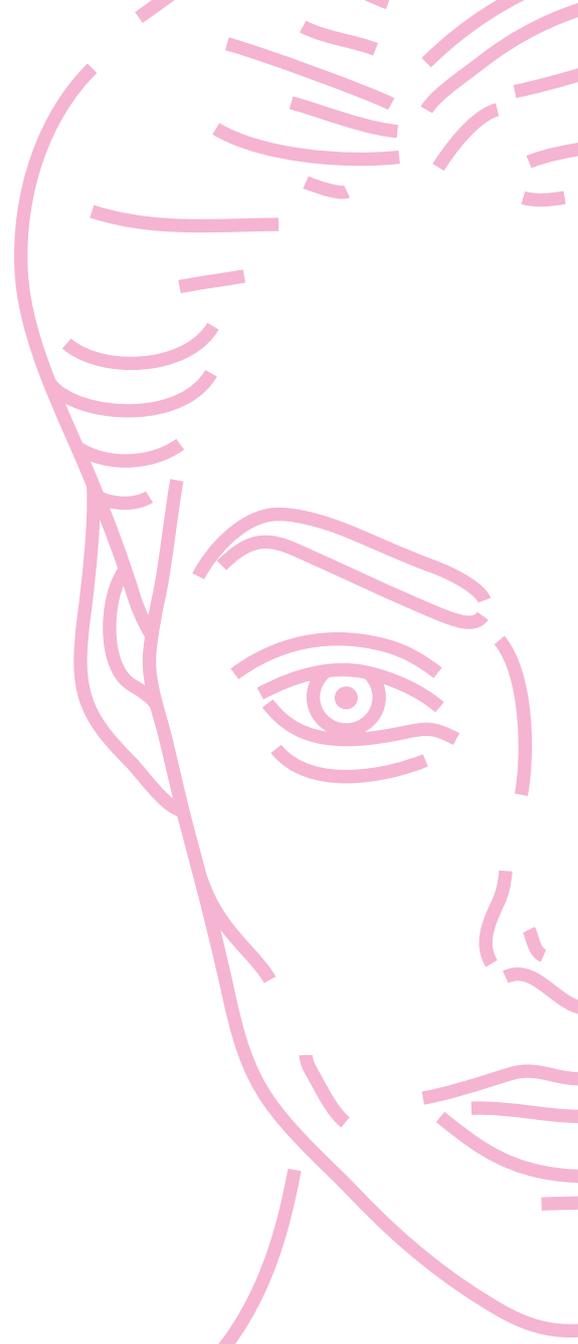




2015

**ENSURING ACCESS
OF VICTIMS OF SEXUAL
VIOLENCE TO ADEQUATE
LEGAL AND SOCIAL
PROTECTION**



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LIST OF ABBREVIATIONS

CAP

Centre for Assistance and Protection of victims and potential victims of trafficking in human beings

WLC

Women's Law Centre

NCPCA

National Centre for the Prevention of Child Abuse

CC

Criminal Code of the Republic of Moldova

CPC

Criminal Procedure Code of the Republic of Moldova

MDPCR

Municipal Department for the Protection of Children's Rights

MDT

Multidisciplinary Team

La Strada

Public Association International Centre for Women Rights Protection and Promotion „La Strada”

MJ

Ministry of Justice

MLSPF

Ministry of Labour, Social Protection and Family

IOM

International Organization for Migration

NGO

Non-Government Organization

PO

protection order

THB

trafficking in human beings

DV

domestic violence

SV

sexual violence

VDV

victim/victims of domestic violence

VSV

victim/victims of sexual violence

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EXECUTIVE SUMMARY

The offences related to sexual life represent a specific category of offences which are increasing in all countries of the world, including in the Republic of Moldova. Besides the growing number of offences in this category, we are also observing the diversification of forms – from rape offence, to sexual harassment, child grooming etc.

In the Republic of Moldova, the rights of all citizens are officially recognized, but there are obvious discrepancies between the legal framework and its application into practice in cases of victims of sexual violence (VSV). Usually, these victims are facing multiple legal, social, cultural and economic obstacles, and difficult access to justice. The connection between the justice sector and social services for VSV is at the initial stage, while social assistance and reintegration services for VSV simply do not exist. VSV have no access to qualitative psychological services, to qualified and free legal assistance provided by state institutions.

The goal of this Study is to analyze the difference between the provisions of the legal framework and the practical ways of ensuring legal and social protection of VSV. This is the first attempt in the Republic of Moldova to assess the ways VSV are ensured with access to legal and social protection, from the perspective of justice and social sector specialists' opinion, as well as the opinions of VSV.

Specifically, the Study focused on the following objectives: (i) identification of existing services for VSV; (ii) knowledge of needs of VSV and the state response to these needs; (iii) identification of the accessibility of assistance and protection services for VSV; (iv) analysis of the capacity of specialists to provide services to VSV; (v) identification of existing gaps in ensuring access of VSV to adequate legal and social protection; (vi) provision of recommendations to improve the services for VSV.

In order to reach the goal and objectives of the study, primary data was collected using the questionnaire method and individual in-depth interviews with managers of the providers of services for victims of domestic violence (VDV) (20 institutions), specialists in the area of legal¹ and social² protection systems (35 individual in-depth interviews), as well as VSV (14 individual in-depth interviews). An important challenge of this Study

was to conduct individual in-depth interviews with VSV, to find out their opinions on the services they used, as well as their specific needs in order to ensure adequate legal and social protection.

The data of the research show that the number of victims addressing legal assistance and social protection services is low. This situation results from several factors: (i) stereotypes of the society which usually blames the victim and not the aggressor; (ii) lack of trust of VSV in people around her, but also in professionals; (iii) dependence on the aggressor or fear caused by him; (iv) lack of information on where to go in such situations; (v) insufficient level of legal knowledge etc.

The law enforcement specialists reported difficulties in obtaining the evidence materials to be presented in courts because (i) VSV are not informed and do not keep the evidence of the offence; (ii) some of the VSV are late in contacting the law enforcement bodies, therefore, it is difficult to prove the sexual offence in court etc. On one hand these situations lead to distrust of VSV in the justice system, but also the humiliation they are exposed to by the system, on the other hand.

The results of the VSV forensic examination are very important for the initiation of the criminal case against the aggressor. The law enforcement specialists identified the need to improve the conditions in which the forensic examination takes place, the medical equipment, but also the attitude of these specialists towards VSV, including the need to reform this area of expertise, so that the documents issued by this body wouldn't leave place for interpretations.

The amendments to the Art. 110' of the Criminal Procedure Code³ provide for a child to be heard by the investigating judge ideally once during the criminal investigation stage. However, the victims aged over 14 fall into the category of people treated as adults by the criminal procedure law and are heard in the presence of the aggressor. The confrontation of the adult VSV with the offender is a frequently used procedure during hearings, being considered the only way to find out the truth when all evidence was destroyed.

Psychological evaluation reports are used in judiciary practice. These reports help the police officer and the prosecutor to understand the circumstances of the offence, as the psychologist describes in the reports the mechanisms of manipulation and constraint of the

¹ Within this report, by „specialists in legal protection” the authors refer to law enforcement specialists police officers, investigators, prosecutors, judges, attorney.

² Within this report, by „specialists in social protection” the authors refer to psychologists, social assistants, social workers, community social assistants etc.

³ Law no. 163 from 18.07.2014.

offender. Some judges said that psychological evaluation reports, if developed in a professional manner, are of great value in court. It is important to mention that, actually, psychological evaluation reports do not have a uniform structure and attempts have been made to standardize them, including by some amendments to the legislation, so that they would be recognized as evidence.

Once the criminal investigation is initiated the VSV might face another problem – the pressure from the offender and his/her relatives, to withdraw the complaint. VSV are very vulnerable emotionally and can be easily influenced by the aggressor. If not encouraged, the majority of them refuse to continue the criminal investigation initiated to punish the aggressor. Also, there are law enforcement specialists who don't take into account the vulnerability of VSV, and the fact that they can be manipulated and threatened to withdraw their complaint. At the moment, the legal system in the Republic of Moldova allows the victims to be forced to withdraw their statements under pressure. It's a paradox, but later they can get charged with „false statements”, even though there was obvious evidence of sexual offence committed against them.

The majority of victims, who addressed the law enforcement bodies in order to punish the aggressor, complained about the long period for collecting evidence and conduct the trial. The delays in solving the case often make the victims lose their courage; the injustice they see, makes them give up and refuse to punish the aggressor. There are few cases when VSV are determined to fight until the court finally sentences the offender.

After filing the complaint and initiating the criminal investigation against the aggressor, very few adult VSV receive psychological support from shelters or non-government organizations which provide them with legal representation services. At the same time, there are proofs that the psychological and legal assistance provided to VSV before initiating a court trial is very important, because at that moment, VSV is informed about her rights and responsibilities and is more stable emotionally.

The impact of SV on the victim's personality is currently neglected by the justice system. The psychological and psychiatric examinations cannot assess the impact of trauma on the personality development. Cases when victims initiate a case for compensation of financial and moral prejudice are rare. Therefore, the specialists suggested the need for judges to mention the financial and moral prejudice when pronouncing the court decision.

The legal specialists confirmed the existence of some cases of corruption when VSV address the court. There are multiple reasons for these situations, but the most important is the unwillingness of the specialists to get out of their comfort area. The VSV's lawyers also mentioned corruption among experts who develop forensic examination reports.

The facts stated above demonstrate that in case of VSV, the justice system cannot be defined as friendly. Although there is a legal framework which provides certain mechanisms of interaction among specialists, there is a big difference between the de jure and de facto situations. The mechanism for the implementation of the legal framework is not functional. There are many gaps related to VSV in the justice system: (i) possibilities of different interpretation of the same legal framework; (ii) limited prevention activities; (iii) lack of trained specialists in this area; (iv) violation of ethical principles by specialists; (v) practices of confrontation of the victim with the aggressor etc. Despite all these, there are attempts to make the justice system in the Republic of Moldova friendlier. Progress has been made, but it refers to child victims of offences, including children VSV, who didn't reach the age of 14.

Currently, the issue of SV is not a priority for the CPA, nor for the LPA. The actions undertaken in this area are based on the non-government sector's initiatives, but they are insufficient to provide adequate legal and social assistance for this category of victims. The authorities must take a greater responsibility to defend the right to protection of these persons, while the civil society along with the donor community, could significantly contribute to the development of support services for VSV. For this end, there is need for more actions from the representatives of the law enforcement system and the social system.

The research shows that, currently, some VSV are placed into shelters for VDV or for victims and potential victims of trafficking in human beings (THB). Among the beneficiaries of maternal centers or the shelter „Casa Marioarei”, some women who were subject to domestic violence, were also sexually abused. Despite this fact, the mentioned centers do not keep differentiated records of the beneficiaries, registering them all as VDV and providing them with practically the same services. A similar situation is identified in case of shelters for children. These provide services for children from socially-vulnerable families, families with physical violence, neglect etc. But during the last years, among the beneficiaries of these shelters children victims of sexual abuse were also identified. Both children and adults VDV need specialized services, focused on their specific needs. The initiative of some institutions to provide services to this category of beneficiaries is a step forward, but there

is also need for an adequate training of specialists and proper development and financing of specialized services for VSV.

The number of specialists providing services for VDV varies depending on the type of institution, its capacity and specifics. In average, the organizations providing shelter have approximately 10 employees, while at the maternal centers the number of specialists varies between 6-8 persons. In the majority of institutions, the main specialists are: a psychologist, a social assistant, an educator or social educator (in case of children), a nurse (in some institutions they work full time, in others part time) and a lawyer (in some institutions a lawyer works as a main specialist or cumulating several jobs, in other institutions this specialist is missing).

An important role in the psychological assistance, informational support and referral of the VSV is played, at the moment, by the services of the International Centre „La Strada”- Hotline, Child Helpline and Trust Line for Women, services providing consultations 24/24, 7 days a week, as well as qualified legal aid provided to these persons. The biggest number of lawyers is at the Women Law Centre, International Centre „La Strada”, Centre for the Assistance and Protection of Victims and Potential Victims of THB, the Association Promo-LEX.

The access of VSV to shelters, specifically to maternal centers, to CAP and to the shelter „Casa Marioarei” is granted through the regional social assistance department, with a reference from the LPA or CPA, or from the local police office, or with a reference from NGOs and community members. In order to benefit from the shelter’s services one should submit a request, a medical certificate, identity documents and other forms. In case of an emergency, shelters can host VSV even with some missing documents, these being submitted later, during the stay at shelters. Restrictions for providing shelter services are: (i) age (depending on the center’s specifics, there can be certain age categories to which the center is not authorized to provide assistance); (ii) a mental disease – victims, who suffer from a light mental deficiency are accepted, while those with severe mental conditions cannot be accepted as beneficiaries of the center, as they can endanger the life and safety of other beneficiaries; (iii) tuberculosis; (iv) a physical disability reducing the mobility of the person – the centers often lack of

conditions required to ensure the movement of people with disabilities; (v) alcohol addiction – in case if VSV consume alcohol, they are first sent to follow an alcohol detoxification course and only afterwards are accepted in the center; (vi) drug addiction – such victims haven’t been identified. Nevertheless, it would be necessary for them to follow a specialized course, after which they would be accepted at the center.

Mapping reveals several weak points in the social protection of VSV. These include: (i) lack of specialized services for both children and adult VSV; (ii) lack of long term services, centers provide assistance to VDV only in crisis situations; (iii) lack of legal assistance in some maternal centers; (iv) lack of services to prevent SV at the community level; (v) lack of activities for reintegration of VSV into the community, along with services provided to the family.

In addition, programs for the protection of VSV should be developed. Although VSV currently benefit from free psychological counselling provided by several social service providers, they are not protected and not safe. In the Republic of Moldova there’s a law on the witness protection, but it doesn’t refer to VSV as beneficiaries. In these conditions a protection and safety system for VSV must be created, to increase their trust in the state authorities.

The collaboration between institutions in assisting VSV is a challenge, since each institution has its own regulations, rules and bureaucratic system. Currently, there’s no unique vision of the institutions providing legal and social assistance to VDV, including VSV. Special attention must be paid to the way of interaction between the specialists from the social and legal systems, from the moment when VSV submits the complaint to the police or is identified at the community level.

This study is designed for specialists from the justice sector (police officers, criminal investigation officers, prosecutors, judges) who deal with investigation and analysis of sexual violence cases; for specialists from the social and medical sector (managers, psychologists, educators, social assistants, doctors etc.), who are involved in providing assistance to VDV and VSV, and last but not least, for decision makers. The results of the research serve as basis for developing recommendations on ensuring access of VSV to adequate legal and social assistance. The recommendations of the report are structured depending on the decision makers they are addressed to (representatives of the justice system, social protection system, healthcare system and civil society), and include important strategic steps that are required for developing services for VSV in the Republic of Moldova.

INTRODUCTION

The offences related to sexual life represent a specific category of offences which are increasing in all countries of the world, including in the Republic of Moldova. Besides the growing number of offences in this category, we are also observing the diversification of forms – from rape offence, to sexual harassment, child grooming for sexual purposes etc.

Thus, **even though modifications and adjustments have been made to the Criminal Code (CC) of the Republic of Moldova, taking into account the new social realities, the way these offences are filed by the empowered bodies (General Police Inspectorate, National Bureau of Statistics etc.) are still unsatisfactory**, as they don't cover the differentiation of sexual offences by categories provided by the Criminal Code – rape (Art. 171), violent acts with a sexual character (Art.172), sexual harassment (Art.173), acts of vaginal, anal, oral penetration etc. (Art.174), perverted actions (Art.175) and offences with a sexual character against children, through informational and communication technologies (Art.175').

Currently, the data from the National Bureau of Statistics of the Republic of Moldova only focus on rape offences. The statistical data submitted by this institution show a growth of the rape as sexual offence – from 215 cases in 2000, to 352 cases in 2014. The number of reported cases of rape per 100 000 inhabitants indicate the same growing trend from 6 cases in 2000, to 10 cases in 2014.⁴

The statistics of the police bodies show 332 cases of rape and 273 cases of sexual violence in 2014. Also, a slight increase of sexual offences in the family was registered: from 29 to 30 cases of rape offences during 2013-2014 (Art. 171, CC) and from 11 to 20 cases of violent acts with a sexual character (Art. 172, CP) during the same period.⁵

Nevertheless, **neither the data from the National Bureau of Statistics, nor the data from the General Police Inspectorate do not exactly show the social reality.**

The number of cases of sexual violence is much higher, but these cases weren't reported to the law enforcement bodies, because sexual violence is a taboo in the Moldovan society. The data of the research „Men and gender equality in the Republic of Moldova” show that almost every fifth man had sex with a girl/woman without her consent, while almost every fourth man had sex with a girl/woman, who was too drunk to say that she didn't want it. 18% of men admitted they used force to have a sexual intercourse even with the current girlfriend/wife, while 14 of men used force to have sex with the ex-girlfriend/wife. Approximately 5% of men committed sexual abuse in group.⁶

Sexual violence is the least recognized and reported form of violence. The majority of cases are not reported to the authorities. There are several main factors causing this situation: (i) stereotyped social norms, when masculinity is associated with domination and aggressiveness, while femininity with submission; (ii) blaming the victims of these cases, making them feel guilty for causing these offences⁷; (iii) fear to report such cases, in order not to be blamed, marginalized etc.

The path of the victims of sexual violence through the justice system is difficult and discouraging. They are often victimized even by the specialists who contact with them – police officers, criminal investigation officers, forensic examiners, prosecutors, judges. **There are also legislative barriers leading to lack of protection from aggressors, and to a lower rate of sentencing combined with mild sentences.**

The effective protection of the rights of every citizen is a sine qua non condition for all legal proceedings in a democratic society, where the rule of law prevents any attempt to violate fundamental human rights

⁴ [http://statbank.statistica.md/pxweb/Dialog/varval.asp?ma=JUS0101&ti=Infra ctiuni+inregistrate+dupa+tipul+infractiunii%2C+2000-2014&path=../ Database/RO/12%20JUS/JUS01/&lang=1](http://statbank.statistica.md/pxweb/Dialog/varval.asp?ma=JUS0101&ti=Infra ctiuni+inregistrate+dupa+tipul+infractiunii%2C+2000-2014&path=../Database/RO/12%20JUS/JUS01/&lang=1)

⁵ http://www.igp.gov.md/sites/default/files/document/attachments/raport_privind_violenta_in_familie_12_luni_2014.pdf

⁶ *Men and gender equality in the Republic of Moldova.* – IMAGES, Women's Law Center, SocioPolis, Chisinau, 2015, p.96.

⁷ In the opinion of over 40% of men, the woman is also responsible for cases of rape; and if she has a bad reputation or if she doesn't show resistance when raped, these cases cannot be considered as rape. *Men and gender equality in the Republic of Moldova.* – IMAGES, Women's Law Center, SocioPolis, Chisinau, 2015, p.94.

and freedoms. Although the rights of all citizens are officially recognized in the Republic of Moldova, there are obvious gaps between the legislative provisions and their implementation in practice. In many cases VSV face multiple legal, social, cultural and economic obstacles, including the unpleasant procedures in accessing the justice system. **The correlation between the justice sector and social services for VSV is at the initial stage**, while social assistance and services for reintegration of victims into the community are almost not available. Currently, VSV do not have access to quality psychological services or to qualified and free legal assistance from the state institutions.

In case of children VSV, **17 specially equipped interview rooms were identified**⁸. According to international recommendations, children must make their statements in the rooms with the friendliest environment, in the most comfortable conditions, taking into account their age, maturity level and any communication deficiencies they might have. In any circumstances, "the best interest of the child" is the starting point and the vector for the

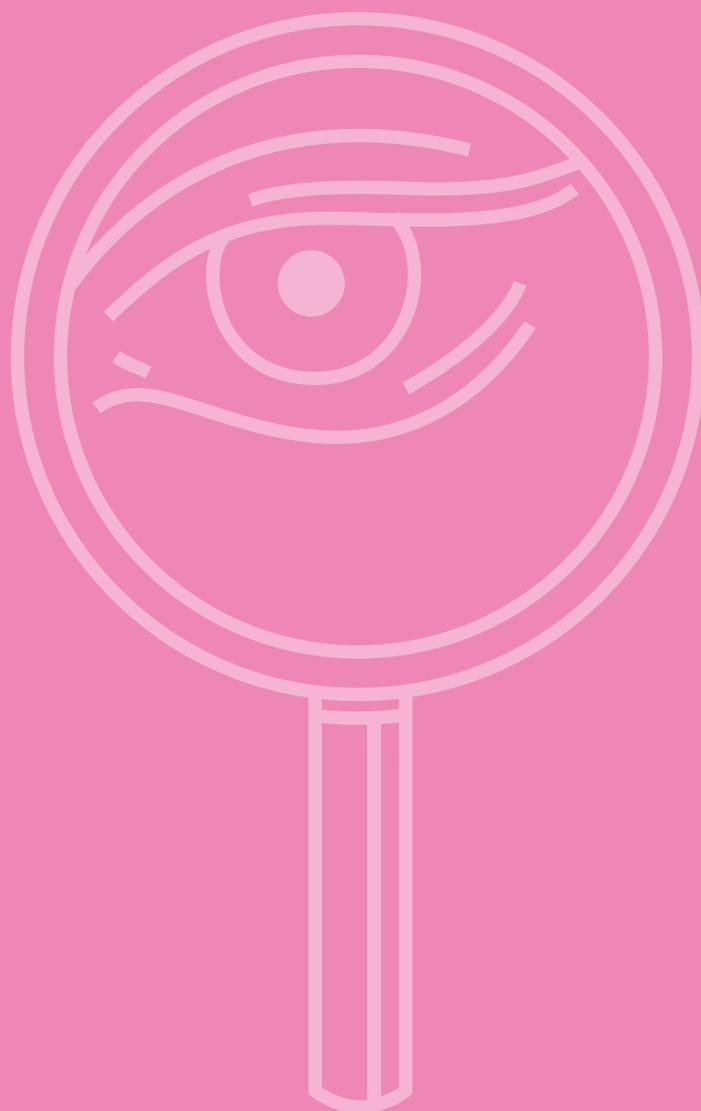
treatment of the juvenile victim by all actors who are in charge for the defense and guarantee the rights of the child.

A challenge for the Republic of Moldova is the **lack of a clear concept on specialized training for legal and social professionals** who deal with sexual offences, which leads, on one hand, to the organization of some occasional, short-term trainings, mostly initiated by the civil society representatives, and on the other hand, do not ensure for certain trained specialists to manage cases of VSV.

Based on the facts mentioned above, this Study aimed at presenting the difference between the legal and practical context for ensuring legal and social protection of VSV. The Study is the first attempt in the Republic of Moldova to show the **dimensions and gravity of this phenomenon** and to **evaluate the ways in which VSV get access to legal and social protection**, through the opinion of specialists from the justice and social systems, as well as from the personal opinion of VSV.

⁸ 12 child interview rooms available at the prosecutor's office, 3 available in courts and other 2 provided by NGOs.

RESEARCH FRAMEWORK



1.1. Goal and Objectives of the Study

The Goal of the Study was to analyze the access of VSV to legal and social protection. Specifically, the study focused on the following **objectives**:

- identification of existing services for VSV;
- Identification of the accessibility of assistance and protection services for VSV;
- knowledge of needs of VSV and the state response to these needs;
- identification of existing gaps in ensuring access of VSV to adequate legal and social protection;
- analysis of the capacity of specialists to provide services to VSV;
- provision of recommendations to improve the existing services for VSV.

1.2. Methodology of the Research

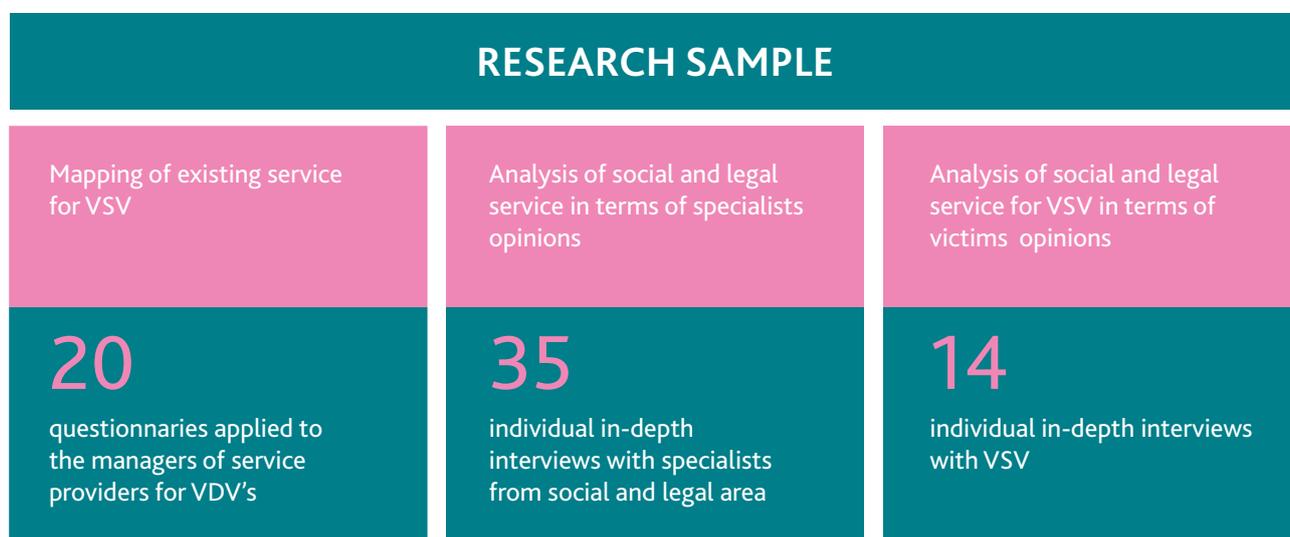
In order to reach the goal and objectives of the research a complex approach from the methodological point of view was used. Primary data were collected using the questionnaire method and in-depth interviews with the following target groups: managers of organizations providing services to victims of domestic violence (VDV), specialists in legal and social protection systems, as well as VSV (Picture 1). The research methods allowed the triangulation of data, but also learning the opinion of various stakeholders (victims, specialists in legal and social protection) on the access of victims to social and

legal protection.

In order to learn about the existing services for VSV, the mapping of services provided by various institutions to VDV was developed. Within the mapping, the authors identified the VSV who benefited from the services and the specifics of the provided services. In parallel, interviews were conducted with various specialists who provided services directly to this group of beneficiaries – psychologists, social assistants, social workers, police officers, criminal investigation officers, forensic specialists, prosecutors, lawyers of the defendants, lawyers of the victims, judges etc.

An important challenge of this Study was conducting individual in-depth interviews with VSV, to learn their opinions on the services they benefited from, as well as their specific needs, in order to provide adequate legal and social protection. Interviews were conducted with VSV who accepted to participate in the research after being explained about the goal and importance of the study, ensuring their anonymity and confidentiality. 12 individual in-depth interviews were conducted with VSV who received legal and/or social assistance, and 2 individual in-depth interviews with VSV who didn't get any kind of service. All the VSV signed a consent form proving their agreement to take part in the research. Among those 14 VSV 8 were victims of rape, 2 were victims of domestic violence, including marital rape, 2 were victims of sexual abuse committed by father, 2 were victims of sexual exploitation. According to the age criteria 6 victims were children, 6 were adults and 2 were elderly persons.

FIGURE 1 / SAMPLE OF THE RESEARCH



Data from various administrative territorial units of the Republic of Moldova were collected for the Study. Nevertheless, the specialists from the mun. of Chisinau prevailed, since this is the area with the biggest number of civil society organizations addressed by VSV. Male and female specialists were interviewed during the research.

Data collection period: 1st of August – 30th of October, 2015.

1.3. Limits of the Research

The realized research was influenced by some limitations:

Record of VSV kept by service providers

Currently, there are no specialized social services provided to VSV in the Republic of Moldova. This category of beneficiaries is treated and assisted as VDV or victims and potential victims of THB. The majority of providers don't keep records of beneficiaries from the perspective of the sexual offence. Usually, VSV are included into the category of VDV.

Most of the times, service providers find out about the sexual violence offence from the victim only if she becomes confident and discloses the fact, or was brought by the legal institutions, which initiated a criminal case based on the complaint submitted by VSV.

Selection of the VSV participating in the Study

A challenge of this Study was to identify and conduct interviews with VSV. Individual in-depth interviews were conducted only with the VSV who accepted to take part in the research. At the first stage, the institutions that provide services to VDV were called in order to identify some cases of SV. When such beneficiaries were identified, their psychological condition and the possibility to take part in the research was analyzed. Only after the consent of the psychologist/manager of the institution the VSV was asked whether she was willing to take part in the research, being explained its goal and objectives.

In order to conduct the individual in-depth interviews with VSV who didn't receive any services, the social workers and community social assistants were interviewed, through the Departments/Sections of Social Assistance and Family Protection and the Ministry of Labor, Social Protection and Family.

It should be mentioned that the trauma experienced by the VSV, the difficulties they face in the process of accessing legal and social protection, as well as the stereotypes existing in the society, made a significant part of victims to refuse to participate in the research. The members of the research team understood and respected the position of victims. Due to a big number of refusals to take part to the research, during the selection process of the VSV, only some sampling variables were taken into account: age (discussions were conducted with children, adults and elderly people) and the residence area, in order to get a broad picture of access to assistance and protection services, as well as existing needs.

During the Study only female VSV were interviewed, as no male VSV were identified.

Selection of specialists participating in the research

When selecting the specialists, attention was paid to those who directly provided assistance and protection services to VSV, or were involved in various legal proceedings related to this category of victims, in order to get a real picture of the access of these persons to legal and social protection. From this perspective, the biggest number of specialists who provided legal or social assistance to VSV was identified in the mun. of Chisinau.

35 individual in-depth interviews with various categories of specialists were conducted. Specialists were explained about the goal of the research and the ethical aspects of the research. The interviews were conducted using the face-to-face technique, based on semi-structured interview guidelines, taking into account the working specifics of the specialist and the assistance he/she provided. The interviewees were encouraged to submit proposals to improve the legal and social assistance for VSV.

The reference period and the area of the research

In case of individual in-depth interviews, the experience in providing legal and social assistance to the VSV was discussed. It focused on the last 2 years before the initiation of the Study. Nevertheless, several legal specialists made reference to the whole experience they had in assisting such cases.

From the geographical point of view, the Study refers to access to legal and social protection for VSV in the Republic of Moldova, except Transnistria.

Definitions used during this research

Victim – adult person or child, subject to acts of violence inside or outside the family.

Gender violence – form of violence mainly aiming at encouraging some social stereotypes, when masculinity is associated with domination and aggressiveness, while femininity with obedience.

Domestic violence – any deliberate action or inaction, except self-defense or defense of other people, manifested physically or verbally, through psychological, physical, sexual, economic or spiritual abuse, by causing financial or moral prejudice, committed by a member of the family against other members of the family, including children, as well as against common or personal property.

Sexual violence – any violence of sexual character (constrain to sexual intercourse/sexual act against one's will, taking advantage of the impossibility of self-defense; constrain to degrading and humiliating practices during the sexual act, against one's will; consent to sexual relations due to fear etc.). Within this research, authors made specific reference to the following types of offences of sexual character: rape, marital rape and other sexual offences in the family, sexual exploitation in the case of THB.

Aggressor – person who commits acts of violence inside or outside the family.

Law system – set of legal norms and institutions which promote and defend legitimate rights, freedoms and interests of the individuals (in this case of the VSV).

Justice system – all the courts and laws of the Republic of Moldova and their enforcement in order to protect human rights and freedoms (in this case of the VSV).

SEXUAL VIOLENCE – LEGAL BACKGROUND IN MOLDOVA



Once the Republic of Moldova joined the international organizations, such as the United Nations and the Council of Europe, it assumed a range of engagements, including the adoption of a new Criminal Code (CC), adjusted to the international norms, recognized unanimously. Thus, at the basis of the legal framework in the field of sexual offences there is a range of international treaties and conventions, but also other documents of recommendation character.

In the global report on violence and health developed by the World Health Organization in 2002, sexual violence is defined as any sexual act or attempt to perform a sexual act through violence or coercion, unwanted sexual comments or approach, acts of trafficking a person or acts targeting a person's sexuality, regardless of the relationship of the subject with the victim⁹. Violence may take place both in peaceful time, as well as during an armed conflict, and is considered to be one of the most severe and traumatizing violation of human rights.

In accordance with the Statute of the International Criminal Court, rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of a comparable gravity are crimes against humanity.

The UN Committee on the Elimination of All Forms of Discrimination against Women reiterating its recommendation after reviewing the initial report of the State-Party (n.b. the Republic of Moldova), urges the State-Party to give a high priority to the implementation of global measures counteracting violence against women in the family and in the society, according to its General Recommendation no. 19. The Committee calls the State-Party to adopt as soon as possible the Draft Law on Prevention and Combating Domestic Violence and to ensure that violence against women is investigated and sanctioned with seriousness and celerity. The Committee also calls the State-Party to provide all women-victims of domestic violence with access to immediate measures of remedy and protection, including restriction orders and access to a sufficient number of safe shelters and legal aid. The State-Party is urged to make sure that public servants, especially the staff of the law enforcement bodies, courts, medical and social assistance staff are fully familiarized with applicable legal provisions and are informed about all forms of violence against women, being able to react accordingly. The Committee calls the State-Party to analyze the causes and consequences of violence against women, including domestic violence, in order to use this

information for grounded focused interventions and to include the results of such research into recurrent reports.

Sexual harassment is defined by the European Commission Recommendation 92/131/EEC on the protection of the dignity of women and men at work. In this document "sexual harassment" is defined as any abusive behavior of a sexual character, which affects the individual, in the conditions when this individual, by refusing or accepting such behavior from an employer, a superior or a peer, justifies explicitly or implicitly a decision which influences his/her rights in the matter of working relationships. In general terms, in the light of the European Commission Recommendation, sexual harassment is considered to be an obstacle for the integration of women into the job market. Also, sexual harassment refers to any conduct which creates an intimidating, hostile or humiliating work environment for the recipient¹⁰.

In the Directive no. 2006/54/EC of July 5th, 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, sexual harassment is defined as a situation, where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment¹¹. Also, the Directive provides that harassment and sexual harassment are contrary to the principle of equal treatment between men and women and are considered as discrimination based on sex. These forms of discrimination occur not only at the workplace, but also in the context of access to employment, vocational training and promotion¹².

In the national legislation the equality principle is regulated by Art. 16 of the Constitution of the Republic of Moldova. The violation of the equality and non-discrimination principle takes place when a differentiated treatment is applied in similar cases, without any objective or reasonable motivation, or when there is a disproportion between the goal and the means used. Also, equality with no gender differentiation may be perceived as equality between men and women, i.e. creation of legal conditions for their equal involvement in all areas of social life, and

¹⁰ European Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work (92/131/EEC).

¹¹ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, letter (d), par. (1), art. 2.

¹² Idem, par. (6), Preamble.

⁹ 12 child interview rooms available at the prosecutor's office, 3 available in courts and other 2 provided by NGOs.

development of an equal status within the family. In this context, the acts of sexual aggression, would definitely violate the principle of equality and would lead to the victim's discrimination.

Another important constitutional principle for victims of sexual aggression is provided by Art. 20 of the Constitution of the Republic of Moldova – free access to justice. According to this principle, any individual has the right to effective satisfaction from the competent courts against acts violating his/her legitimate rights, freedoms and interests. Also, no law can prevent the access to justice. In the light of this article, the term "effective" is the key for the development of the state obligations; only an effective satisfaction of the victim of sexual aggression may correspond to this constitutional principle.

The Substantive Law of the Republic of Moldova protects the victims of sexual aggressions through several laws. The Criminal Code of the Republic of Moldova, in Chapter IV of the Special Part regulates offences related to the sexual life, which are qualified as socially dangerous actions, committed intentionally, which damage – exclusively or mainly – the social relationships related to the sexual life of the individual¹³.

The special legal object of the offences provided by Chapter IV of the Criminal Code consists of social relationships related to certain specific social values deriving from the sexual life of the individual. These specific social values are sexual freedom and sexual inviolability. Besides the mentioned social values, offences against the sexual life may secondarily affect the social relationships in terms of honor (honesty) and dignity, mental freedom, body integrity, health or life of the individual¹⁴.

Article 171 CC RM incriminates the offence of rape in 1 typical version and two severe versions. The typical version incriminates the sexual intercourse committed by physical or psychological constraint of the individual or taking advantage of her/his impossibility to defend or express own will. In Art. 171 CC RM, 2 versions were introduced as severe forms of rape. The first one is regulated by Paragraph (2) of Art. 171 CC RM, is punished by imprisonment from 5 to 12 years and includes the rape committed with good knowledge against a child, committed with good knowledge against a pregnant woman, committed against a family member, committed by two or more individuals, followed by an intentional contamination with a sexual disease, committed with severe cruelty, as well as guided by sadistic motives. The second severe form is incriminated in Paragraph (3) and is punished by imprisonment from 10 to 20 years or by imprisonment for life, and refers to the rape of the individual, who is in care, under the sheltering, protection, education or treatment of the offender; rape of a child under the age of 14, followed by an intentional

contamination with AIDS disease, which carelessly caused severe damage of the body or health integrity, which carelessly provoked the death of the victim, followed by other severe consequences.

The violent sexual actions in the typical version are incriminated in Paragraph (1) Art. 172 CC RM: homosexuality or sexual satisfaction in perverted forms, committed by physical or mental constraint of the individual or by taking advantage of her/his impossibility to defend or to express own will, and are punished with imprisonment from 3 to 5 years. Violent sexual actions in the first severe version are incriminated in Paragraph (2) Art. 172 CC RM, when they are: committed by an individual who previously committed an action included in Paragraph (1); committed with good knowledge against a child; committed with good knowledge against a pregnant woman; committed against a family member; committed by two or more individuals; followed by an intentional contamination with a sexual disease; committed with severe cruelty, as well as guided by sadistic motives are punished by imprisonment from 5 to 12 years. Violent sexual actions in the second severe version are incriminated in Paragraph (3) Art. 172 CC RM, if: they were committed against an individual aged under 14; they were committed against an individual who is in the care, shelter, protection, education or treatment of the offender; caused an intentional contamination with AIDS disease; carelessly provoked a severe damaging of the body or health integrity; carelessly provoked the death of the victim; provoked other severe consequences, are punished by imprisonment from 10 to 20 years or imprisonment for life.

Article 173 CC RM incriminates the sexual harassment, i.e. the manifestation of a physical, verbal or non-verbal behavior, which violates the dignity of the individual or creates an unpleasant, hostile, degrading, humiliating or insulting environment with the aim to coerce the individual to sexual intercourse or other unwanted actions of sexual character, committed by threat, constraint, blackmail, is punished with a fine in amount of 300 to 500 conventional units or unpaid community work from 140 to 240 hours, or imprisonment for up to 3 years.

The sexual intercourses other than rape, acts of vaginal, anal or oral and other penetrations, committed against an individual certainly known to be under the age of 16 are punished with imprisonment from 3 to 7 years, according to Art. 174 CC RM. Paragraph (2) Art. 174 CC RM includes an option which exempts from criminal liability if the individual who committed the act provided by Paragraph (1) is similar to the victim in terms of age and physical and mental development.

The innovation of the Criminal Code of 2002 consists of the inclusion of perverted actions and mooring of children for sexual purposes. Art. 175 provides that perverted actions committed against an individual certainly known to be under the age of 16, consisting of exposing, indecent touching, discussions with an obscene or cynical character about sexual intercourses carried out with the victim,

¹³ Sergiu Branza, Vitalie Stati. Criminal Law, Special Part, book I, Chisinau, 2011, p. 385.

¹⁴ Idem, p. 386-387.

coercing the victim to take part or assist to pornographic plays, making the victim see materials with a pornographic character, as well as other actions of sexual character, are punished by imprisonment from 3 to 7 years. Also, Art. 1751 incriminates the invitation, including through informational and communication technologies, to a meeting with a child with the aim to commit a sexual offence against him/her, if the invitation was followed by material facts, leading to such a meeting, is punished by imprisonment from 1 to 5 years.

The national legislation on offences related to sexual life also contains other provisions besides those from the CC. In order to prevent sexual harassment, the following provisions are used:

- The Labor Code of the Republic of Moldova provides that the employer has the obligation to take measures to prevent sexual harassment at work, as well as preventive measures against the persecution for submitting complaints against discrimination to the competent bodies¹⁵; and also to amend the internal regulations with provisions on the prohibition of discrimination based on any criteria and of sexual harassment¹⁶. Also, the internal regulations of the organization must include provisions regarding the compliance with the principle of non-discrimination, exclusion of the sexual harassment and of any form of offence to the dignity at work¹⁷. Art. 1 of the Labor Code of the Republic of Moldova defines sexual harassment as any form of physical, verbal or non-verbal behavior of a sexual nature, which offends the dignity of the individual or creates an unpleasant, degrading, humiliating or insulting environment.
- By the Law no. 121 of 25.05.2012 on the provision of equality, any distinction, exclusion, restriction or preference based on criteria set by the present law, which have as consequence the limitation or impairment of equality of chances or treatment at hiring or dismissal, in the activity as such and in the professional training is prohibited. Also, the action of harassment from the employer is considered discriminating¹⁸.
- By the Law no. 45 of 01.03.2007 on the prevention and control of domestic violence, the victim of domestic violence is entitled to assistance for physical, psychological and social recovery through special medical, psychological, legal and social actions¹⁹.
- The Law no. 5 of 09.02.2006 on the provision of equality of chances between men and women in Art. 2 defines sexual harassment as any form of physical, verbal or non-verbal behavior, of sexual nature, which offends the dignity of the individual or creates an unpleasant, hostile,

degrading, humiliating or insulting environment, while Art. 10, paragraph (3), letter d) of the same law provides that the employer has the obligation to take measures for the prevention of sexual harassment of women and men at work, as well as of the persecution for submitting of complaints on discrimination to the competent bodies.

The Law on the prevention and control of domestic violence is specifically important because it provides protective measures for victims of domestic violence committed by a family member against other family members. Article 15 of the Law no. 45 provides that during 24 hours from registering the complaint, the court issues a protection order, through which assistance may be provided to the victim by applying the following measures to the aggressor: obligation to temporarily leave the common dwelling or to stay far from the victim's dwelling, with no decision on the property of goods; obligation to stay far from the victim's place; obligation not to contact the victim, her children, other people dependent on her; prohibition to visit the victim's job or dwelling; obligation to contribute to the support of children raised with the victim until the case is solved; obligation to pay costs and damages caused by the acts of violence, including medical costs and costs for replacement or repair of the destroyed or damaged goods; limitation of unilateral disposal of common goods; obligation to take part to a special treatment or counselling program if such an action is deemed by the court as necessary to reduce or eliminate violence; setting a temporary regime for visiting his children; prohibition to keep and carry a gun.

From the procedural point of view, a significant challenge for the criminal investigation bodies related to reconciliation for the victim of domestic violence is the access of victim to justice and also an efficient access to assistance and protection. Thus, according to Paragraph (5), Art. 276 CC RM, in cases of domestic violence, the prosecutor or the court shall review whether the victim's will for reconciliation is expressed freely, making sure that the victim had real access to assistance and protection.

From the processual point of view, when initiating a criminal case under Art. 171 (1) of the CC, the investigation may be stopped as a result of reconciliation between the victim and the aggressor. Since this category of offenses is considered to be less severe²⁰, the provisions of Art. 109 CC could be applied, that regulate in which cases the criminal liability may be removed.

Article 276 of the Criminal Procedure Code (CPC) does not include rape²¹ among the crimes that require a complaint from the victim. However, it includes a number of other crimes that may involve sexual violence. For example, Article 276 of the CPC requires a complaint from the victim before initiating the investigation for less serious

¹⁵ Labor Code, art. 10, let. f3), par. (1).

¹⁶ Idem, art. 10, let. f5), par. (1)

¹⁷ Idem, art. 199, let. b), par. (1)

¹⁸ Law no. 121 of 25 May 2012 on ensuring equality, art. 7, let. f), par. (1).

¹⁹ Law no. 45 of 01 March 2007 on preventing and combating domestic violence, art. 11, par. 21.

²⁰ Criminal Code, art. 16.

²¹ Idem, art. 171.

body injuries²², threat of death or severe body injuries²³ and sexual harassment²⁴. Additionally, Article 276 of the CPC provides that, even if the victim files a complaint and a criminal case is initiated, the investigation may stop if the victim and the offender reconcile²⁵.

It would be appropriate to amend the CC and CPC, and prohibit to cancel criminal liability as a result of reconciliation between the victim and the aggressor. Usually, when the abuser is in freedom, he can easily influence the victim and convince her to accept reconciliation.

The situation is similar in case of isolation of the aggressor from the victim. In the cases of a subordination relationship between the offender and the victim, the fact that the subject of the offence keeps his job and the injured party depends directly on his decisions, makes the process of effective satisfaction of the injured party significantly harder. Therefore, as mentioned earlier, the constitutional principle of free access to justice is violated by the lack of legal leverages to provide access to justice for the injured party. Effective defense of the interests of the injured party cannot happen if: 1) the victim is the only responsible for reporting on the offence and the offender; 2) she may be dependent on the subject of the offence. Both cases are exclusively related to factors that influence the decision-making ability of the victim. In the first case the decision-making ability of the victim can be influenced by pity and compassion towards the suspect, charged or culprit. The mental freedom, a component part of the legal object of the offences provided by Chapter IV, Special Part of CC RM, is severely affected as a result of the sexual violence that the victim was subject to, which essentially influences further decisions taken by the injured party. In the second case, as previously mentioned, the lack of provisions which would isolate the subject of offence from his victim, or at least the efficient protection of the victim against the decision-making ability of the offender, is a decisive factor in the process of the so-called reconciliation between the injured party and the suspect, charged or culprit.

Moldovan legislation must expressly provide that a complaint from a victim is not a precondition for the criminal investigation of sexual violence cases. The law should not allow closing the criminal case if the victim and the suspect reconcile. Such aspects of the law are inconsistent with the requirements of the Istanbul Convention and the CEDAW. The Istanbul Convention explicitly prohibits that Member States conduct

investigation or prosecution of sexual violence, among other crimes, as “totally dependent” on a report or a complaint from the victim. Additionally, the Istanbul Convention provides that “proceedings may continue even if the victim withdraws her complaint or statement”²⁶.

General Recommendation no. 19 (24) (b) provides that “Member States must ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence provide adequate protection to all women... “The requirement of victim’s complaint for investigating the case does not comply with adequate protection.” Additionally, the General Recommendation no. 19 calls for “Effective legal measures... to protect women from any forms of violence, including domestic violence and abuse, sexual assault and sexual harassment at work”²⁷.

Finally, the latest observations of the CEDAW’s periodic analysis for Moldova for 2013 support the conclusion that the victim’s complaint should not be required to investigate sexual assault crimes. The Committee urged the Republic of Moldova:

- to strengthen the application of the Criminal Code, Law no. 45-XVI on preventing and combating domestic violence and other relevant national legislation;
- to ensure that all women and girls, including, in particular, older women, Roma women and girls, and girls with disabilities are protected from violence and have access to immediate means of assistance;
- to launch criminal investigation ex officio for all these crimes and ensure the prosecution and punishment of offenders according to the seriousness of the crime.

The explicit use of the term “ex officio investigations” by the Committee indicates that the government must rely on its inherent powers and not to request the victim’s complaint to initiate proceedings for the application of the criminal law.

Another international document that must be mentioned is the Convention of the Council of Europe on preventing and combating violence against women and domestic violence of 11.05.2011 (the Istanbul Convention), which the Republic of Moldova didn’t sign yet.

Speaking about the correlation between the Istanbul Convention and the national legislation in the field, it should be mentioned that there is a draft law on modification of several legislative acts, which aim at adapting the national legislation to the international standards.

The Draft Law on the modification and completion of several legislative documents, particularly the Law no. 45 on the prevention and countering of domestic violence, contains important provisions adapting the national legislation to the international provisions.

²² Idem, art. 152.

²³ Idem, art. 155.

²⁴ Idem, art. 173.

²⁵ Criminal Procedure Code, art. 276 (5).

²⁶ Istanbul Convention, art. 55.

²⁷ CEDAW General Recommendation no. 19, 24(t).

The first important aspect is that the Draft Law also introduces provisions related not only to the prevention, but also to countering of violence against women in general and domestic violence specifically.

The protection measures provided by the Istanbul Convention are partially reflected in the Law no. 45 on the prevention and countering of domestic violence. Art. 56 of the Convention is not fully reflected in the Law no. 45 of 01.03.2007. For example, the following protection measures cannot be found in the Law:

- undertake measures for the protection the victims of domestic violence, as well as for the protection of their families and witnesses against intimidation, repressions and repeated victimization (Letter a), Paragraph 1);
- in accordance with the procedural rules of the national legislation, give victims the possibility to be interviewed, to provide evidence, to be represented directly or through an intermediary, and take into consideration their opinions, needs and concerns (Letter d), Paragraph 1);
- ensure the adoption of measures to protect the intimacy and image of the victim (Letter e), Paragraph 1);
- provide victims with independent and competent interpreters, when the victims are parties to the procedures and when they give evidence (Letter h), Paragraph 1).

Also, the national Law doesn't include the provisions of Chapter VII on the refugees.

Another deficiency is the lack of provisions in the national Law on punishments and recognition of the types of offences against women, such as: forced marriage, genital mutilation, forced abortion and forced sterilization, as well as complicity and attempts to commit offences against women and domestic violence. As a recommendation, the authors propose recognition of these forms of sexual violence against women in the national legislation and their punishment by the Criminal Code.

Also, it is important to mention that for some time an initiative to adopt a new Law, which would allow the compensation of the victims of several types of offences is on the Government agenda. We shall also make a brief analysis on the extent to which the *Law on the rehabilitation of victims of offences* provides protection of

rights of the victims of domestic violence, especially victims of sexual violence.

It has to be mentioned that the subjects to which the Draft Law on the rehabilitation of victims refers are the victims of offences. According to the Criminal Code of the RM the term "victim of an offence" refers to "individuals mentally or physically harmed, who go through an emotional stress or a material loss caused by the offence". In addition, when we refer to the financial compensation by the state of the prejudice caused by the offence, the term "victim of the offence" also includes "husband, children and people in care of the deceased individual".

Article 2 of the Draft Law tries to define the support services provided to victims of offences and gives a specification: "Support services are public or private services provided to victims of abuse, physical, mental or sexual violence". This specification includes some forms of domestic violence, i.e. physical, mental or sexual.

The Draft Law expressly defines the following public support services provided to victims:

- informational counselling to victims on their rights and available services;
- psychological counselling;
- state guaranteed legal aid;
- financial compensation by the state of the prejudice caused by the offence.

Art. 2, Paragraph (5) of the Draft Law specifies the complementary character of the provision of the Law no. 45-XVI of March 1, 2007 on prevention and countering of domestic violence. Thus, the victims of domestic violence benefit from assistance in accordance with the Law no. 45-XVI of 01.03.2007 i.e., in accordance with Art. 11, Paragraph (21) - "The victim has the right to assistance for physical, mental and social recovery through special medical, psychological, legal and social actions. The provision of protection and support services is not conditioned by the will of the victim to make statements and take part in the justice investigation processes against the aggressor". The same article in Paragraph (5) provides the right of the victim to primary and qualified free legal aid in accordance with the legislation on state guaranteed legal aid, while in Paragraph (6) it provides the obligation of the medical-sanitary institutions to offer medical assistance in accordance with the Law on the mandatory provision of medical assistance.

Thus, compared to the Draft Law, the Law no. 45-XVI generally provides the rights to guaranteed assistance of the victim and mentions the obligation of the medical-

sanitary institutions to provide medical assistance. The state guaranteed legal aid services are doubled, being specified in the Draft Law, as well as in the Law no. 45-XVI.

Back to the services mentioned in the Draft Law and comparing them with the offences of domestic violence, we will try to identify in an individualized way the public support services, available to victims of offences, provided by Art. 201.1 of the Criminal Code.

Therefore, the informational counselling as a public support service provided to the victim of domestic violence is nothing but the general obligation of the police staff, of the criminal investigation officer, of the prosecutor, of the court and other actors with attributions related to the rehabilitation of the victims of offences, to give the victim complete and specific information, provided by Art. 6 Paragraph (1) Letter a)-e) of the Draft Law. Specifically, in the case of sexual violence, victims shall be provided with informational support regarding the following: services of support for victims; criminal investigation bodies where the victim can submit the complaint about the committed offence; her procedural rights; available protection measures; and also other information requested by the victim.

Regarding the state guaranteed legal aid, reference is made to the Law no. 198 of July 26, 2007 on the state guaranteed legal aid. In accordance with Art. 19, Paragraph (1) of the mentioned Law "The following persons mentioned in Art. 2 are entitled to qualified legal aid: a) who need legal assistance on criminal matters, and the interests of justice require that, but they don't have sufficient means to pay for this service". Thus, there is a general provision about the state guaranteed legal aid, even in case of victims of domestic violence.

As for the other two public support services, the Draft Law in Art. 9, Paragraph (1) and in Art. 12, Paragraph (2) expressly provides the following:

- at Art. 9, Paragraph (1) provides that the psychological counselling is delivered on the account of the state, at request, to victims of offences mentioned in Art. 201.1 of the Criminal Code;
- the Art. 12, Paragraph (2) provides that the right to financial compensation is ensured to victims of offences mentioned in Art. 201.1 of the Criminal Code.

Free psychological counselling represents a minimum number of hours of counselling, which the state is obliged to provide to victims of offences. Unlike the previous service, i.e. the informational counselling, which is provided to victims of all categories of offences, the provision of free psychological counselling implies certain limits. The informative note to the Draft Law specifies in Art. 3.2 that the categories of beneficiaries of this service include victims who suffered not only from physical, but also from psychological trauma. The victims of sexual violence must cope with both physical and psychological consequences.

The state compensation of the prejudice caused by the offence is expressly attributed to victims of domestic violence. In Art.15, the Draft Law expressly mentions the prejudice for which the state provides financial compensation. Therefore, the victims of domestic violence can request financial compensations from the state only for the following:

- a) costs of hospitalization, treatment or other medical costs covered by the victim;
- b) prejudice caused to glasses, contact lenses, dental prosthesis and other objects which perform functions of some individual parts of the human body;
- c) prejudice caused by destruction or deterioration of the victim's goods, or by her dispossession through the offence provided by Art. 12 Paragraph (2);
- d) prejudice caused by loss of working capacity, if it was directly caused by the actions of the offence;
- e) costs for the victim's funeral, in the case of her death.

The right of the victim to an adequate compensation from the state is provided by Art. 30 of the Istanbul Convention, by the Council Directive of April 29, 2004 on the compensation to victims of crime, by the European Convention on the Compensation of Victims of Violent Crimes, as well as other international documents.

LEGAL
PROTECTION
PROVIDED
TO VSV



3.1. Challenges met by VSV in accessing the justice system

The legislation provides that the first institution contacted by a VSV who wants to report a sexual offence is the police department, then follows the criminal investigation unit, the prosecutor's office and the court. The data of the research show that the law enforcement specialists rarely guide the VSV, who went to the police to file a complaint on a matter of sexual offence, to the existing services for VDV or victims and potential victims of THB.

In the opinion of justice system specialists, the number of VSV addressing the justice system and the social services is reduced. *„I'm telling you these as I have good knowledge of the issue, a maximum of 3-4 of 10 cases of SV get to the attention of the authorities”* (IIA_32_S). The marital rape offence is reported even more seldom. *„A very small number of cases gets to court, as women practically don't report”* (IIA_23_S). The specialists from the social system agree that the number of victims reporting the offences is low. *„I don't think victims report all cases of sexual abuse in our country. I don't think that every child or adult who went through this experience reports on it to get, protection or counselling”* (IIA_10_S).

This situation is caused by several factors: (i) stereotypes of the society, which usually blames the victim and not the aggressor; (ii) distrust of VSV in people around her, but also in the society; (iii) dependence on the aggressor or fear that he made her feel; (iv) lack of information on where to go in such situations; (v) low level of legal knowledge of VSV etc.

Stereotypes and prejudice existing in the society are an important cause for the low number of reported sexual offences. The majority of the population does not perceive sexual offence as an actual offence, also the marital rape is not seen as a form of rape, but as an obligation resulting from the family relationship. That is why, the intervention of the police officers in such cases is frequently resumed to recommendations to VSV to forgive the aggressor and not initiate a criminal case. The stereotype attitude has a great influence on the victims from rural areas, especially because often *„the sexual offender is mourned and protected, while the victim is scoffed”* (IIA_10_S).

The data of the research show that sometimes the elderly victims of SV are not understood either. One of them mentioned that her brother blamed her: *„For God's sake, why did you have to talk about it in the village and humiliate me!”* (IIA_14_V). Thus, VSV are

sometimes re-victimized even by their relatives, and live with the feeling of guilt which deepens the trauma.

This is also valid in the case of children VSV. *„We had a girl who has been abused by her uncle for 10 years, and she told us that her whole family blamed her... I even went to some officials' offices where they asked me: Do you really think that she didn't try to seduce him?”* (IIA_12_S). Also, there were cases when children VSV were sent away from the family. *„Their parents believe they are the shame of the family and of the village”* (IIA_12_S).

A specialist who assisted and monitored the court hearings in the case of women victims of THB, reported that they are frequently discriminated by judges. *„I remember that during one of the hearings the court asked the victim: - How much were you paid for providing sexual services? After the victim's reply judges said: „Ohoho!”, and the next question was: „Did you have many clients?”* (IIA_23_S).

The interviewed specialists mentioned that there are VSV who are late in reporting the sexual abuse. During the last few years, they registered multiple late reporting of cases of domestic sexual abuse of children that lasted for several years. *„Why doesn't a child abused for 10 years tell anyone? Because he/she doesn't trust people around”* (IIA_12_S).

Such situations are the responsibility of the whole society because of the **lack of information on where could victims go, and also because of the lack of services and of trust**. Those who are supposed to protect victims, including children, from sexual abuse, do not notice these offences or do not believe children who come to tell them about the problem.

A specialist from the social system said that while working at her center she tried to calculate, based on the number of cases when she provided assistance, the period between the moment when a sexual offence against a child was committed and the moment when he/she seeks help. *„In average a child can live 1,5 years hiding one-time or permanent experience of abuse”* (IIA_24_S).

Another aspect which must be taken into account when analyzing child abuse offences is the age at which the child was subject to sexual abuse and when he/she asked for help. The younger the child, the higher is the probability for the abuse to be perceived as something normal. This happens very frequently in cases of sexual exploitation of children because the offenders manipulate them. *„They prepare the child for the sexual*

intercourse and the child believes that it was his/her own choice” (IIA_24_S).

The law enforcement specialists mentioned that **VSV report cases of sexual offences when they are encouraged by someone to punish the aggressor.** *„To make this step they are supported by friends or relatives – mother, sister, brother... There are many brothers bringing their sisters by hand, without parents’ notice... There are very few cases when the victim comes to report on her own” (IIA_11_S).* There are situations when sexual offences are reported to law enforcement bodies by the didactic staff. Usually, children and victims of marital rape tolerate the offence for many years and seek help only when they cannot bare it any longer.

Currently, the Republic of Moldova is **lacking of pro-active actions for the identification of cases of SV** by law enforcement and social system specialists (social assistants, didactic staff, doctors etc.). *„We sit in our warm offices and wait for the victims to come to us” (IIA_32_S).* Participants to the research mentioned that more actions and more responsible fulfillment of job duties are required to prevent this phenomenon, to identify such cases and to determine VSV to report and receive the necessary assistance, and to punish the aggressor. *„I assure and guarantee you that when all actors involved at all levels – community, district etc., start showing a caring attitude and maximum professional dedication, the number of cases reported, identified, investigated and sent to court will increase” (IIA_32_S).*

Still, there are cases when the statements of victims are neglected by relatives and also by the local police officers. As an example, there is the situation of two elderly persons from a rural community who told their relatives and the representatives of the LPA that they were raped by a young man, and nobody believed them. *„She told the children, but they didn’t believe her... They said she was crazy. Like if she was an alcoholic... When the second old woman reported about the situation, nobody believed her either. She called the police... But the police officer just chased some children from the village and that was it. And after a while, the third and then the fourth case happened...” (IIA_33_S).* So in this situation, the law enforcement bodies took responsible action only after the children of the third victim filed a complaint.

Another factor explaining the low number of reporting by VSV to the legal system is that the **legislation doesn’t provide a special status to VSV, compared to the victims of other offences.** *„VSV are practically not protected”,* although the trauma caused as a result of these offences requires a more special approach. **The legal system is perceived as only defending the rights and**

freedoms of the person who is suspected of committing the offence, providing him with an attorney to represent him in court for free, while the victim has to pay the lawyer. Although the public prosecutor overtakes the defense of VSV, the research shows that victims often feel as being deprived of the right to defend themselves. The injured party may request a public defender, some prosecutors suggest VSV to do so, but the majority of VSV have insufficient income to pay a lawyer who would represent their interests in court. For this reason, the legal and social specialists mentioned the need to provide free qualified legal services to VSV.

The state doesn’t provide even psychological assistance to VSV. **The consequences and repercussions of SV on the victim are currently neglected in the Republic of Moldova.**

The small number of justice system specialists who were professionally trained and know how to work with VSV, is another cause for low level of reporting. The data collected from victims reveal situations when representatives of the police bodies act promptly and professionally, favoring the increase of trust of VSV in state institutions, but such situations are very rare:

„The first time when I came to the police, I didn’t really trust them, I was constantly told that they are his friends and they won’t believe me, but him... The police officer ensured me that he is not on anybody’s side, but he represents the law” (IIA_7_V);

„It was almost morning. I went to report on them, I was crying and the police officer got angry. He made a call, police came and caught the guys. I was shocked seeing how quickly they caught them” (IIA_11_S).

In the Republic of Moldova there is a difference between the degree of professionalism of specialists from the mun. of Chisinau and the rest of localities. There are more professionals in Chisinau. Therefore, the capacity of specialists from the regions should also be developed. *„In rural areas they don’t know how to behave in cases of sexual offences, they follow the protocol for cases of DV” (IIA_2_S).*

Although the law provides legal protection of all citizens, and law enforcement bodies have the obligation to register and check each phone call to the police station, often the statements of the victim are doubted by those who must ensure the public order in the society (see Box 1. Case study 1).

Case study. Ways in which the police sometimes receive complaints from VSV

A VSV abused by her biological father for many years from early childhood, when reaching the age of 18 decided to tell about the sexual offence to her mother, who was working abroad. The victim ran away from home and, together with a person she trusted, including the lawyer, she went to the police station to file a complaint.

At the police station, the lawyer told the officer on duty that she came to report an offence related to sexual life.

A person approached and asked:

- What happened?

They explained the issue and he asked the girl to wait for the officer on duty to approach her.

Meanwhile the second person came and started to interview the victim, asking more questions:

- What happened? But who is your father? Why didn't you come earlier? Did you tell your mother? Whom else did you tell? When was the last time it happened? For how many years this was happening?

The lawyer asked:

- Well, would you accept the complaint?

- No. You must go to the officer on duty in that office.

In the mentioned office the discussion starts from the beginning:

- When did this happen? Why did you come only now? Whom else did you tell? Who came with you? Who told you where to go?

The girl was crying and telling the story again...

The lawyer asked:

- Maybe you could first register the complaint and then start interviewing the victim?

- We started analyzing what chances we have... The rape happened long time ago, so how can we prove it now? She didn't tell anyone when it happened...

The lawyer answered:

- We came to file a complaint. Are you going to register it or not?

- Go to the office X. They will register your complaint there. I just wanted to make sure that the offence really took place...

The conclusions are the following:

1. There's no clear working and action methodology in cases of SV, law enforcement bodies don't take into account the emotional condition of the victim and don't start the case with registering the complaint. The victim has to tell several times how things happened, and this may lead to a deep re-traumatization.

2. Although the number of VSV who address the law enforcement bodies is low, in cases when VSV come to report on the offence, police officers evaluate the chances to prove the offence. Practically, in situations when there are little chances to prove the offence, the law enforcement representatives start manipulating the victim not to file the complaint.

3. Frequently, police officers don't trust the statement of the victim and don't start the case at the moment of reporting, but only after the forensic examination is completed.

Some specialists from the law enforcement institutions admitted that such situations are frequent. **„For the first time the victim is called by the duty officer and not only by one. Tens of officers can interfere and would discuss with her, ask her provocative and uncomfortable questions. Afterwards she is sent to the investigators, where she must give the same explanations... Furthermore, the same procedure follows in the prosecutor's office, in order to convince him”** (IIA_13_S). The current practice reveals that, from the moment the

victim comes to report a sexual offence, she is often being maltreated by the legal system, which, in fact, should protect her. Thus, a positive mechanism needs to be developed to register the cases of SV reported, and contribute to minimizing re-victimization and help the injured party to access justice.

Several specialists also mentioned the lack of materials which *„would describe in documents the stories of VSV, to show their vulnerability and to serve as materials for trainings”* (IIA_32_S), to contribute to increasing the level of professionalism of the police officers, investigators, public prosecutors and judges. The Life Story of a VSV who participated in the research, which is presented in Annex 3, could be used during training sessions for legal specialists.

The justice system is currently lacking a mechanism for promoting good practices. This is another indicator of the challenges faced by VSV in accessing the justice system. The number of good practices might be insufficient, but in order to increase it mediation is needed to follow, improve and develop these practices. In this context, a prosecutor mentioned the need to make public the cases when aggressors are punished *„In October this year, we had 2 sentences on sexual offences cases. One of them is the toughest for Moldova - 20 years in jail for the sexual abuse against children”* (IIA_32_S).

The situation is different in the case of THB. The data of the research show that in such cases police usually acts promptly, to be able to arrest the network of traffickers and also discovers cases of sexual offences. *„A boy from my village wanted to take me abroad, he forced me to an intercourse with him, then with clients, then he wanted to take me to Romania, then to Switzerland, and so on. The police came and took me from my home, they have been dealing with this case for 5 months and a week and a half ago came to my village, found me, told me about the matter and brought me here to Chisinau”* (IIA_2_V). This practice is the result of coordinated actions between the state and specialized institutions, but also the result of trainings of specialists to act proactively in cases of THB.

3.2. Collecting evidence to punish the offenders

Art. 50 of the Convention on Preventing and Combating Violence Against Women and Domestic Violence provides that participating countries shall undertake necessary legislative measures to ensure that the Government agencies responsible of the law enforcement promptly and adequately engage in providing protection against all forms of violence, including by application of the operative preventive measures and collection of evidence. SV is a specific offence with practically no witnesses who could confirm this type of offence and help to collect evidence. The victim is responsible to preserve the evidence in order to charge the aggressor. Nevertheless,

VSV are not informed that they must address the police immediately after the sexual offence took place, so that the criminal investigation bodies would collect evidence to punish the aggressor.

The interviewed specialists reported that there are problems in obtaining the evidences required to be presented in courts because: (i) VSV are not informed and are not aware that they must preserve the evidence and immediately go to the police; (ii) many VSV are late in reporting the offence and it is difficult to prove it in court; (iii) usually, VSV and not the aggressor must make the psychiatric and psychological tests at the Republican Psychiatric Hospital or the Psychiatric Hospital in Balti; (iv) in some situations it is decided that the VSV should make the psychiatric and psychological tests, being placed at the psychiatric institution for 21-30 days.

The interviewed lawyers mentioned that the main evidence in sexual offences is the victim's statement and if there is no additional evidence, the case is closed for lack of evidence.

The legal specialists said that it is important who deals with such cases and how they are examined. If the persons who examine these cases are not trained, not competent and do not react promptly, the aggressors stay free. In cases of SV, the ways of working with the victim and establishing a psychological contact with them are very important. Most of the times, police officers are not trained and don't have the skills to discuss with the victim (child or adult). *„I witnessed some situations when they made more harm rather than helped the victim”* (IIA_9_S). Children VSV mentioned that some police officers have spoken in a „brutal and ugly” way, which confirms once again that they need training on emotional aspects in case of children, learning the working methods with children etc.

Although there is a Police Deontological and Ethics Code²⁸, which provides in Art. 6 the obligation to respect confidentiality, there are situations when they don't know about it and flagrantly violate the deontological norms. *„I had a case when the police officer, after visiting us and being informed about what happened, went around the village and made a kind of interview with the villagers on how good is the adolescent X, or why did she get raped. It happened while the community didn't know about this case and the adolescent didn't want to submit the complaint, knowing that in the locality there were more girls who were raped by that person and he got away with it”* (IIA_10_S).

The social and legal reality shows that the specialists from the legal system need continuous capacity building and training in this field. *„I had a case when I was present in the court room and the judge asked me if I knew any*

²⁸ Decision of the Republic of Moldova Government on approval of the Police Code of Ethics no. 481 of 10.05.2006.

details about why did this happen and whether the child wasn't lying to get benefits for being raped. I was shocked, because the boy was 7 years old" (IIA_10_S).

Sometimes VSV cannot remember details because of the stress, and these circumstances are also against them. Criminal investigation officers reported difficulties in collecting evidence and going on with the case *„the later the victim appeals, the less probable is for the criminal case to get to court. Evidence is missing and this fact is in favor of the aggressor"* (IIA_29_S). The examination of children is done in the presence of a parent or legal representative.

When the sexual offence was reported or identified after a period of time, it is harder to prove the truth. *„In my case now, in a way, it is hard to prove that he is guilty; direct proofs are needed, but mine are indirect"* (IIA_3_V). In case of children, the offences are often reported after several years. The research reveals situations when VSV reported after 10 years of SV.

In case of marital rape, the situation is even more difficult. These cases are not reported because of the stereotypes. *„If you are married, you must obey"* (IIA_30_S). And after reporting, it is difficult to prove the marital rape. In these situations, specialists try to analyze the behavior of the suspect with the victim, and collect information from neighbors and relatives. Nevertheless, these people don't always want to get involved into the criminal investigation.

The experience of VSV with the law enforcement bodies is different. Some VSV were satisfied with the intervention of the police, and others were not, due to the loss of direct evidence by the police. Such situations are frequent, including in case of persons who were abused by own parents for years. Some victims mentioned various situations of unprofessional behavior and improper attitude. *„At the beginning, the police officers were rude, but my lawyer made them be polite to me, they behave better now"* (IIA_3_V). Although the representatives of law enforcement bodies must be impartial, in the opinion of some victims, they are on the side of the aggressor. *„There... where all this happened, no measures were undertaken at all. They treated those boys like they didn't commit anything. They stayed there overnight and said that I was lying and the next day all those who participated in the rape were walking in the streets already... But the prosecutor said that maybe I didn't understand everything correctly, maybe I smoked something and I imagined things etc."* (IIA_6_V).

When the process of collecting evidence before the file gets to court takes too long, victims sometimes lose their trust in the justice system. *„It is disturbing that it takes so long and I want to get rid of it as quickly as possible. It is almost 3 months since the beginning and nothing happened, only tests at the police"* (IIA_3_V).

Some prosecutors reported that the previous practice when any aggressor was detained for 72 hours in the case of a complaint of sexual offence was more efficient, because on one hand, evidence was collected during that time, and on the other hand, the victim wasn't subject to pressures from the aggressor to withdraw the complaint.

Other prosecutors stated that, during the evidence collection process, they request from the local social assistant (from the VSV community) the social report on living conditions and way of life, while from the local police officer the characteristics of the victim. *„It is not mandatory for the file, but we request that to know the situation"* (IIA_31_S).

3.3. Forensic examination

The results of the VSV's forensic examination are very important for the initiation of the criminal case against the aggressor. In the majority of cases, these results represent the main evidence to charge the suspect. The examinations may be performed at the request of the victim and, in this case, she has to pay for the services, or at the request of the criminal investigation body, for free. After the interaction of the VSV with the law enforcement representatives, the forensic examination institution is the second institution where she has to address.

A problem in performing the forensic examinations refers to their duration. *„It takes very long to make the tests. The period of collecting the evidence may also reach 4-6 months"* (IIA_19_S).

The collaboration between the law enforcement and forensic experts is fruitful. Good knowledge of and due commitment to the job duties directly contribute to successful solving of cases. Nevertheless, legal specialists mentioned that it is necessary to improve the conditions where the forensic examination takes place. *„The equipment used by the experts is from '70s. Unfortunately, the state left these institutions in the will of faith"* (IIA_19_S). The lack of the necessary equipment in the regional divisions causes discomfort to victims, who need to go from one region to another.

In the Republic of Moldova there are no specialists in the area of genetic examination, neither a lab for the DNA test, in the case of collection of biological evidence. The medical conclusions issued are made based on the blood type.

In the opinion of law enforcement and social protection specialists, another direction for improvement is related to the attitude of the forensic doctors. The victims expect to be understood and treated with respect. *„They see hundreds of such cases, while for the victim her case is unique"* (IIA_8_S).

A few lawyers mentioned that the forensic area must be reformed, so that the documents issued by this body would not allow interpretations.

The specialists from these institutions reported that they attend continuous training and that there is a course designated for the current problems in the examination of persons, which also includes the particularities of the gynecological examination. A course designated exclusively to examinations of victims of sexual offences does not exist at the moment. At the same time, seminars are periodically organized, where the participants discuss the issues of the forensic examinations in cases of rape.

3.4. The hearing

The amendments to the Art.110' of the Criminal Procedure Code²⁹ provide for a child to be heard by the investigating judge ideally once during the criminal investigation stage. The hearing of children is performed by an investigating judge, a psychologist, an educator or psycho-educator. Currently, it is required that the interviewer of the child is an individual with psychological or legal education, who followed training courses on legal interrogation of the child victim/witness, within the National Institute of Justice. The facilitators of hearings for children request to receive in advance the questions that will be addressed to children, to be able to prepare them, adapt the questions to their understanding. Also, these specialists have the right to decide whether certain questions should be excluded, as they might affect the dignity of children or contribute to their re-victimization.

Nevertheless, the system is partially functional, only in a few localities children are heard correctly. The participants to hearings still do not understand **„how big is the trauma and how hard it is to talk about what happened... When the person talks, he/she lives those emotions again. And therapy is when you are face to face with the psychologist and you know that the door is closed and your story stays there”** (IIA_12_S).

The support of the family is important, because it motivates VSV to go further and not give up at a certain stage of the trial, as it often happens. The judges also mentioned situations when **„mothers don't believe children who say that they were sexually abused by their father, or mother's life partner. Very often mothers take the side of the aggressor and not the side of the child”** (IIA_22_S).

In case of children, special attention must be paid to persons who escort the child and represent his/her interests in court. Ideally, this should be mother, but there

are situations when mother is not a reliable person for the child. **„...In the majority of cases this person cannot be the mother. Frequently, mothers and female partners do everything possible to defend the aggressor and not the child”** (IIA_32_S).

The criminal investigation officers reported difficulties in attracting the legal representative of the child when he/she has to make statements. Sometimes, the child doesn't have a connection with the parents because he/she had run away from home, in other situations parents are always drunk and cannot be brought to court. There are also difficulties when the representative of the guardianship authority on behalf of LPA must be involved in the hearing. In accordance with Law 140 on the social protection of children in the situations of risk and of children separated from parents, the representative of the LPA from the area where the child lives must come to court, but there are cases when the child filed a request in another locality and the criminal investigation body faces difficulties in documenting the case.

Also, the Criminal Procedure Code provides the participation of specialists (educator and psychologist) in all stages of the legal investigation of cases involving children victims of offences. In accordance with the Order no. 77 of the Ministry of Education of February 22, 2013, each institution has a person designated to take part in legal proceedings. These specialists must be trained, so that their participation would not be formal. The legal specialists mentioned that **„the presence of the educator is more formal... The educator is invited, but he sits there alone on a chair and doesn't know what to do”** (IIA_14_S).

The participation of the psychologist in court hearings related to children is useful. There are several advantages of the participation of psychologists in the hearings involving children VSV: they prepare the child for the procedure in which he/she will participate, explain all stages of the procedure, help to formulate/re-formulate the questions so that the child would understand, provide reliable support to children so that they feel more confident and answer to all questions addressed to them. The most important thing is that the specialists who defend the interests of the child make sure that he/she is not subject to repeated hearings, and thus, respect the principle of non-re-victimization. But there are also cases when the presence of the psychologist is more formal, just to comply with the procedure. **„The psychologist didn't set any contact with the victim”**(IIA_32_S).

In cases of child hearings, it should not be allowed that the aggressors meet the victims on the halls of the courthouse. Such situations are inadmissible and the legal specialists should take responsibility for this.

The specialists mentioned that there are situations when judges also interrogate adult victims of THB in the interview rooms for children, which contributes to

²⁹ Law no. 163 of 18.07.2014, on modification and completion of the Criminal Procedure Code of the Republic of Moldova no. 122-XV of 14.04.2003. no. 163 from 18.07.2014.

the reduction of victimization. **„The judge explained that the victim should not meet the traffickers, that there are risks that she might change her statements”** (IIA_24_S).

All victims over the age of 14 are treated by the law enforcement bodies as adults and are interrogated in the presence of the aggressor. In these cases, the victim can be interrogated several times. Some of these cases go through all stages of the judiciary process – court of the first instance, Court of Appeals, Supreme Court of Justice, and every time, VSV must repeat the experience they went through. International standards according to which VSV have a differentiated status and must be heard using special protective methods are not taken into account.

The confrontation between the adult VSV and the aggressor is a frequently used procedure during the hearing when all evidence was destroyed. The confrontation in such situations is considered to be the only way to find out the truth. The specialists reported that aggressors may refuse to participate in the confrontation. **„The suspect has the right to refuse certain criminal investigation actions”** (IIA_34_S). This situation is not possible for the victim though. This fact proves that a person who abused has more rights than a VSV. Based on this situation, some specialists mentioned the need to exclude the confrontation and apply the provisions of Art. 110 also in the case of adult VSV, or the need to use special technical equipment during the first hearing so that the evidence could be used for the whole duration of the criminal case, including at the Court of Appeals and Supreme Court of Justice. The criminal investigation officers stated that special technical means are very rarely used in cases of VSV.

In the opinion of social specialists, to improve the process of legal hearing of adult VSV and avoid the re-victimization of VSV, the following are required: (i) to improve „The guidelines on the investigation of sexual offences”, designed for prosecutors and criminal investigation officers, (ii) to raise awareness among the representatives of the legal bodies on the issue of SV, (iii) to adapt the legal provisions to international norms, (iv) to develop new Internal Regulations of Prosecutors, on the criminal investigation of the offences related to sexual life.

A problem which cannot be neglected is related to the confidentiality of data about the victim. The files comprise all personal data of the victim – home address, phone number etc. - and, practically, the principles of confidentiality and safety are violated. **„I changed my address and phone number so that they cannot find me. But it is written in the PO and he already knows where**

I live, and my phone number, and the number of the kindergarten where I take my children” (IIA_12_V).

3.5. . Psychological and psychiatric-psychological evaluation reports

Psychological evaluation reports are used in the judiciary practice. These reports help the police officer and the prosecutor to understand the circumstances of the offence, as the psychologist describes in this report the mechanisms of manipulation and constraint of the aggressor.

The lawyers mentioned, though, that the psychological evaluation reports **„don't have the status of expertise, these are just some records which don't have any proofing value”** (IIA_8_S), and the judge cannot take them into account. In the opinion of several lawyers, the psychological evaluation report may be used only with the mandatory invitation and hearing in court of the psychologist who developed it. In such situations, the court may take into account the opinion of the specialist.

Other judges mentioned though, that the psychological evaluation reports, if developed in a professional manner, have a great value. **„They are one of the strongest arguments and evidence proving guilt and proving the statements of the victim”** (IIA_19_S).

The research highlights the need to improve the ways of developing psychological evaluation reports. **„I read some reports which were a bit hilarious... the structure of the report, the number of hearings are not accurate”** (IIA_4_S). The majority of specialists mentioned the need to unify the way (commonly agreed structure, tools etc.) of developing the psychological evaluation reports. At the same time, it was mentioned that these should not follow **„the same pattern”,** but treat each case individually. On the other hand, the standardization of these reports will further allow to introduce specific modifications to the legislation, so that they would be recognized as evidence.

There are also situations when the victim is requested to make the psychiatric-psychological evaluation. The psychiatric evaluation of the VSV may be appointed outpatient or in the institution. In case when the evaluation is performed in the psychiatric institution, the VSV is placed at this institution for 21-30 days, along with patients with mental health issues, as there's no separate room for them. A significant number of victims disagree and refuse this experience. Some participants to the research mentioned that it is discriminatory for the victim of sexual offence to make this evaluation.

Another problem in this regard is the recognition of the psychologist experts by the Ministry of Justice (MJ). Today, there is practically only one specialist recognized/accredited by the MJ.

3.6. Ways to identify an attorney by VSV

In case when VSV get to the placement centers, they receive primary assistance from the lawyers working there. If qualified legal aid is required for representation in court and the VSV cannot pay the services of a lawyer, these services are paid by an NGO. It should be mentioned though, that not all institutions providing services to VDV have a lawyer in their staff. The number of institutions which may pay for the services of a lawyer who would defend the interests of the victim in court is even lower – 4 institutions.

The data of the research show that, in a very small number of cases, the legal specialists guide the VSV to the existing services for VDV or victims of THB and, practically, never to lawyers who would represent their interests.

Often VSV feel helpless because they don't know where to go and how to proceed further. That is why it would be good if the police officers always informed VSV about the services they can get and about actions they may undertake. **„At the police, they recommended me to address to a gentleman who was also related to women's rights. He told me about the protection order and that there are many centers which can help me. He was the first to tell me about the protection order”** (IIA_7_V).

In situations when VSV meet the service providers which offer legal aid, they get assistance from a lawyer remunerated by these providers. If such services didn't exist, the number of VSV who come to file a complaint at the legal institutions would be much lower. **„Few victims are ready to take money out of their pockets to pay an independent lawyer to represent them”** (IIA_27_S).

Some VSV who file the complaint, understand that they need a lawyer who would help them during the court trial. **„My case is a bit complicated and I wanted a good lawyer”** (IIA_11_V). In other situations, VSV are threatened by aggressors and feel the need to find a lawyer. In such circumstances, VSV try to identify the persons who could help them and remember various ads which promote the Trust Line, the Child Helpline, the Hotline. They search on the internet, and finally get to the non-government organizations which offer them legal support – a lawyer who would represent them in court, psychological assistance etc. Most frequently, VSV identify the International Center „La Strada”, WLC and PA Promo-LEX.

A situation was identified, when the relatives of the victim approached absolutely strange persons, whom

they knew as fighting for justice. **„My mother found the phone number of Oleg Brega and I called him. The next day we met and he explained us what and how we should do, he guided us to Promo-LEX and then we went together with him to see a psychologist for the first time”** (IIA_6_V).

VSV who received/receive legal aid from lawyers working within NGO-s, mentioned the importance of such a service because, often, they cannot pay for the services of a lawyer. **„Free services were very appropriate, because I couldn't afford them”** (IIA_7_V). VSV are happy with the services received and support provided to them. **„I felt this was a person I could trust”** (IIA_11_V).

The lawyers who offer free services to VSV mentioned that the specialists from the justice system not always appreciate the contribution they bring to VSV, in the process of justice. In its greater part, these lawyers aren't perceived as persons defending the interests of the victim. **„They consider that if we get involved (the representatives of the civil society) in a file, then there will be a scandal, that we want to show that all of them are bad and don't know how to work”** (IIA_14_S).

The majority of the prosecutors and judges stated that the lawyers employed by NGOs have a well determined civil position and know their job, including the psychological particularities of this specific category of victims. Still, the number of these lawyers is very small. Those mentioned above revealed that specialization of lawyers on matters of sexual offences is required.

3.7. Pressure on and manipulation of the VSV to withdraw the complaint

Once the criminal procedure is initiated, the VSV faces another problem – the pressure from the offender and his relatives, to withdraw the complaint (see Box 2, Case study 2). VSV are very vulnerable emotionally, easy to be influenced by the aggressor and, if they are not encouraged, the majority of them give up to the criminal investigation initiated to punish the aggressor.

Often, VSV have a low self-confidence and are dependent on the aggressor. This reason must be taken into consideration when reviewing such cases. Compared to other categories of victims, VSV are more vulnerable. They have a deep feeling of helplessness, a sensation that they don't control their own life and a strong feeling of guilt induced by the aggressor. All these affect their mental and cognitive processes, especially the attention, memory, language and thinking. This emotional vulnerability is so easy to be influenced by the aggressor.

Case study. Situation when a victim withdraws the complaint

After I was raped I filed a complaint. Then I withdrew the complaint. I withdrew it because there was a man who gave me money and scared me. He told me to think about the life of my sister. That even if I leave the country, my sister with her children will stay. He told me that in such a situation they (the aggressor and his friends) are ready even to shoot a person, that they don't care. Then I thought it was not worth risking, let them go with God, I forgive them. So I kind of forgave them, but deep inside my heart I didn't... and I'm glad that the investigating officer didn't register my request and understood the real reason for withdrawing it.

My sister tells me to move on... and my mother tells me the same thing. They told me that they would always support me and that I should go till the end. Now I am ready to continue, especially because I heard that he also raped other girls. I feel a kind of fear, but it must stop at once. I say to myself that I don't fight only for me. Generally, I always fought for justice... because I know that if I don't stop him now, I think he will continue...

The victims of marital rape, especially children, feel helpless in front of the aggressor, with whom they have lived for years and who knows how to manipulate them. *„He promised to leave me and my relatives alone. I went to the prosecutor hand in hand with him. The prosecutor asked him to go out, explaining that it was impossible to change statements with the offender present. And he asked me what happened. I told him I wanted to change my statements. He asked me if everything reported in the statement happened. I said no. I said I invented all that to punish him, but then we reconciled. I had my answers prepared, learned in advance, he taught me what to say. I changed my statements and then I was invited to the police station*

and they told me that I would be charged for false statements” (IIA_7_V).

In the legal protection bodies there are also specialists who do not take into account the vulnerability of VSV, and the fact that they can be manipulated or threatened to withdraw their complaint. Currently, the legal system in the Republic of Moldova allows the victims to be forced to withdraw statements under pressure. It's a paradox, but later they can get charged with „false statements”, even though there are obvious proofs of the offence committed against them (see Box 3, Case study 3).

Case study. Child victim of a group rape who was jailed after changing her statement under pressure

„I had a case many years ago which left a mark on my activity as a professional, as a prosecutor, as a criminal investigator and as a lawyer...

A 17-year-old girl was raped by 3 persons. She managed to run away naked. She got in the street and stopped a taxi that took her inside. Afterwards the aggressors were identified, the case was initiated and the persons were arrested... But later, she changed her statements under pressure. The relatives of the offenders started threatening her and she claimed that everything happened with her consent...

The thing that surprised me was that, in court, the case was closed, while the victim got under arrest for false statements. The girl was sentenced to 5 years of prison. She was the one to get 5 years instead of the aggressors...

Finally, we know that from the very beginning, the statements weren't false and there were also proofs... I would have never allowed such a punishment for a VSV.

What did the state give to this young girl of 17 at the beginning of her life? The state gave her nothing, instead of showing her that it is strong and would punish the guilty ones” (IIA_13_S).

Withdrawal of a complaint is a frequent situation, especially, when the offences have a sexual character. In such situations, specialists from legal institutions become disappointed that VSV didn't have enough strength to fight till the end and punish the aggressor. This fact was highlighted by a VSV. *„My first prosecutor looked very disappointed when I changed my statements, because he remembered my condition when he first saw me. But when I came to withdraw my statements, his hands dropped. He fought for me, went searching and interviewing witnesses”* (IIA_7_V).

The aggressors use both manipulation and threatening so that VSV would withdraw their complaints. In cases of marital rape, sexual abuse of children, cases of manipulation dominate over those of threat or are combined (see Annex 3, “The Life Story of a VSV”).

There are situations when mediation and reconciliation of parties is used and cases when after sexual offences the parties end up getting married, so that the aggressor

is not deprived of freedom. In the opinion of some law enforcement specialists, such situations must be excluded in case of sexual offences. The withdrawal of the complaint should not serve as basis for the law enforcement representatives to interrupt the initiated criminal case. The availability of possibilities to withdraw the complaint encourages sexual offences.

It is necessary to exclude the possibility to interrupt the criminal proceedings in cases of rape and other sexual offences, as a result of the complaints withdrawals (see Box 4, Case study 4). The VSV, as well as the legal specialists mentioned the need to improve the legal framework, so that complaints couldn't be withdrawn. Victims also reported the need to keep the offender under arrest for more than 3 days, in case of sexual offences with aggravating circumstances. *„The sexual aggressors must be kept under arrest for a longer period. I was locked in the basement, raped, mentally and physically abused, and he was kept there for only 3 days. Then they released him so that he could come and kill me”* (IIA_7_V).

Case study. Situations when reconciliation of parties in cases of sexual offence was achieved

„There was a case when a person had been sexually abusing boys under 14 for many years. When we caught the person, in the process of investigation it was discovered that he had been previously arrested and sentenced for committing similar offences. In 2 previous cases the parties reconciled, and in another case the man was sentenced for having sexual intercourse with children below the age of 16, and paid a fine. Only later the matter was documented, taking into account prior offences and the person was sentenced to jail for many years”.

Several specialists reported the need to exclude the possibility of reconciliation. *„There are situations when the aggressor committed perverted sexual actions, but the judge allowed the reconciliation of parties. A few months later the aggressor committed the offence again”* (IIA_30_S).

Special attention must be paid to situations of reconciliation in case of actions with a sexual character, within the family. In this regard the specialists reported a situation when the daughter forgave her father who has sexually molested her.

3.8. Deficiencies and delays on behalf of the legal specialists

The majority of victims who addressed the law enforcement representatives to punish the aggressor

mentioned the long duration for collecting evidence, initiation or trying of the case. The delay of trials frequently makes the victim lose her courage, while the injustice she sees, makes her give up on punishing the aggressor. There are very few cases when the VSV were determined to fight till the end. In the majority of cases, they are also humiliated by the justice system, without getting a compensation to treat their health (see Box 5, Case study 5).

The specialists from social services mentioned that the long duration of the criminal case sometimes influences the decision of the victim to punish the aggressor. The long procedures and the frequent delay of the court hearings determine the victim to give up the „fight” with the justice system to punish the aggressor.

Court hearings should not be delayed without justification, said the legal and social protection specialists. To reduce delays in cases of sexual offences,

and not only, the specialists from the legal system propose to introduce sanctions for not attending the hearing. **„If the person was summoned and didn't show up without any grounded reason, it means that**

the court must issue a sanction” (IIA_32_S). Only in such circumstances it is possible to educate and make accountable the population in general, and professionals in particular.

Case study. Difficulties the VSV face during the trial proceedings

„A child under the age of 14 was raped. In legal terms it is a severe form provided by Art. 171. But the case was sent to court based on Art. 174 – voluntary sexual intercourse with a person below the age of 16. The moment I took the case, I made a request to the regional prosecutor's office with a notice on the possibility to modify the charge, taking into consideration the severe form. After the notice, the prosecutor made the modifications, but committed an error and indicated Art. 171 (2).

The relatives of the aggressor tried to have a dialogue with the relatives of the victim. They tried to force her with money to withdraw the complaint, they tried to convince her to marry, but he was married already...

The court hearings were, practically senseless – if we were attending the hearing (the lawyer, VSV and her mother), the prosecutor was missing; then at the next hearing the prosecutor was on holiday...

At a certain moment, the lawyer of the offender requested a new psychological-psychiatric evaluation of the child, although the victim had already been examined once in Chisinau and another time in Balti. Usually, the requester must also have the capacity to pay. But the judge has got to call the injured party and convince her to pay for her own tests...

At the last hearing the judge informed us that many judges resigned from the court and since in cases of children a panel of 3 judges is required, the investigation would be started from zero. That meant that the victim, the witnesses and the offender would be heard again... In the end we got a convicting sentence, but the compensation of financial and moral prejudice (coupons amounting to 2000 MDL) was admitted only in theory.

We requested the court to exempt the victim from further participation in hearings, to avoid re-victimization and interaction with the offender and his relatives, especially because she was having her bachelor exams. The victim had to make statements every time, and couldn't calm down and was crying out loud, but the court rejected the request... It decided that everything must be done in her presence...³⁰

Now our case is at the Court of Appeals.

Although there are clearly established criminal procedures and the cases of juvenile victims are examined with priority, urgently, in the case of this victim everything was delayed to make her give up. In the end, the result is that this child was victimized more by the state than by the aggressor, being interrogated and obliged to come to court for so many times... We had the feeling that this need to call the victim to court was unlimited and we considered that we had the right to request the compensation of moral damages based on the fact that the reasonable period of time was not respected...

We addressed this case to the European Court of Human Rights (ECtHR) and are waiting” (IIA_27_S).

There are cases when criminal investigation officers are relatives of the culprits and don't reveal it from the beginning to the law enforcement specialists, hiding and destroying evidence. **„I don't know what happened to my clothes, they don't even talk about them, like they never existed. So it results that I ripped my clothes by myself,**

hit my own head against the walls and ran away naked?” (IIA_6_V).

The Code of ethics and conduct of the prosecutor, approved by the Superior Council of Prosecutors³¹ provides that they must have an impeccable reputation,

³⁰ The victim was over 14 years old when the criminal case started.

³¹ Decision no. 12-173/15 on the approval of the Code of ethics and conduct of the prosecutor of 30.08.2015, Art.6..

follow the principles of legality, independence, integrity, impartiality, professionalism, collegiality, confidentiality and fairness, and protect dignity, physical and moral integrity of all persons who participate in court proceedings. They must impose order and solemnity during legal proceedings and adopt an honorable and civilized attitude towards parties. Nevertheless, VSV, but also lawyers reported that there are deviations. **„He was trying to convince me that I was guilty”** (IIA_6_V).

Some prosecutors with broad experience in the area of legal protection of VSV mentioned that the number of prosecutors with good knowledge of the legislation and its application is insufficient. In many cases, they don't act proactively, or allow the confrontation procedure, also in the case of children, which contributes to the re-victimization of VSV.

The opinions of VSV about the court trial are divided. There are cases when the delay of the trial, reschedule of hearings and delay of the final decision are in favor of aggressors. This makes VSV lose their trust in the legal system. **„I also went to the judge, they paid, but I couldn't pay. They paid the judge, some of their relatives did it, good relatives... The judge called me and said: he told me you are a prostitute and the discussion is closed”** (IIA_1_S); **„They dragged me back and forth for a long time but in the end nothing was decided. They don't fear anything”** (IIA_6_S).

On the other hand, the access to a fair trial and the accurate fulfillment of the job obligations by legal specialists contributes to the creation of an adequate opinion about the justice system. **„His lawyer and my lawyer acted adequately, on the topic, without intuitions, without probabilities, just on the reasons, on files, on justice, everything honestly. I didn't see them taking his or my side. My lawyer even told me to call him or ask him to stay later if I needed something. We had collaborative relationships”** (IIA_7_S).

Also, in case of THB victims, several specialists mentioned that there are so many cases when the court does not pronounce decisions based on Art. 165, but re-qualifies the case as pimping, for which the punishment is milder. **„From all the cases of THB which I had monitored, I think that in about 20% of cases, persons were sentenced for pimping and not THB”** (IIA_23_S).

The identified situations reveal possibilities to improve the legal framework.

3.9. Psychological assistance provided during legal proceedings

Some VSV who filed complaints at the police and initiated criminal cases against aggressors, received psychological assistance from the centers where they were placed, or from some non-government organizations that also

provided them with the services of a lawyer. Psychological assistance is helpful for VSV at any stage, because practically all VSV blame themselves for what happened, while some of them tend to suicide. **„I often repeat that I am not guilty, that I should not cry, that I have my whole life ahead. I went to talk to the psychologist. He tells me I must be strong...”** (IIA_3_V).

It should be mentioned that the psychological and legal assistance before the initiation of the court trial is also very important, because, at that moment, the victim already knows her rights and responsibilities and is more stable emotionally.

3.10. Financial and moral prejudice

The law expressly provides the possibility to request compensation of financial and moral damages caused to VSV. Nevertheless, the psychological and psychiatric examinations cannot assess the impact of trauma on the development of victim's personality. Therefore, the number of therapeutic sessions required for the rehabilitation of victims cannot be defined. This fact makes it impossible for the lawyer to establish the real extent of the moral damages.

Also, it was identified that, most of the time, judges are not willing to decide on the financial and moral damages when examining the criminal case in court. They recommend the VSV to address the court with a civil case and file a complaint on compensation of damages. Therefore, initiation of cases for compensation of moral and financial damages are rare. Some specialists confirmed that cases of sexual offences when the aggressor was forced to cover the medical costs of the victim are also rare. **„There are very few cases”** (IIA_35_S), **„they are usually not initiated”** (IIA_19_S).

Another problem is the share of the moral damages established by judges. In this regard, the court decisions reveal 2000-3000 lei to VSV, as compensation for moral damages. In these circumstances, the lawyers of VSV reported the need to establish the value of moral damages in accordance with the victim's suffering, taking into account the decision of the European Court of Human Rights on this issue.

These findings reveal that VSV must be informed and supported to request compensation of the financial and moral damages after the court decision, because nobody will compensate the costs covered by the victim, unless she requests it. Another way would be that in cases of sexual offences judges would be obliged to decide also on the financial and moral prejudice.

3.11. Corruption

The legal specialists admitted the availability of acts of corruption, in cases when VSV file complaints and initiate

criminal cases. There are many reasons for such situations, but the main refers to the unwillingness of the law enforcement specialists to face the situations, to confront their peers or superiors, their indifference etc. *„Relatives, friends, and corrupted persons from the legal and law enforcement system interfere and do everything possible so that the trial is not in favor of the victim but in favor of the aggressor”* (IIA_32_S).

The lawyers of VSV also mentioned situations of corruptibility among experts who develop forensic examination reports (see Box 6, Case study 6). They refer to the gaps in the Criminal Procedure Code which are used by some representatives of the justice system, in favor of the offender.

The interviewees mentioned that *„justice has another smell”* in other territorial-administrative units outside the municipality of Chisinau; that there is *„a cartel*

interest; judges, prosecutors etc. are all connected with each other, having certain degree of family relation or being very good friends” (IIA_27_S). Thus, it is difficult to expect an objective attitude from the specialists in the regions.

The specialists in social services also mentioned cases when sexual offenders of children haven't been punished. *„In the case of the raped boys nobody was punished because the aggressors' parents were from the police and were covered”* (IIA_17_S).

Some legal specialists said that the acts of corruption seriously affect the functioning of the system. *„Specialists have certain prices for each case”* (IIA_13_S), while actions undertaken during many years didn't reach expected results. For example, even though during the last 6 years, approximately 30 prosecutors were punished for acts of corruption, the problem wasn't solved.

Case study. Corruption case among forensic doctors

„A juvenile VSV didn't get the forensic examination, because the experts were absent that day. She was sent to a gynecologist with over 30 years of experience who confirmed the rape. The next day, the VSV went to the forensic expert again, who gave the same conclusion...

After one year, the lawyer of the offender requested the repeated examination in Chisinau, which stated that the victim wasn't raped.

When the VSV heard about it, she gave up and left abroad...

I wrote a request to the prosecutor's office, but they closed the case” (IIA_26_S).

3.12. Assessment of the justice system

The Republic of Moldova assumed certain engagements by ratifying several international conventions, and currently, there is a *„mini legal framework”* which defends VSV (IIA_35_S). The majority of specialists mentioned that **in the case of VSV the justice system cannot be called friendly**. Although there is a normative framework that provides certain mechanisms of interaction between specialists, there is a big difference between *de jure* and *de facto* situations.

The mechanism for the implementation of the legal framework is inadequate. Some instructions for prosecutors were developed, but they were not approved or applied in practice.

There are several gaps related to VSV in the justice system. **The state system implements very few prevention actions**. The police bodies are not proactive in cases of VSV. They only wait to be informed. Criminal investigation is initiated only based on the complaint filed

by the victim or her relatives, neighbors etc. There are few cases when the police show initiative.

There are possibilities for different interpretation of the normative framework. *„The law is not very clear in defining the rape of a child aged under 16. Usually the consent of the victim is questionable. But rape should not be considered only in cases when the person showed resistance, rape is also when the person didn't say yes... and many people commit this offence against a child and motivate it with the fact that she didn't oppose, didn't shout etc.”* (IIA_26_S).

The rape of a child is very hard to prove when there are no traces of violence. Unfortunately, **some specialists insist to see the evidence of child's resistance to violence**, which frequently does not exist, because the child is often threatened, and due to fear the child does everything the aggressor says. *„There are police officers who consider that if a child under 14 didn't go to the police after the first experience of sexual violence, it means that he/she accepted the sexual intercourse”* (IIA_27_S).

The lawyers mentioned their experience with cases of child representation in court, when the lawyers of the aggressor insisted that the victim gave her consent. *„I defended a child of 12 and the lawyer of the aggressor insisted that the victim went with him by herself... I am sorry, but juvenile victims can be easily attracted with a toy, phone, candy etc.”* (IIA_26_S).

The majority of specialists in issues of SV **lack of professionalism. No confidentiality is ensured for the VSV**, the community finds out about the issue and starts blaming and stigmatizing the victim, because in the opinion of the majority of the population the woman is guilty of what happens to her. Due to the stigmatization and blaming of the victim, the number reporting to the police is low; also, a part of victims withdraws the complaints and a small number of cases reach the court. *„The victim often withdraws the complaint and gives up the fight, because at a certain stage she gets disappointed, because she is dragged all over, and also there are cases when she is influenced, manipulated or threatened”* (IIA_8_S). The research identified that the confidentiality is not respected even for children.

The situation of VSV practically *„depends on the professionalism of the specialist who investigates the case... There are specialists with preconceptions, who even discriminate women, but I had cases when I collaborated with professionals who investigated matters immediately”* (IIA_2_S); *„I knew public prosecutors, judges, lawyers, very motivated to go till the end, to take a fair decision, but also those who had a different attitude, didn't make efforts to solve the matter”* (IIA_4_S).

There are cases when the **investigating bodies do not know what to do at the crime scene**. *„We have minimum knowledge of the methodology, technique and tactics at the crime scene”* (IIA_18_S). They reported that, usually, they take measures to *„preserve traces”*, give specific recommendations to the victim so that the traces of sexual violence wouldn't disappear.

To be friendly, the system must provide state guaranteed assistance to VSV. Nevertheless, currently *„we defend only the aggressors”* (IIA_20_S), because the offender is provided with qualified state guaranteed legal aid, while the victim is assisted by the prosecutor, who doesn't always get into the essence of the issue, and usually suggests the VSV to hire a lawyer on her own account.

The lack of trainings for specialists from the law enforcement bodies is supplemented by **lack of information on where VSV may be guided**. Besides this, the specialists from the justice system reported a small number of services to which VSV may be guided in order to benefit from legal and social aid – centers for assistance to victims of domestic violence, centers for assistance and protection of trafficked persons.

There are also **gaps in the activity of forensic doctors**. *„I disagree with their behavior. I think that in my case, they*

should have been more caring, to encourage me a bit” (IIA_11_V). **The conditions of the forensic examinations must be improved**, as well as the attitude of the forensic doctors.

Even though the non-government organizations provide VSV a lawyer to help them for free to go through all the stages of the criminal case, the number of these cases is still low.

The burden of providing evidence is the responsibility of the victim. She must prove SV, submitting an endless number of reports from forensic, psychiatric and psychological examinations. The fact that the aggressor is not required to make a psychiatric-psychological evaluation is a discrimination. But the victim is obliged to do it, to prove she is not lying. If there is no other evidence except the statement of the VSV, the file is closed due to lack of evidence.

The psychiatric-psychological reports are developed by commissions acting within the Psychiatric Hospital from Chisinau and Psychiatric Hospital from Balti. When such examinations are required the duration of the case increases. *„VSV reported at the age of 18, but when such an examination is required, it may continue up to the age of 25, when the VSV is married, has children and is not willing to remember what happened anymore”* (IIA_8_S).

The psychological-psychiatric examinations cannot answer the questions related to the impact of the trauma, how it shall influence the continuous development of victim's personality. This situation creates difficulties in the evaluation of the moral damages. *„I cannot evaluate how many therapeutic sessions my client needs”* (IIA_8_S). The victim rarely gets compensation for moral and material damages. *„At the enforcement stage, we discover that the aggressor has absolutely nothing”* (IIA_8_S). Thus, the VSV only gets one more trauma caused by going through all the stages of the criminal case, and the aggressor doesn't compensate even the medical services.

Often, confrontations are used, when the victim is placed in front of the aggressor, even if she finds it hard to defend and talk about what happened, looking him into the eyes. Sometimes, the practice of confrontation is also used in case of children. Even if at the criminal investigation stage the police officer and the prosecutor manage to avoid the confrontation, people are called to court and they must tell about the abuse sometimes for 10 times (except children below the age of 14 who are interrogated in special conditions and the interview is recorded).

Some specialists reported different behavior of legal professionals from the gender perspective. *„The professionals we met were men; unfortunately, we identified prejudged attitude among women, including in the treatment of VSV”* (IIA_2_S).

The majority of VSV don't know which actions to take in order to charge the aggressor. It is important for the victim to be able to prove the SV in court. In this sense, VSV must be informed. *„First of all, they don't have to wash off the evidence of the sexual abuse or to take off the clothes in which they were abused. Secondly, they must go to the Forensic Examination Center, to make a forensic test, which would confirm, by a certificate, that the person was abused. And only later, VSV may go to the Police station to file a complaint, and submit the certificate of forensic examination. Then, the VSV has to go to a gynecologist to establish the severity of the sexual abuse and only afterwards she can go to the center and benefit from rehabilitation services”* (IIA_4_S).

Despite all these, in the Republic of Moldova **measures are taken to make the justice system friendlier**. There is some progress, but it refers to children victims of the offences (excluding children VSV who are already 14 years old). Important changes in the juvenile justice system occurred after the Republic of Moldova ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2012. Following the ratification of the Convention, several changes were made to the national legislation, including qualifications of new forms of abuse against children (Art. 175, 175'), and provisions for a specific treatment of children victims of the offences of any type, in order to avoid victimization or re-victimization. That is why, in case of children below the age of 14, the justice system became friendlier with the introduction of interview rooms and of the psychological evaluations, as stated by the majority of specialists who took part in the research. We report that the justice system must be friendly with any vulnerable witness and provide him/her with the necessary protection.

In the opinion of some specialists, **the legal system cannot be considered friendly even when it comes to children, as there are many gaps as follows:** (i) problems in identification of cases, (ii) the specialists are not prepared to be empathic in the relationship with a child *„if they don't have empathy, everything close”* (IIA_12_S); (iii) insufficient number of trainings for the majority of specialists – police officers, criminal investigation officers, prosecutors, judges, psychologists, social assistants.

Interviewing of VSV, who are over the age of 14 y.o., is Interview of VSV who are over the age of 14 is performed in the same manner as in case of victims of other offences – unlimited interviews at the police, at the prosecution, in courts; the presence of the victim in court in front of the aggressor and making statements, which intensifies the trauma experienced in the moment of the offence and initiates the trauma caused by going through the stages of the justice system.

There were situations when, being outside the court, the culprit and his lawyers dared to ask questions which made the child or adult VSV feel uncomfortable, they were intimidating the victim.

Specialists from the social services mentioned that cases were closed even when related to children. They spoke about manipulation on behalf of the aggressor, but also about the acts of corruption in the justice system. *„I disagree with many things that are done... I think our system is corrupted”* (IIA_9_S).

There are so many children VSV aggressed by own parents. Moreover, the sexual offence is identified after many years (see Box 7, Case study 7). Also, when victims were abused for many years, they get the Stockholm syndrome.³²

Case study. Sexual offences against children in the family

„I had a case when the stepfather constantly raped his stepdaughter from the age of 7-8. When the case was discovered the victim was 14. Besides, the aggressor also got in contact with the friend of the victim at the age of 9, and has started abusing her too. Moreover, the aggressor was video recording everything he was doing and selling videos of children abuse on the internet”.

³² The Stockholm syndrome is the development of a paradox emotional attachment in a relationship of interdependency between the captive and the capturer (victim – aggressor); it appears when someone threatens your life deliberately and doesn't kill you. The feeling of relieve, resulted from withdrawing the threat with death, generates intense feelings of gratitude and fear, which combined, make the victim hesitate in expressing the feeling of hate. The need of the victim to survive is stronger than the impulse to hate the one who hurts her. As a result, the victim tends to see the aggressor as a saviour.

The absence of the psychologist at the investigation stage of the SV case committed against a child or adult, who would explain the psychological techniques and methods used by the aggressor.

Also, it was assessed that the mass-media, often has a negative impact on the VSV – child or adult - because it discloses sensitive aspects related to her intimate life, and her confidentiality and anonymity are not protected anymore.

Non-governmental organizations that provide services to VSV currently have a significant role in providing them legal and social assistance, providing primary and qualified legal counselling in court, which reduces

the situations of cover-up, but also delays. *„When we provide a lawyer to the VSV, the specialists from the state structures feel monitored in their actions and have a more serious attitude”* (IIA_2_S).

In order to have a friendly justice system for children and adult VSV multiple actions are needed, including **changing the mentality of the population** (*„The mentality assuming that the victim is guilty for what happened to her must be changed”*) and removing the gaps reported in the justice system, to provide necessary services to the victim – medical and psychological assistance, a lawyer etc. Last but not least, justice must take into account the vulnerability of all victims. That is why, it is necessary to expand the provisions referring to children VSV and adult VSV.

SOCIAL PROTECTION PROVIDED TO VSV



4.1. General characteristics of the providers of services for VSV

The mapping of services for VSV covered 20 organizations which provide services to VDV, victims and potential victims of THB and domestic aggressors. From the perspective of their legal status 11 are public institutions, 8 are NGOs and 1 is a church social structure. According to the type of services 9 are placement centers, 6 are maternal centers, 3 provide services of psychological and legal assistance, but also advocacy, training and methodologi-

cal support, 1 institution provides services to aggressors, 1 institution provides legal services and advocacy. 15 of the analyzed organizations provide services to women and children, 4 – only to children and 1 – to aggressors. According to the geographic area of provision of services 13 organizations provide services at the national level, 3 – at the regional level, 3 – at district level and 1 – at municipal level.

Services are mostly focused in big cities (Chisinau and Balti) or district centers, and very rarely in the rural area (see *Table 1*).

TABLE 1 / THE PROFILE OF THE SERVICE PROVIDERS IN THE AREA OF DV

NO.	NAME OF THE ORGANISATION	LEGAL STATUS	TYPE OF INSTITUTION	LOCATION	GEOGRAPHIC AREA COVERED BY THE ORGANISATION ³³
1.	Maternal Centre "Ariadna"	Public institution	Maternal Centre	Drochia	National
2.	Maternal placement centre "Couples mother-child"	Public institution	Maternal Centre	Cornesti, Ungheni	District
3.	Maternal Centre "Pro Familia"	Public institution	Maternal Centre	Causeni	Region centre
4.	District Maternal Centre "Pro Femina"	Public institution	Maternal Centre	Hancesti	District
5.	Maternal Centre Cahul	Public institution	Maternal Centre	Cahul	District
6.	Maternal Centre „Alternativa"	Public institution	Maternal Centre	Balti	Region north
7.	Centre for the Assistance and Protection of victims and potential victims of human trafficking	Public institution	Shelter	Chisinau	National
8.	Centre for family crisis "Sotis"	Public institution	Shelter	Balti	Region north
9.	P.A. "Inceputul vietii" managing Centre „Casa Schimbarii"	NGO	Shelter	Chisinau	National
10.	Casa Marioarei	NGO	Shelter	Chisinau	National
11.	Social mission "Diaconia" managing Maternal Centre „In bratele mamei"	Church social structure	Shelter	Chisinau	National

³³ The geographic area covered by the organization at the beneficiaries' level.

NO.	NAME OF THE ORGANISATION	LEGAL STATUS	TYPE OF INSTITUTION	LOCATION	GEOGRAPHIC AREA COVERED BY THE ORGANISATION ¹⁴
12.	Social centre "Helmut Wolf"	NGO	Shelter	Hancesti, Ciuciuleni	National
13.	Women Law Centre	NGO	Advocacy	Chisinau	National
14.	International Centre for Women Rights Protection and Promotion "La Strada"	NGO	Advocacy	Chisinau	National
15.	Centre for assistance and conciliation for domestic aggressors	Public institution	Program for aggressors	Drochia	National
16.	NCPCA, Service of psychological assistance for the child and family AMICUL	NGO	Advocacy	Chisinau	National
17.	Centre for the placement and rehabilitation of children of a young age	Public institution	Shelter	Chisinau	National
18.	Centre for Childhood, Adolescence and Family	Public institution	Shelter	Chisinau	Municipal
19.	Centre for the Child Placement "Regina Pacis"	Private institution	Shelter	Chisinau	National
20.	P.A. „Promo-LEX"	NGO	Advocacy	Chisinau	National

Currently, the issue of SV is not a priority for the CPA, nor for the LPA. The actions undertaken in this area are based on the non-government sector's initiatives, but they are insufficient to provide adequate legal and social assistance for this category of victims. The lack of an efficient communication on this topic on the horizontal and vertical level among various state institutions (Ministry of Labor, Social Protection and Family, Ministry of Interior Affairs, General Prosecutor's Office, service providers etc.), leads to *„chaotic actions, from case to case"*, and not to actions which would help VSV in accessing the justice system and receiving necessary psychological, legal and medical assistance.

A constructive dialogue between the public and the non-governmental sector may contribute to the initiation of some services to support VSV. For this end more actions are needed from the representatives of both legal and social systems. *„Service providers must come and see how justice is made, while representatives of the legal system shall go and see how a VSV is assisted. Only this way it will be possible to contribute to the improvement and increased efficiency of the existing actions and to a good result for the victims"* (IIA_32_S).

Currently, there is a small number of providers who offer specialized services to VSV – the National Center for the Prevention of the Child Abuse (NCPCA), the

International Center „La Strada" (La Strada), the Center for the Assistance and Protection of Victims and Potential Victims of THB (CAP), Women's Law Center (WLC), P.A. „Promo-LEX". Usually these services refer to qualified legal assistance in courts, psychological counselling and provision of shelter for a short period of time (see Table 2).

Among the beneficiaries of maternal centers and the shelter „Casa Marioarei", several women who were subject to domestic violence also suffered from sexual abuse. Despite this fact, the mentioned centers do not differentiate the beneficiaries by the type of domestic violence, offering them the same services. This situation is explained by the fact that maternal centers were created to prevent child abandonment and, gradually, they also started providing services to women VDV. The centers give priority to young women with children who are in critical situations and don't have other shelter options. They provide a wide range of services to VDV (placement, psychological and social counselling, monitoring, and rarely legal counselling/assistance), and their activity also includes actions to prevent and control violence.

The same situation was identified in case of placement centers for children. They provide services for children from socially-vulnerable families, families in which there

is physical violence, neglect etc. During the last few years children VSV were also among the beneficiaries of these centers.

At the same time, some institutions reported an impressive number of beneficiaries, children or adult VSV, during the last 5 years (see Table 2)

TABLE 2 / THE DYNAMICS OF VSV IN THE ANALYSED INSTITUTIONS (YEARS 2010-2015), THE NUMBER OF CASES³⁴

	2010	2011	2012	2013	2014	2015 (January-August)
International Centre for Women Rights Protection and Promotion „La Strada” ³⁵	16	33	4	19	22	23
Women Law Centre	23	30	31	30	56	88
Centre for the Assistance and Protection a of victims and potential victims of human trafficking, Chisinau	75	55	70	84	68	- ³⁶
Maternal Centre „Ariadna”	-	-	-	-	11	-
P.A. „Inceputul vietii” managing the Centre „Casa Schimbarii”	14	11	13	10	16	6
Maternal Centre „Pro Familia”	3	7	7	4	4	2
Maternal Placement Centres for couples parent – child, Cornesti	2	2	2	-	1	1
Maternal Centre Cahul	-	-	-	-	-	1
Nongovernmental organization „Promo-LEX”		-	-	-	- ³⁷	3
Social mission „Diaconia”, Maternal Centre „In bratele mamei”	-	-	-	-	3	-
NCPCA, Service of psychological assistance for the child and family „AMICUL”	67	78	84	62	180	52
Center for Childhood, Adolescence and Family	9	4	4	-	1	1
Centre for the Child Placement „Regina Pacis”	-	-	-	-	2	3
Centre for the placement and rehabilitation of children of a young age	-	2	-	-	1	-

³⁴ Only institutions which mentioned or provided services to VVS are included into the analysis.

³⁵ The data refers only to adult VVS, and not to children VVS. During 2010-2014, 58 children victims-witnesses of sexual abuse/sexual exploitation were assisted, but the representatives of the organization couldn't differentiate the cases by years.

³⁶ No data could be provided on the number of assisted VVS, as it is not yet systemized based on these criteria.

³⁷ No data could be provided on the number of assisted VVS, as it is not yet systemized based on these criteria.

Specialized services are offered to children VSV by NCPA and La Strada, while WLC, CAP, La Strada, P.A. "Promo-LEX", and P.A. „Inceputul Vietii” provide services to adult VSV. It is important to mention that La Strada, CAP, WLC, Promo-Lex and NCPA are part of the National Coalition „Life without Domestic Violence” and implement multiple advocacy activities for the prevention and control of DV. Less known is P.A. „Inceputul vietii” which provides services for VDV, VSV on the whole territory of the Republic of Moldova, including in Tiraspol.

The International Organization for Migration in partnership with the CPA and LPA, civil society, including the International Center „La Strada” and the CAP contributed to the development of the National Reference System – a special normative framework for organizations to cooperate on protection and promotion of the rights of victims and potential victims of THB. Therefore, multidisciplinary teams (MDT) were created at community and district levels comprising specialists from various areas (community social assistants, doctors, police officers, didactic staff etc.), in order to assist and protect vulnerable persons. These teams were trained to identify and guide victims and potential victims of THB, including VDV, to existing services.

The legal specialists reported that the availability of highly specialized services provided to victims of THB is helpful not only for victims, but also for specialists who interact with them. *„If the victims are placed at the CAP, they are more accessible for criminal investigation”* (IIA_29_S). For this reason, the specialists are trying to provide services to as many victims of THB as possible. Nevertheless, they consider that the term of 30 days, which is given to the victim for placement at CAP is too short for rehabilitation, while at the community level, the services are almost missing. *„The social aspect in the regions is zero”* (IIA_30_S); *„Although there are specialized services for this category of victims, the specialists mentioned that the problem of re-victimization of persons persists at the community level”* (IIA_29_S).

In the case of other types of sexual offences, the problem is more complicated as *„in 99% of cases we have nothing to offer to VSV”* (IIA_30_S).

The research shows that in cases of emergency VSV are placed to centers providing services to VDV or to victims and potential victims of THB. Nevertheless, according to the international standards, the existing placement services for VDV are not sufficient and the capacity of the centers is small compared to the geographic area they cover.³⁸ From the qualitative aspect though, VSV need specialized services focused on their specific needs. The initiative of some institutions to provide services to this category of beneficiaries is welcomed. *„The intention is good since there are no specialized services and this way we can help those who need help at least somehow”* (IIA_35_S). Still, there is need for an adequate preparation and training of specialists and development of specialized services for VSV.

The schedule for providing services depends on the specifics of the center and on the category of beneficiaries (see Table 3). The placement centers, the Trust Line and the Child Helpline are available 24/24, 7 days a week, and other services are provided during the day (see Table 4). Non-governmental organizations provide services 5 days a week, from 8.00 to 17.00 or from 9.00 to 18.00.

The areas which require an increased attention in providing an adequate assistance to VSV are related to psychological counselling of VSV, primary legal assistance and qualified legal aid, medical services, placement etc. Since VSV do not get free qualified legal aid from the state. WLC, La Strada and CAP developed a mechanism for specialized legal aid for these persons. In cases when the mentioned institutions get involved or get requests from VSV who want to initiate a criminal case against the aggressor and cannot pay for the services of a lawyer, these organizations hire a lawyer who is representing victims during the criminal case.

³⁸ The Study for the analysis of services provided to women victims of domestic violence in the Republic of Moldova. – Foundation OAK, WAVE, Women’s Law Center. - Chisinau, 2014, p.15.

TABLE 3 / SCHEDULE FOR THE PROVISION OF SERVICES

NO.	NAME OF THE ORGANISATION	SERVICE PROVISION HOURS FOR VDV	SERVICE PROVISION HOURS FOR VSV
1.	Maternal Centre „Ariadna”	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime 8.00-17.00, Monday-Friday – other services	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime 8.00-17.00, Monday-Friday – other services
2.	Maternal placement centre „Couples mother-child”, Ungheni	24/24, 7 days a week, with access of beneficiaries in emergency regime	8.00-17.00, Monday- Friday
3.	Maternal Centre „Pro Familia”, Causeni	24/24, 7 days a week, with access of beneficiaries in emergency regime	8.00-17.00, Monday- Friday
4.	District Maternal Centre „Pro Femina”, Hincesti	24/24, 7 days a week, with access of beneficiaries in emergency regime	24/24, 7 days a week, with access of beneficiaries in emergency regime
5.	Maternal Centre Cahul	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime
6.	Maternal Centre „Alternativa”, Balti	24/24, 7 days a week, with access of beneficiaries in emergency regime from 8.00 – 17.00, Monday -Friday	-
7.	Centre for the Assistance and Protection of Victims and Potential victims of Human Trafficking	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime 8.00-17.00, Monday-Friday – other services	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime 8.00-17.00, Monday-Friday – other services
8.	Centre for family crisis „Sotis”, Balti	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime 8.00-17.00, Monday-Friday – other services	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime 8.00-17.00, Monday-Friday – other services
9.	P.A. „Inceputul vietii” managing Centre „Casa Schimbarii”	24/24, 7 days a week	24/24, 7 days a week
10.	Casa Marioarei	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime 8.00-17.00, Monday-Friday – other services	-
11.	Social mission „Diaconia” managing Maternal Centre „In bratele mamei”	24/24, 7 days a week – placement, with access of beneficiaries in emergency regime 9.00-17.00 – Monday-Friday	9.00-17.00 – Monday-Friday

NO.	NAME OF THE ORGANISATION	SERVICE PROVISION HOURS FOR VDV	SERVICE PROVISION HOURS FOR VSV
12.	Social centre „Helmut Wolf”	24/24, 7 days a week, with access of beneficiaries in emergency regime for 48 hours	-
13.	Women Law Centre	9.00-18.00, Monday-Friday	9.00-18.00, Monday-Friday
14.	International Centre for Women Rights Protection and Promotion „La Strada”	24/24, 7 days a week – Child Helpline 116 111, Helpline 0 8008 8008 8.00-20.00, Monday-Saturday – Hotline 0 800 7777 9.00-18.00, Monday-Friday – the specialists	24/24, 7 days a week – Child Helpline 116 111, Helpline 0 8008 8008 8.00-20.00, Monday-Saturday – Hotline 0 800 7777 9.00-18.00, Monday-Friday – the specialists
15.	NCPA, Service of psychological assistance for the child and family „AMICUL”	9.00-18.00, Monday-Friday	9.00-18.00, Monday-Friday
16.	Centre for the placement and rehabilitation of children of a young age	24/24, 7 days a week – placement, with access of beneficiaries from 9.00 – 17.00, Monday-Friday 8.00-17.00 – other services	24/24, 7 days a week – placement, with access of beneficiaries from 9.00 – 17.00, Monday-Friday
17.	Centre for Childhood, Adolescence and Family	24/24, 7 days a week – placement, with access of beneficiaries from 9.00 – 17.00, Monday-Friday 8.00-18.00 – other services	9.00-18.00 – services
18.	Centre for the Child Placement „Regina Pacis”	24/24, 7 days a week – placement, with access of beneficiaries from 9.00 – 17.00, Monday-Friday 8.00-17.00 – other services	24/24, 7 days a week – placement, with access of beneficiaries from 9.00 – 17.00, Monday-Friday
19.	P. A. “Promo-LEX”	9.00 – 18.00, Monday-Friday	9.00 – 18.00, Monday-Friday

The lack of institutions that would provide specialized services to VSV, obviously proves the lack of Minimum Quality Standards in this field. The activity of the institutions mentioned above is guided by the Minimum Quality Standards for the social services provided within Maternal centers, approved by the Decision of Moldovan Government no. 1019 of 02.09.2008 and Minimum Quality Standards for the social services provided to VDV, approved by the Decision of Moldovan Government no. 1200 of 23.10.2010. Nevertheless, several situations were identified within the research when the principles and standards of these institutions were violated by representatives of the law enforcement bodies. This is

caused by different factors – lack of trainings, availability of stereotypes etc. The impact of non-compliance with these principles, in the case of VSV, contributes to their re-victimization and difficulties in their re-integration into the community.

The lack of specialized services for VSV leads to discussions and public debates on the ways in which these services should be developed. *„These services could be developed in the same institutions which provide services to VDV, but there should be professionals specialized in working with this category of victims, technical details related to therapy, communication*

etc.” (IIA_35_S). The lack of standardized tools for diagnosis, the lack of differentiation of forms of abuse etc., impede qualitative and efficient assistance for VSV.

The majority of organizations which provide minimum services to VSV are placed in the central region of the Republic of Moldova. Then follows the North region, where there are several specialized centers for VDV, while in the South region only one maternal center is active. Also, it should be taken into account that the organizations that didn't indicate VSV as their beneficiaries, mostly provide services to VDV, who, in some cases, are also victims of SV.

Of those 20 organizations participating in the Study, 15 provide placement services (12 to adult VDV, including victims with children and 3 only to children). The

placement is one of the most popular services. *„Right now I am in such situation when I cannot go back, because I know that I have nothing left and I have no other place to go with 3 children. Currently 3 children stay with me and 1 stays with him... I have no certainty of tomorrow...”* (IIA_12_V). The beneficiaries of placement services are also provided with food, personal hygiene services etc.

The individual psychological counselling is a service provided by almost all organizations offering services to VDV. Medical assistance is provided, approximately, by half of the total number of analyzed institutions. In case of health problems, victims are guided to medical institutions. They may benefit of these services based on their Medical Insurance. The majority of them do not have an active insurance (except children who get mandatory insurance up to the age of 18).

TABLE 4 / TYPES OF PROVIDED SERVICES³⁹

NAME OF THE ORGANISATION	PLACEMENT	CONSULTATION OVER THE PHONE	CONSULTATION OVER THE PHONE 24/24	PSYCHOLOGICAL CONSULTATION	LEGAL CONSULTATION	QUALIFIED LEGAL AID	NON-FORMAL EDUCATION
Maternal Centre „Ariadna”	+	+	-	+	+	-	+
Maternal placement centre „Couples mother-child”	+	+	-	+	+	-	+
Maternal Centre „Pro Familia”	+	+	-	+	-	-	+
District Maternal Centre „Pro Femina”	+	+	-	+	-	-	+
Maternal Centre Cahul	+	+	-	+	-	-	+
Maternal Centre „Alternativa”	+	+	-	+	+	-	-
Centre for the Assistance and Protection of Victims and Potential Victims of Human Trafficking	+	+	-	+	+	+	+
Centre for family crisis „Sotis”	+	+	-	+	-	-	+
P.A. „Inceputul vietii” managing Centre „Casa Schimbarii”	+	-	-	+	+	+	+
Casa Marioarei	+	+	-	+	+	+	+
Social mission „Diaconia” managing Maternal Centre „In bratele mamei”	+	+	-	+	+	-	-
Social centre „Helmut Wolf”	+	+	-	+	-	-	+

³⁹ „+” means the presence of this type of service, while „-” means its absence.

NAME OF THE ORGANISATION	PLACEMENT	CONSULTATION OVER THE PHONE	CONSULTATION OVER THE PHONE 24/24	PSYCHOLOGICAL CONSULTATION	LEGAL CONSULTATION	QUALIFIED LEGAL AID	NON-FORMAL EDUCATION
Women Law Centre	-	+	-	+	+	+	-
International Centre for Women Rights Protection and Promotion „La Strada”	-	+	+	+	+	+	-
NCPCA, Service of psychological assistance for the child and family „AMICUL”	-	-	-	+	+	+	-
Centre for the placement and rehabilitation of children of a young age	+	+	-	+	+	-	+
Centre for Childhood, Adolescence and Family	+	-	-	+	-	-	+
Centre for the Child Placement „Regina Pacis”	+	-	-	+	+	-	+
P.A. “Promo-LEX”	-	-	-	-	+	+	-

Primary legal assistance is a service requested by VSV, but this service is not provided by the majority of institutions, due to the lack of a lawyer among their staff. Some non-government organizations (La Strada, WLC) and also public institutions (CAP)⁴⁰ provide primary legal assistance and qualified legal aid to victims of THB and VSV.

Counselling over the phone or face to face is available upon request, especially for women who previously were beneficiaries of the Center, and afterwards seek help to solve a certain problem.

Other services that can be delivered to VSV in some institutions are: non-formal education, services for the integration of victims into the community, activities of monitoring/post-evaluation.

The beneficiaries of CAP with no job or education, also have the possibility to learn a profession. For this purpose, they are guided to the P.A. „Insula Sperantelor”, in order to learn the profession of hairdresser, cook, chef etc. Also, the Center organizes trainings to facilitate their integration into the society, developing their basic economic skills, in order to enable their further integration into the labor market.

The services of non-formal education aim at facilitating the access of VSV to the labor market and help them start a new life. *„It is hard for me to find a job because I stayed*

home for 12 years, I gave birth and I raised 4 children and I didn't work anywhere” (IIA_12_V).

The majority of institutions indicated that they also implement awareness raising activities in the communities, but, with small exceptions, these refer to DV, and not to SV.

The institutions providing services to VDV work with each other in a network, being part of the National Coalition „Life without Domestic Violence”. The institutions providing services to children VSV are part of the Alliance of NGOs working for Social Protection of the Child and Family. The institutions collaborate with each other, and guide victims to services of other partners.

Some organizations created specific services to answer the needs of beneficiaries. Thus, NCPCA – the only center specialized in children victims of abuse - develops psychological evaluation reports, and provides specialized legal assistance, as well as social support; La Strada develops psychological evaluation reports, facilitates interviewing children victims/witnesses and interviewing children in friendly conditions in interrogation rooms; the Center for Childhood, Adolescence and Family provides support to families of victims; while CAP and Maternal centers provide support in issuing identity documents, in cases when beneficiaries don't have their personal documents or documents for children.

⁴⁰ These services are paid by the IOM.

The organizations mentioned above provide support to VDV and VSV in the crisis period, which usually does not exceed 1-3 months, and do not provide services of long-term rehabilitation. After the crisis period the victim faces her needs, traumas and problems by herself.

The beneficiaries of the mentioned institutions are almost always women and children. Very seldom these services are also provided to men. Only the CAP provides placement for men victims of human trafficking.

Currently, in the Republic of Moldova there is only one institution providing services for domestic aggressors – the Center for Domestic Aggressors. The aggressors may benefit from services (i) upon personal request, when they realize they are aggressive and must change their behavior; (ii) following the guidance of the community social assistant or of the local police officer; (iii) obliged by the court, through the PO.

The social reality shows that, in the first two situations the aggressors show up at 2-3 sessions, after which they give up, while in the third they fully benefit from the services, because they are obliged by the court. The rehabilitation program (Duluth) lasts from 3 to 6 months, depending on the level of aggressiveness. In 2014, 75 aggressors were counselled.

The majority of the organizations showed their intention to broaden the range of services in future. The institutions which currently don't provide legal advice are willing to offer this service. Also, these organizations wish to provide medical services. The barriers in the development of services are: lack of financial resources and lack of space and professionals.

In the opinion of the majority of social and legal specialists who participated in the research, the specialization of services is required, by increasing the number of specialists and training them in working with VSV. A team consisting of a few people cannot provide quality services to single mothers, vulnerable families, VDV and VSV. In the opinion of several prosecutors *„the specialists responsible for assisting various categories of beneficiaries must understand that this is a serious problem”* (IIA_32_S).

The difficulties faced by the organizations in providing services are: lack of financial resources, fluctuation of staff due to low salaries, difficulties in communication/ interaction (self-confidence) of the VSV.

Some managers mentioned that the lack of a methodology for working with VSV, but also the lack of specialists trained in working with children and adult VSV, reduce the quality of the provided services. The centers should have trained specialists for each category of beneficiaries. The lack of specialized services is one of the reasons that *„thousands of VSV keep suffering and don't share their problems”* (IIA_35_S).

4.2. The profile of the providers of services to VSV

P.A. International Center for Women's Rights Protection and Promotion "La Strada" (municipality of Chisinau)

"La Strada" was founded in 2001 and provides various services for the protection of victims:

- **Trust Line (080088008)** is accessible 24/24, 7 days a week and provides psychological counselling, legal assistance, information on the system for the assistance and protection of persons affected by domestic violence. During 2010-2015, 4274 cases of domestic violence were registered through the Trust Line. These were adult victims who suffered from multiple forms of violence, including sexual offences. At the same time, 171 VDV including victims of sexual violence were identified through the Trust Line. In 2014, by means of the Trust Line specialists counselled 2634 persons, of which 1338 were victims of DV, 894 needed legal counselling, while 78 victims benefited from legal assistance.
- **Child Helpline (116111)** is another service, accessible 24/24, 7 days a week. The goal of this service is to provide psycho-emotional support to children at risk, information on the system protecting children's rights and reporting on cases of negligence, abuse, children trafficking and exploitation to the competent authorities. Since June 2014 until October 2015, 8 cases of SV against children were identified through the Child Helpline, of which 2 cases of SV among peers. It should be mentioned that more cases are reported at the Child Helpline by specialists who call for counselling.
- **Hotline (0 80077777)** is active from Monday to Saturday, between 8.00 – 20.00 and provides counselling to migrants on their rights and obligations, risks of the illegal migration and the danger of THB, ways of prevention and protection, facilitation of access of victims to specialized assistance and protection, counselling of specialists on the new trends and methods of prevention and assistance. In 2014, 10605 calls were registered and 92 potential cases of THB were identified through the Hotline.

There are 3 phone lines in the organization, operated by 15 counsellors, a psychologist and two lawyers who provide various direct services to beneficiaries. The counsellors have psychological or social education, were trained accordingly and work in shifts, while the other specialists work from 9.00 to 18.00, from Monday to Friday.

During 2010-2014, 58 children, victims-witnesses of abuse/sexual exploitation were assisted at the Center. Among them, 2/3 were girls, and 1/3 were boys. The age

of children varied between 6-18 for girls and 7-17 for boys; the average age was 14 for both girls and boys. Speaking of the environment of provenience and the gender of the beneficiaries, 46% of girls came from the rural area, while 54% came from the urban area; the trend was similar also in case of boys: 38% of boys came from the rural areas, while 62% came from the urban area. In total, of all the children assisted by the International Center „La Strada” in the mentioned period, 43% came from the rural areas and 57% came from the urban area⁴¹.

“La Strada” also prepares children for court hearings, helping them to manage the stress from the participation in the criminal process, and facilitates children interviewing. *„I formulate questions in a way that minimum intervention would be required, so that the child would be able to remember and tell the experience of abuse”* (IIA_24_S). Afterwards children are guided to the existing services for rehabilitation. Also, the International Center „La Strada” conducts studies on commercial sexual exploitation of children, including in the on-line environment.

The services provided by the organization are: counselling through the Trust Line and Child Helpline, legal counselling, primary legal assistance, qualified legal aid (representation of the victim in court). Also, La Strada implements monitoring activities, awareness campaigns, educational activities for youth on friendly relationships, training of specialists, as well as working with other organizations within the National Coalition „Life without violence”. It should be mentioned that these services are provided for VDV, as well as for VSV.

During many years La Strada organized several awareness campaigns on prevention and combating THB and promotion of safe migration (see also www.migratiesigura.md), and was actively involved in training of and raising awareness among specialists on the issues of DV, including SV.

“La Strada” has 25 volunteers, of which 18 are active. Mostly, the persons who volunteer within the Center are social sciences and law students. During the study year 2014-2015, the topics for trainings of volunteers focused on: prevention of THB and promotion of safe migration; promotion of friendly relationships in a couple; prevention of the commercial exploitation of children and promotion of a safer internet for children.

The sources for the financing of the organization are: (i) grants from international organizations or foundations up

to 74%; (ii) self-financing, through services provided to international organizations – 19%); public financing from the CPA (state budget) equal to 7%.

P.A. Women’s Law Center (municipality of Chisinau)

The Center operates since 2009. The working hours of the organization are from 9.00 to 18-00, from Monday to Friday. The staff of the organization consists of a part-time psychologist, 2 full-time lawyers and one program coordinator on legal issues.

WLC is a resource center in the legal area and implements several projects for reducing domestic violence, focusing on training of legal specialists. Also, it provides primary and qualified legal assistance to VDV. In the last few years, WLC became notable also for its studies focused on the analysis of services provided to VDV, editing of the Legal Orientation Guidelines in case of Domestic Violence etc.

In 2014 WLC provided services to 100 victims of DV, of which: (i) 3 cases involving children up to 14; (ii) 2 cases involving children aged between 14 - 16; (iii) 3 cases involving children aged between 16 - 18; (iv) 90 cases involving women over 18 and (v) 2 cases involving men, victims of the child aggression.

Also in this period, 56 victims of SV were assisted, of which in 50 cases sexual violence happened in the family, while in 6 cases it occurred outside the family (rape). Of these, in 3 cases victims were children aged between 14 - 16; in 5 cases victims were children aged between 16 and 18; in 48 cases victims were women aged over 18. In 2015, till June, 88 VSV addressed WLC.

The organization provides the following services: counselling over the phone, counselling face to face, psychotherapy, individual psychological counselling, legal counselling, primary legal assistance, qualified legal aid (representation of the victim in court) and services of re-integration of victims into the family/community. WLC also conducts monitoring/post-evaluation, awareness raising activities and works with other organizations providing services to victims of violence. The services listed above refer to both VDV and VSV.

The financing of the organization is provided exclusively by international donors; there is no budget line for services addressed to VSV

⁴¹ Children, victims-witnesses of abuse/sexual exploitation: between needs and realities. From the perspective of cases of children, victims of abuse/sexual exploitation, assisted by the specialists of the International Center „La Strada”, Chisinau, 2012.

The Center for the Assistance and Protection of victims and potential victims of human trafficking (CAP, municipality of Chisinau)

The Center was opened in 2001 with the support of the International Organization for Migration (IOM) which, since 2001 started providing assistance to victims of THB. The analysis of the statistics related to persons assisted during 2001-2015 shows that 93% of victims of THB were also victims of DV. *„Women try to escape, break the circle of domestic violence and get into the networks for THB”* (IIA_12_S).

The Center operates 24/24, 7 days a week, while the working hours for the provision on services, except housing, is from 8.00 to 17.00, from Monday to Friday. The staff of the organization consists of 2 full time psychologists, 6 social assistants – of which 3 work during the day and 3 work in the night shift, 2 lawyers, 1 part-time doctor and 1 medical assistant.

In 2014, the Center provided services to an average number of 128 VDV. Also in this year, CAP assisted 68 victims of SV, of which: (i) 13 cases involving children below the age of 14, 5 cases involving children aged between 14 and 16, (iii) 43 cases involving children aged between 16 and, (iv) 7 cases involving women aged over 18.

Children VSV are assisted in this particular center since there's no other specialized center providing services for children in this area⁴². *„Many children deprived of parental care end up here, including children repatriated from abroad, and the majority of them are also victims of sexual exploitation”* (IIA_12_S).

The Center provides a wide range of services for victims of THB, VDV, as well as for VSV. Specifically, the Center provides short-term assistance (maximum 30 days) during the crisis period, and only in exceptional cases extension of terms of stay is allowed. The services provided by the Center are: housing/placement, counselling over the phone, counselling face to face, psychotherapy, individual psychological counselling, group psychological counselling, legal counselling, primary legal assistance, qualified legal aid (representation of the victim in court), medical assistance, economic empowerment, non-formal education, services of re-integration of victims into the family/community, personal hygiene, access to labor market, access to financial assistance, informational support to find a place to live, activities of monitoring/post-evaluation, awareness raising activities, support in issuing identity documents, as well as networking with other organizations providing services to victims of violence.

The financial resources for services from the state budget are limited. To provide better quality services and to

answer the needs of beneficiaries, CAP benefits from the support of the IOM. *„The state pays for commodities – water, electricity, heat and food. The money for food received from the state is equal to 36 MDL for 4 meals per day. If IOM didn't provide another 100 MDL a day for food, we wouldn't be able to feed the people”* (IIA_12_S).

The medical assistance to the beneficiaries of CAP depends on whether they have a medical insurance policy. If they don't, adult VSV may only receive emergency assistance of the gynecologist or general physician (family doctor). At the same time, victims also need tests, treatment, examination of the neurologist, psychiatrist etc.

To provide legal assistance, CAP uses the services of 2 lawyers specialized in issues of DV and SV who are paid by the IOM. Currently, there are few lawyers who could provide such services.

As for the psychological assistance provided within the Center, the specialists use various psycho-social techniques and activities aiming at rehabilitating the victims, as well as individual and group psychological counselling and leisure activities.

At the moment of data collection only 1 volunteer was working at the Center. The volunteers of this center are usually psychologists or psycho-pedagogues, who get training on confidentiality and specifics of the organization. It should be mentioned that, during the year, groups of international volunteers also come to the center for short periods of time. They are trained and organize various activities with the beneficiaries of the Center.

As an institution which provides public services, subordinated to the MMSPF, the organization receives a part of financing from the state budget, but also has private financing from international organizations, based on the implemented projects. The CAP doesn't have a separate budget line for VSV.

Maternal Center „Ariadna” (Drochia)

The Center is active since 2006 and works 24/24, 7 days a week. The staff of the institution consists of 1 psychologist, 1 psycho-educator, 2 social assistants, 1 lawyer and 1 social educator, all employed full time. The majority of specialists work from Monday to Friday, between 8.00-17.00.

In 2014, the specialists provided services to an average number of 341 persons, including assistance to outpatients in the regions and placement. 56 adult VDV and their children – 32 girls and 42 boys were assisted at the Center. The institution doesn't keep

⁴² In 2016 a specialized division for sexually abused children will be opened within CAP premises.

separate records for VSV, but, analyzing the results of psychological counselling for beneficiaries it was found that approximately 20% of the total number of VDV in 2014, were also victims of VSV.

The organization provides the following services: housing/ placement, counselling over the phone, counselling face to face, psychotherapy, individual psychological counselling, group psychological counselling, legal advice, primary legal assistance, economic empowerment, non-formal education, services of re-integration of victims into the family/community, personal hygiene, access to the labor market, access to financial assistance, informational support to find a place to live, activities for monitoring/post-evaluation, awareness raising activities, networking with other organizations providing services to victims of violence. The Center doesn't have a hotline, doesn't provide qualified legal aid or medical assistance, but, in case of an emergency, it collaborates with other institutions which may provide these services for the beneficiaries of the Center.

There is only 1 volunteer working in the organization, who was trained on the specifics of the Center's activity and specifics of working with the beneficiaries.

The Maternal Center „Ariadna” is an institution providing public services and receives 60% of financing from the local budget. The budget of the institution doesn't have a separate line for VSV.

Public Association „Inceputul vietii” (municipality of Chisinau)

Started its activity in 2006. In 2009 they opened the **Center „Casa Schimbarii”**.

The Center is open 24/24, 7 days a week. The majority of specialists work during the day; nevertheless, some of them work in night shifts to be able to ensure the continuity of services. The staff of the Center consists of 2 psychologists, 4 social assistants, 1 lawyer and 1 psycho-educator employed full time. After an analysis of the problems faced by the beneficiaries of the Center, the specialists concluded that it is necessary to hire a psychiatrist. Since the beginning of 2015, a psychiatrist is part of the team in the organization.

In 2014, 7 VDV and 16 VSV were placed at the Center, of which: (i) 1 case involved a child below the age of 14; (ii) 1 case involved a child aged between 14 and 16; (iii) 8 cases involved children aged between 16 and 18; and (iv) 6 cases involved women aged over 18. In the first half of 2015, 6 VSV were assisted at the Center.

The Center provides services of housing/ placement, counselling face to face, psychotherapy, individual psychological counselling, group psychological counselling, legal advice, primary legal assistance, qualified legal aid, medical assistance, economic empowerment, non-formal education, services of

re-integration of victims into the family/community, personal hygiene, access to the labor market, access to financial assistance, informational support to find a place to live, activities of monitoring/post-evaluation, awareness raising activities and networking with other organizations providing services to victims of violence. It should be mentioned that during 1 year after leaving the Center, the beneficiaries are monitored and materially supported with social packs; 4 times a year meetings with the beneficiaries of the Center are organized; once a year the children of all the beneficiaries are invited to the summer camp.

There are 4-6 female volunteers working at the Center; they are social science students and ex-beneficiaries. The topics of trainings for volunteers during 2014-2015 focused on: personal relationships, conflict resolution/ management, budget planning, time planning.

As a non-governmental organization providing services the Center is financed exclusively from private sources (international organizations, donors) and doesn't have a separate budget line for VSV.

Maternal Centre „Pro Familia” (Causeni)

The Center is active since 2009 and works 24/24, 7 days a week. The specialists provide services between 8.00-17.00, from Monday to Friday, while on Saturday and Sunday and on public holidays social assistants work in shifts. The staff of the organization consists of: 1 psychologist, 5 social assistants, 1 medical assistant and 1 psycho-educator full time.

In 2014 the Center provided services to 45 VDV and to 4 VSV, among which: 2 cases involving children aged between 14 and 16, and 2 cases involving women over the age of 18. Starting January 2015, 2 VSV were assisted.

The Center provides the following services: housing/ placement, counselling on the phone, counselling face to face, psychotherapy, individual psychological counselling, group psychological counselling, legal advice, medical assistance, economic empowerment, non-formal education, services for the re-integration in the family/ community, personal hygiene, access to the labor market, access to financial assistance, informational support to find a place to live, activities of monitoring/post-evaluation, awareness raising activities and networking with other organizations providing services to victims of violence. All these services are for VDV, as well as for VSV, and are provided during short-term interventions, as well as during long-term interventions. The Center doesn't provide primary and qualified legal assistance.

At the moment of data collection 9 volunteers were working at the Center – students in the last years of university, high school students and pensioners. The topics of the trainings provided to volunteers during 2014-2015 included the specifics of the Center and the

services it provides, the rights and obligations of the volunteer, domestic violence, human trafficking, principles of working with victims of violence, couples mother-child, principle of confidentiality etc.

The financing of the organization is covered at a rate of 75% from the local budget and 25% from international organizations. The share from the annual budget of the institution for services addressed to VSV in 2014 was approximately 17%. Although the Center doesn't have a separate budget line for VSV, this is one of the few institutions which could delimitate a share from the annual budget for services provided to VSV.

Maternal Center (Cahul)

The Center was founded in 2007 and is open daily between 8.00-17.00, services being provided 24/24, 7 days a week. The staff of the Center includes: 1 psychologist, 1 educator, 4 social assistants, of which 3 work in night shifts and 1 medical assistant works part time.

In 2014, the Center provided services to 5 women and 6 children who suffered as a result of DV. In the first half of 2015, the Center registered and provided assistance to the first case of sexual abuse.

The Center provides the following services: housing/ placement, counselling on the phone, counselling face to face, psychotherapy, individual psychological counselling, group psychological counselling, medical assistance, non-formal education, services for the re-integration in the family/community, personal hygiene, access to the labor market, access to financial assistance, informational support to find a place to live, activities of monitoring/ post-evaluation, awareness raising activities, networking with other organizations providing services to victims of violence. All these services are provided during short-term interventions, as well as long-term interventions and refer to both VDV and VSV.

The Maternal Center is a state institution providing public services and is financed exclusively from the local budget. Today, the organization doesn't have a budget line dedicated to services for VSV.

Maternal Placement Center for the parent-child couples (Cornesti, Ungheni)

The Center was found in 2007. The schedule of the specialists providing services is between 8.00-17.00, from Monday to Friday, while the Center operates 24/27, 7 days a week. The staff of the organization consists of: 4 social assistants employed full time, 1 psychologist and 1 lawyer employed part time.

In 2014, the Center provided assistance to 7 VDV. Of these, in 2 cases SV was also identified (1 case involving a child aged between 14-16 and the second case involving

a child aged between 16-18). In the first half of 2015, one more case of SV was registered.

Services provided by the Center are: housing/ placement, counselling on the phone, counselling face to face, psychotherapy, individual psychological counselling, group psychological counselling, legal advice, primary legal assistance, qualified legal aid, economic empowerment, non-formal education, services for the re-integration in the family/community, personal hygiene, access to the labor market, access to financial assistance, activities of monitoring/post-evaluation, awareness raising activities and networking with other organizations providing services to victims of violence. All these services target both VDV and VSV. Services are provided during short-term interventions, as well as long-term intervention. The Center doesn't have volunteers.

Being a state institution which provides public services, the Center is financed on the local level by the District Council Ungheni, with a share of 100%. The institution doesn't have a separate budget line for VSV.

National Center for the Prevention of Child Abuse (Chisinau)

The Center is active since 1997. The Service for psychological assistance to the child and family AMICUL of the National Center for the Prevention of Child Abuse (NCPA) operates based on the Memorandum no. 61/01-706 of 23.08.2007, signed by NCPA and the Municipal Division for the Protection of the Rights of the Child Chisinau (MDPRC); the Decision no. 5/7 of 25.03.2008 of the Municipal Council of Chisinau; regulations on common intervention in cases of abuse, negligence and exploitation of children approved by MDPRC in the Order no. 2 of 04.01.2012.

The working schedule of the Center is from Monday to Friday, between 9.00-18.00. The staff of the organization consists of 4 psychologists, 3 social assistants, 1 lawyer and 1 specialist in protection of the rights of the child.

The target group of the Center are children aged between 0-18, especially children who were abused. This Center has records of all children abused for several years. In 2014, the Center assisted 180 children-victims of sexual violence, of which 74 were aged between 11-14, and 22 were aged between 16-18. There are no records for other age categories. We have to mention that in 2014, approximately 60% of beneficiaries reported 2 or more incidents of SV.

During 2010-2015, the Center provided assistance to 419 sexually abused children. During the first 6 months of 2015, 52 new cases were registered.

NCPA provides specialized psychological services for children VSV, and during the last few years organizes in partnership with other institutions informational

campaigns to prevent sexual abuse of children (in 2010 - the informational campaign „Indecent touching”, in 2015 - the campaign „You can't touch here”, for children of pre-school age), trainings for specialists from justice and social systems, including actions of advocacy for the development of a child-friendly justice system. NCPA also organized an Online Resource Center for children and professionals, and placed informational materials there. Also, NCPA developed the *Instructions on the cross-sector mechanism for the cooperation, assistance and monitoring of children victims and potential victims of the abuse, negligence, exploitation and trafficking*⁴³.

The Center provides its services mostly during the crisis period, as short term-intervention, i.e.: face to face counselling, psychotherapy, individual psychological counseling, legal advice, primary legal assistance, qualified legal aid, services for the re-integration into the family/community, activities of monitoring/post-evaluation, awareness raising activities, networking with other organizations providing services to victims of violence, support in legal proceedings, development of the psychological evaluation reports and social support.

Being a non-government organization which provides services, 96.5% of the financing comes from international organizations and donors; 3% are covered from the local budget and 0.5% come from donations of business actors. NCPA doesn't have a separate budget line for VSV, but it is shared from the annual budget of the institution for services addressed to VSV which represent approximately 15% in 2014.

Center for Childhood, Adolescence and Family (municipality of Chisinau)

The Center was founded in 2004. The working schedule for providing services is from Monday to Friday, between 9.00 - 18.00, while the Center generally operates 24/24, 7 days a week. The staff of the institution includes: 1 psychologist, 4 educators, 1 social assistant, 4 group leaders and 1 medical assistant.

In average 5 children VDV benefited from the Center's services in 2014, of which 1 child aged below 14 was VSV. In 2015, 1 new case of SV was registered.

The services provided by the institution are: housing/ placement, individual psychological counseling, group psychological counseling, medical assistance, non-formal education, services for the re-integration into the family/community, personal hygiene, activities of monitoring/post-evaluation, awareness raising activities, support for the family of the victim and networking with other organizations providing services to children victims of violence.

⁴³ Decision of the Government no. 270, of 08.04.2014, on the approval of the Instructions on the cross-sector cooperation mechanism for the identification, evaluation, reference, assistance and monitoring of children victims and potential victims of violence, negligence, exploitation and trafficking.

There are 3 volunteers working in the Center. They are students in the last years of university. The topics of trainings provided to volunteers focused on communication with VDV and compliance with the confidentiality principle.

The financing of the organization is 100% covered by the municipal budget and occasionally, based on projects which the Center applies to, the financing comes from international donors. The Center doesn't have a separate budget line for services addressed to VSV.

Center for Child Placement „Regina Pacis” (municipality of Chisinau)

The Center was funded in 2006. The institution is accredited by the National Council for the Accreditation of the Social Service Providers, within the Ministry of Labor, Social Protection and Family of the Republic of Moldova, based on the Law no. 129 of 08.06.2012, and the Decision of the Government of the Republic of Moldova no. 95 of 07.02.2014.

The organization provides housing 24/24, 7 days a week. The specialists provide services during the day, from Monday to Friday. The staff of the Center consists of: 1 manager working full time, 1 psychologist hired part time, 3 social educators working full time in shifts, 1 social assistant working full time, 1 doctor working 16 hours a month, 1 specialist in wood processing, working 36 hours a month, and a speech therapist coming upon request.

In 2014, the organization provided assistance to 20 children victims of VDV and to 2 children VSV aged between 16 and 18. During the first 6 months of 2015, the Center assisted 3 children VSV.

The services provided within the Center are: housing/ placement, face to face counseling, psychotherapy, individual psychological counseling, group psychological counseling, legal advice, primary legal assistance, medical assistance, economic empowerment, non-formal education, services for the re-integration into the family/community, personal hygiene, activities of monitoring/post-evaluation, awareness raising activities and networking with other organizations providing services to victims of violence. All these services are for children VDV and VSV. They are provided within short-term intervention, as well as long-term intervention.

There are 10 volunteers working in the organization. The topics of the trainings provided to volunteers during 2014-2015 focused on the obligations and responsibilities of volunteers, the legislation of the Republic of Moldova, the specifics of the child development and the principle of confidentiality.

As a private institution providing services, the financing comes from international organizations covering 100%.

The budget of the institution doesn't include a separate budget line for services addressed to VSV.

Center for the placement and rehabilitation of children of young age (municipality of Chisinau)

The Center started its activity in 2002. The working hours for services provided by the specialists of the Center are from Monday to Friday, between 8.00 - 17.00. The Center operates 24/24, 7 days a week. Within the residential division of the institution the staff consists of: 4 psychologists, 13 didactic staff, 7 social assistants and 17 doctors, all full-time employees.

In 2011, the Center provided services to 2 children under the age of 7, victims of sexual abuse, while in 2014, one more case of this type was registered.

The services provided within the Center are: placement, counseling over the phone for parents/relatives, face to face counseling, psychotherapy, individual psychological counseling, legal advice, primary legal assistance, medical assistance, personal hygiene, awareness raising activities. The majority of the described services are accessible to children below the age of 7, in the case of both short-term and long-term interventions, including for children-victims of the sexual abuse.

In summer time, the Center hosts volunteers, who are students in the last years of high school or university and elderly people. The topics of the trainings provided to volunteers focused on the specifics of the institution, the profile of the beneficiaries and the techniques of working with children.

The institution is financed 100% from the budget of the municipality of Chisinau. Until today there was no line in the budget dedicated to services provided to children VSV.

Social mission „Diaconia” (municipality of Chisinau)

Started its activity in 2001. Among the programs implemented by the Social mission „Diaconia” there is also support to the Maternal Center „In bratele mamei”, opened in 2010. The specialists work at the center from Monday to Friday, between 9.00 - 17.00, while the working hours of the institution are 24/24, 7 days a week. There is one psychologist, two social assistants, one lawyer hired part time and three social educators working in shifts at the center.

In 2014, the Maternal Center hosted 3 VSV, all children aged under 14.

The Center provides the following services for the mother-child couples VDV or VSV: housing/placement,

counselling on the phone, counselling face to face, individual psychological counselling, legal advice, primary legal assistance, services for the re-integration into the family/community, personal hygiene, access to the labor market, access to financial assistance, informational support to find a place to live, activities of monitoring/post-evaluation and networking with other organizations providing services for victims of violence.

The Maternal Center is financed 100% by the international organizations and donors, and doesn't have a special share from the budget, dedicated to services for VSV.

4.3. Specialists employed to provide services

The number of specialists involved into the provision of services varies depending on the type of institution, its capacity and specifics. In average, the organizations which provide placement have about 10 employees, while in the maternal centers the number of specialists varies between 6-8 persons. In the majority of institutions, the main specialists in staff are: psychologists, social assistants, educators or social educators (in case of children), medical assistants (in some institutions working full time, in others part time) and a lawyer (in some institutions as a main specialist or cumulating jobs, in other institutions the lawyer is not available).

Among non-governmental organizations which also implement activities of advocacy, the biggest number of staff is employed by La Strada, due to the services of the Trust Line, Hot Line and Child Helpline, that provide counseling over the phone 24/24, 7 days a week. The biggest number of lawyers is employed by P.A. „Promo-LEX” and WLC. In the greatest part, the Centers already have a well formed and coagulated team, during many years of work.

Nevertheless, some institutions reported that they found it difficult to identify specialists for the position of psychologist, lawyer or social assistant. Sometimes they even were obliged to announce a repeated competition to find the suitable person, especially for the positions which also include night shifts (for example, social assistants who work in shifts).

Working with VSV implies the need to train specialists on issues related to SV. The employees from the social and medical sector and the specialists from legal institutions participated in training sessions focusing on work with VSV. Nevertheless, the majority of the psychologists provide general counselling, without taking into account certain specific peculiarities of VSV.

The managers of the mentioned institutions understand the need for continuous development of employees. Although the employees do not attend any trainings outside the institution, they organize internal seminars, especially for the new specialists.

Most frequently, the NGOs practicing advocacy organize training courses on various topics, to which they invite one or two specialists from each center providing services to VDV, and these specialists have the role to share the information within the institution they work at. The highest number of specialists attended seminars focused on domestic violence, which also included a module on SV. For example, the NCPCA trained the employees in the area of identification, guidance and working with the multidisciplinary team, interviewing children VSV, as well as working with the post-traumatic syndrome.

The research shows that, during the last year, the majority of specialists from the mentioned institutions attended various trainings, seminars and training courses on topics directly related to the activity they implement.

Along with the modifications in the legislation regarding child interrogation, it was decided to involve the psychologists to provide psycho-emotional support to the VSV, to facilitate the interrogation process and prevent the re-victimization of VSV. There is an increased tendency in developing reports on the psychological evaluation of the victim, which are requested at the criminal investigation stage and which include a more detailed description of the emotional stages of victims, their condition at the moment and the possible consequences which may appear in the future. 16 specialists from 10 organizations developed psychological evaluation reports of children or adult VSV for the law enforcement representatives and prosecutors. Some of them also participated in court hearings to answer questions mostly addressed by the lawyers of the offenders. The NCPCA and La Strada have the highest number of specialists who prepared psychological evaluation reports for the legal system. These reports also provide methodological assistance for other organizations, making it possible for this service to be accessible all over the country.

The lawyers employed by 5 of those 20 institutions participated in court trials on cases of violence, providing qualified legal aid. Provision of services of a lawyer for VSV by the non-government sector within a criminal case, ensures the protection of victims, in accordance with the current legislation.

4.4. Access to existing social services and their quality

VSV are not aware where to seek help. In crisis situations some of them remember about the ads from the TV or internet and address to those institutions.

There is a direct correlation between the age of the victim and the way of accessing the existing services. The peculiarity of juvenile victims is that they don't perceive the delicacy of their situation, and even if some of them understand that what happened to them is not good, they often hesitate to seek help or don't know where to go.

Thus, children get help from specialists when parents or other adult persons close to the child take action, or when the community social assistant visits them at home and notices deviations in their behavior or lack of a healthy environment to raise and educate children. *„Father was drinking and beating mother, I was pregnant and he was beating me too. Then Mrs. Lilia came (the community social assistant) and brought me here. Here I wasn't nervous anymore, nobody made me feel miserable”* (IIA_5_V). Juvenile victims rarely go to the police. The police officers guide victims to the closest specialized services for VDV if they know about the existing services.

Another feature of the juvenile VSV is that a significant part of them come from socially vulnerable families or single-parent families. Therefore, some of them get to the placement centers because of vulnerability and, then, the issue of sexual abuse is also identified. *„My mother died of cancer and my father died of alcoholism. I was raped at the age of 13 and taken to the shelter and gave birth to a child of 6 months and when I was pregnant with the second, I made an abortion on 4 months. Today I have no home, no shelter, I'm staying at the center because I have nowhere to go”* (IIA_1_V).

In case of children VSV parents have an important role. When they find out about what their child went through, most of the parents start looking for ways to solve the issue. *„My father said that he had seen hotlines somewhere and I remembered always seeing these ads in trolleybuses, on the streets. Then I found the Hotline on the internet and I found La Strada”* (IIA_7_V); *„I knew about „Amicul” and from „Amicul” they sent us here”* (IIA_3_V).

The victims of the marital rape report physical or psychological violence and, later, during counselling they tell about the SV. Frequently, they don't perceive SV as abuse. *„Because the stereotypes existing in the society say that a woman must do her woman's duty and must sleep with her man when he asks for it”* (IIA_4_S). Therefore, at the beginning the victims of marital rape try to save their family, but after a long period of time they understand that violence happens more and more frequently and takes new forms. *„Even in jail people have more freedom, at least they get half an hour daily to stay outside”* (IIA_12_V). The decision to interrupt the circle of domestic violence is sometimes caused by seeing the children being aggressive too. *„It started to hurt when I saw my own children turning into aggressors, that they were imitating their father's behavior”* (IIA_12_V).

VSV access the institutions providing placement, especially the maternal centers, CAP and „Casa Marioarei” through the local social assistance division, or guided by the LPA or CPA, or guided by the regional police department, or through NGOs and community members. Some cases are identified through the Trust Line, Hotline and Child Helpline services provided by La Strada. After the psychological counselling and evaluation of the risks

for the person (child or adult), they are guided to other institutions. Cases when VSV personally come to these centers are rare, because few of them know about the existence of such services. There are also situations when the media reports on cases of VSV and the centers get involved.

In order to place a victim into the placement center it is necessary to submit a request, a medical certificate, identification documents and other forms. If the case is urgent, VSV may be accepted and their documents may be submitted later, during their stay at the center. No placement center mentioned the need to submit a certificate which would confirm the legal status of the VSV. The decision to initiate a criminal case against the aggressor is taken only by the victim or relatives, in case of juvenile VSV.

Restrictions for providing placement services are: (i) age (depending on the center's specifics, there are certain age categories to which the center does not provide assistance); (ii) a mental disease – victims, who suffer from a light mental deficiency are accepted, while those with severe mental conditions cannot be accepted as beneficiaries of the center, as they can endanger the life and safety of other beneficiaries; (iii) tuberculosis; (iv) reduced mobility of the person – the centers lack of conditions required to ensure the movement of people with disabilities; (v) alcohol addiction – in the case if VSV consume alcohol, they are first sent to follow an alcohol detox course and only afterwards are accepted in the center; (vi) drug addiction – such victims haven't been identified. Nevertheless, it would be necessary for them to follow a specialized course, after which they would be accepted at the center.

The Centers provide intervention in crisis situations (maximum 3 months, very rarely 6 months). The conditions in which the placement period may be extended are different and are mostly accepted in case of children, when there are no appropriate conditions for their integration into the biological family or in a new form of placement. In case of adults, the placement term may be extended when there are no appropriate living conditions for the further reintegration of the VSV.

The Centers for VDV are appreciated for the services they provide. „*Good conditions, good food, we played different games, we watched movies*” (IIA_3_V); „*If you want to make a course to learn a trade, they provide you courses*” (IIA_2_V). Thus, during their placement at the center, the juvenile VSV and the victims of THB have the possibility to recover from crisis and develop professional skills, which would help them in the future to integrate easier into the community and society.

The specialists in the field mentioned that they participated in trainings, which allowed them improve the quality of services. The psychologists employed at CAP, NCPCA, La Strada and WLC participated in trainings related to the assistance for VSV in the USA, Austria,

Romania and the Russian Federation. At the same time, they said that „*it is definitely not enough to know the techniques for social-psychological assistance, if the society is not ready to accept these victims... When we open the door for them to leave, they face non-acceptance in the society*” (IIA_12_S). Nevertheless, the specialists confirm the need for the development of specialized services for VSV and for training of specialists who provide services to this category of beneficiaries, according to their specific needs.

A problem in the quality of services refers to the diagnosis of victims. The manager of a placement center mentioned the following: „*We treat them without a diagnosis*” (IIA_25_S). Thus, due to these considerations, the results are not satisfactory. „*How can you do an efficient counselling if you haven't done the complex diagnosis and you limit yourself only to certain telling and findings?*” (IIA_35_S). These problems confirm once again the need for supplementary training of specialists, including those from the Centers, providing services to VDV, so that they could identify all forms of violence and provide services taking into account the diagnosis.

There is obvious need for the development of a specialized psychological service for VSV, since SV causes more repercussions, traumas and various psychological effects, compared to DV. The specialists from the community and from the justice system must be trained to inform the VSV about their rights and guide them towards these services. „*They must explain them clearly the benefits of counselling, to convince them because often victims refuse*” (IIA_14_S). Thus, it is also necessary to develop a curriculum for the specialized psychological services provided to VSV, a stable curriculum including step by step actions, from the first to the last counselling. Currently, „*we do it as we can*” (IIA_17_S).

One of the most requested and necessary services for VSV is the psychological counselling. It should be mentioned that the majority of victims, even those who haven't been placed in a center, were counselled by a psychologist. The intervention of the psychologist was positive in all cases and helped the VSV to get over the situation. „*I like to talk with the psychologist, for the energy, I received something like this for the first time..., it is such an energy that you can say that you have confidence*” (IIA_2_V); „*I went to the psychologist and during 10 sessions, I was brought back to life. I was reintegrated into the society, so I could communicate, walk freely on the street, so I wouldn't fear*” (IIA_7_V).

Psychological assistance and rehabilitation of the victim implies accurate information of victims and understanding the phenomenon they went through, contributing to the increase of self-confidence and reducing the repetition of similar experiences. „*I would like all women to find out about these centers, because there are many women in a similar situation. The most important is what all the psychologists explained me and I would like everyone to understand that I am the*

victim and he is the aggressor. The aggressor calms down, gathers more strength, and then aggresses again. I didn't understand such a thing. I thought he would be different, that he would change and everything would be all right" (IIA_7_V).

During the process of rehabilitation of children VSV, the specialists use the methods and techniques which they had learned during the trainings organized by the NCPA – informational materials developed and edited by „AMICUL“. Each child is counselled separately, taking into account the individual needs and peculiarities.

„First of all I evaluate to which extent the child was influenced by the traumatizing event. Then, I work with the trauma, using various methods, depending on the age of the child. The most frequently used are the proactive methods... Children are usually sociable, communicative. Although they may not always show their emotions openly, they do it through arts. Then a peer to peer discussion follows" (IIA_3_S).

Children VSV need more time to build a relationship with specialists and require more attention from them. *„You have to be very careful with the language and touches“*. Nevertheless, there are problems in the rehabilitation of children VSV – some children *„don't want to attend individual therapy“*.

The research shows that some VSV didn't benefit of certain services, even if it was necessary. We mention the situation of the elderly VSV who must cope with the trauma on their own. *„I will die only because of what he did to me"* (IIA_14_V). The social worker mentioned that in certain situations psychological assistance is needed not only to persons who were victims, but also to other elderly persons from the community, who are afraid to stay alone and, in the evening gather at one's place then at the other's, to sleep in pairs. The mapping data show that very often elderly VSV don't benefit from services, they remain in the community and fight with the trauma *„with faith in God"* (IIA_13_V).

The VSV appreciated the actions undertaken by the specialists of WLC to build self-esteem and self-confidence. These persons said that working in group with other VSV made them feel confidence and, at the same time, the support they needed. *„They organized like a small training for women in my situation, as a present for the 8th of March... They taught us self-confidence. I have many books like this, but they have taught us how to live, to recall something. This is different... Then we have seen that awe 're not alone in such situations, we were encouraging each other and getting wings"* (IIA_7_V).

The majority of victims face guilt, shame, fear, anxiety and depression. For this reason, psychological assistance must be provided during a longer period of time. In case of children, psychologists mentioned that they would need at least 10 sessions to reach a result.

The short-term intervention of the psychologist doesn't allow for the psycho-emotional rehabilitation of the victim, even if the specialists try to give maximum possible in a short time. *„We are providing intervention for several days, weeks or maybe months, in the best case, the period when we can't pretend that we worked efficiently, because the VSV needs adaptation, needs to get confidence into a specialist, then trust in herself, to be able to overcome the trauma. Then the psychologist must provide her with some behavioral techniques, some behavioral strategies which would make her feel stronger than when she addressed them"* (IIA_4_S).

At the same time, in the absence of some specialized centers for children VSV, they need to live in the community and go to rehabilitation sessions to the psychologist, to another locality. This fact has a negative impact on the child. *„Children come to maximum 3-4 rehabilitation sessions, but they need much more"* (IIA_3_S).

Another problem in case of children is working with their parents, to inform them on the conditions which the child is going through, so that they could provide them with the due support. Currently, the biggest majority of parents don't benefit of such services. In case of children VSV, there is also need for more actions in the educational institution, and a more active involvement of the social assistant from the community.

A problem in the provision of assistance to VSV is also the lack of training of the community social assistants, fluctuation among them and their lack of knowledge of the services to which they could guide the victims. *„Different people work in the social assistance field – accountants, engineers etc., who do not have the necessary training"* (IIA_12_S). The social assistant must be informed on the existing services, at the district and national level. It must be in their competence to have a *„mapping of beneficiaries, at the local level and to be able to guide people to existing services"* (IIA_32_S).

In case of children, we noticed also the reduced attention from didactic staff and psychologists from the educational institutions towards SV. There are though examples of good practice, when the didactic staff reported a case of sexual abuse to the law enforcement representatives.

Mapping reveals several weak points in the social protection of VSV. These comprise: (i) lack of specialized services for children, as well as for adult VSV; (ii) lack of long-term services, assistance to VDV in the centers being provided only during the crisis period; (iii) lack of legal assistance in some maternal centers; (iv) lack of services for the prevention of SV at the community level; (v) lack of activities for re-integration of VSV into the community, along with the services provided to the family.

It is important to create specialized services for VSV. The specialization of the Center by categories of victims, would have a positive effect. *„It is dangerous for a young*

girl with experience of trafficking to meet a young girl VSV. She may receive an erroneous information about what she has done during trafficking... Moreover, the sexually abused women, who didn't go through the rehabilitation period, accept sexual services. She wants to earn money to get out of this, but she falls down deeper and deeper" (IIA_12_S).

Also security services for VSV must be developed, because although the victims currently benefit from free psychological counselling provided by the civil society, they are not protected and don't feel safe. There is a law on witness protection in the Republic of Moldova, but it doesn't include VSV as beneficiaries. Therefore, a protection and safety system for VSV should be created, to consolidate their trust into the state authorities.

The specialists named several strong points though – provision of services to VSV at the Centers for VDV, and interaction between various social institutions in providing assistance to VSV.

Development of the specialized services would contribute to the improvement of the quality of services provided to VSV, and to an increased number of reported cases. In the opinion of specialists, the best advertisement of the quality of services may be done by the beneficiary. *„No booklet, no informational material, no mass-media can do as much as a victim who received the due services. If a sexually aggressed person is assisted and protected accordingly, if she is not left alone at all stages of the criminal process and after the court trial, the number of VSV reporting these offences will increase"* (IIA_32_S).

4.5. The return of VSV to the community

The majority of VSV don't benefit from certain services at the community level. The specialists reported problems in the moment of return of VSV into the community. *„It is very hard for them to return to the village because everybody labels them"* (IIA_4_S).

The psychological assistance at the community level contributes to the rehabilitation of VSV and to an easier

overcome of the emotional conditions. *„I am talking to the school psychologist and she said that, if teachers hurt me or don't leave me alone, I should talk to her, and she would help me to be more calm. I get angry quickly and cry, because my whole life was only shouting. When someone shouts, I immediately start crying"* (IIA_3_V).

From the interviews made, we found that VSV need the support of the family not only when they cope with violence, especially post trauma, but also during the integration into the community and in the process of life reorganization. *„I need only my mother"* (IIA_3_V).

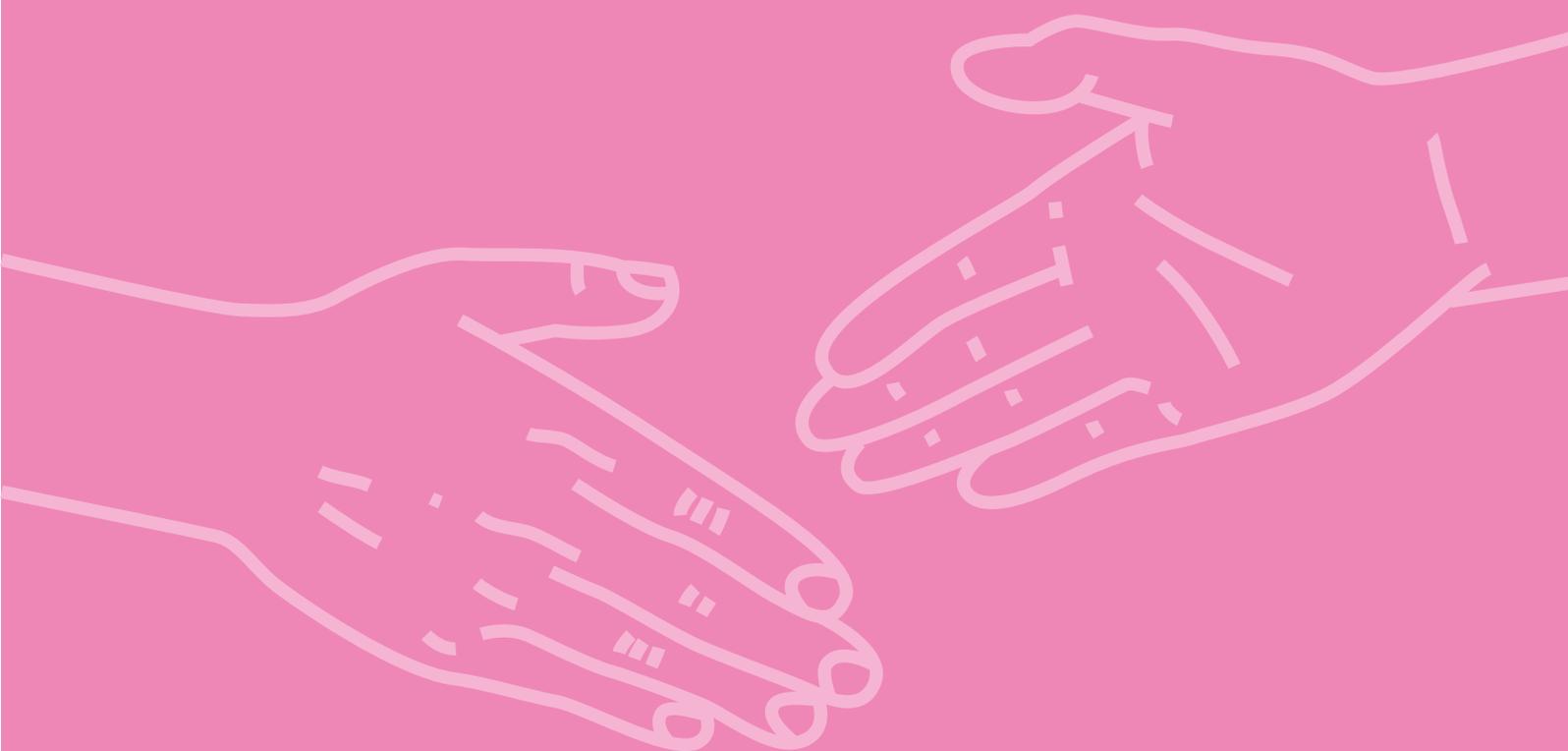
After the return to the community some VSV choose to change their place of living. *„Then I moved here to Chisinau many things changed. I was walking on the streets there and looking to the sides and was seeing how people were staring at me and I was feeling bad. Here nobody follows me and I can look into the eyes of any person and I know that everything is all right"* (IIA_6_V). The specialists reported that they had cases when after the rape offence, the family of the VSV was imposed by the situation to sell the house and leave that community. *„They left because of the attitude of the community. Everyone was pointing their finger at them, even the classmates"* (IIA_19_S).

For the victims of domestic violence and of marital rape the return is also very hard. Usually, after divorce, they prefer to change their place of living and start their lives from the beginning. If they have children, this thing is more difficult to do, since they don't have a place to live or a job which would allow them to support the children.

VSV living in the city don't feel constrained by the community, and their needs are focused on other things. *„I told my mother that I want an occupation, that I am bored when I return home. So I cook, I do my homework and I found sports to practice"* (IIA_3_V).

The VSV who got pregnant, made an abortion and didn't organize their life after the rape, still want to make a family based on love and understanding. *„I wish to have a house first, to be the lady of my own house, to have my job and live, and I would like it all without sexual violence, this is not good. I want to be free and happy"* (IIA_1_V).

COLLABORATION BETWEEN ORGANIZATIONS PROVIDING LEGAL AND SOCIAL ASSISTANCE TO VSV



COLLABORATION BETWEEN ORGANIZATIONS PROVIDING LEGAL AND SOCIAL ASSISTANCE TO VSV

The collaboration between institutions is a challenge, since each institution has its own regulations, rules and bureaucratic system. Currently, there is no unique vision of the institutions providing legal and social assistance to VDV, including VSV, on services for VSV and collaboration between institutions providing various types of services. Some specialists mentioned that the existing system is incipient, but it must be developed and improved to become functional and to satisfy the needs of VSV.

Special attention must be paid to the way of interaction between the specialists from the social and legal systems – from the moment when the VSV files complaint at the police or is identified at the community level. The majority of specialists mentioned that „*a viable and healthy interaction*” must be developed, so that everyone would know his attributions and exercise them in a short term. In this process, the human factor is of a major importance.

Collaboration with the regional police departments

The police are working 24/24, 7 days a week, and children or adult VSV get to them at any hour. The other services don't operate in such a schedule and there is a problem with transferring victims, because the social services usually work from 8.00 to 17.00/18.00. In such cases social services which work 24/24, 7 days a week are required, but these are few and exist only in big cities.

A strong collaboration with the regional police bodies was specifically reported by NGOs which do advocacy. Collaboration refers to the transfer of cases, development of the psychological evaluation reports and assistance to victims during the court trials.

The NGOs provide trainings to the police, especially on domestic violence and sexual abuse against children. The provided trainings refer to methods for the implementation of the legal provisions, i.e. peculiarities of working with children victims of sexual abuse, stages of interviews, psychological evaluation reports, principles of confidentiality and ways to share information.

The main difficulties faced by the organizations when cooperating with the police are: weak training of the specialists/partial knowledge of job responsibilities, as well as the existence of stereotypes related to VSV. In order to strengthen the collaboration between the

police and the non-government sector, including public institutions which provide services to VSV, there is need for improving the knowledge the police officers in working with crimes of sexual character, as well as a clear delimitation of the roles and responsibilities of each party.

It is necessary to develop guidelines for police officers, indicating how they should behave in cases of SV, and which steps should be taken. The availability of such guidelines would exclude the loss of essential information for the file, as well as the re-victimization of VSV. It is necessary to explain to police officers the dependency of the VSV on the aggressor - the material, financial and psychological dependency. Training would contribute to a more efficient activity of police officers.

In case of institutions providing placement and of maternal centers, the collaboration with the police officers is done upon request, depending on each case. The collaboration methods are different – by a phone call, request, letter or face to face meetings. The police officers participate in the identification of cases, provide support in issuing protection orders, and initiate actions of criminal investigation against the suspected persons. All these actions are coordinated with specialists from the placement institution. Several of these organizations provided trainings for local police officers, based on financing/grants. The trainings had a multidisciplinary character, focused on understanding of the needs of VDV.

In order to cope with the difficulties mentioned above systematic trainings on DV and SV is required, not only from the legal but also from the social perspective, working on specific cases, to delimitate the role of each actor during intervention and assistance to VDV and VSV.

An obstacle in the collaboration process is the lack of official agreements between the police bodies and social services providers. The availability of these agreements would contribute to a better knowledge of the specifics of the providers by the police officers, to a proactive involvement to change the stereotypes and prejudgments at the community level.

There are cases when police officers fail to comply with their code of conduct, do not fulfill their work duties or execute them superficially. Nevertheless, the Study

also reveals examples of good practices, when the police officers promptly reacted in cases when VSV reported a sexual offence, contributing to the arrest of the aggressor.

Collaboration with prosecutors

The majority of organizations which provide services to VDV also collaborate with the representatives of the prosecution. A tighter collaboration was identified in the case of NGOs that provide qualified legal aid in courts and trainings for public prosecutors.

In cases of children VSV, the prosecutor is assisted by a psychologist who usually represents specific NGOs, in order to accurately formulate/reformulate the questions or to interview the victim. The lawyer (in the Centers which have such a specialist) also participates in the process of criminal investigation and defends the interests of the victim in court.

The social specialists dealing with VSV reported that some prosecutors have a professional approach to the issue, but others don't know the specifics of working with such victims and follow the existing stereotypes.

The change that would lead to a more productive collaboration with the prosecutors is provision of quality training to prosecutors, as well as the change of attitude, mentality and rejection of stereotypes. But the most effective would be to train prosecutors specialized in cases of sexual violence, i.e. make them specialize in a narrow segment.

The research identified trained prosecutors prepared to assist VSV, with a well-grounded civil position, but their number is small.

Collaboration with judges

The interaction of the social specialists with judges takes place upon need and only during court trials. Usually, the specialists who developed the psychological evaluation reports may be invited as witnesses within the criminal matter; the psychologist or another specialist from the centers may escort the victim to the courtroom as legal guardian, support or reliable person. Also, the Centers that provide qualified legal aid through the lawyer, represent the interests of the victim during the court trial.

The difficulties faced in working with the judges are: stereotyped attitude of some judges towards VSV, isolation and resistance of judges to some changes, delay of hearings, as well as corruption in the system.

To improve the collaboration with judges, the representatives of the non-government organizations

who organize activities of advocacy, mentioned the need to involve judges in common training programs, collaboration in explaining the decisions and recommendations of the Supreme Court of Justice, as well as lobby and awareness campaigns to change certain perceptions related to SV.

Some legal specialists mentioned the efficient collaboration and the high appreciation of the support offered by social services providers. *„Currently, we cannot cover all segments, including the area of justice and child assistance, that is why the success of a criminal matter is higher if they help”* (IIA_11_S). On the other hand, the representatives of the social services providers mentioned that this collaboration is frequently formal. *„They requested the psychological evaluation report. We made it and sent it. I am rarely invited to the trial, usually when the lawyer of the offender wants to insult me, or to ask me stupid questions, otherwise, the prosecutor and the judge do not have questions”* (IIA_12_S).

Collaboration with medical institutions

The number of trainings provided to the medical staff on SV is small. These trainings were organized within various projects. The topics of the trainings focused on the implementation of the interdisciplinary instructions in cases of DV, as well as on the term for the intimation and forwarding of cases.

The organizations implementing advocacy activities mentioned the need for trainings on SV also for medical staff. They developed a specific action plan which includes the topic of SV within continuous education courses for medical specialists, as well as the organization of training seminars with specialists on issues of mother and child, which may contribute to the identification of cases of sexual violence against children.

The Study also reveals several examples of good practices related to information of medical institutions about cases of SV, including against children. The authors found cases of efficient collaboration between institutions while identifying cases of SV against children of young age. *„The doctor drew our attention that a child of 1,5 had something... and it was discovered that the child was a VSV”* (IIA_11_S). Without good training of specialists, such cases cannot be identified when children of this age are involved.

Collaboration with educational institutions

There is also certain collaboration with educational institutions on cases of SV. However, the specialists from the non-governmental sector reported that this collaboration is *„difficult... due to the indifference. The didactic staff focus only on schooling results”* (IIA_9_S).

The educational institutions should implement more awareness raising and preventive actions for children, as well as for families. In order to be able to implement such actions, they need training. Also, training should be provided to all psychologists from the Republic of Moldova who work in educational institutions and social services, to be able to identify such cases and inform specialized services about them. *„There are certain things children say, but the adults don't even pay attention... the child tries to tell, but doesn't find the right words, that is why special training is required to understand what the child is trying to say”* (IIA_10_S).

The research also identified some positive examples when several didactic staff contributed to the identification of children VSV, and helped them benefit from the existing services.

Collaboration between service providers

The support of service providers is of a „great value” not only in the area of assistance to children or adult VSV, but also in the organization of trainings for various specialists from the justice system, and in preparing complex and multidisciplinary replies to VSV.

There are common initiatives for interaction and consolidation of the assistance provided to VSV. However, there are always ways to improve the work done. *„Those who provide services to victims, often cannot understand each other and are hiding behind walls”* (IIA_25_S).

In cases of children the data of the research reveal positive examples of collaboration between various institutions with the foster care authorities, the National Council for Child Rights Protection, as well as with the MDT.

CONCLUSIONS

- The number of VSV who address the justice system and the social services is low. This situation is caused by several factors: (i) stereotypes of the society, which usually blames the victim and doesn't consider the aggressor fully responsible; (ii) the distrust of VSV in people around them, but also in the society; (iii) dependency of victims on the aggressors, or the fear the aggressors made them feel; (iv) lack of information about where to go in such situations, and also the lack of specialized services; (v) the low level of legal knowledge among VSV etc.
- The law ensures access to legal protection for all citizens, and the law enforcement representatives have the obligation to register and check each call to the police station. Nevertheless, often those who must ensure public order in the society doubt the statements of VSV. Currently, there is no clear working methodology for cases of SV for the police bodies, where such offences are reported. They don't take into account the condition of the victim, don't start from registering the case. The victim has to repeat several times about what happened, which may lead to a profound re-traumatizing.
- There are problems in obtaining evidence which must be presented in courts because: (i) VSV were not informed about the actions which they must undertake in case they become VSV; (ii) many VSV are late in reporting and it is difficult to prove the offence in court; (iii) usually, VSV and not the aggressor is obliged to make the psychiatric-psychological evaluation at the Republican Psychiatric Hospital or the Psychiatric Hospital from Balti etc.
- Although there is a Code of conduct for police officers, which provides by Art. 6 their obligation to keep the confidentiality of victims, there are situations when they are not aware of this and flagrantly violate the norms of conduct, exposing VSV to marginalization from the community.
- The data of the research show the need to improve the equipment and the conditions of the forensic examination institutions. The equipment used is old, while in the regional divisions it is practically missing, which generates some discomfort for victims who must travel from one district to another, to make the examination. Also, trainings for specialists are required, in order to change their attitude towards VSV. Last but not least, forensic expertise must be improved, so that the documents issued by these specialists do not allow interpretations.
- The recent modifications to Art. 110' of the Criminal Procedure Code allow for a child below the age of 14 to be interviewed ideally once at the criminal investigation stage by the investigating judge. All victims over the age of 14 are considered adults and are interviewed in the presence of the aggressor. In these cases, the victim may be interviewed for several times and, frequently, is forced to confront the aggressor.
- In case of adult VSV, the international standards which provide that the VSV have a special status and must be interviewed using special protection measures, are neglected. These cases go through all stages of the trial process – the first instance court, the Court of Appeals, the Supreme Court of Justice and, every time, VSV are forced to tell several times the experience they went through.
- In case of children, special attention must be paid to the persons who escort the child to the hearing and represents his/her interests in court. Ideally, this must be a specialist working with the child and in whom the child has full confidence, or the mother. Nevertheless, there are situations when the mother is not a reliable person for the child.
- The Criminal Procedure Code provides the participation of a psychologist or a lawyer to all stages of the legal investigation of cases involving children victims of sexual offences, but they must be trained accordingly. The participation of these specialists is useful, but they must be trained so that their presence is not purely formal.
- Psychological evaluation reports are used in the judiciary practice. These reports help the police officer and the prosecutor to understand the circumstances of the offence, because in this report the psychologist describes the mechanisms of manipulation and constrain used by the aggressor. Some judges also mentioned that psychological evaluation reports, if developed in a professional manner, have a great value and help them in reviewing the case.
- Currently, the state provides a lawyer only to the aggressor, and not to the victim. Some VSV cannot pay for the services of a lawyer who would protect their rights in court. When VSV get to the organizations which also provide legal advice, they benefit from the assistance of a lawyer paid by these organizations. Although the prosecutors should represent the interests of VSV, in practice there are still many prosecutors who have their own stereotypes and don't ensure the corresponding protection which the state should provide to victims of these offences.

- In very few cases the legal specialists guide the VSV, who initiated a criminal case against the aggressor, towards the existing services for VDV or victims of THB, and practically never towards lawyers who would represent their interests.
- Once the criminal procedure is initiated, VSV face pressure from the offender and his relatives to withdraw the complaint. VSV are very vulnerable emotionally, easy to be influenced by the aggressor and, if they are not encouraged, the majority of them withdraw their complaint and refuse to continue the criminal investigation initiated to punish the aggressor.
- There are legal specialists who do not take into account the vulnerability of VSV, and the fact that they can be manipulated or threatened to withdraw the complaint. Currently, the legal system in the Republic of Moldova favors the situations in which victims are obliged to change statements under pressure. By way of paradox, they are later charged with „false statements”, although there is obvious evidence of the offence committed against them.
- The majority of victims who addressed the legal protection bodies to punish the aggressor mentioned the long period for collecting evidence, initiation of case and hearings. The delays of hearings make the victims lose their courage and refuse to continue the case.
- Very few VSV benefit from psychological and legal assistance from the state institutions or from non-government organizations which provide services to VDV. The psychological and legal assistance provided to VSV before the initiation of the court trial is very important, as victims are aware of their rights and responsibilities, and are more stable from the emotional point of view.
- The impact of the SV on the personality of the victim is currently neglected by the justice system. The psychological and psychiatric examinations cannot assess the impact of trauma on their personality, therefore, the number of therapeutic sessions which the victim needs for rehabilitation cannot be established. VSV don't initiate civil cases to seek compensation of financial and/or moral damages.
- The specialists from the legal system told about acts of corruption in cases when VSV address to the court. There are multiple reasons for these situations, but the main refers to the indifference of legal specialists to oppose the existing stereotypes, to fight and reveal the truth.
- In case of VSV, the justice system is not friendly, as the majority of specialists mentioned. Although there is a normative framework which provides certain mechanisms of interaction between specialists, there's a big difference between the situation *de jure* and *de facto*. The mechanism for the implementation of the legal framework is deficient.
- There are many gaps in the justice system which refer to VSV: (i) possibilities for different interpretations of the normative framework; (ii) few preventive actions; (iii) lack of specialists trained in this field; (iv) violation of ethical principles by the specialists; (v) confrontation of the victim with the aggressor etc.
- Currently, there are few organizations that provide specialized services to VSV – NCPA, La Strada, CAP, WLC, PA “Promo-LEX”. The services provided include qualified legal aid in courts, psychological counselling and short-term placement.
- The number of specialists providing services varies depending on the type of institution, its capacity and specifics. In average, the organizations which provide placement employ about 10 people, while in the maternal centers the number of specialists varies between 6-8 persons. In the majority of institutions, the main specialists are: a psychologist, a social assistant, an educator or a social educator (in case of children), a medical assistant (in some institutions working full time, in others part time) and a lawyer (in some institutions as a main specialist or cumulating jobs, in other institutions not available).
- VSV don't know where to seek help. In crisis situations, some of them remember about the ads on TV or internet and contact the advertised institutions. Some cases are identified through the following services: Trust Line 0 8008 8008, Child Helpline 116 111, Hotline 0 800 77777 provided by La Strada, which, at a later stage, guide them to specialized services of other institutions.
- There is a direct relationship between the age of the victim and the way to access the existing services. The peculiarity of juvenile victims is that they don't feel how vulnerable/sensitive their situation is, and even if some of them understand that what happened to them is not good, very often they hesitate to seek help or don't know where to go. Thus, children get help from specialists only when parents or close adults notice their needs, or when the community social assistant identifies these cases.

■ The research reveals that if the situation requires, VSV are placed at the Centers which provide services to VDV or to victims and potential victims of THB. Although, under the quantitative aspect, taking into account the international standards, the existing placement services for VDV, are not sufficient and the capacity of the Centers is small compared to the geographic area they cover. Under the qualitative aspect, VSV need specialized services focused on their specific needs. The initiative of some institutions to provide services to this category of beneficiaries is appropriate, but adequate education and training of specialists is needed, as well as development of specialized services for VSV.

■ During the research, it was identified that among the beneficiaries of the maternal centers and of the placement center „Casa Marioarei” some women, who were subject to domestic violence, also suffered from sexual abuse. Despite this fact, the mentioned Centers don't keep any differentiated records of the beneficiaries, registering them all as VDV, and providing them, practically with the same services. A similar situation was identified also in the placement centers for children.

■ A problem related to the provision of assistance to VSV is also the lack of community social assistants, fluctuation among them and lack of knowledge of services where victims could be guided. The social assistant must have all the information about the existing services at the district and national level.

■ When developing specialized services for VSV, an increase attention must be paid to the psychological counselling, primary legal assistance and qualified legal assistance, medical services, placement services etc.

■ Currently, security services for VSV are not available. Although some of the VSV benefit from free psychological counselling provided by the civil society, they are not protected and not safe. In the Republic of Moldova there is a law on protection of witnesses, but it doesn't include VSV as beneficiaries.

■ The problems faced by the organizations providing services, including for VSV, are: lack of financial resources, fluctuation of staff due to low salaries, difficulties in communicating/interacting with VSV (self-isolation). The lack of an adequate methodology and of specialists trained in working with children and adult VSV, affects the quality of the provided services.

■ Mapping reveals several weak points in the social protection of VSV. These include: (i) lack of specialized services for both children and adult VSV; (ii) lack of long-term services, assistance for VDV in the centers being provided only in the crisis period; (iii) lack of legal assistance in some maternal centers; (iv) lack of services for the prevention of SV at the community level; (v) lack of activities for the re-integration of VSV into the community.

■ The collaboration between institutions is a challenge, because each institution has its own regulations, rules and bureaucratic system. Currently, there is no unique vision of the institutions providing legal and social assistance to VDV, including VSV. Special attention must be paid to the way of interaction between the specialists from the social and legal systems, from the moment when the VSV files the complaint to the law enforcement bodies or is identified at the community level.

RECOMMENDATIONS

The results of the Study reflect the social and legal reality related to the provision of legal and social assistance to VSV in the Republic of Moldova. These results allow us to provide the following recommendations, in order to improve the situation in ensuring access of VSV to adequate legal and social assistance.

FOR GOVERNMENTAL AUTHORITIES

General

- The Republic of Moldova should respect the national and international engagements assumed, related to protection of human rights, with a priority focus on the protection (through various legal mechanisms) of the rights of VSV.
- The Republic of Moldova should sign and ratify the Convention of the Council of Europe on the Prevention of Violence Against Women and of Domestic Violence (Istanbul Convention), which requires Member States to establish one or more official bodies responsible for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence against women provided by the Convention.
- Develop a National Strategy on preventing and combating violence against women and domestic violence, which would include a separate chapter, dedicated to preventing and combating sexual violence.
- Develop quality standards or regulations on services and assistance to VSV that would include provisions based on the specific needs of victims of this category of crimes. Currently, there is no such document in the national law.
- Provide/increase state financing for qualified legal services, psychological services, medical services etc.
- Strengthen partnerships among representatives of legal, social, medical and civil society institutions etc., and develop cross-sector collaboration mechanisms.
- Organize public awareness campaigns focused on actions that must be undertaken in cases of VSV, on

the risks and consequences of these offences and on the existing services for VSV.

- In partnership with the civil society and mass-media, develop campaigns to change/eliminate stereotypes and prejudgments of the population related to SV and VSV, by presenting footages, shows, talk-shows, reporter investigations etc.
- Develop action programs for the prevention of SV and pro-active mechanisms to identify VSV for police officers, didactic staff, doctors, community social assistants, social workers etc.
- Create and train teams for intervention in cases of sexual aggression, comprising specialists who provide direct services to VSV, a forensic expert, a criminal investigation officer and a prosecutor, that would promptly react in cases of sexual aggression in the interests of VSV, as well as in the interests of justice.

Justice system

- Review the legal framework, especially the Criminal Code of the RM, the chapter on offences related to sexual life, starting from definitions. For example, in the case of definition of rape, the "constrain" to be replaced with "full consent", as provided by the Istanbul Convention.
- The Supreme Court of Justice should develop updated comments or explanatory notes on SV, taking into account the international standards in the field of SV.
- The Republic of Moldova should adapt the legal language as required by the Istanbul Convention, which criminalizes the "non-consensual" penetration. Convention explains that "consent must be expressed voluntarily, resulting from the free will, assessed in the context of the circumstances"⁴⁴.
- Strengthen several legislative provisions to effectively protect VSV and punish the offenders. For example, "physical or mental forcing" is currently required to prove the rape crime⁴⁵. While

⁴⁴ Istanbul Convention, Article 36.

⁴⁵ Criminal Code, Art. 171(1).

the Penal Code does not define the term “forcing”, this requirement makes it quite difficult to prove the crime of rape.

- Totally ensure through domestic legislation, the effectiveness of access to justice in crimes related to sexual life. In this regard, we recommend additions to the Criminal Code, the Criminal Procedure Code and the Labor Code to ensure effective protection of the VSV rights in all circumstances.
- Develop a methodology on ways of registration and investigation of the reported SV cases, to reduce the re-victimization and provide access to justice to VSV.
- Organize specialized training of criminal investigation officers, prosecutors, judges and lawyers on cases of SV.
- Develop guidelines and methodical instructions for prosecutors and criminal investigation officers, in accordance with the international standards on human rights but also corresponding to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.
- At the investigation stage of the cases of child VSV, involve a psychologist, along with the criminal investigation officer, because while committing these offences, the aggressors use psychological violence. The presence of a psychologist at this stage will help to explain the methods used to manipulate the child and will exclude the myth of „consent of the child who is over the age of 16” in cases of SV. Ensure a friendly justice for all VSV, by extending the provisions of Art. 110 on adult VSV. Interrogate all VSV in the interview rooms for children, to reduce the possibility of re-victimization, and use special techniques in the case of adult VSV, in order to avoid repeated interviews (preferably only one interview); to exclude the procedure of confrontation between the VSV and the aggressor.
- Sanction the justice sector professionals for violation of deontological rules and for acts of corruption etc. Introduce sanctions for absence from court hearings and unjustified delay of court hearings, and reduce the examination period of files in cases of SV.
- Review the legal framework related to forensic examination, so that the documents issued by these specialists wouldn't allow different interpretations.

- In partnership with the governmental institutions and civil society, review the Psychological evaluation reports and their standardization, and make them acceptable as evidence in court.
- Improve the legal framework and forbid VSV to withdraw the complaints and stop the criminal procedures.
- Include VSV in the law for protection of witness, in order to provide them with adequate assistance.
- Expressly specify domestic violence among those crimes after which victims may benefit from the public services and support, especially when it comes to financial compensation from the state or free psychological counseling hours provided by the state.
- Institutionalize the psychological services to victims of domestic violence and make these free services provided by the state; even a limited number of hours is essential for solving cases of domestic violence. Also, we recommend dividing specialized psychological services depending on the types of violence against women, and advanced training of specialists working with each category of victims.
- Consider VDV and VSV as persons entitled to free state guaranteed legal assistance. Although the Draft Law refers to the Law on legal state guaranteed assistance, according to this law, VDV and SV are not expressly named as beneficiaries, so they need to bring proofs of their income sources.
- Award financial compensation to victims, including victims of sexual offenses, for psychological suffering caused by the offense.

Social protection system

- Provide free psychological assistance to VSV, for their psycho-emotional rehabilitation.
- Introduce and design high specialization services, develop minimum quality standards for services for VSV.
- Develop counselling programs for aggressors on the entire territory of the Republic of Moldova.
- Develop specialized therapy programs for the aggressors who commit offences with a sexual character.

Medical system

- Introduce free medical assistance for VSV who don't have a mandatory medical insurance.
- Provide necessary modern equipment and improve the conditions of the forensic examination rooms.
- Review the mandates of the specialists who perform the forensic examination, to allow medical assistants (nurses) to collect the evidence necessary for the legal bodies to document cases, and provide necessary training for them.
- Develop a curriculum for psychologists providing counselling to VSV and organize training on peculiarities of SV and on working with VSV.
- Training of justice sector specialists (police officers, criminal investigation officers, prosecutors, judges) on methods and techniques for working with VSV.
- Provide training to community social assistants on monitoring the situation of VSV who return in the community.
- Develop a Study to analyze the judiciary practice in cases of SV.

FOR THE CIVIL SOCIETY

- Provide training to experts from specialized social services and high specialization services, to answer the needs of VSV.

ANNEXES

ANEXX 1. DATA ON INDIVIDUAL IN-DEPTH INTERVIEWS WITH SPECIALISTS

NO.	CODE	AREA OF ACTIVITY	WORKING EXPERIENCE (YEARS)	REGION
1.	IIA_1_S	Psychologist	1	South
2.	IIA_2_S	Lawyer	1	Centre
3.	IIA_3_S	Psychologist	6	North
4.	IIA_4_S	Psychologist	1	Centre
5.	IIA_5_S	Doctor	17	Centre
6.	IIA_6_S	Social assistant	6	Centre
7.	IIA_7_S	Psychologist	3	Centre
8.	IIA_8_S	Lawyer	5	Centre
9.	IIA_9_S	Psychologist	5	Centre
10.	IIA_10_S	Psychologist	19	Centre
11.	IIA_11_S	Criminal investigation officer	21	Centre
12.	IIA_12_S	Psychologist	21	Centre
13.	IIA_13_S	Public prosecutor	13	Centre
14.	IIA_14_S	Lawyer	5	Centre
15.	IIA_15_S	Lawyer	2	Nord
16.	IIA_16_S	Psychologist	7	South
17.	IIA_17_S	Psychologist	3	Centre
18.	IIA_18_S	Police officer	12	Centre
19.	IIA_19_S	Judge	25	North
20.	IIA_20_S	Lawyer	37	South
21.	IIA_21_S	Judge	11	Centre
22.	IIA_22_S	Judge	18	North
23.	IIA_23_S	Lawyer	8	North
24.	IIA_24_S	Psychologist	18	Centre

25.	IIA_24_S	Manager	10	Centre
26.	IIA_26_S	Lawyer	15	Centre
27.	IIA_27_S	Lawyer	13	Centre
28.	IIA_28_S	Psychologist	12	Centre
29.	IIA_29_S	Criminal investigation officer	8	Centre
30.	IIA_30_S	Criminal investigation officer	14	Centre
31.	IIA_31_S	Public prosecutor	5	South
32.	IIA_32_S	Public prosecutor	15	Centre
33.	IIA_33_S	Social worker	5	Centre
34.	IIA_34_S	Criminal investigation officer	10	Centre
35.	IIA_35_S	Manager	10	Centre

ANNEX 2. DATA ON THE INDIVIDUAL IN-DEPTH INTERVIEWS WITH VSV

NO.	CODE	AGE	EDUCATION	TYPE OF THE SEXUAL OFFENCE
1.	IIA_1_V	29	Gymnasium unfinished	Rape
2.	IIA_2_V	17	Gymnasium	Victim of the sexual exploitation, within THB
3.	IIA_3_V	18	Lyceum unfinished	Sexual abuse on behalf of the father during 10 years
4.	IIA_4_V	14	Gymnasium unfinished	Sexual abuse on behalf of the father, rape
5.	IIA_5_V	16	Gymnasium unfinished	Rape on behalf of a young person
6.	IIA_6_V	17	Gymnasium unfinished	Rape
7.	IIA_7_V	24	General professional	Domestic Violence and marital rape
8.	IIA_8_V	15	Gymnasium	Rape
9.	IIA_9_V	18	Gymnasium	Victim of the sexual exploitation, within THB
10.	IIA_10_V	17	Gymnasium	Rape
11.	IIA_11_V	29	Gymnasium	Rape
12.	IIA_12_V	32	University	Domestic Violence and marital rape
13.	IIA_13_V	65	General professional	Rape
14.	IIA_14_V	62	Gymnasium	Rape

ANNEX 3. THE LIFE STORY OF A VSV

I was married for 5 years. I knew my husband from the age of 15. We were together for 8 years. At the age of 18, I got pregnant. Then we got married. During the first 4 years of marriage everything was fine. He wasn't beating me, wasn't insulting me. Everything was fine.

Then I started being psychologically offended. I was gradually insulted. First he told me that I had a bad job. I had a small child and was working as a maid, because I couldn't find another job. Later I was offended because I didn't know some things he knew. Then he wouldn't allow me to buy the products I wanted. I had to ask his permission to buy things. Afterwards, he started hitting me. In a short period of time, nearly 2 months, he switched from hitting to beating. He was becoming more aggressive...

By the way, I got the first slap at the age of 16 when I was dating him. I got a haircut that he didn't like and he slapped me. After that incident he didn't touch me for many years. But I knew... deep in my mind I knew he is capable of this.

Fights were starting from any reason. Often he wouldn't like the food I cooked. When he was going out for the whole night and wasn't bringing money home I was scolding him. The hits usually started with slaps, punches... I never hit back, only defended myself. He often pulled my hair or hit my head against the wall. Once I slapped him back and he started to beat me with his feet. He had never beaten me with his feet until then. I fell down and he kept beating me. But he was careful not to leave marks...

To be clearer, I'm talking about the last 2 months that I spent with him. Because, prior to these 2 months there wasn't much violence. His offences were more psychological...

For Easter he hit me harder than he expected. Marks were visible on my face after his hits and I could hardly walk, because my leg hurt. He locked me in the basement and told me that I would stay there until all the marks on my face would heal. This was the first time when I was left in the basement. On the Easter day, during the first half of the day, he locked me there and wouldn't let me go. The basement was under a room in the house. There were stairs there and I panicked a lot. It was dark in the basement and he told me he would let me out when all the marks would heal. At the same time, our little child was in the house. The girl started looking for me and asking where I was. He told her that I went to the store. When the child entered that room I didn't scream, I was afraid she would get scared. I tried to get out, but I couldn't open the door; the door could be opened upwards, and he blocked it from outside. I was very scared. I stayed there for about 1-2 hours, then he let me out, saying that we would have guests and I should arrange myself. I washed up, changed

my clothes and... the guests never came, but I decided to cook something anyway, as it was Easter.

I thought he would leave. Usually he went out to meet girls, boys, went to clubs, bars, but he stayed home with us. Then I decided to take the child and go out for a walk. He came with us and all the way he kissed me, hugged me, saying how much he loved me. He supported me while walking as I was limping quite badly. I couldn't understand such a behavior. It was the reaction of a crazy man, who beat me with his feet, and then kissed and hugged me. About a week or two passed. My wounds almost got healed. I was living as before, pretending that nothing happened.

Then we started arguing again, scandals and problems started because of money. He almost didn't bring money home at all. In May, I think it was on the 18th of May, I got my salary and he asked me to give it to him. He asked me for 200-300 MDL from my salary of 2-3 thousand MDL. I refused to give it to him. He wanted to spend this money on his car, but I had to feed the family with this money. Then he told me that if I don't give him the money, I should take my clothes and leave. I didn't listen, because I knew that he often said such things and later he would forget about it. But he took my clothes and threw them outside. I gathered them; I left some clothes in the shed, as we were living in a private house. I took some of the clothes with me. He took my phone, but I had another one.

I had 500 MDL with me, so I opened a newspaper and found a place to stay. I found a room to rent, took my clothes there, and the next day I had to go to work. In the evening (the child was still at the kindergarten) he called me on this number, which nobody knew. He called and asked me where I was. But I didn't want to tell him. Then he told me that he would take the child away from me and that I had no right to approach the child without him. He said that he would find me anyway, either at work or in the street. He asked me to tell him where I was, otherwise it would be worse for me. Being scared, I disclosed my new place. He told me he would come over to take my second phone. He came, I gave him the phone, and in that moment, he shouted at me to get into the car. There was a friend of his in the car and our daughter on the back seat. We drove outside the town. All the way I was asking him what was happening, where we were going, but he didn't say a thing. In a while he stopped the car, got out and told me to get out too. Then he told his friend to keep driving for about 100 meters. We remained out. It was already night and we were outside the town. There were no houses, no lights, nothing. It was not even close to a highway, but somewhere further away, as we couldn't even hear the cars. It was dark and a dreadful silence around. Then he started to interrogate me regarding a number I dialed. I couldn't understand what number he was talking about. He asked me about a man called Misha.

He was shouting at me and shaking me at the same time. And he kept asking who was Misha. I told him that I didn't know, but he hit me like never before. I couldn't see a thing, as everything was white, with no colors, just white. Of course I fell down after such a hit in the head. I felt sick and I couldn't hold my balance. Later I found out that I had a concussion. He totally undressed me while hitting me. He took my clothes, and asked me again who was Misha. I swore I didn't know anyone with that name. And he went to the car. He left me there beaten and naked on the ground. He got into the car and left...

I didn't know what to do, where to go; whom would I meet in my way; would they take me to town or beat me, or do something even worse. In my mind I already said goodbye to all my relatives. After some time, I don't remember exactly how much, I saw the lights of a car. I got scared as I didn't know who those people were. There were some bushes and I hid in them. Then I saw that it was his car. He passed by me but I didn't come out. I didn't know if he came back to take me home or beat me more. Maybe he thought I might tell someone and came back to beat me to death? He came back like this for 3 times. He honked and turned on the front lights. He was showing me very clearly that he was looking for me.

I came out on the road and sat down. He got closer with the car, turned off the lights, so that I couldn't be seen. Then he pointed to the trunk, that if I didn't get inside I would be a dead body. Following his order, I got into the trunk. There were my clothes. He started to drive, the trunk was quite big and I started to get dressed. After a while he pushed the brakes and moved the back seat so I could see the driver. I looked at him and asked him to let me find out who was Misha. I told him I didn't know but I would find out who that man was. He gave me the phone and I started to check those calls, and actually dialed that number. In fact, the number was dialed by my work colleague, who asked me to give her the phone to call her husband. I had free unlimited minutes. I used to give the phone to many people to make calls. I showed him that it was the girl from my work who called her husband. They confirmed when I called them. Then I told him that he had beaten me and threw me there on the ground for nothing.

Our girl was 4 years old back then and she kept asking him why mother was in the trunk. Why mother was naked? She saw all that and remembered everything. He didn't answer anything to her.

He knew that I was giving my phone to many people. I got out of the trunk, got into the car and we went home. I didn't want to go to our house; I wanted to stay in my rented apartment. I was scared. We came home, I put our daughter to bed and asked his permission to leave...

He didn't let me go, and told me to stay there because he was waiting for a phone call. He asked me to wake him up and give him the phone when his phone would ring. I didn't

have his permission to go to sleep or leave. I sat on a chair all night long and as I was tired I fell asleep. When I woke up in the morning my face was swollen and I had a lump on my head, I still have it today. I was feeling sick, but I understood that something must be done.

I had to take my child to the kindergarten. I knew that I had to take my child to the kindergarten and go to work. But I couldn't work in such condition. It was mandatory to take the child to the kindergarten, so that if something happened, she wouldn't see it. But I was so afraid, because he was like an idol for me, whom I praised, lived for him and with his words. I liked him and he was like a star for me. He was everything, a God who would come to earth and tell me what to do. That's what he was to me, until he started hitting me. But afterwards he became my fear, my horror. I was manipulated and guided by my fear. Why wouldn't I address a neighbor back then, ask for 100 MDL, take my child and go to my mother's place? But I was scared that he would find me and kill me.

I took my daughter to the kindergarten and her educator noticed that something was wrong. She looked at me and asked what happened. I started crying and told her briefly that I had problems at home. When I got back home, he was already up. I told him. *„Let's decide something. I cannot live with you anymore”*. And he answered. *„You will leave anyway, because I am chasing you away, but you will leave without the child, she will stay with me”*. It was the biggest shock for me, how could she stay with him?

He told me: *„No, you will stay here until I decide what I to do with you”*. After about one hour he decided to put me in the basement and make me stay there until my face would heal. I had a scar from one ear to the other. The face was very swollen, beaten, I had bruises all over my body. He ordered me to get naked, to see the bruises and the marks from his beating, so that later on, I wouldn't go anywhere to complain. I told him that I would stay in the basement.

Then he changed his mind. He made me sit at the table and poured a glass of homemade vodka. He ordered me to drink it, threatening me with his fist and saying: *„You either drink or I smash your head”*. I didn't want to drink. So he hit me... not hard, but just to scare me. I drank it, but I started to feel sick and he asked me if I ate anything. There were some bread leftovers and I wanted to eat them but he yelled at me and didn't let me. After that glass he poured me some wine and also forced me to drink it. I was feeling sick but he kept talking to me. We were talking and my fear vanished. I was no longer afraid. I just wanted him to kill me. Our conversation was the following: *„So look, you will kill me, but you will be sent to jail. Our child will become an orphan”*. He replied: *„Why do you think I will go to prison? I will just make it carefully, I will bury you and nobody will ever find you. Not your mother, nor your father, nobody. And I will be the first to start looking for you, and nobody will even think that I*

killed you. Because I will be just a loving husband looking for his wife”.

After this I felt even worse, I told him everything I was thinking about him. I talked to him in an ugly manner, using bad words and telling everything I stocked deep inside during all that time. He was such a bad man and I wanted to tell him everything. I was feeling worse and worse and I told him that I would vomit. He brought me a bowl and told me that if I stop drinking, he would keep beating me. I told him I couldn't drink, that I was feeling sick. Then he saw that someone from my work was calling me, and he blocked my mouth with his palms so I wouldn't vomit. I started to choke and when he saw me almost losing my conscience, he took his hands off and I vomited into the bowl. Then, he brought a dipper and a glass and filled it with my vomit. He said I would drink my vomit or drink alcohol. So I kept drinking alcohol... Our discussions continued, and at the same time the phone kept ringing.

Everyone was calling and looking for me. I got calls from my work and from the people who rented me the flat. They knew about my problems at home. They were worried about me, worried that something might happen to me. My friends were calling me, as they knew I was in danger. He told everyone that he didn't know where I was and that he didn't see me. He started telling me about all his passions, his crazy girlfriends which I already knew about, the girls he had, that they were all crazy about him, how he satisfied them all. I replied: „*Oh really? But you never satisfied me!*” He didn't think much and told me: „*That means you're frigid*”. I answered I was not frigid. Then he threw me against the wall and hit me very hard. He said that if I wasn't frigid, it means that I was cheating on him. He made such a conclusion from our discussion. Then he raped me. He raped me in a pervert way, not normally. That was horrible, scary... The only thing that saved me was that I had very much alcohol inside me. I could feel the hits but I didn't feel the pain. I was like a person waking up from anesthesia, after surgery. First he doesn't feel the pain, then the pain slowly increases.

After all these, he told me to warm up some water and wash myself, just like nothing had happened. He used his head in everything he was doing. I had to wash myself in front of him. I washed, then I got dressed and he told me to warm up some water for him because he would leave, and I would stay in the basement and wait for him. Then I realized that, if I didn't run away that moment, it would never end. I already started thinking what would I do in the basement, if he locked me up there. We had 3-liter jars in the basement and I was seeing myself cutting my veins using the glass of those jars. I couldn't live like that, I felt that I couldn't survive till the next morning. It was a dark room, 1x2 meters, which I saw as my coffin. I would cut my veins, he would cover me with soil and that would be my grave. That would be my path if he killed me. I had no other chances. When I got out to throw away the water, I opened the fence a bit and I got back into the house.

Then he told me to take a bowl to the basement and I didn't understand why. But he told me I should use it for my physiological needs until he returns. I gave him water, he went to wash himself in the kitchen, because we didn't have a bathroom and I was always bringing him the towel and clothes on the table. This time I left them in the room. I had 5-10 seconds to take a decision: either I run away now, or never. I thought that he would catch me and kill me, but at least I would try, and maybe I would be lucky to run away and he wouldn't catch me, especially because he would not run after me naked. While he was getting dressed I managed to run away. I was running like crazy and was afraid to run to the neighbors, because if he had found me, he would have brought me back home very quickly.

There were 4-storey buildings next to our house and I ran inside one of them and started knocking to each door on every floor. I had the feeling that he was behind my back and was about to catch me. Only on the third floor an old lady opened the door. She opened and let me in. Just after a while I realized what happened in fact: he beaten me, raped me, mocked me as he wanted. For the first time I was screaming loudly that God does not exist! That if He existed, He wouldn't admit such things. Then I realized that He still exists. This door that He showed me, this was my salvation. The lady gave me water to calm down. I stayed at her place for about one hour. She started to worry that someone would come after me, and she would end up in trouble. She let me in, but didn't want me to stay for too long. I understood this, but I didn't know whom to go to... I was afraid to call my mother. I didn't know how to explain her what happened, especially that I drank alcohol. If called the police, they would take me to the mad house, so what kind of police?! He had everything under control, he had friends everywhere, he would go to them and solve everything.

I called a family friend. I felt that this person probably would be able to help me. When I called him and when he heard my voice he hanged up the phone. In 5 minutes he called me back, as earlier he was with my husband. My husband called all our acquaintances and asked them to look for me. He told them that we had an argument and I had a suicide trend, so he was worried about me. He asked everyone who had a car to get in the streets and look for me. This friend of ours was also looking for me, so he came to this lady's place and took me away to an apartment only he knew about. He left me there and came back later with water, cigarettes and some food, so that I could stay there for a while. I slept a bit and when I woke up, I felt that my body hurt harder, I was shivering and I decided to call my mother and ask her to take me away from there, because I had no way out from that situation.

I called my mother and she immediately understood that something happened to me. She asked where I was and what I was doing. My husband called her to tell her that I ran away. He told her that if I came over, mother should

call him and let him know that everything was all right. Mother left her place with father. By the time they got to me, it was already night. They brought me some clothes and we wanted to leave, but I refused to leave without my daughter, because I couldn't be without her, I am her mother.

We decided to go and take the girl from my house. We got home, I was walking in front and my parents and my uncle were behind me. I knocked at the door, he asked who was there and I answered. He opened the door with his foot and threw me on the ground, and my parents were standing in front of him. He got out with his gun and started shooting. It was a traumatic gun, so the quantity of air inside determines if it kills the person or not. He started shooting and I jumped into the house. My first reaction was to look for my girl in her bed, but she wasn't there. She wasn't in her room. I heard my mother shouting outside: „*lon, put the gun down*“. Her voice was horrified and I was afraid he will shoot them. I wanted to call the police. But if you call them and say that your ex-husband wants to shoot you etc., they start asking hundreds of things – name, surname, year of birth, what happened etc. Suddenly, the noise stopped and I got outside. My ex-husband was standing aside, and my mother was holding the gun. As she told later, the 3 of them got on him and he fell down, so they took away the gun. They stayed with him, and I ran to find my daughter. The first thought was that he took her to her godfather, he lived nearby. I went to them, but police still didn't show up. The godfather didn't want to give me my daughter, he said my husband would kill him. He was afraid of him.

I went back home and saw such a picture: the wheels of my father's car all broken, my husband managed to push them aside and break the wheels with a knife. Then he got into his car and wanted to move it somehow. My mother quickly took the keys and only in that moment police came. When they arrived, they asked what happened. My husband said there was nothing serious, only some family issues, so they could leave. I told them everything as it was, that he held me in the basement, that he shot at my parents, that he mocked me. They found blood on the gun, arrested him and took him with them.

One of the police officers went with me and we took my daughter. Then the other started questioning me, taking pictures of the basement and the rest. Later, I went to the police station, I wrote the complaint, all 3 of us wrote it, together with my parents. It all lasted until morning. I did the forensic examination; they took all the data... My girl was 4 years and 5 months. But our marriage didn't last even 5 years. Like this.

...I went to the psychologist and in 10 counselling sessions she brought me back to life. She helped me reintegrate back into the society, so I could communicate, walk freely on the streets and not be scared. Besides that, I had another problem: I loved him so much that I couldn't decide to file the request for divorce. The lawyer prepared the necessary documents and asked for my marriage certificate, but I couldn't give it to him. I went to his office three times with the certificate in my hands, but I couldn't put it on the table. I couldn't divorce. It was a crazy love for the guy who wanted to kill me. It's pure madness, because I thought he was my only husband, that I have no right to divorce. For me the family was holy.

After the sessions with the psychologist, I filed the request for divorce. After some time, he called me. After hearing his voice, I was becoming a zombie. I was under cover, in safety, I could just hang up the receiver, but there was the psychological factor. I didn't announce that he had violated the protection order, I started discussing with him. He told me to get out and I got out. He could kill me, nobody saw me, there was no witness. These were unexpected reactions. He hugged me, took me by the hands. And I was feeling sick, I felt nothing for him.

The protection order expired, he got out and came to visit our daughter, but I was afraid for her and we were going out all together. But he was spending more time with me than with our daughter. He was working on me. „*Look how good everything was with us, what a beautiful wedding we had, what beautiful dates we had, what future we'll have*“. That's how he worked on me. The discussion got to the point of how I could help him, and he gave me the number of the prosecutor and told me to call him and change my statements on the case. That's what I did...

Currently I am charged with false statements. During all this time he was getting more attached to me, was showing a nice behavior, but, on the other hand he was threatening me in a way I couldn't even understand. *„You are a good girl; you know what to do. Those who are with me are my friends. And those who aren't with me, are my enemies. What will happen to your father if they find drugs at his place? He will be sent to jail, and I don't want him to be caught. And what will happen to your mother if some bad guys approach her? That's also bad. But I don't want this. I want us to be friends, to be a family”*. That's how he threatened me. He treated me with coffee and flowers. He was everywhere. I could see him everywhere. He was omnipresent. I was getting out from work, he was in front of me. I was getting out of my house, he was there again. He was walking me home from work, or was walking behind me, or next to me. Every day he was following me everywhere. I felt that this was the only way for him to leave me alone. He was promising he would leave me and my family alone. I went to the prosecutor; we went together with him hand in hand. The prosecutor asked him to go out and explained that it was not possible to change statements in the presence of the offender. He asked me what happened, and I said I wanted to change my statements. He asked me if everything indicated in the statements really happened, and I said no. I said I invented all those to punish him, but later we reconciled. I had the sentences prepared and learned in advance. Just like he taught me to say. Previously I spoke with another prosecutor, not the one who was trying my husband. This one also explained me the risks of my actions. And the issue turned against me...

A month passed since then and he changed dramatically. He was already fighting for keeping our daughter with him. *„As for you, you will be locked in a madhouse; since you are making some statements, and then another, so you are a psychopath. Locking you up in a madhouse is just a piece of cake. Everything is ready: your pictures, and your personal data. Your medical card will already be there, the only thing left will be just to take you there physically and that's it”*. I got scared and informed my parents. When they heard this they were shocked.

...Now we don't communicate. The last time we spoke he had the nerve to hit me once again, and I got one more protection order, but this time for 2 months. I already know how the protection order works, I already know many things. If only he approaches me or looks in my direction, I will call the police and that's it. I don't want to wait to the next time when he might kill me, hit me, humiliate or destroy me. I don't want to wait for this. I was already realizing this. Now he has the right to approach me, but I don't want to risk. He also understands that, if he approaches me, I won't wait too long. I didn't get the last order just like that, but he hit me again.

...It hurts, but this is the reality that I accept. I was a victim of domestic violence, but this is in the past. In future I will never be a victim of violence again.

The sentence issued by the court of the first instance in this matter: 4 years of deprivation of freedom, with a 4-year suspension of the execution of the punishment.

