

**Group of cases: I.D. v. the Republic of  
Moldova (no. 47203/06)**

**Implementation review**

# STRUCTURE

A brief summary of the events

A brief summary of the Action Plans and Actions Reports  
submitted by the government

A summary of the current situation, including key positive  
developments, key shortcomings, key facts on the ground

Recommendations

# A BRIEF SUMMARY OF THE EVENTS



The present group of cases concerns violations of **Articles 3 and 13 of the Convention** on account of **poor material conditions of detention in establishments under the authority of the Ministry of Internal Affairs and Ministry of Justice** and **the lack of access to adequate medical care (including specialized medical treatment) in those facilities**, as well as the detention facility of the National Anticorruption Centre, together with the absence of effective domestic remedies in both respects, as well as **the implementation of the effective preventive and compensatory remedy, or a combination of remedies, in respect of inadequate conditions of detention.**

Other violations found by the Court concern **the lack of reasonable clarity as to the scope and manner of the exercise of discretion by the prison authorities as regards the authorization of family visits, contrary to Article 8 of the Convention.**

A BRIEF SUMMARY  
OF THE ACTION  
PLANS AND  
ACTIONS REPORTS  
SUBMITTED BY  
THE GOVERNMENT



### **3 general measures that the Government focuses on:**

- The practice concerning the assessment of the procedural quality of the remand prisoner and improvement of the legislation;
- The Improving of the material conditions of detention in the national prisons, including combating overcrowding in prisons;
- Medical assistance prisons.

**A SUMMARY OF THE  
CURRENT SITUATION,  
INCLUDING KEY  
POSITIVE  
DEVELOPMENTS, KEY  
SHORTCOMINGS, KEY  
FACTS ON THE  
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## Introduction of the prevention and compensatory mechanism in the Republic of Moldova

Promo-LEX acknowledged the statistical data presented by the Government.

However, Promo-LEX raised several concerns in relation to the new compensatory mechanism, which are related to:

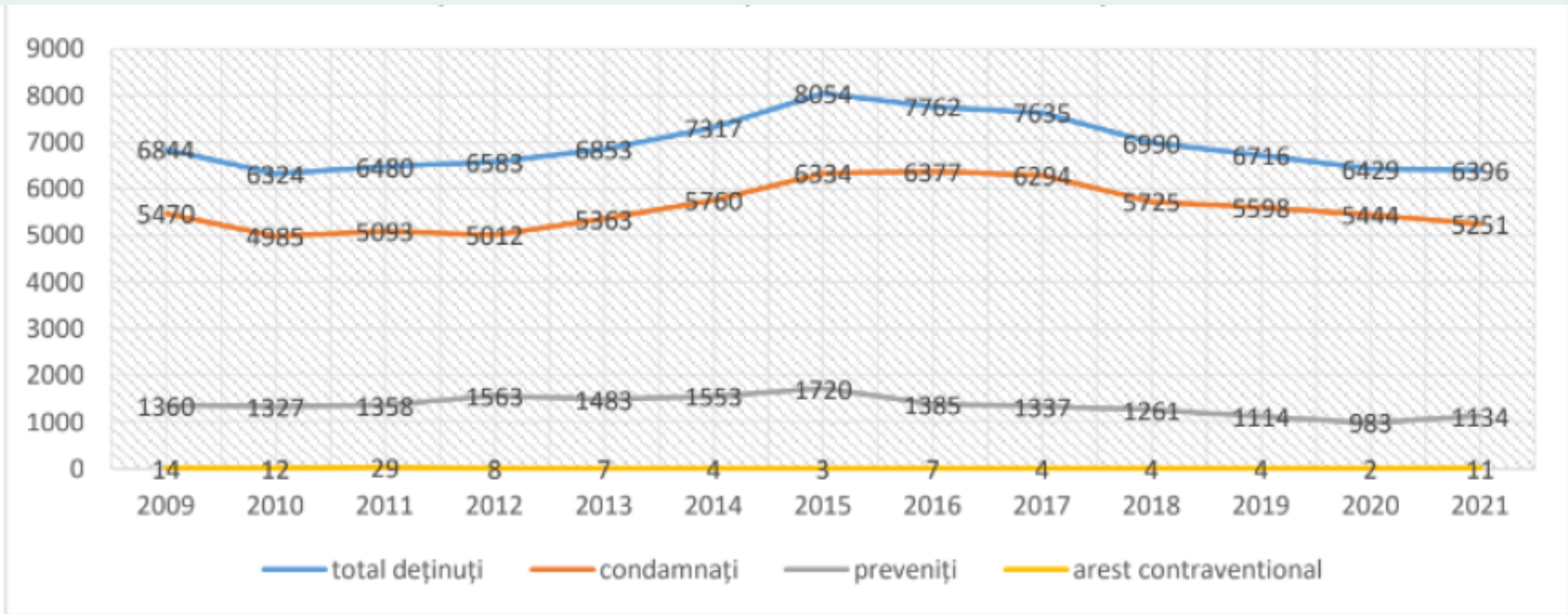
- The capacity of the investigative judges to apply the new preventive and compensatory remedy;
- Risks of misinterpretation of the provisions of laws Nos 163 and 272;
- A Non-uniform interpretation concerning the pecuniary compensations;





## **Efforts implemented by the authorities to further reduce overcrowding, including through reduced recourse to detention on remand**

- a reduced application of the alternatives to incarceration (the actual prison population is similar to 10 years ago);
- prison population rate remains stable in the Republic of Moldova; no prisoner has been released to prevent the spread of COVID-19 (despite the previous recommendation formulated by the CM CoE);
- authorities failed to develop and adopt policies to reduce overcrowding in prisons by applying release mechanisms due to the COVID-19 pandemic;
- authorities failed to apply measures to release from detention vulnerable groups of prisoners (such as prisoners with chronic diseases, prisoners over 60 years old, etc.) to reduce overcrowding in prisons and, respectively, the COVID-19 associated risks.



*Source: NAP (the number of detainees in the penitentiary system / total number of detainees; convicts; pending trial; contraventional arrest)*

<b>Penitentiary facility</b>	<b>Detention capacity</b>	No. of detainees as of 01.01.2020	No. of detainees as of 01.01.2021	No. of detainees as of 01.01.2022
Penitentiary facility no. 1 Taraclia	336	316 (-20)	345 (+9)	357 (+21)
Penitentiary facility no. 2 Lipcani	286	322 (+36)	352 (+66)	289 (+3)
Penitentiary facility no. 3 Leova	307	319 (+12)	362 (+55)	360 (+53)
Penitentiary facility no. 4 Cricova	713	790 (+77)	748 (+35)	695 (-18)
Penitentiary facility no. 6 Soroca	693	727 (+34)	724 (+31)	679 (-14)
Penitentiary facility no. 7 Rusca	231	301 (+70)	289 (+58)	287 (+56)
Penitentiary facility no. 9 Pruncul	467	502 (+35)	513 (+46)	453 (-14)

Penitentiary facility no. 11 Balti	258	395 (+137)	314 (+56)	315 (+57)
Penitentiary facility no. 13 Chisinau	570	842 (+272)	773 (+203)	948 (+378)
Penitentiary facility no. 15 Cricova	470	495 (+20)	512 (+42)	483 (+13)
Penitentiary facility no. 18 Branesti	652	668 (+16)	693 (+41)	622 (-30)

## The application in practice of the legal provisions relates to conditional release

Year	No. of detainees on early conditional release (art. 91 CC)	No. of detainees with the replacement of an unexecuted part of the sentence by a milder sentence (art. 92 of the CC)	No. of detainees released due to illness (art. 95 CC)
<b>2017</b>	263	10	1
<b>2018</b>	573	301	7
<b>2019</b>	425	211	2
<b>2020</b>	203	293	2
<b>2021</b>	269	252	8
<b>2022 (6 months)</b>	93	83	4

## **The construction of the new prison**

According to the Agreement's provisions between the Government of the Republic of Moldova and Council of Europe Development Bank  
The construction works had to be completed on December 31, 2017, and the final inauguration of the penitentiary was planned for June 30, 2018. At the request of the Ministry of Finance from January 2019, the CEB has extended the project implementation deadline until December 31, 2022



## Medical Assistance in Prisons

- The prison hospital does not comply with the national standards of a medical institution, does not have a health authorization for operation, does not have accreditation for the provision of medical services;
- The prisoners' right to health is violated due to inadequate treatment, lack of medical staff and non-compliance with national treatment protocols and standards;
- In the prison nr. 16 there is a lack of medical staff, in the staff states there are no nurse positions, these functions are performed by the detainees. Most medical workers agree to work due to military-grade incentives, which results in higher monthly incomes and faster retirement.



# Medical Assistance in Prisons

- The quality of the medical services provided is not verified by the institutions authorized by the Ministry of Health and Social Protection.
- Performance indicators with financial remuneration or other motivation systems for medical staff in penitentiaries involved in providing medical assistance to people with COVID-19, similar to the existing one for medical employees in medical institutions within the MSMPS, are not implemented within the ANP.



## Medical Assistance in Prisons

- There is still a low rate of inmates identified with the novel coronavirus infection (COVID-19) and a low rate of testing in the prison system. A low level of vaccination per penitentiary institution is attested.
- It maintains a high level of overcrowding per penitentiary, which affects the quality of medical care and the material conditions of detention.
- Penitentiary no. 16-Pruncul continues to operate without health authorization and is not accredited for the provision of medical services.
- General morbidity in prisons in 2021 increased.

# RECOMMENDATIONS



## **Implementation of the preventive and compensatory mechanism:**

- The Government to continue to provide statistics to the Committee of Ministers as to the application in practice of the newly adopted preventive and compensatory remedy;
- The Supreme Council of Magistracy to ensure that the Investigative Judges respect the terms set by law for examining the cases related to the application of the preventive and compensatory mechanism;
- Ensure that the practice of the application by the investigative judges of the new remedy is effective and the pecuniary compensation (moral and material) provided to the detainees is equitable and following the ECtHR standards;

## **Improvement of the detention conditions:**

- The National Prison Administration should implement the recommendations given by the CPT after its last visits during the period of 2015 – 2020, like reducing the levels of violence and reducing the overcrowding in cells;
- The Government should ensure living space under existing international norms;
- The Government should improve the quality and quantity of food and water provided to detainee;

## **The construction of the new prison:**

- Until the new prison is constructed, the Government should reduce overcrowding, particularly through the wider application of non-custodial measures as an alternative to imprisonment, in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules);
- The Ministry of Justice to provide a detailed timetable for the construction of the new prison in Chişinău and information on its general layout (overall capacity; size and design of accommodation cells; facilities for out-of-cell association activities, including areas for educational and vocational training, workshops, facilities for outdoor exercise and sport, etc.)

## **Medical care in the prison:**

- The Ministry of Justice and the Ministry of Health, Labor and Social Protection should follow the recommendations given by UN Committee for Prevention of Torture and the recommendations made under the UPR and develop a public policy ensuring the transfer of health workers subordinated to the National Prison Administration under the subordination of the Ministry of Health;
- The Government should provide appropriate and effective medical care of prisoners and detained persons, including adequate medicines;
- The Government should ensure the recruitment of qualified medical personnel;
- The Government should increase the budget allocated for health care in penitentiary institutions, including by developing the capacities and the infrastructure of the Pruncul Prison Hospital – P 16;
- The Government and parliament should take prompt action to reduce the prison population in conditions allowing effective implementation in detention of the preventive measures required by WHO.

