



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 5 to 11 June 2018

Since April 2011, reports on CPT visits to the Republic of Moldova are published under an automatic publication procedure.

Strasbourg, 13 December 2018

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I. INTRODUCTION

A. The visit, the report and follow-up

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to the Republic of Moldova from 5 to 11 June 2018. The visit was one which appeared to the Committee “to be required in the circumstances” (see Article 7, paragraph 1, of the Convention).¹

2. During its previous visit to the Republic of Moldova in September 2015, the CPT found that the risk of ill-treatment of prisoners by staff was rather low in the prison establishments visited, with the exception of Prison No. 10 for juveniles (Goian) where the Committee’s delegation received a number of allegations of physical ill-treatment by prison officers. Further, the CPT once again expressed its serious concern about the existence of an informal prisoner hierarchy in Moldovan prisons and the related problem of inter-prisoner violence and intimidation. The Committee also criticised the high levels of overcrowding at Prison No. 13 (Chişinău) and Prison No. 6 (Soroca), as well as the generally very poor conditions of detention in these establishments, which were described as amounting to inhuman or degrading treatment. In addition, a number of other significant shortcomings were identified, in particular as regards the regime for remand prisoners, prison staffing levels and the provision of health care to inmates.

The information provided in the Moldovan authorities’ response to the report on the 2015 visit did not remove the Committee’s concerns about the aforementioned issues. The CPT therefore decided to return to the Republic of Moldova in order to examine on the spot the steps taken by the authorities to implement the relevant recommendations of the Committee. To this end, the CPT’s delegation carried out follow-up visits to *Prison No. 6 in Soroca*, *Prison No. 10 for juveniles in Goian* and *Prison No. 13 in Chişinău*.

3. The visit was carried out by the following members of the CPT:

- Mykola Gnatovskyy, President of the CPT (Head of the delegation)
- Julia Kozma
- Tinatin Uplisashvili
- Hans Wolff.

They were supported by Elvin Aliyev of the CPT’s Secretariat and assisted by two interpreters: Sergiu Buftac and Alexandru Melenciuc.

¹ The reports on previous CPT visits to the Republic of Moldova and related Government responses are available on the Committee’s website: <https://www.coe.int/en/web/cpt/republic-of-moldova>

4. The report on the visit was adopted by the CPT at its 97th meeting, held from 5 to 9 November 2018, and transmitted to the Moldovan authorities on 16 November 2018.

The various recommendations, comments and requests for information made by the CPT are set out in bold type in the present report. The CPT requests the Moldovan authorities to provide, within three months, a response containing a full account of action taken by them to implement the Committee's recommendations and replies to the comments and requests for information formulated in this report.

B. Consultations held by the delegation and co-operation encountered

5. In the course of the visit, the delegation had consultations with Victoria Iftodi, Minister of Justice, Anatolie Munteanu, Secretary General of the Ministry of Justice, and Aureliu Suhan, Acting Director of the National Prison Administration, as well as with other senior officials from the Ministry of Justice.

In addition, the delegation met Mihail Cotorobai, People's Advocate (Ombudsman), and members of the Council for the Prevention of Torture.²

6. The co-operation received by the delegation throughout the visit was generally very good. It enjoyed rapid access to all the prisons visited, was provided with the information necessary for carrying out its task and was able to speak in private with inmates.

The CPT also wishes to express its appreciation for the assistance provided before and during the visit by its liaison officer, Ms Stela Braniște, from the Ministry of Justice.

7. The CPT has repeatedly stressed that the principle of co-operation as set out in Article 3 of the Convention is not limited to facilitating the work of visiting delegations, but also requires that decisive action is taken to effectively implement the recommendations made by the Committee. Regrettably, the 2018 visit brought to light that little or no progress had been made in certain key areas. This relates in particular to the prevailing informal hierarchy among inmates and inter-prisoner violence, as well as to the conditions of detention of adult male prisoners (including the regime for remand prisoners) and prison staffing levels.

Having regard to Articles 3 and 10, paragraph 2, of the Convention,³ the CPT urges the Moldovan authorities to take concrete action to address the recommendations made by the Committee in this and previous visit reports, including as regards the specific issues highlighted above.

² National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

³ Article 3 reads as follows: "In the application of this Convention, the Committee and the competent national authorities of the Party concerned shall co-operate with each other".
Article 10, paragraph 2, reads: "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter".

C. Immediate observation under Article 8, paragraph 5, of the Convention

8. During the end-of-visit talks with the Moldovan authorities on 11 June 2018, the delegation outlined the main facts found during the visit. On that occasion, the delegation made an immediate observation under Article 8, paragraph 5, of the Convention, requesting the Moldovan authorities to take urgent measures to ensure that at least one part-time general practitioner is available at Soroca Prison. Further, the delegation called upon the Moldovan authorities to step up their efforts to recruit at least one full-time general practitioner at this establishment.

9. The above-mentioned immediate observation was subsequently confirmed in a letter of 19 June 2018 from the Executive Secretary of the CPT.

By letter of 28 September 2018, the Moldovan authorities provided comments on various issues raised by the delegation during the end-of-visit talks, including the immediate observation referred to above. This information will be commented upon in the relevant sections of the present report.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Preliminary remarks

10. Information provided by the Moldovan authorities at the outset of the visit showed a slight decrease in the number of prisoners since the CPT's last visit, i.e. from some 7,770 in 2015 to 7,381⁴ in 2018. The delegation was informed of various measures taken to reduce the size of the prison population and to address the problem of overcrowding, which, as acknowledged by the authorities, continued to affect a number of establishments.⁵ In this context, particular reference was made to recent amendments to the criminal legislation aimed at limiting the use of pre-trial custody, reducing the length of sentences in cases of repeat offences and facilitating early conditional release,⁶ as well as to the introduction of electronic monitoring as a non-custodial supervision measure.⁷ Further, it was expected that the opening of a new accommodation block for juvenile remand prisoners at Goian in the first half of 2019 would contribute to alleviating the problem of overcrowding.

Whilst acknowledging the steps taken so far to address the problem, **the CPT recommends that the Moldovan authorities pursue vigorously their efforts to combat prison overcrowding. The Committee would like to be provided with updated information on the measures taken in this regard.**

11. As already indicated, in the course of the visit, the CPT's delegation carried out follow-up visits to Prison No. 6 in Soroca, Prison No. 10 for juveniles in Goian and Prison No. 13 in Chişinău.

Soroca Prison was first visited by the CPT in 2015 and its general features were described in the report on that visit.⁸ That said, the delegation was informed that the gradual conversion of large-capacity dormitories into smaller accommodation rooms had led to a decrease in the establishment's official capacity from 800 to 693 places. At the time of the visit, the prison was holding 807 prisoners (all sentenced male adults).

Goian Prison for Juveniles, which was also visited by the Committee for the first time in 2015, remains the only prison establishment in Moldova for sentenced male juveniles. With an official capacity of 60 places, it was accommodating 23 juveniles (aged between 15 and 18) and 11 young adults (aged between 18 and 20) at the time of the visit.

Chişinău Prison had previously been visited by the CPT several times, most recently in 2015. The official capacity of this remand establishment had since been reduced from 1,000 to 576 places, in order to comply with the national minimum standard of 4 m² of living space per inmate. At the time of the visit, this capacity was greatly exceeded: it was accommodating 976 prisoners, including 69 adult women and 16 juveniles (including two girls).

⁴ About 1,200 of them were on remand.

⁵ The Prison System Development Strategy for 2016–2020, adopted by the Moldovan Government in December 2016, identifies three main reasons for the high rate of overcrowding in Moldovan prisons: excessive resort to remand detention, an increase in the number of imposed prison sentences and insufficient resort to early conditional release.

⁶ It was indicated that, while in 2017 a total of 34 prisoners had benefited from conditional release, the number of such prisoners had reached approximately one hundred only in the first quarter of 2018.

⁷ Thirty-four persons were subject to electronic monitoring at the time of the visit.

⁸ See CPT/Inf (2016) 16, paragraph 44.

12. The CPT wishes to stress that its delegation received no allegations of recent physical ill-treatment of prisoners by staff in any of the establishments visited.

It is particularly noteworthy that, contrary to the situation found in 2015, no complaints were heard from inmates at Goian Prison about ill-treatment by staff. The delegation was informed that CCTV cameras had been installed in the reception area in order to prevent so-called “welcome beatings” and that custodial staff were now required to carry body-worn video cameras which had to be switched on every time staff applied force.

B. Inter-prisoner violence and intimidation

13. Moldovan prisons have for decades been plagued by informal prisoner hierarchies as a key feature of prison subculture and the related problem of inter-prisoner violence.⁹ In the report on its 2015 periodic visit, the CPT called upon the Moldovan authorities to take resolute action to prevent inter-prisoner intimidation and violence in prisons, in particular by taking effective measures to tackle the phenomenon of an informal prison hierarchy with all its negative consequences.

14. The authorities met by the CPT’s delegation during the 2018 visit, at both central and local level, acknowledged that the system of informal prisoner hierarchies still existed; however, they mostly appeared to be of the opinion that they had it under control or that they were doing their best to counteract the hierarchies’ influence.

In the course of the visit, the delegation noted that attempts were made in the establishments visited, with varying degrees of success, to address this deep-rooted problem. In particular at Goian Prison, there was a considerable increase in the interaction between staff and inmates as compared with the previous visit. The delegation observed that genuine efforts were being made in this prison to develop positive relationships between staff and juveniles/young adults and to ensure that no prisoner was in a position to exercise power over other inmates.

15. At Soroca Prison, the delegation noted that one of the accommodation units (Sector 1) had been allocated for vulnerable inmates and for those who had expressed the wish not to be involved with the criminal subculture active in this prison.¹⁰ It is also noteworthy that a significant number of large dormitories had been converted into smaller rooms and this work was underway at the time of the visit (see paragraph 28).¹¹

In addition – and as was the case in 2015 – some 30 inmates at Soroca Prison had been segregated in Unit 12 (offering cell-type accommodation) at their own request under Section 206 of the Execution Code (*Codul de executare*), in order to escape potential aggressors.¹²

⁹ An in-depth study of the phenomenon can be found in a recent Council of Europe publication entitled “Baseline study into criminal subculture in prisons in the Republic of Moldova” (March 2018): <https://rm.coe.int/criminal-subculture-md-en-/1680796111>

¹⁰ At the time of the visit, the unit was holding about one hundred prisoners.

¹¹ The Director of Soroca Prison also indicated that some of the informal leaders had been transferred to other prisons.

¹² According to the relevant register, a total of 614 prisoners had been held in this unit over the past four years.

16. At Chişinău Prison, the delegation was informed that eight inmates were in segregation (in cells of up to four persons) in accordance with Section 206. Based on the information gathered during the visit, the CPT is of the view that this low number clearly does not reflect the number of prisoners who were potentially at risk of harm from other inmates in this prison.

17. Overall, the information gathered during the visit indicates that, in both Chişinău and Soroca Prisons, the root causes of the problem of inter-prisoner violence were far from being addressed and, in the CPT's opinion, these establishments still largely failed to provide for the most basic requirement of prisoners: a safe environment. The phenomena of inter-prisoner violence, intimidation and exploitation continued to prevail in these prisons, which were a direct result of the existence of informal power structures among inmates. Once again, a number of prisoners told the delegation that they had been victims of beatings, threats of use of force and racketeering by informal leaders or their close circle.

18. The CPT is particularly concerned about the situation of inmates considered as "humiliated" or "untouchable".¹³ Assigned to the lowest caste in the prisoner hierarchy, these inmates were allegedly often subjected to physical and verbal abuse by other prisoners and were compelled to clean all accommodation areas, including communal sanitary facilities. The informal "code of conduct" required them to avoid contact with other inmates (and even their belongings) and to take their meals only at designated tables in the canteen. A number of prisoners met by the delegation – including juveniles – indicated that they had to face the constant humiliation that came with being dubbed as "untouchable".

The situation of the above-mentioned category of prisoners could, in the CPT's view, be considered to constitute a continuing violation of Article 3 of the European Convention on Human Rights, which prohibits *inter alia* all forms of degrading treatment and obliges State authorities to take appropriate measures to prevent such treatment, including by fellow inmates.

19. The problem of inter-prisoner violence seemed to be much more accentuated among juvenile (or young adult) remand prisoners. It appeared that many of them felt the need to assert themselves while being held in a facility for juveniles in order to be granted a "rank" within the informal prisoner hierarchy when they eventually got transferred to prisons for adults. In the course of the visit, the delegation spoke to a number of victims and perpetrators alike, who gave accounts of beatings and other forms of physical violence in the juvenile unit of Chişinău Prison. The delegation also learned of three cases which involved the alleged rape of juveniles or young adults at Chişinău Prison in the months preceding the visit.¹⁴

¹³ I.e. those rejected by other prisoners for various reasons, such as being accused or convicted of sex offences, their sexual orientation or having been sexually abused.

¹⁴ These cases are the subject of correspondence between the CPT and the Moldovan authorities.

20. It is hardly surprising that prison authorities, in the light of a lack of qualified and well-trained staff (see paragraph 22) and a general approach that prisoner hierarchies are a well-established feature of the system, would consider it either necessary to co-operate with the informal leaders or at least counterproductive to fight this phenomenon, or feel helpless in their endeavours to curb the power of “higher-ranking” prisoners. Similar to what was observed in the past, it appeared that in both prisons there was a tacit agreement between the management and the informal leaders as regards maintaining order among the prison population, which *prima facie* seemed to ensure the smooth running of the establishments. This agreement required, however, that the management and staff turn a blind eye to the plight of the so-called “humiliated” as well as to instances of intimidation and violence against those who did not want to make contributions to an illegal collective fund (“*obshchak*”). Indeed, several prisoners interviewed by the delegation claimed that prison officers did not always intervene to stop the harassment or beating of “underclass” prisoners (see also paragraph 23).

A particularly striking example of such “collaboration” between the prison management and the informal hierarchy was observed by the delegation at Sorooca Prison. While conducting interviews with inmates, the delegation met a prisoner who was responsible for keeping the records of all persons detained in the prison. More particularly, he was in the possession of a register which contained the names, dates of birth, lengths of prison sentences (together with the relevant articles of the Criminal Code) and accommodation section numbers of all prisoners who had been detained at Sorooca Prison since 1999.¹⁵ It quickly became clear that the data concerned was not only available to the prison management but also to the informal prison hierarchy bosses who could immediately receive basic information on every newly-arrived inmate, including the crimes which the person concerned had been convicted of. This, of course, made it very easy to instantly identify prisoners who would fall into the category of “untouchables” based on their criminal record.

21. Tacit collaboration between the management and the informal leaders in prisons has serious erosive effects on the whole criminal justice system. It is only common sense that such arrangements are bound to undermine the respect of the prisoner population vis-à-vis the administration. In this context, it is also to be noted that inmates belonging to the higher echelons of the informal hierarchy continued to lead an extremely comfortable life inside prison with all possible amenities; in particular at Sorooca Prison, striking differences in conditions (mainly in the state of repair and equipment, but also as regards occupancy levels) were once again observed between different accommodation areas (see paragraph 33).

The CPT considers that, in these circumstances, any idea of rehabilitation is derisory, and the deterrent effect of a prison sentence is practically lost. Apart from contributing to an unsafe environment in prison, such a state of affairs perverts the purpose of imprisonment and the role of a prison system. Another point which should not be overlooked is that for other prisoners, in particular juveniles, seeing the “bosses” living a lavish life with all possible privileges and exclusive powers is a strong incentive to engage in the criminal subculture and rise up the ranks by oppressing others.

¹⁵ In addition, he had a box with individual cards on each prisoner, which helped him keep track of transfers of prisoners between different accommodation units.

22. As had been the case in the past, there was usually a very small number of custodial staff present in detention areas at Chişinău and Soroca Prisons. In both prisons, the staffing situation was described as deplorable by the management. For instance, at Chişinău Prison (with a population of almost one thousand), there were only about seven to eight custodial officers on duty inside the prison during night shifts and weekends. Two of them were assigned to supervise the juveniles, which left only five or six officers for the entire adult prison population. Moreover, custodial staff continued to work on a 24-hour shift, which reduced their availability even further.

23. As already mentioned above, no allegations were received of physical ill-treatment by staff in the prisons visited. In this connection, it would also appear that staff very rarely resorted to the use of force on prisoners. For example, at Soroca Prison, five instances of use of physical force were recorded in 2017, while in the first five months of 2018 only one such case was registered.

While these figures can be regarded as positive, given the extremely low staff-inmate ratio at the two adult establishments visited, it is hardly surprising that ill-treatment by prison officers was not an issue. On the contrary, the limited staff presence in prisoner accommodation areas resulted in an insecure environment for prison officers themselves. This also partly explains their apparent reluctance to intervene in cases of inter-prisoner violence.

In these circumstances, one cannot reasonably expect that all prisoners who have been victims of inter-prisoner violence (and indeed any witnesses among inmates) will choose to denounce the perpetrators. It was clear to the delegation that many such cases remained unreported out of fear of risking further violence, which prevailed among the inmates. According to the complaints register at Soroca Prison, only nine official complaints were lodged relating to inter-prisoner violence in 2017.¹⁶ For the first five months of 2018, the register did not contain a single entry. However, a number of inmates were regularly found by staff during the roll calls to display visible injuries in their faces or arms.¹⁷ Invariably, these inmates claimed vis-à-vis the management and the examining health-care personnel that they had sustained the injuries accidentally (e.g. as a result of “falling off their beds” or “falling in the bathroom”).¹⁸ In this connection, reference should also be made to shortcomings observed in the recording of bodily injuries by health-care staff in the establishments visited (see paragraph 48).

24. The delegation gained the impression that the Director of Soroca Prison was trying to push back the informal power structures among prisoners and to provide alternatives for those who did not wish to be affiliated with the criminal subculture (who, according to various interlocutors, were a steadily increasing category). However, it is unlikely that these efforts will bring significant results as long as key tasks of the prison management are “outsourced” to prisoners, who are thus put in a position of superiority over other inmates and are basically responsible for controlling life inside the prison.

¹⁶ The delegation was told that all cases of injuries observed on prisoners, which were indicative of possible violence by staff or fellow inmates, were immediately reported to the competent prosecutor as well as to the Office of the Ombudsman.

¹⁷ For instance, in the first five months of 2018, nine cases of injuries on inmates were discovered by staff and recorded in the register of special incidents: six of the inmates concerned displayed haematomas on one or both eyes, one had a damaged lower jaw, one had an injury to the arm, and one a fracture of a part of his finger.

¹⁸ When the delegation interviewed some of these inmates, they remained very evasive and claimed that they could not remember the incident which had led to their injury.

25. The CPT wishes to stress that the problem of inter-prisoner intimidation and violence cannot be solved without the management and staff regaining control over the situation in prison establishments. First of all, prison staff should be in a position to exercise their authority in an appropriate manner. This implies *inter alia* that the level of staffing must be sufficient (including at night-time) to enable prison officers to supervise adequately the activities of inmates and support each other effectively in the performance of their tasks. Addressing the phenomenon of inter-prisoner violence also requires that prison staff be particularly attentive to signs of trouble and properly trained to intervene in a determined and effective manner, at the earliest possible stage. In this context, the existence of positive relations between staff and prisoners, based on notions of dynamic security and care, is a decisive factor; such relations can help to overcome the habitual reluctance of victims (or witnesses) to denounce the perpetrators of inter-prisoner violence. Further, both initial and ongoing training programmes for staff of all grades must address the issue of managing inter-prisoner violence.

26. In the light of the above, **the CPT calls upon the Moldovan authorities to take determined action, without further delay, to prevent inter-prisoner violence and intimidation in the country's prisons. This will require taking effective, and at times bold, steps to tackle the phenomenon of an informal prison hierarchy, such as:**

- **conducting an assessment of the functioning of Sector 1 at Sorooca Prison and considering the possibility of establishing similar living units in this and other prisons;**
- **ensuring that prisoners (including juveniles) who are exposed to the risk of abuse by fellow inmates and those who do not (or no longer) wish to be involved in the prison subculture receive the management's full support, including, if they so request, by being accommodated in units of the kind referred to above;**
- **putting an end to the practice of delegating authority to informal prisoner leaders and using them to maintain order among the inmate population;**
- **putting an end to the practice of employing prisoners to carry out key administrative tasks for the prison management (such as keeping individual records of prisoners);**
- **depriving all informal prisoner leaders and their close circle of privileges which other prisoners do not enjoy, including as regards living conditions;¹⁹ consideration might be given in this context to segregating the informal leaders and their close circle from the rest of the prison population, on the basis of a proper individual risk and needs assessment.**

The Committee also calls upon the Moldovan authorities to increase significantly custodial staffing levels and presence in prisoner accommodation areas of Chişinău and Sorooca Prisons, as well as of other prisons where similar low levels of staffing occur. Steps should also be taken to abolish the 24-hour shift pattern for custodial staff. Further, high priority should be given to the development of prison staff training, both initial and in-service, taking into account the precepts outlined in paragraph 25.

¹⁹ See also the recommendation and comments in paragraph 34.

C. Conditions of detention

27. In the report on its 2015 periodic visit, the CPT concluded 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 also inadequate in many other respects (e.g. poor state of repair and hygiene; limited access to natural light; insalubrious sanitary facilities; infestation by vermin; etc.) and, in the CPT's view, could in some cases be considered as amounting to inhuman and degrading treatment.²⁰

28. In the course of the 2018 visit, the delegation noted that only partial repairs had been carried out at Chişinău Prison, given that a policy decision had been taken not to make significant investments in the existing premises in view of the planned construction of a new remand facility in Chişinău. More specifically, 33 cells (mainly those accommodating women and juveniles) had been refurbished, involving in particular the full partitioning of the in-cell toilets. Another 17 cells were undergoing renovation at the time of visit. Further, the establishment's kitchen had been refurbished and equipped with new cookers and fridges.

As regards Soroca Prison, minor repairs had been carried out in Sector 12 as well as in the canteen for prisoners. Further, as already mentioned above, work was underway to divide large-capacity dormitories into smaller rooms with four to ten beds. At the time of the visit, some larger dormitories with up to 25 beds still remained. After the visit, the Moldovan authorities informed the CPT that those dormitories had also been converted into smaller rooms.

29. That said, the visit brought to light that the situation at Chişinău and Soroca Prisons had, generally speaking, remained unchanged for a considerable number of inmates, who continued to be held under conditions which could easily be considered as inhuman and degrading.

30. At Chişinău Prison, it remained the case that many cells were in a poor state of repair and hygiene and had insufficient ventilation, in addition to being severely overcrowded (the living space per prisoner in some cases being less than 2 m²).²¹ Further, access to natural light was limited in a large number of cells, due to the small size of cell windows. Moreover, one of the prison's quarantine cells (in which prisoners could spend up to 15 days) had no access to natural light, with the two existing windows opening onto a dark corridor.

²⁰ The European Court of Human Rights has delivered a number of judgments against Moldova in which it found violations on account of poor conditions of detention in prison establishments. As regards more specifically Chişinău Prison, in several judgments (see, more recently, *Baştovoi v. the Republic of Moldova*; application no. 40614/14), the Court highlighted the recurrent nature of the problems linked to the poor conditions of detention in this establishment.

²¹ For example, a cell of some 11 m² (excluding the toilet area) located in the basement of Block 2 was holding six inmates (i.e. about 1.8 m² per person). Another cell located in Block 1, which measured some 12.5 m², was accommodating six prisoners. In the women's section, the delegation saw a cell measuring some 32 m² (with 18 beds), which was holding twelve women.

31. For several years now, there have been plans to replace the existing prison with a new remand facility near Chişinău. According to the information provided by the authorities, the construction of the new establishment, which had been repeatedly postponed in the past, was now planned to start by the end of 2018 and its opening was envisaged for the end of 2021. **The CPT would like to receive a detailed timetable for the construction of the new prison in Chişinău and information on its general layout (overall capacity; size and design of accommodation cells; facilities for out-of-cell association activities, including areas for educational and vocational training, workshops, facilities for outdoor exercise and sport, etc.).**

32. Pending the construction of the new prison (see also paragraph 37), **the CPT recommends that the Moldovan authorities persevere in their efforts to improve conditions of detention in the current premises of Chişinău Prison.²² In particular, measures should be taken to ensure that cell occupancy rates are reduced in order to provide for at least 4 m² of living space per person in multiple-occupancy cells (not counting the area taken up by in-cell toilets) and that cells are sufficiently ventilated and kept in an adequate state of repair and hygiene. Further, any cell, where providing at least some access to natural light is not possible due to structural reasons, should be taken out of service as prisoner accommodation.**

33. Turning to Sorooca Prison, the CPT once again noted striking differences in conditions of detention between different accommodation areas. For example, while many inmates were held in seriously overcrowded cells/dormitories (between 2 and 2.5 m² of living space per prisoner), certain privileged prisoners lived in spacious rooms (with up to 9 m² of living space per person).²³ A similar situation was observed in the infirmary of the prison health-care unit. Yet the most remarkable difference lay in the furnishing of some of the rooms. While the majority of inmates had to sleep in cramped rooms equipped with old narrow bunk beds and a few old cupboards, a number of prisoners' rooms offered conditions which could be described as bordering on the luxurious: the room equipment included divan beds, kitchenettes, multi-drawer fridges, aquaria, carpets on the floor, large TV sets with floorstanding loudspeakers, leather armchairs, and suspended ceilings.²⁴

34. Whilst acknowledging the Moldovan authorities' efforts to improve the general conditions of detention at Sorooca Prison, **the CPT must reiterate its recommendation that immediate measures be taken in this prison to reduce the rooms' occupancy rates, including by distributing prisoners more evenly throughout the available accommodation.**

²² In a decision from March 2018 on the groups of cases *Ciorap, Becciev and Paladi v. the Republic of Moldova* (applications Nos. 12066/02, 9190/03, 39806/05), the Council of Europe's Committee of Ministers (CM) urged the Moldovan authorities to intensify their efforts to combat overcrowding, drawing inspiration from relevant CPT standards and CM recommendations. It also encouraged the authorities to sustain their efforts in the building of the new prison and, until this new facility is operational, reiterated the importance of complying with the CPT's recommendation to ensure that Chişinău Prison offers acceptable conditions of detention.

²³ For example, in Sector 8, the delegation saw a room measuring some 27 m² which was holding twelve inmates (i.e. 2.25 m² per person), whereas a room of the same size located in Sector 6 was reserved for three inmates (i.e. four times as much living space).

²⁴ Residents of these little apartments were even granted the right to replace their room doors with mirror-panelled doors.

In this connection, the Committee must also stress that it is the prison administration's responsibility to ensure that all inmates are held in decent conditions, including as regards beds and other cell equipment. Moreover, giving certain prisoners free rein to exploit their wealth to create distinctly better living conditions for themselves may quickly erode the authority of the prison management within the establishment concerned. In this regard, **consideration should be given to drawing up a list of items/equipment that prisoners are allowed to keep in general; permission for any additional items could be the subject of an incentive scheme, designed to encourage and reward good behaviour and participation in prison activities.**

35. Material conditions at *Goian Prison for Juveniles* were described in the report on the 2015 visit; they remained generally satisfactory. However, the communal sanitary facilities were found to be in a poor state of repair. **Steps should be taken to remedy this shortcoming.**

36. The CPT was pleased to note that the creation of a new facility for juvenile remand prisoners at Goian was well advanced. The Committee understands that this facility will accommodate all the country's remand juveniles (who are currently held in different adult prisons), which will represent a major improvement in their situation. **The CPT would like to receive updated information on the construction of the new remand facility at Goian.**

37. The CPT was concerned to note that the situation in respect of regime activities offered to remand prisoners at Chişinău Prison had remained unchanged since 2015. Thus, nearly all remand prisoners in this establishment were confined to their cells for up to 23 hours a day, without being offered any out-of-cell activities, apart from one or two hours of daily outdoor exercise taken in small yards.

The CPT concurs with the prison authorities' view that, given its major structural deficiencies, providing inmates at Chişinău Prison with a satisfactory range of out-of-cell activities is impractical. **The Committee therefore urges the Moldovan authorities to give the highest priority to the speedy implementation of the plans for the construction of a new remand facility in Chişinău. As soon as this happens, the existing prison should be closed down.**

38. At Soroca Prison, the delegation was informed that about one hundred prisoners were engaged in various paid jobs (maintenance, cooking, etc.). Another 14 inmates were employed by a state enterprise to produce iron beds and barbed wire. In addition, some 25 prisoners were involved in vocational training in carpentry and locksmithery.

However, as in 2015, no organised activities were offered to the rest of the prison population. Whilst acknowledging the fact that the vast majority of inmates in this prison had, in principle, ready access to a courtyard throughout the day, it is not acceptable that the bulk of the prisoners were not offered any purposeful activities. **The CPT reiterates its recommendation that efforts be made at Soroca Prison to offer constructive and purposeful activities to all prisoners and, in particular, provide more employment opportunities (preferably of a vocational value).**

D. Health care

39. In the course of the visit, the delegation examined the provision of health care to inmates at Chişinău and Soroca Prisons.²⁵ As was the case in 2015, several major shortcomings were identified in both establishments. First of all, the visit revealed that the health-care teams in these two prisons were seriously under-resourced.

40. The Committee was struck to learn that at Soroca Prison, which had a population of some 800, there had been no *doctor* for over a year. A team of four feldshers ensured a 24-hour presence in the establishment and tried to meet the basic health-care needs of prisoners.²⁶

This is unacceptable, also bearing in mind that the prison was accommodating many inmates suffering from chronic diseases, such as diabetes and cancer (see also paragraph 47). Such a state of affairs is also in violation of the national legislation which requires that every prison should have at least one general practitioner.²⁷ It is also a matter of concern that no arrangements had been made in this prison to ensure the presence – even on a part-time basis – of a psychiatrist.

41. As already mentioned in paragraph 8, at the end of the visit the delegation invoked Article 8, paragraph 5, of the Convention and requested the Moldovan authorities to take urgent measures to ensure that at least one part-time general practitioner is available at Soroca Prison (e.g. a visiting doctor from a public hospital at Soroca). Further, the delegation called upon the authorities to step up their efforts to recruit at least one full-time general practitioner at this establishment.

By letter of 28 September 2018, the Moldovan authorities informed the CPT that the management of Soroca Prison had issued a vacancy notice to various health-care institutions for the recruitment of a general practitioner; however, this had not attracted any applicants to date.

42. The CPT is fully conscious of the difficulties in recruiting doctors in prison establishments (as acknowledged by the prison administration), due to low remuneration and the general shortage of medical professionals in Moldova. Nevertheless, the present highly unsatisfactory state of affairs cannot be allowed to persist any longer. **The CPT urges the Moldovan authorities to give the highest priority to recruiting at least one full-time general practitioner at Soroca Prison. In this context, ways should be actively sought to render the job of prison health-care staff more attractive (such as increasing salaries and offering good prospects for professional development). In the meantime, immediate steps should be taken to ensure the presence of at least a part-time doctor at Soroca Prison** (e.g. a visiting doctor from a public hospital at Soroca).

The Committee also recommends that urgent steps be taken to ensure the regular presence of at least a part-time psychiatrist at Soroca Prison.

²⁵ Given the targeted nature of its visit to *Goian Prison for Juveniles*, the delegation did not examine health care-related issues in this establishment. That being said, it was informed that the health-care staffing complement remained practically unchanged since the 2015 visit (a full-time general practitioner, a part-time psychiatrist and four full-time feldshers).

²⁶ The prison also employed a part-time (50%) dentist.

²⁷ See Section 231, paragraph 1, of the Execution Code.

43. At Chişinău Prison, there were three doctors,²⁸ who were assisted by three nurses and five feldshers, and a psychiatrist, all working on a full-time basis. In addition, the prison employed a part-time dentist and was regularly visited by a range of specialist doctors (ophthalmologist, dermatologist, gynaecologist, etc.).

44. In the report on the 2015 visit, the CPT recommended that the number of *nursing staff* be increased at Chişinău and Soroca Prisons. Consequently, the Committee was concerned to note during the 2018 visit that their number had remained unchanged at Soroca, while at Chişinău this number had in fact been reduced from five to three. **The CPT therefore reiterates its recommendation that the number of nurses/feldshers be increased at these two prisons.**

45. At Soroca Prison, the dentist's room was found to be in a deplorable state of hygiene. Further, the medication kept in this room was not properly stored and some medicines had expired. **The CPT recommends that these deficiencies be remedied.**

46. The delegation also noted that there was no emergency equipment – such as defibrillator and oxygen – in any of the prisons visited. **The Committee recommends that immediate steps be taken to supply every prison health-care service in the country with such basic life-saving equipment and to provide regular training in resuscitation techniques to prison health-care staff.**

47. At Chişinău Prison, medical screening was systematically carried out by a doctor (or a nurse reporting to a doctor) shortly after admission, which usually entailed physical examination of the body. Newly-admitted female prisoners were also offered a gynaecological examination. Further, newly-arrived inmates were usually seen by a psychologist, in order to assess the risk of suicide.

However, the delegation learned that the establishment's only X-ray machine had been out of order since November 2017 and, as a result, no systematic screening for tuberculosis (TB) was carried out. Such a state of affairs is inadmissible, bearing in mind that TB among prisoners continues to be a major public health concern in Moldova. Moreover, although newly-arrived inmates were offered blood testing for syphilis, no such tests were systematically offered for HIV and hepatitis B/C.

Reference has already been made to the absence of a medical doctor at Soroca Prison. It is a matter of concern that there were not even systematic entry examinations of prisoners carried out by feldshers working in the establishment.

48. As regards the recording of injuries, similar to the situation found during the CPT's previous visit, the descriptions of traumatic lesions displayed by inmates in both prisons were usually superficial and lacked detail (e.g. no indication of the exact size of injuries in "body-charts"). In this connection, it is regrettable that the practice observed at Chişinău Prison in 2015 of taking photographs of injuries seemed to have been abandoned. Further, statements made by the prisoners concerned as to the origin of these injuries were often missing, and there was no mention of the conclusions on the consistency of the injuries with any recorded statements.

²⁸ At the time of the visit, one of them was on maternity leave.

As far as the delegation could ascertain, injuries observed on prisoners were, as a rule, reported by health-care staff to the prison management (see also footnote 16).

49. **The CPT recommends that the Moldovan authorities take the necessary steps (including through the issuance of instructions and the provision of training to relevant staff) to ensure that in all the prisons visited and, as appropriate, in other prisons in Moldova:**

- **all newly-arrived prisoners are subject to a comprehensive medical examination (including systematic TB screening and voluntary testing for HIV and hepatitis B/C) by a doctor (or a qualified nurse reporting to a doctor) within 24 hours of admission;**
- **the record drawn up after the medical examination of a prisoner contains: (i) a full account of objective medical findings based on a thorough examination (preferably supported by photographs of any traumatic injuries), (ii) an account of statements made by the person which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), and (iii) the health-care professional's observations in the light of (i) and (ii), indicating the consistency between any allegations of ill-treatment made and the objective medical findings. The record should also contain the results of additional examinations carried out, detailed conclusions of specialised consultations and a description of treatment given for injuries and of any further procedures performed. Further, the results of every examination, including the above-mentioned statements and the doctor's conclusions, should be made available to the prisoner and, upon request, to his/her lawyer.**

50. The CPT was concerned to note that, despite a specific recommendation made by the CPT in the report on its 2015 visit, the rooms for medical interventions in the health-care unit of Chişinău Prison were still equipped with a metal bar partition which was used to separate patients from health-care staff during medical consultations/interventions. At the end of the visit, the delegation stressed that such a practice was degrading for both prisoners and staff, and requested that the metal bar partitions be removed without further delay.

By letter of 28 September 2018, the Moldovan authorities informed the CPT that this had been done.

51. Despite the specific recommendation repeatedly made by the Committee in the past, medical confidentiality was still not respected at Chişinău Prison, where medical consultations were frequently conducted in the presence of custodial staff. Further, in both prisons, requests for a medical consultation had to be made orally during the daily morning rounds of a feldsher or nurse, in the presence of custodial staff and other prisoners. Such an arrangement could be particularly problematic for victims of inter-prisoner violence.

The CPT reiterates its recommendation that all medical examinations of prisoners (whether upon arrival or at a later stage) be conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers. Steps should also be taken at Chişinău and Soroca Prisons to enable prisoners to contact the health-care service on a confidential basis, for example, by means of dedicated letter boxes exclusively managed by health-care staff.

52. It is also a matter of concern that, despite the specific recommendation made by the Committee after the 2015 visit, the arrangements for urine testing of prisoners for disciplinary purposes at Chişinău Prison remained the same; urine sample collection and testing was still performed by the prison's health-care staff. The CPT wishes to stress once again that this essentially non-medical task can affect the therapeutic relationship between health-care staff and patients. **The Committee reiterates its recommendation that steps be taken at Chişinău Prison (and, as appropriate, in other prison establishments) to ensure that prison health-care staff are not involved in the collection and testing of urine samples for disciplinary purposes (i.e. screening for drug use).**

53. The Committee was pleased to note that, at both Chişinău and Soroca Prisons, inmates with HIV and hepatitis C were receiving the necessary medical treatment. It is also commendable that harm reduction measures (such as the distribution of needles/syringes and condoms to prisoners through their peers) were in place in both prisons for the prevention of transmissible diseases. That said, the CPT considers that **these procedures could be further improved, for example, by collecting data regarding the numbers of needles/syringes returned by prisoners.**

Further, opioid substitution therapy was provided to a certain number of inmates in each of these prisons, and, at Soroca, a non-governmental organisation paid regular visits to provide counselling for inmates with addiction problems.

54. By letter of 28 September 2018, the Moldovan authorities provided the following information:

“On May 31 2018, by Order No. 424 of the Minister of Justice, an inter-ministerial working group was established in order to identify the mechanisms for assuring the quality and accessibility of medical services for the persons detained in the penitentiary system. The scope is to ensure professional independence of the medical personnel within the penitentiary administration system and to elaborate a structured concept regarding the reorganization of the current system of medical assistance to the custodians [...]. As a result, the National Administration of Prisons (NAP) has proposed two draft versions of transfer of the penitentiary medical services to the civil medicine system [...], namely:

- creation of a separate medical subdivision within the penitentiary administration system subordinated to the Director of the NAP – Directorate of Penitentiary Medical Assistance;
- establishment of a public medical institution subordinated to the Ministry of Justice, which will not be part of the penitentiary administration system – Public Medical Sanitary Institution «Penitentiary Medical Centre».

The proposed versions will be widely discussed between the experts of the Ministry of Health, Labour and Social Protection and other experts in the field.”

The CPT would like to receive information on the outcome of the activities of the above-mentioned working group.

In this context, the Committee wishes to stress that, in its view, active involvement of health ministries in prison health care will help to ensure optimum health care for prisoners, as well as implementation of the general principle of the equivalence of health care in prison with that in the wider community.

E. Discipline and security

55. It is recalled that disciplinary sanctions which may be imposed on adult prisoners include placement in solitary confinement for up to 20 days for men and up to 7 days for women. As for juvenile prisoners, the maximum possible period of disciplinary confinement is 3 days.

Although in general there was no excessive recourse to this sanction in any of the prisons visited, the delegation noted that it was not uncommon for prisoners to be placed in a disciplinary cell for the maximum possible period. That said, it should also be noted that sentenced juveniles (i.e. those held at Goian Prison) subjected to solitary confinement as a disciplinary measure could, in principle, attend school and other educational/vocational activities, have two hours of outdoor exercise every day and benefit from individual sessions with a psychologist.

56. The CPT must reiterate its view that the maximum possible period of solitary confinement of 20 days for adult male prisoners is excessive. Given the potentially very damaging effects of solitary confinement on the mental, somatic and social health of those concerned, this period should be no more than 14 days for a given offence, and preferably lower.²⁹

Further, the CPT wishes to stress that any form of isolation may have an even more detrimental effect on the physical and/or mental well-being of juveniles. In this regard, the Committee observes an increasing trend at the international level to promote the abolition of solitary confinement as a disciplinary sanction in respect of juveniles. Particular reference should be made to the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (“Nelson Mandela Rules”) which were adopted in 2015 by a unanimous Resolution of the General Assembly and which stipulate in Rule 45 (2) that solitary confinement shall not be imposed on juveniles as disciplinary sanction.³⁰ The CPT fully endorses this approach.

The Committee recommends that the relevant legislation be revised in the light of above remarks.

57. The CPT was concerned to note that, despite the specific recommendation made by the Committee after the previous visit, the sanction of disciplinary confinement still entailed a total prohibition on contact with the outside world (except with a lawyer). Further, as was the case in 2015, the sanction of suspension of the right to visits (for up to three months for adults and up to two months for juveniles) was frequently applied in the establishments visited – including in respect of juveniles – mainly for disciplinary offences not related to visits.³¹

The CPT reiterates its recommendation that the Moldovan authorities take steps, including by revising relevant legislation, to ensure that disciplinary punishment of prisoners does not lead to a total prohibition on family contacts and that any restrictions on family contacts as a form of disciplinary punishment are applied only when the offence relates to such contacts.

²⁹ See paragraph 56(b) of the 21st General Report on the CPT’s activities.

³⁰ See also Rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly Resolution A/RES/45/113, Annex).

³¹ E.g. refusal to enter the cell, possession of prohibited items, aggressive behaviour, etc.

58. It is also a matter of concern that an act of self-harm was still considered in practice to be a disciplinary offence and could be punished by placement in solitary confinement, despite the specific recommendation made by the Committee after its previous visit. Further, the delegation learned that a ministerial order had been issued, according to which acts of self-harm among prisoners could be responded to by handcuffing the inmate concerned for up to two hours. For example, at Goian Prison, staff members occasionally resorted to handcuffing such juveniles to their beds or other fixed objects.

The CPT must stress once again that acts of self-harm often reflect the distress that the prisoners concerned might be experiencing or problems and conditions of a psychological or psychiatric nature. Consequently, such acts should be approached from a therapeutic rather than a punitive standpoint. In particular, all cases of self-harm ought to be assessed medically immediately after the incident to evaluate the extent of lesions and to assess the psychological state of the prisoner. Moreover, it must be noted that many prisoners, in particular juveniles, used self-harm as a means of securing protection from fellow inmates and would rather spend prolonged periods in the disciplinary punishment cells than living in constant fear of other prisoners.

The Committee recommends that the Moldovan authorities take appropriate steps throughout the prison system to review the approach being followed vis-à-vis prisoners who have harmed themselves, in the light of the above remarks. Further, the practice of handcuffing juveniles to fixed objects should be discontinued.

59. Material conditions of detention in the three disciplinary punishment cells at Soroca Prison were acceptable. The cells were of an adequate size for their intended occupancy (e.g. two beds in a cell of 9.5 m²), well lit and ventilated, and suitably equipped (including with a table, benches and a separate toilet).

Conditions of detention were also adequate in the disciplinary punishment cell located in Block 3 of Chişinău Prison. In contrast, the two punishment cells located in the basement of Block 1 were in a decrepit state and dirty (in particular the in-cell toilets), and the mattresses were worn out. Further, one of the cells measured only some 4.5 m². **The CPT recommends that steps be taken at Chişinău Prison to remedy these deficiencies. In this context, any cells measuring less than 6 m² should be either withdrawn from service or enlarged.**

F. Conclusion

60. The findings and observations made in the course of the 2018 visit only reinforce the findings from previous CPT visits to Moldova. It is clear that, as a remnant from the Soviet past, the phenomenon of an informal prisoner hierarchy in the Moldovan prison system has flourished into a profit-oriented criminal enterprise.

Moreover, it is not evident that the relevant authorities fully appreciate the extent of this deep-rooted problem, nor do they seem to be aware of the grave consequences which informal prisoner hierarchies may have on the entire prison system, and indeed society as a whole. The CPT is convinced that until such time as this phenomenon has been effectively tackled, for a large proportion of inmates imprisonment will only serve to ensure that, upon release, they are even less capable of coping in the outside law-abiding community and, if returned to prison, even more dependent on the prison subculture.

In the CPT's view, it is high time that the Moldovan authorities took determined action throughout the prison system to guarantee the security and safety of prisoners. In particular, this will require putting an end to the reliance on the informal prisoner hierarchy to maintain good order in prisons, putting in place a system of appropriate distribution and classification of prisoners, setting up an effective recruitment and training system for prison staff and ensuring continuous staff supervision (including at night) in detention areas.