

STOP VIOLENCE

WOMEN'S LAW CENTER

nr. 22 (2020)

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DOMESTIC VIOLENCE VICTIMS BETTER PROTECTED BY LAW

This July, the Parliament passed, in the second reading, a draft law that provides more efficient protection for domestic violence victims. The key amendments that will ensure a more efficient protection of domestic violence victims are related to:

- reviewing the term of 'psychological violence' to ensure a more efficient identification of this form of domestic violence
- introducing the term of 'violence against women'
- extending the coverage of the emergency barring order beyond the house of the domestic violence victim
- describing the protections measures that can be applied by the police
- requiring the district divisions/units for social assistance and family protection to establish a service for preventing and combating domestic violence
- introducing the obligation for all professionals to assess the risk of committing/repeating acts of domestic violence
- ensuring the provision of state-guaranteed legal aid from the moment the victim of domestic violence submitted the complaint.



The draft law is based on the analysis of compatibility of the national legislation with the Council of Europe Convention on preventing and combating violence against women and domestic violence, developed by the Women's Law Center in 2019, with the support of UN Women and Sweden. The amendments proposed in the draft law are the result of the activity of the inter-ministerial working group established by the Ministry of Health, Labour and Social Protection of the Republic of Moldova, aimed at harmonising the national legislation with the Istanbul Convention.

MECHANISM OF CROSS-SECTORAL COOPERATION CONSULTED WITH SPECIALISTS IN THE FIELD

The draft Instruction on the mechanism of cross-sectoral cooperation in cases of domestic violence was consulted with professionals in the field of preventing and combating domestic violence at local level. Between 17 and 24 September, the Women's Law Center conducted meetings that were attended by members of territorial, district and community multi-disciplinary teams from Falesti, Telenesti and Basarabeasca.

The aim of the consultations was to collect opinions and recommendations on the improvement of:

- organisation of cross-sectoral cooperation mechanism
- stages and elements of cross-sectoral cooperation
- collection and reporting of statistical data

The recommendations will be included in a report and submitted to the Ministry of Health, Labour and Social Protection of the Republic of Moldova.

After the public consultations and approval of the instruction, a series of trainings on cross-sectoral approach in cases of domestic violence are planned to be conducted in the communities where such consultations took place.

The project is implemented with the support of UN Women Moldova.

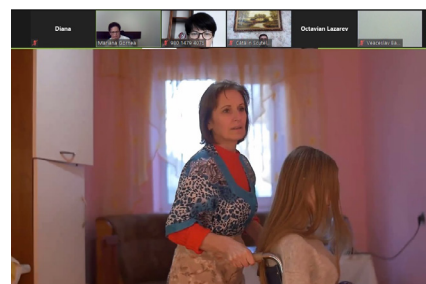
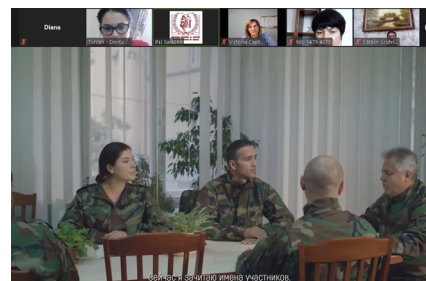


WLC STRENGTHENS THE CAPACITIES OF LAW ENFORCEMENT SPECIALISTS

During July-September, the Women's Law Center conducted, together with partner institutions, a range of trainings for professionals who interact with domestic violence victims. The aim of the trainings was to strengthen the participants' skills so that the intervention of each of them, but also their joint intervention ensures a more efficient protection of domestic violence victims.

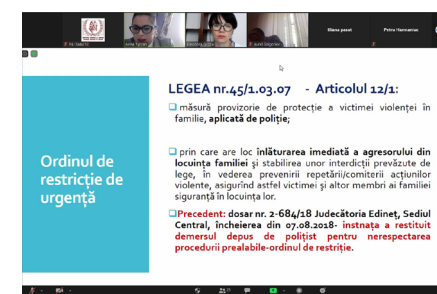
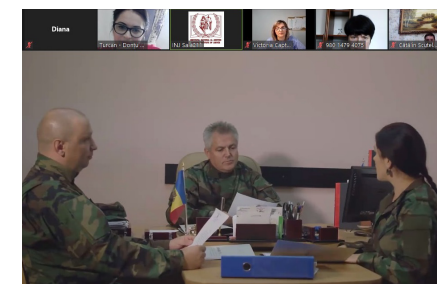
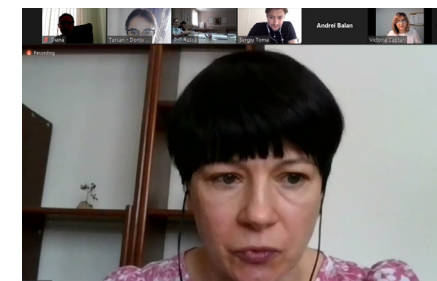
■ In July and September, the trainees of the National Institute of Justice attended a training on judicial practice of examining domestic violence cases. The discussions were based on cases of domestic violence, which were presented in the format of educational movies that describe both good practices and interventions for preventing and combating domestic violence. The trainers addressed topics related to:

- myths and realities about domestic violence
- causes of domestic violence and the psychological portrait of a victim and a perpetrator
- trauma and needs of the domestic violence victim
- legislation of the Republic of Moldova in the field of domestic violence: civil, civil procedure and criminal law aspects
- investigation of domestic violence cases: competence, evidence in cases of domestic violence, the dangers of mediation and reconciliation in cases of domestic violence
- protection and assistance of victims in domestic violence cases
- the case-law of ECtHR on domestic violence; legislation of the Republic of Moldova on domestic violence: civil, civil procedure and criminal law aspects.



The practitioner trainers challenged the participants to discuss problems that arise during criminal proceedings in cases of domestic violence.

The trainings were organised by the Women's Law Center in partnership with the National Institute of Justice and with the financial support of Sweden.



■ For the first time, this fall, the trainings were attended by patrol officers. A number of 40 patrol officers were split in much smaller than usual groups and got acquainted with the best practices of police response to domestic violence. The trainers presented complex aspects of the phenomenon and involved the officers in discussions and interactive activities. Participants were able to exchange experience and deepen their knowledge about the domestic violence phenomenon; distinctive features of patrol officers' intervention; legislation of the Republic of Moldova on domestic violence; coordinated response of the key stakeholders, roles and responsibilities of each stakeholder in solving cases of violence.

A new series of trainings will be conducted in the next period for another 150 patrol officers.

The trainings were possible thanks to the collaboration agreement signed between WLC and the General Police Inspectorate. The main aim of the agreement is to strengthen the capacities of law enforcement bodies representatives in order to protect and respond efficiently to the needs of domestic violence victims.

The trainings are organised by the Women's Law Center in partnership with the General Police Inspectorate and with the financial support of the Criminal Justice and Law Enforcement Section of the United States Embassy in Moldova.

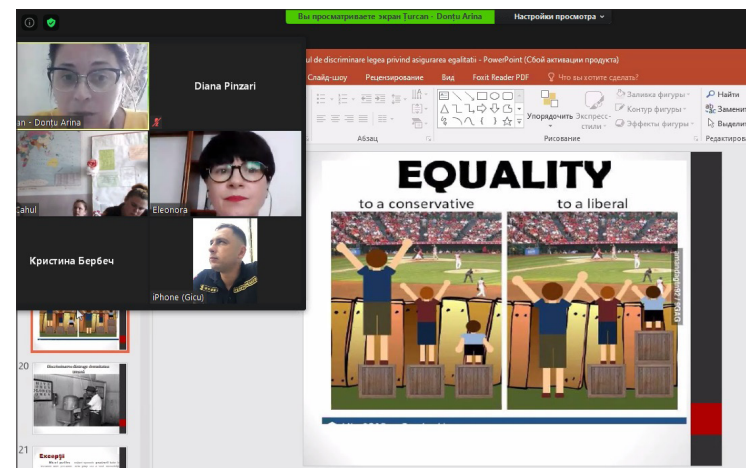
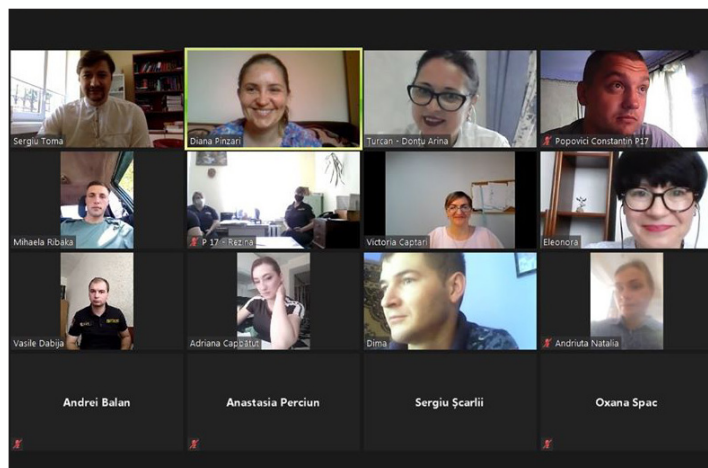
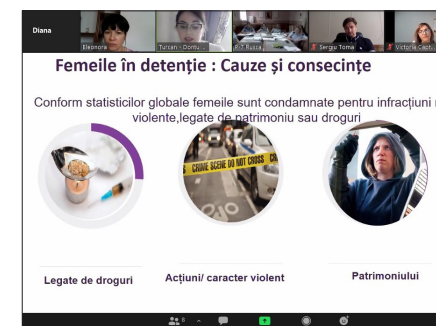
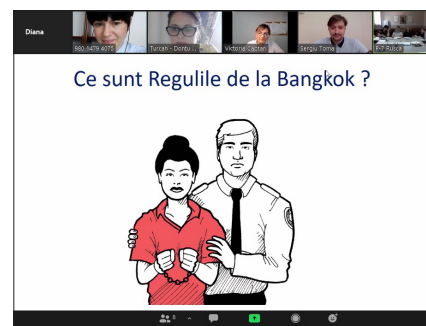
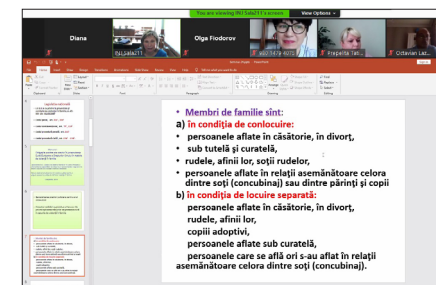
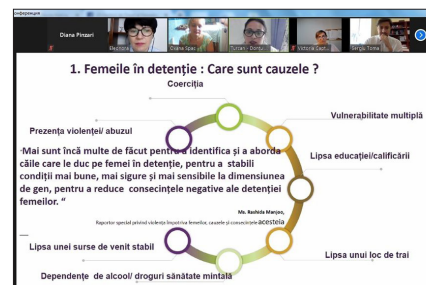


■ The employees of Penitentiaries No 17 – Rezina and No 5 – Cahul attended the online training – ‘Women in detention: rights and special needs’. The aim of the workshop was to strengthen the knowledge and skills of employees in order to ensure the observance of the rights and special needs of imprisoned women.

Participants discussed about the factors determining the vulnerability of penitentiary system employees and the ways to manage any deficiencies or problems arising when interacting with women in detention. At the same time, they got acquainted with the international standards and norms, particularly with the Bangkok Rules, adopted in 2010 through the Resolution of the General Assembly of the United Nations.

The trainers were Arina Turcan-Dontu, the WLC lawyer and the psychologists Sergiu Toma and Victoria Captari from the Institute for Family and Social Initiatives.

The training was organised by the Women’s Law Centre in partnership with the National Administration of Penitentiaries of the Republic of Moldova, as part of the ‘Improving the access to justice, legal support and psychological help for women in detention’ Project, with the support of Sweden.



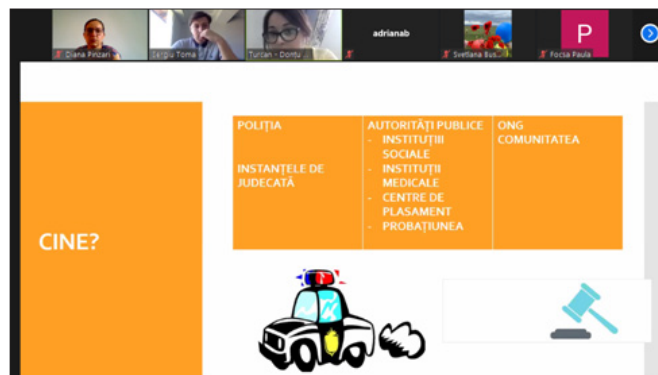
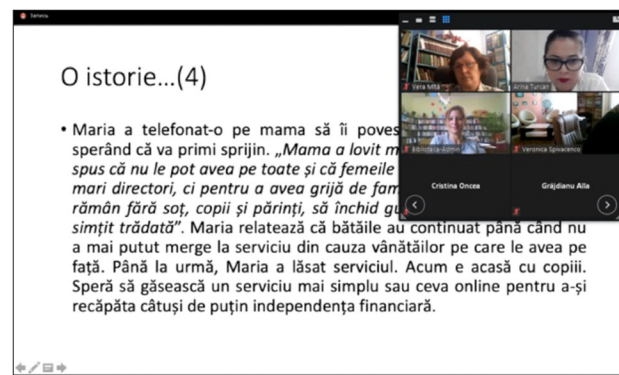
INFORMATION WORKSHOP FOR LIBRARIANS AND YOUNG PEOPLE

■ Librarians are resource persons in the communities where they work. Their involvement in promoting certain social causes means dedication and desire to change the things for better. That is why, together with the Association of Librarians of Moldova we decided to organise a series of information workshops on domestic violence for the members of the association.

The first meeting was conducted online and was aimed at preparing the librarian as a community stakeholder in referring women victims of domestic violence to competent authorities and services. The participants spoke about experiences in their community where women victims were often blamed or discouraged to report the cases of abuse.

Arina Turcan, lawyer and Sergiu Toma, psychologist explained, on the basis of cases assistance was provided in, how people resorted to domestic violence, how domestic violence could be recognised and why reporting and community support were important.

The information workshops are organised with the support of Sweden.





■ Curious and open, this is how we found the young people at the Chisinau Municipal Youth Center, with whom we spent almost two hours discussing about domestic violence prevention. Psychologist Sergiu Toma and lawyer Arina Turcanu-Dontu involved them in interactive activities and exercises that helped them better understand the domestic violence phenomenon. More specifically, how a relation, which at first sight is seemingly perfect, can contain elements of violence.

We also discussed about the forms of domestic violence and how they are manifested in our culture, about myths and the importance of community involvement in case reporting. It is namely the community, along with law enforcement authorities, that can be a resource and support for domestic violence victims.

The information workshop was conducted at the initiative of the Chisinau Municipal Youth Center with the support of Sweden.

■ In August and September, the Women's Law Centre resumed the handmade activities organised for the beneficiaries of the organisation and their children. During the master-classes, women were taught how to crochet purses and dolls for a puppet theater. Some of them learned to crochet and sew from scratch. Initially, girls were sceptical about managing to crochet their own purses, but the result pleasantly surprised them and motivated them to keep going. During the workshops they remembered their childhood, their grandmothers who organised such soulful get-togethers during winter evenings.

The workshops aim to develop certain hand-made skills. They also serve as a platform for discussions and mutual support for WLC beneficiaries.



WOMEN'S LAW CENTRE ACTIVITY IN FIGURES

During July-September 2020, WLC provided complex support to 197 women and men. Given the difficulties and the restrictions imposed by the pandemic, the consultations were conducted by phone, online and in person.

BENEFICIARIES' SOCIAL PROFILE:

By residence area: 104 victims are from the urban area and 93 from the rural area.

Age: most domestic violence victims are 35-44 years old (58 beneficiaries), followed by 25-34 years old (39 beneficiaries) and 65+ years old (38 beneficiaries). Victims aged 45-54 (20 beneficiaries), 55-64 (19 beneficiaries), and 18-24 (14 beneficiaries) and 0-17 (9 beneficiaries) were also registered.

Level of education: 193 victims have secondary education (including incomplete secondary or specialised secondary), while 3 have higher education.

Occupational status: 82 beneficiaries are unemployed. At the same time, 45 employed victims were registered. Five of them work abroad, and 27 beneficiaries are pensioners. Of the total number, 65 women take care of one or several minor children, of whom 29 women are employed, 14 are unemployed and other 22 have their work suspended due to the childcare leave.

Marital status: of the total number of women registered during the last three months, most are married (107 cases).

Relationship of victim to perpetrator: in 124 cases the victim had the status of (former) domestic partner/wife, which represents a share of more than 63% of the total number of assisted cases. In 14 cases the victim had the status of parent (mother/father) or step parent, in 5 cases the victim had the status of son/daughter, and in 6 case the victim had the status of sibling. In 30 cases the victims were not related to the perpetrators.



Type of violence found: following the assessment of cases, it was found that most of the victims were subjected to combined forms of violence. In most cases (105 victims) the victims were subjected to psychological and physical violence at the same time, followed by 10 cases with three forms of violence manifested at the same time – physical, psychological and sexual violence. In 5 cases, the perpetrators applied physical, psychological and economic violence.

Place where they asked for help: the most common information source about the activity of WLC is the online environment. Women access the site of the organisation, social networks and other internet sources (53 cases). Another source of information are the acquaintances/relatives or former beneficiaries of the organisation (24 cases). A number of 13 women were referred to WLC by other NGOs or organisations, members of the National Coalition on the basis of partnerships agreements. Five territorial units of the National Police Inspectorate (namely: Riscani PI and Botanica PI from Chisinau, Stefan Voda PI, Cimislia PI, Briceni PI) referred for assistance 27 cases. Centru District Court in Chisinau referred 11 cases during this period.

WLC hotline: during the analysed period, 33 women were consulted by phone after they called the hotline of the organisation.

TYPE OF PROVIDED SERVICES

Primary legal aid: Victims received primary legal aid in 197 cases, such as drafting applications and complaints addressed to law enforcement bodies or appealing against decisions of the official examiner. A number of **4 barring orders** and **35 protection orders** were issued.

Qualified legal aid: Lawyers were appointed to represent victims' interests in 12 cases. A number of 9 criminal cases, 3 civil cases and one case at ECtHR were registered. Of the total number of criminal cases in which WLC's lawyers represent the beneficiaries' interests, 4 cases are initiated on the basis of Article 171 of the CC (rape), 2 cases on the basis of Article 201/1 of the CC (domestic violence), 2 cases on the basis of Article 175 of the CC (perverse actions).

Psychological support: A total of 27 victims received individual psychological support, including long-term psychological support in 12 cases. A number of 10 psychological evaluation reports were drafted.

Social assistance: 10 victims benefited from social assistance, 2 benefited from vocational counselling, 6 received material aid and in one case the victim was placed in a shelter.

NEAR THE CHILDREN AND SAFE – A WOMAN WHO BENEFITED FROM WLC SUPPORT MANAGED TO BREAK THE CIRCLE OF VIOLENCE

Over the last years, Mariana faced her worst nightmare. Everything started back in 2013, when she married Andrei. Their family life was full of scandals and systematic beatings, and when the children came the things got even tenser. In 2018, her husband decided that he was entitled to deprive Mariana of her parental rights. He took the minor children to their grandparents by force. In her fight for the right to see her children, she found herself in a painful situation. Although the Social Assistance and Family Protection Division set a meeting schedule for two months, the spouse, after the last meeting refused to bring the children at home. The husband's relatives restricted any possibility for Mariana to contact or communicate with them. They refused to open the door of the house while she could hear the children screaming from another room – 'mommy is here'. Every time she attempted to see her children, the parents-in-law would tell the police that Mariana wanted to kidnap the little ones.

Meanwhile, the Social Assistance and Family Protection Division extended the meeting schedule with children, but this schedule remained on paper only because the spouse refused to accept it. What is more, he totally



isolated the children from their mother. They were held in the apartment of their grandparents 24/24. They were deprived of walks, sunlight and of the freedom to enjoy their childhood while Andrei lived alone in Chisinau. He tried to obtain a protective order, but the court rejected his demand.

For eight months, Mariana went to the door of the apartment where her children were restrained and she never managed to communicate with them. After various attempts to solve peacefully the conflict, Mariana was forced to file various petitions and complaints with the law enforcement

authorities. She succeeded to see her children after the police fined Andrei for restricting the mother's access to her children. Subsequently, the court ruled in favour of the mother and found that the father created obstacles so that the mother could not exercise her parental rights and prohibited him to intervene abusively.

In parallel with these actions, another court examined the divorce and the procedure of determining the domicile of minor children. Andrei delayed the examination of the case

by about two years, thus provoking even more suffering to Mariana and the children. Mariana came to every hearing and hoped that she would have her children near her again. Andrei kept coming up with new tricks. In the He involved the grandparents in the court proceedings, arguing that they also had rights on the children. Fortunately, the court of first instance admitted Mariana's request of Mariana and terminated the marriage and established the children's domicile with her. This judgement was upheld by all three courts. When she came to the Women's Law Center, Mari-

ana was desperate and didn't know where to get help. She turned to various courts, but things were delayed or she had no answer. In attempting to document and find solutions, she found the contact data of the Women's Law Centre on the internet. She decided to ask for help. At WLC she received unconditional legal and psychological support during the entire process. The lawyers involved in this case advised her and represented her interests in court. It took two years (2018-2020) until Mariana could quietly start a new life and recover after a long and distressful process.

WHO ARE WE?

WOMEN'S LAW CENTRE (WLC) is a non-governmental organisation founded by a group of women-lawyers from Moldova. WLC advocates for equality between women and men in the public and family life and helps prevent and combat domestic violence and gender-based violence against women.

This newsletter is Founded by Sweden and OAK Foundation



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