

CCPE Questionnaire
“The rights of victims, witnesses and vulnerable persons”

1. Definitions

1.1 Is there in your country a definition of a victim or a witness of crime? If yes, is it established in the law or other legal instruments?

The notion of a victim is defined in Art. 58, paragraph (1) of the Code of Criminal Procedure of the Republic of Moldova: “A victim is considered to be any individual or any legal entity, to which moral, physical or material damage is caused by a crime.”

The term of “a victim of crime” is defined also by Article 1, paragraph (3) of the Law No. 137 of July 29, 2016 “On rehabilitation of victims of crimes”. Pursuant to this Law, “victim of crime” is a mentally or physically injured individual that has undergone an emotional suffering or a material loss caused directly by crime, pursuant to the Criminal Law, as well as spouse, children and persons maintained by the deceased person in case of support services: the state’s psychological counseling or financial compensation of damage caused by crime.

At the same time, the status of victim is also defined in the other legal instruments that will be mentioned in the responses to the questions presented below.

The law of criminal procedure of the Republic of Moldova contains also a notion of ***injured party*** that is stipulated in Art. 59, paragraph (1) of the Code of Criminal Procedure stipulating that “Injured party is considered to be any individual or any legal entity, to which moral, physical or material damage is caused by a crime, recognized in this capacity under the law with the victim’s consent. A minor person, to which damage has been caused, will be considered an injured party without their consent.” Therefore, for the procedural quality to be attributed by the injured party, it is necessary that a victim expresses its consent in this respect, and the criminal prosecution authority orders it by its order. Rights and obligations of the injured party in the criminal procedure are more extended than those of a victim.

The notion of a *witness* is defined by Article 90, paragraph (1) of the Code of Criminal Procedure of the Republic of Moldova: “Witness is a person summoned in this quality by the criminal prosecution authority or by the court and a person that gives testimony as a witness in the manner stipulated by this Code. Persons who possess information on any circumstance that will be asserted in this case may be summoned as witnesses.”

1.2 Are there in your country special regimes for victims of certain types of crimes, for example, domestic violence, sexual abuse, trafficking in human beings? If yes, can you list them?

The definition of victim of trafficking in human beings is provided by Article 2, paragraph 11) of the Law No. 241 of October 20, 2015 “On preventing and combating trafficking in human beings” victim of trafficking in human beings is an individual assumed or asserted as being subject to trafficking actions.

The aforementioned law contains also a special chapter on protection and assistance of victims of trafficking in human beings. So Article 16 of the Law No. 241 of October 20, 2015 foresees “Social rehabilitation of victims of trafficking in human beings is

performed for their reintegration in a normal course of life, including granting of legal and material assistance, psychological, medical and professional rehabilitation, employment and granting of accommodation.”

Therefore, the document establishes centers of assistance and protection, a clear aspect of realization of the right of rehabilitation. There are also measures dedicated particularly to the needs of children and foreign citizens.

Likewise, the persons trafficked may benefit from a package of social assistance from the Ministry of Health and the Ministry of Labor, Social Protection and Family (Article 20 of the Law No. 241 of October 20, 2005).

Article 23 of the Law No. 241 of October 20, 2005 establishes the state guarantees granted to the victims of trafficking in human beings and namely:

(1) courts and criminal prosecution authorities apply on victims of trafficking in human beings the measures of ensuring the physical security and rights foreseen by the Code of Criminal Procedure and the Law on state protection of the injured party, witnesses and other persons providing assistance in the criminal proceedings.

(2) Victims of trafficking in human beings have the right to compensation of the damages according to the law.

The Criminal Code of the Republic of Moldova contains the clauses of release from the liability of the victims of trafficking in human beings. Pursuant to the provisions of Article 165 and 206 of the Criminal Code, the victim of trafficking in human beings as well as respectively victim of trafficking in children is released from the criminal liability for crimes committed by it in connection with this procedural quality.

Simultaneously, the Code of Criminal Procedure of the Republic of Moldova foresees a special regime for victims of trafficking in human beings. Thus,, differently from the other categories of victims, victims of trafficking in human beings are not obliged to appear given the summons of the criminal prosecution authority or the court and give explanations upon request of these authorities (Art. 58, paragraph (8), point 1) of the Code of Criminal Procedure of the Republic of Moldova).

At the same time, the law of criminal procedure of the Republic of Moldova foresees and other instruments that are destined to provide protection to the victims, the safety of which is endangered, such as:

-Trial at the closed session. Courts, by derogation from the principle of openness, wherever interests of minors or protection of the private life of the trial parties require, may interdict to the press or the public an access to the courtroom.

In the proceedings, where a minor person is a victim or a witness, the court will hear their testimony in the closed session (Article 18 of the Code of Criminal Procedure).

-Hearing by the investigating judge stipulated by Article 109 of the Code of Criminal Procedure : “In case the presence of a witness at the case trial is impossible for the reason of their leaving abroad or for other grounded reasons as well as to reduce or to exclude exposure of the witness to evident danger or to reduce revictimization of witness, the prosecutor may request their hearing by the investigating judge and to

ensure the possibility to the suspect, the accused, their defense counsel, the injured party and prosecutor to make questions to the heard witness."

-Hearing by the technical means, provided by Article 110 of the Code of Criminal Procedure:

- (1) Should sound evidence exist that life, physical integrity or liberty of a witness, or of a close relative to him/her, are in danger in connection with the statements that s/he makes, then the investigating judge, or as the case may be, the court may permit to hold the hearing of this witness without his/her physical presence in the place where the criminal proceeding is carried out or in the courtroom. Instead the hearing is done with the assistance of technical means as stipulated in this article, provided that there exist adequate technical ways for hearing.
 - (2) Hearing of the witness in such conditions as mentioned in paragraph (1) is made based on the motivated court order of the investigating judge, or, as the case may be, of the court *ex officio* or at the explained and motivated request of the prosecutor, lawyer, respective witness or any other interested person.
 - (3) A witness heard in conditions according to the provisions of this article is allowed to disclose other data about his/her identity, than the real one. The investigating judge records data about real identity of the witness and other relevant data expressing the causal link between the committed crime and a witness in a separate minute which is stored in the respective court in a sealed envelope in conditions of maximum confidentiality.
 - (4) A witness giving testimony in conditions as specified in this article will be assisted in his/her special location during the trial by the respective investigating judge.
 - (5) A witness may be heard through a teleconference of closed broadcasting, his/her image and voice being distorted in such a way that s/he may not be recognised.
 - (6) The suspect, accused, defendant and his/her defence counsel, the injured party are ensured the possibility to ask questions to the heard witness under the conditions of paragraph 5.
 - (7) Testimony given by a witness heard in conditions of the present article are recorded on videotape and integrally entered in the minutes formulated in conformity to provisions of articles 260 and 261. The original videotapes with the witness's registered testimony are sealed with the seal of the court and stored within its premises along with the copy of the minutes of the testimony.
 - (8) Testimony given by the heard witnesses according to provisions of this article may be used as evidence only to the extent that they may be verified by other evidence.
 - (9) Undercover investigators, other parties of the proceedings that have obtained the status of a protected person under the conditions of the Law on protection of witnesses and other parties of the criminal proceedings may also be heard.
- Special cases of hearing a minor witness stipulated by Article 110¹ of the Code of Criminal Procedure:*

- (1) The investigating judge carries out hearing of a minor witness aged less than 14 years in the criminal cases on crimes of sexual character, on trafficking in children and

domestic violence as well as other cases, in which the interests of justice or of a minor require, in conditions of Article 109 paragraph (5) in the specially equipped space provided with the audio/video recording means by means of an interviewer. Hearing of a minor is performed within the restricted terms.

(2) A minor witness and an interviewer will be in the hearing room separate from the investigating judge and other persons participating in this procedure.

(3) The investigating judge, prosecutor, defense counsel of the suspect or accused, psychologist, secretary, legal representative of the minor subject to hearing, legal representative of the injured party and other persons if the case is, pursuant to the law will be in the viewing room. Participants of the hearing will make questions to the investigating judge that will be verbally transmitted to the interviewer by technical means or in writing during the break.

(4) Upon necessity, the interviewer reserves the right to paraphrase questions, if they have been worded in the way it may cause suffering to a minor witness, however, without changing their essence.

(5) Hearing of the minor witness must be performed in such a way as to avoid causing any negative effect on his/her mental state.

(6) A minor witness that is not yet 14 years is to be noticed to speak the truth.

(7) Testimony given by a minor witness heard in conditions of the present article are recorded by audio and video means and integrally entered in the minutes made in conformity to provisions of articles 260 and 261. The investigating judge seals the informational carrier, on which the witness's registered testimony has been recorded and stores its original along with the copy of the minutes of the hearing. A copy of the audio/video recording and the minutes of the hearing shall be annexed to the criminal case. Within 3 days from the time of hearing or no later than the day, when the accused has appeared or has been brought with force, the criminal prosecution authority will inform the suspect or the accused the minutes of the hearing of a minor witness and a copy of its audio/video recording, on which a minutes will be made.

(8) If the suspect or the accused wants to make questions to a minor witness, an additional hearing is organized on the basis of an request in conditions of this article. A repeated hearing of a witness must be avoided to the extent it is possible.

(9) If during the hearing a suspect has not been identified, after identification of the person and attribution to him/her a status of suspect, the criminal prosecution authority will inform as soon as possible the suspect or his/her defense counsel the minutes of the hearing of a minor witness and a copy of its audio/video recording. If the suspect or the defense counsel wants to make questions to a minor, an additional hearing is organized on the basis of an request in conditions of this article."

Starting from the year of 2015, the National Institute of Justice in partnership with the National Center for Child Abuse has trained eight professionals that have taken a complex course in the field of hearing under the special conditions of the child that is a victim of crime.

For promotion of the children-friendly justice, starting from 2014, 8 Chambers for hearing under the special conditions of children involved in the criminal proceedings as victim/witness of crime have started functioning, where the relatively proportional distribution of premises for hearing of children in the regions: the north, center and south of the country is ensured.

-Hearing in absence of the defendant. In case of the court investigation of the case, pursuant to the provisions of Article 369 of the Code of Criminal Procedure, hearing of the injured party shall be carried out according to the provisions dealing with the hearing of witnesses and shall be applied respectively. Victim or, if the case is, the injured party at his/her request or at the prosecutor's motion may be heard in absence of the defendant, providing to the latter the possibility to learn testimony and to make questions to the heard person.

1.3 ***Is there in your country definition of vulnerable persons, either in general sense, or particularly within the framework of criminal procedure? If yes, is it established in the law or other legal instruments?***

There is no definition of vulnerable person within the framework of criminal procedure. Still the notion of *vulnerability of a person, family or some groups* in general sense is defined in many legal instruments like Social Assistance Law No. 547 of December 25, 2003, Law No. 45 of March 01, 2007 on preventing and combating domestic violence, Law on preventing and combating trafficking in human beings, Social Assistance Law, Tax Code, etc.

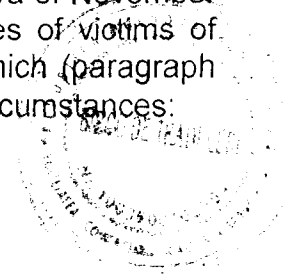
Therefore, in Article 1 of the Law on Social Assistance No. 547 of December 25, 2003, the following notions are used:

- ***disadvantaged person and family***: socially vulnerable person and family being in the situations which impede their normal activity from the economic, educative, social point of view, etc.;
- ***beneficiary of the social assistance***: disadvantaged person or family, to which on the basis of a request, social investigation and reports, to which social benefits and/or assistance is provided;
- ***difficult situation***: state of the person, which due to loss of physical, psychical or mental independence needs social assistance for fulfilling the current functions of vital importance.

At the same time, Law No. 45 of March 01, 2007 on preventing and combating domestic violence provides a notion of victims especially vulnerable due to their disability or reduced mental capacity.

Article 20, paragraph (2) of Law No. 241 of October 20, 2005 on preventing and combating trafficking in human beings establishes that a person assumed to be a victim of trafficking in human beings is considered to be vulnerable, benefiting from a minimal package of social and medical assistance ensured by the institutions of the Ministry of Health and of the Ministry of Labor, Social Protection and Family.

In case of victims of trafficking in human beings there is an Explicative Decision No. 37 of the Plenum of the Supreme Court of Justice of the Republic of Moldova of November 22, 2004 "On the practice of application of the legislation in the cases of victims of trafficking in human beings and trafficking in children", according to which (paragraph 5.8) the state of vulnerability of a victim is established by the following circumstances:



- their difficult situation from the point of view of social surviving;
- the situation created by a pregnancy, disease, infirmity, physical or mental deficiency;
- their difficult and illegal situation related to entrance or stay in the country of transit or destination.

Pursuant to the same of the Plenum of the Supreme Court of Justice, "state of vulnerability may be coordinated by the various factors, such as isolation of victim, his/her difficult economic, mental situation, family's influence or lack of social resources, etc."

Besides that, the Supreme Court of Justice specifies in the aforementioned Decision that "situation of vulnerability of a victim means any type of vulnerability, both mental, affective, family, social and economic. A set of desperate situations that make a human being accept his/her exploitation is born in view."

With reference to vulnerability of victims, the text of Social Assistance Law No. 547 of December 25, 2003 uses the following notions:

- **disadvantaged person and family**: socially vulnerable person and family being in the situations which impede their normal activity from the economic, educative, social point of view, etc.;
- **difficult situation**: state of the person, which due to loss of physical, psychical or mental independence needs social assistance for fulfilling the current functions of vital importance.

2. The rights of victims, witnesses and vulnerable persons

2.1 *Are there in your country specific rights of victims, witnesses and vulnerable persons within the framework of criminal procedure, in addition to human rights in general?*

There are specific rights of victims, witnesses and vulnerable persons within the framework of criminal procedure. They were indicated in paragraph 1.2 of the questionnaire.

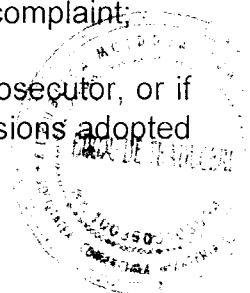
2.2 *If yes, are they established in the law or other legal instruments?*

The response is given in paragraphs 1.2 and 2.3.

2.3 *Please enumerate briefly these specific rights (e.g. the rights to protection, to be treated fairly and with dignity, to be notified, to be present and to be heard at court proceedings, to seek restitution, to the respect of privacy, to make a complaint about infringement or denial of their rights).*

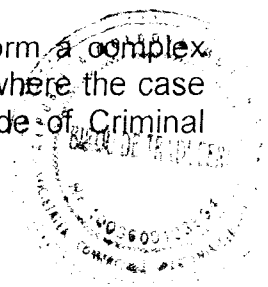
Article 58 of the Code of Criminal Procedure foresees the following rights of victims:

- (2) The victim has the right that his/her/its complaint to be immediately registered in the established way, be settled by the criminal prosecution authority, and afterwards to be informed on the results.
- (3) The victim also benefits from the following rights:
 - 1) to receive a certificate from the criminal prosecution authorities on the fact that s/he filed a complaint or a copy of the minutes regarding the verbal complaint;
 - 2) to submit documents, objects and other evidence that confirm his/her complaint;
 - 3) to file an additional complaint;
 - 4) to be informed at the request by the criminal prosecution authority, prosecutor, or if the case is, by the court on settlement of his/her complaint, on all decisions adopted



- that refer to his/her rights and interests; to receive for free upon request their copies, as well as on the decision of termination or dismissal of the criminal proceedings in the respective case, of non-inception of the criminal prosecution, a copy of the sentence, decision or of another definite court judgment;
- 5) to ask the criminal prosecution authority to recognize him/her as an injured party in a criminal case;
 - 6) to submit a request in order to be recognized as a civil party in a criminal case;
 - 7) to withdraw the complaint in cases provided by the law;
 - 8) to get a certificate on the registration of the complaint and the initiation of the criminal prosecution, a copy of the decision on non-initiation of the criminal prosecution;
 - 9) to appeal the decision on non-initiation of the criminal prosecution within 10 days from the time when s/he received a copy of the respective decision and to be informed on the materials that led to the issuing of the decision;
 - 10) To be protected against actions forbidden by law in the way provided for the protection of persons participating in the criminal proceeding;
 - 11) to be assisted by an appointed defense counsel in the procedure actions carried out with his/her participation.
- (4) The victim of an extremely serious or exceptionally serious crime against person, **torture victim**, inhuman or infamous treatment, indifferently of the fact if s/he is recognized as an injured party or civil party, has as well the following rights:
 - 1) to be advised by a defense counsel during the entire criminal proceeding, as well as the other parties in the proceeding;
 - 2) to be assisted in conditions of the law by a counsel providing the legal assistance guaranteed by the state in case of no financial means to pay a lawyer;
 - 3) to be accompanied by a reliable person, by his/her counsel, during all the investigations, including closed hearings;
 - 4) to receive a court judgment regarding material compensation for the damage caused by crime.
 - (5) In the case that a company, institution or state organization is the victim, they will not be allowed to withdraw their complaint.
 - (6) The victim has to be warned in writing on criminal liability in case of slanderous denunciation.
 - (7) The victim has the following obligations:
 - 1) to appear before the criminal prosecution bodies or the court when s/he is summoned by the latter and give explanation on this authority's request;
 - 2) at the criminal prosecution bodies request, to submit objects, documents as well as other means of evidence s/he has in possession, as well as samples for comparative investigation;
 - 3) to accept to be subjected to medical tests, at the criminal prosecution bodies request, in case that s/he claims physical damages;
 - 4) to observe the legitimate orders of the representative of the authority that settles his complaint and of the president of the court hearing;
 - (5) Once it has been identified, the victim enjoys in conditions of the law, the right of protection and compensation as well as the right to submit a request on application of the measures of protection;
 - (5¹) Victim of acts of torture, inhuman or infamous treatment is subject to expertise of mental or physical state.

At the same time, in case of crimes of torture, it is obligatory to perform a complex expertise, involving a medical forensic, psychological examination, and where the case is, other forms of examination (Article 147, paragraph (11) of the Code of Criminal



Procedure).

In case a victim of mistreatment is under custody, the right to access to a counsel incorporates the corollary rights to a confidential discussion and to presence of a counsel during hearings.

Pursuant to Article 187 of the Code of Criminal Procedure, the administration of the institution of detention of persons under custody or arrested persons is obliged to allow free meetings of the person under custody with a defense counsel, his/her legal representative, mediator, in conditions of confidentiality, without limiting the number and duration of meetings.

The right of access to a doctor includes and collateral rights to benefit from medical examinations performed not in the framework of hearing and in absence of police and non-medical personnel. Results of the medical examinations must be adequately registered and be available for the person under custody and his/her defense counsel. The initial moment when the general physical condition is fixed and request of access to a doctor is the detention report.

Therefore, pursuant to Article 167 paragraph (6) of the Code of Criminal Procedure, if upon detention presence of injuries or bodily lesions of the detained person is established, the person that performs the criminal prosecution shall immediately inform the prosecutor that shall immediately order performance of the forensic examination, or if the case is, of the forensic examination to establish origin and character of injuries or lesions.

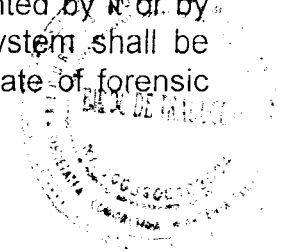
Meanwhile, in accordance with Article 232 of the Execution Code, the medical examination of the condemned shall be performed upon acceptance to the penitentiary and upon request and periodically during serving the penalty, but no rarer than once in 6 months as well as upon release from the detention places.

The medical examination is performed in conditions of confidentiality and intimacy, except the cases, when the doctor for the reasons of safety and security requires presence of the other representatives of the penitentiary's administration, which will be recorded in the corresponding manner.

Upon arrival to the penitentiary, the condemned shall be examined during no less than 24 hours in the view of establishment of existence of bodily lesions or other traces of violence.

In case traces of violence, cruel treatment, inhuman or infamous treatment or other mistreatment, or the condemned person complains of violence, the doctor performing medical examination is obliged to enter in the medical card his/her report and statements of the condemned person in connection therewith or with any other aggression and inform immediately the head of the penitentiary institution that will report to the prosecutor or to the People's Lawyer or in cases of condemned minor persons, the People's Lawyer for children's rights within 24 hours.

The condemned person has the right to request to be examined at his/her expense at the place of custody by a doctor outside the penitentiary system appointed by it or by the forensic doctor. A report of the doctor outside the penitentiary system shall be entered in the medical card of the condemned person, and the certificate of forensic



examination shall be annexed to the medical card, after the condemned person has learnt its content against his/her signature.

In case of establishment that the condemned person was exposed to torture, cruel treatment, inhuman or infamous treatment or other mistreatment, the penitentiary's administration ensures an immediate notification thereof by cable or by other means to the family, other persons close to the condemned.

The role of managing cases containing allegations of torture, inhuman or infamous treatment is exclusively performed by the Prosecutor's office, which ensures the right of a victim to an objective investigation of such allegations.

Therefore, we note that pursuant to Article 262 paragraph (4)¹ of the Code of Criminal Procedure any statement, complaint or other information that serve a reason to assume that a person was exposed to torture actions, inhuman or infamous treatment provided by 166¹ of the Criminal Code shall be presented or immediately transmitted to the prosecutor for examination.

To ensure promptness of the examinations, Article 274 paragraph (3)¹ of the Code of Criminal Procedure provides that in case when from the content of the report of notification or of findings it results suspicion of committing of a crime stipulated in Article 166¹ of the Criminal Code, the prosecutor shall decide on it within the term not surpassing 15 days.

At the same time, Article 270 paragraph (1) point 5) of the Code of Criminal Procedure establishes that the prosecutor performs criminal prosecution in the cases of torture, inhuman or infamous treatment foreseen by Article 166¹ of the Criminal Code.

Besides these rights foreseen by the criminal procedure, victims of abuse, physical, mental or sexual violence have the right to public services of support foreseen by the Law on rehabilitation of the victims of crimes No. 137 of July 29, 2016.

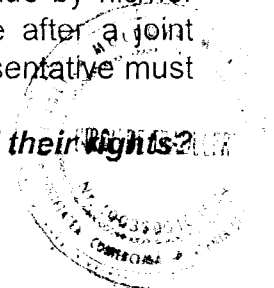
Rights of a minor victim are stipulated in Article 481¹ of the Code of Criminal Procedure (applicable in the case of a minor victim), according to which they have the right to be confidential in all stages of the criminal procedure, to be ensured and trusted that all that s/he has suffered and told will not be spread over; to keep silent and not to be incriminated or that his/her relatives be incriminated; to make statements in his/her native language or in the language s/he speaks; to be provided with an interpreter for free; to have other procedural rights of the witness provided by Article 90 of the Code of Criminal Procedure .

At the same time, the law of criminal procedure distinguishes the range of procedural rights of the minor depending on the age and legal capacity:

- a minor victim aged 14-16 years has the right to object to an interpreter, interviewer, psychologist involved in a hearing; to refuse participation of the representative; to write personally statements, requests, complaints against the criminal prosecution officer, prosecutor and court

- a minor victim aged 16-18 years, besides the aforementioned rights has also all rights and obligations of a witness, the right to be informed of all requests made by his/her representative as well as to raise objections to these actions. In case after a joint discussion, a minor witness has not withdrawn objections, the legal representative must withdraw the request.

2.4 **How are victims, witnesses and vulnerable persons informed of their rights?**



Are there any formal arrangements or informal mechanisms, free access to relevant information and databases etc.?

In each case when victims are heard, the criminal prosecution officers or prosecutors inform them of their rights and hand them over the list of such rights (Article 58, paragraph (11) of the Code of Criminal Procedure, Article 105 paragraph (6) of the Code of Criminal Procedure and Article 90 of the Code of Criminal Procedure. The same procedure is respected also in case of hearing of the injured parties (Article 111 paragraph (2) of the Code of Criminal Procedure).

Modes of providing the services of information of victims of crimes are regulated also in Section I of Chapter III of the Law No. 137 of July 29, 2016 on rehabilitation of victims of crimes.

Article 6. Informational counseling

“(1)The officer of findings authority, to which the victim addresses to make a complaint on the committed crime, the criminal prosecution officer and the prosecutor that is responsible for the case are obliged to provide the victim of crime in writing or in the other accessible form, if the victim's special conditions require that, the information on:

a) support services that a victim may benefit from, subjects that provide such services and general conditions of their provision;

b) the criminal prosecution authority, to which s/he may submit the complaint on the crime committed against him/her;

c) procedural rights, which s/he benefits from, being the party to the criminal proceedings in accordance with the Code of Criminal Procedure and the Execution Code;

d) available protection measures pursuant to the provisions of the Code of Criminal Procedure and the Law No. 105-XVI of May 16, 2008 on protection of witnesses and other parties to the criminal proceedings, as well as information on the conditions and procedure of application of these measures;

e) other information required by the victim of crime, if they are disposed of.

(2)Provision to a victim of the information provided in Article (1) shall be entered in the record that is annexed to the criminal case findings.”

Article 7. Other means of information of victims of crimes

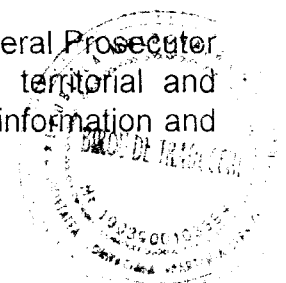
(1)In addition to the manner of information of victims of crimes provided in Article 6, they can be informed of the services of support, of which they can benefit by means of the phone lines or official websites of the institutions responsible for provision of the services of support indicated in Article 3 paragraph (2) and of the other subjects responsible in the domain of rehabilitation of victims of crimes.

(2) Subjects competent in provision of the services of support to victims of crimes pursuant to the provisions of Article 3 paragraph (2) are obliged and the courts have the right to publish on their official websites the information stipulated in Article 6 paragraph (1).

(3) Persons that ensure direct communication of the information to victim of crime are obliged to announce the police if, from the conversation with a victim, deduce that s/he is in danger.

(4) Subjects competent in provision of the services of support to victims of crimes may create phone lines for information of victims of crimes.”

At the same time, in accordance with the provisions of the Order of General Prosecutor, No. 121/8 of December 10, 2009, with ulterior amendments, in all territorial and specialized Prosecutor's Offices “a hotline” was instituted for receipt of information and



notifications on the crimes of torture, inhuman or infamous treatment or penalties. The relevant data on existence of "hotline" are placed on the website of the General Prosecutor's Office.

Notifications of reference have been published in the local press with disclosure of information that may be provided on the "hotline", data on the prosecutor (prosecutors, if the case is) responsible for examination of the cases of torture, inhuman or infamous treatment or penalty, and namely: last name, first name, contact telephone numbers (of the office as well as cell phone numbers of the corporate network), office address and room number.

At the same time, announcements with the aforementioned information have been displayed also in the places accessible for citizens within the premises of all authorities of municipal, district, city, village public administration, as well as vigilance units of the police inspectorates within the territory of the sector served by the corresponding Prosecutor's Office.

The General Prosecutor's Office in cooperation with the Office of People's Lawyer has organized throughout the first semester of 2015 displaying in the premises of the territorial or specialized Prosecutor's Offices of the informational boards with the message "zero tolerance towards torture" containing the relevant information on the activity of the Section of combating torture of the General Prosecutor's Office, of the Office of People's Lawyer and indication of the hotline telephones for complaints on crimes of mistreatment and addresses of these institutions.

Likewise, to ensure publication of the information on the activity of the prosecutors invested with the duties of examination of the cases of torture from the territorial or specialized Prosecutor's Offices, the informational brochures have been developed that contain data on the addresses of the territorial or specialized Prosecutor's Offices and number of the hotline of each Prosecutor's Office, information of general character on the notions of inhuman and infamous treatment, torture, public person and relevant extracts from the national and international legislation that deals with interdiction of mistreatment.

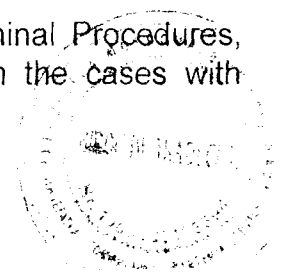
Respectively, persons that assume that they have been exposed to such illegal actions committed by the state agents have the possibility to appeal directly to the specialized prosecutors and therefore, the principle of promptness of initiation of the case investigations will be ensured.

2.5 *What kind of penalties and sanctions are established for violation of these rights?*

Depending on the infringed right and seriousness of deeds, a criminal, administrative liability or liability of the other nature may be imposed for violation of the rights of victim.

2.6 *Are there in your country specific rights of vulnerable persons due to their age (children, elderly people) or disability (physical or mental), either as victims or as witnesses?*

As for children there are specific rights, including the Code of Criminal Procedures, which contains a separate chapter on the criminal proceedings in the cases with minors.



Pursuant to Article 481 of the Code of Criminal Procedure, upon hearing of a minor victim, participation of a pedagogue or a psychologist is obligatory. At the same time, in accordance with paragraph (3) of the same article, upon hearing of a minor victim, his/her legal representative participates. The right of a minor victim to be represented at all stages of the proceedings by a legal representative is guaranteed by Article 481¹ of the Code of Criminal Procedure.

Assuming that a victim/witness child is deaf and mute, pursuant to Article 105 paragraph (4) of the Code of Criminal Procedure s/he is heard with participation of the interpreter that knows his/her signs and may communication therewith. If a victim/witness child does not know the language of the proceedings, a translator will be provided to him/her. In case a victim/witness child suffers from a mental disease or from another serious disease, his/her hearing under Article 105 paragraph (5) of the Code of Criminal Procedure is made with the consent of a doctor and in his/her presence. A doctor has the rights and obligations vested to a specialist contained in Article 87 of the Code of Criminal Procedure.

A minor victim/injured party has also the right to be consulted by a counsel throughout the whole criminal proceedings like other parties of the proceedings; to be assisted in conditions of the law by a counsel that provides the legal assistance guaranteed by the law in case s/he has no money to pay a lawyer.

Basing on the provisions of Article 478 of the Code of Criminal Procedure, summoning of a victim/witness child to the trial shall be performed through his/her parents or through the other legal representatives, and in case the minor is in the special institution for minors, through the administration of this institution.

2.7 When a decision in criminal matters is likely to affect the rights or the situation of a vulnerable person, is it brought to the attention of other bodies dealing with the rights of that person (e.g. a measure prohibiting contact with his wife for a husband in the event of domestic violence brought to the attention of the court responsible for ruling on the custody of children)?

The legislation of the Republic of Moldova provides the protection measures of victims of crimes, including children.

In conditions of Article 215¹ of the Code of Criminal Procedure, in case in the framework of the criminal proceedings, it is found that the victim of domestic violence is jeopardized to be exposed to violence or other illegal actions, including destruction of his/her property, the criminal prosecution authority or the prosecutor intervenes immediately to ensure obtaining of the protection measures. The request to obtain the protection measures is filed by the criminal prosecution authority or by the prosecutor on the basis of the request of the injured party.

Pursuant to Article 318⁴ of the Code of Criminal Procedure the court issues the ruling on protection, by which protection to the victim and his/her children may be provided. In addition prosecutors appeal to the territorial tutelage authority to request services of assistance and psychological rehabilitation for children who are victims of crimes of sexual character, trafficking in children or domestic violence.

In accordance with the provisions of Law No. 45 of March 01, 2007 on preventing and

combating family violence, the local tutelage authority ensures initial assessment and taking of urgent measures of protection of children in the cases of domestic violence, where an imminent jeopardy is asserted for life and health of a child; ensures at the local level confidential mechanisms of reporting of the cases of domestic violence; cooperates with the territorial tutelage authorities in the view of ensuring protection of children that are victims of the domestic violence.

2.8 *Can such vulnerable persons bear testimony alone or only following authorisation by their legal representatives, and in this latter case, in what conditions?*

The legal representative of a victim has no right to take actions against the interests of person that s/he represents, which is provided by Article 78 paragraph (5) of the Code of Criminal Procedure.

In case there are reasons to consider that actions of the legal representative cause damage to the child's interests, the legal representative may be removed from the criminal proceedings and replaced with the other one, when it is possible, with the tutelage authority as well. Replacement of the legal representative takes place both before and after hearing of the child.

2.9 *Is the refusal to bear testimony admissible, for instance as regards children or mentally disabled persons? In what conditions?*

Pursuant to the provisions of Article 90 paragraph (3) point 1) of the Code of Criminal Procedure, persons that, due to physical or mental disabilities, are unable to truly realize circumstances that are important for the case and to give exact and true testimony, cannot be summoned and heard as witnesses.

2.10 *Who proceeds to the evaluation of vulnerable persons and how the risk is assessed? Can the vulnerable person play a role in assessing such a risk? Which protective measures may be adopted and by whom?*

Pursuant to the provisions of Article 215 of the Code of Criminal Procedure, under the circumstances provided by the Law on protection of witnesses and other parties to the criminal proceedings, the criminal prosecution authority, prosecutor or, where the case is, the court are obliged to take the measures provided by the law on protection of life, bodily integrity, liberty or property of the parties to the proceedings, and in conditions of the law, of close relatives and their family members.

Adoption of protective measures is ordered by the prosecutor's grounded ruling or the court ruling. A ruling is obligatory for the authority competent for protection of witnesses. Article 13 of the Law on protection of witnesses and other parties to the criminal proceedings provides that the criminal prosecution authority may adopt urgent measures on the jeopardized party of the criminal proceedings that applies immediate measures of ensuring the security. Urgent measures on the party of the criminal proceedings adopted by the criminal prosecution authority consist in:

- a) providing personal security, security of the place of stay, residence or of property;
- b) interception of the his/her communications in conditions of the Code of Criminal Procedure ;
- c) surveillance by the audio/video means in conditions of the Code of Criminal

Procedure;

- d) temporary placement at a safe place;
- e) protection while travelling or limiting of travels;
- f) giving active and passive special means of personal protection.

Article 13 of the Law on protection of witnesses and other parties to the criminal proceedings provides the following protective measures that may be applied within the framework of the criminal proceedings, on the protected person:

- a) protection of identity data;
- b) hearing and application of special procedures;
- c) change of the place of residence or place of work or study;
- d) change of identity, change of look;
- e) installation of an alarm system at the place of stay or residence;
- f) change of the telephone number;
- g) ensuring protection of the properties.

Protective measures are applied by the authority responsible for protection of witnesses and other parties to the criminal proceedings that functions a subdivision of the Ministry of Internal Affairs.

According to the Law on special protection of children being in the risk situations and children separated from parents No. 140 of June 14, 2013, organization of identification of the children in the risk situations, their assessment, records and assistance shall be vested in the duties of the local tutelage authority represented by the locality mayor, which must involve in this respect the specialist for protection of children's rights, and in his/her absence, a community social assistant, involving, if applicable, other specialists in the field of health protection, education, public order, etc.

2.11 Are there, in your country, any special procedures that allow testimony to be filmed, recorded and/or given from behind a screen? If so, in what circumstances can this occur?

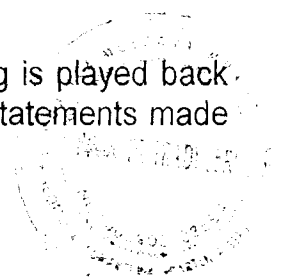
One of the procedures is regulated by the provisions of Article 110 of the Code of Criminal Procedure (special modes of hearing of a witness and his/her protection) and was adopted by paragraph 1.2.

The other procedure is provided by Article 115 of the Code of Criminal Procedure .
Application of audio recordings or video recording during hearing of the persons

" (1) At the request of the suspect, accused, defendant, damaged party, witnesses or *ex officio* tape recording or video recording may be used by the criminal prosecution authority during their hearing. The person who is supposed to be subject of a tape recording or video recording is informed thereof before starting hearing.

(2) Tape recording or video recording should contain data about heard person, person who performs hearing, data that are supposed to be entered in the hearing minutes in conformity to requirements stated in Articles 260 and 261, as well as the entire development of the hearing action. Tape recording or video recording of a part of a hearing or special repetition for audio recording or video recording of already given statements are not allowed.

(3) After completion of hearing the tape recording or video recording is played back entirely in the presence of the heard person. Any additions to the statements made



on tape recording or video recording by the heard person are also recorded on tape or videocassettes. Tape recording or video recording ends with a declaration of the heard person who confirms the truthfulness of statements.

(4) Statements obtained during a hearing with the use of tape recording or video recording are stated in the minutes of the hearing.

(5) Whenever a tape recording or video recording is played during the development of any other criminal proceeding action, the criminal prosecution authority or the court is obliged to mention this thing in the respective minutes."

2.12 *How is the prevention of repeated victimisation ensured?*

Preventing of repeated exploitation of victims of trafficking in human beings is ensured by means of the National Reference System that reflects a special framework of cooperation, by which the governmental structures fulfill the obligations on protection and promotion of human rights, on persons who have suffered from trafficking in human beings and coordinate efforts in the strategic partnership with the civil society as well as with the other actors active in this domain. Assistance of victims and potential victims of the trafficking in human beings is performed in the view of reestablishment of the rights of persons who have suffered from trafficking experience, by their rehabilitation and reintegration in the society and represent a method of preventing of repeated victimization.

At the same time, the Law No. 137 of July 29, 2016 on rehabilitation of victims of crimes was adopted for the purpose of creation of the legal framework to ensure minimal conditions of rehabilitation of the victims of crimes as well as for protection and ensuring observation of their rights and legal interests.

This Law regulates categories of victims of crimes, on which its provisions are applied, organization and functioning of the mechanism of protection and rehabilitation of victims of crimes, manner and conditions of the state's financial compensation of the damage caused by the crime.

By the Decision of the Government of the Republic of Moldova No. 270 of April 08, 2014 the Instructions on the inter-sector mechanism of cooperation for identification, assessment, reference, assistance and monitoring of children of victims and potential victims of violence, negligence, exploitation and trafficking have been adopted.

2.13 *Are the rights of victims, witnesses and vulnerable persons foreseen only for nationals or also for foreigners? Under which circumstances?*

The Code of Criminal Procedure does not distinguish among victims either being nationals of the Republic of Moldova, stateless or foreign citizens.

These conclusions are confirmed also by the provisions of Article 5 of the Code of Criminal Procedure that regulates the manner of application of the law of criminal procedure on foreign and stateless citizens:

- (1) On the territory of the Republic of Moldova, the procedure in criminal cases regarding foreign and stateless citizens is carried out in compliance with the present Code.
- (2) On individuals who benefit from diplomatic immunity, the criminal proceeding will be carried out in compliance with the Vienna Convention regarding diplomatic relations, as

of April 18, 1961, as well as with the other international treaties to which the Republic of Moldova is a party.

Pursuant to Article 9 paragraph (2) of the Law No. 137 of July 29, 2016 on rehabilitation of victims of crimes, *psychological counseling* at the state's expense is provided to victims of crimes foreseen by paragraph (1), if the crime has been committed within the territory of the Republic of Moldova or if the crime has been committed outside the territory of the Republic of Moldova and the victim is a national of the Republic of Moldova, a foreign or stateless citizen that legally resides in the Republic of Moldova.

According to Article 11 paragraph (1) of the Law No. 137 of July 29, 2016, a victim of crime benefits from the legal assistance guaranteed by the state, in accordance with the provisions of the Code of Criminal Procedure and in conditions of the Law No. 198-XVI of July 26, 2007 on legal assistance guaranteed by the state, if the crime has been committed within the territory of the Republic of Moldova or if the crime has been committed outside the territory of the Republic of Moldova and the victim is a national of the Republic of Moldova, a foreign or stateless citizen that legally resides in the Republic of Moldova, and the criminal proceedings are carried out in the Republic of Moldova.

In case of the victim of crime of torture, inhuman or infamous treatment, s/he unconditionally benefits from the legal assistance guaranteed by the state (Article 11 paragraph (2) of the Law No. 137 of July 29, 2016).

The Law No. 137 of July 29, 2016 foresees the right of victim of crime also to the financial compensation, but these provisions of the Law will come in effect on January 01, 2018. Pursuant to Article 13 paragraph (1) of the Law No. 137 of July 29, 2016, the victim of crime committed within the territory of the Republic of Moldova provided by Article 12 paragraph (2) that is a national of the Republic of Moldova, a foreign or stateless citizen that legally resides in the Republic of Moldova on the date of committing of a crime and requests the financial compensation, has the right to financial compensation.

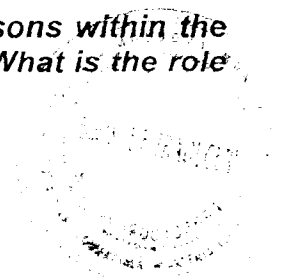
In case of victims that do not belong to the categories of persons foreseen by paragraph (1), the financial compensation is granted on the basis of the international conventions, to which the Republic of Moldova is a party.

Victim children that come from the third countries have the right to have access within a reasonable period of time to the education system in conditions identical to children that are citizens of the respective state.

A victim child that comes from the third country and is not accompanied by a parent or by a legal guardian may return only after taking in consideration of the child's superior interest and after the member state will make sure that s/he is transmitted to a member of his/her family, to an appointed guardian or to the corresponding placement centers.

3. Role of prosecutors in protecting the rights of victims, witnesses and vulnerable persons

- 3.1 ***How are the rights of victims, witnesses and vulnerable persons within the framework of criminal procedure enforced and guaranteed? What is the role of prosecutors in this matter?***



Pursuant to Article 5 of the Law on Prosecutor's Office, the following are among the duties of the Prosecutor's Office:

- application of protective measures of witnesses, victims of crime and other parties to the criminal proceedings.
- exercising of control on observance of laws in application of protective measures of witnesses, victims of crime and other parties to the criminal proceedings.

Pursuant to the provisions of Article 52 of the Code of Criminal Procedure, the prosecutor:

- carries out directly the criminal prosecution, being vested by the responsibilities of the criminal prosecution authority;
- personally leads the criminal prosecution and controls the legality of procedural actions carried out by the criminal prosecution authority;

From these provisions it results that in some cases prosecutor directly ensures protection of the rights of victims, and in the other cases prosecutor controls the manner in which protection of victims has been ensured by the criminal prosecution authority.

Pursuant to the provisions of Article 215 of the Code of Criminal Procedure, under the circumstances provided by the Law on protection of witnesses and other parties to the criminal proceedings, the criminal prosecution authority, prosecutor or, where the case is, the court are obliged to take the measures provided by the law on protection of life, bodily integrity, liberty or property of the parties to the proceedings, and in conditions of the law, of close relatives and their family members.

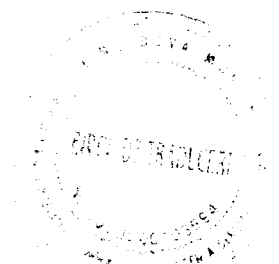
Adoption of protective measures is ordered by the prosecutor's grounded ruling or the court ruling. A ruling is obligatory for the authority competent for protection of witnesses.

3.2 *Is this role of prosecutors established in the law or other legal instruments? Is this role established in the rules of ethics and professional conduct of prosecutors?*

Role of prosecutor in protection of the rights of victims is established by the Law, the Code of Criminal Procedure, departmental instruments, including: the Order of the General Prosecutor No. 808-p of September 07, 2010 on responsibilities of the Prosecutor's Office in the domain of protection of child's rights and enforcement of justice for minors; the Methodological Guide on administration of the cases with victim children/witnesses of crimes approved by the Order of the General Prosecutor No. 25/25 of August 03, 2015 and the Regulation on organization and carrying out of transportation of parties to the hearing of victim children/witnesses of crimes to the specially equipped premises approved by the Order of the General Prosecutor No. 18/28 of March 06, 2014.

At the same time, the Code of Prosecutor's Ethics provides norms dealing with protection of human rights in general.

3.3 *How is this role fulfilled in practice? How do prosecutors cooperate with other organs of state in fulfilling this role, and do prosecutors have supervisory or monitoring functions?*



The General Prosecutor's Office in cooperation with the national and international non-governmental organizations have taken the measures to increase the professional level of criminal prosecution officers and prosecutors that are responsible for investigation of cases of trafficking in human beings, protection of victim of trafficking in human beings, where multiple training courses are organized.

In the framework of the criminal prosecution, needs of victims of trafficking in human beings have been assessed, and depending on their needs victims have been referred to the institutions of the National System of Referral to benefit from the medical, financial and legal assistance.

At the same time, on February 21, 2013, the General Prosecutor has developed the recommendations on carrying out the criminal prosecution on the cases of trafficking in human beings and trafficking in children. The recommendations are designed to identify and stress the connection between each element of the aforementioned crimes with possible evidence for each case separately.

Therefore, the practitioner, when applying these Recommendations, will manage to identify actions and methods, by which these crimes have been committed as well as intents pursued by the offender; they will be examined through the prism of evidence that would confirm existence or lack of obligatory elements of the crime, which would enable to establish the truth as a result of complete, objective and multilateral investigation. In such a way discharge of the state's obligation to carry out efficient investigations in each case of trafficking in human beings or trafficking in children, including by protecting and reinstating the victim's infringed rights.

Besides that, by the Order of the General Prosecutor No. 25/15 of April 10, 2014, the Instruction on hearing of victims of trafficking in human beings has been approved. The instruction establishes the used notions, principles applied and stages of the hearing of victims of trafficking in human beings, particularities of hearing of victims of the aforementioned category, importance of hearing of the victim by the prosecutor, establishment of the relation with a victim, some rules and procedures applied during the hearing of victims of trafficking in human beings, etc.

By the Order of the General Prosecutor No. 76/08 of December 30, 2013, "the Methodological Recommendations on efficient investigation of crimes of torture, inhuman or infamous treatment" for prosecutors have been approved.

To ensure a high degree of utility as well as to facilitation practical application of the Methodological Recommendations of reference, their editing was organized in the format of a brochure was organized.

These guidelines is a component of the measures undertaken to carry out the engagement assumed by the Republic of Moldova at the international forum of eradication of the phenomenon of torture and designed to ensure discharge of the positive obligation of the state competent authorities to investigate efficiently mistreatment.

The guidelines of reference contain detailed, clear and precise instructions on the procedural guarantees on victim of inhuman treatment, involvement of victims and control by the public, tactics and adequate manner of hearing of victim.

To ensure the adjustment of the national practice to the standards of international law,

on December 30, 2015, the Order of the General Prosecutor No. 39/8 on approval of the Methodological Recommendations on efficient investigation of crimes of torture, inhuman or infamous treatment that involves persons with psychosocial and mental disabilities was adopted, the purpose of which is to improve the mechanism of combating and investigation of notifications on inhuman or infamous treatment that involves persons with psychosocial and mental disabilities.

Implementation of these recommendations represent an important progress in consolidation of the national capacities of making investigations in the cases of mistreatment in the mental facilities and is a methodological support of high value for prosecutors, in the view of increasing the quality of such investigations in the prism of observation of the instructions of the specialized guidelines of the national law.

In the framework of these guidelines, general particularities of the procedural actions performed with participation of the persons with psychosocial and mental disabilities, possibilities of reasonable accommodation for giving testimony, structural barriers for investigation of the cases of torture, inhuman or infamous treatment in the mental health institutions have been characterized.

On December 31, 2013, by the Common Interdepartmental Order of the General Prosecutor, Ministry of Justice, Ministry of Internal Affairs, General Director of the Customs Service, Director of the National Center of Anti-Corruption and the Health Ministry No. 77/572/408/639-o/197/1589 the Regulation on procedure of identification, registration and recording of possible cases of torture, inhuman or infamous treatment has been adopted.

The Regulation of reference was published in the Official Monitor No. 147-151 of June 06, 2014 and came in effect on July 07, 2014.

Importance of implementation of this Regulation was in improving of the mechanism of identification, registration and recording of possible cases of torture, inhuman or infamous treatment by the prosecutor.

At the same time, a key chapter of this Regulation deals with the manner of completion of medical documentation, research principles and scheme of description of bodily lesions in case of examination of persons that are assumed to have been exposed to mistreatment.

All requirements and aforementioned rules ensure an attentive examination, complete entering and recording of a person's physical state, eventually, of existing bodily lesions, so that deficiencies of later preparation the reports of forensic examination be excluded.

Therefore, prosecutors monitor permanently the level of observance of the obligations established by the aforementioned interdepartmental order and in case of discovery of deficiencies reacts by submitting the observations to the heads of the reference institutions.

The objective of the activities of assessment is aimed at assessment of the degree of implementation of the Regulation and realization of its objective, which represents ensuring of the efficient interdepartmental cooperation and unification of the practice of application of the international and national legislation during the preventing and

combating cases of torture, inhuman or infamous treatment.

3.4 *Can victims, witnesses and vulnerable persons apply directly to prosecutors for protection of their rights?*

Victims can directly apply to the prosecutor for protection of their rights.

3.5 *Can prosecutors, at their own initiative, start legal action for protection of the rights of victims, witnesses and vulnerable persons?*

Pursuant to the provisions of Article 219 of the Code of Criminal Procedure, the civil action in the criminal proceedings is instituted by filing a request to the prosecutor or to the court by the individuals or legal entities, to whom material or moral damage has been caused directly by the crime (action or inaction) interdicted by the criminal law or in connection with its committing.

The prosecutor can institute and support a civil action instituted for compensation of the damage caused to the public authorities by the crime as well as by cancelation of acts that have caused damage, from bringing the criminal proceedings to cessation of the court investigation. A statement of claim may be filed regardless of the consent of the public authority.

Pursuant to Articles 262, 274, 276 of the Code of Criminal Procedure, prosecutors notify themselves and can decide, initiate a criminal action for protection of victims and witnesses. In case of a minor victim, the prosecutor institutes the criminal prosecution even if a victim has not filed a complaint.

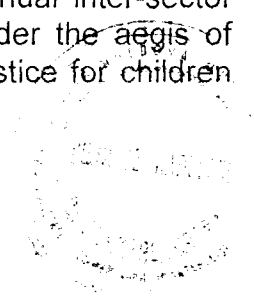
Moreover, according to Article 6 paragraph (3) lit. j) of the Law on the Prosecutor's Office, the prosecutor is obliged to take measures in the view of reporting and recording of all violations of the law that have been made known during performance of his/her duties or beyond performance of his/her duties.

3.6 *Concerning assistance to victims, witnesses and vulnerable persons, do the prosecutors interact with other state bodies, private entities or NGOs?*

In the domain of the activity of preventing and combating the trafficking in human beings and assistance to victims, prosecutors cooperate with the representatives of the non-governmental sector as well as with the international organizations, among which the International Center "La Strada", Embassy of the USA to the Republic of Moldova, the Mission of the International Organization for Migration in the Republic of Moldova, the OSCE Mission in the Republic of Moldova and others may be enumerated.

Cooperation with the associative sector and with the representatives of the international bodies in Moldova dealing with protection of children's rights, including NORLAM in Moldova, IRP, National Center for Preventing of Abuse of Children, UNICEF, UNFPA missions, etc.

Prosecutors participate in the sessions of keeping records of the annual inter-sector activity of all services of protection of children's rights organized under the aegis of UNICEF Moldova, at which the problems existing in the system of justice for children are tackled and suggestions are made to improve the situation.



3.7 Do the prosecutors benefit from specific training on the protection of the rights of victims, witnesses and vulnerable persons? Does such training also involve prosecutorial staff and law enforcement agencies? Do the prosecutors play a role in carrying out such training?

In the field of preventing and combating trafficking in human beings:

To increase the professional level of prosecutors that are responsible for investigation of the cases of trafficking in human beings, in the framework of the continuous training courses organized by the National Institute of Justice, multiple training courses have been organized in cooperation with the national and international non-governmental organizations. In this respect, state of things is eloquent in 2016.

Therefore, during the period of March 14-18, 2016, the representatives of the General Prosecutor's Office along with the representatives of the CCTP of INI of the General Police Inspectorate of the Ministry of Internal Affairs and the Permanent Secretariat have made a training visit to the Hague, Netherlands, organized within the framework of the project of "Fortification of the response of the criminal justice to trafficking in human beings, guaranteeing of the legal assistance to victims and potential victims and preventing of domestic violence and hatred crimes in the Republic of Moldova" funded by the Bureau of International Narcotics and Law Enforcement of the US State Department.

During the period of April 21-22, 2016 and June 23-24, 2016, the representatives of the General Prosecutor's Office have participated as instructors in the works of the seminar "Aspects on investigation and trial of crimes of trafficking in human beings: techniques of hearing of victims/witnesses of trafficking in human beings" organized by the National Institute of Justice in partnership with the International Organization for Migration. During this activity, judges, prosecutors and criminal prosecution officers have been instructed.

Likewise, during the period of June 05-10, 2016, the representatives of the General Prosecutor's Office along with the representatives of the CCTP of INI of the General Police Inspectorate of the Ministry of Internal Affairs and the Permanent Secretariat have made a training visit to Madrid, Spain, organized within the framework of the project of "Fortification of the response of the criminal justice to trafficking in human beings, guaranteeing of the legal assistance to victims and potential victims and preventing of domestic violence and hatred crimes in the Republic of Moldova" funded by the Bureau of International Narcotics and Law Enforcement of the US State Department.

During the period of June 05-10, 2016, the representatives of the General Prosecutor's Office along with the representatives of the CCTP of INI of the General Police Inspectorate of the Ministry of Internal Affairs and the Permanent Secretariat have made a training visit to Madrid, Spain, organized within the framework of the project of "Fortification of the response of the criminal justice to trafficking in human beings, guaranteeing of the legal assistance to victims and potential victims and preventing of domestic violence and hatred crimes in the Republic of Moldova" funded by the Bureau of International Narcotics and Law Enforcement of the US State Department.

During the period of September 12-16, 2016, the prosecutors have made a visit of study to Oslo, Norway, organized by the NORLAM Mission in the Republic of Moldova in

partnership with the American Bar Association Rule of Law Initiative (ABA ROLI Moldova). In the framework of the visit of study, good practices of the law enforcement authorities of Norway on observance of human rights, including on dimension of combating trafficking in human beings, have been taken up.

Besides that, during September 18-23, 2016, prosecutors have made a visit of study to Israel, organized by the OSCE Mission in Moldova within the program of preventing and combating trafficking in human beings; the visit was designed to experience exchange and fortification of cooperation in the domain of combating trafficking in human beings for the purpose of organ removal, but the subjects on illegal migration have been tackled.

During the period of October 26-27, 2016, the representatives of the Prosecutor's Office have participated in the activity of the first semester being in the second composition organized by the Police authority of Sweden within the framework of the Program for Eastern Partnership of Police Cooperation, under the aegis of the European Union that took place in Stockholm, Sweden.

During the period of October 27-28, 2016, a group of prosecutors have participated in the seminar "Carrying out the financial investigation in the context of investigation of crimes of trafficking in human beings" organized by the Permanent Secretariat of the National Committee for Combating trafficking in human beings in partnership with the Council of Europe and the OIM Mission in Moldova.

On October 28, 2016, the prosecutors have participated in the training seminar "Rights of victims of crimes in the criminal proceedings" organized within the framework of the project of the European Union "Support in cooperation of the project of support of pre-trial investigations".

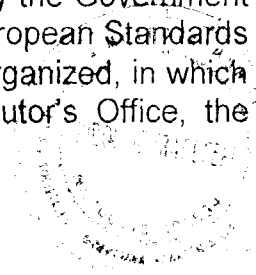
On November 18, 2016, the prosecutors have participated in the training seminar "Aspects on investigation and trial of crimes of trafficking in human beings: techniques of hearing of victims/witnesses of trafficking in human beings" organized by the National Institute of Justice.

On December 02, 2016, the prosecutors have participated in the seminar on the subject "Protection of victim in the criminal proceedings" organized by the General Prosecutor's Office jointly with the National Institute of Justice and NORLAM.

During the period of December 6-7, 2016, the representatives of the Prosecutor's Office have participated in the activity of the transnational seminar in the field of preventing and combating trafficking in human beings organized within the project funded by the EU Combatting against Trafficking in Human Beings and Organized Crime (THB/IFS/2) under the aegis of the International Center for Development of Migration Policies (ICMPD) that took place in Tirana, Albania.

In the field of preventing and combating torture

On April 26, 2016, within the framework of the project of the Council of Europe "Support of the reform of criminal justice in the Republic of Moldova" funded by the Government of Denmark, a roundtable on the subject "National Framework and European Standards on documentation and reporting of signs of mistreatment" has been organized, in which the representatives of the Ministry of Justice, the General Prosecutor's Office, the



Ministry of Internal Affairs, the Office of People's Lawyer, the civil society have participated.

During the periods of April 14-15, 2016, November 21-22, 2016, within the framework of the project of the Council of Europe "Support of the reform of criminal justice in the Republic of Moldova" funded by the Government of Denmark, the training seminars for mixed groups of judges and prosecutors on the subject "Standards of efficient investigations of the cases of torture, inhuman and infamous treatment" have been organized.

On November 28, 2016, the General Prosecutor's Office, with support of the NORLAM mission in Moldova, a round table on the subject "Persons with disabilities closer to the justice" has been organized, in which the representatives of the General Prosecutor's Office, Office of the People's Lawyer, Ministry of Labor, Social Protection and Family, Ministry of Health, the non-governmental organizations have participated.

Importance of this measure has been in making aware and active involvement of the decisive factors at the Ministry of Health and Ministry of Labor, Social Protection and Family, with the consent of which it was possible to identify the most efficient and democratic solutions, by which diminution and even eradication of the cases of inhuman, infamous or torture in the mental institutions and psycho-neurological residential facilities may be obtained.

At the same time, another objective of this meeting was consolidation of the perception on the necessity of increasing the level of conditions of detention, maintenance, behavior and treatment of the beneficiaries of the mental hospitals and psycho-neurological residential facilities on one part, and the conditions of work, training, psychological counseling and/or social insurance of the employees of these institutions.

In the field of protection of rights and interests of child

To increase the efficiency in activity of prosecutors specialized on the issues of children, seminars of continuous training are permanently organized on the subject "Hearing in special conditions of children that are victims/witnesses of crimes", "Particularities of the investigations and trial of crimes committed by minors", "Principles of assessment of evidence in the cases involving children victims" at the National Institute of Justice.

Subsemnata Lașcu Angela, traducător autorizat (limba engleză), certific exactitatea traducerii cu textul înscrisului în original, care a fost vizată de mine la 03 aprilie 2017.

The undersigned Lașcu Angela, certified translator (English) do hereby certify the accuracy of the translation with the text of the original document, performed by me on the 03th day of April year 2017

Signature of the translator

