

avocatul poporului
OMBUDSMAN

ALTERNATIVE REPORT

of the People's Advocate Office of the Republic of Moldova to the United Nations Committee against Torture on the Fourth Periodic Report of the Republic of Moldova

www.ombudsman.md

ALTERNATIVE REPORT

of the People's Advocate Office of the Republic of Moldova
to the United Nations Committee against Torture
on the Fourth Periodic Report of the Republic of Moldova (CAT/C/MDA/4)

85'th Session of the Committee against Torture
16 November – 4 December 2026
Geneva

Digitally signed by Panico Ceslav
Date: 2026.10.13 16:13:24 EEST
Reason: MoldSign Signature
Location: Moldova
MOLDOVA EUROPEANĂ

Ceslav PANICO,
People's Advocate (Ombudsman) of Republic of Moldova
President of the National Preventive Mechanism

Date: 16/10/2026

Executive Summary

The Republic of Moldova acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture, CAT) on 28 November 1995 and ratified its Optional Protocol (OPCAT) on 24 July 2006.[1] Since then, the State party has undertaken a series of legislative, institutional and justice-sector reforms aimed at strengthening human rights protection and the prevention of torture and other forms of ill-treatment.

By becoming a party to the Convention, the Republic of Moldova assumed the obligation not only to prohibit torture in law, but also to prevent torture and other cruel, inhuman or degrading treatment or punishment in practice. The prohibition is absolute and non-derogable and applies at all times and in all circumstances. It requires the State to establish effective safeguards against ill-treatment, prevent conditions and practices that create a risk of abuse, promptly and impartially investigate allegations, ensure accountability of perpetrators and provide victims with effective remedies and redress.[2]

These obligations are reinforced by Moldova's commitments under the International Covenant on Civil and Political Rights, the European Convention on Human Rights, OPCAT and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as by relevant international standards applicable to persons deprived of their liberty.[3] Under OPCAT, Moldova is additionally required to maintain an independent and effective National Preventive Mechanism, capable of regularly examining the treatment and conditions of persons deprived of their liberty and making recommendations aimed at preventing torture and ill-treatment.[4]

Over the successive reporting cycles, the Republic of Moldova has introduced important legal and institutional reforms in several areas covered by the Convention. The existence of legislation and formal safeguards, however, does not in itself demonstrate effective implementation. The decisive question is whether those safeguards operate effectively in practice and whether persons deprived of their liberty are genuinely protected against torture, ill-treatment, arbitrary restrictions, inadequate health care and ineffective investigation of abuse.

Accordingly, this alternative report assesses developments during 2021–2025 against the issues raised by the Committee in CAT/C/MDA/QPR/4, with particular attention to recommendations and

[1] United Nations Treaty Body Database, *Ratification Status for the Republic of Moldova*: Convention against Torture — accession, 28 November 1995; Optional Protocol to the Convention against Torture — ratification, 24 July 2006;

[2] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 1, 2, 12–14 and 16; Committee against Torture, General Comment No. 2, Implementation of Article 2 by States Parties, CAT/C/GC/2;

[3] International Covenant on Civil and Political Rights, art. 7; European Convention on Human Rights, art. 3; European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules);

[4] Optional Protocol to the Convention against Torture, arts. 3, 17–23;

concerns that have persisted from previous reporting cycles. Drawing on the monitoring activities of the People's Advocate Office and the Council for the Prevention of Torture, individual complaints, ex officio investigations, annual and thematic reports and information obtained from public authorities, the report identifies both progress achieved and areas in which implementation gaps remain between the applicable legal framework and practice.

The People's Advocate Office (PAO) *is the National Human Rights Institution of the Republic of Moldova and an autonomous public authority, institutionally, functionally, operationally and financially independent from public authorities. The PAO was re-accredited with A status by GANHRI in 2023, confirming its compliance with the Paris Principles.*[5] ***The People's Advocate (PA)*** *examines individual complaints and may act ex officio, issue recommendations for the restoration of violated rights, initiate judicial and constitutional proceedings, conduct human-rights monitoring and submit independent reports to international human-rights mechanisms. The People's Advocate also has direct access to places of detention and to medical, psychiatric and social-care institutions; complaints from persons in detention, psychiatric hospitals and temporary placement centres for persons with disabilities are not subject to censorship and must be transmitted to the Ombudsman within 24 hours.*[6]

Under Article 30 of Law No. 52/2014, ***the Council for the Prevention of Torture (CfPT)*** *is established within the institutional framework of the PAO as Moldova's National Preventive Mechanism (NPM) under OPCAT.*[7] *It comprises seven members* ***— the People's Advocate and the People's Advocate for Children's Rights*** *ex officio, and five representatives of civil society appointed for a non-renewable five-year term. The CfPT independently selects the places to be visited and persons to be interviewed and may conduct preventive and monitoring visits without prior notification or authorization. Its activities are supported by a specialised PAO unit and financed through a separate budget line within the PAO budget. The current NPM continues to operate through multidisciplinary monitoring, regular preventive visits and follow-up of recommendations.*[8]

---

[5] GANHRI Sub-Committee on Accreditation, *Report and Recommendations of the Second Session of 2023*, section 1.7, Moldova: Office of the People's Advocate — recommendation for re-accreditation with A status.

[6] Law No. 52/2014 on the People's Advocate (Ombudsman), arts. 16, 18–22 and 24; in particular art. 19(3) concerning uncensored complaints from persons in detention, psychiatric hospitals and temporary placement centres for persons with disabilities.

[7] Law No. 52/2014 on the People's Advocate (Ombudsman), art. 30(1); Optional Protocol to the Convention against Torture (OPCAT).

[8] Office of the People's Advocate, Annual Report on the Activity of the Council for the Prevention of Torture (National Preventive Mechanism) in 2023, pp. 8–10; CfPT preventive and monitoring reports, 2021–2026. https://ombudsman.md/en/reports/torture-prevention/the-council-for-the-torture-prevention-mnpt/

MAIN CHALLENGES

A. INITIATIVES TO ADJUST THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE PREVENTION AND COMBATING OF TORTURE

At the outset, we reiterate that the Ombudsman's observations concerning the shortcomings of the national legal and institutional framework for the prevention and combating of torture, as set out in the Annual Reports on the observance of human rights and fundamental freedoms for 2022, 2023, 2024 and 2025, remain valid.[9] *In concreto*, these include: defining inhuman and degrading treatment in criminal legislation; reviewing the legal framework governing the use of physical force, firearms and special means; improving safeguards for the protection of victims of torture held in detention; reviewing certain provisions of criminal legislation that may impede the imposition of penalties for torture; clarifying the categories of persons who may qualify as perpetrators of the offence of torture (e.g. teaching staff); strengthening the institutional capacities of the Prosecutor General's Office (PG) in combating torture; adjusting the institutional legal framework applicable to all law-enforcement bodies so as to include provisions prohibiting torture in the exercise of their functions; incorporating the prohibition of torture into the regulatory framework governing the activities of law-enforcement institutions; establishing accountability of private agencies for acts of torture occurring in the course of their activities; regulating the procedure for involuntary admission to psychiatric institutions; ensuring fair compensation for victims of torture; etc.

The Government has not initiated amendments to the national legal and institutional framework in these areas or, at the very least, public consultations. **In the opinion of the People's Advocate, amendments to the legal and institutional framework could substantially improve efforts to combat and prevent torture.**

B. FUNDAMENTAL LEGAL SAFEGUARDS FROM THE OUTSET OF DEPRIVATION OF LIBERTY (WITH REFERENCE TO THE ANDREI BRĂGUȚA CASE, 2017[10])

In its previous concluding observations, the Committee identified fundamental legal safeguards for persons deprived of their liberty as an issue requiring follow-up. **In CAT/C/MDA/QPR/4, paras. 2(a) and 2(c),** the Committee again requested information on the effective availability, from the outset of deprivation of liberty, of access to a lawyer, confidential and independent medical examination,

[9] Annual Reports section, 2023-2024 years: https://ombudsman.md/rapoarte/drepturile-omului/anuale/

[10] People's Advocate Office, *Special Report on the results of the ex officio investigation into the death in State custody of Andrei Brăguța*, Chișinău, 2017, published on the PAO website in 2019. https://ombudsman.md/post-document/raport-special-rezultatele-investigarii-din-oficiu-a-cazului-de-deces-in-custodia-statului-a-cetateanului-andrei-braguta-2019/

notification of family members, information on rights and charges, accurate registration of detention and transfers, and medical safeguards following the use of force or special means.[11]

The State party reported a number of procedural and infrastructural measures concerning access to legal assistance, medical examination, documentation of bodily injuries and detention registers.[12] PAO monitoring confirms that certain formal safeguards and recording procedures are in place. However, findings from the reporting period demonstrate that their effective and uniform application in practice remains incomplete.

A particular concern identified by the PAO relates to the earliest stage of contact with the police. In its **2022 *ex officio* investigation concerning allegations of torture at the Soroca Police Inspectorate**, the People's Advocate found that neither the applicable procedural legislation nor institutional regulations expressly ensure fundamental safeguards against abuse for persons brought under police control who have not yet been assigned a formal procedural status. This includes, inter alia, persons stopped or transported for questioning, summoned or brought to police premises, or otherwise subjected to police control. The PAO concluded that such persons remain particularly vulnerable to ill-treatment before formal procedural safeguards become operational.[13]

Throughout the reporting period, the PA has consistently highlighted in its annual reports the heightened vulnerability of certain persons in police custody and temporary detention facilities, including children, women, including pregnant women, persons with substance dependence, persons receiving opioid substitution treatment, persons living with HIV, persons with mental or psychosocial disabilities, and LGBTI persons[14]. PA monitoring has repeatedly stressed that these persons require individualised safeguards, appropriate medical and psychosocial assistance and, where applicable, uninterrupted continuity of essential treatment during detention.

A further ex officio investigation concerned t**he death of a detainee in the Chișinău Police Temporary Detention Facility on 23 September 2022[15]**. The PAO identified a number of systemic deficiencies in medical safeguards in police custody, including insufficient access to specialised medical assessment, lack of independence and accreditation of medical services, inadequate emergency preparedness, deficiencies in medical documentation and failures to ensure continuity of treatment for chronic

[11] Committee against Torture, *List of issues prior to submission of the fourth periodic report of the Republic of Moldova*, CAT/C/MDA/QPR/4, paras. 2(a) and 2(c).

[12] Republic of Moldova, *Fourth periodic report submitted under the simplified reporting procedure*, CAT/C/MDA/4, paras. 1–33.

[13] Available in Romanian only: People's Advocate Office, Special Report: Allegations of torture at the Soroca Police Inspectorate – Guțu and Covalciuc case, ex officio investigation No. 07-10/4 of 7 February 2022, available at: https://ombudsman.md/post-document/raport-special-alegatii-de-tortura-la-inspectoratul-de-politie-soroca-cazul-gutu-si-covalciuc-sesizarea-din-oficiu-nr-07-10-4-din-7-februarie-2022/

[14] Report on Addressing specific needs of the LGBTI population in pre-trial facilities and in prisons 2026.

[15] Available in Romanian: People's Advocate Office, *Special Report: Suspicious death in the Temporary Detention Facility of the Chișinău Police Directorate on 23 September 2022*, ex officio investigation No. 07-10/15 of 26 September 2022, examination concluded on 17 January 2023.

conditions. The PAO concluded that these systemic shortcomings were relevant to the circumstances surrounding the death and reiterated the need for effective implementation of earlier recommendations concerning health care and safeguards in police custody.

Medical safeguards also remain inconsistent. PAO monitoring of temporary detention facilities found that not all persons in police custody undergo a medical examination, examinations are not systematically conducted upon both admission and release, confidentiality of medical information is not consistently ensured, and medical staff are not available during the night. Deficiencies were also identified in medication management, medical premises and the maintenance of internal registers and medical records.[16]

The importance of effective medical screening and documentation is demonstrated by the information collected by the PAO in 2022. The Office received information concerning **245 persons admitted with injuries sustained prior to apprehension**, **38 cases of injuries reportedly caused by police officers to persons in police custody**, **and 3 cases of alleged ill-treatment by police officers**. At the same time, the PAO identified continuing confusion in the registration and reporting of allegations of abuse occurring during police detention.[17] These findings underline that medical examination must serve not only a therapeutic function, but also as an independent safeguard capable of promptly identifying, recording and triggering appropriate reporting of possible ill-treatment.

The PAO therefore considers that the Committee's recommendations concerning fundamental legal safeguards remain partially implemented. While the regulatory and infrastructural framework has improved, significant gaps persist in the practical availability of safeguards from the very first moment a person comes under police control, particularly for persons without a clearly established procedural status and those belonging to vulnerable groups, as well as in access to timely and confidential medical examination and the consistent documentation of bodily injuries.

C. ACCESS TO ADEQUATE HEALTH CARE IN PLACES OF DEPRIVATION OF LIBERTY

PAO special investigations conducted during the reporting period demonstrate that deficiencies in access to timely and appropriate medical assistance in police custody are not limited to the general organisation of medical services. In several individual cases involving deaths in custody or allegations of ill-treatment, the PAO identified failures concerning timely access to medical care, the quality and objectivity of medical examinations, continuity of treatment, emergency response, medical documentation and the professional independence of medical personnel.

[16] People's Advocate Office, *Annual Report on the Observance of Human Rights and Freedoms in the Republic of Moldova in 2022*;
[17] People's Advocate Office, *Annual Report on Human Rights and Freedoms in the Republic of Moldova in 2023;*

a) ***PAO Special Report on the suspicious death in the Temporary Detention Facility of the Chișinău Police Directorate****, concerning the death of a person in police custody on 23 September 2022.*[18]

b) ***PAO Special Report on the suspicious suicide in the Temporary Detention Facility of the Cimișlia Police Inspectorate****, transmitted to the competent authorities on 14 December 2023.*[19]

c) ***PAO Special Report on the suspicious death of a drug-dependent person detained by officers of the Chișinău Municipal Police****, 17 January 2024.*[20]

d) ***PAO Special Report on allegations of torture in connection with the forced collection of biological samples in a criminal case****, transmitted to the competent authorities on 27 December 2024.*[21]

* Interference with the independence of the People's Advocate in the exercise of its torture-prevention mandate

The examination and follow-up of two of these ex officio investigations also raised concerns regarding respect for the independence of the PAO in the exercise of its torture-prevention mandate. Following the Special Report concerning the suspicious suicide in the Cimișlia Police Temporary Detention Facility, the Head of the General Police Inspectorate formally expressed disagreement with certain findings and requested that the PAO amend the report and remove public communications concerning it. The People's Advocate considered this request to constitute interference with, and an attack on, the institutional independence of the Ombudsman and referred the matter to the Minister of Internal Affairs, while also informing the Prime Minister and Parliament.[22]

A similar concern arose following the PAO Special Report on the forced collection of biological samples in a criminal case. In response to the report's findings and recommendations, the Prosecutor General publicly criticised the PAO and, according to the People's Advocate, also sought modification of the

[18]Available in Romanian only:
https://ombudsman.md/post-document/raport-special-deces-dubios-in-izolatorul-de-detentie-provizorie-din-cadrul-directiei-de-politie-chisinau-23-septembrie-2022/

[19]Available in Romanian only:
https://ombudsman.md/post-document/raport-special-suicidul-dubios-in-izolatorul-de-detentie-provizorie-din-cadrul-inspectoratului-de-politie-cimislia-remis-autoritatilor-vizate-la-data-de-14-decembrie-2023/

[20]Available in Romanian only:
https://ombudsman.md/post-document/raport-special-deces-dubios-al-unei-persoane-drog-dependente-retinute-de-angajatii-politiei-municipiului-chisinau-17-ianuarie-2024/

[21]Available in Romanian only:
https://ombudsman.md/post-document/raport-special-alegatii-de-tortura-in-scopul-prelevarii-fortate-a-probelor-biologice-intr-o-cauza-penala-raportul-cu-recomandari-remis-autoritatilor-vizate-la-data-de-27-decembrie-2024/

[22] People's Advocate Office, *Reaction of the People's Advocate regarding interference with his activities and the undermining of guarantees of independence*, 23 January 2024, available in Romanian at:
https://ombudsman.md/reactia-avocatului-poporului-privind-imixtiunea-in-activitatea-sa-si-subminarea-garantiilor-de-independenta/

report. The People's Advocate characterised the accusations and public statements as an attempt at intimidation and pressure capable of influencing future human rights monitoring. The PAO subsequently announced that it would bring the matter to the attention of Parliament, the Superior Council of Prosecutors and relevant international institutions.[23]

Such reactions are of particular concern in the context of torture prevention, where the PAO must be able to examine individual cases, publish its findings and formulate recommendations independently and without institutional pressure.

Common systemic concerns identified by the PAO

1. Delayed or insufficient access to appropriate medical care and specialised assessment.
2. The cases examined by the PAO demonstrate recurring difficulties in ensuring prompt referral to appropriate medical specialists, particularly where detainees present symptoms of substance dependence, mental-health conditions, chronic diseases or other heightened vulnerabilities.
3. Insufficient professional independence of medical personnel in police custody.
4. Medical personnel working in temporary detention facilities remain institutionally linked to the police structure, creating risks of dual loyalty and raising concerns regarding the independence of medical assessments and decisions.
5. Deficiencies in medical screening, documentation and continuity of treatment.
6. PAO investigations identified shortcomings in initial medical screening, the recording of diagnoses and injuries, the maintenance of complete medical files, the collection of relevant medical history and the continuation of treatment for chronic conditions.
7. Insufficient preparedness for medical emergencies and vulnerable detainees.
8. The cases revealed gaps in emergency equipment, first-aid capacity and operational procedures for responding to persons with substance dependence, mental-health needs or rapidly deteriorating health conditions.
9. Weak external quality control and incomplete accreditation of medical services.
10. The PAO has repeatedly identified deficiencies in the accreditation, external supervision and quality assurance of medical services provided in police detention, limiting safeguards that should ensure standards equivalent to those available in the community.

Recommendations to the State Party:

[23] People's Advocate Office, *People's Advocate Ceslav Panico condemns the accusations and language used by the Prosecutor General in relation to the Ombudsman Institution*, 6 March 2025, available in Romanian at: https://ombudsman.md/avocatul-poporului-ceslav-panico-condamna-acuzatiile-si-limbajul-utilizat-de-procurorul-general-in-raport-cu-institutia-ombudsmanului/

A. **Ensure the effective implementation** of existing legal requirements on the registration and reporting of all cases of injuries, violence and alleged ill-treatment occurring during apprehension and police custody, in line with CPT standards and Joint Order No. 77/2013.[24]

B. **Ensure that all police subdivisions fully implement CPT recommendations** concerning medical examinations, particularly in cases involving allegations or indications of ill-treatment during apprehension or detention, including with regard to promptness, confidentiality and proper documentation.

C. **Strengthen measures to prevent and combat torture and ill-treatment within the police system**, including through effective internal prevention mechanisms, staff training, supervision and systematic follow-up to identified cases and recommendations.

D. **Guarantee prompt, confidential and professionally independent medical examination** of all persons deprived of liberty upon admission and release, whenever requested, and systematically following any use of force or special means, including outside normal working hours and during weekends.

E. **Ensure comprehensive and consistent documentation of bodily injuries and allegations of ill-treatment**, in accordance with the Istanbul Protocol, including the circumstances reported by the person concerned, objective medical findings and, where appropriate, photographic documentation, while preserving medical confidentiality.

F. **Ensure complete and reliable registration of detention-related information**, including apprehension, admission, release, transfer and the use and duration of force or special means, and address the outstanding issues concerning a central register of persons deprived of liberty and the use of visitors' registers for detained persons.

G. **Strengthen safeguards for persons in vulnerable situations, including persons with psychosocial or intellectual disabilities, persons affected by substance dependence and other persons** who may encounter difficulties in understanding or exercising their rights, and ensure that access to medical assistance, family notification and complaint mechanisms does not depend on their ability to advocate for themselves.

H. **Establish an effective mechanism for systematic follow-up to recommendations** issued by the People's Advocate and the National Preventive Mechanism concerning fundamental legal and medical safeguards in police custody.

D. OVERCROWDING AND MATERIAL CONDITIONS OF DETENTION

In **CAT/C/MDA/QPR/4, para. 9(a)–(c),** the Committee requested updated information on measures taken to address overcrowding and poor material conditions in penitentiary institutions, including

[24] Joint Order No. 77/2013. A revised Joint Order, No. OCPG119/251/2026 of 21 August 2026, was adopted in 2026 and is due to enter into force in 2027. Available at: https://www.legis.md/cautare/getResults?doc_id=156461&lang=ro

progress in renovating and reconstructing detention facilities, reducing the prison population and ensuring conditions compatible with international standards.[25]

In its fourth periodic report, the State party referred to a decrease in the overall prison population and to infrastructure and renovation measures. However, the information provided did not fully address the situation in all institutions specifically identified by the Committee or demonstrate that overcrowding and inadequate conditions had been sustainably eliminated in practice.[26]

PAO monitoring indicates that overcrowding remains a persistent structural problem and became more acute in several institutions during 2025. **As of 1 January 2026, the penitentiary system held 6,334 persons against an officially established capacity of 6,622 places**. Although the aggregate figures may suggest available capacity at system level, they conceal significant disparities between individual institutions. **Penitentiary No. 13 in Chișinău exceeded its established capacity by more than 325 persons, while Penitentiary No. 11 in Bălți exceeded its capacity by 173 persons.**

The persistence of overcrowding is linked not only to the physical capacity of the penitentiary estate but also to broader criminal-justice practices. **PAO monitoring indicates that the increase in the prison population in the most affected institutions is associated, inter alia, with the growing number of persons held in pre-trial detention and delays in the examination of criminal cases.** Consequently, infrastructure measures alone cannot provide a sustainable response to overcrowding unless accompanied by measures addressing the use and duration of pre-trial detention and delays in judicial proceedings.

Overcrowding must also be assessed together with the material conditions in which persons are detained. Where prison establishments operate above their actual accommodation capacity, existing deficiencies relating to personal living space, sanitary and hygienic conditions, ventilation, access to natural light, infrastructure, privacy and access to essential services are inevitably aggravated. **The PAO therefore considers that compliance should not be assessed solely by comparing the total number of prisoners with the overall official capacity of the penitentiary system, but by examining actual occupancy and living conditions at the level of each individual institution and detention space.**

On the basis of the information currently available, the PAO considers that the Committee's recommendations concerning overcrowding and material conditions of detention remain insufficiently implemented in the institutions most affected by overcrowding.

Long-standing delays in major penitentiary infrastructure projects continue to limit the State's capacity to address overcrowding in a sustainable manner. The project for a new penitentiary in

[25] Committee against Torture, List of issues prior to submission of the fourth periodic report of the Republic of Moldova, CAT/C/MDA/QPR/4, para. 9(a)–(c);

[26] Republic of Moldova, fourth periodic report submitted under the simplified reporting procedure, CAT/C/MDA/4, paras. 128–144;

Chișinău, intended to replace the current Penitentiary No. 13, dates back to 2014, when the implementation structure was established and the land for the facility was allocated. Despite repeated commitments over more than a decade, the new facility has not yet become operational. The project was subsequently redesigned, its planned capacity being reduced from 1,536 to 1,050 places, and its completion deadline was extended to the end of 2028. According to the Ministry of Justice's 2025 activity report, the integration of additional technical recommendations, procurement procedures and the actual commencement of construction works were planned for 2026, with construction expected to start only towards the end of the year. Moreover, in July 2026, the Ministry of Justice was still initiating amendments to the regulatory framework governing the project implementation unit. The continued delay is particularly significant given that the new facility is expressly intended to replace Penitentiary No. 13, currently one of the most overcrowded institutions in the country. **A similar pattern of prolonged implementation concerns the Bălți detention facility.** Construction of the 650-place facility was initiated in 2014 and was intended, inter alia, to improve detention conditions and alleviate overcrowding in the northern part of the country. Although the first stage of construction was reported as approximately 90 % completed already in 2022, the second stage remained pending for several years.

The PAO considers that the construction of new penitentiary facilities may provide a necessary short- and medium-term response to overcrowding and inadequate material conditions, but it should not be regarded as a sustainable or progressive solution to reducing the overall use of detention. Increasing prison capacity, without simultaneously addressing the excessive or prolonged use of pre-trial detention, delays in criminal proceedings and the insufficient use of non-custodial measures, risks merely absorbing existing overcrowding rather than reducing the structural reliance on deprivation of liberty.

Recommendations to the State party:

I. **Adopt and implement a comprehensive and measurable strategy to reduce overcrowding in pre-trial detention,** with particular attention to Penitentiary No. 13 in Chișinău and Penitentiary No. 11 in Bălți, including through measures aimed at reducing reliance on and the duration of pre-trial detention.

J. **Increase the effective use of alternatives** to pre-trial detention and imprisonment and address excessive duration of pre-trial detention and delays in criminal proceedings that contribute to overcrowding.

K. **Ensure that prison capacity** is assessed on the basis of actual usable accommodation and the minimum personal living space available to each detainee, rather than exclusively through aggregate system-wide capacity figures.

L. **Continue the renovation** and reconstruction of penitentiary infrastructure and ensure adequate personal living space, sanitation, ventilation, natural and artificial light, heating, privacy and other basic material conditions in accordance with international standards.

M. **Establish regular institution-by-institution monitoring** of occupancy levels and material conditions, publish disaggregated data and take prompt corrective measures whenever the established capacity or minimum accommodation standards are exceeded.

Conditions and safeguards in military units

PAO monitoring has also identified persistent concerns regarding living conditions and safeguards against ill-treatment in military units. Follow-up visits conducted in 2023 identified inadequate accommodation and rest areas, outdated medical equipment, insufficient medical personnel, inadequate nutrition, weak psychological support, ineffective protection and complaint mechanisms, failures to document injuries, discriminatory practices and particular vulnerability of conscripts with low adaptability or diverse sexual orientation.[27] In 2024, a preventive visit to the "Dacia" Motorised Infantry Brigade in Cahul again identified inadequate accommodation, hygiene and safety conditions, degrading conditions in the canteen, insufficient recreation and psychological counselling, the absence of an effective complaints mechanism and failures to properly record and report suspicious injuries.[28] These concerns were reinforced by the PAO's *ex officio* investigation into the death of a serviceman at the same unit in April 2024, which identified deficiencies in recruitment, medical and psychological assessment, injury documentation and investigation.[29]

Recommendations to the State party:

N. **Ensure that all injuries, trauma, deaths, suicide attempts, suicides and other serious incidents occurring during military service are promptly recorded, reported and effectively investigated**, including through immediate notification of the competent prosecutor where there are indications of violence or ill-treatment, and ensure accountability for those responsible.

[27] People's Advocate Office, Annual Report on Human Rights and Freedoms in the Republic of Moldova in 2023, Chapter III, Item 9, pp. 139–140.

[28] People's Advocate Office, *Annual Report on Human Rights and Freedoms in the Republic of Moldova in 2024*, Chapter III, Item 3.8, pp. 196–197.

[29] People's Advocate Office, *Special Report: Suspicious Death in the National Army*, 2024; see also the PAO preventive visit report concerning the "Dacia" Motorised Infantry Brigade, Cahul, 16 April 2024. https://ombudsman.md/post-document/raport-special-deces-suspect-in-armata-nationala-cazul-c-s-c-ministerul-apararii-al-republicii-moldova-remis-autoritatilor-vizate-la-data-de-17-ianuarie-2025/

O. **Strengthen safeguards against abuse in military units,** including effective, safe and confidential mechanisms for reporting abuse and protecting military personnel who make complaints or disclosures, as well as access to independent psychological support.

P. **Establish and ensure the effective functioning of an independent, confidential and accessible complaints mechanism within the military system**, independent of the chain of command, enabling conscripts and contracted military personnel to safely report abuse, violence, ill-treatment and other human rights violations without fear of reprisals, and ensuring prompt examination and effective follow-up of complaints.

Q. **Ensure that the PAO is promptly informed of all deaths,** suicide attempts, suicides, acts of violence, injuries, trauma and hazing involving military personnel, including the circumstances of the incident and the measures taken by the military authorities, and ensure that medical personnel systematically document and report injuries.

E. REPORTING AND COMPLAINT MECHANISMS

In CAT/C/MDA/QPR/4, para. 12(a)–(e), the Committee requested updated information concerning the investigation of allegations of torture and ill-treatment, measures to combat impunity, mechanisms for reporting and lodging complaints, and safeguards against intimidation or reprisals. The State party reported a range of measures concerning criminal investigations, reporting procedures and petition mechanisms. However, PAO monitoring indicates that important challenges remain regarding the effective operation of reporting mechanisms, the accessibility and independence of complaint procedures, and the protection of persons who report or complain about alleged ill-treatment.

At the time of writing, Joint Order No. 77/2013[30] continues to constitute one of the principal mechanisms for identifying, registering and reporting suspected cases of torture and ill-treatment to prosecution authorities. While the mechanism provides an important formal safeguard, the PAO has repeatedly identified limitations concerning the scope of persons and institutions subject to mandatory reporting obligations and has advocated for broader and more coherent reporting arrangements, including notification of the People's Advocate Office and, where appropriate, other competent authorities.

In August 2026, a new interinstitutional Joint Order was adopted, replacing the 2013 framework and introducing a revised procedure for the identification, examination, registration, documentation and reporting of alleged torture, inhuman or degrading treatment; the new framework is due to become

[30] Joint Order of the Prosecutor General **No. 77/2013**, Minister of Justice No. 572/2013, Ministry of Internal Affairs No. 408/2013, General Director of the Customs Service No. 639-o/2013, National Anticorruption Centre No. 197/2013 and Ministry of Health No. 1589/2013 of 31 December 2013, approving the *Regulation on the procedure for identifying, registering and reporting alleged cases of torture, inhuman or degrading treatment*. Under the 2013 framework, overall control over compliance with the legislation and implementation of the Joint Order was assigned to the Prosecutor General's Office.

applicable in 2027.[31] The PAO notes that, compared with the 2013 mechanism, under which overall control over implementation was expressly assigned to the Prosecutor General's Office, the revised framework distributes responsibilities more broadly among the participating institutions. While strengthened interinstitutional cooperation is necessary, the PAO is concerned that the revised arrangement may weaken the clearly defined central role of the prosecution authorities in the collection, consolidation and oversight of information concerning allegations of torture and ill-treatment. This may further complicate the development of coherent national data and effective institutional follow-up.

The existence of a formal complaint's procedure does not necessarily ensure that it is accessible in practice. PAO monitoring indicates that complaint mechanisms are formally available in most places of deprivation of liberty, but their effective use remains particularly difficult for persons who are unable to formulate or submit complaints independently. **This concern is especially relevant in psychiatric institutions and residential care facilities**, where reliance on institutional staff for transmitting allegations may not always provide an independent, confidential and safe reporting channel.

PAO special investigations have also identified failures by residential-care staff to report serious allegations of sexual violence. In two cases examined by the PAO[32], the alleged rapes were not reported by the institution itself: in one case, the allegation was brought to the attention of the authorities by the victim's relatives, while in the other the beneficiary left the centre in order to make a telephone call outside the institution and report the incident directly to the police. These cases illustrate the practical barriers faced by persons with disabilities in accessing independent and confidential reporting channels.

The PAO remains concerned about the institutional weakening of the prosecutorial mechanism for combating torture following the prosecution reform of 2016–2017. Following the adoption of Law No. 3/2016 on the Prosecution Service, anti-torture prosecutorial powers were reduced, including through the removal of legality-review functions. In the same reform context, the specialised Anti-Torture Bureau was incorporated into the Prosecutor's Office for Combating Organized Crime and Special Cases (PCCOCS). Given the gravity and complexity of torture investigations, the institutional

[31] Joint Order of the Prosecutor General, Ministry of Justice, Ministry of Internal Affairs, Ministry of Health, Ministry of Labour and Social Protection, National Anticorruption Centre and Customs Service No.**119/251/398/669/277/47/357-O of 21 August 2026**, approving the *Regulation on the procedure for identifying, examining, registering, documenting and reporting cases of alleged torture, inhuman or degrading treatment*, published in the Official Gazette No. 466–469 of 22 September 2026, item 798; available at: https://www.legis.md/cautare/getResults?doc_id=156461&lang=ro

[32] People's Advocate Office, *Special Report: Failure to protect residents against sexual abuse at a residential placement centre*, examination of the complaint concluded on 4 December 2023, available in RO

role of this mechanism should be strengthened rather than diminished, including through adequate, stable and protected human and financial resources.

Available prosecution data for 2023–2025 continue to raise concerns regarding the effectiveness of the response to allegations of torture and ill-treatment. In 2023, the Prosecutor General's Office registered and examined **397 complaints** concerning alleged ill-treatment. Criminal proceedings were initiated in **79 cases**, while **318 complaints resulted in decisions refusing to initiate criminal proceedings**. Prosecutors handled **203 criminal cases**, including 112 carried over from 2022; prosecution was completed in only **46 cases**, **21 cases were sent to court**, and 26 were discontinued or closed. The PAO noted that the 21 cases sent to court represented only **5.28% of the complaints registered**, while more than **80% of complaints had not resulted in criminal prosecution**.

In 2025, the Prosecutor General's Office registered 299 complaints, including 278 allegations of inhuman or degrading treatment and 10 allegations of torture. The overall number of criminal cases initiated decreased to 76, compared with 83 in 2024 and 79 in 2023. Prosecutors also received 2,035 information reports concerning the use of force, special means, firearms or detected bodily injuries. These included 930 reports from police inspectorates, 218 from temporary detention facilities, 429 from penitentiary institutions, 23 from psychiatric hospitals and 16 from medical institutions. Of the 2,035 reports, only 60 resulted in criminal proceedings, while 1,939 were closed by reasoned notes and 36 were referred according to competence.

Judicial and prosecutorial outcomes also remain limited. In 2025, 21 criminal cases were sent to court, including 17 concerning inhuman or degrading treatment and one concerning torture; 37 criminal cases were closed because no offence or constituent elements of an offence were established, six were terminated on other grounds and 14 were suspended. As of 1 January 2026, 200 criminal cases remained pending.

The PAO considers that these figures must be assessed together with continuing institutional weaknesses in the anti-torture prosecution mechanism. In 2023, the Anti-Torture Bureau operated with only three delegated prosecutors, while the competition for appointment of its head had failed. In 2024, 54 prosecutors were formally designated to examine torture and ill-treatment cases. Following the territorial reorganisation of the prosecution service in April 2025, which reduced the number of territorial prosecution offices from 36 to 14, each territorial office was assigned one prosecutor responsible for torture cases and one substitute. Nevertheless, the PAO continued to identify institutional instability, secondments, the assignment of additional complex duties and insufficient guarantees of professional autonomy and independence as risks capable of reducing the effectiveness of investigations.

A further concern is that the available statistics do not provide a complete picture of the phenomenon. The PAO has repeatedly identified fragmented institutional databases, insufficient

exchange of information and the absence of a unified system for recording and following up allegations of torture and ill-treatment. In 2025, the Prosecutor General's Office itself acknowledged that official statistics cover only formally reported and registered cases and may substantially underestimate the actual scale of ill-treatment because incidents remain unreported due to victims' fear and deficiencies in identification and reporting mechanisms.

PAO collected data from PG/PCCOCS	2023	2024	2025
Complaints/allegations registered	397	↓ 319	↓ 299
Criminal cases initiated	79	↑ 83	↓ 76
Allegations expressly classified as torture	4	↑ 7	↑ 10
Joint Order No. 77 information reports	—	2,644	↓ 2,035
Criminal proceedings resulting from those reports	—	115	↓ 60
Reports closed by reasoned notes	—	2,186	1,939
Share of information reports closed by reasoned notes	—	82.7%	↑ 95.3%
Share resulting in criminal proceedings	—	4.3%	↓ 2.9%
Cases sent to court	21	—	21

Recommendations to the State party:

R. **Adopt and implement a comprehensive and measurable strategy to reduce prison overcrowding,** based on actual institution- and cell-level occupancy rather than aggregate national capacity alone, and addressing the unequal distribution of detainees and prisoners, including overcrowding linked to informal prisoner hierarchies and criminal subculture.

S. **Strengthen the specialised** anti-torture prosecutorial mechanism by ensuring that prosecutors assigned to torture and ill-treatment cases are effectively specialised, institutionally independent and not routinely assigned to unrelated criminal cases, and by providing the mechanism with sufficient human and financial resources to investigate such allegations promptly and effectively.

F. PROTECTION OF REFUGEES, ASYLUM SEEKERS AND OTHER FOREIGNERS

In CAT/C/MDA/QPR/4, para. 7, the Committee requested updated information on measures to ensure rapid and equitable access to individualized refugee status determination procedures, prompt information on the right to seek asylum, the avoidance of detention of asylum seekers, the use of immigration detention only as a measure of last resort, and full respect for the principle of non-refoulement. The Committee also requested information on mechanisms for the early identification, treatment, counselling, assistance and protection of asylum seekers, refugees and stateless persons who are survivors of torture, sexual or gender-based violence, or domestic violence.

The large-scale displacement caused by the war in Ukraine fundamentally changed the migration and asylum context in the Republic of Moldova. Since February 2022, the State has developed an extensive emergency and protection response, including temporary protection arrangements, reception and accommodation mechanisms and measures aimed at strengthening migration and asylum administration. The PAO acknowledges the substantial institutional efforts undertaken during this period and the gradual development of a more structured system of protection. Nevertheless, the transition from an emergency-based response to a sustainable migration, asylum and integration framework remains incomplete, with continuing challenges concerning legal certainty, institutional capacity, coordination, access to services and the sustainability of protection mechanisms.

Against this background, from 2022 onwards the PAO assumed a continuous and specialised independent monitoring and protection role in relation to refugees, asylum seekers, beneficiaries of international protection, stateless persons and other foreigners. Its monitoring covered access to international protection and asylum procedures, border procedures, reception and accommodation, health and social protection, statelessness, administrative detention, return procedures and the implementation of migration and integration policies. Between 2022 and 2025, the PAO issued 14 monitoring and thematic reports [33] [34] containing 263 recommendations to the competent authorities. With the continuation of this work in 2026, the total reached 18 reports and 450 recommendations. In parallel, the PAO produced 36 visit reports during 2022–2026[35], including 16

[33] Thematic report: Respect for Human Rights in Temporary Placement Centres for Displaced Persons from Other Countries (evolution of accommodation policies and practices in 2022 – 2025) https://ombudsman.md/en/post-document/thematic-report-respect-for-human-rights-in-temporary-placement-centres-for-displaced-persons-from-other-countries-evolution-of-accommodation-policies-and-practices-in-2022-2025-2/

[34] Thematic report: Ensuring access for persons in need of international protection at the Air Border Crossing Point of the Republic of Moldova (situation of 2024) https://ombudsman.md/en/post-document/thematic-report-ensuring-access-for-persons-in-need-of-international-protection-at-the-air-border-crossing-point-of-the-republic-of-moldova-situation-of-2024-2/

[35] Most of the PAO reports listed on this page are available in Romanian only. The reports available in English are indicated above. The full list of reports may be accessed at: https://ombudsman.md/en/reports/rights-of-foreigners/

reports concerning the monitoring of forced-return operations[36], reflecting increasingly systematic independent scrutiny of return practices.

Access to the asylum procedure and information at the border remained a recurrent focus of PAO monitoring. The PAO called for unconditional access to the asylum procedure, including for persons without travel documents, and for the discontinuation of practices whereby border officials effectively filtered asylum claims before their referral to the competent migration authority. It stressed that the Border Police should register the expressed intention to seek asylum rather than assess the admissibility or credibility of the claim, and recommended a mandatory and standardised referral mechanism between the Border Police and the General Inspectorate for Migration, including in the sterile zone of Chișinău International Airport. The PAO also repeatedly recommended that information on the right to seek asylum, legal assistance and available complaint mechanisms be clearly displayed at border-crossing points and provided in languages accessible to foreign nationals. More recent monitoring continued to identify the need for rapid transfer of asylum seekers from border facilities to the migration authorities without unjustified delays.

Immigration detention remains an area requiring further safeguards. In its monitoring of the Temporary Placement Centre for Foreigners, the PAO recommended amendment of Law No. 200/2010 to introduce alternatives to public custody and administrative detention and to ensure the release of asylum seekers from public custody upon submission of an asylum application. At border facilities, the PAO has further stressed that holding foreign nationals must be strictly necessary, used only as a measure of last resort and limited to the legally permitted period. Border Police facilities unable to ensure dignified conditions should not be used to accommodate asylum seekers, particularly overnight.

The PAO has also identified the need to strengthen safeguards against refoulement in practice. It recommended that an assessment of the risk of *non-refoulement* become a mandatory element of decisions preceding return and that no asylum seeker be returned before the competent migration authority has effectively examined the protection claim, including in cases involving irregular entry or rapid return by air. The expansion of PAO monitoring of forced-return operations — from one monitored operation in each of 2022 and 2023 to six in each of 2024 and 2025, followed by two in 2026 — has strengthened independent scrutiny of this safeguard.

Finally, mechanisms for the early identification and referral of particularly vulnerable asylum seekers remain insufficiently operationalised. PAO monitoring has highlighted the need for formal referral arrangements between the migration authorities, health authorities, social services and specialised institutions for persons with disabilities, victims of trafficking, persons with psychosocial or

[36] Of the 16 PAO monitoring reports concerning forced-return operations issued during 2022–2026, only one is currently available in English. It may be accessed at: https://ombudsman.md/en/post-document/monitoring-report-of-forced-return-operation-3/ The remaining 15 reports are available in Romanian only.

intellectual disabilities, and persons who have survived torture, rape, serious psychological, physical or sexual violence, or domestic violence. Earlier PAO monitoring had already called for mechanisms for identifying and referring persons with mental-health needs and for accessible specialised services. The persistence of these recommendations indicates that identification, treatment, counselling and referral are not yet ensured through a fully operational and uniform mechanism across border and accommodation settings.

G. CHALLENGES AFFECTING INDEPENDENT HUMAN RIGHTS MONITORING AND ACCESS TO INFORMATION IN THE TRANSNISTRIAN REGION

The PA continues to face significant limitations in independently monitoring the human rights situation in the localities on the left bank of the Nistru River and Bender municipality. These limitations concern access to information on alleged human rights violations, possibilities for direct intervention and follow-up in individual cases, as well as access to custodial institutions and other places where persons may be deprived of their liberty. In its 2023 Annual Report, the PAO noted that neither the People's Advocate nor the institution enjoyed free, unconditional and systematic access to the region, considerably restricting the effective exercise of its monitoring, protection and prevention mandate. In the absence of regular direct access, information is obtained largely through the PAO Representation in Varnița, civil society organisations and international organisations.[37]

Although the PAO was able to conduct two monitoring visits to penitentiary institutions on the left bank of the Nistru in 2022, access subsequently remained restricted, preventing systematic and safe independent monitoring in accordance with international standards. The PAO also reported that dialogue on human rights issues between Chișinău and Tiraspol had remained blocked for several years.[38]

Certain positive developments were nevertheless recorded in 2024. Through its Varnița Representation Office, the PAO maintained dialogue concerning individual human rights cases and access to persons held in the region. For the first time, the head of the Varnița Representation attended proceedings before the de facto courts in Tiraspol, while cooperation between the PAO, the Bureau for Reintegration Policies, the OSCE Mission to Moldova and international partners contributed to the release of a Moldovan citizen following more than two years of detention. The PAO also welcomed strengthened cooperation with the Bureau for Reintegration Policies and the

[37] People's Advocate Office, *Annual Report on the Observance of Human Rights and Freedoms in the Republic of Moldova in 2023*, Chapter I, Item 10, pp. 55–57, available at: https://ombudsman.md/post-document/annual-report-on-the-observance-of-human-rights-and-freedoms-in-the-republic-of-moldova-in-2023-3/

[38] People's Advocate Office, *Annual Report on the Observance of Human Rights and Freedoms in the Republic of Moldova in 2024*, Chapter I, section concerning the Transnistrian region, pp. 73–81, available at: https://ombudsman.md/post-document/annual-report-on-the-observance-of-human-rights-and-freedoms-in-the-republic-of-moldova-in-2024-2/

participation of PAO representatives as observers in some sectoral working groups. However, a meeting of the Human Rights Working Group could not be convened in 2024, and a stable mechanism ensuring regular PAO access to the region remained unavailable.

The PAO considers that progress in case-specific cooperation cannot substitute for regular institutional access to information, persons and places necessary for independent human rights monitoring and effective prevention of torture and ill-treatment.

Recommendations to the State party:

T. **Intensify diplomatic and negotiation efforts, including through international partners, to secure regular, free and effective access of the PAO and the NPM to the Transnistrian region**, including all custodial institutions and other places where persons may be deprived of their liberty, and ensure adequate access to information necessary for monitoring and follow-up of alleged human rights violations.