

STOP VIOLENCE

WOMEN'S LAW CENTER

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NEW RECOMMENDATIONS BY CEDAW COMMITTEE FOR THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA AFTER THE REVISION OF THE 6TH PERIODIC COUNTRY REPORT



The 75th Session of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) took place in February 2020. The Government of the Republic of Moldova presented the 6th Periodic Country Report, which included the actions taken by authorities to improve the situation of women in areas such as domestic violence and gender-based violence, women's participation in political and public life, trafficking of women and vulnerable groups. The UN Committee welcomed the progress made by the authorities, but also came up with a number of recom-

mendations for each area. As regards domestic violence and gender-based violence the recommendations were the following:

- amend Article 78/1 of the Contravention Code by removing the provisions that exempt the perpetrators of criminal liability, and provide women victims of violence with access to criminal justice;
- improve the collection of data about all forms of gender-based violence, including economic and psychological violence, disaggregated by sex, age, ethnicity, geo-

graphic location, disability, relationship between the victim and the perpetrator, in order to improve the legislation, policies, and the practices of preventing and reducing gender-based violence;

- allocate sufficient resources to be able to grant financial compensations to victims of domestic violence and of gender-based violence;
- allocate adequate human, technical and financial resources for the effective implementation of the National Strategy on Preventing

and Combating Violence against Women and Domestic Violence (2018-2023) and its Action Plan, to ensure the victims with access to shelters and specialised services, including medical treatment, psychosocial counselling and legal aid;

- speed up the ratification of the Istanbul Convention.

CEDAW observations were prepared following a meeting with the representatives of Moldovan NGOs working in the aforementioned areas, who presented the main chal-



lenges women from the Republic of Moldova face and the issues the national authorities should address.

Natalia Vilcu, Executive Director of WLC, reiterated that 'the acts of domestic violence and sexual violence are under-investigated, while the regulatory framework is not adjusted to international standards. At the same time, the access of victims of domestic violence and sexual violence to free legal aid is limited, the protection orders are being violated, and the penalties applied to perpetrators do not have a deterrent effect.

At the meeting with the CEDAW Committee, Natalia Vilcu urged the Government of Moldova to ratify the Istanbul Convention and to harmonise the legislation with international standards'.

The civil society was represented by various human rights and gender based violence organisations, including members of the National Coalition 'Life Without Domestic Violence'. The Government of the Republic of Moldova is to analyse and implement the recommendations made by CEDAW.

In January this year, WLC together with other members of civil society working in the field of preventing and combating gender - based violence prepared the CEDAW Shadow Report, which described the main challenges and forms of discrimination that women from the Republic of Moldova face. The topics covered in the Report became an source of impartial information for the members of the CEDAW Committee and were addressed during the 75th Session of the Committee on the implementation of the Convention.

The main recommendations made by the civil society were for the Government to:

- improve the legal framework to ensure adequate protection for victims of violence against women and punishment of perpetrators proportionate to the seriousness of their deeds;
- ensure a coordinated response to cases of domestic violence;
- develop and fund services for victims of domestic violence;
- ensure compulsory participation of perpetrators in behaviour correction programs;
- admit psychological assessment reports as evidence in domestic violence cases;
- ensure the access of gender-based violence victims to legal aid and non-judicial expert reviews;
- amend the Criminal Code and the Criminal Procedure Code by removing the provisions on reconciliation of parties in cases of sexual violence;
- review the textbooks and the school curricula to eliminate gender stereotypes and discrimination against women;
- ratify the Istanbul Convention.



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VIATA
FARA VIOLENTA
IN FAMILIE!
COMITATUL NATIONAL

Submission can be posted on the CEDAW website for public information purposes

Members of the National Coalition "Life Without Domestic Violence" ¹

ALTERNATIVE REPORT

TO THE SIXTH PERIODIC REPORT SUBMITTED BY THE REPUBLIC OF MOLDOVA

FOR CONSIDERATION AT THE CEDAW 75TH SESSION WITH REGARDS TO IMPLEMENTATION OF THE GENERAL RECOMMENDATION

NO. 19 ON GENDER-BASED VIOLENCE AGAINST WOMEN

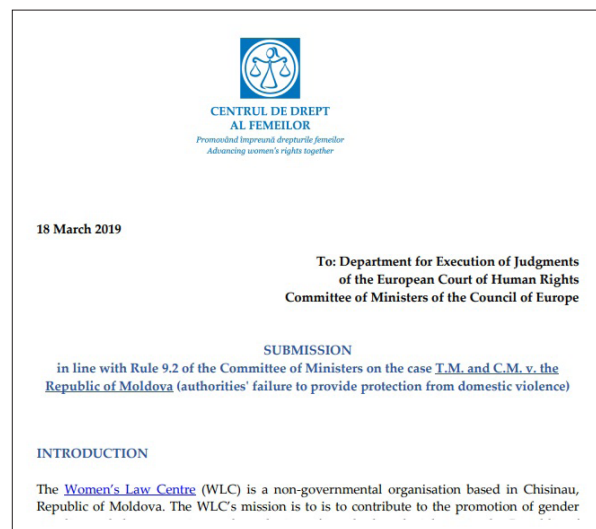
REPUBLIC OF MOLDOVA REMAINS UNDER THE SUPERVISION OF THE COMMITTEE OF MINISTERS

The Committee of Ministers will continue to supervise by March 2021 the enforcement of the judgements of the European Court of Human Rights in the case T.M. and C.M. vs Republic of Moldova as regards general measures. The decision to continue the supervision was taken after the Committee of Ministers found that the Republic of Moldova signed the Istanbul Convention, but did not ratify it yet. As a result, a considerable number of complaints/notifications on domestic violence are not followed by the initiation of criminal or contravention cases. At the same time, more measures are needed to ensure the access of domestic violence victims to quality services.

The communication of the Committee of Ministers urges the authorities to ratify without delay the Istanbul Convention, and thus showing a strong political will to combat violence against women and to continue efforts to improve the law, raise public awareness and



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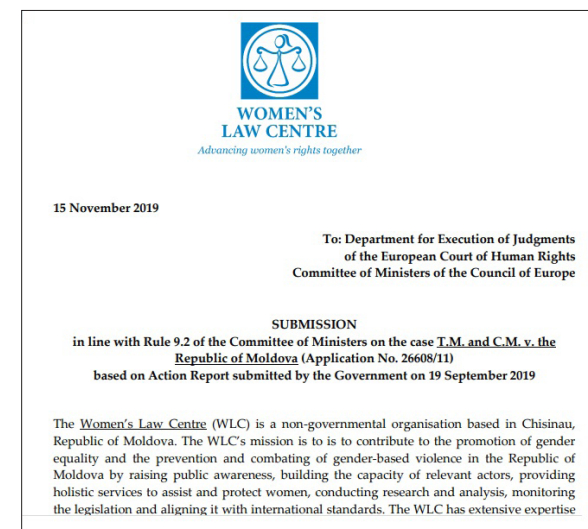


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strengthen the capacity of specialists from the justice sector.

To assess the efficiency of the measures taken by the authorities in order to prevent and combat domestic violence, the Committee of Ministers asked the authorities to submit additional information about:

- the number of criminal cases and the number of convictions for different forms of domestic violence: physical (including femicide), psychological and economic;
- the number of acts of domestic violence committed more than one time after the application of the criminal sentence or the contravention sanction;
- the measures applied by the courts, such as imposing the obligation to take part in a special treat-



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ment program or to be provided with counselling to appease violent behaviour, the obligation to undergo forced medical treatment for alcoholism/drug addiction;

- the specialised assistance services provided to victims, including placement centres, free telephone counselling, psychological assistance and access to state-guaranteed legal aid;
- the methods of risk assessment in individual cases and the measures taken by the police to ensure the efficiency of the enforcement of protection orders and emergency restraining orders.

The full decision of the Committee of Ministers, as well as the communications of the Women's Law Centre sent to the Committee are available above.

THE COUNCIL ON PREVENTING AND ELIMINATING DISCRIMINATION AND ENSURING EQUALITY ISSUED TWO DECISIONS IN FAVOUR OF WLC BENEFICIARIES



- In the first case, the Council found **discrimination on grounds of social status in accessing equal legal protection**. The beneficiary of WLC, in her fight for the right to see her children, found herself in a distressing situation. Although the Child Protection Division set a schedule of visits, the former spouse and his relatives restricted any possibility of her contact and communication with children. Whenever the beneficiary wanted to see her children, she would end up at the police station giving explanations. Although the legislation provides for sanctions meant to restrict access to raising children, the Council concluded that the national authorities invoked unfounded reasons to justify their inaction and tolerated the estrangement of the WLC beneficiary from her children, which is a violation of her right to communicate with

children. The Council also emphasised that the situation occurred due to unequal power relations between the WLC beneficiary, who took care of her children for many years and did not work in her professional field, and her former husband, who was perceived as having a high position. The Council was convinced that the power relations influenced the authorities not to act according to the legal provisions and classified this approach as discriminatory and violating the equal protection guaranteed by the law on grounds of the social status of the applicant.

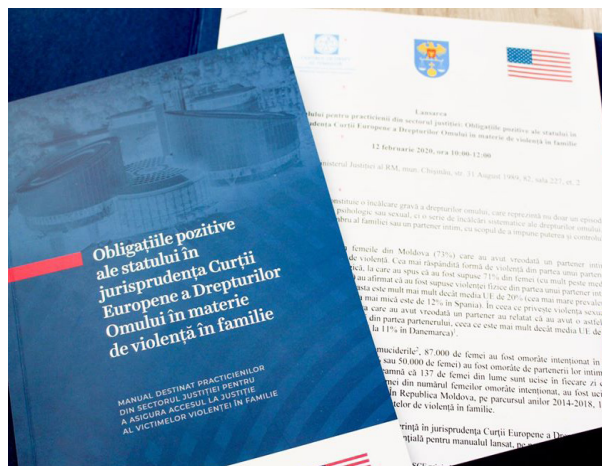
The Council recommended to undertake several actions, including: take the necessary measures to prevent similar situations in the future and initiate a disciplinary proceeding with regards to individuals who committed in their activity acts of discrimination found in the decision.

- In the second case, the Council found **gender-based discrimination in the form of harassment during criminal investigation**. The WLC beneficiary was subject to sexual violence. During the criminal investigation she was heard 6 times, aside from the first hearing, and she had to pass a polygraph test too. The representatives of the criminal investigative body delayed the transfer of the criminal case to court from 2017 until 2019. The perpetrator was at liberty



for two years. The police officers and prosecutors neither ordered that the defendant be brought in by force, nor did they put him on a wanted list. Instead, they terminated the criminal investigation. The attitude towards the beneficiary was influenced by the existing gender preconceptions and stereotypes in relation to the victims of rape, according to which they make false statements for petty purposes. The content of the questions asked by the representatives of the criminal investigative body created a hostile, intimidating and revictimising environment and the beneficiary suffered constantly. The Council established that she was discriminated against and recommended the authorities to take into account possible disciplinary investigations and to avoid similar situations in the future.

HANDBOOK FOR PROFESSIONALS FROM THE JUSTICE SECTOR PRESENTED AT THE MINISTRY OF JUSTICE



In February this year, the Women's Law Centre, with the support of the Criminal Justice and Law Enforcement Section of the US Embassy in Moldova, developed and launched an analysis of positive obligations *of the state in domestic violence case-law of the European Court of Human Rights*.

The Minister of Justice, Fadei Nagacevski, present at the event, said that we need an overall consolidation involving authorities, civil society and development partners, to work together towards solving the problem of domestic violence. *'We need to adjust the legal framework, improve the way professionals in the field communicate with victims of domestic violence. I hope this analysis will be useful to the professionals from law institutions.'*

The United States has been one of the strategic partners of the Republic of Moldova that has consistently supported Moldova's efforts to fight against domestic violence in the last five years.

Dereck J. Hogan, US Ambassador to the Republic of Moldova, believes that our country has the opportunity to make significant progress in this field. *'We encourage the Government to approve the two draft laws in the field of protection of domestic and sexual violence victims, which would be a strong proof of Moldova's commitment to observe European standards and to protect its citizens. Also, we urge the Parliament to ratify the Istanbul Convention'.*

This analysis is intended, first and foremost, for professionals in the justice sector. It can be an additional resource that would help strengthen the capacity of response to domestic violence.

'By developing this handbook we aimed to provide the professionals from the justice system with access to synthesized information about the determining factors of the positive obligations applied by the ECtHR, but also to present an analysis of these factors, based on the most frequently cited articles of the Convention in the complaints filed with the Court regarding the action and inaction of the state in cases of domestic violence', mentioned at the event, **Natalia Vilcu, the Executive Director of the Women's Law Centre** and the co-author of the handbook.





*'The paper is based on the analysis of about 30 cases, which outlines a sad reality determined by the fact that states do not fully meet their positive obligations. Women and children pay a high price, and some of them – the highest price, because their "private" call was not heard when the tragedy could have still be prevented', believes **Catalina Aalbers, LLM in International Public Law and Human Rights**, University of Utrecht, Netherlands, author of the analysis.*

The handbook was developed by WLC under the 'Strengthening Capacities of Prosecution and Judicial Response to Domestic Violence in Moldova' Project, with financial support of the Criminal Justice and Law Enforcement Section of the US Embassy in Moldova.

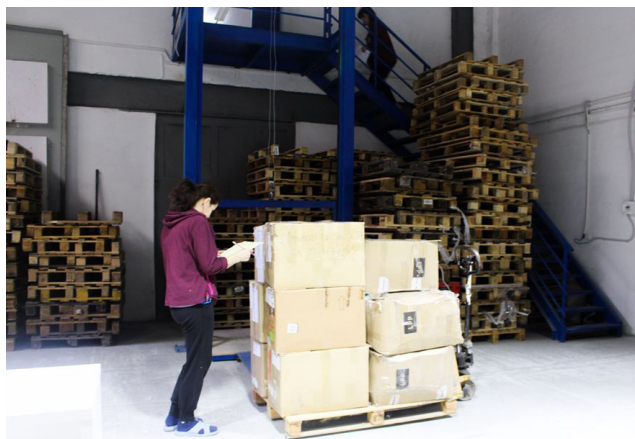
If you are curious to know how the case-law of the European Court of Human Rights in the field of domestic violence evolved, please follow the link: handbook in Romanian – http://cdf.md/files/resources/145/Handbook_RO.pdf and in English – http://cdf.md/files/resources/145/Handbook_EN.pdf



ABOUT LOVE IN A DIFFERENT WAY

Love, among many others, is the desire to be close to someone, to help, support and encourage. Earlier this year, two companies decided to support the beneficiaries of the Women's Law Centre. **Moldtelecom** donated MDL 5,000 and **Matexcom**, also known as **Zoutlet**, donated several boxes of clothes for women and children victims of domestic violence. Thanks to the donation made by Moltelecom, a mother with three children who was in a shelter in the North of the country was helped. We managed to get them winter shoes. We also bought coats for a mother with four children who also experienced domestic violence. Things like these seem trivial and accessible to anyone. However, it is hard to realise that they couldn't go outside because they didn't have clothes and boots... Their gratitude was immense. The gesture made by Zoutlet is also about getting involved. They donated many new clothes that made happy several moms, more exactly – 17 women and 25 children. One of them is Olga, educator at a kindergarten in Chisinau, who confessed that she left her home with her 15-year-old daughter and took only her identification documents. *'In a hurry, I left all my clothes at home when I left. Thank you very much for your help, I couldn't imagine that in our country people donate new clothes too. I kept washing my clothes and my daughter's every evening.'*

On behalf of these women, we thank you for this gesture of solidarity. There is no way love could disappear as long as we are able to give love too.



CASE OF GOOD PRACTICES AND AN ABUSER SENTENCED TO 18 YEARS OF IMPRISONMENT

It was late at night. Ina was returning with her friends from the centre of the village. At one point, the girls parted ways, and Ina continued her way home. At a crossroads, a man in black clothes appeared out of nowhere and tried to speak to her. When he saw that the girl did not answer and tried to run away, the perpetrator grabbed her by the neck and by the hair and dragged her to his house. The physical, psychological and sexual violence that the girl was subjected to that night can hardly be described in words. Towards morning, in a moment when the perpetrator fell asleep, Ina managed to run away from the house. *'I didn't know where I was, I was afraid, I did not know what time it was and where to go. I was scared and I don't remember how I jumped over a fence, then another one, then I went through a cornfield and I got to a yard with two dogs. I walked out through the gate and I walked down the road. As I walked, I saw tractors on the road and so on, until when it was day. I saw a woman feeding her hens and I asked her how to get to my village. When I got home, I was scared, I closed the gate, I went to my room and went to sleep. I fell asleep immediately, I was very tired. When I woke up, I told my mother everything and we called the police...'*

From here things evolved the best way for Ina. This is one of the cases when professionals in the field acted rapidly taking into account the vulnerability of the victim. Shortly after that, the perpetrator was apprehended. The criminal investigation and the examination of the case in the first instance lasted half a year, in other cases, the victims might have to wait for several years until the rapist is punished. The professionals who interacted with the victim referred her to specialised services, submitting a request for the victim to be provided psychological assistance. The criminal investigative body, which planned initially to carry out several criminal investigative actions, including a police lineup, finally gave the idea up. To avoid the revictimization of the young girl, they heard her only one time, in special conditions. The defendant was sentenced to 18 years of imprisonment for kidnapping and sexual abuse. The court also ruled that the injured party be paid non-pecuniary damage of MDL 100,000 and MDL 5,000 pecuniary damage (cost of medical treatment).



The Women's Law Centre got involved in order to provide support in this case, starting from the very moment when the girl's mother called to ask us for advice. As a medical worker, she participated in one of the WLC trainings and she knew she could be provided both legal and psychological support. The lawyer of WLC, Violeta Andriuta, was involved throughout the entire process, starting with counselling and up to representation in the court, while the psychologist Sergiu Toma, from the Institute for Family and Social Initiatives provided the young girl and her mother with psychological counselling and was involved in the preparation of the psychological assessment report.

We must mention that this is one of the cases in which one was able to see cooperation among professionals, but also cooperation between professionals and non-governmental organisations in the field. They all acted in the best interests of the victim, and as a result, the young girl received maximum protection against the possible exposures that could have otherwise aggravated her psycho-emotional and physical condition.

WLC 13 ACTIVITY IN FIGURES. FIRST QUARTER OF 2020

Between January - March 2020 WLC provided support to 128 beneficiaries.

- **Primary legal aid:** Victims received primary legal aid in 128 cases. We helped them to prepare and file applications and complains with law enforcement bodies and courts and filed appeals against decisions of the official examiners or courts. WLC lawyers obtained 15 protection orders for victims of violence.
- **Qualified legal aid:** Lawyers were appointed to represent victims' interests in 6 cases: 5 criminal cases and 1 civil case – decision issued by the Council for Preventing and Eliminating Discrimination and Ensuring Equality which found discrimination on the basis of social status of a WLC beneficiary.
- **Psychological assistance:** A total of 46 victims received individual psychological support, including 21 women who availed of long-term psychological support. 9 psychological evaluation reports were issued and submitted to law enforcement or the court.
- **Social assistance:** 13 victims were provided social assistance – social counselling and vocational guidance. 6 victims were referred to shelters, and other 7 received material aid.

BENEFICIARIES' SOCIAL PROFILE

Area of residence: 97 victims were from the urban area and 31 from the rural area. Women from the following districts asked for help: Anenii Noi, Calarasi, Cantemir, Cimislia, Drochia, Edinet, Falesti, Hincesti, Orhei, Soroca, Stefan-Voda, Ungheni, Tiraspol, Vulcanesti, Nisporeni.

Age: Most domestic violence victims are 25-44 years (76 women), followed by 45-65+ years (40 women). Victims aged 18-24 years old (7 cases) and 0-17 years old (5 cases) also availed of WLC support.

Level of education: 103 women have secondary education (including incomplete secondary or specialised secondary education), while 25 - higher education.

Employment: 447 women are unemployed and 17 women have their work suspended due to the child-care leave. At the same time, 33 women have a permanent job, and 59 women are mothers taking care of their minor children.



Victim's relationship with the perpetrator: In 99 cases, victims were (former) intimate partners/wives. Violence among other categories of relatives was in 6 cases where the victim was the parent. In 4 cases, the victims were daughters/sisters. In 1 case the victim was sister-in-law and in other case the victim was daughter-in-law. In 4 cases the victim was mother-in-law. In 13 cases, victims had no family relationship with the perpetrator.

Victims contacted the WLC being referred by police officers, social workers, lawyers, psychologists, maternity centres staff, other organisations working in the field, former WLC beneficiaries, or by email.



- In December 2019, on the Human Rights Day, WLC inaugurated a symbol sculpture, to commemorate the women who died as a result of domestic violence. The sculptor is Serghei Josu, the man who put a lot of soul in this work. Due to unforeseen circumstances, Serghei was not able to attend the inauguration event, but we were keen to thank him for the collaboration and we awarded him a Diploma for dedication and professionalism, signed by WLC and the representative of the US Embassy in Moldova. Our country can be proud of such talented, professional and dedicated people. What inspired Serghei to create the dandelion? *'I was inspired by the material I work with. I love the metal, and the metal told me what to do, plus a little of engineering and voila. I put a lot of love in this work. In fact, I leave a small part of me in every piece I create. I felt also inspired by the beautiful things the Women's Law Centre does for our society.'* Serghei Josu is a sculptor, trainee member of the Union of Plastic Artists of Moldova, teacher at the Academy of Music, Theatre and Fine Arts, the Department of Decorative Arts and Sculpture and simply a wonderful man.

- The draft law developed by the working group established by Order of the Minister of Health, Labour and Social Protection following the analysis of compatibility of national legislation with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) developed by WLC with the support of UN Women, was approved in first reading in Parliament. The draft law provides for:



- extending the action of the emergency restraining order outside the house of the victim;
- introducing the definition of the term 'violence against women';
- establishing a service responsible for preventing and combating domestic violence;
- introducing the obligation for all authorities to collect and present data on domestic violence;
- introducing the obligation for all professionals with competences in the field of intervention in cases of domestic violence to assess the risks;
- providing the victims of sexual violence with state-guaranteed legal aid;
- ensuring the provision of state-guaranteed legal aid from the moment the notifications/complaint in cases of domestic violence is filed;
- guaranteeing that the probation institution has the competence to monitor the execution of the protection orders.

- This year, the International Women's Day was marked by a Solidarity March that took place in Chisinau and was attended by civic activists, representatives of NGOs working in the field of protection of women's rights, MPs, journalists and citizens, supporters. The main demand of the participants who attended the March was the ratification of the Istanbul Convention, a document that provides for the introduction of new protection measures for victims of domestic violence and the adjustment of the national legal framework to international standards.



The Women's Law Centre joined the action that started in front of the UNIC shopping centre, where several hundred people gathered, then marched under drum rhythms to Dendrarium Park. The event aimed to raise awareness among the authorities and citizens about women's rights, advocate for equal rights and a society without stereotypes.

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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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