

# FATALITY REVIEW REPORT

of cases examined by the Commission in charge of monitoring and analysing of domestic violence cases resulting in victim's death or serious bodily integrity in 2023





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The report was prepared by the Ministry of Interior with the support of the team of national experts based on data collected during 2023 from the members of the Commission.

The report is the result of the analysis of the data collected and the consultation and debate process of the Commission Members that had meetings during 2023.

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# ABBREVIATIONS

<b>AAC</b>	Agency for the Administration of Courts
<b>NSAA</b>	National Social Assistance Agency
<b>NAP</b>	National Administration of Penitentiaries
<b>LPA</b>	Local Public Administration
<b>BMA</b>	Bureau for Migration and Asylum
<b>NBS</b>	National Bureau of Statistics
<b>CEDAW</b>	UN Committee on the Elimination of Discrimination against Women
<b>IC</b>	Istanbul Convention (Council of Europe Convention on preventing and combating violence against women and domestic violence)
<b>ILETC</b>	Integrated Law Enforcement Training Centre
<b>CC</b>	Contravention Code
<b>WLC</b>	Women's Law Centre
<b>FJC</b>	Family Justice Centre
<b>CFM</b>	Centre for Forensic Medicine
<b>NC</b>	National Coalition „Life without violence in the family”
<b>NCSGLA</b>	National Council for State Guaranteed Legal Aid
<b>NCTACEM</b>	National Centre for Training, Assistance, Counselling and Education of Moldova
<b>CC</b>	Criminal Code
<b>CCP</b>	Code of Civil Procedure
<b>CCrP</b>	Code of Criminal Procedure
<b>TPCF</b>	Temporary Placement Centre for Foreigners of the Migration and Asylum Office
<b>CATUM</b>	Classification of Administrative-Territorial Units of the Republic of Moldova
<b>DCP</b>	Directorate of Criminal Prosecutions
<b>MDT</b>	multidisciplinary team
<b>GREVIO</b>	Group of Experts of the Council of Europe on Action for combating violence against women and domestic violence



<b>ICCS</b>	International Classification of Crime for Statistical Purposes
<b>GIP</b>	General Inspectorate of Police of the MIA
<b>NPSI</b>	National Public Security Inspectorate of the GIP of the MIA
<b>NPI</b>	National Probation Inspectorate
<b>MIA</b>	Ministry of Internal Affairs
<b>MLSP</b>	Ministry of Labour and Social Protection
<b>NGO</b>	non-governmental organisation
<b>PO</b>	protection order
<b>ERO</b>	emergency restraining order
<b>UN</b>	United Nations
<b>RM</b>	Republic of Moldova
<b>DV</b>	domestic violence
<b>SV</b>	sexual violence
<b>VAW</b>	violence against women
<b>VDV</b>	victims of domestic violence
<b>UNODC</b>	United Nations Office on Drugs and Crime

# INTRODUCTION

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

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

An international instrument adopted in the field of protection of fundamental rights and freedoms is the Council of Europe Convention on preventing and combating violence against women and domestic violence, also called the Istanbul Convention. The need to adopt the Convention was prompted by the extent of violence against women in Europe and worldwide, which has led to increased attention to elaboration of policies in this area. Opened for signature on 11 May 2011 in Istanbul (Turkey), the Convention is the first legally binding document at European level to prevent, investigate and punish violence against women and domestic violence, protect victims, prosecute perpetrators and take a wide range of measures to stop this scourge, and is the most comprehensive instrument of international legal cooperation.

In view of the European course of the Republic of Moldova, which is based on fundamental constitutional values, unanimously recognized and protected, such as democracy, rule of law, respect for human rights and fundamental freedoms, on 14 October 2021, the Republic of Moldova ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence, by Law No. 144/2021.

In order to prevent the risk of lethality, the joint Order of the Ministry of the Interior, Ministry of Justice, Attorney General's Office, Ministry of Health, Ministry of Labour and Social Protection, Ministry of Education and Research No. 89/22/172/56/20/121 of 28.02.2022 established the mechanism for monitoring and analysing cases of domestic violence resulting in death or serious bodily harm to the victims. The ***Commission for Monitoring and Analysis of Domestic Violence Cases Resulting in Death or Serious Bodily Injury of Victims*** (hereinafter referred to as the *Commission*) was established to implement this mechanism.

The Commission is an intersectoral cooperation mechanism, whose members are representatives of authorities and institutions with competence to prevent and combat domestic violence, non-profit organisations, service providers and development partners.

The Commission's objective is to analyse cases within its competence, following an objective and multilateral examination of the circumstances, in order to identify the actions/failure to act of the competent authorities and institutions. In doing so, the Commission aims to identify gaps in the system of intervention, to formulate practical, concrete recommendations and measures, with a view to providing the most effective, appropriate and timely response by state authorities to cases of domestic violence. This is done with the support of civil society organisations and international partners in preventing and combating such cases.

The Commission Regulation requires an annual situation **analysis report to** be submitted, which will reveal gaps and inconsistencies that have not been remedied at that stage. The annual analysis of cases of domestic violence is a crucial step in understanding and combating this profoundly negative phenomenon. Similarly, the report will provide recommendations for improving the national system's response, including proposals for adjusting legislation, promoting intersectoral cooperation, improving prevention activities, increasing access to support services for survivors of violence, etc.

In the context of the above obligation, the Report has been prepared by the Ministry of Interior, with the support of the team of national experts from the Women's Law Centre, based on data collected by the Commission during 2023.

## ■ The need for femicide assessment and analysis

Femicide is the most extreme form of gender-based violence. It is a manifestation of the power imbalance in society that promotes an unequal status between men and women. Although, as yet, there is no universally accepted definition of femicide. Femicide is broadly defined as the killing of a woman or girl because of her gender and can take different forms, such as the killing of women as a result of intimate partner violence, torture and misogynistic killing of women, etc. The International Classification of Crimes for Statistical Purposes, proposed by the UN Office on Drugs and Crime, states that 'femicide is the intentional murder of a woman for misogynistic or gender-based reasons'. In the UN Vienna Declaration on Femicide, it is stated that 'femicide is expressed in the gender-related murder of women or girls'.

The United Nations Vienna Declaration on Femicide identified different types of femicide, including the killing of women as a result of intimate partner violence. The United Nations Office on Drugs and Crime (UNODC) points out that the intentional killing of female victims by intimate partners or family members is the most common form of femicide. The multitude of definitions demonstrates the difficulties in defining and measuring femicide.

According to data from the Global Homicide Survey (UNODC, 2020), private homicides affect both sexes. However, the proportion of women killed by intimate partners or other family members is much higher, accounting for about 6 in 10 people. The home remains the most dangerous place for women who continue to bear the heaviest burden of this phenomenon, becoming victims and even losing their lives as a result of gender inequality and stereotypes. The killing of women and girls by intimate partners or other family members, those they would normally be expected to trust, is one of the most extreme manifestations of gender-based violence. Such crimes are often the culmination of previous experiences of gender-based violence which can include psychological, spiritual, sexual and physical violence.

The lack of uniform data is an obstacle to measuring femicide, which is thus somewhat invisible among the general homicide data. To encourage countries to collect comparable data, the United Nations Office on Drugs and Crime published the International Classification of Crimes for Statistical Purposes in 2015, which has been endorsed as a standard for international statistical data collection. Respectively, in order to ensure the monitoring of cases of domestic violence resulting in the death of victims, in 2021 was conducted the National Study of analysis of cases of death of victims of domestic violence, which covered the period 2016-2019. According to the data, in the Republic of Moldova, in the period of 2016-2019, **65** women were killed due to lack of coordinated response and access to specialized services for women with multiple vulnerabilities. At the same time, the present study attests a number of **24** women victims of femicide, based on data analysed by the Commission in 2022 and a number of **21** women who were murdered in 2023.



Based on the need to raise awareness that the violent killing of women and girls is a crime not to be confused with the term homicide, separate data on femicide cases are presented in this Report. The separate analysis of femicide cases is also determined by the fact that femicide differs from other crimes based on several criteria: (i) in most cases, acts of femicide are committed by current or former life partners; (ii) acts of femicide are preceded by ongoing domestic violence, threats or intimidation, sexual violence; (iii) acts of femicide are characterised by the unequal balance of power and resources of the victims and their partners. This Report contains only the assessment of cases of violence against women and girls within the Commission's remit, i.e. the term femicide is restricted to femicide committed by an intimate partner or family member. At the same time, the results of this Report will contribute to the development of a concept to improve the state's response to cases of domestic violence resulting in death or serious bodily harm to victims and to reduce the number of cases of lethal violence, including the prevention of femicide.





# RESEARCH FRAMEWORK

## 1.1. Purpose and objectives of the report

The purpose of this Report is to establish the specifics of domestic violence cases resulting in death or serious bodily harm to victims, including documentation and analysis of femicide cases<sup>1</sup>, in order to improve institutional mechanisms for responding to gender-based and domestic violence cases and to reduce the case fatality rate.

### Specific objectives:

- Analysis of statistical data on the number of homicide/femicide deaths due to violent acts committed by family members or intimate partners;
- Analysis of cases of domestic violence resulting in death or serious bodily harm in order to provide objective information on trends in judicial practice;
- Detection and identification of lethality factors;
- Identify the main obstacles to ensuring effective victim protection in these cases;
- Formulate recommendations for improving institutional mechanisms for responding to cases of domestic violence resulting in death or serious bodily harm to victims.

## 1.2. Research methodology

A methodologically complex approach was used to achieve the aim and objectives of the research, which included the application of the following key methods:

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<sup>1</sup> Efforts to measure femicide in the Republic of Moldova currently only cover cases of intentional killing of female victims committed by intimate partners or family members.

**Collection and analysis of data on the circumstances of the commission of the acts falling within the competence of the Commission**, i.e. on qualified cases under Article 145(2) para. (2) lit. e<sup>1</sup>), Art. 201<sup>1</sup> para. (3)(a), Art. 201<sup>1</sup> para. (3)(b), Art. 201<sup>1</sup> para. (4), Art. 146 and Art. 156 of the Penal Code for any of the situations in which the perpetrator and the victim:

- 1) are family members within the meaning of Article 133<sup>1</sup> of the Criminal Code;
- 2) lived together at some point;
- 3) had a relationship similar to the relationship between partners;
- 4) the perpetrator was stalking or persecuting the victim because of or in connection with the intimate nature of their relationship.

The cases subject to analysis by the Commission were identified on the basis of the data collection form for cases of domestic violence resulting in death or serious injury to the physical integrity of the victims approved on the basis of Annex No. 2 to the Regulation on the organisation and functioning of the Commission for the monitoring and analysis of cases of domestic violence resulting in death or serious injury to the physical integrity of the victims approved by Interinstitutional Order No. 89/22/172/56/20/121 of 28 February 2022.

Thus, during 2023, the law enforcement bodies registered **75 cases/facts** under investigation by the Commission, and **76 criminal cases** have been initiated<sup>2</sup>. Compared to 2022, when 86 cases were registered, the **number of cases of domestic violence resulting in death or serious bodily harm to the victims decreased from 86 to 71 (-17%)**. The decrease in the number of cases of domestic violence resulting in death or serious bodily harm of victims registered in 2023 compared to the previous year may indicate a number of positive factors, such as improved reporting and intervention mechanisms, increased public awareness and access to support services for victims. However, these figures may also hide challenges, including the possibility of under-reporting of cases or barriers to access to justice for victims.

In this report, information for **75 cases/events** resulting in death or grievous bodily harm of victims, regardless of gender and relationship between victim and perpetrator (*hereinafter referred to as DV*), has been analysed and structured.

From these 75 cases, the information was separately analysed for **39** cases resulting in death or grievous bodily harm of female victims only, where the perpetrator is male only (*hereinafter referred to as VAW*). Moreover, data was also analysed and presented separately for cases of bodily harm and death of victims.

It is important to note that 7 criminal cases have been excluded from the analysis of the profile of the subjects of violence in this report, because the decisions on termination, closure or reclassification of cases have been issued.

The decisions set out in the termination, closure or reclassification orders arose as a result of the assessment of evidence that was not available at the stage of the initiation of the criminal proceedings, but also of the circumstances of each individual case, as reflected below:

- 3 criminal cases were terminated on the following grounds: one case was terminated on the grounds that there was a cause that removed the criminal nature of the act – self-defence; another case was terminated on the grounds that the act did not meet the elements of a criminal offence because the victim's death was not the result of domestic violence; the third case was terminated on other grounds.
- 1 criminal case was closed, then the decision was reviewed by the senior prosecutor and the decision to close the case was cancelled.

<sup>2</sup> **Note:** two criminal cases were opened pursuant to one offence, one of which was discontinued.

- 1 criminal case was terminated, then another criminal case was opened on the same offence.
- 1 case has been excluded from this analysis because it is not subject to the Commission’s scrutiny, on the grounds that the subjects are not family members.
- 1 case was excluded from the present analysis because it is not subject to the area of expertise of the Commission, the offence being requalified under Article 78/1 of the Contravention Code, as it was established that there was no causal link between the subject’s actions and the death of the victim.
- 1 case was requalified as an offence under Art. 201/1 para. (1) letter a) of the Criminal Code because the forensic expert’s report established that the victim, as a result of the subject’s actions, received injuries that qualified as minor injuries and there was no causal link between the subject’s actions and the victim’s death, i.e. the act did not fall under the analysis of the Lethality Commission.
- 1 case concerns the death of a baby at birth which occurred at home, the fact is still under investigation and it has not been determined whether the qualification falls within the scope of the Commission.

The following is an analysis of the cases, based on the **statistical profile for 69 criminal cases, 69 acts of domestic violence** resulting in death or serious bodily harm to the victims: **69 perpetrators, 71 victims** (Figure 1).

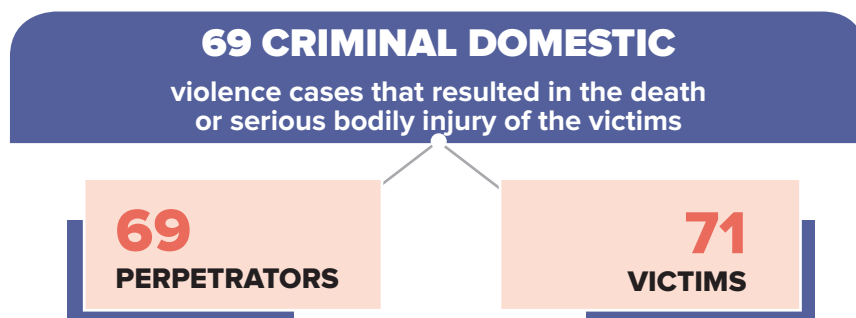
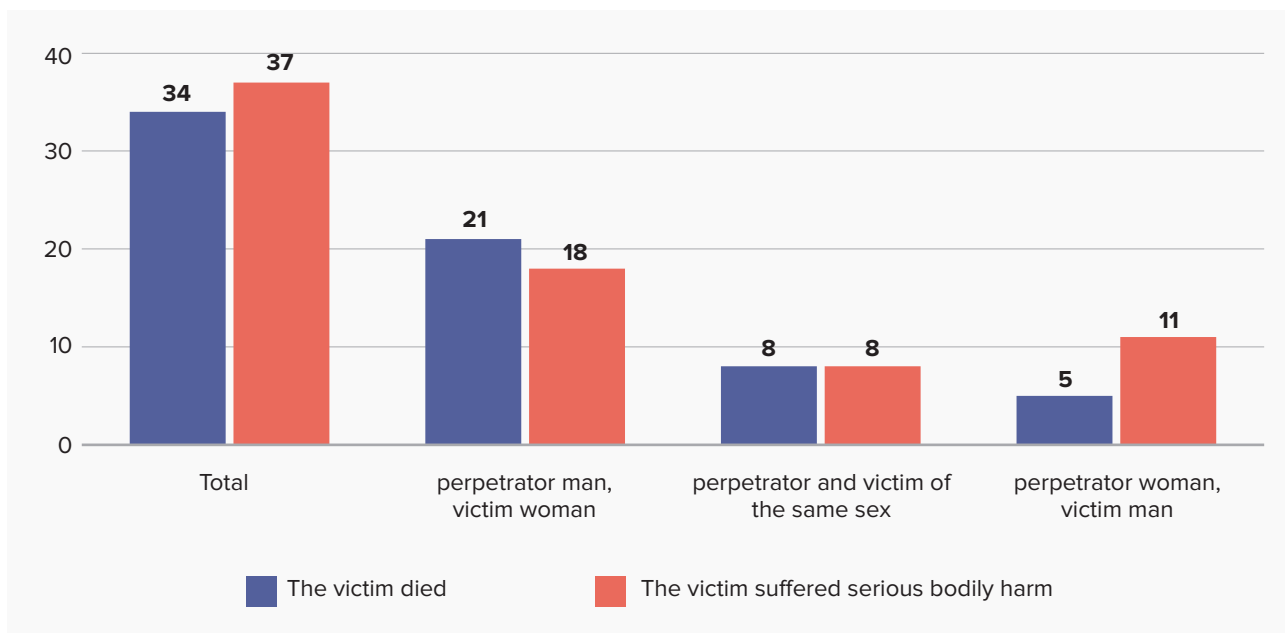


Figure 1. **Statistical profile of cases analysed**

Thus, out of the **69** cases analysed, **in almost half of the cases (34) domestic violence resulted in the death of the victim (21 victims (30%) were women and 13 were men)**, and in **37 cases the victim survived** (Figure 2). The data analysed reflect that the **death rate is highest specifically in cases of male violence against women**, and it is the only category where death rate exceeds victim’ survival rate. The data shown reflects the increased vulnerability of women victims of domestic violence and the need for urgent action in creating accessible support systems that provide counselling, shelter and legal services for affected women and girls.

Figure 2. **Specific characteristics of domestic violence cases resulting in death or serious bodily harm to victims**



In more than half of the cases in 2023, the perpetrator is male and the victim is female. However, compared to 2022 there is a decrease in the number of cases where the perpetrator is male and the victim is female: 45 cases in 2022 and 39 in 2023. Thus, the gender of the victim and offender for 71 victims was analysed in this report (Figure 3), as follows:

- **15 cases** in which both perpetrator and victim are of the same sex: **3 female-female** and **13 male-male**;
- **16 cases** where the perpetrator is female and the victim is male (includes cases where investigative measures have been resumed);
- **39 cases** where the perpetrator is male and the victim is female.

Figure 3. **Gender of perpetrators and victims**

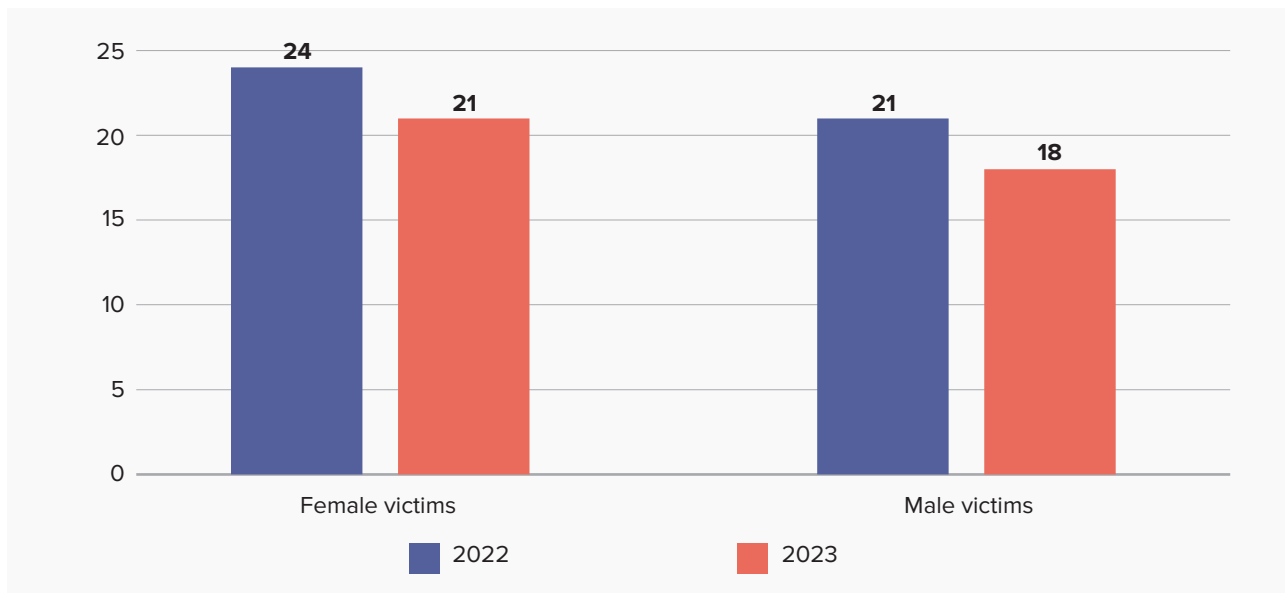


These trends underline the continuing need to address issues of gender inequality and to promote healthy and respectful relationships in society and in the family. It is also important to ensure that legal and law enforcement systems are equipped to respond effectively and fairly to all forms of violence, regardless of the gender of the perpetrator or victim.

Of all cases of male-against-female violence, **femicide accounted for 54% of all male-against-female violence (21 deaths out of 39 cases of male-against-female violence)**, similar to the data from 2022 (24 deaths out of 45 cases of male-against-female violence) (Figure 4). These figures indicate a persistence of gender-based violence, affecting communities and society as a whole.

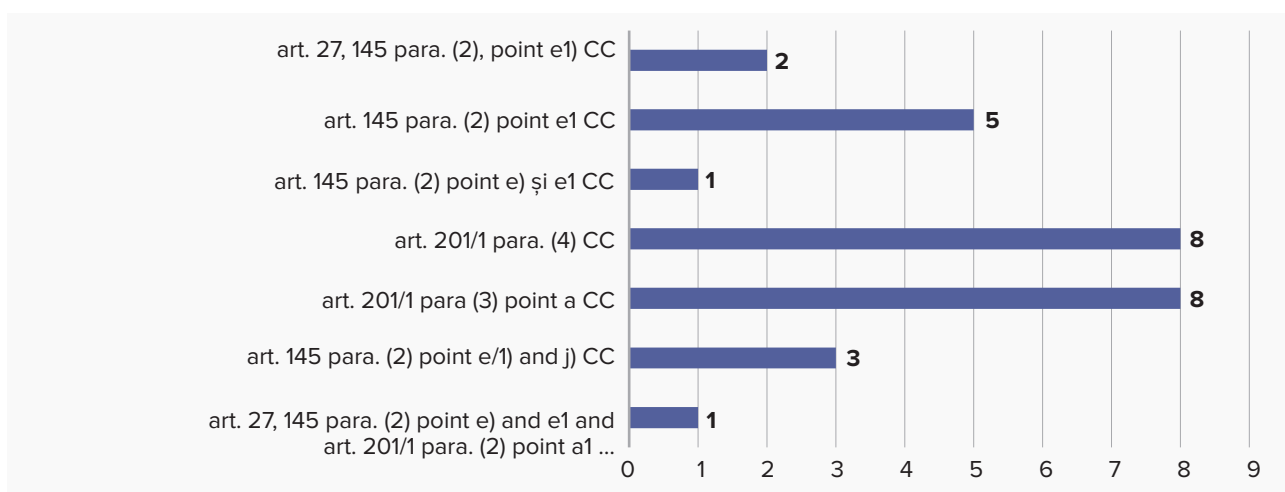
It is essential that authorities step up efforts to prevent and protect victims, as well as punish perpetrators, in order to bring about significant and lasting change in the fight against gender-based violence.

Figure 4. **Gender of victims**



**Analysis of convictions** in the category of cases examined by the Commission in 2023. In order to validate the statistical data collected and analysed by the Commission for the purposes of this report, **28 criminal cases** were analysed on the basis of judgments/decisions<sup>3</sup> published in the courts database in the category of cases examined by the Commission in 2023. The analysis was based on the case documentation sheet. All the information recorded in the file was processed and included in the report to validate the findings derived from the statistical data analysis. The analysis of the criminal cases forms the basis of Chapter III of this report which includes all the findings related to the practice of actors in the justice system in relation to the offences under investigation by the Commission. The typology of criminal cases analysed is reflected in *Figure 5*.

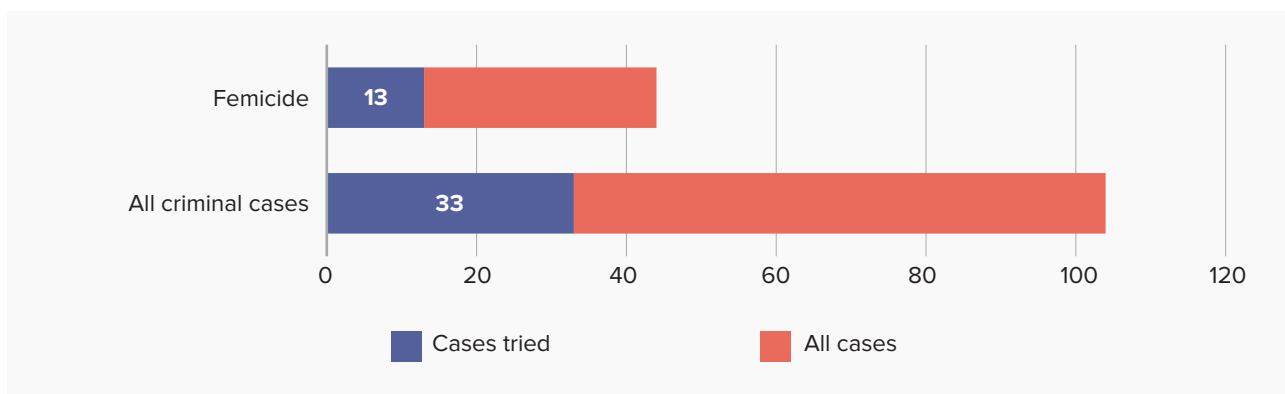
Figure 5. **Typology of sentences analysed**



<sup>3</sup> **Note:** only criminal cases with final judgments were analysed in this research. Cases pending before the courts on 1 January 2024 in which there was no final judgment were not analysed. .

At the beginning of 2024, only a fraction of criminal cases initiated had been referred to court (just over 40%) (Figure 6).

Figure 6. **Number of criminal cases brought to court on 1 January 2024**



### 1.3. Challenges and limitations in the analysis of cases by the Commission for Monitoring and Analysis of Domestic Violence Cases Resulting in Death or Serious Bodily Injury of Victims

#### *Collection and analysis of statistical data*

As data collection systems vary greatly from one institution to another, effectively documenting and obtaining comparable data in order to carry out an evidence-based analysis and determine existing gaps remains a challenge for the Commission Secretariat.

#### *Data collection tool*

The data collection form in cases of domestic violence resulting in death or serious bodily harm of victims approved by Interinstitutional Order No. 89/22/172/56/20/121 of 28 February 2022 has been revised and will be implemented from 2024.



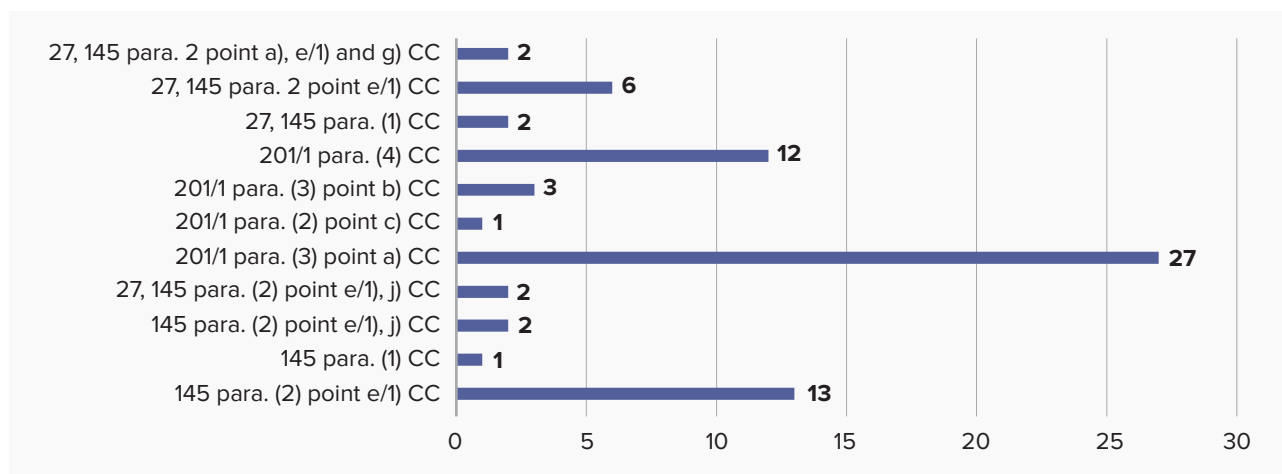
# LEGAL-CRIMINAL ANALYSIS OF CASES EXAMINED BY THE COMMISSION IN 2023

## 2.1. Qualification of offences in the cases analysed by the Commission

In this report, **69 criminal cases** were analysed, involving cases regarding **71 victims** of domestic violence resulting in death or serious bodily harm of the victims referred to the Commission for consideration.

Out of the total number of cases examined, almost half of the cases of DV were qualified under Art. 201<sup>1</sup> para. (3) lit. a) of the CC of the RM, and 1/4 of the cases under Art. 201<sup>1</sup> para. (4) of the CC of the RM (Figure 7).

Figure 7. The legal framework of the offence of DV

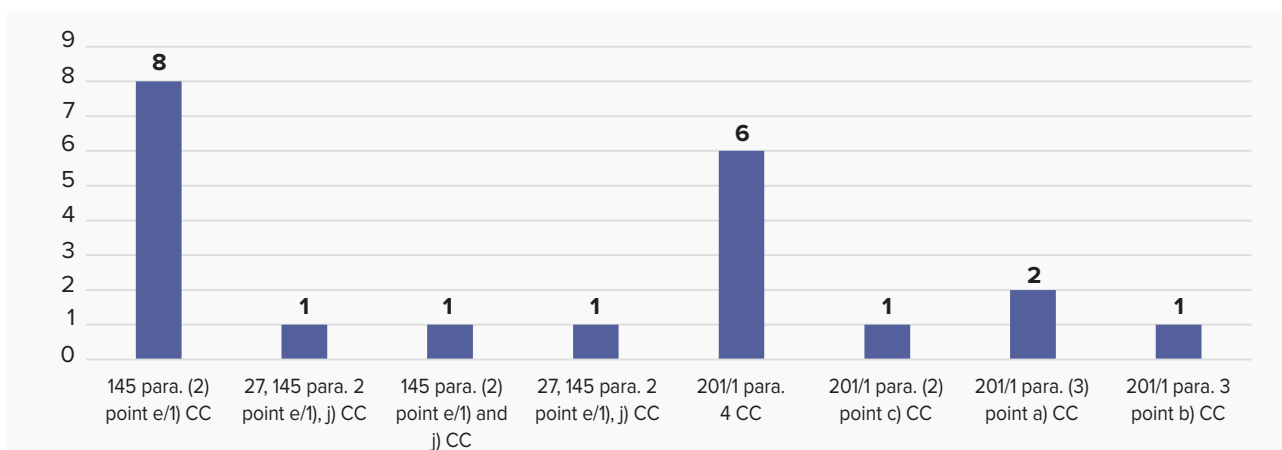


Of the **39** cases analysed, **21** cases of domestic violence in which the perpetrator was male and the victim was female resulted in the death of the victim, which represents **54%** of all cases of male violence against women. More than 1/3 of femicide cases are classified under Art. 145 para. (2) let. e<sup>1</sup>) of the Criminal Code of the Republic of Moldova, and in 1/4 of the cases under Art. 201<sup>1</sup> para. (4) of the Criminal Code of the Republic of Moldova (Figure 8).





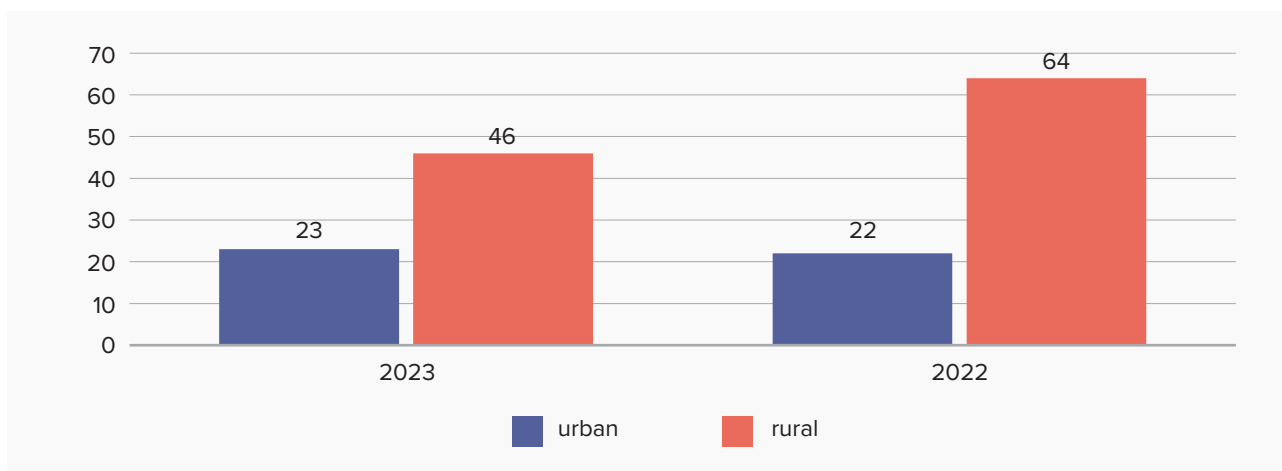
Figure 8. The legal definition of femicide



## 2.2. Particular features of the offences analysed by the Commission (method of commission, consequences)

Of the **69** criminal cases analysed by the Commission, **2/3** of the offences took **place in rural areas**. Compared to 2022, the proportion of the total number of offences committed in rural areas has decreased (Figure 9).

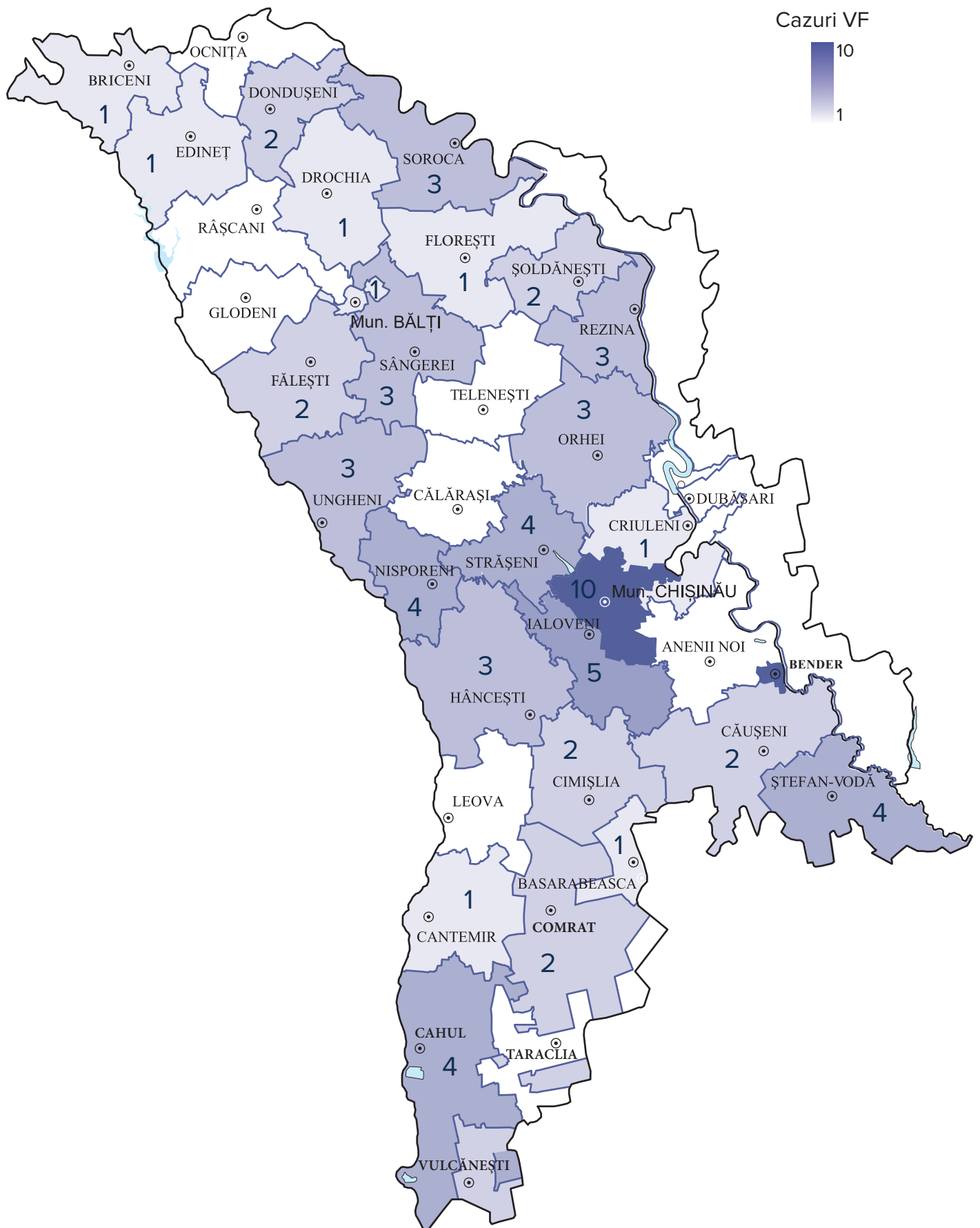
Figure 9. Area where the crime was committed



With regard to the type of locality in which the femicide cases occurred, 2/3 of the cases took place in rural areas (7 cases took place in urban areas and 14 cases in rural areas). The data presented suggest that there is a higher risk of this type of crime occurring in rural areas than in urban areas. Most cases of **femicide** were committed in Ungheni and Ialoveni districts (3 cases each), followed by mun. Chisinau, Straseni, Nisporeni, Cimislia and Cahul (2 cases each).

Geographically speaking, the incidents took place in most of the administrative territorial units of Moldova, the most being recorded in Chisinau (10), Ialoveni (5), Nisporeni, Straseni, Stefan Voda (4 each). No cases were recorded in Ocnita, Riscani, Glodeni, Telenesti, Calarasi, Anenii Noi and Leova (Figure 10).

Figure 10. **Cases of DV by territorial-administrative units**

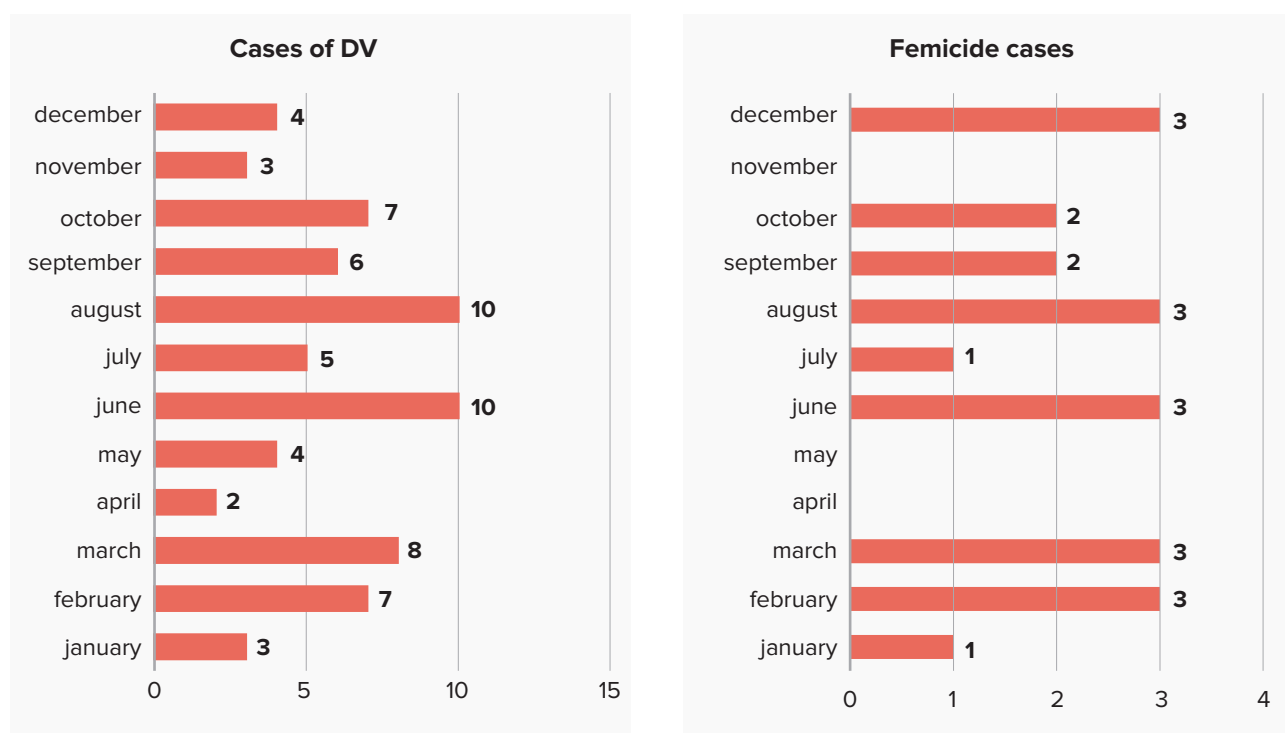


Analysis of the data indicates that 1/4 of the recorded incidents of DV in the 69 criminal cases, with a total of 71 victims, occurred in **June** and **August** (Figure 11). In 2022 the months of the year with the most recorded facts were May and August.

In terms of femicide cases, in 2023 most incidents happened in February, March, August and December, while in 2022 in August. These trends can be influenced by various factors, including social dynamics and behavioural changes that occur during certain times of the year.

In view of the above, prevention and multisectoral intervention activities must be stepped up in order to reduce the risk of crime.

Figure 11. **Period of offences**



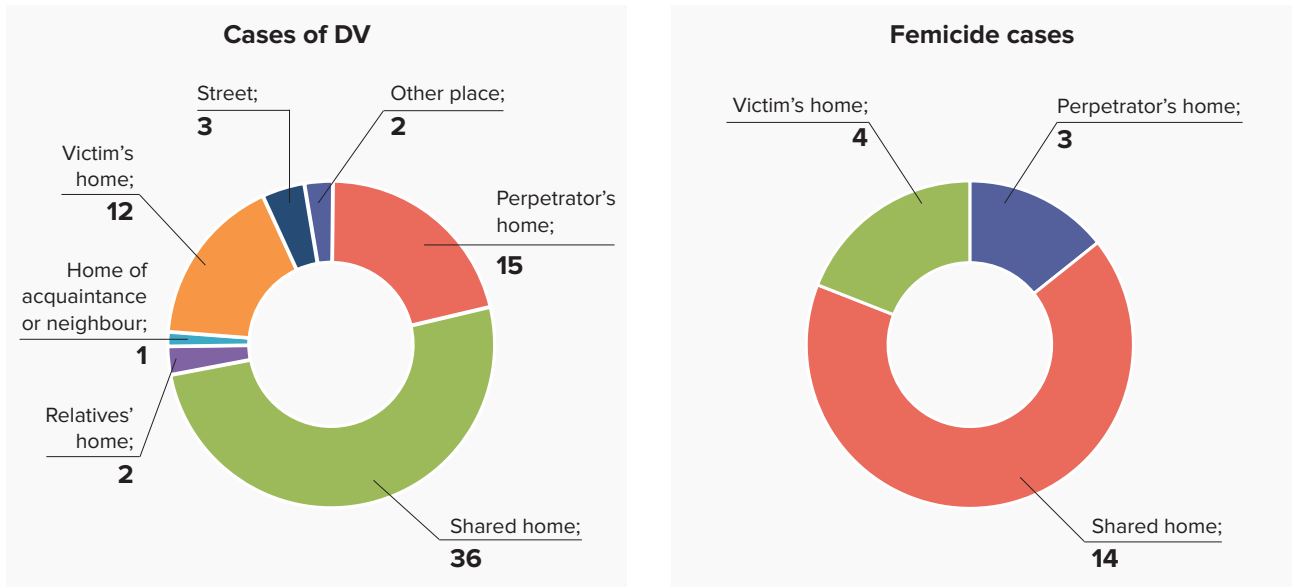
**Place of the crime. Half of the offences classified as DV took place at the joint residence.** DThe home remains the most dangerous place. This trend underlines the importance of effective preventive measures and a rapid and adequate response by the authorities in such situations.

It is essential that victims have access to resources and support to get out of an abusive environment. It is also crucial to educate the general public about the signs of domestic violence and how they can help victims. In addition, the places mentioned, such as the victim’s home, streets, barns, and relatives’ homes, require increased attention to prevent and combat these crimes. Cooperation between different agencies and organisations, including social services, police and non-governmental organisations, is vital to ensure a holistic and effective approach in the fight against domestic violence.

The analysis of the place where the femicide was committed shows that these crimes occur most frequently in the shared home, but sometimes they are also recorded in the victim’s home or in the perpetrator’s home (Figure 12). Thus, in **2/3 of the cases the crime was committed at the shared home of the victim and the perpetrator, 4 cases took place at the victim’s home, 3 – at the perpetrator’s home.**

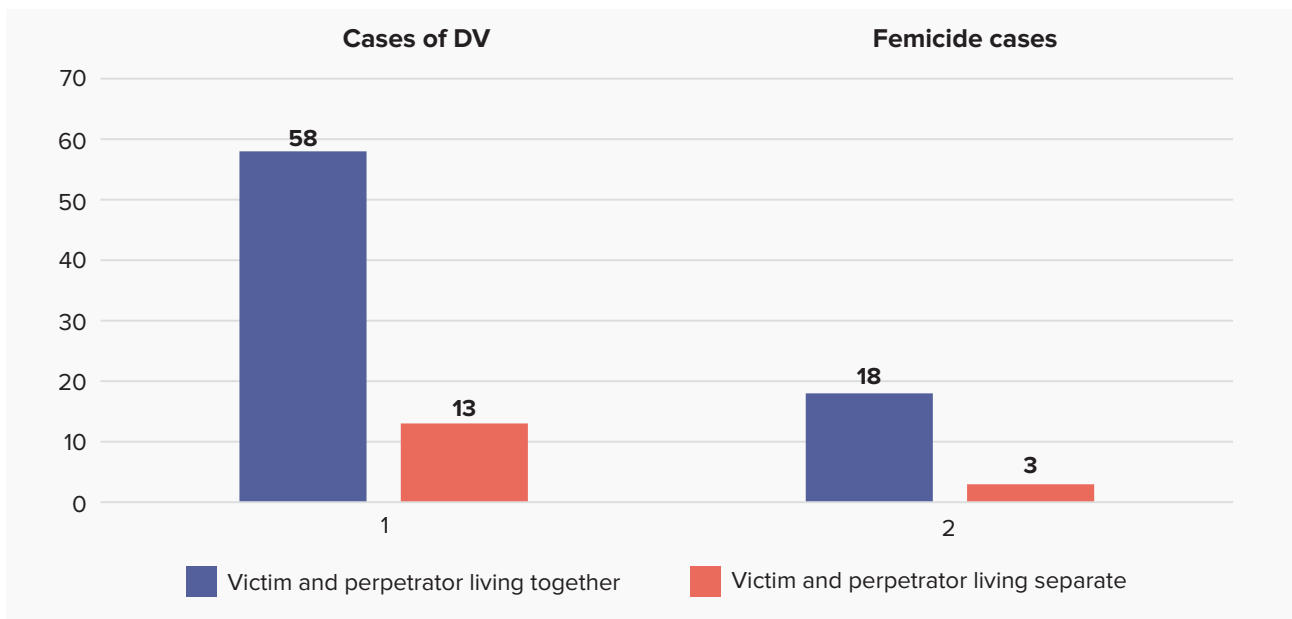
In 23 cases, the victim lived with the offender, either in the shared home, in the offender's home, in the victim's home or in another home. Other places are: the sheepfold (there was also one case in 2022 in the sheepfold) and at the workplace in the case of a day worker -victim (a construction site).

Figure 12. **Place of crime**



In the majority of the cases analysed, 58 out of 71, the victims cohabit with the perpetrators, which can complicate the reporting and intervention process. The 13 cases where the victim did not live with the perpetrator represent cases where the victim and the perpetrator are ex-spouses, former cohabitants, adult children or grandchildren, adult siblings. Cases where they lived separately are most cases where the victim and offender are not a couple: brothers-in-law, adult brothers/sisters, in-laws (Figure 13).

Figure 13. **Cohabitation of the victim and perpetrator**



In the femicide cases only three victims did not live together with the perpetrator, in one case they lived separately because a protection order had been issued (Figure 13). Situations where victims no longer live with their abusers, such as those involving former partners or extended family members, may have their own challenges, including difficulties with access to joint property acquired by the spouses during the marriage or custody of children.

The increased risk of violence in cases where parents establish custody of children is also driven by the lack of risk assessment procedures in establishing guardianship and access to rights regarding children. This risk is also noted in GREVIO’s Evaluation Report (used as reference) on legislative and other measures implementing the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which states that children are required to meet with the abusive parent without adequate arrangements and space being provided, in some cases forcing the mother to facilitate visitation between the abuser and her children in the absence of other solutions<sup>4</sup>.

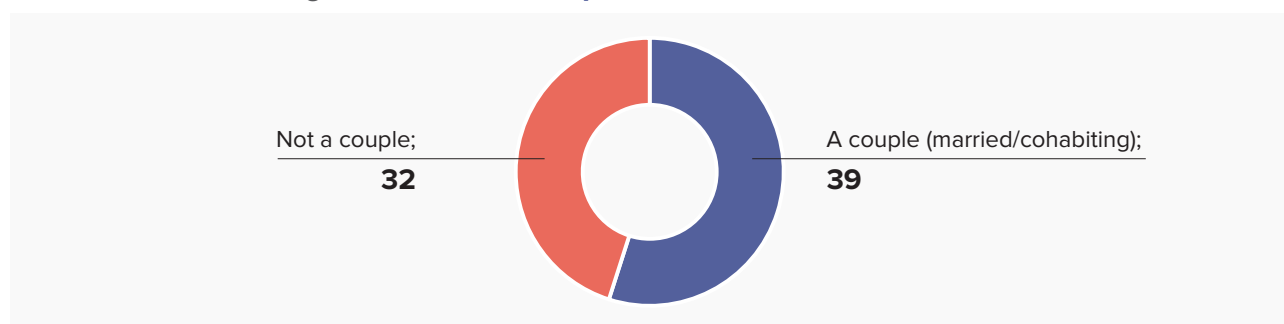
In cases of recent separation, the risk of violence may be even greater, as abusers may try to exert control or respond to the loss of control. Thus, in 3 cases the victim and perpetrator were divorced or separated within 6 months, 1 year and in another case up to 2 years. It is essential that support services recognise the diversity and complexity of these situations in order to provide appropriate and effective interventions.

Figure 14. **Location of the victim (remaining alive) after the application of violence**

<b>Location of the victim (remaining alive) after the application of violence</b>	Home	16
	the homes of relatives, friends, acquaintances	2
	foster home	1
	medical institution	17
	not known	1

**The analysis of the victim-offender relationship shows that most cases of DV were committed by cohabitants and spouses**, followed by parents, adult children, siblings and grandchildren. In 39 of the offences, the victim’s relationship with the perpetrator is that of a couple (spouses or cohabitants). In the other offences, the victim’s relationship with the perpetrator is that of a child-parent (4 offences against a minor child and 5 against an adult child). A further 9 offences occurred between siblings. In 4 cases, the victim is the offender’s parent. Other cases: 3 – ex-husbands, 1 – former cohabitants, 1 – victim is the offender’s grandmother, 4 – other family members (brother-in-law, daughter-in-law, mother-in-law, uncle, stepfather).

Figure 15. **Relationship between victim and offender**



<sup>4</sup> Available online: <https://rm.coe.int/raport-grevio-ro/1680ae46d5>

In cases of **femicide**, similarly, in more than half of the cases, the relationship between the victim and the perpetrator is that of **a couple – 13 cases**, and another 8 cases are in other relationships.

Figure 16. **Relationship between victim and offender**

Cases of DV		Femicide cases of DV cases	
other family member	5	other family member	1
Grandparent	1	Grandparent	1
Cohabitant	25	Cohabitant	8
Child	9	ex-spouse	2
former cohabitant	1	brother/sister	1
ex-spouse	3	Parent	3
brother/sister	9	Spouse	5
Parent	4		
Spouse	14		

Analysis of the dynamics of domestic violence highlights a deep problem in the structure of interpersonal relationships. **Most cases of DV are committed by intimate partners**, which underlines the need for preventive and educational measures focused on couple relationships. Also, the incidence of violence perpetrated by younger family members on older family members, as well as between siblings, points to the need for intervention programmes that address power dynamics and communication within the family. It is essential that these programmes are accessible and supportive for all age groups to prevent cycles of abuse and promote healthy and respectful relationships between family members.

Regarding the duration of the relationship between the victim and the offender, for the **39 cases** where the victim and the offender are intimate partners, husband/wife, cohabitants, the duration of the relationship is on average 12 years, minimum 2 months and maximum 45 years. The **duration of the relationship between victim and perpetrator in cases of femicide is on average 12 years, minimum 1 year and maximum 40 years**. These data highlight that violence can persist for extended periods of time, often decades, before escalating to fatal levels. Thus the importance of early intervention and ongoing support for victims and the need for effective preventive measures must be stressed. It is essential that society recognises the warning signs and provides adequate resources to combat these alarming trends and protect vulnerable groups.

In the cases analysed, there is a varied distribution of the number of children in couples affected by DV, ranging from 1 to 17 years of age. The data analysed show that in **13 couples or former couples (ex-spouses or cohabiting partners) have minor children in common**: 4 couples with 1 child, 6 couples with 2 children and 3 couples with 3 children. The age of the children is between 1 and 17 years, with an average of 12 years. At the same time, in cases of femicide 2 couples have 1 child each, and 1 couple has 2 minor children. Children often become part of the abuse dynamic, either as direct witnesses or as a means by which perpetrators exert control over their victims.

This complex situation requires a multidisciplinary approach for the protection and support of all those involved, especially children, who are extremely vulnerable in such contexts. It is essential that intervention and support services are tailored to meet the specific needs of each family to ensure a safe and stable environment for the healthy development of children.

In 6 cases, the offence of FGV resulting in death or grievous bodily harm occurred in the presence of minor children, and in 4 cases out of 6 the child himself was the victim. Of these, 1 case where minors witnessed the act of violence resulting in femicide.

The failure of the state to protect child victims of domestic violence and parental neglect is reflected in case study 1.

### CASE STUDY 1. Use of violence against a child who had previously been placed in a protection structure because of the existence of a risk in the family, then integrated into a family where violence and parental neglect persisted

**Raisa**, a 14-year-old girl, lives with her mother **Maria** and her boyfriend **Tudor**. The family belongs to the socially vulnerable category, where alcohol consumption, casual and seasonal work are predominant. Conditions for raising and educating the child are lacking. The mother had no control over the minor. Due to the lack of parental control, Raisa often left home and went in unknown directions.

In July 2022, the guardianship authority organised a meeting to discuss the cause of the frequent abandonment of the home and it was proposed that the minor be placed in a placement centre in Chisinau. The minor's mother agreed. Respectively, the minor was placed at the placement centre. During the period of the minor's stay in the given centre, she did not adapt to the conditions and rules that were set in this centre. Subsequently, the guardianship authority received a letter from the administration of the centre, stating that **Raisa** had left the centre and was returned to her biological family.

After all the actions taken to redress the situation in the given family, the minor continued abandoning her home, in conclusion, stating that the only problem was her mother, because she was abusing alcohol, even in her presence, which bothered her.

On the evening of 19 January 2023, at around 18:00, following a conflict between the minor daughter **Raisa** and the mother, seeing that during the conflict the minor had left the room where they were, **Maria** took the knife from the table, went after her daughter and reaching her from behind, in the hallway of their house, approaching the latter, applied several blows with the knife in different regions of the body.

In self-defence, **Raisa** ran into the room where her mother's boyfriend was sleeping at the time, asking for help. **Raisa** survived and is now in another placement.

During the judicial inquiry, **Maria** submitted an application requesting that the case be examined under a simplified procedure in order to receive a reduced sentence.

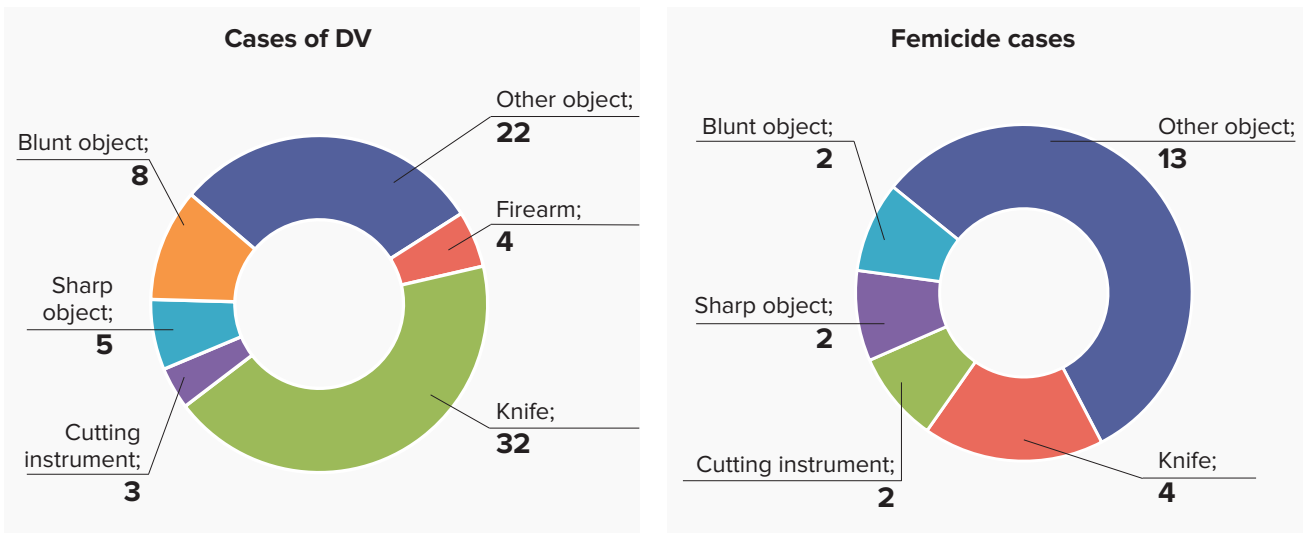
Accordingly, the court found **Maria** guilty of the offences under Articles 27, 145 (1) and (2) of the Criminal Code. (2) (e) and (e1) and Art. 2011 para. (2) lit. a1) of the Criminal Code and, in accordance with the law, she was sentenced to 11 (eleven) years' imprisonment, to be served in a closed prison for women.

Analysis of the data shows that there were no cases in which the victim (female) or the perpetrator was pregnant at the time of the incident of FGM, nor were there any cases in which the victim or the perpetrator initiated divorce/separation before the incident<sup>5</sup>, but 6 cases were analysed in which the victims were stalked, persecuted by the perpetrator. In femicide in the case of two 2 victims it was noted that victims were previously stalked, and in the cases of other victims this fact is unknown.

<sup>5</sup> **Note:** 35 cases were analysed where the victim and offender were in a marital or cohabiting relationship.

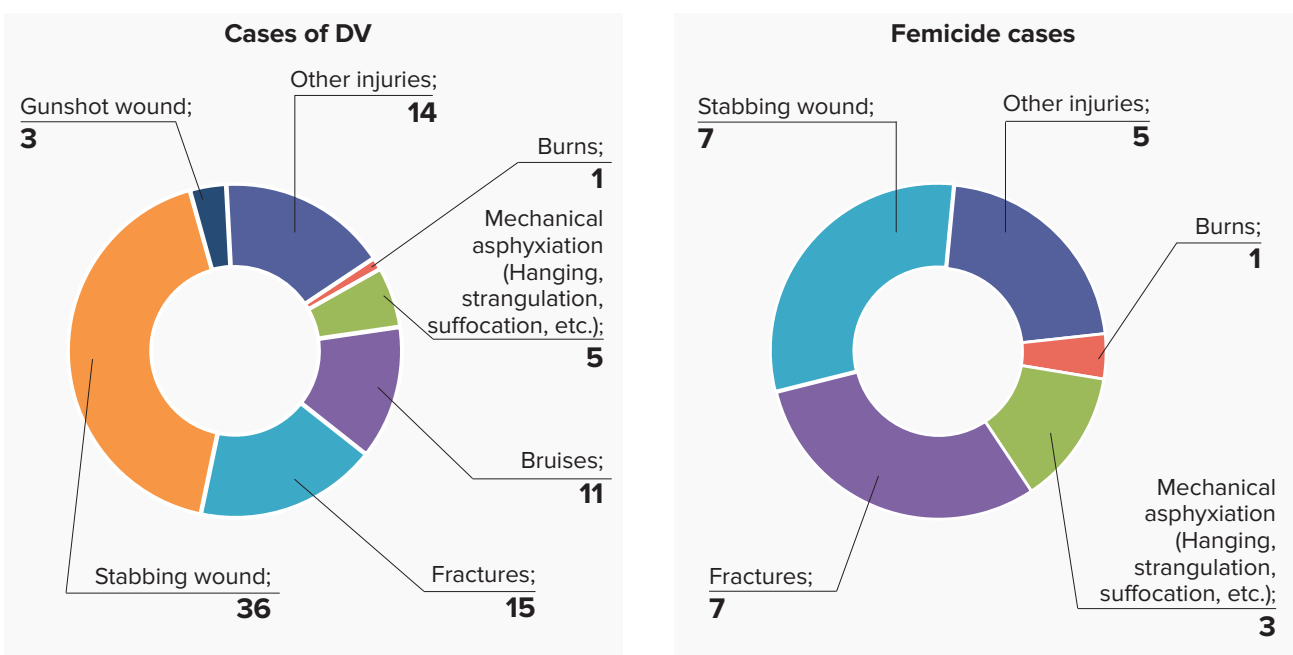
The methods and means applied by the perpetrators are diverse, but the use of sharp objects and other hard blunt objects, etc. predominates (Figure 17). As the object of the crime, the knife (32 cases) or a hard object (22 cases) was used most often. In cases of femicide, 2/3 of the cases were killed by punching and kicking.

Figure 17. Means/methods of crime



The Commission's analysis of the data indicates that half of the victims of the crime of DV suffered penetrating wounds. The second most common injuries are fractures as a result of punches and kicks. The same trend is observed for femicide. These findings underline the importance of collecting evidence and collecting objects, arranging and carrying out forensic examinations (pathological, ballistic, forensic, etc.) to determine the nature and cause of injuries/death and/or the degree of injury to the victims' bodily integrity (Figure 18).

Figure 18. Description of lesions





However, it should be noted that in some cases the methods used by the perpetrators to commit the crime are marked by a certain cruelty, as also noted in case study 2.

### CASE STUDY 2. Murder with particular cruelty

**Romanița** and **Alex** are siblings and live with their parents in Romanița's house. Relations between Romanița and Alex were not friendly, they often had conflicts with each other because Romanița's sister had sold her parents' house and they all lived in the village. Romanița always chased them out of the house, there was even a situation when the latter stabbed my father in the shoulder and him in the finger and left side of the abdomen, but they did not go to the police.

On March 6, 2023, **Romanița** and **Alex** together with their sister, mother, father and a friend consumed alcohol all day. At approximately 5 p.m., as a result of a dispute he had with his sister, **Alex** sprayed **Romanița** all over her body with a flammable solution and then intentionally set her on fire, causing her serious bodily harm which led to her death.

In the course of the judicial inquiry **Alex** applied for a simplified procedure to reduce his sentence.

Accordingly, the court found **Alex** guilty of committing an offence under Article 145(2)(a), (e/1) and (j) of the Criminal Code and, in accordance with the law, imposed a final sentence of 13 (thirteen) years and 4 (four) months' imprisonment, with the sentence to be served in a closed prison.

## 2.3. Profile of victims

Domestic violence is a serious problem that affects all people, regardless of age, ethnicity and social class. Data collected by the Commission in 2023 shows that the age of victims of domestic violence ranges from newborn to a person born in 1943. The average age of victims is over 45.

In the criminal cases analysed by the Commission, the majority of offenders are male and the victims female, with an average age of 50 years. However, there are also cases where the perpetrator is female and the victim male, with an average age of 43 years, and cases of same-sex violence, with an average age of 42 years.

**Elderly women victims of femicide.** Older women are disproportionately affected by violence. Usually the perpetrator is a current or former intimate partner or a male family member, such as an adult son, son-in-law or nephew. **Almost all (5 out of 6) retired victims are victims of femicide**, indicating an increased vulnerability of older women. These statistics illustrate the significant risk of gender-based violence for older women. Detailed analysis of these cases is important to better understand the experiences, needs and risk factors of older women affected by violence. In the case of older women the situation is more complex and complicated, the increased reluctance to contact the police or ask for support is due to the increased vulnerability of this group and the fact that the perpetrators are often sons, grandsons, etc.

### CASE STUDY 3. Elderly woman victim of femicide

**Nadejda** lived with her son **Alexander**, who was classified as severely disabled, being deaf and dumb. **Alexander** had only completed 5 grades, worked occasionally as a day labourer and together with his mother lived on her pension and his childhood disability allowance. As an elderly person living only on her pension, **Nadejda** had a hard time, they did not receive social assistance or other social benefits, they managed on the charity of neighbours, who gave them some food. One neighbour said that when she came to her for food she complained that her son **Alexander** is beating her. The neighbour asked her why her son is beating her, she said because she did not make food. **Nadejda** would give him money for food, but he would go and buy wine.

Relations between **Alexander** and his mother had been strained for several years. Alexander admits that he used to beat his mother because there was no food or cleanliness in the house. The beatings were pretty much every day. Neighbours also said that **Alexander** used to beat his mother, he used to walk around the town centre during the day and in the evening he would come home drunk and violent. He would often beat her. When he came to relatives and neighbours, **Nadejda** always had bruises on her face and body. But **Nadejda** would tell them that she had fallen down. A relative took care of Nadejda for a while. But one day **Nadejda** went all the way to her house, telling her she was coming back, but she never returned. When she went to see why she wasn't coming back, she said she wasn't coming back, that she was fine at home too.

On 25 December 2022, **Nadejda** filed a complaint, requesting the police to take measures according to the law with her son **Alexander**, who on 25 December 2022 at home pushed her, grabbed her by the hair on her head, causing her physical pain, and an emergency restraining order was issued against the perpetrator **Alexander**, imposing a 10-day restraining order, starting on 25 December 2022 at 5:00 p.m. until 4 January 2023. On 25 December 2022, **Alexandru** was registered as a family aggressor and warned by the Chief Sector Officer of the Police Inspectorate not to commit acts of violence against **Nadejda**, confirmed by the written record of the individual prevention work with family aggressors and written warnings dated 25 December 2022 and 27 January 2023, countersigned by the perpetrator **Alexandru**.

After the expiry of the emergency restraining order **Alexander** returned home and continued to live with his mother. **Nadejda** thought that being registered as a domestic abuser and the measures taken would change her son's aggressive behaviour, but it was not to be, the beatings continued. On the night of 25 to 26 February 2023, **Alexander** inflicted multiple blows to his mother's head, as a result of which **Nadejda** died.

During the court investigation **Alexander** did not admit guilt, saying he found his mother beaten in the street, then brought her home where she died.

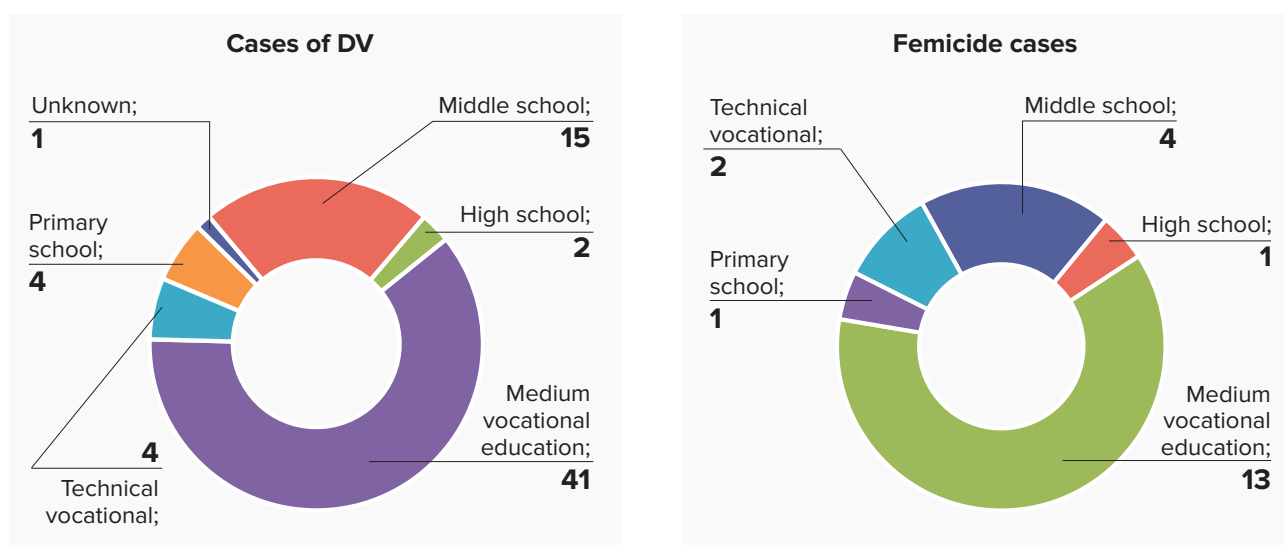
Accordingly, the court found **Alex** guilty of the offence under Article 201/1 para. (4) of the Criminal Code and, in accordance with the law, he was sentenced to 13 (thirteen) years of imprisonment, with the execution of the sentence in a closed penitentiary. The sentence is appealed.

Of particular concern is the fact that **four of the victims are children**, highlighting their vulnerability to domestic violence. These statistics underline the need for preventive measures and a robust support system for victims of domestic violence.

As for the ethnicity of victims of road traffic injuries resulting in death or serious bodily injury, the data collected show that out of 67 adult victims, 66 victims are citizens of the Republic of Moldova and 1 is a citizen of Ukraine who was living in Moldova before 24.02.2022.

Of the 67 victims aged over 18, **57 have secondary and middle school education**. This trend is also observed in cases of femicide. Thus, of the 21 victims aged over 18, more than half (13) have secondary education and 4 have secondary education (*Figure 19*). The data presented reflect a painful reality of domestic violence and femicide, highlighting a possible correlation between the level of education and vulnerability to these forms of violence, but also the need to recognise and address the factors that contribute to this complex problem, including educational and socio-economic barriers. Prevention and intervention efforts must be multidimensional and include education, legal and psychological support, and policies that promote equality and protect the rights of all. Through collaboration between educational institutions, non-governmental organisations and public authorities, effective strategies can be developed to combat these serious problems and provide adequate support to victims.

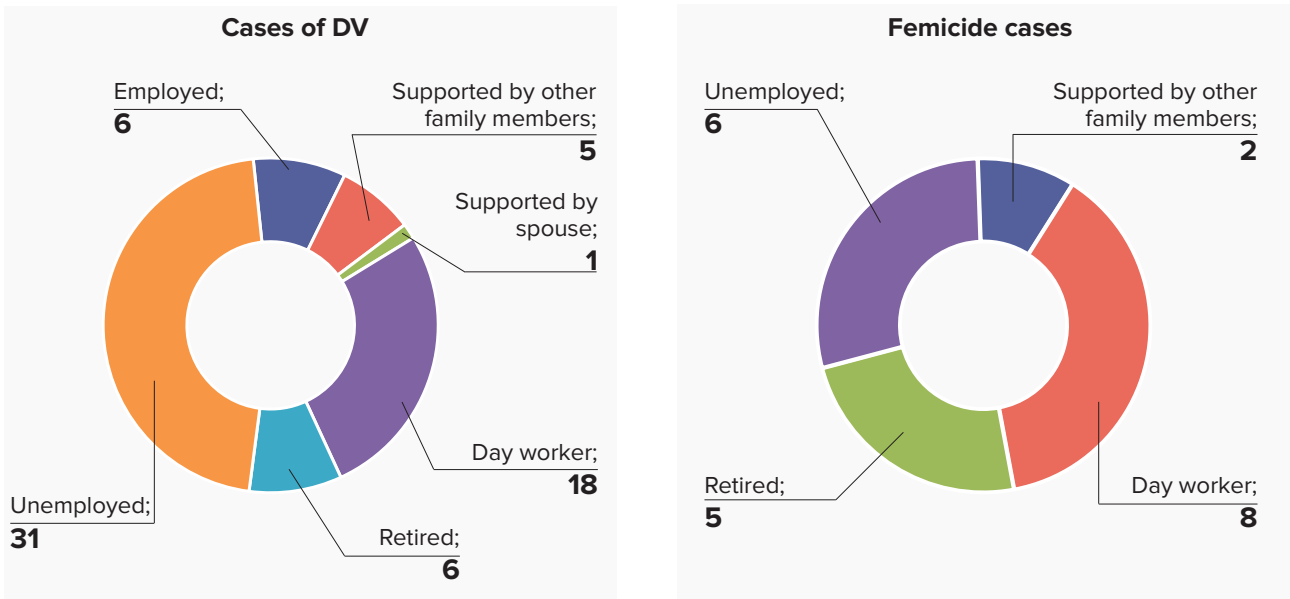
Figure 19. **Education level of victims**



Analysis of the data collected by the Commission identified that **the vast majority of the victims earn their living as day labourers or are unemployed. Almost half of the victims are unemployed. Only 6 victims out of 67 (9%) are employed, 18 victims (27%) are day workers.**

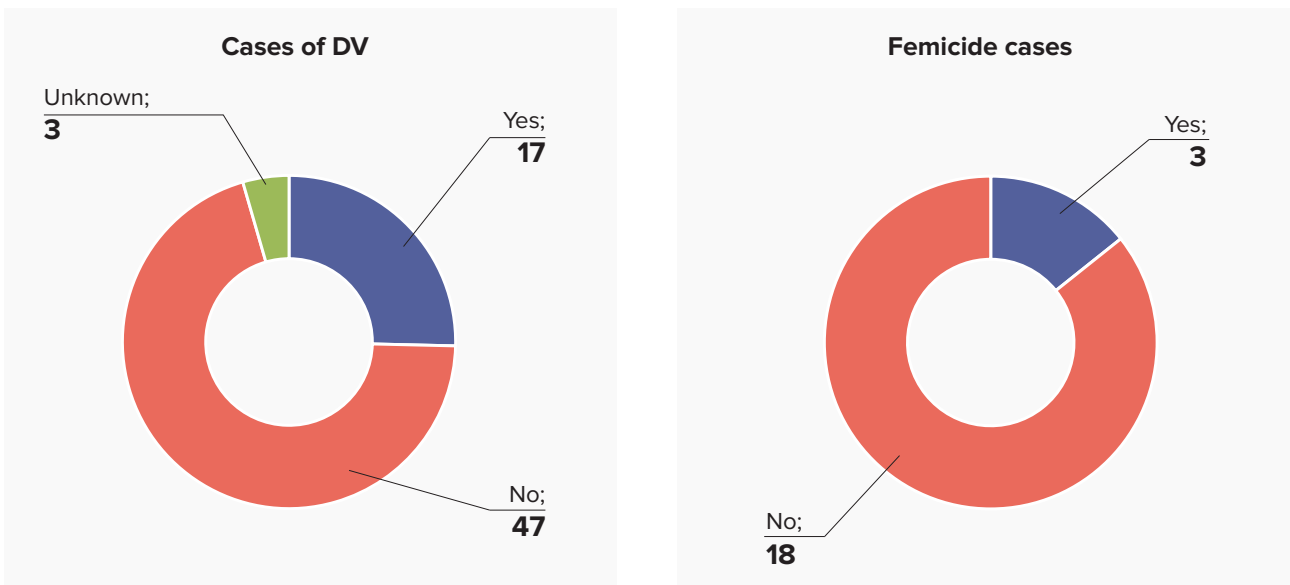
The analysis showed that most of the victims earn their living as day labourers or are unemployed, and in the case of **femicide** victims, **none of the victims are employed**. Poverty, joblessness and financial dependency are identified as major risk factors in femicide cases. This situation is aggravated in the case of retired women, It is essential that professionals recognise and address these structural inequalities and provide adequate support to those in vulnerable situations to prevent such tragedies. Measures can include employment programmes, financial assistance and access to counselling and support services. By addressing the root causes of poverty and financial dependency, the risks associated with gender-based violence and femicide can be significantly reduced (*Figure 20*).

Figure 20. **Source of income**



In the cases of DV analysed, 1/4 of the (adult) victims have dependants, and in the cases of femicide the proportion of victims with dependent children is lower. The same paternity was also found in 2022, indicating that **women without minor children are at higher risk of being killed by their partner** (Figure 21). This trend, also constant in the year 2022, suggests that the absence of minor children may influence the dynamics of couple relationships in a negative way, possibly due to the lack of a stabilizing or conflict mitigating factor. It is essential that future studies explore these patterns further to better understand risk factors and develop effective prevention and intervention strategies. In the meantime, it is crucial to strengthen support services for victims of domestic violence, regardless of parental status, to ensure the protection and safety of all members of society.

Figure 21. **Presence of dependants among victims**



Analysis of the data on adult victims indicates a complexity of dynamics between the personality of the subject of domestic violence and the circumstances of the violence.

Of the **67 adult victims – 5 have a criminal record, in these 5 cases the victim is male. In 2 cases the victims (males) were previously subject to probation, as a result of conviction by the court for offences under** Art. 201/1 para.(1), Art. 187 para.(2) lit. b), e) and f) CC and Art. 264/1 para.(4) of the Criminal Code, for which a non-custodial sentence was imposed. A male victim was previously a family aggressor and a protection order was applied for a period of 2 months to his family members.

**In 7 cases there was role reversal between victim and offender. In other words, women became aggressors, although they had previously been in the role of victim, but because they were not sufficiently protected in moments of crisis, they responded to the violence.** In femicide cases no victim was subject to probation (in 3 cases – unknown).

In 7 cases where role reversal took place, victims of previous acts of domestic violence, up to the commission of the domestic violence resulting in death/serious injury, filed 1 complaint each, and in one case the victim filed – 4 complaints. These cases confirm that at the moment the response to cases of violence is not proactive and preventive.

For a proactive approach it is important to ensure a prompt and effective response in all cases of domestic violence, this would involve assessing and managing risks and ensuring adequate protection against recurrence and escalation of violence.

Of the **67 adult victims**, almost half suffer from **alcohol addiction**. The same pattern holds true for femicide cases, but only 2 victims were on the narcologist's list. Thus, we can see that **although more than half of the victims<sup>6</sup> were addicted to alcohol, they were not registered with the specialist doctors**. It is worrying that although a significant proportion of victims suffer from alcohol dependence, very few are registered with specialists for treatment. This highlights a possible gap in the health and social care system, which may be failing to identify or provide the necessary assistance to people with addiction...

A more integrated and accessible approach to **mental health and addiction treatment** services, working closely with domestic violence prevention and intervention programmes, is essential to address these complex issues more effectively.

With reference to religious group membership, the data analysis shows that 67 adult victims, 48 were not part of a religious group or other community organization, in the case of 18 victims it was indicated that this was not known, one victim was part of the religious group Pentecostal Church "Light of the World".

## 2.4. Profile of offenders

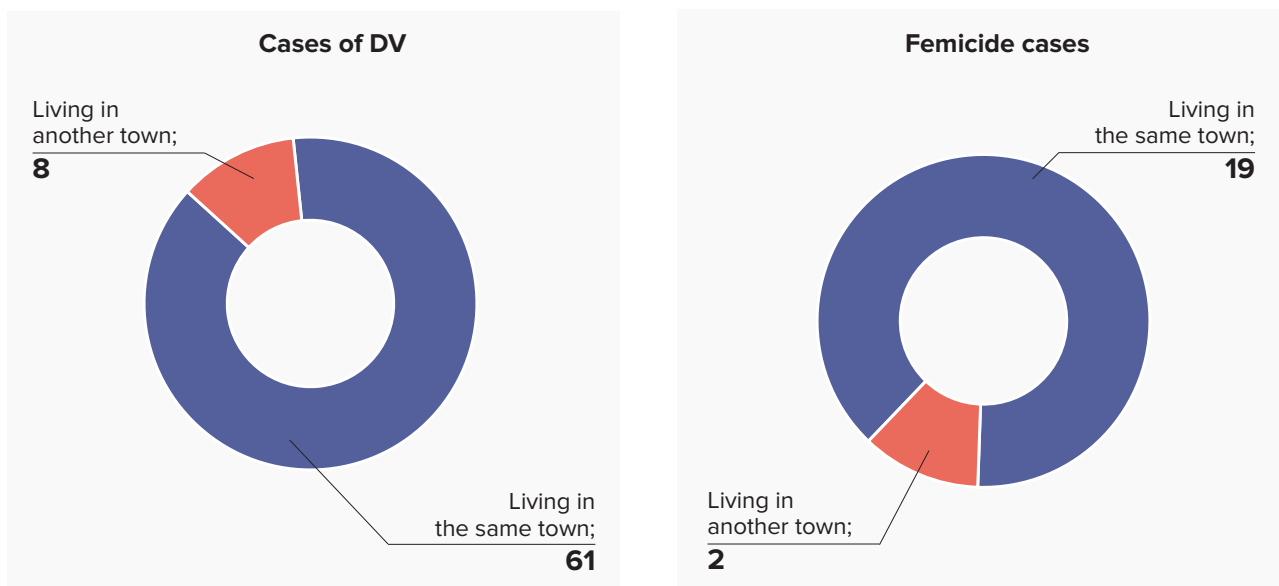
**The age of the perpetrators falls within the same range**, with the youngest perpetrator born in 1995 and the oldest in 1943. The average age of offenders is 49 years (year 1975). In more than half of the cases, the offender is older than the victim. On average the perpetrator is 1.5 years older than the victim. The extremes are 44 years younger than the victim, and 39 years older than the victim.

In femicide cases the youngest male perpetrator was born in 1995 and the oldest in 1943. The average birthyear is 1973. Different from the general cases, **in femicide cases, in 10 cases out of 21 perpetrators, the perpetrator is younger than the victim**, 2 are of the same age and in another 9 cases he is older. On average the perpetrator is 6 years younger than the victim. The extremes are 44 years younger than the victim, and 15 years older than the victim.

<sup>6</sup> **Note:** according to the data recorded in the form.

As for the residence of the perpetrator, the results of the research show that **61 of the perpetrators live in the same locality where the offence of DV occurred**, while in the case of 8 of the 69 perpetrators, their place of residence is different from the locality where the offence occurred. In 4 cases both the victim and the perpetrator do not live in the locality where the crime occurred. Of the 21 cases of femicide, 2 perpetrators lived in a different place from the place where the crime occurred (*Figure 22*).

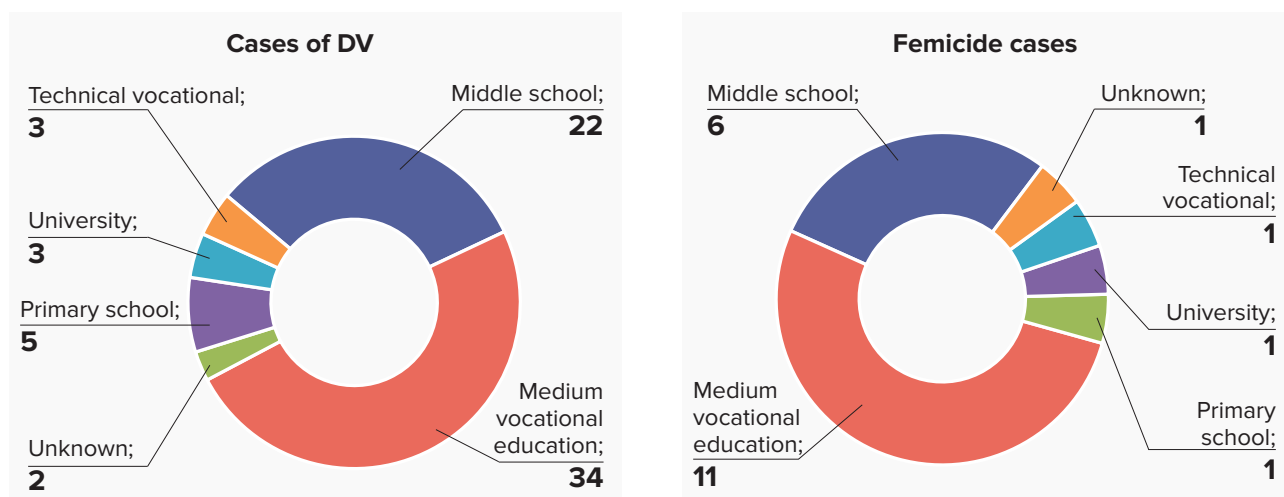
Figure 22. **Offender's residence**



In terms of ethnicity, the analysis shows that 68 perpetrators are citizens of the Republic of Moldova and 1 is a citizen of Turkey.

The majority of perpetrators have secondary or secondary education, but there are also perpetrators with no education or only primary education (*Figure 23*), **3 perpetrators have higher education**. In cases of **femicide**, the same proportion of perpetrators' studies – secondary and gymnasium school – is observed. **One perpetrator is deaf-mute, which shows the need to adapt prevention and assistance programmes also for DV subjects with special needs**. It is therefore essential to address these data through a multidimensional strategy that includes education, awareness and adequate resources for prevention and intervention.

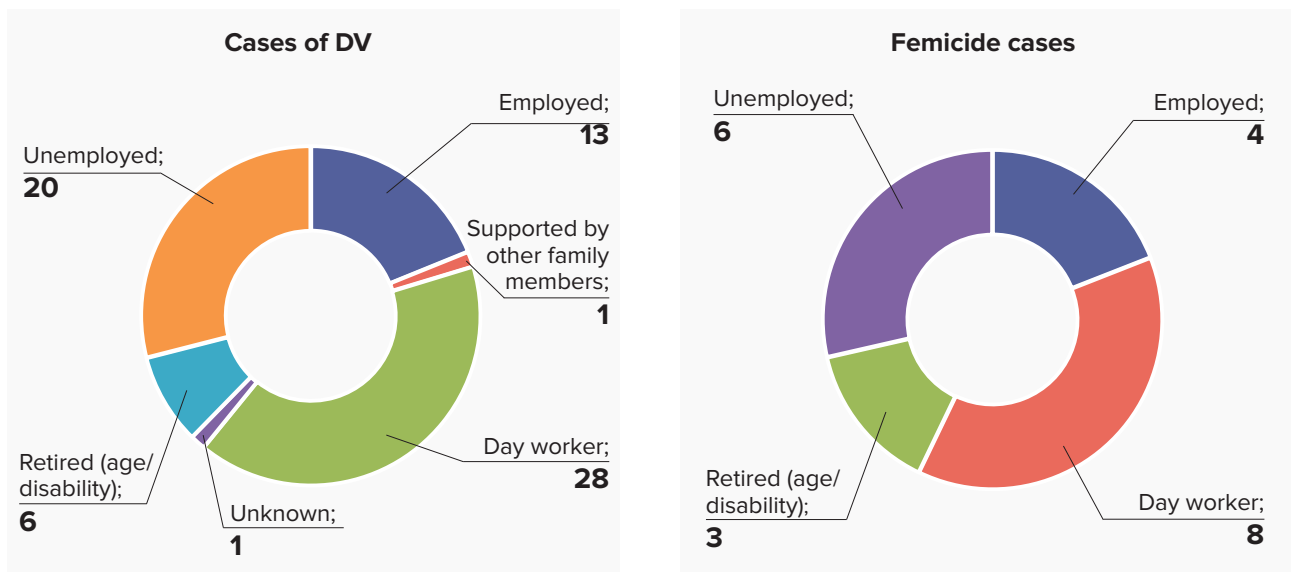
Figure 23. **Level of education of offenders**



Data analysed by the Commission **shows a significant unemployment rate among family abusers, 30% of them without stable employment.** The majority of abusers earn their living as day labourers/day labourers or are unemployed/unemployed. **Day labour is a common form of employment for domestic abusers, with almost 40% of them engaged in such work** (Figure 24). Compared to victims, the share of perpetrators who have a job is double (13 perpetrators, 6 victims).

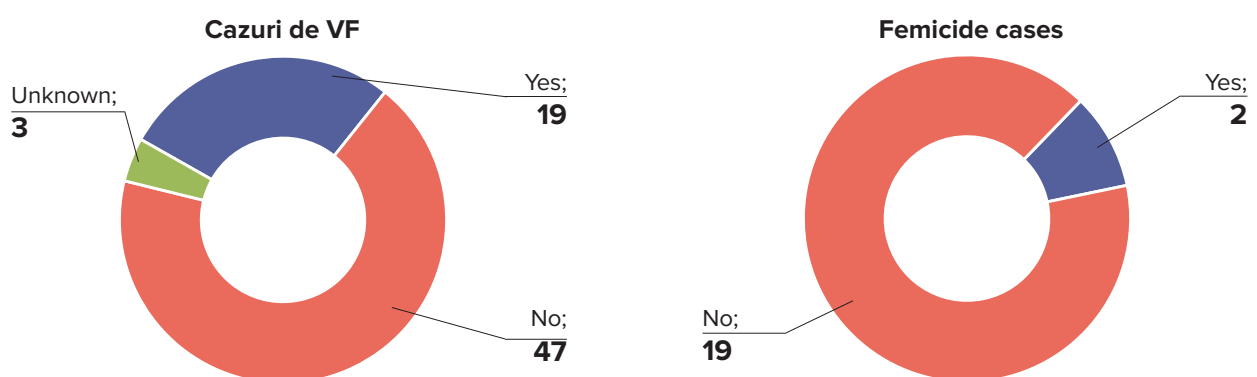
In femicide cases, it is observed that none of the victims are employed, compared to 4 employed perpetrators and 8 who do day labour. **These data highlight possible correlations between employment status and incidence of VAW, suggesting that economic instability may be a risk factor associated with aggressive behaviour.**

Figure 24. **Source of income**



According to the data analysed, about **a third of abusers are responsible for child support.** In the femicide cases examined, **25% of the perpetrators had dependants** (Figure 25). Compared to the total cases, the percentage of perpetrators with dependent children is lower in femicide cases. The trend observed in 2022 continues in 2023, indicating a higher risk of femicide in relationships where there are no minor children. This information underlines the importance of family factors in the dynamics of violence and the need for preventive approaches that take family structure into account.

Figure 25. **Presence of dependants among offenders**





Worryingly, almost **39 %**, **27 of family abusers, have a criminal record**, highlighting a possible correlation between criminal history and violent behaviour in the family. Of the 27 family abusers with a criminal history, **9 abusers had been previously convicted of domestic violence** and received non-custodial sentences.

Of the **femicide cases analysed, 11 perpetrators had a criminal record (52%)**, highlighting the increased risk of recidivism among perpetrators. In **11** separate cases, the perpetrators were previously subject to probation, and 3 perpetrators committed the crime on probation, violating the conditions of a suspended sentence or early parole, which may indicate deficiencies in the probation supervision and rehabilitation system. In femicide cases, **5 offenders were previously subject to probation**, suggesting that probation measures were not sufficient to prevent reoffending. The fact that a significant number of perpetrators have a criminal record and were previously on probation suggests that prevention and social reintegration systems may have gaps.

The lack of information about the probation history of perpetrators is a significant problem, as it hinders a comprehensive understanding of the factors contributing to domestic violence and femicide. The absence of probation history information may indicate the need for improved monitoring and reporting within the justice system. These data can inform the development of more effective policies to prevent recidivism and protect victims of DV.

The failure of the state to protect victims of DV by applying punishments that do not deter perpetrators is reflected in case study 4.

#### **CASE STUDY 4. The victim of DV was killed by the perpetrator who had previously been convicted of DV**

*Marina had been in a cohabiting relationship with Pavel for 10 years. Due to constant arguments and scandals, even though she lived in her parents' house, she would run away from home to neighbours and relatives naked, bloody and scratched. Marina was the sole breadwinner of the family, as Pavel was unable to work due to health problems. Pavel had a locomotor disability, he moved around with aids, but this was not an impediment to violence. According to Maria's sister "Pavel was always beating her at her body with his crutches, even in front of the neighbours", in one case he hit her with an axe on the head, which is why she was in intensive care. Pavel was convicted of domestic violence for this offence but did not receive a prison sentence.*

*According to her sister, "Maria did not go to the police because she was afraid of Pavel, she was afraid he would get out of prison and kill her". Maria was afraid of Pavel, she only talked to her sister on the phone when Pavel was not next door. Maria's neighbour also said that Pavel had threatened to kill her because she had previously witnessed Pavel being detained by the police for hitting Maria on the head with an axe.*

*On July 5, 2023, at night, as a result of a dispute, Pavel killed Marina by stabbing her several times with a kitchen knife in the heart area. For a week before the incident Maria slept around the village out of fear. During the hearing, the neighbour reported that "Maria ran away from home for a week because he beat her".*

*During the trial Pavel pleaded not guilty, maintaining that he "did not kill her, sometimes he would give her a slap", but he did not kill her, "The blood stains on his clothes may have transferred when he hugged her".*

*Accordingly, the court found Pavel guilty of the offence under Article 145(1) of the Criminal Code. (2) lit. e1) of the Criminal Code and, in accordance with the law, he was sentenced to 20 (twenty) years imprisonment, with the execution of the sentence in a closed prison for men.*



Illegal possession of firearms by assailants is a serious problem that can increase the risk of fatal outcomes. The data analysed by the Commission shows that 3 offenders possessed **firearms illegally**. In the femicide cases none of the perpetrators possessed a firearm. Studies show that access to firearms can increase the severity and fatality of violence against women. In this context, it is essential to address the issue of illegal gun ownership in order to prevent violence and protect victims, and to develop and implement awareness and education programmes to inform the public about the risks associated with firearms in the context of domestic violence.

**Alcohol addiction is the addiction suffered by 40 of 69 offenders (58%).** The same pattern applies to femicide cases— **15 of 21 offenders (71%)**. One perpetrator in a femicide case, while intoxicated by alcohol, attempted suicide.

Figure 26. **The addictions suffered by offenders**

Addictions		All cases	Femicide
	Alcohol addiction		37
Alcohol and drugs		3	2
Not known		19	4
No vices		10	2

Alcohol addiction and substance abuse are often associated with aggressive and violent behaviour. Alcohol consumption can influence aggressive behaviour and is associated with an increased risk of violence, including femicide. Risk factors for alcohol-related aggression include excessive alcohol consumption, high levels of anger as a personality trait and lack of empathy. Studies indicate that alcohol can negatively affect cognitive function and reduce impulse control, which can lead to violent behaviour. Interventions for anger management and alcohol dependence treatment can be effective in preventing violence and improving mental health. It is important to address mental health issues and substance dependence to reduce the risk of aggressive behaviour and violence.

The existence of mental health problems among violent subjects is a complex and sensitive topic. Mental health problems can be a significant risk factor for aggressive behaviour. In the cases analysed by the Commission, **5 perpetrators had a psychiatric history** (Figure 27), which requires a careful and individualised approach to risk assessment. Studying the psychiatric history of offenders can provide valuable information for risk prevention and management. Understanding the context and individual circumstances is crucial in assessing risk and appropriate interventions. It is essential that mental health professionals work closely with the police and social workers to ensure both appropriate treatment and prevention measures necessary to protect society. At the same time, it is vital to destigmatise mental disorders and promote access to quality mental health services for all individuals. Education and public awareness initiatives can help to reduce the stigma associated with mental health and encourage professional help-seeking.

Table 27. **Determination of offenders on the psychiatrist's record**

Psychiatrist		All cases	Femicide
	Yes	5	1
	No	58	17
	Not known	6	3

The failure of the state to prevent offending by people with mental health disorders is reflected in case study 5.

### CASE STUDY 5. Domestic violence resulting in death by a person under psychiatric care

*Ana* lives with her parents and brother. In 2016 *Ana* fell ill with a mental illness. The first time she was admitted to the psychiatric hospital in 2016, she stayed in the hospital periodically for a month, coming home. In order to provide the necessary care *Ana's mother* had to interrupt her work. *Ana* stayed at home all day with her mother and they often argued. On 1 September 2023, *Ana* and her mother were living together at home while her father and brother went to work. Around 9 pm *Ana's* father came home from work, the gate was locked, usually his wife opened the big gate for him, but this time she did not open it. He phoned his wife, no one answered, on the path in the yard he found his wife downstairs, she was covered up, she lay deceased on the ground. He quickly entered the house, there were no traces of blood, *Ana's* daughter was sitting on the second floor in bed and told her father to forgive her, suddenly he realized that his daughter had killed his wife.

The complex psychiatric-psychological expert report established that *Ana* suffers from chronic and progressive mental illness. According to her mental state, *Ana* currently lacks the capacity to realise her actions and cannot direct them, and is therefore unable to act with discernment. At the time of the commission of the offence in question, *Ana* acted without discernment.

Consequently, the court found *Ana* guilty of committing the offence provided for in Article 145(1) of the Criminal Code. (2) letter e1) of the Criminal Code and, in accordance with the law, acquitted her of criminal responsibility on the grounds of committing the offence in a state of irresponsibility and applied the measure of medical restraint - internment in the psychiatric institution IMSP Clinical Psychiatric Hospital, under regular supervision.

## 2.5. Authorities competent to examine cases

Data from previous studies show that cases of DV and femicide are not isolated. The cases of DV and femicide analysed show that such cases do not occur as a result of an isolated incident or a single risk factor. There are usually several indications that signal risk, but these are ignored by victims, relatives and close friends of the victim, members of the community.<sup>7</sup>

One of the risk factors associated with femicide in the Republic of Moldova is the **presence of long-term physical violence associated with other forms of violence, including threats of murder**. Victims of violence do not seek help from law enforcement or social protection agencies, trying to hide the violence.

Victims are ashamed to ask for help, especially if they have lived with their abuser for a long time and violence has been perceived as normal. Sometimes women also hide some of their husband's vices, and even begin to abuse alcohol themselves. They do not understand that these actions, in aggravating circumstances, put their own lives at risk.

<sup>7</sup> WLC (2021) *National study of analysis of femicide cases*, Țurcan-Donțu A., Cheianu Andrei D., p.29. .

The data collected by the Commission shows that out of the total number of cases analysed, **17** victims were previously subjected to violence, of which **12** cases came to the attention of the police, **3** to the attention of the family doctor and **2** to the attention of the social worker, 1 to the attention of other person.

At the same time, out of **21 femicide victims**, 8 had previously been subjected to violence. One of the victims did not report the case and in the other 7 the situation was reported to more than one actor. Most often, cases of domestic violence were reported to the police. Most frequently, victims reported domestic violence only once. There is, however, one case where previous cases of domestic violence were reported 6 times.

Figure 28. **Reporting previous cases of DV to the authorities**

Has the victim previously been subjected to domestic violence (physical, psychological, sexual, economic, spiritual)?		All victims	Femicide
	Yes		17
No		28	7
Not known		26	6

Figure 29. **Number of complaints received by the authorities**

Number of complaints		All victims – 12 victims	Femicide – 7 victims
	1 complaint		6
2 complaints		3	2
4 complaints		1	1
6 complaints		1	1
Not indicated		1	1

No victim or perpetrator has been referred for previous violence to specialist services. No perpetrator has attended family-based batterer correction programs for previous cases. In the cases analysed by the Commission, only one victim had protection measures in place at the time of the crime. The failure of the state to protect the femicide victim who reported the case several times to the authorities is reflected in case study 6.

#### **CASE STUDY 6. Domestic violence resulting in death committed by a person who has been previously convicted repeatedly for DV acts**

*Anastasia is married to Stefan and they live in a village in southern Moldova. From the beginning of their relationship, Stefan was very aggressive, beating Anastasia, but she put up with it for the sake of the children and because she was ashamed of the people in the village. Over time, the beatings became more and more frequent, Anastasia hid these acts of violence, then ran away from Stefan who was aggressive, lived with the neighbours and rarely at home. She also reported the domestic violence to the police, but Stefan was given unpaid community service, which did not discipline him. Stefan would do his hours at the town hall and again come home and beat Anastasia.*

On July 8, 2019, at around 00:30, being in the common home, as a result of a conflict, applied against **Anastasia** physical aggression manifested by applying multiple blows with his fists and with a metal wire covered with plastic mass over various parts of the body, as well as by applying a blow with a kitchen knife in the calf region of the right leg, causing her bodily injuries that qualify as light bodily harm. The court found **Stefan** guilty of committing the offence provided for in Article 201/1 paragraph (1) letter a) of the Criminal Code of the Republic of Moldova, and sentenced him to 1 (one) year imprisonment with serving the sentence in an open prison. Pursuant to Article 90 of the Criminal Code, the execution of the sentence was conditionally suspended for a probation period of one (1) year, and he was only obliged not to change his domicile/residence without the consent of the competent body. This sanction has not changed **Stefan's** aggressive behaviour, on the contrary, the mild sanctions seemed to encourage him to commit repeated offences.

On April 2, 2022, at 10:00 pm, while in the common home, following a conflict, Stefan hit his wife **Anastasia** with his fist in the head region, then with a wooden chair hit her in the right shoulder region, causing her bodily injuries that qualify as minor bodily harm. For this offence, **Stefan** was again punished with unpaid work, even though the investigating officer asked for a fine because the previous behaviour did not deter the offender. **Stefan** was becoming increasingly aggressive and was convicted of domestic violence and towards his brother who tried to defend Anastasia.

The beatings continued, **Anastasia** was disappointed with the state's response to her husband's violence, she did not turn to the law and 8 months later, since **Stefan** was convicted of domestic violence and sentenced to unpaid community service, **Anastasia** was beaten to death by her husband.

# JUDICIAL PRACTICE IN CRIMINAL LAW CASES EXAMINED BY THE COMMISSION IN 2022

The analysis of the sentences showed that out of the **69 criminal cases** examined by the Commission, a conviction had been handed down in **40%** of the cases by the end of 2023. Compared to general cases, the proportion of cases leading to femicide under investigation is lower (*Figure 30*).

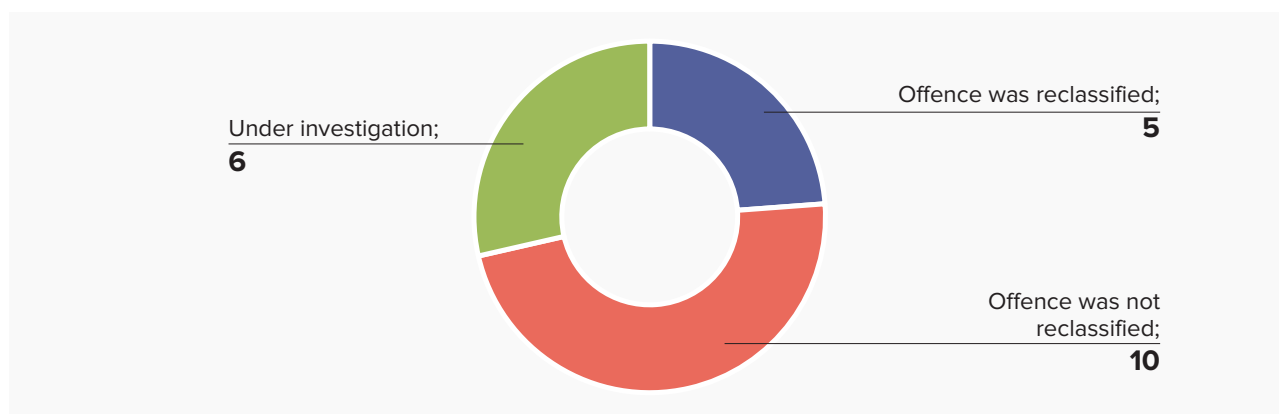
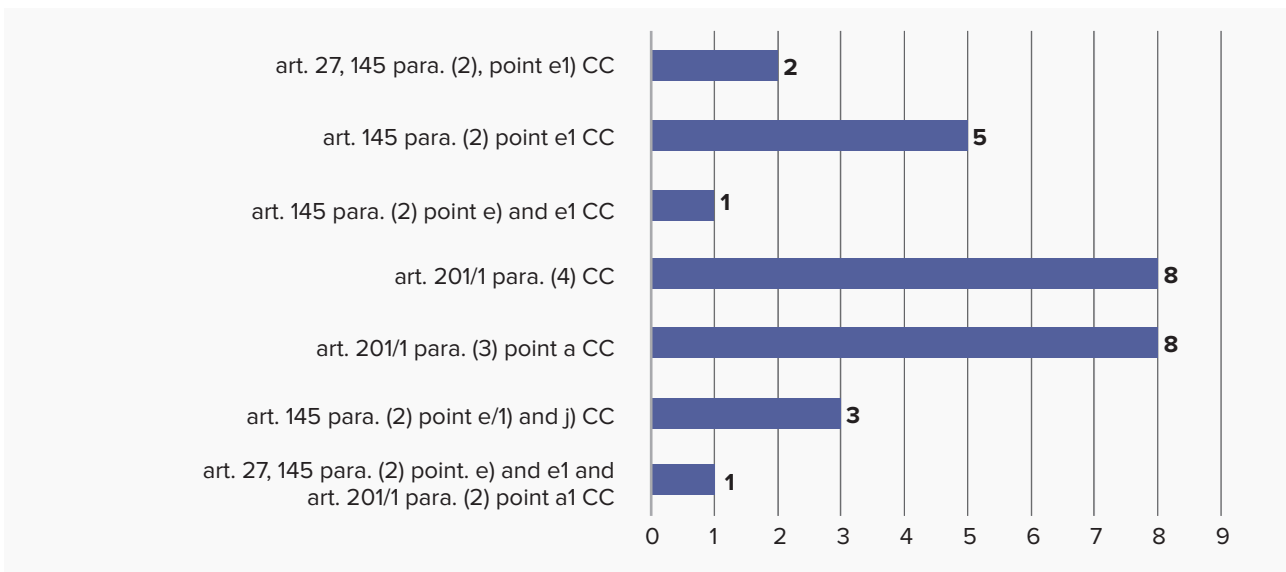


Figure 30. **Examining the causes of femicide**

The analysis of the **28 criminal cases** based on the judgments/decisions published in the database of the courts shows that most of them, **16 criminal cases**, in which judgments were delivered, were qualified under Art. 201' para. (3)(a) and under Art. 201' para. (4) of the Criminal Code, a smaller number were qualified under Art. 145 para. (2) point e<sup>1</sup>) of the Criminal Code (*Figure 31*).

Figure 31. **Qualification of offences in the 28 sentences/decisions, persons**



The research of criminal cases shows that **21%** of criminal cases underwent changes in legal qualification during the investigation or trial process, which underlines the complex and evolving nature of criminal cases. In addition, the three cases that were closed reflect diverse and exceptional circumstances, such as self-defence and the absence of a direct link between the victim's death and domestic violence. These situations underline the importance of a detailed analysis and flexible approach in the prosecution and trial process. In conclusion, these findings can provide valuable insights for improving judicial practices and ensuring a fair and efficient trial.

Analysis of sentencing in femicide cases highlights a problem with investigations: often **not enough attention is paid to the history of gender-based and domestic violence experienced by victims**. This is a concern also raised by international experts, who point out that femicide is the culmination of a pattern of systematic and cyclical violence endured by women. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has highlighted the need to use a gender perspective and specific protocols in investigating the killings of women and girls to ensure truth, justice and reparations for victims and their families, as well as more accurate data collection and analysis to inform investigations and strengthen prevention. It is essential that authorities adopt legal and administrative measures to uphold the rights of women and girls, applying a gender perspective in complementarity with an intersectional approach, to effectively investigate and eradicate cases of femicide.

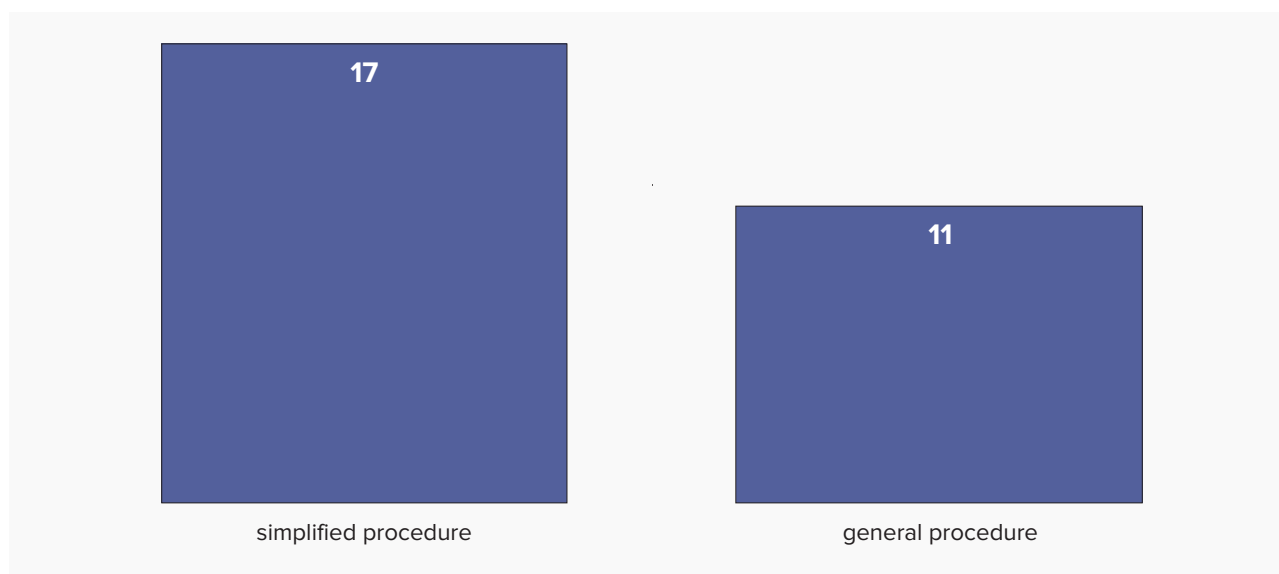
**As a reason for committing the crime, as in 2022, the most common are verbal conflicts and jealousy.** Analysis of sentences shows that excessive alcohol consumption and jealousy are often cited as the main reasons leading to domestic violence. Verbal conflict escalated into physical aggression, reflecting the power and control dynamics in abusive relationships. Batterers' justifications and defence strategies reflect cultural biases and stereotypes, which may prevent the correct accountability of batterers. It is also noteworthy that **in none of the femicide cases examined by the prosecution and the courts did the gender motive also come up. This shows a gap in knowledge of the specifics of femicide cases.**

Although most of the reasons listed above are based on gender bias, **in none of the femicide cases analysed did the courts ask questions to identify whether the crime committed was one based on gender bias.** Identifying motive in femicide cases is crucial to understanding the dynamics and context of the crime. It is essential that the prosecution and the courts ask questions to help determine whether gender bias played a role in the commission of the crime. This involves a careful analysis of power relations, social perceptions and the dynamics between perpetrator and victim. Without such questions, there is a risk of overlooking critical factors that could influence the verdict and sentence.

The prosecution and trial process must therefore include a thorough investigation of possible gender grounds to ensure a full understanding of the case and to promote gender justice and equality. **Failure to ask clarifying questions and establish the gender motive for committing these crimes should therefore be considered a significant gap in the examination of femicide cases.**

Following the analysis of **28 judgments**, it was established that **17 cases** were judged in simplified procedure with the application of the provisions of Article 80/1 of the Criminal Code, Article 364<sup>1</sup> of the Criminal Procedure Code of the Republic of Moldova (*Figure 32*), and in 2 cases the protection order procedure has been applied, supplemented with medical measures of constraint.

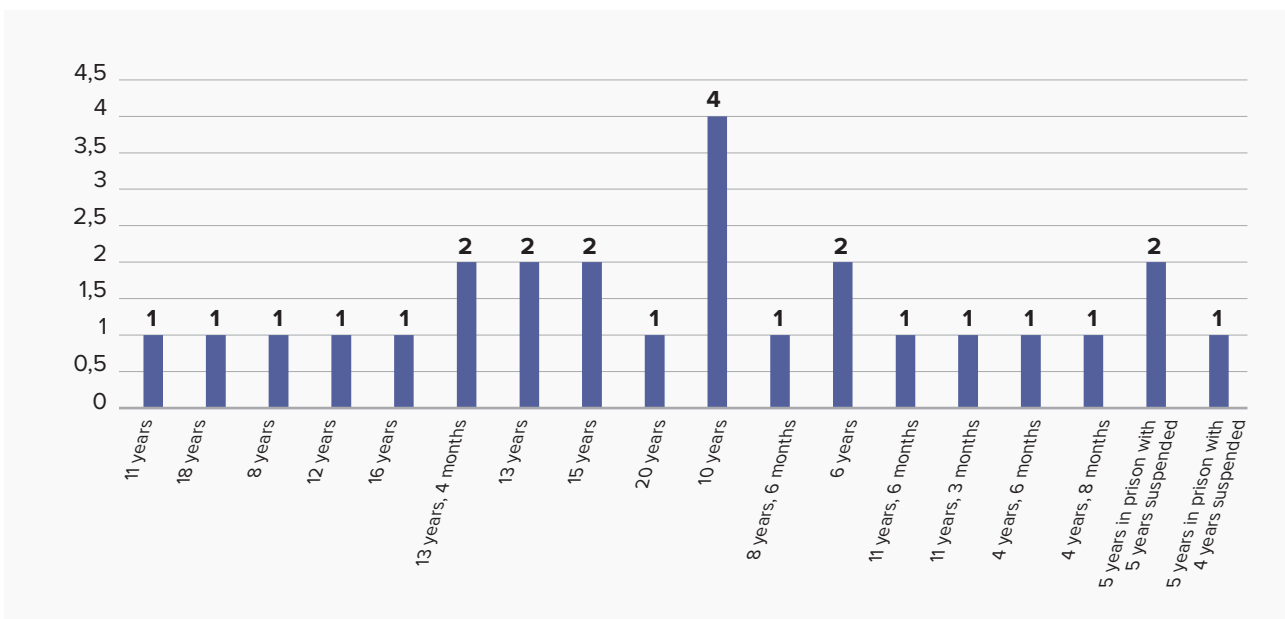
Figure 32. Procedure in which the criminal case was examined, persons



The analysis of the sentences shows that the penalties imposed on the offenders in the cases under review by the Commission vary (*Figure 33*). In **22 cases** the offenders were sentenced to imprisonment for between **6 and 20 years**, in **4 cases the offender's prison sentence resulted in conditional suspension with probation for between 3 and 5 years**, and in 2 cases the defendant was given medical restraint. **Probation was applied in 4 of the 4 cases analysed where the offence was qualified under Art. 201<sup>1</sup> para. (3) (a) of the Criminal Code.** It does not appear from the analysis of the sentences that before applying the conditional suspension of the sentence, the court checked whether the causes that led to the domestic violence had been eliminated. The cases examined by the Commission show the following: for a court to impose a **conditional suspension of sentence** on a systematic perpetrator, it is sufficient to establish only that the offence charged is less serious (when determining the prison sentence for a term of up to 5 years) and that the defendant admits guilt and requests that the case be examined in a simplified procedure under Art. 364<sup>1</sup> of the CCP or under

Art. 80<sup>1</sup> of the Criminal Code in case of a plea bargaining and the cooperation agreement, without taking into account the risk of recurrence of violence. In the legal system, the simplified procedure is often used to streamline the judicial process, allowing for a faster trial and reducing the associated costs. However, in the cases of DV which are the subject of examination by the Commission, there are legitimate concerns that this procedure may lead to penalties which do not adequately reflect the seriousness of the acts committed. Indeed in 2023, amendments were made to the Article 364<sup>1</sup> of the CCP by introducing a prohibition on the prosecution of criminal cases involving offences for which the law provides for life imprisonment on the basis of evidence gathered during the prosecution phase. However, of the category of offences falling within the scope of the Commission’s investigation, only Article **145(2)(e)**<sup>1</sup> of the CC provides for life imprisonment and cannot be prosecuted on the basis of the evidence adduced during the prosecution phase; in other cases, defendants can still benefit from this reduction of the sentence. It is essential that the criminal justice system strikes a balance between efficiency and ensuring a sense of justice in society. This may include reviewing procedures and legislation to ensure that penalties are proportionate to the harm caused and that there are adequate mechanisms to protect the interests of victims.

Figure 33. **Punishment of offenders**



The data in the report show that the application of actual prison sentences for defendants who have committed offences under Art. 201<sup>1</sup> /1 para. (3) (a) of the Criminal Code was only carried out when the offence was committed in concurrence of offences or when cumulative charges apply. Worryingly, **in no case where the offender was given a suspended sentence was the obligation to participate in a special treatment or counselling programme to reduce violent behaviour and/or to undergo treatment for alcohol or drug abuse also imposed.** In this context, it is relevant in the case of suspended criminal sentence that the court shall apply proactive obligations (*to undergo treatment, to participate in probation programmes, etc.*), as their effectiveness is directly related to changing the way of thinking and behaviour of the person. However, statistical data and the analysis carried out by the Commission show a low rate of application of proactive obligations by the court,



since the text of the provision in Article 90(6) of the Criminal Code prescribes that the court “**may oblige the convicted person**”. In this regard, it is proposed to amend the rule by excluding the phrase “**may oblige the convicted person**” from Article 90(6) CC and including the phrase “**shall oblige him**”, and to extend the range of obligations, particularly proactive ones.

### CASE STUDY 7. Imposing a suspended sentence without requiring the offender to undergo a violence reduction programme

*Tamara and Matei are brothers and live in the same town. There were often conflicts between Tamara and her brother, especially when Matei was drunk, came to her house and was looking for trouble. All relatives and members of the community know that Matei is confrontational, he has also been called to account several times, but Tamara did not report any incident to the police because he is her brother and did not want to make public any private domestic issues.*

*On 02.09.2023, around 18:30, Matei came again to his sister’s home and during the conflict with the sister, showing aggressive behaviour, applying physical violence, he intentionally knocked her down, after applying a blow with a piece of wrought metal in the back region, causing injuries that qualify as serious injury to body integrity or health.*

*In the course of the judicial investigation, Matei submitted a request for the case to be examined under a simplified procedure in order to receive a reduced sentence.*

*Accordingly, the court found Matei guilty of the offence under Article 201(1) of the Criminal Code. (3) lit. a of the Criminal Code and, according to the law, with the application of Art. 80/1 para. (1) of the Criminal Code, he was sentenced to imprisonment for a term of 5 (five) years in a semi-open prison. In accordance with Article 90 of the Criminal Code, the execution of the sentence imposed on Matei was conditionally suspended and he was given a probationary period of 5 (five) years, with the obligation not to change his place of residence without the consent of the body supervising the execution of the sentence and this sentence shall not be executed if he does not commit a new offence during the probationary period and if, by exemplary behaviour, he will justify the trust placed in him.*

*In the reasoning of the sentence, the court indicated that Matei, despite having committed several offences, has sincerely repented and has 3 dependent children, i.e. the judge concluded that a non-custodial sentence will achieve the purpose of the criminal penalty. However, the court did not state in the sentence whether the risk of violence towards the injured party and/or his wife and children was assessed. Likewise, no obligation was imposed on him that would contribute to the reduction of violent behaviour and alcohol addiction.*

It is relevant to note that the probationer, having been excluded from probation, either in connection with the actual and full execution of the sentence or by virtue of the expiration of the probation term and compliance with the conditions of probation, is **to continue to be monitored in the community and provided with long-term support services in order to be encouraged to uphold a non-violent behavioural impact communication model.**

The aforesaid mechanism does not exist, but the data collected does demonstrate the need to develop a well-coordinated mechanism, involving the relevant actors, which would include prompt and effective action.

Also, in the context of providing a professional assessment of the nature and causes of the criminal behaviour, the risk factors and the prospects for reintegration of the person, it is necessary to amend and complete the regulatory framework that will ensure the elaboration of the presentence reports of psychosocial assessment of personality in all cases of domestic violence offences. The probation counsellor will formulate his conclusions on the appropriateness or inappropriateness of applying a certain criminal measure in relation to the personality of the person assessed, the need for probation

or educational programmes. The conclusions formulated by the counsellor will provide real support for a future intervention and will provide an important and direct support to the court in the process of individualising the sanction established. It should be noted, however, that the extension of tasks implies an increase in the number of staff in the probation system.

Analysis of the data presented to the Commission reveals a significant problem within the judicial system related to the delivery of judgments in cases of domestic violence in the absence of the offender. This practice appears to contribute to a higher rate of non-compliance in the enforcement of sanctions. Thus, statistical data presented to the Commission by the National Probation Inspectorate show that: in 2022, of the total number of judgments received for enforcement, regarding the persons sanctioned under art.78/1 CC (1258), 34% judgments were pronounced in the absence of the offender. This discrepancy continued and in the first half of 2023, out of the total number of judgments received for enforcement regarding persons sanctioned according to art.78/1 CC (675), 40% of judgments were delivered in the absence of the offender.

In the context of the quantitative and qualitative analysis, we note that in cases where court decisions are delivered in the absence of the person, there is an increased rate of probationers avoiding in bad faith the execution of the sanction, for example, in 2022 – 14% compared to 2.5% (failure to comply with the judicial decisions issued in the presence of the person); in the first half of 2023 – 7.2% compared to 1.2%.

These figures suggest that the physical presence of the offender at sentencing could have a positive impact on compliance with sanctions imposed, which could be an important factor for judicial authorities to consider in improving the effectiveness of the probation system. In this context, continuous evaluation of judicial proceedings and their impact on offenders' behaviour is essential to ensure effective enforcement and promote accountability among those sanctioned.

As regards the enforcement of court sentences, of the 18 cases analysed by the National Administration of Prisons, 17 offenders are men and one is a woman:

- **11 of the perpetrators** are in custody.
- **7 offenders** have already been sentenced and are in the process of being transferred to serve their sentences in prisons designated by the courts.

These data are relevant for understanding the dynamics and profile of offenders in prisons in the Republic of Moldova. Analysis of the situation of offenders helps to implement more effective rehabilitation and social reintegration measures. Continuous monitoring and evaluation of these cases is essential for the improvement of the judicial and penitentiary system.

The study identified 5 individuals in custody for domestic violence (DV) offences subject to the Commission, of which 3 have a history of domestic violence:

- Two detainees with a history of domestic violence have been positively assessed by the prison board, with no disciplinary infractions during their previous detention and have actively participated in re-socialisation programmes.
- One detainee participated in a psycho-educational program for addiction provided by the Botanica Community Mental Health Centre.
- One of the prisoners was released on parole before his term and the other was released under the compensatory mechanism provided for in Article 473/4 of the CCP.
- One case was related to the illegal movement of drugs and hooliganism, with penalties including fines and unpaid community service.
- Another case involved property offences and illegal crossing of the state border, with short-term detentions and a disciplinary sanction for alcohol consumption.

It is imperative to note that only regarding the persons with convicted status the Individual Rehabilitation Plan is drawn up for the entire period of execution of the sentence, not regarding the persons who are in pre-trial detention, they can be involved in some optional activities only at their request, as well as receive psychosocial assistance through psycho-diagnosis, psychological counselling, in order to identify risks to self/others and immediate rehabilitative intervention.

Based on the above, of the 7 persons with convicted status, 4 have individual re-socialisation plans drawn up (they have already been transferred to prison to serve their sentence) and the plans regarding the other 3 shall follow.

Some of them are already involved in recovery activities based on the criminogenic needs and risks identified in the assessment process of the multidisciplinary team (which includes the staff of the social reintegration sections, namely the educator, the psychologist and the social worker). Each specialist completes the level for which he/she is responsible, and then informs the person concerned against signature.

In the environment, **educational needs** were identified, such as: the need to adapt to the prison environment, to develop work skills, to develop civic sense, to acquire a profession/trade, to develop general knowledge, to develop hygiene and sanitary skills; **needs and risks at the psychological level:** excessive alcohol consumption, low tolerance to frustration, low self-esteem, communication and relationship difficulties, risk of self-harm, risk of suicide, risk of victimisation, risk of relapse into addictive behaviour, risk of relapse into criminality, poor emotional management skills, conflict situations, violent behaviour; **social support needs:** legal support to solve social problems, loss/disconnection with family members, homelessness, need to develop parenting skills, support in finding a job after release, preparation for release.

Following those identified, the specialists planned a complex of mandatory programmes and activities available in the framework offer of programmes at the level of each penitentiary institution, which the convicted person must go through if he/she wants to benefit from more facilities in the psychological assistance service. One of the facilities is that in order to benefit from early parole, a condition is that the sentenced person is obliged to complete the individual programme for the execution of the sentence (the individual re-socialisation plan being a component part of this programme), these provisions conditioning one of the convicts' motivations to engage in rehabilitative activities. This condition has a less effective side, as some of those who engage in the plan are motivated by earlier release from prison, rather than by change and taking responsibility. This results in superficial involvement and seemingly formal change conditional just to benefit from the privilege mentioned before.

Analysis of the legal situation of injured parties' successors in criminal cases from 2023 reveals a persistent problem regarding the representation of injured parties' successors by a lawyer. Observations indicate that successors are not aware of their right to be represented by a state-funded lawyer or to hire a private lawyer. This lack of information may have a negative impact on their ability to exercise their procedural rights and initiate civil actions. Accordingly, no compensation for material damages is claimed for the victims. Of the cases examined by the Commission, only in 2 cases was the right to bring a civil action realised. This practice persists in the other cases of domestic violence examined by the courts. Better information for victims and successors of victims is essential to ensure access to justice and adequate representation in criminal proceedings. Improving this could contribute to greater fairness in the justice system and effective protection of individual rights.

# CHALLENGES IN THE PROCESS OF INTERVENTION BY THE AUTHORITIES IN CASES OF DOMESTIC VIOLENCE RESULTING IN DEATH OR SERIOUS BODILY HARM IN 2022

## 4.1. Risk factors

The Commission's analysis of the cases highlights several **critical risk factors with DV and femicide in the Republic of Moldova:**

- Violence denial, victims' reluctance to report the acts of DV including hiding this fact from close relatives (non-reporting by the victim of the primary acts of domestic violence, for various reasons, both because of persistent stereotypes and prejudices about the role of women and men, patriarchal culture present in the community, and the victim's lack of trust in existing services, including legal and social protection services);
- Persistence of violence over time, including the presence of several forms of violence (physical violence, psychological violence, economic violence);
- Applying penalties to offenders that do not deter them from committing acts of violence;
- Additional factors, such as alcohol dependence for both the offender and the victim (they were not registered with medical specialists, did not receive counselling, treatment or other assistance for substance abuse, indicating inaccessibility to alcohol rehabilitation services);
- Presence of mental health problems, lack of cooperation between the public order and security system and the health system;
- Financial dependence of the victim on the perpetrator (old age, unemployment/lack of a job) etc.
- The victim's vulnerability due to alcohol abuse, age and health;
- Recidivism, previously in the same family there have been cases of domestic violence, with either misdemeanour or criminal prosecutions

The failure of the state to protect victims of DV in the case of persistent alcohol dependence for both offender and victim, as well as in the case of non-discouraging punishments is reflected in the case study 8.

### **CASE STUDY 8. The lenient punishment of the perpetrator led to a situation where the woman was killed with particular cruelty**

*Silvia* has been married to **Vasile** for more than 20 years and together they have 3 children. In their family there were always arguments and violence, due to alcohol abuse. Although **Vasile** was an alcohol abuser, he was not registered with the medical specialists and did not seek help.

**Vasile** often beat **Silvia** cruelly, without any reason, especially when he was drunk, but he was rarely sober.

For domestic violence **Vasile** was convicted in 2018 under Article 201/1 para. (1) lit. a of the Criminal Code, to 160 hours of unpaid community service, and subsequently, also for violence against his wife, he was sentenced to 2 years 6 months of imprisonment with serving the sentence in a semi-open prison. After his release from detention, **Vasile** returned to his family and continued to live with **Silvia**. Detention did not change his aggressive behaviour towards his wife and children, on the contrary he consumed more alcohol and was more aggressive.

On 1 June 2023, during the daytime, **Vasile**, being in a state of alcoholic inebriation, being in the garden of the house, where he was weeding the ground with his wife **Silvia**, following a conflict with the latter, being agitated, using the hoe with which he was sowing, acting with particular cruelty, applied with the blade of the hoe no less than 10 intense and prolonged blows over her head and neck, causing her serious bodily injuries, which led to the death of the victim.

According to the statements of the minor child **Lucia**, “in the afternoon her father asked her where her mother was and if she did not come, she answered that she did not come home. At about 18:00 he again asked her where she was, why she was not with her and why she was asking for her. At 19:00 her brother came and went to somewhere, she didn’t know where, and when he came back he was angry, crying, but he didn’t want to say anything, after that he told her that their mother had been killed, he started to cry”.

From the son’s statement “He doesn’t know the reason why he killed his mother because he was always violent towards her for no reason”.

After hitting his wife with the hoe, **Vasile** went home then up the hill to the shop where he bought 3 packets of cockroach poison which he drank, after which he began to feel ill, fell down there but was rescued by neighbours who called the police.

Accordingly, the court found **Vasile** guilty of committing the offence provided for in Article 145(1) of the Criminal Code. (2) lit. e1) of the Criminal Code and, in accordance with the law, he was sentenced to 18 (eighteen) years imprisonment.

The phenomenon of violence is often hidden for various reasons, making it difficult for the authorities to identify and intervene. The presence of children in the family can motivate mothers to seek help more actively. In the analysis of femicide cases, it was observed that there were precursor signs which, if identified, could allow specialists to intervene and prevent the crime from being committed. Thus, it is essential that authorities recognise the warning signs and intervene promptly to ensure the protection of children and adult victims of domestic violence. Prevention of domestic violence requires a proactive approach and close collaboration between different agencies and community organisations. Public education and awareness is also vital to encourage victims to seek help and to change attitudes that perpetuate the cycle of violence.

In order to detect cases in time, it is necessary to intensify the proactive identification of victims by the medical, social and legal systems.

The lethality questionnaire is only applied by the Police, but the other services do not apply a risk assessment questionnaire. Such questionnaires should be applied by other sectors, in particular the social and medical sectors, which interact with various categories of vulnerable victims, including from the perspective of developing an effective information transmission mechanism.

In addition to the risk factors, it is necessary to point out the inaccessibility of complex and long-term social services. The situation is aggravated by the stigma associated with seeking help and the economic dependence on the abuser.

It is essential that victims receive the necessary support and are effectively protected by the authorities in order to prevent violence, escalation and to ensure a safe environment for all citizens.

## 4.2. Issues identified following the Commission's analysis of cases

Domestic violence cases resulting in death or serious bodily harm of the victims were analysed through the Commission's work on the basis of 4 generic groups, namely:

- **Group I** – previously committed cases, persons previously convicted of domestic violence and other crimes;
- **Group II** – vulnerability of the victim determined by age, health status
- **Group III** – female offender
- **Group IV** – determining the victim to commit suicide
- **Subgrupul IV.1** – determinarea victimei la suicid
- **Group V** – other cases.

**Attested problems and recommendations for group I** “previously committed cases, persons previously convicted of domestic violence”. The Commission's analysis of the cases shows that in many cases there is evidence of previous cases of domestic violence in the same family, with either criminal or misdemeanour proceedings having been initiated.

Late examination and receipt of decisions on previous cases leads to certain consequences:

- the perpetrator is not sanctioned in time for the illegal actions;
- the perpetrator not being sanctioned in time for illegal actions, in the absence of status attributed (person sanctioned with a misdemeanour or a criminal conviction) cannot be drawn into probationary programmes for aggression reduction and treatment, resocialisation;
- the perpetrator is punished with non-custodial measures, which means that he is at liberty and has access to the victim. In these circumstances, the victim is not provided with protection, e.g. through available mechanisms (POs) or by placing the offender in re-education programmes;
- during the period of examination of the first cases, other cases are repeatedly committed, which are usually characterized by the intensity and aggravation of the acts of violence, which eventually result in death or serious bodily harm.

In this group of cases, the following systemic weaknesses have been identified, implicitly conditioned by the lack of related regulatory framework:

- I-lack of provisions that would oblige the court to examine cases of domestic violence as a matter of urgency, similar to cases involving minors or persons in custody (Article 20 of the Code of Criminal Procedure);
- the victim is not benefiting from available protection measures and rehabilitation services because she is not referred/refuses to be referred to specialised services, thus the MDT does not know about the case;



- in the first cases reported, the needs of the victim and perpetrator are not assessed, the causes and reasons for the violence are not identified, and the parties are not referred for specialised services to meet these needs, such as: alcohol treatment, violence reduction, employment, economic empowerment, etc.
- no mechanisms are developed that would oblige the police, the prosecutor's office, the court to ensure the protection of the victim after the application of a non-custodial sanction, as a continuous method of protection for the act of violence under consideration, in particular measures of continuous monitoring of the case and protection of the victim if they continue to live together;
- the lack of mechanisms for the continued rehabilitation of the offender, even after the sentence has been served, particularly in situations where he is to live with the victim;
- lack of mechanisms for referring the perpetrator to services for rehabilitation, treatment and reduction of aggression after the first referral of domestic violence, even if it has not been qualified as an administrative offence or criminal offence under the corresponding Article 78/1 or Article 201/1.
- when applying probation, no measures are applied to ensure the protection of the victim and the rehabilitation of the offender.

**The problems reported for group II** reflect the vulnerability of the victim due to age, health status. The analysis carried out by the Committee shows that minors and elderly people remain one of the most vulnerable groups of people. Intervention by the authorities is often passive, which delays the identification of victims and intervention to address the problems they face. The specific vulnerability of minors and older people is recognised as a major problem requiring increased attention from the authorities.

**For minors:**

- There is a critical need to improve inter-sectoral mechanisms to ensure a rapid and effective intervention, targeted to the specific risk, need and type of vulnerability of the child;
- It is essential to implement pro-active methods for early identification of victims.

**For older people::**

- There is a need for closer collaboration between different sectors to address the specific needs of older people;
- MDT interventions need to be better coordinated to provide timely and appropriate solutions to the needs of this vulnerable group.

These findings underline the importance of an integrated approach and cross-sectoral cooperation for the protection and assistance of vulnerable groups.

**Attested problems and recommendations for group III “female perpetrator”:**

This group is a particular group of cases because it represents the product of ineffective interventions and insufficient pro-active action by the authorities in previous cases of violence and is closely related to group I, as a large part of the findings are also characteristic of this group. The lack of the mechanisms described for group I also results in the occurrence of cases falling into the given group.

In most of the cases in this group, the victim in the case is actually the aggressor who has been violent towards the perpetrator on the case, i.e. wife or cohabiting partner, for an extended time.

Thus, the woman, faced with acts of violence, in a continuous state of victimisation, in her defence, commits acts of violence resulting in death or serious injury against the perpetrator.

It is necessary to review the institution of self-defence, which are the causes of its inapplicability, implicitly through the prism of the cases of domestic violence examined by the Commission, in order to establish guilt and ensure justice.

It is also necessary to carry out an analysis and identify the opportunity to revise the list of mitigating circumstances by adding a circumstance that would expressly mention that the person has been subjected to acts of domestic violence, perpetrated by the victim. The current circumstances provided for by the legislation could be invoked (Article 76(1)(g) the illegality or immorality of the victim's actions, if they provoked the crime; j) the commission of the crime in excess of the legal limits of self-defence;) but practice shows that they do not apply.

Taking into account that the analysis of the cases in this group reflects certain characteristics, namely that the person, until the act of violence resulting in death or serious injury, has been a victim of domestic violence for a prolonged period by the person subjected to violence, in order to assess his or her "guilt", it would be advisable to initiate a study/analysis to determine how this ongoing state of victimisation affects the person's conscience and ability to respond to possible acts that endanger her life and health, to establish whether this situation qualifies as a component of the state of physiological distress, or does it qualify as another form that would diminish the person's ability to act deliberately.

There is also a lack of action on the part of the state authorities to ascertain the causes, conditions and reasons for the commission of the offence, with a view to identifying the necessary measures aimed at resolving them and preventing recurrence of offences, such as: programmes to reduce aggression, compulsory treatment for excessive alcohol and drug consumption, etc.

**Attested problems and recommendations for the group IV** "victim/offender is on psychiatric, narcological evidence")

The vulnerabilities of the victim or perpetrator caused by substance abuse or the presence of certain mental illnesses create additional opportunities for risk situations to arise in the occurrence and manifestation of violence within the family.

Moreover, in 2023, out of 5 cases recorded (an increase of 3 cases compared to 2022), in 3 cases the perpetrator was found not liable, however the victim died.

Existing mechanisms do not ensure effective law enforcement intervention in the case of people with mental illness. There is no tool to ensure cooperation between the police and the medical system on the mental health segment.

Moreover, the police do not have access to information on persons on psychiatric records in order to monitor these cases, to ensure the protection of the sick person and their family members, the mentally ill persons being "protected" by the right to confidentiality of medical data on the patient.

Thus, in cases where the person is released from hospital and is in the community, the sector officer is not aware of this and therefore cannot intervene with appropriate monitoring and protection measures.



The seriousness of the actions committed by mentally ill persons creates the prerequisites to intensify cooperation activities between the police and the health system with a view to developing and implementing a working tool to enable early identification of cases and effective intervention to avoid the risks of committing serious offences, intervention in cases of worsening health conditions, in crisis situations, etc.

### **CASE STUDY 9. Presence of mental health problems not noticed by family members for referral to specialist services**

*Ioana lived with Grigore for about 7 years. Neighbours who made depositions during the examination of the case stated that Grigore was a quiet man, did not consume alcohol and had no conflicts with neighbours. He was a withdrawn man, especially after several years ago his wife went to work in Italy, after which she took the children and divorced. Grigore suffered for a long time in silence, but managed to rebuild his life with Ioana. They got along well, there were no quarrels in their family and the neighbours were surprised to hear that Grigore had killed Ioana.*

*Another neighbour stated, on the evening of June 14, 2023, around 7:00 pm he was at his residence when he heard noise from Grigore's yard, then through his own yard he jumped the neighbour's fence and saw Grigore, standing over Joana, at which time another neighbour entered the yard and pulled Grigore by the sleeve, asking him what he had done. Grigore then told the neighbour to leave his wife Ioana's side, and he stayed next to the woman, who was lying face up on the ground with blows to her head. As far as the neighbours know, Grigore was not registered with a psychiatrist.*

*In Grigore's case, the forensic expert concluded that his mental condition remains severe and he is undergoing treatment in the Psychiatric Hospital. On examining Grigore, the committee found that he suffers from dementia, which is an irreversible process, and that at the time he committed the criminal act he acted without discernment, and therefore in a state of irresponsibility. As the illness from which he suffers had developed at least six months before 14 June 2023, it is recommended that Grigore be placed under medical restraint in a psychiatric hospital, with regular supervision.*

*Consequently, the court found Grigore guilty of committing the offence provided for in Article 201(2) of the Criminal Code. (4) of the Criminal Code and, in accordance with the law, acquitted Grigore of criminal liability on the ground that the offence was committed in a state of irresponsibility and imposed the measure of medical restraint and internment in a psychiatric institution with regular supervision.*

People with mental illness are persons of increased vulnerability, as they, in certain circumstances, present a risk not only to others and family members, but also to themselves and can easily become victims of wrongdoing under the influence of third parties and family members. Multidisciplinary intervention mechanisms should therefore provide for all aspects of working with this category of people to ensure their protection and that of their family members.

Also, in order to avoid early release of people from hospital who still show signs of illness or who under certain living circumstances would have seizures, it would be necessary to revise the internal protocols for working with these people so that before release/discharge the risk that persists in the family for these people and from these people to other members is examined.

Similarly, it would be desirable to set up a continuous monitoring mechanism by doctors, including the identification of possible acts of violence in the family where the person with mental illness lives/ is registered with the psychiatrist.

It is necessary to identify and legally regulate the balance between respect for the principles of the patient's right and the rights of other persons to life and physical integrity in order to help reduce the risk of these persons committing crimes.

Addressing mental health issues in the context of domestic violence is a complex challenge. It is essential to develop integrated services that ensure not only counselling but also effective and coordinated intervention between different agencies, including law enforcement and medical institutions. The creation of a tool for cooperation between police and mental health services could significantly improve the response to the needs of domestic violence subjects, providing tailored support and access to treatment and rehabilitation. In addition, continuous professional training of the staff involved and raising community awareness of these issues are crucial steps in building an effective support system.

**Issues for sub-group IV. 1 - victim driven to commit suicide** - Analysis of domestic violence cases that resulted in victims being driven to suicide highlights several factors that contribute to the difficult situation of victims, including lack of information to relevant authorities and lack of trust in social and legal protection services.

A major problem is the absence of trusted family members to provide support and assistance to victims. There is also a lack or insufficiency of specialised services, adapted to the needs of victims, which are accessible within their geographical area.

It is essential to improve communication and cooperation between victims and competent bodies to ensure effective and early intervention in cases of domestic violence by:

- Increasing the accessibility and quality of specialised services, as well as extending their geographical coverage, which could significantly contribute to supporting victims.
- Implement awareness raising and education programmes to increase confidence in existing services and encourage reporting of violence.
- Developing a support network that includes trusted people in the community able to provide assistance and guidance to victims.

In order to detect cases in time, it is necessary to intensify the proactive identification of victims by the medical, social and legal systems. Increasing the visibility and accessibility of specialised and support services for victims of domestic violence, which are not conditional on the victim being a victim in a criminal case or an administrative offence.

### 4.3. Systemic weaknesses, implicitly conditioned by the lack of regulatory framework in the field, confirmed based on the analysis of cases:

- 1) during the period of examination of previous cases, both at the prosecution stage and at the trial stage, no protective measures were applied to the victim of domestic violence;
- 2) during the period of examination of previous cases, both at the prosecution stage and at the trial stage, the victim was not referred to rehabilitation programmes or specialized services and, implicitly, did not benefit from appropriate psychological assistance, and was therefore unaware of the danger to which she was subjected;
- 3) protracted legal proceedings in examining previous cases of domestic violence, as a result of which the perpetrator feels the lack of reaction from the state and allows himself to continue his criminal actions, which can cause the situation to degenerate; during the periods of examination of the first cases, additional crimes are committed repeatedly;
- 4) In the first documented cases the needs of the victim and perpetrator are not assessed, nor are the causes and reasons for the violence identified, and the parties are not referred to specialized services to address these needs, such as: alcohol treatment, violence reduction, employment, economic empowerment, etc.;
- 5) Ineffective multidisciplinary team (MDT) intervention, particularly in families with children and/or bedridden elderly;
- 6) Passive intervention, insufficient involvement of social workers, family doctors to identify cases of domestic violence at the initial/early stage (failure to apply early victim identification mechanisms);
- 7) lack of verification, control and intervention activities in families with children, elderly and/or bedridden people;
- 8) lack of data exchange between social services in cases of elderly people who are in a different town than their place of residence;
- 9) lack of more rigorous control in relation to persons who are on the narcologist's and/or psychiatrist's register;
- 10) the lack of a mechanism for early control and identification of depressive states and other states with psychiatric-psychological connotations;
- 11) existing mechanisms do not ensure effective intervention for people with mental health problems. A tool lacks to ensure cooperation on the mental health segment between the health system and the Police;
- 12) the lack/insufficiency of specialised services that meet the needs of the victim and have a geographical coverage that would ensure territorial accessibility for these services;
- 13) the complexity of the treatment procedure for alcohol users, as well as the lack of efficient and simplified intervention mechanisms in cases involving alcohol and drug addicts or those who are under the care of a narcologist/psychiatrist (at the moment the procedure is complicated and therefore inefficient);
- 14) the insufficiency of programmes aimed at persons convicted of domestic violence, those aimed at reducing the risk of recidivism and reintegrating the convicted person into society.
- 15) lack of provisions that would oblige the court to examine cases of domestic violence as a matter of urgency, similar to cases involving minors or persons in custody, Article 20 of the Code of Criminal Procedure;

- 16) lack of practice of ascertaining the state of physiological impairment;
- 17) lack of multidisciplinary intervention in primary cases, where indications of domestic violence exist, but the prejudicial degree of a misdemeanour or offence is not reached;
- 18) lack/insufficiency of economic empowerment programmes, which is an equally important factor in reducing the risk and vulnerability to re-offending in cases of domestic violence;
- 19) the problem of the weakness of the data collection and risk assessment system in other dimensions, as preventable cases do not always reach the law enforcement authorities.

# CONCLUSIONS

## Data analysis according to the form

- In 2023, the Commission registered **75 cases/facts under** investigation by the Commission and **76 criminal cases** were opened. In the present report, 7 criminal cases in which decisions to terminate, close or reclassify were issued were excluded from the analysis of the profile of the subjects of violence. The analysis of cases shows that the **statistical profile for 69 criminal cases shows 69 acts of domestic violence** resulting in death or serious bodily harm to the victims: **69 perpetrators, 71 victims**.
- Compared to 2022 when 86 cases were registered, **for 2023 there is a decrease in cases of domestic violence resulting in death or serious bodily harm of victims from 86 to 71 registered victims (-17%)**. This decrease may reflect improvements in reporting and intervention mechanisms. Increased public awareness and access to victim support services are possible positive factors. However, there are concerns about under-reporting and barriers to access to justice for victims.
- Out of the **69** cases analysed, **in almost half of the cases (34) domestic violence resulted in the death of the victim, of which 21 women and 13 men**, and in **37 cases the victim survived**. Of these **21 cases 30%** constitute **femicide**.
- Out of the total number of cases examined, almost half of the cases of DV fell under the provisions of Art. 2011 para. (3) lit. a) of the CC of the RM, and ¼ of the cases were qualified under the Art. 2011 para. (4) of the CC of the RM.
- The death rate is highest in cases of male violence against women, and is the only category in which death rate exceed victim survival rate.
- In 2023, more than half of all assault cases involved a male perpetrator and a female victim. Compared to 2022, there was a decrease in the number of such cases from 45 to 39.
- Of all cases of male violence against women, femicide accounted for 53% in 2022 (24 deaths out of 45 cases of male violence against women) and **54%** in 2023 (21 deaths out of 39 cases of male violence against women).
- Of the **69** criminal cases examined by the Commission, **2/3** of the offences took place in rural areas. However, it should be noted that compared to 2022, the proportion of the total number of offences committed in rural areas has decreased.
- The prevalence of domestic violence (DV) seems to be higher in the summer season, with a peak observed in June and August. Analysis of the data indicates that ¼ of the incidents of DV recorded in the 69 criminal cases, with a total of 71 victims, occurred during this period.
- In terms of femicide cases, most incidents happened in February, March, August and December.
- **Half of the acts qualified as DV took place at the common residence**. Other places are: sheepfold (sheepfold has been registered also in 2022) and at the place of work in the case of a daily worker victim (a construction site).

- An analysis of the place where the femicide was committed shows that these crimes occur most frequently at the joint residence, but sometimes they are also recorded in the victim's home or in the home of the perpetrator. In **2/3 of the cases the crime was committed at the joint home of the victim and the perpetrator, 4 cases took place at the victim's home, 3 – at the perpetrator's home**. In cases of femicide only three victims did not live together with the perpetrator, in one case they lived separately because a protection order was issued.
- **In 39 of the offences, the relationship between the victim and the offender is that of a couple (spouses or cohabitants)**. In the other offences, the relationship between the victim and the offender is that of a child-parent (4 offences against a minor child and 5 against an adult child), 9 offences took place between siblings. In 4 cases, the victim is the offender's parent. Other cases: 3 – ex-husbands, 1 – former cohabitants, 1 – victim is the offender's grandmother, 4 – other family members (brother-in-law, daughter-in-law, mother-in-law, uncle, stepfather).
- In cases of **femicide**, similarly, in more than half of the cases, the relationship between the victim and the perpetrator is a couple relationship – 13 cases, and another 8 cases are in other relationships.
- For the 39 cases in which the victim and the perpetrator are husband/wife, cohabitants, the duration of the relationship is on average 12 years, minimum 2 months and maximum 45 years. **The duration of the relationship between victim and perpetrator in femicide cases is on average 12 years, minimum 1 year and maximum 40 years.**
- **13 couples or ex-couples (ex-spouses or cohabiting partners) have joint minor children:** 4 couples with 1 child, 6 couples with 2 children and 3 couples with 3 children. The age of the children is between 1 and 17 years, with an average of 12 years. In cases of femicide 2 couples have 1 child each, and 1 couple has 2 minor children.
- **In 6 cases, the offence of DV resulting in death or grievous bodily harm occurred in the presence of minor children, and in 4 cases out of 6 the child himself was the victim.**
- 6 victims were stalked before the crime occurred, persecuted by the offender. In **femicide** cases 2 victims were previously stalked.
- The knife (32 cases) or a hard object (22 cases) was most often used as the object to commit the crime. In femicide cases, 2/3 of the cases were killed by punching or kicking.
- The average age of the victims is over 45. The majority of perpetrators are male and victims female, with an average age of 50 years. However, there are also cases where the perpetrator is female and the victim male, with an average age of 43 years and cases of same-sex violence, with an average age of 42 years. Of particular concern is the fact that **four of the victims are children**, highlighting their vulnerability to domestic violence.
- Of the 67 victims aged over 18, 57 have middle school or medium vocational and education. This trend is also observed in cases of femicide.
- **Only 6 victims out of 67 (9%) are employed. 18 victims (27%) work as day labourers**, and in the case of **femicide** victims, **no victim was employed**. Almost all retired victims are victims of femicide 5 out of 6 victims, indicating increased vulnerability in this group.
- A fourth, **17, (1/4)** of the (adult) victims have dependants, and in femicide cases the proportion of victims with dependent children is lower. The same pattern was also noticed in 2022, denoting that women without minor children are at higher risk of being killed by their partner.

- Of the **67 adult victims 5 have a criminal record, 2 were previously subject to probation.**
- Of the **67 adult victims** almost half suffer from **alcohol dependence**. The same pattern holds true for femicide cases, but only 2 victims were on the narcologist's list.
- **The age of the perpetrators falls within the same range**, with the youngest perpetrator born in 1995 and the oldest in 1943. The average age of offenders is +45 years. In femicide cases the youngest male perpetrator was born in 1995 and the oldest in 1943. The average age is year of birth 1973.
- In terms of ethnicity, the analysis shows that 68 perpetrators are citizens of the Republic of Moldova and 1 is a citizen of Turkey.
- The majority of offenders have a secondary school education, but there are also offenders with no education or only primary education. Differently from the victims, 3 perpetrators have higher education. In cases of **femicide**, the same proportion of perpetrators' education - secondary school - is recorded. One perpetrator is deaf-mute.
- A significant unemployment rate among family abusers, with about 30% of them without stable employment. Day labour is a common form of employment for domestic abusers, with almost 40% of them engaged in such work.
- Compared to victims, the proportion of perpetrators employed in the labour force is double (13 perpetrators, 6 victims).
- In the case of the **femicide** victims, none of the victims are employed, while 4 perpetrators are employed and 8 do day labour.
- 1/3 of perpetrators are responsible for child support. In the femicide cases examined, 25% of perpetrators had dependants.
- **40%** of family abusers have a **criminal history**, which points to a possible correlation between criminal history and violent behaviour in the family. Of the femicide cases analysed, **11 perpetrators had a criminal record.**
- **3** assailants were in possession of **firearms, illegally**. In the femicide cases none of the assailants had a firearm.
- **Alcohol addiction is the addiction suffered by more than half of all offenders.** The same pattern applies to femicide cases.
- 5 offenders had a psychiatric disease background.
- Of the **69 criminal cases** examined by the Commission, **40%** of the cases by the end of 2023 had resulted in a conviction, a decrease of 20% compared to 2022.
- Of the 69 cases initially examined, **21%** underwent changes in legal classification during the investigation or trial process, which underlines the complex and evolving nature of criminal cases.
- Of the 24 victims of femicide, only in one case at the time of the crime was the victim protected by a protection order.

## Analysis of sentences

- As a reason for committing the crime, as in 2022, the most common are verbal conflicts and jealousy.
- **In none of the femicide cases examined did the prosecution and the courts identify a gender motive. This shows a gap in knowledge of the specifics of femicide cases.**
- **17 of the 28 criminal cases** were tried in simplified procedure with the application of the provisions of Art. 80/1 of the Criminal Code, Art. 364<sup>1</sup> para. (8) of the Code of Criminal Procedure of the Republic of Moldova, and in 2 cases the procedure was applied in order with the application of medical measures of constraint.
- In **22 cases** the offenders were sentenced to prison terms ranging from **6 to 20 years**, **in 4 cases the offender's prison sentence was conditionally suspended with probation set at 3 to 5 years**, and in 2 cases medical restraint measures were applied to the defendant. **Conditional suspension was applied in 4 of the 4 cases analysed where the offence was qualified under Art. 201<sup>1</sup> para. (3) (a) of the Criminal Code.**
- In none of the cases in which the offender was given a suspended sentence was there an obligation to attend a special treatment or counselling programme to reduce violent behaviour and/or to undergo treatment for alcohol or drug abuse.



# RECOMMENDATIONS

## I. The Attorney General's Office

1. Further systematisation of judicial caselaw in order to standardise the classification of offences, clarifying for prosecutors and prosecution authorities the distinction between actions relating to Art. 201<sup>1</sup>(4) and those relating to Art. 145(2)(e<sup>1</sup>) of the Criminal Code;
2. Conduct a study on cases of self-defence and crimes committed in a state of distress by victims of domestic violence, looking at a five-year period to determine whether the limited application of these concepts is due to gaps in legislation or to poor implementation in practice (repeated proposal from the 2022 Review Report);
3. Monitor the procedure for regular checking by prosecutors of the Register of Other Information on Offences and Incidents (R-2) in each Police Inspectorate to ensure that this check ensures prompt, complete and objective examination of the material recorded in the R-2 relating to domestic violence.

## II. Ministry of Internal Affairs

1. Develop and approve cooperation protocols between the General Inspectorate of Police and mental health services and NGOs in order to ensure a coordinated response in cases of violence where one of the subjects has mental health problems;
2. Develop and implement a rapid referral system between the Police and mental health institutions for urgent cases where a subject has a mental health problem;
3. Develop and implement training programmes for employees of the Single National Service for Emergency Phone calls 112 to ensure the identification of cases of domestic violence also in cases where the victim does not accurately report the circumstances of the case, and to ensure prompt intervention;
4. Continuation of activities on training of police officers (prosecuting authority representatives, investigating authority representatives) focusing on the issues identified and findings in the Commission's analysis and monitoring process.

## III. Ministry of Labour and Social Protection

1. Continue training activities for ATAS and STAS employees to ensure the implementation of Joint Order No. 48/298/610/162/5 of 22 June 2022 on intersectoral cooperation in cases of domestic violence;
2. Analysis of how to implement the tools for assessing the risk of committing acts of violence in the process of appointing the personal assistant; Amendment and completion of Government Decision No. 314/2012 for the approval of the Framework Regulation on the organization and functioning of the Social Service "Personal Assistance" and the Minimum Quality Standards, as well as the regulatory framework governing all family care services for both adults and children, by introducing the risk assessment procedure;

3. Establish mechanisms for verification/control and intervention in families with children, elderly and/or bedridden persons and persons with multiple vulnerabilities (cases where the victim is not inclined to refer the case to law enforcement/not aware that he/she can refer the case to law enforcement).

#### IV. Ministry of Health

1. Establish a mechanism/procedure to monitor compliance with the implementation of the internal domestic violence referral framework;
2. Conduct a feasibility study on the mechanism for the implementation of compulsory treatment for alcohol and/or drug addiction in cases of domestic violence (reiterated from the 2022 Review Report);
3. Carry out analysis and submit proposals to improve access to health care for victims of violence, taking into account the severity of injuries, psychological trauma and the long-term impact of violence (reiterated from 2022 Review Report);
4. Improving the knowledge and skills of healthcare system staff for them to be capable of providing a rapid response to high-risk situations and ongoing training for healthcare professionals interacting with victims of domestic violence;
5. Develop mechanisms in the identification, assistance and referral of victims of violence with multiple vulnerabilities (mental and intellectual disabilities, children, elderly people, etc.); operational procedures should include provisions for working with the Police and social workers in this area.

#### V. Ministry of Justice

1. Amendment of the regulatory framework:
  - 1) Article 90(6) of the Criminal Code to extend the range of obligations imposed on probationers, including the prohibition of the use of alcohol, drugs or other prohibited substances and the imposition of control measures such as detoxification or treatment, and to transform the control measures from optional to mandatory, thus ensuring their effective application for the reintegration of probationers into society;
  - 2) Article 20 of the Code of Criminal Procedure in order to ensure the expedient procedure of the examination of cases in court;
  - 3) Exclusion of the application of the simplified procedure provided for by art. 3641 of the Code of Criminal Procedure for cases of family violence, with the aim of avoiding the imposition of milder punishments for perpetrators;
2. Review the regulatory framework to reduce the time limit for examining appeals for applications for protection orders when they are rejected, in order to increase their efficiency;
3. Analysis of the opportunity to amend the Criminal Procedure Code and Law no. 8/2008 regarding probation to include the obligation to request the presentence report in cases of family violence through the lens of the functional and organizational capacity of the National Probation Inspectorate.

## V.1. National Probation Inspectorate

1. Develop and implement recovery programs targeting alcohol, drug and other narcotic and psychotropic substance use/addiction for persons on probation and/or released from detention at the end of their term;
2. Develop and implement programmes to provide professional training/qualification for perpetrators (e.g. training courses, retraining, etc.) by initiating and developing a joint programme that would make it easier to find a job in demand on the market and provide employment support (legal assistance, etc.);
3. Revise the staffing grid to ensure the employment of a psychologist in the Electronic Monitoring Directorate who will be able to manage crisis situations caused by the perpetrators.

## V.2. National Administration of Penitentiaries

1. Gradually update the content of the psycho-social intervention programme for prisoners who have committed the crime of domestic violence, with the aim of preventing other acts of violence and reducing criminal behaviour;
2. Ongoing training of the staff of the National Penitentiary Administration system in the area of assistance to family offenders.

## VI. National Institute of Justice

1. Continue activities on training of judges and prosecutors with a focus on the importance of identifying gender-based motives in investigations of violence against women and applying dissuasive, proportionate and effective sanctions against perpetrators;
2. Establish an initial and ongoing training course dedicated to the investigation and prosecution of femicide cases to ensure a fair and informed approach to these serious crimes (the course should include specialised modules covering legal, psychological and sociological aspects of femicide, thus providing a comprehensive understanding of the phenomenon).

## VII. National Council for State Guaranteed Legal Aid

1. Review/adjust the list of lawyers specialised in assisting victims of DV to ensure that lawyers who have been trained and have special skills in interacting with victims are appointed to defend victims of DV;
2. Provide training for lawyers, including on the subject of lethality risk, for them to be able to provide quality assistance to victims;
3. Examining the possibility of revising the fees for lawyers specializing in the assistance of victims of DV (similar to child cases) included in the profile lists, in order to encourage the registration of lawyers dedicated to the field in these lists.

## VIII. National Agency for Preventing and Combating Violence against Women and Domestic Violence

1. Develop and pilot an effective model for the prevention of violence against women and domestic violence based on risk identification and analysis, including lethality risk;

2. Development of the curriculum for continuous professional training for MDT and other professionals from relevant sectors with roles in preventing and combating violence against women and domestic violence; the curriculum will also include topics aimed at assessing lethality risk and femicide prevention.
3. Organize trainings, based on the curriculum, for MDT and other specialists from the relevant sectors with roles in preventing and combating violence against women and domestic violence;.
4. Development and implementation of a mentoring programme for MDT and other professionals from relevant sectors with functions in preventing and combating violence against women and domestic violence;.
5. Analysis of the system of national indicators in the field of preventing and combating violence against women and domestic violence from the perspective of compatibility with international indicators in order to create an information system that will ensure the interoperability of data on violence;
6. Organise national campaigns and activities to inform about and prevent all forms of violence;
7. Creation of a Centre for Initial and Continuous Training on preventing and combating violence against women and domestic violence in order to monitor and provide structured training that provides continuity.

## **IX. Commission for monitoring and analysis of cases of domestic violence resulting in death or serious injury to the victim's physical integrity**

1. Analysis of the advisability of amending Interdepartmental Order No. 89/22/172/56/20/121 (MIA, MLSP, MH, MJ, PP, MER) of 28 February 2022 "On the establishment of the interministerial mechanism for monitoring and analysis of cases of domestic violence resulting in death or serious injury to the physical integrity of victims" in order to:
  1. extend the mandate of the Commission to include cases resulting in death of female victims where the perpetrator and victim are not family members within the meaning of Article 133<sup>1</sup> of the Criminal Code or had a relationship similar to the relationship between partners;
  2. draw up an annual action plan on the basis of the recommendations of the Annual Report on the analysis of cases examined by the Commission, with deadlines for implementing the recommendations and result indicators;
  3. develop a mechanism for evaluating and monitoring progress based on the Annual Action Plan.

## **X. Inter-institutional recommendations**

1. Develop community education, awareness and sensitisation programmes to promote gender equality and prevent domestic violence;
2. Implement effective systems for monitoring and evaluating the effectiveness of interventions by members of multidisciplinary teams to ensure continuous adaptation and improvement of the quality of services according to actual needs and outcomes;
3. Establish a mechanism for assessing the risk of lethality at the time of case identification within the health, education and social work systems;
4. Establish an ongoing risk/needs assessment mechanism for the victim of domestic violence, applicable to all actors interacting with the victim;

5. Establish a multidisciplinary intervention mechanism in primary cases where there are indications of domestic violence but the prejudicial degree of a misdemeanour or offence is not reached;
6. Carry out a study/research of cases where the offender has been released from criminal responsibility due to an established state of lack of legal responsibility and in cases where medical restraint has been applied; the study/research will aim to identify the history of violence, risks during the prosecution and after the termination of the medical measure, including possible cases of recidivism;
7. Carry out a study/research on the establishing of the state of physiological distress: how it can manifest itself over a long period of time of domestic violence, what reactions and behaviours it causes for the person, how these reactions can influence guilt;
8. Develop mechanisms to ensure the continued protection/assistance/rehabilitation of the victim, in particular when applying non-custodial measures or a sentence that does not require the offender to serve the sentence in prison, and particularly if the persons continue to live together;
9. Develop the mechanism of referral of the aggressor to rehabilitation, treatment and mitigation services after the first referral of domestic violence, even if it has not been qualified as a contravention or a criminal offence under Art. 781 and Art. 2011 accordingly;
10. Develop economic empowerment programmes;
11. Develop and implement mechanisms for early identification of victims by all relevant authorities;
12. Increasing the visibility and accessibility of specialised and support services for victims of domestic violence, which do not depend on obtaining a victim status in a criminal or misdemeanour case;
13. Establish a mechanism to assess the needs of the victim and perpetrator in the first documented cases for them to be referred to specialised services to address these needs, such as: alcohol treatment, violence reduction, employment, economic empowerment, etc.

## **XI. Recommendations to strengthen the state's systemic response to femicide cases**

1. Analysis of the appropriateness of introducing the concept of “femicide” in the legislation of the Republic of Moldova according to the Vienna Declaration of April 2013;
2. Organise and conduct mandatory trainings for the actors of the justice system on responding to high-risk cases of lethality/femicide and raise awareness on victim rights intervention;
3. Improve the regulatory framework that will ensure access to services and special financial compensation from the state for family members of victims of femicide;
4. Develop programmes to ensure that the successors of victims of femicide benefit from full compensation from the state for the material and moral damage caused by the crime;
5. Ensuring that the successors of femicide victims have access (for as long as necessary) to specialised support to overcome psychological trauma.





