

# The Committee of Ministers of the Council of Europe will continue to monitor the implementation of the ECHR ruling on healthcare and precarious conditions of detention



At its meeting on 9 June 2021, the Committee of Ministers of the Council of Europe examined the measures taken by the Republic of Moldova to enforce the judgments of the group of cases I.D. v. Moldova (10 judgments of the European Court of Human Rights (ECHR) which mainly refers to poor detention conditions and lack of access to adequate health care during

detention). The Committee has issued binding recommendations for the Government of the Republic of Moldova, that need to be implemented.

Previously, the Promo-LEX Association (including in partnership with EPLN – European Prison Litigation Network) sent communications on the implementation of general measures in this group of cases. The communications were sent on 20 May 2019 (see [DH-DD \(2019\) 635](#)), 20 April 2020 (see [DH-DD \(2020\) 384](#)), 28 April 2021 (see [DH-DD \(2021\) 481](#)). 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 also expressed concern about the implementation of the new preventive and compensatory remedy to challenge the precarious conditions of detention (including the ineffectiveness of the preventive remedy, the excessive length of the examination of detainees' complaints in court and insufficient financial sums offered as compensation), including the consequences of the temporary suspension of the preventive and compensatory mechanism by the authorities.

The Committee of Ministers took into account the information and recommendations presented in the communication of the Promo-LEX Association. The Committee expressed its concern about the application of the preventive and compensatory mechanism by the courts (in particular, about the deadlines for examining cases in court), but also indicated that the current amount set by law as financial compensation for a day of detention in poor conditions (approx. 2.55 EUR) is too small. The Committee was also concerned about the high incarceration rate and the delay in the construction of the new penitentiary.

With regard to healthcare, the Committee appreciated the measures taken by the Government in the context of preventing COVID 19 in the penitentiary system, and encouraged these efforts to continue. However, the Committee called on the Government to ensure CPT standards on the provision of healthcare in the penitentiary system.

According to the Program Director of the Promo-LEX Association, Vadim Vieru, the Committee of Ministers stated:

- “the importance of ensuring that the practical application of internal remedies complies with the requirements of the Convention, including the length of examination of detainees’ complaints and the amount of monetary compensation granted, and invited the authorities to provide information on preventive remedies and up-to-date statistics on the application of the compensatory remedy;
- reiterated its call on the authorities to keep the Committee of Ministers informed in due time of all developments in the process of reforming the punishment reduction system and to work closely with the secretariat in this regard;
- noted with concern that, despite a certain decrease in the prison population in 2018, prison overcrowding remains a major challenge and strongly urged the authorities to adopt, as a matter of priority, a comprehensive strategy to combat prison overcrowding, in particular by adjusting prison sentences, promoting the use of alternatives to imprisonment and reducing the use of pre-trial detention; in this process, encouraged the authorities to take full advantage of the technical assistance available in the Council of Europe Action Plan for the Republic of Moldova 2021-2024;
- noted with concern that the material conditions of detention in some prisons, including Penitentiary no. 13, remained unsatisfactory and encouraged the

authorities to continue their efforts to make further progress in this area, taking all necessary measures until the situation is fully resolved; recalled that combating overcrowding and improving material conditions of detention are vital;

- deeply regretted that no progress had been made in building the new penitentiary in Chisinau, which was seen as a solution to the problem of overcrowding and poor material conditions of detention in prison no. 13, with construction costs partly covered by the loan from the Council of Europe Development Bank and partly from the state budget; called on the authorities to provide, by 31 December 2021, information on the measures taken to overcome the current difficulties in implementing the project and to provide a timetable for the construction of the new penitentiary, as well as to ask the authorities to allocate the necessary resources to complete this project without additional delays;

By Decision of the Committee of Ministers of 9 June 2021 ([CM / Del / Dec \(2021\) 1406 / H46-19](#)) it was decided to continue supervising the execution of the general measures formulated in the group of cases H46-21 I.D. v. Republic of Moldova (Complaint No. 47203/06). Thus, the Committee invited the authorities to provide, by 31 March 2022, 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.

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 sessions of the Committee of Ministers planned for 2022.