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Members of the National Coalition “Life Without Domestic Violence”¹

ALTERNATIVE REPORT

TO THE SIXTH PERIODIC REPORT SUBMITTED BY THE REPUBLIC OF MOLDOVA

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

NO. 19 ON GENDER-BASED VIOLENCE AGAINST WOMEN

¹ ‘Life without Domestic Violence’ National Coalition is a platform made up of 21 non-governmental organisations and public institutions active in the field of prevention and responding to domestic violence and violence against women and children. Established in 2014, the National Coalition is active in advocacy initiatives to support education, public awareness raising and services through rehabilitation, protection and assistance provided to victims along with programmes for perpetrators.

The members of the coalition that drafted the report are: The Women's Law Centre (WLC) is a non-governmental organisation established by women lawyers in 2009. The organisation's goal is to promote women's rights and ensure the gender perspective in the legislative process and law implementation. The organisation is actively involved in advocacy and drafting the law on gender equality and domestic violence, and supports women experiencing domestic violence by providing legal aid and representation, as well as psychological counselling and social assistance. Women's Law Centre advances change at the individual, community and systemic levels through building capacity of professionals, policy and legislation development, service provision, and research.

The International Centre for Women's Rights Protection and Promotion ‘La Strada’ (International Center “La Strada”) is a non-governmental organisation established in 2001. It was set up to ensure that the rights of women and children in Moldova are respected at all levels - individual, legislative and executive. The Centre tends to build a society in which human rights are respected, to address the issues affecting women and children, and to help protect those affected. The organisation carries out research, capacity building, law advocacy, and provides direct services.

Promo-LEX Association is a non-governmental organisation that aims at advancing democracy in Moldova by promoting and defending human rights and monitoring the democratic processes. Preventing and responding to gender-based violence is one of the priority areas of Promo-LEX.

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INTRODUCTION

This Alternative Report is the result of a joint action of non-governmental organisations – members of the National Coalition ‘Life without Domestic Violence’. The Report provides an independent analysis of the situation of women victims of gender-based violence in the Republic of Moldova and the obstacles they face in the struggle to access justice and specialized victim-centred services.

The Alternative Report derives from the analysis of the Sixth periodic report submitted to CEDAW Committee by the Republic of Moldova under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. It is also based on the information obtained from desk review of the national legal framework in the field of preventing and combating domestic violence, analysis of relevant policy documents, interaction with and feedback from victims of gender-based and domestic violence, and monitoring of practical implementation of the national legislation by the public authorities.

EXECUTIVE SUMMARY

Despite the actions the Government of Republic of Moldova has taken in ensuring the protection of victims of gender-based violence, there are still a range of challenges jeopardising the fulfilment of the rights of survivors of violence. The main drawbacks are as follows:

- weak protection of rights of victims inclusively in relation to providing assistance, support and access to justice;
- denial in the initiation of criminal investigations and application of discouraging punishments to domestic violence perpetrators;
- low quality provision of free legal aid to the women-victims of violence;
- weak system of punishment of perpetrators for violation of protective measures;
- weak provision of rehabilitation services to victims of crimes;
- limited number and functionality of shelters for violence victims and of counselling services for perpetrators;
- lack of data collection disaggregated by subject, form of violence, punishment measures.

The issues as mentioned above are linked to the failure of the national authorities to ratify the Istanbul Convention and to consolidate the enforcement of the Criminal Code and Law No. 45 on domestic violence.

IMPLEMENTATION OF CEDAW COMMITTEE CONCLUDING OBSERVATIONS ON VIOLENCE AGAINST WOMEN

In its Concluding Observations for Moldova, the Committee reiterated its serious concern about the high prevalence of domestic violence in the Republic of Moldova and urged the Government to take the necessary measures to implement the Concluding Observations until the next reporting period.

Republic of Moldova failed to implement **Recommendation 20 (a)** of the Committee. The number of domestic violence criminal cases reduced twice because of *de facto* decriminalisation of domestic violence. Since 2016, the number of initiated criminal cases reduced by 54%.

Republic of Moldova implemented **Recommendation 20(b)** with minimum efficiency. Law No. 196 of 28.07.2016 completed the Law No. 45 of 1 March 2007 on Preventing and Combating Domestic Violence and the Law No. 320 of 27.12.2012 on the Activity of Police and Status of Policeman with rules laying down the right of the police to issue, where the risk of violence is found, the emergency barring order to the perpetrator for up to 10 days. However, there is large room for discretion left to police officers to apply emergency barring orders, while lack of an internal control mechanism to verify the reasons for police officers not issuing emergency barring orders affects their efficiency.

Republic of Moldova failed to implement **Recommendation 20(c)**. One year after the legal framework ensuring access of victims of domestic violence to free legal aid was adopted, many victims still do not benefit from state-guaranteed legal aid. The network of paralegals providing primary legal aid, especially in rural and urban areas, remains underdeveloped. Victims of sexual violence do not avail of the right to free legal aid. The preventive work, even if declared a priority by the authorities, is neither systemic nor systematic. Response by public institutions is still inefficient and lacks cooperation between different sectors and no intersectoral cooperation mechanism was developed and approved so far. No progress was made with regards to shelters and financing for domestic violence victims.

Republic of Moldova failed to implement **Recommendation 20(d)**. Although, methodological recommendations on sexual crime investigation were developed for criminal investigative officers, sexual violence victims continue to be subjected to multiple procedural vulnerabilities, pressures and

manipulations by the perpetrators, bad-faith suspicions from the professionals, etc. The criminal law on sexual crimes needs to be aligned to the relevant international standards.

In relation to the ***Recommendation 20(e)***, the authorities failed to establish and strengthen a national unified mechanism for systemic and exhaustive collection of statistical data on violence against women and domestic violence. The data are provided separately and made public only by police authorities.

As for the Recommendation 20(f), despite Moldova's Permanent Representative to the Council of Europe signed on 6 February 2017 the Council of Europe Convention on preventing and combating violence against women and domestic violence, the 2018-2020 Action Plan to implement 2018-2023 National Strategy on Preventing and Combating Violence Against Women and Domestic Violence does not refer to ratification of the Istanbul Convention by the Republic of Moldova.

KEY AREAS OF CONCERN IN IMPLEMENTATION BY MOLDOVA OF CEDAW PROVISIONS AND RECOMMENDATION NO. 19

1. STEREOTYPES AND HARMFUL PRACTICES

Women in Moldova are still considered to have the primary responsibility for child-caring and domestic tasks. A [research conducted in 2015](#) revealed that 90.5% of men and 81.5% of women consider that for a woman, the most important thing is to take care of the household and cook for her family. 41.1% of men affirm there are moments when a woman should be beaten up. The number of women who agree with this statement is twice as small as that of men.

Since 2013, the actions of the Government to change stereotypes related to gender equality and violence against women were limited and not systemic. Public awareness activities are conducted primarily during the 16-day campaign of activism against gender-based violence. There are no nation-wide systemic training programmes on women's rights for decision-makers, employers, young people and disadvantaged groups of women. Some trainings are conducted by civil society organisations in partnership with public authorities.

Recommendations:

- 1. Institutionalise and conduct gender training of teachers, decision-makers, and employers.**
- 2. Revise textbooks and school curricula to eliminate gender stereotypes and discrimination towards women.**
- 3. Develop national programmes to encourage girls to pursue education and employment in Science, Technology, Engineering and Mathematics.**
- 4. Address gender stereotypes through implementing comprehensive policy and awareness raising initiatives designed to overcome stereotypical attitudes about the roles and responsibilities of women and men in family and society.**

2. LEGISLATIVE AND REGULATORY FRAMEWORK IN THE FIELD OF PREVENTING AND COMBATING DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN

On 28 July 2016, the Parliament of the Republic of Moldova passed a law to harmonise the national legislation with the provisions of CEDAW and Council of Europe Convention on preventing and

combating violence against women and domestic violence (Istanbul Convention). **However, there still are significant drawbacks in ensuring efficient protection and providing assistance, support and access to justice to victims of gender-based and domestic violence.**

On 3 April 2018, the Government approved by Decision No. 281 the first National Strategy to prevent and combat violence against women and domestic violence for 2018-2023 and the Action Plan for 2018-2020. **The implementation of the National Strategy Action Plan for 2018-2020 is mostly dependent on external funds, as financial resources allocated by the state cannot cover even half of the strategy actions.**

On the national level, the Ministry of Health, Labour and Social Protection is the key institution responsible for policies in the field of preventing and combating violence against women and domestic violence. The Division for policies on equality between women and men within the Ministry of Health, Labour and Social Protection is responsible for several key areas: gender equality, trafficking in human beings and domestic violence. **The Division, however, is understaffed and has limited capacity to cover all needs prevailing in the three areas. In addition, on the national level, there is no central body to coordinate intervention practices in the field of domestic violence and no committee to analyse each case of death of victims of domestic violence.**

Recommendations:

- 1. Ensure compliance of the national legislation with the provisions of international treaties in the field of preventing and combating violence against women and domestic violence.**
- 2. Develop and approve the domestic violence coordinated response procedure and ensure efficient cooperation among professionals in police, social assistance, health sectors and non-governmental/governmental specialised services.**
- 3. Ensure full and efficient implementation of the National Strategy to prevent and combat violence against women and domestic violence.**
- 4. Create national domestic violence response coordination body vested with authority to ensure implementation of the coordinated response procedure.**
- 5. Create national committee to analyse cases of death of victims of domestic violence, identify shortcomings in the response system and propose systemic improvements to policy development authorities.**
- 6. Ensure effective implementation of the Law No. 137 on the rehabilitation of victims of crimes.**

7. As previously recommended, ratify the Istanbul Convention.

3. TRAINING AND EDUCATIONAL PROGRAMS FOR PROFESSIONALS

Republic of Moldova lacks adequate resources and training and educational programmes for relevant officials on gender-based violence against women. A challenge for the Republic of Moldova is the lack of clear concept on specialised training of justice sector professionals (police officers, criminal investigative officers, lawyers) and social and health sector specialists dealing with domestic and sexual violence victims.

Trainings for police officers depend strongly on external funding and the will of police authorities to implement training programmes. These trainings are not institutionalised and are conducted based on the availability of funds in partnership with non-governmental organisations.

Social workers and doctors were not trained in preventing and combating violence against women and domestic violence. In the absence of specialised units working with violence against women crimes and specific capacity building programs for professionals, the trainings in the field of gender-based violence will not reach the desired goal.

Recommendations:

- 1. Develop quality standards on legal assistance in criminal and civil cases involving victims of domestic violence and sexual violence.**
- 2. Create specialised police and prosecutor units and ensure mandatory training of these professionals.**
- 3. Ensure mandatory training of all judges and prosecutors in application of domestic violence and sexual violence legislation.**
- 4. Develop training curriculum for social workers and doctors and ensure their mandatory training in response to cases of domestic and sexual violence.**
- 5. Provide for the obligation to build the capacity in the field of preventing and combating domestic violence and violence against women for free professions, such as lawyers, bailiffs, psychologists, notaries.**

4. ACCESS TO JUSTICE OF WOMEN-VICTIMS OF GENDER-BASED AND DOMESTIC VIOLENCE

4.1 Domestic violence inefficiently investigated in Moldova

Following the insistence of some members of Parliament and representatives of the Government, in 2016 the Contravention Code of the Republic of Moldova was supplemented with Article 78¹ (Domestic violence).

The contravention rule, which penalises domestic violence, is differentiated from the criminal rule (Article 201¹ of the Criminal Code (Domestic violence)) by the degree of bodily injury. Currently, the perpetrator who caused the victim an insignificant bodily injury is subjected to contravention liability. If a light, medium or serious bodily injury is caused, the perpetrator might be subjected to criminal liability. This way, deliberately or not, the legislators conditioned the criminal sanctioning of acts of violence on bodily injuries caused to the victim, which are typically characteristic of physical violence and in some cases of sexual violence. As a consequence, even if Article 201¹ of the Criminal Code, in a new wording, toughens the punishment for committing the domestic violence crime, the prosecution in its [Annual Report for 2016](#) and justice institutions qualified the legislative amendments of 2016 as a **decriminalisation of domestic violence acts**. As a result, since 16.09.2016, when the Law No. 196/2016 came into force, the courts pronounced acquittals or terminated the proceedings in several pending criminal domestic violence cases on the ground that the **defendants were not charged with causing light, medium or severe bodily injuries**. This practice is also determined by the quasi-general perception among professionals that the psychological, economic or spiritual violence causes a significantly lower social danger than the physical violence.

According to [police report](#), during 2016, police initiated 1782 criminal cases for domestic violence and 833 contravention cases. During 2018, they initiated only 998 criminal cases and 1657 contravention cases on domestic violence of **11026** notifications, i.e. in 24% of all notifications. Hence, in 2018, about **76%** of the total number of registered notifications that involve violent attacks against the physical or mental integrity of the person, remained without any investigation by the authorities. There is a reduction in the number of criminal cases by about **54% in 2018 compared to 2016**.

Recommendations:

- 1. Amend the national legislation to ensure that all forms of domestic and gender-based violence are criminalised in Moldova irrespective of the degree of bodily injuries caused.**
- 2. Replace sanctions in the form of community service or fine with measures ensuring isolation of the perpetrator from the victim of domestic violence and correction of behaviour.**
- 3. Create effective internal control mechanisms in police to ensure a proper and immediate response to cases of domestic violence.**
- 4. As previously recommended, ensure access of victims of domestic violence to effective legal remedies.**

4.2 Authorities reluctant to investigate cases of sexual violence in line with international standards

Most cases of sexual violence are not reported to authorities. Thus, according to official statistical data, 586 and 618 criminal cases on sexual life were initiated in 2015 and 2016, respectively². In addition, a [recent study](#) showed that one in five men had sex with a woman without her consent, while almost one in four men had sex with a woman who was not able to give her consent due to alcohol consumption. According to another [research](#), over 40% of respondents believe that the woman is to blame for a rape, while in some cases the woman herself wants it.

A [study](#) showed that during criminal investigation of sexual crimes, victims were often victimised repeatedly by the denigrating and irrelevant questions they had to answer. In 50% of the 240 criminal cases analysed, the victims had to testify against the accused in his presence, in 30% of cases the police officer and/or the prosecutor initiated criminal investigation on an act less serious than the one mentioned in the notification. The same study shows that in 120 cases the victims submitted requests to end the criminal case due to reconciliation of parties. In 83 cases these reconciliation requests were accepted. In about 90% of cases the requests for ending the criminal case due to reconciliation of parties were submitted by the legal representative of the minor injured party, and neither the court nor the prosecutor before adopting the decision asked for the opinion of the minor victim regarding the termination of the criminal proceedings and any claims to the perpetrator.

In addition, given that the national legislative framework is not aligned to the requirements of the Rome Statute of the International Criminal Court ([National criminal norms and relevant international standards in the area of sexual offenses, Compatibility Report, 2019](#)) and the stereotyped perceptions of

² <http://www.mai.gov.md/ro/advanced-page-type/date-statistic>.

professionals towards sexual violence victims, the latter are subjected to pressure and manipulations by perpetrators who take advantages of these procedural shortcomings.

Recommendations:

- 1. As previously recommended, ensure that all investigations are carried out in compliance with international human rights standards and Istanbul Convention.**
- 2. Define specific additional guarantees for the victims of sexual crimes, among which the right to intimacy, the right to psychological and medical assistance during the criminal prosecution.**
- 3. Amend the Criminal Code and the Criminal Procedure Code to avoid elimination of criminal liability as a result of the reconciliation between the victim and the offender.**

4.3 Mediation of cases of divorce caused by domestic violence mandatory

Multidimensional dependence of women within the family is a factor that explains, among others, the woman's unwillingness and even fear to terminate the marriage, although national family law provides for a simplified procedure to divorce on grounds of domestic violence. In 2017, the Civil Procedure Code of the Republic of Moldova was supplemented with a new chapter on judicial mediation. According to these rules, judicial mediation is a mandatory amicable settlement of litigations brought before a court in cases involving family litigation and other types of litigation specified by the law. The courts are also obliged to apply mediation in cases where divorce is required on grounds of violence, which is a regressive step in terms of protection of domestic violence victims.

Recommendations:

- 1. Amend legislation to ensure that mediation is not applied in divorces caused by domestic violence.**
- 2. Review the current judicial practices in order to make the perpetrators continue support their children when protection orders are applied.**
- 3. Amend the legislation to ensure that the victim of violence avails of the necessary protection and has access to the living space.**

4.4 Free state-guaranteed legal aid to victims of violence inappropriate

Law No. 45 provides for the right of domestic violence victims to free primary and qualified legal aid. Authorities in charge of preventing and combating domestic violence must inform the victims how and

under what conditions they have access to qualified counselling or legal aid. Qualified legal aid may be requested by victims of domestic violence, regardless of their income, at any stage of the criminal proceedings, and prior to the initiation of the proceedings in civil cases. Regretfully, the laws do not provide such benefits for victims of sexual crimes.

Nonetheless, a clear procedure of assigning a lawyer who would provide state-guaranteed legal aid to victims of domestic violence is still missing. The laws contain imperative rules that provide for compulsory assistance of a domestic violence victim during the lawsuit by an appointed lawyer if the victim is not assisted by a chosen lawyer. However, the [Report on monitoring court proceedings in cases of domestic violence](#) shows that in about 20% of civil cases on the application of protective measures subjected to monitoring, domestic violence victims were not offered state-guaranteed legal aid. In some cases, ex officio lawyers were requested but they did not show up, or if they showed up they asked to postpone the hearing because they had to participate in other lawsuits. At the same time, in around 55% of cases with appointed lawyers, their performance was inappropriate. In criminal cases on domestic violence, most of defendants availed of legal assistance, while only 7% of victims had access to legal aid.

The network of paralegals is underdeveloped, especially in the rural area. Thus, if in 2014 the national network of paralegals consisted of 32 paralegals in 32 settlements, currently only 29 paralegals work in 28 settlements, the necessary number being ten times higher, to ensure at least one paralegal in a settlement. This is why, only in few cases domestic violence victims indicated that a paralegal from their settlement helped them write the application.

In most cases, victims are provided qualified legal aid after they are given a shelter by the centre/service lawyer. Due to the lack of logistical capacities of state authorities, some victims are seeking assistance from NGOs, the latter also having to operate with limited resources as the Government does not have a well-developed and viable aid mechanism based on the public-private partnership, which could allow procuring primary and qualified legal aid services from the non-governmental organisations. Consequently, the broad access of gender-based and domestic violence victims and potential victims to an efficient state-guaranteed legal aid is still a desideratum in the Republic of Moldova.

Recommendations:

- 1. Timely inform victims of domestic violence and sexual violence about state-guaranteed legal aid.**
- 2. Ensure that victims of domestic violence and sexual violence have access to free legal aid from the date a complaint is filed.**
- 3. Ensure access to free legal aid of victims of sexual violence.**
- 4. Institutionalise initial and ongoing training for public lawyers and paralegals.**

4.5 Victims of violence face obstacles in obtaining forensic judicial/extra-judicial reports

Forensic examination is one of the main actions based on which criminal investigative bodies initiate investigations, and an important evidentiary tool in the civil proceedings when applying for protective measures. Amendments to Law No. 45 included provisions ensuring the right of the domestic violence victims to benefit from free physical examination and issuance of a forensic report stating the seriousness of bodily or health injuries. However, when a criminal case is not initiated, victims have to bear the costs of extra-judicial forensic examination themselves. In the situation when in over 70% of all notifications about domestic violence no criminal cases are initiated, victims in most cases have to pay themselves for forensic examinations. This practice prevents many victims of domestic and sexual violence from further reporting cases or continuing to fight for justice.

In addition, information about location of forensic examination services is unavailable for many victims preventing, thus, their access to these services.

Recommendations:

- 1. Amend the legislation to ensure access of victims of violence against women to free judicial and extrajudicial expertise.**
- 2. Institutionalise initial and ongoing training of forensic doctors on their role in state's response to cases of violence against women.**

4.6 Victims of violence access to judicial/extra-judicial psychological examination reports limited

Psychological examination reports are an important tool helping to establish the truth in cases of domestic and sexual violence. However, psychological examination reports prepared by psychologists are not admitted by courts as evidence. In criminal investigation of domestic violence psychiatric-psychological examination is usually performed at the Republican Psychiatric Hospital. The examination focuses on psychiatric aspects rather than psychological ones. Making a violence victim

undergo a psychiatric-psychological examination means traumatising her repeatedly. Abusers, in their turn, often make the victims believe they would be placed in a psychiatric hospital. Thus, the request to undergo a psychiatric examination only increases victim's fear and distrust.

Recommendations:

- 1. Develop and adopt the Law on psychological services.**
- 2. Acknowledge psychological evaluation reports as evidence in civil and criminal cases on domestic violence and sexual violence.**
- 3. Ensure access of victims of domestic violence and sexual violence to free psychological evaluations.**

4.7 Punishments applied do not prevent domestic violence perpetrators from committing acts of violence

In 2016, the courts completed the hearing of 1069 criminal cases regarding domestic violence crimes and ruled 1005 sentences on conviction of 1005 persons. In 422 cases (41.9% of the total number of convictions) the defendants were sentenced to unpaid community service; prison sentence with conditional suspension of punishment was applied to 377 persons (37.5%), imprisonment with real execution was applied to 202 persons (20%) and 4 convicts (0.39%) were punished with a fine. Thus, about 80% of domestic violence perpetrators remain in their families, continuing to abuse family members. According to [police data](#), in 2018, of 998 criminal cases initiated, 132 of 733 perpetrators were convicted to imprisonment. In other words, only in 13% of cases victims' safety is secured.

These data are validated by the [Report on monitoring of court proceedings in cases of domestic violence](#), revealing that in 15% of monitored criminal cases, the courts applied imprisonment, in 35% of cases – suspension of the execution of punishment, in 35% of cases – community service, and in 15% of cases proceedings were terminated.

Recommendations:

- 1. Amend the legislation to ensure that punishments applied to perpetrators are efficient and ensure proper protection of victims.**
- 2. As previously recommended, review the legislation to ensure that ensure that perpetrators are prosecuted and punished commensurate with the gravity of the crime.**

4.8 Counselling programmes for perpetrators insufficient

Due to the shortage of counselling programs and specialists trained to work with domestic violence perpetrators, the measures taken by the police usually do not have the expected effect, while the victims continue to be in an environment under threat of abuse and violence. To prevent reoffending and to reintegrate domestic perpetrators in the community, Law No. 196/2016 introduced some changes, according to which the perpetrators who were convicted or sanctioned for acts of domestic violence may be forced by the court to participate in probation programs, which could be implemented by probation counsellor individually or together with other professionals, depending on the addressed topic. However, the sentences are not accompanied by measures obliging the convict to participate in programs aimed at diminishing the violent behaviour.

Recommendations:

- 1. Develop re-socialisation programs for domestic violence perpetrators.**
- 2. Ensure mandatory participation of perpetrators in behaviour correction programs.**
- 3. Extend and build capacities of assistance and counselling centres for domestic violence perpetrators.**

4.9 Financial compensation by the state of the damage caused by the crime to the victim not awarded

Law No. 45 with amendments and addenda introduced in 2016 provides for the right of the domestic violence victim to request financial compensation from the Government. Law No. 137 of 29 July 2016 on Rehabilitation of Victims of Crimes provides for the right of the crime victim, including the victim of domestic violence, to benefit from support services, including: counselling on the rights and services they can benefit from, psychological counselling; financial compensation from the Government for the damage caused by the crime.

The Government, which by the end of 2016 was supposed to develop the necessary regulatory acts for law implementation, did not fulfil the requirements of the law and did not approve the Regulation for the activity of the Interdepartmental commission on the state financial compensation of the damage caused by crime; did not set, through an act, the fees for psychological counselling services (cost and possible facilities) provided by the territorial social assistance subdivisions; did not adopt any decision on preferential conditions of renting spaces and buildings from private property by public utility non-governmental organisations that could operate in the area of rehabilitation of crime victims.

Recommendations:

- 1. Develop the corresponding regulatory framework to ensure the implementation of the law on rehabilitation of victims of crimes.**
- 2. Ensure financial compensation to victims of domestic violence of damage caused by the crime.**

4.10 Protection orders violated and issuance legal timeframe breached

According to [police report](#), in 2018, 666 protection orders were issued and 408 protection orders were violated. This is evidence of missing protection order execution supervision procedures.

Although in most of cases the applications for protection orders are examined within 24 hours of their receipt, the protection order is sent for execution via post order or courier within the next days and the victim is still in contact with the perpetrator after the application of protective measures. This happens because in most cases the protection order is considered rather a measure that restricts the perpetrator's rights than a protection measure of the victim's life and health. In addition, the applications for protection orders filed with the courts on Friday are not examined in weekend and, hence, the 24-hour time limit is usually breached in these cases.

Recommendations:

- 1. Review the practices and ensure that victims of domestic violence avail of protection measures within 24 hours from filing the application.**
- 2. Review the judicial practice to ensure immediate access of police to the court judgement on protection measures.**
- 3. Ensure an efficient procedure for the monitoring of execution of protection orders.**

4.11 Emergency barring orders application underdeveloped

In 2016, the national protection mechanism for domestic violence victims was supplemented with emergency barring orders allowing police to immediately evacuate the perpetrator from home for up to 10 days.

Issuance of an emergency barring order is preceded by completion of domestic violence risks assessment questionnaire. However, practice reveals that because of stereotypical attitudes police officers share, many of them are reluctant to apply the risks assessment. There is no efficient internal control mechanism to verify the actions or inactions of police officers in response to domestic violence cases.

In addition, when a risk assessment is conducted, it is not shared with other professionals. It is kept in internal police files as sole justification of the issuance of the emergency barring order. This practice prevents other professionals working with victims of domestic violence to issue evidence-based decisions, while victims continue to be re-traumatised by different professionals asking the same questions.

Violation of emergency barring orders is not followed by proper protection of victims of violence. Any perpetrator violating an emergency barring order shall be subjected to contravention liability. However, detention of a perpetrator for more than 3 hours without the authorization of the investigative judge is impossible. Hence, when a perpetrator is apprehended outside the working hours of the investigative judge, including during the night, he will be released after three hours.

Recommendations:

- 1. Review the regulatory framework to ensure police conducts risk assessment in all domestic violence cases it is notified of.**
- 2. Ensure police shares risk assessment results with other professionals dealing with the corresponding domestic violence case.**
- 3. Review the legislation to increase the time limit for the perpetrator's apprehension.**
- 4. Ensure prompt response in cases when perpetrators fail to comply with protection orders and/or protective measures.**

5. SPECIALISED SERVICES AND ADEQUATE RESOURCES

The Action Plan 2018-2020 for the implementation of the National Strategy to prevent and combat violence against women and domestic violence for 2018-2023 includes specific objectives to develop specialised services for victims of violence against women in accordance with international standards. In particular, they refer to a national free hot-line, urgent services for victims of domestic violence at the local level, financing specialised services for victims of domestic violence and developing services for victims of sexual violence. However, the progress in achieving these objectives was the most insignificant.

National legislation does not have a definition of urgent specialised services. The current classification of services, according to the Law on social services and the access are not adjusted to the needs of the victims, in particular victims of the sexual violence.

Some essential services are underdeveloped and underfunded, such as, creation, recovery, replacement of identity documents, long-term psycho-social support and counselling, assistance towards economic independence. The services are not adjusted to the needs of the most vulnerable categories of women (elderly, women with intellectual or physical disabilities, women from remoted areas, etc.). There is a lack of vision and mapping of the needs in the social services for the victims from the central and local authorities. The newly created National Social Services Agency does not have proper human and financial capacities to assess the legal and institutional situation in the field of social services and ensure the systemic development of social services.

According to a study on costs of domestic violence, more than 60% of costs of services provided to victims of domestic violence and violence against women are covered by civil society organisations that offer specialised assistance tailored to the victim's needs³. The NGO sector oversees the legal counselling, representation, emergency hotline service, psychological counselling and shelter, and capacity building of front-line professionals. Other service providers, public institutions, maternal centres, provide services to women in a vulnerable situation and their children, not necessarily victims of violence against women⁴.

Although Law No. 196/2016 established a new classification of centres that provide services for subjects of domestic violence, including hotline service, shelters, counselling day-time centres/services for victims of domestic violence, assistance and counselling centres/services for domestic violence perpetrators, it did not ensure a reliable and sustainable mechanism of funding. A detailed procedure that would ensure that central and local public authorities purchase social services from accredited service providers is missing. Central and local authorities are reluctant or lack knowledge about the budget planning and public procurement procedures for social services provided by NGOs.

³ According to data of the National Coalition "Life without violence" there are 10 NGOs working with victims of gender based and sexual violence (day-care centre Stimul, day-care centre Honour and Rights of Women, day-care center Women's Law Center, day-care centre and hot line La Strada, day-care centre Memoria, day-care centre Promo-LEX, national shelter Casa Marioarei, two day-care centres in Gagauzia and one rehabilitation shelter for victims of domestic violence from Drochia, funded from the state budget and an assistance centre for victims funded from the state budget directly.

⁴ Maternal centers from Hincesti, Cahul, Causeni, Balti, Anenii Noi, Drochia provide services to a large group of women and their children in vulnerable situation and potential victims and are funded from the state budget through local public authorities.

The accreditation procedure is bureaucratic and based on the assessment of compliance with the minimum quality standards, which are either missing for most services or are no longer fully relevant for the needs of the beneficiaries or for the service providers and focused on the technical aspects and not on the impact of the beneficiaries. The accreditation procedure is not linked with the procurement of social services from NGOs. The only service financed by the state is Trust Line' Service managed by the NGO La Strada. Those funds cover only the operational costs in the proportion of 90%.

The counselling of domestic violence perpetrators is provided by the Assistance and Counselling Centre for Domestic Violence Perpetrators from Drochia, located in the north region of the country which currently supported launching of two newly created centres. All of them are funded from the private funds of the development partners. Here is still a need to develop and extend services for perpetrators and to ensure funding's from the state budget.

Recommendations:

- 1. Increase the coverage and build capacity of centres/services designed for victims of domestic violence and ensure financing both at the local and central level.**
- 2. As previously recommended, amend the legal framework related to the accreditation of service providers and procurement of social services for victims of domestic violence.**
- 3. Develop and fund services for the victims of sexual violence.**
- 4. Strengthen the capacities of the National Social Service Agency.**
- 5. Extend the number and fund centres/services for perpetrators from the state budget.**

6. COORDINATED RESPONSE AND DATA COLLECTION

The coordinated response in Moldova is missing. Professionals hardly cooperate among each other to ensure a coordinated intervention in cases of domestic violence. There is no standardised methodology for risks assessment by all professionals dealing with domestic violence cases.

The Government by Decision No. 544 of 9 September 2009 approved the Concept of the Automated Information System 'State Register of Domestic Violence Cases' and the Action Plan for the development and implementation of the Automated Information System 'State Register of Domestic Violence Cases'. The Automated Information System was designed to collect, store and process data about domestic violence phenomenon, multidimensional approach of domestic violence phenomenon,

and ensure informational support for professionals. Up till now, the Automated Information System ‘State Register of Domestic Violence Cases’ has not been developed.

The authorities failed to establish and strengthen a unified national mechanism for systemic and exhaustive collection of statistical data related to violence against women and domestic violence. The data are still registered and collected separately for each sector based on some forms that are characteristic for each sector and which cannot be processed in a unified national system. Moreover, the only authority collecting and publicly presenting data on domestic violence is the police. There are no data collected in the health sector, while the social assistance started collecting data only in 2018 and no official information is made public. The data in the judiciary and prosecution are not open to the general public. None of the public authorities collects data on violence against Roma women and girls, women and girls with disabilities, and older women.

Recommendations:

- 1. Develop and approve the coordinated response operating procedures.**
- 2. Develop and approve a standardised risk assessment methodology for all professionals dealing with domestic violence cases.**
- 3. Include mandatory reporting of domestic violence in the healthcare sector.**
- 4. Create a consolidated system for reporting and collection of statistical data on combating of violence against women and domestic violence.**
- 5. Collect data on violence against Roma women and girls, women and girls with disabilities and older women.**