

United Nations Development Programme

Country: Moldova

Project Document

**Project Title** Strengthening the forensic examination of torture and other forms of ill-treatment, as a key strategic element in comprehensive, integrated, holistic efforts to end torture and related forms of ill-treatment in Moldova

**UNDAF Outcome(s):** UNDAF outcome #1: By 2011, public institutions with the support of Civil Society Organizations (CSOs) are better able to ensure good governance, rule of law and equal access to justice and promotion of human rights

**Expected CP Outcome(s):** The justice system functions in a more transparent, accountable and independent manner

**Expected CP Output(s):**

- Key reform proposals developed/revised and capacity of various entities of the justice system strengthened to ensure efficient administration and equitable access to justice, including alternative dispute settlement mechanisms
- Coordination mechanisms are in place to enable CSOs to play an effective role in developing and implementing poverty reduction strategies and reporting on implementation of national plans and on human rights treaties

**Implementing Partner:** Centre of Forensic Medicine of the Republic of Moldova

**Brief Description**

The overall objective of the project is to strengthen the forensic examination of torture and other forms of ill-treatment, as a key strategic element in comprehensive, integrated, holistic efforts to end torture and related forms of ill-treatment in Moldova. The project will (i) strengthen the institutional and operational capacity of the Centre of Forensic Medicine in the examination of the torture and other cruel, inhuman or degrading treatment or punishment cases at the national level; (ii) heighten the quality of forensic documentation brought before courts and to other public review instances in cases where torture or other forms of ill-treatment is alleged; and (iii) increase partnership and awareness between governmental and non-governmental organisations for improving the situation on torture, and in particular as pertains to securing timely, high-quality forensic evidence in cases of torture. The project is financially supported by the UNDP and the European Union.

Programme Period: 2011 – 2012

Key Result Area (Strategic Plan): Strengthening accountable and responsive governing institutions

Atlas Award ID:

Start date: 10 December 2010

End Date: 9 December 2012

PAC Meeting Date: 22 December 2010

Management Arrangements: National Implementation

Budget:

Total resources required: 1,000,000 EURO

Total allocated resources:

- UNDP Regular: 200,000 EURO
- Other:
  - Donor (EU) 800,000 EUR
  - Government \_\_\_\_\_

Unfunded budget:



Agreed by (Government): Ion Cuvşinov, Director, Centre of Forensic Medicine of the Republic of Moldova  
10.12.2010

Agreed by (UNDP): Kaarina Immonen, Resident Representative  
10.12.2010

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## 1. Context and Situation Analysis

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All forms of torture or other ill-treatment are unequivocally prohibited under international human rights law. Moldova is a party to the main treaties including the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) including the Optional Protocol to the Convention against Torture (OPCAT), International Covenant on Civil and Political Rights (ICCPR), European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as well as other relevant instruments.

Moldova ratified the OP CAT by Law nr. 66-XV of 30 March 2006. The respective Law entered into force on 24 July 2006 and with this a National Preventive Mechanism for the prevention of torture was recently established in Moldova. However, concerns related to torture and other forms of ill-treatment in detention in Moldova are long-standing and have been the subject of extensive scrutiny by international and European human rights monitoring bodies. Human rights concerns were heightened to the level of emergency in April 2009 after the authorities detained hundreds in the wake of demonstrations which turned violent. Abuses included arbitrary detention, widespread ill-treatment, as well as apparently malicious prosecution of a number of individuals. In a subsequent government crackdown, over 300 – and possibly over 500 -- persons were arrested. There is extensive documentation indicating both that many of these were severely ill-treated in custody, as well as that domestic and international law has been disregarded by the authorities. NGOs report that as many as 12 persons may have been killed in the course of the unrest and in particular as a result of government reprisals. Detainees described being kicked, punched, or struck with truncheons or wooden sticks, as well as being humiliated and/or subjected to verbal abuse. As of September 2009, the prosecutor office has opened criminal proceedings in a handful of cases. However, close to half of over 100 complaints submitted to the prosecutor offices have reportedly been dismissed, many of them because of a lack of basic documentation, including forensics evidence.

Forensic documentation is crucial for documenting torture, and is generally treated as a central component of any effort to prosecute torture. As a result, it is central to ending the impunity for torture which is a key to its perpetuation. Forensics evidence has been the centerpiece of the two most recent judgments by the European Court of Human Rights in torture cases concerning Moldova (Gurgurov v. Moldova and Buzilov v. Moldova). At the same time, the ECHR note in several other cases against Moldova the deficiencies related to quality of forensic examinations (Pruneanu vs. Moldova), lack of independence and impartiality of forensic experts (Colibaba vs. Moldova), deficiencies related to procedure of ensuring forensic examinations (Paduret vs. Moldova). Where timely, independent, and high quality forensic documentation is not secured, an investigation of torture as a rule fails. Repairing the currently dysfunctional system of ensuring adequate forensic documentation is therefore a *sine qua non* for any strategy for the prevention of torture in Moldova.

By February 2010 the European Court of Human Rights adopted 173 judgments on cases against Moldova, out of which 26 refer to art.3 of the European Convention of Fundamental Rights and Freedoms (prohibition of torture). 5 torture cases were stroke out of the list of cases based on the friendly settlement reached between the applicants and the Government. 12 cases relate direct to the incapacity of state to ensure effective investigation and 7 cases to the omission to offer medical assistance to the persons in detention.

In his March 2010 report to the United Nations Human Rights Council, following up the conclusions of his 2009 report on Moldova, the UN Special Rapporteur on Torture reported that, on the basis of information from civil society organizations, "Forensic doctors try to cover up torture, rather than document it.

The Council of Europe's Committee for the Prevention of Torture (CPT), in its 2008 report on Moldova, recommended that: "whenever a detained person brought before a judge alleges ill-treatment by police officers, these allegations be recorded in writing, a forensic medical examination immediately ordered, and the necessary steps taken to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Moreover, even in the absence of an express allegation of ill-treatment, judges should adopt a proactive attitude; for instance, a forensic medical examination should be requested whenever there are other grounds to believe that a person could have been the victim of ill-treatment. If necessary, the relevant legislation should be amended to ensure the above"<sup>1</sup>.

During its visits the CPT established that the hospital records not always contain the statements of the patients as regards the cause of the injuries or these statements are not detailed and the physical examination of the persons concerned are not always thorough. This leads to poor quality of forensic documentation that may result in failure of prosecution of torture acts. Thus, the CPT recommends that the Moldovan authorities take steps to improve the quality of forensic medical examinations and reports. Also, it should be mentioned that the independence of the fieldshers and medical doctors working in the preventive detention institutions and penitentiaries is questionable.

With European Commission support, UNDP is currently implementing a project aiming to strengthen the National Preventive Mechanism on Torture (NPM) in compliance with the UN CAT/OPCAT requirements. As part of the ongoing UNDP/EC project, in September 2009, UN Special Rapporteur on Torture Dr. Manfred Nowak visited Moldova as part of project efforts to strengthen Moldova's National Preventative Mechanism against Torture. Dr. Nowak noted the weaknesses of the National Preventative Mechanism against Torture (NPM) in the forensics areas; there are currently no forensics experts on the NPM, and also affirmed the centrality of forensics expertise as a key component of torture prevention.

On an ad hoc basis, the project also brought the internationally renowned forensics expert Derrick Pounder to Moldova to assist in forensic examination of the corpse of Mr. Valeriu Boboc, beaten to death during the April events. During his visit, Mr. Pounder noted areas in need of improvement in the delivery of forensics services where allegations of torture are at issue. Mr. Pounder reaffirmed the centrality of forensics experts to be built directly into torture prevention strategies, and made a number of concrete recommendations, a number of which have been included in the proposed activities below.

The existing Centre of Forensic Medicine was established under jurisdiction of the Ministry of Health according to the Decision of the Council of Ministers of the SSRM Nr. 1319 dated 27.09.1951 and Order of the Minister of Health no.1605 dated 01.10.1951. It represents a public institution which provides legal expertise in the area of legal medicine. Despite the fact that the Centre covers the whole republic, still, it has only 51 forensic experts for the entire country (25 in Chisinau and 34 in rayons) that is insufficient to provide the services effectively. The forensic specialists of the Centre were exposed to very little capacity building in the area. Additionally, the facilities are generally poor and need refurbishing; the toxicology laboratory has outdated equipment and the library is not equipped with the most up-to-date literature.

The formation of a new government in 25 September 2009 provides an auspicious opportunity to focus on this needed area of reforms. A focus on strengthening forensics components of the struggle against torture and ill-treatment is also harmonious with the integrated and holistic approach to the

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<sup>1</sup> The CPT further recommended to the Moldovan government that: "whenever injuries are recorded which are consistent with allegations of ill-treatment made by a detained person, the record be systematically brought to the attention of the relevant prosecutor and an examination be performed by a recognised forensic doctor. Further, the results of every examination should be made available to the detained person and his lawyer." It is also important that no barriers should be placed between persons who allege ill-treatment and doctors who can provide forensic reports recognised by the prosecutorial and judicial authorities. ..."

fight against torture and ill-treatment promoted by EIDHR.<sup>2</sup> Adequate forensics documentation is crucial to all factors of the fight against torture and ill-treatment, including prevention; denunciation, investigation, prosecution, punishment of perpetrators; and rehabilitation of victims and their families. A strategic approach focusing on strengthening Moldova's forensic infrastructure and competences can deliver durable, long-term positive outcomes toward ending torture in Moldova. To ensure effectiveness, viability and sustainability of the created mechanism, additional efforts need to be invested. Given UNDP's considerable expertise and experience in the region and worldwide experience in the development of human rights and justice institutions/mechanisms<sup>3</sup>, it is the relevant agency to facilitate implementation of this complex series of activities.

In this context, the proposed is in line with the following priorities and requirements presented in the EIDHR to support human rights and democracy actions on torture and other forms of ill-treatment:

- reduced prevalence of torture, increased reporting of torture, better conditions for providing incidence of torture;
- more effective monitoring of torture, ratification and implementation of the CAT and the Optional Protocol to the CAT.

Target groups and final beneficiaries: the proposed actions shall primarily target 53 staff members (management and forensic experts) of the Centre for Forensic Medicine all over the country, 150 medical personnel in preventive detention and penitentiary institutions and independent medical practitioners or medical practitioners affiliated with civil society, about 200 staff of police, prosecutors, judiciary, mass-media etc. In terms of ultimate beneficiaries, it is estimated to about 60 victims of torture and about 10,000 citizens whose rights are violated.

## **2. Scope and Strategy**

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***The main goal of the project is to strengthen the forensic examination of torture and other forms of ill-treatment, as a key strategic element in comprehensive, integrated, holistic efforts to end torture and related forms of ill-treatment in Moldova.***

This proposed overall objective is envisaged to be achieved through the following **specific objectives** (outputs) divided into 2 project components:

***Specific objective 1:*** to strengthen the institutional and operational capacity of the Centre of Forensic Medicine in the examination of the torture and other cruel, inhuman or degrading treatment or punishment cases at the national level. Heighten the quality of forensic documentation brought before courts and to other public review instances in cases where torture or other forms of ill-treatment is alleged;

Under this objective the action proposes to strengthen primarily the institutional and operational capacity of the Centre for Forensic Medicine and individual professional capacity of the forensic experts in performing forensic examinations. To ensure the high-quality forensic reports on torture cases, the action shall contribute to equipping the Centre with modern laboratories and up-to-date specialized literature and to raising the level of professional knowledge of the forensic experts on examination techniques and relevant standards. Considering the importance of the primary examination performed by the doctors from emergency hospitals, police detention and penitentiary institutions, the actions under specific objective 1 shall cover the wider range of medical personnel involved in examination of the victims of torture as well as professors from the Department of the

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<sup>2</sup> This is in line with the findings and recommendations of the Evaluation on Support to Prevention of Torture and Torture Rehabilitation Centres supported by EIDHR, Final Report (June 2008),  
See: [http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/evaluation\\_torture\\_projects\\_en.pdf](http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/evaluation_torture_projects_en.pdf)

<sup>3</sup> For more details, please see **Annex A** enclosed to the concept note. More information is available on [www.undp.md](http://www.undp.md).

Forensic Medicine within the State University of Medicine and Pharmacology "Testimiteanu" that will further ensure training of the national forensic experts. Because of the importance of fostering a plurality of forensic documentation sources in Moldova, other medical professionals, including those affiliated with civil society, will also be included in the ambit of actions.

**Specific objective 2:** to increase partnership and awareness between governmental and non-governmental organisations for improving the situation on torture, and in particular as pertains to securing timely, high-quality forensic evidence in cases of torture;

Given the crucial role of the forensic examinations for criminal investigation of torture cases, the objective aims to fostering implementation of relevant European and international recommendations in the area of improving forensic documentation of torture and related acts in the Republic of Moldova, and reviewing the national laws and sub-laws on their compliance with international standards in the respective area. The main focus shall be increasing partnership and common understanding between the forensic experts and prosecution on the one hand in the view of ensuring effective investigation of torture cases by delivering high-quality forensic evidences, and between the Centre for Forensic Medicine and National Preventive Mechanism on the other hand to provide necessary support when carrying out monitoring visits in the centers of detention on remand and penitentiary institutions. Additionally, efforts shall be invested to ensure free access of vulnerable groups to forensic services. The project shall contribute to the elaboration of public awareness events comprised in the comprehensive public awareness campaign carried out within the Project "Support to Strengthening the National Preventive Mechanism as per OPCAT Provisions".

The proposed action shall aim at achieving a mid-term impact of having efficient investigation and adjudication of torture cases thus ensuring effective remedy of violated rights and a long-term impact of behavioral change among the law enforcement representatives and reduced incidence/prevalence of torture cases.

### **3. Project Summary Budget**

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The timeframe for such an initiative will cover an initial period of two years, starting from December 2010 to December 2012, with an estimated budget of \$1 million. The main funding partners are: UNDP and the European Union.

### **4. Project Components and Activities**

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**Activities for specific objective 1:** to strengthen the institutional capacity of the Centre of Forensic Medicine in the examination of the torture and other cruel, inhuman or degrading treatment or punishment cases at the national level.

#### **1.1 Assessment of the feasibility and advocacy measures to ensure quality, access and plurality of forensic services**

In order to have a better response, good planning, a better approach for the legislative and institutional amendments, there is a need to start with the overall feasibility assessment of the forensic examinations in the country. This will include examination of the issue of independence of the forensic experts in relation to the law enforcement and/or judiciary institutions, place of the Centre versus the Ministry of Health, state monopoly on forensic services and possibility of having alternative/independent forensic examination, free access to forensic services etc. In the view of having a comprehensive approach of the situation of medical care and examination of victims of torture in the state custody, this assessment should also cover examinations carried out by the feldshers from the centers of detention on remand, by the doctors from penitentiary institutions, as well as emergency hospitals. Thus, the assessment shall present a full picture of the results of this assessment and it should serve as baseline for supporting the development of institutional and operational capacities of the Centre, as well as developing recommendation on legislative

amendments. The management and staff of the Centre for Forensic Medicine shall be the main partners in the given activity. The activity shall involve the Department of Penitentiary Institutions, Ministry of Internal Affairs and non-governmental institutions working in the area of torture prevention and rehabilitation of victims, as well as of medical practitioners working outside the state system.

**1.2 Provide support in carrying out external audit for the Centre for Forensic Medicine**

This activity is the logical and indispensable continuation of the activity 1.1. and shall be carried out in close synergies with the last one. Though the Centre for Forensic Medicine has more than 50 years of activity, it has never been evaluated from the point of view of a modern forensic institution that aims to ensure access of population to the high-quality forensic services and putting at the disposal of law enforcement, prosecution and judiciary relevant proofs on torture cases in reasonable time limits. In addition, as the director of the Centre has noted, the experts of the Centre have not been fully in the course of forensics skills and developments taking place in Western Europe and the Anglo-American world, having generally been oriented around Soviet and post-Soviet medical and scientific practice. In order to ensure efficient institutional and operational capacity building of the Centre it is necessary at the first stage of project implementation to assess its functionality vs. human and financial resources available (including efficient management of the human resources and optimization of its staff activity as well as rational administration of financial resources), the level of professional knowledge, experience and skills of the staff, work load vs. staff available, normative framework, operational procedures and effectiveness of the services provided. Based on the fact findings and recommendations provided, priority intervention domains should be determined as well as actions to be implemented. The management and staff of the Centre for Forensic Medicine shall be the main partners in the given activity. Here however too, the relevant assistance and input of medical professionals and civil society working in this area will be sought.

**1.3 Design and provide specialised trainings to forensic specialists on examination techniques and relevant standards when dealing with torture and other cruel, inhuman or degrading treatment or punishment cases**

Based on the fact findings of the capacity and needs assessment, a training plan and module-based programme on the advanced forensic examination techniques shall be designed for the forensic experts, feldshers from the centers of detention on remand, doctors from penitentiary institutions and emergency hospitals (therapists, traumatologists, surgeons, neurosurgeons), teaching staff from the University Department of Forensic Medicine, and independent medical professionals, including those working with civil society organizations working on the problem of torture in Moldova. The project will further ensure that all relevant and especially medical personnel receive specific training on how to identify signs of torture and ill-treatment and that the Istanbul Protocol of 1999 (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) become an integral part of this training.

The management and staff of the Centre for Forensic Medicine shall be the main partners in the given activity in association with Ministry of Interior, Department of Penitentiary Institutions and the State University of Medicine and Pharmacology "N. Testimeteanu". In cooperation with OSCE Mission to Moldova, a joint specialized training shall be organized for the forensic experts from the Centre for Forensic Medicine from Chisinau and the Forensic Centre from Tiraspol/ Transnistrian region, as well as other relevant medical professionals. The training should foster exchange of experience and establishing professional contacts between the experts.

**1.4 Equip the Centre of Forensic Medicine and its territorial forensic departments, histopathological laboratory with necessary forensic equipment and supplies as well as IT and other equipment;**

Poor quality of the forensic reports may be caused not only by the low level of knowledge of the forensic experts and procedural aspects related to ensuring forensic services, but also by the outdated equipment and lack of necessary supplies. Based on the fact findings carried out under

activity 1.2 and preliminary needs assessment by the Centre for Forensic Medicine, a list of equipment necessary to equip the laboratories for examination of victims of torture shall be identified and equipment procured. This shall include, but shall be not limited to histological laboratory equipment, such as vacuum tissue processor for histopathological investigations, multistainer, microtome, cryotome etc. Subsequently, trainings on the use of the respective equipment shall be provided. At the same time, some IT equipment (PCs and printers) shall be procured in order to cover the immediate needs of the Forensic Centre and its territorial departments. The management of the Centre for Forensic Medicine shall be the main partner in the given activity.

Considering that the forensic laboratories exist only in Chisinau that cover the necessity of the entire country in this sense, a problem of timely transportation of tests to Chisinau appears to be very important one. Currently, because of the deficiencies with transportation the tests are collected from the rayons and reach laboratories in Chisinau in average one month period. Thus, based on the needs assessment carried out under the activity 1.2 the project proposes to equip the Centre with 2 cars in order to ensure delivery of the tests from rayons to laboratories in Chisinau in one week period.

**1.5 Expose the forensic experts of the Centre and other relevant counterparts to the international experience of forensic examination on torture cases, including via study visits, twinning or similar arrangements**

This activity aims at building the capacity of the Centre's management and staff on how to efficiently manage a national forensic institution and ensure high-quality forensic services. During the study visits participants shall be introduced into the most advanced systems of forensic examination. Thus, exposure of 2 mixed groups, consisted from the representatives of the Centre of Forensic Medicine and the Department of Forensic Medicine from the State University of Medicine and Pharmacology "Testimeteanu", shall be useful in order to learn best practices, lessons learned in investigation of victims of torture and to establish direct professional links with foreign forensic experts. Two study visits in different countries shall be organized in the course of the project implementation period. The management of the Centre for Forensic Medicine shall be the main partner in the given activity.

**1.6 Assist in the creation of an up-to-date forensic library at the Centre**

Considering the rapidly evolving techniques and equipment in the forensic examination and equipment it is absolutely crucial to put at the disposal of the Centre for Forensic Medicine, its territorial departments and the Department of Forensic Medicine from the State University of Medicine and Pharmacology "Testimeteanu" the latest specialized literature on a wide range of subjects related to forensic medicine and medical jurisprudence and ensure translation of the most important and relevant to examination of victims of torture. This shall include monographs, reference books, manuals, specialized periodicals etc. The management of the Centre for Forensic Medicine shall be the main partner in the given activity.

**Activities for specific objective 2:** to increase partnership and awareness between governmental and non-governmental organisations for improving the situation on torture, and in particular as pertains to securing timely, high-quality forensic evidence in cases of torture:

**2.1 Carry out legislative review and work toward amendments to policy and law to ensure changes implementing European and international recommendations, in particular those of the Council of Europe's Committee for the Prevention of Torture (CPT)**

The given review shall be build upon the last fact finding and recommendations provided by the CPT representatives (from December 2009), as well as the UN Special Rapporteurs on Torture and Violence (Concluding Observations of the Committee against Torture from November 2009). Specifically, the statute of implementation of recommendations related to improvement of the quality of forensic medical examinations and reports, taking due guidelines on the examination and documentation of physical evidence of torture and other forms of ill-treatment, systematic screening



for injuries of the persons in police detention, confidentiality and fullness of medical documentation etc. should be carefully examined and recommendation for immediate efficient implementation should be made with proposals for concrete legislative amendments if necessary.

## **2.2 Strengthen** coordination and partnership mechanism between the Centre for Forensic Medicine and National Preventive Mechanism

The National Preventive Mechanism has the primary role to monitor the torture phenomenon that is ensured by the activity of the Consultative Council and mobile monitoring groups supported under the Project "Support to Strengthening the National Preventive Mechanism as per OPCAT provisions". The Consultative Council should comprise 11 members and currently include only 6 members, including the Ombudsman and representatives of the civil society. Considering that the Consultative Council carries out monitoring visits to the centers of detention on remand and penitentiary institutions, as well as other institutions where the persons are held under the state custody it is crucial to have expertise of an independent forensic expert to support the monitoring visits. Currently the Centre for Forensic Medicine is considering delegation of one expert during the monitoring visits performed by the Council. Thus, a platform of independent forensic assistance to the NPM in monitoring places of detention shall be developed in order to provide on-site and/or as-needed access to forensic expertise. The management of the Centre for Forensic Medicine and the National Preventive Mechanism shall be the main partners in the given activity.

## **2.3 Provide aid to individuals in need to ensure objective, timely, comprehensive and independent forensic examination**

Although the legislation provides for free access to forensic services, these are paid in case the person is addressing the Centre for Forensic Medicine on his/her own initiative and does not have the quality necessary for exempting from payment according to the legislation. In such situations when an alleged victim of torture is in need for an objective, timely, comprehensive and independent forensic examination and is not able to pay for the services, the project shall provide aid for offering such an examination. The activity shall be implemented by two or more non-governmental organizations specialized in assisting and rehabilitation victims of torture by establishing of a fund to assist torture victims. The organizations will be selected based on the following criteria: - operational and management capacity; - relevant experience; - staff specialized in assisting victims of torture; - sustainability and impact on direct beneficiaries; - cost effectiveness.

## **2.4 Organise round-tables and/or other discussion forums with the wide participation of forensic experts, law enforcement and judiciary and other relevant public officials**

Using the established practice of public debates, up to 5 one-day round-tables and 2 two-days workshops should be organized with the wide participation of forensic experts, Ministry of Health representatives, law enforcement and judiciary and other relevant actors to discuss and disseminate the information on statement of facts and recommendations for improving the situation on torture, and in particular as pertains to securing timely, high-quality forensic evidences of torture. The management of the Centre for Forensic Medicine shall be the main partner in the given activity.

## **2.5 As part of the existing Communication and Information Strategy of Prevention of Torture, organise and develop special public awareness events/products.**

As part of the overall Communication and Information Strategy of Prevention of Torture of the Ombudsman Institution/ Centre for Human Rights, as well as awareness needs identified under the Project "Support to Strengthening the National Preventive Mechanism as per OPCAT provisions", the

project shall contribute to the anti-torture public awareness campaign by designing and developing public awareness events and products as well as research, training with mass media etc.

### **Expected results and sustainability**

The main outputs and expected results of the proposed action are the following:

- An improved institutional and operational capacity of the Centre for Forensic Medicine able to provide high-quality forensic evidences on torture cases and other cruel, inhuman or degrading treatment or punishment;
- Knowledge and skills of 53 forensic experts and of circa 150 medical personnel from emergency hospitals, centers of detention on remand and penitentiary institutions, the teaching staff of the Department of the Forensic Medicine within the State University of Medicine and Pharmacology “Testimiteanu”, as well as of independent medical practitioners, including those affiliated with civil society organizations, enhanced;
- Knowledge and skills of about 300 police officers, prosecutors and judges on securing timely high-quality forensic evidences enhanced;
- An effective cooperation and partnership between the Centre for Forensic Medicine and National Preventive mechanism established;
- Efficient aid for objective, timely and comprehensive independent forensic examination for about 50 individuals provided;
- Recommendations for legislative amendments aimed to complying with international standards in the respective area developed and submitted for further approval;
- Awareness of the decision-makers and public at large about prevention of torture and effective remedies increased.

The proposed action will demonstrate a systematic and coherent approach towards establishment objective, timely, high-quality and independent forensic examination in the cases of torture in Moldova. It will contribute to effective prosecution and adjudication of the cases of torture and efficient remedies.

At the national level the capacities built will contribute to ensuring that individuals, including persons from vulnerable groups who may be particular exposed to the acts of torture, will enjoy a better protection of their rights (prohibition of torture), the law enforcement officials will be sanctioned for torture and as the final result the incidence of torture will be diminished or eliminated in Moldova.

The results of the action will be shared with all interested stakeholders inside and outside the country. The obtained results and developed practices shall be used to create awareness, influence the decision-making, change policies and legislation in the benefit of the ultimate beneficiaries – victims of torture and other cruel, inhuman and degrading treatment and punishment.

**Sustainability** will be built upon Moldova’s international commitments and national priorities. After completion of the project, a capacitated Centre for Forensic Medicine with a systematic approach to examination of torture and other cases shall be in place. The institutional and operational capacity of the Centre shall be strengthened to be able to exercise its functions in efficient manner. To ensure its financial sustainability, advocacy and support shall be provided to increase the state budget allocations for Centre and/or further fundraising. To ensure operational sustainability, transfer of the project’s assets shall be made and partnership and commitment of the key stakeholders shall be fostered through signing the Memoranda of Understanding, including with similar international structures and NPM. The partnerships built between these structures (as well as with/among NGO, public authorities, etc.) may lead to substantive policy, legislative and institutional changes and increase the overall impact in promoting and protecting the citizens’ rights, especially the rights of victims of torture. Synergies with other UNDP development initiatives in the public administration

reform and institutional development, justice and human rights, local development etc. will be sought during and after completion of the project.

## **5. Management, Monitoring and Evaluation Arrangements**

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### **PROJECT IMPLEMENTATION ARRANGEMENTS**

#### **Implementation Modality**

The project will be implemented under National Implementation Mechanism (NIM). This means that the Center of Forensic Medicine will be responsible for decision-making and implementation of Project activities, while UNDP will provide quality assurance, project inputs and support services. The Director of the Center of Forensic Medicine will act as the Senior Executive (National Coordinator) and will represent the interests of the Government of Moldova and be responsible for the overall implementation of the Project.

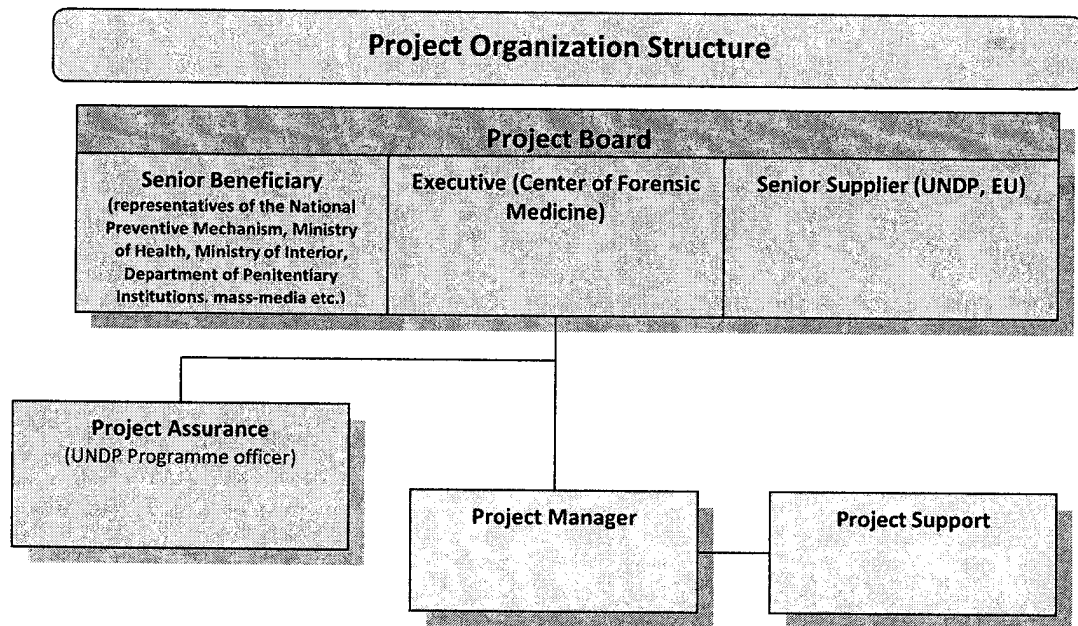
The main project decision making structure will be its Project Board with the overall authority for the project and responsibility for project initiation, direction, review and eventual closure. Within the confines of the Project, the Board is the highest authority. The Board is appointed to provide overall direction and management project and is responsible for ensuring that the project remains on course to deliver products of the required quality to meet the expected outcomes defined in the Project Document. It will be chaired by the Director of the Centre of Forensic Medicine (the Senior Executive and main beneficiary), and will include project donors (as project suppliers roles): UNDP, and the European Union. Other relevant Government institutions and non-governmental organisations will be involved in decision making on a consultative basis and will be invited to take part in all project board activities. The Project Board will meet regularly (monthly or quarterly) and its main functions will be evaluation of the progress, making of necessary amendments and operational planning.

The Project Board approves all major plans and authorizes any major deviation from agreed Project work plans. It ensures that required resources are committed and arbitrates on any conflicts within the project or negotiates a solution to any problems between the project and any parties beyond the scope of the project. In addition, it approves the appointment and responsibilities of the Project Management

**Project Assurance:** Assurance is a key element of the PRINCE2 management method, upon which the Project Management Arrangements are based. 'Assurance' is essentially an independent audit function, whereby the Project Board is able to monitor progress against agreed work plans. The Project Assurance role supports the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. The Project Assurance is the responsibility of each Project Board member. On behalf of UNDP, as senior project supplier, the function is delegated to a UNDP Portfolio Manager. The National Coordinator may appoint a representative (delegated authority) of the implementing partner to carry out the project assurance role on behalf of the project executive.

UNDP will carry out monitoring and assessment of risks, as well as provide narrative and financial reporting to project donors on a regular basis as determined by specific agreement. UNDP follows international standards in the implementation of project and programmes according to the UNDP results Management Guide (<http://content.undp.org/go/userguide/results>)

Given limited managerial and human resource capacity of the Centre for Forensic Medicine, the implementation of the project activities will be supported by a project team. The proposed composition of the project team is: Project Manager and a Project Assistant.



### Visibility and Communication actions

Expertise and the experience of the UN/UNDP Communications Unit will be used to ensure that the project is visible and that the necessary information is prepared and provided to the media placed on the UNDP and other relevant and related national and international websites. Various Public Relations events will be organized as relevant. The project will address project's visibility issues including wide distribution of relevant information to the media, consistent work on the website of the Centre for Forensic Medicine which is currently under the development, organizing dedicated events, maintaining the main donor (EU/EIDHR) visibility.

### Monitoring and Evaluation of Project's results

Monitoring is a continuous function that aims primarily to provide the main stakeholders of this project with early indications of the quality, quantity and timeliness of progress towards delivering intended results. Therefore, all project activities will be subject to continuous monitoring by project implementers and beneficiaries against the indicators determined in the project plans. Effective monitoring requires assessment of project progress against the plan and management of any exceptions. The Project Document and any detailed workplans prepared by the Implementing Partner provide a basis for progress assessment. In carrying out such monitoring activities, the following tools are set up and should be regularly updated in different timeframes.

#### Within the annual cycle:

An annual detailed work-plan will be developed containing the information on the schedule of deliverables, timeframes, responsible parties, and estimated detailed costs of the actions. Quarterly logs will be part of this workplan and will be regularly updated to track progress and quality of the deliverables.

Issues Log: Any project issues will be recorded in the Issues Log to facilitate tracking and resolution.

Risks Log: The Risks Log will be updated by reviewing the external environment that effects the project implementation, and associated risk management plans.

Project Quarterly Progress Report: Quarterly monitoring progress reports will be submitted by the Project Management to Project Assurance and to the Project Board.

Lessons Learned Log: Project lessons learned will be actively captured to ensure ongoing learning and adaptation within the organisation.

Annually:

Annual Review: An annual project review will be conducted by the Project Board during the fourth quarter of year as a basis for assessing the performance of each project. Such review is done in the context of the UNDAF Annual Review. This review will involve all key project stakeholders and the Implementing Partner, and focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes. All evaluations of the project, or related outcomes should be considered, along with their respective management responses and action plans. Findings from these should inform the review. The review will be structured by a set of common standards, and will be subject to spot external quality assurance assessments. This review should update output targets and results achieved.

In order to ensure the effective monitoring and evaluation of project results, maintain continuous cooperation between all project's partners at all stages of Project implementation, the Project Board will meet every 3 - 4 months. The members of the Project Board will provide feedback on lessons learned, propose corrective actions to solve problems, ensure accountability, and make recommendations how to improve the quality of current and future interventions (as per the terms of reference annexed to the project document).

Considering that one of the primary concerns is to ensure that all parties interested in the project have available, on a timely basis, all required information to exercise effective oversight over the project, regular evaluation and monitoring tools will be used as described above.

A final project evaluation will be conducted at the end to assess the performance of a project in achieving its intended results. Project evaluations will assess the efficiency and effectiveness of a project in achieving its intended results. It will also assess the relevance and sustainability of outputs as contributions to medium-term and longer-term outcomes.

Risk Log and Risk Management

Risks have been identified as part of the formulation process and will be captured in the risk log (tbd as annex). The project Risk Log is maintained throughout the project implementation to capture potential risks to the project and associated measures to mitigate risk. The Project Manager is the main role player who maintains and updates the Risk Log, and ensures that risks are identified, communicated, and managed effectively.

## 6. Legal Context

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This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together a Project Document as referred to in the SBAA and all CPAP provisions apply to this document.

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP's property in the implementing partner's custody, rests with the implementing partner.

The implementing partner shall:

- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- b) assume all risks and liabilities related to the implementing partner's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document”.

ANNEXES

1. Risk log

#	Description of risk	Category	Potential Impact	Countermeasures Management response /	Owner	Author	Date identified	Status
1.	Weak commitment of the leadership in ensuring the independence of the Centre for Forensic Examination by applying legal amendments and institutional changes	Political	Delays of reforms covered by the project.	UNDP will adopt a strategy of engaging in concrete policy actions from the very start, which will seek formal acceptance by the Government. Also, the project will advocate constantly and raise awareness of leadership about the benefits of promoting reforms.	Project Executive	UNDP	December 2010	
2.	High staff turnover and reduced capacity of the forensic specialists of the Centre in carrying out effective forensic examination	organizational	Delays in implementation of project	Work with mid-level staff, since they are most unlikely to be reshuffled; involve as much staff as possible to ensure long institutional memory.	Project executive	UNDP	December 2010	
3.	Low receptiveness of the medical personnel subordinated to the Ministry of Interior and Department of Penitentiary Institutions	organizational	Partial achievement of project result	Engage in comprehensive dialogue with Ministry of Interior and Department of Penitentiary Institutions	Project executive	UNDP	December 2010	

#	Description of risk	Category	Potential Impact	Countermeasures / Management response	Owner	Author	Date identified	Status
4.	Lack of effective rehabilitation centers that have professional multidisciplinary teams and deliver complex and prompt rehabilitation services	organizational	The project may not achieve the planned sustainability	Engage in continuous dialogue with civil society organisations. Promote participation of civil society organisations in all project activities, conduct outreach activities and grant competition.	Project executive	UNDP	December 2010	



## 2. Project Results and Resources Framework

<p><b>UNDAF Outcome:</b> By 2011, public institutions with the support of Civil Society Organizations (CSOs) are better able to ensure good governance, rule of law and equal access to justice and promotion of human rights</p> <p><b>Country Programme Outcome:</b> Pro-poor policies, addressing development and population issues, are formulated, implemented and monitored in a more transparent and participatory manner.</p> <p><b>Applicable Key Result Area (from 2008-11 Strategic Plan):</b> Democratic Governance/ Strengthening accountable and responsive governing institutions</p> <p><b>Partnership Strategy:</b> the project shall contribute to building a more efficient partnership, dialogue and cooperation with the relevant national counterparts in strengthening the quality of forensic examination and promoting a plurality of and timely access to forensic services. By involving state and non-state actors in the reform of the forensic services, the project shall promote a synergetic and comprehensive approach in preventing and combating torture in Moldova.</p> <p><b>Project title and ID (ATLAS Award ID: ):</b> , Strengthening the forensic examination of torture and other forms of ill-treatment, as a key strategic element in comprehensive, integrated, holistic efforts to end torture and related forms of ill-treatment in Moldova</p>			
<p><b>INTENDED PROJECT OUTPUT: Strengthened capacity of state and non-state actors in the area of human rights</b></p>			
<p><b>INDICATORS/ BASELINE</b></p>			
<p><b>INDICATOR(s):</b></p> <ul style="list-style-type: none"> <li>- Quality of the assessment study and external audit as assessed by independent experts</li> <li>- Number of recommendations accepted by the government</li> <li>- Number of applicants to the small grants programme and quality of applications</li> <li>- Number of policy and regulatory reform measures proposed pursuant to the study visits</li> <li>- Number of trainings delivered; Number of training curricula developed for police officers, prosecutors and judges on investigation and adjudication of torture cases; number and profile of trained persons; Number of procedural Guidelines developed for police officers, prosecutors, and judges on investigation and adjudication of cases of torture; Opinions of independent experts on the developed curricula and guidelines.</li> <li>- Number of torture cases documented by state and independent forensic experts vs. the number of convictions</li> </ul>			
<p><b>TARGETS FOR YEARS</b></p> <p><b>Targets 2011:</b></p> <ul style="list-style-type: none"> <li>- Assessment study conducted</li> <li>- Audit of the CFM carried out</li> <li>- First lot Part of the equipment acquired</li> <li>- First study visit conducted</li> <li>- Recommendations submitted to the CFM and Government</li> </ul> <p><b>Targets 2012:</b></p> <ul style="list-style-type: none"> <li>- Recommendations adopted by the CFM and by the Government</li> <li>- Second study visit conducted</li> <li>- Second lot of equipment acquired</li> <li>- Strengthened capacity of forensic experts, medical personnel, police, prosecutors, penitentiary officers, judges to identify/ report on/ prosecute/ adjudicate cases of torture.</li> </ul>			
<p><b>INDICATIVE ACTIVITIES</b></p> <p>Activity 1: <u>Strengthen the institutional and operational capacity of the Centre of Forensic Medicine</u></p> <ul style="list-style-type: none"> <li>1.1 Assessment of the feasibility and advocacy measures to ensure quality, access and plurality of forensic services</li> <li>1.2 Provide support in carrying out external audit for the Centre for Forensic Medicine</li> <li>1.3 Design and provide specialised trainings to 200 forensic experts, medical personnel from the detention places and penitentiary institutions, hospitals, independent medical practitioners on examination techniques and relevant standards when dealing with torture and other cruel, inhuman</li> </ul>			
<p><b>RESPONSIBLE PARTIES</b></p> <p>Responsible party: <b>CFM, UNDP</b></p> <p>Partners: Ministry of Health, Ministry of Justice, Ministry of Internal Affairs, Civil society NGOs</p>		<p><b>INPUTS</b></p> <p><b>\$ 1,081,770</b></p>	

<ul style="list-style-type: none"> <li>- Number of library users</li> </ul> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>- Weak capacity of the Centre of Forensic Medicine to examine cases of torture</li> <li>- The forensic expertise is not liberalised</li> </ul>		<p>or degrading treatment or punishment cases</p> <p>1.4 Equip the Centre of Forensic Medicine and its territorial forensic departments, histopathological laboratory with necessary forensic equipment and supplies as well as IT and other equipment;</p> <p>1.5 Expose the forensic experts of the Centre and other relevant counterparts to the international experience of forensic examination on torture cases, including via study visits, twinning or similar arrangements</p> <p>1.6 Assist in the creation of an up-to-date forensic library at the Centre</p> <p>1.7. Develop and implement a Small Grants Programme (SGP) to develop the capacity of NGOs to partner in the promotion of the rights of the victims of torture, provision of legal support, implementation of rehabilitation and social inclusion initiatives/services</p>	<p>Responsible party: <b>CFM, UNDP</b></p> <p>Partners: National Rights Ministry of Health, Human Institution, Health,</p>	<p><b>\$ 133,000</b></p>
<p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>- Number and quality of developed recommendations</li> <li>- Number of recommendations accepted by the Government</li> <li>- Number of NPM visits carried out with the participation of forensic experts</li> <li>- Number of victims assisted and satisfaction of victims</li> </ul>	<p><b>Target(s) 2011:</b></p> <ul style="list-style-type: none"> <li>- Pertinent recommendations developed and submitted to relevant governmental institutions</li> <li>- Civil society enabled to Provide aid to individuals in need to ensure objective, timely, comprehensive and independent</li> </ul>	<p><u>Activity 2: Increasing partnership and awareness between governmental and non-governmental organisations</u></p> <p>2.1. Carry out legislative review and work toward amendments to policy and law to ensure changes implementing</p>		

<p>regarding the provided support</p> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>- The NPM visits are conducted without the participation of forensic experts</li> <li>- The legal framework does not provide for timely access of forensic experts in places of detention.</li> <li>- Courts do not consider seriously the forensic expertise carried out by private forensic experts, outside the CFM</li> </ul>	<p>forensic examination</p> <ul style="list-style-type: none"> <li>- Built cooperation between the National Torture Prevention Mechanism and the Forensic Experts</li> </ul> <p><b>Target(s) 2012:</b></p> <ul style="list-style-type: none"> <li>- Pertinent recommendations adopted by the Government</li> <li>- Strengthened capacity of civil society to provide aid to individuals in need to ensure objective, timely, comprehensive and independent forensic examination</li> <li>- Strengthened cooperation between the National Torture Prevention Mechanism and the Forensic Experts</li> </ul>	<p>European and international recommendations, in particular those of the Council of Europe's Committee for the Prevention of Torture (CPT)</p> <p>2.2 Strengthen coordination and partnership mechanism between the Centre for Forensic Medicine and National Preventive Mechanism</p> <p>2.3 Provide aid to individuals in need to ensure objective, timely, comprehensive and independent forensic examination</p> <p>2.4 Organise round-tables and/or other discussion forums with the wide participation of forensic experts, law enforcement and judiciary and other relevant public officials</p> <p>2.5 As part of the existing Communication and Information Strategy of Prevention of Torture, organise and develop special public awareness events/products</p> <p>2.6. Project Evaluation</p>	<p>Ministry of Justice, Ministry of Internal Affairs, Civil society NGOs</p>
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### 3. Annual Work Plan 2011

Project ID and title: "Strengthening the forensic examination of torture and other forms of ill-treatment, as a key strategic element in comprehensive, integrated, holistic efforts to end torture and related forms of ill-treatment in Moldova"

<b>Outcome:</b>	The justice system functions in a more transparent, accountable and independent manner									
<b>Outcome Target:</b>	Key reform proposals developed/ revised and capacity of various entities of the justice system strengthened to ensure efficient administration and equitable access to justice, including alternative dispute settlement mechanisms									
<b>Output:</b>	T1.									
<b>Annual Output Targets:</b>	T1.									
<b>Activities</b>	<b>Actions</b>	<b>TIMEFRAME</b>				<b>BUDGET</b>				
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>Fund</b>	<b>Donor</b>	<b>Account code</b>	<b>Account Description</b>	<b>AMOUNT USD 2011</b>
<b>Activity 1:</b> Strengthen the institutional and operational capacity of the Centre of Forensic Medicine in the examination of the torture and other cruel, inhuman or degrading treatment or punishment cases at the national level. Heighten the quality of forensic documentation brought before courts and to other public review instances in cases where torture or other forms of ill-treatment is alleged.	1.1 Assessment of the feasibility and advocacy measures to ensure quality, access and plurality of forensic services					04000	00012	71200	International Consultants	26200
	1.2 Provide support in carrying out external audit for the Centre for Forensic Medicine					04000	00012	71300	National Consultants	0
	1.3 Design and provide specialised trainings to 200 forensic experts, medical personnel from the detention places and penitentiary institutions, hospitals, independent medical practitioners on examination techniques and relevant standards when dealing with torture and other cruel, inhuman or degrading treatment or punishment cases					04000	00012	75700	Training, workshops & conferences	13900
	1.3.1. Design and provide specialized guidance and trainings for 200 representatives of police, prosecution and judiciary to investigate and adjudicate the cases of torture, compliant to the Istanbul Protocol.					04000	00012	72100	Contractual services companies	11100
	1.4 Equip the Centre of Forensic Medicine and its territorial forensic departments, histopathological laboratory with necessary forensic equipment and supplies as well as IT and other equipment;					04000	00012	71600	Travel	48900



