

# Conditions of Detention in Penitentiary no. 13, Case of Tatiana Machina

The European Court of Human Rights informed the Government of the Republic of Moldova on the case of Tatiana Machina (case file no. 50435/14).

Tatiana Machina is a young woman with disabilities, who is able to move only in a wheelchair. Since February 2011 until September 2015 she had been detained in Penitentiary no. 13. She stated that during the entire detention period, the cell conditions were not adapted for people with motor disabilities and in all undertaken actions she needed assistance and aid of third persons. Thus, the young woman could not perform vital and basic activities, such as personal hygiene and eating. For instance, because the bathroom was not adapted for persons with disabilities, in February 2012 Tatiana fell and hurt herself severely, which led to several bruises on various parts of her body.

We would like to remind you that on 11 December 2014, the Council on Prevention and Elimination of Discrimination and Assurance of Equality (CPEDAQ) found discrimination in the case of Tatiana Machina, based on two criteria. The complaint she filed to the Council invoked the failure of Penitentiary Institutions Department and Penitentiary no. 13 to ensure reasonable accessibility and accommodation. You can find details [here](#).

We would like to mention that Penitentiary no. 13 is still the most sensitive issue of the penitentiary system of the country. This is also proved by approximately 20 ECtHR judgments and rulings, which recognized the Government of the Republic of Moldova accountable for the violation of Article 3

of ECHR.[\[1\]](#) One of the most severe problems is still the overpopulation of the penitentiary; according to Promo-LEX Report on Human Rights – Retrospective of 2014, the maximum number of people to be detained in Penitentiary no. 13 is 1,000, while in January 2015 they had on record 1,203 persons.[\[2\]](#)

The complaint filed with the High Court alleged the violation of Article 3 of ECHR (the right not to be tortured and detained in inhuman and degrading conditions) corroborated by Article 13 (no effective remedies in national courts).

The applicant is represented by the lawyers and attorneys of Promo-LEX Association.

The European Court will examine the case alongside other two cases related to inhuman and degrading conditions of detention in Penitentiary no. 13. For more details, go [here](#).

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**[\[1\]](#) Ostrovar, Istratii a.o., Modârcă, Țurcan, Ciorap, Popovici, Țurcan, Străisteanu a.o., Valeriu and Nicolae Roșca and I.D.. The conditions of detention were criticized due to the overcrowded prison cells (Ostrovar, Istratii and others. , Modarca, Ciorap, Turcan and I.D.) insufficient food (Ostrovar, Becciev, Istratii and others., Modarca and Ciorap), poor in-cell lighting due to the iron shutters in the windows**

(Istratii and others., Modarca, Ciorap and I.D.), infecting of prison cells with parasites and rodents (Ostrovar, Istratii and others., and Ciorap), lack of bedding, (Istratii and others., Modarca and I.D.) periodic disconnection of water and electricity (Modarca, Ciorap and I.D) passive smoking, failure to separate water closets from the rest of the room and failure to take a shower as often as needed (Ostrovar).

[\[2\]http://www.promolex.md/upload/publications/ro/doc\\_1437047545.pdf](http://www.promolex.md/upload/publications/ro/doc_1437047545.pdf), page 21, table 2, accessed on 26.10.2015.