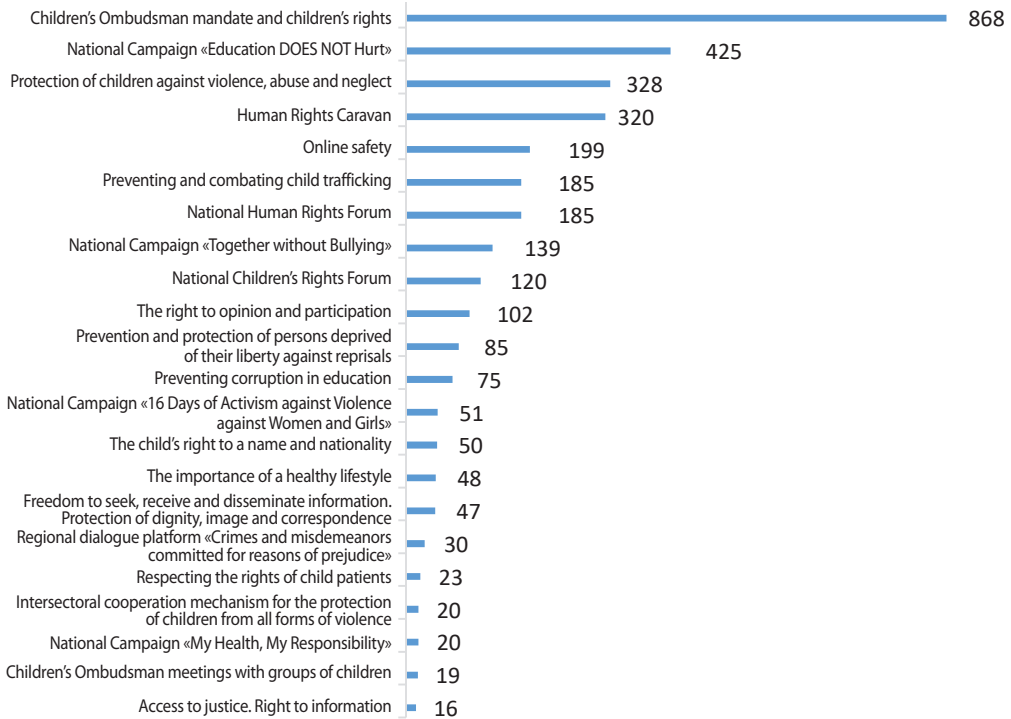


Information/promotion activities by topics





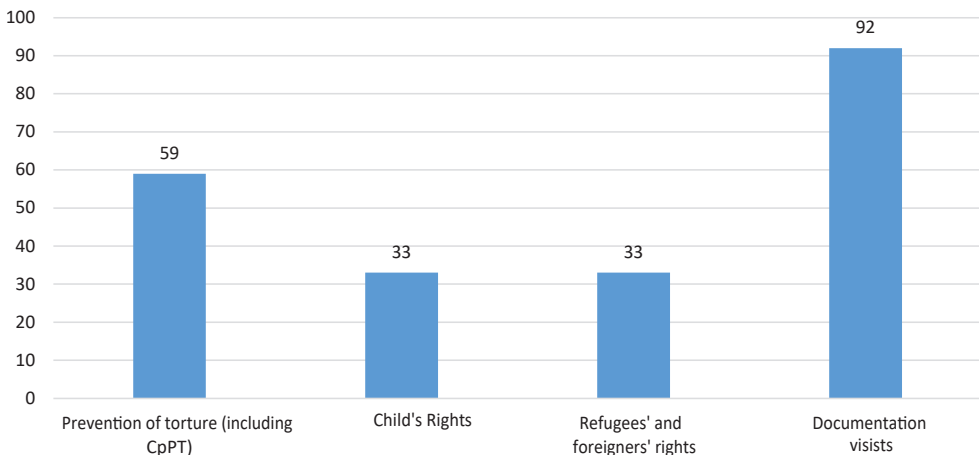
Number of informed persons, by topic



Monitoring and reporting activities

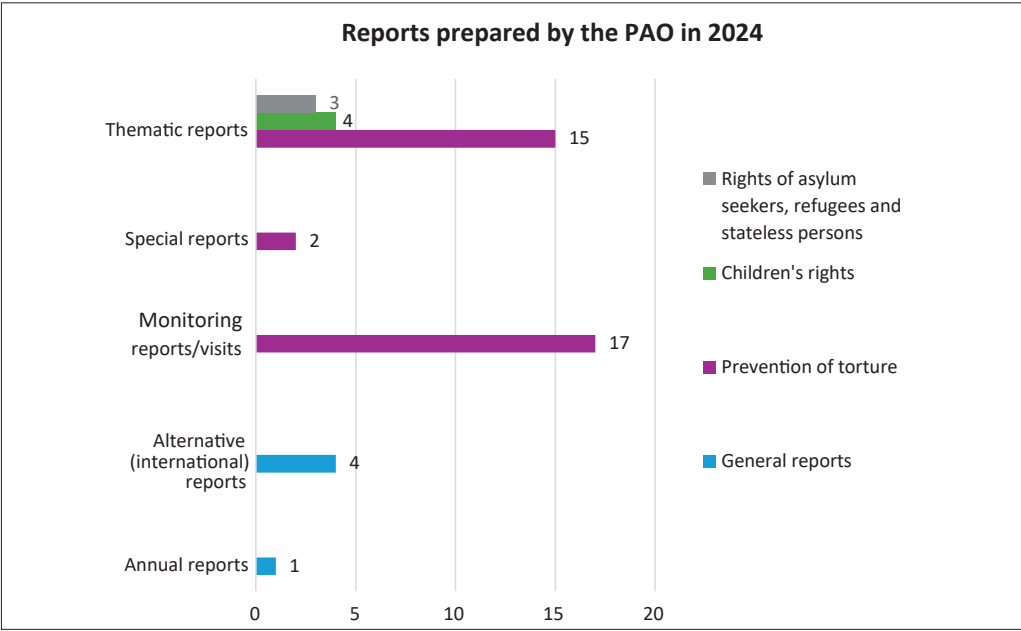
In 2024, **217 visits** were paid under the PAO aegis.

PAO monitoring and preventive visits in 2024





During 2024, the People’s Advocate Office developed **46 reports**, providing a detailed overview of various human rights issues. These documents are publicly accessible on the office’s official website, www.ombudsperson.md, under the ‘Reports’ section. Out of these, the following are noteworthy:



Activities to promote human rights and freedoms carried out in 2024

In 2024, the People’s Advocate Office undertook an extensive information and awareness-raising campaign, developing a volume of **55,300 information materials**. These were developed to provide individuals with essential information about the mandate of the National Human Rights Institution, fundamental rights and freedoms, and the mechanisms available for their protection.

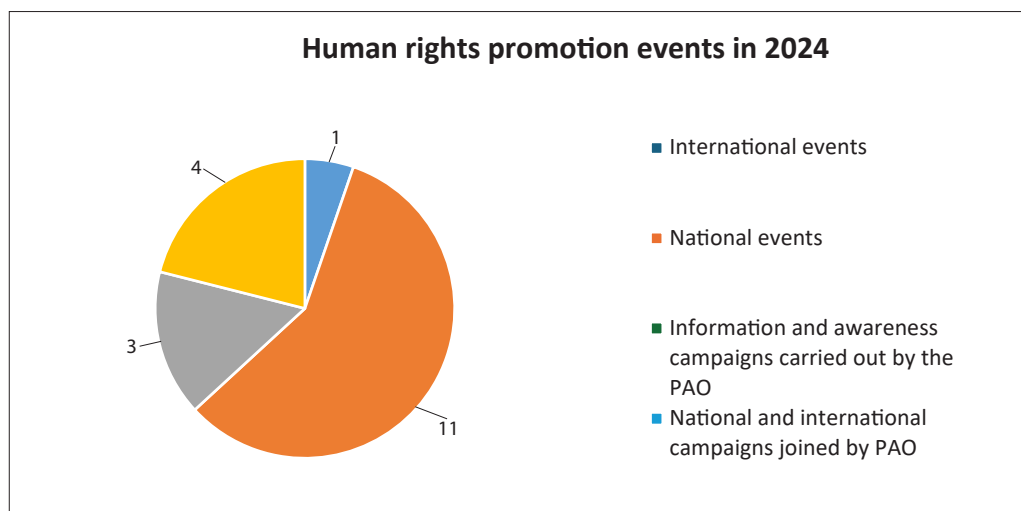
Particular emphasis was placed on the **rights of refugees**, with materials highlighting the protection and assistance measures available to this vulnerable group. Information was also produced on **patients’ rights**, outlining the **14 fundamental rights** they hold within the healthcare system. Additionally, the **Human Rights Based Approach (HRBA)**, a key principle guiding all actions to protect and fulfil fundamental rights, was actively promoted.

During the reporting period, the Ombudsperson’s Office also carried out **three information and awareness-raising campaigns**, including the **Human Rights Caravan**, the **#EuNUaplic166/1 - IRespectHumanDignity** campaign and the

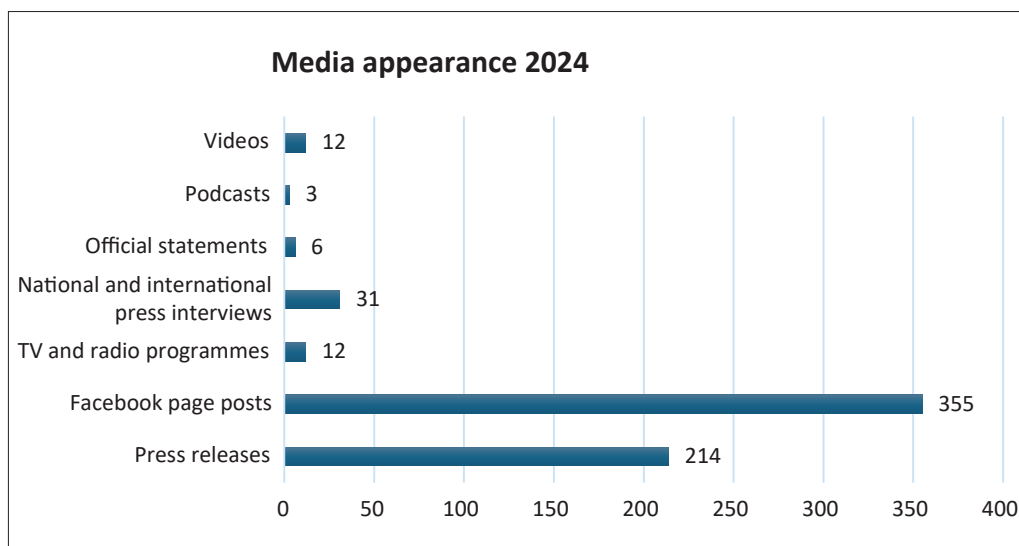


Human Rights Festival. In parallel, PAO **joined four national and international campaigns** with the main objective of promoting human rights and strengthening a more informed and responsible society. The campaigns included 'My Health - My Responsibility', a national initiative to promote individual responsibility in maintaining good health, 'Education DOESN'T Hurt', a campaign to raise awareness and prevent violence in schools, the National Campaign for the Prevention and Reporting of Child Abuse and Violence against Children and '16 Days of Activism against Gender-Based Violence', an international initiative to combat gender based violence and to encourage concrete prevention measures.

In addition, PAO **organised one international event** on human rights protection mechanisms and the role of National Human Rights Institutions in the European Union and beyond. Another **11 events were carried out at the national level**, among which the Human Rights and Equality Forum 2024; National Forum on Children's Rights; Presentation of the results of the Study on Perceptions of Human Rights in Moldova in 2023; Presentation of the set of indicators relevant to the right to health; Public consultations on the concept of Human Rights Defenders, thematic reporting events, etc.



In 2024, the People's Advocate Office strengthened its presence in the national media, with a total of **633 media reflections**. Likewise, **214 press releases** were published on the institution's official website. On the official Facebook page, **355 posts** were distributed for public information and awareness raising. In addition, representatives of the institution participated in **12 TV and radio programmes**, gave **31 interviews to national and international press** and issued **six official statements**. Media activity was complemented by **three podcasts and 12 YouTube videos** to promote human rights education.



In 2024, the People's Advocate Office conducted **235 outreach activities** (training sessions, human rights promotion activities) for **7,504 people**, building their capacities in key areas such as torture prevention, human rights education, access to justice, child rights protection and assistance. Sessions were also organised on national mechanisms for the protection of human rights, the right to health and other related topics, aimed at strengthening knowledge and responsibilities among both rights-holders and duty-bearers.

Area	Prevention of torture	Human Rights Education	Access to justice	Children's rights	Social protection	National mechanism for the protection of rights	Health protection	Related areas
Number of activities	42	37	34	90	10	10	7	5
Number of participants rights-holders	238	1030	478	2.759	103	141	82	412
Number of participants duty-bearers	851	173	180	596	142	53	179	87
	1.089	1.203	658	3.355	245	194	261	499
Total participants	Total activities - 235, total participants - 7.504							



Human Resources Management 2024

Structurally, the PAO consists of the Ombudsperson and his deputies, the People's Advocate for Children's Rights, the Secretary-General, and the structural and territorial subdivisions. The Ombudsperson 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

- Department of public policies and legislation
- Department of monitoring and reporting
- Department for the torture prevention
- Department of the child's rights
- Document Management and Hearing Directorate
- Department of complaints' management and investigation
- Department of human rights promotion and communication
- Unit of internal audit
- Financial and administrative department
- Administrative Management Department
- Legal unit
- Unit of human resources
- Internal Management Service
- Public Procurement Service

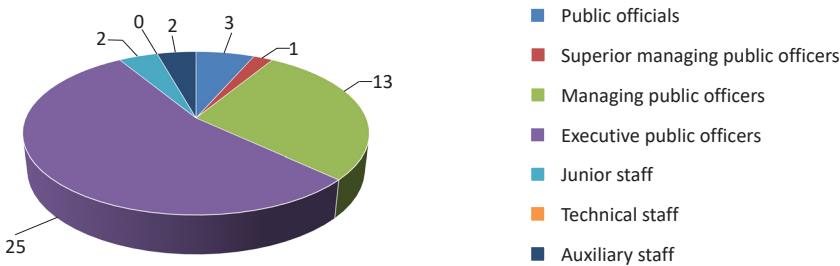
The institutional activities across the country's territory are ensured through four regional offices:

- Balti Office;
- Cahul Office;
- Comrat Office;
- Varnita Office.

At the end of 2024, the People's Advocate Office employed **46 people**.



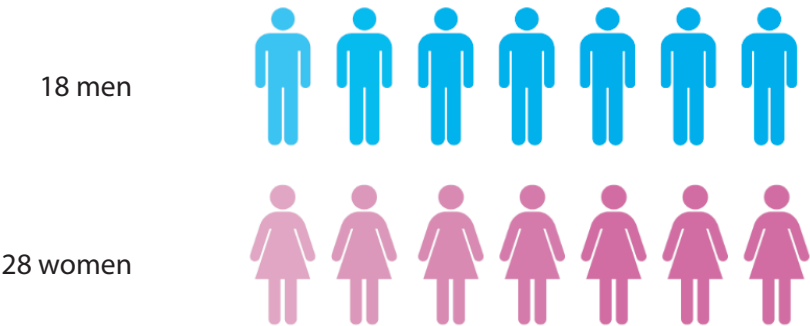
PAO Staff by public function/position in 2024



Staff by gender

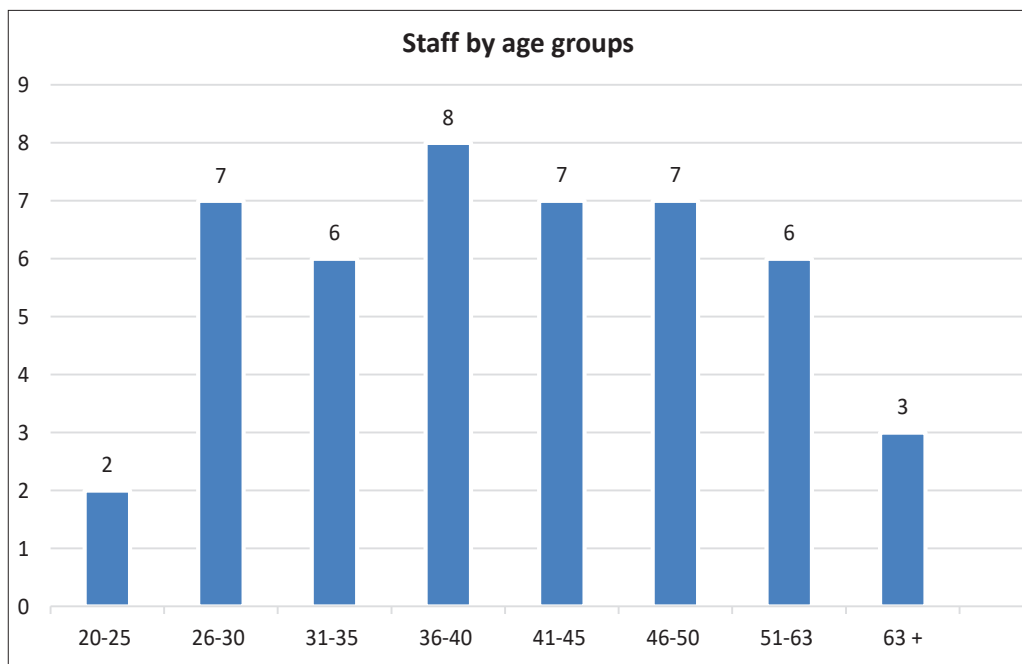
An analysis of the staff structure shows that women predominate in the institution, with 28 women compared to 18 men.

The staff structure by gender



Staff by age

The analysis of the staff structure by age group reveals a balanced distribution within the 26-30, 41-45, and 46-50 age groups, each comprising seven employees. The largest group is that of employees aged 36-40, which includes eight individuals.



In 2024, 14 new individuals were employed by the PAO, while 13 employees resigned. During the same period 26 posts remained vacant.

Budget of the People's Advocate Office in 2024

In line with the State Budget limits for 2024, approved by Law No. 418/2023, the amount of **24,458.4 thousand MDL** was allocated to fund the activities of the Ombudsperson's Office, including 1,000 thousand MDL dedicated to the restoration of the People's Advocate Office premises, located at 16 Sfatul Țării Street, Chișinău municipality. During the year, rectifications were made to the State Budget Law, resulting in increased allocations for certain expenditure items. Consequently, the amended budget amounted to **28,243.1 thousand MDL**. These funds were allocated to finance the following two budget lines:

- Monitoring human rights - the amount of 27,156.2 thousand MDL, including:
 - 15,190.2 MDL: personnel expenses - remuneration of staff and payment of compulsory contributions;
 - 4,691.4 MDL: current expenditure on the organisation of the institution's work, including costs related to fulfilling its mandate;
 - 1,100 MDL: investments for capital renovation of the People's Advocate Office HQ at str. 16, Sfatul Tarii Street, Chișinău Municipality;
 - 5,802.8 MDL: funds expected to be collected from donations or the implementation of activities outlined in the agreements signed with partners;

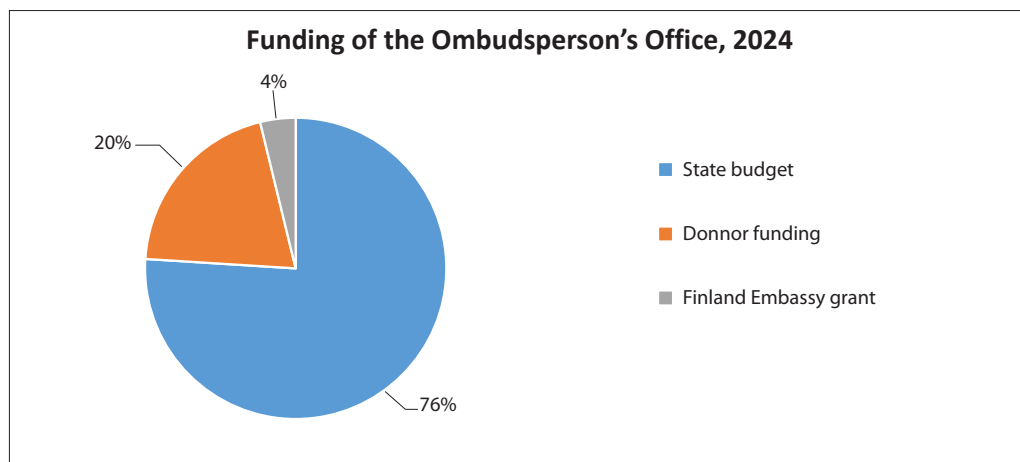


- 371.8 thousand MDL: financing the activity of the National Mechanism for Prevention of Torture;
- Strengthening PAO's mechanisms to protect human rights against reprisals and retaliation - 1,086.9 thousand MDL (Grant from the Embassy of Finland in Bucharest).

In 2024, the institution continued its cooperation with international organisations in the promotion and protection of human rights and children's rights. Attracting donor funds was essential, given that the amount allocated from the state budget was insufficient to realise the activities outlined in the institution's Strategic Development Plan for 2023-2030. This plan aims to implement the mandate effectively while addressing new challenges and needs faced by the PAO.

Effectively, the income from **donations** in 2024 **amounted to 5,255.7 thousand MDL**, received from the following organisations:

- The United Nations High Commissioner for Refugees (UNHCR) - 4,883.8 thousand MDL, funds planned for the monitoring of the refugee crisis and PAO's institutional development activities, including temporary rental services of the institution's premises;
- UNICEF - 371.9 thousand MDL for capacity building of the Ombudsperson for the Rights of the Child.



The percentage of **the PAO budget implementation rate at the end of 2024 was 92.3%.**

The implementation rate for capital investments stood at 84.7%. In 2024, the design and estimate documentation for restoration works was prepared, reviewed, and approved by the National Council of Monuments of the Ministry of Culture of the Republic of Moldova.

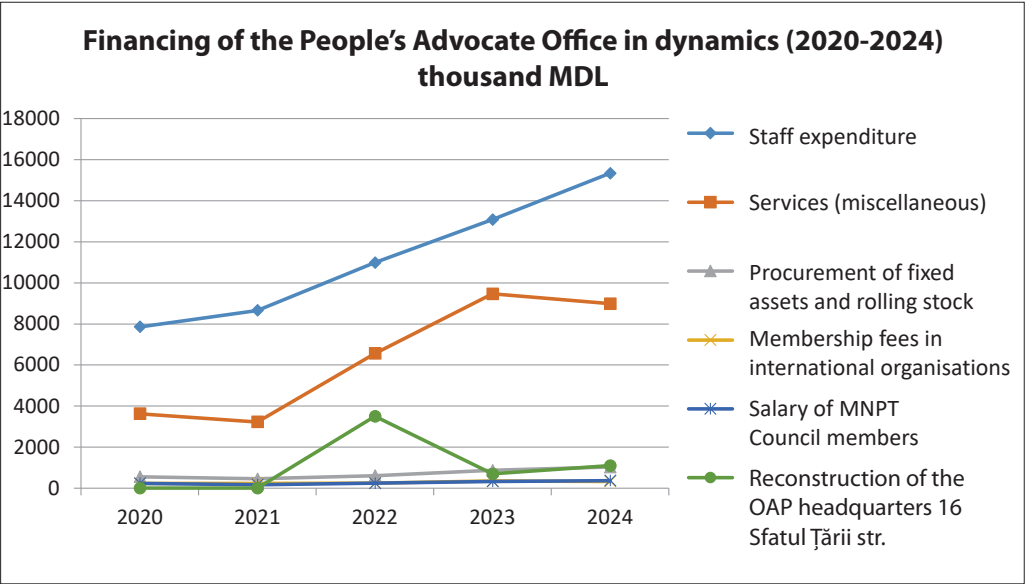


The actual cost according to the general estimate is 53,032.24 thousand MDL.

Additionally, specifications were prepared for the 2025 procurement of: 1) restoration works for the administrative building; 2) technical supervision services for these restoration works of the building. Under 'Other current expenses' remuneration paid to the members of the Council for the Prevention of Torture (CfPT) reached 87.8 % of the allocated budget. The realisation of visits and meetings by Council members was carried out in accordance with the CfPT's Plan of Activities, approved by the People's Advocate, pursuant to Article 30 of the Law on the People's Advocate (Ombudsperson) No .52/2014. Remuneration for Council members' work is based on reports submitted following visits, as well as for the actual attendance at Council meetings.

Some of the problems encountered in 2024 were related to staff turnover and insufficient financial means under Staff expenditure. Although **Law No. 164/2015 sets the staff headcount limit at 72 persons**, the **average number of employees during the year was 47**. To address this staffing cover shortfall, the Ministry of Finance was repeatedly requested to allocate additional funds for this expenditure. However, the amounts received were minimal, resulting in delayed payment of November salaries and the 2024 performance bonus being paid only in 2025.

The financing allocated to the institution over time is as follows:



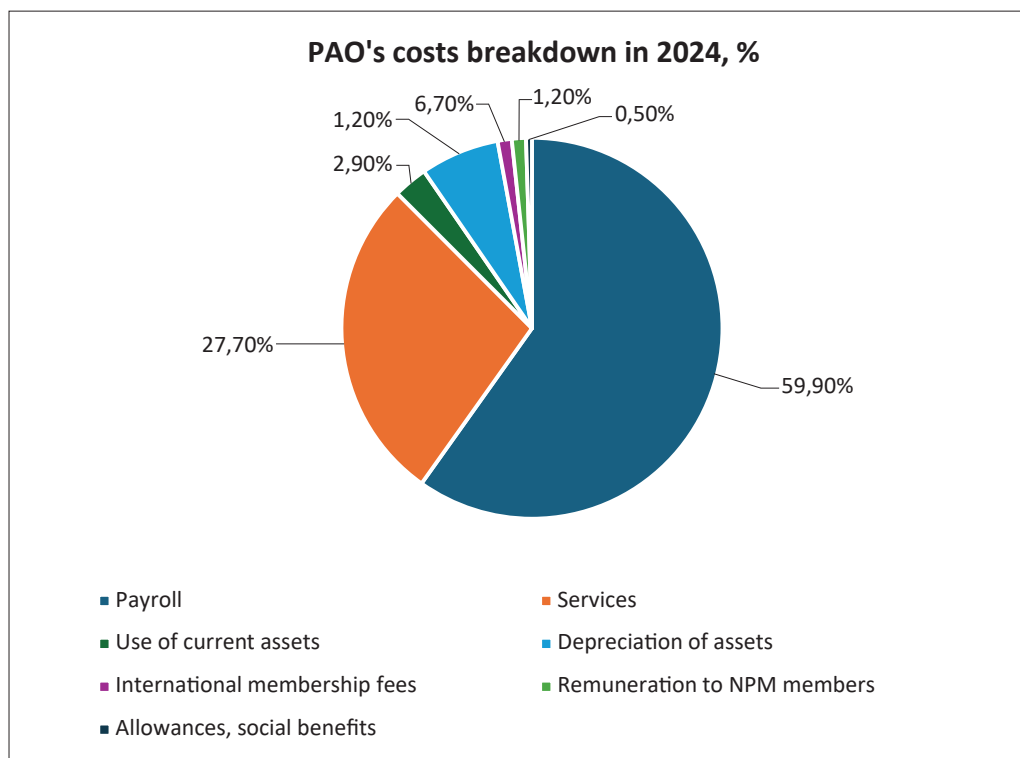
A dynamic comparison of allocations amounts reveals an increase in the Staff Expenses component - due to a rise in the reference amount and the allocation of additional funds to finance certain positions. Similarly, the Goods and Services component saw an increase, explained by higher allocations resulting from donor-funded financial contributions.



Analysis of the actual expenditure of the People's Advocate Office in 2024

During 2024, the People's Advocate Office spent **27,589.3 thousand MDL**.

Distribution of the expenses of the People's Advocate Office in 2024, %, amounts in thousands MDL



The expenditures can be grouped as follows:

- **Personnel costs** - approximately 59.9% of total expenditure, covering employee remuneration and compulsory social contributions to the state budget.
- **Service costs** - around 27,7 % of total expenditure, including maintenance of the institution's premises - payment for electricity, heating, water; security services, rental services; telephone services, repairs, transport; cleaning; contracting experts in various fields; training services; translation services; travelling; other activities for the fulfilment of the mandate of the Ombudsperson and the Ombudsperson for the Rights of the Child.
- **Costs of supplies** - about 2.9 % of total expenditure (covering fuel, household goods, office supplies, spare parts, promotional materials, information materials, etc.)



- **Depreciation costs** -approximately 6.7% of total expenditure, including expenditure on wear and tear of fixed assets and amortisation of intangible assets.
- **Membership fees in international organisations** - about 1.2% of total expenditure, reflecting the People's Advocate Office's obligations as a voting member of several international institutions and human rights networks.
- **Remuneration of NPM members** - about 1.2 % of the total expenses (payment of remuneration for visits and meetings to the members of the Council for the Prevention of Torture). The members of the Council for the Prevention of Torture are independent in the planning and realisation of the number of meetings and the number of visits.
- **Social benefits, allowances** - near 0.5 % of the expenditure, mainly for sick leave allowances (first five days paid by the employer) and severance pay.

Analysing the expense components, it is clear that remuneration of employees' labour constitutes the largest share of total expenses. This is despite the fact that, during 2024, the average number of persons employed was about two-thirds of the staffing levels envisaged in the approved staffing statements. Therefore, one of the main challenges of the People's Advocate Office, as a National Human Rights Protection Institution, is ensuring financial independence. Currently, the budget limits set by the Ministry of Finance and approved in the **Medium-Term Budgetary Framework (MTBF) cover only 75% of the resources needed for the Office to function effectively** and support the People's Advocates in fulfilling their mandate.

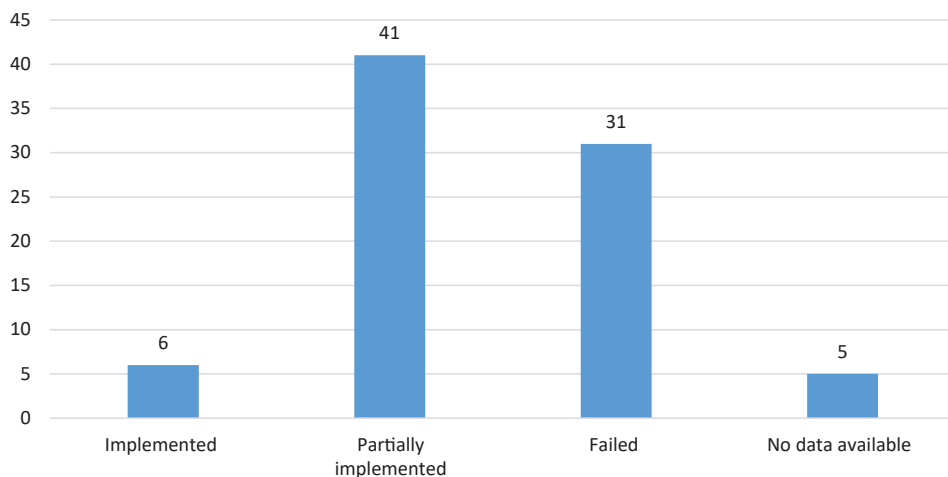
Level of implementation of the recommendations of the Annual Report on the respect for human rights and freedoms in the Republic of Moldova

The People's Advocate, in its Report on the respect for human rights and freedoms in the Republic of Moldova for the year 2023, addressed **83 recommendations to state institutions**. Following the evaluation of the implementation of the recommendations, the People's Advocate notes that **6** recommendations have been realised, partially realised - **41** recommendations, not realised - **31** recommendations, and **5** recommendations could not be evaluated.

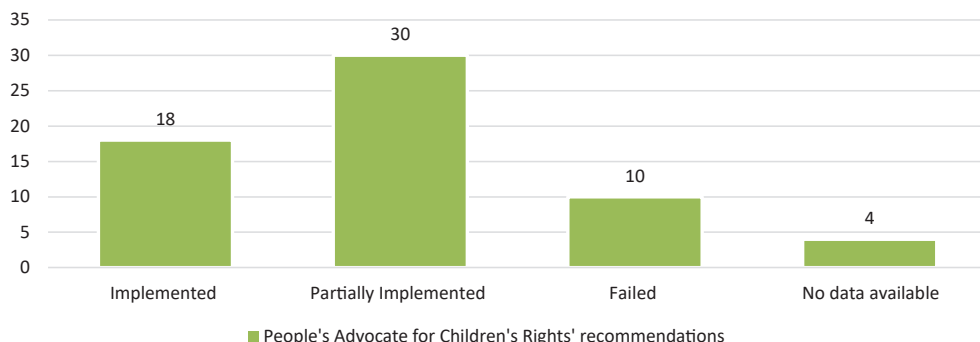
The People's Advocate for Children's Rights in his report on respect for human rights and freedoms in the Republic of Moldova for the year 2023 addressed **62** recommendations to state institutions. Following the evaluation carried out in the process of monitoring the implementation of the recommendations issued, the Children's Ombudsperson notes that: **18** recommendations have been realised, another **30** recommendations are partially realised, **10** are not realised and **4** recommendations could not be evaluated.



Implementation of the Ombudsperson's recommendations from 2023



Implementation of People's Advocate for Children's Rights' recommendations from 2023



Number of recommendations of the Ombudsperson addressed to public institutions in 2024

In total, the Ombudsperson addressed **90 recommendations**, out of which:

Parliament - 7

Government - 10

Ministry of Justice - 13

Ministry of Labour and Social Protection - 11

Ministry of Health - 8

Ministry of Foreign Affairs - 1

Ministry of Internal Affairs - 14

Ministry of Finance - 2



Ministry of Defence - 2
Deputy Prime Minister for Reintegration - 1
General Prosecutor's Office - 3
National Anti-Corruption Centre - 2
General Police Inspectorate - 5
General Inspectorate of Border Police - 3
General Migration Inspectorate - 1
National Army Main Staff - 1
National Administration of Penitentiaries - 3
Congress of Local Authorities of Moldova - 1
Central Electoral Commission - 2

Number of recommendations of the People's Advocate for Children's Rights addressed to public institutions in 2024

In total, the People's Advocate for Children's Rights addressed **72 recommendations**, out of which:

Parliament - 2
Ministry of Justice - 25
Ministry of Education and Research - 19
Ministry of Labour and Social Protection - 6
Ministry of Health - 1
Ministry of Infrastructure and Regional Development - 2
General Prosecutor's Office - 1
Bureau for Reintegration Policies - 2
National Administration of Penitentiaries - 6
National Health Insurance Company - 2
National Office of Social Insurance - 1
National Legal Aid Council - 1
Republican Centre for Psycho-pedagogical Assistance - 2
National Agency for the Development of Youth Programmes and Activities - 2

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