

Council of Europe contribution for the 40th UPR session (Oct-Nov 2021) regarding Republic of Moldova

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Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.

The CPT's report on the 2020 periodic visit to the Republic of Moldova:



During the 2020 periodic visit, the CPT's delegation examined the treatment and safeguards afforded to persons deprived of their liberty by the police, as well as the conditions of detention in three prisons for adult prisoners (Taraclia, Cahual and Chişinău). It also carried out a targeted follow-up visit to Goian Juvenile Prison. In addition, the delegation visited two psychiatric establishments (Chişinău Psychiatric Hospital and the forensic psychiatric expertise ward in Chişinău) and two temporary placement centres for persons with disabilities (TPCPD) in Bălţi and in Bădiceni.



Government response : not public

Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.

Following a visit to the Republic of Moldova from 9 to 13 March 2020, the Commissioner published on 25 June 2020 a [report](#), focusing on violence against women and domestic violence, children's rights, the human rights of persons with disabilities and Roma, hate speech and the rights to housing and health. The Commissioner has in particular urged the government to ensure a speedy ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), as well as to ensure that the public has accurate information about the true nature and scope of violence against women and domestic violence and the measures envisaged in the Istanbul Convention to respond to and prevent these phenomena. She also urged the authorities to expand the network of shelters and support services for victims of domestic violence and improve their access to justice.



While welcoming measures aimed at the de-institutionalisation of persons with intellectual or psychosocial disabilities, the Commissioner called for a more ambitious reform of mental health services, with the aim of progressively eliminating recourse to coercive practices in psychiatry, and ensuring that the implementation of the legal changes introducing assisted decision-making were accompanied by awareness raising measures for all those involved and monitored in close consultation with persons with disabilities and their associations.

With regard to children's rights, the Commissioner encouraged the authorities to move further away from practices of institutionalising children, including on the basis of poverty or disability; to expand alternative care models in family-type settings; and allocate more resources and support to guardians and foster care providers. The authorities should also improve access to social protection entitlements to guarantee the right of all children to an adequate standard of living; further strengthen the national framework for eliminating violence against children, including by encouraging a shift in attitudes in relation to corporal punishment; and promote child-friendly justice aiming at rehabilitation and integration. They should also provide accurate information about the need for immunisation and ensure that safe and high-quality vaccines are available.

As regards the situation of Roma, the Commissioner welcomed the expansion of the network of Roma community mediators. At the same time, she noted that substandard living conditions of Roma families and limited access to education, employment and healthcare, as well as persisting societal prejudices remained major obstacles hampering the successful inclusion of Roma in Moldovan society. She called on the authorities to strengthen their role and capacities and ensure adequate funding of Roma inclusion policies.

Noting that representatives of certain groups in society, in particular Roma, migrants, LGBTI persons, persons with intellectual and psychosocial disabilities and people living with HIV/AIDS often become the target of hate speech, the Commissioner urged the government to provide better protection against this phenomenon, notably by strengthening the legislation against hate speech and hate crimes and reinforcing the role of the Council for Preventing and Eliminating Discrimination and Ensuring Equality. She called on politicians and community leaders to promote respect for diversity and refrain from perpetuating existing stereotypes and using homophobic and sexist rhetoric, including in their political campaigns.

While recognising the existing financial constraints, the Commissioner recommended developing a plan of action to increase investments in social housing for all those in need. The authorities should also make progress in guaranteeing equitable and sustainable financing of the healthcare system by increasing the relevant budgetary allocations and improving the availability and accessibility of health services, including in rural areas, and by addressing the barriers which are preventing the most vulnerable and poor members of society from accessing necessary medical services.

The Commissioner's observations following her discussions in Tiraspol related to violence against women and domestic violence; the human rights of persons with disabilities; children's rights, inclusive education and the situation of the Latin-script schools; ensuring an enabling environment for civil society organisations; and social rights were presented in the Annex to the report.

Fight against racism and intolerance (ECRI)

The European Commission against Racism and Intolerance (ECRI) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language. It prepares reports and issues recommendations to member States, in which its findings, along

with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in five-year cycles. As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Conclusions on the Republic of Moldova (adopted on 30 March 2021 / published on 18 May 2021)



**ECRI_2021_18_Rep_of
_Moldova.pdf**

Fifth report on the Republic of Moldova (adopted on 20 June 2018 / published on 2 October 2018)



**ECRI_2018_34_Rep_of
_Moldova.pdf**

Steering Committee on Anti-Discrimination Diversity and Inclusion (CDADI)

Under the authority of the Committee of Ministers and bearing in mind the Council of Europe's legal standards, the jurisprudence of the European Court of Human Rights and the findings and recommendations of the relevant monitoring mechanisms, the CDADI steers the Council of Europe's intergovernmental work to promote equality for all and build more inclusive societies, offering effective protection from discrimination and hate and where diversity is respected. The work of the CDADI shall take into account the work of the European Commission against Racism and Intolerance (ECRI), without prejudice to the latter's mandate.

The CDADI advises the Committee of Ministers on all questions within its mandate, including preventing and combating hate speech and discrimination on the grounds covered by ECRI, with a particular focus on fighting anti-Gypsyism and improving the active participation and inclusion of Roma and Travellers in society, safeguarding the rights of persons belonging to national minorities and the use of regional or minority languages, and promoting intercultural integration.

The CDADI promotes and facilitates thematic exchanges and peer reviews of experience and good practice among Council of Europe member States to develop common policy responses, analyse implementation and fulfil any other task assigned to it by the Committee of Ministers.

Based on the study "COVID-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member states" adopted in 2020, Committee formed a working group with a task to compile promising and good practices and draft Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the COVID-19 and similar crises, together with an Explanatory memorandum, which were adopted by the Committee of Ministers on 5 May 2021.



**COVID-19_An analysis
of the anti-discriminal**



CM_2021_37_CDADLp
d1



CDADI Explanatory
memorandum.pdf

Protection of minorities

Framework Convention for the Protection of National Minorities

The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.

The Advisory Committee on the Framework Convention adopted the 4th Opinion in respect of the Republic of Moldova on 25 May 2016:



ACFC_OP_IV_2016_004
Rep_of_Moldova.pdf

European Charter for Regional or Minority Languages

The [Charter's monitoring procedure](#) is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. Since the entry into force, in July 2019, of the reform of the monitoring mechanism, the subsequent reports are presented at five-yearly intervals. A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.

n/a

Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM)

Following the High-Level meeting, intergovernmental work on Roma issues has been upgraded: on 16 February 2011 the Ministers Deputies adopted terms of reference for a new Committee of Experts (CAHROM) to be answerable directly to the Committee of Ministers. The [terms of reference](#) - which have been renewed by the Ministers Deputies for the years 2018-2019 - place emphasis on the analysis and evaluation of the implementation of national policies and thematic exchanges of experience and good practices. European Union institutions, international organisations, the European Roma and Travellers Forum and other relevant (Roma and Traveller) organisations are associated as observers to the CAHROM.

Action against trafficking in human beings (GRETA)

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.

The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

[GRETA evaluation report \(3rd evaluation round\)](#)



[GRETA_2020_11_Rep_ of_Moldova.pdf](#)

[Press release](#)

Preventing and combating violence against women and domestic violence (GREVIO)

The Council of Europe Convention on preventing and combating violence against women and Domestic violence ([Istanbul Convention](#), [CETS No. 210](#)) is the most far-reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond safer. Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the convention. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial.

The Council of Europe Istanbul Convention provides for two types of monitoring procedures:

1. a country-by-country evaluation procedure;
2. and a special inquiry procedure in exceptional cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention.

[GREVIO](#), the Group of Experts on Action against violence against women and domestic violence, is the independent body responsible for monitoring the implementation of CETS No. 210. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

n/a

Protection of children against sexual abuse (Lanzarote Convention)

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "[the Lanzarote Convention](#)", requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The "Lanzarote Committee" (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme. At the end of each round, the Lanzarote Committee adopts "implementation reports" which contain its assessment of the situation with respect to the monitored Parties.

The Republic of Moldova ratified the Lanzarote Convention on 12 March 2012 and it entered into force in its respect on 1 July 2012.

1st monitoring round on the "Protection of children against sexual abuse in the circle of trust"

This was carried out between 2013 and 2018 and focused on the protection of children against sexual abuse in the circle of trust. It led to the adoption of two implementation reports, one related to the [legal framework](#) and the other to the [strategies](#) to tackle the phenomenon.



Here are the information submitted by Republic of Moldova in the context of the 1st monitoring round:



The recommendations requiring Republic of Moldova to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round were as follows:

On the criminalisation of sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Urges** the Republic of Moldova to review its legislation to ensure effective protection of children from situations where abuse is made of a recognised position of influence (R1).
- **Considers** that the Republic of Moldovan legislation should clearly state that the offence of sexual abuse in the circle of trust is constituted even when the perpetrator does not use coercion, force or threats (R8).
- **Urges** the Republic of Moldova to review the wording of its legislation to avoid stigmatisation of sexual activities based on sexual orientation (R12).

On the collection of data on child sexual abuse in the circle of trust, the Lanzarote Committee:

- **Urges** the Republic of Moldova to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at national or local level and in collaboration with civil society, for the purpose of observing and evaluating in terms of quantitative data collection the phenomenon of the sexual exploitation and sexual abuse of children in general and child sexual abuse committed in the circle of trust, in particular (R13).
- **Considers** that the Republic of Moldova must set up a national or local system for recording case-based data for child sexual abuse in the circle of trust cases in the various sectors liable to come into contact with children victims in such instances; such administrative data collection systems should be implemented allowing to compare and cross-check the data thus collected at national level and avoid duplication (R15).

On the best interest of the child and child friendly criminal proceedings, the Lanzarote Committee:

- **Considers** that when sexual abuse is inflicted by someone in the child's circle of trust, the child victim is in a particularly delicate situation of having to report a crime made by someone who he or she trusted, respected and possibly loved. This situation which can create a serious disturbance on the child's family life and overall wellbeing, needs to be addressed specifically (R22).
- **Considers** that information and advice should be provided to child victims in a manner adapted to their age and maturity, in a language they understand, and which is gender and cultural sensitive (R23).
- **Considers** that the Republic of Moldova should address and encourage as much as possible the co-ordination and collaboration of the different players who intervene for and with the child victim during criminal proceedings. This comprehensive and interdisciplinary approach offers extra support to the child victim and in some cases, the possibility for intervention not to be delayed and appropriate support to be provided immediately after the disclosure (R24).
- **Considers** that, in the context of sexual abuse in the circle of trust, the removal of the victim from his or her family environment should be foreseen as a last resort procedure, which should be clearly defined, setting out the conditions for and duration of the removal (R27).

- **Considers** that interventions and measures which are taken in the context of domestic violence operate on a different modus operandi to those established in child sexual abuse cases. An explicit mention of sexual abuse should therefore be included in all protection measures with regard to domestic violence (R28).
- **Urges** the Republic of Moldova to take the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care (R30).

On child participation, the Lanzarote Committee:

- **Considers** that the Republic of Moldova should further encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual abuse of children in the circle of trust specifically (R1).

On the participation of civil society, the Lanzarote Committee:

- **Considers** that, if it has not yet done so, the Republic of Moldova should encourage the participation of the civil society in the elaboration and implementation of policies to prevent sexual abuse of children in the circle of trust also by providing financial support to them (R2).
- **Considers** that, if it has not yet done so, the Republic of Moldova should cooperate with civil society organizations engaged in assistance to victims and provide, by means of legislative or other measures, in accordance with the conditions provided for by internal law, the possibility to assist and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention (R3).

On raising awareness on sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Considers** that the possibility of sexual abuse of children occurring within the family should be explicitly addressed in awareness raising efforts, with the intent to prevent it (R7).

On awareness raising strategies on sexual abuse of children in the circle of trust, the Lanzarote Committee:

- **Considers** that awareness raising actions targeting children should be age appropriate and make use of interactive methods as well as of information and communication technologies (R8).
- **Considers** that awareness raising actions focused on the risks and realities of sexually abused children in the circle of trust should be continuous and systematic. Parties should envisage including these activities in their national action plans for children's rights (R9).

On education for children, the Lanzarote Committee:

- **Considers** that the Republic of Moldova should specifically address the issue of sexual abuse in the circle of trust in the information provided to children during primary and secondary education (R10).
- **Considers** that the Republic of Moldova should put more emphasis on adapting the information given to children to their evolving capacity, thereby making it age-appropriate (R11).
- **Considers** that the Republic of Moldova should provide information on the risks of sexual exploitation and abuse within the general context of sexuality education (R12).

- **Considers** that the Republic of Moldova should further involve parents (and adults exercising parental responsibilities) in the provision of information given to children on sexual abuse, including in the circle of trust (R13).

On specialised training, the Lanzarote Committee:

- **Considers** that, if it is not doing so yet, the Republic of Moldova should allocate adequate financial resources to the training of persons, units and services in charge of investigations as defined by Article 34§1 of the Lanzarote Convention (R15).

On reporting by any person, the Lanzarote Committee:

- **Considers** that the Republic of Moldova should introduce the necessary legislative or other measures, such as awareness raising campaigns, to encourage any person who knows about or suspects in good faith that a child is a victim of sexual exploitation or sexual abuse to report to the competent services (R18).

On ensuring that candidates for professions whose exercise implies regular contacts with children have not been convicted of acts of sexual exploitation or abuse of children, the Lanzarote Committee:

- **Urges** the Republic of Moldova extend mandatory screening to the recruitment of all professionals (public or private) in regular contact with children (R19).

On the denial of exercise of professional or voluntary activity involving contact with children, the Lanzarote Committee:

- **Urges** the Republic of Moldova to deny the perpetrator, temporarily or permanently, the exercise of the professional or voluntary activity involving contact with children in the course of which the offence was committed (R22).

On assisting person who fear they might commit sexual offences against children, the Lanzarote Committee:

- **Urges** the Republic of Moldova to put in place effective intervention programmes or measures for persons, including children, who fear they may offend to prevent the risk of offences being committed (R24).

On assisting offenders to prevent repeated offences of a sexual nature against children, the Lanzarote Committee:

- **Urges** the Republic of Moldova to put in place a tool or procedure to make an assessment of the dangerousness and possible risks of repetition of sexual offences against children (R26).
- **Urges** the Republic of Moldova to put in place a tool or procedure to evaluate the effectiveness of the intervention programmes or measures (R27).
- **Urges** the Republic of Moldova to put in place an offer dedicated to meet the developmental needs of children who sexually offend, including those who are below the age of criminal

responsibility with a view to providing them adapted programmes or measures so that they can be helped (R28).

On intervention or measures offered during the different stages of judicial proceedings, the Lanzarote Committee:

- **Urges** the Republic of Moldova to put in place effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed, in the pre-trial phase of the procedure (R29).
- **Urges** the Republic of Moldova to put in place effective intervention programmes or measures in prison (R31).
- **Considers** that if the Republic of Moldova has alternatives to imprisonment, it should ensure that intervention programmes and measures are in place (R32).

Urgent monitoring round on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”

To respond to the urgent migrant and refugee situation in Europe, the Lanzarote Committee decided in 2016 to address the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse through an urgent monitoring round. This resulted in a [special report](#) published in March 2017.



Lanzarote Convention special report.pdf

Here are the information submitted by Republic of Moldova in the context of this round:



T-ES_2017 ICT-Moldova.pdf

On victim identification, the Lanzarote Committee:

- **Considers** that the Republic of Moldova should put in place effective mechanisms for data collection with a specific focus on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse and review the possible removal of obstacles to the collection of such data, in particular, where they exist, legal restrictions to do so, with due respect for the requirements of personal data protection (R7).

On the distinction made between victims prior to the entry on territory and after entry, the Lanzarote Committee:

- **Considers** that, while providing adequate protection to child victims irrespective of where the exploitation/abuse occurred, the Republic of Moldova should do its utmost to be able to

distinguish between sexual exploitation and sexual abuse occurring prior to the entry of the child victim on its territory and after the entry (R11).

- **Considers** that the Republic of Moldova should fulfil obligations to prosecute the offenders and to provide international co-operation between the Parties in instances where the offence occurred prior to arrival on the territory for the purpose of investigation and prosecution (R12).

On the Parties' approach to protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that the Republic of Moldova should encourage the co-ordination and collaboration of the different actors who intervene for and with children affected by the refugee crisis to ensure that preventive measures in regards to protection from sexual exploitation and sexual abuse are in place and protective measures are taken as speedily as possible (R13).

On preventing children affected by the refugee crisis from being sexual exploited and sexually abused, the Lanzarote Committee:

- **Considers** that information and advice concerning prevention of and protection from sexual exploitation and sexual abuse should be provided to children affected by the refugee crisis in a manner adapted to their age and maturity, in a language they understand and which is sensitive to gender and culture (R15).
- **Considers** that the Republic of Moldova and other Parties to the Convention should exchange information on awareness raising activities which specifically focus on the risks faced by children affected by the refugee crisis with respect to sexual exploitation and sexual abuse (R17).
- **Urges** the Republic of Moldova, in line with Article 5 of the Convention, to effectively screen all persons who by their professions have regular contact with children affected by the refugee crisis for convictions of acts of sexual exploitation or sexual abuse of children in line with its internal law (R18).

On the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- Since examining the family situation is important where there are suspicions of child sexual exploitation or abuse, **urges** the Republic of Moldova to take the necessary measures to avoid risks that the child may be abused or exploited in case of family reunification (R27).
- **Considers** that the Republic of Moldova should ensure that its specific recommendations on the child-friendly handling of proceedings involving children victims of sexual abuse be implemented also in the context of proceedings involving children affected by the refugee crisis (R31).
- **Considers** that, if it has not yet done so, the Republic of Moldova should encourage and support the setting up of specific information services such as telephone or Internet helplines to child victims of sexual exploitation and sexual abuse affected by the refugee crisis as well as persons wishing to help them to provide advice in a language which is understandable to them (R32).

On co-operation in protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that the Republic of Moldova and other Parties to the Convention should agree on common strategies/procedures to effectively deal with the phenomenon of cross-border missing children (R35).

On data collection and coordination in protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, the Lanzarote Committee:

- **Considers** that the Republic of Moldova and other Parties to the Convention should reinforce or put in place a coordinated approach between the different agencies in charge in order to facilitate the prevention and protection of children affected by the refugee crisis from sexual exploitation and sexual abuse (R37).

Fight against corruption (GRECO)

The 'Group of States against Corruption' (GRECO) monitors all its 50 members through a peer review evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a "compliance procedure", assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report. GRECO has also an Ad hoc procedure for situations requiring urgent action.

The Republic of Moldova was evaluated in 2014 under the Fourth Evaluation Round on "Prevention of corruption in respect of members of parliament, judges and prosecutors. In its Second Compliance Report published in October 2020, GRECO applied its "non-compliance" procedure due to the low level of compliance with the recommendations.



**GRECO RCA 2020 9
Rep_of_Moldova.pdf**

The Republic of Moldova should undergo Fifth Round evaluation on "Preventing corruption and promoting integrity in central governments (top executive functions) in 2022.

Execution of judgments and decisions of the European Court of Human Rights

Statistical data

On 31 December 2020, there were 154 cases (173 cases on 31 December 2019) against the Republic of Moldova pending before the Committee of Ministers for supervision of their execution. Among these cases, 49 cases were "leading cases" evidencing different problems (53 leading cases on 31 December 2019) and 7 cases or groups of cases (7 on 31 December 2019) were examined by the CM under the enhanced supervision procedure (see below).

In 2020, the CM was concerned with 7 new leading cases (8 new leading cases in 2019) and 25 new repetitive cases (33 new repetitive cases in 2019). The overall amount of just satisfaction awarded was € 4 179 342 (€ 526 079 awarded in 2019). In 2020, 51 cases against the Republic of Moldova

were closed by the adoption of a Final Resolution (41 cases closed in 2019).

Main cases / groups of cases under the Committee of Ministers' supervision

1) Poor conditions of detention, lack of proper medical assistance in detention and absence of effective domestic remedies in both respects (I.D. case)



I.D. v. the Republic of Moldova.pdf

2) Various violations of the right to liberty and security (Sarban group)



SARBAN v. the Republic of Moldova

3) Extra-legal transfer from Moldova to Turkey (Ozdil and Others case);



OZDIL AND OTHERS v. the Republic of Mol

4) Ill-treatment, mostly by the police, and ineffective investigation (Levinta group);



LEVINTA v. the Republic of Moldova

5) Domestic violence by (ex-)husbands and fathers and discrimination on the basis of gender (by authorities) (T.M. and C.M. group);



T.M. AND C.M. v. the Republic of Moldova

6) Unjustified extension of time-limits for different types of appeal resulting in quashing of final domestic judgments (Popov no. 2 group);



POPOV v. the Republic of Moldova

7) Non-enforcement of domestic court decisions (Olaru group).



**OLARU v. the
Republic of Moldova**

For a more complete overview of the situation see the [Country Factsheet](#) and the Committee of Ministers' [Annual Reports](#) on its supervision activity (available on the website of the Department for the Execution of Judgments of the European Court of Human Rights). More detailed information on the status of execution in individual cases can be found through Hudoc-EXEC.



**ECHR Factsheet Rep
of Moldova.pdf**



**Supervision of the ju
dgements and decis**

Important cases closed in 2020 and 2019

In 2020, the Committee of Ministers decided, *inter alia*, to end the supervision of the execution of cases concerning the:

- unjustified interference due to the applicant's dismissal from the position of the Head of the Press Department of the Prosecutor General's Office after an incident of whistle-blowing and continued interference due to the applicant's second wrongful dismissal ten days following his reinstatement despite the ECHR's judgment in his favour (Guja, see Final Resolution);



**CASE OF GUJA
AGAINST THE REPUB**

- failure of authorities to ensure the applicant's access to this daughter in the light of the child's mother's resistance to his meetings with the child (Bittoun, see Final Resolution).



**CASE BITTOUN
AGAINST REP OF MOI**

In 2019, the Committee of Ministers *inter alia* ended its supervision of the execution of cases concerning the:

- unlawful banning of a demonstration to encourage laws for the protection of sexual minorities from discrimination and lack of clear reasons for the ban; lack of an effective remedy on account of the post-hoc character of the judicial remedy available and unjustified difference in treatment due to the authorities disapproval of the demonstrations considered to promote homosexuality (Genderdoc-M, see Final Resolution);



- unlawful detention pending trial on suspicion of having committed the offence of pimping on account of running an erotic video-chat business, as the legal provisions of the Criminal Code did not provide sufficient guidance and were not formulated with sufficient precision (Litschauer, see Final Resolution).



Social and Economic Rights (ECSR)

The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.



Venice Commission

The [European Commission for Democracy through Law](#) (Venice Commission) is the Council of Europe's advisory body on constitutional matters. It provides States and international organisations working with it (EU, OSCE/ODIHR) with legal advice in the form of opinions.

Since 2015, concerning the Republic of Moldova, the Commission adopted several Opinions regarding functioning of democratic institutions (parliament, judiciary, prosecutor's office, ombudsman) protection of fundamental rights and elections and political parties.

Functioning of democratic institutions

Parliament

1. Amicus curiae on three legal questions concerning the constitutional review of the **law-making procedures in Parliament** - CDL-AD(2021)016



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2. Opinion on the constitutional situation with particular reference to the **possibility of dissolving parliament** - CDL-AD(2019)012



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3. Opinion on the proposal by the President of the Republic to expand the **President's powers to dissolve Parliament** - CDL-AD(2017)014



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4. Joint opinion on the law for amending and completing certain legislative acts (**Electoral system for the election of Parliament**) - CDL-AD(2018)008



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5. Joint opinion on the draft laws on amending and completing certain legislative acts (**electoral system for the election of the Parliament**) - CDL-AD(2017)012



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Judiciary

1. Urgent joint Amicus Curiae Brief on three legal questions concerning the **mandate of members of Constitutional Bodies** - CDL-AD(2020)033



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2. Opinion on the law on amending and supplementing the Constitution (**Judiciary**) - CDL-AD(2018)003



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3. Urgent Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft law on amending the law No. 947/1996 on **Superior Council of Magistracy** - CDL-AD(2020)015



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4. Joint Opinion on the revised draft provisions on amending and supplementing the Constitution, with respect to the **Superior Council of Magistracy** - CDL-AD(2020)007



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5. Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft law on amending and supplementing the constitution with respect to the **Superior Council of Magistracy** - CDL-AD(2020)001



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6. Amicus Curiae brief on the **criminal liability of constitutional court judges** - CDL-AD(2019)028



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7. Amicus Curiae Brief for the Constitutional Court on the **Criminal liability of judges** - CDL-AD(2017)002



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8. Amicus Curiae Brief for the Constitutional Court on the **Right of Recourse by the State against Judges** - CDL-AD(2016)015



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Prosecutor's Office

1. Amicus Curiae Brief for the Constitutional Court of the Republic of Moldova on the amendments to the Law on the **Prosecutor's Office** - CDL-AD(2019)034



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2. Joint Interim Opinion of the Venice Commission and the Directorate of Human Rights (DHR) and Rule of Law (DGI) of the Council of Europe on the draft law on the reform of the **Supreme Court of Justice** and the **Prosecutor's Office** - CDL-AD(2019)020



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3. Joint Opinion on the draft Law on the **Prosecution Service** - CDL-AD(2015)005



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Ombudsman

1. Opinion on the draft Law amending some normative acts relating to the **People's Advocate** - CDL-AD(2021)017



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2. Opinion on proposed New Article 37 of the Law on the **People's Advocate** Finance Provisions - CDL-AD(2017)032



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3. Opinion on the Law on the **People's Advocate** (Ombudsman) of the Republic of Moldova - CDL-AD(2015)017



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Protection of fundamental rights

Security, terrorism and human rights

1. Opinion on the Law on **preventing and combating terrorism** - CDL-AD(2018)024



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2. Joint Opinion of the Venice Commission, the Directorate of information society and action against crime and of the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Draft Law n° 281 amending and completing Moldovan Legislation on the so-called "**Mandate of security**" - CDL-AD(2017)009



CDL_AD_2017_009_M
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3. Joint Opinion of the Venice Commission and of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Draft Law N°161 amending and completing Moldovan Legislation in the field of **Cybercrime** - CDL-AD(2016)039



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Fundamental freedoms

4. Opinion on the Draft Law on the modification of Article 42 of the Constitution of the Republic of Moldova regarding the **Freedom of Association** - CDL-AD(2018)007



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5. Opinion on the Draft Law on the **Ethno-Cultural Status of the District of Taraclia** - CDL-AD(2016)035



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Elections and political parties

1. Urgent joint opinion on the draft Law no. 263 amending the **Electoral Code**, the **Contravention Code** and the **Code of Audiovisual Media Services** - CDL-AD(2020)027



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2. Joint Opinion on the legal framework governing the **funding of political parties and electoral campaigns** - CDL-AD(2017)027



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3. Joint Opinion on the draft law on changes to the **electoral code** - CDL-AD(2016)021



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