



## International Covenant on Civil and Political Rights

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### Human Rights Committee

103rd session

17 October – 4 November 2011

### List of issues prior to the submission of the third periodic report of the Republic of Moldova (CCPR/C/MDA/3)\*

#### General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report, including any relevant case law. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
2. Please provide information on significant political and administrative measures taken since the previous report to promote and protect human rights under the Covenant, and the resources allocated thereto, their means, objectives and results.
3. Please provide any other information on new measures taken to disseminate and implement the Committee's previous recommendations (CCPR/C/MDA/CO/2), including any necessary statistical data.

#### Follow-up to previous recommendations and the State party's response thereto

4. Please provide information on action taken to establish an official register for recording the exact number of victims of the human rights violations following the post-election demonstrations in April 2009. Please provide further up-to-date information on the number of victims who have been rehabilitated or have received monetary compensation.

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\* The present list of issues was adopted by the Committee at its 103rd session, according to the new optional procedure established by the Committee at its ninety-ninth session. This new procedure consists of the adoption of lists of issues by the Committee, which are transmitted to States parties prior to the submission of their periodic reports. The replies from States parties to these lists of issues will constitute their periodic reports under article 40 of the Covenant.

Please provide an update on the implementation of decisions on compensation and medical and psychological rehabilitation measures adopted by the Special Commission established in April 2010 and by the Commission established in April 2011.

5. In the light of the State party's response to the previous concluding observations (CCPR/C/MDA/CO/2/Add.1, para. 9), please provide information on the progress made on the 27 cases against police officers that have been referred to the courts for indictment. Please also provide further information on any other cases in which police officers have been indicted. What measures have been taken to implement the National Human Rights Action Plan for 2011–2014 with regard to access by victims of torture to legal assistance services and medical and social rehabilitation services?

6. Please provide information on the demonstrations, protests and assemblies that have taken place since the decision of the Supreme Court of Appeal prohibiting the conduct of assemblies was quashed by the decision made on 28 April 2010 by the Civil and Administrative College of the Supreme Court. Please explain how law enforcement personnel have been implementing the Law on Assemblies since the decision of the Supreme Court was quashed.

7. Please provide information on the measures taken to ensure that human rights training of law enforcement personnel, prosecutors and judges is systematic and conducted on a regular basis in the context of the various reform proposals for the work of the Ministry of Internal Affairs. Please provide an update on the steps taken to train a total of 800 judges and prosecutors between November 2010 and May 2011. Please also state if any evaluation of the impact of training programmes for police and prison officials as regards the fundamental principles applicable to the investigation of cases of torture (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)) has taken place. What action has been taken to ensure the independence of the authorities who investigate torture and ill-treatment?

8. Please provide information on the impact that the new department to combat torture, established within the structure of the Prosecutor General under Parliament Decision No. 77 of 4 May 2010, has had in combating torture and ill-treatment. Please state the number of cases under investigation and of those that have been referred for prosecution since the establishment of the department. Please also indicate if the new department has conducted a study on the phenomenon of torture, including to determine the factors, causes and conditions that perpetuate this phenomenon in the State party.

9. Please provide information on the measures taken to implement the framework regulation for the organization and operation of rehabilitation centres for victims of domestic violence that was approved by the Government through its Decision No. 129 of 22 February 2010. What is the status of the draft Government decision to approve minimum quality standards for social services provided in rehabilitation centres for victims of domestic violence? If it has been adopted, please provide information on its implementation.

10. Please provide information on the implementation of the Strategy of the National Reference System with regard to the provision of protection and assistance to victims and potential victims of trafficking in persons, and the Action Plan for 2009-2011 that was approved by Parliament through its Decision No. 257 of 5 December 2008.

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**Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to additional previous recommendations**

11. Please provide information on efforts undertaken to resolve the impediments to the implementation of the Covenant in Transdnistria.

**Constitutional and legal framework within which the Covenant is implemented (art. 2)**

12. Please specify which measures have been taken to ensure that the Centre for Human Rights has adequate human and financial resources to exercise its mandate effectively, and to raise awareness of the existence of this mechanism and of its mandate.

**Non-discrimination and equal rights of men and women (arts. 2, para. 1, 3 and 26)**

13. Please indicate the status of the draft comprehensive anti-discrimination bill, and clarify whether it will outlaw all the grounds of discrimination set out in the Covenant, and contain provisions on adequate sanctions, compensation and other remedies.

14. Please indicate which legislative and other measures have been taken to combat discrimination based on sexual orientation.

15. Please provide information on any programmes, plans or other measures taken to address the social and economic marginalization of the Roma community and discriminatory attitudes towards the Roma in wider society.

**Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person, and treatment of persons deprived of their liberty (arts. 7, 9, 10, 12 and 13)**

16. Please clarify the number of cases in which victims have been provided with financial compensation and/or medical assistance. Please also provide information on steps taken to strengthen the National Preventive Mechanism and its independence.

17. Please provide information on measures taken with the aim of ending torture in police custody and other places of detention, including those taken by the specialized prosecution service established in November 2010, and provide further information on the work of the specialized prosecution service so far. Please clarify whether medical doctors in places of detention are independent from penitentiary management.

18. Please indicate which steps have been taken to limit the legally prescribed maximum duration of police custody following arrest and of pretrial detention, and to ensure that this duration is not exceeded in practice.

19. Please indicate whether steps have been taken to ensure the independent and effective monitoring of patient treatment in psychiatric institutions and effective judicial review of psychiatric confinement. Please clarify whether legal provisions allowing for the complete removal or suspension of legal capacity for persons with mental, intellectual or other disabilities have been amended to avoid abuse, and whether provisions for assisted decision-making have been developed.

20. Please provide information on the State party's abortion laws and their implementation. In addition, please provide information on steps taken to ensure that women who undergo abortions are not prosecuted for murder or infanticide. Please also provide information on any measures taken to ensure the provision of appropriate health care in prison facilities to women who have undergone abortions.

**Elimination of slavery and servitude (art. 8)**

21. Please provide information on cases in which Government officials, police officers or border guards have been prosecuted and convicted for complicity in trafficking in persons. Please also indicate which steps have been taken to broaden the implementation of measures to assist the social reintegration of victims and to provide them with access to health care and counselling in all areas of the country.

**Right to a fair trial (art. 14)**

22. Please clarify how the right to a fair trial is respected and guaranteed in practice, in particular the right to legal counsel and the right to a public hearing. Please report on steps taken to improve the administration of justice, including the execution of court decisions, and the human and material resources in the justice system. Please also indicate which steps have been taken to investigate and prosecute corruption. Has legislation been amended to ensure that judges' tenure ensures their independence?

**Freedom of religion and belief (art. 18)**

23. Please provide information on steps taken to ensure that registration of religious organizations is based on clear and objective criteria that are compatible with the obligations of the State party under the Covenant. Please also report on the imposition of administrative sanctions on individuals belonging to unregistered religious organizations, and on instances in which religious organizations have been refused registration.

**Freedom of opinion and expression (art. 19)**

24. Please report on the use of civil defamation laws against independent journalists, and on instances of prosecution of independent television broadcasters. Please also provide information on steps taken to protect the exercise, by journalists and the media, of the right to freedom of expression, as also set out in general comment No. 34 (2011) on the freedoms of opinion and expression.

**Freedom of movement, marriage, family and measures for the protection of minors (arts. 12, 23 and 24)**

25. Please provide information on the implementation of the reform of the residential care system for children, including the reintegration of children with disabilities. Please clarify which steps have been taken to prevent the separation of children from their families, and to reintegrate deinstitutionalized children, including those with disabilities.

26. Please indicate which steps have been taken to limit the use of detention regarding children in conflict with the law, and to ensure that all professionals involved in the juvenile justice system are trained in relevant international standards. What policies have been implemented with a view to reducing recidivism?

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