

Medical care and precarious conditions of detention in the case group I.D. v. Moldova to the attention of the Committee of Ministers of the Council of Europe



On April 27, 2021, the Promo-LEX Association sent to the Committee of Ministers a communication on the execution of general measures in the group of cases I.D. v. Moldova. The group of cases mainly concerns the precarious conditions of detention and the lack of access to adequate medical care during detention. The Committee has previously made binding recommendations for the Government of the Republic of Moldova, that need to be implemented.

Previously, the Promo-LEX Association also sent communications on this group of cases on 20 May 2019 (see DH-DD (2019) 635 [1]) and 20 April 2020 (see DH-DD (2020) 384 [2]). These communications described current problems in the field of ensuring detention conditions in accordance with CoE and UN standards, the quality of healthcare (including in the context of the COVID-19 pandemic), overcrowding in the penitentiary system and significant delays in the construction of a penitentiary.

In its communication, Promo-LEX described some concerns about the application of the new preventive and compensatory remedy to challenge the precarious conditions of detention (including the ineffectiveness of the preventive remedy in specific situations, the excessive length of examination of detainees'

complaints in court and insufficient financial as compensation.

By Decision of the Committee of Ministers of 4 June 2020 (CM / Del / Dec (2020) 1377 / H46-21) it was decided to continue to supervise the execution of the general measures formulated in case group H46-21 I.D. v. Republic of Moldova (Complaint No. 47203/06). Thus, the Committee invited the authorities to provide, by 31 March 2021, information on the following issues:

- the practical application of the preventive and compensatory remedy;
- information on alternative measures applied to improve precarious detention conditions;
- measures taken to further improve healthcare in detention facilities;
- the practice of the criminal investigation body and the courts for examining the detainees' requests regarding the approval of meetings with family members.

At the last session, the Committee of Ministers made the following specific recommendations to the Government, the implementation of which was analyzed in the Promo-LEX communication:

- called on the authorities to complete without delay the review of the preventive and compensatory mechanism and encouraged them to cooperate closely with the Secretariat in this reform process and to keep the Committee of Ministers informed of all developments in a timely manner;
- during the review of the preventive and compensatory mechanism, asked the authorities to take all necessary measures to avoid the influx of new, well-founded claims before the European Court of Justice and noted in this context that the amounts of internal compensation should not be unjustified compared to the amounts granted by

- the European Court in similar cases;
- further called on the authorities to ensure that the legal deadline of three months for examining detainees' complaints lodged in the context of the preventive and compensatory mechanism is met;

The next evaluation of the measures undertaken by the Government of the Republic of Moldova in the group of cases I.D. v. Moldova, will be resumed at one of the nearest sessions of the Committee of Ministers planned for 2021.