

DOMESTIC AND SEXUAL VIOLENCE IN THE REPUBLIC OF MOLDOVA

In the 2016 UPR review, the Moldovan authorities were given 27 recommendations related to gender-based violence and domestic violence, 21 of which were accepted by the state. The level of implementation of the recommendations, along with undertaken actions, are included in the Annex to the Report.

EMERGING ISSUES

Legislative gaps and systemic problems ensure impunity for perpetrators.

Despite an increasing number of complaints filed to the police, the number of criminal and contravention cases regarding on domestic violence remains low. In 2017, the police registered 10,871 complaints regarding domestic violence, with 1953 contravention cases and 853 criminal cases investigated which would mean that the state responded in only 26.7% of the registered complaints. In 2018, 11,026 complaints were registered in the police register II, with 905 criminal cases and 1,657 contravention cases investigated equivalent to 24% of all registered complaints. The situation was similar in 2019, when 20.7% were responded to, and in 2020 when the state responded to only 18.4% of domestic violence complaints. The Parliament should amend the legislation, to ensure that the penalty system works efficiently, but, so far, the situation remains unchanged.

SUGGESTED QUESTIONS

- *What measures has the state taken to ensure the investigation of all acts of domestic violence complaints?*

- Initiate and promote amendments to the Criminal Code and the Contraventions Code, to increase penalties applied for domestic and sexual violence, aligned to the international standards;
- Initiate and promote amendments to criminal procedural legislation, to ensure the avoidance of direct confrontation between perpetrators and victims of domestic and sexual violence.
- Initiate and promote amendments to civil procedural legislation, setting a shorter term for the examination of appeals against the decisions on the application of protection measures.

Failure to investigate psychological and economic violence.

DESCRIPTION

Victims of gender-based violence face difficulties in proving psychological violence, because the law does not regulate the work of psychologists. And psychological assessment reports are not included in the list of evidence provided by the national law. Many representatives of law enforcement institutions share the opinion that economic and psychological violence do not cause suffering similar to that caused by physical violence. Even though psychological and economical violence are included in article 201.1 of the Criminal Code, there is no case in which the perpetrator was convicted solely for economical or psychological violence.

SUGGESTED QUESTIONS

- *What measures has the state taken to ensure the investigation of all acts of violence? What measures has the State undertaken to ensure that psychological reports are accepted and victims of gender-based violence have no difficulty in proving psychological violence?*

RECOMMENDATION

- Adopt a special law, regulating the work of psychologists.
- Amend the Code of Criminal and Civil Procedure, to include psychological assessment reports in the list of evidence and evidentiary procedures.
- Amend the legislation, to ensure that all forms of gender-based violence are criminalized and punished in Moldova, regardless of the degree of physical harm caused.

Preconceived approaches and passivity of the authorities regarding intervention in cases of sexual and domestic violence.

DESCRIPTION

Authorities do not share a common vision for effective intervention in cases of domestic violence. Failure to punish perpetrators and the state's overriding concern for their rights continue to be a problem that threatens the safety and lives of the victims of domestic violence.

Among the most serious problems in the process of combating domestic violence is the lack of prompt action by the police when it is notified in cases of domestic and sexual violence, and sometimes their biased attitude towards the perpetrator.

Many victims of domestic and sexual violence are discriminated against even by the prosecuting authorities, on the basis of gender in their access to justice and equal protection of the law, and perpetrators are left with impunity for domestic violence.

SUGGESTED QUESTIONS

- *What measures has the state taken to ensure an efficient and prompt intervention in the cases of domestic and sexual violence?*

RECOMMENDATION

- Ensure efficient investigations of all complaints of domestic and sexual violence, prosecution of perpetrators, and delivering sentences that are proportionate to the severity of the violence committed.
- Ongoing institutionalized training of specialists, interacting with victims of violence, in order to adopt a gender-sensitive approach in the light of international instruments with respect to human rights (ECtHR, CEDAW, and Istanbul Convention provisions).
- Ensure the application of the Lethality and Repeat Violence Risk Assessment Questionnaire, ensuring its completion in all cases of domestic violence, and including the risk assessment in the criminal and contravention case file.

Limited access of victims of domestic and sexual violence to support and protection services

DESCRIPTION

Victims of domestic and sexual violence need comprehensive services, including mental health services, not just psychological counselling. A referral system for the rehabilitation of victims of gender-based violence and a victim-centered approach does not exist in Moldova. The major challenges regarding services are their insufficient geographical coverage, their adaptation to crisis conditions (such as the pandemic) and to the special needs of certain groups of women, the lack of long-term psycho-social and medical services, the high turnover of staff, and the shortage of specialists at the local level, and the low efficiency of multidisciplinary teams. There is a lack of long-term alternative services needed to ensure the financial independence of women victims of domestic and sexual violence.

SUGGESTED QUESTIONS

- *What measures has the State undertaken for victims to receive holistic (comprehensive) support services that focus on their needs?*

RECOMMENDATION

- Establish an effective system of referral of violence against women, including sexual violence victims to specialized support services, as well as the collection of official statistical information for this purpose.
- To include the area of preventing and combating violence against women and domestic violence in public policy documents at the local level and allocate financial resources from the public budget;
- To ensure full and long-term funding from public budget for the Hot Line Service, its operation and promotion at national level as an essential and urgent service;
- To develop the concept of social housing, transitional housing for victims of violence;
- To ensure effective implementation and financing the Law No 137 on victims of crime;