



ANNUAL REPORT ON HUMAN RIGHTS FOR 2023

Executive Summary

2023 was full of events for the National Human Rights Institution (People's Advocate Office), but also for the national human rights system in general. Thus, during the reporting period, the People's Advocate Office managed to align with the standards established by the Paris Principles, being re-accredited with the "A" status by the Global Alliance of National Human Rights Institutions. Moreover, during the reporting year, the People's Advocate Office, as a National Human Rights Institution, contributed to four alternative reporting procedures, sharing its position on the areas covered by international treaties under consideration.

Regarding **Chapter I** of this Report, we specify that the human rights area has not undergone any significant changes in the society, and people continue to experience limitations of civil rights and freedoms in different areas. During 2023, the People's Advocate thoroughly examined the right to the highest **health** standard. The Ombudsman appreciates the effort of the state in developing and consolidating public health policies, being forced, however, to point out poor monitoring of their implementation. Furthermore, the Ombudsman notes that most of health issues persist from year to year, without undergoing any significant changes, even if certain structural changes were made to public policies in 2023. Individuals continue to complain about abuse and inappropriate behavior by health workers and discriminatory practices in service delivery. In addition, the Ombudsman highlights the fact that the central public authorities made errors in the payment of allowances for healthcare workers who suffered from the COVID-19 pandemic, errors that were remedied during 2023.

In the field of **justice**, the People's Advocate notes that the efforts of the authorities were massively focused on the justice reform. However, the Ombudsman points out that, currently, the population does not perceive any improvements in the justice system and still has difficulties in exercising their right to a fair trial. The reluctance of justice professionals towards the initiated reform was primarily caused by the lack of transparency and communication,



as well as the incidents that occurred following the vetting procedures. However, we can state considerable improvements to the laws regulating the justice system. Meanwhile, the Supreme Council of Magistracy (SCM) and the Supreme Council of Prosecutors (SCP) became functional only after the election of new members-judges and members-prosecutors. The Ombudsman also emphasizes that, during the reporting period, the observance of the right to a fair trial takes on a new scale with Moldova obtaining the status of an EU candidate country and the authorities increasing their efforts towards the accession to the European Union.

Regarding **the right to social assistance and protection**, the Ombudsman notes, as in the previous period, that poverty, the social and energy crises, limited choice of decentralized social services in the regions continue to be major barriers to the exercise of the right to social protection. These difficulties continue to affect the most vulnerable social groups: the elderly, children, single mothers. According to the results of the 2023 study on the perceptions of human rights in the Republic of Moldova, this right is still perceived to be ensured to a low or very low degree in the Republic of Moldova - 63% (allowances offered at birth) and 83.3% in the case of pensions. As in the previous period, the situation of such vulnerable groups as the elderly people, people with disabilities and single mothers remains critical. Most people in those categories struggle, literally, to secure their livelihood under increasing expenses and diminishing incomes. At the same time, the Study finds that the right to social protection registered a good percentage increase (44.8% of respondents consider that this right is respected) in 2023, compared to 35.2% reported in the previous study in 2020, and represents a substantial increase compared to 2016 (15.3%).

Regarding **labor protection**, the People's Advocate notes that the Government authorities have recently undertaken several measures to consolidate the framework for protecting the right to labor and employment, by strengthening the State Labor Inspectorate in March 2023, when it was mandated to undertake unannounced visits. However, these actions will have their impact in the future reporting periods. Thus, the Ombudsman notes that despite economic difficulties, the labor market has recovered from the pandemic, although a few significant structural challenges persist. The Ombudsman also specifies that the right to fair pay should ensure a dignified



human life. For the progressive realization of this right, the Government is obliged to ensure a minimum wage to employees, which must allow a decent life for themselves and their families. Although there is a positive trend in increasing the minimum wage, its value remains insufficient to guarantee a decent living for those receiving it. In this respect, we welcome the judgement of the Constitutional Court as of 16 June 2022 on the amount of minimum wage.

Regarding the **right to safety and freedom**, the Ombudsman notes that detention conditions are still precarious. Most ECtHR¹ judgments against Moldova refer to inhuman conditions of detention. No significant systemic measures to remedy the situation were undertaken during the reporting period. All 17 penitentiaries were built back in Soviet times. No significant improvements have been made since Moldova's independence, and the prisons now exceed their intended capacity. Inadequate access to healthcare services, overcrowding and the general poor conditions of prisons, as well as the lack of proper reporting and investigation of possible maltreatment and violence remain largely unaddressed.

The People's Advocate specifically draws the attention of the authorities to cases of violence against patients in psychiatric hospitals. Thus, following joint meetings with the Parliamentary Committee for Human Rights and Interethnic Relations to discuss the Special Report “Monitoring compliance with the rights of patients in coercive medical treatment²”, a set of recommendations has been submitted to the relevant authorities. Still, they have not been adequately implemented yet.

The Ombudsman points out that, during the monitored period, it was observed that informal and, in some cases, even abusive communication persists between privates or between privates and underofficers in the **National Army**. Thus, no verbal violence was observed in case of officers – on the contrary, we want to acknowledge the professionalism with which they treated the reservists or conscripts. Yet, they remained silent in the cases of verbal violence committed by their subordinates, often leaving it unnoticed.

¹ ECtHR – European Court of Human Rights

² <https://ombudsman.md/post-document/raport-special-monitorizarea-respectarii-drepturilor-pacientilor-plasati-la-tratament-prin-constrangere-cu-caracter-medical-2/>



Regarding the human rights on **the left bank of the Nistru River**, the Ombudsman notes that the year 2023, unfortunately, was not marked by any positive changes for human rights in this region.

Currently, most of the information on human rights is provided by civil society organizations from the uncontrolled region, non-profit organizations from the right bank of the Nistru River monitoring the situation in the region, the Varnița Representation of the People's Advocate Office, or international organizations that operate in or monitor the region. In this situation, the People's Advocate, as the head of the National Human Rights Institution, continues to report this issue to the national and international authorities and examines it in his annual or thematic reports.

During the mandate, the People's Advocate of the Republic of Moldova, Cezar Panico, sent two inquiries to the Secretary General of the United Nations, Antonio Guterres, and to the Council of Europe Commissioner for Human Rights, Dunja Mijatović. Thus, the People's Advocate informed the high officials about the current situation regarding human rights in the Transnistrian region and about the recent regress in this respect.

Finally, the Ombudsman specifies that, regarding the recommendations submitted to the public authorities in the Annual Report on Human Rights and Freedoms in the Republic of Moldova for 2022, out of a total of 63 recommendations, 5 were implemented, 7 are in the process of implementation, 14 other recommendations are partially implemented, 11 recommendations are not implemented, and 26 recommendations could not be evaluated at the time of drafting this report.

As for **children's rights (Chapter II)**, the People's Advocate for the Rights of the Child monitored the observance of the child's right to life, survival, and development. Thus, the Children's Ombudsman initiated an ex officio investigation, following the information disseminated in the media, in the case of the 2 children, who, on 11.02.2023, being in the mining perimeter exploited during 1996-2021 by JSC Cariera Micăuți, in the process of insolvency at the time of the incident, fell into the quarry and suffered numerous injuries.

The People's Advocate also studied the issue of playgrounds safety. Respectively, the frequency of incidents and injuries caused to the beneficiaries



reveal a systemic character of the cases when children are hurt by metal constructions on playgrounds (football gates).

In regard to the right to health, the People's Advocate for the Rights of the Child mentions that, in order to ensure the respect for the child's right to health, as stipulated in Article 24 of the UN Convention on the Rights of the Child, the Children's Ombudsman monitored the conditions and nutrition in four public medical institutions in Chişinău throughout 2023: the Municipal Clinical Hospital for Infectious Diseases in Children, the Municipal Clinical Children's Hospital No. 1, the Municipal Clinical Phthisiopneumology Hospital, and the "V. Ignatenco" Municipal Children's Hospital in Chişinău.

Thus, we found that the conditions of treatment of patients in the Municipal Clinical Hospital of Phthisiopneumology are relatively satisfactory, but are maintained through frequent repairs, so capital renovation is required in all clinical and paraclinical blocks, including the premises of the Children's Unit (floors 2 and 4 of the curative block no. 1). Although meals are prepared in salubrious conditions, these conditions are maintained through regular cosmetic repairs, while a capital renovation of the food block took place long ago.

Regarding the **right to education**, the People's Advocate for the Rights of the Child examined ensuring this right to Roma children. Thus, the Children's Ombudsman points out that there are a few inconsistencies in the collected data, between the data provided by the Ministry of Education and Science/local public authorities, by the family doctors, the data collected by community mediators or NGOs for the rights of the Roma people. Thus, according to the data registered by the Office of Family Doctors, there were 920 Roma children of school age (7-16 years) in Otaci town as of September 1, 2023. Based on these data, the rate of compulsory schooling in Otaci in the first semester of the school year 2023-2024 was equal to 10% (92/920) and not 30.5%, according to the data presented by the Ministry of Education and Science. Still, a more significant discrepancy between the data provided by the authorities (100% schooling rate – 85/85) and by the community mediator (13.5% – 85/623) was registered in Edineţ City. The issue of the correctness of collecting and reporting data on the total number of school-age children was also raised in Soroca City and Chişinău Municipality.



The Children's Ombudsman also examined the right to education of children with sensory impairments and appreciates the fact that most of the recommendations made in the study were included in the program for the development of inclusive education in the Republic of Moldova for 2024-2027.

Regarding **the protection of children from any form of violence in educational institutions**, the Children's Ombudsman found that educational institutions rarely enforce the provisions of art. 135, para. (1), let. i) of the Education Code and art. 86 para. (1) let. n) of the Labor Code (dismissal) in respect of the teacher who applied violence against children, limiting themselves only to sanctions such as reprimand. Sometimes, teachers resign voluntarily only to find a job in the same education sector, yet in another educational institution. There is no registry of sanctions applied to teachers, including for violence against children, which would be helpful for future employers and educational institutions to consult with. Another finding is related to similar thematic cases registered by the People's Advocate for the Rights of the Child "determining the nature of the offenses committed by the school staff" pursuant to Article 1661, "Torture, inhuman or degrading treatment" of the Criminal Code.

At the same time, the Children's Advocate notes that informal charges in schools remain a problem in the monitored segment, as well as the restriction of access to educational institutions for students who do not wear school uniform or do not comply with the dress code required by the institution.

Regarding child-friendly justice, the People's Advocate for the Rights of the Child notes that, in 2023, the National Administration of Penitentiaries, with the support of the Ministry of Justice and the Children's Ombudsman, reconceptualized the approach to under-age detainees. Thus, the under-age detainees were transferred from Penitentiary No. 13 to Penitentiary No. 10 – Goian, where a totally renovated residential block was established to comply with detention standards. The Ombudsman also notes the persistence of such problems as criminal subculture, cases of self-harm, enforcement of disciplinary sanctions.

As for **child protection against labor exploitation**, according to the data from the Ministry of Labor and Social Protection (MLSP), 40 complaints of violations of employment regulations concerning children were filed in the last five years. These complaints involved 40 children (24 boys and 16 girls).



The inspections revealed and reported 15 violations concerning children: employment infringing the legal procedure, absence of preventive medical check-ups, employment in jobs prohibited to children, non-compliance with the reduced labor time, and infringements in fixing the salary. There is a low reporting rate of child labor exploitation cases. Unfortunately, the national legal framework does not clarify the age from which the child can be admitted to work within the family, particularly regarding the child's education through labor in the family.

Regarding **the right to name and nationality**, the Children's Ombudsman welcomes the amendment of art. 11 of Law no. 1024/2000 on Citizenship of the Republic of Moldova, which prevents the appearance of stateless children from birth in cases where the country of origin of the parents/one of the parents does not grant its citizenship to children born in the territory of other states or has reservations about them.

Regarding **the protection of civil rights and freedoms**, the Children's Ombudsman submitted to the Ministry of Education and Science the recommendations from children, including the Children's Advisory Council to the People's Advocate for the Rights of the Child, put forward within the National Forum on Child's Rights.

During the reporting period, the Children's Advocate carefully monitored the rights of Ukrainian children, war refugees, and children from the left bank of the Nistru River. The People's Advocate formulated a set of recommendations to the authorities, for each item.

In conclusion, in his Report on human rights and freedoms in the Republic of Moldova for 2022, the People's Advocate for the Rights of the Child formulated **41** recommendations to public institutions. In this context, having monitored the implementation process, the Children's Ombudsman found that **4** recommendations were fully implemented, **28** were partially implemented, **6** were not implemented, and the implementation of **3** could not be evaluated.

Regarding **Chapter III of this Report (Prevention of Torture)**, it is highlighted that in 2023, **28 visits** were conducted for preventive and monitoring purposes in places of deprivation of liberty (*compared to 72 visits*



in 2022)³. The National Mechanism for the Prevention of Torture, which includes the Department for the Prevention of Torture (PAO) and the Council for the Prevention of Torture, drafted 23 visit reports. Among these, 7 were written by the Department for the Prevention of Torture. These visits resulted in **356 recommendations**. *In 2022, there were 29 visit reports with 570 recommendations*⁴. PAO intervened in four cases of increased social interest with **4 special reports** (7 special reports in 2022)⁵ and elaborated **16 quarterly thematic reports** on safety in places of deprivation of liberty⁶.

Overall, the implementation rate of recommendations was 33% in the medium term, and 10-15% in the long term (resources and policies). We see a trend of reluctance, disregard and superficial responses following the Ombudsman's recommendations and findings. Also, the representatives of the concerned authorities reacted publicly with messages of disdain, denigration, and interference in the work of the Ombudsman in relation to the findings of special reports⁷. The Ministry of Internal Affairs later informed that it had warned the chiefs of the interior subdivisions to refrain from affecting the autonomy of the decisions and activities carried out by the Ombudsman's institution⁸. The Ministry of Defense was reluctant in accepting the Ombudsman's recommendations and mandate. Along the way, the defense institution tried through various methods to debate the findings and recommendations of the Ombudsman, groundlessly invoking state secret, personal data in the context of torture prevention efforts, collection of information about the injuries obtained by conscripts, about their diseases, or the request for notice of preventive / unexpected inspections, etc. The

³ PAO Department for the Prevention of Torture conducted 11 visits (5 preventive visits, 5 follow-up visits, and 1 information visit), and the Council for the Prevention of Torture conducted 17 preventive and monitoring visits.

⁴ The Council for the Prevention of Torture prepared and submitted 16 visit reports with 268 recommendations to the authorities. In comparison, the Department for the Prevention of Torture prepared and submitted 7 visit reports with 88 recommendations.

⁵ Special Report on a police-involved shooting at a vehicle in Ialoveni, special report on failure to protect residents against sexual abuse at an accommodation center, Special Report on a questionable suicide in the pre-trial detention facility of the Cimișlia Police Inspectorate, Special Report on the questionable death of a drug addict detained by Chisinau Police, available on: <https://ombudsman.md/rapoarte/prevenirea-torturii/speciale>

⁶ <https://ombudsman.md/rapoarte/prevenirea-torturii/tematice/>

⁷ <https://newsmaker.md/ro/intimidari-imixtiune-si-atac-asupra-independentei-institutiei-avocatul-poporului-declaratie-dupa-scrisoarea-primita-de-la-seful-politiei/>

⁸ The Minister of Internal Affairs' response as of 09/02/2024 to the People's Advocate report on interference.



employees of the Ministry of Defense made several attempts to intimidate the representatives of PAO, during preventive visits and examination of individual complaints of the conscripts.

PAO held **7 meetings** with representatives of central and local public authorities to promote the recommendations of the People's Advocate and Council for Prevention of Torture.

Regarding **Chapter IV (Protection of Refugees in the Context of the Armed Conflict in Ukraine)**, it is highlighted that, in 2023, the People's Advocate Office monitored continuously the rights of refugees on the territory of the Republic of Moldova, pursuant to international and regional standards, and conducted **60 monitoring visits** to the temporary accommodation centers for refugees and to border crossing points, and interacted with various decision-makers to prevent possible risks of human rights violations. **4 reports** were issued in conformity with the monitoring results, inclusively **2 special reports** on access to medical services for refugees, the phenomenon of statelessness, and the rights of stateless persons in the context of national legal framework.

The last chapter of the Report (Chapter V) addresses human rights promotion as another essential element of the Paris Principles. The People's Advocate mandate on Human Rights Promotion allows the dissemination of information and knowledge about human rights to the wide public and specific target groups. Basically, promoting human rights aims at creating a culture of human rights in which every member of the society is aware of and respects them.

Also, the promotion of human rights is closely related to their protection. Whether human rights violations are intentional or unintentional, education and awareness of human rights values plays a crucial role in preventing thereof.

The People's Advocate Office carries out several initiatives to support and promote human rights. This chapter will present the actions undertaken by the People's Advocate Office in 2023 within its mandate to promote human rights. At the national level, these actions actively contribute to preventing human rights violations and strengthening respect for them.