



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### 118th session

#### Summary record of the 3311th meeting (Chamber A)

Held at the Palais Wilson, Geneva, on Wednesday, 19 October 2016, at 10 a.m.

*Chair:* Ms. Seibert-Fohr (Vice-Chair)

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*In the absence of Mr. Salvioli (Chair), Ms. Seibert-Fohr (Vice-Chair) took the Chair.*

*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Third periodic report of the Republic of Moldova (continued) (CCPR/C/MDA/3 and CCPR/C/MDA/Q/3)*

1. *At the invitation of the Chair, the delegation of the Republic of Moldova took places at the Committee table.*
2. **Mr. Serbenco** (Republic of Moldova), taking up the question on the inclusion in Moldovan legislation of sexual orientation as a ground for discrimination, said that Law No. 121 on ensuring equality, while not mentioning sexual orientation, expressly prohibited discrimination in labour settings. Although neither the European Convention on Human Rights nor the International Covenant on Civil and Political Rights included any mention of sexual orientation, discrimination on that basis was prohibited under the case law of the European Court of Human Rights, which formed part of the Moldovan legal system. The Council on Prevention and Combating Discrimination and Ensuring Equality had also taken decisions that prohibited and punished discrimination on the grounds of sexual orientation. The members of that Council were elected by Parliament following a public contest, and the Council's president was chosen by the members from among themselves, in a transparent and satisfactory manner.
3. Affirmative measures to be taken by State authorities to eradicate discrimination against vulnerable groups were envisaged in many public policy documents, including the strategies, programmes and action plans on youth, gender equality, persons with disabilities and support for Roma, as well as in the follow-up documents related to those topics. The Republic of Moldova had enacted a law on the social inclusion of persons with disabilities, which placed an obligation on employers with over 20 employees to create jobs for persons with disabilities, in the proportion of 5 per cent of the total number of employees.
4. Concerning trafficking in children, the delegation was able to provide the Committee with figures that showed that 38 trafficking cases had been opened in the Republic of Moldova in 2014, and 24 cases in 2015. Regarding the events of April 2009, as raised by Mr. Seetulsingh, the delegation had received figures on the number of cases opened and sent to court, and the number of acquittals. There had been eight acquittals in eight cases, and a single acquittal with an administrative sanction. In response to the question on financial compensation, law enforcement agents had been compensated in 141 cases, while civilians had been compensated in 132 cases.
5. **Ms. Doros** (Republic of Moldova) said that notifications of social service providers' non-compliance with minimum quality standards would lead to inspections, after which a report containing recommendations would be issued so that service providers could resolve any problems and adapt their services to the needs and requests expressed. After a period of time, a second report would be presented to the responsible district council, which would be able to apply sanctions or adopt a fresh approach to its service providers.
6. Regarding the monitoring of children at risk and social services for child victims of domestic violence and human trafficking, the Ministry of Labour, Social Protection and Family had developed a social assistance information system that would be implemented between 2015 and 2020. That system would allow the monitoring of cases, data analysis and coordination with the police.
7. The Republic of Moldova did not have an institution responsible for the continuous training of human resources in the social sector, but the Government intended to establish a

national social protection agency that would be responsible for the training of specialists in the social sector, including service providers. All centres and service providers were issued with regulations to the effect that 40 hours of training per annum would be provided to staff, with a view to ensuring the quality of services.

8. Eight rehabilitation centres for the victims of domestic violence had been established in different parts of the country at different times. The framework regulation governing their organization and operation had been adopted subsequently, since services had initially been provided to beneficiaries by international organizations, before being transferred to local authority control. The centres provided victims with psychological and legal assistance, help with documentation, and referrals to the police or health service if necessary. In 2015, 370 adults and 193 children had benefited from the assistance of those centres. Lastly, she said that the intersectoral cooperation mechanism for the assistance of children who might be the victims of violence or exploitation clearly established the duties of the education, health and police authorities.

9. **Ms. Furtuna** (Republic of Moldova), responding to the question on the difference between torture and ill-treatment, said that until 2012 there had been two different legal provisions criminalizing improper treatment by State officials, and their similarity had caused multiple problems and discussions. In order to address those issues and to enhance the effectiveness of investigations, a working group had been set up to draft amendments to the Criminal Code and related laws, which had led to the introduction of article 1661 on stipulated criminal responsibility for torture and inhuman or degrading treatment. Under Moldovan law, the difference between the two crimes was determined by applying certain criteria, including the age of the plaintiff, the degree of physical or moral harm caused to that person, the methods by which violence was inflicted, and most importantly, the degree of the victim's suffering. The distinction was necessary in order to underscore the severity of torture, which carried the heaviest punishment, of up to 15 years' imprisonment and deprivation of the right to hold certain posts, depending on the circumstances. The Republic of Moldova complied with the definition of torture set forth in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and did not permit any amnesty, statute of limitations or probation in such cases. According to national data, the number of cases of torture and cruel treatment had fallen steadily since 2013, which the Government believed was due to the positive impact of the measures adopted. Prosecutorial bodies such as the Prosecutor General's Office held exclusive competency for investigating cases of torture and cruel treatment; crimes of inhumane treatment were dealt with at the local level, while torture was investigated by a specialized prosecution service at the national level.

10. **Mr. Serbenko** (Republic of Moldova) said that the right to freedom of assembly was covered by a detailed regulation, under which prior notification, including the names of organizers and the expected number of participants, was required in order to convene an assembly. His delegation did not consider those measures to be intrusive, but rather proportional and necessary. Only a very small number of individuals had been sanctioned for violations of the Code of Administrative Offences in relation to the convening of assemblies. Two criminal cases relating to the events of April 2009 were still ongoing, and prosecutors were seeking convictions for failure to acquiesce to police orders and for the destruction of goods. In response to the question on the march organized by the lesbian, gay, bisexual and transgender (LGBT) community, he said that the police had made great efforts to allow that gathering to go ahead, but the spontaneous appearance of another assembly had compelled them to evacuate the parade on safety grounds. No complaints had been made against the police in that regard.

11. **Ms. Jelić** expressed concern that sexual orientation was not stipulated as a ground for discrimination, in the light of the known issues in the Republic of Moldova. In her view,

the proposed amendment to article 88 of the law on the rights of the child was controversial and out of step with international legal standards, and if adopted could lead to stigmatization and institutionalized discrimination, as well as having a wider social impact. Specifically, she would be interested to learn what had been done to limit the dominant role of the Orthodox Church in the education system, which might impinge on the freedoms of people belonging to religious minorities or the LGBT identity, as well as to address the Church's negative influence over LGBT rights and social perceptions.

12. The Committee was pleased to learn that the Republic of Moldova had become an observer to the Decade of Roma Inclusion in 2014, and that it had adopted a new action plan on Roma for 2016-2020. Nevertheless, given that the Roma community was still socially, economically and politically marginalized, the Committee would be grateful for information on what had been done to improve their situation, for example, through awareness-raising initiatives regarding the rights of Roma, and especially Roma women and girls, not to be discriminated against. The delegation should also clarify whether the action plan contained any planned funding increases or measures to improve the effectiveness of community mediators.

13. The delegation should also outline the measures taken to combat religious intolerance, particularly in rural areas where the influence of the Orthodox Church was very strong, and to combat discrimination against religious minorities, such as Jehovah's Witnesses. What measures did the State party envisage taking to ensure that cases of discrimination against Jehovah's Witnesses were prosecuted effectively and that the legal proceedings arising from such cases were not prolonged unnecessarily? Had the Tiraspol Community of Jehovah's Witnesses been registered again? She would also like to learn the outcome of the recent court hearing in the case brought against the Ceadar-Lunga authorities for having refused to issue a building permit for the construction of a place of worship for Jehovah's Witnesses, and in the case brought against the Olanesti village authorities for having refused to grant a zoning change for a house that had been acquired for use as a place of worship by that community. It would also be useful to receive up-to-date information on the legal provisions regulating the right of conscientious objection in the Republic of Moldova.

14. The Committee would welcome additional information on the measures taken to counter the persistent discrimination and harassment experienced by persons of African descent living in the Republic of Moldova, some of whom, as non-citizens, still struggled to exercise their basic rights despite having lived in the country for more than 20 years. Although persons of African descent living in the Republic of Moldova did not enjoy the status of a recognized minority, they were considered to be a vulnerable group under international law on account of their ethnic and cultural identity differing from that of the mainstream population. The delegation should also provide additional information on the measures taken to safeguard the rights of the country's Russian-speaking minority.

15. **Mr. Seetulsingh**, noting that the State party sometimes lacked the necessary financial means to compensate victims of torture, asked how many victims had in fact been compensated to date. He would appreciate an explanation of the reasons why prosecutors sometimes refused to prosecute cases of torture, as well as clarification on the criteria used to determine whether the acts that were the subject of complaints of torture and/or ill-treatment were in fact unlawful. It would also be useful to hear about how the courts handled confessions allegedly extracted under torture or duress.

16. He asked whether the members of the Council for the Prevention of Torture, which served as the national mechanism for the prevention of torture, conducted visits to all places of detention in the State party. He was pleased to note that, if the decision was taken to amend Law No. 52, which was intended to strengthen the independence and effectiveness of the Council, the competent authorities would take due account of the provisions of the

Optional Protocol to the Convention against Torture and the recommendations made by the Subcommittee on Prevention of Torture. He asked when the Subcommittee had conducted its visit to the country and what amendments the State party envisaged introducing to the aforementioned law.

17. It would be helpful to receive additional information on the frequency with which civil defamation laws were used against independent journalists and to learn the outcome of the August 2011 case involving a national newspaper that had published a story on two prosecutors, who were allegedly involved in corruption but not convicted and who had subsequently sued the newspaper for moral damages. Moreover, he wished to know whether the Moldovan television channel known as “Jurnal TV”, which had been removed from the list of television channels broadcast by cable providers, had been reinstated in that list, and whether the State party planned to amend the legislation governing the registration and licensing of television channels. While he welcomed the amendments introduced to the Criminal Code in 2013 to prohibit the censorship of public media and to punish with a fine persons obstructing, threatening or assaulting journalists, he would like to hear more about the ongoing reform of the Broadcasting Code, any steps taken by the State party to promote media pluralism and any plans to broadcast television programmes in minority languages.

18. **Sir Nigel Rodley** said that it would be helpful to receive more detailed information on the convictions secured since 2014, including on the offences for which the convictions had been obtained and the perpetrators of those offences. He would also appreciate more information on the steps taken by the State party to investigate and, if appropriate, prosecute public officials suspected of having committed acts of torture or abusing their power. Notwithstanding the fact that the European Court of Human Rights drew a distinction between torture and ill-treatment on the basis of the severity of the act in question, the State party was required to ensure full compliance with article 1 of the Convention against Torture, which did not draw such a distinction. The Committee was of the view that if severe pain or suffering was inflicted for the purpose of, inter alia, obtaining information or a confession or discriminating against the victim, the act in question constituted an act of torture. He enquired what the reasons were behind the decisions to delegate responsibility for investigating acts of torture to the specialized prosecution service and to delegate responsibility for investigating acts of cruel, inhuman or degrading treatment to the general prosecution service.

19. Noting that the State party did not intend to reduce the legally prescribed maximum duration of pretrial detention from 72 hours to 48 hours, as recommended by the Committee, he recalled that the longer an accused person was held in pretrial detention, the greater the risk of that person falling victim to abuse or of erroneous information being obtained during the investigation. He asked how frequently accused persons were held in pretrial detention for the maximum period of 72 hours and at what stage they were granted access to a lawyer or could receive visits from family, which served as important safeguards. He sought assurances from the delegation that the audiovisual equipment installed in police stations was used to record all interviews conducted in the context of criminal investigations as a matter of course and without exception. Guaranteeing accused persons early access to a lawyer and the routine use of audiovisual equipment to record interviews in police stations could, to a certain extent, mitigate the need for the State party to reduce the legally prescribed maximum duration of pretrial detention.

20. He drew the delegation’s attention to the contradiction between the information provided in paragraph 135 of the State party’s report, which stated that, under the law on the social inclusion of persons with disabilities, those persons already enjoyed legal capacity to the same extent as other persons in all aspects of life and were legally entitled to assistance in exercising their legal capacity where necessary, and paragraph 136 of the State party’s report, which stated that recommendations for repealing or amending legal

provisions that were inconsistent with article 12 of the Convention on the Rights of Persons with Disabilities and for introducing supported decision-making were still under consideration. The delegation should indicate what legal provisions, if any, had actually been removed or amended to ensure compliance with article 12 of the Convention on the Rights of Persons with Disabilities and whether provisions for assisted decision-making had been introduced. Did the State party intend to adopt any new legislative measures to help achieve the full realization of the civil and political rights of persons with disabilities?

21. While he welcomed the appointment of an independent ombudsman to monitor the treatment of patients in psychiatric institutions, it would be useful to know when one had been appointed and what measures he or she had taken to date to reduce the prevalence of torture or ill-treatment in such institutions and to prevent further abuses, particularly in the light of the report of the Special Rapporteur on the rights of persons with disabilities on her mission to the Republic of Moldova (A/HRC/31/62/Add.2), who had received reports of ill-treatment, violence, including sexual and gender-based violence, perpetrated by staff members, neglect, restraint, forced medication and seclusion. The Special Rapporteur had also been alarmed to learn that, in certain institutions, women with disabilities could be exposed to rape, forced contraceptive measures, forced abortion or be deprived of their reproductive rights. More alarming still was the fact that some of those practices were permitted by the legal framework on abortions adopted by the Ministry of Health in 2010, which allowed for the non-consensual termination of a pregnancy on the grounds of psychosocial or intellectual impairment. Such practices violated the right of persons with disabilities to freedom from torture and other cruel, inhuman or degrading treatment or punishment and must be brought to an end without delay.

22. **Mr. Shany** said that he welcomed the adoption of new regulations and standards to improve women's access to high-quality, safe abortion services and the decision to provide persons belonging to at-risk groups with contraception under the country's compulsory health insurance scheme. However, the Committee remained concerned that access to contraception remained limited in rural areas and that abortion was often used as a form of birth control. He asked what measures the State party had taken to guarantee access to contraception in all regions of the country. He enquired about the criminal law provisions applicable to abortion and whether women who had an abortion after 28 weeks, which was the legally prescribed time limit for undergoing the procedure, were liable to criminal prosecution.

23. He drew the delegation's attention to the contradiction between the provisions of the 2005 law on patients' rights and responsibilities, according to which any medical information concerning a patient under the age of 18 had to be presented to his or her legal representative, and the 1995 law on health protection, according to which only minors under the age of 16 had to obtain the consent of their legal representative in order to access health-care services. The delegation should clarify under what circumstances adolescents needed to obtain parental consent in order to access health-care services.

24. It was his understanding that, although reproductive health and family planning education had become compulsory in 2001, schools continued to encounter stiff resistance from religious groups and that the education was often dispensed by volunteers and limited in scope. He asked how the State party planned to remedy that situation, particularly given the high teen pregnancy rate in the country.

25. It would be useful to receive more information on the steps taken to make the juvenile justice system more child-friendly and on the role played by mediators within the probation system. He asked what the maximum duration of detention was for children during a trial or appeal proceedings. Had the State party taken any steps to improve the quality of the education and psychological support available to children in prison? Were lawyers who provided legal assistance to children who had come into conflict with the law

required to possess certain qualifications? Was there an accreditation system for such lawyers? It would also be helpful to receive additional information on the frequency with which minors were placed in solitary confinement and on the duration of that solitary confinement. Lastly, he asked whether the State party had ceased the practice of holding children in adult detention centres.

26. **Mr. Politi** said that it would be useful to receive up-to-date statistical data on cases in which Government officials, police officers or border guards had been prosecuted and convicted for complicity in human trafficking over the period 2013-2015 and to learn the outcome of those cases.

27. He wished to know more about the social reintegration of victims of human trafficking. In particular he wished to know what specific programmes were in place to ensure the reintegration of minors into school, adults into the labour market and families into the social context.

28. He asked whether there had been any improvement in terms of the right to a fair trial following the implementation of the strategy for the reform of the justice sector for the period 2011-2016 and its related action plan. Specifically, he would welcome more information with regard to: the limits established by law for pretrial detention; statistics on the observance of such limits; the average duration of criminal trials; the guarantees for review of pretrial detention; and the possibility of granting temporary release from detention.

29. The report mentioned training sessions organized under the National Human Rights Action Plan for lawyers who provided legal assistance in cases of torture and ill-treatment. He wondered whether any document had been issued at the conclusion of the training sessions to assess their effectiveness.

30. Regarding the independence and tenure of the judiciary, he enquired whether judges were appointed for a fixed term and whether their independence was guaranteed by law. He further enquired whether they could be removed from office only by the Superior Council of Magistracy and whether they could be transferred without their consent. He invited the delegation to comment on the case of a Moldovan judge, who had been the subject of a criminal investigation endorsed by the Superior Council of Magistracy, following a ruling in favour of a civic movement related to a constitutional referendum. He wondered what impact the case had had on the public's perception of real guarantees of justice in Moldova.

31. The report described the reform of the residential care system for children, including those with disabilities, and its overall purpose to provide alternatives to residential care. According to information available, including from the Committee on Economic Social and Cultural Rights, the rate of institutionalization of children remained high in the State party. He therefore wished to know how many children in the different categories covered by the reform were still institutionalized and when the reform was scheduled to be completed. He also wished to know what the Government's policy was towards child victims of domestic violence for whom separation from the family was in most cases necessary. Lastly, he would welcome more information on the reform of the social assistance system and its impact on social services provided in the State party, especially for poor families.

32. **Mr. de Frouville** said that he was concerned by detention conditions in Moldova and the Transnistrian region. The delegation itself had mentioned the problem of prison overcrowding and the efforts made thus far to address the situation, which included a programme launched in partnership with the Council of Europe. Apart from building new prisons, he wondered what other measures the State party envisaged, since it appeared that the problem persisted. In June 2016, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had published a report on its visits to Moldovan prisons in 2015. The CPT report documented the appalling conditions of

certain facilities, in particular Soroca prison, and requested the Moldovan authorities to submit an urgent action plan setting out how the shortcomings would be addressed. He asked what steps had been taken to comply with that request. He also asked what the authorities were doing to tackle the violence that was reportedly endemic in some prisons.

*The meeting was suspended at 11.40 a.m. and resumed at noon.*

33. **Mr. Serbenco** (Republic of Moldova) said that the Government had taken steps to address the problem of prison overcrowding and to improve prison conditions but faced certain financial constraints. Although the prison population had risen in recent years, the situation had been slightly relieved by the release of 1,300 persons under an amnesty declared on the occasion of the twenty-fifth anniversary of the State's independence. Instead of investing in outdated facilities, the Government focused on building new ones, such as the prison currently under construction with a capacity for just over 1,000 inmates. The Government was also working on amendments to the Criminal Procedure Code that would allow prosecutors and judges to consider alternative measures to imprisonment. The directors of Soroca prison had been dismissed and prison staff had been instructed to follow courses on the treatment of prisoners. It was hoped that such measures would soon yield results.

34. The strategy for the reform of the justice sector covered all judicial actors. As the last year of the strategy drew to a close, the overall assessment of the reform was positive. Many legislative acts had been adopted and efforts were now concentrated on their implementation. The functioning of the judicial system was governed not only by legislative acts but also by the Constitution. In accordance with the latter, judges were initially appointed for a period of five years. However, under proposed amendments to the Constitution that provision would be abolished and judges would have tenure until the age of 65. The Superior Council of Magistracy supervised the work of the judiciary; the transfer of a judge upon a decision of the Council could not take place without the consent of the judge in question. In the Government's view, all legal guarantees to ensure the independence of the judiciary existed at present in Moldova.

35. While his Government would carefully consider the Committee's recommendation to reduce the maximum duration of pretrial detention, for the time being it maintained its position that 72 hours constituted a reasonable delay. It should be noted that lawyers had access to their clients almost immediately, within hours, and that there was a legal requirement for police interrogations to be conducted in dedicated facilities at police stations and to be properly recorded.

36. The State party could provide more detailed information on the case of the judge under criminal investigation mentioned by Mr. Politi, if so required. He gave his assurances, however, that all legal guarantees had been duly observed in relation to the case. The amendment proposed to the law on the rights of the child made by a Member of Parliament would be considered by Parliament in due course. At the present juncture he could not say for sure what the outcome of the initiative would be. The church was separate from the State in Moldova. Religious education was taught in schools by teachers, not by orthodox priests, and the textbooks used were approved by the Ministry of Education. Admittedly the lessons did cover the Orthodox Church, which played an important role in Moldovan society, but they dealt with religious worship in general and practices shared by other religions.

37. As the pending legal cases referred to by the Committee had only recently been brought before the courts, it was not yet possible to provide any further information in that respect. Applications made by religious groups to convert the use of a particular property were sometimes resolved swiftly and sometimes more slowly. However, judges were



always aware that the Republic of Moldova was a secular country and that freedom of religion was protected under the Constitution.

38. Steps had been taken to tackle discrimination against the Roma community. In areas where Roma community mediators were able to operate, relations between that community and the local authorities were positive. In general terms, the Roma community was not marginalized and attendance levels in schools located in Roma-majority areas were good.

39. **Ms. Doros** (Republic of Moldova) said that, as part of the gender equality programme that ran until 2015, various forums and platforms had been organized that had enabled individuals from vulnerable groups, including women with disabilities and Roma women, to hold dialogues with government representatives. Before the local elections of 2015, three campaigns had been held in 27 communities to raise awareness of the importance of voting. Subsequently, three women from the Roma community had been elected to positions on a local council.

40. Following the creation of the role of Roma community mediator, training courses had been organized in the areas of social welfare and social services and good collaboration had been established with non-governmental organizations that represented Roma communities. Plans were in place to organize mediation campaigns that would raise awareness of the importance of mediators and work would be undertaken with local authorities in order to tackle discrimination against Roma communities. The Government intended to work with the International Labour Organization and educational institutions in order to increase the participation of Roma communities in the labour market and provide professional orientation to Roma students.

41. In 2007, the reform of the residential childcare system had initiated the process of deinstitutionalizing care for children with disabilities. As part of that process, 23 residential institutions had been closed between 2009 and 2014 and the number of children in residential care had fallen from around 9,000 to 2,000 over that period. Further measures to promote deinstitutionalization would be carried out as part of a child protection strategy that would be introduced between 2014 and 2020. Moreover, further steps were being taken to deinstitutionalize a certain number of children with disabilities as part of the Inclusive Community — Moldova project.

42. Under Act No. 140, the authorities were obliged to take steps to protect children who were at risk, to prevent them from being separated from their families, and, where appropriate, to reintegrate them with their families.

43. **Mr. Svet** (Republic of Moldova) said that the independent ombudsman for psychiatric institutions had paid 250 visits to psychiatric facilities. Following those visits, legal support had been provided to residents in 42 cases and 19 complaints had been made to the judicial authorities.

44. In 2015, persons with disabilities had been given the right to vote and to stand for election and, under a decree passed by the Central Electoral Commission on 26 January 2016, regulations to grant persons with disabilities access to the electoral process had been adopted.

45. A working group had been set up to review the question of the legal capacity of persons with disabilities and legislation had been amended in order to reduce existing restrictions. As a result, restrictions on legal capacity could now be quashed by a court in response to a petition filed by an individual.

46. In 2012, an act on reproductive health had been adopted that governed the right to reproductive health, including the right to access contraception. Under that act, teenagers had the right to age-appropriate sex education in the areas of HIV/AIDS, sexually transmitted diseases, unwanted pregnancy and responsible parenting. However, minors

aged 16 and under who wished to receive such education had to apply to the authorities together with their legal representative. Minors who became pregnant were entitled to continue their studies both before and after giving birth.

47. In 2015 and 2016, a number of decrees had been adopted to ensure that members of vulnerable groups were given access to contraception through primary health care facilities. In order to ensure that the new legislation would be implemented, a network of young persons' health centres had been established.

48. **Ms. Furtuna** (Republic of Moldova) said that any complaint of torture or ill-treatment had to be officially registered and investigated and doctors and State officials who became aware of cases of torture or ill-treatment were obliged by law to inform the prosecutor's office. The distinction between torture and ill-treatment rested on several criteria, including whether an attempt had been made by a public official to obtain a confession or information from the victim by force. The delegation could confirm that the specialized prosecution service investigated only accusations of torture or inhuman treatment.

49. **Ms. Braniste** (Republic of Moldova) said that significant improvements had been made to the juvenile justice system in recent years. Following amendments made to the law in 2012, children who were victims of criminal offences were eligible to receive legal aid. Further legal amendments made in 2015 had enhanced the powers of the Ombudsman for Children's Rights to detect and eliminate child labour.

50. Specialized subdivisions, including departments for minors, had been created within the General Prosecutor's Office. At a regional level, prosecutors had been appointed to tackle cases involving children. Between 2013 and 2015, special rooms for hearing cases involving minors had been set up in the premises of district prosecutors. As a result, the quality of the testimonies heard and the evidence gathered had improved significantly.

51. The majority of cases involving minors could be investigated by the prosecution for up to one month and cases could be heard by the courts for between three and six months. The rights of children were protected by the Code of Criminal Procedure and deprivation of liberty was used only as a punishment of last resort. Punishments other than imprisonment were handed down in many of the cases in which minors were involved. The efficiency of the juvenile justice system was continuously enhanced by the training courses organized by the National Institute of Justice and the guidelines issued by the Institute for judges and prosecutors.

52. The right to freedom of expression had been enhanced by amendments made to the Broadcasting Code, which limited the number of licences that could legally be held by a broadcaster within a particular territory.

53. **Mr. Shany** asked whether it was the case that, for political reasons, some non-governmental organizations had difficulty registering with the Ministry of Justice, as they were asked to produce documents that were not required by law.

54. According to the end-of-mission statement drawn up by the Special Rapporteur on Minority Issues, Muslims were discriminated against by State officials, particularly at airports, and Roma had difficulty obtaining identity documents. The Committee would be interested to hear the delegation's comments on those situations.

55. According to the latest concluding observations issued by the Committee on the Elimination of Discrimination Against Women (CEDAW/C/MDA/CO/4-5, paras. 15 and 16), plans had been made to amend the law in order to increase the number of female members of parliament. In that regard, he wished to know whether the proposed amendment had been adopted and whether the Political Parties Act had been amended to

provide financial incentives to parties who fielded more than a certain percentage of women candidates.

56. **Sir Nigel Rodley** asked why one branch of the prosecutor's office investigated torture while other branches investigated inhuman treatment. Although he welcomed the creation of the role of ombudsman for psychiatric institutions, he wished to know why the Special Rapporteur on the rights of persons with disabilities had recommended that an independent monitoring mechanism should be set up and why she had found so many cases of abuse on her visit to the State party. He would also welcome information on the compulsory treatment of individuals held in psychiatric detention facilities. Lastly, he wished to know on what grounds an individual could be deprived of his or her legal capacity by a court and why the decision to deprive an individual of that capacity was not taken by a court in the first place.

57. **Mr. Politi** asked for details of the crimes that had given rise to the prosecution of the Moldovan judge who had been the subject of a criminal investigation. Such information would help the Committee to determine whether the prosecution had been politically motivated.

58. **The Chair** thanked the delegation for the constructive dialogue and said that, although efforts had clearly been made to enhance the protection of human rights in several areas, steps still needed to be taken to address, inter alia, the treatment of persons detained in psychiatric institutions, the practice of torture, the protection of the rights of lesbian, bisexual, gay, transgender and intersex persons, and the protection of freedom of assembly. Lastly, she was pleased to note that the Government was intending to include the Committee's recommendations in the forthcoming National Plan of Action.

*The meeting rose at 1.05 p.m.*