

STUDY

on the legal and procedural framework of the Republic of Moldova on international protection of migrant, refugee and asylum seeking women and girls in light of the provisions of the Council of Europe convention on preventing and combating violence against women and domestic violence



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Study on the legal and procedural framework of the Republic of Moldova on international protection of migrant, refugee and asylum seeking women and girls in light of the provisions of the Council of Europe convention on preventing and combating violence against women and domestic violence

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List of acronyms

- GIM – General Inspectorate for Migration
- UNHCR – The United Nations High Commissioner for Refugees
- UNFPA – The United Nations Population Fund
- UNICEF – The United Nations Children’s Fund
- NLAC – the National Legal Aid Council
- TAC – Temporary Accommodation Centre
- RAC – Refugee Accommodation Centre
- TPCF – Temporary Placement Centre for Foreigners
- GBV – Gender-based violence
- NGO – Non-governmental organisation
- CBI – Cash-Based Intervention
- RSD – Refugee Status Determination procedure

Executive summary

The Republic of Moldova ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, hereinafter called the 'Istanbul Convention') in 2022. This important step underlines the country's commitment to enhancing the safety and rights of women, including migrant women refugees and asylum seekers, who are disproportionately affected by gender-based violence. The Istanbul Convention places responsibilities on signatory parties to adopt measures to align with the measures in the Convention to protect victims of violence against women and domestic violence.

The Republic of Moldova's legislative landscape has evolved significantly in response to its obligations under the Istanbul Convention. The study highlights positive legal reforms aimed at protecting women from violence, recognising gender-based violence as a form of persecution, and improving asylum seekers' access to justice and support services. Notably, advancements in recognising the specific vulnerabilities of migrant, refugee and asylum-seeking victims and integrating gender-sensitive approaches into asylum procedures represent significant strides toward compliance with the Istanbul Convention.

The Republic of Moldova has a strong legislative, policy and operational foundation in place in relation to the protection of asylum-seekers and migrant victims of violence against women and domestic violence. The recent report from the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) highlights some good practices in the Republic of Moldova, as well as sharing evaluation findings on potential improvements. This report builds on those findings and supplements them with a comprehensive analysis of the Republic of Moldova's legal and procedural frameworks in relation to the Istanbul Convention's provisions, focusing on international protection mechanisms for migrant, refugee and asylum-seeking women; and incorporates interview feedback from those working in the General Inspectorate for Migration, Border Police, and support services for victims of gender-based violence against women.

The report identifies areas for improvement to meet the threshold required by the Istanbul Convention at the intersection of gender-based violence against women and asylum protection. These additions fall within the legislative sphere in relation to recognising all forms of gender-based violence and gender-based discrimination based on sexual orientation and gender identity as forms of persecution as a specific ground for seeking protection. The text must explicitly name violence against women as a gendered crime, and one which impacts women disproportionately because of their gender.

There are excellent policies and legislation in the Republic of Moldova in relation to asylum assessment and accommodation provision for women victims of gender-based violence seeking international protection. However, there are areas for improvement in the operational sphere in relation to the interview, accommodation, and integration procedures. These include widening the understanding of the country-of-origin landscape and appreciating the challenges in accessing support in the country of origin will help reach those eligible for protection.

Some challenges have been identified in operationalising the existing legislative provisions, which can easily be remedied through simplification of processes. For example, in the case of accessing independent temporary residence, accepting evidence of abuse from a service that is easily accessible by a migrant victim such as a domestic abuse service would allow simpler access to justice. Similarly, provision of interpreting services in domestic abuse services, and at immigration processing stages could reduce miscommunication and repetition. Issues such as language barriers, lack of awareness about available services, and insufficient training among frontline staff exacerbate the vulnerabilities of migrant and asylum-seeking victims.

Protecting migrant victims of domestic abuse is a holistic task, requiring many different agencies and services working together. The study identifies critical gaps in the implementation of laws and policies, particularly in providing accessible and adequate support services for migrant victims of gender-based violence against women. Current provision of refuge spaces for migrant victims of abuse is not available, even in the non-state sector due to language barriers and shortage of refuge spaces nationally. By either providing safe spaces in the Temporary Accommodation Centre (TAC) and Refugee Accommodation Centres (RACs) or adding spaces to state domestic abuse facilities with language and cultural support would reach the most vulnerable victims. A multilingual free phone service and expansion of the Family Justice Centre of Police to serve migrant service users are also simple steps that can be taken.

The Republic of Moldova's legislation provides for medical and psychological support for those seeking protection. However, its provision is not available broadly to victims, with many relying on non-state donations to cover medical expenses for illnesses such as cancer, even though approved for in the legislation. Again, this can be easily corrected with clear communication and operational instructions within healthcare settings.

To fully understand and appreciate the scale of the need where asylum-seeking or migrant victims are fleeing violence against women and domestic violence or are currently in a domestic abusive relationship, better data gathering processes need to be developed. This cannot be gathered until those collecting it understand the issue, tailor their questions to identify this issue and most importantly gain the trust of those confiding in them.

Discrimination against migrants and asylum seekers needs to be addressed proactively through national awareness campaigns tackling myths and misinformation, as well as targeted outreach activities amongst migrant communities. All front-line staff can be upskilled in intercultural awareness and trauma-informed care in relation to violence against women and domestic violence to support front-line services to respond to the needs of migrant victims in a culturally aware, and informed manner.

Similarly, migrant, and asylum-seeking victims will need to embrace their right to live a violence free life, understand the provisions that the Republic of Moldova offers them and be guided on how to access them.

And finally, in line with current Moldovan legislation, asylum processes must uphold their obligation to respect the principle of non-refoulement of victims of gender-based violence against women, allowing everyone who arrives access to asylum procedures and protection from forcible return that may endanger their lives.

Introduction

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, hereinafter called the 'Istanbul Convention'), which was ratified by the Republic of Moldova on 31 January 2022, sets crucial standards for preventing and combating violence against women and domestic violence. The Istanbul Convention contains provisions specific to asylum-seeking and refugee women in Chapter VII – Migration and asylum. The purpose of this publication is to support the implementation of Article 59 (Residency Status), Articles 60 (Gender-based asylum claims) and 61 (non-refoulement) in that chapter.

This report presents a comprehensive analysis of the Republic of Moldova's alignment with the Istanbul Convention, with a special focus on the legal and procedural frameworks governing the international protection of migrant women, refugees, and asylum seekers. It seeks to bridge the gap between the Republic of Moldova's legal commitments and the on-the-ground realities faced by women who are disproportionately affected by gender-based violence against women. The influx of refugees, particularly women fleeing the war in Ukraine, has placed significant pressure on the Republic of Moldova's resources and highlighted the need for strong protection mechanisms.

By conducting a detailed assessment based on critical areas of focus, including the sufficiency of laws, the capabilities of relevant institutions, the efficiency of operations, and the clarity of task allocations, this report aims to underscore the progress achieved and identify ongoing obstacles in safeguarding the security and welfare of at-risk women in the Republic of Moldova.

Drawing upon the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) evaluation report findings and successful practices from other state parties, the report outlines the positive changes but also actionable recommendations for the Republic of Moldova. These recommendations aim to address identified shortcomings, enhance the coordination and effectiveness of protective measures, and ensure a gender-sensitive approach across all levels of policy and practice.

Moreover, the report recognises the crucial role of the Council of Europe's project, 'Supporting the implementation of the Istanbul Convention in the Republic of Moldova,' as part of the broader Council of Europe Action Plan for the Republic of Moldova 2021–2024.

As a roadmap for progress, this report calls upon policymakers, practitioners, and civil society organisations to unite in their efforts to create a safer and more just environment for all migrant women, refugees, and asylum seekers in the Republic of Moldova. By aligning the Republic of Moldova's legal framework and procedures with the Istanbul Convention's standards, the country reaffirms its commitment to upholding the dignity and rights of vulnerable women, thereby contributing to a more needs oriented response to the ongoing regional crisis and beyond. By working together, the Republic of Moldova seeks not just to meet its commitments under the Istanbul Convention but also to become a safe place for individuals fleeing violence and persecution.

Migration and asylum

Domestic violence refers to all acts of physical, sexual, psychological, or economic violence, which affect women disproportionately and is therefore distinctly gendered. The term covers intimate-partner violence between current or former spouses or partners, as well as inter-generational violence, for example between parents and their children. Domestic violence is one of the most serious and pervasive forms of violence against women. Although the term 'domestic' may appear to limit its application to acts that occur in a household, it is recognised that violence often occurs between intimate partners, couples who are dating, and who do not necessarily live together (United Nations, 2021). Therefore, a joint residence of the victim and perpetrator is not required, and neither is their presence in the same country required to prove the abuse is happening. Many asylum-seekers could in fact be fleeing their abuser.

Article 3b of the Istanbul Convention defines this form of violence. Domestic violence can be the reason for a woman leaving her country of origin, or it can be experienced during her journey or after arrival in the host country, during or after the asylum process. Seeking asylum is a stressful process that can increase the risk of domestic violence.

Article 4, paragraph 3 of the Istanbul Convention makes clear that: 'The implementation of the provisions of this Convention by the parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.'

Article 4, paragraph 3 applies the fundamental legal human rights principle that a state is required to recognise, secure, and protect the human rights of all people present within their jurisdiction. Consequently, the provisions of the Istanbul Convention apply in their entirety to all women within a state's jurisdiction irrespective of their migrant or refugee status. Therefore, in respect of violence against women or domestic violence committed within the host state, no distinction can be made in respect of the obligations to prevent, protect, prosecute, and integrate policies as between nationals, migrants with legal status, migrants without legal status, refugees, or asylum seekers.

1. Article 59 – Residence status

Under the terms of the Istanbul Convention parties to the convention must ensure:

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.
2. Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.
3. Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:
 - a. where the competent authority considers that their stay is necessary owing to their personal situation.
 - b. where the competent authority considers that their stay is necessary for the purpose of their cooperation with the competent authorities in investigation or criminal proceedings.
4. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

1.1 ANALYSIS OF NATIONAL LEGISLATION

The legislation in the Republic of Moldova recognises the likelihood of situations of domestic abuse, divorce and bereavement causing residency status related challenges for the dependent spouse¹. In this regard, the legislation covers a range of scenarios, including granting and offering an extension of temporary residence status in case of bereavement, divorce, and domestic abuse. It is encouraging that in 2023, the General Inspectorate for Migration report indicates that 106 temporary residence permits were granted to family members independently².

While obtaining supporting documentation is relatively easy in the case of death or divorce, this is not the case when establishing violence against women or domestic violence. The requirement of a prosecutor's warrant or protection order issued by court can be an impediment for a migrant or asylum-seeking victim. They may be unaware of where to seek assistance from to obtain this warrant, face language barriers, be afraid of challenging their abuser while still dependent on their relationship to remain in the state and may have been led by the abuser to falsely believe that raising this very complaint may result in their deportation.

1. Law on Foreigners No. 200, 2010. Articles 31, 39, and 42.2.

2. General Inspectorate for Migration, 2024.

The Republic of Moldova, through National Legal Aid Council (NLAC) offers free legal aid to citizens who cannot afford a lawyer. Under this provision victims of domestic violence, victims of sexual crimes, regardless of income have the right to qualified legal assistance. However, migrant, refugee or asylum-seeking women, victims of these crimes may not be aware of this service.

This program, established by the Law on state guaranteed legal aid (Law No. 198/2007), provides two types of assistance:

- Primary legal aid: Includes consultations, drafting simple documents, and representation before public authorities.
- Qualified legal aid: Covers court representation, complex document drafting, and other advanced legal services.

The authorities and support services need to be aware that migrant and asylum-seeking victims may face language and financial barriers in accessing services. They may also be afraid of reprisal from family or racism from authorities; apprehensive of bringing shame to their community and be concerned about how they will cope alone if they have children. All these factors coupled with a fear of authorities and being in a new country may result in the victim never seeking any assistance at all, even from support services.

Therefore, the requirements for application for independent status should have a low threshold as migrant victims face many barriers to access the police, medical services and the justice system, and the condition of having the abuse verified these services could prove detrimental to the victim.

As noted by GREVIO 'In accordance with Article 78, paragraph 3 of the Istanbul Convention, the Republic of Moldova has reserved the right not to apply Article 59 of the convention. This reservation was entered at the time of ratification, on 31 January 2022, and is valid for a period of five years. Notwithstanding the reservation, available information indicates that the Moldovan legislation provides for a renewable, autonomous residence permit for victims of domestic violence who have arrived in the country for the purpose of family reunification if their relationship breaks down because of domestic violence within the three-year period required by law. GREVIO also notes that the international protection of family members of a refugee is maintained following separation or divorce, and that the cancellation or cessation of refugee status does not have an automatic legal effect on the person's family' (GREVIO, 2023).

The General Inspectorate for Migration operates a Temporary Placement Centre for Foreigners (TPCF) to offer accommodation for undocumented migrants or those with an irregular immigration status. They may have become undocumented in the Republic of Moldova due to illegal entry into the territory, overstaying the legal term of their stay on the territory, lack of valid identity documents, being rejected for asylum by the competent authorities, or expulsion following an administrative decision or a court ruling.

The duration of placement in the Temporary Placement Centre for Foreigners TPCF is a maximum of 30 days, with the possibility of extension for another month, depending on the specific circumstances of each case. Maximum duration cannot exceed 6 months. Female residents are housed on a separate another floor to the men for safety and privacy, with electronic security locks and video surveillance. Their dietary needs are catered for, there are female guards in their area, they have medical assistance including prenatal and post-natal services when applicable, as well as psychological counselling if needed, and they can also access free legal services provided by UNHCR's NGO partner, Centrul de Drept al Avocaților (Law Centre of Advocates). The profile of migrant women that are placed in Temporary Placement Centre for Foreigners (TPCF), mostly includes vulnerable women, some of whom seek asylum or are at risk of statelessness.

1.1.1 Recommendations

Policy

- Comply with GREVIO's invitation not to renew the reservation with regard to Article 59 of the Istanbul Convention, upon expiry of its period of validity (paragraph 306, GREVIO, 2023).
- Allow victims' access to state-funded services while the victim is applying for the renewable residence permit to support them financially.
- Remove the requirement of a warrant issued by the prosecutor's office recognising the foreigner as a victim or an order of protection for the victim of domestic violence issued in their name for victims of gender-based violence against women.

- Remove the requirement for documentation related to divorce or dissolution of marriage. Such a requirement proves premature at the stage of applying for independent residency status. The victim may not be prepared for this step, or the process and duration involved could expose the victim to further danger (Article 42.2. (Law on Foreigners No 200 2010).
- Collect data on the number of applicants seeking independent residency status, their countries of origin, and their capacity to provide documentation to support their case. This information would help identify if the legislative provisions are being utilised appropriately.

Operational

- Ensure that migrant victims of gender-based violence against women are aware that they can get access to free legal aid provided by the National Legal Aid Council.
- Ensure that law enforcement agencies and support services employ outreach strategies to reach migrant communities presenting as an accessible and supportive service in cases of violence against women and domestic violence in migrant communities. Establishing outreach services to migrant and asylum-seeking communities may help identify cases of gender-based violence against women which may go undetected otherwise.
- Ensure that residents of the Temporary Placement Centre for Foreigners (TPCF) are protected effectively from gender-based violence against women.
- Take steps to raise awareness among migrant populations of their rights and recourse to legal and civil support. Migrant victims may not know who to contact or where to seek support, or even know if that support is available.
- Identify appropriate channels to reach migrant populations living in disparate private accommodation and develop awareness campaign in their own language to explain what constitutes domestic abuse in the Republic of Moldova and dispel myths that abusers use to blackmail their victims that they have the power to cancel their residency permit.
- Offer a dedicated freephone domestic violence helpline in multiple languages, with translators, or with translation software. For example, replicating the model employed by the Equality Council (www.egalitate.md), victims can file complaints online using *Google Translate* in any language to alert and seek assistance from the authorities. Additionally, the current Hotline for women and girls (0 800 8008) could offer interpretation services.

2. Article 60 – Gender-based asylum claims

Under the terms of the Istanbul Convention:

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.
2. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.
3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

The obligations set out in Article 60 are designed to ensure that gender-based violence against women may be recognised as a form of persecution and that states recognise that a woman may be persecuted because of her identity and status as a woman. Where such a woman is at risk of serious harm, protection should be provided. This includes the requirement to adopt a gender sensitive approach to the Istanbul Convention grounds of political opinion, race or nationality, religion, and membership of a particular social group. This can be further understood in the context of 'issues arising from an applicant's gender, including gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant's well-founded fear of persecution' (European Asylum Support Office, 2020). This should help ensure women fleeing types of persecution from state or nonstate actors such as female genital mutilation, forced marriage and serious domestic violence to be recognised as refugees.

2.1 RECOGNISING GENDER-BASED VIOLENCE AGAINST WOMEN AS PERSECUTION

Under the terms of the Istanbul Convention parties must ensure that all forms of violence against women identified in Articles 33–40 of the Istanbul Convention are recognised as gender-based harm capable of amounting to persecution.

- **Psychological violence** is the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats (Article 33).
- **Stalking** is the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety (Article 34).
- **Physical violence** is the intentional conduct of committing acts of physical violence against another person (Article 35).
- **Sexual violence, including rape** covers all non-consensual vaginal, anal, or oral penetration of a sexual nature of the body of another person with any bodily part or object. Engaging in other non-consensual acts of a sexual nature with a person or causing another person to engage in non-consensual acts of a sexual nature with a third person also falls within the scope of the Istanbul Convention (Article 36).
- **Forced marriage** refers to the intentional conduct of forcing an adult or a child to enter a marriage. The act of luring an adult or a child to the territory of a party or state other than the one she or he resides in with the purpose of forcing this adult or child into marriage is also covered by the Istanbul Convention (Article 37).
- **Female genital mutilation** covers the acts of excising, infibulating, or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris, of coercing or procuring a woman to undergo any such acts, or of inciting, coercing, or procuring a girl to undergo any of them (Article 38).
- **Forced abortion and forced sterilisation** refer to performing an abortion on a woman without her prior and informed consent or performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure (Article 39).
- **Sexual harassment** is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, when creating an intimidating, hostile, degrading, humiliating or offensive environment (Article 40).

Article 3d of the Istanbul Convention defines gender-based violence against women as 'violence that is directed against a woman because she is a woman or that affects women disproportionately'. Violence that affects women disproportionately, for example domestic violence, sexual violence including rape, FGM, forced marriage, forced abortion and sterilisation as well as sexual harassment would all be considered 'gender-based', and therefore a pattern of gender-based discrimination such as stigma, shame, and ostracism because of gender-based violence against women should be recognised as a form of harm capable of amounting to persecution. Gender-based violence against women can also constitute a form of discrimination where either it mainly affects women and/or women who are not protected by the law on an equal footing with men. This type of discrimination enforced through social, political, or religious norms may affect:

- Family and personal laws and status
- Dress codes including hair and makeup
- Employment and education
- Restrictions on freedom of movement both within and outside the country
- Restrictions on women's activities for example sports
- Restrictions on women accessing public spaces

Similarly, if a woman resists or seeks to end discrimination, either politically or otherwise, she may be exposed to serious physical or other persecutory harm. This risk could come from both non-state actors as well as the state itself, as state policy and practice in her country of origin may fail to recognize her rights or provide protection from serious abuse.

2.1.1 Analysis of national legislation

GREVIO regards the 'Moldovan legal framework governing the area of asylum to largely be in line with the convention insofar as it recognises gender-based persecution as giving rise to asylum through the Law on Asylum. Article 45, paragraphs 1(a), 2(a) and 2(f), recognise acts of physical, mental, and sexual violence and acts of abuse of a gender-specific nature as sufficiently severe acts of persecution which represent a severe

violation of basic human rights, in terms of granting refugee status. No data are collected, however, in respect of how many applicants are granted asylum on the basis of gender-based persecution' (GREVIO, 2023). However, current legislative provision (Article 45 (Law No. 270, 2009)) in the Republic of Moldova for international protection does not include explicit provisions for all forms of gender-based violence as defined by the Istanbul Convention. Namely, stalking, 'so called honour' based killing, forced marriage, female genital mutilation, forced abortion and forced sterilization and sexual harassment are not explicitly mentioned.

The Government Decision No. 332 of 31.05.2023 regarding the approval of the National Program on preventing and combating violence against women and family violence for the years 2023–2027 is based on the understanding of violence against women as gender-based violence against women and encompasses all forms of violence under the Istanbul Convention. The programme focuses not only on preventing and combating violence against women and domestic violence, but also on combating discrimination against women, based on the promotion of substantive equality between women and men. However, GREVIO notes that 'sexual violence or intimate partner violence perpetrated in a relationship other than marriage is not always considered as a form of domestic violence by Refugee Accommodation Centre's staff, which may hinder the access of victims of this form of violence to support services. According to the UNHCR, most service providers are unaware that domestic violence may include remote psychological abuse by perpetrators in Ukraine or elsewhere. GREVIO notes that in one such documented case, a victim returned to Ukraine to live with the perpetrator owing to pressure from home' (GREVIO, 2023).

The National Program recognises that violence against women is a serious violation of human rights and a consequence of gender inequality in the Republic of Moldova. Estimates suggest that over 63% of women and girls aged 15–65 have experienced at least one form of violence in their lifetime, and almost 40 women are killed because of acts of violence suffered in the family every year³. Additional stressors on national support services in the past few years, including Covid-19 pandemic, the economic crisis, the energy crisis, and the war in the neighbourhood with the large wave of refugees has exacerbated the situation of women and has led to an escalation of violence against women. To date, about 110 000 refugees have been assisted on the territory of the Republic of Moldova, of which 60% are women, 46% are children, and 21% are elderly⁴.

Identifying victims of gender-based violence against women amongst the asylum-seekers arriving in the Republic of Moldova requires careful and sensitive investigation given the trauma and stigma that the victim could have experienced in their country of origin. The Republic of Moldova's legislation on asylum does not currently explicitly mention all the Istanbul Convention designated forms of violence and violence committed based on 'so-called honour' as ground for persecution. The National Program on preventing and combating violence against women and family violence 2023–2027 references these forms of violence, but not in the context of asylum-seeking or migrant victims of violence. All offences mentioned in the Istanbul Convention apply irrespective of the relationship between the victim and the perpetrator (Article 43) and no culture, tradition or so-called 'honour' can be regarded as a justification for any of the forms of violence covered by the convention (Article 42). Therefore, there is a gap between both responses on the issue.

For example, female asylum-seekers from Iran and Afghanistan may experience strict enforcement of dress codes, limitations on their participation in the public sphere, education, and employment. Restrictions on freedom of movement are clear examples of systemic gender-based discrimination. Such policies not only curtail the rights and freedoms of women but also contribute to creating an environment where gender-based violence against women may be normalized. These environments, characterized by systemic gender-based discrimination and a lack of effective mechanisms for prevention, protection, and prosecution, not only leave women vulnerable to ongoing abuse and discrimination but also create significant barriers to achieving gender equality and social justice. It is imperative that the asylum process investigates how discrimination can adversely manifest in the country of origin of asylum seekers.

Border Police are the initial point of contact for asylum-seekers on arrival to the Republic of Moldova. Their responsibilities include providing an asylum application form, receiving asylum applications, and drawing up a confidential report about the applicant's identity, origin, and reasons for seeking asylum. They organise the temporary stay of asylum seekers if needed and issue a provisional certificate allowing the applicant to travel to the General Inspectorate for Migration (GIM). According to this study's interviews Border police at Chisinau International Airport are conducting preliminary reviews of asylum-seeking persons, which is outside beyond their role and responsibility. They are enquiring about the purpose of the visit and making summary decisions about whom to give an asylum application form and whom to deport on the return flight. As they

3. Government Decision No. 332 of 31.05.2023.

4. National Program on preventing and combating violence against women and family violence for the years 2023–2027, 2023.

are not screening for gender-based violence against women, not using interpreting services due to a lack of budget, and not processing this screening in private, they may not be able to identify a victim of gender-based violence against women at all.

For those that are processed, the General Inspectorate for Migration take over responsibility for the applicant within 24 hours for further examination and conduct a detailed assessment of the application, including an evaluation of the asylum seeker's health and other needs⁵. But if a victim has already been turned away by border police, they may not get the opportunity to participate in an in-depth interview that may uncover an abusive relationship or other grounds for protection.

2.1.2 Recommendations

Policy

- Ensure through policy and training that asylum decision makers are able to take into consideration women and girls' experiences of gender-based persecution when deciding on asylum applications.
- Update the National Program on preventing and combating violence against women and family violence for the years 2023–2027 to include discrimination on the basis of gender, sexual orientation, and gender identity as a form of persecution and create an action plan for implementation.
- Commence gathering data on the number of applicants who disclose experience of gender-based violence against women to immigration services, and the success rate of such disclosures in obtaining refugee status. Dedicated resources need to be tasked with gathering disaggregated demographic data on the countries of origin for arriving asylum-seekers.

Operational

- Prevent Border Police from screening applicants and making asylum decisions. The mandate of Border Police should be clearly defined and delimited from the mandate of General Inspectorate for Migration (GIM).
- Ensure that the staff of the General Inspectorate for Migration, Border Police and Information and Security Service officers are fully briefed and adept in their understanding and identification of the forms of violence against women identified in Articles 33–40 of the Istanbul Convention through trauma-informed interview techniques as grounds for protection or legal permit. The correct assessment of asylum seekers at this critical juncture cannot rely on the diligence of individual officers taking their own initiative to identify and respond appropriately.
- Ensure the right to information about protection on the ground of gender-based violence against women to asylum seekers at the Border Crossing Points.
- Provide professional interpreting services to asylum seekers at the border if a preliminary screening is being conducted. The interpreter's role is critical, and they must understand the dynamics of gender-based violence against women and trauma-informed care to ensure that the gravity of the gender-based violence against women is not misunderstood or lost.
- Ensure that steps are taken to raise awareness among migrant communities in the Republic of Moldova about what constitutes violence against women and domestic violence under the Istanbul Convention and refugee. This will empower them to seek assistance and avoid involvement in perpetrating abuse.
- Develop a standardised risk-assessment template for all services including law enforcement, border police, and social services to identify all forms of gender-based violence against women, provide safety planning, and identify appropriate interventions using the same metrics to ensure a uniform response.
- Develop a comprehensive Code of Conduct on gender-based discrimination in assessing asylum seekers and provide training to support migration officers under these new grounds.

5. Office of the People's Advocate, 2020.

2.2 COUNTRY OF ORIGIN INFORMATION WITH RESPECT TO PROTECTION AND REFUGEE CLAIMS

The Istanbul Convention allows legislators in the Republic of Moldova to recognise that where the penalty or punishment for non-compliance with or breach of a policy or law in the country of origin is disproportionately severe and has a gender dimension it would amount to persecution. The available protection in the country of origin considers the gender dimensions of access to justice, including both the legal framework and the practical ability of women to access any protection available. It also considers the applicant's own personal circumstances, the support services available in the country of origin and her ability to access them in practice. Access to relevant country-of-origin information is critical for immigration decision-makers to determine the likelihood of harm occurring and whether effective protection is available or, if it is not, whether there is a viable internal relocation alternative in the country of origin. Often women's asylum claims are refused on the grounds that they will be able to obtain 'sufficient' or 'effective' protection from the authorities in their home country. The standards of protection required by the Istanbul Convention can be a useful guide to assessing whether that protection in the country of origin is 'effective'.

Under the terms of the Istanbul Convention parties to the convention must understand that a law itself can be persecutory, particularly if it emanates from traditional or cultural norms and practices not necessarily in conformity with human rights standards. An example of this may include a woman fleeing prosecution for adultery where she would not receive a fair trial or a lesbian woman likely to be subject to the death penalty.

2.2.1 Analysis of national legislation

The National Program on the prevention and combating of violence against women and domestic violence 2023–2027 aims to 'contribute to ensuring gender equality and combating gender stereotypes; zero tolerance for all forms of violence against women and domestic violence; ensuring the effective multidisciplinary response to cases of violence, centred on the victim, by developing social services sufficient and appropriate to the needs of victims, and the effective response of the justice system to cases of violence by holding perpetrators accountable and developing programs for perpetrators. The program provides for the development/modification of the normative framework and the building of the corresponding institutional framework, as well as the development of the capacities of all specialists (from social assistance, local public administration, police, justice, health, education) for an effective response to cases of family violence in accordance with the Istanbul Convention and best practices in the field. To make real progress and have a sustainable impact, it is necessary to involve and empower all central and local public authorities, civil society partners, the media, and the private environment, as well as every community to work together to prevent and combat violence against women and domestic violence and ensure access to long-term support services for victims⁶.

Asylum legislation⁷ includes gender-based violence against women and discrimination in its definition of persecution and serious injuries. The law recognises these issues are serious and supports the idea that people facing these problems should obtain international protection. Investigation of asylum claims must thoroughly consider both the laws and how straightforward it is for women to get protection in their country of origin. When considering the gender dimensions of access to justice, Article 45's provisions highlight the critical need to evaluate not only the presence of legal protections against such forms of persecution and serious injuries but also the effectiveness and accessibility of these protections for women. This involves examining whether women can realistically avail of legal remedies and protections without facing additional barriers, such as gender-based discrimination within the judicial system, social stigmatization, or the lack of gender-sensitive legal procedures.

If the forms of gender-based violence against women identified in the Istanbul Convention are not criminalised in the country of origin, it can be very difficult for women to obtain 'effective' protection. This is because there will neither be a deterrent to prevent individuals committing those crimes nor protection from them after the event. Where the state has a law prohibiting a persecutory practice it will not constitute 'effective protection' in international law – unless it is enforced effectively (GREVIO, 2023). In cases like this, the benefit of the doubt⁸, coupled with legislative provisions,⁹ can be employed to illustrate that while the states in the

6. Government Decision No. 332 of 31.05.2023 regarding the approval of the National Program on preventing and combating violence against women and family violence for the years 2023–2027, 2023a.

7. Asylum legislation (Article 45, (Law No. 270, 2009).

8. Article 44 (Law No. 270, 2009).

9. Article 47 and 47¹ (Law No. 270, 2009).

countries of origin may have an obligation to protect their citizens, sometimes the State itself is the aggressor, or is powerless against the aggressors to protect their citizens.

There are good indicators of circumstances in which women may not in practice be able to obtain proper or effective protection against a risk of violence. The Republic of Moldova's legislation¹⁰ makes it imperative on asylum eligibility officers to investigate the circumstances of the asylum applicant thoroughly and actively, working in partnership with services in the country of origin to gather all necessary information to identify risk to the applicant. Furthermore, they must ensure that doing so does not place the asylum applicant in further danger by contacting the alleged perpetrator and to ensure that the principle of confidentiality in asylum cases is respected.

Under the Republic of Moldova's legislation¹¹ investigating and working in collaboration with other agencies is very important to determine the eligibility of the asylum request. Even though legislation and policies in the country of origin may indicate adequate provisions, it is not until communication with a local or international service who knows and understands the ground reality in relation to implementation of, an access to services. The interviews conducted with General Inspectorate for Migration (GIM) and lawyers that assist asylum seekers during the process, indicate that General Inspectorate for Migration (GIM) is conducting a comprehensive analysis of the country of origin and of the region where the asylum seeker claims he/she comes from. They do this through a few platforms by reviewing and analysing international research in the area including reports from Amnesty International, US State Department, Human Rights Watch, and other international organisations.

If women cannot obtain social and legal support and assistance in their country of origin, they may be unable to leave their abuser, report risks or offences against them or pursue prosecutions. If victim-shaming or gender inequality result in women being disbelieved, any laws or protective measures are unlikely to be implemented effectively. Women may face significant barriers affecting their ability to travel to and settle in other areas of the country of origin without facing hardship, insecurity, or the inability to be with their families. These can include financial, logistical, social, cultural, and other barriers. Women may face difficulty accessing employment. Women without access to housing and subsistence become particularly vulnerable to exploitation and 'survival sex'. They may be subjected to low level discrimination and harassment in the site of relocation. Women may also have very real difficulties establishing themselves in the site of relocation. For example, in some countries single women find it difficult to rent property because they are seen as prostitutes or because of financial barriers such as requiring a year's rent in advance. All these factors must be considered cumulatively before a decision can be reached that internal relocation is a viable option.

Recognising these barriers to access to justice for women, the Istanbul Convention requires states to take measures to improve women's access to justice. These include access to information, provision of general and specialist support services, sufficient women's shelters, a telephone helpline and rape crisis or sexual assault referral centres (Articles 19 to 25 of the Istanbul Convention). It does not necessarily follow that where these measures are not implemented in a country of origin either a 'real risk of serious harm' or a 'lack of protection' will exist as a matter of refugee law.

2.2.2 Recommendations

Policy

- Regulate the process of researching the country-of-origin information in cases of asylum by creating a unit in the General Inspectorate for Migration that will oversee investigation of the information from country of origin and will collaborate with asylum eligibility officers and provide them access to international sources of country specific research.
- Adapt the procedures of assessment of country of origin, used by the General Inspectorate for Migration (GIM) to the standards of protection required by the Istanbul Convention, especially the investigation and prosecution of offences in the country of origin (can be a useful guide to assessing whether protection in the country of origin is 'effective').
- Regularly review the procedures of assessment of country of origin and update asylum and support policies to ensure they remain effective and responsive to the needs of those fleeing gender-based violence

10. Article 42, 43, 49 and 57 (Law No. 270, 2009).

11. Article 8 (Law No. 270, 2009).

against women. This should include consultations with women asylum seekers, NGOs, and experts in gender and migration.

- Ensure that migrant, asylum seeking and refugee women in the Republic of Moldova, have access to the legal protection measures and support services for victims of gender-based violence.

Operational

- Establish close working ties with NGOs in countries where a larger number of asylum seekers are travelling from to understand the ground realities, allowing the General Inspectorate for Migration and service providers from the Republic of Moldova to liaise with service providers in the country of origin to truly understand the situation.
- Ensure that all investigative and legal personnel thoroughly investigate and understand the circumstances, legislation, and policy in the country of origin. They also need to be fully aware of the laws, cultural norms, and practicalities of availing justice in the asylum-seekers' country of origin as this can have material impact on their case.
- Ensure that knowledge of asylum-seekers' country of origin is not influenced by stereotypes on religious and cultural lines. This may prevent further investigation, and deeper interrogation of the situation. While it is not expected that eligibility officers would hold this information readily, research skills in identifying social norms, support services and law in the country of origin, as well as time dedicated to this task is recommended.

2.3 GENDER-SENSITIVE INTERPRETATION OF PERSECUTION

It is important to understand that any consideration of the legal issues in the asylum claim should properly consider the discrimination and patriarchal attitudes that women are likely to encounter.

A woman may be persecuted:

- As a woman (e.g., raped) but for reasons unrelated to her gender (e.g., her membership of a political party).
- Not persecuted in a manner specific to her female identity (e.g., beaten) but because of her gender (e.g., for wearing a veil).
- As and because she is a woman (e.g., female genital mutilation).

To be persecuted, a woman does not have to hold the characteristic or belief she is accused of having, sometimes even the allegation of being so is sufficient¹².

2.3.1 Analysis of national legislation

The Republic of Moldova's legislation¹³ has a comprehensive list, and guidance on the grounds for persecution including gender, sexual orientation, membership of a 'social group', ethnicity, religion, etc., which may include patriarchal attitudes that could impede a victim's access to justice. Article 27 (Law No. 270, 2009) further adds political asylum to this already through acknowledgement of gender as grounds for persecution. Women involved in political activity may face multiple layers of discrimination, even more so than men. Discrimination and patriarchal attitudes could also lead to a risk of women being found by their persecutors in the Republic of Moldova or of forcible family reunification.

Experience of persecution is often also shaped by race, religion, marital status, age, sexuality, sexual history, and other cultural and social factors such as her political activity or opinions. These will all influence the way in which women present their claims and the way in which they will be viewed in their home country.

The provision to include gender-based discrimination as a grounds for persecution is noted in both EU Directives and United Nations guidelines as 'gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group' (convention, article 10, 2011) and 'acts of a gender-specific or child-specific nature' (UNHCR, 2002, UNHCR, 2012).

12. Gender-Based Asylum Claims and Non-Refoulement: Articles 60 And 61 of the Istanbul Convention A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe.

13. Article 45, 46 (Law No. 270, 2009).

2.3.2 Recommendations

Policy

- Expand the definition for persecution to also include persecution based on gender identity in law.

Operational

- Ensure that eligibility officers are cognisant that if there are discrepancies in a woman's documentation, and she is in an abusive relationship, that there could be deliberate misdirection, obfuscation and coercion from her abuser preventing her from fully participating in the asylum process and providing appropriate documentation.
- Ensure that the victim is provided information and finances directly to facilitate her full engagement with the asylum process if there is a concern that access to funds or support for the children are being withheld by an abusive partner.
- Provide continuity of care by ensuring the same eligibility officers and support service staff retain their relationship with the victim if they move location.

2.4 WOMEN'S SAFETY IN TRANSIT AND RECEPTION FACILITIES

The Council of Europe has provided guidance on the implementation of Articles 60 and 61 of the Istanbul Convention in the Gender-Based Asylum Claims and Non-Refoulement: as follows:

- Ensure there are sufficient and adequate reception and screening arrangements designed to consider the gender aspects of women's claims and needs throughout the process.
- Ensure reception and accommodation centres are located in areas where women are safe and can access relevant services including health, social and legal assistance, schools and shopping facilities.
- Consider any relevant special needs when determining the placement of an applicant and any of her relevant family members. For example, consider any relevant mobility or access needs and mental and physical health provision.
- Ensure the possibility of alternative housing, if necessary, owing to safety considerations for victims of sexual and gender-based violence, domestic violence, human trafficking, torture, or other forms of physical and psychological violence.
- Ensure the presence of female social workers, interpreters, police officers and guards in these facilities.
- Provide separate sleeping areas for single women with or without children (up to age 18), and separate, well-lit bathrooms for women.
- Create safe spaces in every transit and reception facility.
- When needed, ensure access for refugee and asylum-seeking women to shelters for women victims of gender-based violence.
- Organise training programmes on identifying and assisting victims of gender-based violence for social workers, police officers and guards working in the facilities.
- Provide information material in languages of the countries of origin on assistance services for victims of gender-based violence, including on reporting and complaint mechanisms.
- In accordance with the United Nations High Commissioner for Refugees' Comprehensive Protection Framework on Access to Justice for Sexual and Gender-Based Violence Victims and Survivors, provide for regular visits by mobile courts or court officers and lawyers to these facilities and document such visits, to ensure that sexual assaults are investigated and prosecuted.
- Provide counselling, psychological support and health care, including sexual and reproductive health care and specific post-rape care in these facilities, for those who have experienced gender-based violence in their countries of origin, in transit or in destination countries.
- Ensure the same access to affordable and adequate health services for all women and girls as for the general population, regardless of whether they are defined as migrants, immigrants, refugees, or asylum seekers.

- Ensure that girls are free to decide for themselves, that their voluntary and informed consent is always obtained, and that they do not require authorisation from a spouse, parent or guardian or hospital authority to access sexual and reproductive health services.

2.4.1 Analysis of national legislation

The Republic of Moldova's legislation provides exceptional attention to the management and administration of accommodation centres for asylum seekers in line with article 7 of the Law No. 270/2009. It also has detailed provisions regarding the rights of asylum seekers provided in article 28 of the Law No. 270/2009.

After the Russian invasion in Ukraine there was a large influx of Ukrainian refugees into the Republic of Moldova. To provide them with protection, two parallel reception facilities were created. Until 24 February 2022, the Republic of Moldova operated one Temporary Accommodation Centre (TAC) for asylum seekers, established under the mandate of the Ministry of Internal Affairs. The General Inspectorate for Migration built a purpose-designed accommodation centre for asylum seekers, with a capacity up to 250 places. This centre was created with three separate spaces; one for families, one for women and women with children and one for single men to afford the residents privacy, safety, and security.

Since the war in Ukraine started over one million Ukrainians have transited to the Republic of Moldova according to Border Police and UNHCR data up until 24 February 2024. A total of 137 Refugee Accommodation Centres (RACs) were opened under the mandate of Ministry of Labour and Social Protection. These centres were opened in an emergency, often in old buildings of schools / dormitory / hospitals / even cinema hall, without ensuring the basic safety measures for Ukrainian women and children. It was only after few months of operation did the Refugee Accommodation Centres (RACs) start to implement some safety measures like placement of women on a separate floor from single men, involving police in ensuring the public order in the Centre.

'Following the Parliament's decision, the Commission for Emergency Situations developed new procedures to manage the influx of asylum seekers arriving from Ukraine. Accordingly, Ukrainian citizens were granted the right to enter Moldova with their own identity documents. The government also established four temporary centres in Stefan Voda, Ocnita, Cahul and Falesti districts for the accommodation of persons fleeing the war in Ukraine' (GREVIO, 2023). 'Following the aggression of the Russian Federation against Ukraine, by 1 July 2022 the number of asylum claims increased significantly, to 8 067, and 1 223 of which were submitted by women. At the time of GREVIO's evaluation visit to the Republic of Moldova, 12 000 applications were pending. GREVIO noted that the number of staff has not increased to deal with this exponential increase in applications. According to the information provided by the state authorities, during this period 13 decisions on international protection were delivered, three of which concerned women' (GREVIO, 2023). Now¹⁴, while over 116 000 Ukrainians remain in the territory of the Republic of Moldova, 41 Refugee Accommodation Centres (RACs) remain operational.

The Gender-Based Violence Safety Audit Report (UNFPA, 2022) mentions 'feedback on the experience of those residing in RACs across the Republic of Moldova has been highly positive as has feedback about the measures taken by the Ministry of Labour and Social Protection's Department for Social Assistance to enhance safety and access to services. However, there have been concerns about the lack of privacy in sleeping arrangements, including where curtains are used as doors, and that some bathing facilities, although gender separated, do not have a lock on the main shower room door. The many external visitors, particularly to the RAC set up at the MoldExpo Centre, result in girls not having sufficient privacy. It was noted in this respect that the open-plan nature of the accommodation, with cubicle partitions having cloth doors and space only for one bed, and the related lack of privacy reported by some of the residents does not make it suitable for long stays. Although some of the RACs have police or security at the entrance, visitors are not always verified. This limited capacity to control access to RACs by external visitors has resulted in some serious incidents of gender-based violence against women.' (GREVIO, 2023.)

Article 60, paragraph 3 of the Istanbul Convention requires states to develop gender-sensitive reception procedures that consider women's and men's differences in terms of experiences and specific protection needs to ensure their right to safety when considering standards of treatment for the reception of asylum seekers. The provision of appropriate reception and support services should therefore help to prevent violence against women, facilitate the ability of women to present their claims for protection and guard against the risk of refoulement.

¹⁴. The report was produced in March 2024.

Article 60, paragraph 3 requires support services for asylum-seekers that help in a gender-sensitive manner and that cater to the needs of women. This could include taking measures such as providing additional psycho-social and crisis counselling, as well as medical care for survivors of trauma, since many female asylum-seekers have been exposed to sexual or other forms of abuse. Support services should also aim at empowering women and should enable them to actively rebuild their lives through services such as education and training. Women (or possibly their husbands) may refuse medical consultations by male doctors, especially gynaecologists, or find it difficult to express themselves with a male interpreter. In the absence of female specialists, access to healthcare for refugee and migrant women can be difficult. In addition to ensuring conditions are detected so they can be treated, the existence of trauma has an important impact on how women should be dealt with during the asylum process, including their interview and how their testimony is examined. GREVIO strongly encourages the authorities in the Republic of Moldova to take steps to ensure that risks to the safety and privacy of asylum-seeking and refugee women fleeing Ukraine are removed, to prevent sexual and gender-based violence against women.

PACE Resolution 2159¹⁵ reinforces this by saying ‘Protecting refugee women and girls from gender-based violence’ requires measures in reception centres and other facilities, such as the presence of trained female social workers, interpreters, police officers and guards, separate accommodation with locks for single men and women, separate, well-lit toilet facilities, adequate lighting, and the creation of safe spaces in every transit and reception facility’.

In cases where there are concerns about an asylum seeker’s decision-making capacity, the Asylum and Integration Directorate requests a psychiatric examination to be carried out under the conditions established by the legislation in force. If the psychiatric examination finds that the asylum seeker lacks decision-making capacity, the procedure for instituting a judicial protection measure is initiated, under the conditions provided for by the legislation in force for the Republic of Moldova’s citizens. Until the appointment of the person entrusted with the protection, the procedure for resolving the asylum application is suspended¹⁶. GREVIO notes ‘the integration measures taken to support refugees who have been subjected to torture, rape, or other forms of severe psychological, mental, or sexual violence, including the provision of accommodation and an extended integration period. GREVIO also notes various training efforts undertaken by the authorities to investigate and document war crimes in Ukraine’ (GREVIO, 2023).

One legislative provision ((Article 30 (Law No. 270, 2009)) has been highlighted in the interviews as requiring attention in its implementation. Although there are provisions for ongoing medical assistance for asylum-seekers in relation to ‘prehospital stage in case of acute conditions that endanger life and guarantee the right to a free (including anonymous) medical examination for the purpose of early detection of HIV and AIDS’; many of those interviewed for this study indicated that in some cases, asylum-seekers are not receiving free prenatal and antenatal care, while in the majority of cases this type of care is covered by the state, while chronic life-threatening health conditions require health insurance coverage which asylum-seekers are not currently eligible for. Legislative provisions also extend to free primary and emergency medical care, and social assistance measures for families.

Government Decision No. 21 (2023) grants displaced persons from Ukraine a number of rights and services, including access to employment, accommodation, emergency and primary medical assistance, public education for children and certain forms of social assistance. However, our research indicates that ongoing medical assistance, and social assistance is being provided for by national NGOs with donor support. Currently asylum-seeking victims of sexual crime cannot access medical assistance without donations from UNHCR, CBI and Cash assistance for Ukrainian refugees. In 2022, out of over 38 billion lei allocated for social protection, only 1.8 billion lei were allocated to social services. Of the total resources dedicated to social services, only 2% were directed to cover other services, including for victims of domestic violence, human trafficking¹⁷.

‘GREVIO also notes with satisfaction the good co-operation that the Moldovan authorities have established with international organisations, including the UNHCR, to deal with the crisis, resulting in relatively effective processes at the borders and the strengthening of the capacity of professionals working with refugees. A noteworthy example in this regard is the establishment of “Orange Safe Spaces” at temporary refugee placement centres across the Republic of Moldova to offer women and girls from Ukraine immediate support and counselling, as well as an entry point to access specialised services regarding gender-based violence against women and sexual and reproductive health. In addition, the UNFPA and civil society organisations

15. PACE Resolution 2159 (Parliamentary Assembly of the Council of Europe, 2017).

16. Office of the People Advocate, 2023.

17. National Program on preventing and combating violence against women and family violence for the years 2023–2027, 2023.

established a mobile Orange Safe Space to reach out to communities and ensure that both Ukrainian and Moldovan populations across the country have equal access to information, support, and services. Separate “Blue Dot” safe spaces were set up by the UNHCR and UNICEF, in co-operation with public authorities and other partners, to provide services for children, families and other persons with specific needs arriving from Ukraine, including key information, rest areas, food, hygienic supplies, psycho-social support, safe spaces for mothers and children, basic legal counselling and referrals to local services’ (GREVIO, 2023).

For non-Ukrainian asylum seekers: The Cash-Based Intervention (CBI) Committee, which includes partners such as UNHCR-Moldova, the Law Centre of Advocates, the Bureau for Migration and Asylum of the Ministry of Internal Affairs, and the Charity Centre for Refugees, plays a vital role in offering financial support to socially vulnerable refugees and asylum seekers and works collaboratively to optimise the delivery of financial aid. This support is crucial for groups including the women, elderly, individuals with special needs, large families, and other vulnerable populations. Part of their strategy involves providing once-off cash-based interventions for refugee and asylum seeker families from countries other than Ukraine, particularly during the winter months, to help cover both basic needs and additional expenses related to the cold weather. Newly arrived asylum seekers receive 2200 MDL plus an emergency package that includes hygiene products including hygiene kits for women. Young asylum seekers are also assisted in finding employment. The committee pays special attention to health issues, with the social commission reviewing cases monthly to ensure ongoing support. Specifically, women with children that have no possibility to be employed are receiving a monthly allowance from CBI that is reviewed every month. Vulnerable families are granted a one-time payment of 800 lei to help them during the winter.

For Ukrainian refugees: The cash assistance programme for Ukrainian refugees is managed by UNHCR through its partners Catholic Relief Services (CRS) in conjunction with Caritas Moldova and Diaconia, in coordination with the Ministry of Labour and Social Protection. Its objective is to provide emergency cash assistance to people who fled Ukraine and are currently residing in the Republic of Moldova. New refugees arriving to the Republic of Moldova receive two months of initial cash assistance (2200 MDL) based on vulnerability criteria. Following this period, it is necessary to secure legal status – temporary protection, refugee status, humanitarian protection, stateless status, or a residence permit (temporary or permanent).¹⁸

2.4.2 Recommendations

Policy

- Review health services policy for asylum-seekers to facilitate access and funding for ongoing healthcare provision to cover pregnancy, serious illness, surgical interventions, not just interventions in the case of an emergency. This can be addressed by including the category ‘asylum seekers’ in Article 9 regarding the compulsory health insurance for foreigners, Law No. 1585/1998 on compulsory health insurance.
- Ensure that Refugee Accommodation Centres (RAC) and Temporary Accommodation Centre (TAC) comply with standards under the Istanbul Convention and are safe for women and for children.

Operational

- Improve gender-sensitive reception procedures that consider women’s and men’s differences in terms of experiences and specific protection needs to ensure their right to safety when considering standards of treatment for the reception of asylum seekers.
- Provide access for refugee and asylum-seeking women to shelters for victims of gender-based violence against women. In line with GREVIO findings, establish clear access controls for Refugee Accommodation Centres.
- Conduct asylum eligibility interviews in private, without the presence of their family, to allow the victim to speak freely. Where possible provide multiple interviewers to the family, who can then separate them easily for interviewing purposes. Asylum eligibility officers and Refugee Status Determination officers must remain vigilant that the apparent partner may be a trafficker, and not actually a family member.
- Provide professional panels of skilled and trained interpreters in a wide range of languages (e.g., high-volume origin countries). Revise the procedures of procurement of interpretation services, from within and outside the Republic of Moldova, to ensure access to quality professional interpretation and not simply the cheapest one.

¹⁸. UN Refugee Agency, 2022.

- Ensure that temporary and refugee accommodation centres for asylum seekers and refugees are safe spaces for women and children, with adequate security and monitoring in communal areas, including bathrooms. In line with GREVIO findings, offer asylum seeking women private living spaces within the centre, with separate housing facilities for men, women with children, and families.
- Ensure that asylum-seeking women and girls are aware of their rights, understand the process and know how to seek and obtain support information and advice in a language that they understand¹⁹. In some cultures, it is particularly difficult for women and girls to talk about gender-based violence against women and they may not have or know the words for the abuse they have experienced. Information provided in respect of sex and gender-based violence against women must therefore be communicated in a culturally and gender-sensitive language. Some women and girls may be illiterate and will require information to be communicated verbally.
- Establish guidance on gender-based violence against women for psychologists and social workers that are working in Refugee and Temporary Accommodation Centres.
- Ensure that psychological assessments are provided free of cost for asylum seekers.
- Ensure that women and girls are sufficiently protected against gender-based violence by establishing mechanisms enabling occupants of the Refugee Accommodation Centres to report security issues and concerns. Formal arrangements for intervention and protection should be drawn up. Numbers for emergency services should be clearly visible in a place where a phone is available.
- In line with GREVIO findings, introduce a robust complaints and response mechanism within the Temporary and Refugee Accommodation Centres, where residents can safely and confidentially raise their concerns about fellow residents or staff members. Support services and lawyers should have access to the Temporary accommodation centre for asylum-seeking women and girls to ensure that sexual assaults are investigated and prosecuted.
- Establish inclusive community-based interventions including support groups where local community women mix with refugee, migrant, and asylum-seeking women, and share facilitated experiences and support, especially concerning war trauma and its aftermath.
- Enhance collaboration between refugee housing, domestic abuse refuge organisations, and the temporary accommodation centre at the airport to encourage better awareness, information sharing, referral pathways, and preventative initiatives beneficial to the residents of both types of services.
- Provide women with proper and adequate access to medical care and counselling to help them recover from gender-based violence, allowing them to present their claims for protection properly irrespective of their immigration status. Health care should constitute of counselling, psychological support, sexual and reproductive healthcare, and specific post-rape care should be provided in these facilities, for all victims of gender-based violence.
- Ensure that medical facilities, hospitals, and staff understand the provisions of Article 30 (Law on Asylum No. 270, 2009) in relation to medical care and take steps to ensure that it is implemented across a range of medical intervention including childbirth, sexual violence, and ongoing serious medical concerns.
- Prepartum and postpartum care should be provided to asylum seekers free of cost. Pregnant women and new mothers are included in the list of diseases and conditions that require medical assistance financed from the funds of compulsory health insurance. All medical and administrative staff in medical facilities must be made aware that these services are listed as free for asylum-seekers²⁰.
- Involve 'Life Without Violence' (National Coalition) in developing provisions for migrant and asylum-seeking victims of gender-based violence against women. They may also be able to assist in creating referral mechanisms, and collaboration between state and non-state actors to provide a range of interventions²¹.

19. Article 19, Istanbul Convention (2011).

20. Government Decision (5 (o) The Single Program includes the following diseases and conditions provided for in the International Classification of Diseases (ICD), 10th revision of the World Health Organization: pregnancy, childbirth, postpartum period (O00–O99) (2007)) on hospital stage services and offer pregnant women and new mothers emergency aid.

21. The National Coalition formed on April 29, 2014, and has twenty-seven members including service providers in the field of domestic violence, public associations, and public institutions. This coalition works towards the prevention and combat of family violence by offering legal assistance, psychological and social support, programs for abusers, community-level rehabilitation services, advocacy initiatives, and efforts to raise awareness among the public and authorities.

- Explore the possibility of supporting and/or replacing NGOs funding for migrants with state support. Current NGO support for direct recipients includes money for heating, winter clothing, food, and hygiene products. GREVIO strongly encourages the authorities in the Republic of Moldova to take steps to ensure that risks to the safety and privacy of asylum-seeking and refugee women fleeing Ukraine are removed, to prevent sexual and gender-based violence against women.
- As indicated by GREVIO, develop, publish, and monitor the implementation of safeguarding measures for the private rental sector, host families and refugees, including the provision of information, clear pathways for obtaining support and services in cases of violence against women and domestic violence, and setting up a complaints mechanism to enable private landlords responsible for abuse of refugees to be identified and barred.
- Increase age-appropriate and in-person community outreach and engagement with refugees, especially in private and host community accommodation (GREVIO, 2023).

2.5 ASYLUM PROCEDURES

The Council of Europe has provided guidance on the implementation of Articles 60 and 61 of the Istanbul Convention, as follows:

- Ensure women can access asylum procedures at the borders and elsewhere.
- Ensure asylum laws, practices and procedures are sufficiently gender sensitive to enable women to present their claims for asylum and to have them properly determined to avoid the risk of refoulement.
- Implement gender-sensitive asylum procedures by ensuring the presence of female asylum officers and trained, competent interpreters, provided at the request of the applicant; provide the opportunity to have separate interviews for women and men from the same family and guarantee the confidentiality of these interviews.
- Ensure that asylum officers and interpreters receive training on how to detect cases of gender-based violence and use gender-specific information about countries of origin, including the prevalence rate of female genital mutilation and forced marriage.
- Ensure decision-makers are given proper and adequate guidance and training on how to recognise and understand gender-based violence against women within the framework of the Geneva Refugee Convention.

2.5.1 Analysis of national legislation

Legislation in the Republic of Moldova has clear instructions for the duties of eligibility officers²² including giving caution and care to confidentiality while interviewing asylum-seekers²³.

Further legislative provisions²⁴ are also made to ensure fairness and protection for asylum-seekers for and during the interviewing process including access to interpreting, an interviewer of the same sex, thorough investigation of circumstances in the country of origin, privacy during the interview, confidentiality, protection of data, and non-refoulement while ensuring that the whole process takes place seamlessly and efficiently in a timely manner.

GREVIO notes that ‘the Republic of Moldova has taken a broad number of legislative and other measures aimed at ensuring that asylum procedures are gender sensitive. Women are generally interviewed in the absence of family members, and they can request a counsellor of the same sex, although it appears that they are not systematically informed of this possibility. The Bureau of Migration and Asylum, with the support of the UNHCR, developed and approved a 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 relevant authorities and services’ (GREVIO, 2023).

22. Article 6, 41 (Law on Asylum No. 270, 2009).

23. Article 13 (Law on Asylum No. 270, 2009).

24. Article 28 and 55 (Law on Asylum No. 270, 2009).

While undergoing this investigation, process asylum-seekers are provided with accommodation, access to primary and emergency medical assistance and compulsory education under the Republic of Moldova's law. Asylum seekers have a right to work on the territory of the Republic of Moldova and have support from General Inspectorate for Migration (GIM) partners in the process of employment.

GREVIO encourages the authorities in the Republic of Moldova to build on the emerging good practices and develop standard operating procedures for the identification of women and girls fleeing Ukraine who are at risk of, or who have experienced, gender-based violence against women. However, they note that there does not appear to be any systematic vulnerability assessment process or standard operating procedures for the identification of vulnerable women victims of gender-based violence. Instead, reliance is placed on self-identification, and no victims of gender-based violence against women have been identified among migrant and asylum-seeking women from Ukraine. This lack of identification is of some concern given the prevalence of intimate partner violence in Ukraine and the cases of sexual harassment and sexual abuse reported by NGOs to the Council of Europe's Special Representative of the Secretary General on Migration and Refugees (GREVIO, 2023).

Furthermore, awareness-raising measures and programmes to reduce the stigma associated with gender-based violence should be undertaken within Ukrainian refugee communities to increase the ability of women and girls to disclose instances of all forms of violence against women. GREVIO welcomes the efforts to raise awareness and provide information, including online, on available services for victims of domestic violence and sexual violence for migrant and asylum-seeking women, even though certain problems are encountered in practice regarding their outreach. GREVIO also notes with interest other good practices, such as training initiatives, the presence of Roma women cultural mediators and specialist LGBTI organisations at Refugee Arrival Centres (RACs), free access to Wi-Fi in RACs and the provision of SIM cards at the border points. Specific measures should be taken to address the issue of discrimination and harassment against Ukrainian refugees by the host communities, particularly towards Roma refugees (paragraph 318, GREVIO, 2023). Although a good range of services are currently available for victims of violence against women, GREVIO notes that few victims seek them in practice. This appears to be partly due to a lack of knowledge not only among refugees and migrants but also among service providers. There is, however, good awareness of the various hotlines in operation to provide support and information to people fleeing Ukraine.

The WAVE 2021 Country Report, in relation to 'Women's Specialist Support Services in Europe' notes that there are insufficient places for women victims of violence and their children in the Republic of Moldova. The explanatory report of the Council of Europe Istanbul Convention provides for 1 place of shelter per 10 000 inhabitants. Considering the estimated number of the population of the Republic of Moldova, of 2 604.000 inhabitants, 260 places of shelter would be needed, the insufficiency being about 60 placement places for victims of gender-based violence against women. Parties to the Istanbul Convention are to have centres for victims of sexual violence as well. A specialised centre must be available for 200 000 people. Accordingly, in the Republic of Moldova there is still an insufficient number of places due to budget financial shortages, of at least 75 places (60 – for victims of violence against women and violence in family and 15 – for victims of sexual violence). The geographical coverage is not uniform, services are lacking especially in the rural areas and in the localities on the left side of the Dniester, and victims' access to existing services is reduced. There are no specific shelters for women from marginalised groups, most shelters provide support for different groups of women, including victims of trafficking, refugee women, women with disabilities and ethnic minority women. The main reasons for avoiding referrals to women's shelters are limited space and lack of capacity to support victims and/or their children. Also, some female victims are not eligible for support, such as undocumented women²⁵.

GREVIO notes 'There is a right of appeal against a refusal of asylum. In this respect, GREVIO welcomes the availability of legal aid and representation provided through a trilateral agreement between an NGO partner, the UNHCR and the National Legal Aid Council, in order to enable women to exercise the right of appeal in the event of a negative decision on the asylum claim' (GREVIO, 2023).

There are 3 types of lawyers who can assist person in their RSD procedure in the Republic of Moldova:

1. Lawyers that are coming from Centrul de Drept al Avocatilor (Law Centre of Advocates CDA), that are financed by UNHCR and are specialized in the field of migration and asylum; (General Inspectorate for Migration has a memorandum signed in this regard with CDA and UNHCR).

25. Government Decision No. 332 of 31.05.2023 regarding the approval of the National Program on preventing and combating violence against women and family violence for the years 2023–2027, 2023a.

2. The National Legal Aid Council provides legal aid guaranteed by the state to asylum seekers, refugees, beneficiaries of humanitarian protection, stateless persons, and applicants for stateless status.
3. Private lawyers that are contracted directly by asylum seekers.

2.5.2 Recommendations

Policy

- Amend the provisions in Law 270/2008 on asylum in the Republic of Moldova and Law 200/2010 on the legal status of foreigners in the Republic of Moldova, to include all the forms of violence stipulated in the Istanbul Convention as a ground for protection and legal permit.
- Raise awareness among migrant women, including those belonging to ethnic minority groups, women with disabilities, older women and lesbian, bisexual and transgender women, about their rights, legal remedies, and access to free legal aid available to them to claim those rights.
- Expand the data gathered by the State party on cases of gender-based violence against women to cover all forms of gender-based violence against women and disaggregate it by sex, age, ethnicity, geographical location, disability and the relationship between the perpetrator and the victim.

Operational

- Ensure systematically that all parties are aware that their asylum application is confidential to the partner, and that each of them is assessed independently. Ensure that interviews are conducted in privacy without family members so that each applicant can speak without fear of an abusive partner with immigration services and the eligibility officer.
- Ensure that there is at least one female asylum-seeking eligibility officer present when interviewing a female applicant, and that an asylum seekers' request to have a female interviewer is respected.
- Training should be designed and offered to General Inspectorate for Migration, Border Police, Information and Security Service officers, and the Anti-terror department on:
 - the forms of violence against women identified in Articles 33–40 of the Istanbul Convention, as a ground for protection or legal permit in relation to migration and asylum, including confidentiality and non-refoulement.
 - on assessing the supports and legislation in the country of origin in relation to gender-based violence against women, to make an informed decision on their refugee status according to their gender-based violence against women victim status. This is especially critical where the victim was unable to get assistance in their country of origin and may have no documentation to support their claim.
 - providing gender and racially sensitive support for victims of gender-based violence against women and receiving disclosures of domestic or sexual abuse in a trauma informed manner.
 - to identify whether a psychological assessment is required for an asylum seeker who may be a victim of gender-based violence against women. This is to be done by psychologists in the field of gender-based violence against women and profiling of vulnerabilities such as the NGO Memoria (Rehabilitation Centre for Torture Victims 'Memoria').
 - how to identify traffickers accompanying asylum seekers and guaranteeing their security and separation until General Inspectorate for Migration take over the case.
- Introduce Standard Operating Procedures and internal regulations with clear assessment criteria for border police, immigration services, eligibility officers and their supervisors in the asylum process and Refugee Status Determination procedure (RSD) determination interview. These should be based on the Istanbul Convention definitions of forms of gender-based violence against women, including the definition of persecution including gender and sexual orientation.
- General Inspectorate for Migration, together with National Legal Aid Council must ensure that lawyers that participate in RSD procedures are competent and aware of cultural and gender sensitive aspects.

2.6 COMBATING DISCRIMINATION AGAINST REFUGEES AND ASYLUM SEEKERS IN CASES OF GENDER-BASED VIOLENCE AGAINST WOMEN, INCLUDING THEIR ACCESS TO SUPPORT SERVICES

Parties to the Istanbul Convention are encouraged to:

- Participate in resettlement and relocation programmes, which represent the safest way for asylum seekers and refugees to come to Europe, and implement new, safe legal pathways to ensure safer transit for women and girls.
- Fund specific assistance and humanitarian resettlement programmes for victims of gender-based violence against women, on the model of the Special Quota Project of the Land of Baden-Württemberg in Germany.
- Set up cross-border protection mechanisms for victims of gender-based violence against women.
- Ensure the respect for standards of protection for victims of violence by private service-providers contracted to deliver services and accommodation to asylum seekers, by putting in place a monitoring mechanism which includes regular visits by migration officials.
- Invest in social and economic integration programmes specifically targeting women refugees, by providing language courses, facilitating the recognition of diplomas and access to employment, and providing education in respect of gender equality.
- Launch awareness-raising campaigns on the positive contribution of refugees and asylum seekers to society.
- Strongly condemn and punish any form of discrimination and violence against refugees and asylum seekers, including women.

2.6.1 Analysis of national legislation

In line with the Istanbul Convention's Prevention pillar, the Republic of Moldova's National Program General Objective 1. states that 'Women and men in the Republic of Moldova and the responsible authorities adopt zero tolerance towards all forms of violence against women and domestic violence'. Prevention and proactive intervention in the field of domestic violence and family violence play a key role in the Program, reflecting the commitments of the Istanbul Convention on combating gender stereotypes, changing people's attitudes, and raising awareness of different forms of violence. The National Program includes the obligation of the authorities to undertake awareness-raising efforts to prevent violence against women and to include aspects of gender equality, gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity in formal programs at all levels of education. In addition, mandatory measures for professional training for specialists working with victims and abusers are provided. The Program provides for measures to be implemented by the media, the private sector and promotes comprehensive measures for women and girls who are victims of violence, including those addressing women with multiple vulnerabilities and their children. The goal is that all women, including women with multiple vulnerabilities (elderly women, Roma women, women with disabilities, including mental disabilities, LGBTI women, migrant women, asylum seekers, women without residence permits, girls and women refugees, rural women, sex workers, women in a state of drug or alcohol dependence) know their rights and are encouraged to report any form of violence. Society has a better understanding of the different manifestations of violence against women and domestic violence²⁶.

As seen in the Observations and Concluding Comments of the CEDAW Report on the Republic of Moldova from 10 March 2020 and the Evaluation Report of the National Strategy for the Prevention and Combating of Violence against Women and Domestic Violence for 2018–2022, the low number of reported cases of domestic violence continues to be a cause for concern, due to fear of stigmatisations and re-victimisations, the lack of financial compensation for female victims under Law No. 45/2007 on the Prevention and Combating of Domestic Violence and Law No. 137/2016 on the Rehabilitation of Victims of Crimes. The data collected and provided is insufficient, not harmonized between different systems, and not disaggregated by sex, age, ethnicity, geographic location, disability, and the relationship between the perpetrator and the victim. There

²⁶ The Monitoring and Evaluation Framework of the National Program Regarding the Prevention and Combating of Violence Against Women and Domestic Violence for the Years 2023–2027, 2023b.

are insufficient early intervention and re-education programs for family abusers, as well as for substance-dependent abusers (alcohol, drugs). The state's response to cases of violence is not victim-centred, the medium-term budget framework (MTBF) in various sectors does not provide sub-programs for victims of violence against women and domestic violence, etc.²⁷

The Republic of Moldova's legislation²⁸ has multiple provisions to protect refugees and asylum-seekers against discrimination. Current legislation however does not make specific reference to women, or women who have experienced gender-based violence against women. Despite legislative provisions to prevent discrimination there is limited access to services and justice for women with multiple vulnerabilities. For example, Roma women's access to justice is limited, as they face multiple barriers due to poverty, low education, discrimination, exclusion, lack of knowledge about their rights and lack of financial means to seek legal aid²⁹. There may be a well-founded fear among migrant victims of gender-based violence against women that they may face discrimination in a new community or in accommodation for asylum seekers. This coupled with a distrust of authorities in their new environment may prevent them from disclosing gender-based violence against women and subsequently accessing services.

'According to the UNFPA Safety Audit Report³⁰, specific concerns about violence against women have been reported in relation to transportation from Ukraine to the Republic of Moldova, on public transportation and in taxis in Moldova, where sexual violence by drivers has been reported as a risk by both Moldovan and refugee women. According to the report, refugee Roma women are often singled out for harassment on buses. Refugee women and girls have also reported incidents of verbal harassment and discrimination when walking in the street and in playgrounds, as well as harassment and discrimination by some service providers, including when seeking medical support' (GREVIO, 2023). Similarly, they report 'the risk of threat of evictions and harassment or abuse by private landlords in private accommodation facilities. In this respect, GREVIO notes the worrying reports of threats and incidents of physical violence from landlords or contact persons who arranged the housing. GREVIO stresses that the hosting of women and their children with families in private houses leads to a risk of gender-based violence against women, which is not easy to monitor. The limited outreach to Ukrainian refugees in private and host accommodations, given the initial focus of humanitarian efforts on RACs and border points, and the growing socio-economic vulnerability of refugees in an increasingly prolonged crisis, could lead to a heightened risk of sexual exploitation, abuse and physical and psychological violence in private and host accommodations' (GREVIO, 2023).

There are no shelters specifically for women from marginalised groups, but most shelters offer support for different groups of women, including victims of trafficking, refugee women, women with disabilities, and ethnic minority women. The main reasons for having to refuse referrals to women's shelters include limited space, absence of appropriate interpreters (for women who do not speak Russian, Romanian or English) and lack of capacity to support survivors and/or their children. Also, some female victims are not eligible for support, such as women without documents.

The Family Justice Centre of Police is a one stop shop with all relevant authorities and specialists working together as a team, prioritising the victim's needs and best interests. This team includes police, doctors, forensic doctors, lawyers, psychologists, National Legal Aid Council, emergency short-term accommodation and interpreting services, social workers and specialists from several specialized NGOs all working under the same roof 24/7 providing emergency help to women and children. The first recording specialist gathers all relevant information, limiting the necessity of the victim to repeat her story to every service provider, which can be traumatising.

2.6.2 Recommendations

Policy

- Expand the services and role of the Police Family Justice Centre staff to provide services to asylum seeking, refugee or migrant victims, as their direct access to a suite of services would expedite the victims journey to safety.
- Establish and fund dedicated shelters for migrant, asylum, and refugee women victims of violence, where they can access support from staff and services in a variety of languages, with funding for interpreting

27. National Program on preventing and combating violence against women and family violence for the years 2023–2027, 2023.

28. Article 10, 15, 33, 35, 39 (Law No. 270, 2009).

29. National Program on preventing and combating violence against women and family violence 2023–2027, 2023a.

30. Gender-Based Violence (GBV) Safety Audit Report (UNFPA, 2022).

and translation of documentation, which is offered to all victims of gender-based violence against women irrespective of their immigration status. This provision should extend to women who do not speak Romanian, Russian, or English.

- Extend the coverage of existing social protection schemes to women belonging to disadvantaged groups, including Roma women and women in rural areas, as well as to retired women in difficult economic situations, strengthen funding for such schemes and ensure that social protection schemes are gender sensitive.
- Ensure women's access to loans and other forms of financial credit and expand the scope of entrepreneurship programmes for women, including women belonging to disadvantaged groups, in particular, women with disabilities (Committee on the Elimination of Discrimination against Women, 2020).

Operational

- Introduce and sustainably fund mandatory anti-racism, anti-discrimination, intercultural awareness and diversity training for all General Inspectorate for Migration officers, border police officers, Temporary Accommodation and Refugee Accommodation centre staff, and other front-line service providers respond to the needs of migrant and refugee victims in a culturally aware, and informed manner to reduce, and eliminate any kind of discrimination against those seeking protection. These services also need to understand asylum-seekers and migrants situation vis a vis their immigration status, and know how to handle cases involving migrant women, refugee women, and women in risk situations effectively.
- Provide information material on rights and service providers translated in a wide number of languages, prioritising those spoken by the most asylum seekers.
- Provide interpreting services to asylum seekers and migrants facilitating their access to legal, police and health services.
- Actively counter misinformation about refugees, asylum seekers and migrants through information campaigns.
- Recruitment of RSD specialist must be done keeping trauma informed care in mind. Reallocating a person from combating illegal migration to becoming a specialist on RSD interviews requires a lot of time and effort. They must have empathy and excellent understanding of immigration issues. Before relocation to another department, they must receive appropriate training and support, as their new role requires employing a different lens on immigration from what they have been previously practicing.
- Use cultural mediators from within hard-to-reach migrant and minority ethnic groups to build trust and gain access to hard-to-reach individuals who may be afraid to seek assistance for gender-based violence against women due to cultural barriers. Cultural mediators can also assist in wider awareness raising initiatives in these communities.

3. Article 61 – Non-refoulement

Under the terms of the Istanbul Convention:

1. Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under international law.
2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who need protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

3.1 ANALYSIS OF NATIONAL LEGISLATION

Like the provisions of the Istanbul Convention, the Republic of Moldova’s legislation provides protection against refoulement³¹.

GREVIO’s findings show that ‘concerns were raised by NGOs about the ability of non-Ukrainians to access asylum procedures at Chisinau airport, and about the discriminatory treatment of some nationalities, in particular Afghan, Turkish, Syrian, and Russian nationals, who are subject to a different level of border check. While the incidents brought to GREVIO’s attention concerned men, GREVIO warns that such practices could lead to refoulement of women victims of gender-based violence against women of these nationalities’ (GREVIO, 2023).

This study’s interviews support GREVIO findings in respect of the potential discriminatory treatment of some nationalities at Chisinau airport. In some cases, Border police are conducting screening interviews and returning potential asylum-seekers to their country of origin immediately. Our understanding is that this is not their role, and that screening should take place at a later stage once asylum applications have been submitted and processed by trained asylum eligibility officers³².

There is a lack of clarity amongst border police on how to recognise gender-based violence against women victims and how to prevent non-refoulement for this category of women. There are no clear mechanism and guidance in this regard and Border Police are profiling and assessing women only from trafficking perspective.

Victims of gender-based violence against women face significant difficulties in fully disclosing their claim and being asked to do so at the point of arrival is not conducive to a disclosure of gender-based or sexual violence. The assessment process must be gender-sensitive to enable women to access procedures and properly present their claims as per the Republic of Moldova’s legislation³³.

In many communities, rape and sexual assault or abuse carry stigma and shame. This can be a major barrier to disclosing the basis of a fear of persecution. In a rushed, possibly impromptu interview in the presence of the alleged perpetrator the victim may not be able to speak freely and truthfully. Eligibility officers need to be cognisant that if there are discrepancies in a woman’s documentation, and she is in an abusive relationship, that there could be deliberate misdirection, obfuscation and coercion preventing her from fully participating in the asylum process and providing appropriate documentation and cooperation.

31. Articles 11, 28, 43 (Law No. 270, 2009).

32. Articles 6, 41, 42, 52, 55, 57 (Law No. 270, 2009), Article 51 and 52 (Law No. 200, 2010).

33. Articles 28 and 55, (Law No. 270, 2009).

3.2 RECOMMENDATIONS

Policy

- Commence gathering data on how many arriving asylum-seekers were considered for deportation, and if any of them were subsequently deported, and if any of them were victims of gender-based discrimination or gender-based violence against women.
- Establish a robust policy and guidelines for border personnel to prevent involuntary return of gender-based violence against women victims, and to ensure that women arriving by air are not prevented from accessing asylum procedures.

Operational

- Offer specialised training to eligibility officers on asylum procedure, non-refoulement, profiling and confidentiality during the interview process to be able to identify victims of gender-based discrimination or gender-based violence against women and prevent their return to a dangerous situation.

Conclusion

The Republic of Moldova's commitment since signing the Istanbul Convention in 2017³⁴ has been significant in its efforts to combat violence against women and domestic violence. With substantial legal changes and the adoption of gender-sensitive practices, the country has built a strong foundation for protection. However, there are still key areas needing improvement to fully meet the Istanbul Convention's standards and effectively support migrant, refugee, and asylum-seeking women, victims of gender-based violence. These include acknowledging all forms of gender-based violence and discrimination, simplifying access to justice and support, expanding tailored services and accommodations, and resolving operational challenges like language barriers and the need for enhanced training and data collection.

Interagency collaboration and the approach of intercultural awareness and trauma-informed care are crucial for eliminating discrimination, raising awareness, and ensuring victims are informed about their rights and the support available to them.

While the Republic of Moldova has made notable progress in aligning its legal framework with the Istanbul Convention's objectives and developing strong policies for victim support, implementation challenges persist. Improving the accessibility of support services, such as creating safe spaces and multilingual hotlines, and broadening the understanding of gender-based violence are essential steps.

By addressing these identified gaps, the Republic of Moldova can provide comprehensive and effective support for all vulnerable women seeking asylum, reinforcing its dedication to gender equality and the protection of human rights. This focused effort will not only help the Republic of Moldova comply with the Istanbul Convention but also address the complex needs of migrant, refugee, and asylum-seeking victims of domestic abuse successfully.

34. The Istanbul Convention was signed by the Republic of Moldova on February 6, 2017, and ratified by the legislature on October 14, 2021. The ratification of the Convention by the Republic of Moldova took place on January 31, 2022.

List of references

1. 2009. LAW No. 270 of 18.12.2008 regarding asylum in the Republic of Moldova. Moldova.
2. 2010. LAW No. 200 of 16.07.2010 regarding the regime of foreigners in the Republic of Moldova. 16.07.2010. Moldova.
3. 2023a. Government Decision No. 332 of 31.05.2023 regarding the approval of the National Program on preventing and combating violence against women and family violence for the years 2023–2027.
4. 2023b. The Monitoring and Evaluation Framework of the National Program Regarding the Prevention and Combating of Violence Against Women and Domestic Violence for the Years 2023–2027.
5. 2023c. National Program on preventing and combating violence against women and family violence for the years 2023–2027.
6. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, C. 2020. Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/MDA/CO/6. United Nations.
7. GROUP OF EXPERTS ON ACTION AGAINST VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE, G. 2023. GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) THE REPUBLIC OF MOLDOVA. Council of Europe.
8. IMMIGRATION SERVICE DELIVERY, D. O. J. Guidelines for victims of domestic abuse whose immigration status is currently dependent on the perpetrator of that abuse.
9. MINISTRY OF INTERNAL AFFAIRS 2022. Information note of the Ministry of Internal Affairs regarding the state of criminality that threatens the life and health of the person and those committed in the sphere of family relations during 2022.
10. MOLDOVA, G. O. T. R. O. 2022. REPORT OF THE REPUBLIC OF MOLDOVA ON THE IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE.
11. GENDER EQUALITY DIVISION, C. O. E. 2022. Council of Europe Publications and Resources on Violence against Women and Domestic Violence as of 17.06.2022.
12. GENERAL INSPECTORATE FOR MIGRATION 2024. INFORMATIVE NOTE regarding the activity of the General Inspectorate for Migration of MAY during the year 2023.
13. 2007. Government decision no. 1387 of December 10, 2007, on the approval of the Single Program of compulsory health insurance, SINGLE PROGRAM of compulsory health insurance, Chapter II.
14. OFFICE OF THE PEOPLE ADVOCATE 2023. The report of the People's Advocate regarding the assessment of the accessibility of essential health services.
15. OFFICE OF THE PEOPLE'S ADVOCATE 2020. UPHOLDING THE RIGHTS OF THE FOREIGN CITIZENS IN THE STATE CUSTODY (THEMATIC STUDY).
16. UN REFUGEE AGENCY, U. 2022. *Cash assistance for refugees in Moldova* [Online]. Available: <https://help.unhcr.org/moldova/how-to-find/cash-assistance/> [Accessed].

17. 2007. Government decision no. 1387 of December 10, 2007, on the approval of the Single Program of compulsory health insurance, SINGLE PROGRAM of compulsory health insurance, Chapter II.
18. REHABILITATION CENTER FOR TORTURE VICTIMS 'MEMORIA', R. M. *Rehabilitation Centre for Torture Victims 'Memoria' (RCTV Memoria)* [Online]. Available: <https://www.memoria.md/en/> [Accessed].
19. 2011. DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).
20. EUROPEAN ASYLUM SUPPORT OFFICE 2020. *EASO guidance on membership of a particular social group*, Publications Office of the European Union.
21. UNHCR 2002. Guidelines on International Protection No. 2: 'Membership of a Particular Social group' within the context of Article 1A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (HCR/GIP/02/02).
22. UNHCR 2012. UNHCR Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity. HCR/GIP/12/09.
23. 2023. The Republic of Moldova GOVERNMENT DECISION No. 21 of 18.01.2023 on granting temporary protection to displaced persons from Ukraine. Moldova.
24. COUNCIL OF EUROPE GENDER-BASED ASYLUM CLAIMS AND NON-REFOULEMENT: ARTICLES 60 AND 61 OF THE ISTANBUL CONVENTION A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence.
25. COUNCIL OF EUROPE, C. 2022. PROTECTING THE RIGHTS OF MIGRANT, REFUGEE AND ASYLUM-SEEKING WOMEN AND GIRLS Recommendation CM/Rec(2022)17.
26. COUNCIL OF EUROPE TREATY SERIES – NO. 210 2011. Council of Europe Convention on preventing and combating violence against women and domestic violence.
27. GREVIO, G. O. E. O. A. A. V. A. W. A. D. V. 2023. GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) THE REPUBLIC OF MOLDOVA. Council of Europe.
28. PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, P. 2017. Protecting refugee women and girls from gender-based violence.
29. UNFPA, U., UNHCR, 2022. Gender-Based Violence (GBV) Safety Audit Report: Ukraine Refugee Response, the Republic of Moldova.
30. UNHCR, D. P. 2023. *Ukraine Refugee Situation – the Republic of Moldova* [Online]. Available: <https://data.unhcr.org/en/situations/ukraine/location/10784> [Accessed].
31. UNITED NATIONS. 2021. *What Is Domestic Abuse?* [Online]. Available: <https://www.un.org/en/coronavirus/what-is-domestic-abuse> [Accessed].

ANNEX 1

STATISTICS

It has not been possible to gather any statistical information from either governmental or non-governmental documentation on cases of gender-based violence against women, asylum applicants who have disclosed gender-based violence against women, how many were given refugee status, how many applied for independent residency status or the number on those who have successfully availed of legislative provisions under the Articles 59, 60 and 61 of the Istanbul Convention. Further attempts to gather statistical information through the interview process has similarly not yielded any verifiable results.

INTERVIEWS

Methodology

The research team developed and implemented a methodology for identifying gaps in policy and operations related to Articles 59, 60, and 61 of the Istanbul Convention, focusing on migration and gender-based violence against women in the Republic of Moldova.

Through this methodology, the research team aimed to gather comprehensive and nuanced insights into the challenges and gaps within the Republic of Moldova's policy and operational frameworks in relation to migration and gender-based violence against women, as outlined by the Istanbul Convention.

The methodology comprised of several stages:

Identifying relevant stakeholders

The team identified a diverse group of stakeholders, including government bodies, NGOs, and experts in the field of migration and gender-based violence against women. These stakeholders were selected for their unique insights and significant roles in implementing or advocating for policies aligned with the Istanbul Convention and expertise in migration issues.

Contacting stakeholders

Stakeholders were contacted to explain the research's objectives and to extend an invitation to participate. The team arranged interviews at the stakeholders' convenience, providing options for both in-person and virtual meetings to accommodate their schedules.

Arranging meetings

The research team prioritised flexibility in scheduling to ensure that the timing of the interviews was convenient for all participants. Detailed topics were shared in advance to prepare the stakeholders for the discussions.

Consent

Participants were required to sign consent forms that clearly laid out the purpose of the study. These forms also covered permission for transcription while guaranteeing anonymity and confidentiality for all participants. Participants did not give consent to be explicitly quoted, therefore their direct quotes are not included in this study.

Interviews

Three interviews were conducted in English, with the lead consultant attending online; five interviews were conducted in Romanian by the Republic of Moldovan expert without the lead consultant. These interviews were transcribed and translated into English. The responses were incorporated into formulating the recommendations for each standard, and then the transcriptions were deleted.

Questions and prompts used when interviewing service providers

Interview questions were designed to identify potential gaps in policy or operations in relation to the standards recommended for the implementation of Article 59, 60 and 61 of the Istanbul Convention. These questions were asked of several stakeholders who due to their roles in relation to migration and gender-based violence against women have unique perspectives of the situation. This variety of viewpoints provided us with a balanced and informed understanding of the gaps in policy and operations in the Republic of Moldova, but also helped us understand the challenges of filling those gaps.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.