

STOP VIOLENCE NEWSLETTER

www.cdf.md

WOMEN'S
LAW CENTER

No. 2 (2015)

This newsletter reflects the activity of the Women's Law Center in the domain of prevention and combating of domestic violence and violence against women in the period of April – June 2015.

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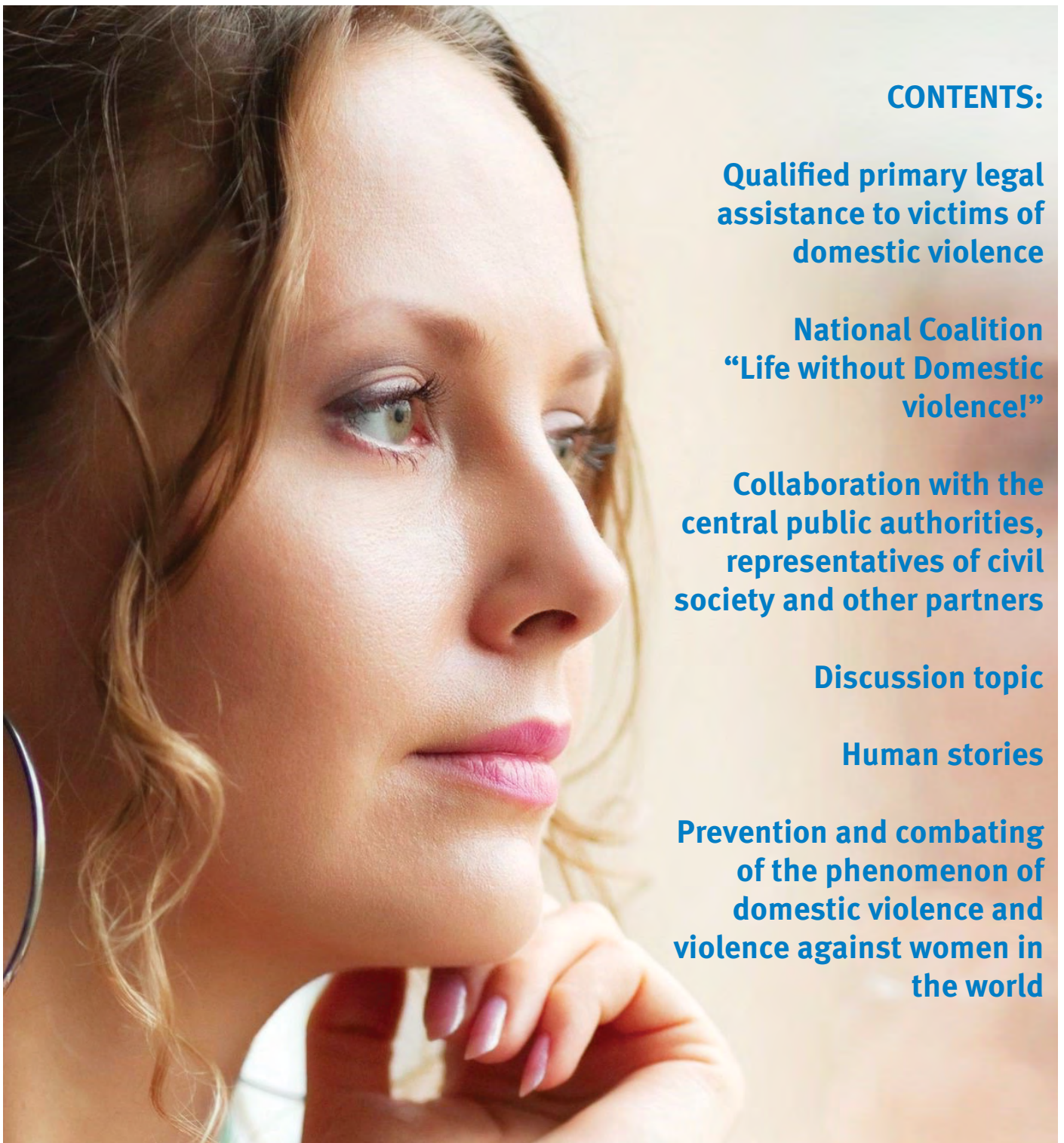
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Who are we?

GENERAL INFORMATION:

The Women's Law Center is a non-governmental organisation created in 2009 by a group of women-lawyers from the Republic of Moldova and promotes equal opportunities among men and women and contributes to the prevention and combating of domestic violence and violence against women.

We are involved in the process of adjusting legislation to European standards and advocate for recognition, respect and defence of women's rights as human rights. We offer direct, free-of-charge and confidential assistance (legal assistance, court representation and psychological assistance) and offer support to women that broke the circle of violence and started a new life.

We are members of the National Coalition „Life without Domestic Violence!”, in which 17 organisations active in the domain of prevention and combating of violence are united and have a leading role in coordinating its activities.

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Qualified primary legal assistance to victims of domestic violence

The number of women claiming domestic violence is on the rise

men about their rights and about the activity of the Women's Law Center.

In the period of reference **36** women and children benefitted from qualified primary legal assistance and psychological assistance, compared to 30 women during the first quarter of 2015. All women cited physical and psychological violence by their husbands, ex-husbands or partners in all cases in the presence of minor children.

In **20** cases of domestic violence policemen and social workers were the first to inform the wo-



Let's keep telling the world over and over again that yes, women's are human rights and human rights are women's rights once and for all.

— HILLARY CLINTON

Best practices in issuing and application of a protection order

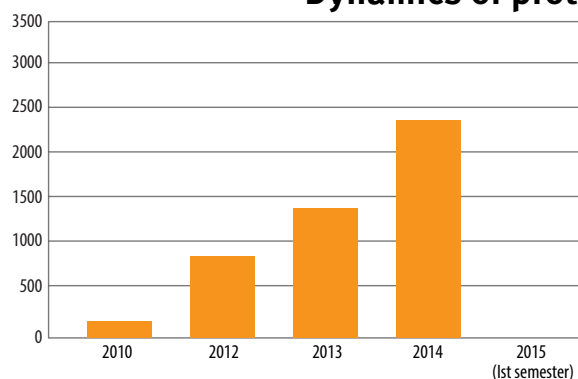
Due to the intervention of the Women's Law Center 15 protection orders were issued urgently in the period of April - June 2015. In few situations of serious violence the court of law from the Riscani sector, Chisinau, issued a protection order in only three hours,

although the Law on prevention and combating of domestic violence stipulates a maximum term of 24 hours.

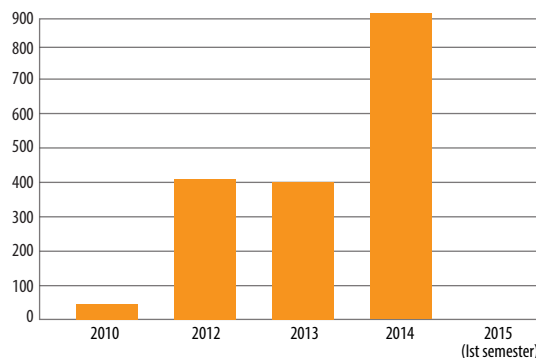
Although the growth of the number of addresses and protection orders is determined by informing and raising awareness

with the authorities regarding the rights of victims of domestic violence, the population, including abused women, still doesn't fully realise that domestic violence represents one of the most serious violations of human rights.

Dynamics of protection orders from 2010 to 2015



Note: 2010 – 23 protective orders, in 2012 – 408, in 2013 – 404, in 2014 – 920, in the first half of 2015



Note: in 2010, 63 criminal cases against perpetrators were initiated, in 2012 – 789, in 2013 – 1328 and in 2014 – 2270.

National Coalition “Life without Domestic violence!”

National Coalition “Life without Domestic violence!” gained more members and has been strengthened.

In 2015, one of the priority activities of the National Coalition is to monitor the authorities and hold them accountable regarding the urgent adoption of the draft law in the domain of the prevention and combating of domestic violence. Earlier, at the Public Forum “Partnership for an Inclusive and Prosperous Moldova: Women count!” the leaders of the parliamentary parties promised to support the urgent adoption of this draft law, but until present this has been delayed.

In this respect, members of the Coalition continued to take part as experts in the Working group for the elaboration of the draft law

in the domain of prevention and combating domestic violence constituted by the Ministry of Labour, Social Protection and Family.

Members of the Coalition initiated also a dialogue with representatives of the Ministry of Health and organised a meeting with the Deputy Minister of Health and other officials in which they presented the deficiencies in the health system regarding violence against women.

Following these discussions the participants decided to organise a round-table with representatives of local public authorities from the first and second level, health workers and service providers where they will discuss existing problems and solutions that are required for the authorities to respond efficiently

to the phenomenon of domestic violence.



Note:

The National Coalition “Life without Domestic violence!” benefitted from assistance and financial support of the OAK Foundation.

From April - June 2015, four new organisations active in the domain of the promotion of equality and the prevention and combating of domestic violence became members of the National Coalition “Life without Domestic violence!”.

The list of members can be consulted here: <http://cdf.md/rom/secretariatul-colaitiei-nationale-viata-fara-violenta-in-familie>

Collaboration with the central public authorities, representatives of civil society and other partners

Three people employed by the Women's Law Center monitored over 50 cases of domestic violence from the Police offices from the Cio-cana and Riscani sectors of Chisinau.

They analysed the registration documents related to the cases, the registers for tracking data on the perpetrators, the individual prevention plans and formulated recommendations in the Monitoring Report.

During the reporting period we saw a better collaboration with



the local public authorities than in 2014, especially with mayors and social workers. A good example is the village of Ciorescu, where the police and the social workers collaborate regarding all cases of domestic violence and engage in solving, documenting and monitoring of the cases.

The monitoring took pla-

ce within the pilot project "Streamlining response to cases of domestic violence and the implementation of protection orders in Moldova", implemented in partnership with the General Police Inspectorate and financed by the Soros Foundation Moldova and the OAK Foundation.

The draft law on prevention and combating of domestic violence drew Dioceses' attention

Is an emergency restriction order necessary in cases of domestic violence? Can "spiritual violence" be seen as an attack at orthodox Christian values?

The Diocese of Ungheni and Nisporeni presented the opinion of the diocese of the draft law in the domain of the prevention and combating of domestic violence, expressing their disagreement regarding the inclusion of the term "spiritual violence" and

the institution of the "emergency restriction order" that can harm family values and can be used abusively.

The Women's Law Center, as member of the Working group, presented arguments vis-à-vis the objections of the Diocese, expressing the common stand of the members of the National Coalition "Life without Domestic violence!"

As a result of the discussions the participants decided to ex-

clude the term "spiritual violence" from the draft, but to stick with the "emergency restriction order".

Note:

The opinion of the Diocese and the argumentation of the Women's Law Center can be accessed here: <http://cdf.md/rom/news/este-sau-nu-nece-sar-ordinul-de-restrictie-de-urgen-ta-pe-cazurile-de-violenta-in-fa>

CDF continued the training of the key actors on combating family violence and prevention

More policemen aware of the phenomenon of domestic violence and violence against women



From March - June 2015 the Women's Law Center trained another 125 policemen and criminal investigators from the inspectorates of the sectors Cio-

cana and Riscani, Chisinau. In total, starting in 2013, about 1200 policemen have received training.

The goal of the training is to strengthen the capacity of the police officers to react efficiently to cases of domestic violence while respecting the rights of the victims and also to destroy stere-

otypes existing in the ranks of the police about domestic violence.

The Training course "Best practices of police response to

cases of domestic violence" has been organised by the Women's Law Center with the support of OAK Foundation and Soros Foundation Moldova.



For the first time 25 judges, prosecutors and lawyers from the Republic of Moldova were trained to train others in the domain of the prevention and combating of domestic violence.

From March to June 2015 the Women's Law Center offered training to 25 practitioners in the domain: judges, prosecutors and lawyers from Moldova.

The judges, prosecutors and lawyers who were certified as trainers will in their turn offer training to about 250 other ju-

dges, prosecutors and lawyers from the whole country from September 2015 to March 2016.

The Training the Trainer course "Implementation of Moldovan legislation regarding the prevention and combating of domestic violence" is organised within the project "Strengthening the res-

ponse of judges and prosecutors to cases of domestic violence", implemented by the Women's Law Center in partnership with the National Justice Institute, with the support of OAK Foundation, the US Embassy and the OSCE Mission in Moldova.



News

Only three days of paternity leave for fathers in Moldova

Moldovan fathers who are employed will benefit of a paternity leave of three days during the first 56 days after birth of a child. Likewise, pregnant women are entitled to receive time off from work to go through prenatal medical examinations.

The new benefits are stipulated in the Collective convention (national level) and will come into force after being signed by the government and the National confederations of the Syndicates and Employers.

In comparison, in Sweden, fathers are allowed to stay at home 60 days out of the total number of 480 days of maternity leave. These days can be used only by fathers and not by other relatives. In this way Sweden encourages the involvement of fathers in the education and care of their children.



DISCUSSION TOPIC

Is it important for civil society to have a strong Women Caucus in the Parliament?

Do we need a gender sensitive Parliament?

These questions had been discussed during the interview by Ms. Angelina Zaporojan – Pîrgari with Ms. Sarmite Bulte, an independent international Consultant on Gender Equality in Parliamentary and Electoral Development Issues, engaged by UNDP Moldova



Sarmite Bulte is a Canadian lawyer, advocate and politician and was considered as one of the more left-wing members of the Liberal Party of Canada on social issues. She was known in Parliament for her special report of women's entrepreneurship and she served as the Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for the Status of Women

Ms. Angelina Zaporojan - Pîrgari:

Why do you think is important to have a strong Women Caucus in Parliament? Does it make sense if we have already a Law of gender equality?

Ms. Sarmite Bulte:

Nation-building processes can-

and the Minister of Industry with special emphasis on Women Entrepreneurs. Bulte chaired the Ontario caucus, travelled extensively to advocate for Canada's seat on the UN Security Council and was frequently called upon to deal directly with foreign parliaments in her capacity as Canadian head of the Commonwealth Parliamentary Association. Since leaving politics Bulte worked as a consultant to the Ontario government on women entrepreneurship issues, and as an international independent consultant in Europe, helping parliamentarians understand how the party caucuses could fulfil their roles as forums for debate and co-ordination of party strategies, advised the all-party women's caucus on how they could become a more active, better organized body within the assembly, and to assist in standardizing legislative oversight and expand oversight of new committees.

not work and development goals cannot be achieved if women are denied meaningful political participation. To have a Law of gender equality it is not enough as global experience has shown, cannot transform the quality of women's representation if wom-

en parliamentarians work in isolation, without enough sharing of inter- and intra-party experiences. Their voices will not be heard nor by their male colleagues neither by the society. If they start to work together on important issues they will raise their voices collectively on issues that affect women's lives, transcending party politics and they could achieve changing in the decisional process on women's issues.

Angelina Zaporozan - Pîrgari:

Can you give me an example of very active Women Caucus in one of the country where you worked which had changed the law?

Sarmite Bulte:

In Macedonia in 2007, was a very strong Women Caucus. They worked together and lobby their male colleagues to ensure that the profits from casinos go as funds for victims of violence.

In Canada, Women Caucus urged the Prime Minister to not let our soldiers to go in Iraq and we succeed. We had lobbied to not be part of antiballistic defense system with USA and again we succeeded because we were



strong and we were a voice.

The both examples show that Women Caucus it is not about being active about women issues, but on general issues such as common human rights, peace building and democracy. I can tell that there are solidarity among men. In Canada, even if they are from different parties, they go and play hockey together and make plans and strategize. Why to not have the same for Parliamentary Women?

Angelina Zaporozan - Pîrgari:

You have spent not so long time in Moldova, but from your experience, what do you think is missing in Moldova for accomplishing these gender

equality?

Sarmite Bulte:

It is just a matter of raising awareness. Even though the Constitution is talking about the equal rights we can not talk about the same rights between women and men if the women in our society, they have so many burdens on their shoulders. We just have to understand that kind of society we would like to have and built this society. And it is about being active and taking the position.

Angelina Zaporozan - Pîrgari:

Thank you!

Personal data of two minors from the decision of the court process published on the website of the court



The Women's Law Center notified the Superior Council of Magistrates, the Department of Judicial Administration and

the National Center for Personal Data Protection of a breach of the data protection law in respect of two minor children.

In the month of May 2015, The Direction of Children's Protection asked for the issuing of a protection order for two sexually abused children. The court issued a verdict rejecting this request as being unfounded. Although the decision was made anonymous, the personal data of the children

were kept. Upon the request of the Women's Law Center, the decision was erased from the Independent Programme for File Management as well as from the website of the law courts.



Human stories

Stereotypes or ignorance of the law with professionals? How does the justice and medical system responds to cases of domestic violence.

A woman of the Floresti region and her children were maltreated physically and verbally for many years by the woman's boyfriend, the father of the children. Initially the perpetrator was sanctioned several times conventionally after which the sanction was turned into a conditional sentence for two years on the basis of article 201¹ of the Criminal Code.

During this whole period the man continued to apply violence, even though he was permanently monitored by the probation officers who affirmed that the man was violent. Because of the escalation of the violence and the

failure to obtain protection from the justice system, the woman tried to kill herself. After a case of violence the woman went to the hospital to obtain a medical certificate regarding the harm she was done to be able to annex it to the criminal prosecution file. The physician who examined her refused to issue such a certificate and even recommended her to reconcile with her husband.

The woman requested a protection order, but the court decided that protection measures were unnecessary, although the police and the prosecutor insisted for a protection order to be

issued. Moreover, even the perpetrator himself confirmed during the hearing that he applies violence in his family.

The woman addressed the Women's Law Center which managed to obtain an urgent protection order (in less than 24 hrs) and notified the Ministry of Health and the General Office of Prosecutors, citing an infringement of the rights of a patient and of the Law regarding the prevention and combating of domestic violence that stipulates the right of a patient to obtain a medical statement regarding his/her health.

Currently the woman and her children are in safety. A protection order was issued and the perpetrator was removed from the house by force. Also research is initiated and evidence is collected to initiate a criminal prosecution case.



Freedom cannot be achieved unless the women have been emancipated from all forms of oppression

— NELSON MANDELA

Prevention and combating of the phenomenon of domestic violence and violence against women in the world

ROMANIA

Members of the Romanian Senate want to introduce up to 7 years of imprisonment for domestic violence

Members of the Romanian Senate wish to introduce a stipulation in the Criminal Code that provides for the imprisonment of the perpetrators for up to 7 years if the victim needs at least 30 days of hospitalisation.

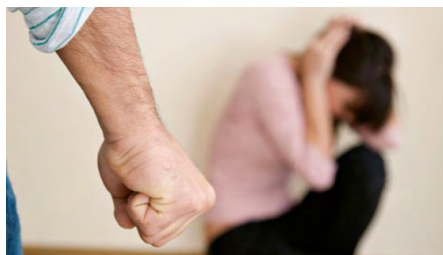
Currently, the minimum number of hospitalisation days that offer the possibility to sentence a perpetrator to prison is 90.

In 2014 in Romania, 600 children and 9.000 women were beaten, while 300 perpetrators were condemned. Currently the law is meek with domestic perpetrators. They can only be fined, while most sentences are only conditional. Another problem with the system in Romania is that when a woman requests a protection order for the perpetrator to be kept away from her for six months, she sometimes has to wait for this for an equal amount of time. During this period those who were beating her continue to have open access to her.

<http://www.ziare.com>

TURKEY

A faulty justice system that doesn't provide protection for victims of violence



A woman from Turkey was condemned to pay a fine because her husband was injured at his arm when he was hitting her. During a fight, this woman from Ankara was set free by her neighbours who called the police as well. Together with her child the woman was taken to a Center for victims of domestic violence where her husband found her and beat her up several times.

The authorities took action and started a process in which the prosecutors argued that the spouses wounded themselves reciprocally. They cited a legal medical certificate stating that the husband injured his hand when beating his wife.

During the process, the woman declared that she had not handed in and did not intend to hand in a complaint against her husband

for the beatings and threats, she only wanted to escape the ordeal and not for her husband to be punished.

The court decided to fine both spouses with a fine of 3.000 Turkish Lira (appr. 1.020 Euro). The man continued to beat the woman, who moved to a Center in a different city, according to the local newspaper "Milliyet".

<http://www.activenews.ro>

AUSTRALIA

Violence takes human lives!

A unique campaign for the prevention and combating of domestic violence and violence against women was launched in May 2015 in Australia. During the campaign, lists of data and photos of women who died as a result of violence applied by their partners during 2014 and 2015 have been broadcasted. Because of legal reasons this list is not complete. According to the data of the non-governmental organisations in 2015 in Australia at least 43 women died a result of violence applied by their life partners.

<http://www.theguardian.com>

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