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Communication from the Republic of Moldova concerning the case of EREMIA v. the Republic of Moldova (Application No. 3564/11)

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Communication de la République de Moldova concernant l'affaire EREMIA c. République de Moldova (requête n° 3564/11) (**anglais uniquement**)



DGI

28 SEP. 2017

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA GOVERNMENT AGENT

ACTION REPORT

on the execution of judgments of the European Court of Human Rights
in the group of cases *Eremia v. the Republic of Moldova*

I. DESCRIPTION OF CASES

1. The evolution of cases of this group is presented in the following documents: Action Plan of 16 April 2014 (see [DH-DD \(2014\)522](#)), Communication on individual measures of 10 October 2014 (see [DH-DD \(2014\)1241](#)), Action Plan of 23 October 2015 (see [DH-DD \(2015\)1243](#)) and the decisions of the Committee of Ministers [CM/Del/OJ/DH \(2014\)1193-1113](#) of March 2014 and [CM/Del/OJ/DH\(2015\)1243/H46-13](#) of December 2015.

2. The group includes the following cases:

Application No.	Case	Judgment of	Final on
3564/11	Eremia and Others	28/05/2013	28/08/2013
61382/09	B.	16/07/2013	16/10/2013
74839/10	Mudric	07/16/2013	16/10/2013
26608/11	T.M. and C.M.	01/28/2014	04/28/2014

II. INDIVIDUAL MEASURES

3. The Government recalls that the individual measures have already been implemented and that a detailed description of the applicants' situation is presented in the Action Plan of 23 October 2015 (see [DH-DD\(2015\)1243](#)).

4. The Committee of Ministers, in its latest decision adopted in these cases (see [CM/Del/OJ/DH\(2015\)1243/H46-13](#) of December 2015), encouraged the Moldovan authorities to provide information on the developments in the reopened investigation in the T.M. and C.M. case. Thus, the Government informs that on 22 February 2016 the criminal case against the aggressor was sent for consideration on the merits to the Chisinau Court, Buiucani office. The case is currently pending in the same court at the final phase; the next meeting is scheduled for 18 October 2017.

5. The individual situation of the applicants did not change as compared to the situation reported by the Government in 2015.

III. GENERAL MEASURES

6. Additionally to the measures reported in the previous Action Plan (see [DH-DD\(2015\)1243](#)), the Government submits the following.

Legislative measures

7. On 6 February 2017, the Republic of Moldova signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

8. The latest amendments to the national legal framework in the field of domestic violence were made by the Law no. 196 of 28 July 2016, in force since 16 September 2016. This law introduced amendments in about 11 legislative acts in the domestic violence filed and came to improve the legislative framework, to eliminate certain legislative gaps and inconsistencies highlighted during the implementation of the law and to discourage aggressors in committing acts of violence against family members.

These changes were made with the purpose to:

- improve the mechanism for resolving the cases of domestic violence;
- implement the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) and international experts from 2013 made on the basis of national reports and studies performed in this field;
- ensure the harmonization of the national legal framework on the prevention and combating of domestic violence with the European standards, in particular the Istanbul Convention.

Thus, if before these legislative amendments certain acts of violence by the aggressor were not covered by the law, the fact that could result in exoneration from liability, after these amendments the offenders are also subject to contraventional liability under Article 78¹ of the Contravention Code. Also, following these legislative amendments the acts of domestic violence cannot anymore be sanctioned with a fine. Thus, for the acts of domestic violence which result in insignificant bodily injuries the law provides only the sanction of arrest or unpaid community labor. The victim's reconciliation with the aggressor in such cases is inadmissible.

At the same time, in order to ensure the protection of victims of domestic violence the new provisions incorporated the requirements of Article 53 "Restraining or protection orders" of the Istanbul Convention which provides that the parties will take legislative or other necessary measures to ensure that restraining or protection orders will be available to the victims of all forms of violence covered by the scope of this Convention.

Consequently, since March 16, 2017, the police is bound to issue immediately an emergency restraining order in relation to the aggressor for his/her immediate removal from the family home and for the establishment of certain prohibitions, ensuring in this way the safety of victim and of the other family members.

Moreover, the following novelties were introduced by these legislative amendments:

- the definition of the member of the family was extended (Article 133¹ of Criminal Code), offering in this way a greater coverage of Article 201¹ "Domestic violence";
- criminal penalties were introduced for the non-execution or breach by the aggressor of the measures applied by the protection order;
- for applying to the court for a protection order in criminal proceedings, no prior request from the victim is required;

- there have been established interdictions on possession and purchase of lethal and non-lethal weapons for persons which are concerned by the restraining and protection orders;
- an additional aggravating circumstance was added to Article 145 of the Criminal Code (premeditated murder): murder against a family member;
- Article 201¹ of the Criminal Code (domestic violence) was presented in a new version, which is aligned to the requirements of the relevant international acts to which the Republic of Moldova is a party.

According to the law, obtaining of a protection order is facilitated by the fact that the victims are granted free legal assistance and that the independent declaration of the victim is sufficient to issue a protection order. This simplifies the procedure for obtaining protection measures.

In addition, the legislator provided that the victim's bodily examination and issuing of necessary forensic documents is free of charge.

Moreover, the Ministry of Labor, Social Protection and Family has created and maintains free helpline services offering counseling to callers, on a 24 hour basis.

Amendments were also made with the purpose to regulate more clearly the reporting of cases of domestic violence: the victim can report any case of violence, and the competent bodies are forbidden to take any actions to discourage the victim from denouncing the acts of violence.

9. On 15 March 2017, the General Police Inspectorate (GPI) adopted the order no. 134 by which it approved the "Instruction on police intervention in preventing and combating cases of domestic violence". This order constitutes the basis for the organization of the police activity in this area, in particular the identification and counteraction of acts of domestic violence, ensuring protection and assistance to victims as well as the accountability and re-socialization of domestic aggressors.

10. Following the above-mentioned legislative amendments, the national policies have been aligned with the main documents of the United Nations and of the Council of Europe on prevention and combating domestic violence, as well as with the recommendations of the CAHVIO Committee offered to the Government in 2013.

Statistical data

11. In its latest decision, the Committee of Ministers asked the Moldovan authorities to carry out an impact analysis of the measures taken in order to determine whether the shortcomings found by the Court have been remedied, and, in particular, to provide relevant statistical data for the period 1 January 2011-31 December 2015 regarding the:

- the number of domestic violence complaints registered;
- the number of criminal investigations initiated;
- the number of requests for protection orders submitted;
- the number of protection orders adopted;
- the average time for examination by domestic courts of the requests for protection orders and for execution of these orders by the competent authorities.

The Government is in the process of collecting all necessary statistical data and will provide it shortly.

Professional training and awareness raising

12. Over the past two years (2015-2016), 21 training seminars were conducted for judges and prosecutors within the National Institute of Justice on the subject: “Criminal aspects of combating domestic violence” and “Measures to protect victims of domestic violence. Protection order”.

13. Periodically, the Prosecutor General issues recommendations to the territorial prosecutors on the methods to ensure an effective protection of victims of domestic violence and to intervene promptly and effectively on every case of domestic violence. Thus, the Prosecutor General requested the head of territorial prosecutor offices and criminal prosecution bodies to ensure a prompt and effective counteraction of manifestations of domestic violence at an early stage, in order to prevent their perpetuation and possible serious or even irreversible consequences.

14. On 20 June 2017, following the recent amendments introduced in the relevant legislation, the General Prosecutor’s Office elaborated *Recommendation on the implementation of legislation on combating domestic violence*, which was disseminated to prosecutors and the General Police Inspectorate. The prosecutors and the criminal investigation body of the Ministry of Internal Affairs are required to take immediate and effective measures to guarantee the physical and psychological integrity of victims of domestic violence, to intervene promptly, thoroughly and impartially, ensuring accountability for domestic aggressors and providing effective access to justice of and protection to victims of domestic violence. At the same time, the *methodological instructions* were elaborated to assist the investigators and prosecutors in the qualification of the acts of domestic violence, including the psychological violence, and their investigation.

Similarly, by means of internal acts and regulations, the prosecutors and criminal investigation authorities are informed that even if injuries caused to a victim do not reach a certain level of severity the prosecution should not be excluded. In this context it is reminded that the domestic violence can involve different types of aggression, which do not result in physical harm, including psychological or economic abuse.

15. On 29-30 January 2015, a training of 28 territorial police officers, members of multidisciplinary teams of the Police Inspectorates of Rîșcani, was organized in the framework of the project “Enhancing access to justice in order to reduce domestic violence in the Republic of Moldova” supported by the USAID/ROLISP and IOM.

16. On 27-29 January 2014, the representatives of the General Police Inspectorate participated at the international workshop “Response to violence against women: the role of the police”, an event organized by the OSCE in Minsk, Belarus. The event was aimed at:

- sharing experiences of the Republic of Belarus, Moldova, Austria, Great Britain and Northern Ireland in preventing and combating domestic violence;
- sharing good practices of police intervention in cases of domestic violence;
- learning the most effective ways to remedy identified problems and innovative models concerning the implementation of mechanisms for prevention of domestic violence.

17. In order to consolidate the police system in combating domestic violence, a manual was developed by the UNFPA for the students of the Police Academy "Stefan cel Mare" of the MIA, on the implementation of legislation on preventing and combating domestic violence. In addition, 26 training sessions on domestic violence were organized for 600 police officers.

18. In 2014, at the initiative of the General Police Inspectorates, 165 related articles were published in the media (47 - in TV shows, 11 - radio editions, 44 - articles in

newspapers and magazines and 63 placements on official websites). In the same period the police conducted 93 seminars and round tables for members of multidisciplinary teams composed of territorial police officers, social assistants, family doctors and local public administration authorities, with the participation of domestic NGOs active in the field. On their turn, the territorial police officers delivered presentations on the prevention of domestic violence in the framework of 3317 lessons held in educational institutions, 3082 meetings with young students and 2887 meetings with citizens.

19. In the period January 2014 - September 2015, the General Police Inspectorate in partnership with the Women's Law Center, in the context of the implementation of the Memorandum of Cooperation between them, carried out the project “Improving the response to cases of domestic violence and the execution of protection orders by developing and piloting a monitoring mechanism in two pilot districts”.

In the framework of this project 180 territorial police officers, 45 criminal investigators, 8 prosecutors, 23 social assistants and 15 family doctors were trained. The activities initiated by this project facilitated the elaboration of a cross-sectorial mechanism for the intervention of specialists for prevention and combating of domestic violence, the approval of the Risk Assessment Questionnaire for different stages of police intervention, and of referral fiche for cases of domestic violence used by different specialists and members of multidisciplinary teams.

20. In the framework of the project “Breaking the silence: Elder abuse in the Republic of Moldova”, the GPI in partnership with the Ministry of Labour, Social Protection and Family, the Association “Gender Center” and HelpAge International organized training seminars for specialists in the field of prevention of abuse of the elderly and domestic violence in 8 districts of the country (Balti and Cahul cities, Basarabeasca, Leova, Cimislia, Ialoveni, Orhei and Comrat districts).

21. At the same time, trainings were organized for the multidisciplinary teams composed of social assistants, police officers and health workers on the protection of victims of human trafficking and domestic violence. These activities were carried out in the framework of the project “Prevention of Corruption and Impunity in the fight against human trafficking by empowering media and promoting cooperation between the civil society and law enforcement bodies”, supported by the the US Embassy and implemented by the General Police Inspectorate in partnership with the Ministry of Labor, Social Protection and Family and IOM.

22. On 4 December 2015, the Women's Law Center in partnership with the General Directorate of Public Security under the General Police Inspectorate, organized a round table with the chiefs of Public Security Divisions from territorial Police Inspectorates, on the topic “The role of the police in preventing and combating domestic violence - achievements and challenges” where 22 employees of Police Inspectorates of Chisinau Municipality and Territorial Police Inspectorates have been trained.

23. On 21-24 September 2015 a delegation of Moldovan police officers participated at the international seminar “Exchange of experience and good practices in combating the trafficking in human beings: domestic violence as a basic reason”. The workshop was aimed at:

- exchanging experiences of representatives of participating States to the event, on the implementation of legislation on preventing and combating domestic violence;
- sharing good practices of police intervention in cases of domestic violence;

- learning the most effective ways to remedy the identified problems and innovative models concerning the implementation of mechanisms for preventing domestic violence.

The delegations presented their intervention models and methods as well as police investigative tactics used in cases of domestic violence and shared experiences on excluding the barriers between state structures and the community when referring the cases. They also discussed the multidisciplinary interaction between the relevant actors.

24. In order to strengthen police capacities in preventing and combating domestic violence, on 10 June 2016 a training workshop for 26 policemen from the Police Inspectorate of Hincesti district was organized in the framework of the Cooperation Agreement between the General Police Inspectorate and the Public Association „Promo-LEX”. These activities are part of the project “Promotion and multiplication of best innovative practices in preventing and eliminating violence against women”. The workshop was intended for studying the multidisciplinary approach to cases of domestic violence through the National Reference System; revealing the causes and conditions generating the acts of domestic violence; considering the methods that can be used to influence potential offenders with the purpose of changing their social behavior, reducing preconditions favoring directly and indirectly the acts of violence and discouraging the aggressors.

25. On 26-30 September 2016, the delegation of the Republic of Moldova participated in the international meeting organized by the OSCE on “Human Dimension Implementation”.

26. The delegation of the Republic of Moldova participated also in the international meeting “Ensuring equal opportunities between women and men, preventing and combating domestic violence”. This meeting aimed at exchanging experiences of participating states in the implementation of legislation on preventing and combating domestic violence; sharing best intervention practices in cases of domestic violence; learning the most effective ways to remedy identified problems and innovative models for preventing domestic violence and providing assistance and shelter to victims.

27. Within the campaign “16 days of Activism against gender-based violence”, which was held in the period 25 November - 10 December 2016, the General Police Inspectorate in partnership with the Public Association “Promo-LEX” conducted five training activities for police officers from territorial inspectorates.

28. Further, the General Police Inspectorate in partnership with the OSCE, started the implementation of the “Concept of the network of trainers in prevention and combating domestic violence”. The purpose of this network is to increase the quality of ongoing training courses for police officers, to improve the access of trainers to information and exchange of experience, as well as to develop professional and pedagogical methods used in the training process.

29. In 2012-2016, over 1,500 territorial officers were trained in the framework of the project “Best police response practices to cases of domestic violence”. Other over 300 police officers and criminal investigators were trained by the General Police Inspectorate and Women’s Law Centre with the support of the SOROS Foundation.

30. A "Practical guide on effective police intervention in cases of domestic violence" was elaborated and disseminated in 6660 copies to all police offices with the financial support of the International Organization for Migration and the Women’s Law Center.

31. Moreover, in May 2017 the GPI conducted a regional training workshops for police officer concerning the mechanisms and implementation procedures of the legislation

on domestic violence. The chiefs of Public Security Departments and Community Interaction Services and their deputies, head of Police Stations, principal territorial police officers and heads of Investigation Departments participated at this workshop.

Other measures

32. The Government considers that one of the major tools in prevention and combating domestic violence is the awareness raising and information of public on gender-based violence, both at the national and local levels. Information campaigns can contribute at the elimination of all forms of violence against women, raising awareness on existing legal and regulatory framework in the field, ensuring the protection of victims, and mobilization of central and local authorities, NGOs and the community to participate actively in preventing and combating this problem.

33. On 15 May 2015, the General Directorate of Public Security of the General Police Inspectorate and the Association Promo-LEX launched the National Campaign against domestic violence “SAFE in your FAMILY”, held in the context of International Family Day. The campaign had as purpose changing the perception towards the phenomenon of domestic violence, focusing on the social responsibility of every individual in the referral of acts of violence, and determining a more active involvement of people in preventing and combating the phenomenon of domestic violence.

34. Thus, from 27 May to 19 June 2015 there have been conducted 14 information sessions in 14 villages from the country, at which over 3000 people were informed about issues related to domestic violence and participated in the events organized in the framework of the campaign.

35. In the period 15 May - 26 June 2015, a public awareness raising campaign “Family Festival” was conducted together with the Association “Promo-LEX”. In the framework of this campaign, the police in cooperation with the teachers organized in schools seminars on issues related to domestic violence and protection of children. In the same period of time additional visits were paid by the police and social workers to the vulnerable families.

36. With the aim of promoting family values the police conducts meetings with general public addressing the dangers and consequences of domestic violence, the modality for obtaining a protection order.

37. Further, in the period 20-22 and 25 May 2015, at all territorial Police Inspectorates was held an “Open Doors Day” attended by over 3000 people, including children. The visitors were informed about the issues related to domestic violence, how such acts can be reported, the possibility of obtaining a protection order, and the restrictions that can be imposed on domestic aggressors.

38. On 27 November 2015, in the context of the International Day for the Elimination of Violence against Women and of the Worldwide Campaign „16 days of Activism against gender-based violence”, a visual arts Contest „Gender equality in youth vision” was organized with the objective to encourage the development of personal reflection of young men and women on gender equality.

39. On 3 December 2015, Cooperation Agreements were signed between the Women’s Law Center and Police Inspectorates of Botanica, Center and Buiucani districts of Chişinău with the purpose to promote the partnership in ensuring the access of domestic violence victims to legal support services and to implement related activities.

40. Similar activities continued in 2016 and 2017. Thus, in 2016 at the initiative of the Police Inspectorates 539 articles on the related topics appeared in media (30 - in TV shows, 14 - radio editions, 59 - articles in newspapers and magazines and 436 placements on official websites).

41. In this period the police conducted 174 seminars and roundtables, where members of multidisciplinary teams composed of territorial police officers, social assistants, family doctors and local public administration authorities have been trained. The police continued its work with the general public, including in schools and other educational institutions.

42. On 15 May 2016, an information Campaign was launched in the context of International Family Day under the title “Preventing violence through art”, which was held in the period from 15 May to 26 June 2016.

43. In the framework of this campaign, the police in partnership with the Association “Promo-LEX” carried out awareness raising activities, which covered over 2,000 persons in 12 localities.

44. The representatives of local public authorities, social assistants, teachers and family doctors took part in these activities. They were actively involved in the dialogue with people for changing their perception about the phenomenon of domestic violence and emphasizing the importance of applying to competent authorities in view of counteracting the acts of violence. About 4,000 leaflets were disseminated on the dangers and consequences of domestic violence, the services available to both victims and aggressors and protection orders.

45. In 2017, the authorities continued the awareness raising and training activities, including with the assistance of NGOs and international community. A wide range of events was organized to prevent domestic violence and promote gender equality and family values, such as awareness raising campaigns, media campaigns, flash mobs, open doors at the police offices, lectures for children and students etc. At the same time, the authorities continued maintaining and supporting hot lines for victims, offering them assistance and training the police officers, social workers, psychologists and doctors on the issues related to prevention and counteraction of domestic violence.

46. To provide just several examples of such events organized in 2017, the Government would like to mention the following events:

- A training on “Communication for behavioral impact (COMBI) in the field of gender equality” took place on 10-14 April 2014. It aimed at the development of communication skills and the elaboration of a draft communication strategy on the domestic violence and fair sharing of responsibilities in the family.

- On 15-25 May 2017, an awareness raising campaign “Protect family from violence” was organised in cooperation with the Association Promo-LEX, Association Against Violence “Casa Marioarei” and the Rehabilitation Center for Torture Victims “Memoria”.

- The Parliament of the Republic of Moldova hosted a public discussion “10 years together against violence”. It aimed at continued awareness raising of authorities on the joint efforts necessary to fight against domestic violence and gender discrimination and was attended by members of Parliament, representatives of the Ministry of Labour, Social Protection and Family, the Ministry of Internal Affairs, members of the National Coalition for prevention and combating violence, international partners, local authorities, civil society and victims of domestic violence.

- In 2016-2017 various events and campaigns conducted by the Foundation of Vlad Plahotniuc “Edelweiss” were dedicated to the fight against domestic violence. In cooperation with the Ministry of Labour, Social Protection and Family the Foundation, *inter alia*, conducts national campaigns against domestic violence and for the information of the population on the hot lines available for victims, including children. In addition, it assists with the development of free services for the victims at the local level (such as psychological assistance and legal advice).

IV. Conclusions

47. As can be observed from the wide range of general measures reported above, the authorities pay particular attention to issues related to domestic violence.

48. The Government considers that the legislative amendments, changes in practices, continuous professional training of all actors involved in the field as well as multiple awareness raising events organized for the general public, reveal an important progress in the execution of the Court judgments in these cases. Considering this and that the individual measures have been taken, the Government is of the opinion that the supervision by the Committee of Ministers of this group of cases can be closed.



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