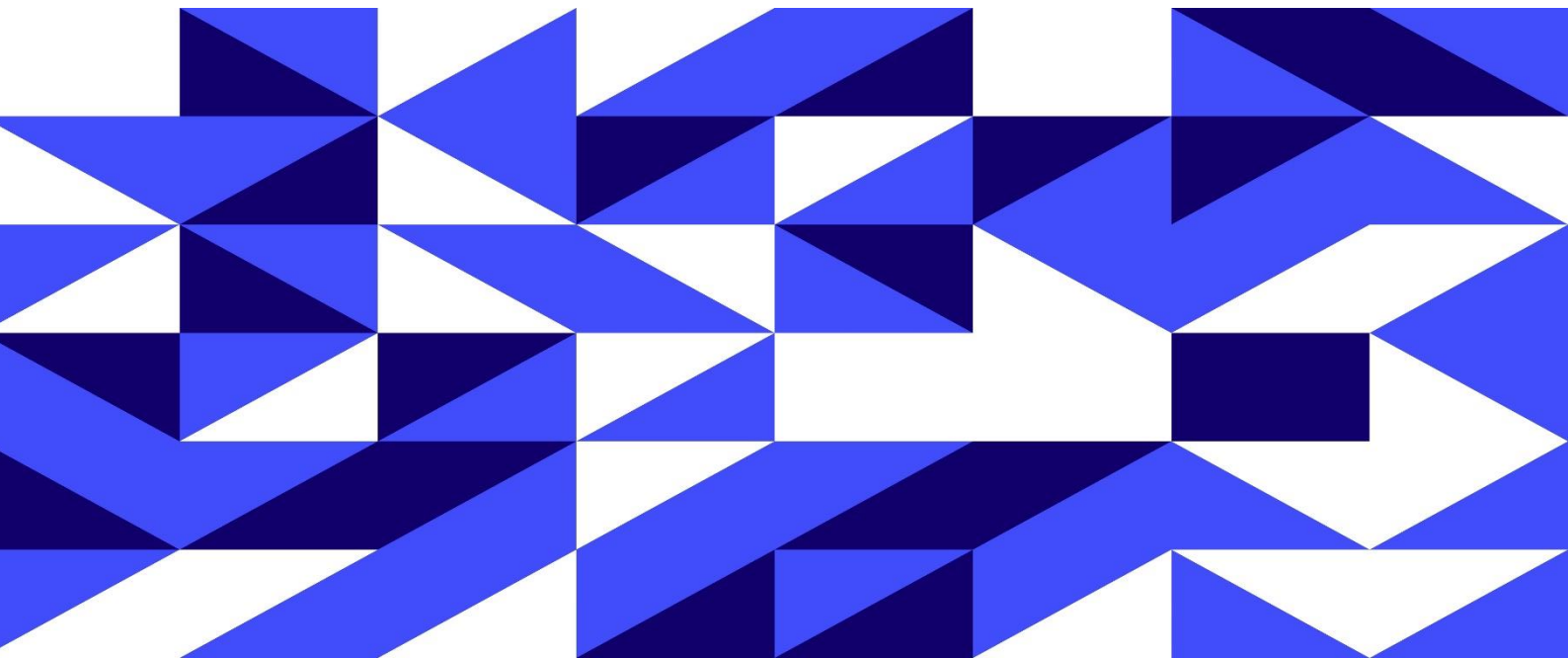


REPUBLIC OF MOLDOVA

**THE ISTANBUL CONVENTION IMPLEMENTATION
REPORT: A FOLLOW-UP**



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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Chişinău

2023

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Introduction

The Republic of Moldova has ratified the Istanbul Convention through Law No 144 of 14th of October 2021, making it the 35th state to do so. The Istanbul Convention is a recent legal development in Europe aimed at protecting female victims of violence. Article 1 of the Convention reflects its goals, which include the elimination of violence against women, prevention, protection, and prosecution of violence, as well as the elimination of all forms of discrimination against women, promotion of substantive equality, and female empowerment. The Convention provides for substantive and procedural legislative changes, as well as a comprehensive set of measures to be implemented by the contracting parties' governments.

The Convention defines "violence against women" as a violation of human rights and a form of discrimination against women. It encompasses 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, regardless of whether they occur in public or 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, regardless of whether the perpetrator shares or has shared the same residence with the victim.

It is noteworthy that the Convention highlights the underlying power dynamics between genders, particularly women and men, as the default gender categories, and focuses on the role of women as victims in this context. Violence against women is widely portrayed as a manifestation of historically unequal power relations between men and women, an obstacle to achieving equality, and most importantly, a violation of human rights and a form of discrimination.

A previous study by WatchDog.MD monitoring the implementation of the Convention has identified three key areas in which the government fell short in fulfilling its international obligations stemming from the treaty. First, the study highlighted the lack of specialised support services for victims of sexual violence. Second, the virtual lack of training of a wide range of professionals offering support to the victims has been identified as a great vulnerability in effectively providing said services. Finally, the study addressed the importance of allocating further resources toward activities aimed at empowering women and female victims of violence as an important tool in combating gender-based violence by enabling women to challenge existing damaging beliefs on gender norms and break the abuse cycle. Hence, it became of interest to assess the developments in these key areas reflected in the Ministry of Labour, Health and Social Protection's report on the implementation of the Istanbul Convention.

Shelters and specialised support services for female victims of violence

The normative framework that regulates the field of reference is Law no. 137/2016 on the rehabilitation of crime victims. At the same time, victims of human trafficking and domestic violence benefit from assistance measures according to the provisions of Law no. 241-XVI of October 20, 2005 regarding the prevention and combating of human trafficking or, as the case may be, of Law no. 45/2007 regarding the prevention and combating of family violence. The support services achieve their purpose through special actions of psychological counseling, legal and social assistance. In order to achieve the goal, victims of crimes benefit from the following support services:

- informational counseling of crime victims regarding their rights and the services they can benefit from;
- psychological counseling;
- legal assistance guaranteed by the state;
- financial compensation by the state of the damage caused by the crime.

For the assistance and protection of victims of domestic violence and human trafficking, the following specialized services have been developed (with funding from the state budget):

- Center for assistance and protection of victims and potential victims of human trafficking from Chisinau (capacity of 24 places)
- "Sotis" Family Crisis Center (Balti) (capacity of 19 places)
- "Pro Familia" Maternal Center (Căușeni) (capacity of 33 places)
- "ProFemina" Maternal Center (Hâncești) (capacity of 22 places)
- Maternal Center (Cahul) (capacity of 24 places)
- Maternal Center (Anenii Noi) (capacity 18 places)
- Center for Assistance and Counseling of Victims of Family Violence "Ariadna" (Drochia) (capacity 24 seats)
- The regional center for the rehabilitation of victims of domestic violence (Chirsova) (capacity of 18 places)
- Regional day center for integrated assistance of child victims/witnesses of crimes in the municipality of Balti

Support services, informational, psychological and legal counseling are also offered by civil society organizations such as:

- International Center for the Protection and Promotion of Women's Rights "La Strada"
- Women's Law Center (CDF)
- National Center for the Prevention of Child Abuse (CNPAC)
- PromoLEX Association
- Association Against Violence "Casa Marioarei" (capacity 18 seats)
- "Memoria" Torture Victim Rehabilitation Center
- Center "Honor and Right of Contemporary Women" (Bălți)
- "Stimul" Ocnița
- "Vesta" Comrat
- "Dacia" Youth Resource Center (Soroca)

At the moment, there are no specialized centers for victims of sexual violence. But within the EVA project with the implementation period 2020-2022, financed by the European Union and implemented by the UN Women and UNICEF, in 2 districts of the country, Ungheni and Cahul, specialized services for victims of sexual violence will be made available.

Assesment

While there are a number of services provided for victims of violence against women, the standards prescribed by the Convention are still not fulfilled. Currently, there are around 180 places in shelters for women, which falls short of the required 1 place per 10000 under the convention. An ongoing issue is the lack of specialised support services awarded to victims of

sexual violence. The Convention imposes an obligation on the parties to take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims, recommending one centre per 200,000 population, while Moldova currently has none.

Training of professionals

During 2021-2022, a series of trainings were carried out to strengthen the capacities of professionals in the field. In this sense, forensic doctors, police officers, judges, prosecutors, probation counselors and lawyers who provide state-granted legal assistance were trained on the intervention and the role of institutions in the justice system in responding to cases of family violence.

2022

From July 5 to 11, as part of the "Creation of a Family Justice Center in Moldova" Project, funded by the US State Department, in partnership with the Women's Law Center, information sessions on completing the data collection form were organized in cases of family violence, resulting in death or serious bodily injury of the victims for about 140 police employees from all 36 districts of the country. The activities were organized in the context of the establishment in May 2022 of the Commission for monitoring and analyzing cases of family violence resulting in death or serious bodily injury of the victims, with the aim of informing the responsible persons about the new procedure for monitoring these cases.

2021

In order to streamline the process of investigating and prosecuting acts of violence against women and family violence, 368 legal professionals were trained by the National Institute of Justice (INJ), as follows: judges - 45, prosecutors - 58, legal assistants - 115, clerks - 59, prosecutors' consultants - 43, specialists - 48.

In the field of investigation and examination of crimes related to sexual life, 723 people were trained, of which: 124 judges, 176 prosecutors, 158 judicial assistants, 110 clerks, 51 prosecutors' consultants, 35 lawyers who provide state-guaranteed legal assistance, 66 specialists, 2 secretarial heads, 1 trainer of the National Institute of Justice.

A number of other projects for training of law enforcement professionals were implemented. The only training activities targeting medical professionals and social service providers were offered within the EVA Project "Promotion of gender equality in Cahul and Ungheni districts", implemented by UN Women Moldova, in partnership with UNICEF, and financed by the European Union. It offered 13 multidisciplinary teams from 13 localities in 2 districts of the country (Cahul and Ungheni) training to provide essential, coordinated, and improved services in the field of eliminating gender-based violence, focused on survivors of violence. Thus, more than 41 representatives of law enforcement bodies and medical personnel, psychologists, and social workers acquired new knowledge and skills for a better response to cases of sexual violence, with an emphasis on the trauma-oriented approach and coordinating the efforts of all the specialists involved in responding to cases of sexual violence and violence against women and children.

Methodical guidelines for professionals

Police intervention in preventing and combating cases of family violence, approved by General Police Inspectorate (IGP) Order no. 360 of 08.08.2018. The given instruction establishes the way of organizing the activity of the Police, as a specialized public institution of the state, subordinate to the Ministry of Internal Affairs, in order to carry out legal duties in the process of preventing, identifying, and countering the phenomenon of domestic violence, ensuring the protection and assistance of victims, the accountability and resocialization of family aggressors. Additionally, in 2021, the Women's Law Center, in partnership with the Integrated Training Center for Law Enforcement (CIPAL) within the MAI, with the support of UN Women Moldova and Sweden, developed the Course Support entitled Police Intervention in Prevention and Combat cases of domestic violence, which aims to strengthen the theoretical knowledge and practical skills of police employees in the field of effective application of national legislation on the prevention and combating of domestic violence.

Also, by the Order of the head of the IGP no. 79 of 28.04.2015 the Methodical Instruction regarding Police intervention in the identification, evaluation, referral, assistance and monitoring of cases of violence, neglect, exploitation and child trafficking was approved. At the same time, for the activity of the representatives of the criminal investigation body within the IGP, the following recommendations were developed:

- no. 34/11–3877 of September 2, 2020 regarding the actions to be taken in cases of family violence in light of the violations found by the ECtHR and the standard questions for hearing the victim in order to identify all forms of family violence;
- no. 34/11-1517 of April 1, 2020 regarding the removal of gaps admitted by the police in the documentation and investigation of these cases of family violence;
- no. 34/11–1940 of May 14, 2020 regarding the removal of the defective practice regarding the qualification and proper investigation of acts of sexual violence;
- no. 34/11–2990 of July 27, 2021 regarding the actions to be taken by criminal prosecution officers in order to respect the rights of victims of domestic violence in the light of ECtHR findings in the Kurt v. Austria case (dynamic risk assessment) ;
- no. 34/11–4079 of October 20, 2021 regarding the non-admission of criminal omissions when examining referrals regarding crimes of family violence and sexual violence, and ensuring protection and assistance for victims of gender-based violence.

In 2021, the General Prosecutor's Office developed methodical recommendations no. 8/3-3d/21-250 of 29.06.2021 regarding punitive practice in criminal cases of family violence and circular no. 8/3-3d/21-359 of 27 October 2021 regarding the implementation of Law no. 144 of 14.10.2021 regarding the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which were sent to the prosecutors for guidance and application in the activity. Consistently, in order to strengthen the capacity to respond to cases of family violence, of the Prosecutor's Office and the Judicial System of the Republic of Moldova, the National Institute of Justice and the Women's Law Center (CDF), with the financial support provided by the US Embassy in the Republic of Moldova developed the course support for the training of judges and prosecutors Implementation of legislation regarding the prevention and combating of family violence. At the same time, in 2021, CNAJGS also initiated the process of developing quality standards for the activity of lawyers who provide qualified legal assistance on cases involving victims.

Assessment

The Ministry's Report showcases considerable efforts in training and support of law enforcement agents. This is a commendable accomplishment as law enforcement professionals are some of the first people victims of violence reach out to for help. That being acknowledged, it appears that social and medical workers are somewhat neglected in this sense. Only one activity reflected in the Report targeted social and medical workers. In addition, it appears that no methodical guidelines for these professionals have been adopted in the last two years. This represents a major flaw, since, medical professionals specifically provide assistance to victims, forensic evaluation in cases of sexual violence, and alert the competent authorities. Often times they are the first service providers victims reach out to after incurring some form of abuse. In addition, their intervention is valuable in recognizing signs of abuse and taking a proactive step in encouraging victims to seek further support and escape their situation. Hence, providing medical professionals with training and developing updated methodical guidelines on dealing with and recognizing cases of abuse, in line with international good practice standards and the latest research in the area is of uttermost importance and needs to be prioritised by the government.

Measures targeted at boosting women's empowerment

General population

From the academic year of 2018 - 2019, a new curricular area "Counselling and personal development" has been introduced, which includes a mandatory course on "Personal Development", proposed for the implementation of 1 hour each week, in primary, secondary, and high school education. The indicated discipline aims to develop the skills necessary for students for self-knowledge, self-acceptance, for a healthy and independent way of life, in their becoming informed, active, and integral citizens who could relate openly and freely, demonstrating responsibility in making career decisions and personal development throughout their life.

Within the aforementioned EVA project, 15 active women's clubs (7 in Cahul and 8 in Ungheni) were created, with a total number of 207 members. Club members have the opportunity to benefit from the services of mentors trained in career guidance, employment and occupational counseling. Civil society representatives, psychologists and community social workers have also increased their capacities to work with women survivors of violence. Therefore, the involved parties are prepared to refer the identified cases to local profile organizations, to develop educational programs on domestic violence and to carry out a joint risk assessment with survivors of violence.

Victims of violence against women/domestic violence

The Ministry's Report offers the same data on services offered to victims of violence against women that has been analysed by the previous WatchDog.MD study.

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%

As it can be observed, only 0.9% and 0.8% of victims received professional orientation support in 2020 and 2021 respectively, while only 1.0% and 2.6% of the victims received guidance in the work market in the same years. In 2020, 33.9% of the victims received other services, including personal assistance, which raised to 46.3% in 2021, although it has not been made clear what services exactly fall under this category and it is impossible to assess to which extent said services contributed to the empowerment of the victims.

Assessment

While some activities have been implemented to facilitate the empowerment of the general population, primarily the youth, the range of empowering services offered to victims is still low.

Conclusion

In conclusion, the assessment of the Ministry of Labour, Health, and Social Protection's report on the implementation of the Istanbul Convention indicates a lack of progress in the three key areas identified by WatchDog.MD's previous study. The absence of specialised support services for victims of sexual violence, inadequate training of professionals providing victim support services, and insufficient resources allocated to empower women and female victims of violence remain great vulnerabilities in the effective implementation of the Convention's goals. The findings underscore the need for more significant efforts by the government to fulfil its international obligations and provide adequate support to victims of gender-based violence. Addressing these critical areas will require a concerted effort by policymakers, stakeholders, and civil society to strengthen the implementation of the Convention, protect women's rights and ensure gender equality.

Sources

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