



National Coalition "Life without violence"
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Implementation of the Istanbul Convention in Moldova

Shadow Report of women's NGOs, members of the National Coalition "Life without violence"

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Acronyms

CAT	Committee against Torture
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Committee on the Rights of the Child
CRPD	The Committee on the Rights of Persons with Disabilities
CC	Contravention Code
DV	Domestic violence
ECHR	European Court of Human Rights
EU	European Union
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICERD	The International Convention on the Elimination of All Forms of Racial Discrimination
IC	Istanbul Convention
MLSP	Ministry of Labor and Social Protection
NGO	Non-governmental organizations
NC	National Coalition” Life without violence”
UDHR	The Universal Declaration of Human Rights
VAW	Violence against women



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Information about organization contributors:

National Coalition “Life without violence” is a national feminist network of 24 women driven organizations working as service providers in the field of preventing and combating violence against women and children, awareness raising, empowerment of girls and women, building sensitive communities, advocacy and contribution to the amendment, monitoring, and evaluation of public policy.

<https://stopviolenta.md/>

NGO Women's Law Center (WLC) was created in 2009 by women lawyers. WLC's mission is to contribute to the promotion of gender equality, to the prevention and combating violence against women and domestic violence in the Republic of Moldova, through public awareness, consolidation capacity of relevant actors, providing holistic services to women survivors of violence, conducting research and analyses, monitoring of legislation and its alignment with international standards.

<https://cdf.md/>

NGO Rehabilitation Centre for Torture Victims "Memoria" (RCTV "Memoria") was created in 1999. The mission of RCTV "Memoria" is rehabilitation through comprehensive assistance (medical, psychological, social, and legal assistance) for survivors of different forms of interpersonal violence, including victims of torture, of gender-based violence and domestic violence and preventing torture and promoting a society free from violence and torture.

<https://www.memoria.md/>

NGO “Casa Marioarei” – it is the only one NGO providing shelter for women and children victims of violence. It provides quality services (psychological, social, legal, medical assistance and shelter) to women and children survivors of domestic violence. “Casa Marioarei” organizes training to strengthen multidisciplinary teams in dealing with domestic violence, educational programs for men / boys, fathers / future fathers, in order to involve them in the process of raising and educating children, household activities, programs and actions to promote gender equality.

<https://antiviolenta.md/en/home-en/>

NGO International Center “La Strada” ensure and promote protection of rights and legal interests of girls and women, victims of violence, sexual and labor exploitation and trafficking at all levels: individual, legal and executive. La Strada is a part of the European network with the same name [La Strada International](#). La Strada manages the TrustLine, nationwide for girls and women hot line, 24/24, 7 days of the week, providing support to any women experiencing domestic violence or sexual violence, or guiding any person interested to help a victim or to report a case of domestic violence or sexual violence.



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<https://lastrada.md/eng/about>

NGO Gender-Centru is national NGO, active at the national, regional and global area of Gender Equality. Main activities covered gender mainstreaming, non-discrimination and anti-violence, awareness rising and advocating for gender equality in different sectors etc. Sectors of expertise: Social Empowerment and Gender Education programs; Legal Empowerment through gender perspective (elaboration, advocacy and monitoring of Gender Equality Law, Domestic Violence Law in Moldova, etc.); Capacity building programs on GBV and GBD.

<http://www.gender-centru.md/ro/about.html>

The NGO “Women for Women is a feminist organization founded in 2019. W4W's mission is to support women and girls in their journey towards autonomy through awareness-raising activities, economic empowerment, promotion of feminist values in our society, youth and community-based programmes, support of women's and girls' leadership, and community development.

<https://www.facebook.com/femeipfemei>

The National Center for the Prevention of Child Abuse is a non-governmental organization from the Republic of Moldova that promotes children's right to protection from any form of violence, contributing to reducing the incidence and consequences of violence against children through prevention, advocacy, capacity building and specialized services.

<https://www.cnpac.md/ro/cine-suntem/>

The NGO “National Center for Counselling, Assistance and Education” is providing holistic assistance for women and children victims of violence, and also provide support to the national shelter for victims of violence, sexual exploitation and trafficking (Public institution). It manages the Trustline for children, victims and potential victims of abuse and works with authorities and public at large on capacity building and awareness raising.

<https://telefonulcopilului.md/despre-noi/>

The NGO Artemida, shelter “Ariadna”is providing shelter for women and children victims of violence. It provides quality services (psychological, social, legal, medical assistance and shelter) to women and children survivors of domestic violence. It is developing and implementing the programmes for counselling for domestic aggressors, and raising of awareness of the wide public and decision makers.

<https://artemida.md/?fbclid=IwAR3VXeJASgO-J4V19I26OItOczrTpcuBdo-21ZPbr2ZHYdPwOI5w74rh8ak>



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***PromoLEX** - Promo-LEX Association is a non-governmental organization that aims to advance democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society. The overall goal of the Human Rights Program is to promote and implement international human rights standards in the Republic of Moldova.*

<https://promolex.md/?lang=en#>



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INTRODUCTION

The National Coalition „Life against Violence” is submitting the Shadow Report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), on behalf of a group of Moldovan feminist civil society organizations. National Coalition is a national network of 24 women driven organizations working as service providers in the field of preventing and combating violence against women and children, awareness raising, empowerment of girls and women, building sensitive communities, advocacy and contribution to the amendment, monitoring, and evaluation of public policy.

The Shadow Report represents the first analysis of the implementing situation one year after the ratification of the Istanbul Convention and covers the following legal issues on pillars established by the convention: Prevention, Protection, Prosecution, and Integrated Policies. The development of the Report was a voluntary work of the organization members and their partners (informal groups of women and NGOs).

Throughout the years, the state has tried to create a system based on the principles of rights equality and violence forbiddance through its internal laws, such as the Constitution, the Criminal Code, the Law nr 45/2007 for preventing and combating the domestic violence, the Governmental strategies & plans, and others. Even though, many measures have been applied from a legislative perspective, such as the law adaption, it is clearly that they are not enough for preventing and combating violence against women. Therefore, this shadow report is meant to highlight the system gaps, not limited to the legal aspect, and comprise as much as possible the non-criminal aspects of the IC and problems that hinder proper implementation of the Convention.

First, and as a common thread, there is the problem of the patriarchal, sexist, and misogynist culture of society at all levels, its normalization and lack of education based on human rights at all levels. Secondly, there is a serious lack of funds allocated for services, for long - term services. There are serious problems related to the access of victims, of those belonging to different vulnerable groups to public services, justice, health system, labour market, etc. due to the weak state response, imperfect legal framework and what is not adjusted to the needs of the victims and the suffered traumas, lack of coordination between authorities and stereotypes of specialists. The police tend to qualify the cases as ‘family conflicts,’ rather than family violence, to avoid all the needed procedures and bigger volume of work. All of these are issues that require systemic and consequent economic, cultural investment, not just criminalization.

The context and the field where Coalition members works it is challenging and difficult because of the violence itself which is traumatic and painful subject for women because majority of them have been affected directly or indirectly. Society in Moldova is deeply patriarchal and traditionalist, where over the time violence against women and domestic violence has been



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normalized and justified, there is a strong influence from the church, women and girls are not sufficiently informed about different forms of violence, such as psychological or lighter forms of violence, sexual harassment, online harassment and violence, sexism, etc. the level of trust of girls and women in public social, justice, medical systems is low. Overall violence is not recognized as historical inequality and a relationship of power and control but is still treated as an ordinary conflict or a problem related to men's stress, alcoholism, or poverty. Feminist activism and movement for women's rights are still at an early stage of development but there more and more women who are becoming vocal in the public space.

A study led by OSCE¹ in 2019 highlighted the correlation between the social patriarchal mentality, promoted by both, men and women, and the level of crime commission and reporting. The study's results show that around **73% of the women have been victims of the gender-based violence, around 45% of those interviewed believe that the woman is responsible for her victim status, compared to 15% in the case of EU states, around 55% believe that the domestic violence is a private aspect of a family and no-one should intervene, 40% believe that the rape claims are exaggerated and 1 out of 6 women believe that forced conjugal relations are justified.** Nearly **half of women (45%) say that their friends would agree that "violence against women is often provoked by the victim"**. In comparison, **only 15% of women across the EU state the same.** Similarly, two in five (40%) women believe that their friends would agree that "women who say they were abused often make up or exaggerate claims of abuse or rape" compared to 20% in the EU². Thus, only 11% of the victims report this crime, because of shame, fear, little money, distrust, and others. The data shows that the incidence of violence is higher and reporting of cases to the authorities is low among women from vulnerable groups, especially among women with disabilities, Roma women and those of pre-retirement age, etc. Annually, in the Republic of Moldova, around 40 women lose their lives because of acts of domestic violence.³ The United Nations Special Rapporteur highlighted that the "patriarchal and discriminatory attitudes increase women's vulnerability to violence and abuse. In this context, especially domestic violence is very widespread, largely overlooked by society; it does not receive due attention neither from the authorities, nor from society, nor from the women themselves, the result being an insufficient protection infrastructure for victims of violence."⁴

The situation of civil society is entirely different in the Transnistrian region. The legislative framework is very different to the one in the rest of Moldova. NGOs activities are tolerated in some fields (environment, education, health, sport, culture), but they remain difficult in fields related to media freedom and human rights, especially women human rights. In Transnistria, the

¹ <https://www.osce.org/secretariat/424979>

² ibidem

³ <https://cdf.md/wp-content/uploads/2022/02/Studiul-national-de-analiza-a-cazurilor-de-femicid.pdf>

⁴ ECHR, Eremia vs R.Moldova, 3564/11, 28 May 2013



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situation is critical, as they do not have a law on domestic violence and domestic violence legislation is not applied there. For domestic violence offences, regular criminal code provisions apply. Not only is there no law on domestic violence that can protect women there, but Transnistria only has one shelter and two NGOs providing services to victims of trafficking, sexual exploitation, and violence.

In addition to the overall context mentioned, the period 2021-20222 was also marked by the external challenges with a major impact on the violence against women and domestic violence and in fact women lives. Post-pandemic period, the war started by Russia in Ukraine, the unprecedented humanitarian crisis coupled with energetic crisis, the highest level of inflation, and price in the past 20 years, poverty and surviving on remittances by labor migrants are the major features of the current context. The humanitarian crisis provoked by the war in Ukraine has to be addressed through gender lenses since majority of refugees and displaced persons are women and children who are exposed to the risks of violence, trafficking, sexual and labor exploitation.

Positive tendencies and significant achievements relate to advancing the women leadership in different area such as political field (first woman president, and women representation in the Government and Parliament), rising and strengthening the women movement and the network of women led organizations, approving of the important laws in the gender equality and violence against women, and ratification of the Istanbul Convention. This ensured a finality to the objectives established by the National Action Plan for the implementation of the Republic of Moldova - European Union Association Agreement. In Moldova, there was a certain reluctance to go forward with ratification, due to the existence of different views in society regarding this legal instrument. These different views relate, inter alia, to the use of the term "gender" in the Convention and perceptions about the possible impact of this on traditional values and the traditional perception of family. Public debates related to the ratification of the Convention have often featured inaccurate information and misrepresentations by opponents of the Convention, especially concerning its key principles and objectives. Such discussions often revealed strong gender bias and stereotypes that frequently downplay the disproportionately high impact of gender-based violence, including domestic violence, on women and mischaracterize the Convention as a threat to family values⁵.

Thus, has to be mentioned that ratification was not an ad-hoc and accidental achievement or result of a favorable circumstance, but a long process of meticulous and dedicated work and struggle done by feminist activists and women's organizations, including members of the Coalition.

After the entry into force of the Istanbul Convention on May 1st, 2022, the Republic of Moldova was included in the evaluation procedure. The state received the questionnaire from the GREVIO

⁵ Dunja Mijatović. Commissioner for human rights of the Council of Europe. The Republic of Moldova. Country Report. 2020. <https://tinyurl.com/4rds3b>



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as part of the evaluation process for the Republic of Moldova. The process of drafting of the report was coordinated by the Ministry of Labor and Social Protection, as the central state authority in charge of gender equality policies, appointed under the Act of Ratification of the Istanbul Convention as the coordinating body responsible for its implementation. The report was prepared in cooperation with the state authorities responsible for implementing the provisions of the Convention, Ministry of Foreign Affairs and European Integration, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Justice, the Ministry of Education and Research.

The state also has got engaged into various human rights treaties such as the UDHR, ICCPR and ICESCR, (ratified in 1990), ICERD (1993), CEDAW (1994), CRC (1993), CAT (1995), ECHR (1997), CRPD (2010), Istanbul Convention (2022). In order to fulfil its international obligations, the Government has tried to address the issue of GBV and adopted the first National Strategy for preventing and combating violence against women and domestic violence 2018-2023 and Action Plan 2018-2020. In January - April 2023, the process of development of the National program on preventing and combating violence against women and domestic violence 2023-2027 started. Whilst most of the laws have been adapted according to the international establishments, due to political, economic, and social issues, the country mainly lacks efficient implementation. Some of the Observations and conclusions of the 6th CEDAW Report regarding Republic of Moldova from 10.03.2020, relate to the low number of reported cases of domestic violence, due to the fear of stigmatization and re-victimization, the lack of financial compensation for female victims is still a concern pursuant to Law no. 45/2007 regarding the prevention and combating of family violence and Law no. 137/2016 regarding the rehabilitation of crime victims. There is still an insufficient number of placement places due to the lack of budgetary financial resources, at least 75 places are needed (60 - for victims of violence against women and family violence and 15 - for victims of sexual violence), and their geographical coverage is not uniform, services being absent especially in rural and remoted areas.

Chap. II – INTEGRATED POLICIES AND DATA COLLECTION

Article 7 – Comprehensive and coordinated policies

The general context and critical issues:

The first National Strategy regarding the prevention and combating of violence against women and domestic violence for 2018-2023 (National Strategy 2018-2023) and its Action plan was the first policy document approved by the Government. The report on the implementation of the Strategy revealed systemic gaps and challenges related to the realization of planned measures, the objectives being achieved partially, in a proportion of 30-40%⁶. The biggest challenges were

⁶ https://lastrada.md/pic/uploaded/Raportul_de_evaluare_a_Strategiei_2018-2023.pdf



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related to the persistence's of stereotypes, misogyny, lack or insufficient funds allocated for the implementation, the dependency on the donor's vision and agenda, the high turnover of staff and the insufficiency of trained specialists in the field of preventing and combating domestic violence and sexual violence, the stereotyped attitudes of the employees of institutions obliged to intervene in cases of domestic violence and sexual violence, etc.

Recently, Ministry of Labor and Social Protection initiated the development of the National Program on preventing and combating violence against women and family violence 2023 - 2027, to ensure the implementation of the Istanbul Convention. The Program derives from relevant regional and international requirements, such as the CEDAW, the Association Program between the Republic Moldova and the European Union 2021-2027, GREVIO Recommendation No. 1 regarding violence on the digital dimension, Recommendation 2030(2013) of the Parliamentary Assembly a Council of Europe on violence against women, and experience of implementation by the Republic Moldova of the first Strategy on preventing and combating violence against women and a of domestic violence (2018-2022).

Article 8 – Financial resources

As a common challenge, specific for many strategic policy documents, the National Program that it is in the approval process, does not have sufficient public funds for its implementation, using formula "within the limits of the public budget allocations." As it can be observed from the State Report to GREVIO, and other evaluation reports, majority of the activities have been funded by the implementing partners from external sources. Although, it is understandable in the context of scarcity of funds, there are some risks that can occur, the high dependency by the priorities of donors which could be not relevant and reflect actual needs, the limited responsibility and passivity of the of the state in being accountable.

In addition, the funding for the domestic violence sector is not included in the budget as a separate line and is not present in all sectoral budgets. The lack of a budget program dedicated to preventing and combating violence against women and domestic violence is visible in all sectors. The budget classification was amended and approved at the end of 2015, gender-based violence is included in the sub-programme "Social assistance to persons with special needs" and sub-program the "Protection of the family and child". Thus, the current codification does not allow the field to be categorized as a cross-sectoral programme, with distinct functions, certain common activities and by sector. In 2022, from over 38 billion lei allocated for social protection, only 1.8 billion lei were allocated to social services. Of the total resources dedicated to social services, only 2% were directed to coverage of other services, including for victims of domestic violence, trafficking human beings, etc.⁷

⁷ According to the European Moldova 2030 National Development Strategy, the allocations for social services include: 69% are intended for people with disabilities: personal assistance, placement centers, sheltered housing, etc.; 21% are intended for children: professional parental assistance, guardianship/guardianship, placement centers, etc.; 5% finance sanatorium-type services; 2% covers the expenses of social canteens; 2% provide other services: for victims of human trafficking, domestic violence, HIV/AIDS patients, etc.



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Article 9 – Non-governmental organizations and civil society

Most organizations are driven by women and are frontline workers working at the community level in all regions of Moldova, including the Transnistria region. Prior to the war, all of them provide complex, specialized assistance (shelter, social, legal psychological, financial, economic empowerment, etc.) to women and kids from vulnerable groups, and women victims as well as doing community mobilization, advocacy with authorities and donors, contributing to the legal framework and monitor it through a national and international mechanism. Starting in February 2022, most of them started working with refugees and displaced persons. According to some data⁸, 60 % of services are provided by NGOs and funded by external donors through different implementing agencies. Cooperation, consultation, and involvement of civil society organizations is considered and declared one of the main priorities of the European Union (EU), UN Agencies and other implementing and development partners. At the same time, women’s grassroots organizations, activists/groups, and women’s networks are hardly included in the decisional processes and defining the priorities for fundings, implementation, monitoring, and evaluation to ensure and reinforce women’s ownership.

As to the financing, NGOs are facing severe challenges and difficulties regarding the conditions for accessing European funds. National and local NGOs reported many times that in the last years the requirements for accessing funding have become more complicated, technically demanding, and de facto impossible to be met by local organizations, in particular for women-led or human rights organizations, which provide direct services to vulnerable groups⁹. This situation is clearly to the detriment of high-quality services for women and victims of gender-based violence, and they reduce the agency and autonomy of civil society organizations and contribute to their weakening. One of the priorities in the area of funding, including on donors’ agenda, is to enhance support, increase transparency, accountability and quality, flexible funding¹⁰.

Article 10 – Co-ordinating body

The central public authority in charge of developing and promoting gender equality policies is the Ministry of Labor and Social Protection, responsible for analysis, developing and evaluation of the regulatory framework in the field of gender equality, violence against women and domestic violence, for the methodological coordination of the work of the gender coordinating groups within the central and local public administration. In addition to the MMPS, was created the Interministerial Coordinating Council for Prevention and combating violence in the family, which includes representatives of central authorities, civil society and donors. Under the process of coordinating and monitoring the implementation of the IC, there is a risk that the Council will not have sufficient human and other resources to ensure a proper process. The Program specify that the Government will create a specialized Agency which will coordinate the activity of the service

⁸ <https://cdf.md/wp-content/uploads/2021/11/Sumarul-raportului.pdf>

⁹ <https://ro.scribd.com/document/578398098/The-response-of-the-National-Coalition-Life-without-Domestic-Violence-to-the-refugee-crisis-in-the-Republic-of-Moldova-from-the-perspective-of-the-w>

¹⁰ ibidem



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responsible for coordination the whole sector of prevention and combating of VAW and domestic violence based on the IC pillars.

RECOMMENDATIONS:

1. To ensure coordination, monitoring and evaluation framework between all competent central and local public authorities, development partners and civil society organizations based on effective holistic and comprehensive response, and focused on victims' human rights;
2. To ensure transparency and coordination of the financial assistance (external and public budgets) based on the needs of victims, for developing and maintaining the social services and systemic information and awareness raising campaigns and enable local public administration units with regard to violence against women and domestic violence in line with IC provisions;
3. To ensure women grassroots organizations inclusion, ownership, and autonomy, in decisional making processes including ensuring flexible long-term fundings for development of women organizations and service provision;
4. To ensure the creation of a specialized Agency with proper resources and mandate.

CHAP. III – PREVENTION

Art. 13 – Awareness-raising.

General context and critical issues

The State GREVIO report mentions several information and awareness-raising events have been carried out, most of them within the 16 Days of Activism or other international Days like Denim Day or Day of the Family. All campaigns have been carried out based on the donors' funds. However, these are not enough. Information campaigns are less present at the local level, are not accessible to all groups of women for marginalized and focused on domestic violence with focus on physical violence. These campaigns and information activities have to have a continuous, very grounded and less formal character, being led and carried out by local actors, whether they are women's organizations or representatives of the authorities. Some very simple information and activities can be done by local authorities and women groups and small grassroots organizations (like leaflets posted on mayor office or in places visited by women, informal meetings with different groups of women, informal activities conducted by youth, partnerships with local centers and authorities, etc.).

RECOMMENDATIONS:

1. To organize continuous and broad awareness and information campaign at the local level, targeting women and public. To organize awareness raising activities in the villages through local events led by girls and women and include boys and men;



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2. To develop targeted information activities for girls and children without parental care, groups of women with a reduced access to information and services, including women and girls living in rural areas, part of ethnic or religious groups or with a strong patriarchal culture, etc. The information campaigns should be adapted in the national languages of ethnic minorities, as well as accommodated for girls and women with sensory, intellectual, or psychosocial disabilities.

Hate speech and sexism

Hate speech, including sexist speech, is a form of promoting gender stereotypes and prejudices, but also of justifying violence against women¹¹. According to the monitoring data of the Promo-LEX Association¹², out of the total of 1950 cases of hate speech and incitement to discrimination identified during the electoral periods from 2018-2021, 514 cases were based on sex/gender criteria and 648 cases were directed against women. Moreover, hate speech against women are based not only on the "sex/gender" criteria, but also on other criteria, such as: "age", "sexual orientation", "ethnicity", etc. This fact leads, on the one hand, to an increase of the number of cases of hate speech against women, and on the other hand, to an increase of the number of affected social groups: LGBTI women, Roma women, elderly women, etc. At the same time, prejudice against women is used both to diminish women's political, decision-making and leadership capacities, and to denigrate and ridicule political opponents with sexist jokes and ironic forms of approach.

According to the Gender Equality Index¹³, the share of the population that considers the presence of women in politics inappropriate and that the latter do not have the capacity to hold managerial positions has increased (22.5% in 2022 compared to 12.1% in 2021). On the other hand, according to the Centre of Consultancy and Civic Education¹⁴ about three out of ten Roma women will not have the support of their families if they decide to run, and the level of involvement of Roma men is higher than of Roma women.

According to the Council for equality¹⁵, harming dignity through incitement to discrimination was the area with the most finding decisions adopted by the Council in 2021. In addition to highlighting ethnic origin in a negative context, Council also found inciting speech to discriminate against women in politics. In 2021, the Council for equality issued 49 decisions establishing

¹¹ Platform for Gender Equality, [Press release](#), 2020.

¹² Promo-LEX Association, Monitoring Reports, Hate speech and incitement to discrimination in the public space and in the media of the Republic of Moldova", [2018](#), [2019/1](#), [2019/2](#), [2020](#), and [2021](#)..

¹³ Centre "Partnership for Development", [Gender Equality Index](#), 2023.

¹⁴ Centre of Consultancy and Civic Education, [Study report: The perception of Roma people and party members regarding political participation in the Republic of Moldova, 2019](#)..

¹⁵ Council for equality, [General Report](#) regarding the situation in the field of prevention and combating discrimination in the Republic of Moldova, 2021.



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discrimination, 7.8%¹⁶ of which were based on the criteria of sex/gender/maternity in the field of harming human dignity.

In the context of the validation of the results of the presidential elections of 2016, the Constitutional Court (CC)¹⁷ found the aggressive involvement of the representatives of the Metropolitan of Moldova in the presidential elections by using extreme, xenophobic, homophobic and sexist language addressed to an electoral candidate, behavior that contravenes the Constitution. In 2020, in the context of the validation of the results of the presidential elections of 2020 the Court mentioned that “hate speech against political opponents, especially on online platforms, it is reprehensible, as it can go beyond freedom of expression on the internet.”¹⁸ In 2022, the Parliament of the Republic of Moldova amended the legal framework¹⁹, and at present, the Contravention Code prohibits the use by electoral candidates of hate speech and/or incitement to discrimination. The national legislation does not regulate sexism, as defined by the Committee of Ministers of the Council of Europe by adopting Recommendation CM/Rec (2019)1²⁰ on preventing and combating sexism. At the national level, Law no. 5/2016 on equal opportunities between women and men defines "sexist language" without defining "sexism". Thus, cases of sexist speech can be analyzed only in the light of Article 52, para. (3) and Article 70/1 of the Contravention Code.

At the same time, the public authorities did not organize information campaigns on the issue of hate speech, including sexist speech. In 2020, the campaign “Filters the words. Report the hate!”²¹ was organized by the Promo-LEX Association that addressed the issue of hate speech against women during electoral periods. In 2022, the Central Electoral Commission, with the support of the Council of Europe, presented and discussed the concept of an awareness-raising campaign²² on the importance of combating sexism in elections.

Thus, one of the challenges remains the correct identification and qualification of cases of hate speech, incitement to discrimination, including sexist speech during election periods and outside of them by the Police. Also, awareness of the negative impact of hate speech, including sexist speech, and combating it by members of society by using national human rights protection mechanisms is another challenge.

RECOMMENDATIONS:

¹⁶ Council for equality, [Discrimination in the Republic of Moldova](#), 2021.

¹⁷ Constitutional Court, [Decision No. 34 of 13.12.2016 on confirmation of the election results and the validation of the mandate of the President of the Republic of Moldova](#).

¹⁸ Constitutional Court, [Decision No. 30](#) din 10.12.2020 on confirmation of the election results and the validation of the mandate of the President of the Republic of Moldova of 2020.

¹⁹ Parliament of the Republic of Moldova, [Law no. 73/2022](#).

²⁰ Council of Europe, [Recommendation CM/Rec \(2019\) 1](#) on prevention and combating sexism.

²¹ Promo-LEX Association, [Information online campaign](#) ” Filters the words. Report the hate!”, 2020.

²² Council of Europe, [Press release](#), 2022.



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1. To train police officers for identifying, documenting and reaction on cases of hate speech, incitement to discrimination, including sexist speech;
2. To organize the awareness-raising campaigns at national level by public authorities, in partnership with civil society organizations and media institutions in order to prevent hate speech and incitement to discrimination and promote national human rights protection mechanisms.

Art.14 - Educational programs

General context and critical issues

The national curriculum was updated in the last years, including topics related to gender equality, assertive communication, sexual consent, and others relevant for the prevention and combatting of violence against women and girls such as „Education for gender equality and equal chances”, „Education for human rights and democratic citizenship”, „Harmonious relationships in the family”, „The ethics of the family life”, “Education for health”. Most of these topics are included as optional courses and depend on the individual choice of the schools’ boards, teachers, and educational professionals.²³.

There are significant challenges in the implementation of the curricula for sexual education. The schools offer the space for discussions about sexual education later than needed. Most children discussed this in schools in gymnasium, and many of them, at lyceum. There is a lack of a clear understanding of who is doing the sexual education and how various professionals from the educational system should cooperate in this sense. That is determined by the limited understanding of the goal and content of sexual education, as there are still misunderstandings regarding the meaning of these topics. It is considered a course focused on the risks and consequences of unprotected sexual intercourse. Unfortunately, informing pupils about emotional or physical risks of sexual relationships do not develop the necessary abilities to keep them safe, as it is supposed to be. Even though many teachers understand the importance of teaching sexual education in schools, they are lacking the professional training for doing that.²⁴.

One of the biggest challenges is related to the competences of teachers who teach the subject. Research regarding the changes caused by the optional course, “Harmonious Family Relationships,” at the level of perceptions, stereotypes, and attitudes²⁵, showed that the teachers are still biased, have stereotypes regarding the violence and the role of men and women. To increase the quality of teaching health and non-GBV education, but also for an efficient support of students, it is necessary **to ensure the initial and lifelong training of teachers and managers** regarding the

²³ https://lastrada.md/pic/uploaded/Raportul_de_evaluare_a_Strategiei_2018-2023.pdf

²⁴ https://drepturilecopilului.md/files/educatia_sexuala_cum_o_face_scoala_si_ce_poate_fi_diferit.pdf

²⁵ https://lastrada.md/pic/uploaded/RAF%20report_complete_1.pdf



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particularities and developmental and health needs of adolescents, on changes attitudes and combatting stereotypes.²⁶.

The CEDAW Committee reiterates its previous recommendations (CEDAW/C/MDA/CO/4-5, para. 18) and recommends that the State party: *(b) Raise public awareness to eliminate discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and in society; (d) Continue efforts to review school curricula and textbooks to eliminate all discriminatory gender stereotypes and provide capacity-building programmes for teachers to ensure that they do not perpetuate or tolerate such stereotypes.*”

RECOMMENDATIONS:

1. To assess if the current educational program at all levels (schools, colleges and professional schools, universities) reflects in a comprehensive way, for all categories of age, the values promoted by the IC and ensure the trainings of teachers;
2. Ensure a comprehensive approach toward education at all levels, aimed at changing attitudes and combatting stereotypes about violence against women by focusing on formal and informal educational system, involving facilitators and community groups in promoting gender equality norms;
3. To develop training for young couples who want to get married and include information about their rights and what to do if violence occurs.

Article 15 – Training of professionals

General context and critical issues

Majority of initial and continuous training of professionals with competences in the field of preventing and combating VAW and DV have been organized and carried out exclusively by the women organizations and funded from external fundings. carried out. Due to advocacy efforts of women organizations, a sectoral curriculum on the prevention and combating of violence have been developed or integrated into vocational training curricula for social assistance, public policy, justice. Women's Law Centre, developed the Training Curriculum for Police Employees and the Course Support entitled Police intervention in preventing and combating domestic violence, the course material for the initial and continuous training of prosecutors and judges ”Implementation of legislation on preventing and combating domestic violence”, an E-learning course was developed for social workers by National Centre for Training, Assistance, multidisciplinary teams have been trained within the different projects, etc.

In period 2021-2022, RCTV Memoria performed a training program for local multidisciplinary teams (MTDs) and developed practical Guideline for MDTs on prevention of GBV/ domestic

²⁶ https://moldova.unfpa.org/sites/default/files/pub-pdf/studiu_de_evaluare_a_cunostintelor_atitudinilor_si_practicilor_privind_sanatatea_si_deprinderile_de_viata_ale_elevilor_din_invatamantul_profesional_tehnic_din_republica_moldova.pdf



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violence and direct support to victims. As well, at present, RCTV Memoria is working on a Training Module for the Training Center of the National Penitentiary Administration on prevention of GBV, which will be used for all new and current employees, both in periodic trainings and through an E-learning program.

Some representatives of the state authorities have a reluctance towards trainings on WAV and DV topics, such as representatives of the health system although an optional course for students at the Medicine Faculty was introduced.

RECOMMENDATIONS:

1. To continue to provide training to the police, investigators, judges, and prosecutors on different forms of violence, the causes, and consequences of VAW, in line with IC standards, and on the application of the legal framework and ensuring the monitoring of their activity; Digital violence, including different forms of violence against children, has to be addressed;
2. To conduct trainings for legal experts to recognize different forms of violence and teach them the skills needed to protect survivors during legal proceedings;
3. To train healthcare providers to identify and document VAW, including sexual violence, to share good practices on training and revise existing training modules. Trainings should be done by women organizations service providers.
4. To develop a system of verification of knowledge, skills, and their application in practice by the relevant specialists.

Article 16 – Preventive intervention and treatment programmes

General context and critical issues

With reference to the assistance of both subjects of violence²⁷, currently the perpetrators can be enrolled in a rehabilitation program only when a decision is issued. But even in these cases, only 5-10% of the total number of people who showed aggressive behavior in relation to their family members are referred to the perpetrators program, and the people who were reported for aggressive behavior only once (and for which it would have a greater impact), do not access such programs, due to the lack of a functional referral mechanism and insufficient number of services at the national level. Currently (April, 2023), there is one Center for assistance and counseling of family aggressors, located in the north and financed from the local budget, second level (it started as an NGO and after transferred to local authorities). Center provides services to perpetrators who have this obligation according to the protection order or are referred within the restriction orders issued by the police. There are cases (but very rarely) when people willingly access these services or those who consider their partner's or other people's suggestions to overcome violent behavior.

²⁷ Information presented by the director of Center for perpetrators from Chisinau municipality



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The activity of the Center for family aggressors is regulated by the Regulation for the organization and operation of the Assistance and Counseling Center for Family Aggressors and minimum quality standards (Government Decision No. 496 of 06-30-2014). The Government Decision recommends to local public authorities of the second level, to create such services at the local level. Counseling programs for family aggressors can also be carried out by the employees of the territorial subdivisions of the National Probation Inspectorate, subordinate to the Ministry of Justice.

Overall, there is a need to have such programmes and centers for perpetrators in all regions or more communities but in general centers working with perpetrators lack any planning and coordination on a national level to become effective prevention tool and play a more inclusive role in preventing and combating violence. There is a lack of data related to the results comparing with the resources spent and, in particular about the monitoring results. We recommend that services for perpetrators operate within the existent networks for women in collaboration with the centres for women (the center from Drochia is a good example in this sense). Also, rehabilitation work must be carried out along with work to reintegrate offenders once outside including special medical treatment for alcohol or drug addiction.

RECOMMENDATIONS:

1. To have a qualitative/quantitative data assessing where to position geographically centres for perpetrators, about methods, resources, and results.
2. It is advisable such centres to work with local center/women organizations for staff of perpetrator centres to have trainings on WAV and domestic violence, in line with IC.

CHAP. IV – PROTECTION

Article 18 – General obligations

The OSCE Study reveals that violence against women and girls and domestic violence is still pervasive, normalized and justified in Moldova²⁸, despite of legislative measures and policies being adopted to tackle and reduce it. The state system for protecting women who are victims of violence is both insufficient and inadequate, and the application of the laws is slowed down or even affected visibly by prejudices and discriminatory stereotypes of specialists. The general perception of women seeking help (psychological, legal, social services, medical and police) is to constantly question the credibility or even morality of women. Complaints of violence are often seen as manipulation by women to obtain some advantages or revenge. This often led to secondary re-victimization, withdraw of complaints and going back to perpetrators, etc.

The protection of women and girls with multiple vulnerabilities is very critical. There is a policy and service vacuum concerning the condition of teenage girls, teenage mothers, women with

²⁸ <https://www.osce.org/secretariat/424979>



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different disabilities where gender is not considered. The failure to consider gender is the cause and the effect of an absence of information about violence and support services, lack of interest to consider specific needs of girls and women with multiple vulnerabilities in research, planning specific measures and services.

The health system lacks knowledge and abilities to document and refer cases of violence, and women survivors have limited access to medical services. The health sector is a critical access point for the identification of cases of violence against women and referral them to other essential services, such as shelter, counseling or daily centers specialized medical assistance. All specialists in the health system have to correctly complete the medical record, which can be used later by to the victim of violence as evidence in court. In particular, forensic doctors have the important role of completing medico-legal report, which has to reflect in accurate and precise manner the degree of injuries caused by the aggressor. With all this, health professionals lack the knowledge of formulating an effective medical response to domestic violence, including the special needs of the victims. Many doctors do not aware of domestic violence, in their practice, do not know how to identify and how to respond or where to refer the victims. Another important issue is funding and victims' access to quality healthcare because many of victims do not have medical insurance policy, or they have long term health complications which are not covered by the state medical insurance, etc.

There is a lack of information for survivors of violence against women and domestic violence about state-guaranteed legal assistance, especially for those in rural areas. Considering the aspects of psychological trauma suffered, victims of violence can hardly defend their rights in the courts by themselves and, in most cases, they do not have sufficient financial resources to pay for a non-state lawyer. Most victims do not know about the right to be assisted by a lawyer from the Territorial Offices of the National Council for Legal Assistance Guaranteed by the State (National Council). For victims from rural areas, it is more difficult. To obtain the assistance of a lawyer who provides legal assistance guaranteed by the state, they must complete the application for the granting of qualified legal assistance and submit it in person or by fax/email to Territorial Office of the National Council. If the victims of domestic violence do not have access to e-mail or fax and/or do not have an electronic signature or sufficient financial sources to travel to the offices of the Territorial Offices, obtaining this assistance is difficult.

According to the institution Activity Report for 2022, in 1,324 cases they had the status of victim/injured party of the crime, (about 2.6% of the total volume), of which 1,085 were victims of domestic violence and 8 were victims of human trafficking. Emergency legal assistance is provided 24/24, regardless of the person's income level, in case of their detention in a criminal or contravention case, including the examination of the arrest warrant, as well as to alleged victims of domestic violence and sexual crimes at the complaint filing phase. The share of female beneficiaries shows a continuous increase, reaching the share of 14% of total of qualified National



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Council beneficiaries, registering a significant increase in the number of cases in the last 2 years. Therefore, 2022 is the year with the highest number of cases of granting qualified National Council to women beneficiaries.

Art.19- Information

General context and critical issues

Violence against women is underreported to the police and other organizations, and there is a lack of trust in the institutions that should provide support and services to victims. Although many women reported having suffered physical injuries and psychological consequences because of the most serious incident of physical and/or sexual violence they experienced, very few reported these experiences to the police or other institutions. Shame, fear of the perpetrator, lack of financial support and mistrust of services are identified among the barriers to reporting²⁹.

There is no one integrated information system accessible and available for women describing in a simple language, types of support, service available in the area, legal rights and measures, other types of services which women could need or request. Women subjected to violence often first approach general appropriate information such as the medical services and social services of their local area. Only rarely do they have suitable information about specialist services, although these are required by law (law 119/2013). There are no leaflets except in areas where a combined effort with the specialist services has been consolidated. The initiative is taken by NGOs for women working on a local level.

Public prosecutors and police in most of the cases, inform victims but in these tools are only a superfluous reproduction of regulatory content that is hard for victims to understand, and in any cases are only rarely available in any language other than Italian. There are very rare and virtuous examples, but they always involve isolated initiatives. In any case, the information is only available when the victim decides to take legal action.

RECCOMENDATIONS

1. To ensure trainings for legal experts to recognize the different forms of violence, approach and skills based on victims needs during the whole legal proceeding. To include modules on personal biases and stereotypes.
2. To ensure information and trainees for professionals, community centers and organizations in working with violence victims (community mental centers, asylums, center for youth), etc.
3. To develop and institutionalize a functional mechanism for informing the victim, especially if the aggressor is released from detention before the deadline.

²⁹ The statistics and data of NGOs, members of the National Coalition



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Art. 22 Specialized Services for Women

General context and critical issues

The services for victims are provided by public institutions and NGOs. Public institutions provide shelter and informational, psychological, legal services not only to victims but also to all women in vulnerable situation. Not all of them can provide all the services which are needed due to the lack of fundings and specialists, especially legal assistance.

Supporting women to escape and survive male violence is of the utmost importance, and fighting the root causes of violence against women requires strong, capable, vocal women activists and organizations that can reliably provide this support and take on this fight. The women's organizations have extensive experience, diverse specializations are located all across the country and apply a victim-centered approach. Thus, we would like to emphasize the importance and need for the following services: a) general and specialized; b) emergency/in crisis and long term, c) comprehensive and high quality, d) accessible and affordable, e) based on intersectional approach, etc., for victims and survivors of gender-based violence including for vulnerable women (with disabilities, elderly, from residential institutions, extremely poor, young women with children unable to attend daycare, etc.). The services have to be specialized and provided in line with the standards of IC, services provided by the public institutions. There is a huge lack of services on long term and after going out from the shelters (economical empowerment, adult learning, social housing, etc.).

Majority of services are not adjusted to the needs of different groups of women who face different and multiple vulnerabilities (teenagers, teenagers' mothers, elderly, women with intellectual and physical disabilities, with addictions or chronic medical diseases, LGBT, in particular minors, etc.).

Victims of domestic and sexual violence need comprehensive services, including mental health services, not just psychological counselling. A referral system for the rehabilitation of victims of gender-based violence and a victim-centered approach has major deficiencies. The provisions of Law No. 137/2016 on the rehabilitation of victims of crime, which entitles victims to support services from the state, remain unimplemented, and in practice these support services are limited. Most of the support and protection services for victims of domestic and sexual violence are provided by NGOs, from external funds. The major challenges regarding provided services are: a) insufficient geographical coverage; b) feeble adaptation to crisis conditions (such as pandemic, humanitarian crisis linked to War in Ukraine); c) ignoring of trauma and of the special needs of certain groups of women; d) the lack of conditions for long-term psychosocial and medical services; e) the high turnover of staff; f) the shortage of specialists at the local level, and g) the inactivity or the low efficiency of the local multidisciplinary teams.



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Girls or women who require special care because of the disability if they become victims of caretakers, can not access to specialized services for victims of domestic violence. On the one hand, they cannot be placed in the shelter, because they are not adapted to their needs, on the other hand, if the perpetrator is removed from the home by a protection order, the social authority faces difficulties in identifying another caregiver for the victim. The possibility of being placed in a psychiatric institution could be considered but this is often impossible due to the overcrowding inhuman conditions. Likewise, survivors who have personality disorders or mental illness often become victims of domestic violence and sexual violence. They cannot be placed in shelters, because they are not adapted for such categories of beneficiaries. The process of obtaining the protection order is also very complicated, because their complaints are considered seriously or as eminent danger.

In addition, there is a strong need for ensuring financing and sustainability, which are essential for results-based efficient programs for women, since rehabilitation and social reintegration are a long and complex processes which must not be abruptly stopped. This objective is also one of the Pillars of the Istanbul Convention, yet several reports on the implementation of the National Strategy have shown very low levels of progress. The financial resources allocated from the public budget for specialized services for victims of domestic violence are not adjusted to the actual costs of maintenance and the needs of women and children.

Maintaining the budget lines for direct service provision for victims is not a priority for many donors, who rather would support other schemes and programmes, focused on development of ever more studies, research or conducting training for officials, who are constantly changing in their positions and in fact, are obliged to respect the law and to defend victims' rights, including right to rehabilitation, etc. Women NGOs that provide support to victims depend on external funds from various donors, but usually, the funds for rehabilitation and direct services to victims are limited. There is a lack of long-term alternative services needed to ensure the financial independence of women victims of domestic and sexual violence.

The data shows the percent of funding Women NGOs is very low, under 1 %³⁰, plus very high requirements and very demanding procedures of programs, which require a lot of time for administrative, repetitive and sometimes pointless paper work.

RECOMMENDATIONS:

- To ensure effective implementation of the provisions of Law No 137 on rehabilitation victims of crimes;

³⁰ https://www.globalfundforwomen.org/what-we-do/women-in-philanthropy-a-feminist-philanthropy-infographic/?fbclid=IwAR1FMVLv0y--JyshLVr2yD6chH8r0_h6YWCBeItHt9ghfccFk1T8ESIksY&mbextid=1066kq



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- To ensure the promotion and adoption of the "victims' centered," "trauma-centered" approaches in all the activities planned for victims and prevention of violence;
- To ensure proper funding for general and specialized services to ensure a decent conditions (food, medicine, salaries for the staff, sufficient personnel, etc.); To adapt the centers to the different needs of women (including specialized shelters for women with very young children, young Roma women and young girls, older women, women with disabilities, including mental disabilities, LGBTI women, immigrant women, refugee women, asylum-seeking women, women without residency, rural women, commercial sex workers, women with addictions.);
- To ensure availability of information about general and specialized services for girls and women and for all state stakeholders;
- To allow women to extend their stay at shelters beyond three months on a case-by-case basis, and provide counselling services that women can access
- To develop social housing for victims and provide funding to the programmes helping
- women to become financially independent for young mothers, women with many children, women from residential institutions);

Specialized services for children

In the Republic of Moldova, according to official statistics, the share of children in the total number of police is 21.4%³¹, annually over 8,000 children are at risk, approximately 7,000 of them being victims of violence and neglect³². The study Violence against children and young people in the Republic of Moldova (VACS)³³ found that in the Republic of Moldova:

- 14% of girls + 5% of boys were subjected to sexual violence by the age of 18; 26% of girls + 35% of boys were subjected to physical violence by the age of 18;
- 24% of girls + 51% of boys were subjected to sexual violence until the age of 18 by a friend;
- only 4% of girls + 1% of boys who were subjected to sexual violence received the necessary services.

Two studies carried out with the support of the Council of Europe highlighted that the Republic of Moldova is characterized by the insufficiency of specialized services, especially in rural areas, a fact also reflected in the Observations and conclusions of the 6th CEDAW Report on the Republic of Moldova (10.03.2020) - the geographical distribution is not uniform, the services being absent especially in the rural areas and on the left side of the Dniester, the access of the victims to the existing services being reduced.³⁴ This happens due to the lack of appropriate investments in the

³¹ https://statistica.gov.md/files/files/publicatii_electronice/Copiii_Moldovei/Infografice/2022/Demografie.pdf

³² https://social.gov.md/wp-content/uploads/2022/10/Raport-CER-103_Copii-aflati-in-situatie-de-risc-si-copii-separati-de-parinti_pentru-2021c-1.pdf

³³ https://ms.gov.md/wp-content/uploads/2020/08/OIM_MoldovaVACS2019_RO_interactive.pdf

³⁴ https://cancelaria.gov.md/sites/default/files/cedaw_c_mda_co_6_41726_e_ro.pdf



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social sector and the low process of transformation of outdated services into new services. Studies have found that the Republic of Moldova suffers from a lack of specific services and mechanisms to respond to the needs of children, parents, and relatives. Counseling and specialized psychological support services for families and children facing crises or situations of risk are lacking throughout the country. When examining the cases by the courts, in only 14% of the 205 files analyzed from 2017-2019, child victims received psychological counseling or a therapy program of some kind. In only two of the cases examined by the experts did the child victim participate in a long-term therapy program. Psychological counselling, where it is offered, is normally provided by NGOs.³⁵

The National Center for preventing abuse against children (CNPAC), annually assisting almost 400 child victims and their families. Compared to the number of cases in which children are victims or/and witnesses of family violence recorded annually by the authorities, children's access to specialized assistance and rehabilitation services is extremely low. The lack of specialized services determines the perpetuation of violence and grave consequences for thousands of children, in the long term.

The Republic of Moldova ratified in 2011 the Convention of the Council of Europe regarding child protection against sexual exploitation and abuse (Lanzarote Convention), which establishes through art. 14, the assistance measures that parties must provide to victims of sexual exploitation and abuse, with the aim of "assisting victims, in the short and long term, in their physical and psychosocial recovery". Moreover, it ratified the Istanbul Convention which urges the states to develop specific services for child victims or witnesses of domestic violence, although it has regulated that the victim has the right to assistance for physical, psychological, and social recovery through special medical, psychological, legal, and social actions³⁶. In order to respect its international obligation, the state has approved the National Child Protection Program for the years 2022 – 2026 and the Action Plan for its implementation³⁷, which provides the specific Objective 2.3 through which by 2026, at least 50% of children with the status of victim, witness, aggressor in acts of violence, children in conflict with the law, children with behavioral deviant will have access to specialized services for assistance and functional psychosocial rehabilitation. However, the child's access to these specialized psychological recovery services is not ensured, and the legal provisions presume their operation precisely after three years.

The failure of the state to ensure effective mechanisms through which crime victims benefit from assistance and rehabilitation services can also be derived from the practical inapplicability of the Law no. 137/2016 regarding the rehabilitation of crime victims. Although the law stipulates that victims of crimes can request psychological counseling for rehabilitation, in practice, since its

³⁵ <https://rm.coe.int/judicial-practice-en-dupa-modificari/1680a12438>

<https://rm.coe.int/studiu-privind-problemele-sistemice-care-afecteaza-raspunsul-sistemulu/16809fa8f2>

³⁶ https://www.legis.md/cautare/getResults?doc_id=122823&lang=ro

³⁷ https://www.legis.md/cautare/getResults?doc_id=131899&lang=ro



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adoption, no functional mechanism has been developed that would offer victims of crimes a real possibility to benefit from such a service. Similarly, another law that can be highlighted here is law 198/2007 regarding the legal assistance guaranteed by the state. Even though it provides that child crime victims must have access to defense and representation, as well as the domestic violence victims, this regulation does not include the assistance of child witnesses which is very important because they are vulnerable and with a low capacity to defend their rights, and guaranteeing their representation by a lawyer would contribute to the fair determination of the child's status in relation to the acts of violence shown by the perpetrator.

If child victims of violence do not receive age-appropriate and specialized legal aid, counseling and psychological rehabilitation services based on their best interests, their trauma will be persistent and will only worsen over time, making psycho-emotional recovery and reintegration difficult social to the child. From another perspective, if the parents and caregivers of these children are not targeted by the same services, the children will face the situation of returning to toxic and even dangerous environments. Psychosocial support is needed to help victims overcome the trauma they have gone through and return to a normal life in society.

RECOMMENDATIONS:

The State authorities must:

1. develop the relevant normative framework that would allow the establishment of specialized assistance and psychosocial rehabilitation services for child victims/witnesses of violence and minimum quality standards;
2. initiate and carry out information and awareness campaigns to increase the attention of professionals, the public and potential beneficiaries regarding the consequences of violence, sexual abuse, and the need to create specialized psychological rehabilitation services;
3. Consider the children witnessing violence as victims, with all the relevant and necessary actions - support, protection, rehabilitation.

The Local public authorities, after adopting the regulatory framework must:

1. identify the needs for assistance and allocate financial resources for the development and financing of specialized services for the rehabilitation of child victims of violence and their families;
2. ensure the contracting of specialized psychological rehabilitation services for child victims/of violence under conditions of maximum transparency and with the selection of the most qualified providers;
3. guarantee qualified legal assistance for child witnesses of sexual crimes, family violence, child trafficking.



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Art. 23 - Shelters

Currently, in Moldova there are functioning 7 public institutions which provide shelter and other services for victims of violence and potential victims (women at risk, such as: mother-child couples, victims of trafficking or potential victims of trafficking, single mothers, or mothers at risk of abandonment. In addition, there are 12 non-governmental organization which provide services for women and children victims, at the local, regional, or national level, including the Trustline for Women and Girls. There are no crisis centers for women and girls, victims of sexual violence³⁸. Considering the international recommendations of the Working Group for the Combatting of Violence against Women, created by the Council of Europe, there should be available and functional:

- One shelter for 10,000 people;
- One crisis center for victims of rape for 200,000 women, covering all the regions at the national level;
- One counseling center for women, for each 50,000 women.

The services intended for victims of domestic violence are dependent on the support of NGOs. Due to limited financial resources, legal assistance and representation services are insufficient in territorial accessibility. Most support centers mostly provide services in crisis situations and do not have full geographical coverage at national level, and long-term social services such as social apartments are underdeveloped.

The decentralization reform of local public authorities, including from a financial perspective, has raised several issues, especially regarding the sustainability of further ensuring the functionality of protection and assistance services for victims of domestic violence at the territorial level by strengthening the financing mechanism with a special destination, carrying out the process of referring beneficiaries residing in other administrative-territorial units, for assistance to service providers, as well as the lack of a financing system for social services based on the assessment of needs and performance through standardized mechanisms and methods at national level.

In this sense, could be considered the contracting service by public authorities (funding "Helpline for Women and Girls managed by "La Strada", represents aa good example).

The period of the crisis of the COVID-19 pandemic and the crisis related to the large flow of refugees because of the war in Ukraine was a great challenge for the provision of foster care services, a fact that once again confirms the need to diversify services for victims of violence against women and domestic violence. Diversification is necessary to be accessible to victims with multiple vulnerabilities (intellectual disabilities, various addictions, etc.).

RECOMMENDATIONS:

³⁸ The Research on social services in the field of preventing and combating gender-based violence, Chisinau, 2019.



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1. To assess the current range of general and specialized service and ensure emergency placement at the local level for victims of violence based on the holistic and victim approach;
2. To ensure proper resources (human, funding) for specialized emergency and long-term services; To adjust, make accessible and ensure security for shelters and daily centers,

Art 24. Telephone helplines

General context and critical issues

The experience of the National Trustline for Women and Girls 08008 8008 may be considered a good example of the engagement of national authorities in the prevention and in providing support to women, victims of domestic violence and sexual violence, as it was fully functional before the ratification of the Istanbul Convention. The Trustline for Women and Girls was launched in 2009 by the International Center La Strada, and since 2018, it became a public service, covered from the public budget of the Ministry of Labor and Social Protection based on a public procurement agreement. The Trustline for Women and Girls was accredited in 2019, according to the National Law nr. 129 from 08.06.2012 and the Government Decision no 95 from 07.02.2014.

The Trustline is nationwide, 24/24, 7 days of the week, providing support to any women experiencing domestic violence or sexual violence, or guiding any person interested to help a victim or to report a case of domestic violence or sexual violence. The reported cases are individually analyzed, and based on the identified needs, the counsellors are applying the case management, referring the victim to services – shelter, legal counselling, social support, psychological assistance or other specialized services. In the context of the humanitarian crisis, the Trustline for Women and Girls expanded their mandate, covering the needs of women refugees, who fled from Ukraine.

The financial resources allocated for the operationalization of the Trustline varied during 2018-2022. In 2018, to ensure the functionality of the Trust line, the Ministry of Labor and Social Protection allocated 980.000 MDL, in 2019 – 911,800 MDL, in 2020 – 882,000 MDL, in 2021 and 2022 – 913,400 MDL per year. Unfortunately, the budget does not cover increasing awareness-raising activities for the Trust line, which should be covered through additional funding. In 2020, the Ministry of Labor and Social Protection initiated the discussions regarding the optimization of financial resources by unifying three specialized helplines: The Trustline for Women and Girls, The Child Helpline, the Helpline for people with disabilities. Merging the services would represent one of the highest risks for ensuring the quality of provided services, being in contradictory with the provisions of the international conventions ratified by the Republic of Moldova.

RECOMMENDATIONS:



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1. Ensuring further allocations in the public budget for the functionality of the Trustline for Women and Girls and promoting its services;
2. Maintaining the high specialization of the Trustline for Women and Girls, as a separate Helpline operating nationwide, providing counseling and support in cases of violence against women and girls, in line with the standards of the Istanbul Convention.

Art 25. Sexual assault centers

General context and critical issues

First steps have been taken by local authorities to set up the first sexual assault centers in Moldova, under EVA Project, implemented by UN Women and UNICEF during 2020-2023, funded by the European Union. The specialized service for victims of sexual violence will provide integrated services for victims, by ensuring victim-centered services, including the medical examination, the post-traumatic assistance, orientation, and counselling, according to best international practices³⁹. The sexual assault center is located within a medical institution, in the area close to the Emergency Reception Unit, and it is arranged and equipped according to a minimum quality standard specific to the provided services. For two years, the specialized center will be piloted, and the professionals will provide the following services: the taking of biological samples and the medico-legal examination, psychological assistance, ensuring protection in a risk situation, informational and legal advice, referral to specialized services. Also, within the Center, it will be possible to carry out the hearing in safe conditions and other procedural actions for crimes of sexual violence. The piloting of the first specialized Center should start in 2023.

RECOMMENDATIONS:

1. To encourage the development, functionality, and expansion of specialized services for victims of sexual violence nationwide, according to the provisions of the Istanbul Convention.
2. To allocate sufficient resources to ensure the functionality of the specialized center for victims of sexual violence, and further sustainability;
3. To conduct training for all professionals entering contact with cases of sexual violence is required, to avoid secondary victimization;

Art. 26 Protection and support for child witnesses

General context and critical issues

The official statistics show that annually over 1200 children from the Republic of Moldova become victims or witnesses of various types of crimes. Around 400 of these are sexual offences. According to the Report regarding the activity of the Prosecutor's Office, in 2022, 1,003 criminal

³⁹ https://lastrada.md/pic/uploaded/Raport_servicii_VSS_in_Europa_RO.pdf



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cases involving 1,097 children - victims of crimes were investigated, there was an increase in crimes committed against them, by 1.6% compared to the analogous period of 2021. Violent crimes have a significant share, which constitute 59.07% of the total number of crimes committed against minors, out of which 33.92% are crimes of a sexual nature. Also in 2022, 809 criminal cases regarding the crime of family violence, provided by art. 201¹ Criminal Code, where 30 children were recognized as victims/injured parties in criminal cases regarding family violence (both physical and psychological violence).⁴⁰

The study "Analysis of the multidisciplinary practice offered within the Child and Family Psychosocial Assistance Center "Amicul" (NGO) in the period 2014-2020", specifies that the center provided multidisciplinary assistance to 610 child victims/witnesses of crimes during the researched period. Among the assisted children - 511 (83.8%) are victims, and 99 (16.2%) - witnesses of crimes. The number of female children is double – 404 (66.2%), compared to that of male children – 206 (33.8%). Girls predominate among assisted child victims - 7 out of 10 assisted victims are girls, and among child witnesses - boys, 6 out of 10 witnesses are boys. Most assisted children – 170 (27.9%), are victims/witnesses of family violence (art. 201¹ Penal Code), followed by child victims of sexual crimes, according to art. 171 Criminal Code – 120 (19.7%), those of sexual crimes, according to art. 172 Criminal Code – 115 (18.9%), those of sexual crimes, according to art. 175 Criminal Code – 104 (17.0%) etc.⁴¹

Although since 2014 the institution of the interviewer was introduced into the legislation, as a specialist who is in direct contact with the child victim/witness of the crime and who mediates his/her hearing in criminal cases of family violence, sexual abuse, child trafficking, there is no clear regulation regarding the activity of this specialist, the training and accreditation of these specialists is not clear, and in this context there are question marks regarding the quality of hearings carried out by unqualified interviewers, as well as concerns regarding the re-victimization of children participating in legal procedures. Even though the mandatory participation of the pedagogue/psychologist at the child's hearing is considered a guarantee of the defense of their legitimate rights and interests, the existence of this norm does not fully achieve its goals, because the law does not establish the purpose of the presence of the pedagogue /psychologist, his legal status, requirements for to participate in this capacity, method of involvement in the process. Most of the children do not have access to quality psychological services, children being accompanied in legal procedures by pedagogues or school psychologists who do not have knowledge and practice in the field.

The connection between the justice sector and social services for children is poorly developed, as well as the part of psychological evaluation of children and development of the psychological evaluation report of the child victim or potential victim of violence. The psychological evaluation

⁴⁰ <https://procuratura.md/sites/default/files/2023-03/RAPORT%20DE%20ACTIVITATE%202022.pdf>

⁴¹ <https://www.cnpac.md/wp-content/uploads/2022/05/Analiza-Practicii-Asistentei-Multidisciplinare-Amicul.pdf>



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report, which includes the specialist opinions of the psychologist in cases related to violence and child cases of violence, has the purpose to assess the current state and predict further development. The psychological evaluation is a key tool in determining the procedural quality of the child who witnessed acts of violence, in the sense of assigning him the status of a victim, a fact that places him in another category of legal guarantees.

In the absence of quality services or the total non-existence in some regions, children who have been subjected to physical, sexual, emotional violence and abuse between parents or other family members, may experience serious, severe, and long-term social consequences and medical. Research shows that exposure to violence at an early age can affect brain development and thus increase a child's susceptibility to a range of mental and physical health problems that may continue into adulthood.⁴² Likewise, there are findings that reveal that children who witness one parent's attacks on another often develop emotional problems and impaired cognitive functioning, and often accept violent attitudes toward their person.

Although national legislation stipulates that victims can benefit from counseling and psychological assistance at the expense of the state, these services are not so accessible. One of the reasons for this gap is that psychologist activity is not regulated in the Republic of Moldova, although since 2018 periodically actions have been taken to develop a draft law regarding the exercise of the psychologist profession, until now it has not been adopted.

On December 27, 2019, Decision no. 708 was established, which for the first time regulated the highly specialized service "Center for integrated assistance of child victims/witnesses of crimes" (Barnahus type). Thus, the state proposed insurance for child-victims/witnesses of crimes of a sexual nature and/or family violence, child trafficking, by offering children complex assistance, according to their age and specific needs, such as: hearing under special conditions; medical-legal examination; psychological assessment; assistance to ensure the protection of the child at risk; psychological assistance in crisis; medical examination; legal assistance. The government undertook to create three regional centers: North, Center, and South, but only in March 2022 was the first service of this kind opened, in Balti municipality. Although the respective service is open to aid children from all over the country, its accessibility at the territorial level presents an impediment to travel, currently, children from the central and southern regions are in unfair circumstances in relation to children from the northern area.

Through the lens of the practical activity carried out by CNPAC, it has been concluded that witnesses of violence are viewed by the judicial system as a tool for collecting evidence in the criminal case. However, they are more passive victims than witnesses, thus, a child who witnesses

⁴² <https://moldova.iom.int/ro/resources/sondajul-privind-violenta-impotriva-copilor-si-tinerilor-republica-moldova-2019>



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violence must be treated in the same way as a child victim, and it is imperative that they have access to assistance and rehabilitation services.

RECOMMENDATIONS:

1. Development and adoption of normative acts regulating the status of the interviewer in the national legal system (standards regarding initial, continuous training and certification, etc.);
2. Adoption of the Law of profession of psychologist;
3. Approval of the Methodology for the development of psychological evaluation reports;
4. Promoting and approving the normative act regarding minimum quality standards for hearing rooms and carrying out the evaluation process of existing hearing rooms by the Ministry of Justice;
5. The identification by the local public authorities of the municipality of Chisinau and the municipality of Cahul, together with the Government, of the spaces for the activity of the regional centers that will ensure the establishment of Barnahus-type services in the central and southern areas.
6. Providing counseling and psychological assistance not only to the child, and additionally to his family members from the moment of notification regarding cases of sexual crimes, child trafficking or family violence, during the criminal investigation process and the court process, as well as after pronouncement of the legal solution.

Art. 27-28 Reporting

General context and critical issues

Although we are witnessing an increasing trend in the number of referrals/reports of domestic violence cases, the number of criminal and misdemeanor cases is low. According to the statistical data, provided by the Police in the annual report for 2022, 15,526 referrals were registered as domestic violence, out of which - 1,571 (10%) were initiated contravention cases under art. 78¹ and 852 (6%) were initiated as criminal cases. In over 80% of reports (i.e., 13103) the police do not follow up on domestic violence. According to the report, in 2022, 5907 Emergency Restraining Orders were issued (which means 38% of the total number of registered cases (if these are unique cases), and 756 Protection Orders were requested and finally issued. Thus, it is obvious that in more than 60% of cases of domestic violence requests are not followed up.⁴³

RECOMMENDATION:

⁴³ Police Report 2022, https://politia.md/sites/default/files/nota_informativa_privind_violenta_in_familie_12_luni_2022_0.pdf



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1. Ensuring the effective investigation of all complaints of domestic and sexual violence, the prosecution of perpetrators and the imposition of sentences that are proportionate to the seriousness of the offences.
2. Ensuring the prompt and effective documentation of all the cases of domestic and sexual violence, with early identification of all the medical, mental and psychosocial after-effects as evidence of various forms of violence, for a better and effective access to justice, redress, and compensation
3. Removing barriers that discourage women from reporting cases of violence against women and domestic violence, including through awareness-raising and training of all specialists who respond to cases of domestic violence (law enforcement officers, lawyers, social workers, health workers, Local public authorities, etc.).

CHAP. V- SUBSTANTIVE LAW

General context and critical issues

On 9th of January 2023, law no. 316 of 17.11.2022 entered into force, operating significant changes in the Criminal Code, Procedural Criminal Code, Procedural Civil Code, Execution Code and Contravention Code. The legal amendments were focused on several areas:

- The exclusion of the removal of criminal liability because of reconciliation between the victims and the offender (changes operated in the art. 109, par. (1) Criminal Code);
- Redefining the rape, according to the provisions of the Istanbul Convention. According to the new legal amendments, rape is the non-consensual sexual act (art. 171 par. (1) Criminal Code).
- Redefining the sexual consent of the victim expressed in cases of sexual assault; A sexual act or an action of a sexual nature that is accompanied by physical or mental coercion, applied to the victim or another person, or in which the person's inability to defend themselves or to express their will is taken advantage of, is considered non-consensual. (art. 132² par. (3) Criminal Code).
- Reviewing the concept of non-consensual acts of sexual nature, others than rape;

According to art. 132² par. (1) Criminal Code, sexual acts are the actions of vaginal, anal, or oral penetration of sexual nature, with any part of the body or object. Actions of a sexual nature mean any other means of obtaining sexual satisfaction other than those indicated in paragraph (1), as well as actions other than those falling under art. 173, and art. 287 of the Criminal Code or art. 354 of the Contravention Code (art. 132² par. (2) Criminal Code).

- Amending the provisions related to the classification of actions of sexual nature, other than rape, perverted actions, actions of sexual corruption against the minor, which should be carried out through exhibition, indecent touching, obscene or cynical discussions with the victims regarding sexual relations.



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According to art. 174 par. (1) of the Criminal Code, the consensual sexual act, committed knowingly with a person who has not reached the age of 16 is punishable by imprisonment from 2 to 5 years. According to art. 175 par. (1) of the Criminal Code, consensual sexual acts, committed knowingly with a person who has not reached the age of 16, are punishable by imprisonment from 1 to 3 years. The art. 175¹ par. (1) of the Criminal Code was amended to incriminate the proposing, persuading, manipulating, threatening, promising to offer advantages in any form, carried out including through information technologies or electronic communications, in order to establish a meeting with a minor, including through electronic communications networks with the aim of committing against him a crime concerning sexual life, if these action were followed by materials facts leading to such an encounter. The art. 177 par. (3) of the Criminal Code was updated to incriminate the dissemination of information of a sexual nature, including images and recordings with sexual content, including through information technologies, for the purpose of revenge, hatred, humiliation or damage to the honor and dignity of the person.

RECOMMENDATIONS:

1. In the light of the new legal amendments, the Supreme Court of Justice must develop an Explanatory Decision regarding the interpretation and implementation of the new provisions, especially in cases of sexual violence, which were significantly changed. To ensure a better protection of victims of domestic violence and sexual violence, and guaranteed rights in contact with the justice system, frontline professionals from law enforcement and justice system, need guidance on how to implement the newly approved legal framework.
2. To ensure continuous training for law enforcement and justice professionals should be conducted on the newly approved legal provisions, enabling a better and uniform implementation of the law.

CHAP. VI – I. INVESTIGATION, PROSECUTION, PROCEDURAL LAW AND PROTECTIVE MEASURES

General context and critical issues

Although there is an increasing number of domestic violence complaints, the number of cases started under criminal and administrative procedure remains low. According to the statistical data, provided by the General Inspectorate of Police in the annual report for 2022, 15,526 complaints were registered in cases of domestic violence, of which in 1,571 (10%) cases were initiated investigations under the administrative procedures bases on art. 78¹ and in 852 (6%) cases were initiated criminal investigations. In more than 80% of the complaints the police did not investigate any further. According to the report, in 2022, 5907 emergency restraining orders were issued



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(which means 38% of the total number of registered cases, provided that these are unique cases), and 756 Protection Orders were requested and finally issued.

There is also a downward trend in the number of protection orders issued. In 2020 out of a total of 12,970 complaints, the police intervened in about 57% of cases, compared to 2022 when out of a total of 15,526 reports, the police intervened in only about 54% of cases.

- **Punishments applied to aggressors are not always deterrent.** According to the Police Report in 2022⁴⁴ from the total number of 505 protection orders issued, 346 protection orders have been infringed by family offenders. Since more than a half of protection orders have been infringed it is obvious that the punishments are not discouraging. Regarding the administrative cases, in 2022 from the total number of 1,619 contravention procedures, administrative arrest was applied only in 104 cases. It is assumed from the report that all 1619 contravention cases have been qualified only under art.781 CC. Respectively, it is not known how many violations of the emergency restriction orders have been recorded under art. 3181 CC. However, it is worth noting that only the number of protection orders that were violated (346 POs) is 3 times higher than the total number of cases on which the administrative arrest was applied.

In 1093 cases, the examination period lasted several months and meanwhile the perpetrator lived in the family, with the victim and children. The report on the monitoring of court processes, developed by the Women's Law Center in 2018⁴⁵, found that within the criminal files on the fact of domestic violence, only a small number of family offenders were sentenced to prison. In most cases, the court applied the sanction of unpaid community service or conditional release. No cases were identified when the defendants were required to undertake an alcohol and/or drug addiction treatment, or participate in a special treatment program or counseling to reduce the violent behavior. Following the monitoring of 13 criminal files on domestic violence, only one case ended with sentencing the offender to one year deprivation of liberty with actual prison time in a semi-closed penitentiary, in 7 cases there were sentences of community work and in one case the decision was to cease criminal proceedings due to the intervention of the defendant's death and in 5 cases, the conditional suspension of the execution of the sentence was applied, under article 90 of the Criminal Code.

Thus, regarding the perpetrators who commit repeatedly acts of domestic violence and who, even during the criminal proceedings, does not give up to this behavior, the court decides to suspend the execution of his sentence and subjects the victims to an additional risk. In this sense, the mild punishments applied by the courts have no deterring effect on the behavior of the family offenders. There is no effective procedure for a perpetrator to be enrolled in a correction program. Moreover, according to the decision of the Constitutional Court of 22.11.2018, the sanctions provided by art.

⁴⁴ https://politia.md/sites/default/files/nota_informativa_privind_violenta_in_familie_12_luni_2022_0.pdf

⁴⁵ https://cdf.md/wp-content/uploads/2021/11/evaluare-raspuns-coordonat_ro.pdf



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781 of the Contravention Code include unpaid work, which can be applied only with the consent of the offender, and administrative arrest, which cannot be applied to persons who have reached retirement age. Thus, the Court found loopholes in the legislation that do not allow punishing those who have reached retirement age and those who refuse to perform unpaid community work.

The report on monitoring the on domestic violence, sexual violence and human trafficking trials:

- **Applying mild penalties for violating emergency restraining orders still encourages some family perpetrators to violate them.** According to the WLC Report on the Criminal Justice System's Response to Domestic Violence Cases⁴⁶, abusers violate emergency restraining orders because the penalties are too lenient, and restraining is too difficult. After the amendments introduced by Law no. 208/2016 in the CC law regulating the detention of the person for more than 3 hours without the authorization of the investigating judge, its application became impossible. Respectively, it became impossible to detain for more than 3 hours the perpetrators who commit the offense of domestic violence or intentionally do not meet the requirements of the emergency restriction order, outside the working hours of the investigating judge, including during the night. Acts of domestic violence and violation of the emergency restraining order, most of the time, take place during the night or on days off, when the investigating judge is not in court and, respectively, until his/her presence is requested, the 3 hours expires, especially since in most district centers the investigating judges commute and do not reside in the locality where they work. These organizational and procedural impediments create a permissive framework for the family offenders and endanger the life of victims.

The application of the contraventional sanction for the violation of the emergency restriction orders, mostly with a fine that varies between 3000-3500 lei, does not discipline the family offenders, especially when the examination of contravention cases is delayed and, once the prescription is applied, they are exempted from paying the fine at all. The analysis of the statistical data factually supports the above statements, regarding the examination of the contravention cases, initiated under art. 3181 Criminal Code regarding the violation or non-execution of the emergency restraining order. For example, in the Cimișlia district, out of the 24 contravention cases, sent to court for the application of the contravention sanction under art. 3181 of the Contravention Code, until the end of 2020, 7 decisions imposing fines were adopted; in Criuleni, out of 5 contravention cases, sent to the court, only two fines were applied. A better situation in the Soroca district, where out of 20 cases sent to court, decisions were issued to apply the sanction with a fine in 19 cases.

- **The legal classification of acts of domestic violence as an administrative offence and not as a criminal offence has the effect of perpetuating the impunity of the perpetrators.** As mentioned above, despite an increasing number of complaints to the police, the number of criminal

⁴⁶ ibidem



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and administrative cases initiated on acts of family violence remains quite small (out of the total number of 15,526 notifications in cases of family violence, of these, 10% were initiated contravention cases under Article 781, and in 6% of cases criminal cases were initiated. This situation is explained by the "de facto decriminalization of some forms of family violence", determined by introduction of art. 781 in Contravention Code. Since then, the number of criminal cases related to family violence has decreased significantly. Thus, we consider that the contravention process is not an effective tool for preventing and combating domestic violence.

Even though, the amendments of the Contravention Code have been introduced to ensure, in a rapid manner, under the conditions of the contravention legislation, the effective sanctioning with dissuasive punishment measures, the cases of domestic violence resulting in insignificant injuries, the reality shows the opposite. According to WLC report in the Comrat district, out of the 26 cases sent to court during 2020, no conviction was issued, all being under review. In Soroca, out of 45 cases sent to the court, 39 remained unexamined for one year. While the criminal cases are being examined in courts, some offenders on these cases continue to intentionally display violent behavior in relation to their family members, and shortly after the judgment in the respective case, the family offender commit other acts of violence. In most contravention cases of domestic violence, the family offenders are given the lightest punishments, including for aggressors with a stable violent behavior – unpaid community work.

Considering the mentioned situation and the fact that domestic violence is a socially dangerous behavior, which requires more severe punishment measures, in order to discourage perpetrators from committing more violence, it is imperative to revise the rule of art. 781 of the Contravention Code (Domestic violence) and, at the same time, the revision of the provision of art. 2011 paragraph (1) Criminal Code. There were many situations in which judges have examined domestic violence cases several times regarding the same perpetrator under administrative procedure and, at the next act of violence, the police investigated again under the Contravention Code, and not under the Criminal Code. In this regard, more than 15 police reports documenting domestic violence case as contravention were examined by WLC, based on art. 781 Contravention Code.

After the application of the administrative sanction, the perpetrators continue to commit acts of violence. This practice is vicious, since repeated acts of violence indicates the systematic feature of the perpetrator's violent behavior, expressed through physical and psychological violence and which, according to the law shall be examined through the provisions of art. 2011(1b) Criminal Code, not under art. 781 Criminal Code. Another issue represents the fact that the Contravention Code does not provide medical coercive measures when the perpetrator is determined to be irresponsible, in cases when it does not require hospitalization. According to art. 26 of the Contravention Code, "the state of irresponsibility" is a mitigating circumstance that removes the



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contravention liability. By comparison, if the aggressor with mental disorders commits an act of domestic violence, qualified according to art. 2011 Penal Code, in accordance with art. 99, he can become subject to coercive medical measures of a medical nature, being released from the criminal sanction. Moreover, according to the contravention procedure, such complaints are not followed up, and the act of violence is not recorded, which leads to the impossibility of initiating a forced hospitalization procedure.

- The vicious practice of some police officers, to classify acts of domestic violence under other provisions of Contravention Code and not under the provision of domestic violence (art. 78¹)

In its practice, the Women's Law Center found numerous instances when domestic violence cases were not qualified according to art. 781 but according to other articles: art. 69 Insult; Art. 70 Defamation; Art. 78 Injury to bodily integrity; Art. 354 Hooliganism. This practice takes place since the contravention procedure initiated under art. 781 obliges the police inspector to submit the materials to the court, and the sanctioning decision can only be taken by the judge, because one of the sanctions of art. 781 is the administrative arrest. Thus, according to the law, in cases where the contravention is to be sanctioned with arrest, the case must be sent to court. For the other articles mentioned above, the contravention procedure allows the police to apply a fine immediately. The victim thus is not informed that she could challenge this decision in the court and request investigation of the domestic violence case, thus the statute of limitations expires, and the victim is outside of a mechanism for rapid intervention to stop the domestic violence.

- The impossibility to investigate and sanction cases of psychological and economic violence, in practice the initiation of criminal proceedings is mainly based on the forensic examination report that confirms the degree of bodily injuries. In practice cases of domestic violence accompanied by psychological violence are not prosecuted due to difficulties in proving the facts of psychological violence. This is mainly due to the failure to adopt the law regulating psychologist activity in the Republic of Moldova. Psychological evaluation reports are not included in the list of evidence provided by national legislation. Thus, psychologists who prepare evaluation reports are recognized as witnesses in criminal cases in order to have a legal standing in court and to be able communicate the circumstances that became known to them during the psychological counseling. The perception of law enforcement officials is that economic violence or psychological violence does not cause suffering like that caused by physical violence. Although both psychological and economic violence constitute a component of the crime provided for in art. 2011 of the Penal Code, there is no case in which the perpetrator was convicted only for economic violence, and there are very few cases investigated under allegations of psychological violence. Therefore, in practice, the provisions of the Criminal Code that refer to criminal liability for psychological and economic violence are not applied, provided that they are not accompanied by minor bodily injuries.



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For example, according to the cases assisted by the WLC in 2022, out of the 754 cases, a large part were cases of psychological violence (122), and the vast majority were cases of physical and psychological violence (198). The report also revealed that although the number of reports of acts of psychological violence is increasing, the initiation of criminal prosecutions for acts of domestic violence takes place only based on the forensic examination report, in which the degree of bodily injuries is indicated. Thus, a primary role in qualifying the act of domestic violence is linked with the procedure for assessing the seriousness of bodily injuries on the victim's health. Such an approach denotes the priority of physical violence in relation to other forms of violence, which endangers the victim and creates a framework of impunity for perpetrators who also apply other forms of violence. The indicated approach gives priority to the forensic report which, often, does not fully reflect the trauma suffered by the victim, or disregards the psychological distress. In the process of physical examination, the medical examiner records only the external injuries on the person's body, which are not always visible. For the proper assessment of the seriousness of bodily injury or health, especially in the case of domestic violence and sexual assault, the results of specialist doctors' consultations and medical investigations are often necessary.

This, as a rule, is not carried out, because there is a lack of clear instructions in this regard, which would assign a mandatory character to in-depth medical investigations, as an indispensable component of the forensic examination of the victim, establishing the degree of bodily injury in the forensic report. Another impediment for victims is that medical investigations, necessary for establishing the circumstances and qualify the case, are not provided in the package of services financed from the budget or, at least, from the state guarantee medical insurance. Many injuries cannot be recorded and registered because victims are addressing too late. Also, the forensic doctors mentioned that the victims often come too late for an examination because it is difficult for them to travel to the district center, due to lack of money for transportation. Additional difficulties in the process of examining and interacting with victims of domestic violence is the fact that family doctors do not describe the victim's injuries in the medical records, when they apply for a primary examination or when they request emergency medical assistance, that makes later on more difficult to carry out the expertise based on the medical records, when, for various reasons, the victim was unable to go immediately to a forensic doctor. Accordingly, there is a need to train family doctors on the examination and recording of injuries in cases of domestic violence.

- Records of certain harmful practices by certain police officers.

Although the activity of the police has improved in last couple of years, there are still many cases, when the intervention of police is visibly biased towards the perpetrator's position. Police often provide information to the perpetrator of the victim's whereabouts. There are also cases in which the police officers influence the investigation, as well as the criminal investigators, including by



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delaying the criminal investigation. In most cases, as a result, the prosecutor issues the order of refusal to initiate the criminal investigation.

The case of R.D vs Republic of Moldova which is currently pending at the European Court of Human Rights demonstrates this vicious practice. R.D., beneficiary of the Women's Law Center, was subjected to physical and psychological violence by her ex-husband during the marriage. The husband held a position in the police. In 2016, R.D. filed a complaint with the police alleging domestic violence under art. 2011, and the criminal investigation body refused to start the criminal investigation, therefore the investigation lasted 2 years. The criminal investigator had a passive role in collecting evidence, and in 2018, by the decision of the investigating judge, the decision was to refuse the criminal investigation, the decision being final and irrevocable, a fact that allowed D.R. to address the ECHR. The case is currently under procedure.

- Lack of regulation of the long-term relationship between child witness/victims of family violence and the violent parent. The Moldovan Family Code regulates the relationship between the child and the parents in two ways: the parent fully exercises their parental rights, or the parent is totally deprived of parental rights. There is no legal institution that would allow the temporary suspension of parental rights or their exercise under the control of authorities, in cases of domestic violence, regarding the violent parent. The Family Code, Law no. 338 of 15.12.1994 regarding the rights of the child and Law no. 140 of 14.06.2013 regarding the special protection of children at risk and children separated from their parents, regulate only the possibility of taking the child from the parents, meaning, from both parents and the sole parent, in cases in which the best interest of the child so requires. The Law no. 47 of 1.03.2007 regarding the prevention and combating of domestic violence stipulates that during the action of the protection order issued for the victim with children, regardless of whether the children are included in the protection order or not, they will benefit from protection and will stay with the parent-victim. However, the protection order is a temporary measure, which does not provide a long-term solution for the child from the parent who is a perpetrator.

Moreover, based on Law no. 47/2007, at the request of the perpetrator/parent, the visit of the child can take place according to a program approved by the territorial guardianship authority. The law does not regulate how such meetings could proceed. In practice, the perpetrators use their children to continue to have access to the victim-partner, to manipulate and harass the victim. NGOs reported cases where they requested the guardianship authority to allow the meetings of the child with their father-perpetrator only in their office and under the supervision of social workers. Such a request was refused, on the grounds that the authorities do not have such competence. Therefore, now, the provisions of Moldovan law, offer protection to the child, only when he/she is endangered



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in the family (both parents or the only parent or the legal representative) but not in the case when only one parent-aggressor endangers the child, and the child lives with the parent - victim. In such cases, the social workers invoke that only the court is entitled to restrict the rights of the parent and they have no right to impose any restrictions on the parent/perpetrator. Also, there is no procedure to facilitate the establishment of a healthy relationship between the child and the parent/perpetrator, which would be monitored by competent authorities. Therefore, presently the only legal solution in these cases is starting a civil court proceeding on the termination of parental rights. However, in these cases, usually, the court proceedings may take years, periods in which both the parent - victim and the child are vulnerable in relation to the parent/perpetrator.

RECOMMENDATIONS:

1. Revision and adjustment of national legislation to the provisions of the Istanbul Convention, in particular:
2. regarding the sanctioning of all forms of violence against women regardless of the degree of bodily injury caused;
3. regarding the tightening of penalties for acts of domestic violence and for violation or non-execution of the protection orders;
4. operation of changes or exclusion of Art. 781 Contravention Code;
5. amending the Criminal and Civil Procedure Code, so that psychological evaluation reports are included in the list of evidence and evidentiary procedures;
6. the amendment of the Code of Civil Procedure, with the introduction of a limited term for the examination of the appeal, declared against the conclusion regarding the application/non-application of protective measures, etc.
7. Ensuring the effective investigation of all complaints of domestic and sexual violence, the prosecution of perpetrators and the imposition of sentences that are proportionate to the seriousness of the acts committed;
8. Encouraging the judicial practice of applying, in the case of conditional suspension of the execution of the sentence for domestic violence, the obligations to participate in a special treatment or counseling program, to reduce violent behavior; to undergo treatment, in case of alcoholism or drug addiction;
9. Revising and approving the Regulation of forensic assessment of the seriousness of bodily injury according to the Istanbul Convention requirements;
10. Ensuring the application of the risk assessment questionnaire in all cases of domestic violence, as well as the inclusion of the risk assessment in the criminal and contravention file;
11. Annual analysis and evaluation of the practice of investigating crimes of violence against women, sexual violence and domestic violence;



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12. Adjustment of the mechanisms aimed at emergency legal assistance granted to victims of sexual violence and family violence in accordance with the amendments to Law 198 on state-guaranteed legal assistance in the provision of a lawyer from the moment the complaint is filed;
13. Revision of the normative framework and consolidation of judicial practice for exception from the state tax for victims of domestic violence in cases of division of wealth and other patrimonial disputes;
14. There is an urgent need for a normative framework regulating the domestic violence cases that include minors as victims or witnesses, the functionality of child-friendly hearing rooms and the work of interviewers, including payroll aspects.
15. Introduce risk assessment by courts when ordering custody in cases of domestic violence (there is a lack of coordination between agencies, guardianship authorities, police, social assistants, prosecution and courts, the failure to regard the child witnesses as victims of domestic violence).
16. Raise awareness and increase capacities of the guardianship authorities and develop legislation and guidelines for the guardianship authorities in drafting evaluation reports on cases of DV involving child victims/witnesses.

VII. Migration and asylum

The general context and critical issues:

Non-refoulement GREVIO conclusions: Law No. 270/2008 on asylum ensures the principle of non-refoulement (Article 11). No. asylum -seeker or beneficiary of a form of protection shall be expelled or returned from the border or from the territory of the Republic of Moldova to a country/territory where their lives/freedoms may be threatened or where they might be subjected to torture, inhuman and degrading treatment. A foreigner shall be excluded from being granted asylum if he/she committed the crimes stipulated in Article 20 of Law No. 270/2008. The implementation of provisions is very relevant in the actual context of humanitarian Ukraine. Unfortunately non refoulement is an issue at Chisinau International Airport. The Law Center of Advocates has been present at the border since 2009, under the UNHCR mandate, informing persons about the right to asylum and monitoring their human rights in the request of asylum process. There are cases when border police "do not hear" the asylum claim of the asylum seekers. During 2022 we had cases of returned women from Morocco, Russian Federation, Iran, Burundi, Tajikistan, Ukraine, their asylum request was ignored by border police. In some of these cases women were pregnant, either were travelled with small children. There were also number of cases regarding women where asylum request was possible only after our intervention with border police. Because of our active intervention in cases of non-refoulement, Border Police cancelled our access to Chisinau International Airport.



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RECOMMENDATIONS:

1. To Increase awareness among border police officers of the principle of non-refoulement and the rights of asylum seekers, particularly women who may be more vulnerable.
2. To provide training for border police officers on how to appropriately handle cases involving women with vulnerabilities (pregnant women, women traveling with small children, young women, etc.).
3. To ensure that women asylum seekers can make their asylum claim at the border and that their claim is properly documented and considered.
4. To establish a gender-sensitive and child-friendly asylum procedure that considers the specific needs and vulnerabilities of women and children.