Moldova

Joint Stakeholders report to the 4rd Cycle of the UN Human Rights Council's Universal Periodic Review (UPR)

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Presented by:

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2. **Promo-LEX Association** is a non-governmental organization, apolitical, and non-profit organization established in 2002 in the Republic of Moldova. The mission: advance democracy by promoting and defending human rights, monitoring democratic processes, and strengthening civil society that aims to advance democracy in Moldova, and Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society through a strategic mix of legal action, advocacy, research and capacity building. Contact: **Vadim Vieru, Program Director,** vadim.vieru@promolex.md.
3. **The Legal Resources Centre from Moldova (LRCM)** is an independent, non-governmental organisation (2010) to strengthen democracy and the rule of law in Moldova. Through research, monitoring, advocacy, strategic litigation, public awareness and capacity-building, it promotes an independent and accountable judiciary, effective anti-corruption measures, respect for human rights and a supportive environment for civil society. Contacts: **Carolina Bagrin**, Human Rights Program Director – carolina.bagrin@crjm.org; **Daniel Goinic**, Justice Program Director – daniel.goinic@crjm.org.
4. **International Rehabilitation Council for Torture Victims (IRCT)** is a global network of civil society organisations and independent experts who support survivors of torture to heal and rebuild their lives through rehabilitation, including medical, psychological, legal and social support. We also produce forensic evidence, publish academic research, and fight for justice.

Introduction

As a state party to numerous international instruments prohibiting torture and ill-treatment, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), the Optional Protocol of the UN Convention against Torture (OpCAT) and International Covenant on Civil and Political Rights (ICCPR), the Republic of Moldova has the obligation to prohibit torture and ill-treatment and to undertake many specific actions to this effect. These include, among others:

1) prompt, impartial and effective investigation;
2) ensuring adequate conditions of detention for prisoners, compatible with their dignity, including the requisite medical assistance
3) Implementing the right to full reparations, including rehabilitation, for victims.

Since the last UPR cycles, some progress has been achieved in the field of prevention of torture and strengthening of accountability, due to joint efforts of civil society, international institutions, state authorities and their external partners. According to the Global Torture Index 2025, based on data collected in 2023 and 2024, the Republic of Moldova maintains a classification of moderate risk[1]. However, torture, impunity and ill-treatment persist, especially in the separatist Transnistrian region, where it is widely used in detention facilities, during interrogations, and against regime prisoners.

Moldova's human rights trajectory is directly linked to its EU accession pathway. The Republic of Moldova received EU candidate status on 23 June 2022 and officially launched accession negotiations on 25 June 2024. The screening process was completed in September 2025, and the European Commission assessed that Moldova met the conditions to open Cluster 1 (Fundamentals), which covers the rule of law, fundamental rights, and the judiciary, areas where detention conditions, torture prevention, and accountability for ill-treatment are central benchmarks. The government adopted the 2025–2029 National Programme for EU Accession in May 2025, with a target of provisionally closing negotiations by early 2028.

Between 2021 and 2026, RCTV Memoria provided comprehensive rehabilitation (medical, psychological, social and legal support) to 819 survivors of torture and ill-treatment from Moldova and other countries (235 in 2021, 122 in 2022, 129 in 2023, 193 in 2024 and 140 in 2025), alongside victims of political repression, gender-based violence and war atrocities, mainly from Ukraine. Survivors assisted by Memoria endured abuse across four main contexts: in Moldovan prisons, inhuman conditions, inter-prisoner violence and psychological pressure by guards; in the Transnistrian region, politically motivated detention, beatings, starvation, denial of medical care, forced psychotropic treatment and reprisals against family members; among asylum seekers, torture by police and prison staff in third countries, including beatings, falaka and death threats; and in the occupied territories of Ukraine, deprivation of food, water and medical care, threats, extortion and forced witnessing of mass terror by Russian military and para-military forces.
Therefore, this report will dive into these issues following this outline:

I. Torture and ill-treatment in detention
II. Torture and ill-treatment in the context of post-elections protest
III. Limited implementation of victims' right to rehabilitation
IV. Lack of effective investigation of torture and ill-treatment, leading to impunity

[1] *Global Torture Index 2025: Moldova Factsheet.* OMCT. https://www.omct.org/site-resources/files/factsheets/Factsheet-Moldova-EN.pdf

I. Torture and ill-treatment in detention

The persistence of informal prisoner hierarchies and prison - "criminal subculture" in Moldovan penitentiary centres constitutes a long-standing structural human rights problem in violation of international provisions protecting against torture, forced labour and discrimination. In addition, the inadequate use of protective isolation measures continues to expose detainees to violence, discrimination, humiliation and social exclusion incompatible with Moldova's obligations under international human rights law. Access to medical services for all detainees continues to be limited and deficient, despite legislative efforts, impeding the documentation of injuries related to alleged torture and ill-treatment.

Previous UPR recommendations

During the previous cycle of the UPR (3rd cycle - 40th session), several UN member states recommended that the Republic of Moldova improve the conditions in detention and bring them in line with international standards, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Nelson Mandela Rules.[2] Several member states also recommended that the Republic improve access to healthcare for all persons in detention.

Status of implementation

1. Inter-Prisoner Violence, Informal Prison Hierarchies and Protective Isolation

In its 2025 visit report, the European Committee for the Prevention of Torture (CPT) concluded that inter-prisoner violence, intimidation and degrading treatment of detainees placed at the bottom of the informal hierarchy remain widespread and insufficiently addressed by the authorities.[3]

The CPT described an atmosphere of fear and violence maintained by informal prisoner leaders, while prison staff often demonstrated passivity, tolerance or tacit acceptance of this system. During the visit, an incident was unprecedented in its history: at Prison No. 15 in Cricova, leaders of informal prisoner hierarchies directly pressured members of the delegation, effectively threatening them. They intimidated other prisoners, forcing them to stop or refuse interviews with CPT representatives altogether. The informal leaders refused to leave the room where interviews were to take place in private, claiming this was not in line with "their prison rules." Staff members present remained passive. This interference seriously impeded the delegation's work and constitutes a clear indicator that the informal hierarchy effectively denies formal state authority within penitentiary institutions. Moreover, the CPT noted striking differences in material conditions: while most prisoners lived in very poor conditions, and had to compose with serious overcrowding, informal prison leaders and their close circles resided in spacious, well-equipped rooms or even apartments consisting of several rooms. This showed that the officials in charge operate a differentiated treatment based on arbitrary grounds, neglecting the needs of other detainees and putting their life, and health, at stake.

[2] 127.88-127.99, A/HRC/50/13/Add.1services

[3] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Government of the Republic of Moldova on the ad hoc visit carried out from 3 to 12 June 2025*, CPT/Inf (2025) 38, published on 4 December 2025, available at: https://rm.coe.int/4880299ae1

In *Petrov v. the Republic of Moldova*, the court concluded that the Moldovan authorities were fully aware of the informal prison hierarchy and its degrading and discriminatory consequences for detainees labelled as "pariahs", yet failed to adopt adequate protective measures, and were thereby in violation of Articles 3 (freedom from torture), 4 (freedom from forced labour and slavery) and 14 (freedom from discrimination) of the European Convention of Human Rights (ECHR).[4]

2. Solitary confinement/isolation

The use of solitary confinement in the Moldovan prison system remains another urgent concern. Detainees who request protection from violence or intimidation through Article 206 of the Execution Code are often placed in highly restrictive conditions, resembling de facto isolation, and subjected to stricter detention regimes, with restricted access to outdoor exercise, sports facilities, libraries, education, work opportunities and meaningful social interaction.[5] Prison staff themselves reportedly acknowledged that they were unable to guarantee the safety of such detainees within the general prison population, further demonstrating the authorities' continuing inability to effectively dismantle informal prison hierarchies.

Furthermore, subjecting detainees who invoke Article 206 to *de facto* isolation and stricter detention regimes is contrary to international law: under the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), solitary confinement may be imposed only in exceptional cases, as a last resort, for the shortest possible time and subject to independent review and authorisation (Rule 45), and protective measures must never result in conditions equivalent to or harsher than those of the general population. Because this isolation is imposed not as a sanction but in response to a request for safety, it penalises detainees for seeking protection. If it lasts beyond 15 consecutive days or denies meaningful human contact, it can amount to cruel, inhuman or degrading treatment. If prolonged longer or indefinitely, it can constitute torture within the meaning of Rule 43 of the Mandela Rules.

3. Medical assistance in detention facilities, including in the Transnistrian region: challenges in access, confidentiality, and documentation for legal purposes

Access to medical services for all detained persons continues to be limited and deficient, despite improved legislation after April 2009. In 2022-2023, a reform added some amendments to the Criminal Procedure Code and the Law on Police Detention (2022–2023) that introduced strengthened procedural safeguards for persons deprived of liberty, including: mandatory registration of injuries; standardized documentation of medical findings; the obligation to report signs of ill-treatment; and improved access to medical staff in detention facilities. The updated Medical Examination Procedures, are now aligned with the Istanbul Protocol and require medical examinations upon entry and exit from detention, documentation of injuries, confidentiality of medical records, and referrals to external medical specialists when necessary.

The mandate of the National Preventive Mechanism (NPM) was also reinforced, granting it expanded access to medical documentation, the ability to verify compliance with medical examination standards,

[4] ECtHR, *Petrov v. Republic of Moldova* (Application no. 38066/18), judgment of 5 March 2026

[5] CPT Report, ibid.

and the authority to issue binding recommendations. As a result, all detained persons should undergo a medical examination immediately upon entry to and exit from the place of detention, as well as upon their request during their stay there. However, the State is not providing the adequate and sufficient resources to examine/support alleged victims under arrest in the aftermath of trauma, both physical and psychological.

The **examination by medical professionals is essential for the purpose of documenting any torture and/or ill-treatment-related injuries**. Legally, detainees have to be examined by an institutional medical worker or within a civilian hospital before being placed into a detention centre, to assess their medical needs and record all injuries, alleged acts of torture, or ill-treatment. In practice, these examinations are often incomplete or not properly documented. Medical workers do not regularly visit detainees, and documentation only takes place at the request of the convict or the administrative staff of the penitentiary centre, which means that not all injuries and alleged acts of torture or ill-treatment are recorded and documented. Complaints of the detainees regarding psychological torture are similarly not registered nor investigated.[6] The medical workers affiliated with the penitentiary system are not able to function independently, because they are hierarchically subordinated to Administrations.

After its visit, the CPT recommended transferring medical workers from the penitentiary authority/Ministry of Justice to the Ministry of Health and developing public-private partnerships to increase the number of available medical staff units within detention centres and The government of the Republic of Moldova publicly committed to this transfer in 2007 its oficial response to the CPT (CPT/Inf (2008) 40) and during the 2007 UN CAT review (CAT/C/MDA/CO/2)[7], but it has not yet been executed. However, it should be noted that the CPT also recorded certain positive developments in their 2025 visit report, namely the adoption of the SAFE Roadmap to Europeanisation of Moldovan Prisons, improvements in the quality of food, and better procedures to record and report injuries for detainees. As it was previously highlighted by the civil society organizations ND and by the Moldovan Ombudsman office (Avocatul Poporului) in the annual human rights reports, this reform has not yet been implemented, leaving medical personnel subordinated to detention authorities and unable to function independently.

In the Transnistrian region, the detention conditions remain abysmal. Persons illegally deprived of their liberty continue to be exposed to degrading treatment, poor detention conditions and, in some cases, the risk of forced labour, in the absence of effective independent control and monitoring mechanisms.[8]

[6] IMoldovan Ombudsperson, in the 2022 annual report https://ombudsman.md/wp-content/uploads/2023/06/Raport-DO_net_machetat.pdf , pag.70
[7] https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-reports-on-moldova?utm_source=copilot.com pag. 4.
[8] cartea-alba_justitie_drepturile-victimelor_2026.pdf

Access to adequate food, hygiene, natural light and ventilation is severely limited. Communication with the outside world is censored, making it practically impossible to report abuses in detention.[9]

Proposed recommendations

i. Adopt and effectively implement a zero-tolerance policy towards informal prisoner hierarchies and inter-prisoner violence, including effective investigations, accountability of prison staff tolerating informal power structures, adequate staffing and individualized risk assessments.

ii. Reform the implementation of Article 206 of the Execution Code to ensure that detainees requesting protection are not subjected to isolation-like conditions and fully enjoy equal access to outdoor exercise, education, work opportunities, social interaction and other fundamental rights.

iii. Ensure prompt, regular and confidential medical examinations for all persons deprived of liberty, including proper documentation of physical and psychological injuries.

iv. Guarantee the institutional independence of medical personnel working in detention facilities, including by transferring medical staff in police and detention facilities under the authority of the Ministry of Health.

v. Ensure and facilitate unrestricted access for independent and effective oversight and monitoring mechanisms to all detention facilities in the Transnistrian region. This is an urgent measure to prevent degrading treatment and the risk of forced labour, and to ensure compliance with minimum standards for living conditions (adequate access to food, hygiene, natural light, and ventilation).

II. Lack of effective investigation of torture and ill-treatment leading to impunity

The combined effect of low investigation rates, declining numbers of court judgments, high acquittal rates (in nearly half of cases), frequent use of suspended imprisonment and delayed proceedings, challenges accountability and contributes to a persistent climate of impunity for torture and ill-treatment in the Republic of Moldova. For instance, the number of acquittals is substantially higher than the general acquittal rate in ordinary criminal cases in Moldova and raise serious concerns regarding the quality and independence of investigations conducted by prosecutorial authorities.

Previous UPR recommendations

During the previous cycle of the UPR (3rd cycle - 40th session), several UN member states recommended that the Republic of Moldova ensure that all complaints of acts of torture and ill-treatment are promptly, impartially and effectively investigated in accordance with international human rights standards, including the Istanbul Protocol.[10]

Status of implementation

[9] U.S. Department of State, *2024 Country Reports on Human Rights Practices: Moldova,* https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/moldova ; Rusu, Șerpi & Vieru, *Human Rights in the Transnistrian Region of the Republic of Moldova: Retrospective of 2025.* https://promolex.md/wp-content/uploads/2026/02/raport-dort_2026_eng.pdf

[10] 127.80-127.95, A/HRC/50/13/Add.1

As of 1 January 2026, the ECtHR had delivered 127 judgments finding 181 violations of Article 3 ECHR against the Republic of Moldova.[11] Most of these violations concerned ill-treatment by state representatives, ineffective investigations and inhumane conditions of detention. This consistent body of case-law demonstrates that violations of Article 3 constitute a structural problem rather than isolated incidents. Torture and ill-treatment continue to be insufficiently investigated and inadequately sanctioned in the Republic of Moldova. Criminal investigations frequently fail to meet the standards of promptness, effectiveness and thoroughness required under Article 3 ECHR; prosecutions remain limited, proceedings are excessively lengthy, and sanctions imposed by domestic courts often fail to reflect the gravity of the offences, thereby contributing to impunity. These deficiencies have been repeatedly identified by the European Court of Human Rights in its case-law concerning the procedural limb of Article 3 ECHR, including several judgments delivered between 2022 and 2025.[12]

Between 2021 and 2025, the number of complaints concerning torture and ill-treatment registered by the Prosecutor's Office gradually decreased from 511 to 299 cases (see Table 1). While this represents the lowest number of complaints recorded during the last decade, the available evidence does not support the conclusion that torture and ill-treatment have significantly decreased in practice. On the contrary**,** in the context of persistently low investigation and prosecution rates, the decline in complaints is more likely to reflect underreporting, fear of reprisals, lack of trust in law enforcement institutions and the widespread perception that complaints are unlikely to result in effective accountability. Moreover, despite the decrease in complaints, the overall number of allegations remains particularly high for a country with a population of less than three million inhabitants. The response of prosecutorial authorities also remains inadequate: approximately three-quarters of complaints concerning torture and ill-treatment still do not result in the opening of criminal investigations. This persistent gap between the number of complaints received and the number of criminal investigations initiated, continues to undermine victims' confidence in the justice system and reinforces a perception of impunity.

[11] Legal Resources Centre from Moldova (LRCM), *Article 3 ECHR: Overview of Violations Found against the Republic of Moldova* (12 September 1997 – 1 June 2022), and LRCM Analytical Notes *The Republic of Moldova before the European Court of Human Rights in 2023, 2024 and 2025,* available at: available at: https://crjm.org/drepturile-omului/

[12] Legal Resources Centre from Moldova (LRCM), *Violations Committed by the Republic of Moldova and Found by the European Court of Human Rights over 26 Years* (Romanian), together with LRCM Analytical Notes *The Republic of Moldova before the European Court of Human Rights* for 2023, 2024 and 2025. See, in particular, *Mătăsaru v. the Republic of Moldova*, *Povestca v. the Republic of Moldova*, *Crețu v. the Republic of Moldova*, *Canuda v. the Republic of Moldova*, *Apopii v. the Republic of Moldova*, *Străisteanu and Agachi v. the Republic of Moldova*, *G.M. and Others v. the Republic of Moldova*, *Platon v. the Republic of Moldova*, *Luca v. the Republic of Moldova*, *Vieru v. the Republic of Moldova*, *V.I. v. the Republic of Moldova*, and *Clipea and Grosu v. the Republic of Moldova*. Available at: LRCM – Human Rights / ECtHR analyses

III. Torture and ill-treatment in the context of post-election protests

The government of Moldova has yet to provide an adequate response to those subjected to torture and ill-treatment by the police after the post-election protests of 2009.[13] Out of the 108 complaints submitted to the Prosecutor's Office, only 58 cases have reached the courts, with the few sentences being mostly symbolic.[14] Some victims withdrew their complaints or did not pursue legal proceedings, due to pressure from police officers involved in torture, or lack of trust in the justice system.

Ion Perju, the only officer convicted for the death of protester Valeriu Boboc, was sentenced to 10 years in prison in 2015, but has only recently been arrested for his ties to the Shor Group.[15] The inadequate response harms the trust in Moldova's judicial system.

The ineffective investigation and sanctioning present another barrier for victims in reporting cases of torture and ill-treatment, in addition to the widespread fear of reprisals, lack of trust in prosecutors or police, trauma, poverty, lack of appropriate legal assistance, difficulty obtaining medical evidence, and the risk of re-traumatization. Many cases likely go unreported.

In the Transnistrian region, the barriers to reporting are even more severe, given the absence of effective remedies, intimidation by so-called authorities, limited access to independent documentation and fear of consequences for family members. The true extent of torture and ill-treatment in the Republic of Moldova thus remains difficult to estimate.

Table 1. Nr. of complaints and following investigations of torture and ill-treatment (2021–2025)[16]

Year	Number of complaints	Initiated criminal investigations	% of complaints in which an investigation was initiated	Cases submitted to the court	% of cases sent to the trial court
2021	511	46	9%	21	4.1%
2022	485	69	14%	15	3.1%
2023	397	79	19.9%	n/a	n/a
2024	319	83	26%	n/a	n/a
2025	299	76	25%	n/a	n/a

Our previous research has shown that between 2013 and 2022, the examination of torture and ill-treatment cases through all levels of jurisdiction took approximately **six years**, compared to

[13] *Justice not attained, Future not Assured.* 2019. Amnesty International. EUR:59/0161/2019 https://www.amnesty.org/en/documents/eur59/0161/2019/en/ ; *DECLARAȚIE: 10 ani de la evenimentele din 7 aprilie 2009 din Moldova – încă în așteptarea justiției* . RCTV Memoria. https://www.memoria.md/files/publicatii//Apeluri%20si%20Declaratii/Declaratie%207%20aprilie%202019.pdf ; CCPR/C/MDA/CO/4 art. 25.

[14] *Moldova's April 7 protests: Justice still elusive after 16 years.* Boghdan Nigai. 7 april 2025. Moldova1. https://moldova1.md/p/46875

[15] *Former police officer sentenced to prison*. 16 april 2025. Moldpres. https://www.moldpres.md/eng/society/ion-perju-former-police-officer-sentenced-to-prison

[16] Statistical data extracted from the official activity reports of the Prosecutor General's Office of the Republic of Moldova, available in Romanian at: https://www.procuratura.md/activitate#item-3

approximately 1.5 years in ordinary criminal cases.[17] Such delays undermine the preventive effect of the prohibition of torture, contribute to secondary victimisation of survivors, and to impunity.

Table 2. First instance court judgments in torture and ill-treatment cases (2021–2024)[18]

Year	Delivered judgments	Total accused persons	Real imprisonment	Suspended imprisonment	Fine	Community work	Discontinued proceedings	Acquittals
2021	34	53	5	24	3	1	9	11
2022	28	37	2	14	7	0	3	5
2023	25	28	3	13	1	0	2	9
2024	14	18	3	6	1	0	0	8

As can be observed in Table 2, **the acquittal rate in torture and ill-treatment cases remains exceptionally high**. In 2024, acquittals represented nearly half of all accused persons (8 out of 18), while in 2023 they accounted for almost one-third of defendants (9 out of 28). These figures are substantially higher than the general acquittal rate in ordinary criminal cases in Moldova and raise serious concerns regarding the quality and independence of investigations conducted by prosecutorial authorities.

Moreover, despite the increase in initiated investigations after 2022, the number of court judgments concerning torture and ill-treatment continued to decrease between 2021 and 2024. This is preoccupying regarding the effectiveness and finalization of criminal investigations, and the overall capacity of the justice system to ensure accountability.

Despite the ECtHR stressing in *Valeriu and Nicolae Roșca v. Moldova* that suspended sentences in torture cases may be insufficient to ensure accountability and deterrence, judicial practice in Moldova continues to rely excessively on suspended imprisonment and non-custodial sanctions**. In 2023, for example, only 3 out of 28 accused persons received prison sentences, while 13 persons received suspended imprisonment**. Similarly, in 2024, suspended imprisonment remained twice as frequent as real imprisonment, thereby undermining the principle of proportionality of sentences, and the deterrence effect of detention

Another serious concern is the **suspension from office of officials under investigation for torture or ill-treatment**. To ensure independence and effectiveness of the rule of law, international standards including caselaw developed by the ECHR (e.g. *Assenov v. Bulgaria*) require that officials suspected of serious human rights violations be suspended from active duties during investigations to prevent intimidation, interference or repetition of abuse. The Committee against torture, in its Concluding Observations on Moldova, also recommended that the authorities ensure that persons under investigation for acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation[19]. However, such measures continue to be rarely applied in

[17] LRCM, Study, Trial and punishment of torture and ill-treatment – case law analysis, December 2022, available at: https://crjm.org/wp-content/uploads/2023/01/Judecarea-si-sanctionarea-torturii_ENG.pdf

[18] Statistical data extracted from the official activity reports of the Prosecutor General's Office of the Republic of Moldova, available in Romanian at: https://www.procuratura.md/activitate#item-3

[19] UN Committee against Torture, *Concluding observations on the third periodic report of the Republic of Moldova*, UN Doc. CAT/C/MDA/CO/3 (21 December 2017), para. 14(c)

practice in Moldova. Based on the LCRM analysis of the Supreme Court of Justice judgements between 2013-2022 has been shown that in only 1 out of the 71 cases the prosecuted person was suspended from office.[20] The Government and the Prosecutor's Office do not maintain comprehensive statistics on the number of public officials suspected of torture or ill-treatment nor whether they were suspended from office.

Proposed recommendations:

vi. Ensure that all allegations of torture and ill-treatment that are not manifestly unfounded automatically trigger prompt, impartial and effective criminal investigations capable of leading to the identification and punishment of perpetrators.

vii. Facilitate the recording and reporting of cases of torture and other cruel, inhuman or degrading treatment or punishment by strengthening the complaints mechanism, training service providers to document cases according to the Istanbul Protocol and countering impunity.

viii. Ensure that sanctions imposed in torture and ill-treatment cases are effective, proportionate and dissuasive, reflecting the gravity of the offence and avoiding excessive reliance on suspended imprisonment.

ix. Ensure the suspension from active duty of public officials under criminal investigation for torture or ill-treatment pending the outcome of proceedings.

x. Fully execute ECtHR judgments concerning violations of Article 3 ECHR and adopt structural measures addressing ineffective investigations, impunity and detention-related violations.

IV. Implementation of the victims' right to rehabilitation

In Moldova, the right to redress is not adequately implemented for victims of torture. Law No. 137/2016 fails to expressly recognize victims of torture and ill-treatment as a distinct category of victims requiring specialized assistance. The current general framework for victims of crime does not sufficiently capture the gravity, complexity and long-term consequences of torture. Victims of torture have multiple backgrounds and suffer different types of consequences, ranging from increased poverty to mental health issues, and this calls for tailored reparations and rehabilitation measures to address them. Because of statutory limitations, local civil society organizations are not allowed to finance programs for victims from state funds, creating discrepancies in the care provided to survivors.

Previous UPR recommendations

During the previous cycle of the UPR (3rd cycle - 40th session), Germany recommended that the Republic of Moldova adopt legislation to ensure remedies, access to justice and rehabilitation for victims of torture and ill-treatment.[21] The Committee against Torture and the Human Rights Committee have also previously recommended that the State amend Law No. 137 on the rehabilitation

[20] LRCM, Study, Trial and punishment of torture and ill-treatment – case law analysis, December 2022, available at: https://crjm.org/wp-content/uploads/2023/01/Judecarea-si-sanctionarea-torturii_ENG.pdf

[21] 127.87, A/HRC/50/13/Add.1

of victims of crimes, to ensure that victims of torture and ill-treatment have access to redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, in line with the UN Committee Against Torture's General Comment nr.°3 on the right to redress.[22]

Status of implementation:

Since its last review, the Republic of Moldova has made some efforts to strengthen the right to rehabilitation for victims of torture and ill-treatment by proposing a draft amendment to Law No. 137/2016,[23] and adopting the program for the creation and development of the National Referral Mechanism („MNRV") for protection and assistance of crime victims for the years 2022-2026 and the Action plan for the years 2022-2024 on its implementation (GD no.182/2022).[24]

Although the recent revisions of Law no. 137/2016 are partially in line with the recommendations by the Council of Europe[25], EU Directive 2012/29 and Recommendation CM (2023)2, **the law continues to fall short in providing victims of torture means to rehabilitation**, as access to long-term support services remains reliant on the victim's procedural status in criminal proceedings. This conditionality is incompatible with the Committee against Torture's General Comment No. 3 and the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, which holds that the victim's claim to reparation and rehabilitation should not be dependent on the conclusion of a criminal proceeding and that victim status exists regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted or convicted. It further creates an unjustified dependency between the effectiveness of the criminal justice system and access to rehabilitation. Underreporting by victims, due to the barriers presented in section 3., and under-investigation by the authorities, results in the exclusion of victims of torture and ill-treatment from long-term rehabilitation services. In urgent situations, services may be provided temporarily, but only for a limited period of 45 days, with a possible extension of 15 days. This is insufficient for victims of torture, whose recovery often requires months or years of medical, psychological, social and legal support.

RCTV Memoria has documented the impact of torture and ill-treatment on survivors, their families, communities and beyond and found that:

- **Victims from prisons from Moldova**: increased poverty, social withdrawal and social disfunction; PTSD and other mental health issues; lack of trust in own forces and in future; increased level of aggression and interhuman violence in families, communities and entire society; lack of trust in the Moldovan authorities and in Justice; the risk of their easier manipulation and use of survivors in anti-state actions, socio-political destabilization and protests;

[22] A/HRC/WG.6/40/MDA/2, para. 37; CAT/C/MDA/CO/3, para. 30 (a)
[23] Draft law to amend certain normative acts (improving the mechanism for granting financial compensation by the state to victims of crime), available in Romanian at; https://www.justice.gov.md/ro/content/proiectul-de-lege-pentru-modificarea-unor-acte-normative-imbunatatirea-mecanismului-de-1
[24] Government Decision No. 182 of 23-03-2022, available in Romanian at; https://www.legis.md/cautare/getResults?doc_id=131061&lang=ro
[25] A*nalysis report: of Law No. 137/2016 on the rehabilitation of crime victims in the Republic of Moldova.* Dr. Christa Pelikan and Arina Turcan-Dontu. June 2024. Council of Europe. https://rm.coe.int/raport-de-analiza-a-legii-nr-137-cu-privire-la-reabilitarea-victimelor/1680b1c8e0

- ➢ **Transnistria region**: victims, families and many people from the communities are scared, threatened, reduced to silence and obedience; many escaped and moved to other countries; Stockholm syndrome is widespread in the region; Many are very obedient to the Russian regime and can be easily manipulated and used by pro-Russian politicians in elections against Moldovan authorities and the anti-European movement in Moldova.
- ➢ **Police and Prisons from third countries (Turkey, India, Asian, African, ex-soviet countries), in the cases of asylum seekers/refugees**: victims are facing various problems, including poor integration; mental health issues; limited capacity to learn new things and the new language, to continue their life with dignity in a new context; Risk of refoulement, which is very high in Moldova;
- ➢ **Survivors from the Occupied territories of Ukraine**: many families have been destroyed and broken; huge number of deeply traumatized refugees and Internally displaced people (IDPs); lack of a place to live; lack of trust in future; limited possibilities for integration in new countries; severe health problems and mental health issues; Lack of possibilities to pay for treatment and other medical services; Risks for belated after-effects of the suffered trauma, with high level of social dysfunctions.

Another serious limitation of Law No. 137/2016 concerns the role of civil society organisations. These organisations are allowed to assist a broader category of victims, but the services provided to the victims of torture cannot be financed from the state budget. In practice, a specialised organisation, as RCTV Memoria, with a long-standing expertise in the rehabilitation of torture victims, remain heavily dependent on foreign donors. This creates insecurity and undermines the sustainability of essential rehabilitation services, especially amid shrinking international funding. The hundreds of victims who rely on RCTV Memoria's rehabilitation services yearly could thus risk losing their access to rehabilitation support. In general, the state institutions continue to rely on civil society expertise for service provision, training and referral, without ensuring stable public financing for such work.

To improve the cooperation between actors involved in the field of victims' rights, the National Referral Mechanism and Action Plan were adopted. The goal was to eliminate the existing institutional barriers in ensuring access to services offered to victims of crimes, within different authorities, thereby regulating the right of victims to assistance and support. The mechanism also aimed to facilitate the decentralisation and coordination of services to offer a comprehensive approach to rehabilitation, based on the one-stop-shop principle. In general, we appreciate the creation of this Mechanism and its ambitions, which could result in a partial implementation of the recommendations from the third cycle of the UPR. However, in practice, progress is slow, victims of torture are not taken into account as it was previously recommended and challenges in filing complaints against torture and ill-treatment, as well as in accessing rehabilitation services, remain.

Proposed recommendations

xi. Provide all victims of torture with means for as full rehabilitation, restauration as possible, through a comprehensive approach, including medical and psychological assistance as well as legal and social services, as required per CAT/C/GC/3 art. 11-15 to art 14 UN CAT.

xii. Adapt the proposed revisions of Law No. 137/2016 to adequately represent the reality and needs of torture victims and meet the standards set by CAT/C/GC/3, Recommendation CM (2023)2 and EU Directive 2012/29. Adapt art. 21 of Law No. 137/2016 to allow torture victims access to long-term services required for full rehabilitation, regardless of whether they have filed a complaint or played a role in the criminal proceedings.

xiii. Ensure stable public financing for specialised civil society organisations providing torture rehabilitation services, including by amending Article 5, paragraph 3 of Law No. 137/2016 to allow state budget funding for services extended to broader victim categories by non-commercial organisations with recognised expertise.

xiv. Advance the implementation of the National Referral Mechanism (MNRV) and strengthen intersectoral cooperation to create an efficient and coordinated system that provides support and protection to torture victims (as victims of crime), ensuring their access to specialized services and the necessary resources for recovery and reintegration into society.

xv. Annual contribution to the UN Voluntary Fund for Victims of Torture (UNVFVT), along with other States Parties to the UN Convention Against Torture.