

Statement

submitted by the Office of the People's Advocate of the Republic of Moldova
Pre-session of the 3rd cycle of the Universal Periodic Review
7 December 2021

Your Excellencies,
Distinguished Delegates,
Representatives of Civil Society,

This statement is delivered on behalf of the Office of the People's Advocate, an "A" status accredited National Human Rights Institution which closely monitors the State's due compliance to its human rights obligations.

Most of the topics reflected in the Report presented by the Office of the People's Advocate in the 3rd UPR cycle had been addressed in the institution's Report from the previous cycle.

This statement addresses the following issues:

- (1) National Human Rights Institutions
- (2) Prohibition of torture
- (3) Rights of people with disabilities

(1) National Human Rights Institutions

During the reporting period, constitutional regulations that strengthened the independence of the Office of the People's Advocate have been introduced. Meanwhile, the issues of (1) strengthening the financial independence of the institution, (2) ensuring healthy working conditions, and (3) adequate remuneration of the People's Advocates and staff remain to be pertinent.

Recommendations:

- Strengthen the Office of the People's Advocate in line with the Paris Principles, the Venice Commission Opinion of 2015 and the recommendations of other international mechanisms.

(2) Prohibition of torture

The legal framework does not define the notions of “inhuman treatment” and “degrading treatment”, and condemns only those acts which are admitted intentionally.

The compensatory mechanism introduced as a national remedy for detention in precarious conditions is not effective.

The problem of overcrowding in detention institutions remains acute.

Recommendations:

- Define the notion of “inhuman treatment” and “degrading treatment” in criminal law and increase the capacity of prosecutors to prosecute torture;
- Review the compensatory mechanism for detention in precarious conditions;
- Improve material conditions and ensure access to adequate medical, psychosocial and mental health services for persons deprived of their liberty;
- Amend the Law on the People’s Advocate as recommended in the Opinion of the Council of Europe Directorate-General Human Rights and Rule of Law of November 2015.

(3) Rights of people with disabilities

There have been cases of forced treatment without a legal mandate, administration of psychotropic drugs without consent, violence, involuntary detention, inhuman and degrading treatment in some residential institutions for people with disabilities.

The following issues have been found: lack of medical staff; lack of reasonable accommodation for people with reduced mobility; deficiencies in the investigation of cases involving persons with intellectual and psychosocial disabilities by the police, prosecutors, judges and health care providers; low level of employment of people with disabilities.

Recommendations:

- Eradicate stigma and discrimination, ensure access to information, adapt public services and social infrastructure to ensure access for people with disabilities, proper integration into society and their ability to realize their right to an independent living in the community.

