

baby. Evidence that the child was stillborn was ignored, and violations of her right to an effective defence and the presumption of innocence resulted in an unsafe conviction.

## REFUGEES' AND MIGRANTS' RIGHTS

Insecurity and social deprivation in their home countries drove increasing numbers of Central American migrants to cross Mexico to reach the USA, particularly unaccompanied children. Migrants continued to be killed, abducted and subject to extortion by criminal gangs, often operating in collusion with public officials. Women and children were particularly vulnerable to sexual violence and people trafficking. There were continued reports of ill-treatment by police and migration officials carrying out detentions. Irregular migrants continued to be held in administrative detention pending deportation.

Migrants' rights defenders providing safe havens to migrants and denouncing abuses suffered by migrants continued to face threats and intimidation. Several received protection measures, but in some cases these were not applied effectively and failed to prevent new threats being made. Those responsible for the threats were not brought to justice.

## INDIGENOUS PEOPLES' RIGHTS

Indigenous communities continued to suffer discrimination in the criminal justice system as well as limited access to basic services, such as water, housing and health care.

The failure to effectively consult Indigenous communities in order to obtain free, prior and informed consent regarding economic development projects affecting their lands and traditional way of living resulted in protests and disputes. These in turn led to threats and attacks on community leaders and in some cases criminal prosecutions of activists, apparently based on politically motivated charges.

## INTERNATIONAL SCRUTINY

In March, Mexico accepted 166 of 176 recommendations of the UN Human Rights

Council Universal Periodic Review of Mexico. In May, the UN Special Rapporteur on torture visited Mexico and issued preliminary conclusions that torture and other ill-treatment remained widespread. In June, the UN Special Rapporteur on extrajudicial executions published his report of his mission to Mexico in early 2013, which highlighted high levels of killings and impunity. In August the Special Rapporteur on migrants' rights of the Inter-American Commission on Human Rights issued his report of his visit to Mexico. The report detailed pervasive violence against migrants, the denial of due process and judicial protections, and other human rights abuses.

## FREEDOM OF EXPRESSION

A telecommunications bill threatened to establish potentially arbitrary executive powers over the internet and insufficient judicial control over the interception of electronic communications.

# MOLDOVA

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Republic of Moldova

Head of state: **Nicolae Timofti**

Head of government: **Iurie Leancă**

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**Despite Moldova sentencing perpetrators of torture to terms of imprisonment for the first time, long-term systemic failings meant that the widespread problem of impunity persisted. The authorities failed to amend discriminatory legislation, leaving marginalized groups vulnerable.**

## TORTURE AND OTHER ILL-TREATMENT

The General Prosecutor's Office said it received significantly fewer complaints of torture and other ill-treatment than for 2013. For the first time, in July, three police officers were each sentenced to three years'

imprisonment for the torture of two men in 2011, under Article 166 of the Criminal Code, which came into effect in December 2012. In September, a further two police officers were sentenced to six years' imprisonment and one officer was given a five-year suspended sentence for the torture of two brothers in early 2012. These developments reflect legislative changes that have facilitated prosecution for torture and efforts to ensure that law enforcement officers were better informed of their human rights obligations and the rights of detainees. However, impunity for past police abuses remained a significant problem.

2014 marked the fifth anniversary of the April 2009 post-election demonstrations and the authorities failed to deliver justice to the vast majority of those who were tortured or otherwise ill-treated by law enforcement officers during those events. Of 102 official complaints received by the General Prosecutor's Office, criminal investigations were initiated in 58 cases, of which only 31 cases reached the courts. Suspended sentences were passed against 27 police officers, and at the end of 2013 an officer was acquitted of the murder of Valeriu Boboc, who died as a result of injuries sustained through torture.

The five-year statute of limitations for alleged abuses committed by law enforcement officers expired in April, leaving a significant number of those who were subjected to torture and other ill-treatment during the events of April 2009 without further recourse to domestic remedy. In May, the Chisinau Court of Appeal overturned an earlier decision by the Supreme Court of Moldova and sentenced police officer Radu Starinschi to two years' imprisonment for the torture of Sergiu Cretu but the sentence could not be enforced as it fell outside the period of the statute of limitations. In October, the police officer was promoted. Not a single police officer has been imprisoned in connection with the April 2009 events. By the end of the year the European Court of Human

Rights had ruled in seven cases and found violations of Article 3 (prohibition of torture) in each. In all seven cases, the Court found that the investigations were heavily flawed because of repeated refusals to start criminal investigations, and the failure to take into account vital evidence.

Torture and other ill-treatment of those held in mental health institutions was increasingly recognized as a concern. Following a pilot project establishing an ombudsperson for psychiatry which was initiated in 2011 in a collaboration between the UN and the Moldovan authorities, a high number of complaints of torture were received and progress was achieved in addressing them. Plans were in place to formalize the position and integrate it into Moldova's official health system.

## **CRUEL, INHUMAN OR DEGRADING PUNISHMENT**

The May 2012 law introducing compulsory chemical castration as a punishment for violent child abusers was abolished by Parliament in December 2013.

## **DISCRIMINATION**

The LGBTI community in Moldova celebrated the first successful Pride march in May. While the 2013 Pride march marked an historical first, the 2014 event saw participants able to walk the entire planned route through the centre of the capital, Chisinau, for the first time, and overall they were adequately secured by the police against threats by counter-demonstrators.

Despite this positive development, the Law on Ensuring Equality, which came into effect in January 2013, fell short of international standards. The law does not explicitly list sexual orientation and gender identity as one of the prohibited grounds for discrimination, apart from in relation to discrimination in the workplace. Police failed to adequately investigate a number of assaults on LGBTI rights activists.