

# STUDY

## Evaluating the response of the criminal justice system to cases of domestic violence in Cahul, Falesti, Stefan Voda districts and Chisinau municipality



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# **STUDY**

## **Evaluating the response of the criminal justice system to cases of domestic violence in Cahul, Falesti, Stefan Voda districts and Chisinau municipality**

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*“Evaluarea răspunsului sistemului de justiție penală la cazurile de violență în familie în raioanele Cahul, Fălești, Ștefan Vodă și municipiul Chișinău”*

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# ABBREVIATIONS

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**SGLA** – State guaranteed legal aid

**NSB** – National Statistics Bureau

**WLC** – Women’s Law Centre

**CFM** - Centre of Forensic Medicine

**CCP** - Code of Criminal Procedure

**SCM** - Superior Council of Magistracy

**NCSGLA** - National Council for State Guaranteed Legal Aid

**DGCI** - Directorate General of Criminal Investigations

**MDT** - Multidisciplinary team

**ERT** – Emergency Reaction Team

**GREVIO** - Expert Group on measures to combat violence against women and domestic violence

**GIP** - General Inspectorate of Police

**INI** - National Investigation Inspectorate

**NPI** - National Probation Inspectorate

**PI** - Police Inspectorate

**NGO** – Non-governmental organisation

**PO** - Protection Order

**ERO** - Emergency Restriction Order

**TO of NCSGLA** - Territorial Office of the National Council for State Guaranteed Legal Assistance

**OPP** - Office of Public Prosecutions

**POCOCS** - Prosecutor’s Office for Combating Organized Crime and Special Cases

**ICT** - Information and Communication Technology

## BACKGROUND

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Within the efforts to strengthen the skills and capacities of justice professionals to handle cases of domestic violence, the Women's Law Center, coordinated by Angelina Zaporozjan-Pirgari, Executive Director and Eleonora Grosu, Programme Director,

with the support of the Council of Europe project „Supporting the implementation of the Istanbul Convention in the Republic of Moldova” conducted an overall assessment of the coordinated intervention in cases of domestic violence in four selected districts (Cahul, Stefan Voda, Falesti and Chisinau). The 4 jurisdictions have been selected in agreement with the MIA based on several criteria, as follows:

- The presence of an increased number of cases, including districts that have difficulties in handling cases of violence according to the MIA report, etc.;
- The presence of an increased number of cases of lethality/femicide, according to the Lethality Commission Report 2022;
- The possibility to compare the response of authorities to cases of gender-based violence in the municipality and the district;
- Geographical distribution (North, South, Center).

The assessment was conducted through in-depth face-to-face, telephone or online interviews, based on the proposed methodology for evaluating the criminal justice response to cases of violence, and the results of the evaluation will form the basis for a capacity-building course for joint groups of professionals.

The results of the evaluation and recommendations for improving current practices will form the basis for the development of an innovative training course. The course will be based on the coordinated intervention model of the criminal justice system. The training format will bring together professionals, representatives of the justice system: judges, prosecutors, police officers, criminal lawyers and state-guaranteed legal aid lawyers and probation officers.

# INTRODUCTION

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Violence against women is a serious violation of human rights and a consequence of gender inequality in the Republic of Moldova. Representative estimates found by the National Bureau of Statistics (NBS) in the study “Violence against women in the family in the Republic of Moldova”<sup>1</sup>, 2011, show that more than 63% of women and girls aged 15-65 have experienced at least one form of violence in their lifetime. The national study on femicide cases, prepared in 2019 by the Women’s Law Centre (WLC), finds that around 40 women in the Republic of Moldova lose their lives each year as a result of domestic violence.<sup>2</sup> Whether of a physical, sexual, psychological or economic nature, increasingly facilitated by information technology and electronic communications, acts of violence seriously violate fundamental rights, including the right to life, safety, personal liberty and dignity.

Studies<sup>3</sup> find that women are most often affected by violence, largely due to unequal power relations between women and men, which perpetuate discrimination against women and girls, both in society and in the family. In the majority of cases violence against women is perpetrated by men in their entourage, including by ex-husbands or partners.

State authorities are responsible for promoting the values of non-violence, having the task, in accordance with international treaties and the relevant national legal framework, to take the necessary measures to prevent domestic violence, and when violence occurs, to provide effective measures to assist and protect victims, to ensure that perpetrators are held accountable. According to the Constitution of the Republic of Moldova<sup>4</sup> respect for and protection of a person is a primary duty of the state (art. 16 al. (1)), and the state guarantees the right of each person to life and to physical and psychological integrity (art. 24 al. (1)).

Recognizing that domestic violence disproportionately affects women, the Council of Europe adopted on 11 May 2011 the Convention on preventing and combating violence against women and domestic violence, also called Istanbul Convention. The Republic of Moldova ratified the Istanbul Convention by Law No.144/2021,<sup>5</sup> committing itself to realize the necessary measures to prevent and combat violence against women and domestic violence. As of May 1, 2022 the Republic of Moldova is Party to this Convention.

On October 26, 2023 GREVIO approved the Baseline Evaluation Report for the Republic of Moldova on the legislative and other measures taken at national level to implement the provisions of the Istanbul Convention (published on 14 November 2023)<sup>6</sup>.

In its report, the Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence welcomed the efforts made by the Moldovan authorities to improve the legal, institutional and policy framework for the effective implementation of the Istanbul Convention. GREVIO also emphasized the need for a strong criminal justice response to all forms of violence against women, including domestic violence, and encouraged the authorities to significantly strengthen the initial and continuous training of front-line professionals providing support and protection to victims, as well as professionals, whose role is to ensure, in a fair and just process, the application or obtaining of effective, proportionate and dissuasive sanctions to deter acts of violence.

Law No. 45/2007 on preventing and combating domestic violence<sup>7</sup> stipulates that the authorities responsible for preventing and combating domestic violence are obliged to react promptly to any report of violence and to inform victims about their rights and the assistance available to them; where and how they can lodge a complaint; the procedure to follow after lodging a complaint and their role in such

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1. [https://statistica.gov.md/public/files/SeminareConferinta/Violenta\\_fam\\_dec\\_2011/Raport\\_violenta\\_fam.pdf](https://statistica.gov.md/public/files/SeminareConferinta/Violenta_fam_dec_2011/Raport_violenta_fam.pdf)
2. National programme on preventing and combating violence against women and domestic violence, approved by Government decision 332, of 31.05.2023, [https://www.legis.md/cautare/getResults?doc\\_id=138005&lang=ro](https://www.legis.md/cautare/getResults?doc_id=138005&lang=ro)
3. Report „Monitoring of court trials on cases of domestic violence, sexual violence and trafficking in human beings”, [file:///C:/Users/User/Downloads/CDF\\_Monitorizare\\_web\\_RO.pdf](file:///C:/Users/User/Downloads/CDF_Monitorizare_web_RO.pdf)
4. [https://www.legis.md/cautare/getResults?doc\\_id=136130&lang=ro](https://www.legis.md/cautare/getResults?doc_id=136130&lang=ro)
5. [www.legis.md/cautare/getResults?doc\\_id=128240&lang=ro](https://www.legis.md/cautare/getResults?doc_id=128240&lang=ro)
6. [www.coe.int/conventionviolence](https://www.coe.int/conventionviolence)
7. [https://www.legis.md/cautare/getResults?doc\\_id=141510&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141510&lang=ro)

procedures; how they can obtain protection; to what extent and under what conditions they have access to counseling or legal assistance, etc. The authorities are prohibited from taking any action that would discourage the victim from reporting the violence against her.

The role of the justice system in cases of domestic violence is crucial to ensure a qualitative, holistic, comprehensive and multisectoral response to address domestic violence and to effectively protect victims of violence. Thus, ensuring effective protection for victims of violence requires the involvement of several responsible institutions and organizations, which should convey clear and consistent messages of zero tolerance towards gender-based violence. By ensuring the functioning of an effective support system, placing the rights and needs of victims at the centre of all measures undertaken through the effective cooperation of all agencies, relevant institutions and organizations<sup>8</sup>, the state sends the message that domestic violence is a serious crime that is treated as such, ensuring effective prevention of the phenomenon, protection of victims of domestic violence and holding perpetrators accountable.

The present study, conducted within the framework of the Council of Europe project “Supporting the implementation of the Istanbul Convention in the Republic of Moldova”, aims to elucidate the functioning of the criminal justice system and positive practices to combat domestic violence in the Republic of Moldova in the districts of Cahul, Făleşti, Ștefan Vodă and the Chișinău municipality.

Through this study, the authors set out to identify the extent to which the representatives of the criminal justice system comply with the principles of a justice system focused on the rule of law and respect for the rights of victims of domestic violence and international standards in the field, starting from an understanding of the particularities of the phenomenon of domestic violence, which is characterized by the systematic nature of acts of domestic violence, but also by a high level of vulnerability of victims.

The collection of quantitative data from criminal justice system professionals in the four regions and in-depth individual interviews with the specialists were conducted from February to May 2024, respectively, the data used in the evaluation are valid for the period February to May 2024.

The results of the evaluation could contribute to the improvement of training programmes for justice system professionals participating in the evaluation, and could also be useful for justice system representatives from other parts of the country.

## Evaluation aims and objectives

This study aims to analyze the intervention practices in cases of domestic violence by the justice sector in Chișinău municipality and the districts of Cahul, Făleşti and Ștefan Vodă, assessing the quality of the response. The evaluation of the professionals’ response is an important tool for analyzing the impact of state policies, identifying existing problems, and understanding their causes, and solutions to improve the situation.

The following **objectives** are set to achieve the purpose of the evaluation:

- Holistic mapping of the criminal justice system response to domestic violence cases;
- Identification of positive practices and gaps in the work of professionals in the criminal justice system in the Chișinău municipality and the districts of Cahul, Făleşti and Ștefan Vodă, on cases of domestic violence;
- Identification of institutional training needs of criminal justice professionals to ensure an effective and coordinated response to domestic violence cases;
- Formulation of conclusions and recommendations for models of operational practices/procedures to ensure the efficient involvement of justice professionals in domestic violence cases.

The results of the evaluation of the response of justice system professionals to cases of domestic violence will serve as a source in the process of adjusting the normative framework, training methods and the

8. Council of Europe Convention on preventing and combating violence against women and domestic violence, art. 7 Comprehensive and coordinated policies, <https://rm.coe.int/168046253e>



content of continuous training courses for justice sector professionals, in order to strengthen their knowledge and capacity to respond in an effective, coordinated and prompt way to cases of domestic violence.

## Evaluation methodology

The methodological approach for the present study involves the application of quantitative and qualitative methods of collecting and researching information obtained from professionals in the justice system: investigating officers, criminal investigation officers, forensic scientists, lawyers providing state-guaranteed legal aid, prosecutors, judges, probation counselors. This methodology was successfully developed and applied for the first time by the Women's Law Centre in the Report "Evaluation of the criminal justice system's response to cases of domestic violence in the districts of Soroca, Criuleni, Cimișlia and Comrat in 2021"<sup>9</sup>. The results of the report were used to develop a joint training course to strengthen the capacities of justice sector actors in providing a coordinated response to cases of domestic violence and to develop the algorithm of the criminal justice system response to cases of domestic violence, and a guidelines for best practices on the intervention of criminal justice system professionals in cases of domestic violence.<sup>10</sup>

The evaluation process included:

- Documentation and elaboration of data collection instruments (interview guides);
- Collection of quantitative and qualitative data, other relevant information, from justice system professionals working in the Chișinău municipality and the districts of Cahul, Fălești and Ștefan Vodă;
- Processing and analyzing data obtained from justice professionals;
- Elaboration of the study report.

Interview guides have been developed, in line with the objectives, for each type of profession in the justice system. The questionnaires provide space for the elucidation of examples of good practice in the selected localities and for narrative descriptions.

This was followed by individual interviews, in four localities selected for the study, in order to accumulate relevant information and attitudes of professionals, to identify positive practices and shortcomings in providing a coordinated response by justice system professionals in cases of domestic violence.

During the period from February-May 2024, 48 interviews were conducted with professionals in the chain of the justice delivery process in the respective districts, including: 2 public order police officers, 2 prosecution officers, 2 lawyers (who provide state-guaranteed legal aid), 2 prosecutors, 2 judges and 2 probation counselors. Interviews were supplemented by focus group discussions with professionals involved in providing the cross-sectoral response.

In analyzing and evaluating the interview data, the focus was primarily on the information in the answers and examples provided by the respondents. Where necessary this information was verified and supplemented from public sources of information (administrative and statistical data etc.).

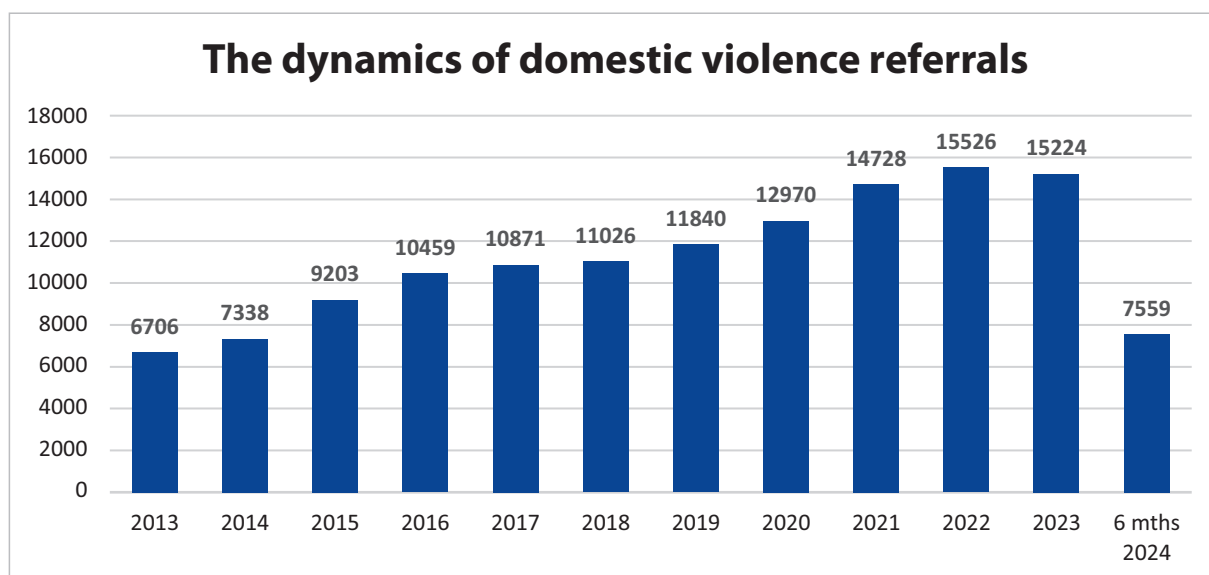
9. Evaluation of the criminal justice system's response to domestic violence cases in the Soroca, Criuleni, Cimișlia and Comrat districts in 2021. [https://cdf.md/wp-content/uploads/2021/11/evaluare-raspuns-coordonat\\_ro.pdf](https://cdf.md/wp-content/uploads/2021/11/evaluare-raspuns-coordonat_ro.pdf)

10. Best practices guidelines on intervention by criminal justice professionals in cases of domestic violence [https://cdf.md/wp-content/uploads/2023/04/narativ\\_romana-1.pdf](https://cdf.md/wp-content/uploads/2023/04/narativ_romana-1.pdf)

# 1. REPORTING DOMESTIC VIOLENCE, INCLUDING THE ACTS COMMITTED BY THE USE OF DIGITAL DEVICES. REGISTRATION OF COMPLAINTS.

Domestic violence, as a global phenomenon, is regrettably also widespread in the Republic of Moldova, constituting a scourge that perpetuates over time. Law No. 45/2007 on preventing and combating domestic violence was adopted to eradicate it<sup>11</sup>.

**The number of domestic violence cases reported and recorded by authorities nationwide is slightly decreasing.** According to the police statistical report<sup>12</sup>, 15,224 domestic violence referrals/appeals were registered in 2023<sup>13</sup>, which is a decrease of about 1.9% compared to 2022 when 15,526 referrals were registered<sup>14</sup>. Similarly, there is also a slight decrease (-1,09%) in the number of referrals/appeals related to domestic violence in the first semester of 2024, when 7559 cases were registered by the police (in the first 6 months of 2023 - 7643 referrals related to misbehaviour and bad relationships within the family were registered).<sup>15</sup>



**Figure 1. Dynamics of domestic violence referrals, 2013 - 2023**

This trend is also confirmed in the Chişinău municipality and the Ştefan Vodă district. However, in the Cahul and Făleşti districts **there is an increase in the number of reports of domestic violence**. The interview participants reported that in the last 3 years the number of domestic violence cases reported and registered in the Chişinău municipality and the Ştefan Vodă district is relatively constant, while in the Cahul and Făleşti districts it is increasing.

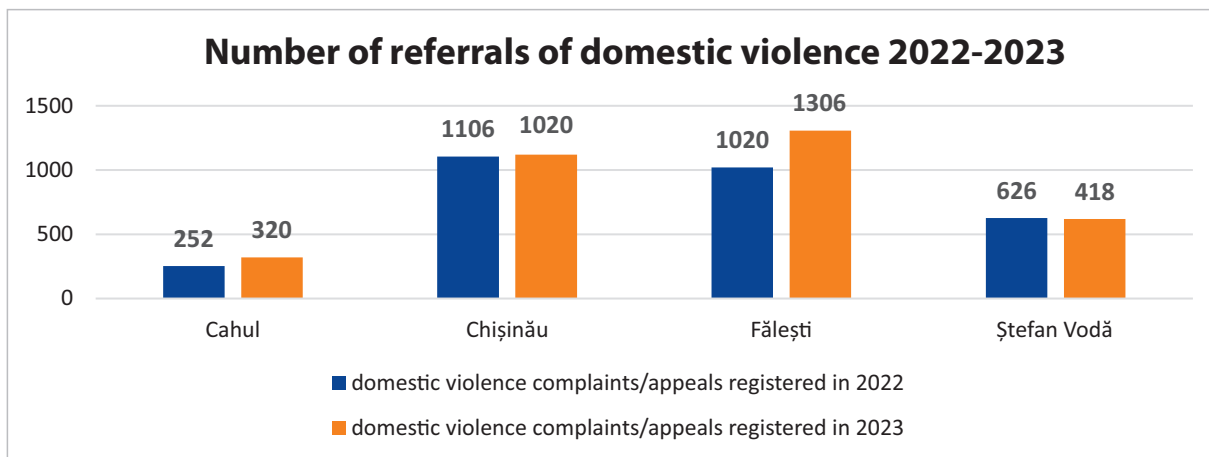
11. [https://www.legis.md/cautare/getResults?doc\\_id=141510&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141510&lang=ro).

12. [https://igp.gov.md/sites/default/files/nota\\_informativa\\_privind\\_fenomenul\\_violentei\\_in\\_familie\\_12\\_luni\\_2023.pdf](https://igp.gov.md/sites/default/files/nota_informativa_privind_fenomenul_violentei_in_familie_12_luni_2023.pdf)

13. [https://igp.gov.md/sites/default/files/nota\\_informativa\\_privind\\_fenomenul\\_violentei\\_in\\_familie\\_12\\_luni\\_2023.pdf](https://igp.gov.md/sites/default/files/nota_informativa_privind_fenomenul_violentei_in_familie_12_luni_2023.pdf)

14. [https://politia.md/sites/default/files/nota\\_informativa\\_privind\\_violenta\\_in\\_familie\\_12\\_luni\\_2022\\_0.pdf](https://politia.md/sites/default/files/nota_informativa_privind_violenta_in_familie_12_luni_2022_0.pdf)

15. [https://politia.md/sites/default/files/date\\_statistice\\_violenta\\_in\\_familie\\_sem.i\\_2024.pdf](https://politia.md/sites/default/files/date_statistice_violenta_in_familie_sem.i_2024.pdf)



**Figure 2. The number of reports of domestic violence registered in 2022-2023 in the districts of Cahul, Făleşti, Ştefan-Vodă and the Chişinău municipality**

**Most reported cases of domestic violence are registered through the National Single Emergency Service for urgent calls, 112.** During the discussions with the interviewed professionals it was found that, most often, calls about domestic violence come directly from the victims by a phone call to 112. The appeals are taken up by the police for examination and are, at the same time, registered in the Register of other information on crimes (Register no. 2), by the duty officer of the on-call unit. **There is an increasing number of young women who report acts of domestic violence from the very first incident**, without first covering up the violence for years. Cases of domestic violence reported via the single 112 service after 6 p.m. or on public holidays, after registration in Register No. 2, are documented by the Operational Response Team (ORT) of the local Police Inspectorate, which is dispatched to the scene. Analogously there is registration and examination of cases of domestic violence at the police, following notification from the emergency medical service or reporting of cases by forensic doctors<sup>16</sup> and referrals from close relatives or other persons, including via the telephone hotline. More rarely domestic violence is reported by the community social worker.

If the victim or other persons approach the police sector, the sector officer registers the complaint in the Police Inspectorate's Register No. 2 and takes the case for examination. The interview participants reported that the station chief often registers the materials of the offense in the Crime Register (Register No. 1) and initiates the examination of the case under Article 273 of the CCP, including on the basis of the reports of the psychological evaluation of the person who has been provided psychological assistance. In particular, the sector officers have communicated that when the victim of domestic violence has suffered light, medium or serious bodily harm, or is systematically subjected to violence, the finding is drawn up under art. 273 of the CCP, and the actions of the aggressors are examined in compliance with art. 274 of the CCP. If there is a forensic expert's report that establishes minor bodily injury, the case is examined pursuant to art.78<sup>1</sup> of the Contravention Code, in other cases, after the accumulation of materials on the degree of bodily injuries, positive result of psychological evaluation, etc., the case is transferred to the Crime Register (Register No.1). The interviewed prosecutors reported that they have never or rarely, practically once or twice a year, ordered the transfer of domestic violence cases reported to the police from Register No. 2 to Register No. 1. At the same time, the prosecutors did not mention about the periodicity of carrying out checks on the registers managed by the police.

The professionals interviewed claim that **physical violence is most frequently reported**, although in the last 3 years, especially after the pandemic period, reports of psychological violence are on the rise. Psychological violence often accompanies physical violence. There have been several cases of psychological

16. Note: in letter No. 202401E05234 of May 03, 2024, the Centre of Forensic Medicine informed that in 2023 it prepared for the 4 regions covered by the study a total of 1108 forensic reports on adult victims of domestic violence, including in Cahul 137 reports - 103 for women and 34 for men; in Chişinău 813 reports - 669 for women and 144 for men; in Făleşti 27 reports - 18 for women and 9 for men; in Ştefan Vodă 131 reports - 106 for women and 25 for men. A total of 98 forensic reports were prepared for minor victims, including in Cahul 10 reports - 7 for girls and 3 for boys; in Chişinău 73 reports - 39 for girls and 43 for boys; in Făleşti 6 reports - 3 for girls and 3 for boys; in Ştefan Vodă 9 reports - 4 for girls and 5 for boys.

violence with the use of information technology, by sending threatening messages, intimidation, etc. The interview participants state that **national legislation is limited in the possibilities to penalize actions of psychological violence with the use of digital devices**. Thus, if threats to publish compromising information on social networks or send it to relatives are accompanied by a demand for rewards, as was mentioned in a case in Fălești these acts are qualified as the crime of extortion.

In a different vein, those from Fălești mentioned that previously there was a tendency to document cases of psychological violence as a family conflict, but now there is an awareness of the importance of combating psychological violence, while economic violence is perceived as a variety of the objective element (*actus reus*) of the offence of psychological violence. The interviewees from Ștefan Vodă also mentioned that, according to the practice of the last two years, communications about psychological violence are registered in Register No. 1 and examined as criminal cases. Chișinău and Cahul also commented on the examination of reports of psychological violence. Thus, in Chișinău, in practically all cases, victims report physical and psychological violence at the same time.

With reference to cases of domestic violence with the use of electronic information or communication technology (ICT), some difficulties have been mentioned above.

It is relevant to note that violence committed with the use of ICT is a global problem. From this perspective, the Group of Experts on Violence against Women and Domestic Violence Intervention (GREVIO), decided to devote its first General Recommendation to the digital dimension of violence against women and domestic violence (hereafter - GREVIO General Recommendation No.1)<sup>17</sup>, which was adopted on 20 October 2021.

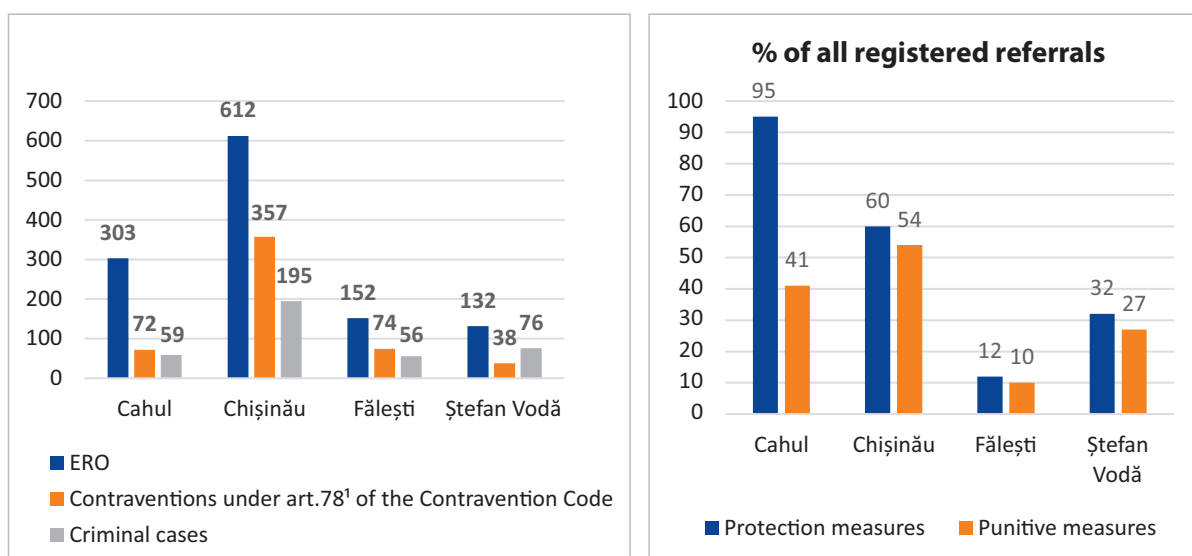
According to GREVIO's estimates, acts of violence committed with the use of information technology or electronic communications are socially more dangerous. Things can take on a new dimension, with a devastating psychological and physical impact, if current or former partners are in possession of intimate images of the victim or the abuser uses technology to control the victim's movements, etc. GREVIO reiterates, in the spirit of the Istanbul Convention, the recognition of violence and abuse committed online and through technology as a continuation of offline violence, both of which can damage the psychological integrity and balance of the person. Without safeguards to protect victims of gender-based violence, including domestic and digital violence, national efforts to implement the Istanbul Convention will be characterized by fragmented and incomplete approaches and will be less effective.

During the interview, professionals from public institutions mentioned that violence committed with the use of information technology and electronic communications is on the rise, but few of these acts are reported. The Office of Public Prosecutions (OPP) from Fălești reported that in a completed criminal case, during the examination of alleged acts of psychological violence committed by the husband, abuses with the use of technology were discovered, including the installation of a GPS tracking system under the victim's personal car, an application on the victim's mobile phone that permits location tracking and monitoring of conversations, personal control over the victim's work email, and other violations.

**Even though in the district of Fălești in 2023 there was an increase in the number of domestic violence cases reported, the number of emergency restraining orders (*hereinafter* EROs) applied in this district was relatively low compared to the number of cases registered.** Thus, in 2023, the ratio of intervention measures in relation to the number of registered referrals amounted in the Fălești district - about 12% for the application of urgent protection measures and about 10% for the application of punitive measures (criminal and contravention cases initiated), in Chișinău - about 60% for the application of urgent protective measures and about 54% for the application of punitive measures, in the Cahul district - about 95% and about 41% respectively and in Ștefan Vodă - about 32% and 27%. The contravention procedures and criminal cases initiated underline the efforts of the authorities to tackle this serious problem. It is essential that these efforts are backed up by preventive and awareness-raising measures in order to reduce the incidence of domestic violence and provide adequate protection to those affected.

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17. <https://rm.coe.int/grevio-recommendation-no-1-ron/1680a8c103>



**Figure 3. Indices of intervention measures in relation to the number of complaints registered in 2024 on cases of domestic violence in the Chişinău municipality and the districts of Cahul, Făleşti and Ştefan Vodă.**

Despite the national mechanism on reporting cases of domestic violence established in the Law No. 45/2007, as well as European standards<sup>18</sup> which promote a holistic approach to victims' rights (including for victims of domestic violence) beyond the context of criminal proceedings or independent of such proceedings, and access to support and assistance services even if the victim does not file a complaint about the commission of a crime, **none of the participants interviewed in the study indicated that domestic violence had been reported to other institutions, in particular to territorial social welfare structures or local public authorities.** This means that the society in general and the professionals of the competent structures in particular, in their work to prevent and combat domestic violence, prioritize measures to punish the aggressor (criminal or misdemeanour) and after that focus on the protection and assistance of the victim exposed to violence. One of the explanations for this is that, in order to be aware of the state of affairs with regard to domestic violence, the people concerned analyze and use as terms of reference the statistical indicators managed by the police.

## FINDINGS:

1. Recent statistics show a certain fluctuation at national level in the number of domestic violence complaints, which can be observed in the Chişinău municipality and Ştefan Vodă district, while in the Făleşti and Cahul districts they seek a steady increase in the number of complaints on such cases.
2. More and more young women are reporting domestic violence from the very first incident, without first denying the violence for years.
3. Physical violence remains the most commonly reported, although in recent years, especially since the pandemic, reports of psychological violence are increasing. Professionals are becoming increasingly aware of the importance of combating psychological violence, as well as economic violence, as a variety of the objective side of psychological violence.
4. Cases of domestic violence with the use of electronic information and communication technology are still underreported.

18. Recommendation Rec (2023)2 of the Committee of Ministers of the Council of Europe to member states on rights, services and support for victims of crime (Recommendation Rec (2023)2) <https://rm.coe.int/cm-rec-2023-2e-eng-recommendation-trafficking/1680ab4922>, and Directive 2012/29/EU of the European Parliament and of the Council of October 25, 2012 establishing minimum standards on the rights, support and protection of victims of crimes (Directive 2012/29/EU) Official Journal of the European Union, L 315/57 of 14.11.2012. (<https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A32012L0029>)

5. National legislation does not meet the requirements to effectively combat violence using digital devices.
6. In 2023, the ratio of intervention measures to the number of registered referrals remains quite low.
7. The work to prevent and combat domestic violence focuses primarily on measures to punish the aggressor, but not on protecting and assisting the victim of violence.
8. Working with victims of violence against women, including domestic violence, involves pro-active work, based on professionally correct behaviour, tailored to the emotional needs of the victims.

### **GOOD PRACTICES:**

1. In Făleşti, post officers are practicing the registration of the findings, according to art. 273 CCP, including on the basis of establishing the distinctive elements necessary to attribute the legal status of the victim of domestic violence to the person to whom psychological assistance was provided.
2. In Chişinău, more and more often victims report psychological violence at the same time as physical violence, respectively the number of complaints about psychological violence is increasing.
3. In Ştefan Vodă, according to the practice in recent years, if the victim has no injuries, but shows signs of intimidation and imposition of will, based on the psychological assessment reports, the case is registered in Register No. 1 and examined in criminal proceedings.

### **RECOMMENDATIONS:**

1. Systematic implementation of measures to inform victims about their rights, procedures for reporting domestic violence, access to protection services and rehabilitation assistance, including through pro-active intervention of community social workers.
2. Development and dissemination of a standard package of information materials for different groups of victims, including materials adapted for victims with multiple vulnerabilities (e.g. mentally, sensory or physically disabled, illiterate, etc.).
3. Improving the regulatory framework in order to ensure conditions for effectively combating digital violence.
4. Develop training programmes for professionals that include, alongside elements of the national domestic violence referral mechanism, information on international standards, including the requirements of Recommendation Rec (2023)2 and Directive 2012/29/EU on victims' access to protection and rehabilitation assistance services, regardless of their agreement to initiate proceedings to prosecute the perpetrator of domestic violence.
5. Examination and identification of the possibilities of expanding the number of para-legal service providers, community mediators (for certain social groups) who will contribute to facilitating the access of victims of domestic violence to protection and assistance services for physical recovery and economic rehabilitation.
6. Ensuring regular checks on the legality and completeness of the registration of domestic violence complaints in Register No. 2 and the solutions adopted in these cases.

## 2. DOMESTIC VIOLENCE RISK ASSESSMENT AND IDENTIFICATION OF PRIMARY AGGRESSORS

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Art. 51 of the Istanbul Convention, sets out the obligation to assess the risk of lethality, the seriousness of the situation and the risk of repeatedly perpetrated violence in order to manage the risk and, if necessary, to provide coordinated security and support measures.

At the national level, by Law No. 113/2020 for the amendment of some normative acts in the field of preventing and combating domestic violence,<sup>19</sup> Law No. 45/2007 was supplemented with Art. 15<sup>3</sup> which establishes that the process of assessment and risk management of the repetition/committing of acts of domestic violence is intended to respond with prompt and appropriate measures aimed at ensuring the protection of the victim or potential victim following the actions or potential actions of the perpetrator. The organization and conduct of the assessment and management of the risk of repeated/recurring acts of domestic violence shall take place in the manner and under the conditions laid down in the competent authority's internal procedures and/or joint orders.

It is important to note that the Methodical Instruction on Police intervention in preventing and combating cases of domestic violence, approved by MIA Order No. 93/2023 (Instruction No. 93/2023), states that, in cases of domestic violence, the investigating body or the prosecuting body, present at the scene, shall assess the risk by questioning the subjects of domestic violence (the victim) about the risk factors that generate domestic violence or that may favour the escalation of acts of violence and abuse against the victims. The questionnaire for the assessment and evaluation of risks/lethality in cases of domestic violence is an official document, which, pursuant to Article 425 of the Contravention Code, Article 93 (2) (5) and Article 157 (1) of the Code of Criminal Procedure, serves as a supplement for the issuance of an emergency restraining order or the submission of a petition for the issuance of a protection order in cases of domestic violence, and also serves as a means of evidence in a contravention or criminal case. The risk assessment and evaluation questionnaire is attached to the ERO, after which it is forwarded to the Public Security Service of the territorial subdivision of the Police, for storage, systematization and record keeping. A copy of the Questionnaire shall be attached to the contravention or criminal file.

Analysis of interviews conducted with professionals in the Chişinău municipality and the districts of Cahul, Făleşti and Ştefan Vodă shows that the assessment of the risks of committing/repetition of domestic violence is practically carried out only by the police, in particular by the sector officer, as the reporting body.

The police employees interviewed reported that this process is sufficiently adapted to the legislation and useful in their work. During the interviews with prosecutors they mentioned that almost every time the Risk Assessment Questionnaire is attached to the materials of the criminal proceedings on domestic violence cases, which gives a clearer picture of the defendant's behaviour and is an essential tool for identifying and minimizing possible risks of recidivism. However, prosecutors share different views on whether the Risk Assessment Questionnaire should be annexed to the case materials. Some consider that this should be a standard practice, while others see it as an optional one, arguing that the questionnaire is not perceived as evidence under Article 93 CCP. It is important to note that the judges participating in the interview unequivocally appreciated the relevance of the Risk Assessment Questionnaire in the process of individualization of sentence.

With reference to the practice of identifying the primary perpetrator, the professionals interviewed noted that in virtually every district there are families in which violence is chronic. In many cases the ex-partner continues to abuse the victim even after divorce, using various pretexts such as visiting the children.

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19. [https://www.legis.md/cautare/getResults?doc\\_id=112774&lang=ro](https://www.legis.md/cautare/getResults?doc_id=112774&lang=ro)

Lawyers interviewed reported that in many assisted cases, the perpetrators were already known to the authorities and had previously been subject to measures to protect victims of domestic violence, including prosecution proceedings.

According to prosecution officers, most of the perpetrators were registered with the police sector, had ERO's in place, but in fewer cases, protection orders. There are cases when the victim does not report the actions of her husband/partner to the police for the first time, but he is not registered as a domestic violence perpetrator, because in previous conflicts, either no injuries were found, or the victim reconciled<sup>20</sup> with the alleged abuser and did not want protective measures to be applied against him, or the case was superficially examined by the police sector officer, who finalized the case with an unjustified conclusion about the absence of domestic violence.

Relevant in this context are the provisions of Art. 52 and 53 of the Istanbul Convention, according to which, "parties shall take the necessary measures to ensure that in situations of danger they prioritize the safety of victims, that victims of all forms of violence covered by the Convention are provided with restraining or protective orders, which are available for immediate protection and without undue financial or administrative burdens placed on the victim; issued for a specified period or until they are modified or revoked; if necessary, issued on an ex parte basis that has immediate effect; are available regardless of, or in addition to, other legal proceedings, and their violation will attract effective, proportionate and dissuasive criminal or other legal sanctions."

Prosecutors interviewed emphasized that in cases of mutual accusations between subjects of violence, it is important to examine each case separately in order to identify the specific actions that constitute offenses. Efforts are focused on clearly delineating individual responsibilities in the incidents investigated. Witness statements, audio/video materials, etc. are used. Depending on the circumstances of each case, criminal or contravention proceedings may be initiated.

Sector police officers affirm that when parties accuse each other of violence, the circumstances of the case are thoroughly examined to determine whether either party is trying to victimize themselves to escape liability. If there are minor children in the family, a protective interview may also be conducted with them. The primary aggressor is initially considered to be the one indicated by the person who files the complaint, and is later confirmed through witness statement and other evidence.

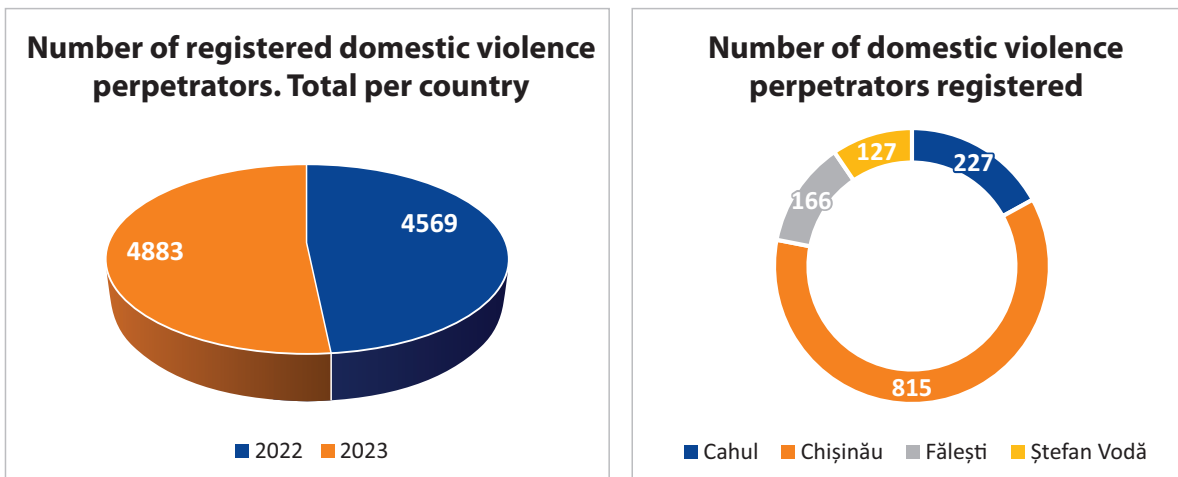
Judges mention that usually women become victims, but in practice there have been cases where the application of a protection order has been requested by men. Whoever first lodges a complaint or calls the police is identified as a victim of violence. Often the perpetrators motivate the application of physical violence as a reaction to psychological violence from the alleged victim. These justifications are irrelevant, and the efforts of the specialists involved must be channelled into establishing and objectively assessing all the circumstances of the crime, taking into account the victim's vulnerability, which in the case of domestic violence is influenced by the balance of power in a relationship.

Even though **the number of domestic violence perpetrators on the nominal register is increasing**, the accounts from professionals interviewed about acts of violence often committed by perpetrators previously under police supervision raise questions about the effectiveness of measures aimed at reducing violent behaviour among domestic violence perpetrators. According to the official statistics of the Police, during 2023, 4883 family aggressors were registered in the nominal register, which is 314 persons more than in 2022, when 4569 aggressors were registered. During the same period 4519/3591 persons were removed from the register. During the reference period, 166 domestic aggressors were registered at the police station in the Făleşti district, in the Chişinău municipality - 815 aggressors, in the Cahul district - 227 aggressors and in the Ştefan Vodă district - 127 aggressors. The police carried out tertiary prevention activities with these individuals to reduce aggressive behaviour.

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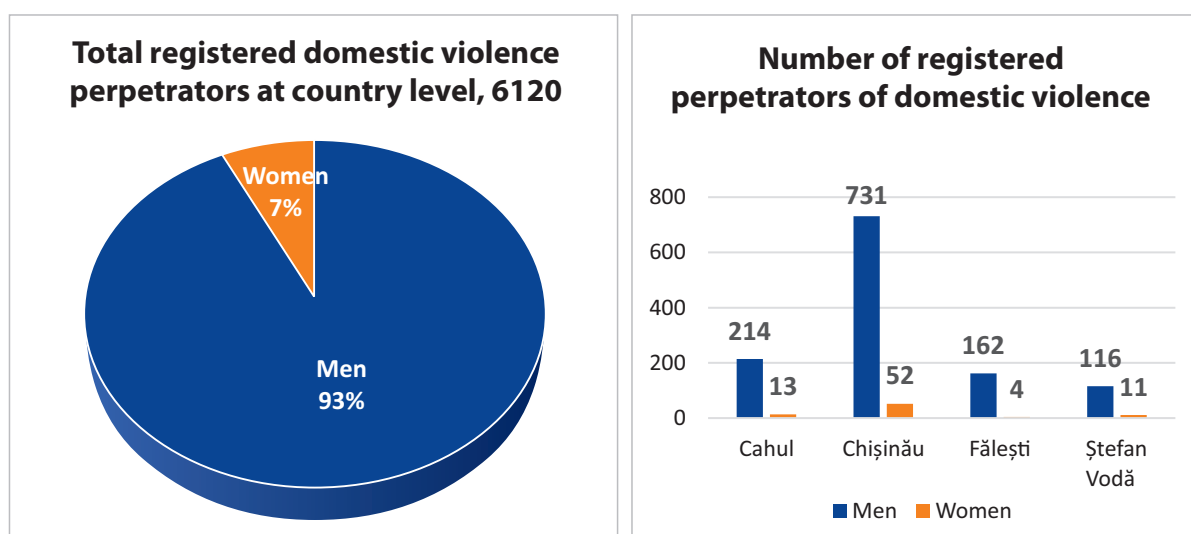
20. Note: in the given context the word "reconciliation" does not mean reconciliation as an institution of criminal or contravention law.





**Figure 4. Nominal registration of domestic aggressors in the districts of Cahul, Făleşti and Ştefan Vodă and the Chişinău municipality.**

The analysis of the situation from a gender perspective shows that the majority of domestic violence perpetrators are men, these findings are valid both at the national level and at the level of the four regions where the research was conducted. Statistical data from 2023 reveal that in Chişinău there were 731 men and 52 women, in the Cahul district - 214 men and 13 women, in the Făleşti district - 162 men and 4 women, and in the Ştefan Vodă district - 116 men and 11 women.



**Figure 5. Profile of domestic violence perpetrators, by sex, based on the police records in the Cahul, Făleşti and Ştefan Vodă districts and the Chişinău municipality.**

### FINDINGS:

1. Law No. 45/2007 obliges the professionals involved to carry out the assessment of the risks of committing or repeating acts of domestic violence at the first contact with the victim of violence, but this is only done by police employees. The organization and carrying out of the assessment and management of the risk of repetition/commitment of acts of domestic violence take place in the manner and under the conditions established by the internal procedures of the competent authority and/or by the joint orders.
2. For the implementation of the above-mentioned legal provisions, only the Methodical Instruction on Police intervention in preventing and combating cases of domestic violence has been adopted, approved by the Order of the Ministry of Internal Affairs No. 93/2023, which has devoted a special

section to the mechanism of ascertaining and assessing the risks and lethality in cases of domestic violence.

3. Within the Police, the assessment of the risk of committing or repeating acts of domestic violence is usually carried out by the investigating body, rarely by or at the initiative of the prosecuting body.
4. According to the Methodical Instruction, approved by the Ministry of Internal Affairs Order No. 93/2023, the Questionnaire for establishing and assessment of risk/lethality in cases of domestic violence is an official document, which serves as a supplement for the issuance of an emergency restraining order or as a support for the application for the issuance of a protection order in cases of domestic violence, and also serves as evidence in a contravention or criminal case.
5. The majority of prosecutors support the importance and necessity of attaching the Risk Assessment Questionnaire to the file, as this document provides a clearer picture of the defendant's behaviour and is considered a proactive measure to protect victims.
6. The interviewed judges supported the relevance of the Risk Assessment Questionnaire in the individualization of sentencing.
7. In order to identify the primary aggressor, it is important to examine each case separately, clearly delineate individual responsibilities and use, as necessary, the results of psychological assessment, witness statements, audio/video material etc., to establish the characteristic signs of victims of domestic violence.
8. Analyzing the situation from a gender perspective, the majority of domestic violence perpetrators are men.
9. Victims are usually female, but there are cases when the person who first lodges a complaint or calls the police is initially considered the victim, and then in the process of investigation the "real victim" is identified.

#### **GOOD PRACTICES:**

1. In all localities covered by the present study, with some exceptions mentioned in the Făleşti district, it is common practice to attach the Risk Assessment Questionnaire for domestic violence cases to the file.
2. Prosecutors consider the Risk Assessment Questionnaire an important tool for identifying and minimizing possible risks of recidivism and establishing appropriate measures in cases of domestic violence, as well as a proactive measure to protect victims.
3. Judges accept the Risk Assessment Questionnaire in the individualization of sentencing.

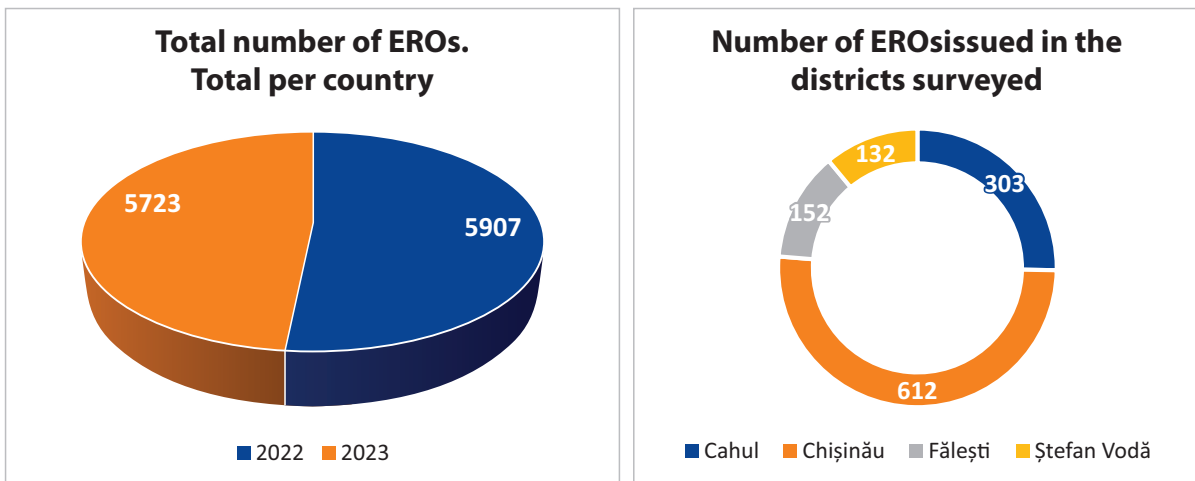
#### **RECOMMENDATIONS:**

1. Improving the regulatory framework in the field of preventing and combating domestic violence in order to involve the process of assessment and management of the risks of committing/repetition of acts of violence in the mechanism of referral of victims to assistance and protection services, according to the needs established.
2. Organizing and conducting trainings to increase the capacity of the investigating and prosecuting bodies to assess the risk of lethality and the risk of committing/repetition of violence in cases of domestic violence, and making it an uniform practice to attach the Risk Assessment Questionnaire to the materials of the criminal and contravention case.
3. Organize training on the identification of the primary aggressor, based on multidisciplinary modules for specialists from the departments responsible for preventing and combating domestic violence.
4. Combating cases of concurrent sanctioning of subjects for acts of mutual violence.

### 3. ISSUING THE EMERGENCY RESTRAINING ORDER

By Law No. 113/2020<sup>21</sup> amendments have been made to Law No. 45/2007, including with a view to improving the urgent protection mechanism for victims of domestic violence. Thus, according to art. 12<sup>1</sup>, in case of reasonable suspicion, as a result of risk assessment, that there is an imminent danger of repetition or commission of violence, the police body is obliged to immediately order the issuance of an emergency restraining order against the perpetrator of violence and to apply one or more restrictions provided for by the law. The emergency restraining order is issued for a period of up to 10 days and is immediately enforced. Supervision of the emergency restraining order is exercised by the employees of the local police station. During the period of the emergency restraining order, the victim has the right to apply for the issuance of a Protection Order. The action of the emergency restraining order, in this case, is extended by operation of law and ceases with the implementation of the protective measures ordered by the court.<sup>22</sup>

According to the data published by the GIP,<sup>23</sup> in 2023 police employees issued 5723 emergency restraining orders nationwide, less than in 2022, when 5907 EROs were issued, and in 2021, when 5851 EROs were issued. With reference to the regions covered by the study, it was found that in 2023 in Chişinău - 612 emergency restraining orders were applied, compared to 583 applied in 2022, in Cahul district - 303 EROs, compared to 338 in 2022, in Făleşti district - 152 EROs, compared to 121 applied in 2022, in Ştefan Vodă district - 132 EROs, compared to 140 applied in 2022.



**Figure 6. Dynamics of EROs issued in the Chişinău municipality and the districts of Cahul, Făleşti and Ştefan Vodă**

Competent public authorities participating at the interviews mentioned that, as a rule, an emergency restraining order is issued for the safety of the victim after every telephone call regarding domestic violence situations. Police employees reported that the ERO is applied every time the result of the risk assessment shows that significant indicators show a “high” or “moderate” level of risk. Compliance with the ERO is verified by calling the victim by telephone, by checking the residence by the police officer on duty. If the restraining order has been breached, an application for a protection order is submitted to the investigating judge. The main difficulty is that, if the application for a protection order is rejected, after the expiry of the ERO, the perpetrator returns to the family environment and it is not possible to separate the victims from the perpetrator. A serious problem, as reported by the sector officers, is the

21. [https://www.legis.md/cautare/getResults?doc\\_id=122517&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122517&lang=ro)

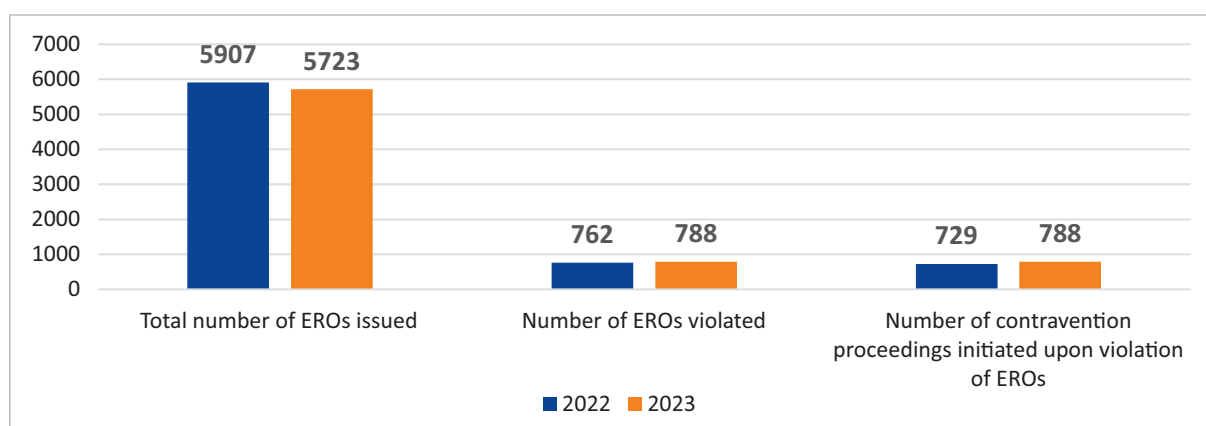
22. [https://www.legis.md/cautare/getResults?doc\\_id=110200&lang=ro](https://www.legis.md/cautare/getResults?doc_id=110200&lang=ro)

23. [https://igp.gov.md/sites/default/files/nota\\_informativa\\_privind\\_fenomenul\\_violentei\\_in\\_familie\\_12\\_luni\\_2023.pdf](https://igp.gov.md/sites/default/files/nota_informativa_privind_fenomenul_violentei_in_familie_12_luni_2023.pdf)

situation of juvenile offenders, as in their case an ERO cannot be issued, there is also a lack of centres for the resocialization of juvenile offenders etc. This approach is contrary to Art. 52 of the Istanbul Convention, which states that Parties shall take the necessary measures to ensure that in situations of immediate danger, the perpetrator of domestic violence leaves the victim's home. The measures taken will prioritize the safety of the victims. Thereafter, unannounced checks will be made on compliance with the restrictions applied, daily by telephone and at least every two days by going to the victim's home. If a violation of the ERO is found, the case is recorded in Register No. 2 and examined under Article 318<sup>1</sup> of the Contravention Code. In flagrante delicto cases the offender is detained and the contravention case file under Art. 318<sup>1</sup> CC is referred to the court for urgent examination under Art. 454 para.(3) CC, and the application of the contravention arrest is requested. The police employees consider that the interval of three hours is too short to execute all the procedural actions of accumulating evidence and sending the notice on the committed infringement to the court. In particular, this is the case in weekends, public holidays or after 5:00 p.m. when judges do not work. The person can be brought to the police for documentation for only three hours and then the police are obliged to let him go. As a rule, the offender returns to the family environment.

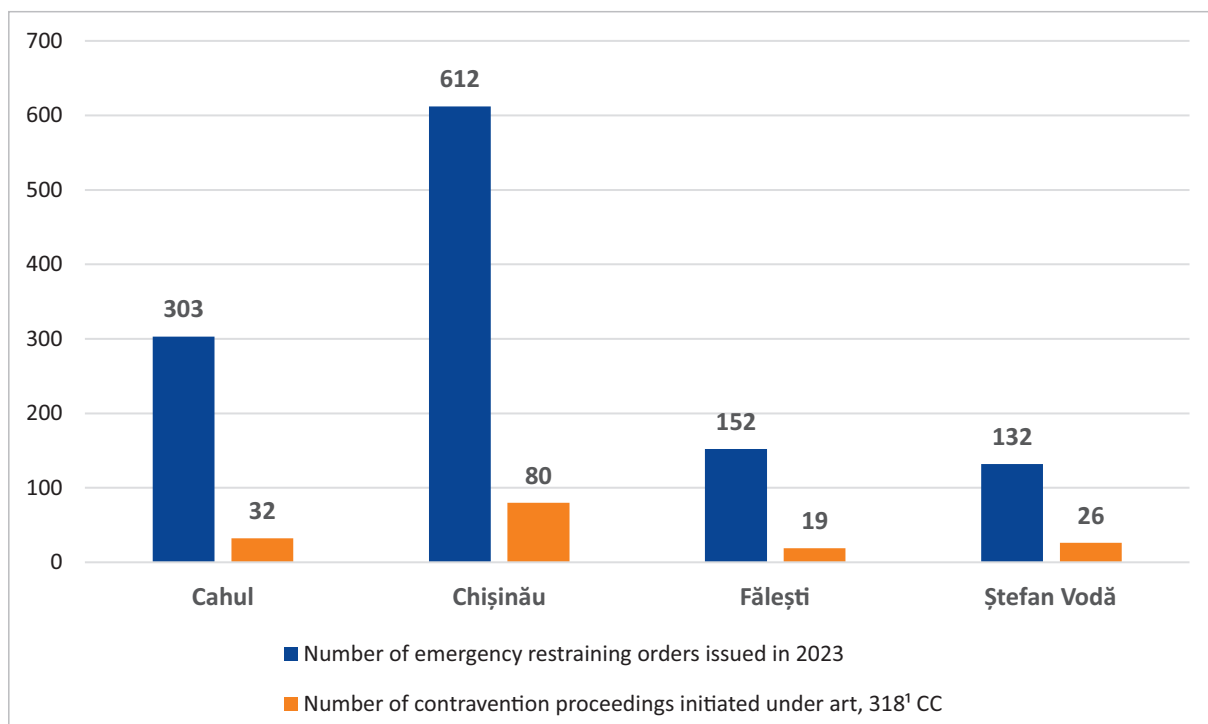
Interview participants indicated that, **in their perception, the number of violated emergency restraining orders has increased in 2023**. These observations are also confirmed by national statistical data. Thus, according to the statistical report of the GIP, in the year 2023, 788 EROs were found to be violated, or 3.4% more than in 2022, when 762 EROs were found to be violated.

According to the statistical report of the GIP, **at the national level, there is an increase in the number of contravention proceedings initiated for violation of protective measures**. For violation of the protective measures, established by an emergency restraining order, in 2023, nationwide, the police started 788 proceedings on the infringement, according to the provisions of Article 318<sup>1</sup> of the Contravention Code (Failure to execute the emergency restraining order), compared to 729 that were started in 2022.



**Figure 7. Share of Emergency Restraining Orders violated in relation to those issued at country level in 2022-2023**

For the violation of the restrictions established by the ERO, contraventional proceedings were initiated against perpetrators of domestic violence under Art. 318<sup>1</sup> of the Contravention Code, respectively in Chişinău - 80 police reports (or 14% of the total number of EROs issued), in the Cahul district - 32 police reports (or 10%), in the Ştefan Vodă district - 26 police reports (or 20%) and in the Făleşti district - 19 police reports (or 13%). The police did not provide information on the number of EROs violated by the perpetrators, which could indicate a lack of a monitoring mechanism of the EROs violated by the perpetrator.



**Figure 8. Share of the number of contravention proceedings initiated on the basis of art. 318<sup>1</sup> of the Contravention Code, in relation to the number of EROs issued in Chişinău and the districts of Cahul, Făleşti and Ştefan Vodă**

The interview participants mentioned that imposing a punishment for violating an emergency restraining order, mostly with unpaid community service from 45 to 60 hours, does not discipline the offenders, especially since in many cases the examination of the contravention cases takes a long time, because in many courts there are vacant positions of judges, and once the statute of limitations has expired, they are exempted from serving the sentence.

#### FINDINGS:

1. In the period 2022-2023, there is a decrease in the number of Emergency Restraining Orders issued as an urgent measure to ensure the protection of victims of domestic violence. At the same time, there is an increase in the number of EROs in which the established restrictions are violated.
2. In the districts of Cahul and Ştefan Vodă, the number of emergency restraining orders issued is higher than the number of registered domestic violence perpetrators. As a result, not all persons for whom emergency restraining orders have been applied are registered as domestic violence perpetrators.
3. At the end of the ERO term, if the application for a protection order is rejected, the aggressors, most of whom are prone to relapse, return to their family environment.

#### GOOD PRACTICE:

The police are active in the 4 regions covered by the study and quickly apply EROs for victim protection.

#### RECOMMENDATIONS:

1. Further organization of trainings for professionals on the conditions and grounds for issuing the ERO for the protection of victims of domestic violence, as well as the correct application of the rules in the contravention proceedings.

2. Improving the mechanism for monitoring and recording the work on the protection of victims of domestic violence through the issuance of ERO and the application for protection orders, as well as prophylactic work with domestic aggressors.
3. To identify effective remedies to ensure a higher degree of safety for victims at the expiry of the term of protection measures and the return to the family environment of perpetrators, many of whom are capable/prone to re-offending.
4. Identifying effective measures of interaction with juvenile offenders to ensure their resocialization.

## 4. INFORMING VICTIMS ABOUT THEIR RIGHTS

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According to Art. 11 of the Law No.45/2007 the victim of domestic violence has the right to assistance for physical, psychological and social recovery through special medical, psychological, legal and social actions. The granting of protection and assistance services is not conditional on the victim's willingness to make statements and participate in the prosecution of the perpetrator. The authorities responsible for preventing and combating domestic violence are obliged to inform victims about their rights, the type of services and organizations to which they can turn for help; the assistance available to them; where and how they can lodge a complaint; the procedure to follow after lodging a complaint and their role in these procedures; how they can obtain protection; to what extent and under what conditions they have access to legal advice or assistance; about the release of the perpetrator from detention or after serving a prison sentence, or in the event of the annulment of the protection order, etc.

The professionals who took part in the interview had different views on ensuring the right to information for victims of domestic violence.

Representatives of the authorities reported that before the hearing, in which the participation of a lawyer is mandatory, including *ex officio*, the victims are verbally informed about their procedural rights and about the specialized services, where they can receive, upon request, psychological, medical counseling, etc. Then they are given a written copy of the information on rights and obligations (list of rights and obligations of the victim/injured party). Victims are made explicitly aware of the rights and obligations laid down in the legislation. In particular, the prosecutors reported that victims are sufficiently informed and that they and the prosecuting officers play an active role when they request a lawyer for qualified legal assistance guaranteed by the state. Similarly, the judges argue that the court provides victims with the necessary information about procedural rights, and lawyers need to be more active in this regard.

Lawyers reported that informing victims about their rights is largely a formality both at the prosecution stage and in court. Victims are usually under stress and most of them do not really understand legal language either. The bodies in charge of informing victims about their material and procedural rights, as well as about available specialized services, should show responsibility and diligence, inform and explain the rights to victims in an accessible way. In rural areas, there is an acute shortage of specialists, such as paralegals, to provide primary counseling to victims. Victims of domestic violence are also not sufficiently informed about the right to apply for a lawyer who provides state-guaranteed legal aid. They should be informed about this right by the Office of Public Prosecutions, prosecutor, court and social welfare structures. In villages many victims do not know that they have the right to the services of a public defender and how to access this right. Information actions should be focused on the rural population, especially older women, with limited access to TV and Internet. The intensification of efforts in this area is also required by Article 19 of the Istanbul Convention, which instructs the authorities to ensure that the necessary conditions are in place to provide victims with adequate information about the various types of support services and legal measures available to them, where to get help, in a widely used language and in an accessible form of communication.

No case of a request by victims to be accompanied by a trustworthy person when carrying out procedural actions was confirmed by the interviewed professionals working in public institutions. Also, none of them mentioned whether they informed the victim/injured party about this right.

Lawyers participating in the study also indicated that the victim's right to be accompanied in the trial by a support person is important for moral and emotional support. Lack of knowledge of procedural rights may be a reason why victims do not ask to be accompanied by a support person. It is essential that the victim is informed and understands their procedural rights, including the right to be accompanied by a support person, but the prosecuting officers do not always explain this right. In cases where victims were accompanied by a support person, there was a preference for this support during legal proceedings. At the same time the majority of lawyers did not support the idea that paralegals should accompany the

victim, as a trusted person, with the victim's consent, to court proceedings, including court hearings. The victim should rather be accompanied by a psychologist, all the more so as the network of paralegals is not developed to the extent it should be. Only a small number of lawyers were in favour of the involvement of paralegals to provide the victim with support and emotional security in the criminal process.

Regarding informing the victim about the release from prison of persons convicted of domestic violence, the sector police officers reported that, upon the release, both the police inspectorate and the local public administration are notified, after which they inform the victim of domestic violence about the release from detention of the perpetrator. They argue, however, that it should be expressly stipulated that it is the duty of the authorized bodies to inform the sector police officer and the latter to inform victims of domestic violence in all cases of release of the perpetrator.

Law No. 45/2007 obliges the central specialized bodies in charge of preventing and combating domestic violence to ensure that information about the mechanism for resolving acts of domestic violence, the infrastructure of social services for victims of domestic violence is posted on the official websites. However, professionals interviewed inform themselves about specialized services, as a rule, at the City Halls, District Councils, on the Internet, from brochures received at seminars or in cooperation with non-commercial organizations, with centres for assistance and protection of victims of domestic violence or victims and potential victims of human trafficking. The professionals confirmed productive cooperation with these entities, where if necessary victims are temporarily accommodated, etc.<sup>24</sup>

## FINDINGS:

1. The professionals interviewed have different perceptions on ensuring the right to information of victims of domestic violence.
2. Representatives of public authorities, in particular prosecution officers, prosecutors and judges, reported that victims of domestic violence are sufficiently informed about their rights and obligations, with the provision of a written list of the victim's procedural rights and obligations, that they are provided with a lawyer for qualified legal assistance guaranteed by the state, and that lawyers need to be more active in this regard.
3. The legislation provides that upon release from prison of persons convicted of domestic violence, the victims are informed, through the sector police officer, of the release of the perpetrator from detention. At the same time there are no regulations on informing victims of domestic violence in other cases of release of the perpetrator, not only those who have served their sentence. In practice, there is no mechanism in place to monitor the process of informing victims of the release of convicted persons from prison.
4. Professionals from public institutions did not confirm any case of victims' request to be accompanied by a trusted person at court proceedings, which could imply that victims do not know/understand this right.
5. In the perception of lawyers, informing victims about their rights, both at the prosecution stage and in court, is a formality. Victims of domestic violence are also not sufficiently informed about the right to apply for state-guaranteed legal aid. The victim's right to be accompanied in the proceedings by a trusted person is important for moral and emotional support. The main reason why victims do not ask for a reliable support person would be that they do not know about this right and nobody tells them about it.
6. Despite the legal provisions, the overwhelming majority of the professionals interviewed did not indicate the official websites of the central specialized bodies as a source of information on services for assistance and counseling of victims of domestic violence.

24. Note: The following were mentioned during the interviews: the Family Justice Centre in Chişinău; the Women's Law Centre; the „Amicul” Centre; the International Centre „La Strada”; the placement centre in Causeni; the maternal centre in Cahul; the Day Care and Placement Centre for Children and Youth at Risk „Casa Speranței” in Făleşti; „ProSperare” Day Care and Placement Centre for Children and Families at Risk „ProSperare” in Bocşa village, Făleşti; „Nufărul Alb” Day Care and Placement Centre for Children and Families at Risk „Nufărul Alb” in Glinjeni village, Făleşti, etc.



## **GOOD PRACTICES:**

1. Productive interaction of the interviewed professionals with the Centres for Assistance and Protection of Victims of Domestic Violence and non-commercial organizations active in the field.
2. In Făleşti a case was mentioned, where the lawyer explained to the victim about the procedural right to be accompanied by a trustworthy person and the victim actively expressed her consent to be accompanied by a trustworthy person during the examination of the case.

## **RECOMMENDATIONS:**

1. Adopt the necessary legislative framework to ensure that victims of domestic violence are informed, through the police officer on duty, in all cases of release of the perpetrator.
2. Organization of trainings on a multi-sectoral platform for justice sector specialists in order to: ensure the realization of the victim's right to be accompanied by a trusted person at all procedural actions, etc.
3. Encouraging the relevant central specialized bodies to place on official websites and promote, as a credible and up-to-date source, information for professionals in contact with victims, as well as for members of society, about services of assistance and counseling for the rehabilitation of victims of domestic violence.
4. Further development and dissemination of informational materials for professionals in the justice, medico-social and educational sector, that will ensure that victims are informed about their rights and about available specialized services so that they are accessible to people with multiple vulnerabilities.

## 5. STATE-GUARANTEED LEGAL AID

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Law No. 45/2007 establishes the right of victims of domestic violence to free primary and qualified legal aid in accordance with the legislation on state-guaranteed legal aid.

According to Law No. 198/2007<sup>25</sup> on state-guaranteed legal aid, amended and supplemented by Law No. 196/2016, victims of violence can benefit from primary legal aid and qualified legal aid. Legal aid can be requested by victims of domestic violence, regardless of their income level, at any stage of the criminal proceedings, and in civil cases, up to the initiation of the trial. Similar facilities have also been established for victims of sexual crimes, by Law No.113/2020 for the amendment of some normative acts,<sup>26</sup> in this way recognizing the vulnerability of this category of victims.

Currently, in accordance with Art. 19, para. (1<sup>1</sup>) of Law No. 198/2007, victims of domestic violence are entitled to qualified legal assistance, regardless of their income. The same rule establishes in para. (1) lit. b<sup>1</sup>) that persons who are in need of emergency legal assistance are entitled to qualified legal assistance if they apply for the application of protective measures under Article 278<sup>6</sup> Code of Civil Procedure or Article 215<sup>1</sup> Code of Criminal Procedure, or if they file a complaint about the perpetration of domestic violence. At the same time, art. 20 let. a) of Law No. 198/2007 specifies the right to qualified legal assistance regardless of the level of income for the persons envisaged in art. 19 para. (1) let. b<sup>1</sup>) and para. (1<sup>1</sup>). For such situations art. 28 of Law No. 198/2007 provides that, if the person requires emergency legal assistance, in accordance with art. 19 para. (1) letter b<sup>1</sup>), at the request of the person or the body that has been notified of the commission of domestic violence, the territorial office is obliged to provide emergency legal assistance by appointing a lawyer on duty from the list of lawyers specialized in assisting victims.

Through Law No. 316/2022 for the amendment of some normative acts (ensuring victims' rights in cases of crimes related to sexual life and domestic violence),<sup>27</sup> amendments were made, including in art.111 and art.113 of the Code of Criminal Procedure (CCP), whereby, starting on January 9, 2023, the participation of the lawyer in the hearing or confrontation of the victim/injured party in cases of domestic violence became mandatory.

Also, contrary to the spirit of the Istanbul Convention, Article 387 of the Contravention Code stipulates that victims shall be informed of their rights and obligations at the initiation of the case examination process. The mentioned norm only indicates about the victim's right to be assisted in the contravention procedure by a chosen defense counsel. The Contravention Code does not establish the victim's right to state-guaranteed legal assistance.

The interviewed professionals working in public institutions claim that they provide victims of domestic violence with the right to legal assistance, with their consent or at their request, by asking for a lawyer at the Territorial Office of the National Council for State Guaranteed Legal Assistance (TO of NCSGLA). Some prosecution officers reported that most of the time the victim comes to the OPP accompanied by a lawyer. There were also cases (fewer) when, after being informed of the right to a lawyer, the victim chose a contracted lawyer. Others were of the opinion that, as a rule, the victim does not even know about the right to legal assistance until he/she is informed by the prosecuting officer. Interviewed prosecutors consider that victims are sufficiently informed about the right to legal assistance in court. However, one prosecutor from Chişinău mentioned that the prosecuting body when hearing victims of domestic violence does not always ask for a lawyer. In the opinion of the judges in Chişinău, the victim is informed about this right and if he/she accepts legal assistance, the court invites a lawyer ex officio. At the same time, it is mentioned that in contravention and criminal cases of domestic violence the victims/injured parties are very rarely or not at all assisted by a court-appointed lawyer. One of the reasons for this could be that most criminal cases are examined in a simplified procedure.

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25. [https://www.legis.md/cautare/getResults?doc\\_id=141538&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141538&lang=ro)

26. [https://www.legis.md/cautare/getResults?doc\\_id=122517&lang=ro](https://www.legis.md/cautare/getResults?doc_id=122517&lang=ro)

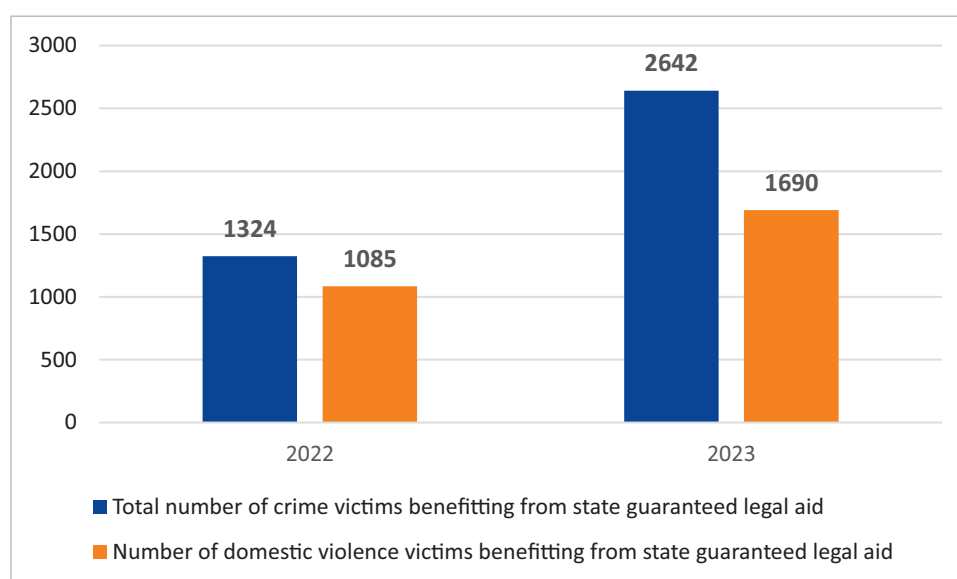
27. [https://www.legis.md/cautare/getResults?doc\\_id=134400&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134400&lang=ro)

The professionals interviewed confirmed that, as a rule, the quality of legal assistance is good in domestic violence cases involving lawyers, including ex officio.

Lawyers participating in the study indicated that there are often difficulties in defending victims of domestic violence. The challenges are largely determined by the fact that the victims come from an abusive relationship, including emotional pressure and financial dependence. As a result, victims of domestic violence can be suspicious, distrustful and often unable to focus on the relevant aspects of the case. They become uncooperative, either because of psychological fears or pressures or because of reconciliation with the perpetrator. Some victims are reluctant to cooperate with prosecuting officers and prosecutors, they also mistrust lawyers, especially male lawyers, which can prevent an effective interaction and complicate the defense process. The intervention of lawyers providing state-guaranteed legal aid to victims of domestic violence can be improved through regular training and specialization of lawyers in the field of domestic violence on the model of the Family Justice Centre. Also, higher remuneration for assistance to victims of domestic violence, similar to the conditions set on juvenile cases, would improve the quality of state-guaranteed legal aid in these categories of cases.

**The number of victims of domestic violence receiving guaranteed legal aid is increasing.** According to the annual activity report for the year 2023,<sup>28</sup> NCSGLA continued to contribute to the implementation of the state policy on state-guaranteed legal aid, thus facilitating access to justice. During 2023, out of the total of 2,642 registered cases of state-guaranteed legal aid provided to persons with the status of victim/injured party of crime (6% of the total volume), 1,690 were victims of domestic violence. Most of these services are provided by 20 lawyers specialized in providing qualified legal aid to victims of crime.

The numbers have increased compared to 2022, when out of the total of 1,324 registered cases of state-guaranteed legal aid to persons with the status of victim/injured party of crime (2.6% of the total amount), 1,085 involved victims of domestic violence.

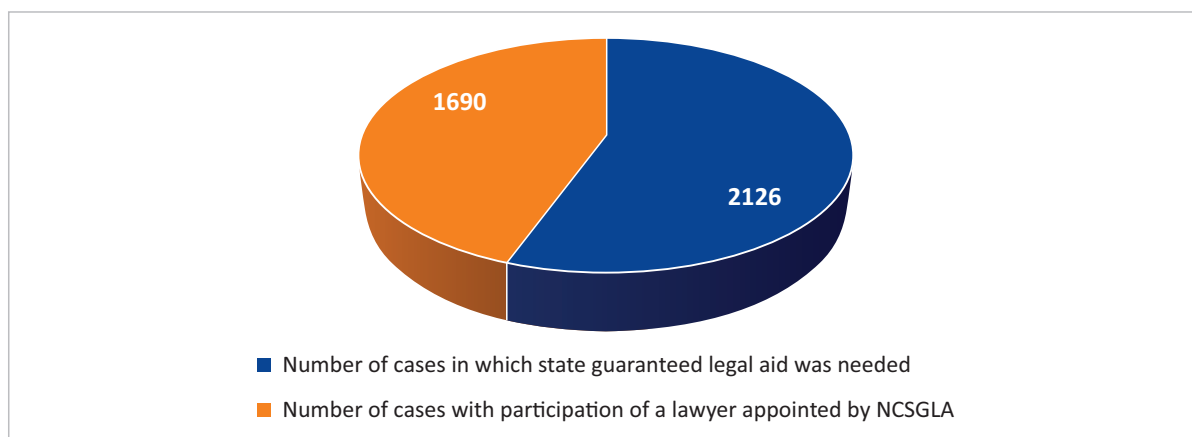


**Figure 9. Number of victims of domestic violence who received state-guaranteed legal aid compared to total number of cases in 2022 and 2023**

**Analysis of statistical data shows that not in all cases of domestic violence, victims received the assistance of lawyers providing state-guaranteed legal aid.** The statistical data of the PGI for the period of 2023 reveals the registration of 880 offenses initiated under Article 201<sup>1</sup> of the Criminal Code and 448 offenses initiated under Article 320<sup>1</sup> of the Criminal Code, as well as the issuance of 798 Protection Orders for victims of domestic violence, which in total - 2 126 cases in which the participation of the public

28. [https://cnaajgs.md/uploads/asset/file/ro/2338/1.1\\_Raportul\\_de\\_activitate\\_al\\_CNAJGS\\_2023.pdf](https://cnaajgs.md/uploads/asset/file/ro/2338/1.1_Raportul_de_activitate_al_CNAJGS_2023.pdf)

defender is mandatory by law. Also, in the same period of time, 1719 contravention proceedings were initiated under Art. 78<sup>1</sup> of the Contravention Code and 788 contravention proceedings under Art. 318<sup>1</sup> of the Contravention Code, which in total - 2 507 cases where the participation of the public defender is not mandatory by law, but beneficial for the victim of the infringement. Thus, for the mandatory requirement of - 2 126 cases with the participation of the public defender, lawyers were requested and appointed only for - 1 690 cases with victims of domestic violence (80% coverage of needs), the difference constituting - 436 criminal and civil cases (for protection order applications), which were examined without the assistance of a public defender. One possible explanation is that a number of victims were represented by paid lawyers or lawyers who are appointed by NGOs. During the interviews it was mentioned that the TO of NCSGLA has appointed lawyers in all cases in which state-guaranteed legal aid was requested.



**Figure 10. Share of the number of victims of domestic violence who received state-guaranteed legal aid in relation to the number of cases in which the assistance of a lawyer was required for victims of domestic violence, 2023**

The analysis of the degree of realization of the right of victims of domestic violence to legal assistance by a lawyer indicates the need for further efforts to ensure proper implementation of the relevant normative framework, in order to obtain guarantees for the effective exercise of the right of victims to legal assistance guaranteed by the state.

#### **FINDINGS:**

1. Each Territorial Office of the National Council for State Guaranteed Legal Aid has its own list of lawyers on duty for emergency legal aid. The request to appoint a lawyer may be submitted to the Territorial Office in writing, including by fax or telephone.
2. As of January 9, 2023, the participation of the lawyer (ex officio or contracted) in the hearing or confrontation of the victim/injured party in the case of domestic violence offenses became mandatory.
3. The Contravention Code of the Republic of Moldova does not establish an unconditional right to state-guaranteed legal aid for victims of domestic violence.
4. The opinions of the interviewed professionals from public institutions are divided on the extent to which the right of victims of domestic violence to legal assistance, including by a public defender, in criminal, civil and contravention proceedings is ensured.
5. Professionals interviewed confirmed that, as a rule, the quality of legal assistance is good in domestic violence cases both when lawyers participate on a contractual basis as well as when lawyers are appointed by the TO of NCSGLA.
6. Lawyers point to many difficulties in communicating and interacting with victims of domestic violence, largely determined by the fact that these people come from an abusive relationship, based on emotional

pressure and financial dependence. Thus, victims of domestic violence can be suspicious, mistrustful, uncooperative with prosecuting officers, prosecutors and even male lawyers.

7. In the perception of many lawyers, victims of domestic violence do not benefit equally from legal assistance compared to domestic aggressors, often they are not adequately informed about their rights, including about the right to free legal assistance guaranteed by the state.
8. Statistics indicate that in around 80% of criminal and civil cases of domestic violence, victims have effectively benefited from free legal aid guaranteed by the state.

#### **GOOD PRACTICE:**

1. In Cahul women lawyers are specialized in assisting victims of domestic violence. Female public lawyers provide victims of domestic violence with legal consultations and draft applications for protection orders.
2. In Chişinău, victims of domestic violence are assisted by lawyers who provide state-guaranteed legal aid at the Family Justice Centre.
3. In Făleşti a positive practice in the process of providing free state-guaranteed legal aid to victims of domestic violence is the appointment and rapid intervention of the lawyers offering state-guaranteed legal aid in providing the necessary services to victims of domestic violence.

#### **RECOMMENDATIONS:**

1. Continuing to develop and disseminate information materials to professionals in the justice, medical, social, educational, social and justice sectors on the conditions for realizing the right to state-guaranteed legal assistance, so they can provide this information to victims at the first contact.
2. Encouraging prosecution officers, prosecutors, judges to act diligently to ensure a lawyer providing state-guaranteed legal assistance is appointed, under the conditions of the law, to victims of domestic violence in criminal, civil and contravention cases;
3. Amending the Contravention Code to ensure the right of victims of domestic violence to state-guaranteed legal assistance on equal terms with the offender;
4. Identify possibilities to ensure that lawyers providing state-guaranteed legal assistance to victims of domestic violence are remunerated similarly to those in cases involving minors;
5. Conduct regular training courses for lawyers to improve the quality of legal assistance guaranteed by the State in cases of domestic violence and other forms of violence against women covered by the Istanbul Convention.

## 6. REPORTING AND REFERRING DOMESTIC VIOLENCE

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According to Law No. 45/2007, the victim has the right to report any case of domestic violence and to ask for protection. Professionals are obliged to report acts of domestic violence that endanger the victim's life or health, or the imminent danger of such acts to take place, to the competent authorities. In other cases, reporting will only be done with the consent of the victim. Reporting cases of violence against children is mandatory.

The Law on Social Assistance No. 547/2003<sup>29</sup> establishes that social assistance to persons affected by domestic violence is granted, including on the basis of referral, under the conditions of the law. Entitlement to social assistance is established on the basis of an assessment of the person's needs, confirmed by means of a certificate.

According to European standards,<sup>30</sup> victims of crime, including victims of domestic violence, have the right to support to the extent that they can participate effectively in criminal proceedings and deal with assistance or protection services.

Thus, the relevant international and national normative framework encourages relevant public and private institutions to pro-active actions and manifestations to meet the needs and guarantee the rights of victims of domestic violence, including to provide easily accessible and available services of support and assistance to victims, before, during and, for an appropriate period, after investigations and judicial proceedings .

The interviewed professionals from public institutions claim that, as a rule, the absolute majority of reports/complaints about instances of domestic violence are reported to the police by the victim or other persons, including close relatives. Other times cases of domestic violence are reported by emergency medical services or coroners. Less frequently domestic violence is reported by the hotline or in even smaller numbers by the community social worker. If domestic violence offenses are found in the course of investigations on other cases, the report is made by the prosecuting authority or, where appropriate, the public prosecutor. The police sector inspector shall report each case of self-referral on the basis of indications of domestic violence to the competent authorities.

A variety of the method of reporting domestic violence (mentioned by interviewees from Fălești district) are the cases, sometimes practiced during the criminal prosecution process, of referring the case to the local public administration, as the case may be, to the territorial structure of social assistance or education in order to examine and eliminate the causes that have favoured acts of domestic violence in the investigated case. Some professionals also reported as referrals cases when there have been made applications for measures to protect victims (protection order). At the same time, the professionals mentioned the lack of precise regulations in the rules of the criminal procedure regarding the reporting and referral of victims for protection and rehabilitation assistance.

Another practice mentioned by the professionals interviewed is the referral, by the police, of the victim to specialized services, including by offering transportation. Most police officers mentioned that cooperation with the social worker is vital for the realization of emergency placement of minors and mothers with children. However, if in Chişinău there are more possibilities of placement for assistance and temporary shelter of victims, then in the districts it is more difficult. There is a primary need to have placement centres in each district to facilitate access to services for victims with special needs. At the community level, cooperation with the community social worker, the family doctor or medical assistant, the director or

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29. [https://www.legis.md/cautare/getResults?doc\\_id=135051&lang=ro](https://www.legis.md/cautare/getResults?doc_id=135051&lang=ro);

30. Directive 2012/29/EU of the European Parliament and Council of Europe of October 25, 2012 establishing minimum rules on the rights, support and protection of victims of crime (hereinafter Directive 2012/29/EU) and Recommendation Rec (2023)2 of the Committee of Ministers of the Council of Europe to member states on rights, services and support for victims of crime, Official Journal of the European Union, L 315/57 of 14.11.2012, <https://rm.coe.int/cm-rec-2023-2e-eng-recommendation-trafficking/1680ab4922>;

deputy director of education of the school, etc. was mentioned. However, the need for family psychologists and a network of specialized centres for victims of violence, as well as for the perpetrators, was mentioned.

The judges confirmed the lack in practice of referrals to mediation in domestic violence cases. The fact that the subjects of domestic violence are not involved in activities attributed to restorative justice is a factor in line with both national legislation and the rules of the Istanbul Convention.

The opinions of the professionals interviewed were divided on the work of the multidisciplinary teams (MDTs) in the territory. Some claim that in Chişinău, for example, police officers participate in multidisciplinary team meetings debating cases involving children, but there were no meetings for adult victims. In Făleşti and Cahul some cases were mentioned in which violence against adults was also discussed in the MDT meetings. The sector police officers in Ştefan Vodă confirmed that the multidisciplinary team is functional and the sector officer is always participates in the meetings, other times the sector officer himself refers the case to the local MDT as the investigating officer. Other professionals interviewed reported that the local administration in Cahul, for example, has MDTs but they are not visible. Among those from Făleşti, some believe that the MDT is not functional in the locality, but it should exist and should do its job well in the area of preventing and combating domestic violence against adults. Professionals involved in prosecution should also be invited to MDT meetings. Interviewed prosecutors and probation counselors mentioned about their non-involvement in MDT meetings. Lawyers did not report about their participation in MDT meetings, except for one case reported by a lawyer from Chişinău who was invited to the meeting when the question of deprivation of parental rights (abusive behaviour of the father of the children) and determination of the domicile of minor children was discussed.

Interviewed lawyers stressed that victims usually only go to the police when they are in crisis. They only go to the social worker for social support or to set up a meetings schedule. The main motive for victims not to apply for support is the lack of specialists and necessary infrastructure in the district. In the Family Justice Centre in Chişinău victims receive legal, psychological and forensic services. If the victim needs foster care, the specialists of the Family Justice Centre make the referral. Lawyers mentioned that they often advise victims to turn to (or refer them to) psychologists from the Women's Law Centre, International Centre "La Strada", the Placement centre in Căuşeni, the Maternal Centre in Cahul. The need was emphasized to remove bureaucratic barriers for victims to quickly access counseling services, to ensure an effective mechanism to inform victims about available counseling and protection services and how to access them.

The fragmented and in some ways contradictory accounts of the interviewed professionals highlight the lack of a clear procedure of multisectoral interaction, in which each actor knows how and when to get involved in a single and continuous process of realizing measures of protection and assistance to victims of domestic violence.

For the most part, the professionals interviewed believe that eliminating poverty and reducing alcohol consumption (in many cases, according to the interviewees, both partners abuse alcohol) could substantially reduce the phenomenon of domestic violence. Migration is another factor which somehow stimulates violence, in particular jealousy triggered by long separation of partners. At the same time, suspended sentences or unpaid community service do not act as a deterrent for the reoffending domestic violence perpetrators.

## **FINDINGS:**

1. The relevant international and national normative framework encourages relevant public and private institutions to take pro-active actions and manifestations to support and guarantee the rights of victims of domestic violence, including providing easily accessible and available services to support and assist victims before, during and, for an appropriate period, after investigations and legal proceedings.
2. Practical work in the field of preventing and combating domestic violence includes various ways of reporting cases of domestic violence.
3. The normative framework in the field of criminal procedure does not contain precise regulations on the reporting and referral of victims of domestic violence to protection and rehabilitation assistance.

There is a lack of clear and exhaustive regulation on the procedure of referral of victims of domestic violence outside the criminal proceedings.

4. In practical terms, victims are usually referred to specialized services by the police, who also provide transportation if necessary.
5. Cooperation with the relevant services and structures is assessed by the professionals interviewed as "good enough".
6. The need for more family psychologists, specialized centres for victims of violence and family aggressors is mentioned.
7. The views of professionals on the work of the territorial multidisciplinary teams are divided on the functional efficiency of the MDT. At the same time they have a quasi-unanimous view on the fact that the work of multidisciplinary teams focuses mainly on children's problems.
8. The number of support and assistance services for victims of violence in general and in particular for victims with special needs is insufficient, as is the provision of information at the local level about the support and protection measures that the state can offer to victims of domestic violence.

### **GOOD PRACTICE:**

1. Placing victims in specialized centres for psychological assistance – this has become a practice in the regions covered by this study.
2. The Centre for Family Justice in Chişinău takes cases of violence from the intervention team and refers them to the necessary services.
3. In Făleşti, cases are referred to the local public administration or to other local services in order to examine and eliminate the causes that have favoured acts of domestic violence.

### **RECOMMENDATIONS:**

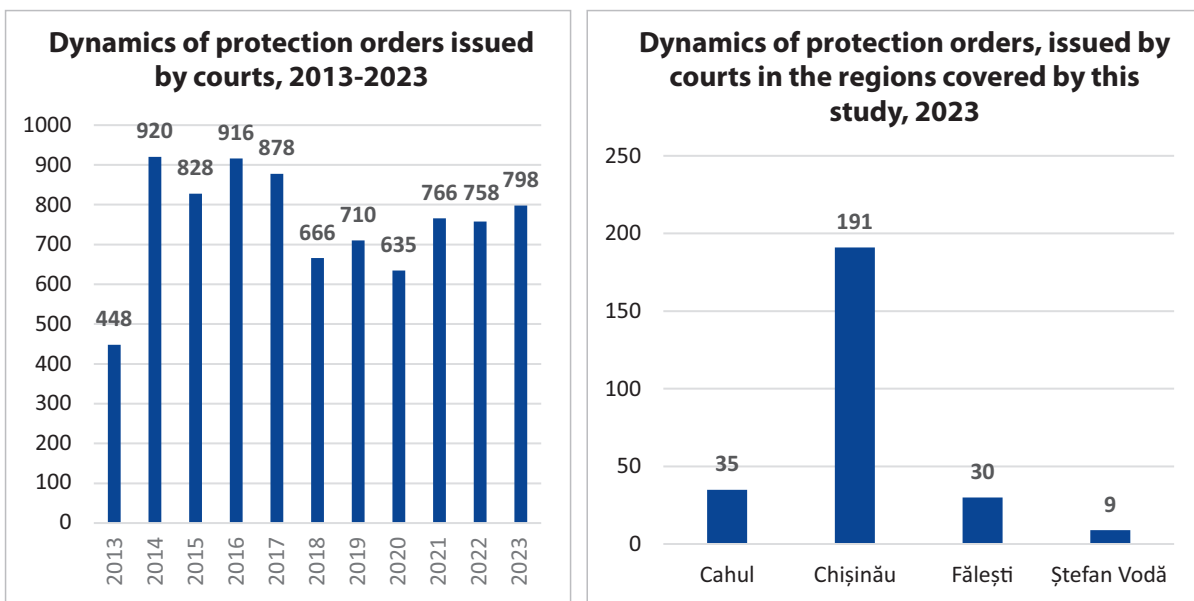
1. Examining the opportunity of regulating the reporting and referral of victims of domestic violence within and outside the criminal justice process.
2. Identifying effective measures to remove bureaucratic barriers that affect rapid access of victims of domestic violence to counseling services, providing a functional mechanism to inform people about the tools to apply for assistance and protection, with software for translation into several languages.
3. Carrying out information and awareness-raising activities for the population, including migrant communities, on how to identify cases of domestic violence and how to request protection and assistance, corresponding to the needs generated by acts of violence.
4. Consider the desirability of developing eligibility criteria for membership of the territorial multidisciplinary team.
5. To examine the opportunity to initiate a study on the functionality of the territorial multidisciplinary teams and identify measures to improve their work.
6. Expanding the network of centres and services in the regions covered by the study to provide assistance and protection to victims of domestic violence, including those with special needs, and setting up preventive intervention and treatment programmes for perpetrators.



## 7. ISSUING A PROTECTION ORDER

In accordance with Art. 15 of Law No. 45/2007, the court shall issue, within 24 hours of receiving the request, a protection order for the victim of domestic violence. The amendments to the legislation made by Law No. 167/2010<sup>31</sup> implemented the protection mechanism for victims of domestic violence in civil and criminal proceedings.

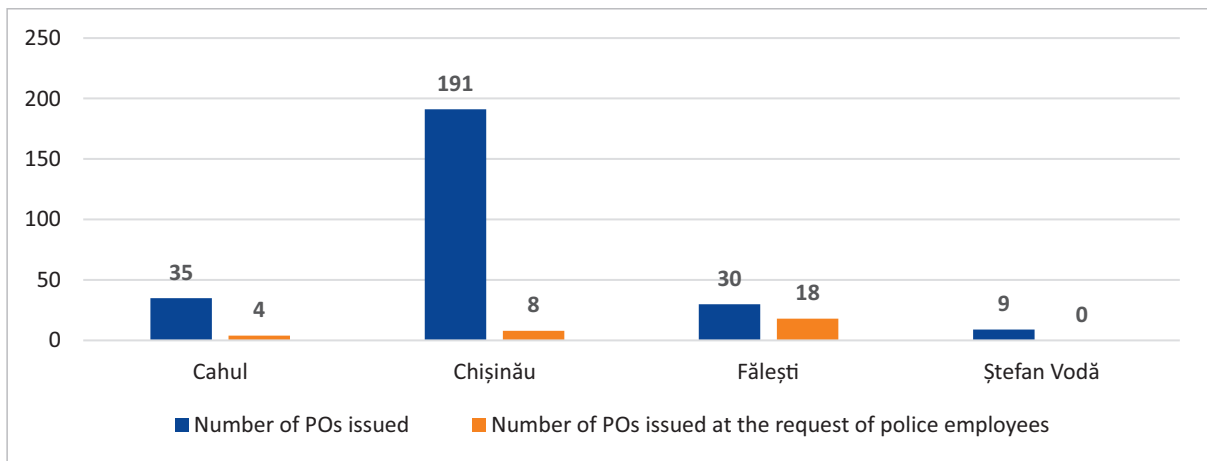
**Nationally, there is an increase in the number of protection orders issued by the courts.** According to the GIP report in the period of 2023, 798 POs were issued, compared to 2022, when 758 POs were issued. The indicated trend is also confirmed in the Cahul and Fălești districts, where compared to 2022 the number of POs issued has increased. This trend is not seen in Chișinău and the Ștefan Vodă district, where in 2023 the number of POs decreased compared to 2022.



**Figure 11. Dynamics of protection orders issued by the courts**

**Even though the number of POs issued by the courts is increasing at the national level, in 2023 the number of applications submitted by police officers to the courts for the application of protective measures for victims of domestic violence is decreasing.** According to the report of the GIP, police employees submitted 270 petitions to the courts on the application of protective measures to victims of domestic violence, which is less compared to the previous period, when 291 petitions were submitted. This trend is also confirmed at local level, for example, in Chișinău, out of 191 protection orders issued, only 8 were at the request of police employees, in the Cahul district out of 35 protection orders applied, 4 were at the request of police employees, in the Fălești district out of 30 protection orders, 18 were at the request of police employees and in the Ștefan Vodă district out of 9 protection orders, none was at the request of police officers. A possible explanation for this situation could be that in order to avoid situations of rejection of the request for the application of protection measures for victims of domestic violence, on the grounds that the victim's impossibility to lodge a complaint is not confirmed, the police officers prepare the request on behalf of the victim and, after the victim is familiarised with the content and signs it, submit it to the court.

31. [https://www.legis.md/cautare/getResults?doc\\_id=24020&lang=ro](https://www.legis.md/cautare/getResults?doc_id=24020&lang=ro)



**Figure 12. Dynamics of the issuance of protection orders by the courts in response to police officers' requests in Chişinău and the districts of Cahul, Făleşti and Ştefan Vodă**

The interviewed prosecutors mentioned that they did not request the issuance of a protection order in the interest of adult or child victims, as the police usually request protective measures at the initial stage of examining domestic violence cases. In one case the prosecutor requested the involvement of the Child Rights Protection Directorate from the Ciocana sector, Chişinău. In the criminal prosecution the prosecutor usually requests the application of preventive measures in accordance with the law.

The prosecuting officers rarely directly apply for a protection order. Usually, until the hearing of the victim in the presence of the victim's lawyer, they explain and encourage the victim to address the court by himself/herself with a request for protective measures. Not in all cases, however, the victim wants to obtain the PO.

Courts confirm that protective measures are often also requested in relation to children. According to some judges, the main problem when examining a victim's application for a protection order is that the applications are submitted without mentioning the reason and without the necessary evidence. There are no requests to order the perpetrators to participate in a programme of counseling and reduction of violent behaviour, only to apply the standard restrictions, i.e. the court orders measures in line with those that have been requested.

This largely explains the low number of cases when offenders are forced to participate in a programme of counseling and reduction of violent behaviour.

Professionals interviewed among police sector officers, who are often the first to contact victims of domestic violence, reported that application for a protection order is decided only when other measures are not sufficient. As a rule, they encourage victims to apply to the court on their own to obtain a PO. According to them, forcing perpetrators to participate in counseling and violence reduction programmes is not requested, because the perpetrators oppose it, including for financial reasons, as there are no available assistance and counseling services for family perpetrators in the district. However, every time an application has been made to compel the perpetrators to participate in a counseling and violence reduction programme, the court has accepted it.

Lawyers interviewed confirm that it is common practice to apply for protective measures also for children in cases of domestic violence, as their safety and well-being are a priority. Difficulties arise in situations where the perpetrator is against the application of restrictions also to children. Thus, child psychological assessment reports have to be submitted, which are time-consuming and costly. A more simplified and free of charge mechanism should be put in place by the authorities in this respect.

In another vein, some of the lawyers interviewed consider that the court refrains from forcing aggressors to follow a programme of counseling and reduction of violent behaviour, because there are no conditions for the implementation of this measure, there is a lack of a well-developed network of centres for assistance and counseling for domestic aggressors. According to a lawyer from Cahul in his practice he had only

one case when the court obliged the aggressor to follow a counseling programme. Other interviewees, however, reported that the courts in Chişinău apply this obligation in almost all cases when requested. Problems arise with enforcement, as the legal framework does not clarify who has to enforce the protection order and this is a “way out” for the perpetrators. However, several interviewees mentioned that not in all cases the court, when examining the application for a protection order, orders that the perpetrator is obliged to follow a counseling and violence reduction programme. This is explained by the fact that each case is individual, and the court bases its decision on circumstances that include the personality of the aggressor and the seriousness of his offenses. In other cases, the probation programme is not required because the professionals involved are also not familiar with what these measures are and how effective they will be.

Representatives from the National Probation Inspectorate involved in the study reported that in the period of 2023, for example in Făleşti only one protection order was presented whereby the aggressor was obliged to participate in a counseling and violent behaviour reduction programme, in Chişinău 3 such protection orders were registered, in Cahul and none in Ştefan Vodă. Their enforcement is problematic because it is necessary to form a group of at least 6 participants, which is unlikely. For this reason, the family aggressors were directed to the Centre for Counseling of Family Aggressors in the city of Drochia, where the participants went through the online programme. The domestic violence perpetrators who participated in the programme were of the opinion that it would have been more efficient to run the programme off-line, because in online mode they do not always understand what is being talked about, especially if there are connection problems.

In criminal cases, in the absence of a mention in the sentence, offenders refuse to participate in probation programmes. The problem is that only in few cases do the judges oblige them to attend these programmes. As a rule they are only required to report to the probation officer.

## **FINDINGS:**

1. The number of protection orders issued in 2023 is on the rise compared to the previous period, as more domestic violence referrals are being registered.
2. The number of rejected requests/applications for protection measures for victims of domestic violence is reduced. Reasons for rejection included the fact that the victim of domestic violence is not in a crisis situation and has the possibility to go to court on her own.
3. In the Cahul and Făleşti districts, the number of protection orders issued in 2023 was on the rise compared to 2022, while in Chişinău and the Ştefan Vodă district it decreased.
4. The prosecuting authority usually prefers to encourage victims, assisted by a lawyer, to apply for protective measures on their own in court.
5. Police sector officers, in the absence of a basis to act in the interests of victims, encourage victims to apply to the court on their own to obtain POs, and this influences both the quality of the application and the victim’s own decision to go to court to apply for a PO.
6. The professionals interviewed confirmed that it is common practice for protective measures to be requested at the same time for children.
7. The low number of cases of forcing the offender to participate in a counseling and violent behaviour reduction programme can be explained by the fact that this protective measure is not requested.
8. The probation agency faces difficulties, including operational difficulties, in implementing the programme of counseling and reduction of violent behaviour of domestic violence perpetrators.
9. Persons with mental health problems and those addicted to drugs or alcohol cannot be included in the programme to change violent behaviour, applied by the probation agency. Therefore, specialized services are needed for these people, which are currently lacking.

### **GOOD PRACTICE:**

1. In the districts of Cahul and Fălești the number of protection orders is increasing.
2. In the Fălești district about 60% of protection orders were issued at the request of police employees.

### **RECOMMENDATIONS:**

1. Examining the opportunity of identifying additional measures to protect victims in cases of violence with the use of information technology and electronic communications.
2. Conduct a study with a view to establishing a more simplified mechanism for obtaining protection measures for child victims of domestic violence.
3. Analysis of the opportunity of expanding the network of centres/services for assistance and counseling for domestic violence perpetrators.
4. Conduct a study to determine the shortcomings in the implementation of measures to protect victims of domestic violence, including the participation of the aggressor in a counseling and violent behaviour reduction programme and in alcohol and drug addiction treatment.
5. Organize trainings on a multi-sectoral platform for justice, medical and social sector specialists in order to ensure proper application of restrictions and obligations to domestic violence perpetrators, including participation in a counseling and reduction of violent behaviour.
6. Encouraging prosecuting officers, prosecutors and judges to be diligent in requesting/enforcing protective measures for victims of domestic violence, including forcing the perpetrator to attend a counseling and violent behaviour reduction programme.
7. The authorities are to identify solutions to support the probation body to ensure effective implementation of probation programmes for domestic violence perpetrators.

## 8. SUPERVISING THE COMPLIANCE WITH PROTECTION ORDERS

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According to Art. 51 of the Istanbul Convention, the safety of the victim is central to any intervention in cases of domestic violence, taking into account the degree of danger of recurrence of violence and the risk of lethality. Thus, priority is given to the safety of the victim and his/her children, and temporary limitations on the perpetrator's right to use property or limitations on his/her private life cannot take precedence over the right to life and physical/mental integrity.

According to Art.15 of Law No. 45/2007 the court issues a protection order, by which the aggressor is subject to certain restrictions and obligations. Supervision of the execution of the protection order is entrusted to the police and other bodies, in accordance with the law.<sup>32</sup> Amendments to the relevant legal acts have ensured the introduction of electronic monitoring of the enforcement of the restrictions laid down in the protection order.

For failure to respect the protection order of the victim of domestic violence arises criminal liability set out in art. 320<sup>1</sup> Criminal Code. By Law No. 316/2022 for the amendment of some normative acts,<sup>33</sup> the sanction provisioned in art. 320<sup>1</sup> of the Criminal Code was tightened, establishing the penalty of imprisonment up to 4 years. In this way, it became possible, if necessary, to apply preventive arrest on any case of non-compliance with the restrictions set in the protection order.

It should be noted that , the Enforcement Code does not provide for a clear regulation of the procedure for enforcement of the protection order. Legislative omissions in this regard may create difficulties in the prosecution process for non-compliance with the PO. This implies the need to improve this mechanism.

**The data published by the GIP attests, nationwide in 2023, an increase in the rate of violation or non-compliance with the protection order.** Thus, out of 798 protection orders issued in 2023, in 723 cases the system of electronic monitoring of compliance with the established protection measures was applied, and the perpetrators violated 448 protection orders or 56% of the number of POs issued.

According to the data of the National Probation Inspectorate for 2023, monitoring measures were applied for 1571 persons, the majority of them - 723 domestic violence perpetrators.<sup>34</sup>

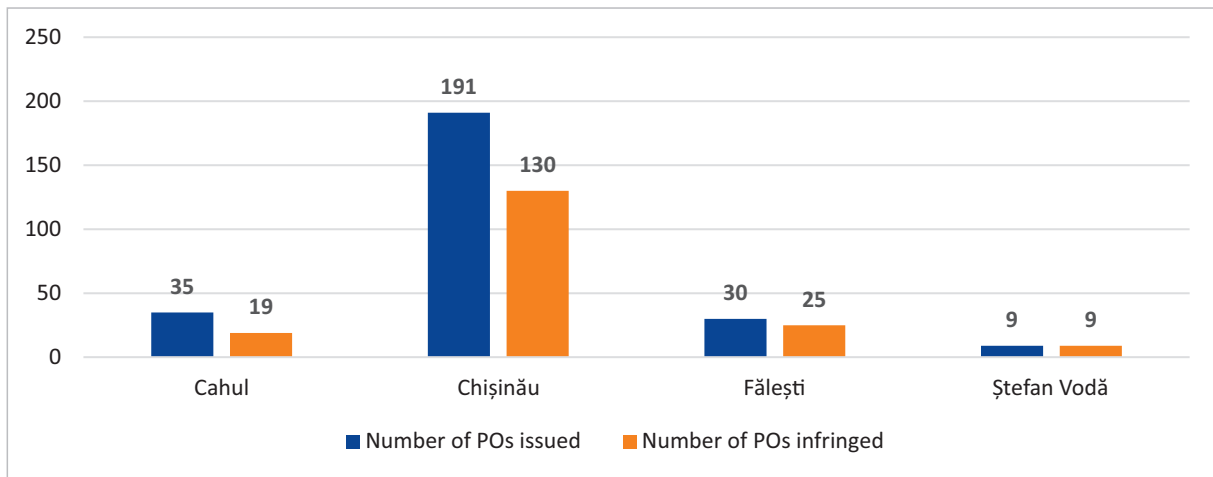
The statistical data, collected in the assessment, reflects that in 2023, the highest rate of violation of protection orders was registered in the Ștefan Vodă district, where out of 9 protection orders issued, electronic monitoring was applied in 6 cases, restrictions were violated in all 9 cases or 100%. These trends are also found in other regions covered by the study, namely in the Fălești district, out of 30 protection orders issued, electronic monitoring was applied in 25 cases, restrictions were violated in 28 cases or 95%. In mun. Chișinău out of 191 protection orders, in 130 cases or 67% restrictions were violated. In Cahul district, out of 35 protection orders issued, all with the application of electronic monitoring, in 19 cases or 55% restrictions were violated.

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32. [https://www.legis.md/cautare/getResults?doc\\_id=144821&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=144821&lang=ro#)

33. [https://www.legis.md/cautare/getResults?doc\\_id=134400&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134400&lang=ro)

34. <https://justice.gov.md/ro/content/recomandari-pentru-modernizarea-sistemului-de-monitorizare-electronica>



**Figure 13. Rate of infringement of protection orders in mun. Chişinău and the districts of Cahul, Făleşti and Ştefan Vodă**

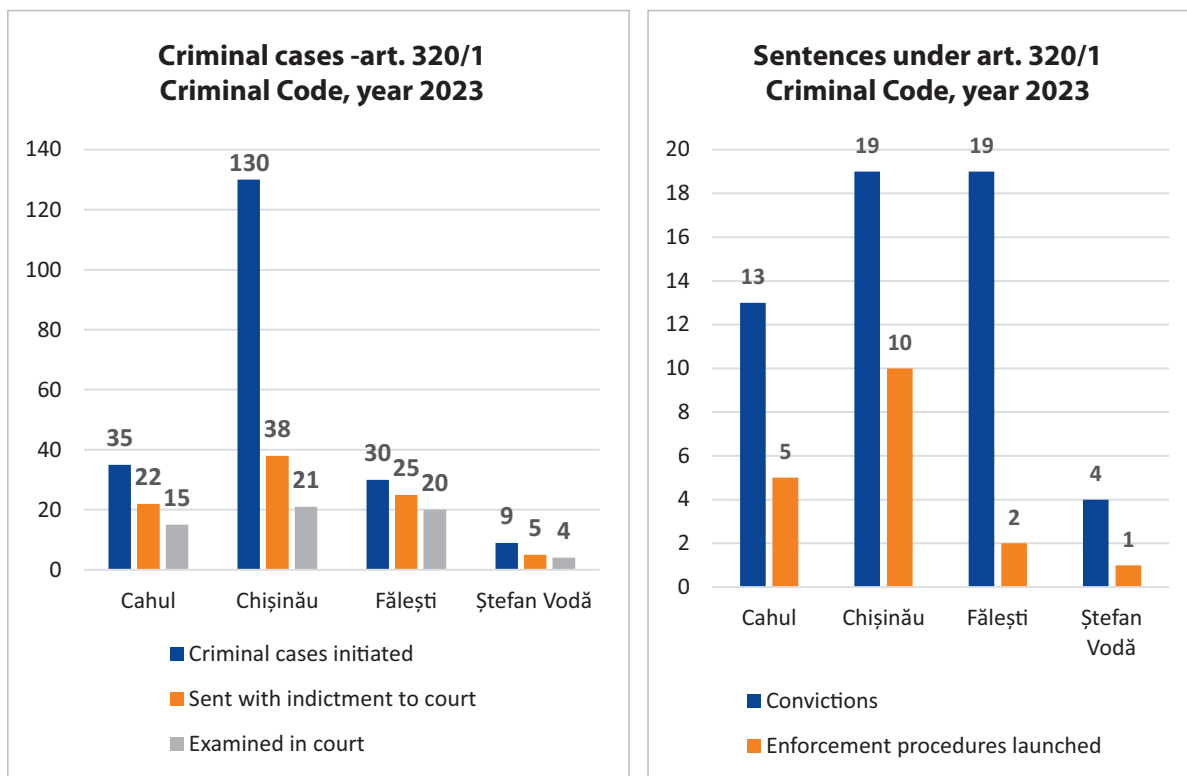
For the non-compliance with protection orders at the national level, 448 criminal cases have been initiated on the basis of Article 320 of the Criminal Code<sup>1</sup>.

The evaluation found that the principle of celerity is violated in some situations when examining criminal cases of violation of or non-compliance with the protection order. For example, in Chişinău out of a total of 130 criminal cases, filed in 2023 under art. 320<sup>1</sup> of the Criminal Code, 38 cases were sent with indictment to the court. The court examined 21 criminal cases with the pronouncement of 19 judgments of conviction and 2 judgments of termination of proceedings. In the period of reference, 10 proceedings for execution of the sentence pronounced on the basis of art. 320<sup>1</sup> of the Criminal Code were registered at the probation office - 9 with unpaid community service and 1 proceeding for supervision of the sentence with conditional suspension of execution of the sentence.

In Cahul district, out of the total number of 35 criminal cases filed in 2023 under Art. 320<sup>1</sup> of the Criminal Code, 22 cases were handed over with indictment. The court examined 15 criminal cases with 15 convictions. At the probation body during the reporting period, 5 proceedings for execution of sentence were registered - 3 with unpaid community service and 2 proceedings for supervision of sentence with conditional suspension of execution of sentence.

In the Făleşti district out of 30 criminal cases, filed in 2023 under Art. 320<sup>1</sup> Criminal Code, 25 cases have been sent with indictment for trial. The court examined 20 criminal cases with 19 convictions and 1 acquittal. The probation office registered 2 procedures for execution of sentence, both with unpaid community service.

In Ştefan Vodă district out of 9 criminal cases, filed in 2023 under Art. 320<sup>1</sup> Criminal Code, 5 cases were sent with indictment. The court examined 4 criminal cases with 4 convictions. At the probation body during the reporting period, 1 procedure for execution of sentence with unpaid community service was registered.



**Figure 14. Number of criminal cases, initiated for non-compliance with protection orders and finalized with a sentence, in Chişinău and the districts of Cahul, Făleşti and Ştefan Vodă**

According to the information of the National Probation Inspectorate for the year 2023, the majority of sentences issued under Art. 320<sup>1</sup> of the Criminal Code in Chişinău provide for non-custodial sentences. These trends are not confirmed in the other 3 localities where a small number of non-custodial sentences are recorded. The reference to Article 53 of the Istanbul Convention, which encourages parties to take the necessary measures to ensure effective, proportionate and dissuasive criminal or other legal sanctions for violations of restraining or protection orders, is relevant in this respect.

The police sector officers interviewed, who are usually in first contact with the subjects of domestic violence, reported that the main difficulties in working with domestic violence perpetrators are in forcing them to leave their homes. Many of them have nowhere to go during the period of the restrictions set and some of them consciously resort to violating the PO. The lack of local family psychologists, specialized centres for perpetrators, and specialists to organize treatment for alcohol and substance abuse, to whom perpetrators can be referred, is very detrimental to the process of preventing and combating domestic violence.

The majority of the participants in the interview appreciate electronic monitoring as a valuable tool for monitoring offenders' behaviour without resorting to deprivation of liberty. Electronic monitoring is recognized as a means of holding offenders accountable and deterring recidivism, saving resources and preventing overcrowding in places of detention. Electronic monitoring makes it easier to prove non-compliance with the protection order.

However, some respondents were more reserved, reporting cases in which the perpetrators avoided this obligation. Practice shows that some offenders tend to undo or damage the bracelet or device, and in these cases the victim could be at risk. Shortcomings are mentioned in relation to the coverage of electronic monitoring devices in rural areas. Metallic monitoring devices with cables are not welcome and need to be replaced by alternative systems. There are instances of the device being discharged and the perpetrator intentionally not charging the device or trying other methods whereby the bracelet cannot be fully tracked or the signal is partially lost. There was a case when the proximity of the offender to the victim was demonstrated by the video camera near the apartment block, while the bracelet and the tracker from the offender, being intact and functional, did not send signals to the Monitoring Directorate

of the National Probation Inspectorate. It is important to continuously improve the electronic monitoring system through more advanced technology and improved protocols for responding to violations.

The probation counselors interviewed reported that in cases of domestic violence, the response actions are often merely focused on applying electronic monitoring equipment to domestic violence perpetrators when issuing victim protection orders. This would mean that the probation officer is not involved to the extent necessary in probation activities with domestic violence perpetrators who are serving criminal or contravention sentences for domestic violence. A large proportion of domestic violence perpetrators do not recognize their actions as a form of violence, i.e., it is very difficult to change their attitude and behaviour. Most of the domestic violence perpetrators are alcohol abusers, and they are often also aggressive towards probation counselors. Many cannot understand why the judge applied the sanction of electronic monitoring. If the family continues to live together, repeated violence is very likely. Recidivism is not definitively ruled out even if the victim and perpetrator separate. Respondents were unanimous in their opinion that electronic monitoring is an effective measure, but legislative changes are needed to allow persons who do not maintain electronic monitoring equipment in working order to be held liable.

## **FINDINGS:**

1. In 2023 at the national level there was a 5% increase in the number of protection orders for victims of domestic violence compared to the previous period.
2. In 95% of the total number of protection orders issued, the system of electronic monitoring of compliance with protection measures was applied.
3. At national level in 56% of the protection orders the restrictions were violated, and criminal prosecution was initiated on the basis of art. 3201 of the Criminal Code in all cases.
4. In the 4 evaluated regions, the non-compliance with the protection orders ranged from 55% to 100% of the number of POs issued, in Fălești district the percentage of non-execution of the established restrictions was 95%, and the Ștefan Vodă district 95%, although in the overwhelming majority of cases electronic monitoring was applied.
5. According to professionals, many domestic violence perpetrators resort to violating the measures imposed by the PO and return to their homes for lack of alternative accommodation.
6. The electronic monitoring is appreciated by the interviewed professionals as a valuable tool for monitoring the behaviour of the aggressors, saving resources. It also facilitates the accumulation of evidence in case of non-compliance with the protection order.
7. There were shortcomings in the application of electronic monitoring, depending on the level of performance of the devices as well as on the way they were used.

## **RECOMMENDATIONS:**

1. To examine the appropriateness of amending the legislation on the procedure for the enforcement of protection orders and making the perpetrator responsible for maintaining the electronic monitoring equipment in working order.
2. Organization of information campaigns at local level, including on the conditions and ways to apply protective measures in cases of domestic violence, the roadmap for the treatment of alcohol and substance abuse.
3. Organizing trainings for probation counselors on preventing and combating domestic violence, ensuring the protection of victims and counseling of domestic violence perpetrators.
4. Identify solutions to ensure the acquisition and deployment of high-performance supervision and monitoring devices for probation work.



## 9. LEGAL FRAMEWORK OF DOMESTIC VIOLENCE

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Domestic violence is recognized as a violation of human rights and a crime of high social danger, according to the Criminal Code of the Republic of Moldova, supplemented with Article 201<sup>1</sup> (Domestic violence) already since 2010 (Law No. 167/2010<sup>35</sup>).

According to the professionals interviewed, in practice, mainly physical violence is reported. However, in recent years, psychological violence, which often accompanies physical violence, is also increasingly reported. According to practitioners in Ștefan Vodă, Chișinău and Cahul, lately, if the victim has no injuries but shows signs of intimidation found in the psychological assessment, the case is registered in Register No. 1 and examined in criminal proceedings.

By Law No. 196/2016<sup>36</sup>, the new wording of Article 201<sup>1</sup> of the Criminal Code (Domestic violence) was adopted, which establishes liability for acts of physical violence resulting in *slight, medium* or *serious* injury to bodily integrity or health, for acts of psychological violence and economic violence. More severe penalties have been set for domestic violence.

At the same time, Law No. 196/2016 supplemented the Contravention Code of the Republic of Moldova<sup>37</sup> with a new rule - art. 78<sup>1</sup> (Domestic violence), which establishes contravention liability for domestic violence resulting in *insignificant* bodily injury.

After the implementation of Article 78<sup>1</sup> of the Contravention Code, a period of judicial practice dominated, according to which domestic violence (of any form) that did not result in slight, medium or serious injury to the victim's bodily integrity could not attract criminal liability. In this way, acts of psychological violence, which as a rule do not leave physical traces, were excluded from criminal liability. After much effort to change attitudes towards psychological violence, professionals in the justice system have begun to realize that psychological violence, as a distinct form of domestic violence, can have serious and lasting consequences for the psychological integrity and equilibrium of the victim. These circumstances make it necessary to apply criminal liability also to psychological violence.

Again, through Law No. 144/2021 the Republic of Moldova ratified the Istanbul Convention. From that moment, the rules of the Convention have become an integral part of national legislation.

In the Evaluation Report on the implementation of the Istanbul Convention, with reference to Article 35 of the Convention, GREVIO welcomed the criminalization of domestic violence in the criminal legislation of the Republic of Moldova. At the same time, GREVIO notes that the parallel qualification of domestic violence as an infringement of the Contravention Code raises a number of problems. These could arise, including from the lack of criteria to make a clear distinction between violations of the contravention code or of the criminal code regarding domestic violence.

It is important to recall that, in the original wording of the Criminal Code No. 985/2002, criminal liability was provided for all degrees of injury to bodily integrity or health, including for serious injury to bodily integrity or health (art.151); for medium injury (art.152); for slight injury (art. 153) and for intentional ill-treatment or other acts of violence (art.154). Law No. 292/2007<sup>38</sup> from the Criminal Code excluded articles 153 and 154, and established contravention liability for slight or insignificant injury to bodily integrity or health.

The Explanatory Report to Art.35 (Physical violence) of the Istanbul Convention states that this norm criminalizes *any act of bodily injury* resulting from the direct and unlawful use of physical force, regardless of the context in which it occurs. Thus, the letter and spirit of Art. 35 (Physical violence) of the Istanbul Convention points to the need to criminalize all violent actions and does not specify the gravity of the

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35. [https://www.legis.md/cautare/getResults?doc\\_id=24020&lang=ro](https://www.legis.md/cautare/getResults?doc_id=24020&lang=ro)

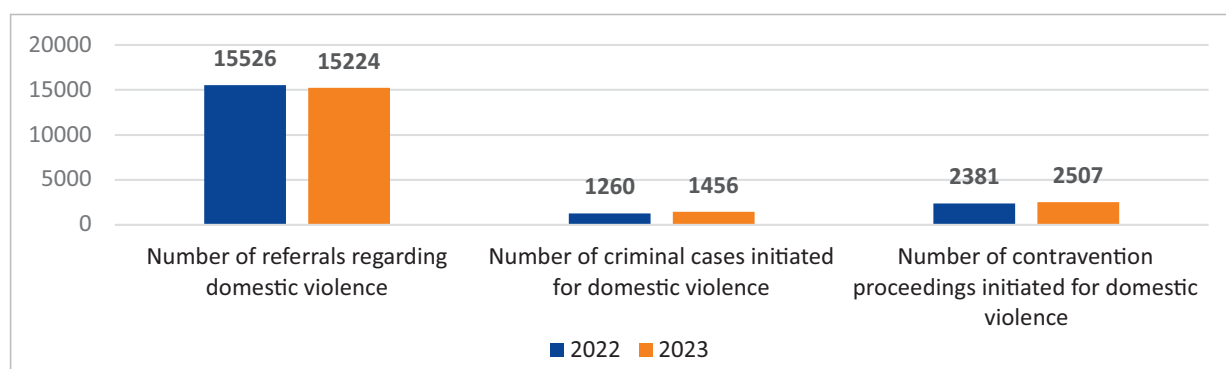
36. [https://www.legis.md/cautare/getResults?doc\\_id=95019&lang=ro](https://www.legis.md/cautare/getResults?doc_id=95019&lang=ro)

37. [https://www.legis.md/cautare/getResults?doc\\_id=141613&lang=ro](https://www.legis.md/cautare/getResults?doc_id=141613&lang=ro)

38. [https://www.legis.md/cautare/getResults?doc\\_id=24455&lang=ro](https://www.legis.md/cautare/getResults?doc_id=24455&lang=ro)

injury to bodily integrity or health. Moreover, in the definitions of “*violence against women*” and “*domestic violence*” in Art. 3 of the Istanbul Convention, the legislators describe *physical violence* as a form of violence against women, including domestic violence, which results in *physical injury or suffering*. Thus, the Istanbul Convention unequivocally promotes the criminalization of physical violence, manifested by any act of bodily harm, with the direct and unlawful use of physical force, resulting in physical injury or suffering. It is therefore necessary to amend Article 201<sup>1</sup> of the Criminal Code (Domestic violence) and, at the same time, to exclude Article 78<sup>1</sup> (Domestic violence) from the Contravention Code. In this way, national criminal legislation will provide the necessary tools to protect the victim, ensuring criminal coercive measures for any acts of physical domestic violence.

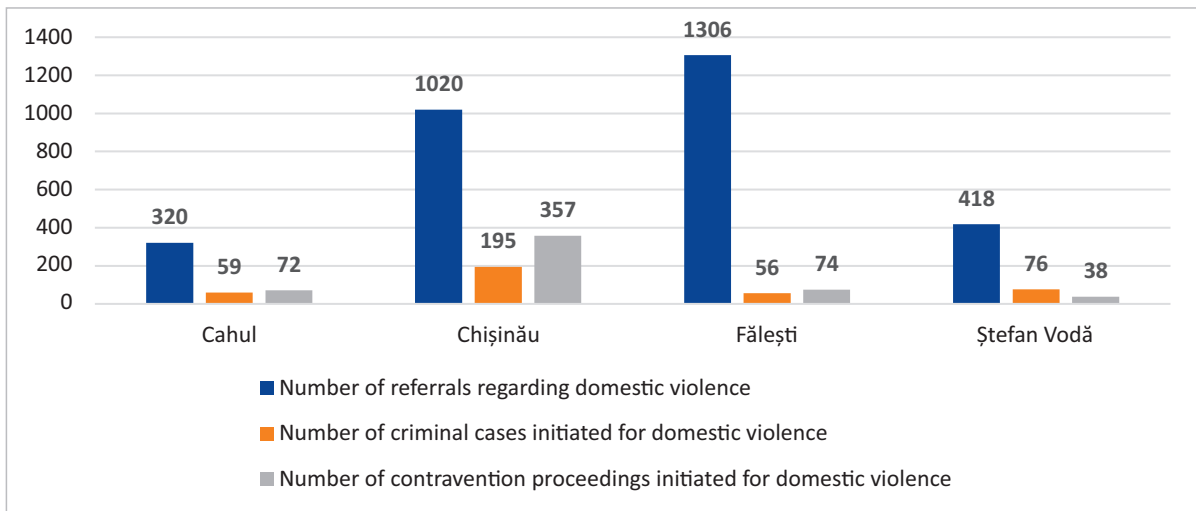
The evaluation results show that, **despite the downward trend in the number of domestic violence referrals/reports, the number of criminal and contravention cases for domestic violence is increasing.** According to the GIP’s report for 2023, police subdivisions recorded 15,224 calls/reports/referrals related to alleged domestic violence, down from 15,526 recorded in 2022. In the investigative process, 1456 cases were prosecuted, up from 1260 cases in 2022. 2507 contravention proceedings were initiated, compared to 2381 proceedings initiated in 2022.



**Figure 15. Number of criminal and contravention cases initiated for acts of domestic violence between 2022-2023**

With reference to the regions covered by the evaluation, in 2023, in the Fălești district, out of 1306 complaints about alleged acts of domestic violence, 56 criminal cases and 74 contravention proceedings were initiated; in Chișinău, out of 1020 complaints, 195 criminal cases and 357 contravention proceedings were initiated; in Cahul, out of 320 complaints, 59 criminal cases and 72 contravention proceedings were initiated; in Ștefan Vodă, out of 418 complaints, 76 criminal cases and 38 contravention proceedings were initiated. Thus, during the reference period in three regions the number of contravention proceedings exceeded the number of criminal cases by less than 40%, while in Ștefan Vodă the number of criminal cases doubled compared to contravention proceedings.

This suggests that although fewer incidents are being reported, authorities are taking stronger action in reported cases. In particular, in Fălești district and the Chișinău municipality, the number of contravention proceedings exceeded the number of criminal cases, which may reflect a more proactive approach to law enforcement. In contrast, in Ștefan Vodă, the significant increase in criminal cases compared to contravention proceedings could indicate a more serious situation of domestic violence or a change in prosecution priorities. These data can serve as a basis for assessing the effectiveness of measures to prevent and combat domestic violence and for adjusting public policies in this area.



**Figure 16. Number of criminal and contravention cases initiated for domestic violence in 2023 in the Chişinău municipality and the districts of Cahul, Făleşti and Ştefan Vodă**

Criminal prosecution officers base the initiation of criminal prosecution in cases of domestic violence on the forensic reports with the victim's injuries based on art. 201<sup>1</sup> para. (1) lit. a) of the Criminal Code, and on the signs provided for in art.201<sup>1</sup> alin. (1) lit. b) of the Criminal Code - the victim's statements, the psychological evaluation report, the dispositions of witnesses, the finding materials and previous sentences against the aggressor, etc.

Among the main shortcomings hindering the investigation process, the prosecution officers and prosecutors mentioned the impossibility to establish with certainty the act of violence, also caused by the mechanism of injury formation not providing a clear picture, the victim not cooperating with the authorities or refusing to make statements against the perpetrator. Difficulties were mentioned in the procedure of referring the victim to specialized services, time-consuming psychological assessments, excessive workload, etc. These and other circumstances may lead to not starting or terminating of criminal proceedings or delay in adopting a solution. The professionals pleaded for the assistance of specialists in the field (social worker, psychologist) in order to not put the injured party at risk of revictimization.

Professionals in the justice system recognize the importance of treating domestic violence seriously and rigorously, treating each case objectively, evaluating all the evidence and circumstances carefully, and conducting psychological assessments and evaluations when necessary. In cases where perpetrators are dismissed or cases are discontinued, it is important to thoroughly examine the reasons for such decisions, to rule out errors in the process etc.

**The contravention process is not an effective tool for preventing and combating domestic violence.** Although the amendments to the Contraventions Code were based on the possibility of ensuring, in restricted terms, under the conditions of the contravention legislation, the effective sanctioning of frequent cases of domestic violence resulting in minor injuries with deterrent punitive measures, the evaluation data shows the opposite. Thus, many cases take a long time. While contravention cases were being considered in court, some offenders in these cases continued to intentionally exhibit violent behaviour towards their family members, and shortly after the case was adjudicated, the perpetrator committed further acts of violence. The arguments presented in the interviews are also confirmed by the information presented by the National Probation Inspectorate, which attests that: in 2022, out of the total number of decisions received for execution, sanctioned according to art.78<sup>1</sup> of the Contravention Code (1258), 34% of the decisions were pronounced in the absence of the offender. This discrepancy continued also in the first half of 2023, out of the total number of judgments received for enforcement, sanctioned according to art.78<sup>1</sup> CC (675), 40% of the judgments were rendered in the absence of the offender. In the context of the quantitative and qualitative analysis, we note that in cases where court decisions are rendered in the absence of the person, there is an increased rate of ill-willed evasion of the

person subjected to probation from the execution of the sanction, for example, in 2022 - 14% compared to 2.5% (evasion in cases of rendering decisions in the presence of the person); in the first half of 2023 -7.2% compared to 1.2%.

These figures suggest that the contravention process largely does not have a positive impact on compliance with the sanctions imposed, which could be an important factor for judicial authorities to consider improving the effectiveness of the punitive system. In this context, continuous evaluation of judicial proceedings and their impact on the behaviour of offenders is essential to ensure effective enforcement of justice and to promote accountability among those sanctioned.

With reference to the relevance of the exclusion from the Contravention Code of Art. 78<sup>1</sup>, the views of the professionals involved in the evaluation vary. Some prosecutors and judges consider that the retention of art. 78<sup>1</sup> Contravention Code is essential because it provides a legal framework for different degrees of injury. Other interviewed prosecutors, supported by police sector officers, consider that domestic violence should be criminalized exclusively because the object of the assault is not limited to the degree of bodily injury and health, mental integrity, honor and dignity of the victim, but also to social relations with regard to family solidarity. At the same time, there are a number of administrative loopholes in the contravention procedure, one of which is the age of 18 years for being held liable. However, according to the Family Code, the age of marriage can be reduced to 16 years, and the perpetrator of a domestic violence offense is subject to criminal liability, which also starts at 16 years.

The provisions of the Contraventional Code do not cover other consequences of the act of violence, including damaged family relationships, damaged psychological equilibrium of the victim and other members who witness the violent actions, etc.

The lawyers participating in the evaluation did not express a joint opinion, but the majority were of the opinion that criminalization of domestic violence is seen as a tool to hold perpetrators accountable and to discourage this behaviour in society. It would be necessary to review the legislation and remove the contravention component to ensure a more serious approach to domestic violence. There were also views on keeping the contravention component for first-time offenses followed by criminal liability for repeated offenses of domestic violence.

The majority of respondents rated cross-agency cooperation as good and mentioned that it is essential to ensure an effective and integrated response in tackling complex social issues such as victim assistance. At the same time, in the opinion of some police sector officers, cooperation with the prosecution and courts is limited to bringing alleged perpetrators to justice.

## **FINDINGS:**

1. In 2023, the number of domestic violence referrals decreased compared to 2022, however, the number of criminal cases and contravention proceedings initiated on domestic violence increased during the reporting period. This suggests that although fewer incidents are being reported, authorities are taking stronger action in reported cases.
2. In most of the regions covered by the study, in 2023, the number of contravention proceedings exceeded the number of criminal cases by less than 40%, but in Ștefan Vodă the number of criminal cases was double compared to the number of contravention proceedings, this is an encouraging trend.
3. The contravention procedure is not an effective tool for preventing and combating domestic violence, as there is an increased rate of the probationer's subjects who willfully avoid the execution of the sanction, especially when the decision is pronounced in the absence of the offender, for example, in 2022 - 14% compared to 2.5% (evasion in cases of pronouncement of decisions in the presence of the person); in the first semester of 2023 - 7.2% compared to 1.2%.
4. The criminal prosecution body shall base the decision to initiate criminal proceedings in cases of domestic violence on: forensic medical expert reports with the victim's injuries on the basis of art.2011 para. (1) lit. a) of the Criminal Code; in the case of art.2011 alin. (1) lit. b) of the Criminal Code - the

victim's statements, the psychological evaluation report, the witnesses' statements, the findings and previous sentences against the aggressor, etc.

5. The main shortcomings hindering the investigation process include: the impossibility of establishing with certainty the act of violence, including on the grounds that the mechanism of causation of injury does not provide a clear picture, the victim does not cooperate with the authorities or refuses to make statements about the perpetrator, psychological assessments take a very long time, excessive workload, etc.
6. Although the rule of art.781 of the Contravention Code does not correspond to art.35 of the Istanbul Convention, many professionals interviewed argue against the exclusion of this rule from the Contravention Code.
7. Inter-institutional cooperation in the justice system is assessed by professionals as generally good, however, sometimes there is a lack of constructive dialog between representatives of the competent authorities.

#### **GOOD PRACTICE:**

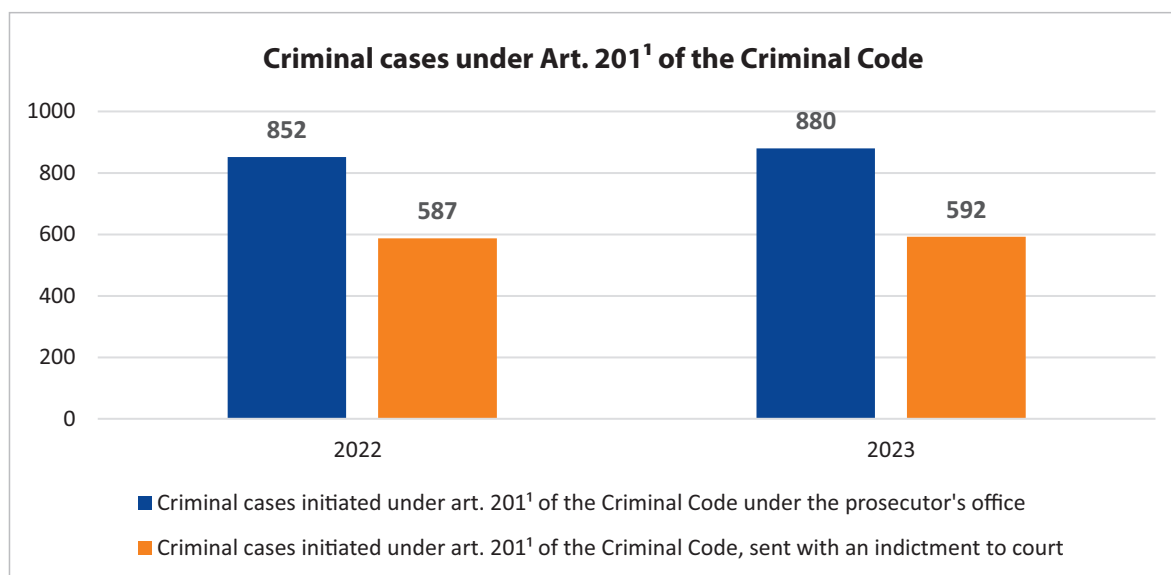
1. Referral of victims for psychological counseling to the Family Justice Centre and non-commercial organizations during the criminal process.
2. In Făleşti, even if there is no bodily injury to the victim, but the perpetrator has been previously held liable for an contravention infringement, this is considered a reasonable ground for initiating the investigation of the crime of psychological domestic violence.

#### **RECOMMENDATIONS:**

1. Identify solutions to ensure effective interaction of the prosecution body with specialists in the field (psychologist, psycho-pedagogue, social worker) in order to prevent the risk of re-victimization of the victim/injured party in the investigation.
2. Organize further trainings for justice system professionals to act diligently in the prosecution and judicial examination of domestic violence cases, with a special focus on cases of psychological violence.
3. Carrying out a study of the effectiveness of the mechanism of application and execution of unpaid community service, including from the perspective of achieving the goal of resocialization of the family offender.
4. To examine the appropriateness of amending the contravention legislation by excluding art.781 of the Contravention Code (Domestic Violence) in order to ensure the compatibility of national legislation with the letter and spirit of the Istanbul Convention and to ensure dissuasive sanctions for acts of domestic violence.

## 10. EXAMINING DOMESTIC VIOLENCE CASES IN COURT

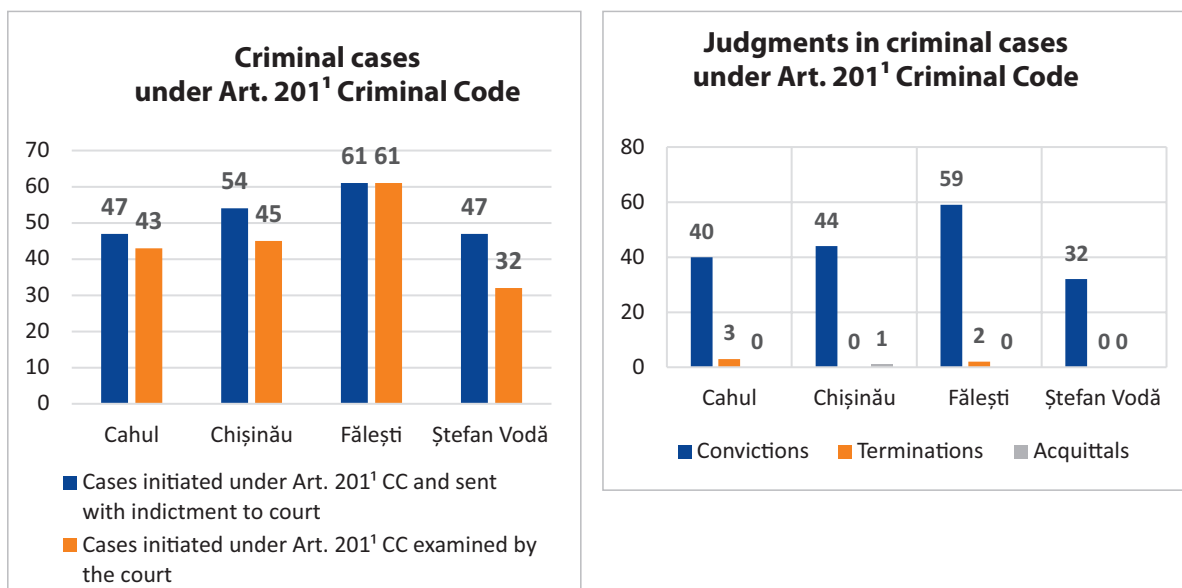
**Respondents' observations reflect a positive trend in the approach to domestic violence in the Moldovan judicial system.** This trend is also confirmed by data at a national level. Data from the General Prosecutor's Office indicate an increase in the number of criminal cases related to domestic violence that have been prosecuted, as well as an increase in the number of cases sent to court with indictments. According to the data published by the General Prosecutor's Office of the Republic of Moldova, in 2023,<sup>39</sup> prosecutors conducted criminal prosecution in 880 criminal cases initiated under Article 201<sup>1</sup> of the Criminal Code (Domestic Violence), which is a slight increase compared to 2022 when they had 852 criminal cases under their conduct. During the reporting period, prosecutors sent with indictment to the court 592 criminal cases on facts of domestic violence, compared to 587 - in 2022. The courts of the country issued a sentence in 614 criminal cases on domestic violence. This increase may suggest greater attention paid by the authorities to domestic violence cases, which could help improve the quality of justice for victims. At the same time, the number of cases which resulted in sentences issued by the courts indicates an active involvement in dealing with these issues, which is an encouraging sign for strengthening the rule of law and protecting victims' rights.



**Figure 17. Number of criminal cases of domestic violence initiated and sent with indictment to court in 2022 and 2023**

With reference to the regions covered by the study it is worth mentioning that the Cahul Court registered 47 cases, with an overwhelming majority of convictions, reflecting a possible trend of seriousness in the approach to these offenses. Similarly, the Chişinău Court showed a high conviction rate, with 44 out of 45 cases resulting in convictions. The Bălţi Court, which includes the Făleşti district, also showed high conviction rates out of 61 cases examined, including 59 with a conviction sentence and 2 with a judgment of termination, indicating a possible uniformity in the legal procedures applied to domestic violence cases. In the Court of Căuşeni, which includes the seat of Ştefan Vodă, 47 cases were registered, 32 cases were examined, all 32 of them with conviction. These statistics may suggest a firm judicial policy and possible effectiveness in the processing and resolution of domestic violence cases in Moldova.

39. <https://procuratura.md/sites/default/files/2024-3/RAPORTUL%20de%20activitate%20al%20Procuraturii%20for%20the%20year%20202023%20final.pdf>;



**Figure 18. Number of criminal cases for acts of domestic violence initiated and examined in court in 2023 in Chişinău and the districts of Cahul, Făleşti and Ştefan Vodă**

The judges involved in the evaluation process reported that they had both contravention cases under Art. 78<sup>1</sup> of the Contravention Code and criminal cases under Art. 201<sup>1</sup> of the Criminal Code, with various forms of violence. Physical and psychological violence is invoked in almost all criminal and contravention cases examined, and economic violence more in civil cases (dissolution of marriage and establishment of domicile of minor children). As a rule, the perpetrators in the cases examined were registered with the police as perpetrators of domestic violence. The perpetration of violence with the use of information technology or electronic communications was invoked only in a few criminal cases when applying for a protection order (the victim presented the perpetrator's death threatening messages, excerpts from social networking sites with pictures of the victim, the minor child and their home).

Professionals confirm that courts accept violence risk assessment documents as evidence. Respondents reported that they have not had any cases of the victim/injured party being heard by videoconference or in court in the absence of the perpetrator. Only one case was mentioned in Făleşti, when in a domestic violence case the victim's daughter was heard as a witness when she was in another country.

Domestic violence cases are heard in the court of first instance in an average of 30 days to 3-4 years. In the districts criminal cases are examined within 6 months to 1 year, and contravention cases within 1 to 3 months.

Most criminal cases of domestic violence are examined in a simplified procedure, according to the provisions of art. 364<sup>1</sup> Code of Criminal Procedure. The interview participants assured that, as a rule, in these cases the injured party is present at the trial.

The interviewed judges mentioned that, in civil divorce cases caused by domestic violence, the court takes into consideration the personality of the perpetrator when determining the child's domicile and/or custody, whenever this information is attached to the action.

Victims' safety in the court premises is usually ensured by dialing 112 or by notifying the law enforcement authorities. If the victim informs the court of the danger, an application for a protection order could be organized. However, the conditions for effective separation of the victim from the offender are not created in court premises.

According to professionals, the main difficulties in the process of examining domestic violence cases are the non-appearance of the parties in criminal and contravention cases, as well as the quality of the materials accumulated in contravention proceedings. Although the law provides for the possibility of

hearing the victim/injured party by videoconference, as mentioned above, these opportunities are not utilized.

The lawyers participating in the interview reported that in divorce cases caused by domestic violence, the court takes into consideration the personality of the perpetrator in determining the child's domicile and custody only in cases where the conviction for domestic violence is attached to the materials or if there is a protection order, otherwise the questions asked in court about the behaviour of the perpetrator are relevant, but not necessarily decisive for the court's final decision. No one has put forward any case in which the judge has had to address this issue. On this issue, in the context of assessing the implementation of Article 31 of the Istanbul Convention, GREVIO urges the authorities to take the necessary measures to ensure that, when determining measures affecting the exercise of parental authority, the competent authorities are obliged to take into account all aspects of violence against women and domestic violence and to assess whether such violence could justify the restriction of guardianship and visitation rights. GREVIO stresses the need for courts to proactively request information from law enforcement authorities and specialized women's support services.

The guardianship authority may also take into consideration the personality of the perpetrator when establishing the child's visitation schedule or when drawing up the notice on the right of custody of the child if a PO is issued, otherwise they analyze the case very superficially and, in practically all cases, they establish the schedule for the father, under the pretext that he also has the right to communicate with the child. The current mechanism for establishing visitation schedules raises many questions, including about the capacity of the guardianship authorities to manage this complex task.

## **FINDINGS:**

1. In 2023, there was a slight increase in the number of criminal cases on domestic violence sent with an indictment to court.
2. Cases of domestic violence are examined in the court of first instance in an average of 30 days, but there have been cases that have lasted up to 3-4 years.
3. Most criminal cases of domestic violence are examined in a simplified procedure, according to the provisions of art. 3641 Code of Criminal Procedure.
4. The safety of victims in the court premises is practically not ensured, conditions are not created for effective separation of the victim from the offender.
5. There were no cases of the victim/injured party being heard by videoconference or in court in the absence of the offender.
6. The court does not always show the necessary interest in the offender's behaviour when deciding on custody or visitation rights.
7. In the perception of professionals, when drafting the opinion for the court on the right of custody of the child, the guardianship authority, as a rule, prioritizes the description of living conditions and hesitates to expose acts of violence.

## **RECOMMENDATIONS:**

1. Identify solutions to improve safety conditions in court premises for victims of domestic violence.
2. Develop appropriate technical conditions to ensure the hearing of the victim/injured party by videoconference in the judicial examination of domestic violence cases.
3. Capacity building of the guardianship authority, awareness raising and training to take into account acts of domestic violence when establishing the parents' visitation schedule.



# 11. PUNISHMENTS APPLIED FOR ACTS OF DOMESTIC VIOLENCE

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The criminal liability for domestic violence is set out in art. 201<sup>1</sup> and art. 320<sup>1</sup> of the Criminal Code. By Law No. 316/2022 for the amendment of some normative acts<sup>40</sup> the sanctions of the Criminal Code, in art. 201<sup>1</sup> para. (1) (Domestic violence) and Art. 320<sup>1</sup> (Failure to comply with the measures of the protection order for the victim of domestic violence) were tightened, with a prison sentence set at up to 4 years. This made it possible to apply, if necessary, pre-trial detention in any case of domestic violence.

Crimes of domestic violence are punishable by imprisonment and the alternative punishment of unpaid community service. The criminal punishments can thus be regarded as dissuasive and proportionate to the seriousness of the offenses covered by these rules. The effectiveness of punishments, however, is more likely to be determined by other factors that govern the application of the punishment.<sup>41</sup>

The analysis of the origin and evolution of violence between family members (with close ties and feelings of affection) indicates that violence is fueled mainly by stereotypes and discriminatory perceptions of some family members.<sup>42</sup> In such circumstances, the concern to counter the phenomenon of domestic violence calls for a symbiotic approach between punitive measures (punishing the perpetrator for the crime committed) and resocialization measures (supervision, assistance and counselling), as part of probation programmes to reduce aggressive behaviour.

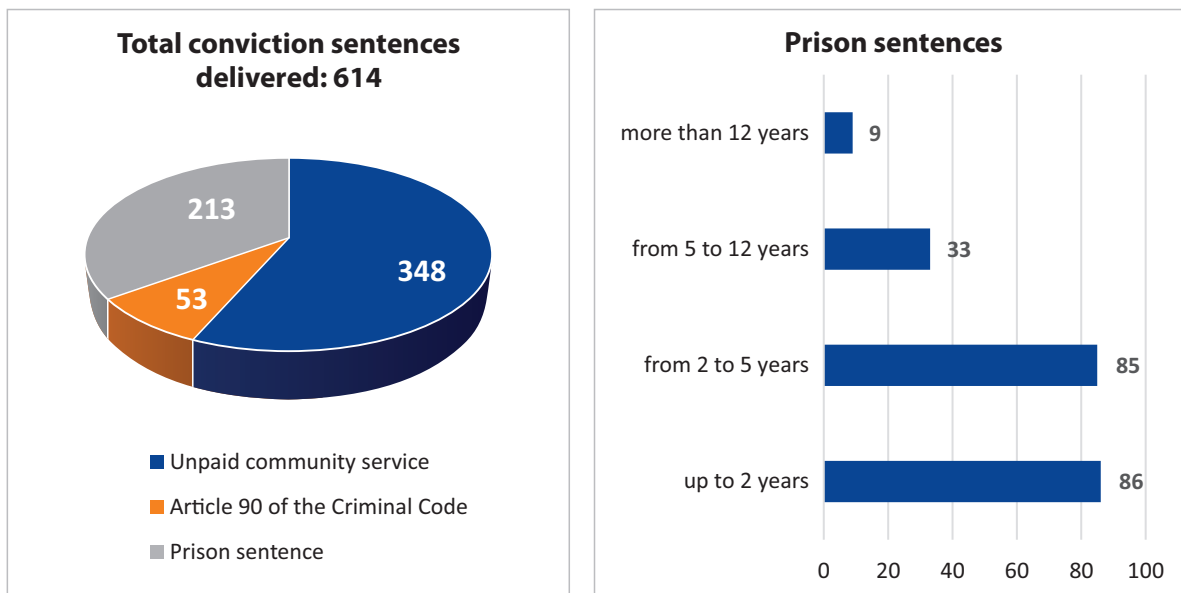
The results of the evaluation show that in cases of domestic violence, even if the courts, **in the majority of cases, convict the perpetrators, which is not enough to deter them from committing acts of domestic violence and to protect the victim.** In 2023, the courts handed down 614 convictions of domestic violence perpetrators, including: - 348 convictions with a sentence of unpaid community service; - 213 convictions with a prison sentence (of which: up to 2 years - 86 sentences; from 2 to 5 years - 85 sentences; from 5 to 12 years - 33 sentences; more than 12 years - 9 sentences); - 53 sentences of release from criminal punishment with conditional suspension of execution of sentence (Art. 90 of the Criminal Code). Therefore, out of the total number of sentences issued in cases of domestic violence, the share of non-custodial sentences at national level is over 65%. About 55% of the total number of sentences are for unpaid community service, which practically does not involve probation programmes for domestic violence perpetrators. The situation is similar at local level.

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40. [https://www.legis.md/cautare/getResults?doc\\_id=134400&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134400&lang=ro);

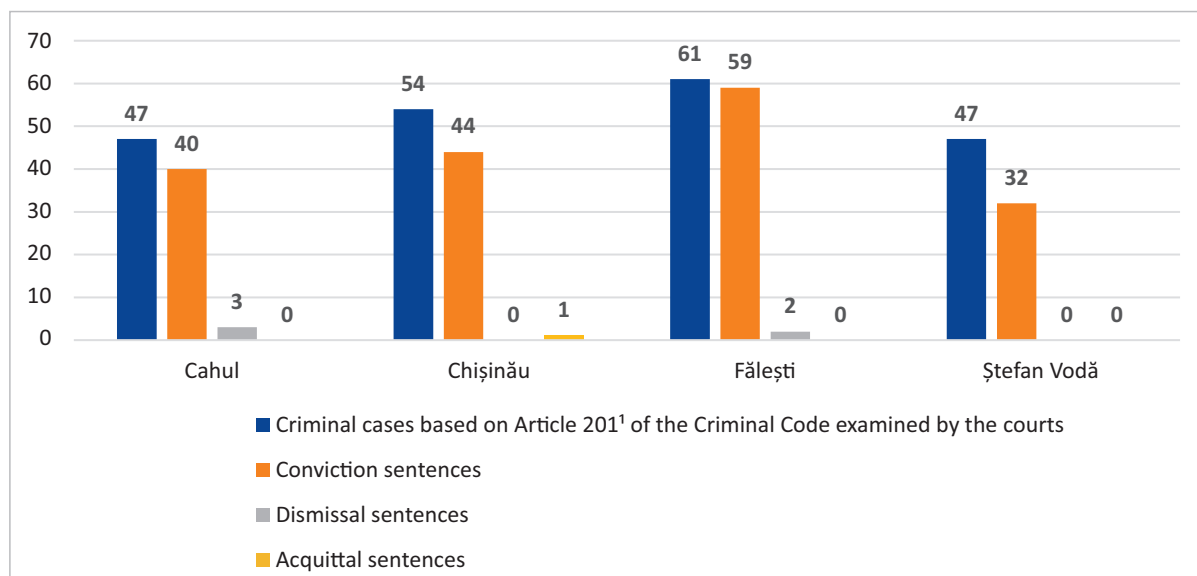
41. According to the Report of analysis of cases examined in 2023 by the Commission for monitoring and analysis of cases of domestic violence resulting in death or serious bodily harm to victims, the application of prison sentences for defendants who committed offenses under Article 201 para. (3) lit. a) of the Criminal Code was realized only when the offense was committed in concurrence of offenses or when there was a cumulative sentence.

42. According to the Report on the analysis of cases examined in 2023 by the Commission for Monitoring and Analyzing Cases of Domestic Violence resulting in death or serious bodily harm to victims, the most common reasons for violence are: family disagreements; hatred and envy; revenge and jealousy; excessive use of alcohol or drugs; not accepting the right to personal life or mistakes (excessive control and unrealistic expectations); habit of using force to settle disagreements, etc.



**Figure 19. Punishments for domestic violence imposed by courts in 2023**

With reference to the 4 regions covered by the study the situation is as follows:

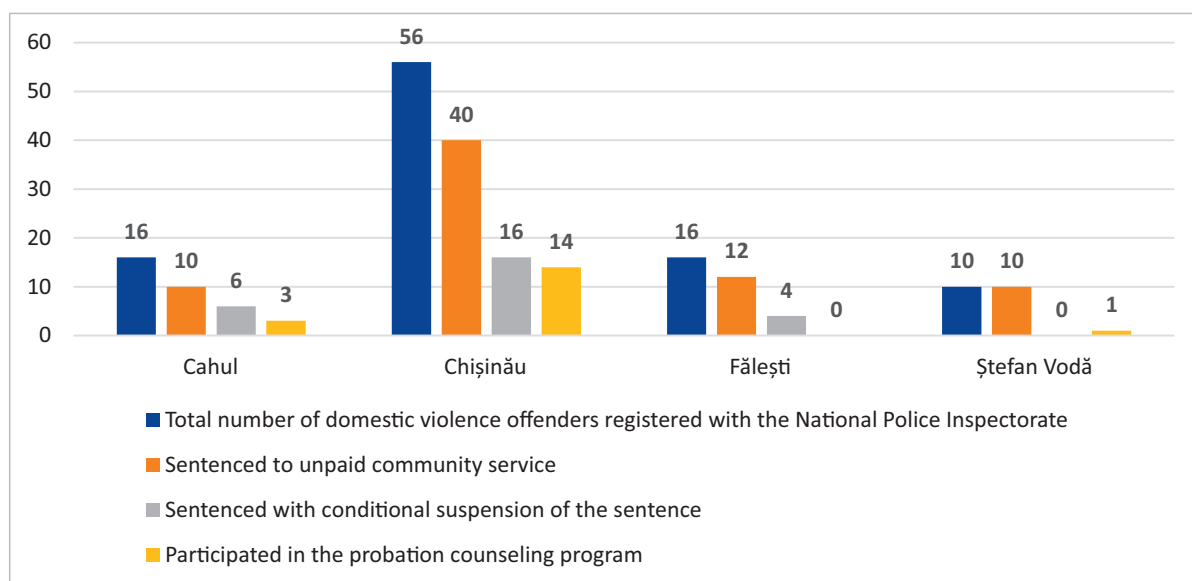


**Figure 20. Sentences imposed by courts for domestic violence in 2023 in Chişinău and the districts of Cahul, Făleşti and Ştefan Vodă**

At the same time, according to the data of the National Probation Inspectorate (NPI), in 2023, the probation office in Chişinău had 40 domestic violence offenders serving sentences of unpaid community service and 16 offenders serving suspended sentences; in the Cahul district, there were 10 family offenders sanctioned with unpaid community service and 6 offenders sentenced with conditional suspension of execution of the sentence; in the Făleşti district there were 12 perpetrators sanctioned with unpaid community service and 4 perpetrators sentenced with conditional suspension of execution of the sentence, and in the Ştefan Vodă district there were 10 perpetrators sanctioned with unpaid community service.

In 2023, according to the NPI, the following participated in a probation counseling programme: in Chişinău - 14 perpetrators, in Cahul district - 3 perpetrators, in Ştefan Vodă district - 1 perpetrator and in Făleşti district - 0.

Thus, out of the total number of 175 convictions of perpetrators of domestic violence offenses pronounced in 2023 in the regions subject to assessment, 98 perpetrators were in the probation body's records during the same period, out of which - 18 domestic violence perpetrators participated in a probation programme.



**Figure 21. Perpetrators of domestic violence in the probation system in 2023 in the Chişinău municipality and the districts of Cahul, Făleşti and Ştefan Vodă**

In the interview, the judges participating in the evaluation argued that the sanctions applied to perpetrators in criminal cases of domestic violence are fair and sufficiently severe. The majority of the judges, mentioned that no probation programme to reduce violent behaviour was imposed on the perpetrator because it was not requested by the state prosecutor or the victim's lawyer.

The position of the judges is partially supported by the lawyers, who noted that the court does not impose an obligation on the perpetrators to participate in probation programmes because the participants in the trial do not request it. With regard to sanctions for domestic violence perpetrators, lawyers are of the opinion that sanctions should be harsh enough to deter abusive behaviour. The recidivism of perpetrators points to the need to review the manner of sanctioning to ensure accountability. Non-custodial sanctions can be applied, but only after assessing their impact on the offenders' behaviour.

The prosecutors interviewed state that the sanctions applied to offenders are sometimes appropriate and fair, depending on the personality of the offender and the specifics of the case. Probation programmes to reduce violent behaviour are an important tool in preventing recidivism of domestic violence, designed to help offenders understand and change their behaviour. Mandatory implementation of these programmes should be seen as a pro-active measure, which protects society by reducing the risk of new offenses. The working practice of the police sector officers shows that, for the most part, domestic violence perpetrators repeat violent acts, more often those who abuse alcohol and after the sanction of unpaid work or a fine, commit violence out of revenge, believing that they have been wrongly or too harshly held responsible. Therefore, we believe that counseling programmes are needed, more work needs to be done with the perpetrators.

During the interview probation counselors reported that previously there were more offenders in the probation office, in recent years the number of persons released from criminal punishment with conditional suspension of execution of sentence (art.90 Criminal Code) is decreasing. At the moment the only interaction with domestic violence perpetrators occurs in cases where the person has been forced to participate in a probation programme. Some probation counselors involved in the interview from the districts of Cahul, Făleşti and Ştefan Vodă reported that they had practically no cases on hand with aggressors who committed domestic violence for the first time. According to some probation counselors,

the main problems in the supervision of perpetrators in the execution of sentences are that a good number of perpetrators do not recognize their actions as a form of violence, and it is very difficult to change their behaviour. Another part are persons with alcohol addiction. Many offenders do not attend probation activities because they do not work and do not have travel money.

According to the professionals interviewed, punishments sentencing offenders to unpaid community service are considerably more common. This is also explained by the fact that the defendants choose to go through the simplified procedure provided for by art. 364<sup>1</sup> CCP. In this way, the defendants benefit from a substantial reduction in the penalty provided for by the criminal law sanction, without offering in return anything to deter them from further violence. The authorities accept a simplified procedure in order to save time and legal costs. There is a pressing need to review judicial practice, including the application to domestic violence perpetrators of obligations to participate in probation programmes and/or to undergo treatment for alcoholism or drug addiction.

## **FINDINGS:**

1. At the national level, over 65% of the total number of sentences, issued in 2023 on cases of domestic violence, establish non-custodial sentences, at the same time, about 55% of the sentences establish the punishment of unpaid community service, which practically does not involve the implementation of probation programmes for domestic violence perpetrators.
2. Punishments sentencing domestic violence perpetrators to unpaid community service are very common.
3. In 2023 in the localities covered by the study, a total of 175 convictions of domestic violence perpetrators were pronounced in 2023, a decrease of 10% compared to 2022, of which only 18 domestic violence perpetrators were ordered to participate in a probation programme.
4. The small number of cases of forcing the offender to attend a probation programme is explained by several professionals interviewed by the fact that there are no requests from the participants in the process, due to the lack of availability of these programmes at the country level.
5. The professionals interviewed have different opinions on the sanctions applied in cases of domestic violence, some consider them fair and sufficiently severe, others that they are not a deterrent for perpetrators.

## **RECOMMENDATIONS:**

1. Encouraging criminal justice professionals to work together to ensure the adoption of deterrent punishments for domestic violence perpetrators and to improve the practice of committing them to probation programmes.
2. Strengthening the capacity of probation professionals to ensure, through pro-active measures, effective supervision and re-socialization of domestic violence perpetrators.
3. Developing programmes for working with family aggressors accessible throughout the country, focused on raising awareness and changing violent behaviour in order to reduce recidivism in cases of domestic violence.

## 12. INSTITUTIONAL CAPACITY-BUILDING NEEDS OF JUSTICE PROFESSIONALS

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In the last 3 years, only 30 professionals or about 58% of the list of interview participants reported having received training in the field of protection and assistance to victims of domestic violence.

The majority of the police sector officers involved in the evaluation confirmed their participation in training courses in the field of assistance to victims of domestic violence at the Police Academy “Ștefan cel Mare și Sfânt”. Only a negligible part of the list of prosecution officers interviewed confirmed participation in a seminar where they were trained on the psychological portrait and rights of victims of domestic violence; specialized services available to victims and the shelters where they can be referred to, etc.

The prosecutors mentioned the seminars at the INJ, the seminars organized by CI “La Strada” Moldova, Women’s Rights Centre, where various topics were addressed, real examples of victims’ referrals were discussed, with the analysis of the difficulties in their management, as well as cases of intervention with specialized help, successfully completed.

Lawyers participating in the interview confirmed their participation in trainings organized by the National Institute of Justice, NCSGLA, Lawyers Training Centre, which included various topics.

The probation counselors communicated about their participation in online trainings organized by the National Probation Inspectorate on topics as the psychological portrait of the perpetrator and the victim of domestic violence.

It should be noted that, practically in all categories of professionals interviewed, the number of those who participated or did not participate in trainings was divided and only judges unanimously reported not participating in trainings.

At the same time, during the interviews, all those involved supported the need to continue to organize trainings not only separately by categories, but also on a multisectoral platform. In terms of the thematic focus of the trainings, the professionals interviewed claimed that, in principle, all topics related to the protection and assistance of victims of domestic violence are important. However, certain preferences were also mentioned, depending on the category of professionals.

a) Police sector officers expressed interest in training on the following topics:

- Identifying the primary aggressor and identifying non-authentic ‘victims’
- Tactics and procedures for documenting cases of domestic violence.
- Supervision of protective measures for victims of domestic violence.

b) Prosecution officers were interested in training on the following topics:

- Qualification of domestic violence.
- Support programmes provided in centres for victims of domestic violence.
- The aggressor’s participation in a treatment or counseling programme to reduce violent behaviour and in treatment for alcoholism, drug addiction, substance abuse or sexually transmitted diseases.

c) Lawyers have expressed interest in training on the following topics:

- Examining cases of domestic violence with international elements.
- Updates in the legal framework to prevent and combat domestic violence.
- Models of assistance to victims of domestic violence in other countries.
- Judicial practice on cases of psychological violence and violence with the use of digital devices.

d) Prosecutors are interested in training on the following topics:

- The interaction of the prosecution with the entities providing support for victims of domestic violence.

- Investigating cases of domestic violence using information technology and electronic communications.
- Methods of interacting with victims of domestic violence who refuse to cooperate, are aggressive, refuse to show up for summons etc.
- Interaction and referral for support services for victims of domestic violence who do not wish to initiate prosecution of the perpetrator, etc.

e) Judges expressed interest in training on the following topics:

- Ensure the right of defense for participants in the trial;
- Whether it is reasonable to prohibit the perpetrator from approaching his own home if the concubine, the victim of domestic violence, has no other place of residence.

f) Probation counselors have expressed interest in training with the subject:

- Practical aspects in systemic assistance to victims of domestic violence and perpetrators.

The professionals participating in the interview suggest the importance of implementing measures that would contribute to reducing the phenomenon of domestic violence, changing the perception of victims of violence and strengthening the mechanism of assistance to victims of violence for rehabilitation.

Lawyers advocate for the promotion of gender equality and healthy family relationships in the education system and in the community.

Judges suggest effective follow-up activities for people included in the “domestic abuser” register after serving a sentence for domestic violence.

In order to improve the intervention of probation counselors in cases of domestic violence, the interview participants mentioned that it is necessary to specialize the offices and revise the treatment or counseling programme in order to reduce the violent behaviour of domestic violence perpetrators, to be applicable also in the case of protection order.

Prosecutors point to the need to carry out more activities to prevent domestic violence, including multiplying assistance programmes for re-socialization and support of victims for professional re-profiling and securing a job; organizing institutional and operational conditions for ensuring the monitoring of domestic violence perpetrators after serving their sentence; establishing and managing a functional database and ensuring operational conditions for informing victims about the release from detention of the perpetrator and his whereabouts.

Prosecution officers advocate improving the involvement of police sector officers and the operational intervention team who first come into contact with the victim; pro-active involvement of social protection services in the territory, etc.

## **FINDINGS:**

1. In the last 3 years only about 58% of the interviewed participants have received training in the field of protection and assistance to victims of domestic violence.
2. Judges unanimously reported non-participation in trainings, some of the interviewed prosecution officers confirmed participation in a seminar, and probation counselors reported participation in online trainings.
3. All the professionals who participated in the interview showed interest in participating in further trainings, not only separately by category, but also on a multi-sectoral platform.

## **RECOMMENDATIONS:**

To continue organizing trainings for professionals from the sectors involved in the process of preventing and combating domestic violence, protection and rehabilitation assistance for victims, counseling of perpetrators of domestic violence. These training will seek to strengthen institutional capacities and sensitize staff to act effectively and diligently counter the phenomenon of domestic violence.

# GENERAL CONCLUSIONS

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In the process of promoting non-violent conduct as a socio-human value, it is the responsibility of state authorities to take the necessary measures, in accordance with international treaties and the relevant national legal framework, to prevent domestic violence and, in the case of acts of violence, to ensure effective assistance and protection of victims, as well as the prosecution and accountability of domestic violence perpetrators.

By Law No. 144/2021 the Republic of Moldova ratified the Istanbul Convention, thus assuming its firm commitment to prevent and combat violence against women and domestic violence. In the Baseline Assessment Report of the Republic of Moldova on legislative and other measures taken at the national level to implement the provisions of the Istanbul Convention, approved on October 26, 2023, GREVIO indicates the need for a strong criminal justice response to all forms of violence against women, including domestic violence, and encourages the authorities to significantly strengthen the initial and ongoing training of front-line professionals providing support and protection to victims, as well as of professionals whose role it is to ensure, in a fair and just process, that effective, proportionate and dissuasive sanctions are applied or obtained to deter acts of violence.

The results of this study, carried out with the support of the Council of Europe, based on the findings of the professionals interviewed, confirm the positive impact of the legislative and institutional reforms, the training activities for specialists and the information campaigns carried out so far on topics related to the prevention and combating of domestic violence.

At the same time, the different positions, at times diametrically opposed, on some or other issues addressed in the process of interviews with justice system professionals working in Chişinău and the districts of Cahul, Făleşti and Ştefan Vodă, mostly elucidating the perceptions observed in other regions of the country, indicate the need to continue capacity building activities in the field, to ensure the proper functioning and strengthening of the justice system at the national level, given the specifics of the phenomenon of domestic violence, which involves a high degree of vulnerability of victims. However, it is worrying that, in their work to prevent and combat domestic violence, the professionals working in the relevant bodies prioritize measures to punish the aggressor (criminal or contravention), followed by protection and assistance for victims exposed to violence. No account is taken of the international standards promoted in Recommendation Rec (2023)2 and Directive 2012/29/EU, which guarantee victims access to protection and rehabilitation assistance services, regardless of their agreement to initiate proceedings to prosecute the domestic violence perpetrator. The importance of raising awareness of the heightened danger of violence with the use of ICT remains also underestimated.

It is also relevant to note that the number of intervention measures in relation to the number of registered complaints remains quite low. There is still a lack of understanding among professionals of the purpose and aim of the coercive measures applied to the perpetrator of a criminal or contravention offence, as well as of the remedies for resocializing perpetrators.

Law enforcement professionals do not adequately apply the legal rules that enable victims to claim the right to be accompanied by a reliable person during the proceedings.

Social, educational and medical specialists do not show a proactive approach in working with people subjected to domestic violence in order to prevent cases of domestic violence, but also to assess the risks of committing or repeating acts of domestic violence, etc. Maintaining unchanged the way of implementing policies in the field, makes it possible to forecast a possible decrease in the number of reports of domestic violence in the coming period.

The study found that only about 58% of the interviewed participants have benefited in the last 3 years from trainings in the field of protection and assistance to victims of domestic violence, organized in part by non-governmental organizations. At the same time, the professionals participating in the evaluation

supported the need to further organize trainings not only separately by categories, but also on a multisectoral platform.

In terms of training topics, the professionals interviewed stated that, in principle, all topics related to the protection and assistance of victims of domestic violence are important. However, certain preferences were also mentioned, depending on the category of professionals, which is elucidated in a separate section of the report.

The evaluation report contains concrete recommendations in each compartment, formulated from the perspective of the thematic areas. These recommendations are aimed at strengthening the capacities of the authorities and structures in charge, as well as unifying practices in the justice, medical and social sectors to diligently apply the remedies established by law in order to counter the phenomenon of domestic violence.





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