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## **Report**

**to the Moldovan Government  
on the ad hoc 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 13 December 2022**

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## EXECUTIVE SUMMARY

The main objective of the 2022 *ad hoc* visit was to re-examine the treatment and conditions of detention of persons held in prison. To this end, the CPT visited Prison no. 4 in Cricova, Prison no. 13 in Chişinău and Prison no. 18 in Brăneşti. Particular attention was paid to assessing the progress achieved by the Moldovan authorities in addressing inter-prisoner violence and intimidation.

The cooperation received by the delegation throughout the visit, both from the national authorities and staff in the establishments visited, was excellent. However, the principle of cooperation is not limited to facilitating the work of a visiting delegation but also requires that decisive action is taken to ensure that recommendations made by the Committee are effectively implemented in practice. Although the CPT noted progress in certain areas, it is regrettable that many key recommendations repeatedly made by the CPT in previous visit reports remain unimplemented. This concerns in particular recommendations related to the phenomenon of informal prisoner hierarchy and the resulting inter-prisoner violence and intimidation, to the poor material conditions for the majority of persons held in prison, the poor regime of activities offered to incarcerated persons and the low staffing levels in prisons insufficient to effectively control the establishments.

The vast majority of persons interviewed by the delegation in the three prisons visited made no allegations of ill-treatment by staff. However, a few isolated allegations were received at Chişinău Prison of excessive use of force by staff when dealing with recalcitrant prisoners. Further, at Brăneşti and Chişinău Prisons, the delegation heard a few allegations of verbal abuse of prisoners by staff.

As mentioned above, the findings of the visit showed that the problem of inter-prisoner violence remains largely unaddressed and prisons still generally fail to ensure a safe environment for incarcerated persons. Once again, a high number of persons held in prison described to the delegation the overall atmosphere of intimidation and violence created by the informal prison leaders and their close circles. The documentation examined by the delegation again registered numerous cases of persons held in prison who were found with injuries indicative of inter-prisoner violence. Due to the atmosphere of fear and the lack of trust in the staff's ability to guarantee safety, persons found by staff with injuries refused to provide a plausible explanation as to the origin of their injuries. Moreover, although all cases of inmates bearing injuries were registered and reported to the prosecutor's office, in none of the cases was an investigation initiated.

The situation of persons considered to be "humiliated" or "untouchable", that is, those on the lowest "caste" of the informal prisoner hierarchy, remains a matter of serious concern to the CPT. Once again, the delegation received many complaints of frequent verbal abuse, systematic demeaning behaviour by other persons held in prison and threats of physical violence. As already stressed in previous visit reports, the CPT considers that their situation could be considered to constitute a continuing violation of Article 3 of the European Convention on Human Rights.

Many persons held in the prisons visited perceived segregation from the general prison population pursuant to Section 206 of the Enforcement Code as the only way to escape the threats posed by the informal prisoner hierarchy. However, for a number of reasons explained in the report, this measure, as implemented at the time of the visit, cannot be regarded as an efficient solution. In particular, segregated prisoners were held in former disciplinary isolators which provided poor material conditions, and were subjected to impoverished regimes.

The CPT considers that the continuing failure of the Moldovan authorities to ensure a safe and secure environment for persons held in prison is directly linked to a number of factors, most notably the chronic shortage of custodial staff, reliance on informal prisoner leaders to keep control over the inmate population and the existence of large-capacity dormitories. At the same time, there is no proper risk and needs assessment of persons upon their admission to prison, nor a classification of persons to identify in which prison, block or cell they should be placed.

In light of these findings, the Committee once again calls upon the Moldovan authorities to take resolute action, without further delay, to tackle the phenomenon of informal prisoner hierarchy and to prevent inter-prisoner violence and intimidation throughout the prison system. To this end, the

authorities should put in place a clear holistic strategy, with timelines for its implementation, which should include a number of concrete steps set out in the report.

Material conditions in the establishments visited in general were poor, many cells/dormitories being dilapidated, dirty and poorly equipped. Although the prison system operated below its official capacity, the delegation again observed overcrowding in a number of cells and dormitories at Chişinău and Cricova Prisons. Moreover, at Brăneşti and Cricova Prisons, most persons were accommodated in large capacity dormitories which provided no privacy. Further, the delegation observed a strikingly uneven distribution of prisoners within the establishments visited, a situation closely linked with the phenomenon of informal prisoner hierarchy; certain privileged prisoners were dwelling in spacious rooms or even small flats consisting of several rooms, with abundant equipment. The CPT recommends, *inter alia*, that prisoners be fairly distributed in cells/dormitories and be provided at least 4 m<sup>2</sup> of living space per person, and that all cells/dormitories be kept in adequate state of repair and hygiene and be suitably equipped.

As regards regime, persons held at Brăneşti and Cricova Prisons benefitted from an open-door regime, could move freely around the establishments and some efforts were being made to offer them work and a few other activities. Despite that, the fact remained that a significant proportion of them were not engaged in any purposeful activity. The situation was even more problematic for adult remand prisoners at Chişinău Prison who continued to be locked up in their cells for up to 23 hours per day, without being offered any out-of-cell activities, apart from one or, at best, two hours of daily outdoor exercise. It is a matter of particular concern that juveniles held on remand in this establishment were subjected to a similarly impoverished regime. The CPT recommends that the authorities redouble their efforts to increase the number of persons held at Brăneşti and Cricova Prisons in organised activities and explore ways in which persons held on remand at Chişinău Prison could at least be offered more out of cell time. As regards juveniles in this establishment, the Committee requests that they be transferred to Goian Juvenile Prison.

The CPT noted the efforts made by the current staff to provide good quality healthcare to persons held in prison as well as to carry out healthcare screening of newly admitted persons and to record and report injuries detected upon admission or during imprisonment. However, staffing levels of healthcare staff were low and it is particularly worrying that no general practitioner attended Brăneşti and Cricova Prisons. The current staff in both establishments were *de facto* obliged to assume responsibility for medical acts which were outside the scope of their professional competence and should be performed by a general practitioner.

## 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 13 December 2022. The visit was considered by the Committee “to be required in the circumstances” (cf. Article 7, paragraph 1, of the Convention). It was the Committee’s 17th visit to the Republic of Moldova.<sup>1</sup>

2. Ever since its first visit to Moldova in 1998, inter-prisoner violence and intimidation in prisons has been a matter of grave concern to the CPT. Most recently, during the January/February 2020 visit, the CPT found that this issue remained as serious as ever among the adult male inmate population and was, as in the past, largely linked to the well-established informal hierarchies amongst prisoners in the country’s prison system. Once again, the Committee called upon the Moldovan authorities to take resolute action, without further delay, to prevent inter-prisoner violence and intimidation throughout the prison system. It indicated certain measures which were to be taken as a matter of urgency to address the phenomenon of the informal prisoner hierarchy.<sup>2</sup>

Further, in a number of establishments, the CPT observed very poor material conditions and overcrowding, the regime of activities offered to persons held in prison remained poor and staffing levels were insufficient for prison officers to effectively control the prisons.

3. The main objective of the 2022 *ad hoc* visit was to re-examine the treatment and conditions of detention of persons held in prison and in particular to assess the progress achieved by the Moldovan authorities in addressing inter-prisoner violence and intimidation. To this end, the delegation visited Prison no. 4 in Cricova, Prison no. 13 in Chişinău and Prison no. 18 in Brăneşti.

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

- Hans Wolff, 1st Vice-President of the CPT (Head of delegation)
- Philippe Mary
- Tinatin Uplisashvili
- Dmytro Yagunov.

They were supported by Petr Hnátík and Paolo Lobba of the CPT Secretariat and assisted by three interpreters, Sergiu Bufteac, Octavian Bodorin and Inga Coroban.

5. The report on the visit was adopted by the CPT at its 111th meeting, held from 3 to 7 July 2023, and transmitted to the authorities of the Republic of Moldova on 17 July 2023. 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 that the Moldovan authorities 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.

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1. The visit reports and the responses of the Moldovan authorities on previous visits (if published) are available on the CPT website: <https://www.coe.int/en/web/cpt/republic-of-moldova>.

2. See, in particular, paragraph 58 of the report on the 2020 visit (CPT/Inf (2020) 27).

## **B. Consultations held by the delegation and cooperation encountered**

6. In the course of the visit, the delegation met Sergiu Litvinenco, Minister of Justice, Nadejda Burciu, State Secretary of Justice, and Anatolie Falca, Director of the National Prison Administration, as well as other senior officials from the Ministry of Justice and the National Prison Administration.

The delegation also met Ceslav Panico, People's Advocate (Ombudsperson), Maia Bănărescu, Ombudsperson for the Protection of Children's Rights, and senior representatives of their office, as well as other representatives of the National Preventive Mechanism (NPM) established under the Optional Protocol to the UN Convention against Torture (OPCAT).

The CPT appreciates that the Moldovan authorities decided to invite the Ombudsperson and a representative of the NPM to attend the meeting at which the Committee's delegation delivered its preliminary observations to the authorities, at the end of its visit.

A full list of the national authorities and other bodies with whom the delegation held consultations is set out in the Appendix to this report.

7. The cooperation received by the delegation throughout the visit, both from the national authorities and staff in the establishments visited, was excellent. The delegation had rapid access to all places of detention it wished to visit, was able to meet in private with those persons with whom it wanted to speak and was provided with access to the information required to carry out its task.

The Committee wishes to express its appreciation for the assistance provided to its delegation before, during and after the visit by its liaison officer, Stela Braniște, of the Ministry of Justice.

8. Nevertheless, the CPT must stress once again that the principle of cooperation between Parties to the Convention and the Committee, as set out in Article 3 of the Convention, is not limited to facilitating the work of a visiting delegation. It also requires that decisive action is taken to ensure that recommendations made by the Committee are effectively implemented in practice.

In this respect, the CPT notes that the overall prison population continues to decrease, the prison system as a whole operates below its official capacity and certain steps have been taken by the authorities to increase the capacity of the prison estate (see paragraphs 11 and 12). Moreover, certain improvements have been observed as regards the provision of healthcare in prisons (see section II.4 of this report).

However, it is regrettable that many key recommendations repeatedly made by the CPT in previous visit reports remain unimplemented. This concerns in particular recommendations related to the phenomenon of informal prisoner hierarchy and the resulting inter-prisoner violence and intimidation, to the poor material conditions for the majority of persons held in prison, the poor regime of activities offered to incarcerated persons and the low staffing levels in prisons insufficient to effectively control the establishments.

As was already stated in the reports on the 2015, 2018 and 2020 visits, with reference to Article 3 of the Convention,<sup>3</sup> the CPT once again calls upon the Moldovan authorities to take decisive action to address the long-standing recommendations made by the Committee. Continuing failure of the authorities to take effective steps to improve the situation in prisons, in particular as regards the phenomenon of informal prisoner hierarchy and the resulting inter-prisoner violence and intimidation, will oblige the Committee consider having recourse to Article 10, paragraph 2, of the Convention.<sup>4</sup>

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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".

4. 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 observations under Article 8, paragraph 5, of the Convention**

9. During the end-of-visit talks with the Moldovan authorities held in Chişinău on 13 December 2022, the delegation outlined the main facts found during the visit. On that occasion, it made three immediate observations under Article 8, paragraph 5, of the Convention. The Moldovan authorities were requested to ensure that:

- the state of repair and hygiene of communal toilets at Prisons no. 4 in Cricova and no. 18 in Brăneşti is reviewed and that the facilities are cleaned, refurbished and maintained in an adequate state of repair and hygiene;
- the prisoner in a wheelchair held at Prison no. 18 in Brăneşti, as well any other prisoner in a wheelchair in another prison, is held in conditions which enable him to uphold his dignity. For example, with his consent, the person concerned could be moved to another room or establishment where he will be able to move freely with his wheelchair and to use the toilet and shower autonomously;
- juvenile remand prisoners held at Prison no. 13 in Chişinău are transferred to Goian Juvenile Prison.

The Moldovan authorities were requested to provide, within three months, an account of the steps taken to implement these immediate observations.

10. The immediate observations were confirmed by letter of 5 January 2023, when transmitting the delegation's preliminary observations to the Moldovan authorities.

By letter of 5 April 2023, the authorities informed the CPT of the measures taken in response to the immediate observations and on other matters raised by the delegation at the end-of-visit talks. These measures have been assessed in the relevant sections of the present report (see in particular paragraphs 42, 45 and 49).

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### Prison establishments

#### 1. Preliminary remarks

11. As regards prison overcrowding, according to the data provided to the CPT by the Moldovan authorities, on 1 December 2022, the prison system was accommodating 6 140 persons (including 1 051 held on remand) for an official capacity<sup>5</sup> of 6 622 places (i.e. occupancy rate of 92.7 %).<sup>6</sup> It is positive that, as a general trend, the prison population in Moldova continued to decrease. For example, at the time of the 2018 visit, the prison population stood at 7 381 persons and decreased to 6 716 at the time of the January 2020 visit, and still further to 6 140 in December 2022.<sup>7</sup>

Although the prison system as a whole and most prison establishments operated below their official capacity (the most notable exception being Prison no. 13 in Chişinău (see paragraph 15)), the delegation again observed overcrowding in a number of cells and dormitories in the prisons visited, in particular at Chişinău and Cricova Prisons. This was at least partially caused by a strikingly uneven distribution of prisoners within the establishments, a situation closely linked with the phenomenon of informal prisoner hierarchy (see paragraph 43).

12. At the outset of the visit, the Moldovan authorities informed the delegation of the measures envisaged to tackle prison overcrowding, both by further decreasing the prison population and by expanding the prison estate.

In particular, within the broader context of penal policy reform, the Moldovan authorities plan to expand alternatives to imprisonment for re-offenders, to introduce the possibility to apply alternatives for offences committed under the influence of substances and to unify the time-limits to become eligible for parole for all criminal offences. The draft law introducing these amendments was expected to be adopted by Parliament in March 2023.

As regards the expansion of the prison estate, a new accommodation block with a capacity of 136 places has come into service at Prison no. 3 in Leova, while a new block for juvenile remand prisoners with a capacity of 99 places<sup>8</sup> has been built at Prison no. 10 in Goian; this block, however, had not yet come into service at the time of the visit due to technical shortcomings and a lack of staff (see also paragraph 49). The construction of the first accommodation block of a new remand prison in Bălţi<sup>9</sup> had been finalised, but the works could not continue due to unclear ownership of the land on which several auxiliary buildings needed to be constructed.

Regrettably, the construction of a new establishment which would replace Prison no. 13 in Chişinău was yet again postponed.<sup>10</sup> Given the decrease in the overall prison population and the increased costs of construction works, the authorities intended to redesign the project for the new prison by spring 2023.<sup>11</sup>

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5. The official capacity of the prison system was calculated on the basis of 4 m<sup>2</sup> of living space per incarcerated person.

6. According to the 2022 SPACE I Statistics (Council of Europe Annual Penal Statistics on Prison Populations), the prison population rate per 100 000 inhabitants in Moldova on 31 January 2022 was 159.1, that is above the European average (117.2) and median (104.1) levels.

7. Albeit the decrease in 2022 was partially attributable to the amnesty declared in March 2022.

8. The overall capacity of the establishment was 164 places.

9. At the time of the 2020 visit, it was expected that the construction of the new establishment in Bălţi would be finalised by 2022.

10. In 2013, the Council of Europe Development Bank awarded a €39 million loan for the construction of a new establishment. However, two public tenders had to be subsequently cancelled (in 2019 and 2020) as none of the submitted bids met the requirements. In the reports on the 2018 and 2020 visits, due to the poor material conditions prevailing in the current facility and its infrastructural deficiencies, the CPT urged the Moldovan authorities to attach a very high priority to the construction of the new remand prison in Chişinău.

11. The previous expected capacity of the new prison was 1 536 places.



Whilst acknowledging the commitment of the authorities, **the CPT once again recommends that the Moldovan authorities pursue vigorously their efforts to combat prison overcrowding and would like to receive updated information on the measures taken in this regard.**<sup>12</sup>

In this context, **the Committee would like to receive more detailed information on the measures envisaged in the penal policy reform, including those outlined above, and updated information on the adoption of the draft law introducing these amendments.**

Further, **the Committee once again urges the Moldovan authorities to attach a very high priority to the construction of the new remand prison in Chişinău and to decommissioning the existing establishment, given the poor material conditions prevailing therein (see paragraph 40).**

13. The authorities also informed the delegation of their plans to introduce a progressive system of enforcement of imprisonment sentences. The aim was to ensure the individualisation of the execution of imprisonment, gradual reintegration of prisoners into society and reduction of prison overcrowding, as well as, more generally, shifting the emphasis from a punitive to rehabilitative correctional policy and strengthening safety in prisons. The new system should merge the concepts of type of prison and type of regime<sup>13</sup> and introduce three different enforcement regimes in individual establishments (closed, semi-closed and open regime). The initial placement into an enforcement regime will depend on the length of the sentence, but may then be progressively changed, depending on the danger posed by the prisoner and the results of individual sentence programmes. Participation in meaningful activities will represent a key condition for any change of the enforcement regime. Prisoners considered to be dangerous and criminal “leaders” who promote the informal prisoner hierarchy will initially be placed in the closed regime.

A risk assessment and sentence planning unit, which should be established in remand detention facilities<sup>14</sup> will, *inter alia* identify the risks and needs of individual prisoners and recommend the interventions to be included in their individual sentence plans. The unit will be composed of specialists with different backgrounds, predominantly psychologists and psychiatrists. A regime change commission, which should be established in each prison, will assess whether the sentenced person is eligible for a transfer to a less restrictive regime.

According to the information provided by the authorities after the visit, the concept of the reform has been approved by an inter-disciplinary working group set up by the Ministry of Justice. On its basis, a law amending the legislation regulating the enforcement of sentences has been drafted and was the subject of a consultation process.

**The CPT notes with interest these developments and would like to receive updated information on the implementation of the progressive system of enforcement of sentences, including the expected timeframe.**

14. In 2019, a compensatory mechanism was introduced which provided for a reduction of sentences and/or monetary compensation for those detained in conditions contrary to Article 3 of the European Convention on Human Rights. During the 2022 visit, the delegation was informed by the authorities that the plan to create inter-institutional commissions to evaluate the conditions of detention in prisons for presentation to judges had been abandoned.<sup>15</sup> Instead, according to the

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12. See also the CPT's 31st General Report in which the Committee addressed the issue of combating prison overcrowding (CPT/Inf (2022) 5 – part).

13. Under the system currently in place, individual prisons are classified as open, semi-closed and closed type establishments and within each prison type, there is the initial, common and resocialisation regime. The placement into each type of prison is decided by the court at the moment of sentencing, the basic criterion being the length of the sentence, and cannot be changed during the execution of the prison term. The current types of regime merely mark the beginning, middle and the end phase of the execution of the sentence and the progress from one regime to another depends on the expiry of a part of the prison sentence.

14. The unit will be directly subordinated to the National Prison Administration.

15. The commissions were supposed to be composed of representatives of the prison system, the National Preventive Mechanism and civil society.

authorities, all cells are inspected and photographed annually through an internal assessment mechanism of the prison system, with the information collected serving as a basis for judges when taking decisions on the requests lodged under the compensatory mechanism.

**The CPT would like to be informed of any developments concerning the functioning of the compensatory mechanism.**

15. As already indicated, in the course of the 2022 visit, the delegation visited Prison no. 4 in Cricova, Prison no. 13 in Chişinău and Prison no. 18 in Brăneşti.

*Brăneşti Prison*, previously visited by the CPT in 2007, is a semi-closed prison. It consists of ten accommodation sectors, grouped into three residential zones. With an official capacity of 652 places, at the time of the visit it was accommodating 580 adult male sentenced persons (including 21 in an open resocialisation unit located outside the perimeter of the prison).

*Cricova Prison*, previously visited by the CPT in 2004, is a semi-closed prison. It consists of nine accommodation sectors, grouped into three residential zones, and an open unit located outside the prison perimeter for persons convicted of criminal negligence. At the time of the 2022 visit, the prison had a capacity of 728 places and was accommodating 710 adult male sentenced persons.

*Chişinău Prison* has been visited by the CPT several times in the past, most recently during the 2020 visit. The detention area consists of three interconnected blocks accommodating men and a separate block for women. At the time of the visit, this remand prison was accommodating 816 persons: 632 held on remand<sup>16</sup> (including 29 women and 15 male juveniles) and 184 sentenced (including two women who worked in the establishment and eight who have been temporarily transferred therein). The juveniles were accommodated separately from adults in several cells in Block 3.

In the past, the official capacity of the establishment (based on the requirement of 4 m<sup>2</sup> of living space per person) had been 570 places and would have been exceeded by more than 40% at the time of the visit. However, it was re-calculated to 818 places, based on a decreased norm for living space of 3 m<sup>2</sup>. This decreased norm only applied at Chişinău Prison.

After the visit, the Moldovan authorities informed the CPT that the official capacity of the establishment has again decreased to 570 places. This, however, was not accompanied by a decrease in the prison population and the establishment was accommodating 843 persons as of 27 March 2023, thus remaining the most overcrowded prison in the country (see also the remarks and recommendation set out in paragraph 12).

## **2. Ill-treatment**

### **a. ill-treatment by staff**

16. The vast majority of persons interviewed by the delegation in the three prisons visited made no allegations of ill-treatment by staff.

However, a few isolated allegations were received at Chişinău Prison of excessive use of force by staff when dealing with recalcitrant prisoners. For example, a person held at Chişinău Prison stated that on 29 November 2022, he consumed alcohol and refused to obey orders given by staff. He was then forcibly taken to an isolation cell by three prison officers but refused to enter the cell. Allegedly, when the officers used force against him to make him enter the cell, one of them banged the prisoner's head against the wall and punched him on the right eye. When met by the delegation, the person concerned had a dark red haematoma in the sclera of the right eye.

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16. This includes 377 persons who had been sentenced by the first instance court and were awaiting the outcome of their appeal.

According to the medical records, the person concerned was examined by healthcare staff shortly after the incident and displayed contusion of the soft tissue and ecchymosis in the periorbital area on the right side of the face. According to the written statements made by the three prison officers involved in the use of force incident, the person concerned behaved aggressively and categorically refused to enter his isolation cell. His hands were then immobilised behind his back by the three officers and he was placed in the cell. The statements contain an explicit remark that no slaps, punches or kicks were used against the recalcitrant person.

On 30 November 2022, the case was reported by the prison management to the prosecutor's office but no information was available in the establishment as to the follow-up given to the case. At the end-of-visit talks with the Moldovan authorities, the delegation requested to be informed of steps taken by the prosecutor's office to investigate the case and, if an investigation was launched, about its outcome.

By letter of 5 April 2023, the authorities informed the CPT that "all materials gathered in the case [had been] sent to the prosecution office, in accordance with the provision of Article 273 of the Criminal Procedure Code, for the examination of all circumstances. However, it was not possible to initiate criminal proceedings because, according to current legislation, such cases cannot be subject to criminal prosecution."

This cursory response by the authorities fails to provide sufficiently detailed information on the action taken by the prosecutorial authorities to thoroughly investigate all the circumstances of the case. The CPT wishes to stress that whenever a person is injured while in the hands of public officials, the burden of proof is on the public authorities to provide a satisfactory and convincing explanation of how the injuries were sustained.<sup>17</sup>

**The CPT would like to receive a detailed account of the steps taken by the prosecutorial authorities to investigate the case and a copy of the final decision issued in the case. It would also like to receive an explanation of the precise legal basis on which the Moldovan authorities have asserted that "such cases cannot be subject to criminal prosecution".**

**More generally, the Committee recommends that a clear message be delivered to staff at Prison no. 13 in Chişinău that no more force than is strictly necessary should be used to control an agitated, violent and/or recalcitrant prisoner and that once the persons concerned have been brought under control, there can be no justification for striking them.**

17. Further, at Brăneşti and Chişinău Prisons, the delegation heard a few allegations of verbal abuse of prisoners by staff. **The CPT recommends that it be reiterated to staff at Prisons no. 13 in Chişinău and no. 18 in Brăneşti that verbal abuse of persons held in prison is not acceptable and will be the subject of appropriate sanctions.**

b. inter-prisoner violence and intimidation

*i. Previous dialogue with the authorities and the overall situation*

18. The issue of inter-prisoner violence and intimidation in Moldovan prisons has been a matter of serious concern to the CPT for a long time. In several visit reports, the Committee called upon the Moldovan authorities to take determined action to address this problem, in particular by taking effective measures to tackle the underlying phenomenon of informal prisoner hierarchy.<sup>18</sup>

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17. It should be noted in this context that Section 166<sup>1</sup> of the Moldovan Criminal Code criminalises torture and inhuman or degrading treatment by a public official.

18. See, for example, paragraph 58 of the report on the 2020 visit (CPT/Inf (2020) 27), paragraph 26 of the report on the 2018 visit (CPT/Inf (2018) 49) and paragraph 55 of the report on the 2015 visit (CPT/Inf (2016) 16). An in-depth study of the phenomenon can be found in a 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>.

Above all, the Committee considered that this would require putting in place a system of appropriate risks and needs assessment, depriving informal prison leaders of their privileges, providing prisoner accommodation based on smaller living units, having sufficient numbers of appropriately trained staff and ensuring management's full support for prisoners who are at risk of abuse by other inmates and those who do not wish to be involved in the informal prisoner hierarchy.

As already observed during previous visits, the delegation noted in the establishments visited during the 2022 visit that persons who refused to submit to the informal prisoner hierarchy and abide by its rules were segregated, upon their request, under Section 206 of the Enforcement Code. In the past, the Moldovan authorities presented this possibility as a measure to protect prisoners from threats and violence.<sup>19</sup>

However, as described in paragraph 28, this measure, as implemented at the time of the visit, cannot be regarded as an efficient solution and the findings of the visit clearly show that inter-prisoner violence and intimidation among the male adult prison population remains largely unaddressed, prisons still generally fail to ensure a safe environment for incarcerated persons and several recommendations made by the CPT have not been implemented.

19. Once again, a high number of persons held in prison who were interviewed during the visit described to the delegation the overall atmosphere of intimidation and violence used by the informal prison leaders and their close circles to impose their informal rules on other persons held in prison, including the obligation to regularly contribute to an illegal collective fund ("*obshchak*") managed by the informal prison leaders and other forms of extortion, enforced through threats or actual physical violence.

The physical violence allegedly consisted in particular of slaps, punches and kicks to various parts of the body. Further, at Cricova Prison, the delegation received several allegations that persons held in this establishment were hit on their backs and buttocks with a metal bar or a metal shovel. During these beatings, the victim (sometimes lying spreadeagled on the floor) was allegedly held by two or three other prisoners, with his eyes covered with a towel to prevent the identification of the perpetrators.<sup>20</sup> (See paragraph 35 as regards staff's incapacity to intervene in these incidents).

20. The overall atmosphere of violence and intimidation is well-illustrated by an incident which took place at Brănești Prison on 5 February 2021. According to a special report prepared by the Ombudsperson's Office,<sup>21</sup> during the night, some 30 aggressors from various accommodation sectors entered Sector 10 in which so-called "humiliated prisoners" were accommodated (see also paragraph 25) and inflicted blows with wooden clubs upon them. The attack was a punishment as a person accommodated in that sector had smuggled a mobile phone into the prison without the permission of the informal prison leaders. As a result of the violent incident, 13 persons from Sector 10 suffered injuries, including concussions, traumatic injuries to the shoulders and abdomen, and broken ribs. The report cites staff of the establishment who claimed that the persons injured in the incident refused to provide explanations as to the cause of the injuries. According to the special report, a criminal investigation was launched into the case. **The CPT would like to receive information on the outcome of the investigation, including the overview of the criminal and disciplinary sanctions imposed on the perpetrators if any, and any other action taken to prevent such incidents in the future.**

21. Moreover, several persons whom the delegation attempted to interview in the establishments visited were visibly scared to speak and requested to interrupt the interview or even refused to be interviewed at all. They stated that this was due to fear of reprisals they were sure to face from the representatives of the informal prisoner hierarchy for having spoken with the delegation.

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19. See the Government response to the report on the 2018 *ad hoc* visit to Moldova (CPT/Inf (2019) 10, page 7).

20. Unlike during previous visits, the delegation received no allegations of sexual violence among prisoners in the three prisons visited.

21. Special Report of 22 April 2021 on violence against a group of prisoners at Prison no. 18 in Brănești on 5 February 2021.

At Brănești and Cricova Prisons, shortly after the delegation started carrying out interviews in several open large-capacity dormitories, prisoners who were not accommodated therein and who belonged to higher echelons of the informal prisoner hierarchy often entered the dormitory, and their mere presence put pressure on persons interviewed by the delegation and prevented them from talking freely. On several occasions persons interviewed by the delegation stopped interacting and left the interviews.

As was the case during previous visits, the documentation examined by the delegation, including registers of traumatic injuries, individual medical files of persons held in prison and injury reports sent from the prisons visited to the prosecutor's office, registered numerous cases of persons held in prison who were found with injuries indicative of inter-prisoner violence, such as haematoma around the eyes, bruises on their backs and buttocks and traumatic injuries to their heads.

Due to the atmosphere of fear created by the informal leaders and their close circles, and the lack of trust in the staff's ability to guarantee safety, persons found by staff with injuries refused to provide an explanation as to the origin of their injuries or indicated causes which were clearly inconsistent with the injuries observed (such as "fell from a bed", "fell on the stairs", "slipped in the bathroom" or "slipped in the toilet and fell on the wall"). Other prisoners who likely witnessed the incident systematically claimed that they had not seen anything.

For example, the examination of the registers revealed that a person held at Chișinău Prison fell off his bunkbed on 16 November 2022 and died of a head injury. Other persons held in the same cell stated that they had not seen anything. At the time of the visit, no more details were available in the prison visited although an investigation had apparently been instituted by the police, who had visited the establishment.

After the visit, the Moldovan authorities provided the following information: "[...] according to the conclusion of a forensic report [the person concerned died] of a closed cranial-cerebral trauma. [...] Based on the anatomical location, mechanism of formation, and morphological characteristics of the bodily injuries detected, it is possible that they were caused by falling from an upright position with or without acceleration. In order to establish all the circumstances of the case and eliminate any doubts regarding the mechanism of formation of the bodily injuries that caused the death of [the person concerned], a forensic medical examination was ordered, which is currently in progress."

**The CPT would like to receive information on the outcome of the forensic medical examination, including a copy of the autopsy report, and the steps subsequently taken, if any, to investigate the case or any other follow up given to the case.**

22. According to the official statistics provided to the delegation by the authorities, for the whole prison system in 2020, there were only 115 registered instances of inter-prisoner violence, 144 instances in 2021 and 152 instances during the first nine months of 2022.

However, the findings of the visit clearly indicate that a number of instances of inter-prisoner violence remain undetected as the victims are systematically intimidated by the perpetrators, under the threat of further violence, to neither complain to staff nor request medical examination.

23. This conclusion would also appear to be supported by the findings of the visit concerning the reporting of injuries and the data provided by the authorities on the high number of injury reports filed by prison management with the prosecutor's office.

As far as the delegation could ascertain, all cases of inmates bearing injuries in the three establishments visited were registered in well-maintained trauma registers by healthcare staff and were reported to prison management through a designated form (which also included a body chart), who in turn reported to the prosecutor's office.<sup>22</sup>

The official data provided to the CPT by the authorities after the visit show that in 2020, 100 injury reports were submitted to the prosecutor's office from Brănești Prison alone, 103 reports from

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22. See paragraph 57 for more details on injury recording.

Chişinău Prison and 102 reports from Cricova Prison. The figures for 2021 are 121 reports (Brăneşti Prison), 127 reports (Chişinău Prison) and 89 reports (Cricova Prison). In 2022, there were 103 reports (Brăneşti Prison), 367 cases (Chişinău Prison) and 80 cases (Cricova Prison). Indeed, these figures are incomparably higher than the number of registered instances of inter-prisoner violence.

The CPT welcomes these mandatory reporting procedures which, at least in principle, are capable of making a significant contribution to the identification and investigation of cases of possible inter-prisoner violence. However, the authorities informed the Committee that in none of the cases of reported injuries was an investigation initiated by the prosecutor's office.

Moreover, as a general rule, no feedback was provided from the prosecutor's office to the prisons with respect to the follow up given to (and any possible outcome of) the injury reports.

**The Committee recommends that the Moldovan authorities take the necessary steps to ensure that the prosecutor's decisions on whether to open a formal investigation into cases of reported injuries are duly reasoned and always based on a rigorous examination of the evidence gathered. Further, the Committee considers that the prosecutor's office should systematically inform the prison concerned as regards the outcome of such cases.** This will make it possible, *inter alia* for the prison to ascertain whether there are lessons to be learned as regards its operating procedures and to prevent similar incidents more effectively in the future.

*ii. Persons considered to be "humiliated"*

24. The situation of persons considered to be "humiliated" or "untouchable", that is, those on the lowest "caste" of the informal prisoner hierarchy, remains a matter of serious concern to the CPT.<sup>23</sup>

Once again, the delegation received many complaints of frequent verbal abuse, systematic demeaning behaviour by other persons held in prison and threats of physical violence in case they failed to follow the informal "code of conduct". These informal rules obliged them to avoid contact with other persons held in prison and their belongings, walk on the side or along the walls, not to use expletives when interacting with other persons and not to access communal sports and recreational facilities, as well as the canteen. They were also prevented from using the same laundry facilities that the general prison population had at their disposal. Further, they were compelled to clean accommodation and communal areas (including toilets) for free and to collect rubbish, and they were not permitted to work with other persons held in prison. In most cases, these persons were accommodated in the poorest conditions to be found in the prisons visited. As several persons interviewed by the delegation put it, "once you are "humiliated", you are done".

As already stressed in previous visit reports, the CPT considers that the situation of persons regarded as "humiliated" could 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 other persons held in prison.<sup>24</sup>

25. At Brăneşti and Cricova Prisons, persons considered to be "humiliated" were accommodated in dedicated dormitories (Sectors 10 and 7, respectively) to which, however, persons held in other sectors had, in principle, free access (see also the incident described in paragraph 20).

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23. These persons have been rejected by other persons held in prison for various reasons, such as being accused or convicted of a sex offence, because of their sexual orientation, for having been sexually abused, for illicit drug use or having a mental health condition; this category of prisoner also included those who refused or were unable to contribute to illegal collective fund managed by the informal prison leaders (see paragraph 19).

24. The CPT wishes to underline that in a recent case, the European Court of Human Rights examined the situation of applicants who belonged to a particularly vulnerable category of "outcast" prisoners and had been subjected to segregation, humiliating practices and abuse in their daily life while in detention, and had been at a heightened risk of inter-prisoner violence. The Court concluded that being subjected to such treatment, for years, had amounted to inhuman and degrading treatment, in violation of Article 3 of the European Convention of Human Rights (see *S.P. and Others v. Russia*, no. 36463/11 et al., §§ 108-109, 2 May 2023).

At Chişinău Prison, despite the assurances provided to the delegation by the management that persons accused or convicted of sex offences (who are typically regarded as “humiliated”) were accommodated in dedicated cells and were separated from the general prison population, detailed examination of the lists of persons held in the establishment clearly showed that these persons were in fact not grouped together but accommodated one or two per cell, in amongst the general prison population, regardless of their specific vulnerability, and were thus exposed to a particularly high risk of being assaulted and exploited by other persons held in the same cells.

*iii. Tacit acceptance of the informal prisoner hierarchy*

26. The findings of the visit suggest that there continues to be tacit acceptance of the informal hierarchy by prison staff and even tacit “agreement” between staff and informal prison leaders when it comes to ensuring “order” among prisoners and “smooth operation” of the establishments. For example:

- As already observed during previous visits, the informal prison leaders had a say in the initial “classification” and placement in cells/dormitories of persons newly admitted to the prisons. Most notably, at Chişinău Prison, admission cells still had holes in the connecting walls (measuring approximately 10 cm in diameter) which served as communication channels to the neighbouring cells, occupied by “representatives” of the informal hierarchy. At Brăneşti Prison, informal prison leaders allegedly met newly admitted persons close to the admission area or in the quarantine cells.
- Informal prison leaders apparently also decided which persons held in prison were allowed to work; in particular at Brăneşti Prison, the delegation received several allegations that benefits (or their part) earned by working prisoners, most notably the possibility of an early release, were recorded for the benefit of “higher-ranking” prisoners.
- The delegation again observed striking differences in material conditions, in terms of state of repair and equipment, as well as the available living space, between informal prison leaders and their close circles on the one hand, and the general prison population, most notably those considered to be “humiliated”, on the other. The former continued to live a very comfortable life inside prison, with all possible amenities (for more details, see paragraph 43).<sup>25</sup>
- Informal leaders played a role in granting requests for segregation from the general prison population (see paragraph 29).

*iv. Segregation under Section 206 of the Enforcement Code*

27. Pursuant to Section 206 of the Enforcement Code, persons held in prison may request that measures be taken to ensure their personal safety. Prison staff are obliged to take immediate steps to this end.

In practice, the measures taken under Section 206 took the form of segregation from the general prison population and many persons held in the prisons visited perceived such protection as the only way to escape the threats posed by the informal prisoner hierarchy.<sup>26</sup> The CPT notes positively that most persons segregated under Section 206 who were interviewed by its delegation stated that, within the segregation units (or cells), they felt relatively safe.

However, most notably at Brăneşti and Cricova Prisons, the number of persons requesting segregation was higher than the capacity of the segregation units and several requests allegedly could not be granted swiftly. Several incarcerated persons who were interviewed during the visit

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25. The delegation heard numerous accounts that the refurbishment and equipment of the cells of leaders was paid from the illegal collective fund referred to in paragraph 19.

26. At the time of the visit, there were 34 persons held under this protective measure at Brăneşti Prison, 63 at Cricova Prison and 105 at Chişinău Prison. According to the information provided by the Moldovan authorities, in the whole prison system, 506 persons were segregated under this measure as of 1 December 2022.

stated that they had been confronted with reluctance on the part of the staff to grant these requests and that the only way to achieve rapid transfer was to commit acts of self-harm or to start a hunger strike.

The CPT must point out in this respect that acts of deliberate self-harm are still considered to be a disciplinary offence and self-harming persons are still obliged to bear the costs of any treatment.<sup>27</sup> The Committee considers that such arrangements are totally inappropriate.

Further, the imposition of a disciplinary punishment negatively influences the possibility of an early release from prison.

28. Moreover, informal prison leaders apparently became easily aware of requests for protection which were lodged with staff, swiftly gained access to persons requesting this measure and tried to pressure them to withdraw their requests.<sup>28</sup> At Brănești and Cricova Prisons, informal prison leaders and their close circles *de facto* controlled access to the administrative buildings where other persons held in prison could request protection under Section 206. The findings of the visit further indicate that informal prison leaders had a say when segregated persons requested that the measure be terminated so that they could join the general prison population.<sup>29</sup>

29. At Brănești and Cricova Prisons, persons segregated under Section 206 were accommodated in former disciplinary isolators, in cells which were not intended and were not suitable for ordinary accommodation of persons held in prison.<sup>30</sup>

At Brănești Prison, these cells were poorly ventilated and had limited access to natural light. At Cricova Prison,<sup>31</sup> cell windows on one side of the corridor were facing a high wall with a roof on its top; these cells had virtually no access to natural light (one cell at the end of the corridor in the basement had no access whatsoever). Moreover, conditions in several cells were cramped<sup>32</sup> and the in-cell sanitary facilities in the basement cells (most of which were multiple-occupancy) were only partially screened.

The CPT considers that cells in the segregation unit at Cricova Prison which have no or virtually no access to natural light are totally unsuitable for the accommodation of persons beyond short periods of time (that is, a few hours).

30. Furthermore, it is a matter of particular concern that in all three establishments visited, segregated persons were subjected to very impoverished regimes for prolonged periods of time (that is, for months and, in a number of cases, years on end) – they were locked up in their cells for 22 or 23 hours per day, with nothing to do except read and, for some of them, watch TV.<sup>33</sup> These persons were thus *de facto* punished for requesting protection from the informal prisoner hierarchy.

The only out-of-cell time offered to them was one or two hours of outdoor exercise per day, which they spent in boxes devoid of any equipment, except for some which contained dilapidated benches

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27. See Sections 242<sup>2</sup> (8) and 232 (6) of the Enforcement Code.

28. A few allegations were also heard that prisoners who started hunger strike to achieve segregation were approached by informal prison leaders and pressured to stop and withdraw their request.

29. According to the information provided by the authorities after the visit, Section 206 of the Enforcement Code requires that the confidentiality of the requests lodged under that provision be respected, in order to ensure the personal safety of the persons concerned and to avoid any pressure on them to withdraw their requests.

30. At Chișinău Prison, persons segregated under Section 206 were held together in various cells. Material conditions in these cells were in principle the same as for the general prison population.

31. There were 16 cells on the first floor and nine cells in the basement.

32. For example, a cell measuring 9.5 m<sup>2</sup> (excluding the fully partitioned in-cell sanitary annexe) was accommodating three persons, a cell measuring some 12 m<sup>2</sup> was holding five persons and a cell measuring approximately 10 m<sup>2</sup> was holding three persons.

33. Although the regime offered to other persons held at Chișinău Prison was similarly restrictive, at Brănești and Cricova Prisons, the general prison population were not locked up in their dormitories and were free to move within the respective establishments (see paragraphs 48 and 50).



and rusty horizontal bars.<sup>34</sup> Moreover, in particular at Brănești Prison, these boxes measured only 6 to 9 m<sup>2</sup> and made any genuine outdoor exercise totally inconceivable.

31. Several persons interviewed at Brănești and Cricova Prisons stated that although they neither felt safe in the establishments, nor wished to abide by the informal rules, they did not request protection under Section 206 as they did not wish to remain confined to their cells for most of the day.

In addition, the delegation heard a few allegations that segregated persons who complained to staff of the conditions under which they were held in segregation, most notably of the poor regime, were threatened by staff that they would be placed in the general prison population against their will if they kept complaining.

32. Although persons held in prison were vaguely aware of the possibility of requesting protection under Section 206, they were not properly (or at all) informed upon their admission to prison of the option to request this measure. It is noteworthy that neither the information sheet on the rights and obligations of persons held in prison which was reportedly given to newly admitted persons, nor the sheet informing them of the potential consequences of engaging in illegal activities of criminal groups, contained any information to this end.<sup>35</sup>

33. According to the information provided by the authorities after the visit, it was planned that, by the end of 2023, the prison administration would transfer persons who have requested protection under Section 206 to separate living areas in three prisons (located in the north, south and the central part of the country) to ensure that they have “unrestricted access” to activities, while ensuring their segregation from the informal prison leaders.

#### *v. Staff*

34. The staffing situation in the three establishments visited, as well as in the prison system as a whole, remains a major challenge. According to the information provided by the Moldovan authorities, there was a total of 2 940 posts of various categories of staff in the prison system, of which 520 (that is, almost 18%) were vacant.<sup>36</sup> At Brănești Prison, 32 of 175 posts were vacant (18.3 %), at Chișinău Prison 76.5 of 289.5 posts (26.4 %) and at Cricova Prison, 34 of 119 posts (28.6 %).<sup>37</sup>

As a result, there was a lamentably small number of custodial staff present in detention areas in the three establishments visited. At Brănești Prison, there were five members of custodial staff deployed in the detention area who worked in a 24-hour shift and were reinforced by an additional 40 during the day from Monday to Friday. At Chișinău Prison, eight to nine members of custodial staff<sup>38</sup> were in a 24-hour shift every day and were reinforced from Monday to Friday between 08:00 and 17:00 by 50 to 60 staff members who were deployed in detention areas. Most strikingly, at Cricova Prison, only five members of custodial staff were deployed in detention areas at any given time and worked in a 24-hour shift.

It therefore continued to be the case that staff were not in a position to have effective control over the situation in the establishments visited and could neither be aware of, nor effectively intervene in instances of inter-prisoner violence.

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34. The boxes had metal bars on the top with some improvised protection against rain.

35. The former only contained a general statement that persons held in prison were entitled to personal safety.

36. Of these, 205 vacant posts could not be filled due to the 2019 Moratorium on filling vacant posts in public institutions.

37. It is recalled that, at the time of the visit, the establishments were holding 580 (Brănești), 816 (Chișinău) and 710 (Cricova) persons. At Brănești and Cricova Prisons, persons were accommodated in large capacity dormitories and were free to move within the establishments. Although Chișinău Prison provided cellular-type accommodation, the cells held up to 18 persons. The overall staff to prisoner ratio was 1:4 at Brănești Prison, 1:3.8 at Chișinău Prison and 1:8.4 at Cricova Prison.

38. According to the management, there should be at least between 12 and 14 members of custodial staff (and ideally 16 to cover each of the 16 observation posts in the establishment).

Further, as already emphasised in previous visit reports, the CPT considers that the pattern of 24-hour shifts will inevitably have a negative effect on professional standards; no one can perform in a satisfactory manner the difficult tasks expected of a prison officer for such a length of time.

#### *vi. Conclusions and recommendations*

35. As stressed in previous visit reports, the CPT considers that the continuing failure of the Moldovan authorities to ensure a safe and secure environment for persons held in prison is directly linked to a number of factors, most notably the chronic shortage of custodial staff, reliance on informal prisoner leaders to keep control over the inmate population and the existence of large-capacity dormitories. At the same time, there is no proper risk and needs assessment of persons upon their admission to prison, nor a classification of persons to identify in which prison, block or cell they should be placed. The increased vulnerability of some persons admitted in prison (such as persons accused or convicted of sex offences, LGBTQI+ persons, persons with mental health conditions or illicit drug use) clearly calls for the need to identify potential risks and vulnerabilities in order to prevent these persons from being subjected to violence and exploitation by other persons held in prison.

Resolving the problem of inter-prisoner violence and intimidation will require that the management and staff regain 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 persons held in prison 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. To this end, initial and ongoing training programmes for staff of all grades should be put in place and should include the issue of managing inter-prisoner violence.

Moreover, the existence of positive relations between staff and prisoners, based on notions of dynamic security<sup>39</sup> and care, is of utmost importance; such relations can help to overcome the habitual reluctance of victims (or witnesses) to denounce the perpetrators of inter-prisoner violence. In addition, it will be necessary to develop a daily regime offering persons held in prisons meaningful activities and facilitating their social reintegration (see the recommendation set out in paragraph 50).

36. In light of the above, **the CPT once again calls upon the Moldovan authorities to take resolute action, without further delay, to tackle the phenomenon of informal prisoner hierarchy and to prevent inter-prisoner violence and intimidation throughout the prison system. To this end, the Moldovan authorities should put in place a clear holistic strategy, with timelines for its implementation, which should include the following steps:**

- **putting an end to the practice of using informal prison leaders to maintain good order in prison; 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, as foreseen in the concept of the progressive system of enforcement of imprisonment sentences referred to in paragraph 13, will facilitate these efforts;**
- **depriving informal prison leaders and their close circles of the privileges which other prisoners do not enjoy, including as regards material conditions;**
- **depriving informal prison leaders of the possibility to access persons newly admitted to prison and perform their “caste designation”; in this context, it should be reiterated to prison staff that any staff member facilitating such contacts will be sanctioned;**

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39. Dynamic security is the development by staff of positive relationships with prisoners based on firmness and fairness, in combination with an understanding of their personal situation and any risk posed by individual prisoners (see Rule 51 of the European Prison Rules and paragraph 18.a of the Recommendation Rec (2003) 23 of the Committee of Ministers of the Council of Europe to member states on the management by prison administrations of life sentence and other long-term prisoners).

- **setting up effective recruitment and training for prison staff and ensuring continuous staff supervision (including at night) in detention areas. This will require significantly increasing the number of custodial staff. Steps should also be taken to abolish the 24-shift pattern for custodial staff;**
- **providing prisoner accommodation based on smaller living units;**
- **putting in place a system of appropriate risk and needs assessment, classification and allocation of individual persons held in prison with a view to ensuring that they are not exposed to other prisoners who may cause them harm (duly taking into account the risk certain persons held in prison may pose to other inmates by promoting or imposing the informal prisoner hierarchy);**
- **in particular, steps should be taken to ensure the management's full support for persons who are exposed to a particular risk of abuse by other persons held in prison (including persons accused or convicted of sex offences, LGBTQI+ persons, persons with mental health problems or illicit drug use) and those who do not (or no longer) wish to be involved in the informal prisoner hierarchy, including, if they so request, by being accommodated in separate living units (established to this end), ensuring adequate material conditions and regime, and the necessary supervision by staff.**

**The Committee would like to receive a copy of the strategy and be regularly informed, on a six-monthly basis, of the concrete steps taken to implement it and the results achieved.**

**Further, the Committee would like to be informed of the implementation of the plans to establish separate living units for persons requesting protection under Section 206 of the Enforcement Code, including as regards the concrete establishments in which these units have been or are planned to be set up.**

**37. As regards the situation of persons held in segregation from the general prison population under Section 206 of the Enforcement Code, the Committee recommends that the Moldovan authorities take steps to ensure that:**

- **every person newly admitted to prison is properly informed by staff, including in writing, of the possibility to request measures under Section 206 of the Enforcement Code;**
- **all requests for measures under Section 206 are treated as confidential by staff, in line with the relevant legislation; in this context, it should be reiterated to prison staff that revealing such information or enabling access of informal leaders or their close circles to persons requesting this measure is unacceptable and that any staff member doing so will be sanctioned accordingly;**
- **persons held in prison are not discouraged by staff from requesting such measures and are under no circumstances threatened by staff that they will be placed in the general prison population as an informal punishment for having exercised their right to complain to staff;**
- **acts of self-harm are no longer subjected to disciplinary punishment in prisons (and do not negatively influence the possibility of an early release from prison) and self-harming persons are not requested to pay for the healthcare provided to them.**

**38. Further, the CPT recommends that the Moldovan authorities continue their efforts to ensure that former disciplinary isolators are not used for accommodation of persons segregated under Section 206 of the Enforcement Code.**

For as long as these persons are accommodated in former disciplinary isolators,<sup>40</sup> **the CPT recommends that the Moldovan authorities take urgent steps to ensure that the accommodation areas for these persons have sufficient capacity and provide adequate material conditions and regime, in particular:**

- **every person accommodated in a multiple-occupancy cell should be provided at least 4 m<sup>2</sup> of living space (not counting the area taken by the in-cell sanitary facilities);**
- **in-cell sanitary facilities in multiple-occupancy cells should be fully partitioned;**
- **cells should enjoy good access to natural light.**

In addition, **the Moldovan authorities should explore how the very restrictive regime for these persons could be eased, for example by increasing the out-of-cell time available to them; in this context, steps should be taken to ensure that these persons are offered daily outdoor exercise in facilities which are sufficiently large to allow them to exert themselves physically (as opposed to pacing around an enclosed space or standing in a small box).**

### **3. Conditions of detention**

#### **a. material conditions**

39. The CPT noted the continuing efforts to carry out maintenance works at *Chişinău Prison* and to improve material conditions. According to the management, repairs had been done in approximately 120 to 130 (of 170) cells.<sup>41</sup> This concerned in particular increasing the size of cell windows, partitioning of in-cell sanitary annexes, provision of new beds and whitewashing the walls, most notably in the cells accommodating women. Further, between 2020 and 2021, the medical unit and the kitchen for persons held in prison were refurbished and two cells in the vicinity of the medical unit were adapted for persons with physical disabilities.

Despite these efforts, material conditions in the establishment remained poor, many cells still being dilapidated, dirty and poorly ventilated. The equipment in the cells was usually limited to beds and a table but there were normally no chairs, the storage space was insufficient and there were no call bells. In several multiple-occupancy cells, the in-cell sanitary facilities were in a poor state of repair and hygiene and were only partially partitioned. Several complaints were heard about infestation with insects and rats.

Moreover, many cells were overcrowded, providing only between 2 and 3 m<sup>2</sup> (and sometimes less than 2 m<sup>2</sup>) of living space per person. The situation in a number of other cells would be equally problematic if all available beds therein were occupied.

Particular reference should be made to several cells located in the basement of Block 2. In addition to displaying most of the aforementioned deficiencies, these cells were very narrow (approximately 1.7 m between opposite walls) and had virtually no access to natural light. During the 2020 visit, the CPT had requested that these cells either be enlarged, with a view to ensuring that there is a distance of at least two metres between the opposite walls, or withdrawn from service.<sup>42</sup> Although these cells were not occupied at the time of the 2022 visit, it became clear that they had been used until shortly prior to the visit and were also accommodating persons segregated under Section 206 of the Enforcement Code.

Pending the entry into service of the new prison (see paragraph 12), **the CPT once again recommends that the Moldovan authorities pursue their efforts to improve material conditions of detention in the current premises of Prison no. 13 in Chişinău. In particular, measures should be taken to ensure that:**

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40. Until separate smaller living units are established as soon as possible (as recommended above).

41. The capacity of the cells ranged from between two and 18 places.

42. This request also concerned similar cells located in the basement of Block 1 which, however, have been merged and enlarged in the meantime.

- **cell occupancy rates are reduced so that the cells provide at least 4 m<sup>2</sup> of living space per person in multiple-occupancy cells (not counting the area taken by the in-cell sanitary facilities);**
- **all cells are maintained in an adequate state of repair and hygiene and regular disinfestation of the premises is carried out;**
- **in-cell sanitary facilities in all multiple-occupancy cells are fully partitioned (that is, from floor to ceiling);**
- **narrow cells located in the basement of Block 2 are taken out of service as prisoner accommodation until they are enlarged and have adequate access to natural light.**

40. Material conditions at *Brănești and Cricova Prisons* in general were poor. Most persons were accommodated in large-capacity dormitories (of up to some 25 persons at Cricova and 70 at Brănești). Some persons in both establishments were held in smaller multiple-occupancy cells of various sizes and occupancy. While the dormitories/cells at Brănești Prison in principle provided sufficient living space for the number of persons which they were accommodating at the time of the visit,<sup>43</sup> many of those at Cricova Prison were overcrowded, sometimes providing only between 2.5 and 3.3 m<sup>2</sup> per person.<sup>44</sup> Moreover, in both establishments, the large-capacity dormitories provided no privacy and the bunkbeds, which were crammed together, were separated with makeshift partitioning made of blankets and sheets to give at least an impression of privacy.

Most cells/dormitories were dilapidated and in need of whitewashing and the equipment was usually limited to beds/bunkbeds and, at best, a table and a few chairs, but there was a lack of personal storage space. Further, artificial lighting in several dormitories in both establishments was very poor.

As was the case in the past, these deficiencies were most prominent in the dormitories accommodating persons regarded as “humiliated”.

**The CPT recommends that the Moldovan authorities take steps to ensure that, at Prison no. 4 in Cricova and Prison no. 18 in Brănești:**

- **every person held in a multiple-occupancy cell/dormitory is provided at least 4 m<sup>2</sup> of living space (not counting the area taken by the in-cell sanitary facilities, where applicable); persons held in prison should be fairly distributed throughout the available accommodation (see paragraph 43);**
- **cells and dormitories are kept in an adequate state of repair and are clean, suitably equipped and sufficiently lit.**

41. The communal toilets seen by the delegation at Brănești and Cricova Prisons were in an appalling state of repair and hygiene – these facilities were filthy, several floor level toilets were overflowing with human waste and emitted a foul stench.<sup>45</sup>

Further, at Brănești Prison, the capacity of these facilities was totally insufficient. For example, a block containing six floor level toilets served some 200 persons and only one floor level toilet (without any washbasin) was available for 40 persons held in a separate accommodation sector for houseworkers.

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43. For example, there were 43 persons in a dormitory measuring some 190 m<sup>2</sup> (which, however, contained 60 beds), nine persons in a cell measuring 36 m<sup>2</sup> and three persons in a cell measuring 13.5 m<sup>2</sup>.

44. For example, dormitories measuring 63 and 39 m<sup>2</sup> were holding 25 and 12 persons, respectively, and a cell measuring 21 m<sup>2</sup> was holding 8 persons.

45. On a more positive note, at Cricova Prison, communal toilets in residential zone 3 and the central shower room, which served the whole prison, have been renovated.

At the end of the visit, the delegation made an immediate observation pursuant to Article 8, paragraph 5, of the Convention and requested that the Moldovan authorities take steps to ensure that the state of repair and hygiene of communal toilets at Prisons no. 4 in Cricova and no. 18 in Brănești is reviewed and that the facilities are cleaned, refurbished and maintained in an adequate state of repair and hygiene.

By letter of 5 April 2023, the Moldovan authorities provided a response to the immediate observation. In particular, they stated that repairs of all sanitary facilities at Cricova Prison were planned for 2023. As regards Brănești Prison, plans to create sanitary facilities in accommodation buildings were being considered and their implementation will depend on the availability of sufficient funds. Indeed, such a response fails to alleviate the CPT's concerns concerning the appalling and totally unacceptable state of repair and hygiene of the sanitary facilities in the two establishments.

**The CPT recommends that the Moldovan authorities take steps, without further delay, to ensure that communal toilet facilities at Prisons no. 4 in Cricova and no. 18 in Brănești are cleaned, refurbished and maintained in an adequate state of repair and hygiene.**

42. In striking contrast with the conditions in which the majority of persons were held at Brănești and Cricova Prisons, certain privileged prisoners were dwelling in spacious rooms<sup>46</sup> or even small flats consisting of several rooms. Some of them were equipped with large double beds, sofas and armchairs, lockers, mirrors, kitchenettes with multi-drawer fridges, coffee machines and microwave ovens, large flat screen televisions, video game consoles, stereo systems with floor standing speakers, private sports equipment, washing machines and private sanitary facilities containing a sitting toilet, a shower and a hot-water boiler. They were decorated with carpets on the floor and paintings on the walls and contained large fish tanks.

The CPT must once again stress that it is the prison administration's responsibility to ensure that all persons are held in decent conditions. Giving certain persons free rein to exploit their wealth, and even more so the funds extorted from other persons held in prison (see paragraph 19 and footnote 25), to create distinctly better living conditions for themselves clearly goes against the objective of management and staff regaining control over prisons, establishing their authority and creating positive relations between staff and persons held in prison. Indeed, for other persons held in prison, seeing the "bosses" living a lavish life with all possible privileges and exclusive powers is a strong incentive to engage in the informal prisoner hierarchy and rise up the ranks by oppressing others.

**The CPT recommends that the Moldovan authorities take steps to ensure that all persons held in prison are treated equally and benefit from similar material conditions** (see also paragraph 38).

43. Persons held in the three prisons visited were neither provided with personal hygiene items (with the exception, in some cases, of a small piece of a soap), nor with cleaning products to keep their cells/dormitories and sanitary facilities in a reasonable state of hygiene. **The CPT reiterates its recommendation that steps be taken in the prisons visited (and, as appropriate, in other prisons in Moldova) to ensure that incarcerated persons are provided free of charge with adequate quantities of essential personal hygiene products (including sanitary towels for women) and cleaning products.**<sup>47</sup>

44. At Brănești Prison, the delegation met a prisoner in a wheelchair who was accommodated in a large dormitory, whose access was not adapted to his particular needs. Consequently, he could not move freely in and out of the dormitory and was completely reliant on another prisoner to carry him out of the dormitory whenever he needed to use the toilet, take a shower or wanted to spend time in the fresh air. While the CPT acknowledges that another prisoner was designated to help the wheelchair user and was paid for these services by the prison, the situation of the wheelchair user was totally unacceptable.

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46. For example, a room measuring approximately 15 m<sup>2</sup> was occupied by two persons and a room measuring 48 m<sup>2</sup> was accommodating eight persons.

47. See also the CPT's 30th General Report which contains a section entitled "A decency threshold for prisons – criteria for assessing conditions of detention" (CPT/Inf (2021) 5 – part).

At the end of the visit, the delegation made an immediate observation pursuant to Article 8, paragraph 5, of the Convention and requested that the Moldovan authorities take steps to ensure that the prisoner in a wheelchair held at Prison no. 18 in Brănești, as well as any other prisoner in a wheelchair in any other prison, is held in conditions which enable them to uphold their dignity. For example, with their consent, the person concerned could be moved to another room or establishment where they would be able to move freely in their wheelchair and to use the toilet and shower autonomously.

By letter of 5 April 2023, the Moldovan authorities provided a response to the immediate observation. In particular, they reiterated that an assistant had been hired to support the person concerned and to ensure that his basic needs were met. Further, the authorities informed the CPT that, by the end of 2023, measures would be taken at Brănești Prison to adapt the relevant accommodation sector/building to ensure access for persons in a wheelchair.

Such a response fails to sufficiently address the CPT's concerns as regards the situation of the person concerned, whose situation has apparently not changed since the visit. This is totally unacceptable.

The CPT must underline that it is well-established case-law of the European Court of Human Rights that "where the authorities decide to place and keep a disabled person in detention, they should demonstrate special care in guaranteeing such conditions as correspond to the special needs resulting from his disability".<sup>48</sup>

Furthermore, the Court has also held that detaining a "disabled person" in a prison where they cannot move around and, in particular, cannot leave their cell independently amounts to degrading treatment.<sup>49</sup> Similarly, the Court has found that leaving a person with a serious physical disability to rely on their cellmates for assistance with using the toilet, bathing and getting dressed or undressed contributes to its finding that the conditions of detention amount to degrading treatment.<sup>50</sup>

**The CPT recommends that the Moldovan authorities take immediate steps to ensure that the prisoner in a wheelchair held at Prison no. 18 in Brănești, as well as any other prisoner in a wheelchair in any other prison, is held in conditions which enable them to uphold their dignity, in particular to access the toilet and shower, as well as to move in and out of their dormitory, autonomously.**

b. regime

45. According to the information provided by the Moldovan authorities, a draft law was being prepared which would facilitate the provision by external companies of work to persons held in prison. It was expected that subsidies would be offered to these companies as an incentive to employ incarcerated persons and that the possibility of electronic monitoring of prisoners working outside prison would be introduced. **The CPT notes with interest these plans and would like to be informed of the adoption of the new legislation and its implementation.**

46. Nevertheless, at the time of the visit, the programme of regime activities offered to many prisoners remained impoverished.<sup>51</sup>

47. This concerns in particular the situation of adult remand prisoners at *Chișinău Prison*. Despite the recommendations repeatedly made in previous visit reports, the vast majority of these persons continued to be locked up in their cells for up to 23 hours per day, without being offered any out-of-cell

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48. See *Z.H. v. Hungary*, no. 28937/11, paragraph 29, 8 November 2012; *Jasinskis v. Latvia*, no. 45744/08, paragraph 59, 21 December 2010; and *Farbtuhs v. Latvia*, no. 4672/02, paragraph 56, 2 December 2004.

49. See *Vincent v. France*, no. 6253/03, paragraph 103, 24 October 2006.

50. See *Engel v. Hungary*, no. 46857/06, paragraphs 27 and 30, 20 May 2010.

51. See paragraph 31 as regards the regime offered to persons segregated under Section 206 of the Enforcement Code.

activities, apart from one or, at best, two hours of daily outdoor exercise, taken in small and dilapidated yards.

The CPT acknowledges that, given in particular major structural deficiencies in the establishment, as well as the occupancy levels and the lack of staff, providing persons held on remand at Chişinău Prison with a satisfactory programme of meaningful out-of-cell activities is practically impossible. **The Committee trusts that the imperative to provide all incarcerated persons, including those held on remand, with a programme of meaningful out-of-cell activities of varied nature will be duly taken into account in the planning and construction phase of the new facility (see paragraph 12).**

**In the meantime, the Committee recommends that the Moldovan authorities explore ways in which persons held on remand at Prison no. 13 in Chişinău could at least be offered more out-of-cell time, for example within their respective units.**

48. It is a matter of particular concern that juveniles held on remand in the establishment were subjected to a similarly impoverished regime. In addition to two hours of daily outdoor exercise, they were only offered access to a gym (up to one hour per day) and arbitrarily some educational and leisure activities, such as movie screening and drawing. None of the juveniles interviewed by the delegation participated in educational classes (although education was provided to some juveniles, according to the information provided to the delegation by the management of the establishment).

In the CPT's view, although a lack of purposeful activities is detrimental for any person held in prison, it is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation. Juveniles should be provided throughout the day with a full programme of education, sport, vocational training, recreation and other purposeful out-of-cell activities. Physical exercise should constitute an important part of the juveniles' daily programme.

More generally, the Committee wishes to express once again its misgivings as regards the policy of placing juveniles who are remanded in custody in prisons for adults. In its view, all juvenile prisoners, including those on remand, should be held in detention centres specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with young persons.<sup>52</sup>

This is particularly important given the prevalence of the informal prisoner hierarchy in prisons for adult male persons and the need to protect juveniles from exposure to this phenomenon.<sup>53</sup>

In light of these considerations and the findings of the visit, the delegation made an immediate observation pursuant to Article 8, paragraph 5, of the Convention at the end of the visit and requested that the Moldovan authorities take steps to ensure that juvenile remand prisoners held at Prison no. 13 in Chişinău are transferred to Goian Juvenile Prison.

After the visit, the Moldovan authorities informed the CPT that the transfer of juveniles held on remand at Prison no. 13 in Chişinău to Goian Juvenile Prison was expected to begin on 20 March 2023.

**The CPT would like to receive confirmation that all juveniles held on remand at Prison no. 13 in Chişinău have now been transferred to Goian Juvenile Prison.**

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52. See also the CPT's 24th General Report in which the Committee addressed the issue of juveniles deprived of their liberty (CPT/Inf (2015) 1 – part rev 1) and Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, adopted on 5 November 2008.

53. It is noteworthy in this context that during the visit carried out in 2020, the governor of Goian Juvenile Prison expressed concerns that, when arriving from the remand sections of prisons for adults, many juveniles were already "contaminated" by the concept of the informal prisoner hierarchy and stressed the importance of limiting their exposure to adult prisoners (see CPT/Inf (2020) 27, paragraph 61).



49. Sentenced persons held at *Brănești and Cricova Prisons* benefitted from an open-door regime and could move freely around the establishments. Some efforts were being made in both prisons to offer them work and a few other activities.

Of approximately 560 persons held at Brănești Prison, some 150 had a paid job (in a stone quarry, a shoe workshop or as houseworkers) and 140 were involved in unpaid work (such as cleaning communal areas and minor repairs), albeit for a maximum of two hours per day. They could also use a football pitch and a gym and borrow books from a prison library. However, no other activities were offered to persons held in this establishment.

At Cricova Prison, which held 710 persons at the time of the visit, 71 persons were employed as houseworkers or by external companies (recycling plastic, production of wood pellets, cobblestone and concrete, growing mushrooms and welding). A further 24 persons carried out unpaid cleaning of communal areas. Persons held in this establishment also had access to indoor and outdoor sports facilities (including a newly refurbished outdoor football pitch in residential area 2), a library and religious services. According to management, a few persons also participated in a computer class and psychosocial support programmes (for example, reduction of violence).

Nevertheless, the fact remains that a significant proportion of persons held at Brănești and Cricova Prisons were not engaged in any purposeful activity and idled their days away, sitting or wandering around and talking to other incarcerated persons.<sup>54</sup>

**The CPT recommends that the Moldovan authorities redouble their efforts to increase the number of persons held at Prisons no. 4 in Cricova and 18 in Brănești in organised activities. The aim should be to ensure that all persons held in prison (including those on remand) spend a reasonable part of the day (that is, eight hours or more) outside their cells and have equitable access to purposeful activities of a varied nature, such as work (preferably with vocational value), education, sport and recreation/association.**

#### 4. Healthcare services

50. Staffing levels for healthcare staff were low in all three establishments visited. It is particularly worrying that no general practitioner attended Brănești and Cricova Prisons. In spite of that, the CPT noted the efforts made by the current staff to provide good quality healthcare to persons held in prison as well as to carry out healthcare screening of newly admitted persons and to record and report injuries detected upon admission or during imprisonment.

51. At Chișinău Prison, the healthcare team comprised three general practitioners, ten nurses (“medical assistants”) covering together 8.5 full-time equivalents (FTEs), one psychiatrist and one half-time dentist.<sup>55</sup> One post of a pneumologist – TB specialist (“phtysiologist”), 0.5 FTE post of a nurse and 0.5 FTE post of a laboratory technician were vacant.

**The CPT recommends that the Moldovan authorities take steps to ensure that the vacant posts of a TB specialist, a nurse and a laboratory worker at Prison no. 13 in Chișinău are filled. Further, the CPT once again recommends that the number of nurses be increased.**

52. At Brănești Prison, the post of a general practitioner and the half-time post of a psychiatrist were vacant. Medical services were provided by a dentist (who worked for half-time in the establishment) and a team of three nurses (one additional post of a nurse was vacant, as was a half-time post of a pharmacist).

At Cricova Prison, there was a pharmacist (who was also in charge of the medical department), a half-time psychiatrist, a half-time dentist and three nurses (one additional post of a nurse was

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54. Although in both establishments there were rooms with billiard tables and some music equipment, these were by no means accessible to all prisoners but only to those allowed access by the informal leaders.

55. Several specialist doctors (for example, an ophthalmologist, a gynaecologist and a radiologist) visited the establishment on a part-time basis.

vacant). Due to the fact that the only post of a general practitioner had been vacant since 2013, general healthcare was provided by the pharmacist and the nurses.

Indeed, the current staff in both establishments were *de facto* obliged to assume responsibility for medical acts which were outside the scope of their professional competence and should be performed by a general practitioner.

**The CPT recommends that the Moldovan authorities give the highest priority to filling the vacant posts of general practitioners at Prisons no. 4 in Cricova and no. 18 in Brănești. As an immediate measure, consideration should be given to ensuring a regular presence of a GP in the establishments in cooperation with the local hospitals.**

Further, **steps should be taken to fill the vacant posts of nurses in both establishments and the posts of a psychiatrist and a pharmacist at Prison no. 18 in Brănești.**

53. As regards the recruitment of healthcare staff, it was brought to the attention of the CPT that graduates from medical faculties may be required to reimburse the cost of their studies if they join prison healthcare services (which do not formally belong to the public healthcare system). During the visit, the Moldovan authorities acknowledged this issue and indicated that joint consultations between the Ministries of Justice and Health, as well as of the Ministry of the Interior, were taking place with a view to finding a solution. **The CPT would like to be informed of the steps taken to address this issue.** (See also the remarks set out in paragraph 61).

54. On the whole, material conditions in medical facilities in the three prisons visited were adequate. It is also positive that they were equipped with an ECG machine and defibrillators. However, at Chișinău Prison, the defibrillator could not be located at the time of the visit and, at Brănești, the battery was low and the device could therefore not be readily used. Further, in none of the establishments visited was there medical oxygen. **The CPT recommends that these shortcomings be remedied.**

55. The initial medical screening of newly admitted persons was conducted shortly after admission and included a physical examination and systematic screening for TB.<sup>56</sup> Screening for transmissible diseases (such as syphilis, hepatitis B/C and HIV) was carried out on the basis of a clinical suspicion, in particular for persons newly entering the prison system.

56. As regards the recording of injuries (whether detected upon admission or later during imprisonment),<sup>57</sup> the medical files examined by the delegation contained a fairly detailed description of injuries, body charts and, in particular at Cricova Prison, photographs of injuries. It is also positive that, at Cricova Prison, the statement of the person concerned as to the origin of injuries was systematically recorded. However, this was not the case at Brănești and Chișinău Prisons.

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

- **the record drawn up after the medical examination of a person held in prison contains: (i) a full account of objective medical findings based on a thorough examination, (ii) an account of statements made by the person which are relevant to the medical examination (including their description of their state of health and any allegations of ill-treatment), and (iii) the healthcare 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 performed, detailed conclusions of specialised consultations and a description of treatment given for injuries and of any further procedures performed;**

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56. In addition to the TB screening upon admission, persons held in prison were systematically screened every six months (at Chișinău Prison) or annually (at Brănești and Cricova Prisons). Prisoners who tested positive were transferred to the TB ward of Pruncul Prison Hospital.

57. See paragraph 24 concerning the reporting of injuries to the prosecutor's office.

- any traumatic injuries observed in the course of medical examination are photographed in detail and that the photographs are kept, together with the “body charts”, in the person’s individual medical file;
- the results of every examination, including the above-mentioned statements and the healthcare professional’s conclusions, are made available to the person concerned and, upon their request, to their lawyer.<sup>58</sup>

57. As for the treatment of drug use, it is positive that needle exchange programmes were in place in the three prisons visited and that opioid agonist therapy (OAT) was available. However, OAT could only be prescribed by a psychiatrist; this arrangement led to delays of several days during which newly admitted persons might be exposed to withdrawal symptoms. **The CPT recommends that the Moldovan authorities take steps to ensure that opioid agonist therapy can be prescribed without delay upon admission to prison.**

58. Despite the recommendations repeatedly made in previous visit reports, medical confidentiality was still not respected at Chişinău Prison, where custodial staff remained systematically present during medical consultations of incarcerated persons with healthcare staff. It is particularly noteworthy that, according to the relevant records, this was so also in the case of alleged ill-treatment by staff referred to in paragraph 16. Indeed, under such circumstances, the presence of custodial staff may well deter persons held in prison from providing accounts of the origins of any injuries they have sustained (leaving aside the detrimental effect the presence of custodial staff may have on the doctor-patient relationship and medical confidentiality).

Further, whilst it is positive that dedicated letterboxes were available at Chişinău Prison to request a medical consultation, the delegation was informed that the requests had to be signed by the governor before they were given to healthcare staff. The CPT considers that all persons held in prison must be able to request and obtain a medical consultation in a confidential manner, without such requests being filtered or controlled in any way by non-healthcare staff.

**The CPT calls upon the Moldovan authorities to ensure that, at Prison no. 13 in Chişinău, all medical examinations of persons held in prison (whether upon arrival or at a later stage) are conducted out of the hearing and – unless the healthcare professional concerned requests otherwise in a particular case – out of the sight of custodial staff. Further, steps should be taken at Prison no. 13 in Chişinău to enable persons held in prison to contact the healthcare service on a confidential basis, that is, without the requests being seen by non-healthcare staff. The dedicated letterboxes for requests for medical consultations should be managed directly by healthcare staff.**

59. At Chişinău Prison, healthcare staff regularly wore custodial staff uniforms, including during medical consultations with incarcerated persons.

In the CPT view, such arrangements may easily compromise the perception of the professional independence of healthcare staff and may be detrimental to the therapeutic relationship between this category of staff and persons held in prison – their patients.

**The CPT recommends that the Moldovan authorities take steps to ensure that clothes worn by healthcare staff at Prison no. 13 in Chişinău are distinct from custodial staff uniforms, with a view to avoiding confusion about the respective roles of those two categories of staff and guaranteeing the perception of the professional independence of healthcare staff.**

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58. Reference is also made to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), revised version published in June 2022.

60. More generally, prison healthcare services continue to be subordinated to the Ministry of Justice; however, the Moldovan authorities informed the delegation that a transfer of responsibility to the Ministry of Health was being considered.

**The CPT notes in this regard that the policy trend in Europe has favoured prison healthcare services being placed, either to a great extent or entirely, under the responsibility of the Ministry of Health.<sup>59</sup> In principle, the CPT supports this trend. In particular, it is convinced that a greater participation of health ministries in this area (including as regards recruitment of healthcare staff, their in-service training, evaluation of clinical practice, certification and inspection) will facilitate the provision of good quality healthcare for persons held in prison, as well as implementation of the general principle of the equivalence of healthcare in prison with that in the wider community.**

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59. See also Rules 40.1 and 40.2 of the European Prison Rules and the Commentary to these rules.

## APPENDIX

### List of the national authorities and other bodies met by the delegation

#### A. National authorities

##### Ministry of Justice

Sergiu LITVINENCO	Minister of Justice
Nadejda BURCIU	State Secretary of Justice
Stela BRANIȘTE	Head of the International relations division, Ministry of Justice

##### National Prison Administration

Anatolie FALCA	Director
Alexandru ADAM	Deputy Director
Liuba JIGNEA-SUVEICA	Deputy Director
Andrei IVANOV	Head of the Prison Inspection Division
Alexandru CRUDU	Head of the Legal Division
Irina BARBÎROȘ	Head of the Medical Division
Mihail ROTARU	Head of the Analytical and Planning Division
Valentin BOTEZATU	Advisor, Cooperation and External Programmes Section
Andrei SARACUȚA	Director of Prison No. 3 in Chișinău
Vitalie FALCA	Director of Prison No. 4 in Cricova
Eugeniu SAVCA	Director of Prison No. 18 in Brănești

#### B. Office of the People's Advocate (Ombudsman) and representatives of the National Preventive Mechanism (NPM)

Ceslav PANICO	People's Advocate (Ombudsman)
Maia BĂNĂRESCU	Ombudsperson for the Protection of Children's Rights
Oxana GUMENNAIA	Deputy People's Advocate
Alexandru ZUBCO	Head of the Torture Prevention Division
Vadim AFTENE	Member of the NPM
Gheorghe BOSII	Member of the NPM
Iuliana CUREA	Member of the NPM
Olesea DORONCEANU	Member of the NPM
Ludmila MARANDICI	Member of the NPM