

**Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Report submitted by Moldova
pursuant to Article 68, paragraph 1
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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GOVERNMENT OF THE REPUBLIC OF MOLDOVA

**REPORT OF THE REPUBLIC OF MOLDOVA
ON THE IMPLEMENTATION
OF THE COUNCIL OF EUROPE CONVENTION
ON COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

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LIST OF ABBREVIATIONS

AP	Action Plan
BMA	Bureau for Migration and Asylum
CAA	Courts Administration Agency
CEDAW	UN Committee on the Elimination of Discrimination against Women
CFM	Center of Forensic Medicine
CC	Criminal Code
Criminal PC	Criminal Procedure Code
Civil PC	Civil Procedure Code
CATUM	Classifier of administrative-territorial units of the Republic of Moldova Administration
DV	Domestic Violence
ERO	Emergency Restriction Order
EU	European Union
EIGE	European institute for Gender equality
GCPD	General Criminal Prosecution Division
GBV	Gender based violence
GPI	General Police Inspectorate
HIV	Human Immunodeficiency Virus
ILETC	Integrated Law Enforcement Training Center
IC	Istanbul Convention
LPA	Local Public Authorities
LGBTQI+	lesbian, gay, bisexual, transgender, transsexual, transgender, queer, intersex people
MDL	Moldovan lei (Moldova's national currency)
MIA	Ministry of Internal Affairs
MLSP	Ministry of Labour and Social Protection
MoJ	Ministry of Justice
NPSI	National Public Security Inspectorate of the GPI, MIA
NPI	National Probation Inspectorate
NCTACM	National Center for Training, Assistance, Counselling for Moldova
NAP	National Administration of Penitentiaries
NBS	National Bureau of Statistics
NRMVC	National Referral Mechanism for Victims of Crime
NRS	National Referral System
NSAA	National Social Assistance Agency
NGO	Non-Governmental Organisation
NCSGLA	National Council for State Guaranteed Legal Aid
NC	National Coalition 'Life without Violence'
NBS	National Bureau of Statistics
NIJ	National institute of justice
OSCE	Organisation for Security and Cooperation in Europe
PO	Protection Order
PG	General Prosecutor's Office
SV	Sexual violence
TLWG	Trust Line for Women and Girls
TPCF	Temporary placement centre for foreigners of the Bureau for Migration and Asylum
UPR	Universal Periodic Review
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNICEF	United Nations International Children's Emergency Fund
UN Women	United Nations Entity for Gender Equality and Empowerment of Women
UNECE	United Nations Economic Commission for Europe
UNFPA	United Nations Population Fund
UNSD	United Nations Statistics Division
UBRAF	Unified Budget, Results and Accountability Framework

VAW Violence against women
WHO World Health Organization
WLC Women Law Center

INTRODUCTION

Fundamental human rights and freedoms are constitutional prerogatives conferred by national law and recognised by international law for each individual in their relations with the community and the State, giving expression to fundamental social values.

The establishment and consolidation of the Republic of Moldova as an independent and democratic state with the status of a subject of international law (1991) led to the harmonization of national law, particularly in the field of protection of human rights and fundamental freedoms through the ratification of numerous universal human rights documents, paving the way for a system of international protection.

An international instrument on the protection of fundamental rights and freedoms is the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (known as the Istanbul Convention). The need for the Convention was driven by the scale of violence against women both in Europe and around the world, which has required renewed policy attention in this area. Opened for signature on 11 May 2011 in Istanbul, the Convention is the first legally binding document at European level to prevent, investigate and punish acts of violence against women and domestic violence, protect victims, prosecute perpetrators and take a wide range of measures to stop this scourge, and at the same time the most comprehensive instrument of international legal cooperation in this field.

The establishment of a coherent and effective system for combating domestic violence at the national level began in 2007 with the adoption of the Law on Preventing and Combating Domestic Violence (hereinafter Law No. 45), which is an important step towards curbing acts of violence and marks the recognition and implementation by the Republic of Moldova of international commitments to respect human rights. Law No. 45 defines domestic violence and its forms, establishing an institutional framework with detailed responsibilities for the competent authorities, provides for the creation of assistance centres for victims of violence and an effective mechanism for dealing with cases of violence through the possibility of filing complaints, the application of protective measures (emergency restraining order, protection order for the isolation of the domestic abuser) and observance of victims' rights.

Taking into account the direction of the Republic of Moldova towards the European democratic value system, which is based on fundamental constitutional values, unanimously recognized and protected, such as democracy, observance of human rights and fundamental freedoms and the supremacy of law, the Istanbul Convention was signed on 6 February 2017. Thus, our state became the 44th signatory to the treaty.

Under these circumstances, the next step, namely the ratification of the Convention was made in 2021, when the Republic of Moldova became the 35th country to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), by Law No. 144/2021. In the Republic of Moldova, the Istanbul Convention entered into force on 1 May 2022.

With this commitment, in 2018, the Government approved the first policy document in this field – the National Strategy for Preventing and Combating Violence against Women and Domestic Violence for 2018-2023 and the Action Plan for 2018-2020 (Government Decision No. 281 of 03.04.2018), which is based on the four-pillar approach of the Istanbul Convention: Prevention, Protection, Punishment and Integrated Policies.

Aligning with international standards on preventing and combating violence against women and domestic violence has been on the government's agenda since 2014. Thus, in the Action Plans for the Republic of Moldova–European Union Association Agreement¹, the ratification of the Convention on preventing and

¹ Government Decision No. 808/2014 of 07.10.2014 on the approval of the National Action Plan for the implementation of the Republic of Moldova-European Union Association Agreement for the period 2014-2016 // O.G. No. 297-309, art. 851, https://www.legis.md/cautare/getResults?doc_id=88616&lang=ro#; Government Decision No. 1472/2016 of 30.12.2016 on the approval of the National Action Plan for the implementation of the Republic of Moldova-European Union Association¹¹

combating violence against women and domestic violence was planned as a priority action. In this context, we should also mention the National Human Rights Action Plan for 2018-2022², which also prioritised the ratification process of the above-mentioned treaty. During the period indicated, a number of actions related to the ratification process were undertaken, namely:

- Drafting two reports analysing the compatibility of the legislation of the Republic of Moldova with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, carried out by the Women's Law Centre with the financial support of UN Women Moldova and Sweden (in 2013 and 2019³). As a result of these analyses, national legislation has been amended and partially harmonized with the above-mentioned Treaty (Law No. 196/2016, Law No. 85/2020 and Law No. 113/2020).
- Drafting the Report "Peculiarities of Sexual Violence in the Republic of Moldova" by the International Centre for the Protection and Promotion of Women's Rights La Strada⁴.

A. General Principles of the Convention

The Republic of Moldova is party to most of the core international human rights treaties, which set the highest standards for the protection of human dignity and the full realisation of fundamental rights and freedoms.

Article 24 of the Constitution stipulates that "the State guarantees every person the right to life, and to physical and mental integrity", and according to Article 25 of the supreme law, the individual freedom and security of a person are inviolable.

Ensuring equality is one of the national priorities of the Republic of Moldova in the field of human rights, and achieving it implies implementing a human rights-based approach in the policy-making process in order to create equal opportunities for all people to enjoy fundamental rights, including by introducing special measures to ensure equality and combat all forms of discrimination.

Article 16 of the Constitution, which enshrines the principle of equality, provides, in para. (2), for the equality of citizens of the Republic of Moldova before the law and public authorities, regardless of race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin. The essence of the constitutional provision on the equality of citizens is that all citizens have the same rights, fundamental freedoms and duties, the exercise of which is ensured by the state without discrimination.

An important role in promoting the principle of equality between women and men in the Republic of Moldova belongs to the two framework laws: a) Law No. 5 of 9.02.2006 on Ensuring Equal Opportunities for Women and Men and b) Law No. 121 of 25.05.2012 on Ensuring Equality.

Law No. 5/2006 on Ensuring Equal Opportunities for Women and Men stipulates that in the Republic of Moldova women and men enjoy equal rights, freedoms and opportunities, defining the following notions: gender-based discrimination, distinguishing between direct and indirect discrimination; equal opportunities; equality between women and men. At the same time, the Law contains an article specifically dedicated to the prohibition of gender-based discrimination (Article 5), stating that, actions that restrict or exclude, in any way, the equal treatment of women and men shall be deemed discriminatory and are

Agreement for the period 2017-2019, // O.G. no. 103-108 art. 271,
https://www.legis.md/cautare/getResults?doc_id=119199&lang=r.

² Parliament Decision No.89/2018 of 24.05.2018 on the approval of the National Human Rights Action Plan for 2018-2022, // O.G. No. 295-308 art. 457, https://www.legis.md/cautare/getResults?doc_id=110031&lang=ro.

³ WLC (2019) Report on the analysis of the compatibility of the legislation of the Republic of Moldova with the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence, Perevoznic I., Rusu L., Turcan A. <http://cdf.md/files/resources/141/CDF%20Raport%20compatibilitate.pdf>.

⁴ La Strada (2020), Peculiarities of the phenomenon of sexual violence in the Republic of Moldova, available online: https://lastrada.md/pic/uploaded/Particularitatile%20fenomen.%20VS%20in%20RM_RO.pdf.

prohibited. Law No. 5-XVI also provides for a series of measures to ensure special conditions for women during pregnancy, postpartum and breastfeeding period.

The central public authority in charge of developing and promoting gender equality policies is the Ministry of Labour and Social Protection, which is responsible for developing and improving the regulatory framework in the field of gender equality, for the methodological coordination of the work of the gender coordinating groups and gender focal points within the specialised central and local public administration.

The most effective tool for achieving gender equality is gender mainstreaming in all policies and programmes developed at national and local level. In order to implement the gender mainstreaming approach, the second public policy document was adopted – the Strategy for Ensuring Equality between Women and Men in the Republic of Moldova for 2017-2021⁵ and the Action Plan, which aimed at empowering women and achieving de facto equality by using the society's potential free from gender-based discrimination. The strategy covered ten areas of intervention: women's participation in decision-making, labour market and gender pay gap, social protection and family policies, health, education, climate change, the institutional mechanism, stereotypes in society and non-violent communication, gender equality in the security and defence sector, and gender-responsive budgeting.

Moldovan law provides for legal measures to combat discrimination, including the right to seek legal protection. Law No. 121/2012 on Ensuring Equality aims to prevent and combat discrimination, as well as to ensure the equality of all persons present on the territory of the Republic of Moldova in the political, economic, social, cultural, and other areas of life, without discriminating by race, colour, nationality, ethnic origin, language, religion or beliefs, gender, age, disability, opinion, political affiliation or any other similar criteria. The new definitions included by the legislature have broadened non-discrimination approaches and policies in the national arena, such as: discrimination; direct discrimination; indirect discrimination; discrimination by association; racial segregation; incitement to discrimination; victimization; affirmative action; reasonable accommodation; as well as by broadening the range of protected characteristics. The law specifies the worst forms of discrimination in 3 most sensitive areas of human activity: employment, education and the prohibition of discrimination in access to public services and goods.

The institutional framework for the prevention and elimination of discrimination and ensuring equality consists of the following subjects empowered to prevent and combat discrimination and ensure equality: a) the Council for the Prevention and Elimination of Discrimination and Ensuring Equality; b) public authorities; c) courts.

The legal framework also provides for liability for acts of discrimination: disciplinary, civil, administrative and criminal. Another innovation is the introduction of a reversal of the burden of proof when the person discriminated against brings an action in court. The burden of proving that the acts do not constitute discrimination is on the respondent, except for acts which carry criminal liability.

In the spirit of the non-discrimination policy, the Law No. 137 of 29.07.2016 on the Rehabilitation of Victims of Crime was adopted, which aims to create the legal framework for ensuring the minimum conditions for the rehabilitation of victims of crime, as well as for the protection and enforcement of their rights and legitimate interests. This law establishes the categories of victims of crime to which its provisions apply, the organisation and functioning of the mechanism for the protection and rehabilitation of victims of crime, the method and conditions for financial compensation by the state for the harm caused by crime.

The gender equality dimension as an area of interest and public policy is also promoted through the Government's "Moldova of Good Times" Programme for 2021-2022, thus demonstrating the country's commitment to upholding European democratic values.

B. Scope of application of the Convention and key definitions

⁵ Available online: https://www.legis.md/cautare/getResults?doc_id=99875&lang=ro#.

Preventing and combating domestic violence (DV) is a priority for the national policy for the protection and support of the family and is also an important public health issue.

According to Article 2 of Law No. 45/2007 on Preventing and Combating Domestic Violence, violence is defined as all acts of physical, sexual, psychological, spiritual or economic violence, except for actions taken in self-defence or in defence of another individual, including threatening with such acts committed by a family member against another member of the same family, whereby material or moral damage has been caused to the victim. Domestic violence manifests itself in different forms: (i) physical (hitting, pushing, slamming, pulling hair, stabbing, cutting, burning, strangling, biting, poisoning, intoxication, etc.); (ii) sexual (marital rape, prohibition of the use of contraceptive methods, sexual harassment; any unwanted, forced sexual conduct; forced prostitution); (iii) psychological (imposition of will or personal control, provoking tension and mental suffering by offending, taunting, swearing, insulting, name-calling, etc.); (iv) economic (deprivation of financial means, goods); (v) spiritual (prohibition, restriction of access to cultural, ethnic, religious values, including imposition).

In the Republic of Moldova, domestic violence is a separate crime and is punishable under Article 201¹ of the Criminal Code. The introduction of Article 201¹ in the Criminal Code is the result of the entry into force of Law No. 167/2010 amending and supplementing certain legislative acts. In addition, the legislator added Article 78¹ on domestic violence. At the same time, the Contravention Code contains in Article 78² provisions concerning acts of persecution (Stalking).

By Law No. 113/2020 for the amendment of certain regulatory acts, the legal framework was supplemented with two separate definitions in order to harmonise it with the legal norms of the Istanbul Convention (IC):

“psychological violence – imposition of will or personal control; provoking tension and mental suffering by offending, taunting, swearing, insulting, name-calling, blackmailing, demonstrative destruction of objects, verbal threats, ostentatious display of weapons or hitting of domestic animals, neglect; interference in personal life; acts of jealousy; imposition of isolation by detention, including in the family home; isolation from family, community, friends; prohibition and/or creation of impediments to professional achievement or prohibition and/or creation of impediments to educational achievement in the education institution; persecution by contacting or attempting to contact by any means or through any other person the victim who has been caused anxiety, fear for their own safety or the safety of close relatives and forced to change their life conduct; dispossession of identity documents; deliberate deprivation of access to information; other actions with similar effect;

violence against women – any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

Following the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in October 2021, the Ministry of Labour and Social Protection, as the national coordinator in this field, has initiated jointly with public authorities, civil society and development partners a comprehensive analysis of the actions carried out and the gaps identified through the lens of the pillars of the aforementioned treaty: Prevention, Protection, Punishment and Integrated Policies. To this end, four working groups (approved by MLSP Order No. 20 of 22.02.2022) have been set up to assess the situation in the field. Thus, in the coming period, the necessary actions for the effective implementation of the provisions of the Istanbul Convention will be determined, including the process of harmonization of the national regulatory framework with the provisions of the treaty. At the same time, the Ministry of Justice (MoJ) promoted in March 2022 a new draft amendment of certain regulatory acts in order to ensure the harmonisation of the regulatory framework with the provisions of the Istanbul and Lanzarote Conventions. The general objective of the project is to strengthen the substantive and procedural rights of victims of crimes of domestic violence and crimes against their sexual freedom and inviolability by adapting the domestic legal framework to international standards and practices. Thus, in order to improve the existing legal framework, to prevent violations of victims' rights both at the

prosecution stage and during the examination of cases by the courts, the draft law contains proposals to amend the provisions of the Criminal Code, the Code of Criminal Procedure, the Code of Civil Procedure, the Family Code, the Enforcement Code and the Contravention Code.

The concept of harassment has been included in national legislation since 2010. Currently, this matter is regulated in five national laws, both criminally and civilly.

The Republic of Moldova has adopted the first National Programme for the implementation of UN Security Council Resolution 1325 on Women, Peace and Security for the years 2018-2021 and an Action Plan on its implementation, which is in fact a measure adopted at national level in the context of the applicability of the Istanbul Convention in situations of armed conflict. In the process of drafting the report, the Government initiated the drafting of the second Programme for the implementation of the Resolution.

C. State obligations and due diligence

By signing and ratifying the Istanbul Convention, the Republic of Moldova confirmed its commitment and aspirations to join efforts with the international community, in particular the States Parties to the treaty, in the movement to prevent and combat violence against women and domestic violence. We also mention the legislative initiatives to amend the regulatory framework on ensuring equality between women and men, reconciling family and professional life, combating all forms of discrimination, sexual harassment, violence against women and domestic violence. Nevertheless, considering the significant efforts undertaken by the state at the level of legal framework and policies, the Government included in its agenda the further alignment with the provisions of the Convention, both in terms of legal framework, as well as practical, concrete measures to provide the most effective, adequate and prompt response by the state authorities together with civil society and international partners to prevent and combat such cases. In this context MLSP and MoJ are currently working on drafting and promoting new legal provisions in the spirit of European standards (the draft law was approved by the Government and has been sent to the Parliament for the endorsing in July, 2022). Thus, through these efforts, the Republic of Moldova initiated an important reform in the field of preventing and combating sexual and domestic violence, brought about by the harmonization of the domestic legal framework with the provisions of the Istanbul Convention.

At the same time, efforts to improve measures to raise awareness of the new legislation, victims' rights and protection measures offered to them, and support services are continuing through partnerships created by state institutions and civil society.

In addition to the above, mechanisms and tools have been developed based on the National Strategy for Preventing and Combating Violence against Women and Domestic Violence for 2018-2023⁶, which has been structured and is based on the 4Ps approach to violence: prevention, punishment, protection and support, and integrated policies.

Thus, the authorities with competences in the field work towards the integration and promotion of the gender perspective, the spirit of tolerance, non-violence, non-discrimination, equity, respect for the fundamental rights of all citizens, regardless of their ethnicity, race, nationality, religion or gender, in order to align with European values and those of contemporary societies.

Please note that the law on the ratification of the Istanbul Convention contains declarations and reservations. According to Article 77 of the Convention, the Republic of Moldova declares that, until the full restoration of its territorial integrity, the provisions of the Convention shall apply only to the territory effectively controlled by the authorities of the Republic of Moldova.

⁶ Available online: https://www.legis.md/cautare/getResults?doc_id=128809&lang=ro#

At the same time, the Republic of Moldova reserves the right, pursuant to Article 78, para.(2) of the Convention, not to apply the provisions of Articles 30, para.(2) and 59. Regarding the reservation on Article 30, para.(2) of the Convention, we note that according to national legislation, in particular to the Law No. 137/2016 on the Rehabilitation of Victims of Crime, victims of violence have the right to financial compensation from the state, but the mechanism for realizing this right is not fully functional. At the same time, there is a lack of clarity regarding adequate compensation from the state for damages in cases of serious bodily injury or damage to health, as there is a lack of a mechanism for assessing such damages, as well as of procedures for compensation from different sources. The reservation to Article 59 of the Convention is based on the fact that national legislation does not currently provide mechanisms for the protection of victims, whose residence status depends on that of their spouse or partner, as well as on the issuance of an autonomous residence permit to the foreigner during criminal proceedings. Moreover, these provisions that are to be transposed into national legislation require the estimation and planning of resources for providing assistance to victims, especially foreigners, on the territory of the Republic of Moldova.

Thus, according to the Convention, the parties guarantee that they will take the necessary legislative or other measures to ensure that victims, whose residence status depends on that of their spouse or partner, as recognized by domestic law, in case of a break up of the marriage or relationship, to be granted on request, in case of particularly difficult situations, an autonomous residence permit, regardless of the duration of the marriage or relationship.

Or, for the transposition of these regulations into the national legislation, an extensive analysis of the statistics of cases of violence in families with the involvement of national and foreign citizens is needed, a separate assessment, to establish the need for financial resources in order to ensure the assistance of the victims, especially to foreigners, located on the territory of the Republic of Moldova, as well as to determine the costs generated by each individual case, in order to be able to plan and allocate sufficient resources.

D. Bodies, agencies, institutions and organisations involved in the preparation of the report submitted by the Party in application of Article 68 paragraph 1

After the entry into force of the Istanbul Convention on May 1st, 2022, the Republic of Moldova was included in the evaluation procedure. The national report on the implementation of the Istanbul Convention is the first report on the implementation of the Treaty. The questionnaire from the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) was received by the Republic of Moldova on February 25th, 2022, while the deadline for the submission of the first baseline report as part of the evaluation process for the Republic of Moldova was indicated as August 30th, 2022 (which was extended until September 30th, 2022).

The process of drafting of the report was coordinated by the Ministry of Labour 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, namely the 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 report was also prepared in cooperation with civil society organisations, specialised social service providers, local public authorities, using the information and data provided according to the questions in the Questionnaire. The data provided by the Prosecutor General's Office of the Republic of Moldova, the National Police Inspectorate, the National Council for State Guaranteed Legal Aid, the Agency for the Administration of Courts, the National Agency for Social Assistance, the National Probation Inspectorate, and the National Administration of Penitentiaries were also used for the purpose of this Report, as well as the annual monitoring reports on the implementation of the 2018-2023 National Strategy for Preventing and Combating Violence against Women and Domestic Violence.

The national report on the implementation of the Istanbul Convention was presented and approved on the platform of the Interministerial Coordinating Council for the Prevention and Combating of Domestic Violence. In order to ensure a wider participation of national actors and respect the principle of transparency in the process of validating the National Report, the final version of this document was presented by the MLSP in the meeting of the National Council for Human Rights, which was held on August 25, 2022.

II. Integrated Policies and Data Collection *(Chapter II of the Convention, Articles 7-11)*

A. Strategies/action plans and other relevant policies

Following the signing of the Istanbul Convention by the Republic of Moldova in 2017, in 2018 the Government approved the first policy document in the field – the National Strategy for Preventing and Combating Violence against Women and Domestic Violence for 2018-2023⁷, which is based on the four-pillar approach of the treaty: Prevention, Protection, Punishment and Integrated Policies. Thus, the Strategy provides for a comprehensive and coordinated approach to the prevention of violence against women and domestic violence, ensuring a systemic approach and the mitigation of such violence, as well as guaranteeing an effective response by the relevant authorities in cases of violence.

The Strategy contains four general objectives which aim to:

1. General objective 1. Prevent violence against women and domestic violence by promoting zero tolerance towards this form of violence in order to decrease it in the Republic of Moldova.
2. General objective 2. Strengthen the protection and assistance mechanism for victims of violence against women and domestic violence.
3. General objective 3. Streamline investigation and prosecution of violence against women and domestic violence.
4. General objective 4. Develop integrated policies to prevent and combat violence against women and domestic violence based on multi-sectoral cooperation and data collection.

In order to achieve the four objectives, the strategy sets out 17 specific objectives and concrete activities reflected in the two action plans approved during the implementation period of the strategy (2018-2020 and 2021-2023 respectively).

As progress made as a result of the implementation of the Strategy we note:

1. Increased information and awareness of the general public on the consequences and costs of violence against women and domestic violence;
2. Increased reporting of cases of violence against women and domestic violence;
3. Prompt and effective response by professionals to cases of domestic violence and violence against women, based on uniform operational standards and multidisciplinary intervention;
4. Strengthened capacities of professionals from different sectors;
5. During the period of implementation of the Strategy, two new placement services for victims of domestic violence and a centre for child victims or witnesses of crime (Barnahus type) were set up;
6. A strengthened prompt and effective multidisciplinary response to all cases of domestic violence and sexual violence, by approving the Joint Order on the approval of the Instruction on the Mechanism for Intersectoral Cooperation on Cases of Domestic Violence;
7. The methodological framework for the operation of the Commission for the monitoring and analysis of cases of domestic violence resulting in victims' death or serious bodily harm;

⁷ Government Decision No. 281 of 03.04.2018 on the approval of the National Strategy for preventing and combating violence against women and domestic violence for the years 2018-2023 and the Action Plans on its implementation // O.G. no. 121-125 art. 348, https://www.legis.md/cautare/getResults?doc_id=128809&lang=ro#

8. The methodological framework for the intervention of multidisciplinary teams in cases of domestic violence;
9. According to Article 23 of the Law No. 105/2018 on the Promotion of Employment and Unemployment Insurance⁸, victims of domestic violence and human trafficking belong to the category of unemployed persons who require additional support on the labour market. Thus, these categories of people are targeted by special programmes to reduce unemployment and increase employment, such as: vocational training for the unemployed by means of initial qualification, retraining, refresher and specialisation courses; on-the-job training in the workplace for the unemployed who do not have a profession or trade; internships, organised for the unemployed who have not worked in their profession; subsidised employment (women with disabilities, women 50+); consultancy, assistance and business start-up support for the unemployed who start an entrepreneurial activity, thereby generating their own employment; and support for local initiative projects intended for employers who create new jobs by helping to reduce unemployment in rural areas;
10. Electronic monitoring of domestic abusers immediately after the issuing of the protection order to the victim of domestic violence;
11. The development of Gender Based Violence (GBV) Data Collection Forms for the Health System. For the social system, a statistical form on domestic violence has been developed and the procedure for collecting sector statistics has been initiated.

Other public policy documents relevant to the field of preventing and combating violence against women and domestic violence that reflect an integrated approach include:

1. The Strategy for ensuring equality between women and men in the Republic of Moldova for 2017-2021⁹

The aim of this Strategy was to empower women and achieve de facto equality between women and men in the Republic of Moldova by achieving five general objectives followed by specific objectives which in total covered ten areas of intervention. The general objectives were to:

- ensure a comprehensive approach to gender equality;
- strengthen the institutional mechanism for ensuring gender equality;
- combat stereotypes in the society and promote non-violent communication;
- promote gender equality in the security and defence sector;
- gender-responsive budgeting.

2. The National Human Rights Action Plan for 2018-2022¹⁰ contains measures to ensure that all citizens, especially the most vulnerable groups, benefit from their fundamental rights, the legal framework and services delivered in accordance with international human rights standards.

The Action Plan contains 16 areas of intervention of which two relate to Gender Equality and Domestic Violence and Non-discrimination and Equality. The Children's Rights intervention area includes the strategic target of changing perceptions and attitudes towards violence against children.

The implementation of the plan is a joint task of the central and local authorities of the Republic of Moldova in collaboration with civil society and the community of development partners. Thus, as one of the most essential achievements we mention the ratification of the Istanbul Convention.

3. The National Strategy for the Protection and Promotion of Children's Rights 2014-2020¹¹, which aimed to provide an effective framework for the implementation of the main priorities of the government

⁸ https://www.legis.md/cautare/getResults?doc_id=105474&lang=ro

⁹ Government Decision no. 259/2017 of 28.04.2017 on the approval of the Strategy for ensuring equality between women and men in the Republic of Moldova for the years 2017-2021 and the Action Plan on its implementation // O.G. no. 171-180 art. 410, https://www.legis.md/cautare/getResults?doc_id=99875&lang=ro.

¹⁰ Government Decision no. 89/2018 of 24.05.2018 on the approval of the National Human Rights Action Plan for 2018-2022, // O.G. no. 295-308 art. 457, https://www.legis.md/cautare/getResults?doc_id=110031&lang=ro.

¹¹ Government Decision no. 434/2014 of 10.06.2014 approving the Child Protection Strategy for 2014-2020, // O.G. no. 160-166 art. 481, https://www.legis.md/cautare/getResults?doc_id=18628&lang=ro.

programme in the field of children's policies, designed to “enable conditions for the development and training of children from birth to adulthood”.

The strategy has three general objectives, one of which is to prevent and combat violence, neglect and exploitation of children and to promote non-violent practices in the upbringing and education of children (General Objective 2). Among the important measures taken to prevent and combat violence against children, we note the approval of the regulatory, methodological and operational intervention framework for professionals on the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking¹².

In order to prevent violence, neglect and exploitation of children, awareness-raising campaigns have been carried out in society; a centre for assistance to child victims and witnesses of crime (Barnahus type) has been created; the capacities of the education system have been enhanced to provide information on children's rights and training in skills to prevent violence in schools and risky behaviour.

4. In order to prevent risks in the process of education and upbringing of children and to give every child the opportunity to have a suitable family environment to reach their maximum development potential, the **Cross-sectoral Strategy for the Development of Parenting Skills and Competences for 2016-2022**¹³ was adopted.

The strategy sets out a unified vision at institutional and sectoral level, so as to develop, in the long term and in a unified, coherent, flexible and cross-sectoral perspective, a range of public and private services focused on the following two strategic directions that would ensure the training and development of parenting skills and competences. The strategic directions of this document aim at:

- developing parenting skills of parents/legal guardians/carers;
- developing the parenting skills of young people (future parents).

This strategy focuses on one general objective and three specific objectives. The general objective is to provide each child with the right family environment to reach his or her full development potential and become a responsible adult. The specific objectives are to:

- Establish and ensure the functionality of an integrated and coherent cross-sectoral national system for the development of parenting skills and competences;
- Develop and revise the regulatory framework on the development of parenting skills and competences and bring it in line with international standards on the protection of children's rights;
- Develop and strengthen the parenting skills and competences of parents/legal guardians/carers and young people (future parents), including by increasing the quality of parenting education services.

5. On June 1st, 2022, the Government of the Republic of Moldova approved the Decision No. 347/2022 on the approval of the **National Programme for Child Protection for the years 2022-2026**¹⁴ and the Action Plan for its implementation. The paradigm of change proposed in this National Programme includes complex interventions on each priority issue at the level of: 1) regulatory framework; 2) mechanism of service delivery by categories of beneficiaries; 3) investment in training and motivating human resources to act effectively to

¹² Government Decision No. 270/2014 of 08-04-2014 on the approval of the Instructions on the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking // O.G. no. 92-98 art. 297, https://www.legis.md/cautare/getResults?doc_id=18619&lang=ro.

¹³ Government Decision No. 1106/2016 of 30.10.2016 on the approval of the intersectoral strategy for the development of parenting skills and competences for the years 2016-2022, // O.G. No. 347-352 art. 1198, https://www.legis.md/cautare/getResults?doc_id=95476&lang=ro.

¹⁴ Government Decision No. 347/2022 of 01.06.2022 on the approval of the National Programme for Child Protection for the years 2022-2026 and the Action Plan for its implementation, // O.G. no. 194-200 art. 492, https://www.legis.md/cautare/getResults?doc_id=131899&lang=ro.

protect every child in need; 4) social norms that contribute to the manifestation of the collective spirit of involvement in supporting every child at risk and that prescribe the behaviour of every member of the community that is intolerant of any form of child abuse and exploitation; 5) volume of financial resources invested in child protection; 6) new and effective approaches to monitoring and evaluation of child protection interventions.

The following general and specific objectives have been established following an extensive consultation process to identify priority areas for intervention in the child protection sector: 1) good governance in the field of child protection; 2) preventing and combating violence in all settings and in all forms, violence against children meaning all types of violence as defined in Article 2 of Law No. 45/2007 on Preventing and Combating Domestic Violence, including child neglect, labour exploitation and child trafficking; 3) de-institutionalisation and alternative care/family support to prevent separation. The order of these priorities was based on the perception of the participants in the consultations. The children identified the same priorities, ranking them in the same order.

Through General Objective 2, the Government aims to ensure that adults and children have zero tolerance for any form of violence against children, so that the share of children who have been subjected to any form of violence decreases from 1.6% in 2020 to 0.5% in 2026, and the share of the population who believe that any act of violence against children should be reported to the authorities for intervention increases from 86.6% in 2018 to 100% in 2026.

6. Provisions on preventing gender-based violence, including sexual violence, and responding to the needs of survivors of violence are also expressly stipulated in the **National Programme for Sexual and Reproductive Health and Rights for the 2018-2022**, which specifies the importance of providing universal access to information, education, but also health services needed by victims of violence, both in the regular daily context and in crisis situations, the clinical management of rape cases being a component part of the Minimum Package of Sexual and Reproductive Health Services of pressing importance to be promptly provided in the context of any humanitarian crisis or public health emergency.¹⁵

B. Financial resources

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, despite the provisions of the existing relevant sectoral and institutional legal framework, which covers the responsibilities at central and local level for the health, education, police, justice and social protection sectors. Although the budget classification was amended and approved at the end of 2015, the functional classification under the new budget classification currently provides only in the social protection sector for the inclusion of the field of preventing and combating domestic violence in the sub-programme "Social assistance to persons with special needs" and sub-programme the "Protection of the family and child". Thus, the current codification does not allow the field to be identified as a cross-sectoral programme, with distinct functions, certain common activities and by sector.

According to international standards, the Republic of Moldova has the obligation to ensure to all, unconditionally, civil and political rights, as well as the right to equality, implementing progressively and non-discriminatorily, within the limits of available resources, economic, social and cultural rights, budgeting activities for the implementation of strategies being an imperative of state policy. In some areas, the implementation of actions is financially supported by complementary contributions from development partners.

¹⁵ Government Decision No. 681/2018 of 11.07.2018 approving the National Programme on Sexual and Reproductive Health and Rights for 2018-2022, // O.G. No. 358-364 art. 951, https://www.legis.md/cautare/getResults?doc_id=108813&lang=ro.

Effective implementation of national strategies depends on objective financial planning, accurate costing of actions and identification of funding sources. In this respect, the following sources of funding shall be used:

- a) the national public budget;
- b) the financial means of international organisations;
- c) support from development partners.

The costs of measures covered by the national public budget shall be adjusted annually in accordance with the availability of resources provided for in the medium-term budgetary framework for the periods concerned.

C. NGOs and other civil society actors

In the Republic of Moldova, NGOs and other civil society actors play an important role in this field, thus civil society representatives actively participated in the drafting of the legislative package for the implementation of the Istanbul Convention, the strategies initiated by the Ministry of Labour and Social Protection being adopted by most of the working groups established in this field.

According to Law No. 45/2007 on Preventing and Combating Domestic Violence, one of the basic principles is the cooperation of public administration authorities with civil society and international organisations.

The specialised central state authorities (Ministry of Labour and Social Protection, Ministry of Education Research, Ministry of Internal Affairs, Ministry of Justice), within the limits of their competence, cooperate with non-governmental organisations, natural and legal persons involved in activities to prevent and combat violence. Local public administration authorities develop social partnerships with non-governmental organisations, including foundations, trade unions, employers' associations, religious organisations and international authorities that contribute to preventing and combating domestic violence.

At the operational level of service provision, the framework law specifies the creation of specialised centres/services including by:

- international organisations and non-commercial organisations, with the notification of the Ministry of Labour and Social Protection;
- public administration authorities and non-commercial organisations, on the basis of a joint activity agreement.

A positive example of NGO contracting in the VAW field is the Trust Line for Women and Girls 0 8008 8008, run by the public association International Center La Strada.

The Ministry of Labour and Social Protection has signed cooperation agreements with the two NGO platforms working in the field of ensuring equality between women and men and preventing and combating violence against women and domestic violence: Gender Equality Platform and National Coalition "Life without Violence". We also mention that the Ministry of Labour and Social Protection, Soros Foundation Moldova, Institutum Virtutes Civilis and Keystone Moldova have signed a Memorandum of Cooperation for the development of social services in the country and the creation of a favourable environment for contracting social service providers from public funds.

The project "Partnerships for Women's Leadership and Good Governance", implemented by Friedrich Ebert Foundation Moldova and Institutum Virtutes Civilis, with the financial support of the European Union and Friedrich Ebert is also in the process of implementation (due to run from April 2021 to April 2024). Thus, for three years, the focus will be on strengthening the capacity of civil society actors in the Republic of Moldova to increase their involvement in governance processes and change for the better in their communities, as well as on increasing public awareness of the role of women in good governance processes and the importance of ensuring equal opportunities for women's participation in social, economic and political processes. A Memorandum of Collaboration was also signed in 2018 between the Ministry of Health, Labour and Social Protection (actually divided by reorganisation in the Ministry of Health and Ministry of Labour and Social Protection) and UN Women in the field of ensuring gender equality and preventing violence against women.

A current and relevant project in the field of preventing and combating violence against women is implemented by the Women's Law Centre in partnership with the Ministry of Labour and Social Protection with the support of UN Women and Sweden, entitled "Support for the co-creation of economic empowerment programs for women survivors of gender-based violence". The project aims to develop five economic empowerment programmes in partnership with public authorities, service providers, and other stakeholders from the districts of Soroca, Bălți, Hîncești, Telenești and Ștefan-Vodă and to strengthen the coordination and cooperation mechanisms between public authorities and other actors in the field of employment and economic empowerment of women affected by violence.

In February 2020, the pilot project for the creation of the Family Justice Centre in Moldova (FJC) was launched as a model for an integrated approach and cross-sector cooperation of professionals from the police, justice, health, social protection sectors under one roof to ensure immediate access to urgent and specialised services for victims of violence and sexual violence. The project is implemented by the Te Doy Foundation through a consortium of NGOs, funded by the U.S. Department of State, Criminal Justice and Law Enforcement Section. In October 2020 the Memorandum of Cooperation between the Te Doy Foundation and MIA was signed, whereby MIA is the authority responsible for the organisation and creation of the FJC. This activity was also provided for in the Action Plan for the implementation of the 2018-2023 National Strategy to Prevent and Combat Violence against Women and Domestic Violence¹⁶, by its Specific Objective 2.1.

During 2021, 17 civil society organisations promoting gender equality and the elimination of violence against women and girls were awarded institutional capacity building grants, selected in a small grants competition launched by UN Women Moldova with financial support from Sweden and UNAIDS from UBRAF funds. A further 9 civil society organisations in the Cahul and Ungheni districts strengthened their institutional capacities to advocate for gender equality and women's empowerment at local and regional level, under the EVA project "Promoting Gender Equality in Cahul and Ungheni districts", implemented by UN Women Moldova in partnership with UNICEF and funded by the European Union.

D. The body(ies) established or designated in application of Article 10.

According to Law No. 45/2007, the Ministry of Labour and Social Protection is the specialised central authority in charge of developing and promoting policies to prevent and combat domestic violence and provide social assistance to victims and perpetrators.

The specialised central state authorities (Ministry of Labour and Social Protection, Ministry of Education and Research, Ministry of Internal Affairs, Ministry of Justice), within the limits of their competence:

- a) ensure the development and promotion of policy to strengthen the family, prevent and combat domestic violence, and provide protection and assistance to victims and perpetrators;
- b) coordinate the work of decentralised/deconcentrated entities in this field;
- c) provide access to information to people on the mechanism, measures to prevent and combat domestic violence and contribute to the updating of the official website on domestic violence by providing general information on the activities carried out and projects implemented, as well as statistical data collected based on unique indicators for all authorities, which are included in the statistical work programmes approved by the Government;
- d) systematically collect gender-disaggregated statistical data in the field and provide support for research on domestic violence;
- e) strengthen the capacities of human resources in the field of preventing and combating domestic violence, ensure their continuous training and professional development;
- f) cooperate with non-governmental organisations, natural and legal persons involved in activities to prevent and combat violence.

At the level of local public authorities, the responsibilities include:

¹⁶ Government Decision No. 281/2018 of 03.04.2018 on the approval of the National Strategy for preventing and combating violence against women and domestic violence for 2018-2023 and the Action Plan for 2018-2020 on its implementation, // O.G. No. 121-125, art. 348, https://www.legis.md/cautare/getResults?doc_id=128809&lang=ro#.

- a) training of multidisciplinary teams in the field;
- b) setting up and ensuring, within the limits of allocated and/or available financial resources, the funding of centres/services for the assistance and protection of victims of domestic violence and their children and of centres/services for the assistance and counselling of domestic abusers;
- c) contributing to the social inclusion of victims of domestic violence by creating opportunities for them to re-train and/or enter the labour market, ensuring their access to social housing;
- d) including the prevention and combating of domestic violence in their local development programmes; planning the organisation of surveys and information campaigns to combat domestic violence, to support the social services and other measures to assist the victims of domestic violence; collaborating in the implementation of the domestic violence case recording system;
- e) developing social partnerships with NGOs, including foundations, trade unions, employers' associations, religious organisations and international authorities that contribute to preventing and combating domestic violence.

A specialised unit – the Division of Gender Equality Protection Policies – is established in the Ministry of Labour and Social Protection, with 5 members of staff. The Division's core tasks include: developing and promoting a single state policy to ensure equal opportunities for women and men, to prevent and combat violence against women and domestic violence and human trafficking, and to rehabilitate victims of crime.

The Division has the following basic duties in relation to the Istanbul Convention:

- development and improvement of the legal and regulatory framework in the field of ensuring equal opportunities for women and men, preventing and combating violence against women and domestic violence, human trafficking and rehabilitating victims of crime, including the harmonization of national legislation with international treaties to which Moldova is a party;
- identification of the need for analytical studies in the areas of the Division's work;
- examination of requests and petitions in accordance with the legislation, granting of audience to beneficiaries;
- endorsement of draft legislative and regulatory acts, reports, prepared by other authorities or organisations;
- drafting, substantiation and development of programmes and draft policies in the field of equal opportunities for women and men, prevention of violence against women and domestic violence, human trafficking;
- methodological coordination of the process of development of social services for victims and alleged victims of trafficking of human beings, victims of domestic violence;
- methodological coordination of the work of gender focal points within the Gender Coordinating Groups of specialised central authorities of public administration and other central administrative authorities, as well as of gender focal points within local public authorities;
- establishing partnerships in order to prevent violence against women and domestic violence and trafficking in human beings and to ensure equal opportunities for women and men;
- initiating and drafting bilateral agreements on repatriation and social protection of victims of human trafficking;
- coordination of the organisation of public information and awareness-raising campaigns to prevent and combat violence against women and domestic violence and trafficking in human beings, as well as to eliminate gender stereotypes and promote equal opportunities for women and men;
- monitoring the implementation of legislation, national policy documents in the field of gender equality, preventing and combating violence against women and domestic violence and trafficking in human beings;
- preparation of periodic government reports as required by international treaties in its field of activity;
- preparation of sectoral information and reports according to the approved policies and action plans;
- promoting recommendations received from UN and Council of Europe specialised committees and councils on the areas of activity and coordinating their implementation process;
- ensuring the implementation and strengthening of the National Referral Mechanism for Victims of Crime (NRMVC);

- providing secretariat support in accordance with the approved regulatory framework for the Interministerial Coordinating Council for the Prevention and Combating of Domestic Violence and the Governmental Commission for Gender Equality.

The Interministerial Coordinating Council for the Prevention and Combating of Domestic Violence was created in 2012 in accordance with the provisions of the Law No. 45-XVI of March 1st, 2007 on Preventing and Combating Domestic Violence with the aim of ensuring cooperation between ministries, other central administrative authorities and NGOs with competence in the field of preventing and combating domestic violence. In its work, the Coordinating Council performs the following duties:

- 1) coordination of the activities of the relevant state authorities, monitors compliance with the principle of ensuring the best interests of victims of domestic violence, taking into account the relevant international standards;
- 2) monitoring the process of harmonising the national legal framework with the provisions of the international legal framework in order to prevent and combat domestic violence;
- 3) examination of reports and recommendations of national and international experts in order to streamline the implementation of specific policies and programmes to prevent and combat domestic violence;
- 4) examination of sectoral reports on the degree of implementation of the legislation and activities carried out in the field of preventing and combating domestic violence;
- 5) informing the public about developments in preventing and combating domestic violence;
- 6) facilitating the process of exchanging experience and information at meetings on activities carried out by authorities/institutions/organisations with relevant competences;
- 7) submitting annual information on the work of the Coordinating Council to the Government.

It should be noted that the central public authorities, according to Law No. 5/2006 on ensuring equal opportunities between women and men¹⁷, have a gender coordination group, which aims to ensure a comprehensive approach to gender equality in policies and programmes in all areas and at all levels of decision-making and implementation. The members of the gender coordination group are the gender focal points of the subdivisions with competences for the development, promotion and monitoring of policies in the area of activity of the central public administration authority.

We also inform about the creation of a new entity for monitoring and analysing cases of domestic violence resulting in death or serious bodily harm of the victims by the joint order of the Ministry of Internal Affairs, Ministry of Labour and Social Protection, Ministry of Health, Ministry of Justice, Prosecutor General's Office, and Ministry of Education and Research No. 89/22/172/56/20/121 of 28.02.2022.

E. Data collection

Collecting and disseminating data on the prevalence and incidence of different forms of violence against women, as well as analysing its causes and consequences at societal and individual levels, is the starting point for developing effective policy mechanisms to eradicate this phenomenon. As far as the data collection and recording system is concerned, we note that the following authorities currently have official data on violence against women and domestic violence:

- Ministry of Justice (ML)
- Ministry of Internal Affairs (MIA)
- General Prosecutor's Office (PG)
- Ministry of Labour and Social Protection (MLSP)
- Ministry of Education and Research (MER)
- Ministry of Health (MH)
- Centre of Forensic Medicine (CFM)

According to Article 8 of Law No. 45/2007 on Preventing and Combating Domestic Violence, the Ministry of Justice, along with other entities, is one of the central public authorities mandated, within the limits of its

¹⁷ Available online at https://www.legis.md/cautare/getResults?doc_id=107179&lang=ro.

competence, with powers in this field. Among the duties set out in the article are policy development and promotion and systematic collection of statistical data.

Analysing the areas of competence of the Ministry of Justice and its subordinate institutions, the statistical data on violence against women and domestic violence cases in the justice sector, on both victims and perpetrators, are held or are to be generated/systematised by:

1. The Courts Administration Agency (CAA)
2. The National Probation Inspectorate (NPI)
3. National Administration of Penitentiaries (NAP)
4. The National Council for State Guaranteed Legal Aid (NCSGLA)

These authorities hold statistical data on cases examined by the courts as well as those at the enforcement stage.

At the same time, the statistical data in the justice sector also include data collected by the police, prosecutors' offices, as well as data related to state-guaranteed legal aid services for victims of domestic violence. In relation to these data segments, the data are to be collected by the General Police Inspectorate, the General Prosecutor's Office and the National Council for State Guaranteed Legal Aid.

In view of the pressing need for disaggregated judicial statistical data on victims, the electronic statistical data collection module generates data on victims of crime, disaggregated by:

- total number of victims;
- age (18-30 years; 31-50 years; 51-60 years; over 60 years);
- sex (men, women);
- education (higher education; specialised secondary education; secondary education; incomplete secondary education);
- state of being drunk or under the influence of drugs;
- area of residence (rural, urban);
- the total number of victims against whom crimes have previously been committed.

We also note that there is statistical data on juvenile victims broken down as follows:

- by the total number of underage victims;
- by age (0-3 years; 4-7 years; 8-10 years; 11-15 years; 16-18 years);
- by school enrolment (in school; out of school);
- by the type of family the child comes from (complete family; incomplete, separated from parents);
- by area of residence (rural, urban).

In the social and education sectors, the statistical data are similarly disaggregated according to the criteria mentioned above. In the medical sector:

- the Forensic Medicine field collects only general statistical data, i.e. the total number of cases of domestic violence examined in each local subdivision, without collecting, generating and disaggregating data by gender, age, area of residence.
- the general health system collects data disaggregated by sex, age, area of residence of child victims and potential victims of violence, neglect, exploitation, and trafficking.

All the statistical data in the field are posted by the institutions mentioned above on their official websites.

F. Research

The Organization for Security and Co-operation in Europe conducted the survey *"Wellbeing and Safety of Women"*¹⁸, to elucidate the prevalence of different forms of violence against women in non-conflict and conflict-affected situations in selected OSCE participating states: Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia, Moldova and Ukraine. The survey was also conducted in Kosovo. The quantitative study was based on a representative sample of women aged 18-74 living in Moldova. This survey, which is the first representative survey conducted in South-Eastern or Eastern Europe to provide comparable data across the region, covers the gender attitudes and experiences of women from minority

¹⁸ OSCE (2019), Women's Welfare and Safety Study, Chisinau, 101 p. https://www.osce.org/files/f/documents/e/f/425867_0.pdf.

groups. The objective of the survey was to provide solid data for the development of more comprehensive and evidence-based policies, strategies, programmes and activities to prevent and combat VAW.

In 2019, the study *“Bullying among Adolescents in the Republic of Moldova”*¹⁹ was conducted by the Centre for Investigations and Consultation SocioPolis, at the request of UNICEF Moldova. The study aimed at knowing the extent of the phenomenon among adolescents, including the peculiarities of its manifestation, which would allow the development of prevention and combat actions, taking into account the needs of adolescents, parents, teachers, and psychologists. The quantitative component of the study was based on two samples: a sample of 2,237 adolescents and a sample of 36 coordinators dealing with abuse, neglect, exploitation, trafficking in rural and urban education institutions.

Another study *“Monitoring of court cases on domestic violence, sexual violence and human trafficking”*²⁰ was conducted in 2018 by Women's Law Centre in collaboration with Global Rights for Women (GRW), with the support of the Criminal Justice and Law Enforcement Section of the U.S. Embassy in Moldova. The research aimed to analyse the state's response regarding the protection of victims of domestic violence and human trafficking and the accountability of perpetrators.

The study *‘How to prevent and reduce sexual harassment in the workplace and in educational settings’*²¹, conducted by the Center Partnership for Development in collaboration with the Women's Law Centre as part of the ‘Joint Equal Opportunities Initiative’ project, analysed the national legal framework on sexual harassment, the positive practices of European countries in preventing and combating sexual harassment and concluded with concrete recommendations for national public policies and regulatory frameworks.

In the period between 2018 and 2019, Promo-LEX Association produced two reports on hate speech and discrimination. The first report of 2018²² focused on a comprehensive analysis of hate speech in the Republic of Moldova, and in the first quarter of 2019, Promo-LEX published the second report – *‘Hate speech and incitement to discrimination’*²³. The purpose of this research was to analyse and assess the extent of the use of hate speech and incitement to discrimination in the Moldovan public space, as well as how the authorities respond to and sanction such speech. The final outcome of this research was the presentation of findings and conclusions systematized according to the type of issues identified and the institutional competence to address them.

In 2021, with the financial support of Sweden, the Women's Law Centre conducted the first National Analytical Study on Femicide. The aim of the study was to understand the peculiarities of femicide in the Republic of Moldova, covering the years 2016-2019, in order to improve the institutional response mechanisms to cases of gender-based and domestic violence.²⁴

We also note that during the reporting period several analyses, surveys and studies were carried out by civil society and development partners, which can be found in Annex 5²⁵.

G. Surveys

¹⁹ UNICEF Moldova (2019), Study by the Research and Consultancy Centre “SocioPolis”, Chisinau, p. 104, <https://www.unicef.org/moldova/media/3146/file/Bullying-ul%20%C3%AEn%20r%C3%A2ndul%20adolescen%C8%9Bilor%20din%20Republica%20Moldova.pdf>.

²⁰ WLC (2018), Monitoring of court cases on domestic violence, sexual violence and human trafficking, Perevoznic I., Chisinau, p. 144.

²¹ CPD (2018), How to prevent and reduce sexual harassment at work and school. Policy recommendations, Chisinau, p. 37

<https://progen.md/cum-prevenim-si-reducem-hartuirea-sexuala-la-locul-de-munca-si-studii-recomandari-de-politici/>

²² Promolex (2018), Hate speech and incitement to discrimination in the public space and media in the Republic of Moldova, Chisinau, 105 p., <https://promolex.md/13894-raport-discursul-de-ura-si-instigare-la-discriminare-in-spatiul-public-si-mass-media-din-republica-moldova/?lang=ro>.

²³ Promolex (2018), Hate speech and incitement to discrimination in public space and media in the Republic of Moldova, Chisinau, p. 48, https://promolex.md/wp-content/uploads/2019/12/A4_hate_ro_II_web.pdf.

²⁴ WLC (2021) National study of analysis of femicide cases, Turcan-Dontu A., Cheian Andrei D.,

[file:///C:/Users/Admin/Downloads/Studiul-national-de-analiza-a-cazurilor-de-femicid%20\(6\).pdf](file:///C:/Users/Admin/Downloads/Studiul-national-de-analiza-a-cazurilor-de-femicid%20(6).pdf).

²⁵ See the Annex 5.

In order to understand the situation of violence against women, the National Bureau of Statistics (NBS), in 2010, for the first time, conducted the survey “Domestic violence against women”²⁶, which involved a comprehensive approach by combining the results of quantitative and qualitative research. The main objective of this survey was to provide comprehensive information on violence against women in the Republic of Moldova, identifying the causes, assessing the prevalence of different forms of violence, the frequency and severity of acts of violence, as well as the impact and consequences of this scourge on the physical and mental health of women victims. In the context of this survey, the national territory was divided into 11 categories to ensure representativeness at national level as well as by areas of residence. The sample size was 1,575 households, of which 615 were located in urban areas and 960 in rural areas. The distribution by area of residence was carried out according to CATUM²⁷. The reference population of the survey was women aged 15-65 years.

The survey found that the overall lifetime prevalence of spousal/partner violence (psychological, physical or sexual) since the age of 15 is 63%. The lifetime prevalence of physical violence by the current or most recent spouse/partner was about 40% for women, with the highest share among rural women. Some 19% of women said they had experienced sexual violence at least once in their lifetime. Some 8.7% of women said that at least once in their lifetime they had suffered from economic violence. About 57.1% of women reported having suffered from psychological violence in their lifetime. The most vulnerable to lifetime physical violence are women aged 45-59. The key recommendations of the survey related to the regulatory, policy and service delivery framework, service delivery, cultural change and awareness raising, and were shared with all central public authorities with competence in the field.

In order to carry out a new survey at national level, NBS revised the data collection questionnaire for the statistical survey “Violence against women and domestic violence” based on the mapping of the indicators recommended by international organisations (including Eurostat, WHO, UNECE, UN Women, UNSD, UNFPA, EIGE) and the needs for monitoring and assessing the national policy framework.

III. Prevention (Chapter III of the Convention, Articles 12 - 17)

A. Campaigns and programmes

Every year, information campaigns are carried out in the Republic of Moldova in order to raise public awareness about violence against women and domestic violence. Thus, as part of the “16 days of activism against gender-based violence” Campaign (November 25th – December 10th), various events were held both at central and local level: round table discussions, TV shows, social theatre, video spots, lessons in educational institutions, as well as the distribution of information materials, etc. The launch of the campaign in 2020 was carried out online by placing a social spot on social networks, with the participation of high-ranking officials from the Parliament, the Prime Minister's office, representatives of UN Moldova, the Ambassador of Sweden in the Republic of Moldova and the coordinator of the National Coalition “Life without Domestic Violence” who came with messages of support for women survivors and condemnation of acts of violence, affirming its contribution in creating zero tolerance towards the phenomenon. The launch of the campaign in 2021 took place through an “Open dialogue with women survivors of violence” organised under the auspices of the Parliament. The dialogue brought together representatives from government, diplomatic missions, civil society, development partners and victims of violence, who delivered a common message to prevent and combat gender-based violence.

Every year on the last Wednesday of April, the campaign “Denim Day” is marked nationally to raise awareness of sexual offences. Public awareness was raised through social media and messages of support for the campaign from representatives of state authorities, development partners and civil society were visible. Promoting education and healthy dialogue with the rising generation to prevent sexual violence, using hashtags: #DenimDayMoldova2020, #DenimDay, #DenimDayMoldova2021.

²⁶ BNS (2011), Violence against women in the family in the Republic of Moldova”, Chisinau, https://statistica.gov.md/public/files/publicatii_electronice/Violenta/Raport_violenta_fam.pdf.

²⁷ Classifier of Administrative-Territorial Units of the Republic of Moldova

During the reporting period, *the first International Conference on Preventing and Combating Violence against Girls and Women and Domestic Violence*, organised by the National Coalition “Life without Violence in the Family” and financially supported by Sweden, was held. The conference topics were aligned to the four pillars of the Council of Europe Convention on preventing and combating violence against girls and women and domestic violence (Istanbul Convention): Prevention, Protection, Prosecution and Criminalisation, and Integrated Policies. The conference held on 19-21 October 2021 brought together more than 40 speakers, feminist organizations from the Republic of Moldova and the region, representatives of state authorities, and the President of the Republic of Moldova, Ms. Maia Sandu, gave a speech at the opening.

In accordance with the UN General Assembly Resolution No. 47/237 of September 20th, 1993, the Republic of Moldova is celebrating the International Family Day. These actions focus on implementing the recommendations of the Committee on the elimination of discrimination against women to organise awareness-raising campaigns for women and men on the equal responsibilities of women and men in the public and private spheres. Encouraging the media to promote positive images of women, non-violent interpersonal communication, etc.

Since 2020, UNFPA and UN Women have been carrying out the communication campaign “It is possible without stereotypes” as part of the regional programme “EU4Gender Equality, together against gender stereotypes and gender-based violence”, funded by the European Union. This campaign aims to combat gender barriers and structural gender norms, with a particular focus on changing stereotypical gender behaviour, strengthening men's involvement in parenting and household responsibilities, increasing men's access to parental and childcare leave and reducing the number of people affected by gender-based violence.

During 2021-2022, within the project "Youth for equality and non-discrimination" implemented by the Institutum Virtutes Civilis, an NGO in the context of the regional programme "EU4Gender Equality", implemented by UN Women and UNFPA, funded by the European Union, the performance "A gift for you" was performed with the involvement of trained young volunteers from Strășeni and Făleşti, which addressed gender stereotypes, patriarchal norms that perpetuate violence. The audience had the opportunity to participate in a series of discussions, after the show, on methods, tools that would help them contribute to the promotion of gender equality and the elimination of violence.

A major factor in preventing and combating domestic violence is the public awareness and information work on gender-based violence carried out by police employees at both national and local level. The list of information campaigns carried out by police employees is shown in Table 1.

Table 1. *List of information campaigns carried out by police employees*

POLICE INFORMATION CAMPAIGNS		
Name of the activity	2020 ²⁸	2021 ²⁹
Awareness-raising activities, including:	1,333	3,386
- activities under information campaigns	171	195
- flash mob	122	192
- workshops and round table discussions	77	233
- information activities with target groups	969	2,784

²⁸ NPSI of GPI (2020), Note on the state of crime against life and health and those committed in the sphere of family relationships during the 12th of 2020, https://politia.md/sites/default/files/ni_privind_infractiunile_ce_atenteaza_la_viata_persoanei_si_cele_de_violenta_in_familie_pentru_2020_pagina_web_a_igp.pdf.

²⁹ NPSI of the GPI (2021), Note on the state of crimes against life and health and those committed in the sphere of family relationships during the 12th of 2021, https://politia.md/sites/default/files/ni_privind_infractiunile_ce_atenteaza_la_viata_persoanei_si_cele_5.pdf.

Community actions, including:	4,264	7,206
- meetings with citizens	2,020	3,160
- meetings with students	452	507
- lessons in educational institutions	945	1,548
- meetings in work groups	735	1,603
- meetings of Community Safety Councils	122	388
Informed persons	629,777	126,301
Information materials shared	491,245	107,020

B. Teaching and training materials

Several educational materials were developed during the reporting period, including on preventing and combating domestic violence. Thus, we mention the Curriculum for pre-primary education "*Me, Family and Society*" (for children aged 3-7 years), which addresses topics related to the recognition of the responsibilities of the micro-group of which they are part; adopting the demonstration of tolerance and care for the elderly and people with special needs, demonstrating citizenship through decision-making and compliance with codes of conduct, etc.

From the 2018–2019 school year, a new curriculum area "*Counselling and personal development*" is introduced, which includes the compulsory subject "*Personal development*", proposed to be implemented 1 hour per week in primary, secondary and high school education. The given discipline aims to develop students' skills for self-discovery, self-acceptance, healthy and independent living, in their development as informed citizens, active and upright citizens who could relate openly and freely, demonstrating responsibility in making career decisions and lifelong personal development.

In the 2019-2020 school year, the contents for the subject "*Education for Society*" have been reconceptualised and gradually implemented in grades V-VI and X-XI. The school subject "*Education for Society*" is compulsory for secondary and high school students. It provides for the students' training in the spirit of the values of the rule of law, the development of skills necessary to respect the rights and responsibilities of citizenship through the study of integrated modules on: Education for democratic citizenship, Education for human rights, Education for integrity, Patriotic education, Intercultural education, etc.

During 2021-2022, the project of adaptation, testing and piloting of the optional course "*Harmonious Family Relationships*" for secondary school classes, implemented by the International Centre La Strada in partnership with UN Women Moldova, Ministry of Education and Research, with the financial support of Sweden, is taking place. During the reporting period, the course curriculum was adapted, the set of materials for teachers and students developed and the piloting process initiated in 12 educational institutions in the Republic of Moldova.

The psycho-pedagogical module, which is included in all in-service training programmes for teachers and school subjects offered by the continuous education centres, that deals with topics related to violence prevention and gender equality. Thus, 17 Continuous Education Centres are accredited to deliver training programmes for teachers in school and vocational subjects. There are currently 20 in-service training programmes for teachers intended for school subjects. At the same time, the continuous education centres have developed the following thematic modules for teachers: Organisational ethics, standards of conduct, integrity and morality, where human rights are addressed; Socio-psychological and individual factors of ethnic tolerance and intolerance.

In 2021 the course "HIV and Gender" was developed, consisting of 8 thematic modules, addressing topics related to: public health, HIV, gender, gender roles; gender equality; national legislation in the field of gender equality; human sexuality; differences between sexual orientation and gender identification; combating gender stereotypes and discrimination, specific interventions and services for prevention and support in the context of HIV. The course was developed by the Union for HIV Prevention and Risk Reduction with the

involvement of several experts in the field at the initiative of UN Women Moldova and UNAIDS Moldova, funded by UBRAF (UNAIDS Unified Budget, Results and Accountability Framework).

In the period 2020-2021, a series of activities and non-formal education in different regions of the country implemented by civil society organizations, with the support of development partners, were carried out to contribute to strengthening young people's knowledge about gender equality and the phenomenon of gender-based violence, domestic violence. As a result of the mentoring program "Youth for Gender Equality" implemented by the Information Center "GENDERDOC-M" and public association "Women for Women" for the promotion of positive social norms, principles of gender equality, harmonious relationships, preventing and combating hate speech, sexism, LGBTQI+ community rights, 9 community initiatives were implemented in different regions of the country by 25 young people (3 boys, 22 girls).

C. Initial training for professionals

Since the relevant framework law was adopted (2007 – present), with the support of development partners and civil society, both initial and continuous training of professionals with competences in the field of preventing and combating violence against women and domestic violence, ensuring equality between women and men, human rights, non-discrimination have been carried out. At the same time, we note that sectoral curricula have been developed or integrated into vocational training curricula within the sector on the prevention and combating of violence against women and domestic violence, for example: social assistance, public policy, justice. Thus, in order to ensure an effective intervention in cases of domestic violence through the professional training of police employees, the Women's Law Centre, in partnership with ILETC with the support of UN Women Moldova and Sweden, developed the Training Curriculum for Police Employees and the Course Support entitled *Police intervention in preventing and combating domestic violence* which aims to strengthen the theoretical knowledge and practical skills of police employees in the field of effective implementation of national legislation on preventing and combating domestic violence.

In order to strengthen the capacity of the Prosecutor's Office and the Judiciary of the Republic of Moldova to respond to cases of domestic violence, the National Institute of Justice in partnership with the Women's Law Centre (WLC) has developed the course material for the initial and continuous training of prosecutors and judges entitled *Implementation of legislation on preventing and combating domestic violence*³⁰.

For the initial and continuous training of social workers, in 2021 a distance training course was launched entitled - Dealing with domestic violence, developed by the National Centre for Training, Assistance, Counselling and Education in Moldova in partnership with the Ministry of Labour and Social Protection, the National Social Assistance Agency (NSAA) with the support of UN Women and the financial support of Sweden.

Relevant data on initial and continuous training of professionals with competences in the field of preventing and combating violence against women and domestic violence, ensuring equality between women and men, human rights, non-discrimination are given in Appendix 1 and Appendix 2.³¹

D. Continuous training of professionals

During 2020-2021, a series of trainings were carried out to strengthen the capacities of professionals in the field. In this regard, coroners, police officers, judges, prosecutors, probation advisors and lawyers providing state-guaranteed legal assistance were trained on the intervention and role of justice system institutions in responding to cases of domestic violence.

2022

³⁰ WLC (2018), Implementing the legislation on preventing and combating domestic violence: course support / aut.: Maria Ghervas, Mariana Gornea, Irina Maxim [et al.]; coord. ed.: Diana Scobioală, Alexandra Nica; National Institute of Justice (NIJ) – Chisinau, 2018, p. 144, available on [file:///C:/Users/Admin/Downloads/Suport-de-curs-Implementarea-Legislatiei%20\(3\).pdf](file:///C:/Users/Admin/Downloads/Suport-de-curs-Implementarea-Legislatiei%20(3).pdf).

³¹ See Appendix 1 and Appendix 2.

From 5 to 11 July, as part of the Project “Family Justice Centre in Moldova”, funded by the U.S. State Department in partnership with the Women's Law Centre, information sessions on filling *in the data collection Form in cases of domestic violence, resulting in death or serious bodily harm of victims* were organised for about 140 police employees from all 36 districts of the country. The activities were organised in the context of the establishment in May 2022 of the monitoring and analysis Committee of cases of domestic violence resulting in death or serious bodily harm to the victims, with the aim of informing duty bearers about the new procedure for monitoring these cases.

2021

In order to streamline the process of investigating and prosecuting acts of violence against women and domestic violence, **368** legal professionals were trained on the platform of the National Institute of Justice (NIJ), as follows: judges - 45, prosecutors - 58, judicial assistants - 115, court clerks - 59, prosecutors' consultants - 43, experts - 48. The trainings took place in:

- Training courses “The particularities of the examination of domestic violence/child abuse cases”;
- Seminars “Access to justice for women – particularities of the applicability of the provisions of the Istanbul Convention”;
- Training courses “Investigation and examination of domestic violence offences”.

In the area of investigation and examination of sexual offences, **723** persons were trained, of whom: 124 judges, 176 prosecutors, 158 judicial assistants, 110 court reporters, 51 prosecutors' consultants, 35 lawyers providing state-guaranteed legal assistance, 66 experts, 2 heads of secretariat, 1 trainer of the National Institute of Justice. The trainings took place in :

- Seminars “Protection measures for child victims of sexual abuse”;
- Webinar “Online sexual exploitation and abuse of children”;
- Seminar “Investigating and judging the offences of sexual life”;
- Seminar “Psychophysiological aspects of juveniles involved in sexual offences”;
- Spring Schools “Investigating child sexual exploitation and abuse online”;
- Seminar “The peculiarities of investigating and prosecuting sexual offences”;
- Training courses “Methods and tactics for investigating and examining cases of sexual offences committed using information technologies. Aspects of online abuse of juveniles”;
- Seminar “Investigating sexual offences committed by and against juveniles”;
- Seminar “Psychophysiological aspects of juveniles involved in sexual offences”;
- Seminar “Investigating and judging the offences of sexual life”;
- Training courses “Methods and tactics for investigating and examining cases of sexual offences committed using information technologies. Aspects of online abuse of juveniles”;
- Seminar “Investigating sexual offences committed by and against juveniles”;
- Seminar “The peculiarities of investigating and prosecuting sexual offences”.

In 2021, the Women's Law Centre in collaboration with the Integrated Law Enforcement Training Centre (ILETC) developed a training course for non-commissioned officers, entitled – “The best practices in police response to domestic violence cases”. The course trained 76 non-commissioned officers (21 women and 55 men) from 16 regions of the country.

Moreover, through the UN Women Moldova Programme with funding from Sweden - 344 police officers (132 women and 212 men), representing 76 front-line police officers, 268 criminal investigation officers, 129 public security division, and 21 paralegals (17 women and 4 men), 14 female service providers in the field of violence from different regions of the country, strengthened their knowledge and skills in responding to cases of violence against women, domestic violence as a result of a comprehensive training in the framework of the project "Strengthening the capacities of justice sector representatives in the application of legislation in the field of violence" implemented by the Women's Law Centre in collaboration with CIPAL, Ministry of Internal Affairs, National Association of Para-Judges of Moldova. A Training of Trainers course was also carried out within the framework of this initiative, and the Practical Guide for Paralegals, a tool aimed at increasing access to justice for victims of domestic violence, was developed.

In order to ensure a coordinated criminal justice system response to better address cases of domestic violence, under the project 'Strengthening efficiency and access to justice in Moldova' implemented by UNDP Moldova, with the financial support of Sweden, the Women's Law Centre (WLC) conducted a series of trainings attended by judges, prosecutors, sector officers, prosecution officers, coroners, probation officers, lawyers providing state-guaranteed legal aid.

In order to familiarize the specialists in the field with U.S. and EU standards/experiences in the creation and delivery of integrated services to victims of DV and SV, and the policy/legislation on preventing and combating violence against women and domestic violence, in the period of 2021-2022, representatives of governmental institutions and civil society organizations, participated in a series of study visits, international conferences.

Moreover, since 2018 national experts and professionals have been participating in the Advanced International Training Program "Prevent and respond to GBV - strengthening agents of change" which is offered by the Swedish International Development Agency (Sida) and implemented by the Swedish Police Authority in collaboration with the Swedish civil society organization the Kvinna till Kvinna Foundation.

2020

According to the 2020 Modular Plan for the continuous training of judges and prosecutors, the National Institute of Justice held continuous training seminars on the following topic "Judicial practice in dealing with domestic violence cases". Furthermore, according to the Modular Training Plan for court staff, probation counsellors, lawyers providing state-guaranteed legal aid and prosecutors' consultants in 2020 training seminars were held on the topics:

- "Ways of working with domestic abusers and techniques to prevent violence against women and children";
- "Judicial practice in examining domestic violence cases".

During the reporting period, in order to streamline the process of investigating and prosecuting violence against women and domestic violence, 208 legal professionals were trained in 7 training activities as follows: judges - 27; prosecutors - 42, judicial assistants - 36; court clerks - 40; prosecutors' consultants - 23; probation counsellors - 39; registry specialist - 1.

Moreover, capacity building activities were organised for law enforcement professionals on the following topics:

- "Judicial practice in examining domestic violence cases" – number of persons trained – 158, as follows: 25 judges, 33 prosecutors, 36 judicial assistants, 40 court reporters, 23 prosecutors' consultants, 1 registry specialist.
- "Non-discrimination and equality" – number of people trained – 11, of whom: 2 judges, 9 prosecutors.
- "Ways of working with domestic abusers and techniques to prevent violence against women and children" – number of persons trained – 39 probation counsellors.

As a result of the partnership with civil society and development partners, capacity building activities were organised for specialists in the field:

- the training of trainers course for police employees, in the framework of the project "Strengthening the capacity of justice sector representatives in the effective implementation of domestic violence legislation", implemented by the Women's Law Centre in partnership with ILETC and supported by UN Women Moldova and Sweden;
- the capacity building activities for patrol officers and sector officers. Their trainings were carried out by the Women's Law Centre, based on the partnership agreement with the General Police Inspectorate and in cooperation with the National Public Security Inspectorate of the GIP of the MIA and the financial support of Sweden, the OAK Foundation, the Embassy of France in Moldova, the Criminal Justice and Law Enforcement Section of the United States Embassy in Moldova.

Employees of three penitentiaries in the country (Penitentiary no. 17 - Rezina, Penitentiary no. 7 Rusca and Penitentiary no. 5 - Cahul), also benefited from the training activities. The training course was conducted by the Women's Law Centre, Institute for Family and Social Initiatives in partnership with the National Administration of Penitentiaries of the Republic of Moldova, within the project "Increasing access to justice, legal assistance and psychological support for women in detention", supported by Sweden. The online training course entitled – "Women in detention: rights and special needs" included the subjects related to the factors that determine the vulnerability of prison staff and how to deal with situations of vulnerability when interacting with women in detention, and international standards and norms, in particular the Bangkok Rules, adopted in 2010 by the United Nations General Assembly Resolution.

The Association of Librarians of Moldova in partnership with the Women's Law Center and with the support of Sweden organized in 2020 a series of information workshops for members of the association on the theme of preventing and combating domestic violence. These trainings aimed to train the librarian as a community actor in guiding women victims of domestic violence to competent services and authorities.

E. Support programmes for perpetrators of domestic violence

In order to reduce aggressive behaviour, the Police carried out tertiary prevention activities with 3942 domestic abusers in 2020 and with 4,938 perpetrators in 2021. Thus, during 2020, 2,411 perpetrators were taken to the nominal register by police employees and 2,593 persons were struck off the register. Thus, during 2021, 3,724 perpetrators were taken to the nominal register by police employees and 2,695 persons removed from the records. Of the total number of domestic abusers in the police records in 2021, there were 4,715 male and 280 female abusers, and in 2020 the police registered 3,748 male and 209 female domestic abusers³².

The National Probation Inspectorate (NPI) runs probationary violence prevention programmes with domestic abusers sentenced by court order and required to pass a programme to reduce violent behaviour. In order to reduce violent behaviour, the perpetrators undergoing probation are counselled by probation offices in conjunction with NGOs or may be referred to 4 specialised institutions at national level: Centre for Assistance and Counselling to Domestic Abusers from Drochia; Stimul NGO from Ocnita district; 'Schimbare spre o viață mai bună' NGO of Causeni; CNFACEM NGO of Chisinau (1 financed from the state budget and 3 from donor sources). Thus, at national level NPI implements the following probation programs:

Probation programme to reduce aggression - the specificity of these interventions derives from the fact that they are structured according to the objectives of change: gaining anger self-control or developing non-violent anger management skills. During 2020-2021 there were 86 underage children involved in the described program;

The Program of Support and Counselling of perpetrators of domestic violence was adapted to the context of the Republic of Moldova based on the DULUTH Model – "Creating a Process of Change for Men who Batter". The aim of the programme is to enable people who abuse other family members to benefit from services that help them to adopt and maintain a model of communication in the context of family relationships with non-violent behavioural impact. During 2020-2021, 57 people were involved in the programme described.

Law No. 85/2020 on Amendments to Some Regulatory Acts, (in force from 03.01.2021) amended the framework law on preventing and combating domestic violence and according to these amendments, probation authorities have been given the power to electronically monitor domestic abusers during the

³² NPSI of the GPI (2020), Note on the state of crime against life and health and those committed in the sphere of family relationships during the 12th of 2020,

https://politia.md/sites/default/files/ni_privind_infractiunile_ce_atenteaza_la_viata_persoanei_si_cele_de_violenta_in_familie_pentru_2020_pagina_web_a_igp.pdf.

NPSI of the GPI (2021), Note on the state of crime against life and health of the person and those committed in the sphere of family relations during the 12th year of 2021,

https://politia.md/sites/default/files/ni_privind_infractiunile_ce_atenteaza_la_viata_persoanei_si_cele_5.pdf.

period when the court is applying victim protection measures. The amendments also allow victims and their family members to be monitored electronically by an electronic surveillance system (such as a small GSM phone) only if they give their written consent. During 2021, 502 domestic abusers (65% of the total number of protection orders) were monitored electronically on the basis of the protection order issued by the court, of which 479 men and 23 women. The NPI work with domestic abusers is funded from the state budget or by external donors.³³ Approximately 900,000 MDL is spent annually on electronic monitoring equipment. Please note that the NPI does not have a separate budget for probation programs.

Since 2020, UNFPA Moldova, in the framework of the regional programme "EU4Gender Equality. Together against gender stereotypes and gender-based violence", implemented by UNFPA and UN Women, funded by the EU, has conducted a series of trainings attended by 78 members of multidisciplinary teams from Strășeni and Făleşti with the goal of informing on programs for working with abusers and effective practices on this segment. Thus, representatives of the health sector, social workers, police officers and representatives of the probation service from Strășeni and Făleşti were trained on the coordinated and holistic response to cases of domestic violence, on ways of working with domestic abusers and on techniques to prevent violence against women and children. They also covered judicial practice in dealing with domestic violence cases.

For people serving prison sentences, the National Administration of Penitentiaries has been running the Psychosocial Intervention Programme for prisoners who have committed crimes of domestic violence, piloted since February 2020. During 2021, it was implemented in 8 penitentiary institutions in the country, registering a total of 60 participants. The programme is available for all penitentiaries in the country (except Penitentiary no.7 Rusca for women and Penitentiary no. 10 Goian for underage prisoners). The programme is planned for prisoners, with compulsory participation, taking into account the needs and risks identified by prison specialists.

For women in detention, several information activities were organised during 2021. Information activities that focused on informing women in detention about their rights and available remedies. Information activities for women in detention were organized in Prison no.7-Rusca by NAP employees in collaboration with the Women's Law Centre. During the period January-December 2021 – 109 women in detention received qualified primary legal assistance, 88 legal counselling sessions and 23 women accessed individual psychological counselling services.

F. Support programmes for sex offenders

In order to prevent recidivism among persons who have committed crimes against sexual inviolability, the National Administration of Penitentiaries (NAP) carries out the following programs in prisons in the Republic of Moldova:

Sexual Assault Behaviour Change Programme (approved by NAP Order No. 43 of 6 February 2017) - available for all penitentiaries in the country (with the exception of Penitentiary no.7 Rusca for women and Penitentiary no.10-Goian for underage children). During 2021, 106 inmates participated for whom it was planned to go through this program according to the established needs and risks.

Behavioural change programme for underage and youth sex offenders, which according to NAP Order no.39 of 25 January 2022 is currently being piloted. The duration of the programme is 6 months and it is currently running in prison no.10-Goian, where 7 participants are included.

G. Private sector, the information and communication technology sector and the media

During the reporting period the "Better Future" Project was initiated (A better future among educational institutions, NGOs and youth centres), with the aim of helping to promote healthy relationships and attitudes and, in so doing, support the prevention of violence against women and girls and accelerate change

³³ NPI (2021), Report on electronic monitoring of domestic abusers during 2021, <http://probatiune.gov.md/files/getfile/4866>.

in society where gender equality is respected. The project has developed a virtual reality tool that refers to computer-generated artificial environments that provide a simulation of reality, so that the user can get the impression of almost real physical presence in both real and imaginary places. The “Virtual Reality” tool will support improved knowledge about the differences between sexual harassment and flirting, about the consequences of harassment and will lead to healthier attitudes of boys and men towards girls and women and better peer relationships. In addition, the project promoted the importance of understanding when to respond as witnesses to violence against women and girls.

The www.siguroonline.md portal currently operates, which was developed as a tool to prevent child abuse in cyberspace. The portal is informative and interactive and contains useful tips on how to protect children from abusive content and/or actions in the online environment. It also aims to develop responsible attitudes in children and offers the opportunity to report a possible abuse. The portal contains practical advice on using the Internet safely. Thus, parents and teachers could learn more about the Internet, in order to better understand their child's interests and be there for them in any situation. Answers to some questions can be found in the FAQ and Q&A sections, where children, parents and teachers are encouraged to ask questions, participate and express their views on Internet concerns.

During the reporting years 2020-2021 the documentary-show “LIBERĂ” was performed in some regions of the country and (as part of the EVA project – Promoting gender equality in Cahul and Ungheni districts, funded by the European Union and implemented by UN Women in partnership with UNICEF), which has an educational character, inviting the audience to reflect on the responsibility of parents in the educational process and on the personal responsibility that we assume in any relationship, be it friendly, family or love.

In 2021, several representatives of the private sector supported the campaign "16 Days of Activism against Gender-Based Violence", such as Premier Energy Moldova, which in partnership with UN Women, disseminated messages encouraging people who face violence or know others who are subjected to gender-based violence to report cases or ask for help. The messages were published on electricity bills and reached the homes of more than 920,000 people in the centre and south of the country.

H. Self-regulatory standards for the media

In 2018, the Broadcasting Council developed and approved *the Methodology for monitoring broadcasters*. This methodology, which was developed with the contribution of the Joint Project of the European Union and the Council of Europe in Moldova, includes monitoring elements such as: sexism in advertising, gender equality, hate speech, etc. In addition, Journalist's code of ethics in the Republic of Moldova was developed, which also includes commitments to avoid discrimination based on gender, age, disability, religion, social status and sexual orientation.

In 2021, the Broadcasting Council (BC), in partnership with the Council of Europe Office in Chisinau, organised two online seminars for editors and journalists from radio and TV stations under the jurisdiction of the Republic of Moldova: “*Local broadcasting - between ethics and reality*”, which addressed the topic: Promotion of good practices for supporting the principle of equality and non-discrimination. Therefore, recommendations were given to media representatives on how to make information about an event available to the public, and that is to avoid expressions that could lead, directly or indirectly, to the perpetuation of stereotypes, stigmatising or marginalising individuals or groups of people, exclude from articles phrases referring in a negative context to ethnic origin and language spoken.

I. Protocols or guidelines on how to deal with sexual harassment in the workplace

On 26 May 2022, the Parliament approved in the first reading the draft amendment of some regulatory acts to combat harassment at work. The document aims to bring national legislation into line with international standards, in particular the Istanbul Convention. Inter alia, the draft law stipulates addenda to the Contravention Code on holding employer's accountable for failing to take measures to prevent, investigate and respond to sexual harassment in the workplace. In addition, employers who obstruct the process of reporting cases of sexual harassment in the workplace could also be fined.

In order to eliminate discrimination, sexual harassment and gender-based violence, during the reporting period, several public authorities initiated the development/approval of the necessary documents:

- a) Ministry of Defence drafted the amendments to the Regulation of Military Discipline; and Internal Service Regulations of the Armed Forces of the Republic of Moldova; approval of the Regulation on the procedure for the prevention, identification, registration, reporting and examination of cases of discrimination, sexual harassment and gender-based violence". In addition, a series of trainings on combating sexual harassment were provided, including to Ministry of Defence staff;
- b) Ministry of Internal Affairs approved of the "Regulation on how to prevent, combat and report cases of gender discrimination, harassment and sexual harassment";
- c) Ministry of Labour and Social Protection is expected in the second half of 2022 to approve "Regulation on the procedure for the prevention, reporting and examination of cases of sexual harassment";
- d) Carabinieri General Inspectorate approved the Regulation on the procedure for the prevention, identification, recording, reporting and examination of cases of discrimination, sexual harassment and gender-based violence" (CGI Order No. 305/2020);
- e) Information and Security Service drafted the Regulation on combating discrimination, sexual harassment and gender-based violence in the ISS.
- f) The Customs Service developed the Internal procedures on preventing and combating discrimination, sexual harassment and gender-based violence' project;
- g) National Administration of Penitentiaries - the procedures are provided in the Code of Ethics for civil servants with special status in the prison system, (MoJ Order No. 19 of 21.01.2019);
- h) State Protection and Security Service - Gender equality awareness plan for staff;
- i) National Anticorruption Centre – Regulation on the promotion of NAC employees to public office with special status, including provisions on preventing and combating gender discrimination, privacy (Order no.52 of 10.04.2019).

On 26-27 November 2021 the International Scientific Conference "Preventing harassment: reality and legislative solutions" was held. The event was organized by the Faculty of Law of the State University of Moldova, in collaboration with UN Women Moldova and the Faculty of Law and Administrative Sciences of Ovidius University of Constanta (Romania) and with the financial support of Sweden. The aim of the conference was to provide a platform for scientific and practical discussions on legal protection against all forms of harassment (sexual harassment, acts of persecution (stalking), workplace harassment (mobbing), internet harassment, bullying, etc.), to identify best practices to combat this phenomenon and to find the best solutions to improve the legal framework.

J. Any other measures taken or planned to prevent violence against women

The Women's and Girls' Helpline is an important tool in carrying out activities to prevent gender-based and domestic violence. The nominated service increases the level of awareness of the population about domestic violence and provides psycho-emotional counselling in the context of ensuring the protection of victims of domestic violence and violence against women.

In order to combat gender stereotypes, discrimination and promote positive social norms that prevent gender-based violence, eight pilot clubs to support men in the equal sharing of household and family responsibilities were created in 2 districts of the country (through the Regional Programme "Together against gender stereotypes and gender-based violence", funded by the European Union and implemented by UN Women and UNFPA). The Fathers' Club is a space dedicated to current and future fathers, where they receive the necessary support to get actively involved in the upbringing and education of their children, but also in activities traditionally considered only for women.

As a result of the collaboration between the state authorities with the Council of Europe Office in Chisinau and civil society, advocacy and communication actions were carried out, involving women survivors of violence, targeting more than 1,000 people (parliamentarians, government officials, service providers, etc.)

as well as the organisation of round table discussions and public events and corporate social responsibility initiatives from the private sector.

IV. Protection and support (Chapter IV of the Convention, Articles 18-28)

A. Legal measures available for women victims of all forms of violence

In compliance with Article 11 of the Law No. 45/2007 on Preventing and Combating Domestic Violence, the competent authorities in charge of preventing and combating domestic violence are obliged to respond promptly to any notification and to inform the victims about their rights, about the authorities and institutions in charge of preventing and combating domestic violence; about the types of services and organisations they can ask for help; about the support available for them; where and how they can file a complaint; about the procedure following after filing the complaint and their role after such a procedure; how to obtain protection; to what extent they have access to counselling or legal aid; whether there is a danger to their life or health if a detained or convicted person is released; if the protection order was cancelled.

At the same time, the legislator provided for in Article 8 of the Law No. 45/2007, the obligation of competent authorities and institutions in charge of preventing and combating domestic violence to ensure people's access to information about the mechanism and the measures aimed at preventing and combating the acts of domestic violence. Thus, the Ministry of Health and Social Protection – the central specialised authority in charge of developing and promoting policies aimed at preventing and combating domestic violence, as well as in charge of ensuring social support for victims of perpetrators, created with the support of the UN Women and is maintaining the official³⁴ website on preventing and combating domestic violence in order to provide people's access to information about the mechanism for resolving cases of domestic violence, the infrastructure of social services for victims of domestic violence and perpetrators and about the surveys and researches in the field;

In compliance with Articles 6 and 7 of the Law No. 137/2016 on the Rehabilitation of Victims of Crimes,³⁵ the forensic officer that the victim contacts to file the criminal complaint, the criminal prosecution officer and the case prosecutor shall inform the crime victim, in writing or in another accessible form, as requested by the special conditions of the victim, about:

- a) support services a victim can benefit from, the entities that provide these services and the general conditions for their provision;
- b) the criminal prosecution authority where they can file the criminal complaint concerning the crime committed against him/her;
- c) the procedural rights they are entitled to as party of the criminal proceeding, according to the Code of Criminal Procedure and Enforcement Code;
- d) available protection measures, according to the Code of Criminal Procedure and the Law No. 105/2008 on the Protection of Witnesses and Other Participants in the Criminal Proceedings, as well as the information about the conditions and procedure for the application of these measures;
- e) other information requested by the victim of the crime, if he/she does not have it.

The fact of informing the victim of the crime shall be recorded in a minutes, which shall be annexed to the materials of the criminal case.

Besides the legal method used to inform the victims of crimes, they can get the information about the support services they can benefit from on the phone or on the official websites of the institutions in charge of providing support services (*Ministry of Labour and Social Protection, Ministry of Justice, Ministry of*

³⁴ Antiviolența.gov.md

³⁵ Available online: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro#.

Internal Affairs, Ministry of Finance, General Prosecutor's Office, National Council for State Guaranteed Legal Aid, local social assistance subdivisions, specialised service providers), provided for in Article 6(1) of the Law 137/2016³⁶ on the Rehabilitation of the Victims of Crimes.

Those who ensure the direct communication of the information to the victim of the crime have the obligation to notify the police if following the discussions with the victim they deduce that the victim is in danger.

B. General assistance services

The support services aim at providing counselling and support during the communication of victims with public authorities and support for physical, psychological and social recovery. Article 11 of Law No. 45/2007 guarantees the defence of the victim's legitimate rights and interests. The victim hence has the rights to support for physical, psychological and social recovery through special medical, psychological, legal and social support. The provision of support and protection services is not conditioned on the victim's desire to make statements and engage in the prosecution of the perpetrator. The victim's right to private life and confidentiality of information is guaranteed. The victim is entitled to primary and qualified free legal aid under the legislation on state guaranteed legal aid (Law No. 198/2007). The victim is provided with healthcare from healthcare facilities in accordance with the Law No. 1585/1998 on Compulsory Health Insurance.

The physical examination of the victim and the preparation of the report of forensic findings on the seriousness of the injury to body or health are performed free of charge in cases provided by law. The private life and the identity of the victim are protected. The registration, storage and use of personal data about the victim is conducted in compliance with the Law 133/2011 on personal data protection.

In a consistent manner, the Article 10 of the Law 45/2007 regulates the typology of centres/services for the support and protection of domestic violence victims and their children by providing: the free emergency hotline service; shelters (placement); counselling day-time centres/services. The centres/services for the support and protection of domestic violence victims and their children provide specialised support services such as: shelters (placement), legal, psychological, social, emergency health care and other types of support. The specialized services for perpetrators of domestic violence are the canthers/services for the assistance and counselling, on its platform are provided specialized services on: information, individual and group counselling, legal counselling, support in access the medical, social, employment services.

The website www.antiviolenza.gov.md is used for preventing and combating the violence against women and domestic violence, for ensuring a better access to information about the mechanism of solving the cases of domestic violence, infrastructure of social services for victims of violence, victims of domestic violence and for perpetrators, as well as useful resources in the field.

Specialised services (financed from the state budget) were developed in 9 placement centres and implemented in order to ensure the support and protection of domestic violence victims. At the same time, note that about 10 civil society organisations throughout the country also provide assistance services, information, legal and placement counselling.

To ensure the operation of the above-mentioned centres, the Government approve the following regulatory documents:

- Decision No. 129 of 22.02.2010 approving the Framework-Regulation on the Organisation and Modus Operandi of Rehabilitation Centres for Victims of Domestic Violence.
- Decision No. 1200 of 23.12.2010 approving the minimum quality standards for the social services provided to victims of domestic violence.

³⁶Available online: https://www.legis.md/cautare/getResults?doc_id=110484&lang=ro.

In 2021, the creation of a specialized service for victims of sexual violence was initiated by the Ungheni district authorities, a project whose concept was co-created by a group of local and international experts in the district hospital within the EVA project "Promoting gender equality in Cahul and Ungheni districts", implemented by UN Women Moldova in partnership with UNICEF and funded by the European Union.

At the same time, we mention that once the Law No. 45/2007 was adopted, the sectoral guidelines for specialists on their response in cases of domestic violence in 3 areas: medical, social and public order, were approved by order of ministers. Also, we mention the approval by Order of the Ministry of Health of the Republic of Moldova No. 908 of 30.09.2021 of standardised clinical protocol "Clinical Management of Cases of Rape". Note that in the healthcare sector, the Instruction on the response of the Centre of Forensic Medicine in cases of domestic violence including as a form of violence against women was approved.

In 2019, the assessment report "Statistical indicators regarding health and sexual reproduction and gender-based violence in the health system of the Republic of Moldova" was drafted with the support of UNFPA. The aim of the report was to identify and analyse the statistical indicators from the healthcare system in the areas of sexual and reproductive health and gender based violence at national and international level, and to recommend statistical indicators on sexual and reproductive health and gender based violence in the healthcare system from the Republic of Moldova. Gender Based Violence (GBV) Data Collection Forms for the Health System were developed following this exercise. Note that at present, these forms are not being applied because the healthcare system was overloaded during the COVID-19 pandemic.

For 2020-2021, in accordance with the statistical report in the social area on domestic violence, the following number of persons benefited from services:

Table 2. *Number of persons who benefited from services*

2020 ³⁷	2021 ³⁸
Total – 1,708 persons	Total – 2,015 persons
Placement – 4.9%	Placement – 5.4%
Psychological services – 14.5%	Psychological services – 11.5%
Legal services – 1.6%	Legal services – 1.3%
Financial support – 6.0%	Financial support – 6.8%
Support services for families with children – 10.1%	Support services for families with children – 6.8%
Cash benefits – 29.0%	Cash benefits – 25.3%
Professional orientation – 0.9%	Professional orientation – 0.8%
Employment guidance – 1.0%	Employment guidance – 2.6%
Other services (personal assistant, etc.) – 33.9%	Other services (personal assistant, etc.) – 46.3%

In 2021, a total of 6,714 notifications were submitted to the local social assistance unit on the implementation of Instruction on Inter-sector Cooperation Mechanism for identification, evaluation, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking³⁹, with 5,325 notifications being filed using the above-mentioned mechanism.

With regard to the statistical data in the healthcare system, they are mainly collected by the Centre of Forensic Medicine (CFM). The authorized information system for case management was not yet created in

³⁷ MLSP (2020), Social Statistical Report on "FAMILY VIOLENCE" for 2020, available at <http://antiviolența.weblucas.info/wp-content/uploads/2021/10/aa.pdf>

³⁸ MLSP (2021), Social Statistical Report on "VIOLENCE IN THE FAMILY" for the year 2021, available at <http://antiviolența.weblucas.info/wp-content/uploads/2022/04/raport-statistic-vf-2021.pdf>

³⁹ Government Decision No. 270/2014 of 08-04-2014 on the approval of the Instructions on the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation, and trafficking // O.G. No. 92-98 art. 297, https://www.legis.md/cautare/getResults?doc_id=18619&lang=ro

the area of forensic medicine; for this reason, the collection, the generation and the disaggregation of data criteria (sex, age, territorial profile) is not yet possible. At present, CFM collects only general statistics in form of total number of cases of domestic violence examined in each local subdivision, that is, 3904 for 2021 and 4053 for 2020.

According to Article 36 of the Law No. 105/2018 on the Promotion of Employment and Unemployment Insurance, the employer who employs for an undetermined period unemployed people, including from the category of victims of domestic violence (redirected by the local employment subdivision), receives monthly subsidies in the amount of 30% from the average monthly salary per economy for the previous year, during 6 months, for each employee. The subsidy is granted in order to compensate partially the salary of the employee.

To ensure the access of crime victims, including victims of human trafficking and victims of domestic violence to assistance and protection, at the July 2022 the Government approve the National Referral Mechanism for assistance to and protection of crime victims⁴⁰, which was established on bases of previous National Referral System in the area of assistance of victims of THB. The new established mechanism is a special cooperation framework, through which the state institutions fulfil their duties related to the protection and promotion of victims' human rights by coordinating their efforts under a strategic partnership with non-government and international organisations that work in this area.

Following the amendment to the Law No. 113 of 09.07.20, in force as of 07.09.2020, good premises were created to ensure the early access of supposed victims of crime to state guaranteed legal aid necessary in order to file a complaint for initiating the criminal prosecution. Thus, Article 28 of the Law 198/2007 on State-guaranteed Legal Aid⁴¹ was supplemented by introducing para. (1¹), which provides the possibility to receive emergency legal aid in accordance with Article 19 para. (1) let. (b¹), at the request of the person or authority that reported the domestic violence or sexual offence. Having considered the *above* mentioned amendments, emergency legal aid is provided 24/24, regardless the income level of victims of domestic violence and sexual offences starting with the date when the complaint was filed. Thus, out of the total number of 1.320 cases of state-guaranteed legal aid provided to victims in 2021, 1,113 of them were cases of legal aid provided to the victims of domestic violence, including children⁴², compared to 1,043 cases in 2020 out of whom 996 of cases of legal aid provided to victims of domestic violence.⁴³

C. Individual or collective complaints mechanisms

The information for the guidance and counselling of victims, as well as the standard form for filing the complaints are posted on the websites of relevant public authorities and institutions (for example: the Council for Preventing and Eliminating Discrimination and Ensuring Equality in the Republic of Moldova, the Ombudsperson, the National Legal Aid Council and the NGOs). At the same time, the information projects and campaigns conducted helped to inform the vulnerable groups, including the victims of domestic violence about the access to justice and available remedies.

D. Specialised women's support services

The regulatory framework that regulates the reference area is the Law No. 137/2016 on the Rehabilitation of Victims of Crimes. At the same time, the victims of human trafficking and of domestic violence benefit from

⁴⁰ Government Decision No. 182/2022 on the approval of the Program for developing of the National Referral Mechanism for protection and assistance of crime victims//O.G. No. 129-133, art.327; Government Decision No. 1258/2008 of 11.11.2008 on the approval of the draft decision of the Parliament on the approval of the Strategy of the National Referral System for the protection and assistance of victims and potential victims of trafficking in human beings, // O.G. No. 206-207 art. 1270, https://www.legis.md/cautare/getResults?doc_id=67550&lang=ro.

⁴¹ Official Gazette No. 157-160 art. 614, published on 05.10.2007. Version amended by LP113 of 09.07.20, MO199-204/07.08.20 art.400; in force 07.09.20.

⁴² NCSGLA (2021), Annual Activity Report 2021, https://cnaigs.md/uploads/asset/file/ro/1671/Raportul_anual_de_activitate_pentru_anul_2021.pdf.

⁴³ NCSGLA (2020), Annual Activity Report 2020, https://cnaigs.md/uploads/asset/file/ro/1545/Raportul_de_activitate_al_CNAIGS_2020.pdf.

assistance measures in line with the Law No. 241-XVI of 20 October 2005 on Preventing and Combating Human Trafficking or, if needed, with the Law No. 45/2007 on Preventing and Combating Domestic Violence. Support services achieve their goal through special psychological, legal and social counselling actions. To achieve the goal, the victims of crimes benefit from the following support services:

- a) information counselling of victims of crimes about their rights and services they can receive;
- b) psychological counselling;
- c) state guaranteed legal aid;
- d) financial compensation from the state for the damage caused by the crime.

To ensure the support and protection of victims of domestic violence and of human trafficking, the following specialised services were developed (funded from the state budget):

- Centre for assistance and protection of victims and potential victims of human trafficking in Chisinau (24 places)
- Family Crisis Centre "Sotis" (Bălți) (19 places)
- Maternal Centre "Pro Familia" (Căușeni) (33 places)
- Maternal Centre "ProFemina" (Hîncești) (22 places)
- Maternal Centre (Cahul) (24 places)
- Maternal Centre (Anenii Noi) (18 places)
- Centre for Assistance and Counselling for Victims of Domestic Violence "Ariadna" (Drochia) (24 places)
- Regional Centre for the Rehabilitation of Victims of Domestic Violence (Chirsova) (18 places)
- Regional Day Centre for Integrated Assistance of Child Victims/Witnesses of Crimes from Bălți municipality

Specialised centres that provide placement to victims of crimes serve a diverse group of victims such as couples mother-child; migrant women; women with disabilities; Roma women; women victims of sexual violence. Note that placement services, including all the counselling services are free for the victims.

At the same time, note assistance services, information, psychological and legal counselling are also provided by civil society organisations such as:

- The International Centre for Women's Rights Protection and Promotion La Strada
- Women's Law Centre (WLC)
- National Center for Child Abuse Prevention (NCAPC)
- Promo-LEX Association
- Association against Violence 'Casa Marioarei' (18 places)
- Rehabilitation Center for Victims of Torture "Memory"
- Contemporary Women's Dignity and Rights Center (Bălți)
- Stimul public association (Ocnița)
- Vesta public association (Comrat)
- Youth Resource Center "Dacia" (Soroca)

Currently, we do not have specialised centres for victims of sexual violence. It is planned that specialised services for victims of sexual violence will be created in 2 districts from the country under EVA Project implemented by UN Women and UNICEF during 2020-2022, funded by the European Union.

E. Telephone helplines

In autumn of 2009, La Strada launched the Trust Line for Women and Girls (TLWG) 0 8008 8008. The free emergency hotline service for victims of domestic violence and violence against women can be accessed for free on the territory of the Republic of Moldova from any landline or mobile network. TLWG allows the simultaneous servicing of three calls, received by consultants, psychologists, with a vast experience. This service ensures the confidentiality and/or the anonymity of each beneficiary and operates 24/7.

The trust line has the mission to help women and girls, victims of domestic violence and sexual violence, to access as quickly as possible the services that are necessary to build a harmonious life from physical,

psychological and social points of view; to inform the community and provide useful tools for preventing and combating violence against women.

Beneficiaries:

- Persons who suffer from domestic violence, particularly women;
- Professional groups;
- Community members.

Aim of Trust Line:

- Promote a non-violent life style in the family and protect the rights of domestic violence victims.

Objectives of Trust Line:

- Recover the psycho-emotional state of the subjects of domestic violence
- Facilitate the access of subjects of domestic violence to appropriate assistance
- Inform the women beneficiaries about the rights and responsibilities of subjects of domestic violence
- Monitor the problem of domestic violence in the Republic of Moldova.

What does the Trust Line offer to women:

- Primary psychological counselling for people who suffer from domestic violence
- Tips and recommendations for the recognition of first signs of violence in a relationship and how to build a non-violent relationship
- Legal counselling and aid for people who suffer from domestic violence
- Mediation and referral services for people who suffer from domestic violence to services that provide specialised assistance (shelter, psychological counselling, psychotherapy, health care, etc.)

Starting with 2017, the Trust Line for Women and Girls has been financed by the Ministry of Labour and Social Protection and managed by La Strada International Center. To finance the service from the state budget, money sources were allocated as follows:

- 2020 – 882,000 MDL.
- 2021 – 913,400 MDL.
- 2022 – 873,600 thousand MDL.

During 2021, the Trust Line received 1,956 calls (4 less calls compared with 2020), 1160 of them being single calls. Most of the calls were received from people aged 36-40 – 17% (18% in 2020), followed by 31-35 – 16% (17% in 2020) and 27-30 – 14% (13% in 2020). The distribution of calls by sex shows that 1649 calls were received from women and 307 – from men. This indicator is almost the same as in 2020. Thus, 84% of the beneficiaries are women.

There is also a toll-free, civil society-based, specialised counselling helpline – 080080000, run by the Women's Law Centre.

In the Transnistria region is there the hotline for legal and psychological counselling, run by the public association "Interacțiune".

F. Measures taken for child witnesses

By Government Decision No. 708/2019, it was approved the Framework Regulation on the organisation and operation of the Regional Centre for Integrated Assistance of Child Victims/Witnesses of Crimes and the Minimum Quality Standards.⁴⁴ The Regional Centre for Integrated Assistance of Child Victims/Witnesses of Crimes is a highly specialised social institution, without a residential component, which provides specialised assistance services to the beneficiaries, at regional level.

Centre's beneficiaries are children victims/witnesses of sexual offences, child trafficking or domestic violence, of crimes against life and/or health, as well as in other cases when the interests of justice or of the

⁴⁴ Government Decision No. 708/2019 of 27.12.2019 approving the Framework Regulation on the organization and functioning of the Regional Centre for Integrated Assistance to Child Victims/Martyrs of Crime and Minimum Quality Standards // O.G. No. 400-406, art. 1045, https://www.legis.md/cautare/getResults?doc_id=119740&lang=ro.

child require it, that have or may have a serious impact on their physical and/or moral integrity. Centre's beneficiaries can be also the children victims/witness of domestic violence offence or of those that is against child's life when the children interest require it.

The aim of the Centre is to provide specialised assistance to the child, which would prevent the re-victimisation and/or the re-traumatisation during the collection of evidence in a criminal case.

Note that the Centre provides the following types of specialised assistance services – hearing in special conditions; forensic examination; psychological assessment and when necessary, complementary specialised assistance services – assistance for ensuring the protection of children at risk; psychological assistance during crises; prior notification of the child about the hearing in special conditions; medical examination; legal aid.

Given that the provision of integrated assistance to children victims/witnesses of crimes is a complex process and implies professionals from various fields; it is necessary to have clear procedures for the provision of each type of assistance under the Centre, delimitation of roles and duties of all the actors involved, the way of interacting as well as the methods of documenting all the processes. Thus, for a good operation of this Service, on 18 February 2022, the Operational⁴⁵ Textbook for the operation of the aforementioned service was approved by order of the Minister of Labour and Social Protection.

The operational textbook describes the minimum actions that are to be taken in order to observe the international standards and the Minimum Quality Standards for the organisation and operation of the Regional Centre for Integrated Assistance of Child Victims/Witnesses of Crimes and in order to ensure an approach centred on the interests of children victims of violence and exploitation.

This document also meets the need of the actors engaged to standardise the response actions to ensure the coherence of the actions and to avoid the duplication, conflicts and non-complementarity. These procedures have also the aim to ensure the continuity of service provision that take into account the observance of rights and opinions of children at every stage and to ensure that the provision of services allows them to keep their dignity.

Thus, at the beginning of 2022, the Ministry of Labour and Social Protection signed the Contract No. 12-LD on the procurement of services that ensure the functionality of the Regional Centre for Integrated Assistance of Child Victims/Witnesses of Crimes, Bălți municipality; as a result, since March 2022, the first centre aimed at preventing their re-victimisation and/or re-traumatisation during the collection of evidence in criminal cases started its activity.

G. Other measures

As measures that ensure a more effective reporting of cases of domestic violence, we can mention both the information campaigns aimed at the general public with reference to domestic violence and the protection measures offered to victims. At the same time, one element for improving the reporting mechanism is the signing of a collaboration agreement on 27 November 2020, between La Strada Moldova that manages the Trust Line for Women and Girls and the Single National Service for Emergency Calls 112 aimed at strengthening the efforts of those two institutions and at improving the assistance provided to victims of domestic violence.

By signing the indicated agreement, the 112 Service committed to redirect all the calls of beneficiaries, victims of domestic violence, to the Trust Line for Women and Girls 0 8008 8008, in cases when the beneficiary refuses the intervention of the police, is in a crisis situation or the situation is not urgent and the emergency intervention specialised services is not necessary (police, ambulance, fire-fighters) and the

⁴⁵ CNPAC (2022), Operational Manual for the functioning of the Regional Centre for the Comprehensive Care of Victims/Martyrs of Crime (Barnahus model), https://social.gov.md/wp-content/uploads/2022/02/Ordin-nr.-18_15.02.2022_Manual-operational-Barnahus.pdf.

beneficiary needs emotional support and psychological counselling. The 112 operator facilitate the access of people in crisis situations or who need information or psychological support to the Trust Line for Women and Girls. The beneficiaries are also redirected when they need information about their rights and about the services available for victims of crimes.

Note that there is also the Free Telephone Service for children in the country, which operates 24/24, 7/7. The Child's Telephone 116 111 is a free, confidential, state-financed service that provides counselling and psycho-emotional support, guidance in the area of child rights, consultancy in the area of child protection, guidance and referral to the institutions that are in charge of providing the necessary assistance, which was created in order to protect children against any form of violation of their rights and against any form of abuse. The service has been operating in Moldova since 2014 and is available at the short number 116111, skype – TelefonulcopiluluiMoldova116111 or online on: <https://telefonulcopilului.md/>.

Abuses against children can be reported through this service. Such cases can be also reported with the Single National Service for Emergency Calls 112, with the Social Assistance and Family Protection District Division or with the Municipal Directorate for Child Rights Protection from Chisinau municipality. At the same time, every child can ask the help of the police officer, teacher or mayor from the settlement.

V. Substantive law (Chapter V of the Convention, Articles 29-48)

A. Relevant legal framework that gives effect to the provisions of the convention, including measures taken to avoid the legal gaps

Law No. 45/2007 defines *violence against women* and the legislation of the Republic of Moldova criminalises the acts of violence, both physical and sexual violence and the acts of psychological and economic violence. In this regard, the acts of physical and economic violence are provided for in Article 201¹ of the Criminal Code and the acts of sexual violence are subject to the criminal norms from the Chapter IV of the Criminal Code.

The draft law amending certain regulatory documents (ensuring the victims' rights in the case of crimes related to sexual life and domestic violence) supplements the provisions of Article 201¹ with a new aggravating factor that will provide for a harsher punishment for committing knowingly the crime of domestic violence against an underage child or against a pregnant woman or taking advantage of the state of known or obvious incapacity of the victim, which is due to advanced age, illness, disability or other factor. As regards physical violence, the provisions of Article 145 of the Criminal Code incriminating the liability for deliberate homicide of a person. Additionally, the Article 155 of the Criminal Code incriminates the threat resulting in severe injury to body or health if there was danger that this threat may have happened. In this way, the victim of acts of physical, psychological, economic and sexual violence can obtain the procedural status and benefit from procedural and material guarantees, provided by the Code of Criminal Procedure and other special laws.

Mistreatment or other violent actions, committed by a family member against another family member, which have caused slight bodily injury are incriminated in Article 78¹ of the Contravention Code. Starting with 2016, the Criminal Code criminalizes in Article 78² the acts of persecution, manifested by repeated persecution of a person who was caused a state of anxiety, fear for personal safety or for the safety of close relatives, being forced to change their life style, by: a) stalking the person; b) contacting or attempting to contact by any means or through another person.

The full text of criminal norms that incriminate the acts of violence are included in Annex 3 we refer to accordingly.⁴⁶

⁴⁶ See the Annex 3 entitled – Relevant articles of the legislation of the Republic of Moldova in accordance with the articles of the Istanbul Convention.

In order to align the national law with the requirements of Istanbul Convention, a series of amendments to criminal, contravention and civil law were proposed by draft law for the amendment of certain regulatory documents (ensuring the rights of victims of crimes regarding sexual life and domestic violence). The draft law aims at strengthening the substantive and procedural rights of victims of crimes of domestic violence and crimes against their sexual freedom and inviolability.

B. Guidance on how to implement the above legal framework

To ensure an effective intervention in cases of domestic violence through the professional guidelines of police employees, in 2018, the General Police Inspectorate developed the *Methodological Instruction on Intervention of the Police in Prevention and Combatting of Domestic Violence approved by GPI Order No. 360 of 08.08.2018*. This Instruction sets the way of organisation of Police activity as a specialised state public institution, which is in subordination of the Ministry of Internal Affairs, in order to comply with the legal duties when preventing domestic violence, identifying and counteracting the acts of domestic violence, ensuring the protection and the assistance of victims, strengthening the accountability of and re-socialising domestic abusers. Also, by Order of GPI Head No. 79 of 28.04.2015 the *Methodological Instruction on the Intervention of Health Facilities in the Identification, Assessment, Referral, Assistance and Monitoring of Cases of Violence, Neglect, Exploitation and Children Trafficking* was approved. At the same time, the following recommendations were developed for the criminal prosecution authority under GPI:

- a) No. 34/11–3877 of 2 September 2020 regarding the actions that are to be taken in cases of domestic violence in relation to the violation found by ECtHR and the sample questions used to hear the victim in order to identify all the forms of domestic violence;
- b) No. 34/11-1517 of 01 April 2020 on the removal of gaps admitted by the police officers when documenting and researching cases of domestic violence;
- c) No. 34/11–1940 of 14 May 2020 on eliminating the faulty practice regarding the appropriate qualification and investigation of the acts of sexual violence;
- d) No. 34/11–2990 of 27 July 2021 on the actions to be taken by the criminal prosecution officers in order to observe the rights of the victims of domestic violence in the light of the findings of ECtHR in the case *Kurt vs Austria* (dynamic risk assessment).
- e) No. 34/11–4079 of 20 October 2021 on prohibiting the omissions when examining the notifications of domestic violence and sexual violence crimes and on ensuring the protection and assistance for victims of gender-based violence.

In 2021, the General Prosecutor's Office developed the methodical recommendation No. 8/3-3d/21-250 of 29.06.2021 regarding punitive practice in criminal cases of domestic violence and the circular letter No. 8/3-3d/21-359 of 27 October 2021 regarding the implementation of Law No. 144 of 14.10.2021 on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which were sent to prosecutors for guidance and implementation in the activity.⁴⁷

In the social sector, the Instruction regarding the intervention of territorial social assistance structures in cases of family violence (Order of the MHLSP no. 903 of 29.07.2019) was approved, which defines the procedures for carrying out legal duties in the process of preventing the phenomenon of the family violence; identifying and ensuring the protection and assistance of victims by professionals.

In the medical sector, the Instruction regarding the intervention of medical institutions in cases of family violence was approved (Order of the Ministry of Health, Labour, and Social Protection No. 1167 of 15.10.2019) which explains the competence of health service providers in cases of family violence.

At the same time, in the medical sector, the Instruction regarding the response of the Forensic Medicine Center to cases of domestic violence, including as a form of violence against women (Order No. 62 of 20.09.2021), which establishes the duties of the MCL's judicial experts in the process of identifying cases of

⁴⁷ PG(2021), Report on the activity of the Prosecutor's Office in 2021, Chisinau, 2022, http://procuratura.md/file/2022-03-21_RAPORT%20de%20activitate%20FINAL.pdf.

family violence and carrying out medico-legal, psychiatric-legal and clinical-psychological interventions in the context of preventing and combating family violence and violence against women.

At the same time, in 2021, NCSGLA initiated the development of the quality standards of the activities of lawyers who provide qualified legal aid in cases that involve victims of domestic violence.⁴⁸

In order to establish an interaction between actors from the field of anti-violence community and to establish an effective inter-sectoral system of cooperation in cases of family violence, to ensure the protection of safety and the realization of the rights of victims of family violence, as well as to make the mechanism for monitoring perpetrators of domestic violence more efficient, the Instruction was approved regarding the inter-sectoral cooperation mechanism in cases of family violence (Joint Order no. 48/298/610/162/5 of 22.06.2022 of the MLSP, MAI, MS, MJ, CNAJGS).

C. Civil remedies

According to Article 11 of Law No. 45, the victim of domestic violence is entitled to ask from the perpetrator the recovery of material and moral damage caused by acts of violence and from the state – recovery of material and moral damage following the failure to provide appropriate assistance and protection.

The national legislation provides the victim with the possibility to recover the damage caused through acts of violence, both in civil and criminal proceeding. The procedure for initiating civil action in a criminal proceeding is specifically regulated by articles 219-226, comprised in Chapter I Title VII of the criminal procedure code. The initiation of the civil action in a criminal proceeding shall be done based on the written request of the victim, of their representatives or of successors (if the victim is dead), if the person was recognised as civil party. By initiating a civil action, the victim has the right to the following indemnities:

- return in-kind the objects or the equivalent of lost or destroyed goods following the commission of the act prohibited by criminal law;
- compensation of expenses for the procurement of lost or damaged goods or the recovery of quality and of the trade image, as well as the repair of damaged goods;
- compensation of the missed income following the actions prohibited by the criminal law; recovery of moral damage or, where appropriate, of the damage against the professional reputation.

When assessing the amount of material and moral damage, the court will take into account the physical suffering of the victim, their aesthetic damage, loss of life expectancy, loss of honour due to defamation, mental suffering caused by the death of close relatives, etc. At the same time, the individual (the victim) who did not file a civil action in a criminal proceeding, is entitled to file such an action according to the civil procedure.

In order to align the national law with the requirements of Istanbul Convention, a series of amendments to criminal, contravention and civil law were proposed by draft law for the amendment of certain regulatory documents previously mentioned (ensuring the rights of victims of crimes regarding sexual life and domestic violence). Thus, when assessing the amount of material and moral damage, the court shall take into account *'the seriousness and the duration of emotional suffering, including determined by the impact on the sense of dignity, which lead to humiliation, fear, frustration about the inability to defend oneself or other people from violence'* (in this regard, the phrase 'physical sufferings of the victim' shall be excluded from actual Article 219 para.(4) of the Civil Procedure Code). Additionally, Article 221 of the Criminal Procedure Code shall be supplemented with para. 3¹ with the following content: *'The civil action in the interest of the injured person who is in state of impossibility of depends on the suspect, the accused, the defendant or who for various reasons, cannot realise their right to recovery of damage cause by the crime offence, can be file by the prosecutor, including if the injured person did not file a request'*.

⁴⁸NCSGLA (2021), Annual Activity Report 2021,
https://cnaigs.md/uploads/asset/file/ro/1671/Raportul_anual_de_activitate_pentru_anul_2021.pdf

Currently, the data about the number of civil actions filed by the victims during a criminal or civil proceeding is not collected by the justice system.

D. Financial compensations provided by the state

The national legal framework also approaches the issue of compensation of victims of crimes by the state in compliance with the Law No. 137/2016 on the Rehabilitation of Victims of Crimes. This legal instrument sets the ways and conditions of offering financial compensation by the state for the damage caused by the crime. The right to financial compensation in accordance with the Article 12 para.(2) is entitled to the victim of crime committed on the territory of the Republic of Moldova, who is citizen of the Republic of Moldova, foreign citizen or a stateless person legally residing in the Republic of Moldova on the date when the crime was committed and requests financial compensation. According to the Law No. 45/2007, the victim is entitled to request financial compensation from the state, for the damage caused by a crime, according to the law.

The financial compensation by the state of the damage caused by the crime shall be done (Article 16 of the Law No. 137) based on the written request of the victim of the crime, of his/her legal representative, which can also be filed by non-commercial organisations that operate in the area of rehabilitation of victims of crimes. The underage victim may file the application after reaching the age of 18. If following the crime the victim died, the right, in equal parts, to financial compensation from the state is entitled to the spouse, children and dependent, if the victim would have been entitled to this. At the same time, the right to financial compensation of expenses for the funeral of the victim of crime is exercised by the person who bore the costs, except the case when the crime was committed with the voluntary participation of the victim. The necessary conditions that should be met in order to get the financial compensation from the state for the damage caused by the crime are:

- the act establishing the offence has entered into force (it is final and irrevocable). By fact ascertaining document we mean, where appropriate: a) court's sentencing decision; b) court decision on the termination of the criminal trial on grounds of non-rehabilitation; c) prosecutor's order to stop the criminal prosecution in compliance with Article 275 (4)(5)(7)(8) and Article 285 (2)(2)(3) of the Criminal Procedure Code or Article 53 of the Criminal Code;
- the application was filed within 3 months from the enactment date of the document ascertaining the commission of the crime. When the victim of the crime is under age and his/her representative did not file an application within the prescribed term, it shall commence on the date when the victim of the crime turns 18;
- the victim of the crime, in person or through his/her representative, is a civil party in a criminal trial;
- if the sources of the perpetrator are enough to cover the damage resulting from the offence, in case of a final court decision in a civil action brought in a criminal case, if it was not fully executed, willingly or forcibly, within 3 months from the enactment date of the document ascertaining the commission of the crime;
- the damage caused following the offence was not and cannot be compensated from other sources (allowances, insurance payments, damages paid by the perpetrator, willingly or forcibly, until the court's decision is issued on a civil action brought in a criminal case on its own or on the basis thereof).

The provision of financial compensation from the state covers the following forms of damage:

- the costs for hospitalisation, treatment or other medical costs beared by the victim of the crime;
- the damage incurred by breaking glasses, contact lenses, dental prostheses and other objects that represent means of performing the functions of individual parts of the human body;
- damage caused by the destruction, damage of goods, expropriation of victim's goods;
- damage that caused the lose of work capacity, it was provoked by criminal acts;
- expenses for the funeral of the crime victim, in case of his/her death.

In order to benefit from financial compensation from the state, the victim of the crime shall file with the Ministry of Justice of the Republic of Moldova a written application on the provision of financial compensation, together with supporting documents. The application shall be examined within 30 days from the submission by the Inter-departmental Commission for Financial Compensation by the state for the

damage caused by the crime. This Commission has 3 members: one representative of the Ministry of Justice, a representative of the Ministry of Labour and Social Protection and one representative of the Ministry of Finance. Following the examination of the application, the Commission shall decide to provide the compensation and shall set the amount of the compensation or shall give a reasoned justification for the refusal. The decision of the Commission, within 2 working days following the adoption, shall be transmitted to the Minister of Justice and, based on it, the Minister decides, by order, to grant or not to grant the financial compensation. A share of 70% of the calculated damage shall be paid from the state budget, but No. more than 10 average monthly salaries per economy, envisaged for the year when the victim drafted the application for financial compensation. The amount of the financial compensation shall not be subject to tax and the state, through the Ministry of Justice, is subrogated into the rights of the victim of the crime who benefited from financial compensation provided by the state in order to recover from the perpetrator the amounts paid to the victim.

The financial compensation from the state was not provided so far because at the moment of the establishment of the Commission and up to present two (2) applications were filed in order to obtain financial compensation from the state but they did not meet the legal requirements as regards the types of crimes that are covered by the Law No. 137/2016.

E. Custody, rights to visits and safety

According to the Constitution of the Republic of Moldova, parents have the right and the obligation to ensure the upbringing and education of their children and the state shall facilitate, through all the measures that ensure the fulfilment of family obligations and ensure the special assistance regime for children in difficulty⁴⁹. The domicile of the child under 14 shall be determined, according to Article 63 of the Family Code, with parents' consent. If such consent is missing, the domicile of the underage child shall be established by the court. In this case, the court shall take into account the attachment of the child towards each parent, the moral qualities of the parents, the existing relationships between each parent and the child. When establishing the domicile of the underage child, the court shall ask for the advice of the local guardianship authority.

In order to align the national law with the requirements of Istanbul Convention, draft law for the amendment certain regulatory documents (ensuring the rights of victims of crimes related to sexual life and domestic violence) provides for amendment of Article 38 of the Family Code to regulate the fact that when the marriage is terminated due to domestic violence, the court shall take into account these circumstances when establishing who will live the underage children with after the divorce. Moreover, the same draft law stipulates amendments to the provisions on establishing the domicile of the underage child; the court shall ask for the advice of the local guardianship authority in the service area of which each of the parents is domiciled, which will contain, where necessary, the available information about the acts of violence in this family and about the domestic abuser. The amendments and the addenda proposed to the Family Code are aimed at improving the safety conditions of victims of domestic violence, adults and children. Thus, it is proposed to ensure the necessary conditions for the competent authorities to adopt certain reasoned decisions on the basis of the exhaustive information about domestic violence incidents.

By Law No. 113/2020, a new guarantee was established in order to increase the protection of victims during the visiting schedules with children, which expressly provides for in Article 15 para.(4¹) of the Law 45/2007 that during the action period of the protection order issued in respect of a victim with children, irrespective of whether children are included in the protection order or not, they shall stay with the parent victim. At the request of the parent perpetrator, the child visit shall take place according to schedule approved by the local guardianship authority.

As for safety of women during the visits, Law 45/2007 provides a practical platform to apply the victim protection mechanism, including by developing the regulatory framework for applying the institute of emergency restraining order and the protection order in civil procedural laws and in the criminal

⁴⁹ Articles 48-50 of the Constitution of the Republic of Moldova.

proceeding. Thus, according to Article 278⁴ -278⁷ of the Code of Criminal Procedure, reviewed in 2018 the application for protective measures shall be filed with the court by the victim of domestic violence or by his/her legal representative and in the case of an underage child – by the guardianship and trusteeship authority. If a victim cannot to submit the application, at his/her request, the application for a protection order may be submitted by social assistance authority or by the police.

F. Criminalization of forms of violence

Physical violence is defined in Law no.45/2007 as "intentional harm to bodily integrity or health by hitting, hugging, dragging, pulling hair, pricking, cutting, burning, strangulation, biting, in any form and of any intensity, by poisoning, poisoning, other actions with similar effect". In addition, the provision of Article 35 of the Istanbul Convention is matched by the following provisions of Article 201¹ of the Criminal Code on domestic violence: "Intentional act or inaction by a family member against another family member, manifested by: a) ill-treatment, other violent actions, resulting in slight injury to body or health..., c) deprivation of economic means, including deprivation of primary means of subsistence, neglect, if they caused the victim slight injury to body or health". The offence is committed in aggravated form when: a) it is committed against two or more family members; b) it is committed in connection with the request or application of protection measures; c) it has caused medium bodily harm or damage to health; d) it has caused serious bodily harm or damage to health; e) it has caused suicide or attempted suicide; f) it has caused serious bodily harm or damage to health resulting in the death of the victim.

With regard to physical violence, the provisions of Article 145 of the Criminal Code, which incriminates liability for the intentional killing of a person, are also relevant. The offence in question is aggravated when committed: a) with premeditation; b) out of material interest; d) in connection with the performance by the victim of his or her official or public duties; e) knowingly against a minor or a pregnant woman or taking advantage of the victim's known or obvious state of helplessness due to old age, illness, disability or another factor; e1) against a family member; f) with the kidnapping or taking of a person as a hostage g) against two or more persons; h) against a representative of the public authority or a military person, or their close relatives, during or in connection with the performance by the representative of the public authority or military person of his duties; i) by two or more persons; j) with particular cruelty, as well as for sadistic reasons; k) for the purpose of concealing another crime or facilitating its commission; l) for reasons of social, national, racial or religious hatred; m) by means dangerous to the life or health of more than one person; n) for the purpose of removing and/or using or selling the organs or tissues of the victim; o) by a person who has previously committed an intentional homicide; p) on order.

In the same sense, Art. 151 of the CC incriminates serious intentional injury to bodily integrity or health, consisting of serious intentional injury to bodily integrity or health, which is dangerous to life or has caused loss of sight, hearing, speech or other organ or the cessation of its function, mental illness or other impairment of health, accompanied by the permanent loss of at least one third of working capacity, or which has resulted in the termination of pregnancy or irreparable disfigurement of the face and/or adjacent regions. The offence is committed in aggravated form when committed: (b) knowingly against a minor or a pregnant woman or by taking advantage of the victim's known or obvious helplessness due to old age, illness, disability or other factor; (c) against a person in connection with the performance of his or her official or public duties; (d) by two or more persons; (e) with particular cruelty and for sadistic reasons; f) by means dangerous to the life or health of more than one person; g) for material gain; i) for reasons of social, national, racial or religious hatred; j) against two or more persons; k) by an organised criminal group or criminal organisation; l) for the purpose of removing and/or using or trading in the victim's organs or tissues; m) by order; n) causing the death of the victim. Article 152 of the Criminal Code also criminalises medium intentional harm to bodily integrity or health, consisting of medium intentional harm to bodily integrity or health, which is not life-threatening and has not caused the consequences of serious intentional harm to bodily integrity or health, but which was followed either by long-term impairment of health or by a considerable and stable loss of less than one third of working capacity. This offence has the same aggravating circumstances as the offence of serious intentional injury to body or health, with the exception of the forms of commission of the offence in (k), (l) and (n) above. In addition, it should be noted that there

are other rules in which physical violence is criminalised as part of a whole - see, for example, Article 165 (Trafficking in human beings), Article 166 (Unlawful deprivation of liberty), Article 187 (Mugging) and Article 188 (Robbery).

Also, Article 78¹ of the CC "Domestic violence" provides for liability for "ill-treatment or other violent actions, committed by a family member against another family member, which caused minor injury to bodily integrity".

Acts of persecution. According to the provisions of Law no.45/2007, stalking, within the meaning of Article 34 of the Istanbul Convention, is considered a form of psychological violence, consisting of persecution by contacting or attempting to contact by any means or through another person the victim who has been caused a state of anxiety, fear for his or her own safety or that of close relatives, being forced to change his or her conduct of life. At the same time, Article 78² of the Contravention Code (CC) provides for liability for acts of persecution, consisting in the repeated persecution of a person who has been caused anxiety, fear for his or her safety or that of close relatives, and has been forced to change his or her conduct of life, by: a) following the person; b) contacting or attempting to contact by any means or through another person. We deduce that, in the view of the national legislator, pursuit within the meaning of Article 34 of the Istanbul Convention does not reach the degree of social danger of an offence.

Psychological violence. The legal framework of the Republic of Moldova provides the definition of *psychological violence* in the Law No. 45. According to Article 2 of the Law 45/2007, *psychological violence* - enforce of will or personal control, provocation of tension and mental suffering through offences, ridicule, swearing, insulting, nicknames, blackmail, demonstrative destruction of objects, verbal threats, ostentatious display of weapons or hitting of domestic animals; neglect; involvement in personal life; acts of jealousy; imposing solitary confinement through detention, including in the family home; isolation from family, community, friends; prohibition of professional achievement, prohibition of attending the educational institution; dispossession of identity documents; deliberate deprivation of access to information; other actions with similar effect.

By Law No. 196/2016 it was approved, in new reading, the Article 201¹(Domestic violence) din Criminal Code of the Republic of Moldova⁵⁰, which, besides more severe penalties, establishes criminal liability for other forms of violence, including psychological.

Sexual violence. According to the Law No. 45/2007 "sexual violence" is any violence of a sexual character or any illegal sexual conduct within the family or within other interpersonal relationships, such as marital rape; prohibiting the use of contraception; sexual harassment; any unwanted, imposed sexual conduct; forced prostitution; any illegal sexual conduct with an underage family member, including fondling, kissing, photographing the child or other unwanted touching with sexual connotations; or other actions with a similar effect.

The acts of sexual violence, including within the family, are recognised as being with increased degree of social danger. As a result, these actions are included in a series of provisions of the Criminal Code⁵¹. In the criminal law of the Republic of Moldova, sexual violence is criminalised by Article 171 and Article 172 of the Criminal Code. Thus, according to Article 171 of the Criminal Code, rape is the sexual intercourse committed by the physical or mental coercion of the person, or by taking advantage of the victim's incapacity to defend himself/herself or to express his/her will. In the current version of the Criminal Code, the rape is included as a sexual intercourse between 2 persons of different sex, without consent. In order to ensure compliance of the national law with the Istanbul Convention, the draft law for amending certain regulatory documents (ensuring the rights of victims in the case of crimes related to sexual life and domestic violence) introduces the following definition of rape – sexual intercourse of vaginal, anal or oral penetration of other person's body with any part of the body or object, without consent. As a result, a new

⁵⁰ Criminal Code of the Republic of Moldova no.985-XV of 18.04.2002/ O.G. no.72-74 of 14.04.2009, art.195.

⁵¹ Criminal Code of the Republic of Moldova no.985-XV of 18.04.2002. Special part. Chapter IV / O.G. no.72-74 of 14.04.2009, art.195

concept of the term rape will be regulated and will be considered the most serious form of attack against sexual freedom and integrity, which will cover including any heterosexual, homosexual act or act of sexual penetration of body parts. Article 172 of the Criminal Code criminalises the actions of a sexual character that represent homosexuality or satisfying sexual needs in perverse forms committed through the physical or mental coercion of the person or by taking advantage of the person's incapacity to defend himself/herself or to express his/her will. More serious forms of the crime are similar to those from the section – rape. At the same time, by draft law mentioned above, it was proposed, in the case of actions of a sexual character, to introduce a new aggravating circumstance – committing a crime with a gun or other objects used as guns. Aggravating circumstances are the rape and actions of a sexual character committed against a family member (Article 133¹ provides for the list of subjects of domestic violence, which complies with the requirements of Istanbul Convention) or against an underage child or a pregnant women, etc.

The Criminal Code provides for criminal liability for sexual harassment (Article 173 of the CC); for sexual intercourse other than rape, acts of vaginal, oral or anal penetration committed with a person under the age of 16 (Article 174 of the CC); for perverted actions against a person under the age of 16 (Article 175 of the CC), which imply indecent touchiness, discussions with obscene or cynical character with the victim about sexual intercourses, determining the victim to participate in or to assist in pornographic performances; luring underage children into sexual purposes (Article 175¹ of the CC); for human trafficking and trafficking of children for sexual exploitation purposes (Article 165 and 206 of the CC); for inciting juveniles, by applying violence or by threatening to apply it, to immoral acts, child pornography (Article 208-208¹ CC) etc. The criminal legislation provides for criminal liability for, according to Article 208² CC, for benefiting, against any material advantages, from sexual services provided by a person certainly known to be under the age of 18.

In the current version of the Criminal Code of the Republic of Moldova, in the case of crimes such as rape and actions of a sexual character, which restrict the consent of the victim by applying physical or mental coercion of the person or by taking advantage of the person's incapacity to defend himself/herself or to express his/her will. Given the Article 174 of the CC, the age when a person can give his/her legal consent to a sexual intercourse in the Republic of Moldova is 16 years. In order to ensure the compliance of the national law with the Istanbul Convention, the draft law for amending certain regulatory documents (ensuring the rights of victims in the case of crimes related to sexual life and domestic violence) defines the sexual intercourse without consent and sexual actions without consent in order to exclude any unfavourable extensive interpretations and the circumstances that can affect the free consent of the person when having a sexual intercourse.

Forced marriage. Currently, the legislation of the Republic of Moldova does not contain a distinct rule providing for liability for forced marriage. Nonetheless, the Constitution of the Republic of Moldova enshrines the principle of freely consented marriage between a man and a woman under Article 48 para.(2). Additionally, the Family Code enshrines the principle of freely consented marriage between spouses. It should be noted that Article 167 of the Criminal Code criminalises slavery and the conditions that a similar to slavery. The ways of committing these crimes are *'determining the person by using [...] coercion, violence or threat with violence, to enter into or remain in an extramarital or marital relationship'*. A similar provision is comprised by the Article 165 of the Criminal Code. According to this, human trafficking implies, inter alia, the assumption that *'an adult, [...] without his/her consent, is recruited [...], in order to be [...] exploited in [...] conditions similar to slavery'*. Article 206 para.(1) let.(c) of the Criminal Code provides for accountability for trafficking of children, which implies, among other, *'recruiting, [...] a child [...] without his/her consent, in order to be [...] exploited in [...] conditions similar to slavery'*.

Genital mutilation. The criminal law of the Republic of Moldova does not provide for a distinct norm that would recognise genital mutilations as crimes. Last but not at least, this is explained by the fact that such cases from the category of those that were included in Article 38 of Istanbul Convention, were not recorded in the practice of law enforcement and judicial authorities from the Republic of Moldova. The Regulation on medical assessment of seriousness of bodily injury, No. 199 of 27.06.2003 (Regulation No. 199) does not contain concrete description concerning the mutilations, total or partial, of major labia, minor labia or clitoris. Nonetheless, it is worth mentioning that the international criminal law punishes any damaging acts

resulting in the injury to bodily integrity or health. Such acts are subject to criminal liability on the basis criminal rules that set the punishment for causing injury to bodily integrity or health, depending on the severity of injury, according to Article 151 (Deliberate Severe Bodily Injury or Damage to Health) or according to Article 152 of the Criminal Code (Deliberate Less Severe Bodily Injury or Damage to Health). In this regard, the Regulation No. 199 provides for in Items 26 and 54 that post-traumatic consequences, harmless for life, such as anatomical loss of an organ or its function may constitute serious bodily injury.

Forced abortion. The Article 159 – *“Illegal Abortion”* of the Criminal Code criminalizes the forced abortion, which implies the interruption of pregnancy, by any means, committed: outside medical institutions or specially authorised medical offices for this purpose; by a person without special higher medical education; in case of a pregnancy that exceeds 12 weeks without medical indications issued by the Ministry of Health; if there are medical contraindications for such operations; in insanitary conditions. This crime implies two severe forms, namely the situations when the criminal actions: a) caused by imprudence serious or less serious injury to body or health; b) caused by imprudence the death of the victim;

Forced sterilization. The Criminal Code criminalises the forced sterilization in the Article 160, accusing the doctor for performing illegally surgical sterilization. This crime has the following severe forms, namely committing the crime: in non-specialized healthcare facilities; by a person without special higher medical education who caused by imprudence a long-term health disorder or severe injury to body or health; who caused by imprudence the death of the patient. Although the Criminal Code of the Republic of Moldova does not have a distinct criminal rule on the sterilization of a person without consent; in such cases, the act is subject to criminal liability under the Article 151 of the CC (Intentional Severe Bodily Injury or Damage to Health) or, as appropriate, under the Article 152 of the CC (Intentional Less Severe Bodily Injury or Damage to Health) that is, depending on the seriousness of injury to body or health.

G. Sexual harassment.

Sexual harassment is defined by the Law No. 5 of 09.02.2006 on Ensuring Equal Opportunities for Women and Men⁵² and by the Labour Code as *‘any form of physical, verbal, or non-verbal behaviour, of sexual nature that debases a person or creates an unpleasant, hostile, degrading, humiliating, or insulting environment’*. The legislation of the Republic of Moldova defines the gender-based harassment as a form of discrimination and regulates the protection mechanism against discrimination and provides for contravention punishment in the labour area.

The criminalization of sexual harassment is regulated in Chapter IV ‘Crimes Related to Sexual Life’ of the Criminal Code of the Republic of Moldova. Sexual harassment is defined in Article 173 of the Criminal Code as *‘manifesting a physical, verbal or non-verbal behaviour that violates the person's dignity or creates an unpleasant, hostile, degrading, humiliating, discriminating or insulting atmosphere with the aim to persuade a person to sexual intercourse or to other unwanted actions bearing sexual character, conducted by threat, coercion, blackmailing’*.

The administrative data on the number of criminal cases related to sexual harassment are reflected in Table 3.

Table 3. *Number of criminal cases initiated under Article 173 of the Criminal Code (Sexual Harassment)*

Criminal Cases – Article 173 of the Criminal Code		
Year	Initiated	Closed
2020	17	8
2021	23	4
2022	7	2

⁵² Article 2 of the Law No. 5 of 09.02.2006 on Ensuring Equal Opportunities for Women and Men // OG No. 47-50 of 24.03.2006, Article 200.

H. Aiding or abetting

The rules on criminal participation in the case of crimes related to sexual life and domestic violence shall be applied in general order according to Articles 41-49 of the Criminal Code. Thus, in line with the criminal law of the Republic of Moldova, participation shall be considered the intentional cooperation of two or more persons in the commission of an intentional crime. Participants shall be considered the persons who contribute to the commission of a crime either as the authors, organizers, instigators, or as accomplices. An organizer shall be considered the person who organises the commission of a crime or manages its commission as well as the person who creates an organized criminal group or a criminal organisation or manages the criminal activity thereof. At the same time, an instigator shall be considered a person who by any means makes another person commit a crime. In line with the aforementioned, an accomplice shall be considered a person who contributes to the commission of a crime by giving advice, indications, or information and by offering means or tools or eliminating obstacles as well as the person who promises in advance that he/she will favour the criminal, hide the means or tools used to commit the crime or traces thereof or the goods obtained through criminal means, or the person who promises in advance to purchase or sell such goods. Moreover, the crime of favouring the criminal is also regulated in situations such as hiding the means or tools used to commit the crime or traces thereof or the goods obtained through criminal means, or the person who promises in advance to purchase or sell such goods.

Favouring the criminal is liable to criminal liability only when the means, tools or objects were not promised in advance. The favouring in advance, without promising, a serious crime, extremely serious crime, or exceptionally serious crime shall be punished by a fine of 550 to 850 conventional units or by imprisonment for up to 3 years. As regards the criminal liability of participants, note that the organizer, instigator, or the accomplice in a crime committed with intent shall be sanctioned with the punishment provided for by the law for the author. In determining the punishment, due consideration shall be taken of each individual's contribution to the commission of the crime as well as of the general criteria for applying the punishments (according to Article 83 of the Criminal Code).

I. Attempts.

The crimes incriminating physical violence, sexual violence (including rape), forced abortion and forced sterilization are likely to be considered attempt. Thus, in accordance with Article 27 of the Criminal Code, the attempt to commit a crime shall be considered the intentional action or inaction directly oriented towards the commission of the crime, provided that due to reasons independent of the perpetrator's will, the crime failed to produce the expected effect. At the same time, according to Article 25, Article 81 para. (1),(3) and (4) of the Criminal Code, the liability for the attempt to commit a crime shall be determined like in the case of committed crime. Additionally, when setting punishment for an inchoate crime, due consideration of the circumstances that prevented completion of crime shall be taken into account. The punishment for the preparation of a crime that does not constitute recidivism shall not exceed one half of the maximum term of the most severe punishment for the consummated crime. Life imprisonment shall not be applied for the preparation of a crime and the attempt to commit a crime.

J. Unacceptable justifications for crimes of culture, custom, religion, tradition or so-called 'honour'

The Criminal Code provides expressly the causes that eliminate the criminal nature of the act as well as the mitigating circumstances that are possible to be applied. The culture, the religion, tradition or the so called 'honour' are not among these. Moreover, the Criminal Code of RM provides as aggravating circumstance the commission of crime due to social, national, racial or religious hate. Additionally, these amendments to the criminal law added the aggravating circumstance for committing the crime on grounds of prejudice, contempt or hate. In this regard, on grounds of prejudice, contempt or hate means author's judgements determined by his/her hostile attitude, generated by real reasons or by reasons that are perceived to be real, by race, colour, ethnicity, national or social origin, citizenship, sex, fortune, genetical characteristics, language, religion or beliefs, political opinions, being or not member of a group, birth or progeny, disability, health, age, sexual orientation, gender identity or attitude towards people who provide support to those that can be identified or associated with these criteria. Thus, culture, custom, religion, tradition or the so called 'honour' cannot be considered as justification or mitigating circumstances when a crime provided for Istanbul Convention is committed.

K. Application of criminal law

The national regulatory framework ensures that criminal prosecution for domestic violence acts can be started in these cases in the absence of a prior complaint from the victim's part. National legislation, including Article 109 of the Criminal Code (Reconciliation) does not provide for the possibility of reconciliation between the victim and the perpetrator in a domestic violence case, this being in full compliance with international practice in the field of combating domestic violence, including the rules of the Istanbul Convention, which establish that domestic violence crimes are punishable regardless of the nature of the relationship between the victim and the perpetrator. Thus, under the conditions of the criminal legislation in force, the prosecution of domestic violence cases does not cease when the parties reconcile.

In order to guarantee the obligation of criminal sanctions of the perpetrator in the case of crimes covered by Istanbul Convention, regardless the nature of the relationship between the victim and perpetrator, by draft law for the amendment of some regulatory documents (ensuring the rights of victims in crimes regarding sexual life and domestic violence) it was proposed that Article 109 of the Criminal Code be amended so that any crime that threatens the sexual freedom and inviolability of a person shall exclude the reconciliation of the parties. This is due to the fact that when the perpetrator is free, he/she can influence easily the victim and convince her to accept the reconciliation. As a result, the criminal will not be able to influence the victim, by convincing him/her to accept the reconciliation, regardless the nature of the relationship between the victim and the perpetrator.

L. Sanctions and measures

The sanctions provided for by the criminal law for each form of violence are reflected in the table below.

Table 4. Dissuasive sanctions for perpetrators

Forms of violence	Article that criminalises	Punishment prescribed by the code
Psychological violence.	Article 201/1 Criminal Code Domestic violence	The basic form of this crime shall be punished by unpaid community service for 150 to 180 hours or by detention up to 3 years. Serious forms of crimes shall be punished by unpaid community work for 180 to 240 hours or by imprisonment from 1 to 6 years; imprisonment from 6 to 12 years; imprisonment from 12 to 15 years, respectively.
	Article 155 Criminal Code Threatening murder or severe bodily injury or damage to body or health provided	Shall be punished by a fine in the amount of 550 to 750 conventional units or by community service for 180 to 240 hours or by imprisonment from 1 to 3 years.
Stalking	Article 78/2 Contravention Code Persecution acts	Shall be sanctioned by a fine for 30 to 60 conventional units or by unpaid community work from 20 to 40 hours or by arrest for 10 to 15 days.
Physical violence	Article 201/1 Criminal Code Domestic violence	The basic form of this crime shall be punished by unpaid community service for 150 to 180 hours or by detention up to 3 years. Serious forms of crimes shall be punished by unpaid community work for 180 to 240 hours or by imprisonment from 1 to 6 years; imprisonment from 6 to 12 years; imprisonment from 12 to 15 years,

		respectively.
	Article 145 Criminal Code Murder	The basic form of this crime shall be punished by imprisonment for 10 to 15 years. Serious form of murder shall be punished by imprisonment for 15 to 20 years or by life imprisonment.
	Article 151 Criminal Code Deliberate severe bodily injury	The basic form of this crime shall be punished by imprisonment for 5 to 10 years. Serious forms of this crime shall be punished by imprisonment from 10 to 12 years and from 12 to 15 years, respectively.
	Article 152 Criminal Code Deliberate less severe bodily injury	The basic form of this crime shall be punished by unpaid community service for 200 to 240 hours or by detention up to 5 years. Serious forms of the crime shall be punished by imprisonment for 5 to 7 years. 5.
	Article 78/1 Contravention Code Domestic violence -	Shall be sanctioned by unpaid community work for 40 to 60 hours or by detention for 7 to 15 days
Sexual violence	Article 171 Criminal Code Rape	The basic form of this crime shall be punished by imprisonment for 3 to 5 years. Serious forms shall be punished by imprisonment for 5 to 12 years, imprisonment for 10 to 20 years or by life imprisonment.
	Article 172 Criminal Code Violent actions of a sexual character	The basic form of this crime shall be punished by imprisonment for 3 to 5 years. Serious forms shall be punished by imprisonment for 5 to 12 years, imprisonment for 10 to 20 years or by life imprisonment.
	Article 173 Criminal Code Sexual harassment	This crime shall be punished by a fine of 650 to 850 conventional units or by unpaid community work for 140 to 240 hours or by imprisonment up to 3 years.
Forced marriage	Article 167 Criminal Code Slavery and conditions similar to slavery	This crime shall be punished by imprisonment for 3 to 10 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.
	Article 165 Criminal Code Human Trafficking	The basic form of this crime shall be punished by imprisonment for 6 to 12, with deprivation of the right to hold certain positions or to exercise certain activities for a period of 2 to 5 years, and the legal person shall be punished with a fine from 4000 to 6000 conventional units, with deprivation of the right to conduct a certain activity or with the liquidation of the legal entity. Serious forms of this crime shall be punished by imprisonment for 7 to 15 years, with deprivation of the right to hold certain positions or to exercise certain activities for a period of 2 to 5 years, and the legal person shall be punished with a fine from 6000 to 8000 conventional units, with deprivation of the right to conduct a certain activity or with the liquidation of the legal entity, by imprisonment for 10 to 20 years, with

		deprivation of the right to hold certain positions or to exercise certain activities for a period of 3 to 5 years, respectively, and the legal entity shall be punished with a fine from 8000 to 10000 conventional units, with deprivation of the right to conduct a certain activity or with the liquidation of the legal entity.
	Article 206 Criminal Code Trafficking in children	The basic form of this crime shall be punished by imprisonment for 10 to 12, with deprivation of the right to hold certain positions or to exercise certain activities for a period of 2 to 5 years, and the legal person shall be punished with a fine from 4,000 to 6,000 conventional units, with deprivation of the right to conduct a certain activity or with the liquidation of the legal entity. Serious forms of this crime shall be punished by imprisonment for 10 to 15 years, with deprivation of the right to hold certain positions or to exercise certain activities for a period of 2 to 5 years, and the legal person shall be punished with a fine from 6,000 to 8,000 conventional units, with deprivation of the right to conduct a certain activity or with the liquidation of the legal entity, by imprisonment for 15 to 20 years, with deprivation of the right to hold certain positions or to exercise certain activities for a period of 3 to 5 years or with life imprisonment, respectively, and the legal entity shall be punished with a fine from 8,000 to 10,000 conventional units, with deprivation of the right to conduct a certain activity or with the liquidation of the legal entity.
Genital mutilation	Article 151 Criminal Code Deliberate severe bodily injury	The basic form of this crime shall be punished by imprisonment for 5 to 10 years. Serious forms of this crime shall be punished by imprisonment from 10 to 12 years and from 12 to 15 years, respectively.
	Article 152 Criminal Code Deliberate less severe bodily injury	The basic form of this crime shall be punished by unpaid community service for 200 to 240 hours or by detention up to 5 years. Serious forms of the crime shall be punished by imprisonment for 5 to 7 years.
Forced abortion	Article 159 Criminal Code Illegal abortion	The basic form of this crime shall be punished by a fine of 550 to 850 conventional units or by the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years or by imprisonment for up to 2 years. Serious forms of the crime shall be punished by imprisonment for 1 to 6 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.
Forced sterilization:	Article 160 Criminal Code Illegal performance of	The basic form of this crime shall be punished by a fine of up to 550 conventional units with (or

	surgical sterilization	without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years. A serious form of crime shall be punished by a fine of 550 to 850 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for a period of up to 5 years, by imprisonment for 3 to 6 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for a period of up to 5 years.
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At the same time, besides general sanctions, perpetrators are obliged to undergo programmes aimed at increasing the accountability and changing the violent behaviour. According to the Law No. 45/2007, perpetrators who were fined or convicted for actions of domestic violence can be obliged by the court to attend probation programmes (see Article 9 of the Law). This obligation is optional and shall be at the discretion of the court. In this context, the draft law for the amendment of some regulatory documents (ensuring the rights of victims in crimes regarding sexual life and domestic violence) stipulates addenda to the regulatory framework (Criminal Code) so that in all the cases of sentences for domestic violence to oblige the perpetrator to undergo a programme for reducing the violent behaviour. The malicious circumvention of the perpetrator from executing the obligation thereof, shall exclude the possibility of conditional exemption from punishment prior to the term of expiration or the substitution of the unexecuted part of the punishment with a milder form of punishment.

As regards the sentences by imprisonment that can lead to the extradition of the person, in accordance with Article 541 of the Criminal Procedure Code, the Republic of Moldova may address a foreign state with a request for extradition of a person in whose regard a criminal investigation was conducted in connection with crimes for which criminal law provides for the maximum punishment of at least one year of imprisonment or any other more severe punishment or in whose regard a sentence was issued convicting him/her to imprisonment for at least six months in case of extradition for execution, unless international treaties provide otherwise.

M. Aggravating circumstances

To ensure a fair penalty that corresponds to the seriousness of the crime committed, Article 77 of the Criminal Procedure Code describes exhaustively the aggravating circumstances of the crime. If according to Article 78 of the Criminal Code aggravating circumstances may apply, the maximum punishment is set in the corresponding article of the Special Part of the code. Law No. 196/2016 introduced amendments and addenda, including to Article 77 of the Criminal Code, which was supplemented with the aggravating circumstance of committing the offence in the presence of a minor.

These provisions, which appear in the Istanbul Convention as an aggravating circumstance, constitute elements of crime according to the national criminal law. Thus, according to Article 201¹ of the Criminal Code (Domestic Violence), “deliberate action or inaction committed by a family member against another family member...”. Similarly, the provisions of Articles 171 and 172 of the Criminal Code, relating to sexual violence, which contain the aggravating circumstances - committed against a family member - can also be invoked. At the same time, the semantic equivalent of the expression “*a person having abused her or his authority*” in Article 46(a) of the Convention is found, in various forms, recognised as aggravating circumstances in Article 77 para.(1) of the Criminal Code, including: in subparagraph (e) the commission of a crime against a person known to be under 14 years of age or against a pregnant woman or by taking advantage of the victim’s known or obvious helpless condition caused by advanced age, disease, physical or mental disability, or another factor; in subparagraph (k) the commission of a crime with the use of physical and mental coercion; in subparagraph (n) the commission of a crime by abusing someone’s trust.

N. Prohibition of trial or settlement through compulsory out-of-court dispute resolution

The national law does not stipulate any possibility to submit cases of domestic violence to mediation, which mitigates the risk of diminishing the perpetrator's liability for the violent behaviour and for continuing the state of danger for the victim of domestic violence. Hence, the crime provided for in Article 201¹ Criminal Code (Domestic violence) is covered by neither Article 276 para.(1) Criminal Procedure Code, nor Article 109 Criminal Code, which establish the conditions for using reconciliation of the parties. Thus, in the case of domestic violence, the reconciliation of the parties is not applicable and the withdrawal of the complaint is not allowed. Therefore, under national criminal law, a case of domestic violence may not be resolved through mediation and prosecution does not cease when the parties reconcile. The Family Code also excludes the possibility of granting the spouses a conciliation period if the divorce is filed on the grounds of domestic violence.

O. Administrative data

1. related to cases resulting in the death of a woman:

a. number of such cases

	Article 201 ¹ (4) Criminal Code	Article 145(2) (e ¹) Criminal Code
2020	8	1
2021	7	4

b. number of cases in which authorities had prior knowledge of the woman's exposure to violence - such an analysis is not performed and, hence, it is not known in how many of these cases the authorities knew about previous acts of violence;

2. related to violence against women equivalent with attempted murder:

a. number of such cases

According to the data recorded in the Register of Forensic and Criminological Information:

	Articles 27, 145(2)(e ¹) Criminal Code
2020	2
2021	0

b. number of cases in which authorities had prior knowledge of the woman's exposure to violence - such an analysis is not performed and, hence, it is not known in how many of these cases the authorities knew about previous acts of violence;

3. related to all other cases of violence against women

a. number of complaints filed by victims and the number of notification by third parties to law enforcement agencies/criminal justice authorities;

In 2020, 2,453 cases were identified, of which: - 866 cases met the constituent elements of a crime; - and 1,587 cases met the constituent elements of a contravention (art.78¹ Contravention Code). During 2021, the Police Inspectorates received **14,728** notifications, recorded in the Registers of Other Information on Crimes and Incidents of the Local Police Inspectorates (R-2), related to domestic conflicts. Of them, **1,963** cases were recorded ex officio by the sector officer. Thus, during 2021, the local units of the GPI recorded 918 **crimes** against family values and 1,662 cases that met the constitutive elements of the contravention (Article 78¹ Domestic Violence, Contravention Code). The protocols issued for contraventions involved the following **offenders**: 1,596-men; 61-women; 5-children; **victims**: 1,444-women; 43-children; 82-men; 90-female victims with children; 1-male victims with children.

In the first 6 months of 2022, 1,212 cases of domestic violence were detected, of which: - 451 cases met the constitutive elements of a crime; - and 761 cases met the constitutive elements of a contravention (Article 78¹ Contravention Code).⁵³

b. number of criminal proceedings and/or any other action in court started on the basis of:

According to the data recorded in the Register of Forensic and Criminological Information:

	Article 201 ¹ Criminal Code	Article 171 Criminal Code	Article 172 Criminal Code	Article 173 Criminal Code	Article 174 Criminal Code	Article 175 Criminal Code	Article 175 ¹ Criminal Code
2020	346	203	42	9	128	39	3
2021	442	188	69	16	150	46	10

In 2021 the prosecutors investigated **947** criminal cases, initiated under Article 201¹ of the Criminal Code (Domestic Violence), this representing a decrease compared to **866** criminal cases initiated in 2020, 969 cases in 2019, 998 cases in 2018. In **56** criminal cases, victims were children (2020 – 34). At the same time, in 2021 investigators and prosecutors started **1,662** contravention cases under Article 781 of the Contravention Code (in 2021 – 1,587 cases). To protect victims of domestic violence, **766** protection orders were issued, including in criminal proceedings, in accordance with Article 215¹ of the Code of Criminal Procedure.⁵⁴

4. number of cases resulting in the death of victims' children.

According to the data recorded in the Register of Forensic and Criminological Information, No. such cases were recorded in 2021 and 2021.

Other Relevant Administrative Data

Number of complaints filed in court – **5,002 applications.**

Number of criminal proceedings and/or any other action in court started on the basis of:

- 1,224 applications filed in civil proceedings;
- 1,586 applications filed in criminal proceedings;
- 2,192 applications filed in contravention proceedings.

Number of convicted perpetrators - 2925 convicted persons.

Number of criminal or other sanctions imposed, by type of sanctions:

- Based on the Criminal Code: imprisonment - 241 persons; unpaid community work - 368 persons.
- Based on the Contravention Code: contravention arrest - 39 persons; unpaid community work – 1,136 persons; fine - 58 persons ; warning - 3 persons; deprivation of a certain activity - 2 persons.

VI. Investigation, prosecution, procedural law and protective measures (Chapter VI of the Convention, Articles 49-58)

A. Immediate Response, Prevention and Protection

The national legal framework offers the possibility and conditions to police employees and other competent authorities for prompt exercise of their duties, in order to counteract firmly any illegalities, which endanger the life and integrity of the people, including at home. Thus, Article 11 of Law No. 45 establishes that the authorities empowered with the functions of preventing and combating domestic

⁵³ NPSI of the GPI (2022), Note on the state of crime against life and health and those committed in the sphere of family relationships during the VI of 2022,

https://politia.md/sites/default/files/nota_informativa_privind_starea_infractionalitatii_ce_atenteaza_la_viata_si_sanatatea_persoanei_si_celor_comise_in_sfera_relatiilor_familiale_pe_parcursul_6_luni_2022.pdf

⁵⁴ PG(2021), Report on the activity of the Prosecutor's Office in 2021, Chisinau, 2022, http://procuratura.md/file/2022-03-21_RAPORT%20de%20activitate%20FINAL.pdf.

violence are obliged to react promptly to any notification and to inform the victims about their rights, about the authorities and institutions in preventing and combating domestic violence field; about the type of services and organisations they can address for help; about the available support; where and how to file a complaint; the procedure following the filing of the complaint and their role after such procedures; how to get protection; the extent and conditions they have for accessing legal advice or assistance, etc.

Law No. 196/2016 supplemented Law No. 45 with Article 12¹ (The issue of emergency restraining order) which, simultaneously with the amendment of Law No 320, assigns the Police the duty of emergency restraining order issuance regarding the domestic abuser. The changes in the reference laws were determined by the need to ensure victim's protection, thus removing urgently the imminent danger of violence in a crisis situation. At the same time, in order to increase the efficiency of this authority, the Criminal Code was supplemented by Article 318¹ (Non-execution of the emergency restraining order).

In 2021, **14,728 (12,970 – in 2020)** entries were made in R-2 (any notification of violence between family members). In addition, out of the total number of notifications to ensure the immediate protection of victims of domestic violence, recoded by official examiners, **5,851** (4,939 in 2020) were restraining orders, and also **277** (312 in 2020) protection orders were issued by the courts at the request of police officers. In the first 6 months of 2022, the police issued 3,071 emergency restraining orders.⁵⁵

B. Risk Assessment and Risk Management

Law No. 45 stipulates in Article 11 that the authorities empowered with preventing and combating domestic violence are obliged to react promptly to any notification and to inform the victims about their rights. According to sectorial instructions, social workers, doctors and medical examiners are required to complete the risk assessment questionnaire. Risk assessment is a dynamic process of ascertaining acts of violence in the family, establishing the frequency of their commission, the events and circumstances in which they evolved or may escalate, in order to determine the degree of danger to which victims of domestic violence are or may be subjected, as well as to prevent repeated acts of domestic violence, ensuring the safety of victims and prosecuting perpetrators.

Consequently, Article 8 of Law No. 45/2007 establishes that social assistance and family protection departments/directorates should collaborate with the Police in identifying people likely to commit acts of domestic violence, referring if needed the case to specialists in the rehabilitation centres. According to Article 12¹ of Law No. 45 if, as a result of risk assessment, circumstances are established at the scene which result in a reasonable suspicion that acts of domestic violence have been committed and/or an imminent danger persists of repeating or committing violent actions, the police authority shall issue immediately an emergency restraining order against the perpetrator to eliminate the crisis situation. By the *Methodological Instruction on Intervention of the Police in Prevention and Combatting of Domestic Violence* approved by GPI Order No. 360 of 08.08.2018, was established the mechanism for ascertaining and assessing risks in cases of domestic violence.

The risk assessment is also regulated by Law No. 140 on the Special Protection of Children at Risk and Children Separated from their Parents⁵⁶. Thus, according to Law No140 the evaluation, assistance and monitoring of child at risk shall be performed on the basis of the case management method. Employees of institutions and services in social assistance, education, health care, legal fields are obliged to participate in the work of multidisciplinary teams in the process of initial and complex assessment of the child's situation at the request of the local guardianship authority, as well as in the development and implementation of the individual plan of assistance.

In order to prevent the risk of lethality, by the joint Order of the Ministry of Internal Affairs, the Ministry of

⁵⁵ NPSI of the GPI(2021), Note on the state of crimes against life and health and those committed in the sphere of family relationships during the 12th of 2021,

https://politia.md/sites/default/files/ni_privind_infrafractiunile_ce_atenteaza_la_viata_persoanei_si_cele_5.pdf

⁵⁶ Law No. 140 of 14 June 2013 on Special Protection of Children at Risk and of Children Separated from their Parents // O.G. No. 167-172 of 02.08.2013, Article 534.

Justice, the General Prosecutor's Office, the Ministry of Health, the Ministry of Labour and Social Protection, the Ministry of Education and Research no. 89/22/172/56/20/121 of 28.02.2022, a mechanism for the monitoring and analysis of cases of domestic violence resulting in victims' death or serious bodily harm was established. Based on the described mechanism, the Commission for the monitoring and analysis of cases of domestic violence resulting in victims' death or serious bodily harm was created, which represents an independent intersectoral mechanism for monitoring and analysis of femicide cases. The purpose of the Commission for the monitoring and analysis of cases of domestic violence resulting in victims' death or serious bodily harm is to reduce the violence, to provide quality services, to prevent victimisation, as well as to re-educate and re-socialise domestic abusers, by case analysis within its competence, as a result of the objective and multilateral examination of the circumstances, in order to reveal the actions/inactions undertaken by the competent authorities and institutions.

C. Emergency Restraining Orders

By the Law No. 196/2016 on Amending and Supplementing Certain Legislative Acts⁵⁷, the national protection mechanism for domestic violence victims was supplemented with a new institution – emergency restraining order. Since 16 March 2017, based on identified risks and personal beliefs following the risk assessment, the police have been applying the emergency restraining order as a temporary measure for the protection of the victims of domestic violence, resulting in immediate removal of the perpetrator from the family household and the establishment of prohibitions, thus ensuring the safety of the victim and other family members in their home. Consequently, Article 18 (2) of the Law No. 130 stipulates that the owner of a weapon, to whom the emergency restraining order or the protection order was applied, is forbidden the possession of weapons.

According to Article 12¹ of the Law No. 45 the emergency restraining order is a temporary measure to protect the victim of domestic violence, which is applied by the police for a period of up to 10 days, resulting in the immediate removal of the perpetrator from the family household and the establishment of prohibitions provided by law, in order to prevent domestic violence acts and their recurrence, thus ensuring the victim's and other family members' safety in their home and outside. The emergency restraining order is effective immediately. When the emergency restraining order is issued, the perpetrator and the victim (in case of children – the legal representative of the victim) shall be informed about the applied restrictions, their rights and obligations and about the liability for the failure to comply with the restraining order⁵⁸. When the perpetrator leaves the household, the police officer who issued the emergency restraining order, must request the perpetrator to hand over immediately all house keys, which are later given to the victim or taken for temporary storage at the police station. While leaving the house, the perpetrator can take with him, under police supervision, only items of personal use (clothes, documents, toiletries). The victim has the right, during the period of emergency restraining order was issued, to apply, under the law, for the protection order. The action period of the emergency restraining order, in this case, shall be extended by law and shall end with the execution of the protective measures established by the court⁵⁹. The execution of the measures established in the emergency restraining order is supervised by the local police office or station. The police station officers establish contact with the victim and approve the informing or reporting ways in case of violation or attempts to violate the order. If during emergency restraining order monitoring it is revealed that the domestic abuser did not execute deliberately or avoided the execution of the emergency restraining order, the official examiner shall start a contravention procedure based on essential elements of the contravention component provided in Article 318¹ of the Contravention Code. The deliberate non-execution or avoidance to execute the requirements stated in the emergency restraining order is sanctioned with a fine for 60 to 90 conventional units or with an arrest for 3 to 10 days.

⁵⁷ Official Gazette No. 306-313 of 16.09.2016, Article 661.

⁵⁸ Law No. 45/2007 on preventing and combating domestic violence, Art. 121 para. (2) // O.G. no. 306-313/16.09.16 art.661

⁵⁹ Law no.45/2007 On preventing and combating domestic violence, art. 121 para. (5) // O.G. no. 306-313/16.09.16 art.661

In case of violation of the emergency restraining order, all findings in the contravention proceedings, immediately after the completion of the procedure, but no later than 24 hours, are submitted to the court for examination, accompanied by the official examiner's proposal, regarding in particular the emergency hearing of the contravention case, as well as the application of arrest. In case of emergency restraining order violation, the official examiner is entitled to enforce coercive procedural-criminal measures, in compliance with Article 435 of the Contravention Code, which establishes the possibility to detain the offender.

In 2021, the police issued 5,851 (in 2020 - 4,939) emergency restraining orders regarding domestic abusers. In 2021, for the violation of the protection measures established by the emergency restraining order, against 726 (in 2020 - 591) domestic abusers were initiated contravention proceedings according to the constituent elements of a contravention, provided for in Article 318¹ of the Contravention Code.⁶⁰

Article 10 of the Law No.140 on the Special Protection of Children at Risk and Children Separated from their Parents⁶¹ provides the procedure of removing the child from the parents or caregivers, if it is established, as a result of the initial assessment, an imminent danger to the child's life or health. Subsequently, Article 10 para.(3) also provides procedural guarantees for respecting the rights of the child and parents, the guardianship authority being obliged to communicate the prosecutor about child removal from the family within no more than 24 hours and within 3 working days, shall file a case in the court on the termination of parental rights or removing child from the parents, without termination of their parental rights. If this requirement is not met, the child shall be immediately returned to the parents.

D. Protection Orders

The protection order is a legal act, by which the court applies protection measures to the victim for a certain period of time. The Moldovan law offers to victims of domestic violence the possibility to obtain a protection order in civil proceedings (Articles 278⁴-278⁹ Civil Procedure Code)⁶² and in criminal proceedings (Articles 215¹ Criminal Procedure Code)⁶³. The protective measures, provided for in Article 215¹ Criminal Procedure Code may be applied only in criminal proceedings. Issuance of protection order for victims of domestic violence in criminal proceedings is regulated by Article 215¹ Criminal Procedure Code. According to this provision, if during the criminal proceedings a victim of domestic violence files an application reporting threats of death, violence, damage of property or other illegal acts to the criminal investigation authority, the prosecutor or the court, they shall submit the application immediately to be examined in the court. The court, within 24 hours of receipt of the application, shall take measures to ensure the protection of the victim against the suspect, accused, defendant by issuing a protection order. The conditions of issuance, action period, enforcement of protective measures are similar to those established in civil proceedings.

The legislation of the Republic of Moldova offers to victims of domestic violence the possibility to obtain a protection order in civil procedure (Articles 278⁴-278⁹ Civil Procedure Code). To request a protection order, the victim may apply to the court in person or through a representative, to whom powers have been delegated. If victims cannot submit the application due to reasons of health, age, other justified reasons, at her request, the application for a protection order may be submitted, in the interests of the victim, by the police, the social assistance authority or by the prosecutor. The victim does not have to pay any state fee to obtain the protection order.

According to Article 15 of the Law No. 45, the court issues, in 24 hours from the receipt of the request, a protection order for the victim of domestic violence. During the examination process of the request

⁶⁰ NPSI of the GPI (2021), Note on the state of crimes against life and health and those committed in the sphere of family relationships during the 12th of 2021,

https://politia.md/sites/default/files/ni_privind_infrafractiunile_ce_atenteaza_la_viata_persoanei_si_cele_5.pdf

⁶¹ Law No. 140 of 14 June 2013 on Special Protection of Children at Risk and of Children Separated from their Parents // O.G. No. 167-172 of 02.08.2013, Article 534.

⁶² The Code of Civil Procedure of the Republic of Moldova No. 225 of 30.05.2003, Articles 278⁴-278⁹.

⁶³ The Code of Criminal Procedure of the Republic of Moldova No. 122 of 14.03.2003, Article 215¹.

regarding the application of protection measures, the state provides the victim with a lawyer who offers state-guaranteed legal aid free of charge. The protection measures are applied for a period of up to 3 months, can be withdrawn once the danger that conditioned these measures has disappeared, and can be extended in case of a repeated request or non-compliance with the conditions set out in the protection order.

Depending on each case, the court will apply the most adequate measures to offer maximum protection to the victim and to children, as appropriate. The protection measures are exhaustively listed in Article 15 of the Law 45/2007 and the Civil Procedure Code. If protection measures provided in Article 15 para.(1) letters (a)–(d) of the Law 45/2007 are applied then the court establishes obligatorily electronic monitoring in accordance with Article 271¹ of the Enforcement Code of the Republic of Moldova No. 443/2004. Electronic monitoring consists of perpetrator's surveillance by GPS technologies, cell or landline telephone equipment. In this case, a special device is attached to the person, which represents a special bracelet installed on the wrist or foot or a mobile device. The victim and her family members could be monitored electronically only if they express their consent in written form. The protection order is enforced immediately, but there is a right of appeal within 15 days. Appealing the resolution on the application of the protection order shall not suspend the enforcement of the measures applied

When the danger maintains and there is a need for protection, the person, that submitted the application for protection measures for the victim of domestic violence, can afterwards submit an application to extend the term of the measure enforcement. The application for extension of the protection measures term must be submitted and reviewed before the expiry of the first term. After the term expiration, the submitted application will be considered as a new application and will be randomly examined by a judicial panel in a separate proceeding.

The enforcement of protection measures does not prevent the initiation of divorce procedures, division of common property, termination of parental rights, removal of a child without termination of parental rights and other civil proceedings.

Article 320¹ of the Criminal Code establishes criminal liability for non-execution of measures in the protection order. In case of protection order violation, the police is entitled to enforce constraint criminal procedural measures, in accordance with Article 165 para.(2) point(2) Criminal Procedure Code, which determines the possibility to detain the accused, the defendant that violates the protection order in the event of domestic violence, as well as Article 185(2)(3) Criminal Procedure Code, according to which the suspect, the accused, the defendant, that violated the protection order in the case of domestic violence can be placed in pre-trial detention.

E. Administrative Data on Protection Measures

In 2021 the police issued **5,851 emergency restraining orders** against domestic abusers, compared to 4939 issued in 2020, which indicates an increase of 11.80%. In 2021, for the violation of the protection measures established by the emergency restraining order, against 726 domestic abusers were initiated contravention proceedings according to the constituent elements of a contravention, provided for in Article 318¹ of the Contravention Code.⁶⁴

The police, in 2021, supervised **509** (in 2020 – 402) protection orders issued to female victims, 12 to child victims, 207 to female and child victims and 35 orders to male victims and 3 to male victims with children. As for electronic monitoring of domestic perpetrators, in 2021 the Electronic Monitoring Centre executed **773 protection orders**, and **502** individuals (domestic abusers), **479** – men and **23** – women, were monitored electronically. In the process of supervision of protection measures' observance, it was established that perpetrators violated 94 protection orders. Thus, it is established that from a total number

⁶⁴ NPSI of the GPI (2021), Note on the state of crimes against life and health and those committed in the sphere of family relationships during the 12th of 2021, https://politia.md/sites/default/files/ni_privind_infraclunile_ce_atenteaza_la_viata_persoanei_si_cele_5.pdf

- 502 of individuals (domestic abusers) monitored electronically, 408 individuals (81%) complied with the protection measures. Statistical data show that by introducing electronic monitoring of domestic abusers, the recidivism rate of protection order violation has been reduced. Thus, before the application of electronic monitoring, in 2020 the recidivism rate of domestic abusers was about 50%. In 2021, since the implementation of electronic monitoring of domestic abusers, the recidivism rate has decreased to 19%.⁶⁵

In 2021, during the supervision of protection measures' observance, the police found that 373 (in 2020 - 281) protection orders were violated by the perpetrators and, in this sense, being initiated criminal cases on the basis of the constitutive elements of the offence according to Article 320¹ of the Criminal Code. In 2021, prosecutors investigated 373 criminal cases of protection order violation, based on Article 320¹ of the Criminal Code – non-execution of the measures of the domestic violence victim protection order (compared to 281 criminal cases initiated in 2020).

F. Legal proceedings ex-officio

According to Article 1 para.(1) Criminal Procedure Code, the criminal process represents the activity of the criminal investigation authorities and the courts with the participation of the parties and other people. The criminal proceedings are considered initiated as of the moment of notification of the competent authority about the preparation or commission of a crime or as of the moment of its acting ex officio.

Article 276 para.(1) of the Code of Criminal Procedure lists the crimes, which require the victim's prior complaint in order to start criminal prosecution. According to this rule, upon the reconciliation of the injured party with the suspect, the accused, the defendant in the cases initiated on the basis of the victim's prior complaint, the criminal prosecution will be terminated. Article 276 para. (1) Criminal Procedure Code does not include serious crimes against the life and health, including the sexual life of the victim (excepting Article 173 of Criminal Code (Sexual Harassment)), neither does the crime provided for in Article 201¹ Criminal Code (Domestic Violence) or other provisions of the Criminal Code regarding crimes committed against family members. Thus, criminal prosecution can be started in these cases in the absence of a prior complaint from the victim's part.

Consequently, Article 265 para. (3) Criminal Procedure Code provides that if criminal investigation officer detects a crime or has a reasonable suspicion regarding a committed crime, the employee of the fact-finding authority mentioned in Article 273 para. (1) letters (a)-(c) or the prosecutor draws a report of the findings and at the same time orders the immediate registration of the self-notification to start the criminal prosecution. Therefore, the national legislation provides for the possibility of self-notification and the initiation of criminal prosecution ex officio in cases of domestic violence.

G. Legal proceedings Ex-parte

National legislation, including Article 109 of the Criminal Code (Reconciliation) does not provide for the possibility of reconciliation between the victim and the perpetrator in a domestic violence case, this being in full compliance with international practice in the field of combating domestic violence, including the rules of the Istanbul Convention, which establish that domestic violence crimes are punishable regardless of the nature of the relationship between the victim and the perpetrator.

Thus, under the conditions of the criminal legislation in force, the prosecution of domestic violence cases does not cease when the parties reconcile. The draft law for the amendment of some regulatory documents (ensuring the rights of victims in crimes regarding sexual life and domestic violence) proposes the amendment of Article 109 of the Criminal Code so that any crime that threatens the sexual freedom and inviolability of a person shall exclude the reconciliation of the parties.

H. NGOs or other civil society actors and domestic violence counsellors

Law No. 45 assigns central and local authorities the task of developing social partnerships with non-governmental organisations, including foundations, trade unions, employers' associations, religious

⁶⁵ NPI (2021), Report on electronic monitoring of domestic abusers during 2021, <http://probatune.gov.md/files/getfile/4866>

organisations and international authorities that contribute to preventing and combating domestic violence. Several examples of good practices reveal the active involvement of the associative sector in order to offer assistance and informational and psychological support to victims of domestic violence. However, the legislative framework in preventing and combating domestic violence or sexual violence does not provide any rule that would offer the victim conditions to exercise the right of being assisted by trusted people, whenever necessary, within the processes of any nature in front of the public authorities.

Currently, there are 10 non-governmental organizations in the Republic of Moldova that offer services to women and children victims of domestic violence at the local, regional and national level. No crisis center for women and girls victims of sexual violence is yet operational, but they have been developing. To respond to the needs of victims of domestic violence and their children, also the needs of children victims, several NGOs provide day services, and within the day centres, they can benefit from a holistic approach and the following services: primary and qualified legal aid, psychological assistance and psychological and emotional support of the victim throughout the legal aid. Counselling, protection and rehabilitation programs for victims of domestic violence are implemented by: Women's Law Centre, La Strada, Promo-Lex, the Association Against Violence "Casa Marioarei", the Rehabilitation Center of Torture Victims "Memoria", the National Coalition "Life without Violence" and others. During the restrictions determined by the prevention of the spread of COVID 19, the Women's Law Centre provided legal and psychological counselling services, including online.

I. Protection Measures

Criminal procedural legislation recognizes the quality of victim to any individual who, through a crime, has suffered moral, physical or material damages, thus benefiting from the established procedural guarantees, rights and obligations within the criminal prosecution. If it is established that moral, physical or material damage has been caused by crime, the victim by his/her consent, through the ordinance of the criminal investigation authority, obtains the status of the injured party.

We reiterate that the Law No. 45/2007 guarantees the victim of domestic violence the protection of his/her legitimate rights and interests. The authorities empowered with the functions of preventing and combating domestic violence are obliged to react promptly to any notification and inform the victims of their rights.

According to Article 60 of the Criminal Procedure Code, the injured party in the process benefits from his/her rights and exercises his/her obligations in person or, if the law allows, through representatives. If the injured party is a minor or a person in respect of whom a measure of legal protection has been instituted, his/her rights are exercised by legal representatives as established. Body examination and taking samples of body discharges or other biological samples from the injured party without his/her consent may be conducted only with the authorisation of the investigative judge. These actions cannot be conducted in places or under circumstances where there is risk of traumatization of the injured party or violation of human rights.

If there are sufficient grounds to believe that the injured party, the witness, other participants in the trial or their family members may be or are threatened with death, violence, damage or destruction of property or with other illegal acts, the criminal investigation authority and the court are obliged to take the measures provided by the Law No. 105/2008 on witness protection and other participants of criminal procedure. Protection measures can be applied alone or cumulatively, including urgent measures and/or assistance measures under the law. The criminal investigation authority, the prosecutor or, depending on the case, the court are obliged to take measures to protect the life, bodily integrity, freedom or the property of the participants in the trial. The motivated judgement of the prosecutor or the court is mandatory for the authority authorized to protect witnesses. Criminal liability is provided for the disclosure of information about the protected person. A number of rules of the Law No. 45/2007 are dedicated to the protection of the victim of domestic violence - emergency restraining order and protection order.

Article 11 para.(2) of the Law No. 45 requires people in position of accountability, other people who are aware of a danger to the life and health of a potential victim to communicate this information to the authorities empowered to prevent and combat domestic violence, the latter must react promptly to any

notification. The representatives of the authorities empowered in preventing and combating domestic violence are prohibited from taking actions aimed at discouraging the victim from reporting acts of violence to which he/she is subjected. The police are obliged to respond immediately to notifications about domestic violence and not to underestimate the importance of action to combat any form of domestic violence. The measures described above are applicable to both adult and child victims.

In the context of Article 56 para.(2) of the Convention, it should be mentioned that the national legislation includes regulations regarding special treatment and protection conditions, considering the increased degree of minor's vulnerability. A minor witness has the right to be represented at all stages of the trial by a legal representative and a lawyer; to be confidential at all stages of the criminal prosecution; to make statements in his/her native language or in a language he/she speaks and to be assisted by an interpreter free of charge. Before the beginning of hearing the minor witness does not take an oath. The use of physical force against a minor witness, including the forced bringing to court, is prohibited at all stages of the criminal prosecution. No. minor will be forced to participate in the confrontation with the accused of crimes against his/her physical and/or moral integrity. The minor witness aged 16–18 has the right to be informed about all requests made by his representative, as well as to object to these actions. If, after a joint discussion, the minor witness has not withdrawn his/her objections, the legal representative must withdraw his/her request.⁶⁶

The victim/injured party or minor witness aged up to 14 are heard under special conditions in criminal cases regarding crimes of a sexual nature or domestic violence, as well as in other cases that are required by the interests of justice or the minor. Their hearing is carried out by the investigative judge in specially arranged rooms, equipped with audio/video recording equipment, through an interviewer. The minor and the interviewer are in a separate room from the investigative judge and the other participants in this trial, the latter having the right to formulate questions, which are asked through the investigative judge. Statements are recorded by audio/video equipment and registered in full in the minutes prepared in accordance with the procedural rules.⁶⁷

According to Article 371 of the Code of Criminal Procedure, if the minor witness under the age of 14 gave statements in accordance with the provisions of Article 110¹, the reading of these statements and the reproduction of audio/video recording will replace the personal hearing of the minor in order to reduce his/her possible trauma, except the situations where, based on the circumstances of the case, the court considers that the minor must give statements in the court session. The repeated hearing of the minor should be avoided as much as possible.

Law No. 45 assigns the obligation to inform the victims about the release of the detained or convicted person, to the authorities empowered with the preventing and combating of domestic violence.

J. Legal Aid

Law No. 45 provides for the right of a domestic violence victim to free primary and qualified legal aid, according to Law on State-Guaranteed Legal Aid. The authorities empowered with the preventing and combating of domestic violence are obliged to inform the victims how and under what conditions they have access to qualified legal advice or legal aid.

According to Law No. 198/2007 on State-Guaranteed Legal Aid (Law No. 198)⁶⁸, with the amendments and addenda made by Law No. 196/2016, victims of domestic violence can benefit from *primary legal aid and qualified legal aid*. The legal aid may be requested by victims of domestic violence, regardless of their income, at any stage of the criminal proceeding, and until the initiation of the proceeding in civil cases. Following the amendment to the Law No. 113 of 09.07.2020 in force as of 07.09.2020, good premises were created to ensure the early access of supposed victims of crime to state guaranteed legal aid necessary in

⁶⁶ The Code of Criminal Procedure, Articles 481, 481¹.

⁶⁷ Ibidem, Article 110¹.

⁶⁸ Official Gazette No. 157-160 of 05.10.2007, Article 614.

order to file a complaint for initiating the criminal prosecution.⁶⁹ Thus, Article 28 of the Law No. 198 was amended by introducing paragraph (1¹), which provides the possibility to receive emergency legal aid in accordance with Article 19 para.(1) let.(b¹), at the request of the person or authority that reported the domestic violence or sexual offence. Having considered the *above* mentioned amendments, emergency legal aid is provided 24/24 by the territorial office, regardless the income level of victims of domestic violence and sexual offences, starting with the date when the complaint was filed. The injured party benefits from his/her rights and exercises his/her obligations in person or, if the law allows, through representatives.

Emergency legal aid is required not only for the examination of the request for the issuance of the emergency order, which is carried out, according to the legislation, within limited terms, but also in the case of notification about a domestic violence crime or sexual offence, which by its nature are different from other cases, as the Istanbul Convention points out.

K. Relevant Administrative Data

In 2021, prosecutors prosecuted 987 criminal cases involving 1,087 child victims, compared to 509 criminal cases in 2020, involving 558 child victims. During the reference period, the number of cases in which children were victims of sexual offences and crimes against life and health increased: 370 children (212 - in 2020) became victims of sexual offences, of which in 51 cases (69 – 2020) the children were abused within the family (by biological parents – 18, stepfather – 10, cohabitant – 9, other relatives – 14), 51 children became victims of crimes against life and health.

During the reference period, 247 (2020 – 167) children were heard under the conditions of Article 110¹ of the Code of Criminal Procedure, of which 198 (2020 – 131) children were victims of domestic violence, child trafficking or sexual abuse and 49 (2020 – 36) children were questioned as witnesses of crime. Among the children heard under special conditions are even those over the age of 14, thus the provisions of Article 110¹ of the Code of Criminal Procedure are applied when the minor's interests require it. In the context of promoting child-friendly justice, the General Prosecutor's Office guides prosecutors to comply with the special procedures under Article 110¹ of the Code of Criminal Procedure, if minors are involved, so that all child victims/witnesses are heard under special conditions.⁷⁰

VII. Migration and asylum (Chapter VII, Articles 59-61)

A. 1. Autonomous residence permits

Law No. 200/2010 on Foreigners in the Republic of Moldova, as amended and supplemented from time to time, establishes general conditions for granting the right to temporary residence in the Republic of Moldova, including for the protection of victims of domestic violence (Article 31 para.(2) let.(e²)).

The legal provision (Article 39 para.(1) let.(d)) foresees that a foreigner, who holds a temporary residence permit for family reunification and who is a victim of domestic violence, and it is a confirmed fact, might be granted the right to temporary residence or it might be extended independently.

The right to temporary residence might be extended (Article 42²), upon request, to a foreigner, who is a victim of domestic violence and it is granted for 6 months, with the possibility of extension for further periods of up to 6 months. For the extension of the right to temporary residence, the foreigner has to comply with the status of the victim of domestic violence, submitting additional supporting documents (Article 42² para.(2)) to those stipulated in Law No. 200 (Article 32 para.(2)). The extension of the right to temporary residence is also granted to a foreigner provided that his/her stay on the territory of the Republic of Moldova is needed for the proper conduct of court proceedings and in case of well-founded

⁶⁹ Ibidem, p. 28

⁷⁰ PG(2021), Report on the activity of the Prosecutor's Office in 2021, Chisinau, 2022, http://procuratura.md/file/2022-03-21_RAPORT%20de%20activitate%20FINAL.pdf

concerns of being subjected to inhuman and degrading treatment upon return to the country of origin (Article 42² para.(1) letters (c),(d)). Once the right to temporary residence expires, general provisions on the status of foreigners in the Republic of Moldova shall be applied to victims of domestic violence. The right to temporary residence for victims of domestic violence can be revoked once the victim No. longer cooperates in the criminal proceeding or in case of some circumstances which exclude the criminal investigation foreseen in the Criminal Procedure Code (Article 275).

The right to temporary residence for victims of domestic violence and the temporary residence permit are issued free of charge. It should be mentioned that No. victims of domestic violence have been identified so far during the documentation process of women immigrants.

Between 25.02.2022 and 04.07.2022, 720 citizens of Ukraine had their domicile and residence registered in the Republic of Moldova. About 640 people (women – 397, men – 243) received temporary residence permits, and 80 people hold permanent residence permits (women – 51, men – 29).

2. Data on the number of women who were granted the right to stay in the Republic of Moldova

There is a lack of statistical data related to the cases stipulated in point A.1. (a), (b), (c), (d), (e).

B. Gender-based Asylum Claim

Asylum shall be granted in the Republic of Moldova in accordance with the provisions of Law No. 270/2008 on Asylum, as well as with the unanimously recognised principles and norms of international law, observing the provisions of the international treaties to which the Republic of Moldova is part of.

The competent authorities ensure access to the asylum procedure for any foreigner situated at the border, upon written or verbal expression of his/her will, from which it follows that the latter seeks protection of the Republic of Moldova.

Each case of the asylum procedure is examined individually, objectively and impartially.

Asylum-seekers will be treated without discrimination regardless of race, nationality, ethnic origin, language, religion, political affiliation, social status, beliefs, gender, sexual orientation or age. Data and information on asylum-seekers are confidential.

Law No. 270/2008 on Asylum in the Republic of Moldova ensures the observance of the principle of family unity (Article 12) and provides that all family members of the beneficiary of a form of international protection shall benefit from the same form of protection and status as the beneficiary. This norm shall apply once the following conditions are met: family members are accompanying the beneficiary, they are the beneficiary's dependants and live together with him/her. The principle of family unity shall be applied only if the marriage has been concluded before entering the territory of the Republic of Moldova and prior to the date of the beneficiary's claim for asylum. The international protection of family members provided under Article 12 para.(3) shall be maintained in case of divorce or separation. The principle of family unity shall not be applied when a family member is excluded or shall be excluded from the international protection in accordance with Article 18 and 20 of Law No. 270/2008.

Law No. 270/2008, Article 45 para.(1) let.(a) and para.(2) let.(a) recognizes the acts of physical, mental and sexual violence, as well as gender-based abuses and discriminatory acts against people as sufficiently severe acts of persecution which represent a severe violation of basic human rights in terms of granting the foreigner the refugee status (Article 17).

Between 2020 and 2021, the number of asylum claims amounted to 161, of which 43 claims were submitted by women. There were 75 decisions granting international protection, of which 30 decisions were issued for women.

Following the outbreak of the Ukrainian refugee crisis, the number of asylum claims on 01.07.2022 amounted to 8,067, out of which 1,223 claims were submitted by women. About 13 decisions on granting international protection were issued, including 3 decisions for women.

C. Gender-based asylum procedures and guidelines

Asylum in the Republic of Moldova is a legal institution through which the state offers protection to foreigners, by granting them refugee status, humanitarian protection, temporary protection or political asylum. The regulatory framework on asylum was developed by transposing the provisions of the 1951 Refugee Convention in Geneva and by incorporating the provisions of the community Aquis.

Any foreign citizen who expresses the will to apply for a form of protection shall be interviewed with regard to his/her application (Law No. 270/2008, Article 55). The interview shall take place as soon as possible, but not later than 21 days following the application date. The personal interview of the asylum-seeker shall take place, as a rule, in the absence of family members, unless the Bureau of Migration and Asylum considers their presence necessary for the purpose of proper examination.

The interview shall take place under conditions of confidentiality and the counsellor has the duty to:

- verify the facts presented by the asylum-seeker;
- take into consideration, as far as possible, the personal or general situation of the application for asylum, including the origin or vulnerability of the applicant;
- provide the asylum-seeker with an interpreter who would ensure adequate communication between the applicant and counsellor.

If the asylum-seeker requests to be interviewed by a same-sex counsellor, this shall be ensured, unless this request is based on grounds unrelated to the applicant's difficulties to present all the reasons for his/her claim.

The asylum-seeker may be interviewed in the presence of a lawyer. Representatives of UNHCR and nongovernmental organisations shall have the right to be present during the interview, subject to the applicant's consent. A psychologist or a specialised doctor may attend the interview conducted with victims of torture and other inhuman or degrading treatment.

Gender-responsive support services for asylum-seekers

BMA implemented the following gender-responsive support procedures and services:

- under Law No. 270/2008, the asylum-seeker has the right to choose a same-sex eligibility counsellor for the interview;
- following the expiry of the accommodation period in the Accommodation Centre for asylum-seekers, the period specified under Article 31 of Law No. 270/2008 shall be extended up to 3 months for pregnant women seeking international protection;
- Women are accommodated in the Temporary Placement Centre for Foreigners (TPCF) according to a gender-responsive procedure. They are accommodated separately from men.
- According to women's daily schedule within TPCF, the meals and activities are also provided separately from men.
- The Centre's staff working with women shall be women as well.
- Daily activities for pregnant women and mothers with children under 3 years of age are carried out according to children's age and their health status.

Law No. 200/2010 on Foreigners in the Republic of Moldova stipulates that foreign nationals accommodated at the Temporary Placement Centre for Foreigners shall be treated without any discrimination of race, sex, age, culture, nationality, religion or membership of a particular social group

D. Non-refoulement

Law No. 270/2008 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 on Asylum.

E. Other protection measures for women migrants and women asylum-seekers under immigration and refugee law

According to Article 72 of Law No. 270/2008, when an asylum-seeker provides information or shows signs of torture or other inhuman and degrading treatment, or is a victim of any form of violence, the Bureau of Migration and Asylum (BMA) shall order an extrajudicial forensic examination at the Centre of Forensic Medicine under the Ministry of Health. The results of the expertise shall be taken into account in combination with other aspects of the asylum claim, upon its examination.

The Bureau of Migration and Asylum takes measures to protect the victims of torture who are requesting asylum by providing them with protection, legal and psychological counselling according to Article 28 of Law No. 270/2008 on Asylum that stipulates the rights of asylum-seekers. Asylum-seekers are provided with the right to a free medical examination according to Article 30 of Law No. 270/2008. Article 15 of Law No. 270/2008 provides for the possibility of social integration for victims or asylum-seekers.

According to Law No. 274/2011 on Integration of Foreigners in the Republic of Moldova, if people who were granted a form of international protection belong to a category of vulnerable people, including people who were subjected to torture, rape or any other forms or severe psychological, mental or sexual violence, appropriate measures are taken to combat vulnerability, which implies the possibility of extending the integration and conducting a free accommodation program in the Regional Accommodation Centres of the Bureau of Migration and Asylum for an indefinite period until the vulnerability is no longer established.

The Bureau of Migration and Asylum with the support of UNHCR developed and approved by BMA Order No. 33/2020 the Practical Guide on the assessment of needs of asylum-seekers in vulnerable situations and their referral to competent authorities in order to provide some information and guidelines on the principles, rights, legal framework, communication and procedural aspects to be followed during the assessment of the needs of asylum-seekers in vulnerable situations and their referral to competent authorities.

In the context of the Ukrainian refugee crisis, the Commission for Exceptional Situations of the Republic of Moldova at the request of BMA approved derogations from the legislation which are applicable to Ukrainian citizens and facilitate their access to employment and residence in the Republic of Moldova. In this regard, Ukrainian citizens do not have to submit a criminal record when requesting the right of residence, as a self-declaration is sufficient. At the same time, it is not mandatory to stipulate the average monthly forecast salary per economy (EUR 528 in 2022) in the individual employment contract or to pay the state fee for obtaining a residence permit for work purposes. Another facilitating and simplified employment measure is the conclusion of an employment contract on the basis of the identity card and IDNP, which can be obtained free of charge on the website www.dopomoga.gov.md. Subsequently, the employer is responsible for informing the National Employment Agency about the employment of Ukrainian citizens.

Annexes

Annex 1. Table 1: Initial vocational training (education or training)

	NUMBER OF PROFESSIONALS TRAINED	MANDATORY NATURE	AVERAGE LENGTH OF CURRICULUM	PERIODICITY	FUNDING SOURCE	AUTHORITY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING	TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS
Police and other law-enforcement officials	515(2020)				State Budget	MIA	
Prosecutors	20 (2020); 20 (2021)			annually	State Budget	NIJ	
Judges	20 (2020); 20 (2021)			annually	State Budget	NIJ	
Social workers							
Medical doctors							
Nurses and midwives							
Psychologists, in particular counsellors/ psychotherapists							
Immigration/asylum officials							
Educational staff and school administrators							
Journalists and other media professionals							

Servicemen and women							
Any other relevant category							

Annex 2. Table 2: Vocational training

	NUMBER OF PROFESSIONALS TRAINED	MANDATORY NATURE	AVERAGE LENGTH OF CURRICULUM	PERIODICITY	FUNDING SOURCE	AUTHORITY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING	TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS
Police and other law-enforcement officials	393 (2020) ; 751 (2021)			annually, ad-hoc	State Budget / external funds	ILETC	
Prosecutors	132 (2020); 259 (2021)			annually, ad-hoc	State Budget / external funds	NIJ	
Judges	80 (2020); 185 (2021)			annually, ad-hoc	State Budget/external funds	NIJ	
Social workers	229 (2020- 2021)			annually, ad-hoc	External funds	NSAA	
Medical doctors							
Nurses and midwives							
Psychologists, in particular counsellors/ psychotherapists	50 (2020)			ad-hoc	External funds		

Immigration/asylum officials							
Educational staff and school administrators	980 (2020)			ad-hoc	External funds		
Journalists and other media professionals	20 (2021)				External funds		
Servicemen and women							
Any other relevant category							
Lawyers providing state-guaranteed legal aid	48 (2020); 35 (2021)			annually, ad-hoc	State Budget	NIJ	
Judicial assistants	112 (2020); 292 (2021)			annually, ad-hoc	State Budget	NIJ	
Probation counsellors							
Prosecutors' consultants	39 (2020); 37 (2021)			annually, ad-hoc	State Budget	NIJ	
	68 (2020); 112 (2021)					NIJ	
Paralegals				annually, ad-hoc	State Budget	NCFLA	
	34 (2021)			ad-hoc	External funds		

Annex 3. Relevant articles of the legislation of the Republic of Moldova in accordance with the Istanbul Convention

Law No. 45 of 1 March 2007 on Preventing and Combating Domestic Violence

Article 2. Main definitions

domestic violence – any acts of physical, sexual, psychological, spiritual or economic violence, except for actions taken in self-defence or in defence of another individual, including threatening with such acts committed by a family member against another member of the same family, through which material or moral damage was caused to the victim;

physical violence - deliberate harm to physical integrity or health by hitting, pushing, slamming, pulling hair, stabbing, cutting, burning, strangling, biting, in any form and of any intensity, by poisoning, intoxication, other actions with similar effect;

sexual violence- as any violence of a sexual character or any illegal sexual conduct within the family or within other interpersonal relationships, such as marital rape; prohibiting the use of contraception; sexual harassment; any unwanted, imposed sexual conduct; forced prostitution; any illegal sexual conduct with an underage family member, including fondling, kissing, photographing the child or other unwanted touching with sexual connotations; or other actions with a similar effect;

psychological violence – imposition of will or personal control; provoking tension and mental suffering by offending, taunting, swearing, insulting, name-calling, blackmailing, demonstrative destruction of objects, verbal threats, ostentatious display of weapons or hitting of domestic animals, neglect; interference in personal life; acts of jealousy; imposition of isolation by detention, including in the family home; isolation from family, community, friends; prohibition and/or creation of impediments to professional achievement or prohibition and/or creation of impediments to educational achievement in the education institution; persecution by contacting or attempting to contact by any means or through any other person the victim who has been caused anxiety, fear for their own safety or the safety of close relatives and forced to change their life conduct; dispossession of identity documents; deliberate deprivation of access to information; other actions with similar effect;

spiritual violence - underestimating or diminishing the importance of meeting the moral-spiritual needs by prohibiting, limiting, ridiculing, penalizing the aspirations of family members, by prohibiting, limiting, deriding or punishing access to cultural, ethnic, linguistic or religious values; imposing a system of unacceptable personal values; other actions with similar effect or similar repercussions;

economic violence - deprivation of economic means, including lack of primary livelihoods, such as food, medicine, basic necessities; abuse of various situations of superiority to steal the person's property; prohibition of the right to own, use and dispose of the joint assets; unfair control over joint assets and resources; refusal to support the family; coerce into doing hard and harmful work to the detriment of health, including of an underage family member; other actions with similar effect;

violence against women – any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

perpetrator - person who commits acts of domestic violence, in cohabitation relationship. Where complaints were made by several family members, with mutual accusations of committing acts of violence, the perpetrator shall be identified taking into account the following circumstances: who of the involved persons acted in self-defence or to defend another person; the likelihood that critical situations may occur for each person; how they acted at the scene of violence and the seriousness of the injuries caused by each person; previous complaints of domestic violence, other circumstances pointing to the initiator of the acts of violence;

protection order - legal act, by which the court applies protection measures to the victim;

emergency restraining order - an administrative document issued by the police applying protective measures meant to ensure immediate removal of the perpetrator from the family home subjected to violence and establishment of certain prohibitions provided by law in order to prevent the recurrence/committing of violence, thus guaranteeing the safety of the victim and of other members of their family inside and outside their home.

Article 12¹. Issuing an emergency restraining order

(1) If, as a result of risk assessment, circumstances are established at the scene which result in a reasonable suspicion that acts of domestic violence have been committed and/or an imminent danger persists of repeating or committing violent actions, the police authority shall issue immediately an emergency restraining order against the perpetrator to eliminate the crisis situation and, at the same time, shall take the necessary actions to establish that the offence of domestic violence has been committed.

(1¹) The police authority has the right to apply one or several of the following measures against the perpetrator:

- a) obligation to temporarily leave the common home or to stay away from the victim's home;
- b) prohibition to approach the victim, respecting the distance that would ensure the victim's safety and excluding any visual contact with the victim and/or children;
- c) prohibition of any contact, including by telephone or any other means of communication, with the victim and/or children;
- d) prohibition of keeping and carrying a gun.

(2) An emergency restraining order shall be issued for a period of up to 10 days and shall be enforced immediately, the perpetrator and the victim (in case of children – the legal representative of the victim) shall be informed about the applied restrictions, their rights and obligations and about the liability for the failure to comply with the restraining order.

(3) The execution of the measures established in the emergency restraining order shall be supervised by the local police office or station in the manner prescribed by law.

(4) The perpetrator has the right to appeal the emergency restraining order in court in an administrative proceeding. Filing the appeal does not suspend the action of the restraining order.

(5) The victim has the right, during the period covered by the emergency restraining order, to apply for a protection order under the law. The action period of the emergency restraining order, in this case, shall be extended by law and shall end with the execution of the protective measures established by the court.

Article 15. Protective measures

(1) The court shall, within 24 hours of receipt of the application, issue a protective order, to assist the victim, by applying the following measures against the perpetrator:

- a) obligation to temporarily leave the common home or to stay away from the victim's home, without deciding on the mode of ownership over the goods;
- b) obligation to stay away from the victim's location, at a distance that would assure his/her security, excluding any visual contact with the victim or with his/her children, with other people dependent on him/her;
- c) prohibition of any contact, including by telephone, by mail or in any other way, with the victim or his/her children, with other people dependent on him/her;
- d) prohibition of approaching certain places: the victim's workplace, the children's study place, other stated places that the protected victim attends;
- e) obligation, until the cease of the protection measures, to contribute to the maintenance of their common children with the victim;
- g) limitation of the rights over the goods that are in the victim's possession and use;
- h) obligation to participate in a special treatment or counselling program to reduce the violence or stop it;
- j) prohibition of keeping and carrying a gun.

(1¹) The protective measures referred to in para. (1) (a) to (d) shall be applied with mandatory electronic monitoring. In this case, Article 271¹ of the Enforcement Code of the Republic of Moldova No. 443/2004 shall apply accordingly.

(1²) The victim or, where appropriate, members of the victim's family may wear an electronic surveillance system that allows verifying the perpetrator's compliance, giving their written consent in this regard.

(2) The protection order shall be immediately communicated to the local subdivision of the police and to the probation authority of the administrative-territorial unit in which the perpetrator resides, and they, in turn, shall immediately inform the perpetrator of the measures applied. If the protection order was issued in respect of a child or a victim with children, the court shall also inform the guardianship authority where the child is located.

(2¹) If the protection order was issued within the action period of an emergency restraining order, the prohibitions established by the restraining order shall cease with the enforcement of the protection measures established by the protection order.

(3) The protective measures specified in para. (1) shall be applied for up to 3 months, may be revoked under this law, and may be extended in case of a repeated application or if the conditions set in the protection order have not been complied with.

(4) The enforcement of protective measures does not prevent the initiation of divorce procedures, division of common property, termination of parental rights, seizure of a child without termination of parental rights and other actions provided by the law in force.

(4¹) During the action period of the protection order issued in respect of a victim with children, irrespective of whether children are included in the protection order or not, they shall stay with the parent victim. At the request of the parent perpetrator, the child visit shall take place according to schedule approved by the local guardianship authority.

(5) Enforcement of the protective measures established by protection order shall be supervised by the police authority and probation authority in the manner prescribed by law. In the measure specified in para. (1)(j) is applied, the police authority shall immediately remove the guns and ammunition from the perpetrator.

Code of Civil Procedure

Article 278³. Review of cases

(1) Applications for protective measures in cases of domestic violence shall be reviewed by courts in accordance with the general rules of this Code, with the exceptions and additions set out in this Chapter and in the legislation on preventing and combating domestic violence.

(2) The court shall review the application for protective measures in cases of domestic violence with the participation of the victim and of relevant stakeholders. Any of the institutions empowered by law to prevent and combat domestic violence may be involved as a stakeholder, depending on the individual circumstances of the case.

Article 278⁴. Submission of application

(1) The application for protective measures shall be submitted by the victim in person or through a representative. If victims cannot submit the application due to reasons of health, age, other justified reasons, at his/her request, the application for a protective measures may be submitted, in the interests of the victim, by the police, the social assistance authority or by the prosecutor. The application for protective measures in the interests of a child or a person in respect of whom a protective measure has been established may be submitted by the guardianship authority, person in charge of taking care of the person under protection, prosecutor or any other person justifying an interest for defending or securing the person under protection or his/her property and in the absence of an application from the victim or his/her legal representative.

(2) The application for protective measures shall be submitted with the competent court from the victim's or perpetrator's domicile or place of residence, from the place where the victim requested assistance or from the place where the act of violence was committed.

Article 18⁵. Content of the application

The application for protective measures shall state the circumstances of the act of violence, its intensity, length, consequences and other circumstances pointing out to the need for protective measures.

Article 278⁶. Review of the application

(1) Upon receipt of the application for protective measures, the court shall immediately summon the victim and the stakeholders, contact the police authority from the place of residence of the

perpetrator and request to notify the latter about the initiated proceedings. The court may decide to summon the alleged perpetrator for a hearing.

(2) When reviewing the victim's application for protective measures, the court shall request the coordinator of the local office of the National Council for State Guaranteed Legal Aid to immediately appoint a lawyer to provide qualified state guaranteed legal aid to the victim.

(3) The independent declaration of the victim is sufficient to issue a protection order in case of imminent danger of committing physical violence. The court may request the social assistance or the police authority, as appropriate, to submit a report on the situation of the family concerned and of the alleged perpetrator. The court may also request other documents that are necessary for the review of the application.

(4) The perpetrator's failure to show up at the hearing, as well as the failure to submit the report on the situation of the family concerned and of the alleged perpetrator or other documents requested by the court does not prevent the court from reviewing the application.

Article 278⁷. Issuance of a protection order

(1) The court shall issue, within 24 hours from the receipt of the application for protective measures, a court resolution either admitting or rejecting the application.

(2) If the application is admitted, the court shall issue a protection order applying to the perpetrator one or several of the following measures:

a) obligation to temporarily leave the common home or to stay away from the victim's home, without the right to decide on the management or sell of goods;

b) obligation to stay away from the victim's location, at a distance that would ensure the victim's security, excluding any visual contact with the victim or with his/her children;

c) prohibition of any contact, including by telephone, by mail or in any other way, with the victim or his/her children, with other people dependent on him/her;

d) prohibition of approaching certain places: the victim's workplace, the children's study place, other stated places that the protected victim attends;

e) obligation, until case resolution, to contribute to the maintenance of their common children with the victim;

f) obligation to participate in a special treatment or counselling program, if such an action is ordered by the court as being necessary to reduce the violence or eliminate it;

g) limitation of the rights over the goods that are in common possession with the victim;

h) establishment of a temporary visiting schedule of underage children;

i) prohibition of keeping and carrying a gun.

(2¹) The protective measures referred to in para. (2) (a) to (d) shall be applied with mandatory electronic monitoring, in the manner prescribed by the law.

(2²) The victim or, where appropriate, members of the victim's family may wear an electronic surveillance system that allows verifying the perpetrator's compliance, giving their written consent in this regard.

(3) The protection measures shall be applied for a term of up to 3 months.

(4) The court shall immediately forward the protection order to the police, probation authority and other institutions or persons who, by law, are in charge of implementing protection measures for immediate enforcement.

(5) The protection order shall be enforced in accordance with the legislation in force.

Article 278⁸. Prolongation and revocation of a protection order

(1) The term of the protective measures may be extended by the court at the repeated request, as a result of committing domestic violence during the first action period of protective measures or as a result of the failure to comply with the conditions set up in the protection order or if, on expiry of protective measures, the danger to be subjected to violence and other illicit actions from the perpetrator is maintained over the victim.

(2) At the victim's justified request, the court may revoke the applied protection measures, assuring itself that the victim's wish is freely stated and was not subjected to the perpetrator's pressures.

Article 278⁹. Appealing the court resolution on the admission or rejection of the application for protective measures

(1) The resolution on the admission or rejection of the application for protective measures may be appealed.

(2) Appealing the resolution on the application of the protection order shall not suspend the enforcement of the measures applied.

Family Code

Article 37. Marriage termination by court

(1) If spouses have common underage children and failed to reach an agreement on their maintenance, education and residence or in the absence of one of the spouses' consent with the agreement, except for cases listed in Article 36(2) and cases when the marriage was terminated by notarial resolution, marriage shall be terminated by judicial way.

(2) The marriage shall also be terminated by judicial way in cases when both spouses agreed on divorce, but one of them refuses to come to the Civil Status Office to solve the issue.

(3) The court shall terminate the marriage if it finds that spouses' cohabitation and family preservation in the future are not possible.

(4) If during the examination of the divorce application, one spouse does not consent to the divorce, the court shall defer the examination of the case, setting a deadline for reconciliation of one to six months, except for divorce cases started on the ground confirmed by evidence of domestic violence.

Article 63. Domicile of the underage child

(1) If parents live separately, the domicile of the child who did not reach 14 years of age shall be established as the parents agree.

(1¹) If parents live separately, the child who reached 14 years of age shall choose the parent he/she wants to live with. If the child refuses to choose which parent he/she wants to live with, the child's domicile shall be established as the parents agree.

(2) If parents do not agree on the child's domicile and the child who reached 14 years of age refuses to choose with which parent he/she wants to live with, the domicile of the underage child shall be determined by the court, taking into account the child's interests and opinion, in accordance with his/her age and degree of maturity. In this case, the court shall consider the child's attachment to each of the parents, to his/her siblings, child's age, the moral qualities of the parents, the relationships between each parent and the child, the parents' opportunities to create appropriate conditions for child's education and development (occupations and working regime, living conditions, etc.)

(3) When establishing the domicile of the minor, the court shall ask for the advice of the local guardianship authority in the service area of which each of the parents is domiciled.

(4) If parents do not agree on the child's domicile, until the court determines the child's domicile the child's domicile shall be deemed to be the domicile of the parent with whom the child permanently resides.

(5) In the case referred to in para. (4), the parent living separately from the child has the right to spend time with the child at his/her home, unless this goes against the best interests of the child, taking into account the age of the child, proximity of the home of the parent living separately, the child's attendance at school/participation in extracurricular activities, according to a schedule established by the local guardianship authority.

Contravention Code

Article 78¹. Domestic violence

Mistreatment or other violent actions, committed by a family member against another family member, which have caused slight bodily injury shall be sanctioned by unpaid community work for 40 to 60 hours or by detention for 7 to 15 days.

Article 78². Acts of persecution

Repeated persecution of a person who was caused a state of anxiety, fear for personal safety or for the safety of close relatives, being forced to change their life style, by:

- a) stalking the person;
- b) contacting or attempting to contact by any means or through another person.

shall be sanctioned by a fine for 30 to 60 conventional units or by unpaid community work from 20 to 40 hours or by arrest for 10 to 15 days.

Article 318¹. Non-execution of the emergency restraining order

The deliberate non-execution or avoidance to execute the requirements stated in the emergency restraining order is sanctioned with a fine for 60 to 90 conventional units or with an arrest for 3 to 10 days.

Criminal Code

Article 77. Aggravating circumstances

(1) When determining punishment, the following shall be considered as aggravating circumstances:

- a) the commission of a crime by a person who previously was convicted for a similar crime or of other acts relevant to the case;
- b) severe consequences caused by the commission of the crime;
- c) commission of a crime with any form of participation;
- d) commission of a crime due to prejudice;
- e) deliberate commission of a crime against an underage child or against a pregnant woman or by taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical or mental disability, or another factor;
- f) commission of a crime against a person in connection with his/her professional or social duties;
- g) commission of a crime using or in the presence of underage children, persons in difficulty, persons with intellectual disabilities, or persons dependent on the perpetrator;
- h) commission of a crime through extremely cruel acts or humiliation of the victim;
- i) commission of a crime by means that pose a great social danger;
- j) commission of a crime by a person in a state of intoxication caused by the consumption of substances mentioned in Article 24. The court has the right, depending on the nature of the crime, not to consider this as an aggravating circumstance;
- k) commission of crime with the use of weapons, ammunition, explosive substances, or similar devices, specially prepared technical devices, noxious and radioactive substances, medical and other chemical/pharmaceutical preparations, and the use of physical and mental coercion;
- m) commission of a crime by taking advantage of a state of emergency, natural calamities, and mass disorders;
- n) commission of a crime by abusing someone's trust.

(2) If the circumstances mentioned in para. (1) are also set forth in the corresponding articles of the Special Part of this Code as evidence of these elements of crime, they may not be concurrently considered as aggravating circumstances.

Article 78. Effects of mitigating and aggravating circumstances

(1) If the court ascertains the presence of mitigating circumstances in the commission of a crime, the main punishment shall be reduced or changed as follows:

- a) if the minimum term of imprisonment set in the corresponding article of the Special Part of this Code is less than 10 years, the punishment may be reduced to this minimum;
- b) when a fine is applied, it may be reduced to its lowest limit;

c) if the law specifies life imprisonment for the crime committed, it shall be substituted by imprisonment for 15 to 25 years.

(2) If the court ascertains the presence of mitigating circumstances in the commission of a crime, the complementary punishment provided by the law for the crime may be eliminated.

(3) In case of aggravating circumstances, the maximum punishment set in the corresponding article of the Special Part of this Code may be applied.

(4) In the case of a concurrence of aggravating and mitigating circumstances, the reduction of the punishment to the minimum or its increase to the maximum set in the corresponding article of the Special Part of this Code shall not be mandatory.

(5) Where exceptional mitigating circumstances exist, the punishment may be applied according to the provisions of Article 79.

Article 107. Amnesty

(1) Amnesty is an act generating the effect of the exclusion of criminal liability or punishment or reducing the punishment applied or replacing the punishment with a milder form.

(2) Amnesty does not have any effect on security measures or the rights of the injured person.

(3) Amnesty shall not apply to the commission of crimes referred to in Article 166¹ para. (2) to (4), as well as persons who have committed crimes against underage children set forth in Articles 171-175¹, 201, 206, 208, 208¹ and 208².

Article 108. Pardon

(1) Pardon is an act through which a convict is exempted, in whole or in part, from the punishment set or through which the punishment set is replaced with a milder form.

(4) A pardon does not have any effect on security measures or on the rights of the injured person.

(5) Pardon shall not apply to persons who committed crimes against underage children set forth in Articles 171-175¹, 201, 206, 208, 208¹ and 208².

Article 109. Reconciliation

(1) Reconciliation is the act excluding criminal liability for a minor or a less serious crime and for underage children for a serious crime, for crimes set forth in Chapters II – VI, in Article 264(1) of the Special Part, as well as in cases provided by criminal procedural law, if the person has No. previous criminal record for similar crimes committed with intent or if the criminal proceedings against him/her have not been terminated as a result of reconciliation for similar crimes committed with intent within the past five years.

(4) Reconciliation shall not apply to persons who committed crimes against juveniles set forth in Articles 171-175¹, 201, 206, 208, 208¹ and 208².

Article 133¹. Family member

A family member means:

a) in joint habitation: persons in marriage relationship, divorced spouses, persons under guardianship and trusteeship, their relatives and in-laws, relatives of the spouses, persons who are in relations similar to those between spouses (domestic partners) or between parents and children;

b) in separate habitation: persons in marriage relationships, divorced spouses, their relatives and in-laws, adopted children, persons under trusteeship, persons who are or have been in relationships similar to those between spouses (cohabitation).

Article 201¹. Domestic violence

(1) Deliberate action or inaction committed by a family member against another family member, manifested by:

a) mistreatment, other violent actions resulting in slight injury to body or health;

b) isolation, intimidation for imposing the will or personal control over the victim;

c) deprivation of economic means, including deprivation of primary means of subsistence, neglect, if they have caused the victim slight injury to body or health;

shall be punished by unpaid community work for 150 to 180 hours or by imprisonment up to 3 years.

(2) The acts set forth in para. (1):

- a) committed on two or more family members;
- b) committed in connection to the application for protective measures;
- c) that inflicted medium harm to injury to body or health;

shall be punished by unpaid community work for 180 to 240 hours or by imprisonment from 1 to 6 years.

(3) The acts set forth in paras. (1) and (2) that:

- a) inflicted severe injury to body or health;
 - b) provoked suicide or attempted suicide
- shall be sanctioned by detention for 6 to 12 years.

(4) The acts set forth in paras. (1) or (2) that caused serious injury to body or health resulting in the death of the victim

shall be sanctioned by detention for 12 to 15 years.

Article 145. Deliberate murder

(2) Murder committed:

e¹) on a family member;

shall be punished by imprisonment for 12 to 20 years or by life imprisonment.

Article 171. Rape

(1) Rape, i.e. sexual intercourse committed by the physical or mental coercion of the person, or by taking advantage of the victim's incapacity to defend himself/herself or to express his/her will, shall be punished by imprisonment for 3 to 5 years.

(2) Rape:

- a) committed by a person who has previously committed rape as set forth in para (1);
- b) committed knowingly against an underage child;
- b¹) committed knowingly against a pregnant woman;
- b²) committed against a family member;
- c) committed by two or more persons;
- e) committed for the intentional contamination of the victim with a sexually transmitted disease;
- f) involving torture of the victim;
- d) committed due to prejudice;

shall be punished by imprisonment for 5 to 12 years.

(3) Rape:

- a) of a person under the care, custody, protection, education, or treatment of the perpetrator;
- b) of an underage child under the age of 14;
- c) involving deliberate contamination with AIDS;
- d) that causes by imprudence severe injury to body or health;
- e) that causes by imprudence the death of the victim;
- f) that results in other severe consequences

shall be punished by imprisonment for 10 to 20 years or by life imprisonment.

Article 172. Violent actions of a sexual character

(1) Homosexuality or satisfying sexual needs in perverted forms committed through the physical or mental coercion of the person or by taking advantage of the person's incapacity to defend himself/herself or to express his/her will,

shall be punished by imprisonment for 3 to 5 years.

(2) The same actions:

- a) committed by a person who has previously committed rape as set forth in para. (1);
- b) committed knowingly against an underage child;
- b¹) committed knowingly against a pregnant woman;

- b²) committed against a family member;
- c) committed by two or more persons;
- d) committed for the intentional contamination of the victim with a sexually transmitted disease;
- g) involving torture of the victim;
- h) committed due to prejudice;

shall be punished by imprisonment for 5 to 12 years.

(3) The actions stipulated in paras. (1) or (2):

a) committed against a person certainly known to be under the age of 14;

a¹) committed against a person under the care, custody, protection, education, or treatment of the perpetrator;

c) that cause deliberate contamination with AIDS;

c) that cause by imprudence severe injury to body or health;

d) that cause by imprudence the death of the victim;

e) that result in other severe consequences;

shall be punished by imprisonment for 10 to 20 years or by life imprisonment.

Article 174. Sexual intercourse with a person under the age of 16

(1) Sexual intercourse other than rape, acts of vaginal, anal or oral penetration, committed with a person certainly known to be under the age of 16,

shall be punished by imprisonment for 3 to 7 years.

(2) The person who committed the act set forth in para. (1) shall not be subject to criminal liability if he/she is similar to the victim in terms of age and physical and mental development,

shall be punished by imprisonment for 5 to 12 years.

(3) The actions stipulated in paras. (1) or (2):

a) committed against a person certainly known to be under the age of 14;

a¹) committed against a person under the care, custody, protection, education, or treatment of the perpetrator;

c) that cause deliberate contamination with AIDS;

c) that cause by imprudence severe injury to body or health;

d) that cause by imprudence the death of the victim;

e) that result in other severe consequences;

shall be punished by imprisonment for 10 to 20 years or by life imprisonment.

Article 173. Sexual harassment

(1) Sexual harassment, i.e. manifesting a physical, verbal or non-verbal behavior that violates the person's dignity or creates an unpleasant, hostile, degrading, humiliating, discriminating or insulting atmosphere with the aim to persuade a person to sexual intercourse or to other unwanted actions bearing sexual character, conducted by threat, coercion, blackmailing

shall be punished by a fine of 650 to 850 conventional units or by unpaid community work for 140 to 240 hours or by imprisonment up to 3 years.

(2) The same action committed due to prejudice

shall be punished by a fine of 750 to 1000 conventional units or by unpaid community work for 200 to 240 hours or by imprisonment up to 4 years.

Article 167. Slavery and conditions similar to slavery

(1) Placing or keeping a person in conditions where another person owns him/her or forcing the person through deceit, coercion, violence or the threat of violence to enter into or remain in an extramarital or marital relationship

shall be punished by imprisonment for 3 to 10 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same action committed due to prejudice

shall be punished by a fine of 5 to 12 conventional units with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

Article 159. Illegal abortion

(1) Interrupting a pregnancy by any means committed:

a) outside medical institutions or specially authorized medical offices;

b) by a person without special higher medical education;

c) in case of a pregnancy that exceeds 12 weeks without medical indications issued by the Ministry of Health;

d) if there are medical contraindications for such operations;

e) in insanitary conditions

shall be punished by a fine of 550 to 850 conventional units or by the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years or by imprisonment for up to 2 years.

(2) The same action:

b) that cause by imprudence serious or less serious injury to body or health;

c) that cause by imprudence the death of the victim

shall be punished by imprisonment for 1 to 6 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

Article 160. Illegal performance of surgical sterilization

(1) Illegally performing surgical sterilization by a doctor

shall be punished by a fine of up to 550 conventional units with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(2) The same action committed:

a) in non-specialized healthcare facilities;

b) by a person without special higher medical education,

shall be punished by a fine of 550 to 850 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for a period of up to 5 years.

(3) The actions stipulated in paras. (1) or (2) that:

b) caused by imprudence a long-term health disorder or severe injury to body or health;

c) caused by imprudence the death of the patient;

d) were committed due to prejudice,

shall be punished by imprisonment for 3 to 6 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

Article 320¹. Failure to execute the measures established by the protection order issued for the victim of domestic violence

Deliberate non-execution or avoiding the execution of the measures established by the court in the protection order for a victim of domestic violence

shall be punished by unpaid community service for 160 to 200 hours or by detention up to 3 years.

Article 323. Supporting a crime

(1) Supporting a serious, especially serious, or exceptionally serious crime

shall be punished by a fine of 550 to 850 conventional units or by imprisonment for up to 3 years.

(2) The husband (wife) and close relatives of the person who committed the crime shall not be subject to criminal liability.

Criminal Procedure Code

Article 110¹. Special cases of hearing an underage witness

(1) Hearing of an underage witness under the age of 14 in criminal cases related to crimes of sexual character, trafficking of children or domestic violence and in other cases where the interests of justice or juvenile require so, under the conditions of Article 109 para. (5) shall be performed by the investigative judge in specially designed rooms, equipped with audio/video recording means, via an interviewer. The underage witness shall be examined within limited timeframes.

(2) The underage witness and the interviewer shall be located in the hearing room and separated from the investigative judge and the other persons taking part in this procedural action.

(3) The investigative judge, prosecutor, defence counsel of the suspect or accused, psychologist, court clerk, legal representative of the underage subject to examination, legal representative of the injured party and, as the case may be, other persons in line with the law shall be in the monitoring room. The participants in the hearing shall address questions to the investigative judge who shall transmit them verbally to the interviewer via the technical equipment or in writing during a break.

(4) If necessary, the interviewer shall reserve the right to reformulate the questions if their wording could traumatize the underage witness, however, without changing their essence.

(5) Examination of an underage witness must be carried out so that to avoid any negative effect on his/her mental condition.

(6) An underage witness under the age of 14 at the date of examination shall be warned to tell the truth.

(7) The testimonies of the underage witness examined under the conditions of this article shall be recorded by audio-video equipment and fully included in the transcript prepared in accordance with articles 260 and 261. The investigative judge shall seal the informational media on which the testimony of the witness was recorded and shall keep the original along with a copy of the transcript of the examination. A copy of the audio/video recording and the transcript of the examination shall be attached to the criminal case file. Within 3 days from the moment of the hearing or not later than the day when the accused appeared or was forcibly brought, the criminal investigative authority shall bring to the knowledge of the suspect or accused the transcript of the examination of the underage witness and the copy of the audio/video recording of the examination. A transcript thereof shall be prepared.

(8) Should the suspect or accused wish to address questions to the underage witness, an additional hearing based on a justified request shall be organized under the conditions of this article. The repeated hearing of the underage child must be avoided to the extent possible.

(9) If at the moment of examination the suspect was not identified, after the person was identified and assigned the status of a suspect, within the shortest timeframe possible the criminal investigative authority shall bring to the knowledge of the suspect or his/her defence counsel the transcript of the examination by submitting to him/her a copy of the audio/video recording thereof. Should the suspect or his/her defence counsel wish to address questions to the underage child, an additional examination of the underage child based on a justified request shall be organized under the conditions of this article.

Article 215¹. Protection measures applied to victims of domestic violence

(1) Should it be stated during the criminal proceedings that a victim of domestic violence is in danger to be subjected to violence or other illegal actions, including by destroying his/her goods, the criminal investigative authority or the prosecutor shall interfere without delay in order to ensure that the protection measures are obtained.

(2) The motion to obtain protection measures may be filed by the criminal investigative authority or by the prosecutor and based on the application of the injured party.

(3) The court shall issue within 24 hours from the receipt of the request a protection order by which it may provide protection to the victim and his/her children by applying to the suspect/accused/defendant one or several of the following measures:

a) obligation to temporarily leave the common home or to stay away from the victim's home, irrespective of the ownership right over the goods;

b) obligation to stay away from the victim's location, at a distance that would ensure victim's security, by excluding any visual contact with him/her and his/her children, with other persons depending on him/her;

c) prohibition of any contact, including by telephone, by mail or in any other way, with the victim or his/her children, with other people dependent on him/her;

d) prohibition of approaching certain places: the victim's workplace, the children's study place, other stated places that the protected victim attends;

g) limitation of the unilateral use of common goods;

f) obligation to have a medical examination of the mental condition and dependence on drugs/alcohol and, if the medical conclusion confirming the dependence on drugs/alcohol is issued, to undergo a forced medical treatment of alcoholism/drug addiction;

g) obligation to complete a special treatment or counselling program, if such an action is determined by the court as being necessary to reduce or eliminate violence;

h) prohibition to keep and bear firearms.

(3¹) The protective measures referred to in para. (3) (a) to (d) shall be applied with mandatory electronic monitoring, in the manner prescribed by the law.

(4) The protection measures shall be applied for a term of up to 3 months. The duration of protection measures may be extended by the court upon a repeated request following the commission of domestic violence acts or as a result of failure to observe the conditions set in the protection order.

(4¹) The victim or, where appropriate, members of the victim's family may wear an electronic surveillance system that allows verifying the perpetrator's compliance, giving their written consent in this regard.

(5) The protection order shall be immediately sent to the internal affairs authority from the location of the suspect/accused/defendant and the victim. In case of electronic monitoring, the protection order shall be sent immediately to the probation authority from the location of the suspect/accused/defendant and the victim.

(6) The ruling of the judge to apply or extend the protection order shall be enforced immediately and subject to appeal in a hierarchically higher court.

Article 219. Civil action in a criminal proceeding

(1) A civil action may be filed in a criminal proceeding upon the request addressed to a prosecutor or the court by individuals or legal entities that suffered material or moral damage caused directly by an act (action or inaction) prohibited under criminal law or in connection with the commission thereof.

(2) The individuals and legal entities suffering damage caused directly by the actions prohibited in criminal law may file a civil action related to the compensation of the damage claiming:

1) recovery in kind of objects or of the value of the goods lost or damaged as a result of the commission of the act prohibited by criminal law;

2) a refund of expenses for the purchase of lost or destroyed goods or the restoration of the quality, salable condition or the repair of damaged goods;

3) a refund of any profits lost as a result of the action prohibited by criminal law;

4) redress for moral damage or, as the case may be, for damage caused to a professional reputation.

(3) Moral damage shall be construed related to an action prohibited by criminal law if it is expressed in expenses for:

1) the treatment of the injured party and his/her care;

2) the funeral of the injured party;

3) insurance, allowances and pensions;

4) the execution of a contract for protecting goods.

(4) When assessing the amount of material compensation for moral damage, the court shall consider the physical suffering of the victim; damage that makes it impossible to pursue a sporting, artistic or other activity; esthetic damage; the loss of faith in life; the loss of honor by defamation; the mental suffering caused by the death of close relatives etc.

(6) A civil action may be initiated on behalf of an individual or of a legal entity by their representatives.

(7) In the case of the death of an individual entitled to initiate a civil action in a criminal proceeding, this right shall be transferred to his/her successor and in the case of the reorganization of the legal entity to its legal successor.

(8) The claims of individuals and legal entities damaged directly by an act prohibited by criminal law shall prevail over the claims of the state on the perpetrator.

(9) The criminal investigative authority and the court shall be obliged to bring to the notice of the person his/her right to initiate a civil action.

Article 220. Applying legislation to examine a civil action

(1) A civil action in a criminal proceeding shall be settled in line with the provisions of this Code.

(2) The norms for civil procedures shall apply provided that they are not in conflict with the principles of a criminal proceeding and that the norms of a criminal proceeding do not provide for such regulations.

(3) A judgment in a civil action shall be issued in line with the norms of civil law and other branches of law.

(4) The statute of limitations provided in civil legislation shall not apply to civil actions settled in a criminal proceeding

(5) If the person who brought the civil action has been admitted as a civil party, but subsequently, by order, the criminal prosecution has been discontinued, the criminal case has been closed or the person has been removed from criminal prosecution, a new limitation period of the civil action shall begin to run from the date on which the order becomes irrevocable.

(6) If the court has admitted the civil action in principle or has left it without resolution, a new limitation period of the civil action shall begin to run from the date on which this judgment becomes final.

Article 221. Initiating a civil action in a criminal proceeding

(1) A civil action shall be initiated in a criminal proceeding based on the written request of the civil party or his/her representative any time from the moment the criminal proceeding is initiated until the completion of the judicial inquiry.

(2) A civil action shall be initiated against a suspect, accused, defendant, against an unknown person subject to liability, or against a person who may be responsible for the actions of the accused, defendant.

(3) A civil action request shall refer to the criminal case within which the civil action shall be initiated, to whom the civil action is addressed, the value of the action and the claim for damage. If necessary, a civil party may submit a request specifying a civil action.

(4) The prosecutor shall initiate and support a civil action initiated to compensate the damage caused to the public authorities by the crime, as well as to cancel the acts that caused the damage, from initiating the criminal proceedings until the completion of the judicial inquiry. The civil complaint may be filed irrespective of the consent of the public authority.

(5) A person who did not initiate a civil action as part of a criminal proceeding shall have the right to initiate a civil action under a civil procedure. Should the civil action initiated under the civil procedure be rejected, the plaintiff shall not be entitled to initiate the same action within the same criminal proceeding. Should the civil action be rejected within the criminal proceeding, the plaintiff shall not be entitled to file the same action under a civil procedure.

Article 225. Trying a civil action

(1) A civil action in a criminal proceeding, irrespective of the value of the action, shall be tried by the court competent to try the criminal case.

(2) By adopting the sentence on conviction or on coercive medical measures, the court shall also settle a civil action by accepting it in whole or in part or by rejecting it.

(3) Concurrently with settling the criminal case the judge shall be obliged to settle the civil action.

Article 226. Effects of a judgment on a civil action becoming effective

The final court judgment on a civil action in a criminal proceeding including the judgment of the criminal investigative authority or the court on the acceptance of a withdrawal of a civil action, and a court judgment confirming a reconciliation of the parties in the same dispute shall prevent the subsequent filing of a new action on the same grounds.

Law No. 137/2016 on Rehabilitation of Victims of Crime

Article 1. Purpose of the law and scope of regulation

(1) The provisions of this law aim to create the legal framework for ensuring the minimum conditions for the rehabilitation of victims of crime, as well as for the protection and enforcement of their rights and legitimate interests.

(2) This law establishes the categories of victims of crime to which its provisions apply, the organisation and functioning of the mechanism for the protection and rehabilitation of victims of crime, the method and conditions for financial compensation by the state for the harm caused by crime.

(3) For the purposes of this Act, the term 'victim of crime' shall mean a natural person who has suffered mental or physical harm, emotional suffering or material loss directly caused by the crime, as defined in the Criminal Code, as well as the spouse, children and dependants of the deceased in the case of the support services referred to in Article 2(5)(b) and (d).

Article 2. Support services for victims of crime

(1) The rehabilitation of victims of crime and their rights shall be achieved through the provision of support services.

(2) Support services are services, public or private, provided to victims of abuse, physical, psychological or sexual violence.

(3) Support services aim to provide counselling and support for victims in their communication with public authorities, assistance for physical, psychological and social rehabilitation.

(4) Support services achieve their purpose through special measures, such as psychological counselling, legal and social assistance.

(5) In order to achieve the purpose referred to in para. (3), the victims of crime shall benefit from the following support services:

- a) informing the victims of crime about their rights and the services available to them;
- b) psychological counselling;
- c) state guaranteed legal aid;
- d) financial compensation by the state for the damage caused by the crime.

(6) The Government may adopt detailed rules governing the procedures for providing the support services referred to in para. (5).

(7) The victims of human trafficking and of domestic violence shall benefit from assistance measures in accordance with the provisions of Law No. 241-XVI of 20 October 2005 on Preventing and Combating Human Trafficking or, as the case may be, of Law No. 45-XVI of 1 March 2007 on Preventing and Combating Domestic Violence.

Article 8. Psychological counseling

(1) The victims of crime shall benefit, upon request, from psychological counselling, which shall be provided, under the terms of this Act, by psychologists from the local social assistance units, non-commercial organisation or legal for-profit entities that work in the area of rehabilitation of victims of crimes and that were selected for this purpose by local government or by the Ministry of Labour, Social Protection and Family.

(2) The victims of crime who do not meet the conditions set out in Article 9, or who have requested such assistance after the deadline for receiving psychological counseling at state expense has expired, may, on request, be provided with psychological counselling against payment.

(3) The fees for psychological counselling services provided by the local social assistance units are set by the Government.

(4) Non-commercial organisations or profit-making legal entities shall independently set the prices for psychological counseling services, which may not exceed the prices established by the Government in accordance with para. (3).

Article 9. Psychological counselling at state expense

(1) Psychological counselling is provided at state expense for victims of crimes, including attempts thereto, under the following articles of the Criminal Code: Article 145 (intentional homicide), Article 146 (homicide committed in a state of strong emotional excitement), Article 149 (deprivation of life by negligence), Article 150 (driving to suicide), Article 151 (intentional infliction of grievous bodily harm or other serious harm to health), article 158 (trafficking in organs, tissues and cells), Article 160 (illegal performance of surgical sterilisation), Article 164 (kidnapping), article 164¹ (abduction of an underage child by close relatives), Article 165 (human trafficking), Article 166(2) and (3) (unlawful deprivation of liberty), Article 166¹ (torture, inhuman or degrading treatment), Article 167 (slavery or conditions similar to slavery), Article 168 (forced labour, if the offence is committed against an underage child), Articles 171–175 (sex crimes), Article 188(3)(c) or (d) (robbery committed with serious injury to bodily integrity or health or with particular cruelty), Article 201¹ (domestic violence), Article 206 (trafficking in children), Article 208¹ (child pornography), Article 208² (obtaining child prostitution services).

(2) Psychological counselling at state expense shall be provided to victims of the crimes referred to in para. (1) if the crime was committed in the Republic of Moldova or if the crime was committed outside the Republic of Moldova, and the victim is a citizen of the Republic of Moldova, a citizen of a foreign state or a stateless person legally residing in the Republic of Moldova.

(3) Psychological counseling at government expense shall be provided for No. more than three months from the date of approval of the application for such service, and in the case of victims under the age of 18, for No. more than six months from the date of approval of the respective application.

Article 10. The procedure for providing psychological counselling at state expense

(1) Psychological counselling at the expense of the state shall be provided on the basis of a written application of the victim of crime, which shall be submitted to the local unit of social assistance or to another entity working for the rehabilitation of crime victims in the area where the crime victim resides, and which has been selected for this purpose by the local public authorities or the Ministry of Health, Labour and Social Protection.

(2) An application for psychological counselling at state expense may be submitted only after the crime has been reported to the investigating or prosecuting authority.

(3) The application for psychological counselling at state expense shall include:

- a) the last name, first name, date and place of birth, domicile or residence of the victim;
- b) the date, place and circumstances of the crime;
- c) the date on which the crime was reported and the authority to which it was reported.

(4) A copy of the documents confirming the information provided in the application shall be attached to the application for psychological counselling at state expense.

(5) An application for psychological counselling at state expense shall be processed within 3 days from the date of submission.

Article 11. Legal assistance to victims of crime

(1) The victims of crimes shall benefit from state-guaranteed legal aid in accordance with the provisions of the Code of Criminal Procedure and the Law No. 198-XVI of 26 July 2007 on State Guaranteed Legal Aid, provided that the crime was committed in the Republic of Moldova or it was committed outside the Republic of Moldova and the victim is a citizen of the Republic of Moldova, a citizen of a foreign country or a stateless person legally residing in the Republic of Moldova and the criminal proceedings are conducted in the Republic of Moldova.

(2) The victims of crimes of torture, inhuman and degrading treatment shall unconditionally benefit from legal aid guaranteed by the state.

(3) The spouse, children and dependents of a person who died as a result of the crimes specified in Chapters II-IV of the Criminal Code and who have No. money to pay for the services of a lawyer, may receive legal aid guaranteed by the state both within and outside criminal proceedings.

(4) Non-commercial organisations or profit-making legal entities shall have the right to individually establish the categories of victims of crime, the conditions and types of legal assistance they provide.

Article 12. The limits of financial compensation

(1) The victims of the crimes specified in para. (2) shall be entitled to receive financial compensation in the amount and under the conditions established by this Law.

(2) The victims of the crimes provided for in the following articles of the Criminal Code shall be entitled to financial compensation: Article 145 (intentional homicide), Article 146 (homicide committed in a state of strong emotional excitement), Article 149 (reckless deprivation of life), Article 151(4) (intentional infliction of grievous bodily harm or serious harm to health resulting in death), article 158 (trafficking in organs, tissues and cells), Article 164(3)(b) (kidnapping resulting in serious bodily injury or other serious harm to health, or the death of the victim by negligence), Article 165 (human trafficking), Article 166(3) (unlawful deprivation of liberty), Article 166¹ (torture, inhuman or degrading treatment), Article 167 (slavery or conditions similar to slavery), Article 168 (forced labour, if the offence is committed against an underage child), Articles 171–175 (sex crimes), Article 201¹ (domestic violence), Article 206 (trafficking in children), Article 208¹ (child pornography), Article 208² (obtaining child prostitution services).

(3) A victim shall not be entitled to financial compensation from the state for the harm caused by the crime in the following cases:

(a) the crime was committed with the voluntary participation of the victim, except for persons under the age of 18;

b) the act covered by the criminal law was committed under one of the circumstances that eliminate the criminal nature of the act under Article 35 of the Criminal Code;

c) the victim did not file a complaint with the criminal prosecution authorities, in the case where a criminal prosecution is initiated only on the basis of a prior complaint by the victim under Article 276 of the Code of Criminal Procedure;

d) at the time of the perpetration of the crime, the victim already had a final conviction and a criminal record for a serious, especially serious or exceptionally serious crime or for a crime committed by way of participation in an organised criminal group or organisation;

(e) after the perpetration of the crime, the victim has intentionally contributed, by his or her conduct, to the occurrence of the damage or to an increase in its amount;

(f) the victim has knowingly made false statements or intentionally refused to contribute to the uncovering of the crime in the course of the prosecution or trial, unless the victim has the right under the law not to testify.

(4) The person who has received financial compensation, in whole or in part, for the damage caused by the crime in violation of the provisions of para. (3), shall be liable to repay the sum received.

Article 13. Subject to the right to financial compensation

(1) The right to financial compensation shall be granted to the victim of a crime committed in the Republic of Moldova, provided for in Article 12(2), who is a citizen of the Republic of Moldova, a citizen of a foreign country or a stateless person who was legally residing in the Republic of Moldova at the time of the perpetration of the crime and who applies for financial compensation.

(2) In the case of victims who do not fall into any of the categories of persons referred to in para. (1), financial compensation shall be granted on the basis of the international conventions to which the Republic of Moldova is a party.

(3) If the crime specified in Article 12(2) resulted in the death of the victim, the right to financial compensation at the expense of the state shall be granted in equal shares to the spouse, children or dependents, provided that the victim is entitled to compensation.

(4) The right to financial compensation for funeral expenses for the victim of a crime shall be granted to the person who incurred them, except in the case provided for in Article 12(3)(a).

Article 14. Granting of financial compensation

(1) The state shall grant financial compensation for the damages caused by the crime if the following conditions are met:

1) the act establishing the commission of the crime has entered into force (it is final and irrevocable). The following documents may serve as an act establishing the commission of a crime, as the case may be:

a) the court's judgment of conviction;
b) the court's decision to terminate the criminal proceedings on grounds of non-rehabilitation;
c) a prosecutor's order to terminate the criminal prosecution under Article 275(4), (5), (7) and (8) and Article 285 para. 2(2) and (3) of the Code of Criminal Procedure or Article 53 of the Criminal Code;

2) the application was filed within 3 years from the date of entry into force of the act establishing the commission of the crime;

3) the victim of the crime, personally or through a representative, is a civil plaintiff in the criminal proceedings;

4) the perpetrator's funds are insufficient to cover the damage caused by the crime, in the event of a final court decision on the civil claim arising out of a criminal case, not executed in full, voluntarily or forcibly, within the period specified in para. (2);

5) the damage caused by the crime has not been and cannot be compensated from other sources (benefits, insurance payments, compensation paid voluntarily or involuntarily by the perpetrator prior to the court's ruling on the civil claim arising out of a criminal case, independently or on its basis).

(2) If, within the time period specified in para. (1), item (2) of this Article, proceedings have been initiated for the compulsory enforcement of a court judgment on the civil action arising out of a criminal case, but, at the time of filing the application for financial compensation by the state the judgment has not been enforced or has been partially enforced, the state shall ensure compensation for the damages specified in Article 15, in full or in the part not covered, but within the limits specified in Article 19(1).

(3) If, at the time of the court's ruling on the civil action arising out of a criminal case, the financial compensation has already been paid by the state, the court hearing the civil claim arising out of a criminal case shall deduct the amount of compensation from the amount awarded to the victim as damages. The compensation amount is payable by the perpetrator to the state budget.

(4) Upon the award of financial compensation by the state for the damage caused by the crime, the amount of such compensation shall be reduced by the amounts paid by the perpetrator up to that date as compensation, as well as the amounts received or due to be received from other sources for the damage caused by the crime.

(5) Where the victim of a crime is underage and his/her representative did not file an application within the time limit provided for in para. (1), item (2), the time limit shall begin to run when the crime victim turns 18.

Article 15. Damage caused by crime for which the state provides financial compensation

In determining the amount of financial compensation awarded by the state for the damage caused by the violent actions of the perpetrator, the following shall be taken into account:

a) the costs of hospitalisation, treatment or other medical expenses incurred by the victim of the crime;

b) damage to eyeglasses, contact lenses, dentures and other items which serve as a means of performing the functions of individual parts of the human body;

c) the damage caused by the destruction or damage to the goods of the crime victim or by depriving him/her of them by committing a crime referred to in Article 12(2);

d) the damage caused by the loss of the ability to work, if this was caused by criminal acts;

e) the funeral expenses in the event of the death of the crime victim.

Article 16. Application for financial compensation

(1) Financial compensation by the state for damage caused by a crime shall be made on the basis of a written application for financial compensation, which shall be examined by the Interdepartmental Commission for State Financial Compensation for Damage Caused by Crime.

(2) The application for financial compensation shall be submitted by the person referred to in Article 13(1) and (3) or by his/her legal representative if the person is underage. If a legal protection measure in the form of guardianship has been established in respect of the person, the application may be submitted by the person as well as by the guardian. An application for financial compensation may also be submitted by a non-commercial organisation working in the field of rehabilitation of victims of crime, if it is signed by the crime victim and contains the information referred to in para. (3) of this Article, with the attachment of the documents specified in para. (4) of this Article.

(3) The application for financial compensation shall contain the following information:

a) the last name, first name, citizenship, date and place of birth, domicile or residence of the crime victim and/or, where applicable, of the other person entitled to financial compensation;

b) the status of the applicant – spouse, child or dependant of the deceased in the case of victims of crimes provided for in Article 13(3);

c) the criminal act committed, which falls under the provisions of Article 12(2), the date, place and circumstances of its commission;

d) the damage suffered as a direct consequence of the crime as provided for in Article 15;

e) the authority notified about the commission of the crime (the investigating or prosecuting authority) and the day of the notification;

f) the number and date of the act of the prosecuting authority or, as the case may be, of the court decision, as referred to in Article 14(1)(1);

g) the criminal record of the crime victim applying for financial compensation;

h) the amounts paid by way of compensation by the perpetrator or other payments for damage caused by the crime, received by the crime victim from another legal source;

i) the amount of financial compensation requested;

j) the bank account details of the account to which the financial compensation is to be transferred or the request for its payment in cash, as well as the schedule (deadlines) for the payment of the compensation, if the crime victim requests payment in instalments;

k) confirmation of the inexistence of the situations referred to in Article 12(3)(a), (e) and (f) and the truthfulness of the information provided in the application.

(4) The following supporting documents shall be attached to the application for financial compensation in support of the data entered in the application:

a) a copy of the identity card;

b) a copy of the document confirming the status of the person applying for financial compensation in the cases provided for in Article 13(3) and (2);

c) the documents justifying the requested amount of financial compensation for the damage caused by the crime;

d) a confirmation by the bailiff of the failure to execute the court decision on the damage caused by the crime in the course of the enforcement proceedings or, as the case may be, on the amount of the damage recovered by the date of the application for financial compensation, in the case of proceedings for the enforcement of a court decision on a civil action arising from a criminal case;

e) the criminal record;

f) any other documents in the possession of the victim of crime that could aid in making a decision on the application.

Article 19. The amount of financial compensation for the damage caused by a crime and the procedure for awarding it

(1) The financial compensation shall be paid from the state budget in the amount of 70% of the amount of the damage calculated in accordance with Article 15, but not more than 10 average monthly salaries per economy, as estimated for the year in which the victim applied for financial compensation.

(2) The transfer of financial compensation to victims of crime shall be carried out by the Ministry of Justice within 30 days from the date of the final order of the Minister of Justice on the financial compensation by the state for the damage caused by the crime.

(3) The State, through the Ministry of Justice, shall be subrogated to the rights of the crime victim who received financial compensation from the state for the recovery from the perpetrator of the sums paid to the victim.

Annex 4.

Statistical data on domestic violence held by justice system institutions

Core indicators			2020	2021	2022 6 months
Reports of violence recorded in the Register of Other Crime and Incident Information (R-2) (files)			12.970	12.956	7.367
Of them, reports by police employees			856	1.471	805
Registered cases – Article 78 ¹ (domestic violence), the Contravention Code			1.587	1.660	761
Total domestic crimes			866	947	439
Serious crimes against life and health recorded by the police	murders (Article 145 of the Criminal Code)	total	161	89	70
		In families	23	11	14
	intentional serious bodily injury (Article 151 of the Criminal Code)		153	142	287
	Rape (Article 171(2)(b ²) of the Criminal Code)		30	11	6
	Sexual violence (Article 172(2)(b ²) of the Criminal Code)		11	4	4
	Domestic violence (Article 201 ¹ of the Criminal Code)	total	811	918	427
		serious	38	40	21
		suicides	2	6	1
		Several family members	15	91	43
		medium seriousness	151	146	55
minor crimes		533	445	223	
psychological		37	150	65	
in connection with the application for the PO		0	28	9	
resulting in death		0	12	10	
Criminal cases initiated under Article 201 ¹ of the Criminal Code (domestic violence)			947	866	–
Refusal to prosecute materials			214	115	100
Criminal cases initiated under Article 320 ¹ of the			373	281	–

Criminal Code – failure to enforce the protection order for victims of domestic violence			
Ensuring the protection of victims of domestic violence (Protection Order)			
Overseen Protection Orders	635	766	393
– breached POs	281	373	196
– at the request of the overseeing authority	302	265	141
– at the request of the criminal prosecution authority	10	12	5
– at the prosecutor's request	4	4	4
– at the request of the social worker	0	29	1
– at the request of the victim	276	458	220
– at the request of the guardianship authority	0	0	2
At the request of other authorities in the interests of the victim	0	0	20
Number of lawyers appointed by the Local Offices of the National Council for State Guaranteed Legal Aid for qualified assistance to victims of domestic violence in the examination of applications for protection orders			
Total lawyers appointed	895	979	463
<i>Female victims</i>	737	841	406
<i>Male victims</i>	158	138	57
Protection orders overseen by police			
– <i>women</i>	402	509	251
– <i>children</i>	16	12	22
– <i>women and children</i>	158	207	108
– <i>men</i>	28	28	7
Protection orders overseen by the National Probation Inspectorate			
Total protection orders with electronic monitoring of family abusers	–	773 files	254
<i>Male perpetrators</i>		479	–
<i>Female perpetrators</i>		23	–
Protection orders breached		94	–
Protection measures			
– ERO issued	4.939	5.851	3.071
– ERO breached	591	726	368
Requests made			
PO requests made	340	322	157
by precinct police officers	330	310	151
– repeatedly	1	0	0
– rejected	64	45	16
by prosecution officers	10	11	6
Joint interventions in multidisciplinary teams	1.044	1.299	608
Domestic violence cases referred to other authorities	3.245	3.776	1.772
Cases brought before the guardianship authority regarding child victims	137	247	148
Domestic abusers on police record	3.942	4.995	5.323
– men	3.748	4.715	4.996
– women	209	280	327
– on police record	2.411	3.666	2.268

– exempted from the police record		2.593	2.677	1.921
Subjects of domestic violence crimes				
Victims	total	267	763	460
	<i>women</i>	204	716	336
	<i>men</i>	16	35	102
	<i>children</i>	63	12	22
perpetrators	total	4	547	424
	<i>men</i>	234	509	386
	<i>women</i>	33	38	38
	<i>children</i>	0	0	0
Subjects of domestic violence offences				
Victims	total	1.587	1.637	692
	<i>women</i>	1.411	1.404	659
	<i>men</i>	64	82	27
	<i>children</i>	33	43	6
Perpetrators	total		1.637	768
	<i>men</i>	1.503	1.571	746
	<i>women</i>	70	61	22
	<i>children</i>	1	5	0
Number of persons serving a prison sentence for crimes against the family				
crimes against the family (Articles 201-209 of the Criminal Code)		263	284	300
<i>women</i>		47	50	52
<i>men</i>		216	234	247
<i>children</i>		0	0	1
Domestic violence (Article 201¹ of the Criminal Code)		217	224	211
<i>women</i>		31	29	19
<i>men</i>		186	195	191
<i>children</i>		0	0	1
Assistance and counselling program for domestic abusers				
Assistance and counselling program for domestic abusers		19	38	49
Number of persons serving a prison sentence for crimes against sexual inviolability				
Rape (Article 171 of the Criminal Code)		336	345	371
<i>women</i>		1	0	2
<i>men</i>		332	339	365
<i>children</i>		3	6	4
Violent actions of a sexual character (Article 172 of the Criminal Code)		240	266	274
<i>women</i>		2	2	3

<i>men</i>	233	261	268
<i>children</i>	5	3	3
Sexual harassment (Article 173 of the Criminal Code)	3	2	2
<i>women</i>	0	0	0
<i>men</i>	3	2	2
<i>children</i>	0	0	0
Police primary prevention activities			
Awareness-raising activities carried out	1.333	3.376	1.363
Media coverage	375	429	222
Classes in education institutions	945	1532	836
Meetings with the public	2.020	3.121	1.358
Meetings with students	452	486	408
Community safety council meetings	122	380	249

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