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Meeting: 1514th meeting (December 2024) (DH)

Item reference: Action Plan (10/10/2024)

Communication from the Republic of Moldova concerning the group of cases of *Cosovan v. the Republic of Moldova* (Application No. 13472/18)

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Réunion : 1514^e réunion (décembre 2024) (DH)

Référence du point : Plan d'action (10/10/2024)

Communication de la République de Moldova concernant le groupe d'affaires *Cosovan c. République de Moldova* (requête n° 13472/18) (**anglais uniquement**)



MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA

GOVERNMENT AGENT

No. 06/8993

Chişinău, 9 October 2024

UPDATED ACTION PLAN for the execution of the judgments in the group of cases *Cosovan v. the Republic of Moldova* (no. 13472/18)

I. CASES DESCRIPTION

1. The *Cosovan* case (no. [13472/18](#)) concerns the manner in which the domestic authorities have fulfilled, in 2017-2018, their positive obligations under Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter “the Convention”) regarding the medical treatment provided in detention to the late applicant, who suffered from a serious illness in its terminal phase, as well as the compatibility of such a condition with continued detention.

2. In its judgment, the Court emphasized serious shortcomings in the medical care provided in detention. In particular, it referred to the lack of official accreditation of the prison hospital as a health institution, the absence of certain specialist doctors in the prison hospital and the fact that a treatment could be denied or only partially carried out simply because no appropriate treatment was available in prison or because of scarcity of resources, logistical and financial complications for guarding detainees transferred to civil hospitals, and unavailability of humanitarian release during pre-trial detention.

3. The Court also found a violation of Article 5 § 3 of the Convention, finding that the reasons relied upon by the domestic courts when ordering the applicant’s detention were relevant as such, but not sufficiently grounded on the evidence in the casefile, and the justification for the applicant’s extended detention had not been convincingly demonstrated.

4. In the case of *Machina* (no. [69086/14](#)) the Court found a violation of Article 3 of the Convention due to the State’s failure to take effective measures aimed at preventing transmission of Hepatitis C (hereinafter “HCV”) and other contagious diseases in prison (in particular, the prison authorities’ unreasonable delay in screening the applicant for hepatitis C); the failure to investigate the applicant’s complaints concerning infection while in prison; the failure of the prison administration to keep a record of HCV-infected detainees; the inadequate medical supervision and treatment in prison. Lastly, the Court found a violation of Article 13 due to the lack of an effective domestic remedy for challenging the inadequate medical care provided during the applicant’s detention.

5. In the *Niţu* case (no. [11272/16](#)) the Court found a violation of Article 3 of the Convention as result of the authorities’ failure to provide, as of August 2014, appropriate

psychological and psychiatric assistance in prison to treat the applicant's mental health problems.

II. LIST OF CASES

No.	Application no.	Case title	Judgment of	Final on
1.	13472/18	Cosovan	22/03/2022	22/06/2022
3.	69086/14	Machina	17/01/2023	17/04/2023
4.	11272/16	Nițu	11/06/2024	11/06/2024

III. INDIVIDUAL MEASURES

The Machina case

6. On 2 May 2019 the applicant lodged a complaint against the prison administration under Articles 473²- 473⁴ of the Code of Criminal Procedure concerning poor conditions of detention and the lack of medical assistance in detention (see § 15 of the Court's judgment).

7. By a court ruling delivered on 28 February 2024¹, the Chișinău Court dismissed as manifestly ill-founded the applicant's complaints related to Prison no. 7 and partially admitted the applicant's complaints concerning the conditions of her previous detention in Prison no. 13 from Chisinau. The investigating judge found that the applicant had been subjected to conditions of detention contrary to Article 3 of the Convention for a total period of 1706 days and awarded the applicant MDL 85,300 (EUR 4,400) as compensation for the damage caused as a result. However, that court ruling has been challenged with appeal. The case is currently pending before the Chisinau Court of Appeal. On 13 November 2024 the Court of Appeal will deliver its final decision on the applicant's complaint. The Government will keep the Committee of Ministers informed about the final outcome in this case.

The Nițu case

8. The just satisfaction awarded by the Court in the *Nițu* case was transferred to the applicant in full and without delay, *id est* on 26 July 2024.

9. The applicant is currently held in Prison no. 13 from Chișinău awaiting a final court decision, after he has been convicted to 4 years of imprisonment by the sentence of the Strășeni Court of 30 July 2024.

10. After being placed in pre-trial detention in Prison no. 13 on 2 May 2024, the applicant resorted on several occasions to self-inflicted harm. After each self-destructive action, the applicant benefited from an individual counselling session by a psychologist, focused on support and encouragement, in order to diminish the negative emotional background, and being reminded about the consequences and harms of self-destructive behaviour. As a result, after 5 June 2024 the applicant stopped his self-destructive behaviour.

11. At the same time, the applicant is examined daily by the medical care staff of the prison institution, with the monitoring of hemodynamic indicators and with mandatory

¹ https://jc.instante.justice.md/ro/pigd_integration/pdf/d87b677c-889b-425c-a332-0b5948edd41f

inclusion of this information in the medical file. Also, he systematically receives psychological support, both at his request and at the initiative of the prison psychologist.

12. According to the medical records, the applicant was examined clinically and para-clinically by the medical care staff in prison and received symptomatic treatment on an outpatient basis. The treatment administered include analgesics and medications from the mood stabilizer group, which are strictly administered according to medical prescriptions included in the clinical protocol. He also is currently undergoing outpatient treatment with medications from the carbamazepine group.

13. The applicant has also been examined in prison by a psychiatrist. However, since his condition does not require inpatient treatment, his hospitalization in the psycho-neurology unit of the Prison-Hospital has not been considered necessary.

IV. GENERAL MEASURES

Publication and dissemination of the judgments

14. The *Nițu* judgment, recently delivered by the Court, has been translated and published on the Government Agent's official website². The National Administration of Penitentiaries (hereinafter "the NAP") has been duly notified and advised on the Court's findings in this case. The Supreme Court of Justice also published a summary thereof on its website³.

The accreditation of medical services in the penitentiary system

15. The accreditation standards in health are approved by the Ministry of Health of the Republic of Moldova, which entails meeting several requirements. These include ensuring sanitary conditions and qualified staff, maintaining the quality of medical services by training medical staff, providing appropriate medicines, and administering treatments in accordance with national and institutional clinical protocols.

16. By Order no. 582 of 28 June 2024, the Ministry of Health of the Republic of Moldova approved a new Regulation on the assessment process and accreditation in health⁴.

17. As previously reported by the Government, 14 out of 16 medical wards in the penitentiary system received accreditation for a period of 5 years. Accordingly, in 2026 a repeated assessment is envisaged.

18. As regards the non-accredited medical ward in Penitentiary no. 10 from Goian, all accreditation requirements have been fulfilled, except the employment of the dentist and pharmacist, which are still vacant positions. Consequently, the file was not accepted by the National Commission for Health Evaluation and Accreditation.

² <https://www.agentguvernamental.md/wp-content/uploads/2024/07/NITU-v.-MDA-hotarare-RO.pdf>

³ <https://csi.md/index.php/jurisprudenta-cedo1/rezumat-hotararilor-relevante-ale-cedo/65-rezumat-hotarari-cedo-2024/2378-nitu-v-republica-moldova-articolul-3-din-conventie-esecul-autoritator-de-a-acorda-asistenta-medicala-corespunzatoare-in-timpul-detentiei-incalcare>

⁴ https://www.legis.md/cautare/getResults?doc_id=144052&lang=ro

19. Concerning the non-accredited medical ward of Penitentiary no. 6 from Soroca, the application has not yet been submitted due to the absence of a doctor, but also due to the fluctuation of the medical medium staff.

20. The prison authorities continue to undertake measures aimed at ensuring access to adequate medical assistance and treatment in the prison system for all detainees, *inter alia* by obtaining the accreditation of the Prison-Hospital no. 16 – Pruncul. In this regard, the authorities continue their efforts aimed at enhancing the relevant sanitary conditions and standards. For this purpose, procedure rooms have been repaired in all sections. In 2023, repair works in the amount of MDL 7,978,600 were carried out for the capital refurbishment of the roof of the TB block. Capital refurbishment works in the value of MDL 2,565,100 were conducted on the ventilation system of the same block. Also, 37 wards in the same Prison-Hospital have been renovated recently.

21. In 2024, standards for the diagnostic laboratory in Penitentiary Hospital No. 16 – Pruncul were developed. It is further necessary to ensure standards in the surgical ward of the same prison, which depend on financial resources that are currently not available.

Allocated budget for external medical services

22. In 2024, in order to ensure the full spectrum of medical services for detainees, the penitentiary institutions concluded 16 public procurement contracts, thus acquiring medical services in a total value of MDL 2,825,321.48. While this amount is lower than the budgets allocated for external medical services in the previous years, this tendency may be explained by the drop of the prison population, from 6429 in 2021 to 5695 on 1 January 2024.

23. The other reasons determining a lower budget provided for 2024 for external medical services result from the decrease of the number of detainees arriving in prisons with serious and extremely serious pathologies, the prevention and early diagnosis of chronic diseases, including vaccination, the better monitoring of chronic diseases, including by implementing the quality management system and the internal medical audit visits.

24. In addition, during the period of the COVID-19 pandemic (2020-2022) there was a greater need of financial resources for the provision of protective consumables, disinfectants, tests, and medicines.

Measures undertaken to provide access to specialised medical treatment in prisons and public health institutions

25. The domestic authorities continue to undertake measures in view of improving the quality of healthcare provided to detainees. As mentioned above, in 2024, the penitentiary institutions concluded 16 public procurement contracts, thus acquiring medical services in a total value of MDL 2,825,321.48.

26. Between September 2023 and July 2024, Prison-Hospital no. 16 has been equipped with medical devices from budgetary sources, in an amount of MDL 41,258.93, as well as from outside sources, in an amount of MDL 1,362,162.52.

27. Between January 2024 and September 2024, 295 detainees who required medical assistance benefited from consultations granted in public health institutions and 89 patients were hospitalized in public health institutions.

Measures undertaken to provide psychological and psychiatric care in the penitentiary system

28. On 16 May 2024, the Parliament of the Republic of Moldova adopted Law no. 114 on mental health and well-being⁵, which is set to come into force starting from 13 December 2024.

29. The new legal framework provides that in the field of mental health and mental well-being protection, the Ministry of Justice is responsible for coordinating, through the National Administration of Penitentiaries, the organization and control of the provision of mental health care to persons in places of detention, as well as the provision of mental health care for persons with such needs detained in institutions under its subordination.

30. As a follow-up to the draft Mental Health Strategy for the prison system and an Action Plan (including the estimation of costs for its implementation) developed with the support of Component 2 of the Programme “Promoting human rights compliant criminal justice system in the Republic of Moldova”, conveyed to the Ministry of Justice and the National Administration of Penitentiaries in 2021, the Council of Europe will support the development of a Concept on integrated specialised mental health services (psycho-medical, educational, social services etc.) in prisons. This mechanism, including working procedures and specific responsibilities for each service, as well as quality standards, will be further piloted in 3 prisons in view of replicating this initiative and approaches in other prisons later on.

31. Several specific objectives of this draft Prison Mental Health Strategy were included in the National Programme on Mental Health for 2023-2027⁶, as follows: informing prisoners about mental health care services in detention; availability of medical services and psycho-emotional support; support for the creation of integrated community mental health services; development of integrated specialised mental health services (medico-psychological, educational, social services etc.) in prisons, including the development of working procedures and responsibilities specific to each service and quality standards; promoting mental health among prisoners with the involvement of other prisoners and civil society organisations and through media. These objectives will be extensively supported in the next phase of the CoE project “Further strengthening the prison and probation reforms, provision of health care and the treatment of patients in closed institutions in the Republic of Moldova” (2025-2028).

32. For the purpose of ensuring proper psychological and psychiatric care in prisons, the Psychoneurological Section of the Prison-Hospital was included in the assessment conducted by the CoE Project “Strengthening the prison and probation reforms, provision of health care and the treatment of patients in closed institutions in the Republic of

⁵ https://www.legis.md/cautare/getResults?doc_id=143550&lang=ro

⁶ https://www.legis.md/cautare/getResults?doc_id=141327&lang=ro

Moldova” (2021 - 2024) as part of the Action Plan for the implementation of the Concept for the psycho-social rehabilitation of patients placed in psychiatric institutions in the Republic of Moldova. This assessment aims at developing recommendations (1) for ensuring the integrated approach to psychosocial rehabilitation of patients, and (2) on the necessary (minimum) staffing levels, and incentives for their recruitment. Regardless of the fact that the Psychoneurological Section of the Prison-Hospital was not part of the Concept and the Action Plan for the psycho-social rehabilitation of patients placed in psychiatric institutions in the Republic of Moldova (the prison hospital is managed by the National Administration of Penitentiaries (NAP), subordinated to the Ministry of Justice), the Project included the Prison-Hospital in the assignment, provided the ongoing dialogue with the Ministry of Health on the integrated approach to health care provided in prisons, including mental health, and provided that specific objectives on integrated mental health services to persons detained in prisons are part of the National Programme on Mental Health for 2023-2027.

33. The procedure for the initial assessment of persons recently admitted to the penitentiary is standardized for all penitentiary institutions and for all prisoners. The assessment is conducted during the quarantine period (a period of 15 days after placement in the penitentiary institution), where the prisoner is subjected to a multidisciplinary assessment (educator, psychologist, social worker).

34. When the person is placed in detention, the psychologist and the social worker draw up a psycho-social inquiry (and attach it to the detainee's personal file), which indicates relevant general information about the psycho-emotional and social state of the detainee. In the case of indications of suspected mental health problems, it is mandatory to consult a psychiatrist. Currently, the prison administration system is piloting the Risk and Needs Assessment Tool (RNAI), which allows for the accumulation of information and data from the detainee's medical history.

35. This information is used to draw up the individual detainee's resocialization plan, which is in turn adapted for each individual detainee, taking into account their needs and risks. Counselling is an individual or group action aimed at personal development, crisis support, personal and/or interpersonal problem solving. Psychological counselling sessions are carried out with the consent of the detainees, on the basis of the problems identified by the psychologist and/or within the framework of psychological assessments, with the duration and frequency set by the prison psychologist.

36. The initiation of a counselling intervention can occur both at the suggestion and/or request of the prison care staff (psychologist, educator, doctor, etc.) and at the initiative of the detainees.

37. Moreover, the Prison-Hospital no. 16 is furnished with a psychoneurological ward with a capacity of 36 beds, which provides stationary assistance to mentally disabled inmates, in which two psychiatrists are employed. For more particular situations, major psychiatric emergencies or for making a differential diagnosis and establishing the clinical diagnosis within the Medical Advisory Council, a contract is concluded with the Codru Psychiatric Clinical Hospital. At the same time, for emergencies or serious cases, an annual contract is signed with the Balti Psychiatric Clinical Hospital.

38. The NPA also collaborates with public mental health centres in order to carry out comprehensive assessments.

39. At the same time, prisoners who, based on court decision, are obliged to undergo an outpatient psychiatric evaluation, shall be transferred to the public health institution of the Clinical Psychiatric Hospital, with the necessary supervision in this regard.

40. On the other hand, with regard to detainees undergoing psychiatric treatment who do not require hospitalization in specialized hospitals, psychologists and social workers conduct individual counselling and/or conversations. The purpose of these counselling sessions is to minimize the possibility to develop aggressive and/or uncontrolled behaviour and to motivate prisoners to receive the prescribed treatment.

41. In case the mental state deteriorates, patients are transferred to the psycho-neurology ward of the Prison-Hospital, and in more serious cases, they are transferred to the public medical-sanitary institution the Psychiatric Clinical Hospital, which is contracted annually by the National Administration of Penitentiaries for the amount of MDL 25,000.

Supply of medicine, consumables, medical devices ensuring the compliance with medical treatment standards

42. In order to ensure the efficiency, quality and safety of medicines, consumables and pharmaceutical items provided to prisoners, the prison authorities continue to comply with the National Clinical Protocols, the National Institutional Protocols, as well as with the Pharmacotherapeutic Form approved by NAP Order no. 129 of 11 April 2019. Other national and institutional normative acts in force in this area are also taken into account.

43. The pharmaceutical service permanently provides and manages medicines, para-pharmaceutical items, disinfectants and medical equipment, according to the requests of the medical units, in compliance with the provisions of the National Clinical Protocols and the Medical Treatment Standards.

44. The pharmacy of the Prison-Hospital no. 16 is also supplied by the Clinical Hospital of Infectious Diseases "Toma Ciorbă".

45. The pharmaceutical service and the medical units keep the records of medicines, para-pharmaceutical items, disinfectants and medical equipment in terms of quantity and value, in electronic format, through a specialized software.

46. Medicines, pharmaceutical items, disinfectants, medical equipment are purchased by the NAP through the Centralized Public Procurement Centre in Health, by centralized tenders organised at the national level, according to the budget allocated by the Ministry of Finance, as well as from outside financial sources.

47. In the pharmacy of the Prison-Hospital no. 16 - Pruncul, there is a permanent stock of medicines and appropriate consumables, as requested by the medical wards, which is composed of all groups of drugs necessary to ensure compliance with clinical protocols and national and institutional treatment standards.

48. In 2024 the pharmaceutical warehouse of the Penitentiary no. 16-Pruncul was supplied with medicines and consumables from budgetary and extra-budgetary sources amounting to MDL 9,580,000.

Measures undertaken to prevent the transmission of HCV and other contagious diseases in prisons

49. In 2024, in order for prisoners to benefit from the national treatment program for viral Hepatitis C, the prison authority concluded a contract with the Republican Medical Diagnostic Centre in the amount of MDL 600,000, aimed at subjecting detainees to thorough medical investigations. In the last 12 months, 142 detainees benefitted from such investigations. In result, the NPA lodged with the Ministry of Health 108 files, as a result of which 78 persons were included in the national treatment program for HCV and HBV.

50. In 2023, the prison administration received a total of 800 doses of flu vaccine for risk groups and 800 doses of anti-hepatic vaccine for risk groups. The NAP and the Ministry of Health currently undertake all the necessary measures in view of including the persons held in prisons in the antiviral treatment program of chronic hepatitis and viral liver cirrhosis B, C, D.

51. In July 2024, an evaluation team made of representatives of the World Health Organization and the National Agency for Public Health carried out a work visit in order to analyse the activities available in the penitentiary institutions of the Republic of Moldova regarding the viral hepatitis, as well as to identify the challenges and needs for the purpose of improving the epidemiological surveillance therein. According to the visit findings, more than 5000 rapid tests for viral hepatitis B and C are performed annually, more than 1000 prisoners have been immunized with the 3 doses necessary for a complete immunization, and more than 400 prisoners have received antiviral treatment for viral hepatitis. The evaluation team concluded that the implementation of testing, vaccination, and antiviral treatment of viral hepatitis in the penitentiary system was in line with the World Health Organization's recommendations and the European standards on prison health. Moreover, the National Administration of Penitentiaries, together with the representatives of the penitentiary system's medical units, are taking all measures aimed at eradicating viral hepatitis in prisons by 2030, in line with the World Health Organization global hepatitis strategy.⁷

Availability of medical equipment

52. In September 2023, with the support of the United Nations Sexual and Reproductive Health Agency, a gynaecological cabinet equipped with state-of-the-art medical equipment, including equipment adapted to the needs of persons with special needs, was opened in the medical unit of Penitentiary no. 13 – Chişinău. This donation resulted from a comprehensive analysis of the urgent needs faced by the national penitentiary system as part of the response to the humanitarian crisis.

53. The equipping and renovation of the gynaecological cabinet for the provision of medical care to patients held in the detention facility, in particular to pregnant women, will

⁷ [Sistemul administrației penitenciare-gazdă a unei misiuni de experți în scopul evaluării programului de prevenire și control al Hepatitelor virale B,C,D | ANP - Administrația Națională a Penitenciarelor \(gov.md\)](#)

improve the quality of medical services provided, as well as the activity of the medical staff in that penitentiary institution.

54. The cabinet has been equipped with state-of-the-art medical devices, including an adjustable gynaecological chair, an examination lamp, an instrument sterilizer, a cabinet for medical instruments, a table for medical manipulations, a medical cot and furniture. The total amount of the donation is MDL 860,000 and similar donations of modern medical equipment and devices are to be made to Prison-Hospital no. 16 – Pruncul.⁸

55. Moreover, in April 2024, the NPA received an array of medical equipment and furnishings from the Council of Europe through the Project “Strengthening the prison and probation reforms, provision of health care and the treatment of patients in closed institutions in the Republic of Moldova” in the amount of MDL 2,030,912.45, which includes patient monitors, electric surgical tables, EEG systems, mono-bipolar electrosurgery units, examination lamps, thermo-sealers for both surgical and dental instruments, mobile surgical examination lights, a portable ultrasound laptop, and various medical furnishings such as non-electrical examination couches, medicine cabinets, and stainless-steel tables of various sizes. The items from this donation were distributed as per the needs assessed to Medical Sections of all 16 penitentiaries, and Prison-Hospital no. 16 – Pruncul which, on top of the lot of medical equipment and devices donated by the Council of Europe in 2020⁹, in the amount of MDL 2,876,516, cover most acute needs for equipment necessary to deliver health care services in prisons for the time being.

Provision of prisons with health care staff

56. In the last two years, the Government undertook the necessary measures in order to make the public office more attractive and competitive. In 2022 the salaries of employees in the budgetary sector have increased, in accordance with the provisions of Law no. 270/2018 on the unitary system of salaries in the budgetary sector. In particular, as of 1 September 2022 for the employees in the budgetary sector, the reference value has been set at the amount of MDL 1,900. Correspondingly, for the medical staff in penitentiary institutions, the salary grades have been increased by 5 successive grades.

57. Furthermore, in accordance with Article 10 of Law no. 359/2022 on the State Budget for 2023, as of 1 January 2023, the salaries of employees in the budgetary sector, in accordance with the provisions of Law no. 270/2018, were increased, the reference value being established at MDL 1,900. By derogation from this provision, the reference value was set at MDL 2,000 for prison officers of the penitentiary administration system. According to Article 11 of the same Law, a fixed monthly bonus in the amount of MDL 1,300 was established for all employees in the budgetary sector. Also, as of 1 January 2023, the salary grades for civil servants with special status with medical duties within the prison authorities

⁸ [Sporirea calității asistenței medicale pentru femeile din detenție | ANP - Administrația Națională a Penitenciarelor \(gov.md\)](#)

⁹ 18 types of medical equipment of vital importance, such as portable pulse oximeters, glucometers, autoclave sterilizers, defibrillators, portable eye tonometers, dental complexes with instrument sets and many others.

were increased by 3 successive grades for management positions with special status and by 6 successive grades for executive positions with special status.

58. Therefore, during 2022-2023 a gradual but substantial salary increase in the prison system can be noted, with particular emphasis on the medical staff.

59. In order to ensure the standards of treatment in the prison system, the Prison-Hospital no. 16 – Pruncul is provided with qualified specialized medical staff in the infectious diseases ward, the psycho-neurology ward, the internal diseases ward, the diagnostic imaging ward, the anaesthesia, resuscitation and intensive care unit, the surgery unit, which also includes dental surgery and ophthalmologic surgery, the admission, duty doctor and medical statistics ward, the phthisiology ward no. 1, the phthisiology ward no. 2, the pharmaceutical service, the laboratory diagnostic service.

60. During 2023, five new posts of medical specialists in the Prison-Hospital were filled: medical laboratory technician, medical sonographer, endoscopist, dermatovenerologist and oncologist. Hence, the Prison-Hospital is currently staffed with 1 surgeon, 1 therapist, 1 dentist, 1 ophthalmologist, 1 gynaecologist, 1 traumatologist, 1 infectious diseases doctor, 1 dermatovenerologist, 2 psychiatrists, 1 paediatrician, 3 imagist doctors, 1 USG imagist doctor, 1 endoscopist, 2 anaesthesiologists, 4 guard doctors, 4 laboratory doctors, 4 phthisiologists, 2 pharmacists and 43 nurses. At the same time, the NPA is constantly undertaking the necessary measures in order to fill the vacant positions of medical specialists in prisons.

61. Additionally, in 2023, three job agreements were concluded with resident doctors, who are going to work in the Prison-Hospital after graduating the residency studies.

62. At the same time, in 2024, due to the collaboration of the NPA with the Trade Union Association "Guardian" and the Federation of Trade Unions of Moldova "SINDELEX", a modern canteen was opened for the employees of the Prison-Hospital. This achievement serves as an additional motivating factor for the penitentiary staff.¹⁰

63. Currently, the medical care staff who provide psychological and psychiatric care in the penitentiary system is insufficient. For this reason, a part of the medical staff is contracted. Thus, the persons employed within the prison administration system are not included in the category of civil servants with special status and are employment without competition. Nevertheless, the number of medical specialists is still insufficient to satisfy the needs of mentally ill detainees, because the majority of them work in the prison administration system only on a part-time basis.

Control over the quality of medical services

64. By an Order of 10 March 2021 on ensuring the quality of medical services provided in the prison administration system, the NPA Director adopted the Regulation of the Quality Council and, respectively, the nominal composition thereof. The Quality Council is made of nine members selected from the staff of the Medical Unit of the NPA. It should

¹⁰ [Cantină modernă pentru angajații Penitenciarului nr.16-Pruncul - încă un succes obținut din colaborarea fructuoasă dintre Administrația Națională a Penitenciarelor și Asociația Sindicală „Gardianul” și Federația Sindicatelor din Moldova „SINDELEX” | ANP - Administrația Națională a Penitenciarelor \(gov.md\)](#)

be noted that the mission of the Medical Unit of the NPA is particularly to evaluate the activity of the medical staff from the Prison-Hospital and from the medical units from all prisons, so as to ensure proper medical assistance to prisoners in the entire prison system, as well as to provide the necessary counselling and support for this purpose.

65. During the meetings organized in the past year, the Quality Council discussed, assessed and approved its annual activity plan and the activities carried out so far, the activity of the quality medical committees, the questionnaires on the medical staff's employee satisfaction, as well as the performance of the internal medical audit in 16 medical units from 16 penitentiaries and the Prison-Hospital.

66. In order to accomplish the basic tasks, depending on the priority areas, the Quality Council is responsible for facilitating the process of improvement of health care in prisons, ensuring compliance with the standards of evaluation and accreditation on quality and safety of health in prisons. At the same time, the Quality Council is responsible for other duties which, as a whole, aim to continuously improve the quality of medical care and the process of managing the quality of medical services, to increase the accessibility of medical services and the patients' satisfaction in the prison system.

67. The Quality Council's observations within the medical audit visits are included in the internal medical audit reports. These reports, along with the corresponding recommendations and concrete deadlines for implementation, are further sent to the prisons' directors for enforcement. The level of enforcement of these recommendations is assessed during the repeated medical audit visits. The NPA director approves the decisions of the Quality Council. Hence, they become either mandatory or recommendable for the prison directors and the medical staff, depending on their nature.

68. On 17 January 2024, the Quality Council issued an audit report based on 20 internal medical audit missions conducted in 2023 across 9 medical wards within the penitentiary system of the Republic of Moldova. According to its findings, the quality management system implemented in the medical wards from the penitentiary system is still in process of development. At the same time, in order to ensure the provision of quality healthcare, additional improvements are necessary.

69. As a result of the internal medical audit visits conducted in 16 ambulatory medical wards from the penitentiary system and the Prison-Hospital no. 16, 87 non-compliances were identified, i.e. 36 less than in 2022 (123), for which 175 recommendations were proposed (compared to 269 in 2022).

70. Therefore, in 2023 a positive trend was observed within the medical wards of the penitentiary system. However, although there has been a decrease of the non-compliances identified compared to previous years, which may point to a certain progress, the report emphasizes the necessity of further improvements to ensure medical services according to quality standards.

The provision of medical insurance to all detainees

71. According to Order of the Minister of Justice no. 343 of 29 December 2022 (approved following the expertise provided by the Council of Europe through Component 2 of the Programme "Promoting human rights compliant criminal justice system in the

Republic of Moldova” (2018-2021)), medical assistance is provided to persons in detention within the prison administration system, both in the Prison-Hospital and in the medical units of the prison institutions. In cases of emergency and when specialised treatment is needed, medical assistance is provided in public health institutions, under the agreements concluded, in the volume corresponding to the medical assistance provided within the national health insurance system.

72. Articles 230-231 of the Execution Code secures the right of any prisoner to medical assistance. All detainees benefit, free of charge, of medical assistance and medicines in the volume established by the Unique Program of Mandatory Medical Insurance. At the same time, medical assistance is provided, free of charge, in the medical unit of the prison institution. When medical treatment and investigations are necessary according to the corresponding medical protocols, they are performed in the same volume and conditions as those provided by the public health insurance system. Hence, the costs necessary for ensuring medical assistance to all detainees (in the volume equivalent to the persons that have medical insurance) are fully covered by the State budget.

73. At the same time, when the medical investigations are not included in the list covered by the National Health Insurance Company, these must be conducted at the persons’s expense. By Order no. 272 of 17 May 2024, the NPA Director approved the procedure on the detainees’ access to private medical services at their own expense.

Humanitarian release of seriously ill persons held in pre-trial detention

74. On 12 June 2024, following the expertise provided by the Council of Europe through Component 2 of the Programme “Promoting human rights compliant criminal justice system in the Republic of Moldova” (2018-2021), by Government Decision no. 417, the Rules on the procedure of medical examination of seriously ill detainees for the purposes of release on probation or of having the pre-trial detention measure replaced or cancelled were adopted. The new procedure establishes the activity of a unique commission, which will replace three previous commissions, empowered to decide in a more expeditious manner on the release of seriously ill convicts from detention, i.e. the Consultative Medical Council of the Prison-Hospital. This Council is not only competent to establish the diagnosis and the treatment in each particular case, but also has the power to request the court of law the release on probation or the replacement/revocation of the pre-trial detention measure in respect of a detainee whose health situation is incompatible with detention. The same Government Decision updated the list of serious illnesses according to the International Classification of Diseases, thus extending the range of diagnoses that allow detainees to be treated at home or in civil medical institutions.¹¹

Measures aimed at ensuring a balanced and varied diet in prison, especially for detainees who suffer from different illnesses

¹¹ [Guvernul ia măsuri care să prevină decesul în penitenciare a deținuților grav bolnavi | Ministerul Justiției al Republicii Moldova \(gov.md\)](https://www.gov.md/en/actualitati/2024/06/12/guvernul-ia-masuri-care-sa-previn-a-decesul-in-penitenciare-a-detinutilor-grav-bolnavi)

75. With the support of the Council of Europe Project “Strengthening the prison and probation reforms, provision of health care and the treatment of patients in closed institutions in the Republic of Moldova” (2021-2024) and in consultation with the working group set up by the National Administration of Penitentiaries, on 26 March 2024 Government Decision no. 228 was approved¹². This normative act regulates the minimum standards for food, the substitution of certain food products and the provision of essential hygiene products for persons held in penitentiary institutions. The new regulations are intended to improve and diversify the food rations and introduce for the first time special norms for persons with health issues, for pregnant women and nursing mothers.

76. Furthering this support, in July 2024, the same Project provided the National Administration of Penitentiaries with recommendations on menus for all categories of persons detained in penitentiary institutions (7-day standardised menus), covering the whole spectrum of food products mentioned therein, but also including the system of standardised diets, approved by Order of the Ministry of Health no. 238/2009 on the improvement of patients’ nutrition in hospitals.

77. Additionally, for correctly preparing the dishes in all penitentiary institutions, intake calculations and technological specifications for all dishes from the proposed standardised menu were developed, to inform the provider on the net and gross mass of the products and the total finished mass of the dishes, and on the macronutrient calculations (proteins, lipids, carbohydrates, kcal).

78. These regulations shall enter into force on 1 January 2025.

Transfer of competence for healthcare in prisons from the Ministry of Justice to the Ministry of Health

79. On 1-2 October 2024, a fact-finding mission on the current organisation of healthcare within the prison system was organised by the Council of Europe in the Republic of Moldova¹³. The mission looked into the ways of optimising the governance, organisation and management of healthcare in prisons, including the opportunities for integrating it into the public health service.

80. As a first step, the Council of Europe will provide the authorities with a comparative analysis of existing models of health care organisation in prisons in different Council of Europe member states, including those that were transferred from the Ministry of Justice to the Ministry of Health, with recommendations on feasible models for the Republic of Moldova.

81. The mission was organised under the auspices of the Project “Strengthening the prison and probation reforms, provision of health care and the treatment of patients in closed institutions” and included meetings with the Parliamentary Standing Committees on Social Protection, Health and Family and National Security, Defence and Public Order, the

¹² [Guvernul susține îmbunătățirea normelor minime de alimentare și asigurare cu obiecte de igienă de primă necesitate a persoanelor aflate în detenție | Ministerul Justiției al Republicii Moldova \(gov.md\)](#)

¹³ <https://www.coe.int/en/web/chisinau/-/prison-healthcare-in-moldova-to-incorporate-best-european-practices>

Ministries of Justice and Health, the National Health Insurance Company, the Office of the Ombudsman, the National Council for the Prevention of Torture, as well as consultations with most the active civil society and international organizations in the field.

Trainings aimed at increasing the quality of medical care in prisons

82. In May 2024, 35 employees from the medical staff of the penitentiary system participated in an international conference in the field of public health and reduction of harmful effects of narcotic and psychotropic substances entitled "Mental health and well-being through prevention and reduction of risks". During the meeting current trends in the approach to prevention and reduction of harmful effects of substance abuse were discussed, so as to ensure the reduction of the risk of non-transmissible diseases caused by substance abuse. At the same time, the medical staff presented the developments in the prison system on the implementation of the 15 key interventions recommended by the United Nations to reduce the risks of transmission of infections. Finally, an international policy statement in the field of risks reduction in the Republic of Moldova was signed.¹⁴

83. Following six consecutive professional courses organized by the Council of Europe Project "Strengthening the prison and probation reforms, provision of health care and treatment of patients in closed institutions in the Republic of Moldova" (2021-2024), in partnership with the School of Management in Public Health (SMSP) of the State University of Medicine and Pharmacy "Nicolae Testemiteanu", over 150 prison staff including doctors, nurses, psychologists, psychiatrists and social workers were trained and over 200 accreditations (180 academic hours) were issued in accordance with the national requirements in areas critical for the health care delivery in prisons (management of emergencies in public healthcare, quality management in medical institutions, communication and counselling in health care, transmittable diseases control, human rights observance etc.).

84. Additionally, 34 medical staff and psychologists from prisons were trained on medical screening upon admission to prison and administration of inmates' medical files, with the support of the same Council of Europe Project.

85. In February 2024, the National Administration of Penitentiaries approved the new Rehabilitation Programme for the alcohol dependent prisoners, developed and piloted in 4 prisons during 2023 within the Council of Europe Project "Strengthening the prison and probation reforms, provision of health care and treatment of patients in closed institutions in the Republic of Moldova" (2021-2024).

The functioning of the national remedy regarding complaints on inadequate medical assistance in detention

¹⁴ [Personalul medical din cadrul sistemului penitenciar au discutat despre sănătatea mintală și bunăstarea persoanelor din detenție în cadrul unei conferințe internaționale | ANP - Administrația Națională a Penitenciarelor \(gov.md\)](#)

86. On 23 May 2024, a workshop was held on the preventive and compensatory remedy to challenge poor conditions of detention and the lack of adequate medical assistance in detention in the Republic of Moldova, which entered into force in 2019. The meeting took place within the framework of the Council of Europe Project “Strengthening the Human Rights Compliant Criminal Justice System in the Republic of Moldova” implemented by the Co-operation Programmes Division of the Council of Europe, with the participation of the Department for the Execution of Judgments of European Court of Human Rights.

87. The workshop brought together judges of lower and higher courts, the Government Agent, representatives of the National Administration of Penitentiaries, the civil society organisations, as well as international consultants from Italy and Romania, who shared their experience related to the implementation of similar domestic remedies.

88. The participants discussed the relevant Convention standards and the European Court’s case-law, including challenges in the provision of medical assistance in detention (with due regard to this group of cases) and in the implementation of the remedy by the domestic courts. As a result of the discussions, the participants concluded that the preventive remedy in the part related to the lack of adequate medical healthcare in prisons did not appear to be effective due to very general regulations. In fact, the domestic law does not provide any rules that would allow the courts of law the possibility to examine this category of cases in priority order, even in emergency cases. Accordingly, there was a need of amending the regulatory framework in this regard, by also establishing a shorter time-limit for the examination of this type of cases.¹⁵

The launching of the Advisory Council of the Government Agent of the Republic of Moldova

89. In November 2023 the Advisory Council of the Government Agent of the Republic of Moldova was launched as an advisory body of the Government Agent. It is comprised of representatives of the relevant national authorities, the Ombudsman’s Office, the academia and the civil society. It represents a platform aiming to contribute to a timely and effective implementation of the European Court’s judgments in the Republic of Moldova, through the co-ordinated actions of all national actors concerned, and to ensure the necessary support at the highest political level.¹⁶

90. Four meetings have taken place in this format so far, addressing the issues pending under the supervision of the Committee of Ministers, notably the poor conditions of detention and inadequate healthcare in prisons, domestic violence, the lack of effective

¹⁵ [Republic of Moldova: Workshop on the domestic remedy to challenge poor conditions of detention - Department for the Execution of Judgments of the European Court of Human Rights \(coe.int\)](#)

¹⁶ [Prima reuniune a Consiliului Consultativ de pe lângă Agentul guvernamental | Portalul Agentului Guvernamental din Republica Moldova \(agentguvernamental.md\)](#)
[Second meeting of the Advisory Council of the Government Agent of the Republic of Moldova - Department for the Execution of Judgments of the European Court of Human Rights \(coe.int\)](#)
[A treia reuniune a Consiliului Consultativ pe lângă Agentul guvernamental | Portalul Agentului Guvernamental din Republica Moldova \(agentguvernamental.md\)](#)

investigations into ill-treatment by state agents, and various violations of the right to liberty and security arising from detention on remand.

91. The present group of cases has been a recurring topic intensively discussed during three of the four meetings conducted so far. This underscores the continuous attention paid by the national authorities to this group of cases, highlighting their commitment to prioritizing the resolution of the issues identified by the Court in its judgments and by the Committee of Ministers in its decisions.

92. Following discussions among the representatives of the relevant authorities, the need to amend the Criminal Procedure Code was emphasized, which should regulate separately the preventive remedy concerning the provision of medical care in the prison system. It was also noted that the preventive measure refers to compensation for poor detention conditions during previous periods but does not address the cessation of these violations in the future.

93. Regarding the compensatory remedy, it was concluded that a uniform compensation practice should be established at both first court and appellate court level, ensuring that all prisoners receive similar compensation for the same conditions and periods. The importance to establish shorter time-limits for the consideration of applications related to medical assistance and treatment was also highlighted.

94. At the same time, it has been noted that there is a more positive trend in the application of arrest for detained persons. The adopted findings of the European Court in this regard prompted amendments to national legislation and have significantly contributed to changing the mindset of judges in this regard. Consequently, the courts have adopted a practice of diversifying the preventive measures applied to individuals.

The exclusion of disciplinary sanctions for self-harm and of the obligation to cover expenses in cases of self-harm

95. On 28 December 2023, in order to strengthen the protection of detainees' rights and improve their psychological assessments, the Parliament of the Republic of Moldova amended the Execution Code, so as to exclude disciplinary sanctions for self-inflicted harm. The new amendments also abolished the prisoners' obligation to cover expenses in cases of self-harm. As a result, detainees are no longer required to bear the costs of medical care in such cases. This is a key-measure aimed at reducing barriers to accessing adequate medical care.

96. These amendments further underline the commitment of the domestic authorities to treat self-inflicted harm as a mental health issue rather than an action that deserves punishment, thereby promoting a more human environment in prisons. Together with the existing programs addressing the issue of mental health in prisons, these measures contribute to reducing self-harm in particular and improving prison conditions in general.

V. CONCLUSION

97. The Government will keep the Committee of Ministers informed about the pending individual measures in the *Machina* and *Nițu* cases.

98. With regard to the general measures, the Government consider that the measures described above prove the national authorities' sustained efforts in ensuring the provision of specialized and high-quality medical assistance in prisons.

99. The Government further conclude that the improvement of medical assistance in prison institutions represents a priority for the Republic of Moldova. These are key-points in the national policies and in all the international commitments, based on which continuous efforts are made in order to improve this matter. The Government invite the Committee of Ministers to take note of the measures planned and already implemented by the national authorities, and will keep it informed about any relevant evolutions in this regard.



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