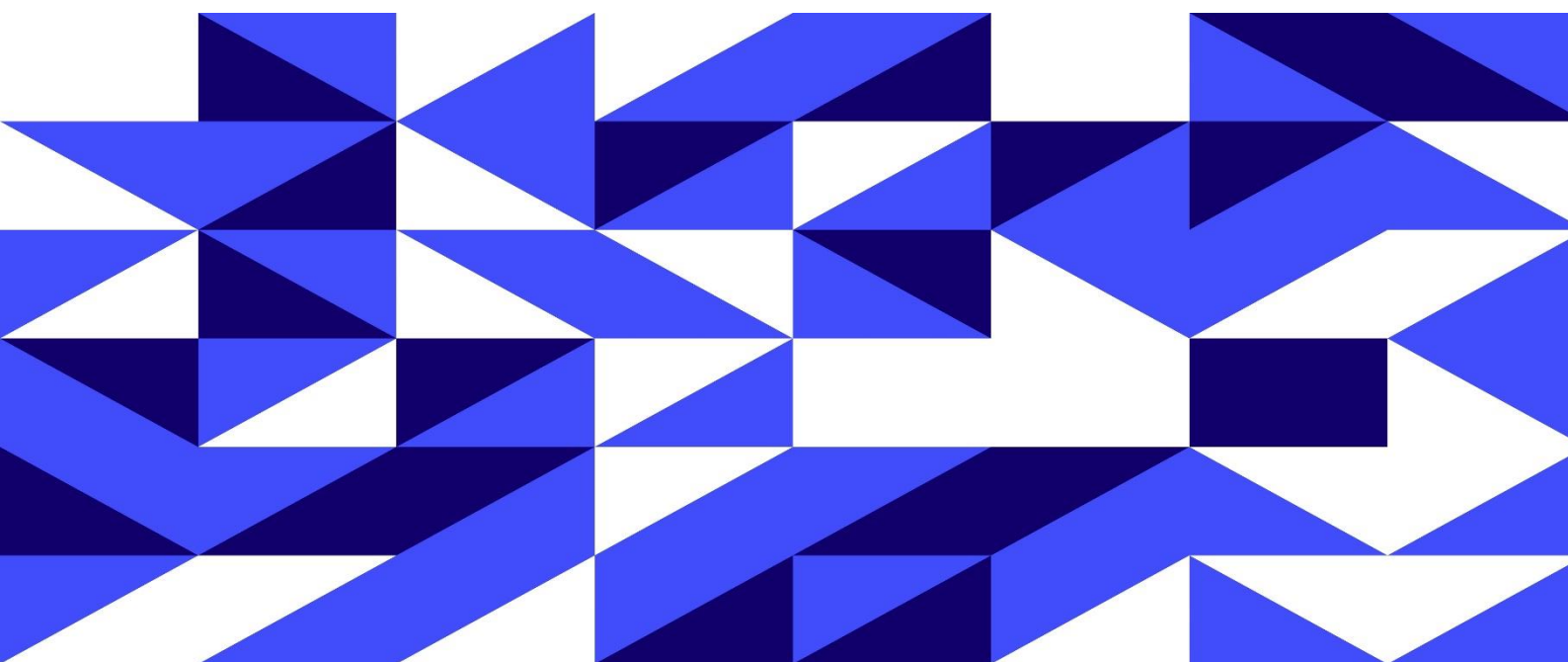


REPUBLIC OF MOLDOVA

**THE ISTANBUL CONVENTION IMPLEMENTATION
REPORT**



The material was developed within the project "Moldova's civic resilience to advance democracy 2.0", implemented by the WatchDog.MD Community between May and September 2022, with the financial support of the Institute for War and Peace Reporting (IWPR). The content stated is the responsibility of the WatchDog.MD Community and does not necessarily reflect the vision of the donor

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CHIȘINĂU

2022

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Introduction

The Republic of Moldova is the 35th state to ratify the Istanbul Convention through Law No 144 of 14th of October 2021. The Council of Europe Convention on Violence against Women and Domestic Violence (herein after, the Istanbul Convention) is the most recent legal development, in Europe, with regards to protection of female victims of violence. The aims of the Convention are reflected in Article 1 and include the elimination of violence against women, the prevention of, the protection against and the prosecution of violence – the so-called three “P” approach. Moreover, the Convention advocates for the elimination of all forms of discrimination against women, promotion of substantive equality and female empowerment. To this end, the Convention prescribes substantive and procedural legislative changes, as well as a comprehensive set of measures to be implemented by the government of the contracting parties.

“Violence against women” is defined as “a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

“Domestic violence” is defined as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”.

Notably, the Convention places an emphasis on underlying power dynamics between genders, specifically women and men as the default gender categories, and focuses on the role of women as victims in this context. Violence against women is vastly depicted as a manifestation of the historically unequal power relations between men and women, as an obstacle to achieve equality, and, most importantly, a violation of human rights and a form of discrimination.

This report seeks to analyse the legislative and administrative implementation efforts of the Moldovan authorities and assess the progress that has been made in this respect

since the entry into force of the Convention on the 1st of May 2022. To this end, the paper will first address issues pertaining to the national legal framework and provide a brief overview of substantive and procedural provisions required by the Convention. Subsequently, the paper will reflect the progress of Moldovan authorities to implement policies and measures meant to prevent violence and protect the female and child victims of violence. Finally, data with regards to domestic and sexual violence will be analysed to identify changes and trends in relation to relevant indicators.

CHAPTER I. Domestic legal framework

This chapter aims to give relevant context and general overview of substantive and procedural provisions local authorities must introduce to their domestic legal framework. Assessing the efforts of Moldovan authorities in this sense falls outside of the scope of this study, as the primary focus of the paper is placed on preventive and protective measures implemented by local authorities.

It is important to note, however, that a report assessing the compatibility of the legislation of the Republic of Moldova with the provisions of the Convention has been realised by UN Women in partnership with the Centre for Women’s Rights and the Swedish Embassy in 2019.¹

1.1 Substantive law

Articles 29 to 48 relate to the substantive legal provisions states need to adopt into their domestic legislation. These include laws on civil lawsuits and remedies; matters relating to the custody and visitation rights of children; the civil and criminal consequences of forced marriage; psychological violence; stalking; physical violence; sexual violence including rape; female genital mutilation; forced abortion and forced sterilisation; sexual harassment; aiding or abetting someone to, or attempting to, commit the crimes included within the Convention; unacceptable justifications for crimes, including crimes committed in the name of “honour”; the fact that the relationship between perpetrator and victim should make no difference to the application of criminal offences; jurisdictional provisions; sanctions and equivalent measures, including aggravating circumstances in sentencing and the relevance of sentences passed by another party; and the prohibition of mandatory alternative dispute resolution processes or sentencing.

1.2. Procedural law

Articles 49 to 58 include provisions that relate to the investigation and prosecution of, the procedural law relating to, and protection against all forms of violence covered by the scope of the Convention. The provisions include immediate responses from law enforcement agencies; the need for proper risk assessment and risk management; emergency barring orders; restraining or protective orders; a presumption against the use in court proceedings of material relating to the sexual history and conduct of the victim; the need to ensure that criminal proceedings for certain of the offences covered by the Convention not be wholly dependent on the participation of the victim; support for victims by other organisations during investigatory and judicial proceedings;

¹For further details see <https://moldova.unwomen.org/ro/biblioteca-digitala/publicatii/2020/08/cdf-raport-compatibilitate> accessed on 29th of August 2022

protective measures for victims within court proceedings; legal aid; and statutes of limitation.

CHAPTER II: Measures of Protection, Prevention and Prosecution

2.1 Prevention and Prosecution

Articles 7 to 11 set out obligations on parties to take a coordinated approach and to have in place the appropriate resources to tackle these crimes. They also cover the role of non-governmental organisations and the co-ordinating body for the implementation of the Convention and outline how data on violence against women should be gathered and used.

Articles 12 to 17 cover a range of provisions relating to the prevention of violence against women, including awareness raising, education, training of professionals, preventative intervention and treatment programmes and the participation of the private sector and the media.

To this end, the government undertook a set of comprehensive measures, including information campaigns and rehabilitation work with aggressors.

Campaigns targeted at informing and raising awareness of the general public on issues relating to domestic violence:

- From January to July 2022, 5 local information campaigns were organised with the following slogans: “Stop domestic violence”, “Violence is the weapon of the weak”, “Combating all forms of domestic violence”, “Stop Domestic Violence! Don't be a bully, change your future!”, “Violence is not part of my family”.
- The UN International Day of Families has been organised pursuant to Government Decree No. 63 of 11. 05. 2022. In sign of solidarity, this year's celebrations included Ukrainian refugee families. In addition to that, the national Police forces launched two national campaigns between 15th of May and 15th of July 2022: the prevention campaign “You can change your future- do not be an aggressor!” and “Family- the universe of happiness”
- In the first semester of 2022, the Police organised 1349 awareness-raising campaigns:
 - 53 activities as part of information campaigns;
 - 56 flash-mobs;
 - 118 workshops;
 - 1122 information sessions with focus groups;
- The Police has also organised community activities:
 - 1358 meetings with citizens;
 - 408 meetings with students;
 - 836 classes conducted in public schools;
 - 891 meetings with work collectives;
 - 249 meetings within Community Safety Councils;
- These activities aimed at educating communities on topics of countering violence, as well as dissuading community representatives from further engagement in acts of violence. To this end, around 68.763 citizens were

informed, as well as 51.565 informational materials were distributed. In addition, the Police used their media platforms to further raise awareness of the issue:

- 205 posts on Facebook pages;
 - 10 publications in local newspapers;
 - 5 broadcasts on national and local radio stations;
 - 2 appearances on television broadcasts.
- In 2021, the Police Force, with the support of the Embassy of the United States in Moldova, drafted and distributed a brochure entitled “Do not tolerate violence, know your rights”. The brochure aimed to inform the general public of their procedural rights under article 277 Code of Criminal Procedure. On the 30th of November 2021, the Embassy of the United States donated 18 000 brochures in Romanian and 3000 brochures in Russian.
 - Pursuant to Ordinance number 10 of the General Police Inspectorate, the aforementioned brochures are to be distributed to victims of domestic and sexual violence. Aside from the procedural rights and guarantees that the victims are entitled to, the brochure also specifies relevant information concerning organisations that victims can contact, as well as potential protection measures that can be applied.
 - Moreover, public authorities have organised joint activities with UN Women, including:
 - Training sessions with 14 teachers at the local level (11 women and 3 men) on gender-based violence and ways to inform the youth on issues pertaining to preventing and combating this phenomenon. The training sessions are part of the “A better future for educational institutions, youth organisations and centers” project, implemented at the initiative of UN Women Moldova by the Institute for Development and Social Initiatives (IDIS) “Viitorul”, with the financial support of Sweden. The primary aim of the project is to promote gender equality and prevent gender-based violence by means of virtual reality technology based on scenarios previously developed by UN Women based on extensive work with focus groups .
 - To this end, 9 educational institutions from Călărași, Sipoteni, Cimișlia, Ialoveni, Drochia, Orhei, Ungheni, mun. Bălți and Chișinău benefited from training sessions and technical support. This way, 188 young people (121 women and 67 men) were empowered to promote the importance of healthy interpersonal relationships, therefore supporting the prevention of violence against women. These coaching sessions were primarily focused on highlighting the difference between Flirting and Sexual Harassment.
 - For the purposes of **rehabilitating previous offenders**, the National Police Inspectorate implemented two probation programs:
 - The probation program for diminishing aggression involved 14 persons;
 - The program for assistance and counselling of domestic aggressors involved 49 persons.

- In addition, a number of aggressors are under electronic supervision (380 men and 14 women).
- 256 reported domestic aggressors received counselling sessions;
- 39 persons were referred to specialized institutions: The Centre for assistance and counselling for domestic aggressors in Drochia district, A. O. "Stimul" in Ocnița, A. O. "Change for a better life" in Căușeni, A.O. "CNFACEM" Chișinău.

Training professionals

During the first semester of 2022, 125 police employees were trained as follows:

- during 21-25.02.2022, a continuous training course was held on „Domestic violence”, organized by the "CIPAL" Directorate of the "Stefan cel Mare" Academy of the Ministry of Internal Affairs, attended by 20 employees (16 men, 4 women);
- in the period 07-08.04.2022 and 11-12.04.2022, a training course (online) in the field of prevention of perpetuation of domestic violence, organised by the Directorate of Social and Medical Assistance in ClujNapoca, Romania, with the participation of 3 employees (2 men, 1 female);
- on 12-13.05.2022 the training session "Ensuring a coordinated response of the criminal justice system for a better settlement of domestic violence cases", organised by the A.O. "Women's Law Centre", was held, attended by 14 employees (11 men, 3 women);
- on 17-18.05.2022 and 26-27.05.2022 the training workshop "Preventing domestic violence through a multidisciplinary approach to the causes and subjects" was organised by the Centre for Rehabilitation of Victims of Torture "Memoria", with the participation of 11 employees (9 men, 2 women);
- during 18-19.05.2022 an online training course was held with "Psychosocial and legal aspects of preventing and combating the phenomenon of domestic violence", organised by the Public Association "Artemida", attended by 20 employees (18 men, 2 women);
- 28 police employees (12 women, 16 men) were trained on 06-07.06.2022 and 09-10.06.2022 and 17 police employees (7 women, 10 men) were trained on 16-17.06.2022 on ensuring a coordinated response of the criminal justice system for a better resolution of domestic violence cases;
- On 24.06.2022, 12 senior police officers (5 women, 7 men) were trained on the development and promotion of a coordinated criminal justice system response model to better address domestic violence cases.

According to the data presented by the National Agency for Social Assistance in the initial training activities on the subject of preventing and combating violence against women and domestic violence in 2020, 242 specialists from the social sector were trained, in 2021 - 554 specialists and in the first half of 2022 - 573 specialists. The trainings were organized jointly with development partners and civil society representatives.

2.3 Protection

Articles 18 to 28 set out states' obligations to provide protection and support to victims. These include how information should be shared with a victim; access to general and specialised support services for victims (including particular measures for supporting victims of sexual violence); how victims should have access to complaints mechanisms; provision of shelters and helplines; protection and support for child witnesses; and reporting by professionals and other parties.

In the time frame between 2020 and 2021, in accordance with the social statistical report "Domestic Violence", the persons benefited from the following services:

2020	2021
Total- 1708 persons	Total- 2015 persons
Shelter- 4.9%	Shelter- 5.4%
Counselling- 14.55%	Counselling- 11.5%
Legal support- 1.6%	Legal support- 1.3%
Support service for families with children- 10.1%	Support service for families with children- 6.8%
Monetary support- 6.0%	Monetary support- 6.8%
Professional orientation- 0.9%	Professional orientation- 0.8%
Cash benefits- 29.0%	Cash benefits- 25.3%
Guidance in the work market- 1.0%	Guidance in the work market- 2.6%
Other services (personal assistance etc.)- 33.9%	Other services- 46.3%

- In the first semester of 2022, the helpline for victims of domestic violence and violence against women (08008 8008) received 775 calls, 485 of which were one-time calls. All calls logged by the service's counsellors fall under different categories according to their content:
 - Domestic violence: 471 calls;
 - Sexual violence: 29 calls;
 - Information requests/ collaboration: 31 calls;
 - Others (which fall outside the scope of the helpline): 244

The helpline service is financed by the government and managed by the International Centre "La Strada"

- The following services were developed for the protection of victims of domestic violence starting from 2001
 - Centre for Assistance and Protection of Victims and Potential Victims of human trafficking in Chisinau (capacity of 24 places)
 - Family Crisis Centre "Sotis" (Balti) (capacity of 19 places)
 - Maternal Centre "Pro Familia" (Căușeni) (capacity of 33 places)
 - ProFemina" Maternal Centre (Hâncești) (capacity of 22 places)
 - Maternal Centre (Cahul) (capacity of 24 places)
 - Maternal Centre (Anenii Noi) (capacity of 18 places)
 - Assistance and Counselling Centre for Victims of Domestic Violence "Ariadna" (Drochia) (capacity of 24 places)

- Regional centre for the rehabilitation of victims of domestic violence (Chirsova) (capacity of 18 places)
- Regional day centre for integrated assistance to child victims/witnesses of crimes in Balti municipality

Specialised centres, which provide placement for victims, serve a broad profile group of crime victims, as defined by Law 137/2016 on the rehabilitation of crime victims. The placement services and all counselling services provided to victims are free of charge. Notably, services pertaining to assistance, informational, psychological and legal advice are also offered by civil society organisations, members of the platform National Coalition "Life without Domestic Violence". No new services were opened for victims of domestic violence in the period succeeding the ratification of the Convention.

- At present, there are no specialised centres for victims of sexual violence. However, the EVA project, with the implementation period between 2020-2022, which is financed by the European Union and implemented by UN Women and UNICEF aims at creating specialized services to assist victims of sexual violence in Ungheni and Cahul districts. ²

CHAPTER III: Data

For the purpose of this report, WatchDog.MD has analysed data provided by the Ministry of Internal Affairs on cases concerning domestic violence against women (art 201¹ Criminal Code) and sexual violence (article 171). The data reflects numbers of criminal cases initiated, convictions and recidivisms for domestic and sexual violence in the periods of 1st of May to 15th of July in 2019, 2020, 2021 and 2022. The year 2019 reflects data prior to the ratification of the convention. The years 2020-2021 reflect the time frame prior to the ratification, but also coincides with the periods of lockdown or partial COVID-19 restrictions, which marks a spike in cases of domestic violence worldwide. Data from 2022 reflects the period after the Convention entered into force in the Republic of Moldova. (See graphs A1 and A2)

The most striking development is the increase in the number of criminal cases initiated on accounts of domestic violence, which significantly surpasses the pre-ratification and pre-COVID indicators. This is a positive development and reflects an increase in due diligence of local authorities, as well as a general increase of awareness of domestic violence issues both on the end of the victims, which report the cases, as well as the public authorities, which adequately handle these reports.

However, with regards to convictions and recidivism, both in cases of domestic and sexual violence, indicators remain relatively stagnant. This suggests that more resources need to be allocated towards an effective prosecution of the human rights violations, as well as rehabilitation work with offenders.

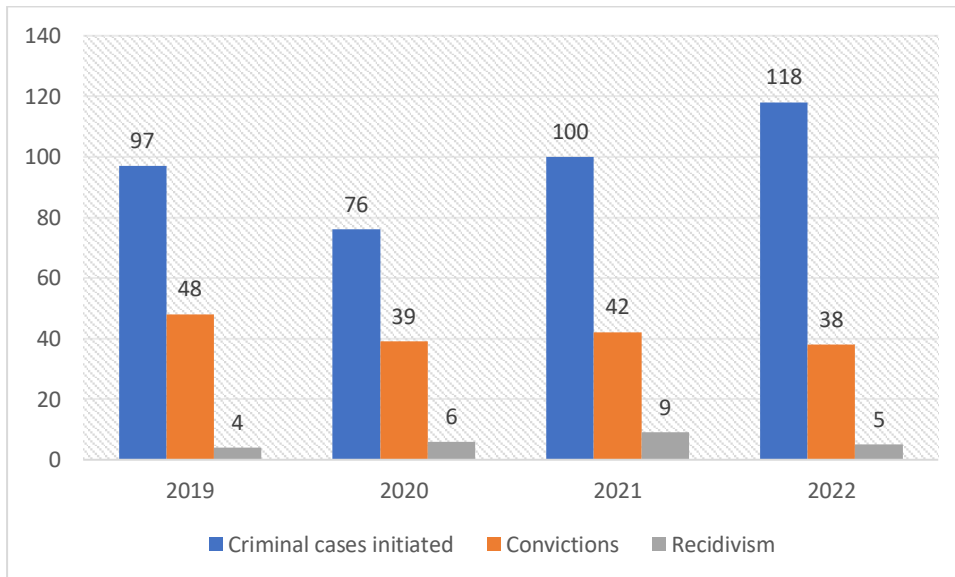
²Further details at

<https://moldova.unwomen.org/sites/default/files/Field%20Office%20Moldova/Attachments/Publications/2020/NEW%20EVA%20Project%20Factsheet%20English.pdf> accessed on 20th of September 2022.

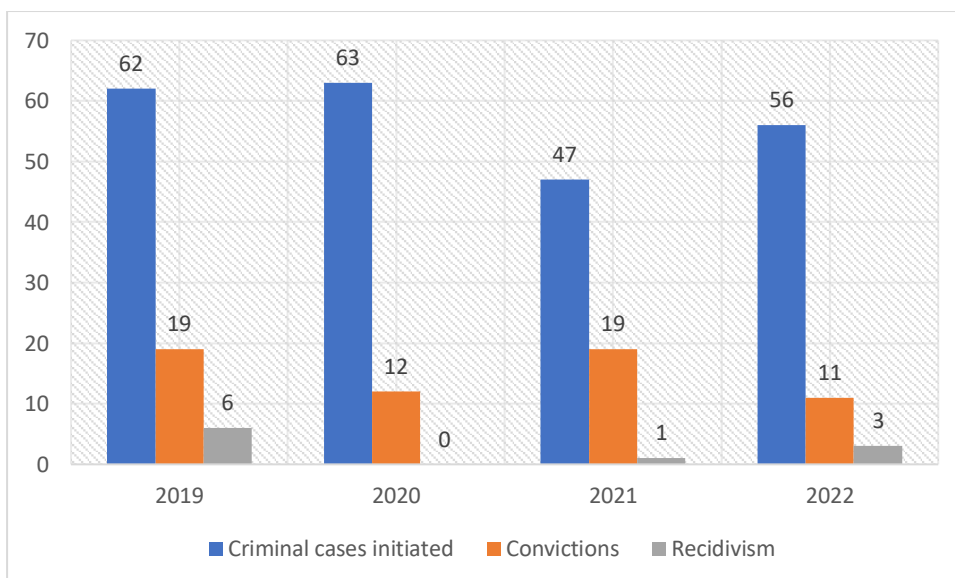
It is important to note that the Convention has entered into force in Moldova relatively recently, meaning that further monitoring of these indicators needs to be conducted in order to convey an accurate picture of the progress that has been made.

A1. Domestic violence against women

(RO)



A2. Sexual violence against women



Recommendations

Based on the Government's strategy for combatting domestic violence, the information provided by the Ministry of Social Protection, as well as the data gathered from the Ministry of Internal Affairs, a set of recommendations has been developed:

- ❖ The outstanding issue is the lack of specialised centres for victims of sexual violence. As mentioned in the report, the EVA project is being implemented by UN Women by 2023. That being acknowledged, only two districts, namely Ungheni and Cahul, will benefit from such a service centre. This is problematic, because victims might not have the ability to access those services if they are geographically located further away from the centres. International standards in the field require at least one place in specialised centres for women victims of sexual violence per 20 000 inhabitants. Therefore, allocating resources for the purposes of opening specialised centres for victims of sexual violence is of uttermost importance and should be prioritised more.
- ❖ Another issue is diminished levels/ virtual lack of training of a wider range of professionals. While representatives of the police and some social service workers benefit from training sessions, this is a far cry from the comprehensive education for a wider categories of professionals required to adequately assist victims of sexual and physical violence. Adequate and in-depth training must be provided to medical workers, which provide assistance to victims, forensic evaluation in cases of sexual violence and alert the competent authorities. Hence, further efforts are required to address the systemic issues in this department.
- ❖ An important objective is promoting women's economic empowerment and socio-economic independence. This is crucial as economic dependence on aggressors is one of the primary reasons why women are trapped in abusive relationships and fail to report the violence to authorities, fearing economic repercussions. It is important to note that the number of victims receiving financial support, sheltering, as well as coaching sessions on navigating the labour market has increased to a certain extent from 2020 to 2022. However, further effort needs to be put into developing programs for obtaining qualifications which would make them more competitive on the market, allowing them to gain a sense of financial security and sever their dependence on abusive partners.

In sum, while this report reflected the Government's efforts in applying measures to prevent domestic violence and protect the victims thereof, registering some great achievements in this sense, the most relevant finding is the limited progress when it comes to matters of sexual violence against women. This is highlighted by the fact that there is an insufficient number of specialised centres to support the victims and little activities meant to raise awareness and educate relevant professionals, such as medical workers. This constitutes a serious problem, as sexual violence is a highly stigmatized topic, riddled with harmful beliefs surrounding it. As recognized in the national strategy, victim blaming, shame and prejudice are some of the prevalent phenomena accompanying sexual abuse and a systemic disfunction which prevents victims from seeking support, help and, most importantly, justice. Hence, there is a pressing need for the competent authorities to take a coordinated approach and prioritize solving these systemic issues.