

Committee against Torture

Concluding observations on the third periodic report of Republic of Moldova*

1. The Committee against Torture considered the third periodic report of Moldova (CAT/C/MDA/3) at its 1572nd and 1575th meetings, held on 7 and 8 November 2017 (CAT/C/SR.1728 and CAT/C/SR.1575), and adopted the following concluding observations at its 1600th and 1602nd meetings (CAT/C/SR.1600 and CAT/SR.1602) held on 27 and 28 November 2017.

A. Introduction

2. The Committee welcomes the dialogue with the State party's delegation and the oral replies and written information provided to the concerns raised by the Committee, but regrets the late submission of the report.

B. Positive aspects

3. The Committee welcomes the State party's accession to and ratification of the following international instruments:

- (a) Convention on the Rights of Persons with Disabilities, on 21 September 2010;
- (b) Rome Statute of the International Criminal Court, on 12 October 2010;
- (c) Convention relating to the Status of Stateless Persons (of 1954) and Convention on the Reduction of Statelessness (of 1961) both on 19 April 2012; and
- (d) Recognition of the competence of the Committee to receive and to consider communications under articles 21 and 22 of the Convention, on 2 September 2011.

4. The Committee welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including:

- (a) Adopting amendments to the Criminal Code increasing penalties for acts of torture, introducing criminal punishment for acts that constitute inhuman or degrading treatment or punishment (article 166(1)), eliminating a statute of limitations for torture or ill-treatment (article 60, paragraph 8) and declaring that no punishment milder than that stipulated by law can be applied for acts of torture (articles 60, 107 and 79) in November 2012; and making domestic violence a criminal offence (article 201(1)), and supplementing the Criminal code with article 133¹ criminalizing marital rape, on 9 July 2010;

* Adopted by the Committee at its sixty-second session (6 November-6 December 2017).

(b) Amendment of the Enforcement Code by adding new article 175¹ stating that “Detention not exceeding 72 hours, as a coercive procedural measure, shall be ensured in temporary detention facilities, ...”, on 1 March 2012;

(c) Adoption of Law No. 52 on the People’s Advocate (Ombudsman), on 3 April 2014; and establishing the Council on Prevention of Torture to serve as the national preventive mechanism under the Optional Protocol to the Convention, on 24 October 2016;

(d) Adoption of Law No. 137 on the Rehabilitation of Victims of Crimes, on 29 July 2016;

(e) Enactment of the Law on the Prosecutors’ Office as part of the reform of the justice sector, in August 2016; and

(f) Adoption of the Law on Equality No. 121 to prevent and punish violence based on racial, ethnic and religious grounds, on 25 May 2012.

5. The Committee also welcomes the initiatives of the State party to amend its policies, programmes and administrative measures to give effect to the Convention, including the:

(a) Decision of the Prime Minister to create the Special Committee to identify and assist victims of post-election violence among civil individuals and policemen, on 15 April 2010;

(b) Creation of the Unit for Combating Torture in the General Prosecutor’s Office, on 4 May 2010; drafting the Action Plan on Combating Torture and Ill-Treatment in the Penitentiary System jointly with the Ombudsman Office, in September 2012; adoption of the Joint Order and Regulation on identification and reporting of cases of alleged torture and ill-treatment, requiring notification within 24 hours of any alleged case of torture or ill-treatment to the Prosecutor’s Office, on 31 December 2013; and establishment of the new National Torture Prevention Mechanism, in 2016;

(c) Adoption of the Law on the approval of the Justice Sector Reform Strategy for the years 2011-2016, in November 2011, the subsequent approval of the Action Plan for its implementation for the years 2011-2016, in February 2012, and extension to the end of 2017 in December 2016;

(d) Approval of the Regulation on Organization and Functioning of Rehabilitation Centres for Victims of Domestic Violence, in 2010;

(e) Approval of the National Action Plan on Human Rights for the years 2012-2014, on 7 March 2012, and the elaboration of the National Plan on Human Rights for 2017-2021;

(f) Approval of the National Program for mental health, on 28 December 2012;

(g) Adoption of the Strategy on Child and Family Protection for 2013-2020, in 2013;

(h) Adoption of the Action Plan on reducing ill-treatment, abuse and discrimination against persons held in police custody for 2017-2020, in September 2017, with a view to implement the Police Development Strategy for 2016-2020, in May 2016; and

(i) Adoption of the Strategy on Developing the Penitentiary System for 2016-2020, in December 2016.

C. Principal subjects of concern and recommendations

Pending follow-up questions from the previous reporting cycle

6. The Committee takes note of the State party's lack of ability to exercise effective control in the territory of Transnistria, which impedes the application of the Convention in this region.¹

7. In paragraph 33 of its previous concluding observations (see CAT/C/MDA/CO/2), the Committee requested Moldova to provide further information regarding areas of particular concern. These are: paragraph 13 relating to the national preventive mechanism and the lack of clarity as to what constitutes it; paragraph 15 on the excessive use of force by law enforcement officers, with particular reference to the post-election demonstrations in April 2009 and reports of torture and ill-treatment of persons detained in connection with them; paragraph 16 on police and other law enforcement officers who wore masks and did not carry identification badges during the post-election demonstrations in April 2009, impeding the subsequent investigation of complaints of torture or ill-treatment; paragraph 20 on the absence of a specific law providing for full redress for victims of torture and ill-treatment; and paragraph 24 regarding the forcible detention of persons with tuberculosis. The Committee expresses its appreciation for the State party's follow-up response on those matters and the substantive information provided on 14 February 2011 (CAT/C/MDA/CO/2/Add.1) and in the State party's subsequent report and during the interactive dialogue. It regrets, however, the absence of a reply to its request for additional information contained in the letter sent by the rapporteur for follow-up on concluding observations on 16 April 2012. In view of that information and the concerns described below (see paras. 15 and 16, 12 and 13, 29 and 30 and 19 and 20 of the present document), the Committee considers that the above-mentioned recommendations in paragraphs 13, 15, 16, 20 and 24 have not been implemented.

Fundamental legal safeguards

8. The Committee is concerned about reports that:

(a) Persons deprived of their liberty do not enjoy all fundamental legal safeguards from the very outset of their detention, and in particular that persons deprived of their liberty are in practice deprived of the ability to have their lawyers present for all hearings;

(b) Arrested persons do not always receive medical examinations promptly upon deprivation of liberty, but rather not until the second day after arrival in so-called "police isolators", and in some cases such examinations are carried out by paramedics and may amount only to asking the person about his/her state of health; and

(c) Detention registers are not kept up to date and information concerning the application and duration of special measures to persons deprived of their liberty, including during transport, is not consistently recorded (art. 2, 11-13 and 16).

9. **The State party should ensure that all fundamental legal safeguards against torture are enjoyed in practice by all detained persons, including arrested persons and those in pre-trial detention, from the outset of their deprivation of liberty. The State party should monitor the provision of such safeguards and ensure that any official who fails to provide them in practice is subjected to disciplinary or other appropriate punishment. In particular, the State party should ensure:**

(a) **The right of detainees to have prompt and confidential access to a qualified and independent lawyer immediately after arrest and during all stages of detention, including hearings;**

¹ Hereinafter « Transnistria » or « Transnistrian region ». Reference to the de facto authorities does not amount to the Committee's recognition of their legitimacy, nor should it be interpreted to confer recognition of any legal status of the disputed territory.

(b) The right of detainees to request and receive a medical examination in confidentiality by an independent doctor within 24 hours of their arrival in a place of detention;

(c) The right of detainees to have information concerning their detention, including the application and duration of special measures, recorded in a register at the place of detention and in a central register of persons deprived of their liberty which their lawyers and family members can access, in line with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; and

(d) The disciplining or prosecution of officials who deprive detainees of fundamental legal safeguards as required by law.

Pre-trial detention

10. The Committee is concerned that:

(a) Persons suspected of having committed an offence can be detained in so-called “police isolators” for a period of 72 hours after being arrested before being brought before a judge and that some have been detained for up to two months;

(b) That preventive arrest and detention, when persons are most vulnerable to torture, and ill-treatment, is applied excessively, even in cases when the crime committed does not qualify for preventive arrest and detention, that the number of persons placed in pre-trial detention has increased by more than 20 per cent since 2013; and that alternatives to detention are very rarely used;

(c) The excessive use of pre-trial detention causes overcrowding in all temporary detention facilities and inadequate material conditions prevail in such temporary detention facilities, including dirty and badly ventilated cells, lack of heating in winter and toilets which are not separated from the cells;

(d) There are no protocols or provisions for staff qualified to deal with arrested persons who have mental or intellectual disabilities; and

(e) There is a lack of clarity regarding the de jure and de facto closure of police temporary detention isolators which have been deemed unfit for use (arts. 2, 11 and 16).

11. **The State party should:**

(a) Ensure that all persons who are arrested on criminal charges are brought before a judge within 48 hours and that no one is held in pretrial detention for longer than prescribed by law, for offences prescribed by law, or in places of detention that have been deemed unfit for use; and provide redress to victims of unjustified prolonged pretrial detention;

(b) Amend its legislation and take all necessary measures to shorten the duration of pretrial detention, which should be used as an exception, as a measure of last resort and applied for limited periods of time, in accordance with international standards; and consider replacing pretrial detention for minor crimes with non-custodial measures, including electronic surveillance;

(c) Improve material conditions in temporary detention facilities and pretrial facilities/SIZOs and ensure that those deemed unfit for habitation are not used; and

(d) Ensure that “police isolators” and pretrial detention facilities have protocols and qualified staff to interact with persons who have a mental or intellectual impairment.

Impunity for acts of torture and ill-treatment

12. The Committee is gravely concerned at reports that most cases of torture and cruel, inhuman and degrading treatment in the context of criminal investigation are attributed to police officers and law enforcement personnel during the arrest and the preliminary investigation period and at reports that law enforcement personnel induce violence among inmates, in order to punish or induce cooperation from targeted detainees. The Committee is

also concerned about the low rate of criminal investigations into allegations of torture and ill-treatment during pre-trial detention under article 166(1) of the Criminal Code, amounting to less than 20 per cent of cases, and the very low number of convictions of perpetrators.

13. In particular, the Committee is concerned that although 108 complaints were registered by prosecutors concerning the post-election violence on 7 April 2009 which resulted in more than 600 injuries and four deaths, fewer than 10 persons were held accountable and, to-date, no one has been punished with deprivation of liberty. The Committee is also concerned by recent cases revealing that measures put in place to encourage the investigation of allegations of torture are not functioning in practice. The Committee notes in this regard the death of Mr. Andrei Braguta on 26 August 2017, which reportedly took place following his severe beating by police officers and four other cell mates against whom other police officers present did not intervene, and his subsequent contracting of pneumonia in the Penitentiary No. 16 hospital facility in circumstances suggesting gross negligence. While criminal charges have been brought against three police officers and four inmates at the detention center in connection with this case, the Committee is concerned that despite the enactment of the Joint Order and Regulation on identification and reporting of cases of alleged torture and ill-treatment, none of the many officials subject to that Order who saw Mr. Braguta with visible injuries over a period of 10 days reported his case to the Unit for Combating Torture in the General Prosecutor's Office, which learned of Mr. Braguta's death from the news. (arts. 2, 4, 11-13 and 16)

14. **The State party should:**

(a) **Issue a public statement at the highest level reaffirming unambiguously zero tolerance regarding impunity for acts of torture and ill treatment and that investigations will be carried out and prosecutions initiated promptly against perpetrators of torture and those complicit in such acts;**

(b) **Ensure that all reports of torture and ill-treatment involving public officials and non-official accomplices are investigated promptly, effectively and impartially by an independent mechanism with no institutional or hierarchical connection to the investigators or the alleged perpetrators;**

(c) **Ensure that persons under investigation for having committed acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation;**

(d) **Establish protocols and train police staff, prosecutors, judges, prison staff and all staff involved in providing health services on methods of interaction with persons with mental and psychosocial disabilities and integrate the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) in all training programmes for law enforcement officials. In cases where traces of torture or ill-treatment are recorded during a medical examination, whether by State-employed or independent doctors, ensure that prompt and independent investigations are initiated;**

(e) **Transfer responsibility for temporary detention facilities from the Ministry of Internal Affairs to the Ministry of Justice to prevent torture and ill-treatment, as recommended by the Committee in its previous concluding observations (CAT/C/CR/30/7, para. 6 (i) and CAT/C/MDA/CO/2, para. 9);**

(f) **Ensure, in law and in practice, that every person has access to an independent and effective complaints mechanism regarding torture and ill-treatment by law enforcement officials that will investigate and respond promptly, and make this complaints mechanism publicly known;**

(g) **Ensure that officials are subjected to disciplinary measures for failure to investigate complaints of torture or ill-treatment adequately or for refusing to cooperate in investigating any such complaints;**

(h) **Ensure impartial and effective investigations are undertaken into allegations of torture and ill-treatment stemming from the post-election violence on 7 April 2009; and**

(i) Ensure that the allegations surrounding Andrei Braguta's death, including the alleged complicity of officials in his beating and denial of prompt medical care, allegations of medical negligence, and reported failure by many officials to report evidence of his treatment to the appropriate authorities, are effectively and impartially investigated and that perpetrators are prosecuted.

National torture prevention mechanism

15. While noting the adoption of Law No. 52 on the People's Advocate (Ombudsman) and the subsequent establishment of the Council on Prevention of Torture to serve as the national preventive mechanism under the Optional Protocol to the Convention, the Committee is concerned:

(a) That the legal framework is ambiguous as to whether the Council is an advisory body to the Ombudsman who is the actual national preventive mechanism or an independent collegial body serviced by the Office of the Ombudsman of which the Ombudsman is only a member; and that this ambiguity could lead to duplication of duties and overlapping activities;

(b) That all members of the Council on the Prevention of Torture do not enjoy equal status as part of the national preventive mechanism, which may affect the cooperation, information sharing and the Council's effectiveness and independence;

(c) That the role of the Council does not go beyond undertaking scheduled visits to detention facilities; and

(d) That the national preventive mechanism does not have sufficient financial, administrative and staffing resources to carry out its mandate and that it does not have high public visibility (art. 2).

16. The State party should:

(a) Amend Law No. 52 in order to resolve remaining ambiguities in the legal framework that impair the cooperation of members and efficient functioning of the Council on Prevention of Torture;

(b) Ensure that the mandate of the Council includes regular, unhindered and unannounced visits to all places where persons are deprived of their liberty, including psychiatric hospitals and psycho-neurological institutions, as well as residential institutions for children; and is able to hold individual and unsupervised interviews, as outlined in the report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the national preventive mechanism; and

(c) Enable the Council to carry out its mandate independently and effectively, including through the formalization of a clear, transparent and participatory selection and appointment process, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and provide it with a sufficient budget and administrative and staffing resources;

(d) Consider making public and implement the reports of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the national preventive mechanism.

Conditions of detention

17. The Committee is seriously concerned about reports of overcrowding in at least six penitentiary institutions, at reports that material conditions in penitentiary institutions in some cases endanger the lives of inmates and amount to inhuman and degrading treatment, in particular in Prison No. 13 in Chisinau, and at reports concerning collusion of custodial staff with criminal elements resulting in ill-treatment of prisoners. The Committee is also concerned that the State party lacks an effective mechanism to examine complaints of inmates about their treatment and conditions of detention (arts. 2, 11-14 and 16).

18. **The State party should:**

(a) **Allow independent monitoring bodies, including the national torture prevention mechanism and international bodies, to carry out regular unannounced visits to all places of detention and to meet in private with detained persons;**

(b) **Reduce overcrowding in all places of detention, in particular in Penitentiary No. 2 – Lipcani, Penitentiary No. 2 – Soroca, Penitentiary No. 7 – Rusca, Penitentiary No. 15 – Cricova, Penitentiary No. 18 – Branesti, and Penitentiary No. 13 – Chisinau (and consider closing Penitentiary No. 13), including by implementing legislation allowing for alternatives to detention, in accordance with the Tokyo Rules;**

(c) **Intensify its efforts to bring the conditions of detention in places of deprivation of liberty into line with international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including by ensuring that detainees are provided with adequate material and hygienic conditions, including sufficient natural and artificial light, adequate sewage systems and sanitary installations including toilets and showers, heating of cells, sufficient ventilation, adequate quality and quantity of food, bedding, blankets and items for personal hygiene, health care, outdoor activities and family visits;**

(d) **Take steps to address the collusion of custodial staff with the hierarchy of criminal elements in the prison system;**

(e) **Provide continuous training to custodial staff and persons in the administration of detention facilities on the provisions of the Convention and the absolute prohibition of torture; and**

(f) **Consider making public the findings and implement the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment arising from its visit to the country in 2012.**

Provision of health care in the penitentiary system

19. The Committee is concerned about reports that health care in penitentiary facilities is insufficient, that unqualified staff provide medical services to inmates, that inmates are not permitted to obtain private medical assistance or referred to outside specialists when necessary; that the needs of inmates with disabilities and those in need of mental health and psycho-social services cannot be adequately accommodated; and that the health care and hygiene needs of women in the penitentiary system are not adequately addressed. The Committee is further concerned at reports concerning particularly poor material conditions, the inadequate quality of medical services, and disciplinary sanctions against patients at the penitentiary hospital (Penitentiary No. 16), and at the fact that medical staff in the penitentiary system are not independent of the prison hierarchy (arts. 2, 10 and 11).

20. **The State party should:**

(a) **Intensify its efforts to improve health care in penitentiary facilities, including by hiring adequate numbers of qualified medical staff, and provide them with training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

(b) **Establish and ensure the implementation of rules to facilitate requests of inmates for private medical assistance and referrals to outside specialist services and to accommodate the needs of inmates with disabilities in the penitentiary environment;**

(c) **Transfer responsibility for penitentiary medical units from the Prison Department to the Ministry of Health, Labour and Social Protection, ensure that the penitentiary hospital is affiliated with the Ministry of Health; and take measures to reduce overcrowding, improve material conditions, including renovating and equipping patients' rooms, provide adequate food and medicines; and ensure individualized treatment plans and medicines for psycho-neurologic patients, including anti-psychotic drugs;**

(d) Separate healthy prisoners from those suffering from active tuberculosis in all detention facilities, provide specialized medical care to prisoners suffering from active and multidrug-resistant tuberculosis and equip them with proper ventilation; and put in place appropriate measures to effectively prevent and control the further spread of HIV in penitentiary facilities; and

(e) Adopt a gender-sensitive approach and provide for medical services and personal hygiene needs of women in the penitentiary system, in keeping with international standards.

Deaths in custody and violence in detention facilities

21. The Committee is seriously concerned at the 74 per cent rise in deaths in custody over the period 2012 to 2016 and the growing number of cases in which the penitentiary authorities have not issued reports on the cause of deaths in custody; at reports of the use of excessive and disproportionate use of physical force and special measures against persons in custody; and at reports that penitentiary staff acquiesce to the commission of inter-prisoner violence by criminal hierarchies in detention facilities (arts. 2, 11-14 and 16).

22. **The State party should:**

(a) Promptly, thoroughly and impartially investigate all incidents of death in custody, ensuring independent forensic examinations, provide autopsy reports to the family members of the deceased, and if requested, permit family members to commission private autopsies; prosecute those responsible for violations of the Convention resulting in such deaths and, if they are convicted, punish them accordingly;

(b) Ensure that the courts in the State party accept the reports of independent forensic examinations and autopsies as evidence in criminal and civil cases;

(c) Ensure that custodial staff are required to record all cases in which physical force and special measures have been used against inmates and ensure adherence to the rules regarding the use of force in the penitentiary system by having regular independent monitoring; and

(d) Provide training to custodial staff on the management of prisoners in order to prevent the commission of inter-prisoner violence.

Domestic violence

23. While welcoming amendments to the Criminal Code establishing domestic violence and marital rape criminal offences, the Committee is concerned about reports that the number of recorded cases of domestic violence, which overwhelmingly affects women in the State party and constitutes forms of gender-based violence, has increased but that such cases frequently have not resulted in investigation and prosecution; that police and other law enforcement officials have failed to enforce protection orders issued against alleged perpetrators; and the lack of sufficient services for victims, including shelters in all parts of the country (arts. 2, and 10-14).

24. **The State party should:**

(a) Establish an effective and independent complaints mechanism for victims of domestic violence;

(b) Ensure that all allegations of violence are registered by the police and promptly, impartially and effectively investigated, and to this end remedy poor investigative techniques and rectify mishandling of evidence of domestic violence, in particular cases of rape;

(c) Ensure that victims of domestic violence benefit from protection, including protection orders by enforcing such orders promptly and effectively;

(d) Ensure that victims of domestic violence have access to medical and legal services, including counselling, redress and rehabilitation, as well as to safe and adequately funded shelters for victims in all parts of the country;

(e) Provide mandatory training for police and other law enforcement officials, social workers, lawyers, prosecutors and judges to ensure that they are able to respond promptly and effectively to cases of domestic violence; and

(f) Compile statistical data, disaggregated by age and ethnicity of the victims and their relationship to the perpetrator, regarding domestic and other forms of gender-based violence, including marital rape, as well as on the number of complaints, investigations, prosecutions, convictions of perpetrators and sentences handed down.

Trafficking in persons and corruption of public officials

25. The Committee is concerned that Moldova continues to be a source for victims of trafficking for purposes of sexual exploitation and forced labour, which includes adults and minors. It is also concerned about the significant decrease in the number of investigations and prosecutions between 2015 and 2016 and that corruption, particularly in law enforcement and the judiciary, as well as legal and organizational obstacles, impede the enforcement of legislation, effective prosecution and influence the outcome of cases. In addition, it is concerned at reports that the authorities have identified and assisted fewer victims (arts. 2, 11-14 and 16)

26. The State party should take prompt and effective measures to prevent trafficking in persons in Moldova, investigate, prosecute and, if convicted, punish individuals involved in trafficking in persons, including, where relevant, public officials, with penalties commensurate with the gravity of the crime, under relevant articles of the Criminal Code. In addition, the State party should provide victims with access to effective remedies, including rehabilitation, in all parts of the country.

Non-refoulement

27. While noting the information provided by the State party during the dialogue, the Committee is concerned about the decline in the number and percentage of asylum seekers who have obtained refugee status or humanitarian protection in the State party. It is also concerned about the increased detention of asylum seekers and the increase in the number of expulsion decisions.

28. The State party should facilitate rapid and equitable access to an individualized refugee status determination procedure, promptly provide information on the right to seek asylum; refrain from detaining asylum seekers; detain undocumented migrants only as a measure of last resort and for as short a time as possible, including by using alternatives to detention; and ensure full respect for the principle of non-refoulement.

Redress for victims of torture and ill-treatment

29. While welcoming the approval on 29 July 2016 of the Law No. 137 on Rehabilitation of Victims of Crimes, which also covers torture and taking note of the dialogue with the State party, the Committee remains concerned at reports that the law is not consistent with the requirements for the rehabilitation of torture victims enshrined in article 14 of the Convention and outlined in the Committee's general comment No. 3 and that it lacks an effective implementation mechanism (arts. 2 and 14).

30. The State party should:

(a) Amend Law No. 137 with a view to ensure that victims of torture and ill-treatment have access to redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;

(b) Develop a detailed rehabilitation programme for victims of torture and ill-treatment, as outlined in its General Comment No. 3 (2012) on the implementation of article 14 of the Convention, including by amending the "Rules on the procedure for the identification, registration and reporting of alleged cases of torture, inhuman and/or degrading treatment" to designate a specific referral mechanism to unify relevant State institutions in the early identification and rehabilitation of victims of torture and ill-treatment; establishing a State rehabilitation programme for torture victims and providing adequate budgetary provisions without compromising the independence of

service providers and ensuring that the programme offers specialized, victim-oriented rehabilitation services that are appropriate, available and promptly accessible, and not conditional on the filing of formal administrative or criminal complaints; and

(c) Establish a system of data collection in order to identify the number of victims of torture and ill-treatment and their specific reparation and rehabilitation needs.

Treatment of persons in psychiatric, psycho-neurological and other residential institutions

31. The Committee is seriously concerned at reports that persons with mental disorders and psycho-social and intellectual disabilities are confined to psychiatric hospitals and psycho-neurological residential institutions in conditions that reveal inadequate food and hygiene, with particularly poor conditions reported at the Balti and Cocieri institutions; that many residents of these institutions have been deprived of legal capacity; that patients have been held in closed-environment situations in psycho-neurological placement homes, including for disciplinary purposes; that residents of boarding schools have been sent as punishment to psychiatric institutions, as alleged in the Igor Sandler case, that some persons deprived of their liberty are harmed by supervisory personnel through sexual exploitation and abuse, and that there are high mortality rates in neuro-psychological institutions. (arts. 2, 11-14 and 16).

32. **The State party should:**

(a) As a matter of urgency ensure independent monitoring mechanisms have access to psychiatric hospitals and neuro-psychological institutions; and provide for an independent complaints mechanisms for patients in all psychiatric hospitals and psycho-neurological residential institutions, and their family members;

(b) Ensure prompt, impartial and effective investigations are undertaken into all allegations of abuse or violence, including any conducted or condoned by administrative and medical staff employed in such institutions, prosecute alleged perpetrators, and provide redress to victims;

(c) Ensure that no one is involuntarily placed in such institutions for non-medical reasons, including by ensuring that patients have the right to be heard in person by the judge ordering the hospitalization, that judges seek the opinion of a psychiatrist, and that such decisions can be appealed;

(d) Review all cases of persons who have been forcibly placed in psychiatric hospitals for non-medical reasons and provide them with an opportunity to be released and, as appropriate, receive redress; and

(e) Undertake urgent measures to improve the material conditions, including food and hygiene, in all psychiatric hospitals and psycho-neurological residential institutions.

Follow-up procedure

33. The Committee requests the State party to provide, by 6 December 2018, information on follow-up to the Committee's recommendations on 16 (c) on the national preventive mechanism; 9 on the provision of fundamental legal safeguards to persons deprived of their liberty and 14 (i) regarding the death in custody of Mr. Andrei Braguta. In the same context, the State party is invited to inform the Committee about its plans for implementing within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

Other issues

34. **The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.**

35. The State party is invited to submit its next periodic report, which will be the fourth periodic report under article 19 of the Convention, by 6 December 2021. For that purpose, the Committee will, in due course, transmit to the State party a list of issues prior to reporting, considering that the State party has accepted to report to the Committee under the optional reporting procedure.
