



**CENTRUL DE DREPT  
AL FEMEILOR**

*Promovând împreună drepturile femeilor  
Advancing women's rights together*

# Framework for increased access to justice for women victims of violence in Moldova: Women's Law Center experience

Chisinau, 24-25 October 2016

# Women's Law Center

Founded in 2009, WLC is an NGO dedicated to promote recognition, respect and enforcement of the rights of women as human rights and to contribute to the prevention and combating of domestic violence in Moldova.

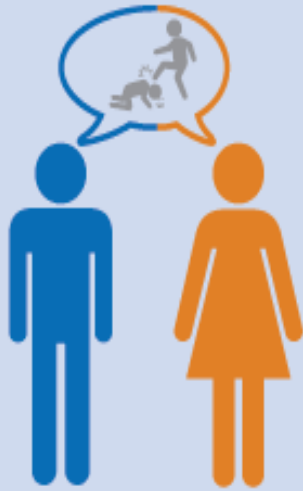
Vision: To create a world where women and children are better protected through effective systems of monitoring, prevention and combating domestic violence established at local and national level.

- NGO created by women lawyers;
- To facilitate access to justice to women victims of DV and VAW;
- To promote equal status of women and men in public life and within the family, thus contributing to preventing and combating DV and VAW.
- Focus on: monitoring implementation of laws; legal reform and advocacy; direct assistance, capacity building, awareness raising, research and analysis, support to establishment of National Coalition “Life without Domestic Violence”

# National statistics on DV

- Official data indicate that violence affects many women in Moldova, the prevalence rate of violence by a spouse/partner during life starting with 15 years, including all forms of violence is of 63% - NBS 2011;
- Highest rates of prevalence of DV have been reported by women in rural areas;
- About 60% of women reported being abused psychologically by their spouse/partner;
- About 40% of women reported being abused physically by their spouse/partner;
- More than 19% reported being abused sexually.
- Number of protection orders increasing: in 2010 – 23, in 2014 – 920;
- Number of cases investigated under Criminal Code increasing: in 2010 – 63, in 2014 – 2270.

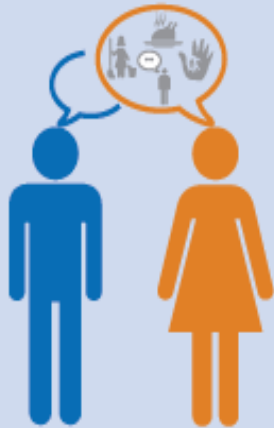
# Mend and Gender Equality Survey, 2015



## Attitudes on violence

<b>27.7%</b>	<b>17.5%</b>	A woman should tolerate violence to preserve the family
<b>41.1%</b>	<b>19.1%</b>	There are moments a woman should be beaten up

# Attitudes regarding family obligations



## Attitudes regarding family obligations

<b>90.5%</b>	<b>81.5%</b>	For a woman, the most important thing is to take care of the household and cook for her family
<b>85.0%</b>	<b>75.1%</b>	Changing diapers, bathing and feeding children are mother's responsibilities
<b>85.6%</b>	<b>49.7%</b>	The man should have the final say in decision making process in the family

# Challenges faced by victims of DV:

## **Ineffective police response to cases of DV:**

- Police response in many instances is limited to ascertaining a misdemeanor (contravention) despite the fact that DV is incriminated by criminal law. As a consequence, the measures applied by the police in such cases are not efficient and are limited to reprimand or fine imposed to the abuser, usually paid from the family budget or even by the victim;
- Local police doesn't take domestic violence cases seriously or even refuse to intervene especially in small local communities;
- Police refuses to register complaints on DV cases, treating DV as a private family issue, due to lack of serious bodily injury, or the fact that the victim will soon reconcile with the abuser, and reconciliation is actually encouraged at this stage;
- Police response is delayed or missing entirely;
- Offending and intimidating attitude towards victims continues to exist. In many cases there is a tendency by the law enforcement as well as social assistance to denigrate victims' reputation. Victims are blamed for having caused the act of violence or having tolerated violence for a long time;
- Ineffective mechanism of enforcement and oversight of protection orders.

# Challenges faced by victims of DV

**At every stage of the proceedings, victims face the following challenges:**

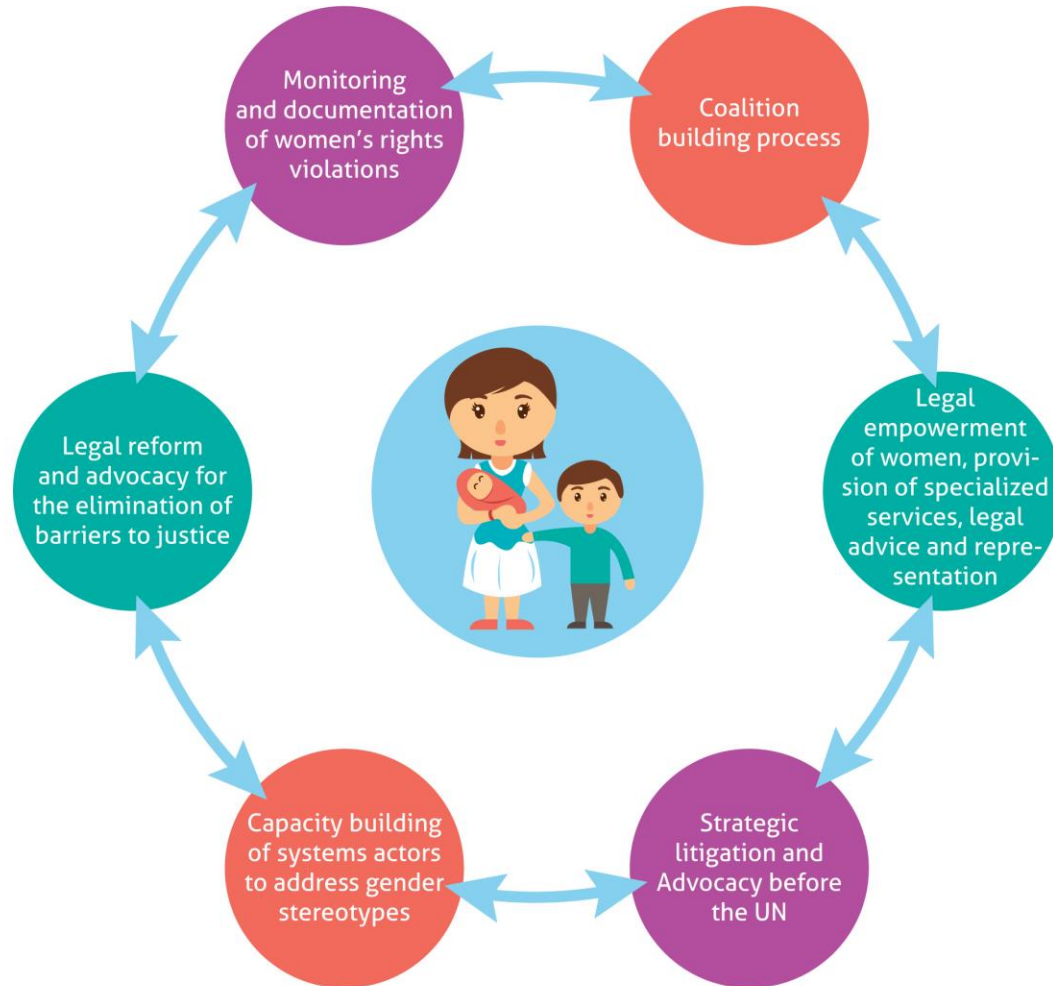
- Mistrust of her statements;
- The tendency to protect the property rights of abusers prevails at the expense of protecting victims' right to life and security;
- Suspecting the victim of having interests to gain ownership of property or child custody by reporting non-existent acts of domestic violence;
- Uncomfortable and discouraging questions regarding the fact that the victim should have pity towards the abuser;
- Placing the burden of proof on the victim's shoulders when making the application for the protection order or in cases the PO has been violated;

# WLC framework for increased access to justice for women victims of violence

1. Monitoring and documentation of women's rights violations
2. Legal reform and elimination of barriers to justice, particular emphasis on Domestic Violence
3. Training of systems actors to address gender stereotypes
4. Strategic litigation and Advocacy before the UN
5. Provision of specialized services: legal advice and representation
6. Coalition building process



# FRAMEWORK FOR INCREASED ACCESS TO JUSTICE FOR WOMEN VICTIMS OF DV



# 1. Monitoring and documentation of women' rights violations

- 2012 Report on Monitoring Implementation of Moldova's DV legislation – road map for developing effective legislation, strategic work in the area of advocacy and building effective response mechanism
- WLC coordinated the implementation of the report at the national level in 2011 – more than 60 interviews in 10 rayons in Moldova;
- Findings of the report presented at the highest forum – National Commission on Gender Equality and round-table with stakeholders in partnership with MLSPF;
- Based on the Report amendments to national legislation were developed; strong partnerships established; capacity building based on best practice program for police and judiciary on effective response developed;
- WLC – women's NGO advocating for improved legal and institutional framework based on evidence-based Monitoring Report, member of the National Group of Experts developing amendments to legislation.

# 1. Monitoring and documentation of women' rights violations - continued

- Monitoring of effective implementation of protection orders within municipal police inspectorates – pilot project 2014-2015, as a result 5 cooperation agreements signed with the police, WLC documenting violations and facilitating access to justice for women-victims by piloting the intervention-center approach.
- For the first time in Moldova, WLC piloted the intervention-model approach, where police and women's advocates work together for enhanced response to cases of DV.
- As a result, more than 300 women assisted, working tools developed jointly with police: Risk Assessment Form and Referral Forms.
- At present WLC is in implementing a court monitoring project, as a result a report assessing the judiciary system capacity to respond to cases of DV will be developed, which will contribute to an increasing the capacity of Moldova's justice system to hold gender-based violence offenders accountable and better protect the safety of domestic violence victims and their children.

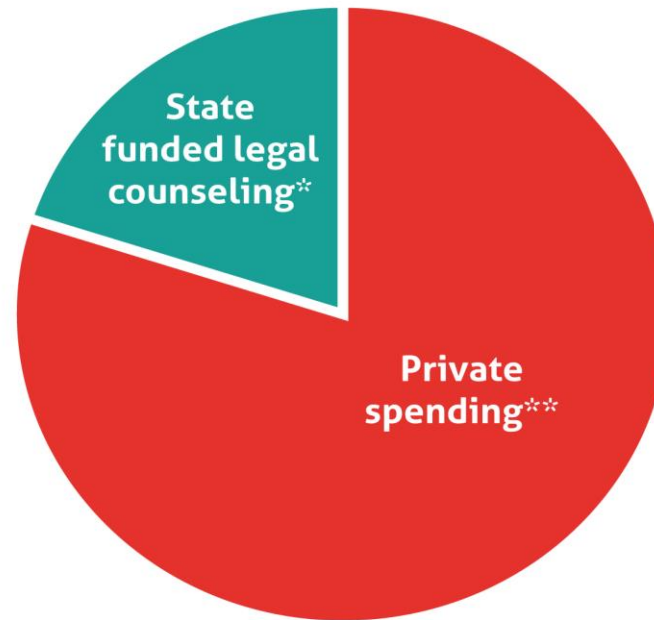
## 2. Legal reform, Analysis and Commentary of Law

- 2013 WLC analyzed the compatibility between Moldova's legislation and CoE Convention to Prevent and Combat Violence against Women and Domestic Violence (Istanbul Convention);
- As a result, a draft law proposing amendments based on both reports developed and presented to central government (amendments for over 20 laws proposed);
- Main amendments: improved definition of DV in the CC, to include the notion of 'coercive control'; introduced the emergency protection order; criminal liability for violation of protection orders; competencies for probation offices in case of offenders' conditional release; new services for victims (hotlines and victim counseling centers), funding obligation for local public authorities, etc.
- Improved access to justice for victims of DV – a new amendment to law on State Guaranteed Legal Aid Law.
- During 2013-2016 WLC participated in numerous meetings, as part of the Expert Group on Legislation, including engaged in advocacy at highest level in partnership with the National Coalition "Life without Domestic Violence" and the Gender Equality Platform. As a result, in July 2016 the Moldovan Parliament voted the Law unanimously.

## 2. Legal reform, Analysis and Commentary of Law: the gap

- Un until September 2016 the State Guaranteed Legal Aid Law was ineffective in assisting domestic violence victims.
- Victims did not benefit from qualified legal aid because they do not meet the stringent criteria of the law, thus do not receive assistance for obtaining a protective order or representation on criminal cases.
- Questionable quality of state services provided under the law.
- As a result, although the costs for private attorneys are by 33.7 times higher than that of the state guaranteed legal aid the victims of DV and VAW prefer to hire private attorneys (based on the findings of Costing of DV in Moldova Report 2016).
- These expenses pose a huge financial burden on the victim in accessing justice.
- To afford an attorney in an average DV/VAW case, a victim would have to pay up to 12 average economy wages. ( e.g. the average economy wage for 2014 was 4172 lei).
- In 2014, out of the total costs for representation on DV cases, the state was only able to cover 16%, all the rest 84% being covered out of the pocket by the victims.

## 4. LEGAL SERVICES: access to justice costs



\* The system doesn't cover all victims

\*\* victims choose private attorneys due to poor quality of services

## 2. Legal reform, Analysis and Commentary of Law: the solution - continued

- Based on the above analysis, the Law on State Guaranteed Legal Aid and Civil Procedure Code was amended, new amendments entered into force in September 2016:
- There is now an obligation to ensure representation to all cases concerning victims of domestic violence, under civil and criminal procedure based on the law (including for civil protection orders procedure).

# 3. Training of systems actors to address gender stereotypes

- **TRANSFORMATIVE THINKING training lead by WOMEN'S RIGHTS ORGANIZATION with focus on HUMAN RIGHTS**
- **Process:**
  - Phase 1: Establishment of solid partnerships with stakeholders and line Ministries and training institutions (Police Academy, NIJ), civil society on the needs, training contents, approach, coordination of donor support
  - Phase 2: ToT by "Advocates for human rights"/ WAVE experts
  - Phase 3: Development of draft Manuals
  - Phase 4: Training based on local ownership
  - Phase 5: Finalising the Manuals, Practical Guide and/or other information materials
  - Phase 6: Evaluation/court monitoring



### 3. Training of systems actors to address gender stereotypes - continued

	TRAINING OF POLICE	TRAINING OF JUDGES, PROSECUTORS AND LAWYERS	TRAINING OF MULTIDISCIPLINARY TEAMS and DOCTORS
STATUS	Finalized	Ongoing	Ongoing
Training of trainers	3 modules (including adult learning tips) x 3 days each 25 experts	2 modules (including adult learning tips) x 3 days each  25 experts	2 modules (including adult learning tips) x 3 days each  25 experts
Trainers	International expertize, Multidisciplinary team	International expertize, Multidisciplinary team	International expertize, Multidisciplinary team
Trainees	1300 police trained	250 judges, prosecutors and lawyers (more trainings in 2017)	25 family doctors, mental health and forensic specialists
Main partner	Police Academy	National Institute of Justice	Ministry of Health

# 3. Training of systems actors to address gender stereotypes- contents

Module 1 – Domestic Violence phenomenon (profiles, gender vs. sex, gender equality, myths, violence cycle)

Module 2 – International standards and Legal framework, criminal code and procedural aspects relating to efficient investigation and prosecution, sanctioning, execution of protection orders

Module 3 – Step-by-step guide on the role of the police, judiciary or prosecutors (depending the on the manual)

Module 4 – Multidisciplinary referral approach

# 3. Training of systems actors to address gender stereotypes – results

## POLICE TRAINING

- DV – as part of the curriculum of the Police Academy
- Increase of the number of referred cases to WLC for assistance and support by Police (more than 180 cases referred by police between in 2015)
- In 2015 – agreements with all 5 Municipal Police Inspectorates
- The development of tools: manual, **Practical Intervention Guide**, **Risk Assessment Questionnaires**, templates, leaflets on referral, etc.



## TRAINING FOR JUDGES, PROSECUTORS & LAWYERS

- Agreement with National Council for the State Guaranteed Legal Aid
- Mainstreaming the **TRAINING curriculum** of DV intervention at the **National Institute of Justice**

### 3. Training of systems actors to address gender stereotypes – inidirect results

- Increase of criminal cases files against aggressors (2010 – 63 files, 2012 -789, 2013 – 1328, 2014 - 2270)
- Decrease of the contravention case files (application of Art. 211 CC) (2014 – 730 contraventional files from 3000)
- Increase of the protection orders (2010 – 23, 2012- 408, 2013 – 404, 2014 – 920)
- Increased referral to the shelters and services (110 cases)



## 4. Strategic litigation and Advocacy before the UN

- Joint submission to CEDAW by AHR and WLC in 2013 based on findings of Monitoring Report;
- Contributed to Shadow Report developed by NGOs based on findings of Monitoring Report;
- WLC participated at the CEDAW hearings in October 2013 in Geneva and raised key issues for Concluding Observations for Moldova;
- As a result, main points from the WLC submission dealing with the introducing of emergency protection orders and increased funding for services was introduced in the CEDAW Final Observations for Moldova in October 2013;
- In 2014 and 2015 WLC as member of National Coalition “Life without Domestic Violence” participated at the Public Forum with representatives of all political parties, advocated for reform of the national legal framework and signature and ratification of the Istanbul Convention.
- In March 2016, the WLC has prepared two submissions on DV and Gender Equality in partnership with the NC, Gender Equality Platform and AHR.

## 4. Strategic litigation and Advocacy before the UN - continued

- In August- September 2016, the fact sheet was circulated to the 55 HRC delegations. Over 20 delegations were interested in receiving more information about the situation of domestic violence in Moldova.
- During October 4-7, 2016 15 delegations strongly interested in learning about the domestic violence situation in Moldova and about the upcoming recommendations were met in Geneva during the UPR Pre-session. The following states were met and will consider advocating for the recommendations on combatting domestic violence: Austria, Belgium, Canada, Costa Rica, Czech Republic, Italy, Fiji, Germany, Latvia, Lithuania, Mexico, Norway, Slovenia, UK, USA. Other 9 states that were strongly interested and who were in closer contact with the WLC about domestic violence situations were: Algeria, Argentina, Honduras, Hungary, New Zealand, Spain, Sweden, Switzerland and The Netherlands.

## 4. Strategic litigation and Advocacy before the UN - continued

- Every year WLC lawyers undertake strategic litigation on cases concerning VAW before the national courts and ECHR.
- Applications deal with cases of rape concerning minors, alleged human rights violations invoked dealing with art. 3, 6, 8 and 14 of the ECHR.
- Before the national courts WLC lawyers are litigating cases under new legislation, including new forms of violence against women, such as sexual harassment and stalking.

# 5. Provision of specialized services: legal advice and representation and holistic support





## STATE OBLIGATIONS:

- Protect **ALL** women from violence
- Funding of specialised women 's services
- Holding perpetrators accountable
- Coordinated response

## STANDARDS FOR WOMEN 'S SERVICES:

- Gendered understanding of VAW
- Specialized support
- Support for children
- Safety, security and dignity
- Confidentiality
- Diversity and non-discrimination
- Fair access and free of charge
- Advocacy and support
- Empowerment and autonomy
- Holding perpetrators accountable
- Participation and consultation
- Governance and accountability
- Coordinated response

**AUTONOMY &  
SUSTAINABILITY**

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**SURVIVOR  
CENTERED**

## 5. Provision of specialized services: legal advice and representation and holistic support

- Legal empowerment of women – [www.cdf.md](http://www.cdf.md) women can report cases directly and confidentially to WLC staff; more than 20,000 brochures distributed at different events throughout Moldova
- In 2012 – 2016 more than 600 women and their children benefited from legal empowerment and holistic services ranging from: legal advice, representation, psychological counseling, group therapy, social and humanitarian assistance. All cases undergo risk assessment, victims referred to shelter services to service providers.
- Every year WLC lawyers represent victims on more than 30 criminal and civil cases (domestic violence, rape, sexual harassment, divorce, partition of property, custody, etc.).
- More than 70 protection orders are obtained every year by WLC lawyers, including on grounds of psychological violence (about 30% are issued on allegations of psychological violence).
- At least one strategic case per year litigated before national/international jurisdictions.
- At least 35 psychological evaluation reports issued every year, serving as additional evidential grounds in courts.
- At least 10 women benefit from psychological group counseling.
- At least 5 most disadvantaged women benefit from economic empowerment program, including educational grants and grants for entrepreneurship.

# 6. Coalition building process

- Started in 2012, under the leadership of WLC, which holds the secretariat, includes 17 service providers (public institutions and NGOs)
- Focus on advocacy for the legal reform in accordance with CAHVIO and ratification
- To ensure coordinated response to better protect victims of violence and their children and holding perpetrators accountable.



# 6. Coalition building process

- Advocated for the adoption of the new Law – adopted in July 2016
- Now advocating for the ratification of the CAHVIO by the Republic of Moldova
- Together work on enhancing access to assistance and protection of VAW – developing the National Strategy on VAW



## 6. Coalition building process – what we know

- Building strong and vibrant women's rights movements, comprised of women that are empowered individually and collectively to challenge patriarchal norms, tackle the root causes of inequality, and demand the full spectrum of their rights.
- Supporting the creation of women's organization's networks and building movements are key levers of change for achieving this goal.
- Through this process we strive to achieve a coherent and common in-country approach to ending violence against women.



# To conclude....

- The WLC framework for increased access to justice for victims of domestic violence is working, is evidence based and applicable in any context!
- The critical factor accounting for social change is the autonomous mobilization of women's rights organizations!
- As we believe that when it comes to progressive social change the roots of change lie within civil society and women's rights organizations!



# Thank You!



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**Meriți o viață  
fără violență  
în familie!**

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