

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CPT/Inf (2016) 16 part

Executive summary

to the Report

**to the Government of the Republic of Moldova
on the visit to the Republic of Moldova
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 14 to 25 September 2015

Strasbourg, 30 June 2016

EXECUTIVE SUMMARY

During its periodic visit to the Republic of Moldova, the CPT's delegation examined the conditions of detention and treatment of persons held in police establishments and prisons. In this context, particular attention was paid to the situation of female inmates, juveniles and prisoners sentenced to life imprisonment, as well as to the arrangements concerning the provision of health care to prisoners at Pruncul Prison Hospital. The delegation also visited a psychiatric hospital and a social care home.

The co-operation received by the delegation throughout the visit, from both the national authorities and staff at the establishments visited, was generally very good. That said, the principle of co-operation also requires that the CPT's recommendations be effectively implemented in practice. In this regard, the Committee is very concerned to note that little or no action has been taken by the Moldovan authorities in respect of certain longstanding key recommendations concerning the situation in prisons, in particular as regards inter-prisoner violence and intimidation, the conditions of detention of adult male prisoners (including the regime for remand prisoners), and prison staffing levels.

Police custody

The information gathered during the 2015 visit indicated that the situation as regards the treatment of persons detained by the police in the Republic of Moldova had improved since the CPT's previous visit in 2011. The great majority of persons interviewed by the delegation who were, or had recently been, detained by the police stated that they had been treated correctly whilst in custody. The delegation's discussions with various other interlocutors, such as non-governmental organisations and the Office of the Ombudsman, tended to confirm that there had been a decrease in recent times in the frequency and severity of alleged instances of police ill-treatment. It is also praiseworthy that no allegations of ill-treatment were received in respect of staff performing custodial duties in police temporary detention isolators.

However, the delegation did receive a number of allegations from detained persons of excessive use of force by the police at the time of apprehension, after the person concerned had been brought under control. Several allegations were also heard of physical ill-treatment during preliminary questioning by operational officers, in order to extract a confession. The alleged ill-treatment consisted essentially of slaps, punches and kicks, and in a few cases was of a severe nature (e.g. manual strangulation, severe beating, etc.).

Whilst acknowledging the progress made by the Moldovan authorities in recent years in combating police ill-treatment, the CPT stresses the need for additional vigorous action to stamp out this phenomenon. Several recommendations are also made to reinforce the safeguards afforded to persons detained by the police, in particular as concerns the right to be granted effective access to a lawyer as from the very outset of deprivation of liberty.

As regards material conditions of detention in police establishments, the CPT welcomes the major renovation work which has been carried out at the temporary detention isolator of the Chişinău Police Department since the 2011 visit. However, most of the other police detention facilities visited displayed various shortcomings, such as very limited or no access to natural light, dim artificial lighting, poor state of hygiene, inadequate ventilation, non-partitioned in-cell toilets, and filthy mattresses. Further, in some of the detention facilities visited, no outdoor exercise was offered to detained persons. The Committee recommends that the Moldovan authorities vigorously pursue their efforts to improve material conditions of detention in police temporary detention isolators and that all persons who are detained by the police for 24 hours or more be offered at least one hour of outdoor exercise per day.

Prison establishments

With the exception of Goian Prison, no allegations were received of recent physical ill-treatment by staff in the prisons visited. At Goian, the CPT's delegation received a number of allegations from juvenile inmates of physical ill-treatment by certain staff members. The alleged ill-treatment mainly followed instances of disobedient behaviour by the juveniles and consisted of slaps, punches, kicks and truncheon blows. The Committee recommends that effective investigations be carried out into these allegations.

The delegation found evidence of a number of cases of inter-prisoner violence at Soroca Prison and, to a lesser extent, at Chişinău and Rezina Prisons. Such a situation is largely linked to the well-established informal hierarchy among inmates, which has been a long-standing feature of the prison subculture in the Moldovan penitentiary system. In particular at Soroca Prison, the delegation heard numerous accounts of beatings, threats and extortion by fellow inmates. The CPT is particularly concerned about the situation of the lowest caste of prisoners in the hierarchy, the so-called "untouchables", who were frequently subjected to humiliation by other inmates. Certain features of the prison subculture (including the inmate caste system) were also prevalent among juvenile inmates at Goian Prison. The CPT calls upon the Moldovan authorities to take resolute action to prevent inter-prisoner intimidation and violence in all these establishments, in particular by taking effective measures to tackle the phenomenon of an informal prison hierarchy with all its negative consequences.

The delegation observed that the national standard of at least 4 m² of living space per prisoner was far from being met in most of the prisons visited; in particular at *Chişinău and Soroca Prisons*, the levels of overcrowding had reached disturbing proportions. Material conditions of detention in these two prisons were inadequate also in many other respects (e.g. poor, or even very poor, state of repair and hygiene; limited access to natural light; insalubrious sanitary facilities; infestation by vermin; worn-out and filthy mattresses; etc.) and, in the CPT's view, could be considered as amounting to inhuman and degrading treatment. At Chişinău Prison, the situation was further exacerbated by the impoverished regime to which remand prisoners were subjected. The Committee notes the Moldovan authorities' plans to construct a new prison near Chişinău; it recommends that, in the interim, measures be taken to bring conditions of detention in the existing prison to an acceptable level. As regards Soroca Prison, the CPT calls upon the Moldovan authorities to submit an action plan setting out how the existing shortcomings will be addressed, within a reasonable timescale, through extensive refurbishment, reconstruction or other means, and outlining the funding which will be provided.

Material conditions of detention at *Rusca Prison for women* were on the whole satisfactory; nevertheless, some rooms were grossly overcrowded. Further, although it is positive that the vast majority of inmates at Rusca were allowed to move freely around the prison premises throughout the day, the existing opportunities for work and other organised activities were generally limited. It is also a matter of concern that women held under the initial detention regime were confined to their cells for 22 hours per day for months or even years on end. As regards *female prisoners at Chişinău Prison*, their situation was similar to that of their male counterparts.

The *juvenile unit at Goian Prison* offered satisfactory conditions of detention. The CPT is also pleased to note that juveniles held in this establishment were offered general education classes, vocational training and various occupational activities, as well as sports and recreation. Efforts were also being made at *Chişinău Prison* to involve as many juveniles as possible in schooling and in vocational and sports activities. However, the delegation was concerned to note that the juvenile remand prisoners at *Rezina Prison* were provided with no out-of-cell activities, apart from one-hour school classes two to three times per week and daily outdoor exercise of two hours. The Committee stresses that a lack of purposeful activity is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation; it recommends that immediate steps be taken at *Rezina Prison* to provide structured out-of-cell activities for juveniles.

The CPT notes some progress as regards the regime offered to *life-sentenced prisoners* at *Rezina Prison*. However, it is a matter of concern that such prisoners were still not offered any educational/training programmes or employment opportunities. As concerns security measures, the Committee welcomes the fact that, except for a few inmates, life-sentenced prisoners at *Rezina Prison* were no longer handcuffed whenever they left their cells escorted by prison officers.

Regarding health care, the CPT is concerned to note that the contributions made by the Prison Administration from its budget for the purchase of medication were insufficient, and the prisons visited depended to a certain extent on the humanitarian aid they could secure and on prisoners' families. Further, medical confidentiality was not observed in most of the prison establishments visited; in particular, despite the specific recommendation repeatedly made by the Committee in the past, medical consultations were still usually conducted in the presence of custodial staff.

Material conditions varied in different parts of *Pruncul Prison Hospital*; they were very good in the newly built unit for mothers and children and certain improvements were noted on the psychoneurological ward, which had already been visited by the CPT in 2011. However, many patients' rooms in other parts of the hospital remained dilapidated and dirty. Moreover, in most parts of the hospital, rooms were crowded and poorly equipped. The state of sanitary facilities was rather poor.

As regards health-care staff, the CPT is critical about the existing vacancies and the low number of staff present on the wards.

The CPT gained a generally positive impression of the treatment provided to patients on the two TB wards. That said, the treatment administered to psychoneurological patients was almost exclusively pharmacological and no individualised treatment plans were drawn up for the patients. Moreover, the delegation noted the shortage of anti-psychotic medication. The care provided in the surgery ward was generally of a good standard; however, the ward was particularly affected by staff vacancies.

The CPT is concerned that medical procedures in the hospital were conducted through bars, in full view of other patients and the custodial staff present.

The CPT formulates a number of specific recommendations regarding various other prison-related issues, such as prison staff, prisoners' contact with the outside world, discipline and security, and complaints procedures. In particular, the Committee recommends that the Moldovan authorities review, as a matter of priority, prison staffing levels at *Chişinău*, *Rusca* and *Soroca Prisons*, with a view to increasing the number of custodial staff present in the detention areas.

Bălți Psychiatric Hospital

No allegations of physical ill-treatment of patients by staff were received during the visit to Bălți Psychiatric Hospital. On the contrary, the patients interviewed by the delegation spoke positively of the staff and the general atmosphere was relaxed.

Living conditions in the hospital were generally good. Overall, most of the premises were clean, in a good state of repair and well-lit and ventilated. That said, conditions in some of the patient's rooms were cramped and there was not enough equipment, such as wardrobes or chairs. Moreover, some of the sanitary facilities were in a very poor state of repair and needed to be completely refurbished. In addition, it was a matter of concern that at the time of the visit, the hospital did not benefit from a continuous water supply.

As regards treatment, pharmacotherapy was supplemented by a range of therapeutic activities, such as various forms of physiotherapy, hydrotherapy and kinesitherapy. However, no individualised treatment protocols were drawn up for the patients and, due to a lack of staff, the offer of occupational therapy was virtually non-existent for the majority of adult patients. The situation was better with regard to juvenile patients who could continue some school classes and frequent an activity/play room. The CPT recommends that individual treatment plans be drawn up for each patient, a wider range of therapeutic options be introduced and long-term patients be involved in rehabilitative psychosocial activities to prepare them for living independently and returning to their families.

In general, the available medication allowed the hospital to meet the very basic needs of patients. However, occasional supply shortages resulted in abrupt changes or interruption of medication or in requesting patients' families to supply the medication; certain modern medication was not available.

Resort to means of restraint was not excessive and periods of restraint usually lasted less than one hour. However, restraint was systematically applied by orderlies without any specific training in restraining patients and patients were sometimes called to help restrain other patients. Moreover, it was not unusual that patients were fixated to beds in full view of other patients. The CPT makes several recommendations concerning the application of means of restraint.

As regards involuntary placement of civil patients to the hospital, the placement procedure provided for by the relevant legislation was very rarely applied in practice and all patients were formally regarded as voluntary although they were not allowed to leave the hospital of their own free will. The CPT therefore considers that a number of patients were *de facto* deprived of their liberty and formulates recommendations with a view to ensuring that the procedures envisaged by the relevant legislation are duly complied with and that the legal safeguards are genuinely effective.

As regards forensic patients, the procedural time limits for the review of their placement in the hospital were complied with. However, the patients concerned did not usually attend the court hearing, nor did they receive a copy of the court decision. Moreover, the psychiatric expert reports which were prepared in the context of the review appeared to be a mere formality.

Edineț Psychoneurological Home

At *Edineț Psychoneurological Home*, the CPT heard no allegations of physical ill-treatment of residents by staff. On the contrary, the overall atmosphere was relaxed, a number of residents made positive remarks about staff and the delegation observed that staff were making efforts to provide proper care to the residents.

As regards living conditions, the premises were generally in a good state of repair and clean, residents' rooms had good access to natural light, were adequately heated and ventilated and artificial lighting was sufficient. Residents were allowed to personalise their rooms, could keep a number of personal belongings and most of them had keys to their rooms. That said, conditions in some rooms were cramped. Moreover, the state of repair and cleanliness of sanitary facilities in the unreconstructed blocks 1 and 2 was very poor and the facilities were not adapted to facilitate access to residents in wheelchairs who were being accommodated in the establishment.

The CPT considers that the staffing levels and the number of staff on duty at any given time were grossly insufficient and recommends that they be thoroughly reviewed and significantly increased, taking due account of the number of residents and their needs.

Although efforts were being made to provide residents with activities and occupational therapy, the number of residents participating in any organised activity was very small and the majority of residents spent their days wandering around, watching TV or at best playing board games; a few of them read books from the institution's library. The CPT recommends widening the range of therapeutic options and ensuring greater participation by residents in psychosocial rehabilitation activities in order to prepare them for living independently or returning to their families.

In general, access of residents to somatic care did not pose a major difficulty. However, recommendations are made to improve access to dental and gynaecological care, as well as the treatment of epileptic patients.

No means of mechanical restraint were used in the establishment. However, resort to chemical restraint was not recorded in the residents' individual medical files and there was no specific register of the use of means of restraint. A recommendation is made to ensure that all instances of recourse to means of restraint (including rapid tranquillisation) are registered in the residents' medical files. In addition, a specific register of the use of means of restraint should be maintained in each establishment.

As regards placement of residents in the establishment, the CPT concludes that, while the residents were *de facto* deprived of their liberty, their placement and continued stay in the establishment were surrounded by virtually no safeguards. The Committee recommends that the Moldovan authorities take urgent steps to put in place a clear and comprehensive legal framework governing involuntary placement and stay of residents in social care homes.