


## **THE ISTANBUL CONVENTION**

# **SHELTERS AND SPECIALISED SUPPORT SERVICES FOR VICTIMS OF VIOLENCE AGAINST WOMEN: STANDARDS AND GOOD PRACTICES**



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## Introduction

The Istanbul Convention is an authoritative, binding legal instrument adopted by the Council of Europe in 2011. It reflects the efforts of the Council to combat all forms of violence against women, as well as pave the way for a gender-sensitive approach to policy-making in the area, with a great emphasis being placed on the empowerment of female victims. To this day, 37 countries ratified the convention, and the Republic of Moldova is the 35<sup>th</sup> to do so. The convention is structured around three pillars: Prosecution, Prevention, and Protection, the so-called three “P”s approach. This paper focuses on Protection measures, which include shelters and specialised services awarded to female victims of violence. While the Convention, the explanatory report, as well as the preparatory documents thereof provide straightforward instructions for the standards the parties need to observe, there are a few other relevant sources to provide guidance in this respect. Notably, the European network Women against Violence Europe (WAVE) reports serve a crucial role for providing data on observance of minimum standards and recommendations for service provision to victims of violence against women in Europe. WAVE is a non-governmental organisation established in 1994 that has created a database of women’s support services, and one of its core activities is to collect data and publish a regular report on the availability of women’s shelters, centres and helplines in Europe. In addition to WAVE reports, the Convention’s monitoring body GREVIO issues reports on state parties’ implementation of the provisions. These, in a systematic reading, provide us with a clear image of standards and good practice examples, which will later be discussed, in the area of protection and support of victims of violence against women.

It is important to note that the Convention defines **violence against women** 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”. In addition to that, it defines **domestic violence** 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”. Furthermore, the convention defines **gender-based** violence as follows “violence that is directed against a woman because she is a woman or that affects women disproportionately”

The Republic of Moldova has serious systemic problems with violence against women and gender equality. To illustrate, the proportion of ever-partnered women aged 18-74 years experiencing intimate partner physical and/or sexual violence at least once in their lifetime since age 15 is at a 34%. Furthermore, Moldova’s Gender Inequality Index (GII) rank is 46, lower than most post-soviet countries. The GII is a composite measure reflecting inequality between women and men in three different dimensions: reproductive health (maternal mortality ratio and adolescent birth rate), empowerment (share of parliamentary seats held by women and share of population with at least some secondary education), and labour market participation (labour force participation rate).<sup>1</sup>

Hence, Moldova’s ratification of the Convention came as a long-awaited commitment to combat these systemic issues and reflects its efforts to align itself with European values rooted in democracy, rule of law, and respect for human rights and dignity. That being acknowledged,

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<sup>1</sup> See <<https://evaw-global-database.unwomen.org/fr/countries/europe/republic-of-moldova#3>>

a previous study inquiring into the implementation of the Convention issued by WatchDog.md identified a substantial gap in the protection of victims of violence against women, specifically shelters and specialized services. Therefore, it became of interest to look into standards, international practice, and the current legislation in this field to raise awareness, promote public discourse, and, ultimately, advocate for change in this policy field.

### **Principles and specific provisions of the Convention**

- to “protect all victims from any further acts of violence” (Article 18.1);
- to “ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies<sup>32</sup>(...) in protecting and supporting victims and witnesses of all forms of violence (...) including by referring to general and specialist support services” (Article 18.2);
- to “ensure that measures of protection and support are based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim”;
- and “bases on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment” recognising the negative impact violence has on the family and society;
- “aim at avoiding secondary victimisation”, recognising the negative effect insensitive measures and mechanisms such as victim-blaming have on the well-being of victims;
- “aim at the empowerment and economic independence of women victims of violence”, recognising the importance of guaranteeing economic rights to victims so that they can live a life free from violence;
- “allow, where appropriate, for a range of protection and support services to be located on the same premises”, recognising that women victims of violence are often additionally burdened and endangered by bureaucratic procedures and by having to visit many different agencies to realise their rights and needs, and the importance for women’s shelters to offer many different services in one place;
- to “address the specific needs of vulnerable persons, including child victims”, recognising that some victims are especially vulnerable and need specific attention and services (Article 18.3).
- help and support for victims “shall not depend on the victim’s willingness to press charges or testify against any perpetrator” (Article 18.4).

### **Access without discrimination**

Access to women's shelters is a crucial aspect of the support and protection available to women who have survived violence. The principles of open access and non-discrimination are key to ensuring that women who have experienced violence can access the services they need to rebuild their lives. Women's shelters provide a safe space for women and their children to heal, receive counseling and support, and access essential services, such as legal and medical assistance. All women who have survived violence and their children have the right to be admitted to women's shelters, regardless of their nationality, ethnicity, religion, disability, residency status, or any other factor.

In cases of acute violence, it is essential that women survivors of violence and their children have immediate access to women's shelters. To ensure this, shelters must be available and

accessible 24/7, with no bureaucratic admission procedures that could endanger the safety of women and children. If there are multiple shelters in a town, at least one should be able to accommodate a woman and her children at any given time. Ultimately, admission to shelters should be at the discretion of the shelter, to ensure that women and children can receive the support they need as quickly and efficiently as possible.

For undocumented women and their children, women's shelters are of particular importance, as they may be afraid to seek help from the police or the judiciary due to their residency status. Women's shelters must be accessible to all women, including those with disabilities, and this requires sufficient funding to ensure barrier-free access.

It is also essential that children who have witnessed violence against a parent can be accommodated in women's shelters, as this can be a traumatic experience for them. In addition to providing a safe space for women and their children, women's shelters must also ensure that children are able to exercise their right to education. Children should be admitted to kindergarten and schools in the vicinity of the shelter, and the costs of education should be covered by the state.

Women's shelters should be open to all women who have experienced violence, including physical, psychological, emotional, sexual, or economic violence committed by a partner, former partner, or family member. It is advisable that women's shelters also accommodate women survivors of other forms of gender-based violence and their children, such as victims of stalking. However, specific shelters with high safety precautions are needed for women who have survived trafficking or forced marriage.

In some countries, shelters for black, migrant, and minority ethnic women have been established as a strategy to avoid intersecting discrimination. These shelters recognize that women from marginalized communities may face additional barriers to accessing services and require specific support.

### **Human rights-based and victim-centered approach**

The provision of empowering and professional support to all women and children seeking refuge in women's shelters is essential, with a focus on their human rights and safety. The primary goal of women's shelters should be to prioritize the rights and needs of victims, with a clear and unwavering stance against all forms of violence against women.

### **The right to be believed and the right to advocacy**

Women seeking shelter should be able to exercise their right to be believed and receive advocacy without having to offer proof of the violence they have experienced. It is crucial to provide survivors with compassionate and reliable advocates who can support them throughout the entire process of recovery and healing.

### **Gender-sensitive approach and empowerment of women**

Women who have experienced gender-based violence suffer greatly from the exploitation and abuse inflicted upon them by men. For this reason, it is crucial that victims receive support and help from a female advocate. Some have suggested that men should work in women's shelters to show that not all men are violent. However, this is not the main issue that women face. Most women do not believe that all men are abusive; rather, they struggle with low self-esteem as a

result of being told that they are worth little or nothing. As a result, they lack confidence and self-respect. Women's shelters play a critical role in providing women with a model to experience their own ability to lead an active and self-determined life. They serve as an example for girls and boys to see that women can manage their lives in all aspects and deserve respect. Therefore, it is essential that a gender-sensitive approach be reflected in the structure of women's shelters by ensuring that women are employed and hold leadership positions.

### **Confidentiality and anonymity**

It is imperative that women have control over which personal details are shared with others. This is a way to protect their human rights and their dignity. No information should be shared without their consent, except in cases where the safety and well-being of the woman or her children are at risk, such as in instances of suicide attempts or immediate danger from a violent partner. In such cases, any exceptions made must be clearly explained and documented in the shelter records to ensure transparency to the victim. Women who have experienced violence must be informed of the confidentiality policies and any limitations upon their arrival at the shelter. Additionally, they should have the right to receive counseling and support without revealing their identity upon request.

### **Respect for the dignity and right to self-determination of each survivor**

In order to adopt a survivor-centered approach that respects human rights, every woman's choices and decisions must be honored. At the heart of a woman's stay in a women's shelter is her dignity and right to self-determination. It is her personal decision and human right to choose whether to stay with her violent partner or to leave. Any support offered should be voluntary, and survivors should never be forced by authorities to seek shelter or take legal action to receive help.

### **Understanding of intersectional discrimination, respect for diversity**

Women who experience multiple forms of discrimination may be at a greater risk of experiencing violence. Women's shelters must acknowledge and address this intersectionality in their policies and services to ensure that women are not subject to discrimination and can fully exercise their rights. The shelter's staff should be trained to provide culturally sensitive services to all survivors.

### **Accountability of perpetrators**

It is essential for women's shelters to adopt an unequivocal stance with regards to violence against women. It is unacceptable and intolerable for men to commit acts of domestic violence or any other form of violence against women. Perpetrators must be held accountable for their actions, and appropriate consequences and sanctions must be enforced.

### **Specialised services**

In addition to the aforementioned principles relating to how shelters should run and be operated, the Convention stipulates for a number of specialised services that need to be accessible to victims of violence against women. This section will further elaborate on the type of specialised services women in shelters need to benefit from, as well as the principles governing the provision of said services, which include:

- Crisis support, free transport to the women's shelter.
- Safe accommodation to women and their children in situations of acute danger.
- Comprehensive, gender-sensitive psycho-social support by an advocate of one's choice.
- Individual and group counselling to deal with and overcome the trauma of violence, including sexual violence; support to build resilience.
- Health care and recovery from violence.
- Documentation of injuries and collection of evidence.
- Legal information, advice and support to access justice and claim rights.
- Assistance at the police station, at court and in dealing with other agencies.
- Support regarding the children and protection in visitation and custody procedures.
- Support obtaining an independent residence permit.
- Assistance in becoming financially independent: support to receive financial aid, and to get employment training and to find employment.
- Education and training in the shelter, including for the children in the shelter.
- Mid- and long-term support.
- Outreach support after leaving the shelter.
- Encouragement and support to get involved in shelter life and in community activities to end violence against women and domestic violence.

### **Supporting children in women's shelters**

Children are vulnerable to the effects of domestic violence, and often become victims of abuse themselves. Therefore, it is crucial for women's shelters to provide child-sensitive services that cater to all children, including boys of all ages. Women's shelters must ensure that children can continue their education and learn about peaceful communication.

### **Free of charge services**

Women's shelters should be free of charge, especially for women with little or no income. This will ensure that all women and children can access the services they need, regardless of their financial status.

### **Right to stay for as long as necessary**

Short-term time limits for staying in women's shelters can be problematic, especially for women and children who have experienced violence. It can cause high levels of stress and worry about where to go next. Therefore, women's shelters must offer the possibility to stay for as long as necessary, and allow women to leave and come back as many times as needed.

## **Right to advocate of one's choice**

Every woman and child in a women's shelter should have the right to choose an advocate who will support them in all matters. The advocate will evaluate their needs, develop a plan of action, and provide support throughout their stay. If the victim wishes, this plan will be written down, helping them to reflect on their situation, become aware of their needs and rights, and realize them.

## **Safety guarantees in shelters**

### **Technical safety precautions**

Technical safety precautions such as confidential addresses, safe entrances, guards, technical monitoring systems, and alarm systems are necessary to protect the safety and privacy of women and children in women's shelters.

### **Risk assessment and safety planning**

Every woman and child who enters a women's shelter must undergo risk assessment and safety planning. Experts have developed core principles, methods, and tools for gender-sensitive and victim-oriented risk assessment and safety planning. It should be standard service, particularly during any change or risk.

### **Preventing femicide and violence escalation**

Assessment of elevated and lethal risk using tools such as the Jacquelyn Campbell's Danger Assessment Tool can prevent femicide and the escalation of violence.

### **Systematic safety planning**

Systematic and repeated safety planning with every woman and child is an empowering strategy for victims. It enables them to be actively involved in securing their safety.

### **Safety plan for the women's shelter**

Developing and implementing a written emergency safety plan is crucial to protect residents and staff. Guidelines on protecting and supporting staff members attacked by perpetrators should also be in place. Safety plans with the police and regular training of all residents and staff on safety measures are vital.

### **Safety as a core task of multi-agency work**

The safety and security of victims must be at the center of multi-agency work. The rights and needs of the individual victim must be represented in the multi-agency network by an advocate the victim trusts.

Safety and security are of utmost importance in women's shelters as women and children may face danger from perpetrators who may track them down. Therefore, technical security precautions are necessary to maintain confidentiality and ensure safety. Governments must invest in these security measures to save lives in dangerous situations. The core goal of safety also involves several measures at different levels.



### **Minimum standards**

To ensure that women's shelters are more than just a temporary solution, it is important to provide the best possible help to victims and their children. Here are the minimum standards that should be met in women's shelters, based on the expertise of the WAVE network:

- At least 1 room or unit per woman and child
- An additional room for women with two or more children
- A bathroom and kitchenette for each family, particularly if there are older children or boys
- A shared bathroom for no more than two single women
- A large kitchen and living room area
- Sufficient laundry areas and storage rooms for all women and their children
- Rooms for individual and group counseling sessions, as well as staff offering care to children during sessions
- Space for age-appropriate activities for children
- A room for studying, courses, and homework, equipped with computers
- A recreation space for women (living room), and if possible, a garden and wellness area
- Playrooms for children
- An office room and a night-shift room for staff
- A large assembly room for meetings, seminars, and festivities
- If possible, a room for meditation, contemplation, or praying.

The WAVE handbook has also developed a staff hour calculation for a medium-sized women's shelter providing shelter helpline and counseling services to 10-15 family units (25-35 places) with a 24-hour operation. The minimum staff requirements for this type of shelter include:

- 5 full-time staff for the 24/7 shelter services.
- 2 full-time staff for counseling and support for 10-15 women.
- 1 ½ full-time staff for support for the children at the shelter.
- 1 staff member for administration.
- 1 staff member for management, networking, and public relations.

## **Data collection and victim-centered evaluation**

To effectively evaluate women's shelters, it is crucial to maintain an ongoing collection of statistical data. This data must be disaggregated based on sex, age, type of violence, perpetrator-victim relationship, and geographical location, in line with the minimum standards of data collection outlined by the Istanbul Convention. To facilitate the provision of national-level data, funding should be provided to establish a nationwide network of women's shelters (as discussed below).

Furthermore, women's shelters must be subject to regular evaluation by service users, i.e., women and children seeking shelter assistance.

## **National network of women's shelters**

Another crucial role of women's shelters is to network and contribute to the development and implementation of policies and measures at every level of governance. National networks of women's shelters are vital in this regard, as they facilitate data collection and evaluation of services, and support the development, implementation, evaluation, and continuous improvement of services provided by women's shelters.

## **Funding**

Women's shelters are services based on human rights that cater to victims of gender-based violence and should be managed by independent non-governmental women's organizations. It is imperative that states collaborate closely with women's shelters and provide suitable funding to enable them to fulfill their duties in supporting women survivors of violence and their children, as well as conducting awareness-raising, training, and coordinated community work.

Funding for women's shelters should not rely on donors or income-generating programs. While such programs can empower women survivors of violence, the primary focus of women's shelters should be on providing support and recovery services to women and children who are victims of violence, rather than on fundraising for the shelter's own sustainability.

Funding should be sufficient, sustainable and inclusive, allowing all groups of women to have access to shelter services. Further criteria for good practice in funding are:

- A clear legal basis for funding women's shelters.
- Long-term (at least three years) and secure funding.
- Core funding instead of project-based or per capita funding.
- Safety as the core principle of funding women's shelters.

To prevent violence against women, it is essential to adopt a methodical and gender-sensitive approach to costing and budgeting. One way to achieve this is by creating a gender-budgeting team that focuses specifically on combating domestic violence and violence against women.

## **Minimum standards for shelters and specialised services in a nutshell**

- A national network of specialized women's shelters accommodating all women and their children.
- Database and coordination between women's shelters to facilitate survivors in finding a shelter's place online.
- At least one shelter place per 10 000 inhabitants.
- Women's shelters free of charge in all regions.
- Provision of 24/7 and immediate support at women's shelters.
- Free transport to the nearest women's shelter.
- Qualitative minimum standard of one unit, including small kitchen and bathroom, per family.
- A sufficient number of women's shelters addressing the specific needs of migrant and minority ethnic women, as well as refugee and asylum-seeking women.
- Support for women and children with disabilities in all women's shelters.
- Admission of lesbian and transgender women.
- Admission of children of all ages, no age limits for boys; age-appropriate support for children.
- Outreach services of women's shelters in rural areas.
- Democratic structures and participation in women's shelters.
- Holistic approach.
- Short and long-term support, including psychosocial, legal and financial support in order to recover and overcome the traumatic experiences of violence.
- Training in and access to information technology (IT); support for women to share resources and, at the same time, to learn methods to use IT safely.

### **Standards for shelters and specialised services in Moldova**

Currently standards for shelters and specialised services are prescribed by the government decision number 1200 from 23<sup>rd</sup> of December 2010, adopted prior to Moldova's ratification of the Istanbul Convention and law number 45 from the 1<sup>st</sup> of March 2007.

According to the provisions of Article 11 of Law No 45, the victim of domestic violence is guaranteed the right to assistance for physical, psychological and social recovery. Specialised assistance to victims of domestic violence is provided only by the Centres for victims of domestic violence. In this regard, Article 10 of Law No 45 lays down the conditions and procedure for the establishment of the centres for the rehabilitation of victims. The centres/ assistance and protection services for victims of domestic violence and their children provide specialised support services such as: shelter (placement), legal, psychological, social, emergency medical and other types of assistance.

The centre provides beneficiaries, free of charge, with specialised social services and responds to the needs of specific and real needs of each person assisted:

- provides reception, protection and placement for victims of domestic violence;
- provides personal hygiene services;
- provides legal, social, psychological and emergency medical assistance;
- provide information support in finding accommodation, pre-school or pre-university;
- provide non-formal education with a view to assimilating knowledge and training skills necessary for social integration;
- promotes socialisation and the development of relations with the community and/or family;
- facilitates access and informs the beneficiary about the social protection system;
- jointly with the beneficiary, develop an individualised assistance plan for the person concerned, including any form of intimidation, discrimination, abuse and exploitation;
- support the parent-child/children couple to develop autonomy that would favour their reintegration into the family and/or community;
- monitor the post-integration situation of the beneficiaries in the family and in the community.

According to the Minimum Quality Standards for Social Services for Victims of Domestic Violence<sup>73</sup> (Standard II), the Centre is located in localities where there is access to means of transport, and the location of which allows for the organisation of outdoor activities and access to various community services: social, legal, medical, educational, professional, cultural, or leisure.

The Centre operates according to a special programme (24/24 hours), based on the needs of placement, assistance, rehabilitation, and reintegration of victims of domestic violence. In order to guarantee the safety and security of the beneficiaries, the location of the newly established Centres shall not be known to the general public. The admission of victims of domestic violence to the Centre shall be carried out in compliance with the principle of non-discrimination (Standard IV). However, the placement of persons with active forms of infection (tuberculosis, malaria, infectious intestinal diseases and other contagious diseases), and persons with physical or mental disabilities shall be allowed to the Centre at the decision of the case coordinator and the Centre manager only after a preliminary assessment and only if the existing conditions correspond to the specific care needs. Admission to the Centre is made upon presentation of the beneficiary's personal file by the territorial social welfare body, or internal affairs body. Referral is allowed by other local public administration authorities, and other authorized institutions. In cases of emergency reception of the beneficiary at any time.

### **Assessment**

Based on the Ministry of Labour, Health and Social Protection's report on the implementation of the Istanbul Convention, the UN Women's report on the compatibility of the domestic legislation with the Convention, as well as the aforementioned standards, a few areas of improvement have been identified with regards to the Government Decision nr. 1200 from 23<sup>rd</sup> of December 2010.

The first issue is the legislation's apparent lack of underlying gender sensitivity. The decision fails to extend its scope beyond domestic violence, whereas, as it has been previously discussed, domestic violence represents only a facet of the issue. The law needs to be amended to cover violence against women, including gender-based violence and sexual violence, in order to provide protection and support for all victims. In a similar vein, a stronger emphasis needs to be placed on support services provided to female victims aimed at empowering them to be active members of society and break the abuse cycle.

On a more practical side of things, while the law is somewhat aligned with the standards prescribed by the Convention in terms of principles, i.e. non-discrimination, confidentiality, respect for the victim's opinion, as well as the range of services provided, it nonetheless presents certain limitations. Firstly, the law prescribes a referral procedure for admission to the centre, while providing for an exception in "urgent cases". While no definition is offered for what constitutes a matter of "urgency" it can be inferred from the wording and general spirit of the law as encompassing situations in which the person seeking admission is faced with imminent danger. It can be argued that this constitutes a barrier to access, in so far as a victim should not be in a position to prove that the situation they found themselves in is, in fact, urgent, or else have to deal with the bureaucracy of obtaining a referral. In addition to that, the law further states grounds for refusal of admission, including persons with active infectious diseases, persons with arrest warrants issued on their name, intoxicated persons, and handicapped persons (albeit providing some redress by stating that admission, in this case, is possible only after a preliminary assessment and only if existing conditions meet specific care needs). These grounds are justified in the sense that, in the case of the first three categories of persons, they represent some form of danger to the personnel and the other residents. That being acknowledged, it is important that some form of redress is offered for these categories of people, which could be, at the very least, an obligation to refer said individuals to a relevant institution where they would benefit from the support and care they need to overcome those conditions, and then being presented with the opportunity to come back and benefit from the services provided by the centre, as opposed to simply being turned down. This way, the centre would also cater to the needs of more vulnerable sectors of the population.

In addition to that, there are certain technical requirements for the shelters that need to be altered to be in line with international standards of good practice. The law provides that the beneficiaries are placed in common rooms or, in the case of parent-child/children - individual rooms, equipped according to the needs of the adult and the child: furniture, bed for adults, cot for the child, bedside table, wardrobe for clothes, chair. Furthermore, it is stated that the number of sanitary facilities is determined according to the number of beneficiaries (in a ratio of 1 to 4). As for kitchens, the law provides that the centre must have a production area - the kitchen, where food is prepared, and a dining area. It is only the employees of the Centre, with professional training in this field, who hold medical certificates with respective mentions on medical control and hygienic training, are allowed to prepare food. If the Centre is part of a social institution, it benefits from the services of the kitchen of the respective institution, sanitarily authorised, in accordance with the provisions of the legislation in force. These standards are different from those prescribed by the WAVE handbook discussed prior, pursuant to which a family unit needs to be equipped with a small kitchenette and a bathroom needs to be shared between two single women max, while each family unit needs to be equipped with its own sanitary block. Women need to have the facilities to cook and store their own food,

reheat food for their children, and not rely on the schedule and availability of the center's staff. In addition to that, amending the standards for kitchens could allow certain NGOs, which would otherwise find maintaining a kitchen unit and staff according to existent standards unfeasible, to provide placement services.

## **Funding**

With regard to funding, the aforementioned report by the Ministry of Labour, Health and Social Protection states that the funding of the domestic violence sector is not allocated in the budget as a separate line and is not found in all sector budgets. The lack of a budget program dedicated to the prevention and combating of violence against women and domestic violence is visible in all sectors, despite the provisions of the existing relevant sectoral and institutional legal framework, aimed at central and local level competences for the health, education, police sectors, justice and social protection. Although the budget classification was modified and approved at the end of 2015, the functional classification within the new budget classification currently provides only in the social protection sector the inclusion of the field of preventing and combating family violence in the sub-programme "Social assistance of persons with special needs", activity 2 "Social assistance of individuals subject to domestic violence". Thus, the current codification does not allow to identify the field as an intersectoral program, with distinct functions, with some common activities and by sectors.

Insufficient funding poses a significant and fundamental obstacle to the successful implementation of the Convention. In order to overcome this, it is necessary for governments to allocate adequate budgets that account for the frequency of gender-based violence, expenses incurred in supporting victims, and long-term prevention programs, among other measures. Effective budgeting methods, including gender budgeting and accurate costing procedures, are crucial to this end. Exemplary models of funding entail sustainable approaches that provide advance financial support for a period of at least one year, ideally three, or a sufficient lump sum payment that covers all shelter-related expenses, regardless of the number of individuals receiving services.<sup>2</sup>

## **Funding of Non-Governmental Organisations**

A requirement of Article 8 of the Convention is also the funding of non-commercial organisations involved in preventing and combating all forms of violence to which the Convention applies. The national legal framework stipulates that the prevention and combating of domestic violence is carried out on the basis of cooperation between the public authorities and civil society, it is also considered appropriate for the state to provide financial support for the projects they initiate. In general, the legal framework establishes that the State may grant support to public associations by financing, at their request, social, scientific and cultural programmes, by concluding contracts for the execution of works and the provision of services, and by placing, on a competitive basis, social orders for the implementation of various State programmes with an unlimited number of public associations. The State contributes to the activities of public associations for the public benefit by cooperating with them and promoting a preferential tax policy towards them (Article 8 of the Law on public associations).

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<sup>2</sup> A comprehensive study that deals with estimating costs of violence against women, as well as adequate gender-sensitive budgeting in Moldova can be accessed here < <https://cdf.md/wp-content/uploads/2021/11/Raport-UN-RO.pdf>>

According to national legislation on government funding of activities/programmes implemented by non-commercial organisations, it can be divided into 2 categories:

- **direct financing** is the direct allocation of financial support from the central or local public budget, which is recorded as a budgetary expenditure in the financial year concerned. In general, the financial means provided are channelled through various government institutions;
- **indirect financing** does not include a direct transfer of money or property, but is a benefit granted to public associations enabling them to use the assets concerned to achieve their statutory objectives. Such support does not appear in the public budget as direct expenditure. This type of support also includes tax facilities.

Financial sustainability is identified as one of the top three major problems facing NGOs in Moldova in the study conducted by IDIS Viitorul , and is also identified as a major problem in the CSO Sustainability Index study. Sustainability remains among the major problems of NGOs, identified by the and in the Civil Society Development Strategy 2018- 20201.

According to the Study on direct funding of civil society organizations by the state in the Republic of Moldova, conducted in 2018, it is argued that the existing mechanism of direct funding of non-governmental organizations by the state requires interventions from the perspective of its improvement and efficiency.

According to this study, 90% of the responding organizations mention that the state does not consult them when setting funding priorities for the next year, as well as the low level of transparency of the project funding process. 81% of NGOs consider that the conditions for submitting applications are not sufficiently clearly explained in the announcement of the project funding competition, and during the interviews, more than 50% of the representatives of NGOs mentioned that it is necessary for each funding state institution, immediately after the publication of information about the project competition, to organize training events for organizations interested in submitting applications. In addition to that, 74% of NGOs believe that funding institutions should publish information about the nominal composition of the project evaluation committee (for that there are no conflicts of interest) and that after the evaluation of the projects replies should be issued to organisations that have applied for funding but have not been selected, indicating the reasons for the non-selection of their projects, in order to boost transparency.

An analysis carried out in 2018 shows that the public-private partnership procedure is not applicable for the contracting of non-commercial organisations, as the legislation in force imposes on the private partner the obligation to present financial guarantees when submitting offers (guarantee for the offer and bank guarantee of good execution of the contract). These provisions prevent the contracting authorities from resorting to the contracting of NCOs, since, being non-profit organizations, NCOs do not have the possibility to obtain and present such guarantees. At the same time, although the legal framework does not prohibit local authorities from contracting works and services, including in the field of combating violence, at the same time, the budgets of the administrative-territorial units provide only allocations necessary to ensure the functioning of public institutions. The provisions of the Law on local public finances do not allow the local public administration to include in its own budgets allocations for contracting works/services other than for ensuring the functionality of public institutions. Art. 8 of the enunciated law that regulates the expenses of local budgets, establishes in para. (1) that

"The local budgets provide the necessary allocations for the performance of the functions of the authorities of the local public administrations", which constitutes a serious limitation in this regard.

As has been previously discussed, the cooperation between public institutions and the representatives of civil society is of crucial importance under the Convention. Sustainable financing, provision of an adequate networking framework, as well as decreasing barriers to active participation in decision-making are some of the prerequisites of good practice in this specific policy area. Given some of the aforementioned limitations in the area of collaboration between public bodies and private entities in Moldova, it could be of use to examine the interplay between the two in other jurisdictions, with an emphasis on funding. For these purposes, the specific examples of Finland will be examined, due to the increased availability of data in this specific jurisdiction, as well as the availability of assessment reports by the Convention's monitoring body, GREVIO.

### **Case study: Finland**

#### **Specialised services**

The majority of support services for domestic violence are provided by member organisations within the FMS network. The FMS is a national association of 30 civil-society organisations. Its aim is to prevent domestic violence and to support children and families.

The majority of domestic violence support services are financed by the state, with supplementary resources derived from charitable contributions. The Funding Centre for Social Welfare and Health Organizations (STEA) oversees state financing, in conjunction with the Ministry of Social Affairs and Health, and is responsible for the management and monitoring of social care and health projects. The source of funding is derived from the proceeds of Veikkaus, a form of state lottery.

FMS derives 70 percent of its funding from STEA (Veikkaus) and an additional 12 percent from the Lasten Päivän Säätiö (Children's Day Foundation). The member organizations of FMS receive both financial donations and in-kind contributions from individuals and businesses. Additionally, each member organization is required to pay an annual fee of 85 euros. The precise funding situation of FMS member organizations remains unclear, as some services indicate on their respective websites that they receive supplementary funds from private foundations, as well as STEA, various ministries, local authorities or cities, and EU funding. Notably, most of the services offered by FMS member organizations are accessible to users free of charge.

#### **Shelters**

Since 2015, Finnish shelters catering to victims of actual or potential domestic violence have been subject to state supervision and funding through the National Institute for Health and Welfare, with no shelters operating outside of this system. This arrangement was formalized under the Shelter Act, which came into effect on January 1, 2015, and transferred responsibility for the operation of shelters from local authorities to the state. Prior to this, there existed no legal obligation in Finland to establish shelters, making the Shelter Act a significant milestone in the country's efforts to prevent violence. The Act includes definitions of "shelter" and "domestic violence," outlines the responsibilities of the National Institute for Health and Welfare, and sets out the requirements for service provision, state subsidies, and evaluation.



The shelters are operated by:

- Federation of Mother and Child Homes and Shelters (Ensi- ja turvakotien liitto, FMS)<sup>164</sup>: 18 of the shelters are made available by 14 civil-society organisations from the FMS network.
- Local authorities or associations of local authorities<sup>165</sup>: Seven of the researched shelters are operated by local authorities.
- Other civil-society organisations: There are three shelters run by organisations that are not part of FMS: the shelters Sophie Mannerheimin and Mona, as well as the Villa Familia.

The state uniformly regulates and funds all shelters in Finland, with coordination of nationwide operations overseen by the National Institute for Health and Welfare. The annual allocation of state support is determined by the National Institute for Health and Welfare in accordance with the government budget, providing shelters with financial security for a one-year period. In 2015 and 2016, funding for shelters was 11.55 million euros, which increased to 13.55 million in 2017 and 17.55 million in 2018. The action plan for the Istanbul Convention 2018-2021 indicates that funding is expected to rise to 19 million euros in 2019 to improve the accessibility of shelters on a nationwide scale. As per the GREVIO report, the allocated funds for 2019 amount to 19.55 million euros.

### **Takeaway**

Finland represents a textbook example of successful cooperation between the state and non-governmental entities in the field of the provision of shelter and specialised services to victims of violence against women. In addition to that, it also serves as a brilliant example of effective networking between NGOs in this field, allowing for a more efficient distribution of funds and provision of services to those in need.

### **Conclusion and recommendations**

Moldova's ratification of the Istanbul Convention marked an essential commitment to addressing the deep-rooted issues of violence against women and aligning itself with the fundamental values of democracy, human rights, and rule of law upheld by the European Union. Despite this commendable step forward, studies have highlighted a significant gap in the protection and support of women facing violence, specifically regarding shelters and specialised services. Therefore, further research examining standards, international practices, and the current legislation in this area became critical to raising public awareness and promoting dialogue to ultimately bring about necessary changes in policy and practice.

This paper has first identified and analysed the standards for support services offered to victims of violence against women prescribed by the Convention itself. Furthermore, it analysed the existent Moldovan piece of legislation governing standards for shelters and specialised services through this lens and identified key-areas of improvement. In addition, a considerable part of the study focused on limitations posed by the existing funding system, and highlighted the need to redress the current framework to allow for more effective participation of NGOs in the provision of specialised services and shelters to victims. Finally, the study provided a brief overview of the interplay between the public and private sectors in Finland in this area, framing it as a good practice example Moldovan authorities could draw inspiration from in a long-term perspective.

Based on the findings of this study, the following recommendations have been developed:

- Amending the current Government Decision 1200 from 23<sup>rd</sup> of December 2010 to
  - remove identified barriers to admissions to centres, namely the referral procedure, by allowing victims to be admitted at any given time without any documentation and proof
  - include violence against women and gender-based violence within its scope and their respective definitions according to
  - prescribe a clear set procedure for dealing with the categories of persons currently deemed “inadmissible” to shelters, to ensure they obtain the necessary help and could later benefit from the services provided by the centres
  - provide for the fact that family units in shelters shall be equipped with a kitchenette, as well as listing a large shared kitchen as a necessary facility for shelters
  - prescribe a comprehensive safety plan for the centres and adopt a risk assessment mechanism
  - prescribe for the staff requirements for shelters housing 10-15 people according to the standards provided by the WAVE handbook
- Adequate and gender-sensitive state budgeting in the area of social support services for victims of violence against women and domestic violence
- Adjusting the legal framework to encourage state contracting of NGOs for the provision of specialised services and shelters to victims of violence against women and domestic violence, as well as ensuring sustainable core funding of these institutions for a minimum of one year
- Development of a national network of NGOs providing shelters and specialised services to victims of violence
- In a long-term perspective, delegating provision of support services for victims of violence to private sectors, while maintaining a core state funding thereof, to maximize efficiency

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