

Government of the Republic of Moldova
Coat of arms of Moldova

DECISION
to approve the Action Plan on reducing maltreatment, abuse and
discrimination against the persons in Police custody
for the years 2017-2020

no. 748 of 20.09.2017

Official Gazette no.340-351 / 853 of 22.09.2017

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In order to implement the objectives of the Strategy for the Police development for the years 2016-2020, approved by the Government Decision no. 587 of May 12, 2016 (Official Gazette of the Republic of Moldova, 2016 no.134-139, art.645), and the improvement of detention conditions for the persons in Police custody, the Government

DECIDES:

1. To approve the Action Plan on reducing maltreatment, abuse and discrimination against the persons in Police custody for the years 2017-2020 (to be attached).
2. The authorities and institutions involved will ensure, according to their competencies, the implementation of the actions set out in the above-mentioned Action Plan.
3. The financing of the measures stipulated in the Action Plan shall be carried out from the account and within the limits of the approved means in the budgets of the responsible authorities and institutions, as well as from other sources, according to the legislation in force.
4. The authorities and institutions responsible shall submit to the Ministry of Internal Affairs, by the 15th of the month following the reporting semester, information on the actions taken in order to implement the nominated Action Plan.
5. The Ministry of Internal Affairs shall be responsible for the enforcement of this decision.

PRIME MINISTER

Pavel FILIP

Countersign:

Minister of Internal Affairs

Alexandru Jizdan

Finance Minister

Octavian Armasu

No.748. Chisinau, September 20, 2017.

Approved
by the Government Decision
no.748 of

September 20, 2017

Action Plan
on reducing maltreatment, abuse and discrimination against the persons
in Police custody for the years 2017-2020

No. crt.	Actions	Sub-actions	Performance indicators	Deadlines	Responsible institutions	Partners	Estimated Cost (Thousand MDL)	Funding source
1	2	3	4	5	6	7	8	9

Objective 1. Review and harmonization of the regulatory framework

Identified issues:

1. The status of the detained person and the conditions of detention are not sufficiently regulated in the normative framework;
2. The execution code contains vague regulations in the field of detention and execution of preventive arrest, in particular as regards the escort of persons arrested from criminal investigation isolators in provisional detention isolators and the right of courts to order the execution of preventive arrest in provisional detention isolators (Report on requirements analysis for the regulation of the arrest and detention by the Police - 2017);
3. There is a lack of standard operating procedures in the field

1.1.	Strengthen the regulatory framework	1.1.1. Assessment of legal provisions and identification of solutions for the regulation of the method of detention execution, as a procedural measure of coercion, and the status of the retained person	Domain of legal intervention determined; amended regulatory framework	Trimester I, 2018	Ministry of Internal Affairs (General Police Inspectorate); National Anticorruption Center; Ministry of Justice	Moldovan Institute for Human Rights	6,00	Within the limits of approved budget
		1.1.2. Revision of the institutional framework regulating the process of detention and escort of persons under Police custody, as well as actions to ensure the rights of the retained and detained person	Number of amended or approved acts; clear regulations on the detention and escort of retained persons	Trimester I, 2019	Ministry of Internal Affairs (General Police Inspectorate)	Soros Foundation-Moldova; Moldovan Institute for Human Rights		
		1.1.3. Modification of the regulatory framework for the regulation of the employment relations for the personnel carrying out escort and guard missions of the persons detained and their harmonization with the regulations applied to the employees of other institutions performing similar tasks	Regulatory project act elaborated and approved; harmonized regulatory framework	Trimester III, 2018	Ministry of Internal Affairs (General Police Inspectorate); Ministry of Health, Labor and Social Protection	-		
1.2.	Elaboration of standard operating procedures in the field of retention,	1.2.1. Elaboration of the nomenclature of procedures to be adopted in the field of executing	Approved nomenclature	Trimester IV, 2017	Ministry of Internal Affairs (General Police Inspectorate)	Soros Foundation-Moldova;		

	guarding and escort of detained persons	retention and escort of detained persons						
		1.2.2. Elaboration and approval of standard operating procedures in different situations for employees	Number of procedures developed	2018–2020	Ministry of Internal Affairs (General Police Inspectorate)	Soros Foundation-Moldova;		
		1.2.3. Editing the manual of standard operating procedures in the field of execution of retention, detention and escort of detained persons	At least one copy for each specialized and territorial unit of the Police	Trimester II, 2020	Ministry of Internal Affairs (General Police Inspectorate)	Soros Foundation-Moldova;		
Objective 2. Improvement of detention conditions and infrastructure of provisional detention insulators within the Police in accordance with the community standards								
Identified issues:								
<p>1. Very limited or no access to natural light; poor artificial lighting; poor hygiene situation; inadequate ventilation; unsanitary toilets and dirty mattresses (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment);</p> <p>2. Lack of access to outdoor exercise of prisoners (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment);</p> <p>3. The lack of infrastructure for private meetings with lawyers;</p> <p>4. Lack of capacities to monitor detention facilities, the behavior of the staff ensuring the guard of the detainees as well as the behavior of detainees</p>								
2.1.	Optimization of the organization and operation of provisional detention isolators	2.1.1. Accomplishment of the report on the evaluation of the current system of provisional detention within the Police	Accomplished report	Trimester IV, 2017	Ministry of Internal Affairs (General Police Inspectorate)	-	-	-
		2.1.2. Revision of the system of detention execution within the Police by creating regional detention isolators	Optimized map of provisional detention isolators; disposition acts issued	2017–2019	Ministry of Internal Affairs (General Police Inspectorate)	-		
2.2.	Ensuring decent detention conditions	2.2.1. Establishment at the Police level of a specialized structure with tasks related to the coordination of security, supervision and escort activities	Created and functional structure	Trimester IV, 2017	Ministry of Internal Affairs (General Police Inspectorate)	-	27600,00	Within the limits of the approved budget; external sources
		2.2.2. Elaboration and approval of minimum	Approved detention standards	Trimester IV, 2017	Ministry of Internal Affairs (General	-		

Translation from Romanian into English language

		mandatory rules on the conditions of detention within the Police, including for people with special needs			Police Inspectorate)			
		2.2.3. Achievement of project documentation and estimate for the reconstruction and arrangement of provisional detention isolators within the Police	Project documentation completed	Trimester IV, 2017	Ministry of Internal Affairs (General Police Inspectorate)	-		
		2.2.4. Construction of the provisional detention isolator within the Police Inspectorate of Balti	Finished and equipped construction	2018–2020	Ministry of Internal Affairs (General Police Inspectorate)	-		
		2.2.5. Reconstruction and arrangement of provisional detention isolators	At least 14 provisional detention isolators renovated according to the standards	2017–2020	Ministry of Internal Affairs (General Police Inspectorate)	-		
		2.2.6. Arranging walkways so that, besides light and natural heat, they provide protection against unfavorable weather	Walking areas arranged, according to the approved rules, in all the renovated provisional detention isolators	2018–2020	Ministry of Internal Affairs (General Police Inspectorate)	-		
		2.2.7. Arrangement of waiting rooms (cells) within the Police units	At least 100 renovated waiting rooms (cells)	2018–2020	Ministry of Internal Affairs (General Police Inspectorate)	-		
		2.2.8. Development of the IP phone system (<i>Internet Protocol</i>) within the Police subdivisions to ensure the right to information of relatives or other persons about the place of detention	System implemented in all the territorial units	2018–2020	Ministry of Internal Affairs (General Police Inspectorate)	-		
		2.2.9. Implementation of the interphone	Communication system implemented	2018–2020	Ministry of Internal Affairs	-		

Translation from Romanian into English language

		communication system and radios terminals in the detention areas	in all the renovated provisional detention isolators		(General Police Inspectorate)			
2.3.	Ensuring hearing conditions for people in Police custody	2.3.1. Creating and arranging, in the premises of the provisional detention isolators, of chambers for hearing people	Hearing chambers created in all the renovated provisional detention isolators	2017–2020	Ministry of Internal Affairs (General Police Inspectorate)	-	410,00	Within the limits of the approved budget; external sources
		2.3.2. Equipping hearing rooms with audio and video recording equipment	100% of the hearing rooms from the provisional detention isolators are adequately equipped	2017–2020	Ministry of Internal Affairs (General Police Inspectorate)	-		
2.4.	Ensure detainees' meeting with lawyers in confidentiality terms	2.4.1. Arranging, within the Police subdivisions and provisional detention isolators, the premises for meeting of retained, arrested, convicted persons, in confidentiality terms, with the lawyers	100% of Police units are provided with spaces for private meetings of the detainee with the lawyer	2017–2020	Ministry of Internal Affairs (General Police Inspectorate)	-	80,00	Within the limits of the approved budget;
Objective 3. Improve the conditions for the transportation of people retained / arrested in the criminal prosecution process								
<p>Identified issues: 1. There are no inter institutional arrangements between the Department of Penitentiary Institutions and the Police on the transportation and escort of detained/retained persons (Report on requirements analysis for the regulation of the arrest and retention by the Police - 2017);</p> <p>2. There is a deficit of means of transport from the Police endowment for security and escort services, and the conditions of transportation are below the minimum standard requirements (Report on requirements analysis for the regulation of the arrest and retention by the Police - 2017);</p> <p>3. There are no means of communication between the specialized transport units of the detainees and the Police subdivisions, as well as the capacities for monitoring their location</p>								
3.1.	Developing escort and transport capacities	3.1.1. Approval of mandatory minimum standards for specialized transport units	Developed and approved minimum standards	Trimester IV, 2017	Ministry of Internal Affairs (General Police Inspectorate)	-	16927,00	Within the limits of the approved budget; external sources
		3.1.2. Acquisition of specialized transport units for the transportation of persons under the Police custody and their re-use to meet minimum requirements	Minimum 25 specialized units purchased; 100% of transport units complying with approved standards	2017–2019	Ministry of Internal Affairs (General Police Inspectorate)	-		
		3.1.3.	100% of	2017–2019	Ministry of	-		

		Implementation of modern monitoring and communication systems during the journey	purchased units equipped with monitoring and communication devices		Internal Affairs (General Police Inspectorate)			
3.2.	Reorganization of the current escort system	3.2.1. Establishment of specialized escort and guard structures at the level of each Police unit carrying out the provisional detention	Institutionalized mechanism	2018–2019	Ministry of Internal Affairs (General Police Inspectorate)	-		
		3.2.2. Revision of the current mechanism of interaction between escort services within the Police and Department of Penitentiary Institutions of the Ministry of Justice to optimize spending and escort efforts by approving an interdepartmental order that clearly describes the situations and manner to interact	Elaborated, consulted and implemented departmental act	Trimester III, 2018	Ministry of Internal Affairs (General Police Inspectorate); Ministry of Justice (Department of Penitentiary Institutions)	-		
		3.2.3. Developing a mechanism for interaction between the Police escort services to optimize spending / efforts	Developed, approved and implemented mechanism	Trimester IV, 2018	Ministry of Internal Affairs (General Police Inspectorate)	-		

Objective 4. Guaranteeing the rights of persons under the Police custody

Identified issues:

1. Non-compliant registration in the paper record registers of the time of the retention, release or transfer of retained persons;
2. Excessive use of force by police officers at the time of retention after the person concerned has been brought under control (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment);
3. Further registration, albeit in a smaller number, of cases of psychological maltreatment (such as threats of physical maltreatment) and verbal abuse (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment);
4. The lack of infrastructure for private meetings with the medical staff, which does not ensure the confidentiality of medical data collected during medical examinations of persons, accessible to non-medical staff (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment);
5. The medical examination of detained persons is in many cases superficial and in some cases with a delay of 2-3 days (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment);
6. Persons retained do not always receive information about their basic rights immediately after retention. In addition, they are not presented in an accessible language (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment)

4.1.	Implementatio	4.1.1.	Piloted system	Trimester	Ministry of	-	420,00	Within the
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Translation from Romanian into English language

	n of information systems	Development and piloting at Police level of the "e-Retention" module with connection to the Automated Information System "Registry of retained, arrested and convicted persons"		II, 2018	Justice; Ministry of Internal Affairs; National Anticorruption Center			limits of the approved budget;
		4.1.2. Purchase of technical equipment for connection to the Automated Information System "Registry of retained, arrested and convicted persons"	Equipment purchased and distributed to subdivisions	Trimester II, 2018	Ministry of Internal Affairs (General Police Inspectorate)	-		
		4.1.3. Implementation and operationalization of the „e-Retention” Information System at the level of the Police structures	Access to the „e-Retention” Information System in 100% of Police units	Trimester II, 2019	Ministry of Internal Affairs (Information Technology Service, General Police Inspectorate)	-		
		4.1.4. Elaborating the institutional legal framework for the management of the „e-Retention” Information System	Regulatory legal framework developed, consulted and approved	Trimester III, 2019	Ministry of Internal Affairs (General Police Inspectorate)	-		
4.2.	Develop professionalism, integrity and transparency of the actions of the employees involved in ensuring the detention of the persons in the Police custody	4.2.1. Elaboration and editing of a compendium with extracts of international and community normative acts related to detention within the Police	Compendium edited and distributed to the Police units	Trimester II, 2018	Ministry of Internal Affairs (General Police Inspectorate)	Moldovan Institute for Human Rights	8,40	Within the limits of the approved budget;
		4.2.2. Performing tactical simulation exercises in various crisis situations related to the process of detainees guarding and escorting	At least one annual exercise conducted; number of participants in exercises	2019–2020	Ministry of Internal Affairs (General Police Inspectorate)	-		
		4.2.3. Regularly assessing the knowledge and	Promotion rate; high level of	2018–2020	Ministry of Internal Affairs (General Police	-		

Translation from Romanian into English language

		physical capabilities of employees involved in security, surveillance and escort activities under pre-established conditions by the institution	knowledge and application of intervention procedures		Inspectorate)			
		4.2.4. Investigating all complaints about alleged cases of maltreatment, abuse and discrimination	Number of notifications received and examined; notifications submitted for examination in accordance with the material competence; number of cases examined in disciplinary terms	2017–2020	Ministry of Internal Affairs (Internal Protection and Anti-Corruption Service, General Police Inspectorate)	-		
4.3.	Ensuring access of detainees to quality medical examination	4.3.1. Developing a concept of attracting and retaining of the medical staff in the provisional detention system within the Police and reducing influence on them from the side of the heads of Police subdivisions	Developed concept	Trimester II, 2018	Ministry of Internal Affairs (General Police Inspectorate)	-	225,0	Within the limits of the approved budget; external sources
		4.3.2. Arranging, in the provisional detention isolators, spaces for medical examination under confidentiality	Equipped medical facilities in all the renovated provisional detention isolators	2017–2020	Ministry of Internal Affairs (General Police Inspectorate, Medical Service)	-		
		4.3.3. Develop procedures to ensure the confidentiality and privacy of detainees in the medical examination process	Procedures developed and approved; the proportion of examinations carried out with the request for supervision by non-medical staff	Trimester III, 2018	Ministry of Internal Affairs (General Police Inspectorate, Medical Service)	-		
4.4.	Ensure the security of the detention and integrity of	4.4.1. Approval of the nomenclature of equipment and	Approved nomenclature	Trimester I, 2018	Ministry of Internal Affairs (General Police Inspectorate)	-	3192,00	Within the limits of the approved

Translation from Romanian into English language

	the staff	special means necessary for carrying out security, surveillance and escort activities						budget; external sources
		4.4.2. Appropriate provision with special means of the staff guarding, supervising and escorting detainees	Equipment purchased	Trimester IV, 2018	Ministry of Internal Affairs (General Police Inspectorate)	-		
		4.4.3. Equipment with portable video cameras of employees involved in guarding people in Police custody	Rates of employees involved in guarding and escorting detainees equipped with portable video cameras; registered intervention actions	2018–2019	Ministry of Internal Affairs (General Police Inspectorate)	-		
		4.4.4. Installation of video surveillance systems on perimeter and in detention facilities, as well as in the specialized transport units	100% of the renovated provisional detention isolators are video supervised; 100% of purchased transport units are video monitored	2018–2019	Ministry of Internal Affairs (General Police Inspectorate)	-		
		4.4.5. Implementation in provisional detention facilities of modern security systems including detection of prohibited articles, to exclude possible cases of abuse and intimidation of persons in detention	Purchased equipment; 100% of modernized provisional detention facilities are fitted with equipment	2018–2019	Ministry of Internal Affairs (General Police Inspectorate)	-		
		4.4.6. Elaboration of standard operating procedures on how to carry out body control and search of persons in the custody of the Police	Procedures developed and disseminated in all the Police structures; number of notifications on intimidation cases	2019	Ministry of Internal Affairs (General Police Inspectorate)	-		
4.5.	Ensuring the right to	4.5.1. Elaboration and distribution	Edited leaflets;	2018–2020	Ministry of Internal Affairs	-	12,00	Within the limits of

Translation from Romanian into English language

	information for persons in Police custody	of informative leaflets drafted in the sense of all persons of any age, exposed in plain and clear language, available in different languages	distributed leaflets		(General Police Inspectorate)			the approved budget;
4.6.	Monitoring detention facilities	4.6.1. Applying monitoring instruments for the respect of human rights in the retention process	Monitoring reports made; implemented recommendations	2017–2020	Ministry of Internal Affairs (General Police Inspectorate); Local Monitoring Committees	People's Advocate (Ombudsman)	Within budgetary resources provided	Within the limits of the approved budget;

Objective 5. Psychological training and counseling of police officers to prevent torture, inhuman and degrading treatment of retained persons to be held in the Police custody

Identified issues:

1. The lack of a continuous training plan focused on the observance of the rights of persons charged with criminal and contraventional liability;
2. The lack of a methodological guide for interactive training of detaining policemen and those supervising the detention of persons retained in the Police custody based on standard operating procedures;
3. Not aware of the recent amendments to the current legislation on the non-admission of torture, inhuman and degrading treatment of persons retained and held in the Police custody;
4. Interpretation and enforcement by police officers of the applicable law to the detriment of the retained persons;
5. The lack of abilities to diminish the emotional burning and the professional stress of the Police employees who are involved in the retention of persons;
6. Absence of adequate response capabilities of police officers in non-standard retention or detention situations in the Police custody of retained persons;
7. Lack of practical skills of proportional application of force and special means in respect of retained persons who oppose or are armed

5.1.	Developing the capabilities and abilities of people with security, supervision and escort capabilities	5.1.1. Revision of the continuing training plan for police officers	Revised continuous training plan	Trimester IV, 2017	Ministry of Internal Affairs (General Police Inspectorate)	Soros Foundation-Moldova;	371,00	Within the limits of the approved budget; external sources
		5.1.2. Elaboration of the methodological guide for interactive training of detaining policemen and those who oversee the detention of persons retained in Police custody based on standard operating procedures	Methodological guide for interactive police training developed and approved	Trimester IV, 2017	Ministry of Internal Affairs (General Police Inspectorate)	Soros Foundation-Moldova;		
		5.1.3. Organizing of interactive training sessions for police officers who perform criminal and contravention retentions	Minimum 2 training seminars for 2 days; minimum 50 police officers trained per year	2017–2020	Ministry of Internal Affairs (General Police Inspectorate)	Soros Foundation-Moldova; Moldovan Institute for Human Rights		

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		5.1.4. Organization of interactive training sessions of police officers engaged in escorting and detention in police inspectorates and provisional detention isolators through respect for human rights and gender equality	Minimum 2 training seminars for 2 days each year; minimum 50 police officers trained per year	2017–2020	Ministry of Internal Affairs (General Police Inspectorate)	Soros Foundation-Moldova; Moldovan Institute for Human Rights		
		5.1.5. Conducting practical exercises on the manner and conditions of application of the force and special means of Police endowment with regard to the retained persons	Minimum 2 practical exercises annually conducted	2018–2020	Ministry of Internal Affairs (Academy "Stefan cel Mare")	-		
		5.1.6. Make study visits in homologous subdivisions from other countries to take good practices	At least one study visit per year number of participants	2017–2018	Ministry of Internal Affairs (General Police Inspectorate)	Moldovan Institute for Human Rights		
5.2.	Psychological counseling of police officers	5.2.1. Professional training of psychologists within the Police units, including in the field of preventing and diminishing emotional burning and professional stress	Number of seminars completed; number of trained psychologists	2017–2019	Ministry of Internal Affairs ("Stefan cel Mare" Academy, General Police Inspectorate)	-	Within the limits of provided budgetary resources	Within the limits of the approved budget;
		5.2.2. Conducting training seminars within the General Police Inspectorate subdivisions on reducing emotional burdens and professional stress	Seminars deployed; number of participants	2017–2019	Ministry of Internal Affairs ("Stefan cel Mare" Academy, General Police Inspectorate)	Soros Foundation-Moldova;		
		5.2.3. Psychological counseling of police officers who are frequently in contact with	Annual report of psychological evaluation conducted;	2017–2019	Ministry of Internal Affairs (General Police Inspectorate)	-		

Translation from Romanian into English language

		retained persons						
	TOTAL						49251,4	

Government Decisions

748 / 20.09.2017 Decision to approve the Action Plan on the reduction of maltreatment, abuse and discrimination against persons in Police custody for 2017-2020 // Official Gazette 340-351 / 853, 22.09.2017