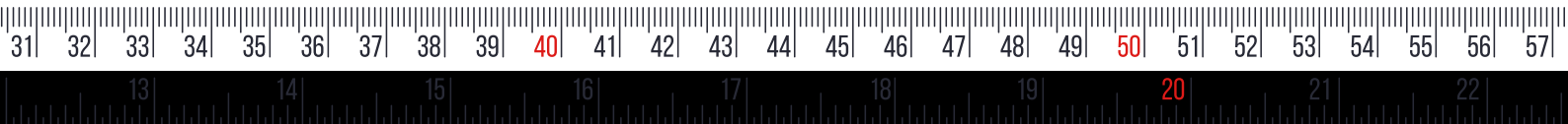

ASSESSMENT OF DETENTION CONDITIONS IN PENITENTIARY NO. 13

REPORT



EVA PASS



Author: Dumitru Russu

Contributions of: Diana Mazniuc, Nicoleta Hriplivii, Vadim Vieru, Florin Gisca

Design & layout: Marina Bejenari

Edition coordinator: Olga Manole

ALL RIGHTS RESERVED.

The content of the report may be used and reproduced for non-profit purposes, including without prior agreement of the Promo-LEX Association, but with compulsory mention of the source.

This report has been carried out with the financial support of the Federal Republic of Germany, through the Embassy of the Federal Republic of Germany in Chisinau (Deutsche Botschaft Chisinau). Opinions expressed in the report belong to the authors and do not represent the views of the Federal Republic of Germany or of the Embassy of the Federal Republic of Germany in Chisinau.

The purpose of the punishment is to restore social equity, to correct and return the convict to the society, as well as to prevent the commission of new crimes, both by the convicts and by other people.

The execution of the sentence must not cause physical suffering nor degrade the dignity of the condemned person.

Article 61 of the PENAL CODE

Table of contents

Abbreviations	4
----------------------------	---

Chapter I

General overview	5
Introduction	6
Executive summary.....	7
Methodology to assess the detention conditions in Penitentiary no. 13	8

Chapter II

National and international standards	12
National standards	13
International standards	15
Conclusions	18

Chapter III

Overview of the detention conditions assessment in Penitentiary no. 13	19
Living space	20
Conclusions	23
Recommendations.....	23
Sanitary facilities	24
Concluzii	27
Recommendations.....	27
Ventilation and lighting	28
Conclusions	30
Recommendations.....	30
Accessibility for persons with locomotor disability	31
Conclusions	32
Recommendations	33
Summary table	35

Chapter IV

EVA-PASS Passports of detention facilities assessed in Penitentiary no. 13	50
---	-----------

Abbreviations

CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
EVA-PASS	Passport of detention conditions assessment in penitentiaries
EW	External washstand
HS	Habitable surface
ICRC	International Committee of Red Cross and Red Crescent
IS	International standard
n/a	Not applicable
NS	National standard
OS	Overall surface area
P13	Penitentiary no. 13
SF	Sanitary facility
UN	United Nations
WC	Water Closet (toilets)



CHAPTER I

GENERAL OVERVIEW

Introduction

The situation at the Penitentiary no. 13 (P13) from Chisinau aroused a special interest in the context of increased national and international concerns with regard to the detention conditions in the penitentiary institutions of the Republic of Moldova. Such significant shortcomings as overcrowding, insufficient cell capacity, outdated infrastructure and lack of facilities for the disabled have often been highlighted. These issues led to the need for an independent and comprehensive assessment that would provide a detailed and specific perspective of each detention cell.

In this framework, the Promo-LEX Association initiated and carried out an evaluation of P13, acting in accordance with the commitment to consider and understand the realities on site. The assessment has been carried out through a rigorous methodological approach, combining quantitative and qualitative data collection techniques to ensure an objective and comprehensive process. This approach was supported by collaboration with relevant entities, which contributed to a deeper analysis.

The objective of this report is to synthesize the results of the assessment and provide specific recommendations for decision-makers so that the detention conditions could be improved. The EVA-PASS assessment passports - the direct result of this assessment - have been made to inform prisoners and prison staff about the conditions in detention facilities, being presented in an easily accessible and understandable format.

The mission of the Promo-LEX Association is to carry out a transparent, equidistant and impartial assessment. The Association ensures the integrity and relevance of the information presented. Therefore, the results and EVA-PASS assessment passports will be available to the general public, including in the library of P13, thus contributing to the transparency of the process and facilitating access to information to all the parties concerned.

This document represents an official report, presenting the assessment findings and is structured to enable a clear understanding of the current situation and challenges related to P13 overcrowding, serving as a foundation for the improvement actions to be taken.

Executive Summary

Context and purpose: Penitentiary no. 13 from Chisinau, subject to national and international concerns, has been assessed by the Promo-LEX Association to highlight serious deficiencies such as overcrowding, outdated infrastructure and lack of accessibility for the disabled. The purpose of this assessment is to examine the current conditions and to propose measures to improve them.

Methodology: A complex methodology has been applied, involving the collection of quantitative and qualitative data, as well as an extensive collaboration with governmental organizations and experts. This allowed us to carry out an objective assessment, comparing it to national and international standards.

- 1. Overcrowding:** According to the international standards, P13 is overcrowded to the ratio of 98.9%. The data indicate a severe crisis, with 750 detainees held in a declarative space of 570, ideally, it is sufficient for only 377. The recommendations are to revise the procedures for calculating the detention capacity and adjust the infrastructure to more appropriate norms.
- 2. Space conditions:** 15% of the cells do not comply with the international standard for the distance between cell walls of at least 2 meters. Having cells below the international minimum size, urgent actions are necessary to restructure and adapt the spaces to acceptable standards.
- 3. Hygiene and sanitation:** 18% of the cells examined do not meet the minimum standard of 1m² per sanitary facility. 20% of the cells do not provide the appropriate level of privacy when using the toilets. There is a significant presence of mold in the shared bathrooms. None of the shared bathrooms has partitions, which is a serious violation of individual privacy. Deficiencies in the sanitary facility endanger the health and dignity of prisoners. Such recommendations as urgent renovation, improving sanitation facilities and ensuring privacy are essential.
- 4. Lighting and ventilation:** 29% of cells have undersized windows that do not meet adequate ventilation standards. Mold and ammonia odors persist in the cells, which pose health risks to prisoners. In 62% of the cells the view to the outside is severely obstructed by walls or other structures, and 4% of the cells have no visibility to the outside. Artificial lighting is often reduced to a single light source, insufficient for cells occupied by several individuals. Inadequate ventilation and lighting conditions require an audit of the ventilation system, optimization of windows and revision of artificial lighting, additional budgetary sources are required to make the necessary improvements.
- 5. Accessibility for the disabled:** P13 is not adapted for the needs of persons with locomotor or sensory disabilities. Shared bathrooms are completely inaccessible. There are significant barriers to accessing the medical unit or the bathroom. Only two cells are partially adapted to the needs of persons with locomotor disabilities, of which only one is fully accessible, having a door wider than 80 cm. The report highlights the urgent need to adapt prison facilities to ensure adequate access for persons with disabilities.

Suggested action: Implementation of these recommendations requires a strategic action and allocation of sufficient resources. It is crucial to prioritize these changes to improve detention standards and respect the fundamental rights of detainees.

Dissemination and transparency: EVA-PASS passports detailing the conditions of each detention facility will increase transparency and public access to information, raising awareness of the issue and facilitating the dialogue for continuous improvements.

Conclusion: The detailed assessment of P13 emphasizes the need for immediate intervention to ensure conditions that respect human dignity and fundamental rights, in line with the national and international commitments of the Republic of Moldova.

Methodology to assess the detention conditions in Penitentiary no. 13

This assessment has been conducted in close compliance with the Methodology for assessing the conditions in detention facilities of P13, developed to ensure an accurate and impartial process. Every step of the assessment, from initial data collection to final interpretation and reporting, was based on the principles and procedures stipulated in the methodology.

Methodology introduction: Goal

This methodology provided a framework of rules, conditions, methods and procedures for an independent and objective assessment of detention conditions in P13 from Chisinau. The methodology provided a comprehensive set of quantitative and qualitative methods and tools for the collection, analysis and interpretation of data on detention conditions in P13. The methodology revealed the level of compliance of detention conditions in prison facilities in comparison with the national and international standards in the field and highlighted the deficiencies in the detention facilities subject to assessment.

The methodology was developed by the Promo-LEX Association in June 2023 in order to assess the detention facilities in P13. The data collection phase took place in July 2023, while the analysis and interpretation of the data on the basis of which passports for the assessment of detention facilities (EVA-PASS) were developed in the period between July and October 2023. The results of the assessment will be made public, being transmitted to the P13 library for detainees' access.

Detention conditions in the penitentiary institutions of the Republic of Moldova have been criticized at the national and international level. Such visible issues as cell overcrowding, reduced cell capacity, lack of basic amenities such as natural and artificial light, damaged furniture, worn-out linen, non-compliance with hygiene standards, inadequate infrastructure for the disabled have been emphasized. These issues also affect other detainees' rights and facilities protected by law.

The assessment methodology addresses the above-mentioned aspects of detention conditions.

Methods and design

I. Organizational structure

The assessment process involved an organizational structure with numerous entities with clearly defined roles that provided the resources, informative notes and permits necessary to conduct the assessment in optimal terms.

- a. **The Assessment Team** of the Promo-LEX Association included the **Monitoring Team** - responsible for data collection and the **Analysis Team** – responsible for the analysis and interpretation of data.
- b. **The Ministry of Justice** ensured organizational assistance of the assessment process, having a leading role. The Ministry's assistance aimed at facilitating access to the penitentiary and carrying out the assessment in an adequate way.
- c. **The Ombudsman** provided technical support and the materials required for the assessment by giving access to the measurement tools. Therefore, it ensured a precise and complete assessment of the conditions in detention facilities.
- d. **The architecture expert** provided the Assessment Team with expertise in assessing the conditions in detention facilities. This contribution brought a specialized opinion and contributed to the quality of the assessment process. The expert's qualification was confirmed by the diploma of higher education in architecture or engineering.

II. Sampling

The sampling unit was represented by detention facilities (detention cells and ancillary facilities, including waiting rooms, medical unit, household unit) in P13. The sample size consisted of at least 90% of detention cells and ancillary spaces (according to available information, in 2023, there were 170 detention cells in P13). Although the sample was planned to include 90% of detention facilities, in reality, all detention facilities of P13 were visited and evaluated as part of the assessment process, a total of 175 detention facilities, hereafter called cells. The only exception was cell no. 47 (ceased cell), which was physically inaccessible due to a blocking, and the prison administration did not manage to open it. However,

by visual observations through the viewfinder and with the help of the available measuring tools, cell parameters were found to be relatively identical to those of cell no. 46. Thus, the parameters of the ceased cell no. 47 were reported with approximation.

III. Data collection

- ❑ Data collection involved individual observation of each detention space, taking technical measurements and recording of the collected data according to the Check List (Appendix 1). Data collection was carried out during the visits of the monitoring team to the places of detention selected according to the sampling.
- ❑ The data was collected by the monitoring team, accompanied by an architecture expert. The expert contributed to the assessment of the conditions in the detention facilities, considering the architectural and spatial aspects. Monitors completed a separate checklist for each space, filling out data collected in real time and technical measurements.
- ❑ Technical measurements were carried out with the help of certified measuring devices, made available by the Ombudsman.
- ❑ Data collection period: June-July 2023.
- ❑ Access of the monitoring team within P13 for data collection was ensured by the Ministry of Justice based on a prior agreement with the Promo-LEX Association and facilitated by the P13 administration under safe and secure conditions.

IV. Data analysis

- ❑ Data analysis involved processing, systematizing, synthesizing and analyzing information from the checklists, drafted in the data collection process.
- ❑ Data analysis was carried out by the analysis team, which used statistical methods, calculation formulas and analysis methods applied to the quantitative and qualitative aspects found in the collected data.
- ❑ The assessment of the conformity of detention conditions was done for each cell and ancillary facility separately, by comparing the results with the international standards that establish the admissibility criteria for detention facilities, and as a whole, by comparing the sample subject to assessment.
- ❑ The analysis team compared the observed actual cells and the admissible norms established in national and international standards. This process helped to identify discrepancies and areas for improvement in detention conditions.
- ❑ Data analysis was performed within three months of data collection.

V. Results and interpretation

The assessment results are presented through the product:

- **EVA-PASS passport (for assessment of detention conditions in P13)**

EVA-PASS passport contains information about the living space, acceptable number of detainees in the cell, the distances between the walls and the height, window size and other information related to detention facilities. The assessment team developed evaluation passports (EVA-PASS) for each monitored detention space in P13. EVA-PASS will be sent to members of the project, to the target group and to the library in P13 to be made available to detainees.

The aim of the document is to provide a clear and concise presentation of the assessment results and to make relevant recommendations to the institutions that have the power to change the state of affairs.

VI. Ethical and security aspects of assessment

- ❑ Members of the assessment team took the responsibility to extract and document facts without endangering the security of the institution. To this end, team members avoided actions that could compromise prison security.
- ❑ The assessment report contains relevant information, which is not classified and does not endanger the safety and security of prison environment. The assessment report does not include an architectural design of the monitored penitentiary.



CHAPTER II

NATIONAL AND INTERNATIONAL STANDARDS

National standards

The legal norms stipulating the detention conditions at national level are provided by the Enforcement Code of the Republic of Moldova and the Statute of the execution of the sentence by convicts.

According to the Enforcement Code of the Republic of Moldova, detention management authorities must respect the rights of detainees and prevent abuses.

The Ministry of Justice of the Republic of Moldova establishes the maximum number of detainees, taking into account the existing conditions. The Ministry of Justice of the Republic of Moldova, consulting a specialized commission, decides on the maximum number of detainees admitted, depending on the type of penitentiary and the detention regime¹.

Living space

1. Detention spaces must be well lit and ventilated, the norm for the living space is a minimum of 4 m² per detainee².
2. Detainees have the right to clean conditions, a to bed and a change of bed linen weekly³.
3. Detainees must benefit of sufficient living space, light, heating and ventilation⁴.
4. Strict compliance with sanitary and anti-epidemic requirements is necessary, being monitored by the National Administration of Penitentiaries and Medical Services⁵.
5. Detainees are provided with clothing, linen, footwear and hygiene products; clothing and bedding must be regularly checked by medical staff⁶.

Sanitary facility

1. The detainee is ensured the possibility to satisfy their physiological needs in clean and decent conditions, when needed⁷.
2. The detainee is guaranteed the possibility to take a bath or shower, of admissible temperatures, as often as general hygiene requires, but not less often than once a week⁸.

1 Article 224, Enforcement Code of the Republic of Moldova, https://www.legis.md/cautare/getResults?doc_id=137309&lang=ro#

2 *Ibid*, article 225.

3 *Ibid*, article 227.

4 Point 467, section 38. Government Decision no. 583 of 26 May 2006 with regard to the execution of penalty by the convicted, https://www.legis.md/cautare/getResults?doc_id=110142&lang=ro#

5 *Ibid*, point 491, section 40.

6 Article 227, Enforcement Code of Republic of Moldova, https://www.legis.md/cautare/getResults?doc_id=137309&lang=ro#

7 *Ibid*, article 226.

8 *Ibid*.

Lighting and ventilation

1. Accommodation rooms and other rooms intended for convicted persons have natural lighting and the necessary installations to ensure the appropriate artificial lighting⁹.
2. Each detainee is provided with accommodation space that must be naturally and artificially lit, heated and ventilated as provided in the construction norms¹⁰.
3. Detention spaces must be well lit and ventilated, the living space norm per detainee being of at least 4 m²¹¹.
4. Detainees must benefit from sufficient space, light, heating and ventilation¹².

Accessibility for prisoners with disabilities

1. Sanitary premises for people with reduced mobility should have WC cabins, sanitary rooms and cabins for women, showers, bathrooms, rooms, as well as special sinks for patients with stoma¹³.
2. If there are vestibule closets in the sanitary rooms, the distance between the open doors inside the closet is recommended to be of at least 1.5 m. It is allowed to use the washroom as a closet vestibule¹⁴.
3. The distance between the axes of individual sinks, hand and foot baths is recommended to be of no less than 0.8 m¹⁵.
4. One of the urinals in the sanitary groups must be provided for people with reduced mobility and positioned at a height of no more than 0.5 m from the floor or a vertical floor urinal must be installed. The distance between the axes of the urinals must be of at least 0.8 m. The urinal for people with reduced mobility must be operated by a grab rail¹⁶.
5. At least one of the sinks in the washroom in the public bathroom, accessible to people with reduced mobility, must be installed at a height of no more than 0.8 m from the floor level and at a distance of at least 0.2 m from the side wall. It is preferable to use devices of variable height¹⁷.
6. Accessible cabins, urinals and sinks should preferably be located at the end of the row, so that the disabled person has the opportunity to maneuver without impediments¹⁸.
7. For people with reduced mobility, WC bowls must be installed with a height of a minimum of 0.45 m and a maximum of 0.60 m from the floor to the top of the seat. It is preferable to use devices with variable height. In the absence of a toilet tank for the drain, additional support for the disabled person's back must be provided¹⁹.

9 *Ibid.*, Article 225.

10 Point 464, section 38. Government Decision no. of 583 of 26 May 2006 with regard to the execution of penalty by the convicted, https://www.legis.md/cautare/getResults?doc_id=110142&lang=ro#

11 Article 225, Enforcement Code of Republic of Moldova, https://www.legis.md/cautare/getResults?doc_id=137309&lang=ro#

12 Point 467, section 38. of 583 of 26 May 2006 with regard to the execution of penalty by the convicted, https://www.legis.md/cautare/getResults?doc_id=110142&lang=ro#

13 Point 8.3, Practical Code in Construction. CP C.01.02:2017, https://www.calm.md/public/files/proiecte_de_acte_normative/ministerul_dezvoltarii_regionale/ro_4193_CP-C.01.02-2017.pdf

14 *Ibid.*, point 8.7.

15 *Ibid.*, point 8.8.

16 *Ibid.*, point 8.9.

17 *Ibid.*, point 8.10.

18 *Ibid.*, point 8.11.

19 *Ibid.*, point 8.13.

International standards

International norms of detention conditions are provided by the Nelson Mandela Rules, the Standards of the European Committee for the Prevention of Torture and Inhuman Treatment or Inhuman or Degrading Punishments (CPT), the Standards of the International Committee of the Red Cross (ICRC).

Living space

1. The CPT pointed out that 8 m² is sufficient for two prisoners, 12 m² for three and 16 m² for four. However, in significant cases, it suggested that a space of 8 m² would be more suitable for a single prisoner, and only in exceptional cases, it can be used for more than one prisoner.

The CPT does not view space standards as absolute ones and believes that minor deviations, offset by significant time spent outside the cell, cannot be regarded as inhumane treatment. However, it recommends respecting the minimum space requirement and dimensions of at least 2m between walls and 2.5m high. The CPT also recommends stopping the activity of cells measuring less than 6 m²²⁰. In the case of P13, the starting point in the calculation of the area for a prisoner is 6 m², considering the conditions of the detention regime. Thus, for each additional prisoner, 4 m² is added, this means that for two prisoners the standard starts from 10 m², for three prisoners – from 14 m², considering the fact that the more limited the person is in its activities outside the cell, the more rigid the spatial standard becomes.

2. CPT Minimum Space Standard:
 - 1 prisoner: ≥ 6 m² + sanitary facility;
 - 2 prisoners: ≥ 10 m² (6 m² + 4 m²) + sanitary facility;
 - 3 prisoners: ≥ 14 m² (6 m² + 8 m²) + sanitary facility;
 - 4 prisoners: ≥ 18 m² (6 m² + 12 m²) + sanitary facility.

Sanitary spaces must be excluded from these calculations and partitioned in multi-occupancy cells²¹.

3. Rule 18.5 set out in the EC Recommendation provides preference for individual cells. Cells smaller than 6 m² without a sanitary facility should be made larger or removed from use. The standard of 4 m² per prisoner is based on European trends to increase the capacity of cells and on the existence of large sleeping facilities in Central and Eastern Europe. Considering all of the above, a space of 8 m² may be insufficient for two prisoners²².
4. It is necessary to limit the number of detainees in penitentiaries to ensure an individualized treatment – one prisoner per cell, except for special cases, with regular surveillance at night. A cell will be shared only if it is adapted for

20 Report to the Government of the Republic of Moldova on the visit to the Republic of Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (14-25 September 2015, page 54), <https://rm.coe.int/16806975da>

21 CPT standards that refer to the living space intended for each prisoner in penitentiary institutions (December 15, 2015). Page 4, <https://rm.coe.int/16806cc449>

22 European Prison Rules Page 10, <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>

collective use and will be occupied only by two prisoners that are declared fit for coexistence²³.

5. Every prisoner must have an individual bed and access to potable water²⁴.
6. Maintaining cleanliness in all prison spaces and imposing personal hygiene for prisoners is mandatory²⁵.

Sanitary facility

1. Bathroom and shower installations must be sufficient for each prisoner to be able and obliged to use them, at a temperature suitable to the climate, as often as the general hygiene requires, according to the season and geographical region, but at least once a week in a temperate climate²⁶.
2. Adequate facilities shall be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, if possible daily but at least twice a week (or more frequently if necessary) in the interest of general hygiene²⁷.

Ventilation and lighting

1. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation²⁸.
2. A robust system of ventilation in detention facilities is crucial for comfort and health of the prisoners. Absence or insufficient ventilation can favor the spread of disease in this often pathogen environment²⁹.
3. The windows shall be large enough to enable the prisoners to read or work by natural light in normal conditions and allow the entrance of fresh air except where there is an adequate air conditioning system. Each cell must have large windows for ventilation and natural lighting, allowing to carry out daytime activities without affecting vision. Windows should not be opaque or positioned too high, allowing prisoners to see outside and be open for air flow. The security measures should not obstruct the air flow³⁰.
4. Systems of artificial ventilation, such as air conditioning, are essential, especially where the natural ventilation is insufficient³¹.

23 Recommendation of the Committee of Ministers of the Member States on the European Penitentiary Rules Rec (2006)2. Page 63, <https://rm.coe.int/romanian-compendium-2015/16806ab9b7>

24 Rule 21, 22, The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). Resolution adopted by the General Assembly of 17 December 2015 [regarding the report of the Third Committee (A/70/490)], https://avp.ro/wp-content/uploads/2020/07/ansamblu_reguli_mnp.pdf

25 *Ibid.*, Rule 18.

26 *Ibid.*, Rule 16.

27 Recommendation of the Committee of Ministers of the Member States on the European Penitentiary Rules Rec (2006)2. Page 64, <https://rm.coe.int/romanian-compendium-2015/16806ab9b7>

28 Rule 13, The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). The resolution adopted at General Assembly of 17 December 2015 [regarding the report of the Third Committee Three (A/70/490)], https://avp.ro/wp-content/uploads/2020/07/ansamblu_reguli_mnp.pdf

29 CPT Standards. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Page 27, https://avp.ro/wp-content/uploads/2022/01/norme_cpt_mnp.pdf

30 *Ibid.*, page 26.

31 Monitoring places of detention (2004). Association for the Prevention of Torture. Page 148, <https://www.apr.ch/sites/default/files/publications/Monitoring%20Guide%20ROM.pdf>

5. According to the ICRC, the ratio of window size to floor area must be at least 1:10 and the available quantity of air per prisoner must be at least 3.5 m³. For cells of 20 m², windows must cover at least 2 m². The recommended ventilation varies between 0.1 and 1.4 m³/minute/person or 0.1 and 0.2 m³/minute/m². Windows must allow access to natural light without being obstructed by excessive security measures. Their size must be at least 1:10 in relation to the floor surface, and the air renewal rate of at least 1 m³ per hour. Adequate lighting is vital for comfort, security and health in prisons. It is necessary to avoid insufficient lighting or its uneven distribution. The use of neutral or warm tonal light and the provision of individual light sources in cells is required³².

Accessibility for prisoners with disabilities

1. Adequate measures must be taken to ensure the disabled with access to the physical environment, transport, information and means of communication on an equal footing with others, both in urban and rural areas. These measures include identifying and removing obstacles and barriers to ensure full access³³.
2. Persons with disabilities should be able to find and use appropriate sanitary facilities no less easily than persons without disabilities. The space requirements for appropriate sanitary facilities are determined by the needs of wheelchair users, although it is recognized that other disabled people such as the visually impaired may also use these facilities³⁴.
3. Internal doors should have a leaf that provides a minimum clear opening width of not less than 850 cm³⁵.
4. Doors to sanitary facilities and changing rooms should have a 900 mm single leaf outward opening door lockable from the inside fitted with a lever handle and horizontal pull rail³⁶.
5. Travel distances to accessible sanitary facilities from any point in the building must not exceed 40 meters³⁷.
6. All accessible sanitary facilities must have grab rails³⁸.
7. Sanitary facilities floors should be slip resistant and as level as possible subject to the minimum fall for draining water to a floor drain³⁹.
8. A shelf should be provided for toiletries in a position that can be reached by a wheelchair user before and after transfer and should be located at a height of between 800 mm and 1000 mm above the finished floor level⁴⁰.
9. People with visual impairment may have difficulty finding their way around spaces if they cannot respond to visual cues. Therefore, luminance contrast is more important than colour contrast in helping visually impaired people distinguish between different surfaces. All door furniture should contrast in color and brightness with the door surface. Doors should be easily distinguishable from the adjacent wall through the contrast of color and brightness⁴¹.

32 Water, Sanitation, Hygiene and Habitat in Prisons. International Committee of Red Cross and Red Crescent, page 20, <https://shop.icrc.org/water-sanitation-hygiene-and-habitat-in-prisons-pdf-en.html>

33 Article 9, Convention on the rights of persons with disabilities, https://www.legis.md/cautare/getResults?doc_id=117839&lang=ro

34 Access For All – Design Guidelines. Page 21, https://www.crpdc.org/mt/wp-content/uploads/2020/11/Access-for-all-2005.pdf?fbclid=IwAR0xbA7J00bqdmRjp5AyhDE0I5nPLF_XW-qCsT_b4QTz-TmpstDsAGoSKHc

35 *Ibid.*

36 *Ibid.*, page 17.

37 *Ibid.*, page 45.

38 *Ibid.*

39 *Ibid.*, page 46.

40 *Ibid.*, page 48.

41 *Ibid.*, page 26.

Conclusions

- 1.** Overcrowding in penitentiary institutions affects security and safety in prison environment. It is also responsible for worsening of detention conditions.
- 2.** The distribution of prisoners in penitentiary institutions depends on the type of institution and on the duration of the detention of the person subject to criminal penalty of deprivation of liberty.
- 3.** The Minister of Justice has the authority to regulate the maximum detention capacity of a penitentiary institution.
- 4.** The CPT standards drew the admissible limits of detention, to be accepted by all member countries of the Council of Europe.
- 5.** Artificial, natural lighting, ventilation, equipping penitentiary institutions with a heating and ventilation system constitute the minimum set of facilities to be made available.
- 6.** In order to maintain sanitary and hygiene norms, prisoners should have access to the bathroom, weekly, and the possibility to maintain their accommodation spaces in safe conditions, with the support and assistance of medical staff.
- 7.** Respecting construction norms to facilitate access for persons with disabilities is an essential component for preventing ill-treatment.



CHAPTER III

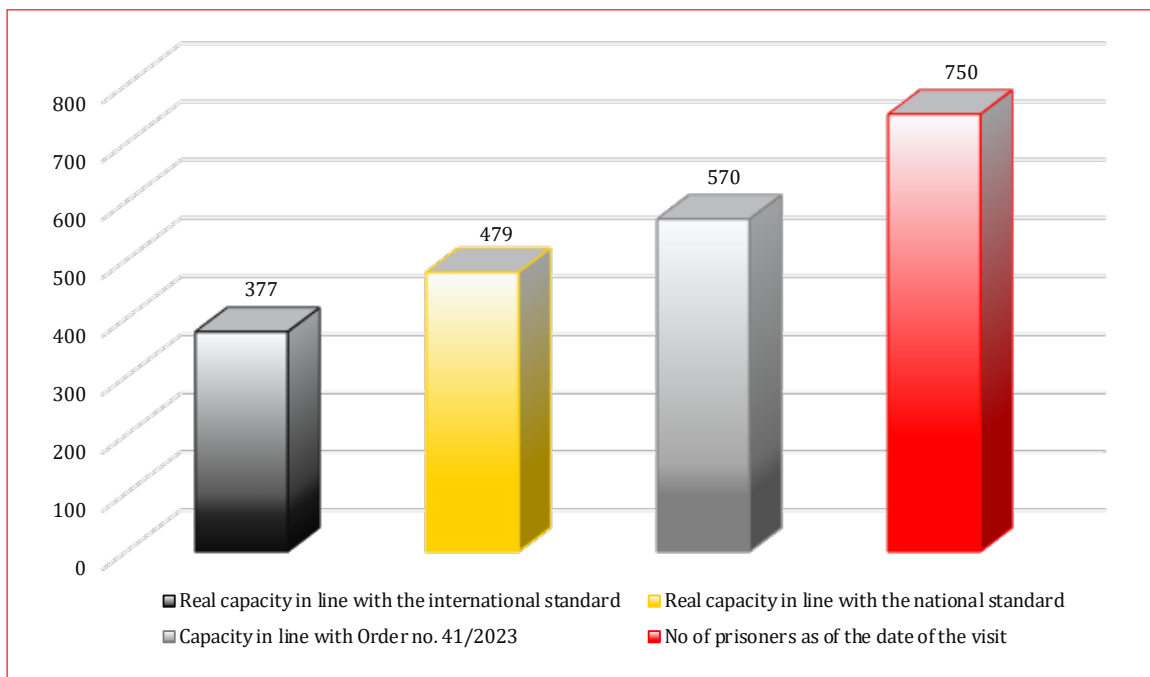
OVERVIEW OF THE DETENTION
CONDITIONS ASSESSMENT IN
PENITENTIARY NO. 13

Living Space

Compliance with international and national legal standards is essential to guarantee human rights in any penitentiary, including in P13. On the date of the assessment visit, the number of prisoners was 750, a figure that significantly exceeds the official capacity of 570 places. Compared to international standards, which require the provision of adequate living space for each detainee, the situation becomes even worse, providing for an adequate capacity of only 377 places. The rate of overcrowding is 98.9% compared to internationally recognized optimal conditions. Moreover, if referred to the current national standards, which indicate an effective capacity of 479 people, overcrowding is of 56.58%. This discrepancy emphasizes the need for urgent action to redress conditions of detention and align the institution with human rights requirements.

Detention ceiling in P13

Overcrowding of P13



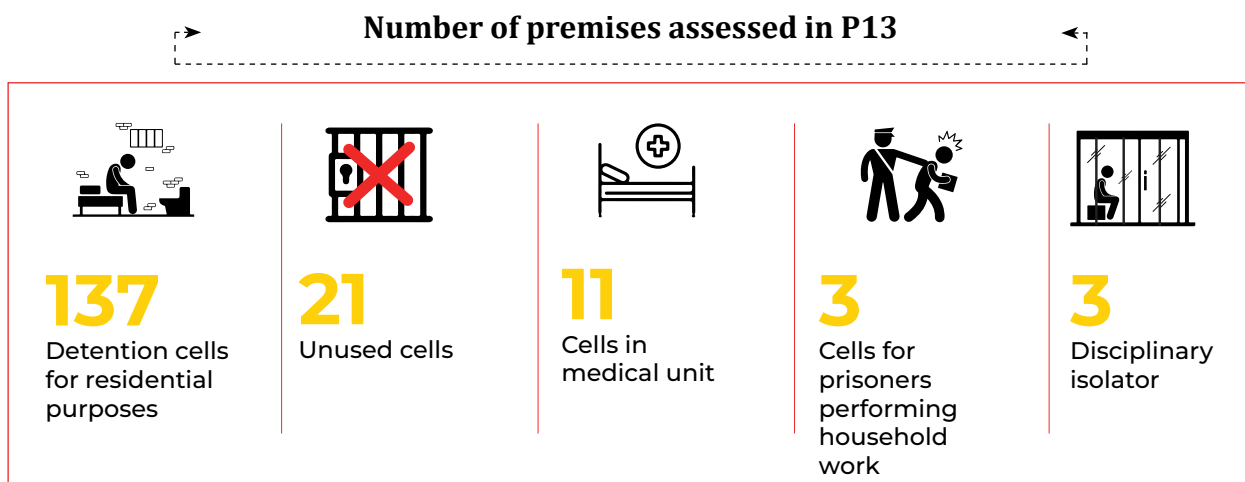
It is essential that the living spaces in such an institution not only meet the basic needs of the detainees, but also ensure conditions that respect their dignity and privacy. If the dimensions or facilities of these spaces do not reach the necessary standards, the consequences for the physical and mental well-being of detainees can be profoundly negative.

The difference between the declared and actual capacity

According to the Order of the Ministry of Justice no. 41 of February 9, 2023, hereinafter referred to as “Order 41”, P13 has a maximum capacity of 570 detainees. The assessment carried out by Promo-LEX, based on international and national standards, identified notable discrepancies between this figure and the actual capacity. In addition, significant differences were also found when compared with the national standard.

It is important to emphasize that currently there is no clear regulatory act that establishes the methodology or procedure for calculating the detention ceiling. According to the answer provided by the National Administration of Penitentiaries, the legal framework used to determine the detention capacity in penitentiary institutions is limited to the general provisions of art. 224 and 225 of the Enforcement Code. Therefore, the detention ceiling of 570 places, established by Order 41, is derived “by dividing the total area of 2521.34 m² by 4 m², excluding the area occupied by the sanitary block of the cell”⁴². The procedure adopted by the authorities does not individualize the calculation for each individual cell, but uses a general area, which does not reflect the reality of individual spaces occupied by detainees and leads to exaggerated estimates of the actual detention capacity. To avoid accusations of hiding or neglecting overcrowding issues, it is crucial to ensure transparency in the calculation methodology.

The structural and quantitative analysis shows that out of 175 cells, 21 are currently unusable and have been taken out of use. The number of beds installed in 151 cells (without the disciplinary isolator – 3 cells; and ceased cells – 21 cells) is of 1092 beds, which reveals the fact that the authorities resort to the possibility of overcrowding the penitentiary. It is important to note that of the 154 functional cells, 3 are intended for disciplinary isolation, 3 are for prisoners performing household work and 11 are assigned to the medical unit. Cells for special uses, such as disciplinary cells (3 cells) or medical cells (11 cells), are not included in the total detention capacity calculation.

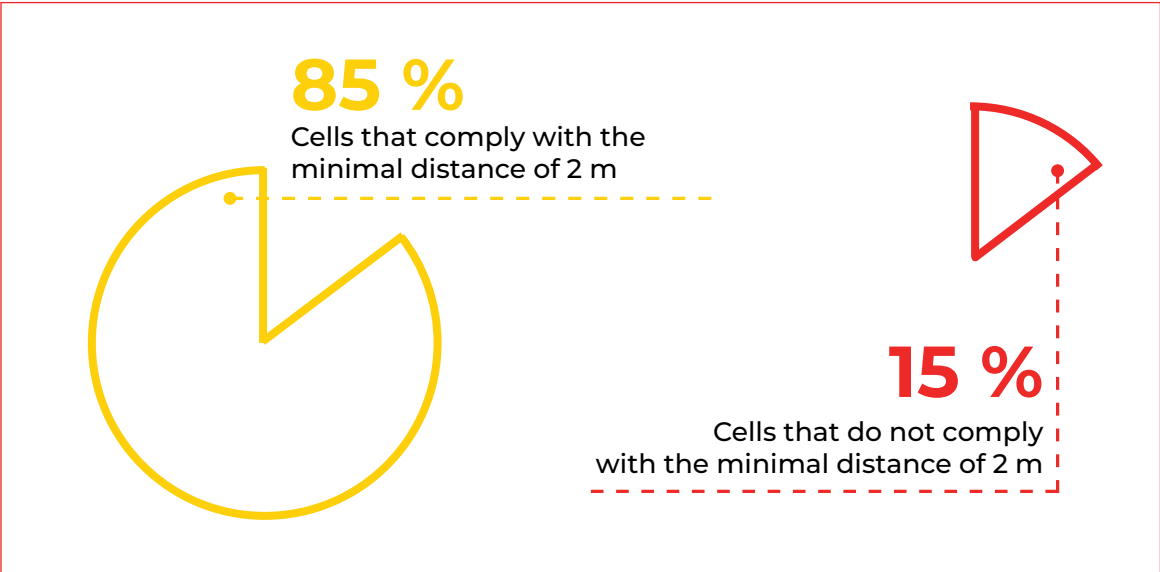


42 The answer of the National Administration of Penitentiaries no. 9/1-2464 FROM 09/05/2023.

Although it was not a primary objective of the team to measure the beds, sporadic observations revealed that the sizes of beds vary significantly, from 160x50 cm to 190x70 cm. This variety of sizes not only reveals a lack of standardization, but which is even worse, highlights inhumane detention conditions, especially for tall people, who cannot fully stretch out, which can affect their health and quality of sleep. Moreover, in the case of people with special needs or chronic health issues such as scoliosis, arthritis or other conditions that require a proper resting position, inadequate bed sizes can aggravate their suffering and deteriorate their health. It is clear that, under these conditions, the right to humane treatment and decent conditions of detention is compromised, and the authorities must pay more attention to ensuring adequate facilities that respect physical and medical needs of all detainees.

One of the main concerns is related to cell size. According to international standards, the distance between the walls of a cell should not be less than 2 meters. However, 21 of 140 functional cells (excluding medical cells, the isolator and the ceased ones) do not meet this specification, some measuring only 1.5 meters in width. These non-conformities require urgent remediation action.

↔ **Distance between cell walls in P13** ↔



Based on the data collected, the actual detention capacity, in accordance with international standards for living area, is 119 cells, that is, an accommodation capacity for 377 people. In the context of national regulations, which do not refer to the distance of 2 m between walls, this is 479 prisoners in 140 cells.

Conclusions

Current review of detention conditions in P13 reveals severe overcrowding and worrying detention conditions that contravene international and national standards. With an officially declared capacity of 570 detainees, the institution actually holds 750 people, this number exceeding by 31.58% the capacity established by the specific legislation and by 56.58% the norm set by the national standards. More alarming is the fact that overcrowding reaches a deviation of 98.9% above international standards, highlighting a serious violation of fundamental rights of incarcerated persons.

This problem is compounded by the flawed methodology for calculating accommodation capacity, as well as insufficient and inadequate space conditions in the cells, some of which are only 1.5 meters wide. Thus, the actual accommodation capacity, if international standards are respected, should be of only 377 people. The presence of 373 detainees over this number indicates an urgent need to address detention policies and improve the existing situation. Therefore, we emphasize the essential need of a detailed re-evaluation and reconfiguration of prison infrastructure to ensure alignment with standards that protect the human rights of detainees.

Recommendations

- 1 Infrastructure assessment:** P13 requires a thorough review and adaptation of infrastructure to ensure compliance with human rights standards in detention.
- 2 Adjustment of the standards:** It is essential that national standards are synchronized with international ones, with particular emphasis on respecting the distance of 2 meters between cell walls to ensure adequate detention conditions.
- 3 Reorganization of cells:** There is an urgent need to reorganize the 21 cells that do not meet international space standards, followed by a reassessment of their accommodation capacity.
- 4 Review and regulation of capacity:** It is essential to review the detention capacity calculation process to more accurately reflect the reality of detention conditions, and establish a clear and detailed calculation methodology.
- 5 Regulation of methodologies in all institutions:** It is essential to establish and ensure compliance with a unified and detailed methodology for all penitentiaries.

Sanitary facilities

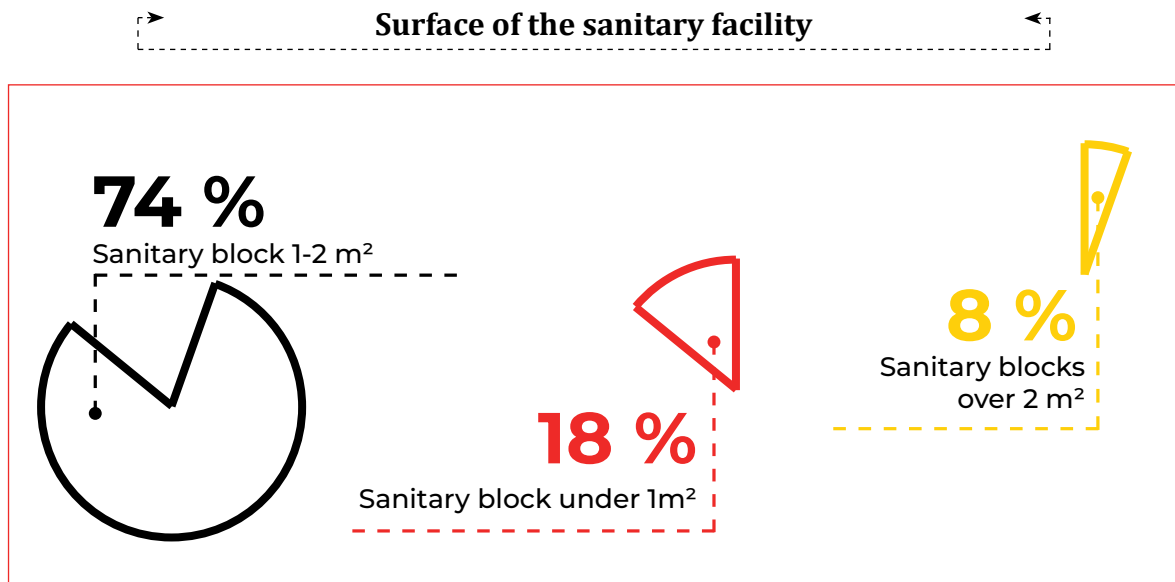
Sanitary facilities in a penitentiary such as P13 should not only meet the basic needs of prisoners, but also be designed to ensure an adequate level of privacy, as well as dignity and respect for prisoners as individuals. In P13, all 171 toilet stalls (WCs) in detention cells underwent a detailed assessment. In addition, two other external spaces reserved for sanitary facilities, used by prisoners performing household work, were examined, as well as two gender-separated shared bathrooms: the women’s bathroom is equipped with 3 shower head hoses, and the men’s bathroom has about 10 functional shower head hoses. It should also be noted that these shared bathrooms are not designed to be accessible to persons with locomotor or sensory disabilities, which is a serious disregard of the needs of a vulnerable segment of prison population. This design flaw not only limits access to a fundamental right, but also goes against the basic principles of inclusion and equal opportunity. If such a premise is substandard or insufficient, it can have serious repercussions on the physical and mental health of prisoners, putting disabled people at risk.

> **Sanitary facilities assessed in P13** <



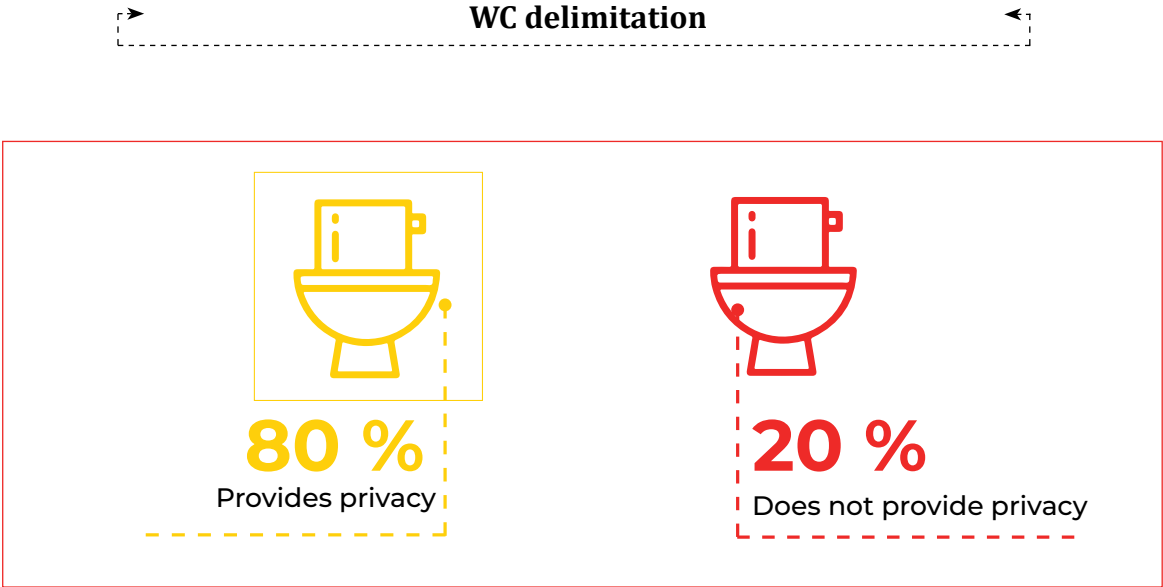
Vital examined issues:

Configuration of sanitary facility: Most of the cells in P13, representing 98.29% of the total, are equipped with internal sanitary facilities. They include Turkish toilets and sinks (in some cases, the sinks are installed outside the space reserved for the WCs). 3 other cells, for prisoners who perform household work, are an exception to this rule, having external sanitary facilities.



This sanitary configuration is common, the space allocated to each facility playing a decisive role in ensuring an acceptable level of comfort and hygiene. It is worth noting that out of a total of 148 cells analyzed (excluding disciplinary cells, ceased cells and those used by prisoners performing household work), 27 (18%) do not meet the minimum standard of 1 square meter per sanitary block. This reality highlights the problems associated with insufficient space and the existing practice of arranging the sanitary facilities.

Privacy and dignity: of a total of 151 functional cells (excluding disciplinary cells and ceased cells), 30 do not provide the appropriate level of privacy when using the toilets. It is fundamental that prisoners' right to privacy be respected, similar to that of any other person. This privacy is a pillar of human dignity, and its lack can have repercussions on the individual's psychological health.



General hygiene conditions: To ensure adequate hygiene conditions in a penitentiary like P13, the separation of bathrooms by gender, although vital, is not the only necessary condition. Both women's and men's shared bathrooms were found to have a significant presence of mold, an indicator of poor maintenance that requires urgent remediation. Mold, in addition to being a source of infection, can trigger serious respiratory problems, allergic reactions and a wide range of other health conditions, compromising the physical and psychological well-being of prisoners.

Functionality: Limited access to the bathrooms, allowed only once a week, along with the deteriorated premises, underlines the existence of significant structural and management deficiencies. In men's bathroom, although there are several stalls equipped with shower head hoses, only one out of four available is functional. In addition to this, multiple hot water pipes were found to be cracked and, worryingly, most of the shower hoses were also damaged. These installation problems, added to increased humidity, not only prevent proper use, but also favor the worsening of sanitary conditions, already affected by the presence of mold.

Security and privacy in the shared spaces: In P13, none of the shared bathrooms have partitions, thus making them visible from the outside, which constitutes a serious violation of individual privacy. This situation not only violates prisoners' right to privacy, it can also lead to abuse or harassment, creating an environment conducive to inappropriate and potentially dangerous behavior. Maintenance, sanitation and hygiene of these premises leave much to be desired, often being carried out by prisoners without proper supervision or adequate resources, thus endangering their health through exposure to unsanitary conditions and risk of disease transmission.

Conclusions

Detailed assessment of the sanitary facility in P13 reveals serious deviations. Health and dignity of prisoners are compromised, and these, in addition to being fundamental rights, are also essential pillars for a successful reintegration of prisoners into society. It is imperative that the authorities treat these deficiencies as an urgent priority and act promptly to bring the premises up to appropriate standards.

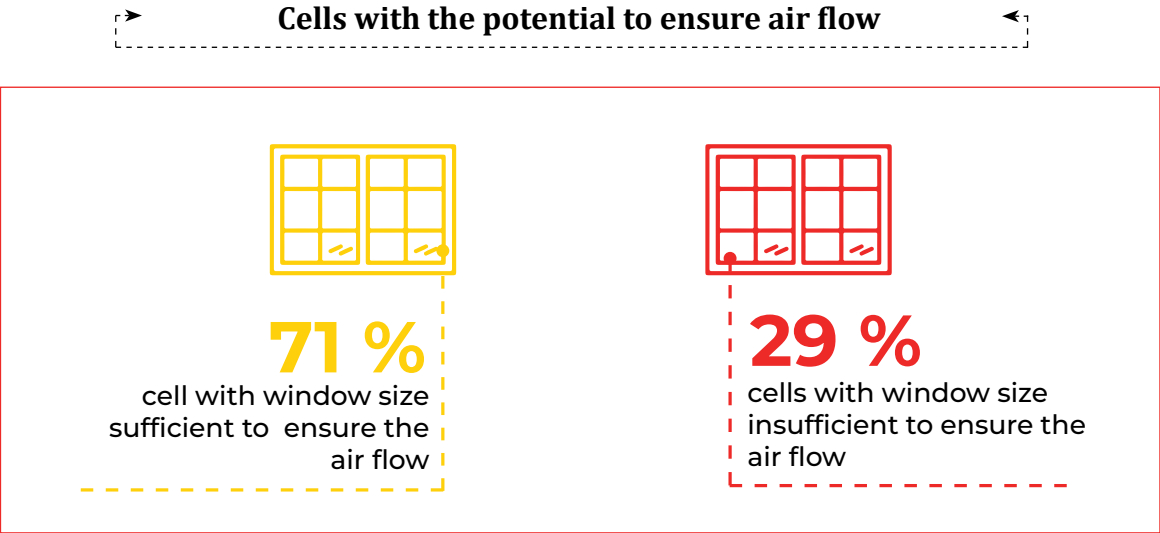
Recommendations

- 1 Prioritization of renovation of inappropriate sanitary facilities:** It is imperative that all cells that do not meet the minimum standard of 1 square meter per sanitary block be quickly identified and urgent actions be taken to renovate and reconfigure them.
- 2 Measures for ensuring privacy:** It is imperative to install partitions or other means of protecting privacy in the 30 cells that do not guarantee sufficient privacy.
- 3 Optimizations of hygiene and maintenance activities:** Addressing issues like mold and cracked pipes is essential. Establishing a regular inspection and maintenance schedule can help prevent these problems in the future.
- 4 Optimizing access to sanitary services:** In order to promote a higher standard of hygiene and health, it is imperative that authorities review and improve the frequency of bathroom use by prisoners, taking into account the possibility of allowing them access to bathroom installations more often than once a week.
- 5 Improving security and supervision in shared spaces:** It is essential to review security protocols in shared bathrooms to reduce risks related to movement of prohibited items and unauthorized interactions.

Ventilation and Lighting

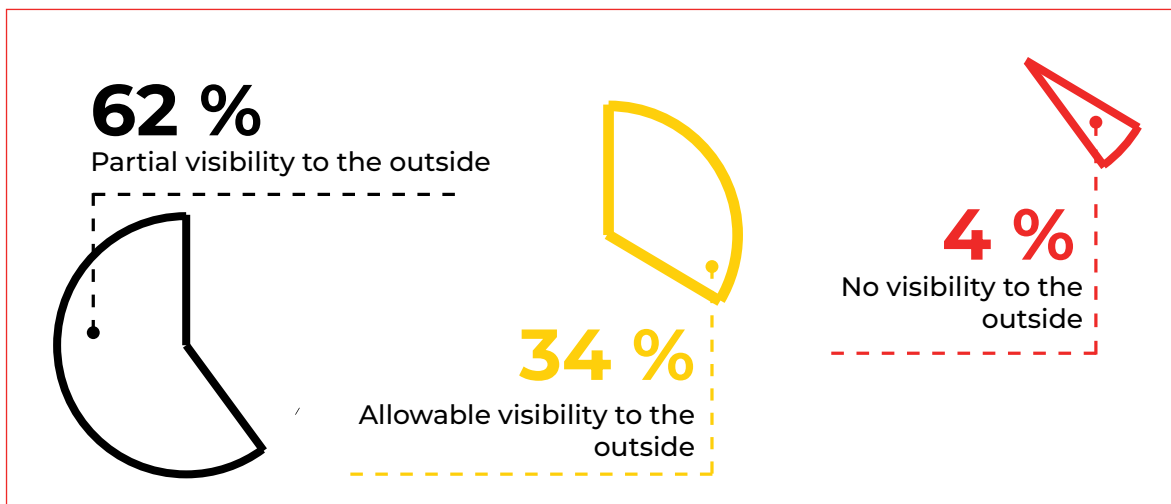
Adequate ventilation and proper lighting are crucial components of a healthy environment for both prisoners and prison staff. The current state of affairs in P13 in this regard causes serious concerns and calls for urgent intervention measures.

Ventilation: One of the most serious issues encountered in P13 is the deficiency of ventilation system, which seriously affects the air quality both in the cells and in the shared areas. Persistence of musty and ammonia odors in cells is not only a problem of discomfort, it is also an indicator of prisoners' health risks, such as respiratory ailments and allergies. In the absence of mechanized ventilation systems, natural ventilation, provided by windows, becomes particularly important. However, in P13, approximately 29% of cells (excluding ceased cells and disciplinary isolators) have undersized windows that do not meet adequate ventilation standards relatively to cell size. The situation is aggravated when the outside weather conditions do not allow the windows to be opened, thus intensifying the existing air quality problems. Moreover, in the common spaces, the lack of any form of artificial or natural ventilation leads to the stagnation of unpleasant odors and accumulation of mold, which represents a major vulnerability in the care and health system of the institution.



Lighting: Lighting issues in P13 are a major concern. Natural light plays a fundamental role not only in maintaining psychological well-being, but also in supporting a healthy sleep-wake cycle and preventing visual impairment. Unfortunately, in 96 cells, representing 62% of the total, the view to the outside is severely compromised due to physical obstructions such as walls or other building structures. It is even more alarming that in three cells, accommodating a total of 24 prisoners, there is a total blocking of the view to the outside, and in two others, accommodating 21 prisoners, the only “view” is to the interior hallway of the penitentiary. Another 3 cells, intended for the disciplinary isolator, are located in the basement/semi-basement, where visibility from the outside is extremely low, therefore, they were qualified as having no visibility.

↔ **Natural visibility to the outside** ↔



When it comes to artificial lighting, it is far from adequate. A single light source in the cell fails to meet the varying needs of prisoners, especially in multi-individual cells. Insufficient lighting not only makes activities such as reading difficult, it can also amplify feelings of isolation and cause mental health issues. It is clear that in shared cells, where prisoners may have different lighting needs, adaptive lighting is not just a recommendation, but a necessity. This adaptation of artificial lighting to meet the individual needs of each prisoner is crucial and should be addressed as soon as possible to improve detention conditions.

Conclusions

P13 faces significant deficiencies in ventilation and lighting. These problems not only undermine the fundamental rights of prisoners, they can also create major risks to their health. Improving ventilation and lighting conditions in P13 is a priority not only to meet national and international standards, but to ensure the health and well-being of prisoners and staff.

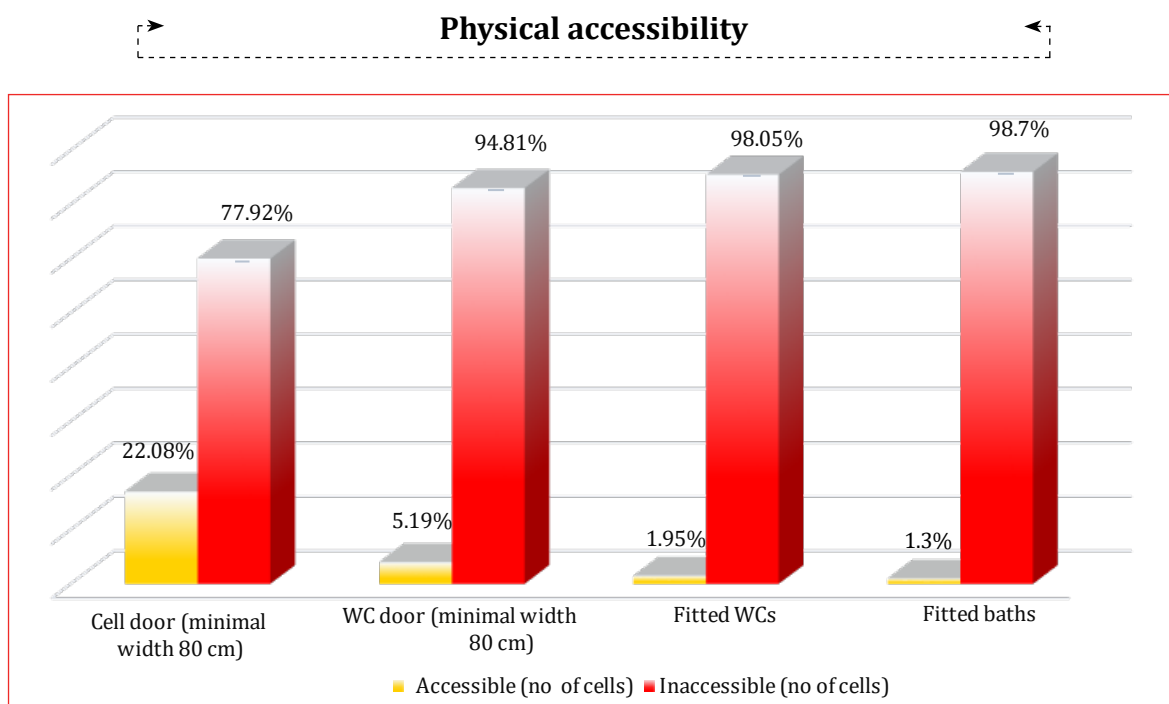
Recommendations

- 1 Assessing the ventilation system:**
 - Carrying out a technical audit of the existing ventilation systems and identifying areas with deficiencies.
 - Based on the audit, planning and implementing solutions to improve ventilation in the cells and other areas of the penitentiary.
- 2 Monitoring air quality:**
 - Implementing a periodic air quality check program and intervention when problems are identified.
- 3 Improving natural ventilation and lighting:**
 - Resizing or adding windows to cells to allow for better air flow and natural lighting.
- 4 Improving artificial lighting:**
 - Reviewing and improving lighting systems with more efficient and adaptable technologies (such as LEDs).
 - Implementing adaptive lighting systems that can be adjusted according to the needs of prisoners and the activities carried out.
- 5 Budgeting and funding:**
 - Allocating an adequate budget for the proposed improvements, taking into account possible external sources of financing or public-private partnerships.
- 6 Periodical revisions:**
 - Instituting an annual or semi-annual review of ventilation and lighting systems to ensure they are operating at optimum parameters and identifying possible areas for improvement.

Accessibility for persons with locomotor disabilities

Accessibility of premises is essential to guarantee respect for fundamental rights of all individuals, regardless of their physical capacity. According to the assessment of conditions in P13, the current state of affairs in the case of accessibility for persons with locomotor disabilities raises significant issues that need to be addressed.

Physical accessibility



General information: The analysis of accessibility level for persons with locomotor disabilities in P13 shows that the institution is generally not adapted to their needs, especially for prisoners who use wheelchairs. This general conclusion is based on a detailed assessment of all available spaces and facilities as reflected in the physical accessibility graph.

Access to facilities: Significant barriers exist for persons with locomotor disabilities trying to access institutional facilities, such as medical unit or bathroom. Physical barriers can cause suffering and thus discourage the use of available services, a point documented in the case of *Arutyunyan v. Russia*.

Adapted cells: Of the total of 154 cells, only two cells - in the medical unit - are partially adapted to the needs of persons with locomotor disabilities, toilets and showers in them are equipped with support rails. However, only one cell is fully accessible, as the other has a door that is too narrow for a wheelchair, being less than 80 cm wide. This adapted cell is on the first floor and is for individual use.

Access to WCs: Although 8 cells have WC doors that meet the minimum width requirement of 80 cm, none is fully adapted for use by people in wheelchairs due to other impediments such as the absence of grab rails or the presence of steps.

Infrastructure: P13 is deficient in the infrastructure needed to accommodate people with various types of locomotor disabilities. In addition, both shared women's and men's bathrooms are completely inaccessible to people with locomotor or sensory disabilities.

Lighting: Lighting infrastructure does not meet the specific requirements for people with visual impairments, due to the lack of adaptive lighting solutions and absence of contrast markings, necessary for orientation.

Conclusions:

The current accessibility situation in P13 does not meet national and international standards for adequate treatment of prisoners with locomotor disabilities, neither for those with sensory impairments. This can lead to discrimination, physical and mental suffering, as well as aggravate the health issues of these people. A set of measures to make P13 accessible is needed to accommodate people with locomotor disabilities and other medical conditions, thus respecting human rights and international standards for treatment of prisoners.

- 1 Redistribution of prisoners in cells:**
 - Prioritizing disabled prisoners: Establishing a mechanism to ensure that prisoners with locomotor disabilities or health conditions are placed in cells located on lower levels or in areas with easy access, thus minimizing the need to use stairs or other obstacles.
 - Cell accessibility: Modernizing and adapting the infrastructure to ensure full accessibility of at least two cells, so that they can accommodate prisoners with disabilities in appropriate conditions. This may include adjustments, such as ramps, wider doors, adapted plumbing and other structural changes necessary for barrier-free mobility.
 - Periodic review: Periodic reassessment of cell residents to ensure that changes in the physical or medical condition of prisoners are taken into account and that they are relocated appropriately.

- 2 Accessibility of shared bathrooms:**
 - Adapted bathroom: conversing or adapting one or more shared bathrooms to be fully accessible, including the installation of grab rails, ramps and walk-in showers.
 - Clear signage: Using contrasting signs and markings to indicate an adapted bathroom and facilitate navigation to it.
 - Ensuring privacy: In the adapted shared bathroom, ensure the existence of adequate partitions and equipment to ensure the privacy and safety of users.

- 3 Support for prisoners and staff:**
 - Staff training: To ensure understanding the need to redistribute prisoners, the fact that may help in the process of identification and relocation of those with need special.
 - Practical assistance: It may be useful to offer a mechanism or a device to help prisoners with locomotor disabilities, when using shared bathroom, such as mobile chairs or mobile supports.

- 4 Other considerations:**
 - Prisoners' feedback: Creating a system through which prisoners can provide feedback and suggestions related to the adaptations and facilities offered. This can contribute to the quick and efficient identification of areas for improvement.
 - Monitoring and review: Establishing a program of ongoing monitoring of accessibility conditions and prisoners' needs to ensure that accommodations and efforts are consistent with current standards and evolving needs of prison population.

The summary table and EVA-PASS
passports can only be provided to
interested parties with the consent of the
Ministry of Justice

