

## Domestic Violence in the Republic of Moldova

Domestic violence is a devastating problem in the [Republic of Moldova](#). A 2011 study found that 63.4% of women in Moldova aged 15 or older had experienced physical, psychological, or sexual violence from an intimate partner over their lifetimes.<sup>1</sup> In a report to the United Nations in 2011, the government of the Republic of Moldova recognized the pervasive problem of domestic violence and indicated a commitment to strengthening its response.<sup>2</sup> Moldova's Law on Preventing and Combating Family Violence (Law 45)<sup>3</sup> has provided an excellent foundation for increasing access to justice and safety for domestic violence victims. In addition, Criminal Code Article 201<sup>1</sup> was adopted in 2010, making domestic violence of any level a crime. With this legislation, Moldova became one of the first countries in the region to address domestic violence with specific legislation in both the civil and criminal systems. Notably, it is also one of the first to include comprehensive provisions for a multi-sectoral response in its domestic violence law.<sup>4</sup>

Law 45 provides for a protection order with 10 protective measures a victim may seek against the aggressor: 1) obliging the aggressor to temporarily leave the shared residence or the residence of the victim, without the right to decide ownership issues; 2) requiring the aggressor to stay away from the victim; 3) requiring the aggressor to not contact the victim, the victim's children, or other dependents; 4) prohibiting the aggressor from visiting the victims' work or residence; 5) requiring the aggressor to provide child support; 6) requiring the aggressor to cover costs and damages, including medical expenses, resulting from the violence; 7) restricting the unilateral disposal of common assets; 8) requiring the aggressor to participate in a treatment or counseling program; 9) establishing a temporary visitation schedule for the aggressor's minor children; and 10) prohibiting the aggressor from keeping or handling firearms.<sup>5</sup> The courts are required to issue protective orders within 24 hours. The orders are effective for a maximum of three months and may be extended under certain circumstances.

Moldova's actions against domestic violence were enhanced by the extension of its National Referral System (NRS), initially created in 2006 for the protection and assistance of victims of trafficking, to cover domestic violence victims, as potential victims of trafficking. The NRS is a country-wide system of coordinated partnerships of local and national public authorities, civil society organizations, and multi-disciplinary teams of individual police, social assistants, teachers, and health care professionals in villages and rayons. The purpose of the NRS is to provide coordinated support and to assist victims. Best practices from the international community indicate that a coordinated response among agencies is the most effective way to address domestic violence victims' needs.

With the support of the [Oak Foundation](#), the [Open Society Institute Human Rights and Governance Program](#), and [The Sigrid Rausing Trust](#), three NGOs, the Moldova-based [Women's Law Center](#), [The Advocates for Human Rights](#) and the [Bulgarian Gender Research Foundation](#), joined forces to monitor the implementation of Moldova's domestic violence legislation by

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<sup>1</sup> National Bureau of Statistics of the Republic of Moldova, in collaboration with the United Nations Development Program, UN Women, and the United Nations Population Fund, [Violence against Women in the Family in the Republic of Moldova](#) (2011).

<sup>2</sup> *Report of the Working Group on the Universal Periodic Review: Republic of Moldova*, U.N. Human Rights Council, 19th Sess., U.N. Doc. A/HRC/19/18 (14 Dec. 2011), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/173/94/PDF/G1117394.pdf?OpenElement>.

<sup>3</sup> Law to Prevent and Combat Family Violence, Law No. 45 of 1 March 2007, No. 178, Official Monitor No. 55-56, 18 March 2008. (Hereafter Law 45.) See Appendix A for complete text of Law 45.

<sup>4</sup> Law 45 Chapter II.

<sup>5</sup> Law 45 Chapter III Article 15(1).

examining the government's response to domestic violence through a human rights lens. We conducted 68 interviews in nine cities and rayons with police, prosecutors, judges, government ministry officials, NGOs, shelters, maternal centers, victims, child protection services employees, United Nations organizations, prison officials, academics, journalists, health care professionals, and lawyers.

During our mission to Moldova, interviews indicated a need for legal reform of Moldova's domestic violence legislation in order for victims to receive the full protection guaranteed by the law. Because Law 45 limits criminalization of violations of protective orders to only those that occur subsequent to a first offense,<sup>6</sup> victims are exposed to substantial risk of future harm. In addition, Law 45 requires health professionals to report all cases of domestic violence to police.<sup>7</sup> Social service professionals often report violence without victim permission as well. Notification provisions and policies that ignore the victims' own choices and decisions may expose victims to further harm from violent aggressors and deter women from seeking medical or social assistance before they are ready to seek a legal remedy.

Additionally, we found that there are still very few protective orders issued throughout Moldova. In fact, only approximately 600 protective orders have been issued since Law 45 was first implemented in 2010, a low number considering the reported rates of domestic violence in Moldova, a country with more than three and one-half million people.<sup>8</sup> However, [Ministry of Internal Affairs](#) statistics from January - August 2012 show a substantial increase: more protective orders were issued during the first eight months of 2012 than in all of 2011.<sup>9</sup>

Insufficient funding and support is another barrier to effective implementation of legal and policy reforms. There is currently no dedicated or sustained source of funding for victim services, and very few shelters in Moldova. Interviews revealed that NGOs and maternal centers which provide crucial services to victims must strive each year to raise sufficient funds from inadequate governmental support and private donations.

During our mission to Moldova, we found that in many cases the multi-disciplinary teams, created to meet the specific needs of individual victims, were often very helpful in providing assistance to victims, particularly when team members were trained on the dynamics of domestic violence. Interviews revealed, however, that continued training and instruction at all levels of the government's response are also necessary. For example, when victims seek assistance from police, they face additional barriers to safety and justice. Police are often insensitive to victims and dismiss acts of violence that result in low-level injuries. Police do not hold aggressors accountable to follow the terms of protective orders or sanction them when those terms are violated. Although police are beginning to initiate more criminal cases,<sup>10</sup> many domestic violence crimes are not investigated or pursued. Despite the language of the law criminalizing all forms of domestic violence, including acts that result in light injuries, interviews revealed that domestic

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<sup>6</sup> Law 45 states that violations of protective orders are to be handled under "applicable legislation" referring to Article 318 of the Contravention Code (formerly called the Administrative Code), which sanctions non-execution of court orders with a fine. Law 45 Chapter III Article 17. If an aggressor violates a protective order after a contravention or administrative sanction has been imposed, the second violation becomes a crime punishable by up to 2 years in prison. Criminal Code Article 320. See Appendix A and Appendix D for full texts of Law 45 and Contravention Code Article 318, respectively. See Appendix C for full text of Criminal Code Article 320.

<sup>7</sup> Law 45 Chapter II Article 8(5)b.

<sup>8</sup> Statistics from the Ministry of Internal Affairs, November 2011, July 2012, and August 2012. Statistics are through August 2012.

<sup>9</sup> From January through August, 2012, a total of 286 protective orders were issued. By contrast, in all of 2011, 284 protective orders were issued. Statistics from the Ministry of Internal Affairs, November 2011, July 2012, and August 2012.

<sup>10</sup> Statistics from the Ministry of Internal Affairs, July 2012, on file with authors, indicate that from January-June 2012, 479 cases of domestic violence were registered. Importantly, a criminal procedure was initiated in 327 of the 479 cases—a 70% improvement over a similar period of time in 2011, when only 190 cases of domestic violence were initiated under Criminal Code Article 201<sup>1</sup>.

violence cases are regularly pursued as administrative offenses,<sup>11</sup> resulting in a lack of criminal accountability for aggressors and continued vulnerability for victims. Aggressors are rarely arrested or detained in Moldova. They are often sanctioned only with a fine, to the distress of the victim and family. In fact, the fear of a financial penalty causes victims to refrain from seeking help.<sup>12</sup>

We also found that prosecutors, like police, have been slow to apply Article 201<sup>1</sup> of the Criminal Code to cases of low-level injuries. They too exhibit attitudes that blame victims or minimize criminal behavior, resulting in fewer prosecutions. Prosecutors frequently refuse to pursue cases or withdraw cases when victims do not want to testify, even in the most severe cases. In addition, both prosecutors and judges use dangerous “settlement” techniques when determining a victim’s willingness to reconcile under Criminal Code Article 276(5).<sup>13</sup>

Interviews revealed that domestic violence victims’ access to justice is impeded by the judiciary as well. Many judges do not issue protective orders because of a common misperception that victims are lying to obtain benefits such as property or child custody. Victims in shelters or in the process of divorce are often denied protective orders because judges mistakenly think protection is not necessary. Additionally, judges frequently do not issue protective orders within the required 24-hour time frame. They do not order precise protective measures with specific distances and locations, making victims less secure and enabling aggressors to test the limits of the order. Finally, the immediacy and effectiveness of a protective order is undermined by judges who do not promptly communicate to all parties that an order has been issued.

Our team’s findings have been compiled in a report entitled [Implementation of the Republic of Moldova’s Domestic Violence Legislation](#). The report contains over 100 recommendations for legal and policy reform, based on international human rights standards, with special focus on promoting victim safety and offender accountability. We returned to Moldova in November 2012 to launch the report and conduct a train-the-trainers workshop for police, who will travel throughout Moldova to train their fellow officers on best practices in implementing Moldova’s laws on domestic violence. We have also submitted a List of Issues to the [CEDAW Committee](#) in partnership with the Women’s Law Center in January, 2013. Moldova is due to be reviewed by the CEDAW Committee in October of 2013.

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<sup>11</sup> Interview with Police, City D, 11 November 2011; Interview with Police, City I, 18 November 2011.

<sup>12</sup> La Strada, [Trust Line for Women Activity Report](#) (2012), p. 11.

<sup>13</sup> See Appendix C for full text of Article 276.