

Facts-based study

Existing practices on access to justice for victims of domestic violence and the realization of their right to legal assistance in the Republic of Moldova

Study report



November 2014



Organization for Security and
Co-operation in Europe
OSCE Mission to Moldova



FACTS-BASED STUDY

EXISTING PRACTICES ON ACCESS TO JUSTICE FOR VICTIMS OF DOMESTIC VIOLENCE AND THE REALIZATION OF THEIR RIGHT TO LEGAL ASSISTANCE IN THE REPUBLIC OF MOLDOVA

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This publication is designated for professionals within the framework of the law system and all parties interested in assisting and protecting victims of domestic violence.

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ABBREVIATIONS

ECHR	– European Court of Human Rights
CPC	– Criminal Procedure Code
SCM	– Supreme Council of Magistrates
GPI	– General Police Inspectorate
Law no.45	– Law no.45-XVI of 01.03.2007 on preventing and combating domestic violence
Law no.198	– Law no.198-XVI of 26.07.2007 on legal state guaranteed assistance
NGO	– non-governmental organization
PO	– Protection Order
TO NCSGLA	– Territorial office of the National Council for State Guaranteed Legal Assistance
SASPF/DASPF	– Units Directorates of Social Assistance and Family Protection
DV	– domestic violence
VDV	– victim of domestic violence
LPA	– local public administration
MH	– Ministry of health
CC	– Criminal Code

EXECUTIVE SUMMARY

Law no.45 on preventing and combating domestic violence guarantees the protection of the legitimate rights and interests of victims of domestic violence, while one of the essential rights is the right to primary and qualified state guaranteed legal assistance. This study refers to practical realization of the right of domestic violence victims to legal assistance, by looking into existing practices on their access to justice in the Republic of Moldova.

In spite of the progress in addressing domestic violence in the Republic of Moldova, the study data reveal a continuous shortage of information on laws, rights and legal assistance services that are in place in the country, shared by authorities entrusted with tasks of preventing and combating domestic violence. It is regrettable that, in many cases, though knowing about DV acts, the authorities were reluctant to offer VDV's information about the effective laws, existing rights and legal resources and the victims were referred to placement services mainly only when there was a real threat to their lives. On the one hand, the interviewed law enforcement professionals said that VDV's, especially in the rural area, had limited information when they asked for help, and respectively were not aware of the legal character of the acts of violence, treating DV as a private issue, not as an offense. On the other hand, psychologists say that VDV's who decided to call on law enforcement bodies perceive themselves as persons without any rights and do not understand how to employ their rights because of the traumatizing experience through which they've been.

The VDV's' needs of legal assistance are often linked to their wish to feel safe. The most frequently quoted needs of the VDV's are to be assured with security by issuing a Protection Order, to divorce, to establish the children's custody, to receive a child support allowance, divide the common property, get their interests represented in the court, especially in criminal cases. Both VDV's, as well as the professionals who facilitated their access to legal assistance specified that the victims are incapable of effectively defending their rights in the court without a lawyer.

Though in many districts of the country there are public entities and non-governmental organizations that provide primary and qualified legal assistance services, today there is a considerable discrepancy in the geographic distribution of the services that are concentrated mainly in the North and Centre of Moldova, almost not being in place in the South of the country. VDV's know little about unconditional and free access to the lawyers' services from NGOs and rarely ask for private lawyers' services due to their limited financial resources. On the one hand, VDV's do not know quite clearly of the possibility to ask for free state guaranteed legal aid at the territorial offices of the National Council for State Guaranteed Legal Assistance (except for communities where there are paralegals), while on the other hand those who benefit from this opportunity believe that the procedures to access this aid is complicated for them.

Among the reasons for VDV's' hesitation to call on the law enforcement bodies is the lack of knowledge of the law/rights and in-country resources, lack of confidence that the law enforcement bodies could help them, fear of fines, fear of the aggressor, psychological and financial dependence on him, shame to externalize violent relations and the relatives' influences; the VDV's do not perceive psychological or sexual violence as one of the types of DV. The normalization of DV, self-accusation, condition of powerlessness and the trend to evade the realities of life as a result of the psychological trauma are some other reasons.

Both the VDV's as well as the interviewed professionals identified a number of issues which impede VDV's' access to justice and/or that they claim their rights:

- Resistance to register VDV's' complaints and continuously random fines issued by police officers;
- Limited access to services of free state guaranteed qualified legal assistance;
- Impediments in proving evidence on psychological violence;
- Impediments related to costs of forensic expert review and assessment of the seriousness of the physical bodily injuries (state fees that VDV's must pay);

- Issues with the enforcement and follow-up of the enforcement of Protection Orders;
- Vicious practices by judges of trying to reconcile the parties in cases of domestic violence, as well as others.

We are convinced that the information and observations obtained directly from the VDV's and professionals empowered to defend their rights and facilitate their access to justice are a perfect manner to look into the functioning of existing practices of facilitating VDV's' access to justice and de facto realization of their legitimate rights in the Republic of Moldova. We hope that the information included in this report, especially the conclusions and recommendations, will serve as an impetus and will be useful to all law enforcement professionals in promoting and defending the rights, freedoms and legitimate interests of the VDV's, so that they enjoy effective realization of their rights, including the constitutional right to free access to justice.

INTRODUCTION

Domestic violence is a phenomenon present in all countries of the world and the Republic of Moldova is no exception. Compared to violent acts which are perpetrated in the public space, domestic violence is difficult to identify, since it happens in a family environment, where authorities often do not have access. Domestic violence many times occurs because the aggressor is confident that abuse is justified and acceptable, while the victims hesitate to punish him for various reasons. On the other hand, the authorities and community tolerate this phenomenon, contributing, thus, altogether, to intergeneration multiplication of the phenomenon.

Domestic violence is an offense which can be discouraged, prevented or mitigated through legal interventions. The approval of the *Law no.45-XVI on preventing and combating domestic violence* is an important step in preventing and combating domestic violence in the Republic of Moldova, guaranteeing the protection of the rights and legitimate interests of the victims of domestic violence and the exercising of their right to assistance for recovery, especially through special legal and social actions. The above law states, also, the right of the victims of domestic violence for free primary and qualified legal assistance, in conformity with the laws on state guaranteed legal assistance. This normative act approaches domestic violence as a serious crime in the society and assures appropriate protection to the victims.

At the same time, it is not enough to have a law that would provide for the protection of the domestic violence victims. It takes measures that would permit the *de facto* realization of the *de jure* provisions, first of all, measures related to immediate protection and combating of the domestic violence phenomenon. To combat it, it is urgent to facilitate victims' access to justice, by offering them the possibility to call on the justice/notify law enforcement bodies in order to defend their legitimate rights, freedoms and interests. It is important to assure their right to take part in a fair trial, the cases being solved within reasonable timeframe, while the existing institutions and legal services should get effectively engaged in order to condemn this crime. Efficiency of a fair trial cannot be perceived without a good functioning of the judiciary institutional system, such as, for instance, the Supreme Council of Magistrates, courts, prosecutor's office, lawyers, bailiffs that help realize

good justice governance. Or, efficient justice cannot be perceived without professional actors engaged in the process.¹ A representative survey conducted by the National Bureau of Statistics of the Republic of Moldova and published in 2011 confirmed that out of the total number of female victims, only 2.8% called on legal assistance services, of these only 22.1% were satisfied with the services that they were offered, 41.4% were unsatisfied, while 36.5% did not know how to answer the question.² This denotes that the victims had other needs or expectations which did not correspond to what the existing law system offered. Or, the studies conducted before show that, in spite of the legal provisions, each victim is entitled to free legal assistance, but only a small part of victims manage to contact professionals in this area.³

Regretfully, many domestic violence victims do not call on law enforcement/ justice bodies, while according to estimates, in only about 4% of the cases of reported crimes, the aggressors are punished/they are recognized as guilty by the court. *Do the victims of domestic violence know the legislation in the field and their rights? Have they access to information and do they know of legal assistance resources existing in the country? Which are the victims' expectations from the justice system, from the defence of their rights and legitimate interests? Are the legal assistance resources available to them? Which are the reasons why domestic violence victims hesitate to call/refuse to call on law enforcement bodies the moment domestic violence starts? Why do they refuse or give up later the cooperation with the justice bodies? What is their psychological condition at the moment when they get in contact with the system of rights' protection? Which are the triggers for requesting legal assistance services? What is the experience of the victims of domestic violence of interacting with the law enforcement actors and what obstacles do they face? What can be improved to facilitate victims' access to justice?* These were questions that we tried to address in this study.

Since the assessment of existing practices related to the access of the victims of domestic violence to justice and the realization of their right to legal

1 http://www.ombudsman.md/sites/default/files/rapoarte/accesul_liber_just3.pdf

2 Violence against women in the Republic of Moldova. National Bureau of Statistics. 2011, page 47

3 Report on the assessment of the enforcement of the Law 45 on Protection order in the Republic of Moldova during 2008-2011. PromoLex, 2012, page 13. It can be accessed at: http://promolex.md/upload/publications/ro/doc_1358771911.pdf

assistance in the Republic of Moldova requires the participation of all parties included in this process, we resorted to immediate engagement in the study of the victims of domestic violence, those which benefited from legal assistance, as well as those who did not get into contact with the justice system. They are the main participants and a core element in collecting evidence and in understanding impediments in this area. Victims' participation in this study is also important since their opinion can indirectly serve for following-up on measures that affect their rights, as an essential condition for developing effective strategies for combating domestic violence.

To assure data validity, among respondents there were professionals in different areas, as well as empowered institutions that play an essential role in facilitating access to justice for domestic violence victims – lawyers/legal officers in placement centres/specialised NGOs, lawyers employed by the territorial offices of the National Council for State Guaranteed Legal Assistance, private lawyers, psychologists, judges, paralegals and prosecutors. The professionals were interviewed in order to identify good practices, issues and recommendations for improving victims' access to justice.

It is noteworthy that this study does not intend to assess assistance programs, but is rather focused on the need to better understand the state of affairs in this area, to highlight resources and current problems with the facilitation of the victims' access to justice and their effective relations with the law system, so that the recommendations made as a result of the study contribute to strengthened and more efficient joint efforts, including through planning activities for improving both existing normative and organizational means, as well as the mechanism to implement them. It should be also emphasized that the realization of this survey perfectly fits the provisions of the *Action plan for the implementation, during 2014-2015, of the Concluding Observations of the UN Committee on elimination of discrimination against women, approved in Geneva on 18.10.2013*, in relation to the *Fourth and fifth combined periodic report of the Republic of Moldova on the enforcement of the Convention on elimination of all forms of discrimination against women*⁴.

4 To enforce the Parliament Decision no.87-XIII of 28.04.1994 on Moldova's joining the Convention on elimination of all forms of discrimination against women, the Government of the Republic of Moldova issued on 03.07.2014 its Decree no.525 „On amending and completing GD no.933 of 31.12.2009 „On the approval of the National program of assuring gender equality for 2010-2015””,

We hope that this study would be relevant and useful for all actors engaged in developing and improving the legislation, policies, in implementing measures to combat this phenomenon and protect victims. We continue to hope that this survey and, especially, its recommendations will be useful to all law enforcement professionals, so that those who suffered from domestic violence have unrestricted access to the judiciary system and enjoy effective realization of their rights, while the aggressors are held accountable according to the effective legislation.

which includes the approval of an Action plan for the implementation, during 2014-2015, of the Concluding observations of the UN Committee on elimination of discrimination against women, approved in Geneva on 18.10.2013, in relation to the Fourth and fifth combined periodic report of the Republic of Moldova on the enforcement of the Convention on elimination of all forms of discrimination against women.

I. RESEARCH FRAMEWORK

I.1. Purpose and tasks of the study

The purpose of this study is to look into the existing practices related to access to justice for domestic violence victims and the realization of their right to legal assistance. In particular, the study sets out the following specific tasks:

- determine the level of knowledge of the rights and provisions of the respective laws by the VDV;
- determine the access to information and the level of knowledge of existing legal assistance resources;
- identify VDV's legal protection needs and expectations in relation to the law enforcement system;
- establish the reasons why VDV do not call on the law enforcement system;
- identify reasons why VDV call on the law enforcement system;
- analyse the experiences of interactions between the VDV and the law enforcement bodies and the experience of benefitting from assistance services;
- draw recommendations on facilitating VDV's access to justice.

I.2. Study methodology

To realize the purpose of the study, the method of **in-depth individual interviews** with VDV and professionals was used by applying the semi-structured interview guidelines and the **secondary analysis of available information**. The target groups that are subject to the research are presented in *Table 1*. The interviews were held during 15 April – 17 June 2014.

To know the psychological condition of victims in placement/maternal centers⁵ who've asked or were intending to ask for the services of legal specialists/

5 Including VDV who were interviewed within this study

lawyers for defending their legal rights, as well as to develop a successful plan for the rehabilitation of the beneficiaries, the psychologists made to the VDV's two psychological tests (*A grid of evaluating the influence of the traumatising event* and *General self-efficacy test*).

Table 1. Research methods and target groups

Method	Number of respondents or tests
1) In-depth individual interviews with VDV's:	
• VDV's that benefited from legal assistance	20
• VDV's that did not benefit from legal assistance	20
Total VDV's	40
2) Individual interviews with professionals:	
• lawyers/legal specialists from maternal centres/shelters, specialised NGOs	10
• lawyers/public lawyers, employed at the TO NCSGLA	10
• psychologists at placement centres, specialised NGOs	8
• judges	8
• paralegals (in the TO of the NCSGLA)	5
• prosecutors	5
• private lawyers	4
Total professionals	50
3) Tests made to VDV's by psychologists on their psychological status:	
• <i>A grid of evaluating the influence of the traumatizing event</i>	50
• <i>General self-efficacy test</i>	50
4) Secondary analysis of available information	
• normative acts, reports, thematic publications, etc.	

In-depth interviews with the VDV's from both categories and above mentioned professionals, both from urban as well as from rural areas, were conducted in a number of districts and two municipalities out of the three geographic areas of the Republic of Moldova (in the North: municipality of Bălți, districts of Drochia, Fălești and Soroca; in the Centre: municipality of Chișinău, districts Hâncești and Căușeni; in the South: districts Cahul, Cantemir and TAU Găgăuzia). Whenever possible, each geographic area was represented by a uniform number of interviewed professionals and VDV's. To assure a gender-based approach, both female and male professionals, as much as possible, were interviewed.

To encourage interviewed professionals to talk of the issues that they face in their activity, their findings and excerpts from the interviews remain anonymous, while the names of communities are encoded.

I.3. Methodological limitations and ethical considerations. Definitions and abbreviations

Within the framework of the present study, a number of limitations occurred, which influenced its results. There refer to the following:

- *Selection of study participants, VDV.*

The report focuses on assistance provided to adult VDV; therefore, minor VDV are beyond the research framework. Since no case of violence against men was reported within the framework of the study, only the experience of VDV women was researched. As soon as female VDV, beneficiaries of shelters, were identified by the staff of the shelters and interviewed within the respective institutions, they might have not been willing to talk about certain gaps in the work of their lawyers, which must be taken into consideration. To a great extent, the interviewed VDV were the beneficiaries of the shelters, fitting into a specific social profile (women with pre-school children, with limited/no revenues, without any support circles/alternative placements). The beneficiaries referred by the TO NCSGLA were mainly women with limited revenues. To mitigate the risk of studying only certain profiles or only certain problems that were faced by the beneficiaries referred to for interviews by the services providers, the services providers were asked to reveal cases that might permit the identification of beneficiaries with various profiles and a large range of issues that they faced at every phase of the legal intervention – from those who did not access the judiciary till those who've accessed it (in particular: emergency calls, filing of the preventive complaint to the law enforcement bodies, phases of investigation, trial and post-trial). Nevertheless, taking into account the limitations that refer to the possibility to research the experiences of the VDV beneficiaries of shelters and TO NCSGLA, their experiences cannot be generalized at the country level. These situations should rather be treated as individual cases that require attention.

To research other experiences too, mainly failure stories, one looked into the information collected through other available channels, such as the *Trust line* for VDV, managed by the International Centre “La Strada”, where frequently there are confidential reports on issues related to access to justice. VDV that did not call on the justice bodies or refused to cooperate with these at a later stage were identified whether through the *Trust line* or through other actors specialised in assisting and protecting VDV or through other interviewed VDV. The results of the psychological tests made to the VDV beneficiaries of shelters, were shared with the researcher, without disclosing names or other personal data; respectively, they rather reflect the experience of victims the most of which rather were at the phase of submitting a complaint to the law enforcement bodies together with their lawyers or at the interim trial phase.

In developing the interview guidelines special attention was paid to how the questions are formulated in order to avoid mistaken perception of the issues by the VDV and avoid inducing the self-blame feeling. To prevent re-traumatization, VDV’s interviewing was not focused on highlighting their experience of violence, but exclusively on the experiences of accessing the law/ justice system. Interviewed VDV which did not call on the law enforcement bodies received information on the possibility to access services for victims calling the Trust line, being provided with information exclusively on the possibility to get free qualified legal assistance from a lawyer. It is noteworthy that the information received from VDV that, eventually, contained personal data or data which might identify them was removed from the research report. Because the VDV that asked to cease the criminal prosecution of the indicted aggressor and respectively refused the services of the lawyer, very rarely maintain the contact with the services provider, it was difficult to identify a range of respondents with such experience to be able to research in detail the reasons for ceasing prosecution, therefore, the professionals’ opinions were rather studied.

- *Selecting professional participants for the study.*

The law enforcement representatives could be interviewed/participate in the study only after they had been delegated by their hierarchic agency (for instance, the list of delegated judges was drafted by the SCM, the list of lawyers, public lawyers and paralegals was drafted by the NC SGLA, etc.). Therefore, it is possible that one did not select professionals with relevant

experiences for the study. The professionals and their beneficiaries, VDV, were informed of the purpose of the research and a completely voluntary participation in the study, assuring their anonymousness and confidentiality, while the names of the communities were encoded. The anonymousness permitted the respondents to feel comfortable in talking about the problems they faced, without being afraid of any repercussions from their superiors. To assure a gender-sensitive approach, we interviewed, whenever possible, both female and male professionals. During the interviews, all interviewees were encouraged to make proposals in relation to possible solutions to make the joint efforts in improving VDV's access to justice more efficient;

- *Reference period and scope of research*

All interviewees were asked to refer only to their experiences of the year preceding the interview. Geographically, the situation in the Transnistrian region was not surveyed.

Work definitions used in the present report

Access to justice – unlimited possibility of an individual (in this case, VDV) to call on justice/notify law enforcement/judiciary bodies in order to defend its rights, freedoms and legitimate interests, having a guaranteed right to fair trial and to solving the case within reasonable timeframe, eliminating all legal and organizational factors which impact the availability and effectiveness of legal services.

Aggressor – an individual committing acts of violence within the family, in partnership relations, etc.

Legal assistance – professional activity conducted by lawyers or legal professionals, support provided by defenders to the parties within civil, criminal proceedings or litigations by offering consultancy and drafting complaints or other legal acts, by defending, and if appropriate, representing individuals in the court, as well as by supporting, through legal means, their legitimate rights and interests in their relations with the state bodies, institutions, enterprises or any legal or natural person. As regards legal assistance provided to VDV, it was about the following: a) legal consultations

and applications; b) legal assistance and representation in courts, criminal prosecution bodies, jurisdictional authorities, bailiffs, public administration bodies and institutions, as well as before other legal persons, as provided for by the law; c) assistance and representation of interested individuals before other public institutions; d) defence and representation with specific legal means of the rights and legitimate interests of an individual in its relations with the public authorities.

Protection Order – a legal act by means of which the court applies victim's protection measures.

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

Justice system – courts, laws of a country and their functionality to assure human rights and freedoms (in this case, VDV's).

Victim – an individual, adult or child, who is subject to acts of violence within the family, in partnership relations, etc.

Domestic violence – any intended action or inaction, except of cases of self-defence or defence of third persons, expressed physically or verbally, through physical, sexual, psychological, spiritual or economic abuse or by causing material or moral damages, committed by a family member against other family members, including against children, as well as against joint or personal property.

Psychological violence – imposing one's will or personal control, inducing conditions of tension and mental suffering by offences, mocking, cursing, insulting, nicknaming, blackmailing, demonstrative destruction of objects, by verbal threats, ostentatious display of arms or by hitting domestic animals; neglect; interference with personal life; acts of jealousy; imposing of isolation by detention, including in the family home; isolation from the family, community, friends; prohibition of professional realization, prohibition of attending an education institution; by taking away of identification papers; intended deprivation of access to information; other actions with similar effect.

II. CORE LEGAL PROVISIONS THAT REGULATE VDV'S ACCESS TO JUSTICE

II.1. Domestic legal framework

Setting out the rights and fundamental freedoms of its citizens in chapters I and II of the Constitution, the Republic of Moldova also specified the general principles applicable to these. These principles shall equally apply to all rights and freedoms provided for in the Constitution and effective legislation. To guarantee an efficient exercise of the rights and freedoms, art.20 of the Constitution of the Republic of Moldova⁶ sets out ***the principle of free access to justice***. According to it, “*any individual is entitled to effective satisfaction by the competent courts against acts which violate their rights, freedoms and legitimate interests and no law can limit the access to justice*”. Free access to justice is a complex principle, entailing a number of relations and fundamental rights, by which one can guarantee its complete exercise.

A general right which guarantees free access to justice to individuals is the right to effective satisfaction by competent courts against acts which violate individuals' legitimate rights. To guarantee the right to effective satisfaction by the courts, the lawmaker has also set out the principles and constitutional rights based on which justice is exercised in the Republic of Moldova. One of them is the ***right to defence***, regulated by art.26 of the Constitution, according to which every individual in the Republic of Moldova is guaranteed with the right to defence, every individual having the right to respond independently, through legitimate means, to the violation of its rights and freedoms. Throughout the process, the parties are entitled to assistance from a lawyer, chosen by the parties or appointed ex officio. The Constitution grants the individual the right to choose how to defend oneself and the possibility to defend oneself by the means provided for in the laws.

6 Constitution of the Republic of Moldova (approved by the Parliament of the Republic of Moldova on 29.07.1994). http://lex.justice.md/document_rom.php?id=44B9F30E:7AC17731

To realize the constitutional principle of free access to justice and the guarantee of the right to defence, the lawmaker, through the *Civil procedure code* and *Criminal procedure code* of the Republic of Moldova, regulated the principles of realizing justice in civil and criminal cases, as well as the manner of exercising the right to defence in such cases. According to art.8 of the *Civil procedure code*, the parties and other participants in the proceedings are entitled to be assisted in the court by a lawyer that is selected, while in the cases provided for by the legislation, the lawyer can be appointed by any court. The individuals may benefit from legal assistance at any phase of the proceedings.

According to art.17 of the *Criminal procedure code*, throughout the criminal case proceedings, the parties (the suspect, the accused, the defendant, the injured party, the civil party, the civilly liable party) are entitled to being assisted, or, if appropriate, represented by a selected defender or a lawyer that provides state guaranteed legal assistance. Thus, both in civil as well as in criminal cases, domestic violence victims are entitled to “being assisted by a lawyer which they choose or a lawyer that provides state guaranteed legal assistance”.

The principle of free access to justice is also enshrined in the special law that regulates and sets out the legal and organizational bases of the activities for preventing and combating domestic violence, the competences of the authorities and institutions empowered with the tasks to prevent and combat domestic violence, the mechanism of notifying and settling these cases – **Law no.45 of 01.03.2007 on preventing and combating domestic violence**. It guarantees to the victim of domestic violence the defence of its legitimate rights and interests, as well as the exercise of its right to assistance for physical, psychological and social recovery through special medical, psychological, legal and social actions. In particular, art.11 para.(5) of the Law no.45 reads that “the victim is entitled to free primary and qualified legal assistance according to the legislation on state guaranteed legal assistance”. However, it does not regulate in detail the manner in which the state guaranteed legal assistance is provided, but makes reference to another law, whose focus is the state guaranteed legal assistance.

Thus, the **Law no.198 of 26.07.2007⁷ on state guaranteed legal assistance** provides for the types, conditions and manner in which state guaranteed legal assistance is provided: *primary legal assistance* and *qualified legal assistance*. Primary legal assistance is provided to the nationals of the Republic of Moldova regardless of their level of revenues. Qualified legal assistance is conditioned by the Law no.198 by the shortage of sufficient financial resources to pay for these services. Thus, art.19 of the said law specifies the individuals who are entitled to qualified legal assistance and in particular Moldovan nationals who:

- need legal assistance in criminal cases and the justice interests require it, but they do not have sufficient means to pay for this service
- need emergency legal assistance in cases of apprehension within criminal proceedings or contravention proceedings
- are entitled to mandatory legal assistance based on art.69 para.(1) point 2)-12) of the Criminal procedure code of the Republic of Moldova
- are entitled to mandatory legal assistance based on art.77 letter a), b), c) of the Civil procedure code of the Republic of Moldova
- need legal assistance in contravention, civil and administrative litigation cases, but do not have sufficient means to pay for these services, the cases being complex from legal or procedural perspectives
- children victims of offenses are entitled to qualified legal assistance.

In the spirit of the above quoted legal provisions, domestic violence victims benefit from qualified legal assistance only if they can provide proofs that they do not have sufficient means to pay for qualified legal assistance services.

Therefore, the state has positive obligation to assure the individuals which have no means with access to justice by developing a system of free assistance, accessible to all economically or socially disadvantaged persons. The administration of the process of granting state guaranteed legal assistance is regulated by the **Law no.198-XVI of 26.07.2007**, while *the National council of state guaranteed legal assistance* is the executive body responsible for developing the normative framework, planning the strategy, actions,

7 Law no.198 of 26.07.2007 on state guaranteed legal assistance <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=325350&lang=1>

budget and for monitoring the activities of the TO of the NCSGLA, where public lawyers/lawyers and paralegals work. The commitment to provide legal assistance to individuals who do not have sufficient financial means to pay for the legal services and to build up the current system of state guaranteed legal assistance is reflected in international acts to which the Republic of Moldova is a party, in the legislation and policy papers of the Republic of Moldova, including in the Program of activity of the Government of the Republic of Moldova *European Integration: Freedom, Democracy, Welfare 2011-2014*, in the *Justice Sector Reform Strategy for 2011-2016*, the *National Human Rights Action Plan for 2011-2014* and the *Strategy of activity within the system of state guaranteed legal assistance for 2012-2014*⁸. Among the commitments of the NCSGLA for implementing the *National Human Rights Action Plan for 2011-2014*, within the chapter on *Preventing and combating domestic violence*, there is only one objective: *Assure free legal assistance to domestic violence victims*, to be realized by implementing the action of *training lawyers on providing legal assistance to domestic violence victims*. At the same time, it is not clear how to realize this objective by training, since the problem is related not so much to enhancing competences, but to the legal framework and the mechanisms to enforce it. Thus, in spite of the positive trends to build the current system of state guaranteed legal assistance, there are some drawbacks in the activity, such as the improvement of the legal framework, possible extension of categories that benefit from the state guaranteed legal assistance, with specific inclusion of V DVs as beneficiaries, exempting them from the financial test⁹.

On top of these, the Law no.45 on preventing and combating domestic violence endows with obligations other authorities, called to provide support and assistance to victims of domestic violence with a view to exercising their legitimate rights and interests, restoring their right that was violated, exercising access to justice. The above law reads that units/departments of social assistance and family protection, via its officer in charge of preventing

8 Report on the activity in the state guaranteed legal assistance provision system for 2013. NCSGLA. P.1. http://www.cnajgs.md/uploads/asset/file/ro/203/Raportul_de_activitate_al_CNAJGS_2013.pdf

9 Eventual need to extend categories of the beneficiaries of the state guaranteed legal assistance and to exempt certain categories of beneficiaries from the financial test is relevant in the *Report on the activities of the state guaranteed legal assistance provision system for 2013. NCSGLA.* - P.3. It can be found at: http://www.cnajgs.md/uploads/asset/file/ro/203/Raportul_de_activitate_al_CNAJGS_2013.pdf

and combating domestic violence, defends the victims' legitimate rights and interests, while internal affairs bodies, at the level of their specialised unit, assure the execution of the Protection Orders and inform the victim of its right to benefit from free legal assistance. The authorities empowered with tasks of preventing and combating DV must respond promptly to any notification and inform the victims of their rights, of authorities and institutions with tasks of preventing and combating domestic violence, of the type of services and organizations where they can ask for help, of the assistance that is available for them and where they can file a complaint, as well as of the procedure that follows after filing the complaint and their role after these procedures, how they can obtain protection, to what extent and under what terms they have access to consultancy or legal assistance¹⁰.

II.2. International legal framework

The Convention of the Council of Europe on preventing and combating violence against women (the Istanbul Convention), approved in Istanbul on 11.05.2011, is the first legally binding document at European level for preventing, investigating and punishing all acts of violence against women. This convention entered into effect on 01.08.2014, while in September 2014, the list of states that ratified it counted 14 countries. The signatories commit to ensure protection and support measures and are ready to provide or ensure specialised assistance services to all women victims of violence and their children, legal assistance and free legal assistance for victims, as provided for by their domestic laws (art.18 and 57). The explanatory report of the Convention says that the states must put at the victims' disposal protection and support services regardless of their social-economic condition and to provide these services free of charge, where appropriate¹¹. Thus, our country, which, by joining the Council of Europe and by signing the Association Agreement with the EU expressed its willingness to harmonize the legislation and the manner of enforcing justice with the European standards, including

10 Law no.45 of 01.03.2007 on preventing and combating domestic violence, art. 8 para. (3) point f) and para. (6) points g), i), art. 11 para. (3)

11 Point 120 of the Explanatory report of the *European convention on preventing and combating violence against women and domestic violence*. <http://www.osce.org/ro/moldova/121520?download=true>

the Istanbul Convention, should consider these provisions. The Istanbul Convention obliges the signatories to take necessary legislative measures to make sure that victims get **in due time** information about the available support services and legal measures (art. 19) and it also implies that victims are informed, as provided for by the domestic legislation, of their rights, available services and summaries of the outcomes of the complaint that the person files, of the pressed charges, general progress of the investigation or procedures, the role of the respective persons, as well as the result of the relevant case (art. 56).

The UN standards imply the development of the national legislation that would ensure the VDV's' right to free legal assistance in all legal procedures, especially criminal ones, for facilitating access to justice and preventing re-victimization, as well as to **free** legal assistance in the court, including the right to be accompanied and represented free of charge in the court by a service specialised in assisting victims and/or by an intermediary, to have access to information services and support in the navigation of the law system¹². The **UN principles and guidelines on Access to State Guaranteed Legal Assistance in Criminal Justice Systems** specifically prescribe the provision of state guaranteed legal assistance, consultancy and support services in court within the framework of all legal proceedings to women victims of violence in order to ensure their access to justice and to avoid re-victimization, as well as to provide other similar services. This norm reads that states must also ensure the provision of state guaranteed legal assistance to individuals residing in rural areas, remote and economically and socially disadvantaged areas, as well as to individuals that are part of economically and socially disadvantaged groups. If the level of the means/resources is calculated based on the revenues of a family, but the individual family members are in conflict or do not have equal access to family revenues (such as it is, often, among family members where an act of violence occurred – *author's note*), then, when inspecting the level of means/resources, one shall take into account only the revenues of the individual requesting state guaranteed legal assistance¹³. At the same time, the concluding observations of the UN committee on the

12 UN Women, Handbook for Legislation on Violence against Women (2010), Section 3.9.3. <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

13 http://www.cnaigs.md/uploads/asset/file/ro/262/Principiile_si_Liniile_Directoare_ale_UNU.pdf

elimination of discrimination against women, approved on 18.10.2013 with reference to the Fourth and Fifth combined report of the Republic of Moldova on the enforcement of the **Convention on elimination of all forms of discrimination against women**¹⁴ express concerns that the Moldovan state guaranteed legal assistance system does not cover the victims of gender-based violence and calls for the Government of the Republic of Moldova to remove any impediments faced by women in getting access to justice and to ensure that legal assistance is available to all victims of violence¹⁵.

The Republic of Moldova was the first country to ratify the **Convention on access to information, public participation in decision-making and access to justice in environmental matters** (the Aarhus Convention) of the United Nations Economic Commission for Europe¹⁶. The said Convention sets out joint requirements concerning the access to justice, which must be objective, fair, realised within reasonable timeframe, applied by independent and impartial bodies, at a balanced price and providing an appropriate and effective remedy, while the state has the obligation to disseminate information about the procedures of accessing justice, establishing an assistance mechanism to eliminate or diminish financial or other kind of obstacles in accessing justice. This Convention is an international regulation that precedes any other domestic law instruments, except those that entail more favourable provisions. The Governmental Decree no.471 of 28.06.2011 approved the *National action plan for enforcing in the Republic of Moldova the Convention on access to information, public participation in decision-making and access to justice in environmental matters (2011-2015)*¹⁷, however, the actions specified in the action plan are rather related to environmental matters, while activities on disseminating information on the rights of citizens and procedures of accessing justice were planned only for 2012.

14 http://www.mpsfc.gov.md/file/tratate/cedaw_md.pdf

15 Concluding observations on the combined fourth and fifth periodic reports of the RM of the Committee on the Elimination of Discrimination against Women, October 18, 2013, Point 19 (c), and Point 20 (c)

16 Convention on access to information, public participation in decision-making and access to justice in environmental matters was ratified by the Republic of Moldova through the Decision of the Parliament no.346-XIV of 7 April 1999 (Official Gazette of the Republic of Moldova, 1999, no.39-41, art.178).

17 <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=339051>

When all remedy possibilities are exhausted within the country, the unsatisfied litigant can call on international legal bodies. Domestic violence is a category of ill-treatment and falls under the ECHR, and according to the ECHR case-law the states bear the positive obligation to protect individuals from ill-treatment perpetrated by private individuals and conduct an efficient investigation into such acts¹⁸. In 2013, the first convictions of the Republic of Moldova at the ECHR on cases of domestic violence took place, while until July 2014, the ECHR issued four rulings against the Republic of Moldova on the matter of domestic violence¹⁹. One of the prerogatives of the member states is to fully execute the ECHR rulings and prevent similar violations in the future, take into account the evolving case-law of the Court, including that referring to other countries, and implement effective appeals.

The ECHR rulings that address domestic violence in the Republic of Moldova identified a range of problems, of which the most wide-spread were the failure to enforce protection orders issued by the courts, as well as the shallow attitude of the authorities dealing with these cases, especially the police officers that had to enforce the Protection Orders²⁰. This study is an attempt to collect as much information as possible that would highlight the extent to which the provisions of international and domestic documents are implemented in the daily lives of the victims of domestic violence, especially with regard to the right to free state guaranteed legal assistance.

18 ECHR, 28 May 2013, Ruling Eremia vs. Moldova, para.49-51

19 Eremia (28/05/2013), Mudric (16/07/2013), B.(16/07/2013) and T.M. and C.M.(28/01/2014)

20 Study "Success and failure in justice reform in the Republic of Moldova: 2012 – July 2014". Centre for Legal Resources of Moldova, Chişinău, 2014, page 58

III. VDV's PERCEPTIONS, NEEDS AND AVAILABLE LEGAL RESOURCES

III.1. VDV's knowledge on the related legislation and their rights

The study shows that VDV's who end up in placement centres learn about the laws on the matter and about their rights only from the legal specialist or the lawyer of the centre. Only one fourth of the interviewed VDV's who benefited from legal assistance said that, in fact, they **knew (a little) about the legislation and their rights**. As a rule, they were informed by the representatives of the law enforcement bodies. At the same time, they understood little or were unable to remember the information that was provided to them because of their critical condition at the moment when they asked for help. It is not surprising that VDV's which did not benefit from legal assistance knew nothing about the legislation on the matter and their rights. It should be noted that half of them said that the police officer, the social assistant or the mayor knew of the acts of violence in the family, but did not provide them any information about their rights and how to defend them.

Poor information of the VDV's, especially those in the rural areas, at the moment when they've asked for help was noted by the most of the interviewed professionals (lawyers, legal specialists, paralegals, judges, prosecutors), who explain it by the faulty activity or limited engagement of the social assistants, police officers and mayors in such cases. Only one public lawyer said that a reason for the VDV's not knowing their rights is the low level of education of this category of applications, with whom they have to work²¹.

A number of interviewed judges mentioned that a big part of VDV's who reached the judicial phase, without being represented by a lawyer did not know their rights at all, the judge had, thus, to inform them and sometimes to also explain the legislation during the court hearing. A victim of domestic violence, referred by the judge to a placement centre, said that it was difficult for her to understand the legal provisions described by the judge, except for

21 Interview with a public lawyer of the TO NCSGLA, community K, 28.05.2014

the fact that “there is a law for which the man beats his wife”²². Another judge noted that VDV’s do not know of their elementary right to a lawyer²³. A lawyer with training experience at trainings delivered for police bodies throughout the country, to whom VDV from various regions are referred, says that the level of VDV’s information is directly linked with the information activity conducted by the police officers to whom, often, the victims address. The study also reveals that the victims from the South of the country, compared to the VDV’s from other regions, are more seldom referred for legal assistance and they seldom end up in courts. An example was when a judge who worked for 6 years in the South of the country and was then transferred into the centre of Moldova was surprised to see a domestic violence case²⁴.

Some lawyers find that VDV’s do not realize the legal characteristic of the acts of violence, even if the procedure had been described to them. Respectively, even when they file a complaint with the police or draft a court application, they are not able to understand what would happen next or whether their problem would be somehow solved²⁵. And only in the end, when the Protection Order is issued, the aggressor is removed from home or is criminally punished, and the victim obtains protection and feels protected, the VDV starts trusting the law enforcement bodies²⁶. Both the victims, as well as professionals confirm the prevalence of stereotypes about legal knowledge, thus, the victims continue to perceive DV as a private issue and not as an offense²⁷.

A psychologist mentioned that VDV’s, as individuals who were subjected to psychological traumas, from the beginning perceive themselves as individuals with no rights at all in this life, therefore, several counselling sessions are needed for them to subsequently understand that they have some rights, including the right to call for a lawyer that would represent their legitimate interests²⁸. Another psychologist, provided an example saying that VDV’s are

22 Interview with a VDV, beneficiary of a shelter, resident of a village in the Northern part of the country, 40 years old, 5 children, 15.05.2014

23 Interview with a judge, community L, 02.06.2014

24 Interview with a lawyer, NGO, community A, 20.05.2014

25 Interview with a lawyer TO NCSGLA, community L, 28.05.2014

26 Interview with a lawyer, NGO, community A, 13.06.2014

27 Interview with a legal specialist, NGO, community D, 30.05.2014; interview with a paralegal, community F, 17.05.2014

28 Interview with a psychologist, community A, 19.05.2014

seldom aware that they can use their rights, specifying a case of a beneficiary who, for many years in a row, used to spend the nights with the children in the barn because her aggressive husband said that it was her place and that she had no rights²⁹.

Thus, immediately after the act of violence the victims do not always have information about the relevant legislation and their rights; often, they are not aware of the legal specificity of the acts or violence or are not ready to testify against the aggressors. This conclusion emphasizes especially the need to familiarize the categories of victims with various types of support services and legal measures that are there at their disposal as a first step that would facilitate their access to justice.

III.2. Access to information, knowledge of existing legal assistance resources and how they are perceived by the victims

As it was mentioned above, an issue of free access to justice is the insufficient legal information for building up an appropriate level of legal awareness. In many cases, according to the interviewed professionals, in the rural communities there is no access to legal information mainly because the respective information is seldom transmitted to the victims and they are not aware of the existing assistance resources, including legal assistance. **Nine out of ten VDV**s, who benefited from legal assistance in the placement centres, **mentioned that the local authorities knew of the conflicts in their family for a longer time**, but informed them of possible help (mainly about the placement services and the right to get legal assistance) only when the violence became critical and it was necessary to remove the victims from the abusive conditions, where there was a real risk for the lives of the women and children. Female VDV's who did not benefit from legal assistance did not know of the existence of a special law that would protect their rights. They did not know that the law grants them certain rights which they can enjoy, while half of them said that local authorities were aware of domestic violence in their families, but did not inform them of these rights. An interviewed victim

29 Interview with a psychologist, community A, 23.04.2014.

of domestic violence confessed a case in which the mayor did not have, at that moment, the information about the law and specialised centres, hosted her and her 3 children in the mayor's office for one winter night, while the second day he paid for her travel to a relative so that she did not have to stay there³⁰. The majority of the V DVs do not watch or watch TV randomly, do not read newspapers and seldom listen to the radio. Some professionals specify that victims who have a TV set, a radio set, access to the Internet have easier access to information. If the victims do not have any electronic information means and on top of this they have to work in the field all day long, their access to information is limited and in such cases, it is task of the police officer and the local public authorities to be more active in informing the presumed victims on their legal possibilities³¹.

According to the staff of the placement centres, the victims from the rural area are less informed of where they can address for the protection of their rights. They only know that they can call the police when there is a risk for their lives³². Being asked about the tasks of the law enforcement bodies, many V DVs who benefited from legal assistance said that the police officer has to defend them physically, the lawyer must protect their interests and the judge must try the aggressor. Many of the interviewed victims do not know the prosecutor's tasks. V DVs who benefited from legal assistance said that the police officer is the first law factor which determines the act of violence in the judicial process, while those who did not benefit from legal assistance perceive the police officer's role to lead negotiations with the aggressive husbands or issue a fine. At the same time, they believe that both solutions are useless. To their greatest extent, the interviewed V DVs who did not benefit from legal assistance had a limited perception of the needs and services to protect their legitimate rights and interests, being largely limited to the lawyer's help. The tasks of the lawyers, as to the unassisted victims, are also perceived in a limited manner and refer to divorce or determining the domicile of the child, while the judge is viewed by them as "the law enforcement that punishes

30 Interview with a V DV, beneficiary of a shelter, resident of a village from the South of the country, 41 years old, 4 children, 02.06.2014.

31 Interview with a lawyer, NGO, community A, 13.06.2014; interview with a legal specialist, NGO, community D, 30.05.2014

32 Interview with the manager of a shelter, community L, 02.06.2014

with imprisonment”. Concomitantly, few VDV’s know that aggressors may be punished with deprivation of liberty, respectively, they can’t grant any role to the judge in combating DV.

Experts from NGOs show that VDV’s often end up benefitting from free services of lawyers within NGOs, however, at the same time, the information of this opportunity is in direct connection with the possibility to promote specialised telephone lines. At the same time, broadcasting of video spots on TV channels is too costly and few donors are ready to cover the costs for such publicity, which should be promoted by the broadcasters as social publicity³³.

To a great extent, the interviewed VDV’s associate legal assistance with the need to call on private lawyers, whose services are very expensive and they cannot afford them. The judges say that VDV’s seldom go to the court by themselves, as a rule, they file an application to the court via a private lawyer³⁴. Some interviewed judges said that the court is obliged to inform the VDV’s of their rights, including of the right to benefit from state guaranteed (free of charge) legal assistance, with reference to criminal cases. Only upon the judge’s request, the TO NCSGLA offered the VDV a lawyer without any delay³⁵. In a case when the VDV was accompanied by a private lawyer, the judge proposed and the victim agreed to be further represented by a lawyer from the TO NCSGLA³⁶. However, the interviewed private lawyers/lawyers from the specialised centres, prosecutors and paralegals specified that the majority of VDV’s did not know at all that there is a possibility to apply for state guaranteed free legal assistance to the TO NCSGLA. A lawyer from the TO NCSGLA from TAU Gagauzia noted that VDV’s find out about free legal assistance from other victims, because their level of integration (especially in this region) is very limited and, respectively, they do not have access to information in general³⁷. Only 5 out of 40 VDV’s interviewed within this survey knew of the possibility to benefit from qualified legal assistance from the TO NSGLA. A public lawyer from the TO NSGLA quoted a

33 Interview with a psychologist, NGO, community A, 15.04.2014

34 Interview with a judge, community L, 02.06.2014

35 Interview with a judge, community A, 12.06.2014; interview with a judge, community L, 02.06.2014; interview with a judge, community C, 05.06.2014

36 Interview with a judge, community A, 11.06.2014

37 Interview with a lawyer at the TO NCSGLA, community K, 28.05.2014

case from its experience, when a VDV, prior to getting to the TO NSGLA, asked everywhere hoping to benefit from free legal services – wrote letters to ministers, to the President, the Minister of Justice, the Ombudsman – so that, finally, the victim was referred to this institution³⁸. It is noteworthy that some interviewed professionals from shelters, also, did not know of the possibility to get state guaranteed legal assistance from the lawyers of the territorial offices, which highlights the need for a closer cooperation among partners.

According to the activity report, it is found that the range of state guaranteed legal assistance services extended from 1 January 2012 to include also non-criminal cases, the public does not know enough about such protection and help on behalf of the state. Prompt interventions are required to assure the media coverage of this type of assistance in a more comprehensive way. In spite of all these, the Ombudsmen consider that it is necessary to emphasize the diversification of some models of how state guaranteed legal assistance is provided, focused on the socially vulnerable category's needs³⁹.

The state of affairs with regard to the VDV's information on their rights and the possibilities to get free legal assistance is better in the rural communities in which there are (subordinate to the NCSGLA) paralegals, which offer primary legal assistance to the public. The interviewed paralegals reported a number of cases when the VDV's were referred to the TO NCSGLA, still, few victims benefit de facto from the legal assistance provided by the lawyers of the territorial offices. This report is an attempt to make it clear how accessible the qualified legal assistance services are for the VDV's in the country.

38 Interview with a public lawyer at the TO NCSGLA, community A, 11.06.2014

39 Free access to justice in the RM. Human Rights Centre, 2013 http://www.ombudsman.md/sites/default/files/rapoarte/accesul_liber_just3.pdf

III.3. The need to defend the VDV's legitimate rights and interests and their expectations versus the justice system

The interviewed professionals note that VDV's needs related to the protection of their legitimate rights and interests are traditional: get the Protection Order, divorce, determine the children's custody, get the minor children's support allowance, divide common property, and get represented in front of the criminal prosecution bodies. The lawyers specify that the most frequent demanded legal services refer to assistance in getting a PO and divorce with the determination of the children's custody.

The most of the victims pointed out as their basic need **the desire to feel safe**, calling on the law enforcement bodies in critical situations. A lawyer from a shelter mentioned that at the moment of placement of the VDV's in specialised centres, the most of the times they want nothing more than to be safe. Later, when the staff members, including the psychologist, start working with them, they calm down and have the possibility to think, while the level of their legal needs goes up. If at the beginning they want nothing, then in the meantime they realize that they have rights and the aggressor has some obligations, including in what concerns the support of the children⁴⁰. The interviewed psychologists also noted that often the ill-treated women do not ask for the division of property, they agree to leave absolutely everything behind, just not to be affected. As a rule, during the critical period they voice their needs concerning a legal specialist/lawyer as "I want to be left alone", "I want to prevent him from influencing my life"⁴¹. Subsequently, after they were assisted in getting the PO and after having lived for some time without being disturbed by the aggressor's actions, they put forward to the lawyers from the shelter more requests, such as the custody over the child, division of the real estate, etc.⁴²

Intuitively, the VDV's understand that the lawyer is someone who is supposed to defend their legitimate interests. Some victims form an idea about the lawyer's tasks based on movies, but seldom get to find out which

40 Interview with a lawyer from a shelter, community A, 19.05.2014

41 Interview with a psychologist from a shelter, community A, 23.04.2014

42 Interview with a psychologist from a shelter, community C, 15.05.2014

are its competences and within what frames the lawyer can advance next to her. Often, the desire to have a lawyer is caused by the fact that in criminal files started against the culprit/accused, the state grants him the assistance of a lawyer; then the victim understands that she too needs a lawyer⁴³. A victim confessed that she was outraged by the justice system: “Why does the state offer immediate legal protection to a criminal by urgently appointing a lawyer⁴⁴, while the victims are deprived of such a right”⁴⁵? Another victim said that, finding out that the aggressor had a lawyer, she had to sell her cow to be able to contract a lawyer too, but after she spent all her money, she found from her relatives that there are free services of a lawyer provided within an NGO⁴⁶. Professionals also say that even for travelling to the district centre and to cover the costs of the forensic expert review, a considerable financial effort is required from the most of the victims.

Without the support of a lawyer, for VDV's it is more difficult to defend their interests in the court. The judges say that VDV's do not know what they have to ask for, they do not know the procedures, they do not understand the essence of the measures which they may ask for, how to answer etc. and respectively, they need to be represented by someone⁴⁷. Shortage of information makes the VDV's have unreal expectations to the court. A judge recalled that a victim of domestic violence asked the court to change her husband's behaviour immediately, on the spot⁴⁸. Even if they are informed,

43 Interview with an NGO lawyer, community A, 16.05.2014

44 According to art.69 of the CPC, the mandatory participation of the defender in the criminal proceedings is provided for, to a great extent, for the suspect, accused, culprit and at the same time in instances when the interests of the justice require the participation of the defender in the court hearing in the first instance, in appeal and last appeal, as well as when the case is tried via extraordinary remedy. Establishing whether the interests of the justice require the mandatory assistance of a defender is invoked by the court and depends, among others, by the capacity of the suspect, accused, culprit to defend on its own – for this criterion, one shall consider the capacities, knowledge and ability of every person in part (*The guidebook of the beneficiary of state guaranteed legal assistance. Soros Moldova, 2013, page 10.* http://www.cnajgs.md/uploads/asset/file/ro/291/Ghidul_beneficiarului_AJGS.pdf).

45 Victim of domestic violence, beneficiary of a shelter, resident of a town from the Centre of the country, 38 years old, mother of two children, 04.06.2014

46 Victim of domestic violence, beneficiary of a shelter, resident of a village from the South of the country, 32 years old, mother of two children, 02.06.2014

47 Interview with a judge, community C, 05.06.2014; interview with a judge, community L, 02.06.2014

48 Interview with a judge, community M, 06.06.2014

the VDV's are not always capable of effectively communicating with the court due to their psychological condition. A psychologist from a placement centre noted that VDV's are not capable of communicating effectively in the court because they are not used to speak up and to defend their viewpoint, therefore, it is so important that there is someone next to them who could defend their rights⁴⁹. For instance, an interviewed victim of domestic violence confessed that she was blocked when she thought that the aggressor could hit her at any point, this fear blocking, practically, her speech, but the intervention of her lawyer was timely – the judge would have thought that if she can't speak, then she was guilty⁵⁰.

In all of the cases, the VDV's needed the urgent support of a lawyer who could provide these services free of charge and unconditionally. A victim of domestic violence complained that she wrote her court application as well as she knew how to do it, but it was rejected by the chancellery secretary: *“Is this an application? It is a mockery, go to a lawyer and write, but a lawyer would charge you 200 lei for an application”*. Respectively, she had to give up, because she only had money enough to travel back to her village⁵¹. A judge confessed that it is difficult to manage such applications and they are forced to turn a blind eye on some drawbacks in how the application is written, specifying that it would be good that the lawyers helped the victims write them correctly⁵². Only in a few cases, the VDV's said that they were assisted in writing the application by the police officer or the paralegal from their village; in the most of the cases this help was provided already after the placement, by the lawyer from the centre. Some interviewed professionals noted that when the VDV's learned about free services from the lawyer of the centre, they were truly surprised by this opportunity and were on top of happiness⁵³. In many cases, VDV's cannot escape from violent conditions for the mere reason that they cannot cover the costs of a lawyer in the long-lasting property division process

49 Interview with a psychologist from a shelter, community A, 19.05.2014

50 Interview with a victim of domestic violence, beneficiary of a shelter, resident of a village from the Centre of the country, 32 years old, mother of one child, 19.05.2014

51 Victim of domestic violence, resident of a village in the North of the country, 39 years old, mother of three children, 06.06.2014

52 Interview with a judge, community M, 06.06.2014

53 Interview with a psychologist from a shelter, community C, 23.04.2014

or cannot physically divide the real estate, thus, they leave behind all the judicial proceedings that they've ever started⁵⁴.

It is also interesting to know how VDV's perceive the results of the judicial proceedings and how satisfied they are with the decisions taken by the court. The lawyers reveal that the victims' reactions depend on how they perceive the gains – every victim has its own perception of the gains: while for some it is enough to get the Protection Order and know that she is safe in her home with her children, others want to divide the real estate and have a separate house, where “he” would never come, which is a vision of success; others do not want any real estate, only a 3-months PO as respite to feel happy and start the life all over again⁵⁵.

However, victims are not always guided by their willingness to exercise their legitimate rights. Some judges and prosecutors confessed that, sometimes, the initial plans of the victim to revenge the aggressor turn into the wish to “restrain” him finally and not to punish him as the law reads. Some judges mentioned that VDV's asked from them nothing else then change the aggressors' behaviour⁵⁶. A number of judges and prosecutors mentioned that the victims, at a more advanced phase of the criminal process, feel frustrated that they cannot withdraw their declarations and that their aggressive partner risks imprisonment, though, initially, they were informed that they could not withdraw their declarations. The frustration caused by this desire is also felt by the victims' lawyers, who see sudden change and unexpectedly reserved behaviour of the victims in the courts, after which they learn that the victims want to withdraw from the proceedings and to continue living with the aggressor without punishing him for his deeds.

54 Interview with a lawyer from a shelter, community A, 19.05.2014

55 Interview with a lawyer from a shelter, community A, 19.05.2014

56 Interview with a judge, community M, 06.06.2014

III.4. Legal assistance services existing in the country and conditions for accessing them

All VDV's interviewed within the framework of this survey noted the shortage of legal assistance services accessible to them. Interviewed VDV's who benefited from the lawyer's services thought of themselves as lucky, saying that their lives changed for better thanks to the help of the lawyer and other services providers. VDV's who did not benefit from legal assistance invoked the issue of the lack of transparency of the in-country legal assistance services (provided both by the state, as well as by non-state organizations) and/or certain impediments in accessing these.

Legal assistance (qualified and primary) provided by the lawyers and paralegals of the TO NCSGLA

The main body of administering the system of the provision of state guaranteed legal assistance is the National Council for State Guaranteed Legal Assistance and its territorial offices, which is joined by the Ministry of Justice and the Lawyer's Bar. Thus, in our country, the NC SGLA is there to assure access to justice in the Republic of Moldova. At the moment of the survey, there were five territorial offices of the NC SGLA that were operational: in the municipalities of Chisinau and Balti, in towns of Cahul, Comrat and Causeni. They are able to provide primary and qualified legal assistance to the public, according to the provisions of the *Law on state guaranteed legal assistance no. 198-XVI of 26.07.2007*. About 500 authorised lawyers act within the framework of the TO NCSGLA in almost all districts of the country and only about 10% of them operate in the Southern districts⁵⁷. Incidentally or not, but the interviewed judges from the South of the country said that, in the most of the cases, the VDV's did not have a defender, while the judges in the Central and Northern regions of the country said that in almost half of cases, the VDV's were assisted by a lawyer.

57 <http://www.cnajgs.md/ro/registrul-national-al-persoanelor-autorizate>

Primary legal assistance is provided by paralegals who work for the TO NCSGLA mainly in the rural areas. In 2013, the network of paralegals extended at national scale, so that in January 2014, there were already 32 paralegals in 32 communities⁵⁸. Primary legal assistance is the provision of information about the law system of the Republic of Moldova, effective normative acts, rights and obligations of the subjects of law, how the rights are realised and employed by judiciary and extra-judiciary means. This assistance also includes consultancy in legal matters, assistance in drafting legal acts, other forms of assistance that are not part of the category of qualified legal assistance. Primary legal assistance is provided by paralegals and public associations specialised in providing legal assistance, regardless of the level of incomes of their beneficiaries. To benefit from primary legal assistance, the applicant shall submit a written application or a verbal request to subjects authorised by law to provide such assistance within the area of its domicile. Assistance is provided immediately, at the time when it is requested⁵⁹.

During 3 years, through paralegals, about 13,200 individuals benefited from primary legal assistance. Absolutely all professionals, as well as a few of the interviewed VDV's who knew of the existence of the network of paralegals in the rural areas, stressed the special importance of paralegals in identifying VDV's at local level, in providing primary legal counselling and in facilitating VDV's' access to qualified legal assistance services. VDV's who benefited from qualified legal assistance, being referred to by the paralegals from the TO NC SGLA think that they could overcome all the barriers at the initial stage only thanks to informational and documentary support from the paralegals. Psychologists emphasized that paralegals have taken an active civic position and are very open to help VDV's from the rural communities where they work and even the neighbouring villages. It should be stressed that the majority of paralegals were previously trained in various aspects of VDV's' counselling. An interviewed paralegal mentioned that the police officer actively refers VDV's

58 Report on the activity within the system of state guaranteed legal assistance for 2013. NCS-GLA, pages 10-11 http://www.cnajgs.md/uploads/asset/file/ro/203/Raportul_de_activitate_al_CNAJGS_2013.pdf

59 The guidebook of the beneficiary of the state guaranteed legal assistance. Soros Moldova. Chişinău, 2013, page 44

to him to assist them in writing an application for the PO, while as a result, all the applications written with his assistance were accepted by the court and resulted in issued POs⁶⁰.

Through five territorial offices of the NC SGLA, only in 2013, primary and qualified legal assistance was provided to 37,007 persons⁶¹, which is by about 15% more than in the previous year⁶². At the same time, at the moment, the internal system of the NC SGLA of keeping track of information/data, regrettably, does not permit exact statistic identification as to the type of case, such as domestic violence, thus, it is not known how many of these persons are V DVs. Should it be possible, the NC SGLA could be very helpful in assessing the needs of such beneficiaries, but also the problems that they face and the amount of work of the lawyers working for such cases⁶³.

The most of the interviewed lawyers/public lawyers appointed by the NC SGLA had experience in criminal cases on DV. At the same time, the largest part of these lawyers said that they did not defend the interests of the V DVs, but the aggressors'. A number of lawyers from the TO NC SGLA noted that the number of applications for defending aggressors is much higher compared to the number of applications from V DVs. The reason is that the law obliges the law enforcement bodies to ensure a free lawyer for the suspect, the accused or the culprit in criminal cases. Legal assistance requests for V DVs, fewer as mentioned above, came into the attention of the lawyers of the TO NCSGLA, mainly after the identification and referral by the paralegals who work in the same system. A number of actors interviewed within this survey appreciated the important role played by the paralegals in identifying DV cases in the communities. V DVs who benefited from such assistance emphasized that they would have not been able to cope without the informational and documentary support of the paralegals in accessing qualified legal services from the TO NCSGLA.

60 Interview with a paralegal, community N, 25.04.2014

61 Report on the activity within the system of state guaranteed legal assistance for 2013. NCSGLA. Page 19 http://www.cnajgs.md/uploads/asset/file/ro/203/Raportul_de_activitate_al_CNAJGS_2013.pdf

62 Report on the activity within the system of state guaranteed legal assistance for 2013. NCSGLA. Page 17 http://www.cnajgs.md/uploads/asset/file/ro/203/Raportul_de_activitate_al_CNAJGS_2013.pdf

63 Interview with an official from the NCSGLA, community A, 23.04.2014

It is noteworthy that some interviewed lawyers from the TO NCSGLA who defended the VDV's' interests had experience, acting within non-governmental organizations and shelters for VDV's. This is gratifying also in the light of the idea of training legal staff, which, regardless of their place of work, could enhance professional capacities to help this group of beneficiaries in the respective cases. Interviewed lawyers who had experience in working with VDV's displayed much understanding in relation to the VDV's' problems and needs compared to the lawyers who defended only aggressors' interests. Though they noted that a professional lawyer must leave the beneficiary's problem aside, to some of them, especially male lawyers, who were not trained in providing legal assistance to VDV's, it was difficult to detach themselves and feel comfortable thinking about the victims' rights and interests. Only very few lawyers from the TO NCSGLA were trained on the specificities of assisting victims of domestic violence⁶⁴.

The interviews with the majority of professionals, as well as with the VDV's, point to the problem of the victims' access to qualified legal services guaranteed by the state. The conditions of accessing free services – the need to prove the shortage of revenues or limited revenues – force the victim to repeatedly travel in order to collect these proofs and force her to make additional costs. VDV's who did not benefit from these services said that the procedure seems to them logistically complicated and that they cannot cover additional financial costs for getting confirmation documents. The most of the times, VDV's need urgent help, while the conditions for accessing it are a barrier and a demotivation for them. Both the VDV's, as well as many interviewed professionals (lawyers, judges, paralegals and prosecutors) believe that qualified state guaranteed legal assistance **must be offered** to this category of beneficiaries **unconditionally and free of charge, as a mandatory condition**. An argument to support this is the vulnerable psycho-social and financial status of the absolute majority of VDV's, this being an impediment to victims' possibility to protect their own rights in the court. Because her revenues exceed the minimum level

64 During 17-18 June 2013, the NCSGLA in partnership with the OSCE Moldova organized a workshop on "Preventing and combating domestic violence". 26 lawyers were trained at the workshop. To provide state guaranteed legal assistance, in 2013, 490 lawyers who provide legal assistance upon request and 12 public lawyers were engaged (from the Report on the activity within the system of state guaranteed legal assistance for 2013. NCSGLA. Page 13, 20. It can be accessed at http://www.cnajgs.md/uploads/asset/file/ro/203/Raportul_de_activitate_al_CNAJGS_2013.pdf)

established by the TO NCSGLA where she called, an interviewed VDV said she preferred to call on private lawyers, having more confidence in the quality of their services⁶⁵. A psychologist that takes phone calls from the VDV's on a specialised telephone service pointed out several cases, reported by the VDV's, when they asked for a free lawyer from a non-governmental organization, as they could not hire a private lawyer and because they were disappointed with the services provided by the lawyers who worked at the TO NCSGLA⁶⁶. Nevertheless, because of a limited number of DV cases when lawyers from the TO NCSGLA were involved and which were included in this study, we can't draw conclusions on the quality of their services, this being a task to be taken care of by the NCSGLA.

According to the Strategy of activity in the system of state guaranteed legal assistance for 2012-2014, the diversification of the range of state guaranteed legal assistance services, including through piloting new models of providing this kind of legal assistance, focused on the needs of the beneficiaries from the socially-vulnerable categories, is one of the strategic objectives set out by the NCSGLA, one of its indicators being the "Extent of accessibility of state guaranteed legal assistance services"⁶⁷. We hope that this study will serve to the NCSGLA as an impetus for reviewing the system of providing VDV's with qualified legal services, adopting unconditional access to these services for this category and piloting of this model the soonest possible, which would facilitate VDV's' access to justice.

Legal specialists and lawyers from NGOs and public institutions

Interviewed judges noted that, the most frequently, the VDV's' interests are represented by the lawyers of the shelters where these are placed or by the lawyers of NGOs on which the VDV's call. They estimate that only one third of the applications submitted to the court are filed personally by the

65 Victim of domestic violence, resident of a village from the central region of Moldova, 41 years old, mother of two, 20.05.2014

66 Interview with a psychologist, NGO, community A, 15.04.2014

67 Report on the activity within the system of state guaranteed legal assistance for 2013. NCSGLA. Pages 17, 20. http://www.cnajgs.md/uploads/asset/file/ro/203/Raportul_de_activitate_al_CNAJGS_2013.pdf

VDVs and more seldom, VDV's come to court through the prosecutor's office or the police. VDV's who did not benefit from legal assistance said they did not trust either the LPA or the local police or they did not know of the existence of qualified legal assistance resources from NGOs or maternal centres.

Out of the 8 public institutions (maternal centres and specialised placement centres) which could, eventually, place VDV's, only in 6 there were legal specialists, mainly part-time, while in 2 institutions these were not there. At the moment of the study, the 3 NGOs had 4 lawyers and 3 legal specialists working full-time, while one non-governmental organization could contract a lawyer upon request.

A number of interviewed professionals mentioned the shortage of legal specialists in the southern part of the country, which could provide assistance to the VDV's. A paralegal noted an absolute absence of institutions specialised in the protection of women's rights and lawyers that could represent VDV's interests in TAU Gagauzia; and since VDV's do not trust state institutions in this region, they have to refer the VDV's to a centre from Chisinau⁶⁸.

VDV's who've benefited from legal assistance of a lawyer from a specialised centre noted that NGOs/specialised centres are welcome since their lawyers provide legal services, they know the specificities of this category of litigations and have a much richer experience in such cases. The lawyers from shelters noted they were happy to advise, being asked by a number of victims outside of the shelter (they found out about the support of a lawyer from assisted VDV's), but can't widely promote in public the address for individual advice, including for security reasons⁶⁹. When the lawyers from shelters did not manage to provide consultations, they referred the beneficiaries to the Legal Clinic which acts under the Law Faculty of the University or to the TO NCSGLA⁷⁰, or to NGOs from the same town⁷¹. A staff member of a shelter, where a legal specialist works, said that he had to

68 Interview with a paralegal, community J, 28.05.2014

69 Interview with a lawyer from a shelter, community A, 19.05.2014

70 Interview with a legal specialist from a shelter, community C, 15.05.2014

71 Interview with a psychologist from an NGO, community A, 15.04.2014

refer a VDV to Chisinau, so that her interests be represented in the court by a lawyer, but often it is difficult to cover transportation costs for these beneficiaries⁷².

Being asked about their motivation to work with the V DVs, the most of the times the lawyers from NGOs/maternal centres (who, as lawyers, provided other services to other categories of beneficiaries) emphasized their non-financial motivation – moral satisfaction to re-establish the rights of V DVs by putting into practice the effective justice mechanisms. The lawyers from the TO NCSGLA who did not have any experience with V DVs said they saw no problems in dealing with such cases, while those with experience (working for NGOs) noted it was necessary to know the specificities of this category of beneficiaries and cases and for that it takes at least one training on the subject.

The interviewed judges and prosecutors noted that the lawyers from NGOs have a very well determined civic position. Psychologists mentioned that lawyers from NGOs, compared to private lawyers or those from the TO NCSGLA know very well the psychological peculiarities of the victims and are tolerant when they refuse their services, offering them the possibility to ask for them at a later stage.

According to the Law no.198 on state guaranteed legal assistance, public associations are entitled to provide qualified legal assistance, except for representation in criminal and contravention proceedings, while through its territorial offices the NCSGLA may conclude contracts with public associations for granting qualified legal assistance within the provisions of the above law. An example is the cooperation agreement of the Territorial Office Balti of the NCSGLA with the private institution “University Legal Clinic Balti”, signed in 2013. The object of the contract was the cooperation and realization of joint activities which contribute to solving legal issues of vulnerable youth and rural residents from the North of Moldova, providing free primary legal assistance to socially vulnerable persons⁷³, among which

72 Interview with a psychologist from a shelter, community C, 15.05.2014

73 Report on the activity within the system of state guaranteed legal assistance for 2013. NCSGLA. P. 9. http://www.cnajgs.md/uploads/asset/file/ro/203/Raportul_de_activitate_al_CNAJGS_2013.pdf

VDVs. Many professionals believe that these initiatives that institutionalize partnerships between public associations and institutions empowered to defend legal rights of the public and that sub-contract services from NGOs must be further supported by the NCSGLA and line ministries.

Private lawyers

The existence of the possibility to call on private lawyers as an eventual source of qualified legal assistance was known to all interviewed VDV; however, the majority could not afford their services. Judges, psychologists, prosecutors, paralegals and public lawyers estimate that very few VDV can afford a private lawyer – about 10%, since many VDV come from socially vulnerable layers. From what VDV say, they can't afford even a legal advice from a lawyer that costs about 50-100 lei. Some victims, before finding free services from lawyers from NGOs said that, in order to write a divorce application with the establishment of the domicile of the child, private lawyers charged 3,000 lei – a huge amount for them. Another victim, who was with 3 children in the street and was desperate to get at least a part from the apartment of her former husband, offered the lawyer, because of lack of money, a pig that valued 5,000 lei. She lost the case in first instance court and contracted another lawyer whose services cost 7,000 lei. She was unable to cover these costs, as she had to pay for her children's education, as her husband did not provide any financial support⁷⁴. Another victim of domestic violence, who escaped with her child and had to take refuge in another town and stay jobless at home with her child said it was impossible to cover the costs of a private lawyer⁷⁵, this being the situation of many interviewed VDV.

Some lawyers noted that in spite of cases when the financial situation of VDV seems to be good, they still cannot cover the services of a private lawyer, since the husbands deprive them of financial means. VDV often have to assume other related costs, such as rental of a living space and support of minor children. A victim of domestic violence who ended in a shelter because she

74 Interview with a victim of domestic violence, beneficiary of a shelter, resident of a village from the Centre of the country, 45 years old, mother of three children, 19.05.2014

75 Interview with a VDV, beneficiary of an NGO, resident of a town from the Centre of the country, 23 years old, mother of one child, 16.06.2014

could no longer endure abuses from her husband, a rich businessman, was left with her child without any source of maintenance, practically in the street, while her husband came to court, being represented by a famous lawyer, in order to punish her and “prove that her place is in the street”⁷⁶.

Some psychologists said that not every private lawyer accepts to work with this category of clients, the main motivation being financial, but also because they are not ready to understand the VDV’s victimized behaviour and because they are not ready to provide moral support throughout the judiciary proceedings⁷⁷.

Lawyers within the LPA

In spite of the fact that in many mayor’s offices in large communities there are legal specialists which could, eventually, provide free advice to the population, V DVs from these communities are not aware of this possibility, while mayor’s offices from small communities do not have such a specialist, except for rural communities where there are paralegals that provide primary legal advice. Only in one case, in a material centre which did not have a legal specialist, the V DV was referred by the director of the centre to the legal specialist of the town hall⁷⁸.

III.5. Psychological condition of the V DVs at the moment when they ask for legal services

When living in a chaotic, hostile and stressful environment, V DVs start doubting themselves and their abilities to take care of themselves, to ask for help from outside. Violence diminishes their self-confidence and the sense of reality. This is why it is important that a V DV realizes whether they are or are not capable of overcoming this situation. The most of the times, the only accepted solution is to leave the partner behind. Economic and mental

76 Interview with a V DV, beneficiary of a shelter, resident of a town from the Centre of the country, 28 years old, mother of one Child, 16.06.2014

77 Interview with a psychologist, shelter, community A, 19.05.2014

78 Interview with a director of a shelter, community L, 02.06.2014

dependence on the aggressor makes them resign and accept that they and their children continue being victims of aggressions. Risk factors which favour this condition are alcohol, unemployment, as well as their own experience of victims of violence.

Some professionals say that, compared to other beneficiaries of legal assistance, VDV's are much more vulnerable⁷⁹. A judge mentioned that, while other categories of victims bear a certain material, moral cost and still, in the family they can find their refuge and support that every person needs, then, in case of VDV, the abuse stems from inside the family. Therefore, VDV's feel abandoned and can no longer find the minimal comfort where they could take refuge and for this reason, their situation is more difficult than that of victims of other offenses. It is very difficult for them to act independently in the process of claiming their legal rights⁸⁰.

VDV's live a profound sense of helplessness and a feeling that they do not control their own lives and their relations with people around them. In situations of tough and persistent violence during a several years, VDV's display symptoms of post-traumatic stress – a profound sense of guilt, despair, anger or fear, insomnia, disturbed sleep, irritability/inner tension in all circumstances, avoiding contact with other people. Their cognitive mental processes can be also affected, especially memory, attention, language, thinking⁸¹. VDV's are very vulnerable from emotional viewpoint, are easily influenced by the aggressor and, should there be no one next to them to encourage them, then the most would not go till the end to escape from the violence of the husband/partner⁸². In the court, in the presence of the aggressor, they lose the little courage they've brought together, to move on, they become undecided. VDV's' lawyers argue their important role by the fact that VDV's do not know the legislation, the judicial proceedings, while their stress is a factor that influences their capacity to defend themselves in the

79 Interview with a lawyer of an NGO, community A, 06.06.2014

80 Interview with a judge, community A, 12.06.2014

81 Interview with a psychologist from an NGO, community A, 15.04.2014; interview with a psychologist from a placement centre, community A, 19.05.2014

82 Interview with a psychologist from a shelter, community D, 06.06.2014; interview with a paralegal, community E, 17.05.2014

court⁸³. VDV's feel lonely if they are not supported by professionals, because the person whom they trusted completely turned into an aggressor and, as a result, victims lose confidence in the entire world, do not want anything else, and feel helpless. Psychologists, as well as lawyers, refer to the feelings of their beneficiaries who've been through a trial, noting that, often, the memories of the traumatic event become more intense on the day preceding the trial and on the day of the trial. VDV's can cry in the court, tremble, block at a certain moment or react impulsively/aggressively to certain statements made by aggressors – all these are signs of the post-traumatic stress⁸⁴. The psychological trauma through which victims pass affects their capacity to act independently⁸⁵, this being an additional argument that they need assistance from lawyers in restoring their legal rights.

Judges note persistence of the condition of stress of the VDV's in the courts as well, while their indecisive behaviour is obvious⁸⁶. An interviewed victim of domestic violence shared her feelings which she lived through when she was told she had to go to court: she was afraid that the aggressor would beat her up in the court room that in the whole world there are only her and the aggressor, who controls everyone⁸⁷.

A number of interviewed VDV's noted that the solemnity of the court trial scared them and only the presence of the lawyer made them feel safe. Psychologists say that, the most of the times, VDV's do not attend court sessions because of fear, but even if they come, this is also because of fear. They often cannot tell the truth in front of the aggressor⁸⁸. A judge noted that it would be good that VDV's are assisted in a mandatory manner by a psychologist in the court, especially in criminal cases, because it is difficult to

83 Interview with a lawyer from an NGO, community A, 13.06.2014; interview with a public lawyer from the TO NCSGLA, community C, 05.06.2014; interview with a paralegal, community N, 25.04.2014

84 Interview with a psychologist from a shelter, community C, 15.05.2014; interview with a lawyer from an NGO, community A, 16.05.2014

85 Interview with a legal specialist, community D, 30.05.2014

86 Interview with a judge, community L, 02.06.2014; interview with a judge, community M, 06.06.2014

87 Interview with a victim of domestic violence, beneficiary of a shelter, resident of a village in the South of the country, 41 years old, mother of three children, 19.05.2014

88 Interview with a psychologist from a shelter, community D, 06.06.2014

establish contact with them⁸⁹. Another judge, who had a situation when the victim of domestic violence suddenly wanted to withdraw her statements, noted that both the “VDV and the aggressor must see a psychologist to settle their minds and then to call for legal services”⁹⁰.

Psychologists from shelters noted that VDV’s are in critical condition at the moment of their placement and seem to be willing to talk about their legal needs with the legal specialist only after two weeks of therapy⁹¹.

To find out the psychological condition of the VDV’s placed in shelters throughout the country, this study looked into the results of the psychological tests run by the interviewed psychologists on the beneficiaries, the VDV’s⁹², before their psychological rehabilitation, who, the most of the times, were at the initial stage of accessing the law system, being assisted by a lawyer/legal specialist and other professionals.

- 1) *Scale of assessing the impact of the traumatic event*⁹³ (see Annex) is a method of looking into the impact the trauma has on the adult victim and identifying symptoms of post-traumatic disorders, which permits to identify individual reactions to the traumatizing event and offers information about the trends in avoiding the traumatic event⁹⁴, the intrusion of the traumatic event⁹⁵ and physiological emotiveness⁹⁶.

89 Interview with a judge, community M, 06.06.2014

90 Interview with a judge, community C, 05.06.2014

91 Interview with a psychologist from a shelter, community A, 19.05.2014

92 Psychological tests were run by the psychologists of various shelters/maternal centres that provided assistance to adult VDV’s, regardless of their marital status, education, area of residence or number/age of their children, so that during several months after the interviews with the said psychologists, the researcher was sent the run tests (depersonalized) for analysis, 50 from each. The respondents were females aged between 18 years old and 50 years old, from rural and urban areas, their education varying from secondary incomplete to higher education degrees, both married as well as in partnering relations, without children and with up to 4 children (see Annex 1a).

93 Impact of Event Scale-R_IES_R, Horowitz

94 Symptoms of avoidance – attempts to diminish or avoid experiences linked to the traumatic situation.

95 Symptoms of intrusion – nightmares linked to the events, memories of the events, flashbacks, thoughts and images, reliving of negative conditions associated to the events, similar to dissociative ones.

96 Symptoms of physiological emotiveness – meanness and irascibility, a reaction of hypertrophied fear, difficulties in focusing attention, excitement conditioned by traumatic memories, insomnia.

- 2) *General self-efficacy test*⁹⁷ (see Annex 2) is an instrument to assess the level of general self-efficacy, with other words, the human sense combined with competence and confidence in realising a certain task for attaining the set goal and offers information about such individual factors as *initiative, effort, and persistence*.

The results of the analysis of the information accumulated through the *Scale of evaluating the impact of the traumatic event* shows that 68% of the tested VDV's had a very high intensity of intrusion (see Annex 11) and the symptom of avoiding the traumatic event (see Annex 1m), while 82% of them had a very high intensity of physiological arousal (see Annex 1n); 76% had a very obvious impact of the post-traumatic stress (see Annex 1o), without significant differences from the social-demographic profile perspective.

The results of the analysis of the *General self-efficacy test* reveal an average level of tested VDV's (see Annex 2j). About 62% of the tested VDV's noted they felt unsure about their ability to do anything, 60% noted that when there are unexpected problems, they do not cope with them quite quickly, 52% see themselves incapable of solving the most of the problems that come up in their lives, while 48% seldom achieve important goals that they set and equally as many noted that they rather give up when they try something new and fail (see Annex 2b). The most unconfident of realising plans, with the trend to give up the set task or pursue a decision and non-insisting seem to be the women from the rural communities (see Annexes 2c, 2d, 2e, 2f, 2i).

These psychological tests denote that VDV's in the critical condition and during the immediately following period do not have general self-efficacy, because the impact of the post-traumatic stress is considerable⁹⁸. This reveals how important is the role played by the psychologist, who can help VDV's come out of the psychological crisis, identify plans and support resources that could help them in their desire to enjoy their legal rights. In this respect, the psychologist must closely work with the lawyer to be able to assure an effective rehabilitation both psychologically, as well as legally, while a VDV needs to play an active role in these processes.

97 General Self – Efficacy – Sherer (GSESH)

98 Interview with a psychologist from an NGO, community A, 15.04.2014

IV. EXPERIENCES OF VDV^s' INTERACTIONS WITH THE LAW SYSTEM

IV.1. Causes of VDV^s' hesitation to call/not call on law enforcement bodies

Lack of knowledge of the special law and the rights to legal assistance are the most spread causes why VDV^s do not turn to the competent bodies to get legal assistance when DV occurs. Thus, many VDV^s from the category of those who did not benefit from legal assistance did not know anything about the law, the rights to assistance and resources that existed countrywide. At the same time, there are also other causes why they do not turn to or hesitate to turn to competent authorities for specialised legal assistance, sometimes there being a combination thereof.

The most of the times, VDV^s do not turn to competent authorities for legal assistance because they **associate it with services provided by private lawyers, whose services are expensive** for them. Some VDV^s do not even realize that there is an opportunity to call on services of a free lawyer. An interviewed victim of domestic violence confessed that she previously called on private lawyers, but they did not help her in any way, but only “squeezed money out of her”. She decided to turn to the services of the lawyer from the NGO only because she did not risk anything and she thought to try her luck once again⁹⁹. Though the private lawyers interviewed within this survey noted that VDV^s are ready to pay for the lawyer's services even if they have limited financial resources, that sometimes they borrow money for this, almost all VDV^s interviewed within this survey said that the decision to turn to a lawyer was directly connected with the availability of money to pay for a lawyer at that moment, while the borrowed money were hardly enough to cover other burning needs of themselves and their children. This reveals that some VDV^s can't afford paying for a lawyer's services.

99 Interview with a lawyer from an NGO, community A, 13.06.2014

Psychologists point out that reasons why victims hesitate to call on competent bodies to request legal assistance are **fear of the aggressor, psychological and financial dependence on him and the shame to externalize violent relations**¹⁰⁰. For instance, an interviewed victim of domestic violence noted that she did not call for support until now because the aggressor threatened her he would kill her and her parents and because she did not have information about assistance resources, she had to endure it so many years¹⁰¹. A paralegal noted that the majority of VDV are afraid of the aggressor, this is why out of four cases that he assisted when victims initially wanted to be helped by the paralegal and reported the cases to the police helpline 902, only in two cases the victims had the courage to recognize DV to the police officers who arrived on site¹⁰².

VDVs do not turn to legal assistance resources or do not seek support because they **get used to DV or perceive it in a special way**. The manner in which the problem is perceived by the VDV considerably influences how VDV respond to this problem. We can see that VDV shall turn to a legal specialist or a lawyer only when they perceive it as a legal issue and not as a private issue or simply as an issue of their unlucky fate. It is important to highlight that within the framework of this study, VDV from the category of those who benefited from legal assistance called for help knowing that they have certain rights and that the aggressor can be punished. For comparison, the majority of VDV from the category of those who did not benefit from legal assistance, did not know the laws and were unaware of their rights and were influenced by stereotypes (“the woman must obey the man”, “DV is a private issue”, “nothing can be changed”). A public lawyer and a lawyer from an NGO shared their concerns that “DV is a tradition that became normal in the Moldovan society, even the church breeds tolerance towards DV, saying that the woman must obey the man”¹⁰³. Specialists believe that the most problematic region as regards access to legal information and **enrooted stereotypes is the South of**

100 Interview with a psychologist from a shelter, community A, 23.04.2014

101 Interview with a victim of domestic violence, beneficiary of a shelter, resident of a village from the North of the country, 37 years old, mother of two, 10.06.2014

102 Interview with a paralegal, community G, 25.04.2014

103 Interview with a public lawyer from the TO NCSGLA, community A, 11.06.2014; interview with a lawyer from an NGO, community A, 06.06.2014

Moldova, especially TAU Gagauzia, the region which lacks assistance services, including legal assistance, for VDV's.

A psychologist noted that a reason for not turning to legal resources is the **condition of powerlessness and the trend to evade from life realities as a result of the psychological trauma**. The psychologist compared a VDV with a person who dropped the reins from her hands, for whom it is very difficult to orient in space and accept the situation in which she is. And after the VDV talks to the psychologist and begin to understand their experience and accept it, they themselves turn to a legal specialist, inquiring how they can divide the property, force the aggressor support the children, etc. Little by little, control over life returns and they understand that everything is in their hands¹⁰⁴. It is very difficult to change the behaviour of a VDV, because this is adopted since childhood, as a rule, from their mother who, also, endured domestic violence and, respectively, it might take some time before they can take a decision and ask for help¹⁰⁵.

The professionals, especially psychologists, say that in the Republic of Moldova **VDVs seldom perceive as violence situations of psychological, economic, spiritual and sexual violence that occur in families**, compared to situations of physical violence, about which they know that are punishable and which often make women to turn to services providers, including those providing legal assistance¹⁰⁶. VDV's that are subject to violence many years in a row often **believe that they are guilty of what happens to them** in the family and become incapable of identifying solutions and, respectively, taking certain decision to defend their rights¹⁰⁷.

Lawyers from the TO NCSGLA point out that reasons why VDV's do not turn to the lawyers' support are lack of information about these services and **low level of education**¹⁰⁸. Thus, a paralegal confessed that it is very difficult to explain to victims who completed only 6-7 forms of education how important

104 Interview with a psychologist from a shelter, community A, 19.05.2014

105 Interview with a psychologist from a shelter, community A, 23.04.2014

106 Interview with a psychologist from a shelter, community A, 23.04.2014; interview with a paralegal, community G, 25.04.2014

107 Interview with a psychologist from a shelter, community M, 10.06.2014

108 Interview with a lawyer from the TO NCSGLA, community K, 28.05.2014

it is for them to get a PO as a form of temporary protection. Some do not have a valid identification card, which makes their referral to law enforcement bodies even more complicated¹⁰⁹.

A number of VDV's confessed that prior to receiving the legal assistance they hesitated to turn to a lawyer, being **scared and convinced by the aggressor that after divorcing the latter would be granted custody over their common children**. This classical manipulation method used by aggressors was quoted by many lawyers, noting that VDV's experience this fear right until the court decision is announced, which is, usually, in favour of the mother¹¹⁰. Some VDV's confessed that because the house by documents belonged to the aggressor, they hesitated to interrupt these violent relations, thinking that they have no rights and that they would be left on the streets¹¹¹.

Another reason for hesitating to call on the competent authorities for legal assistance is the **lack of VDV's confidence that authorities might help**, especially lack of confidence into the police, which forces them to endure violence. One victim of domestic violence confessed that she was beaten by her husband and she went to the police to complain. The police officer gave both a fine, the whole village was laughing at them and the aggressor often reminded her of this fact, until she was severely injured and the cases ended up with the prosecutor¹¹². Some interviewed paralegals noted VDV's fear to call on the police: they were afraid that **the punishment would limit to fines**, which still they had to pay¹¹³. Though fines are seldom given by the police officers in case of DV, still, they take place so that they seldom resort to art.201/1 Criminal Code, but rather art.76, 78 Contravention Code¹¹⁴. Some judges believe that lack of confidence into the police is an impediment that will make VDV's hesitate to call on/call again on these bodies¹¹⁵.

109 Interview with a paralegal, community G, 25.04.2014

110 Interview with a lawyer from an NGO, community A, 19.05.2014

111 Interview with a victim of domestic violence, beneficiary of a shelter, resident of a village from the centre of Moldova, 32 years old, mother of one child, 04.06.2014

112 Interview with a victim of domestic violence, beneficiary of a shelter, resident of a town from the Centre of Moldova, 39 years old, mother of two children, 04.06.2014

113 Interview with a paralegal, community G, 25.04.2014

114 Interview with a paralegal, community G, 25.04.2014; interview with a paralegal, community F, 17.05.2014; interview with a legal specialist from an NGO, community D, 30.05.2014

115 Interview with a judge, community L, 02.06.2014

Some VDV's do not turn to law enforcement bodies for legal assistance because they **perceive the settling of the issue only by divorce, believing that it could subsequently affect the children's future**. In many situations they are encouraged by the relatives not to report DV cases¹¹⁶. Frequently, the people around them try to make up the subjects of violence – the aggressor's lawyer tries to convince the woman that the aggressor would change or **the relatives try to influence her**. Thus, she happens to be in a situation when the whole support team is on his side and then she easily gives in¹¹⁷. A lawyer quoted an example of a victim who was influenced by her relatives and preferred to **give up her charges when she found out that the aggressor runs the risk of imprisonment**, thinking that this would hurt their children¹¹⁸. VDV's who do not wish to testify often invoke **the fear that their husband would be criminally punished, they are afraid that he would be “incarcerated”**, which is stigmatizing for them¹¹⁹. The most frequently, victims want to “scare a little bit” the aggressor. In these cases, the psychologists explain the privilege of obtaining a PO in the first phase as a special mean of protection, which is not a criminal punishment.

A victim of domestic violence said she can't call on the law enforcement bodies or divorce because she submitted an application to get a Romanian passport, while the change of the name would imply additional costs and one more year of violence. She hopes to refuge in Italy for work¹²⁰. The same reason was quoted by another victim, who, not being able to stand the violence any more, finally asked to be accommodated in a safe place¹²¹. Another victim of domestic violence with four young children confessed that she cannot physically remove her aggressive husband through a PO because she would not be able to cope on her own with the household animals, their only source of living¹²².

116 Interview with a psychologist from an NGO, community A, 15.04.2014

117 Interview with a psychologist from a shelter, community A, 23.04.2014

118 Interview with a lawyer from an NGO, community A, 16.05.2014

119 Interview with a psychologist from a shelter, community A, 23.04.2014

120 Interview with a victim of domestic violence who did not benefit from legal assistance, resident of a village from the North of the country, 47 years old, mother of three children, 06.06.2014

121 Interview with a victim of domestic violence, beneficiary of a shelter, resident of a village in the South of the country, 41 years old, mother of two children, 28.05.2014

122 Interview with a victim of domestic violence, beneficiary of legal assistance, resident of a village in the South of the country, 34 years old, mother of four children, 28.05.2014

IV.2. Reasons that trigger VDV's calling on legal assistance services

To understand VDV's motivation to call on legal assistance services, it is important to know the reasons which trigger the decision to call on justice, including to accept the legal specialist's/lawyer's assistance. It is obvious that the decision-making process is much more complex, to which other external factors feed.

According to the interviewed VDV's, the most of the times, women contact the police after repeated acts of violence and by virtue of a **violent event, which is perceived as unbearable, dangerous, with unpredictable consequences**, while the feelings associated to the contacting of the police are anxiety, fear or shame. An interviewed VDV, who called for the parents to talk together about the situation in the family, had to turn to the law enforcement bodies, because the aggressor started shooting at everyone¹²³. VDV's recognize that as a result of critical events, they recognize that the **situation escaped out of control** that they need to deal with the situation differently. Thus, they realize that a prospective change is needed, a crucial moment for them to become active as regards changing and accepting help.

As a rule, VDV's who come from families where there is violence are prone to tolerate the phenomenon many years in a row and they ask for help only when they can no longer endure. As a rule, they call the police in critical moments, when "they do not know what to do". And on the opposite, if in their original families no such treatment was displayed, then they are prone to ask for help to stop the violence sooner. The lawyers point out that VDV's ask for help, as a rule, when they have serious and medium injuries.

Women **file a complaint against the aggressor when they have the necessary information about their rights** and wish to change the situation. VDV's recognize that it was very important to feel encouraged in that they can make a change in their lives. As a rule, these persons benefited from the services of a psychologist, after which legal counselling followed, that was provided by the legal specialist/lawyer from the shelter.

123 Interview with a VDV beneficiary of an NGO, resident of a town in the Centre of the country, 23 years old, mother of one child, 16.06.2014

VDVs decide to call, being **encouraged by examples of other victims who asked for help that ended successfully**. This is particularly characteristic to women from small communities, where information spreads quickly¹²⁴. VDV's are especially **open to turn to the law enforcement bodies if someone from among the professionals helps them write the complaint** to the prosecutor's office or other organizations which might provide legal support¹²⁵.

As regards the triggers of turning to the criminal justice system, the role of children in decision-making is crucial. Women **take decisions on whether to turn to the criminal justice system depending on how they anticipate the direct effect on their children's safety**. Often, the VDV's did not ask for help because they were convinced that they had to endure for the sake of the "future of the child", "the child must have a father", etc. But if VDV's feel that safety can be brought in only through the legal system, they would go for asking for help. And on the contrary, if the victim believes that can't offer necessary safety to her children, she would be inclined to remain in the violent situation. Thus, VDV's are more prone to complain of violence when it has consequences on their children¹²⁶. Another example of motivation to ask for help refers to the anti-social behaviour of the child. This was mentioned by a VDV whose child started drinking wine, pick up cigarette butts and perceive his mother as an enemy. "Then I could no longer endure and asked myself the question: would my child want such a father? Then I drew a line and said – enough!"¹²⁷.

Interviewed psychologists say that VDV's are also influenced by their children, who have already the capacity to analyse the situation in the family and say that "they do not want to live like that, they do not want their mother to endure violence"¹²⁸. One VDV told that her son found on the internet the phone number of the centre that could provide lawyer's services for free and encouraged her to call¹²⁹.

124 Interview with a paralegal, community G, 25.04.2014

125 Interview with a paralegal, community G, 25.04.2014; interview with a paralegal, community J, 28.05.2014

126 Interview with a psychologist, community M, 10.06.2014

127 Interview with a VDV, beneficiary of a shelter, resident of a village from the Centre of Moldova, 32 years old, mother of one child, 04.06.2014

128 Interview with a psychologist from a shelter, community A, 23.04.2014

129 Interview with a VDV, beneficiary of a shelter, resident of a village from the North of Moldova, 29 years old, mother of one child, 04.06.2014

The lawyers point out that a reason that makes VDV's call on a lawyer is **the wish to hold the aggressor accountable, to revenge on him**¹³⁰. Sometimes, however, it happens that the person who called the police is in fact held accountable. This makes VDV's initially uncooperative with the law enforcement bodies, they are forced to ask that justice is made to them¹³¹. In these cases they understand that if they give up the legal proceedings, this decision would have more costs than benefits. This trigger was observed in cases in which the reporting of violence led to legal consequences on the victims (for instance, a case was started against them by their aggressive partners or they were in situations when they were afraid that the child's domicile would be established with the aggressor).

An important factor that triggers the decision to go through the phases of legal intervention is the **possibility to benefit unconditionally and free of charge of the services of a lawyer**. VDV's react positively and are ready to cooperate, because many of them associate legal assistance with high costs. The possibility to benefit from free from the services of a lawyer is welcomed by the VDV's, especially when they have to support other related costs – travel expenses to the district centre where lawyers are available and payment of state fees. Though the budget of many shelters that provide assistance to VDV's does not entail the payment of state fees, some lawyers that offer legal assistance in the shelter said that they made exceptions when some state fees were paid, often paid by the lawyers themselves, because the victims were in a very poor financial condition and there were no other solutions, the beneficiary willing to go until the end¹³². As a confirmation, an interviewed VDV noted that she had to travel to the district centre and to the doctor and to the court a few times and the fact she did not have money was an impediment¹³³. Another interviewed VDV confirmed that when she called on the TO, she had money only to travel back into the village, but when she learned that the lawyer was free of charge, she immediately made up her mind, hoping that her problem would be solved¹³⁴.

130 Interview with a lawyer from the TO SGLA, community M, 06.06.2014

131 Interview with a lawyer from the TO SGLA, community C, 05.06.2014

132 Interview with a lawyer from an NGO, community A, 20.05.2014

133 Interview with a VDV, beneficiary of a shelter, resident of a village in the Centre of Moldova, 39 years old, mother of one child, 20.05.2014

134 Interview with a VDV, beneficiary of a shelter, resident of a village in the South of Moldova, 41 years old, mother of four children, 04.06.2014

IV.3. Reasons for giving in or refusing to continue cooperating with the law enforcement bodies

As mentioned above (see sub-chapter III.5 *VDVs' psychological condition when they call on legal services*), at the moment when VDV's turn to the law enforcement bodies, VDV's are very **vulnerable emotionally, can be easily influenced by the aggressor** and if they are not encouraged, the most of them do not go till the end to get free from the husband's/partner's violence. VDV's that are there in the criminal files are threatened by aggressors with death and it is often that they demand that the prosecutor ceases the criminal prosecution. Enormous fear of the aggressors makes them whisper even in the office with the lawyer, being afraid even of the walls, invoking the fear as the reason to refuse to further cooperate¹³⁵. A psychologist quoted an example: in order to determine a VDV not to cooperate with the law enforcement bodies, the aggressor manipulated the victim with their common children – he kept them isolated to starve. Respectively, the children were asking their mother to take back her complaint from the police¹³⁶.

In many cases, VDV's participating in criminal cases, whether because of **not having understood** or because of **not being informed from the very beginning**, demand the ceasing of the criminal case, because they do not want to punish their aggressive husbands with imprisonment¹³⁷. More judges said that, almost in half of the cases, VDV's asked to cease the trial. A judge noted that he had a range of cases when VDV's asked for the annulment of the PO after one day¹³⁸.

CPC entails that in cases of domestic violence, the prosecutor or the court is obliged to examine whether the victim's will to reconcile with the aggressor is expressed freely and to be sure that the victim had real access to assistance and protection¹³⁹. Interviewed judges and prosecutors confirmed, without providing details, that there are techniques by means of which they would

135 Interview with a lawyer from a shelter, community A, 19.05.2014

136 Interview with a psychologist from a shelter, community A, 19.05.2014

137 Interview with a psychologist, community D, 06.06.2014

138 Interview with a judge, community M, 06.06.2014

139 Art.276, para. (5), amended by LP 167 of 09.07.10, MO155-158/03.09.10, available at <http://lex.justice.md/md/326970/>

get convinced whether the conciliation application is submitted in a freeway. Law enforcement bodies have sufficient mechanisms to verify the victim's psychological freedom and real will to submit the application to withdraw the complaint. Only one judge said she had a case when a VDV demanded the withdrawal of the complaint, but when she asked for that and said she no longer had claims to the aggressor, it was obvious she was influenced and that she did not express her free will. In these conditions, the judge found a way to adjourn the hearing for one month to offer the victim some time to think, while after one month the victim came to the hearing saying she wanted the trial to continue¹⁴⁰.

It was difficult to identify more respondents in order to find out which were the verification practices used by the judges and prosecutors as VDV's, who refused the services of a lawyer at a more advanced stage, have not kept contact with them. At the same time, private lawyers and those from the TO NCSGLA who defended the aggressors' interests in criminal cases noted that the procedure was limited to several questions that the judge asked and the VDV's' argument was that they wanted to preserve the family, which for the court was a very convincing argument.

Also, according to art.385 Civil Procedure Code, revocation of protection measures prior to the expiry of their term may be effected only upon a grounded application from the victim, based on its freely expressed will. When the court reviews the application for revocation of protection measures due to conciliation, it has to establish whether the victim's conciliation will was not subject to pressure by the aggressor. Within this survey, no case of any interviewed VDV was revealed that would have requested the revocation of the PO. A public lawyer noted that he had several cases when VDV's, after some time, wished to cease the proceedings, but when they saw it was impossible, they became very dissatisfied with the services provided by the lawyer. These VDV's were not counselled by psychologists, therefore, they had a profound guilt syndrome and did not see the risk of relapses. In another case, the lawyer told he was called to defend the interests of an apprehended aggressor because he behaved in an extremely aggressive way towards his wife

140 Interview with a judge, community A, 11.06.2014

and he was very surprised of the utmost careful attitude of the VDV towards the aggressor – she brought warm clothes into the detention, while later the aggressor was released, as his wife had no more claims¹⁴¹.

Even if they change their mind to participate in the court trials, the lawyers explain and try to convince the V DVs that this would not change the aggressor's behaviour in any way, recognizing that the decision is still to be taken by them. It is important to instil to the V DV that she can anytime benefit from the services of a lawyer whenever she decides again to turn to the law enforcement bodies¹⁴². And this even when the V DVs do not inform the lawyer of their decision and defers herself again to the aggressor, perceiving the lawyer as an “enemy who wants to destroy her family”¹⁴³. Bearing in mind the above reasons, the majority of interviewed professionals say/believe the current practice within criminal cases is correct, by which V DVs can't withdraw their statements or ask for the dismissal of the criminal case on the reason of conciliating with the aggressor.

A V DV noted she wanted to cease the investigation because the co-villagers who accepted to be witnesses in the documentation of the case “had troubles at homes with their husbands” and for this reason they refused to stand as witnesses in the court. The V DV did not want them to be brought by force to the court and to suffer because of her¹⁴⁴.

The professionals from shelters say that V DVs' decision is also influenced by the length of the judicial proceeding – the longer it is the less V DVs want to get back their legal rights and they tend to succumb¹⁴⁵. At the same time, the lawyers from shelters note that often **the respective judicial proceedings are delayed**, and victims get fed up with “endless trips”¹⁴⁶. As an example a judge referred to a few cases in his practice, when V DVs left everything behind, left abroad and did not come to the court any more¹⁴⁷.

141 Interview with a public lawyer from the TO NCSGLA, community C, 05.06.2014

142 Interview with a lawyer from an NGO, community A, 16.05.2014

143 Interview with a lawyer from an NGO, community A, 13.06.2014.

144 Interview with a V DV, beneficiary of a shelter, resident of a village from the South of Moldova, 41 years old, mother of three children, 02.06.2014

145 Interview with a psychologist from a shelter, community C, 15.05.2014

146 Interview with a lawyer from an NGO, community A, 20.05.2014

147 Interview with a judge, community M, 06.06.2014

Often, the V DVs that file complaints with the police do not want the continuation of the judicial proceedings because the **house is the property of both spouses and they have no place to go**¹⁴⁸. The most of the times, **V DVs are financially dependent on the aggressors**, especially the women with many children or with young children.

The lawyers who work with the psychologists from the shelters noted that, in fact, psychological counselling provided to the V DVs prior to legal counselling is much more efficient, because it diminishes the risk that V DVs would withdraw their statements. During psychological counselling, they work with the victim's affect, employing her inner resources and analysing the specifics of her relationship with the aggressor. If the victim does not gain back, through therapy, the feeling of her own identity and her identification with the aggressor is high, there is a risk that she gives up the professionals' support and returns to the abusive relationship¹⁴⁹. Thus, lawyers believe that more sessions with the psychologists are welcome that would make V DVs realise the fact that the aggressor would never change and that the control over their lives is in their hands. When V DVs **continue to be under the aggressors' influence, the risk of giving up or refusal to continue participating in the criminal proceedings is very high**.

A study conducted by American researchers¹⁵⁰ who studied the telephone conversations between aggressors accused and apprehended for committing serious domestic violence acts and their partners who previously decided to withdraw their statements, reveal manipulative actions by the aggressors, who control thus the women whom they abuse. The partners pass through several stages of relationship, in the end of which the victim decides not to press charges or to withdraw her statements concerning the acts of violence.

- **In the first phase** *the victim is very resolute to cooperate with the law enforcement bodies, she seems to be a strong person who wants and is able*

148 Interview with a paralegal, community N, 25.04.2014

149 Interview with a psychologist from an NGO, community A, 15.04.2014

150 Bonomi S., Laurie Pawlik-Kienlen. Why Abused Women Don't Press Charges – A Jailhouse Study? <http://whenlovebugsyou.com/why-abused-women-dont-press-charges/>

to defend her rights, but the situation changes if the aggressor gets into verbal contact/talks to her. The interviews with the staff of the shelters confirm this conclusion, which is specific to VDV's behaviour.

- **In the second phase,** *the aggressor mimes abuse and tries to convince the victim that what happened is, in fact, not so bad, he calls on the feelings of empathy, love and compassion.* Such a practice is confirmed by the example of a woman, VDV, who never turned to the law enforcement bodies to denounce her violent husband, even after she suffered a severe injury on her head, being begged not to call on the police, she being taken care of at home. "When I gained my consciousness back, he asked me not to die and not to tell anyone about what happened, that he did not deserve to stay in jail, that he loved me and that he wanted to be with me and the children. In our whole life he didn't tell me as many words of love as he told me during one month while I was immobilized in bed. Then I understood how much he loved me". This example shows that to act on victims, the aggressor, in fact, turned himself into a victim and the real victim tried to placate him and re-establish the state of things when aggressor felt comfortable.

- **In the third phase,** *after the aggressor obtains victim's sympathy, he builds the relationship "We against them", in which the couple defend their love and position themselves against those who "don't understand them". In this phase the relationship is "romanticized" in different ways – another excuse that makes the victim not to denounce the violent acts.* There were more lawyers who provided primary advice and planned to engage in representing VDV's interests, having brief experience with this category of clients, who saw the diametrically opposed change of VDV's intentions in relation to the aggressors. Lawyers expressed their dissatisfaction with these situations, traditionally described by the well-known expression among the people "Today they fight, tomorrow they kiss". These situations make the acts of violence even more "normal".

- **In the fourth phase,** *the aggressor demands of the victim to withdraw the charges she pressed against him. An American study proves that*

in this phase the victim and the aggressor elaborate the “Retraction plan” and make up appropriate stories. They together decide what the victim would say if she is asked why she would not sue the aggressor and often they position themselves in public as a couple that fights against the state, which is viewed as an enemy that tries to separate them. Many of the lawyers interviewed with the survey carried out by the International Centre “La Strada” were surprised by the fact that in practice every second woman who is subject to the acts of violence throughout many years, asked for the ceasing of the judicial proceedings and legal support because she reconciled and she no longer needs the services of a lawyer. Manipulation, not threatening, as it is widely believed, is most often and successfully used by the aggressors. This information should be known to the prosecutors and lawyers from the criminal justice system, who work with the victims of abuses.

Professionals believe that the situations in which VDV's give up legal services are difficult to prevent, but it is possible to mitigate this risk by the following: complete information of the victim on the judicial proceedings (risks and benefits), including envisaged punishment for perjury; on the possibility to ask from the court a milder punishment in case of withdrawing declarations; on offering immediate qualified psychological assistance, preferably for a long term and developing support services, such as, for instance, placement and economic reintegration services.

IV.4. Experiences of interactions between VDV's and the law enforcement system and encountered obstacles

Resistance in recording VDV's complaints and fines issued by police officers

The documentation of the acts of violence upon the first call of VDV's on the police is of crucial importance, since, in case of delays, lack of evidence is a subsequent barrier in making justice. According to the information provided

by the GPI of the MIA¹⁵¹, in 2013 there is a relative increase in the number of complaints submitted to the police by VDV's compared to the previous year, while this indicator for the first 10 months only of 2014 decreases almost by twice (see Table 1 in Annexes). At the same time, the interviewed lawyers note that **the sector police officer does not always explain to the VDV's how to write a written complaint and not every time this complaint is appropriately recorded**¹⁵². A public lawyer stated that police officers should also take a more responsible attitude, because complaints get lost¹⁵³. Though there is an improvement of knowledge on how to deal with DV cases, mainly thanks to the training programs realized in the course of the last year, the stereotypical attitude of the police officers in relation to this phenomenon continues to be there. An interviewed VDV confessed she called on a police officer who reproached it was her own fault that the aggressor hits her and did not do anything. Only after she turned to the prosecutor, she got help¹⁵⁴. Another VDV was outraged that the protocols drafted by the police officer on site did not reflect the reality, "they were written in a way which permitted the police officer avoid problems in the future", and being hit by the aggressor even in the presence of the police officer, the latter did not intervene saying that VDV's "must ride the aggressor in the snaffle" and did not even document this act of aggression¹⁵⁵.

VDV's lawyers note also the lack of **communication skills and ignorant behaviour of the sector police officer with the VDV's** which is another impediment that demotivates VDV's in the act of justice¹⁵⁶. The interviewed VDV's report on situations in which the sector police officers were not sensitive to their issue. In a case in which the victim told the police officer what happened, he reproached: "You all (women) have your share of guilt"¹⁵⁷.

151 Information note on organizing and conducting measures to prevent offences against life and health of persons, as well as those committed within family relations during 12 months of 2013. Is available at: <http://igp.gov.md/ro/prevenirea-si-combaterea-violentei-familie-2013>

152 Interview with a lawyer from NGO, community A, 16.05.2014

153 Interview with a public lawyer from the TO NCSGLA, 05.06.2014

154 Interview with a VDV, beneficiary of a shelter, resident of a village in the North of Moldova, 46 years old, mother of two children, 06.06.2014

155 Interview with a VDV, beneficiary of an NGO, 28 years old, resident of a town from the Centre of Moldova, mother of one child, 13.06.2014

156 Interview with a public lawyer from the TO SGLA, community A, 11.06.2014

157 Interview with a VDV, beneficiary of an NGO, resident of a village in the East of Moldova, 36 years old, mother of four children, 30.05.2014

The VDV confessed that she decided to go to the police, but she was so nervous that she started crying saying she had problems in her family, to which the police officer said: “I also have problems at home and what, should I also cry?”. And after she told him the story, he said that the aggressor comes from a good family and it is very improbable that he behaves like that to her, moreover that there are no bruises on her body, concluding: “And then why don’t you leave for your parents? Go, take your stuff and leave, what’s the problem?”¹⁵⁸. An interviewed woman called the head police officer and was asked about all the details. But since no one came, she called the sector police officer who advised her: “You will get your divorce these days, come on, have some patience.”¹⁵⁹ All these situations demotivate the V DVs for quite some time to turn to the law enforcement bodies.

Professionals note also that few V DVs know that they can call the police emergency number 902. Lawyers salute the practice according to which all calls to 902 are recorded, which raises accountability of those who receive calls, but also the sector police officers to whom the case was referred to through the District police commissariat.

Though the number of started contravention cases goes down and the number of criminal cases goes up¹⁶⁰, the majority of lawyers believe that sector police officers start much easier contravention cases than criminal ones¹⁶¹. In some cases, chiefs of police document the case on a criminal matter and transmit the materials to criminal prosecution officers, the latter review them and conclude that there is no composition of a crime and re-qualify the case into contravention¹⁶². Some lawyers and paralegals believe it is very seldom that unpaid work for the benefit of the community would apply as a punishment, especially in the rural

158 Interview with a VDV, beneficiary of a shelter, resident of a village from the Centre of Moldova, 32 years old, mother of one child, 04.06.2014

159 Interview with a VDV, beneficiary of the TO SGLA, resident of a village in the Centre of Moldova, 41 years old, mother of two, 23.06.2014

160 See, also, statistic data of the GPI of the MIA (Table 2 in Annexes)

161 Interviews with a lawyer from an NGO, community A, 06.06.2014; with a lawyer from an NGO, community A, 16.05.2014; with a lawyer from a shelter, community A, 21.05.2014; with a lawyer from an NGO, community A, 13.06.2014; with a lawyer from a shelter, community A, 19.05.2014

162 Interview with a lawyer from an NGO, community A, 06.06.2014

communities¹⁶³. At the same time, more lawyers from shelters pointed out that they challenge all decisions in which the aggressor was punished with administrative fines.

Similarly to previous surveys conducted in the country, in this one VDV noted that the fines issued by the police officers were largely paid by themselves, which discouraged them to turn to the police for help for a longer period of time. Moreover, statistic data on the review of cases of contravention punishment of aggressors who admitted acts of domestic violence show that in about 17.4% cases, the court decides to cease the cases, the main reason being the conciliation of the parties. In the most of the cases, the conciliation between spouses happens due to the fact that sanctions as fines applied by law, are paid from the budget of the family of which both the victim and the aggressor are part, while influence measures against aggressors, do not achieve the goal of re-educating them, in the most of the cases. Therefore, it is obvious that fines issued for committing acts of violence are not only inefficient in combatting these offenses, but can endanger the welfare of the V DVs.

Limited access to services of free state guaranteed qualified legal assistance

As noted in certain analytical report¹⁶⁴, until today, the criminal procedural legislation that sets out conditions of mandatory participation of a defender in the criminal proceedings, regrettably, defend the suspect, accused and the culprit. In the case of this study, the most of the victims, as well as all interviewed professionals believe that this situation is disadvantageous for the V DVs, who are in a vulnerable situation. Though on criminal cases the prosecutor takes over the defence of the victims, until the phase of the court trial of the case, V DVs think of themselves as persons deprived of the right to defence and are forced to assure a defender on their own account.

163 Interviews with a paralegal specialist, community J, 28.05.2014, with a lawyer from an NGO, community A, 06.06.2014

164 Report on the compatibility of the legislation of the Republic of Moldova with the provisions of the European Convention on Preventing and Combating Violence against Women and Domestic Violence. Centrul de drept al femeilor (Women's law centre). March, 2013. p.114

Art.11, para.(5) of the Law no.45 reads that “the victim is entitled to free primary and **qualified** legal assistance according to the legislation on state guaranteed legal assistance”. At the same time, in the Law no.198 there are no provisions that would include VDV as a distinct group that would be entitled to benefit from qualified legal assistance unconditionally. Respectively, based on art. 19, para. (1) letters. a) and e), of the Law no.198, a lawyer shall be appointed for the applicant whose revenues are less than the minimum level of revenues established by the Government. Thus, **VDVs have to pass the revenues’ test¹⁶⁵ in order to have access to qualified legal assistance, including for being able to ask the lawyer’s help in getting a PO.** Gathering of documents that prove the entitlement to state guaranteed qualified legal assistance may take the victim at least two days, while the need to issue a PO is imposed by the need to assure immediate protection. In many cases, VDV have to cover costs related to gathering confirmation documents, such as for the travels to the district centre. In other cases reported by VDV the local authorities refused to issue confirmation documents because of arrears for utilities or unpaid land tax. Interviewed VDV who benefited from SGLA mentioned that the procedure for collecting confirmation documents is a barrier and a demotivating factor for them to access a lawyer that is assured by the state. And only the engagement of paralegals from their native village helped them realise their right to defence.

Though admitting the state’s intent to facilitate access to free qualified legal assistance services for nationals with low incomes, applying the income test as a filter, professionals draw attention to the fact that in the most of the cases, VDV who escaped from the violence circle **have insufficient means to contract a private lawyer** who would represent their interests in the court. This is because before the final decision of the court on receiving minor children’s support or property sharing, the responsibility for keeping the family is also on the VDV’s shoulders. Psychologists say that when

165 Minimal income is calculated based on the *Regulation on the methodology of calculating incomes for providing state guaranteed qualified legal assistance* (GD no.1016 of 01.09.2008). The value of the subsistence minimum is determined based on the calculations of the National Bureau of Statistics (<http://www.statistica.md/newsview.php?l=ro&idc=168&id=4517>), which was 1,667.7 lei at 02.10.2014, in line with the *Regulation on how to calculate the subsistence minimum*, approved by the Government Decree no.902 of 28.08.2000 (Official Gazette of the Republic of Moldova, 2000, No.115, art.1002)

VDVs have financial constraints and they have to choose between meeting their basic needs (security, food, rest) and defending their legal interests through a private lawyer, they chose to meet their needs at that specific moment.

It is noteworthy that when calculating the incomes in order to provide state guaranteed qualified legal assistance, the incomes of all family members are taken into account. Professionals emphasize that sometimes the income test is inconvenient for the VDV because this category of beneficiaries, **besides physical and psychological violence, also suffer economic violence** from the aggressor. Therefore, access to and control over the family's incomes is exclusively held by the aggressor. Some lawyers pointed out situations when VDV requested state guaranteed legal assistance and **she was refused because the incomes of her husband, in fact the aggressor, were sufficiently high and, therefore, she did not meet the criteria set out in the law**¹⁶⁶. Thus, the staff of the NCSGLA admitted that, taking into account the fact that VDV that require a PO are in conflict with their husbands and because they are unable to submit data on the incomes of their husbands, the TO NCSGLA practices appointing a lawyer only in the basis of the calculations of the incomes of the applicant, though, according to the law, they may refuse her application¹⁶⁷. In another case a VDV whose husband came home from time to time and subjected her to physical violence and then disappeared, the TO NCSGLA considered that the aggressor does not live with the VDV and, therefore, did not include him into the composition of the family for whom incomes were calculated, offering the VDV, as an exception, a public lawyer¹⁶⁸.

All psychologists interviewed in this survey believe that VDV must have free and unconditional access to qualified legal services, regardless of their level of incomes, because **VDVs are in a more disadvantaged position compared to other categories of population, suffering from the effects of psychological trauma** which do not permit them to defend appropriately and independently their legal interests in the court. A proof to this were the results

166 Interview with a lawyer from a shelter, community A, 21.05.2014

167 From the correspondence with the representative of the NCSGLA, 20.10.2014

168 Interview with a paralegal, community N, 25.04.2014

of the psychological tests made to the VDV, which reveal the prevalence of the post-traumatic stress syndrome and the low level of self-efficacy (see sub-chapter III.5. *Psychological condition of the VDV at the moment of calling on legal services*).

Because the lawyers from the TO NCSGLA are mainly engaged in defending the suspect, the accused and the culprit in DV cases, this leaves trace on their activity when they arrive at defending the interests of VDV in other proceedings. The interviewed lawyers, paralegals and psychologists say that in these situations, public lawyers find it difficult to detach from the position of defending the rights of the aggressor, they often tend, empirically, to blame the VDV. This is why in some countries the lawyers' codes of conduct recommend specialising whether on defending the accused or only the victims¹⁶⁹. The remarks on the attitude versus a VDV of a lawyer from the TO NCSGLA with long experience in defending aggressors in criminal cases, who said he was any time ready to defend the interests of the VDV should he be appointed by the TO NCSGLA: *"Many times the victim is to blame too... Normal people do not usually get to conflicts... I do not agree that because he pulled her by hair, a criminal case should be started. Or if she is hit with her head against the wall, a criminal case should be started... They reconcile, the VDV does not want to tell anyone. But if there are average bodily damages, she would definitely go to the hospital and the doctor is obliged to inform the police, the prosecutors; a few papers are issued and there you go, a criminal case, then they go to the court. The first time it passes, the second time he is imprisoned... The victim too sometimes does not behave quite well, she many times is also to blame in what happens. Women usually talk too much, they insult, but the men have to raise their hands against them"*¹⁷⁰. This example shows that in order to avoid the re-victimization of the VDV, lawyers should know the aspects of DV and be sensitive to this issue, have an attitude that does not stigmatize VDV and have (besides financial motivation) the non-material motivation to re-establish the VDV's rights. The survey proves that there are still stereotypes both among the wider public as well as among the key stakeholders empowered with the right to intervene, which is quite serious.

169 Interview with a lawyer from an NGO, community A, 13.06.2014; interview with a legal specialist from a shelter, community C, 15.05.2014

170 Interview with a lawyer from the TO SGLA, community D, 17.05.2014

Some professionals noted that in order to mitigate the risk of VDV's' re-victimization by the lawyers who defend the interests of aggressors for many years, it is necessary to assure a range of trainings, as well as to attempt to specialize the lawyers from the TO NCSGLA on such cases. So far, random trainings were delivered, largely for the TO NCSGLA lawyers in the capital, but trainings for lawyers in regions are needed. Even if the staff turnover in the TO NCSGLA is high, it seems reasonable to invest into their topical training, considering that the most of the times they start their career and do the practical internship here, but in the future can continue representing the interests of the VDV's in courts.

It is noteworthy that access to primary and qualified legal services of the TO NCSGLA is limited for the VDV's for the mere reason that these services are not sufficiently addressed in the media. A proof is that the absolute majority of VDV's who did not benefit of legal assistance did not know of the existence of these services. According to the activity report of the state guaranteed legal assistance system, it is noted that in spite of the fact that the range of services in this system expanded starting with 1 January 2012 also for non-criminal matters, the public is unaware of this kind of protection and assistance on behalf of the state. Thus, prompt interventions are needed in order to cover this type of assistance more broadly in the media. At the same time, Ombudsmen focus on the diversification of some models of state guaranteed legal assistance, targeting the needs of the beneficiaries from the social-vulnerable groups¹⁷¹.

Difficulties related to how to prove physical and psychological violence

The Istanbul Convention¹⁷² sets out that the participating countries shall take measures of legal and other nature, necessary to assure that the responsible law enforcement bodies promptly and adequately react and engage in preventing and protecting from all forms of violence, including by applying operational

171 Free access to justice in the RM. Human Rights Centre, 2013 http://www.ombudsman.md/sites/default/files/rapoarte/accesul_liber_just3.pdf

172 European Convention on Preventing and Combating Violence against Women and Domestic Violence, Art. 50

preventive measures and gathering evidence. At the same time, the interviewed professionals pointed out many issues related to getting evidence that must be submitted to the court.

An issue that was frequently revealed both by VDV^s and their lawyers was the fact that many times, **VDVs have to pay the costs of the forensic expert review**. VDV^s noted that only the cost of one forensic expert review certificate varies between 24-50 lei, which is a quite high amount, if one takes into account that they still need to pay also the cost of transportation to the district centre. A paralegal specialist revealed a case when the VDV managed to evade from her community with her jaw double-broken, carrying a baby. She had no money, neither healthcare policy, she had to turn to her aunt for financial help, benefiting later from the services of a lawyer from the shelter¹⁷³. Only some interviewed VDV^s were exempt from this payment, having the referral from the prosecutor or the criminal prosecution body. In this respect, the majority of professionals pointed to the need to design a mechanism that would provide for the possibility to conduct the forensic expert review for all VDV^s free of charge.

More of the interviewed lawyers are concerned by **the procedure of assessing the seriousness of bodily injuries in the forensic expert review that poses high risk of lessening the seriousness of the injuries**. One of the invoked reasons is the uncertainties from the specialised catalogue of matching bodily injuries, developed by the Ministry of Health. An example is cranial-brain damages that qualify as light injuries, while concussions can sometimes qualify as insignificant injuries. In these cases lawyers look for the possibility to do a complete tomography and only based on these conclusions the injuries can qualify as more serious. But this procedure takes time and is costly, which is a difficulty in the case of the VDV^s¹⁷⁴. Some lawyers mentioned that in the cases of damages to internal organs, which are difficult to identify at the first examination, it is possible to perform a repeated forensic expert review free of charge, the conclusion of the doctor from the place of residence being mandatory, that this health problem was not there before or that it is not genetic. At the same time, considering that VDV^s often escape from their

173 Interview with a paralegal, community N, 25.04.2014

174 Interview with a lawyer from an NGO, community A, 06.06.2014

native communities/are accommodated in district shelters, the medical check-up at the place of residence is cumbersome, while in privately-owned centres it is costly. The situation gets worse also because these tests need to be urgently performed¹⁷⁵.

Even more complicated is the situation with the psychological expert review that is necessary to prove psychological violence. The only institution authorized in conducting the psychiatric-psychological expert review is the Republican Psychiatric Hospital that **focuses on psychiatric issues and less on psychological ones**. As a rule, this expert review can be requested only when criminal prosecution is started. Lawyers often try to supply as evidence the psychological characteristics of the beneficiaries or the psychological evaluation report issued by the psychologist of the shelter, but they stress that judges often have a sceptical attitude towards complaints where only psychological violence is invoked and it is upon the discretion of the court to consider or not these VDV's psychological evaluation reports. Many lawyers specified the issue of getting a PO in cases where only psychological violence was invoked and only a public lawyer reported that a PO was granted, quoting the good-willing attitude of the judge "who entered into the essence of the matter"¹⁷⁶.

An interviewed psychologist said that forcing the V DVs to make the psychiatric-psychological expert review means to subject them to re-traumatization through psychological treat. Because the aggressors often make them think that they will be locked up in the psychiatric institution, during the meetings with the psychologists, V DVs try to clarify their mental health situation. The requirement to take the psychiatric test strengthens even more the fear and lack of confidence into those who try to help her¹⁷⁷.

175 Interview with a lawyer from a shelter, community A, 19.05.2014

176 Interview with a public lawyer from the TO NCSGLA, community C, 05.06.2014

177 Interview with a psychologist from a shelter, community A, 19.05.2014

State fees charged from victims

In conformity with art.85, para. (1), letter c) CPC, V DVs are exempt from paying the state fee when they apply for protection measures. However, taking into account the provisions of art.98, para. (1), CPC, expenses related to trying the case are covered by the court, as well as the state fee, from which the complainant was exempt, and are charged from the culprit, proportional to the action's admitted part¹⁷⁸. At the same time, the lawyers invoke the issue of forcing V DVs pay the state fee for the **divorce or for the establishment of the child's custody**. Interviewed V DVs said they had to pay these state fees and, regardless of the fact that the amounts are not high (40 lei for divorce and 100 lei for establishing the child's domicile), they were unable to afford paying them, taking into account that they had to also pay the cost of transportation to the district centre, etc. Some lawyers from NGOs confessed that in order not to stop the trial, they had to pay these fees themselves. The lawyers also note that often judges do not accept victim's request that the state fee is paid by the aggressor, insisting that it has to be paid upon the submission of the application. Some professionals consider it reasonable that the law reads that in case there is evidence of DV, V DVs should be exempt from paying the state fee¹⁷⁹.

As regards the sharing of the real estate, **V DVs also face difficulties in paying 3% of the value of the real estate**. V DVs report that they must pay the amount of several thousand lei so that the competent authorities process the property sharing documents. Since the limitations for applying to the court for property sharing is fixed, it is more than probable that they would not manage to collect this amount of money, therefore, they cannot claim their share of the real estate. This has happened to one interviewed victim, who rented a place to live for herself and her children, being unable to collect the necessary amount to pay the state fee¹⁸⁰.

178 Decision of the Plenum of the Supreme Court of Justice no.1 of 28.05.2012 on applying by the courts of the provisions of Chapter XXX of the Criminal Procedure Code (application of protection measures in cases of domestic violence) available at http://jurisprudenta.csj.md/search_hot_expl.php?id=115

179 Interview with a legal specialist from an NGO, community D, 30.05.2014; interview with a lawyer from an NGO, community A, 06.06.2014

180 Interview with a V DV, beneficiary of a shelter and TO SGLA, resident of a village in the South of Moldova, 41 years old, mother of three children, 02.06.2014

In many cases, VDV's can't pay the state fee for sharing the real estate and have to live in the same apartment with the aggressor, continuing suffering from acts of violence. Thus, some lawyers suggest the review of the procedure in the light of exempting the VDV from paying the state fee for the sharing of the real estate, if not completely then at least partially. Some lawyers propose to revisit the procedure in the sense that the complainant should be exempt from the state fee and later, after the case is complete, the state fee should be charged from the culprit¹⁸¹.

One of the VDV's interviewed within this survey noted that the court decision to evict the aggressor from the real estate, her exclusive property, can't be realized. The aggressor deliberately does not leave the real estate and for the services of a bailiff she needs to pay 4000 lei. In this situation, the aggressor continues to stay in her apartment, while the victim, together with her child, have to rent apartments, being also subject to violence when the aggressor manages to find them¹⁸².

It is noteworthy that the Ombudsmen¹⁸³ stress that today there are difficulties as regards the **execution of certain categories of civil court decisions**. On the one hand, the effective legislation says that all costs for the execution of court decisions are paid by creditors, amounts that are later charged from the debtors and that the payment of these fees motivate the bailiffs financially, determining them to execute the enforcement titles. However, how is it possible to effectively enforce the act of justice when the creditor has no financial resources to cover the enforcement fees and the debtor has no incomes or goods that can be traced? Ombudsmen consider it useful to revisit the mechanism of charging enforcement fees, by amending art.36-38 of the Enforcement Code of the Republic of Moldova, in the sense of exempting categories of creditors that have a poor financial condition of paying/paying in advance the enforcement cost fees. Therefore, based on the complaints, demarches, as well as in the

181 Interview with a lawyer from an NGO, community A, 06.06.2014

182 Interview with a VDV, beneficiary of a shelter, resident of a village from the North of Moldova, 40 years old, mother of one child, 05.06.2014

183 Free access to justice in the Republic of Moldova. Human Rights Centre, 2013, available in Romanian at http://www.ombudsman.md/sites/default/files/rapoarte/accesul_liber_just3.pdf

light of the objectives included in the *Justice sector reform strategy for 2011-2016*, the Ministry of Justice assured that the size of tariffs charged by the bailiffs shall be reviewed and evaluated in such a way that to assure the proportionality between their size and the real cost of actions undertaken by the bailiffs. We hope that the Ministry of Justice has already started the process of amending the normative framework on the enforcement of court decisions.

Difficulties in getting or enforcing POs

Issuance of a PO

The most of the lawyers noted that in the last year, compared to previous years, they had no essential difficulties in getting a PO. The lawyers noted only a few cases when the court refused to issue a PO, mainly when psychological violence was invoked, due to **insufficient evidence**. One interviewed judge reported that he had to refuse a PO for a VDV who was not assisted by a lawyer and did not know that she had to submit certain evidence and it was difficult for her to answer the questions asked by the judge. He specified that even though that from the way she behaved one could tell she had been subject to violence, the judge was forced not to admit the violation of subjective rights of the aggressor and respectively to deny the issuance of the PO because of lack of evidence. In another case, the judge denied the issuance of the PO because there was no evidence the moment of the call they lived separately¹⁸⁴.

Some judges said that there are practical problems in reviewing the application for issuing a PO in particular in relation to the status of the police body. The civil legislation does not set out that the police can be interviewed, it only sets out that the court gets in contact with the police representative and informs the latter's obligation to inform the aggressor and the victim to come to the court. Respectively, when the victim says she was assaulted, the evidence is not sufficient and the court does not have mechanisms to establish

184 Interview with a judge, community L, 02.06.2014

the effect of the aggressive behaviour, being constrained by the circumstances to issue a groundless PO or to deny its issuance. In this case, the judge found it necessary to ask for statements of the police, which were the basis for the decision to issue a PO¹⁸⁵.

Many lawyers believe that **psychological violence is more difficult to prove for getting a PO**, but judges are, especially reserved when temporary eviction of the aggressor from home is requested. Not all judges recognize as evidence the *Psychological evaluation report* of the VDV (prepared by a psychologist from the shelter). Therefore, lawyers prefer to annex to the Report additional documents, such as a statement of a witness, which increases the chances of being accepted by the judge. Otherwise, judges request from the VDV's lawyers a Report on psychiatric-psychological evaluation (prepared by the Mental Health Centre of the MH), while sometimes the lawyers must prove the causal link between the acts committed by the aggressor¹⁸⁶. Many lawyers, as well as psychologists from shelters believe that when a PO is denied, the victims of domestic violence are re-victimized three times – they perceive the denial as the court's lack of confidence in their statements, they tend to blame themselves, while the acts of violence intensify once the aggressors perceive the denial to issue a PO as a justification¹⁸⁷.

Lawyers recognize that in the last year, judges more confidently apply safety measures that are required/can be provided for in a PO. Only a few interviewed judges noted that they avoided applying protection measures in relation to children, when it was found in the court that the aggressor has good, respectful behaviour towards the children. Therefore, they rejected the request to prohibit visiting the children¹⁸⁸. At the same time, some judges believe that the **standard measures set out in the normative acts are too abstract, they must be simpler and clearer for the aggressor**. For instance, the obligation not to approach closer than a certain distance/contact the victim by phone or through social networks¹⁸⁹. A lawyer noted that he had to challenge an issued

185 Interview with a judge, community A, 12.06.2014

186 Interview with a lawyer from a shelter, community A, 19.05.2014

187 Interviews with a psychologist from a shelter, community A, 23.04.2014; with a psychologist from a shelter, community A, 19.05.2014; with a lawyer from an NGO, community A, 06.06.2014

188 Interview with a judge, community L, 02.06.2014

189 Interview with a judge, community M, 06.06.2014

PO because it did not specify the prohibited distance of approaching the victim, that the aggressor had to leave their common apartment (one room), which jeopardized the real enforcement of the PO¹⁹⁰. On the other far end (example of increased accountability of judges in applying PO as a protection measure): a psychologist referred to a case when the VDV was placed in a shelter, but because there was nobody left at home, the lawyer did not request the eviction of the aggressor from home. However, the court, to everyone's surprise, evicted him from home and there was no one to take care of the animals¹⁹¹.

As concerns the timeframe for issuing a PO (24 hours), the most of the lawyers mostly did not note violations. Only in one case, a lawyer said that the PO was issued after 5 court sessions. The judge wanted to interview the witnesses from both parties, because the issuance of the PO was considered not that much a measure to protect the life and health of the VDV, but rather a measure that could limit certain fundamental rights of the aggressor¹⁹².

Both VDV's lawyers as well as judges say that **not always when an application for issuing a PO is registered, the hour is specified**, which might be to the victim's disadvantage, as the issuing procedure might last, de facto, up to two work days in the situation when every hour matters for the victim. Some judges recognize that they do not manage to decide upon issuing a PO, especially when the application is filed on Friday afternoon, the following day being a day off¹⁹³. A lawyer noted that for issuing a PO, few judges ask for the report on the depiction of the victim and the aggressor, as well as on the circumstances of the domestic violence case, but base on the verbal statements of the sector police officer. At the same time, it happens that the police officer does not attend the court interview (mainly in towns), and if he does, can't talk about the reviewed case, which poses the VDV and the defence in a more difficult position¹⁹⁴. However, it is encouraging that no VDV or a defender reported the violation of the deadline of 24 hours for issuing a PO if the

190 Interview with a lawyer from an NGO, community A, 16.05.2014

191 Interview with a psychologist, shelter, community D, 06.06.2014

192 Interview with a lawyer from an NGO, community A, 16.05.2014

193 Interviews with a judge, community A, 11.06.2014; with a judge, community C, 05.06.2014; with a judge, community M, 06.06.2014

194 Interview with a lawyer from an NGO, community A, 13.06.2014

aggressor does not come to court, though the majority of the interviewed judges said that the presence of aggressors at the trial may have an educative effect with a view to respecting the provisions of the PO.

In some cases, judges hesitate to apply POs for more than one month, though the maximum length is of up to 3 months, without arguments for the decision. This happens especially when the judge is unsure versus the DV phenomenon or act¹⁹⁵. More judges and public lawyers noted during the interview that, though they issue POs obliging the aggressor to temporarily leave the common home, they are concerned that the aggressor has no place to go¹⁹⁶.

Professionals draw attention to the need to expedite amendments to the legal framework that would permit the issuance of the emergency protection order, which would provide immediate protection to the VDV and time to collect evidence that support the application. The most of the interviewed professionals believe that in order to facilitate VDV's access to justice and offer them appropriate protection, it is necessary that their interests are defended by lawyers in court.

Enforcement and follow-up of enforcement of PO

The majority of interviewed professionals reported a range of issues related to the enforcement of the PO by the aggressor, the follow-up by the law enforcement and social welfare bodies in fulfilling the protection measures provided for by the court. Professionals believe that the PO does not, regrettably, offer total protection to VDV's, because the judiciary act becomes ineffective in the process of enforcement. Psychologists say that there is a category of aggressors with obvious signs of psychopathic and behavioural disorders, which do not bear any respect for the law¹⁹⁷. In a case when a PO was not respected, a criminal case was started against the aggressor, nevertheless, he assaulted the victim who continued to be unprotected. In

195 Interview with a lawyer from a shelter, community A, 19.05.2014

196 Interviews with a judge, community C, 05.06.2014; with a judge, community C, 05.06.2014; with a lawyer from the TO NCSGLA, community D, 17.05.2014

197 Interview with a psychologist from a shelter, community A, 23.04.2014

the meantime, the Prosecutor's Office and the Police Inspectorate could not take a decision – on the one hand they were for apprehending the aggressor, while on the other they were afraid of violating human rights¹⁹⁸. Some professionals believe that there is no real protection against aggressors, while the enforcement of the PO is still questionable as long as no one works with the aggressor. During the issuance of the PO or after its enforcement, he returns home even more inveterate and violent¹⁹⁹. Other professionals say that the aggressor violates the provisions of the PO because he has no place to go, while till the end it happens that both partners get several criminal cases on art. 201¹ of the CC, which carry on in parallel²⁰⁰. Therefore, it is worth considering a good practice, the experience reported by the professionals from the *Centre of assisting and counselling family aggressors* from the North of the country. Here, the court establishes in the PO as a mandatory measure, to attend counselling services and notify the Centre about his decision, while the staff of the centre, in their turn, inform the court of whether the aggressor followed the imposed program²⁰¹.

In half of the cases in which the interviewed VDV's were assisted by lawyers in getting a PO, these were not enforced. When victims turned to the police officer and/or the social assistance, they did not respond or said that the aggressor is mentally sick and they can't do anything. Therefore, the VDV's were disillusioned with the justice act, losing confidence into the whole law system. Often, VDV's think that the PO is the final document, that would assure total protection, but often they get disappointed²⁰². Frequently, from the moment of the notification about the obligation to respect the PO, the police officer and the social assistant do not pay visits to follow-up the enforcement of the PO. As an example, a lawyer referred to a case when a VDV slept in the barn during 3 months, having a PO which obliged the aggressor to leave their house²⁰³.

198 Interview with a psychologist from a shelter, community D, 06.06.2014

199 Interview with a paralegal, community N, 25.04.2014

200 Interview with a lawyer from the TO NCSGLA, community D, 17.05.2014

201 Interview with a psychologist from a shelter, community M, 10.06.2014

202 Interview with a public lawyer of the TO NCSGLA, community C, 05.06.2014

203 Interview with a lawyer from a shelter, community A, 19.05.2014

Lawyers say that they often have to intervene in situations when the aggressor does not enforce the PO and when police officers and social assistants do not get engaged. For instance, there was a case when a VDV turned to the police station with charges that the PO was violated, but the police officer did not register the violation. After all, the lawyer had to notify the Ministry of Internal Affairs and only after that a criminal case for violating the PO was started²⁰⁴. Lawyers also say that V DVs, as a rule, turn to the police officer, inform him and talk to him about the violation of the PO thinking that the police officer would settle the issue and they leave home. Everything stops at this phase, while the violation is not officially registered by the police officer, though the law reads that upon the first violation art.318 CC apply, while for the subsequent – art. 320 CC²⁰⁵.

Another issue is that V DVs continue to call the police officer on their mobile phones to report the non-enforcement of the PO²⁰⁶. This is a reason why lawyers draw V DVs' attention to call the 902 service, where the calls are registered. This does not only make the police officers accountable to intervene on site, but also permits the documentation of the non-enforcement, while the lawyer can subsequently request this information, attaching it to the file as evidence²⁰⁷.

In case of the non-enforcement of the PO, it is necessary to draft a contravention protocol. According to the legislation, the police officer or the social assistant are not investigative officials, they need to take the protocol to the bailiff or directly to the court that must decide upon the punishment to apply. However, this rarely happens. Professionals highlight many cases when the bailiff does not look into the police officer's application, saying that he does not have this competence, the police officer does not go directly to the court, while the court asks for the finding from the bailiff²⁰⁸. The representatives of the prosecutor's office say that bailiffs can intervene only when they have an enforcement procedure running, which, the most of the times, refers to civil

204 Interview with a lawyer from an NGO, community A, 20.05.2014

205 Interview with a lawyer from an NGO, community A, 06.06.2014

206 Interview with a lawyer from an NGO, community A, 20.05.2014

207 Interview with a lawyer from an NGO, community A, 20.05.2014

208 Interview with a lawyer from an NGO, community D, 30.05.2014

cases; in this case, however, an absolutely different procedure applies, where bailiffs have no right to intervene only upon a demarche of the police or the prosecutor's office²⁰⁹.

Lawyers say that in order to be able to punish the aggressor for not enforcing the PO, the application on the violation must be very well argued. In a case when the PO envisaged the prohibition of any means of communication with the victim, immediately after the PO was issued, the victim of domestic violence received obscene and threatening text messages on a social network. The lawyer printed those messages and turned to the police officer, asking for registering the non-enforcement of the PO. The police officer did not find that the PO was violated and noted that the VDV should have not been on social networks and should have not read those messages²¹⁰. More V DVs noted during the interview that aggressors chose social networks as means of communication through which they try to intimidate them or threaten with scuffle for not withdrawing the charges. The most of the times these intimidation attempts are ignored by the professionals who simply encourage the victims to stop using the social networks, without punishing the aggressors.

Professionals have diverging opinions about the punishments provided for in case the aggressors violate POs. When the aggressor has accentuations of psychotic behaviour, some lawyers stand for apprehending him and a PO is not even recommended, since it is considered ineffective in such situations²¹¹. Lawyers say that, in practice, in all cases of violations of the PO, a fine would apply and very seldom unpaid community work. Some judges believe that the most appropriate punishment for violating a PO should be deprivation of liberty for a short term of 3-5 days, maximum 30 days. This punishment is considered effective for ending acts of violence, because the fine is often paid from the family budget and, therefore, the victim is not interested in denounce. At the same time, unpaid community work

209 Speech of the representative of the Prosecutor's General Office during the closed Consultative meeting "Access to justice for women and men", organized by the MLSPF on 12.11.2013

210 Interview with a lawyer from a shelter, community A, 19.05.2014

211 Interview with a lawyer from a shelter, community A, 21.05.2014

does not produce the expected effects²¹². A lawyer quoted a case from his practice, when, four criminal cases were started against the aggressor, while he continued to threaten the beneficiary. In the end, the lawyer firmly stood for the punishment with imprisonment in the case of disregarding the PO²¹³. A judge noted that the punishment with imprisonment applied only when the aggressor was previously convicted for a similar offense and since the aggressor did not correct, the court found appropriate to apply the punishment with imprisonment, especially because the aggressor behaved aggressively also in relation to the children²¹⁴.

The practices of the judges that refer to the conciliation of parties in cases of domestic violence

Judges' behaviour in maintaining the status of calmness in the family

VDVs that pressed charges in the court for getting divorced, specifying domestic violence as a reason, are outraged that in many cases the judges postpone the decision, granting time for conciliation. In several cases, VDVs noted that their explanations that they are beaten are completely ignored²¹⁵ or that the judge listened to the explanations with an ironic expression²¹⁶, or keeping total silence²¹⁷. In a case, the VDV that submitted her divorce application to the court without a lawyer was turned down because she could not convince the aggressor to come to court. In his absence, the court could not pronounce the divorce²¹⁸. Among the reactions and feelings described by the VDVs were disappointment with the act of justice, confusion, inner protest/aggressiveness and depressive symptoms. Psychologists say that

212 Interview with a judge, community M, 06.06.2014

213 Interview with a legal specialist from a shelter, community D, 06.06.2014

214 Interview with a judge, community L, 02.06.2014

215 Interview with a VDV, beneficiary of a shelter, resident of a village from the South of Moldova, 41 years old, mother of three children, 02.06.2014

216 Interview with a VDV, beneficiary of an NGO, resident of a village from the South of Moldova, 32 years old, mother of two children, 28.05.2014

217 Interview with a VDV, beneficiary of a shelter, resident of a village from the North of Moldova, 38 years old, mother of five children, 15.05.2014

218 Interview with a VDV, beneficiary of an NGO, resident of a village from the Centre of Moldova, 31 years old, mother of one child, 25.04.2014

offering time for conciliation for VDV's that applied for a divorce results in even worse ill-treatment of the VDV's by aggressors, they do not attend the next court session and it becomes even more difficult for them to break the circle of violence²¹⁹.

The majority of the interviewed lawyers who represented the interests of the VDV's in the court, believe that, broadly, the judges display a behaviour that denotes a willingness to maintain the calmness in the family, respectively, in many cases, they grant conciliation periods, though the legislation prohibits this DV if the reason of applying for divorce. Decisions taken by judges are rather about their personal beliefs on the issue of DV, rather than lack of knowledge or neglect of the legal norms. A lawyer pointed out that an argument for the decision of the judge was the reasoning "They fight today, they make up tomorrow"²²⁰. Another lawyer from an NGO who tried to explain to the judge that the family cannot be preserved when there are no more family functions was blamed that "You are those who destroy families"²²¹. A legal specialist noted that judges are often influenced by the aggressor's application for a period for mediation, after which also judges engage as counsellors in mediating the conflict between the parties and, still, they offer conciliation periods²²². Psychologists are worried by these situations, because many aggressors with accentuations of psychopathic behaviour seem intelligent and friendly in communicating in the external environment, they use any method to keep the VDV under their control and terror²²³.

As regard the opinion of the interviewed judges, half of them stood for not granting a conciliation term when DV is the reason for applying for divorce (two women and two men)²²⁴. Some of them were categorical, noting it was necessary to grant the conciliation period (two men)²²⁵, while others noted that this should be at the judge's discretion (one man and one woman)²²⁶. It is

219 Interview with a psychologist from a shelter, community D, 06.06.2014

220 Interview with a lawyer from an NGO, community A, 13.06.2014

221 Interview with a lawyer from a shelter, community A, 19.05.2014

222 Interview with a legal specialist from a shelter, community C, 15.05.2014

223 Interview with a psychologist from a shelter, community A, 23.04.2014

224 Interviews with a judge, community A, 12.06.2014; a judge, community C, 05.06.2014; a judge, community C, 02.06.2014 and a judge, community L, 02.06.2014

225 Interviews with a judge, community C, 05.06.2014; with a judge, community M, 06.06.2014

226 Interviews with a judge, community M, 06.06.2014; with a judge, community A, 11.06.2014

noteworthy that one judge was outraged with the legal provisions that do not permit the conciliation of parties in such situations: “If two strangers fight conciliation is permitted, but if a husband and a wife fight, then conciliation is not allowed!”²²⁷. Still, it should be highlighted that all judges who spoke for not granting conciliation period in divorce cases, participated at specialised trainings on the subject of legal interventions in DV cases.

The truth is that, in spite of the fact that amendments were proposed for removing gaps from the CPC and CC on the component parts of the offence for which conciliation of VDV and aggressors is permitted, at the moment of the study, these gaps were still not addressed. Therefore, professionals are concerned that in many situations, aggressors get away without an appropriate punishment, because VDV give in and abandon the cooperation with the judiciary bodies under the pressure from the aggressor and his close circle.

Professional ethics

The code of conduct of judges and prosecutors²²⁸ reads that judges and prosecutors are obliged to respect the equality of citizens to the law, assuring a non-discriminatory legal treatment, respect and defend dignity, physical and moral integrity of all persons who participate, in any capacity, in judiciary proceedings. They must impose order and solemnity during the settlement of cases and take a dignified and civilized attitude towards the parties, lawyers, witnesses, experts, interpreters or any other person, asking from them an adequate behaviour. *The code of ethics of judges*²²⁹ reads that upon exercising its duties, the judge must fulfil its service tasks and functions in a professional and competent way, including all administrative tasks, according to the law. Lawyers and psychologists highlight the importance of preparing the VDV for the court session, when they are informed of the duties of the judge, what to expect and how to behave in the court, because, often VDV have wrong expectations from the judge (for instance, they expect the judge to be indulgent, gentle, educate the aggressor²³⁰ etc.).

227 Interview with a judge, community C, 05.06.2014

228 *Code of conduct of judges and prosecutors*, art. 8; art.14, available at <http://www.csm1909.ro/csm/index.php?cmd=caut&doc=106&lk=7>

229 Approved by the Decision of the SCM no.366/15 of 29.11.2007

230 Interview with a legal specialist from a shelter, 15.05.2014

Within the framework of this study, the VDV's and their lawyers who were in contact with the courts throughout the country were asked whether they were satisfied with how they were treated or how the law enforcement representatives behaved to them. Though there were reports on a number of situations in which judges proved to be professional and displayed a dignified and civilized attitude towards VDV's, there were also cases of behaviour running counter to ethical norms and which led to VDV's' re-victimization.

A lawyer quoted an example when the judge blamed the victim for the aggressor's aggressive behaviour, however, after a verbal observation made by the lawyer, the judge stopped blaming her and in the end approved a decision favourable to the VDV²³¹. A public lawyer pointed out cases when the judge, through its behaviour, questions asked to the victim, displayed a stigmatizing attitude: "But what did you want?... What do you guess?"²³². A paralegal who was present in the court room talked of a case when the aggressor was very aggressive towards the victim, she hardly resisted his attacks, but the judge did not even try to stop him²³³. In another case, the lawyer had to defend the VDV from the physical attack of the aggressor, in the mid of the court session, when the judge did not take any attitude and did not even fine him²³⁴. A psychologist talked about the confessions of a VDV to whom the judge reproached during the trial: "What kind of a woman are you if you can't preserve the family?"²³⁵, a behaviour which can be described, in its opinion, as an attempt to psychologically influence the VDV and re-traumatize her. Another lawyer quoted an example when the judge asked the VDV questions in such a rude manner, that at each question she made one step back, after 5 questions she was at the door, while the judge reproved her: "Come closer, why are you afraid?" Then the lawyer intervened, asking the judge to ask question in a different tone of voice, because the VDV started feeling guilty and gave ambiguous answers, the judge trying to interpret things to the victim's disadvantage²³⁶.

231 Interview with a lawyer from an NGO, community A, 13.06.2014

232 Interview with a public lawyer from the TO NCSGLA, community A, 11.06.2014

233 Interview with a paralegal specialist, community N, 25.04.2014

234 Interview with a lawyer from a shelter, community A, 19.05.2014

235 Interview with a psychologist from a shelter, community A, 19.05.2014

236 Interview with a lawyer from a shelter, community A, 19.05.2014

An example of stereotypical approach related to gender issues was quoted by a public lawyer. A man, VDV, wrote a complaint to the court, invoking the DV issue. Judges were surprised: “What kind of a man are you, if you complain that your woman beat you?”²³⁷. In another case, a male judge in a case of sexual violence in the family asked the VDV: “How come that during 20 years you liked how he made sex to you, but now you no longer like it?”. Another male judge asked the VDV: “But why do you want to claim maintenance from him? This, in fact, humiliates the man and why do you want to humiliate him? You all try to humiliate men so that they are nobody in the society!”²³⁸. In this sense, the interviewed professionals confirm that the Moldovan society still has patriarchal specificities, while gender stereotypes and certain misconceptions among the representatives of the law enforcement system, can influence their decisions, which are not always fair.

Though the law permits the V DVs to apply for a PO at the place of their domicile, the place of residence of the aggressor or the place where the victim sought assistance, a lawyer provided an example when the file was turned back, because the victim arrived into the capital from the region and she called on the court through a lawyer at the end of the working day. The court behaved rudely to the victim, though she had visible signs of violence on her body: “Where do you stay in Chisinau? Why did you come here? Go there...”. The lawyer had to file an appeal to the refusal to register the file²³⁹.

Therefore, lawyers salute the initiative of audio/digital recording of the court sessions²⁴⁰, when the actions of the judge are fixed through the audio recording of the court sessions. Chapter 4 provides for the tasks of the registrar during the audio recording of the court sessions. On the other hand, the rules of procedures read that, according to point 8.1: “The participants to the proceedings are entitled to a copy of the audio recording of the court session. The copy of the audio recording of the court session is issued by the

237 Interview with a lawyer from the TO SGLA, community D, 17.05.2014

238 Interview with a lawyer from a shelter, community A, 19.05.2014

239 Interview with a lawyer from an NGO, community A, 06.06.2014

240 Art. 5 of the *Code of conduct of the judge*, approved by the Decision of the Supreme Council of Magistrates no.212/8 of 18 June 2009

registrar upon the written or verbal request of the participants for a fee that is established by the Government. At the same time, according to lawyers, not all courts use the software for audio recording of the court sessions.

VDVs are afraid to talk in the court in the presence of the aggressor

The majority of the V DVs who participated in court trials, especially those for getting a PO or divorce, noted that the presence in the court of the aggressor inhibited them and in many cases there were unable to speak or answer certain questions. A V DV recognized that when the judge asked her why she wanted to divorce, she simply started crying and the judge adjourned the session, saying she needed to calm down²⁴¹. Another V DV said that the aggressor sat next to her and continuously whispered: “Don’t tell, keep silent!”, she being blocked by his influence²⁴².

The judges say that the litigations related to DV, compared to others, vary by the parties’ behaviour. The conflict situation is obvious. Many times, the V DVs have an emotional behaviour and cry during the court session²⁴³. More judges noted that V DVs differ from other participants to the trial, being obviously affected psychologically. They are afraid to talk in the presence of the aggressors, especially if they are next to them. It is encouraging that more interviewed judges who noted such a situation were convinced that the victim did not want to testify in front of the aggressor and decided that the court can hear the victim in his absence. The aggressor was removed from the court room and subsequently the statements of the victim were read and the aggressor could ask questions²⁴⁴. Some judges, however, said that V DV have a weird behaviour: “They give way to themselves in the court”²⁴⁵.

241 Interview with a V DV, beneficiary of an NGO, resident of a town from the South of Moldova, 35 years old, mother of two children, 28.05.2014

242 Interview with a V DV, beneficiary of an NGO, resident of a village from the South of Moldova, 36 years old, mother of two children, 21.05.2014

243 Interview with a judge, community C, 05.06.2014

244 Interviews with a judge, community A, 12.06.2014; with a judge, community A, 11.06.2014; with a judge, community C, 05.06.2014; with a judge, community L, 02.06.2014

245 Interview with a judge, community M, 06.06.2014

Psychologists explain the weird behaviour of the VDV's with the following: for some the participation in the court trial is the sign of the acquired helplessness of the victim, for instance tantrums and hysterics²⁴⁶. A psychologist, trainer during the training programs, said that in these situations the judges question her position as a victim. The psychologists say that this aggressive behaviour is nothing else than a defence reaction²⁴⁷. Another psychologist explained that when the VDV's have broken the chain of violence and have begun to perceive DV as an offense and they feel protected, if they meet the aggressor in the court after rehabilitation, then they can externalize their negative emotions, which is often misunderstood by the judges²⁴⁸. In this respect, it is important that judges are trained on aspects of legal interventions within which issues of victimology and VDV's re-traumatization during the trial are addressed.

Punishment for systematic/continuous violent acts often boils down to fines

Interviewed VDV's who suffered during a number of years from violence, expressed various opinions regarding the punishment that they consider should apply to their aggressors. As a rule, at the initial phase when they manage to get free from the violence circle and begin to understand the legal character of the acts of violence and after their psychological rehabilitation program, they are for the maximal punishment provided for by the law – imprisonment. This decision often changes throughout the trial, so that the VDV's are often prone to forgive him by the end of the criminal proceedings.

VDV's' lawyers tend to ask from the court the application of maximal punishment. The most of the lawyers said that they try to challenge the files that ended with fines, including administrative files with fines based on art.78 CC. Though they've reported situations when judges applied punishments with imprisonment, the most of them are suspended for a period of time, while unpaid community work applies very seldom. A psychologist who participated in trainings for judges on DV noted that they have difficulties in

246 Interview with a psychologist from an NGO, community A, 15.04.2014

247 Interview with a psychologist from a shelter, community A, 23.04.2014

248 Interview with a psychologist from a shelter, community A, 19.05.2014

making a difference between an occasional event of violence from a systematic violent behaviour that leads to the destruction of the VDV's personality²⁴⁹.

Judges confirm that, the most of the times, they apply the punishment with conditional suspension of penalty, being convinced that the punishment with several years of deprivation of liberty is too severe. Some judges spoke for applying minor punishment of real deprivation of liberty, varying from one to five months, considering that these would result in the desired effects²⁵⁰. A lawyer, trainer during the training workshops for judges, noted that judges avoid applying the punishment of deprivation of liberty, arguing that "they fight, then they come and say they've reconciled", while VDV's ask for milder penalty for the aggressors²⁵¹. As an example was quoted the case of a judge who issued the decision to apply 6 months imprisonment, after which the decision was challenged at the Court of Appeal, and because they took into account attenuating circumstances (VDV did not have any moral claims to the aggressor), the penalty was changed into unpaid work. Thus, judges do not have any motivation to apply imprisonment penalty²⁵².

Psychologists draw attention to the fact that VDV's are often influenced by aggressors and their circles of close people to ask for minimal punishment for the acts of violence committed against the victim²⁵³. The change of the abusive behaviour of the aggressor can be influenced not so much through imprisonment than through his long-term psychological rehabilitation²⁵⁴.

Challenging a court decision

The national legislation provides for a remedy through which anyone who claims to be victim of the violation of a legitimate right can notify a domestic body with an accessible, useful and efficient way of remedy. Whenever any of

249 Interview with a psychologist from a shelter, community A, 23.04.2014

250 Interview with a judge, community M, 06.06.2014; with a judge, community L, 02.06.2014 and a judge, community C, 05.06.2014

251 Interview with a lawyer from a shelter, community A, 19.05.2014

252 Interview with a lawyer from an NGO, community A, 20.05.2014

253 Interview with a psychologist from a shelter, community A, 23.04.2014

254 Interview with a psychologist from an NGO, community A, 15.04.2014

the participants to the process of justice making act disagrees with the court decision, the invoked reasons can be verified only through means of appeal, in hierarchically superior courts. Within the framework of this survey, VDV's lawyers have most frequently noted that in these situations, they've challenged the decisions which they thought were unfair. VDV's say that challenging decisions brings them psychological satisfaction, though they sometimes say that they are sorry for the lawyers, who in their turn are dissatisfied with the results of their work.

In the most cases the lawyers wanted to challenge the arrogant behaviour of the judges dealing with DV cases. At the same time, the lawyers indicate that they see any point in challenging their behaviour, only provided that there is an audio recording of the court session, while in some situations when judges want to express their viewpoint, they make a sign to the registrar, who disconnects the dictaphone²⁵⁵. At the same time, the lawyers show that in the most of the cases, the challenges through complaints to the Supreme Council of Magistrates resulted in discussions on these issues, but the judges were not even fined²⁵⁶. Complaints with the specification of the articles violated by judges were rejected through vague answers, which means that lawyers cannot enjoy the support of the Council in this respect²⁵⁷.

Some lawyers noted that though the Civil Procedure Code provides for the issuance of the PO in 24 hours, in case of denial the decision can be challenged at the Court of Appeal with an appeal, while the court of appeal grants a term of 3 months for the review of the appeal. This term is too long, should we consider that VDV's might need protection²⁵⁸.

Thus, building confidence in justice cannot be exclusively realised by correct application of the legislation. Of special importance is the correct attitude of judges versus the justice seekers and issuance of decisions within reasonable time limits. Flawless personal behaviour of judges,

255 Interview with a lawyer from a shelter, community A, 19.05.2014

256 Interview with a lawyer from a shelter, community A, 19.05.2014

257 Interview with a lawyer from an NGO, community A, 20.05.2014; with a lawyer from an NGO, community A, 16.05.2014

258 Interview with a lawyer from an NGO, community A, 20.05.2014

settling of cases in a speedy manner and within reasonable timeframes, unified judiciary practice are only some of the pre-conditions of restoring VDV's confidence in justice.

The passive role of the prosecutor's office in reporting vicious practices to the SCM

The Constitution of the Republic of Moldova includes the prosecutor's office in the system of justice bodies, setting out that it defends the rule of law, rights and freedoms of the population, contributing to the making of justice and exercising supervision over exact and uniform enforcement of laws. The prosecutors represent the overall interests of the society and defend the rule of law, as well as the rights and freedoms of citizens, lead and exercise criminal prosecution, represent the accusation in the courts within the legal provisions. It is noteworthy that within the framework of this survey the interviewed VDV's who participated in criminal cases found it difficult to talk about the role of the prosecutor in supporting the accusation in the court. The most of the times, victims were satisfied in general terms with the prosecutor's input, especially as regards the issuance of the PO in the criminal procedure. One VDV said she considers the prosecutor to be her rescuer, because the investigative officer said he had no grounds to start a criminal case, even if the lives of all family members were at risk, arguing that it was the first violation by the aggressor. After turning to the prosecutor, a criminal case was immediately started and the aggressor was apprehended²⁵⁹.

The prosecutor has the task to lead the criminal prosecution from the start, since the beginning of the investigation until the court issues its decision. The interviewed professionals believe that in this area, the prosecutor must have a more proactive role, give specific guidelines to the criminal prosecution officers for documenting DV cases. Some prosecutors with rich experience in VDV's legal protection noted that there are insufficient prosecutors that would know very well the legislation and how it is enforced.

259 Interview with a VDV, beneficiary of the TO NCSGLA, resident of a town from the Centre of Moldova, 41 years old, mother of two children, 23.06.2014

In many cases, they are not proactive, while sometimes VDV's are engaged in repeated criminal prosecution actions, confrontations are admitted which contributed to the re-victimization of the VDV's. It would be good that prosecutors intervened in cases when the police officers or other anti-violence actors commit such violations of the international standards and recommendations in this area²⁶⁰.

Lawyers say that the prosecutors tend to compare DV with other offenses, which they find more important to combat²⁶¹. Lawyers believe that the prosecutor's office must play a more considerable and a more pro-active role in attesting vicious practices, in enforcing the legislation in the field and in notifying the Supreme Council of Magistrates.

260 Interview with a prosecutor, community D, 30.05.2014

261 Interview with a lawyer from an NGO, community A, 16.05.2014

CONCLUSIONS AND RECOMMENDATIONS

During the last years, the whole law system of the Republic of Moldova undertook important measures to improve the state response to domestic violence. Nevertheless, there is still much more to do for improving the legal framework in this area, for using more efficiently the legal resources and for engaging the actors within the system more actively. Given the above issues, we believe it is necessary to propose a set of recommendations, generated both by the V DVs, as well as the professionals who participated in the survey, that are aimed at fully assuring V DVs' free access to justice. All these within the hope that their implementation would lead to the improvement of conditions of justice making and the protection of V DVs' rights in the Republic of Moldova.

- Female V DVs, especially from rural communities, lack information on the legislation on combating DV, on their rights and resources of legal assistance to which they can turn. V DVs wish that local authorities, especially in the rural areas, did not tolerate the DV phenomenon. Access to information and gender-based non-discriminatory attitudes would influence the V DVs' decision to report acts of violence and access means of justice, being thus empowered to benefit from the protection of the legal rights and appropriate remedies. In this respect, **it is mandatory to boost the role of professionals**, described in the Law no.45, i.e. those within the **SASPF/ DASPF** – for the defence of the V DVs' legitimate rights and interests; from specialised structures of the bodies of internal affairs – in informing V DVs about their right to benefit from free legal assistance, assure the enforcement of the PO. The development strategy of the activity of the police in this field should target, mainly, information and assurance of the rights of subjects of violence versus the fight against the criminal acts of DV. It is necessary to get the civil society more engaged in realizing informational campaigns in which DV would be perceived as an offense and not as a private issue, while V DVs should have facilitated access to legal remedies. There must **be more active information of the population, especially the V DVs, about the competences of the authorities and institutions empowered with tasks of DV**

prevention and combating, about the police telephone service, 902, that keeps strict record of the calls and the services of free legal assistance from the TO NCSGLA.

- It is mandatory to conduct efficient activities of enhancing **the legal awareness of the population in order to use the system of state guaranteed legal assistance and the conditions for accessing them.** The services need to be covered in the media, so that vulnerable groups have access to this information, that needs to be understandable to the VDV's. Actions that would build the trust of the justice seekers in the act of justice are required, while for this it is important to strengthen the efforts of the actors of the law system, especially those that are the first to document DV acts. As the Istanbul Conventions, which the Republic of Moldova aspires to sign and ratify, sets out, it is necessary for the State to assure the functionality of the free specialised national telephone service, managed round the clock and confidentially, offering the VDV's primary legal assistance and facilitating access to domestic legal assistance resources and documenting all irregularities and obstacles faced by the VDV's in accessing justice.
- The actors of the assistance and combating system must assure that there are sufficient and accessible resources in the country that cover all the needs for defending the legitimate rights and interests of the VDV's, while in the process of their realization, the VDV's feel safe. **The removal of the VDV's from the abusive environment, providing psychological assistance and the possibility to ponder over the problem, contribute to their understanding of their rights and to enhanced legal needs of the VDV's, as well as the willingness to cooperate with the law enforcement system.** In order to strengthen VDV's' credibility into the institutions within the legal system and to obtain satisfaction as a result of the act of justice, it is necessary to inform VDV's about all judicial proceedings, so that they form real expectations towards the court and their legal representative, especially concerning the provisions that refer to the possibility to withdraw charges in criminal cases, the punishments envisaged for the aggressor, etc.

- Considering the specificities of domestic violence, VDV's often escape from their abusive partners together with children, in a deplorable financial condition, therefore, they can seldom pay for the services of a private lawyer. The resources of free legal assistance to which VDV's can turn for primary and qualified legal assistance are concentrated at the moment mainly in the North and Centre of the country, while there being an acute shortage of these in the South of the country. While accessing the services of a lawyer from an NGO is unconditioned, **VDV's note that the actual procedure for accessing state guaranteed qualified legal assistance is too cumbersome for them, requiring time and related costs, which impedes their immediate access to protection measures provided for by the legislation in the field.** Thus, **there should be a review of the current mechanism of accessing state guaranteed qualified legal assistance for the VDV's.** It is necessary to assure that the local budget earmarked for the functioning of maternal centres has sufficient resources to include in their staff one legal specialist.
- VDV's that are in critical situations, as well as immediately afterwards, do not have general self-efficacy, because of the considerable impact of the post-traumatic stress. **Psychologist's role is crucial in the pre-trial phase, after which the VDV goes through a psychological crisis, because she can identify plans and support resources that would help her in her wish to enjoy the rights as provided for by the law. In this respect, the psychologist should closely work with the lawyer in order to assure effective rehabilitation, both from psychological, as well as legal perspectives, in order to enhance the VDV's' ability to effectively interrelate with the justice system.**
- The most widespread reasons of VDV's' hesitation or why they do not turn to the law enforcement bodies when violence appears in the family is the lack of knowledge of the law, their rights and existing resources, fear of the aggressor, psychological and financial dependence on him and the shame to externalize these violent relations, pressure from the relatives and stereotypes in the society, the condition of powerlessness and the tendency to evade from the life's realities, non-perception of psychological, economic and sexual

violence as DV, lack of confidence in organizations that might help, fear of administrative fines issued by the police officers, etc. **These reasons must be considered by all actors empowered in preventing and combating DV, including in the information campaigns of the VDV and actions that would, ultimately, contribute to their facilitation in justice.**

- VDV's decide to call for legal assistance services after a number of relapses of violence, the latest incident being perceived as unbearable and dangerous for their lives and with negative effect on children's safety. **Women are much more prone to complain against the aggressor when they have the necessary information about their rights, they have the possibility to benefit unconditionally and free from lawyers' services when they are encouraged by examples of other VDV's that finalized successfully and if they are helped by a professional in how to compile a complaint.** The role played by children in the decisions taken by women, victims of domestic violence, clearly suggest that legal or social interventions must be a priority in addressing the situation of children, so that the best interest of the child is not left out of the interest of the professionals, while the shelters should have a flexible policy concerning the age of the beneficiaries' children who can be accommodated together with their mothers.
- The study denotes that the issue of non-documenting violence from the first call of the VDV to the police station continues to be on the agenda, while **the fact that VDV are not informed of the need to submit a written complaint, registered in an appropriate way, is a barrier in subsequent justice making.** To make the police staff accountable to immediately respond to DV cases, it is necessary to promote the possibility the VDV's call the 902 telephone service, especially when the sector inspectorate proved its lack of communication skills or ignorant behaviour in relation to the VDV. Though there is a decrease in the number of contravention cases versus an increase in the number of criminal cases, it still happens that the cases initially started by the chiefs of police on criminal matter, subsequently re-qualify into contravention by the criminal

prosecution officers, the reason being the lack of the component parts of an offense. In this respect, the practice of the lawyers from NGOs, who challenge all decisions in which the aggressor was punished with administrative penalties, is encouraged.

- Victims perceive the settlement of the DV issue as directly correlated with the existence of material resources, which frequently determines them to delay or give up the services of a lawyer. At the same time, **their efficient interaction with the justice system is more complicated due to an emphasized impact of the post-traumatic stress on the psyche, which diminishes the VDV's ability to defend themselves and claim rights, to feel safe in the justice making process. To improve the actual mechanism of the VDV's protection on the segment of assuring appropriate legal assistance, it is proposed that the NCSGLA puts forward an initiative to amend the Law no.198-XVI to exempt VDV's from certain formalities in operational access to the services of a lawyer.** Thus, it is necessary to **create real conditions for the VDV's to access state guaranteed qualified legal services, regardless of their incomes**, and to guarantee the mandatory presence of a lawyer in the proceedings to get a protection order, started upon the victim's request. It is recommended to expand the use of lawyers in the public legal assistance system, by including assistance in writing and filing the application for a PO, which requires appropriate changes in the rules of internal procedures. Inclusion of VDV's as beneficiaries with unconditional access would support this issue as a public one, contrary to the perception of being private. In this case, public money would be redirected towards diminishing a severe problem of the society, such as **domestic violence**.
- To identify the number of applications and the legal needs of the VDV's, as well as to estimate appropriate costs of state guaranteed legal assistance which would lead to optimized services provided by the TO NCSGLA to the victims of domestic violence, it is recommended that the NCSGLA adjusts its system of collecting information from the sub-contracted lawyers. Unequal distribution of the lawyers of the TO SGLA in the Southern region of the country,

corroborated with the acute shortage of legal assistance services on behalf of other organizations in the region, lead to the refusal of potential VDV's to benefit from the right to state guaranteed legal assistance, only because they have to travel long distances and lose much time to get legal assistance and representation. It is necessary to support the efforts to scale up the national network of paralegals, in order to facilitate the access of the rural population to primary legal assistance and refer identified VDV's to the TO NCSGLA and other specialised services for covering their needs. Also, **it is necessary that the body empowered to administer the system of state guaranteed legal assistance and line ministries support the initiatives of institutionalizing the partnership with public associations in order to more comprehensively cover all VDV's' needs (legal assistance, psychological support, information, placement, etc.), including by sub-contracting accredited public associations with experience in the field to provide primary and qualified legal assistance to VDV's, especially in the Southern region.** To enhance the level of professional qualification of the lawyers from the TO NCSGLA in the protection of the rights of the VDV's, it is mandatory to exchange experience between the lawyers of public associations and public lawyers.

- **It is necessary to institutionalize and to continue specialised trainings for various actors of the law system** on all aspects that refer to DV and the rights of the VDV's, including the dynamic DV/ power and control, victims' needs, risk assessment and measures of cooperation with other institutions, in order to clarify whether the VDV's withdraw charges from their own will. It is necessary to provide continuous methodical assistance to persons authorised to provide state guaranteed legal assistance, including through drafting specialised methodological guidelines.
- It is necessary **to develop a mechanism that would entail free forensic expert review for VDV's.** It is urgently needed to look into the possibility of exempting VDV's from state fees in case of divorce/ establishment of the domicile of the children in files started for the reason of DV.

- To make the combating of all forms of violence more efficient, especially the psychological violence, it is necessary to expand state resources and/or **establish a mechanism to license institutions or professionals who could conduct the psychological expert review**. It is recommended to exchange experience among lawyers and train them on aspects of collecting evidence in cases when psychological violence is incurred. Also, it is necessary to support the efforts of psychologists in shelters who specialise in evaluating the psychological condition of the VDV, including through supplying them with specialised digital instruments, such as automated psychological tests and continue building the professional capacities in providing psychological assistance to VDV who participate in judicial proceedings.
- In the last year, there was a progress as regards the issuance of PO by courts, especially in relation to the respect of the 24 hour deadline. **At the same time, there are many cases when POs are not enforced and not followed-up by the sector police officer and the social assistant**. This is alarming, as the failure to enforce the PO does not offer protection to the VDV and the judicial act become ineffective.
- The application of POs proved inefficient in cases of aggressors with evident signs of psychosis. The unique experience found in the country is commendable, when aggressors are more and more frequently referred to rehabilitation services as a protection measure issued by judges. To assure VDV's' protection, **it is necessary to scale up efforts of developing services for aggressors as a way of preventing violence relapses, as well as of diminishing the phenomenon of withdrawing charges/non-cooperation of the VDV with the law enforcement bodies during the trial and the pre-trial phase**.
- **To enhance the VDV's' confidence in justice, it is very important to solve cases fast, to apply unitary judicial practices and irreproachable personal conduct of judges**. Regretfully, in many cases, judges continue to play the role of "family peace-maker" and impose conciliation periods for divorces which are requested because

of DV. It is necessary to expand the experience of audio recording of the court sessions to avoid situations in which the judge displays jaundiced behaviour. In these cases, it is recommended that defenders assure the VDV's rights at maximum, challenging any deflexion from judicial and ethical norms, by complaints to the Supreme Council of Magistrates, while complaints should be reviewed with absolute seriousness, applying disciplinary proceedings against judges and being heard at SCM sessions.

- **It is necessary to continue implementing judges' professional development programs to assure high level of professional preparedness and conduct in the jurisprudence on DV cases,** developing "zero tolerance" to DV within the entire justice system. Judges need to be encouraged to refer VDV's to assistance services that are there in the country, others than those of the law enforcement bodies. It is also necessary to **set up efficient mechanisms of enforcing court decisions,** so that VDV's enjoy the realization of their rights provided for in the laws.
- Though the prosecutor's office progressed during the last year in criminalizing the acts of violence, VDV's defenders highlight the need for it to play a more active role in **identifying vicious practices of the legislation in force in this area and notify the SCM,** which is directly linked to its mandate – to represent the general interests of the society and defend the rule of law, as well as the citizens' rights and freedoms.
- In spite of having proposals for improving the legislation in this area, at the moment there **are still incomplete and sometimes contradictory norms, which do not cause only difficulties for judges, but generate ununiformed judicial practices by courts. The issue of non-enforcement of the PO becomes more acute, which generates VDV's lack of confidence into the act of justice. Thus, at the moment, it is necessary to create an efficient mechanism of enforcing court decisions, since it is not enough to declare the right to free access to justice, but it needs to be assured in real terms.**

ANNEXES

Table 2. Statistic Information of the GPI of the MIA on organizing and deploying measures to prevent offences against one's life and health, such as those committed within family relations during 2008-2014²⁶²

Basic indicators		Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Year 2013	Year 2014 (10 months)	
Petitions reviewed by the staff of the sector officers' service	Total	28236	30142	30592	21320	22109	22365	13164	
	On issues of domestic violence	2992	2862	2765	2269	1950	2094	1040	
Ledger II						6569	6706	6247	
Of which, self-referrals of the sector police officer						417	633	659	
Total		248553	151690	94471	82238	114741	105054	95311	
Contra-vention proto-cols	According to art. 78 (light premeditated injuries) CC	Total	21404	18993	19382	16975	19082	16299	13443
	In the family	1476	1712	2135	2539	3228	1953	552	
Total offenses in the family		63	46	123	491	816	1417	1958	
Serious offenses against life and health recorded at the police	Murders (art. 145 Criminal code)	Total	185	189	211	196	193	195	131
		In the family	30	17	31	22	16	30	25
	Serious premeditated injuries (art. 151 CC)	Total	358	354	394	373	301	318	250
		In the family	33	29	29	11	11	19	19
	Domestic violence (art. 201 ¹⁾)	Total			63	458	789	1328	1869
		Serious			5	34	40	74	53
		Suicide					5	5	2
Members							193	256	
Average				11	75	96	118	96	
	Light			47	349	648	938	1462	

262 The information note on organizing and deploying measures to prevent offenses against one's life and health, as well as offenses committed in the area of family relations during 12 months of 2013 (in Romanian): <http://igp.gov.md/ro/prevenirea-si-combaterea-violentei-familie-2013>

Assuring protection of the victims of domestic violence	Followed up Protection Orders				23	408	448	769	
	- demarche of the SP					289	313	594	
	- demarche of the prosecutor					63	30	20	
	- demarche of the CIB					4	19	62	
	- demarche of the social assistant					3	3	4	
	- demarche of the victim					48	82	88	
	SUPERVISED VICTIMS								
	- women					224	291	548	
	- children					5	6	6	
	- women and children					165	105	201	
	- men					14	46	14	
	Violated Protection Orders								
	Total punished					89	61	82	
	- contravention					79	53	78	
	- criminally					10	8	4	
	Demarches submitted to the court			7	231	397	370	710	
	- repeated					10	8	5	
	- rejected					26	57	116	
	Joint interventions in case of multidisciplinary teams			53	207	147	235	358	
	Cases of domestic violence referred to other authorities					145	86	178	
Cases when the custody authority was notified (in cases of minor victims of domestic violence).					13	15	35		
Persons who are kept track of as "family brawlers"	4681	4745	4569	4859	4822	4423	4458		
- men					4447	4375	4211		
- women					375	48	247		
- taken track of					1887	1179	1495		
- removed					1891	1224	1368		
Victims	Total				816	1417	1572		
	- women				673	1218	1738		
	- children – girls				14	65	66		
	- men				143	199	220		
	- children – boys				10	26	31		

Annex 1. Grid (Test) of evaluating the influence of the traumatizing event

Age _____ Date " _____ " 20 _____

Residence: urban/rural District (raion): _____ ;

Education _____ ;

Marital status _____ ; **No. of children** _____

Instructions: Below is a description of the conditions of persons which lived through very stressful situations. Evaluate to what extent you would live such emotions in similar situations.

Choose and circle the figure that illustrates the best how often you had these signs during the last 7 days, including today.

No.	STATEMENTS	Never = 0	Seldom = 1	Sometimes = 3	Often = 5
1.	Any sign of that event (situation) made me live again everything that happened.				
2.	At night I could not sleep peacefully.				
3.	Some things made me think about what happened all the time.				
4.	I permanently felt irritation and fury.				
5.	I could not afford myself to get upset when I thought about that event or when something reminded me of it.				
6.	I kept thinking about what happened contrary to my will.				
7.	It seemed that everything that happened was unreal and it did not happen to me.				
8.	I tried to avoid everything that could remind me of what happened.				
9.	In my mind I had involuntary sparks of separate episodes from the event.				
10.	I looked all the time tensed and strongly startled whenever something scared me.				
11.	I tried not to think about what happened.				

12.	I was aware that until now I live again the moments of what happened, but I did not do anything to avoid these feelings.				
13.	I felt numb and all feelings related to what happened made me stiff.				
14.	I noticed that I act or feel differently, as if I still were in that situation.				
15.	It was difficult for me to fall asleep.				
16.	Strong emotions related to that event overwhelmed me.				
17.	I tried to exclude from my memory what happened.				
18.	It was difficult to focus my attention on something specific.				
19.	Whenever something reminds me of what happened, I had unpleasant physical sensations: sweating, nausea, shortness of breath, accelerated pulse, etc.				
20.	I had bad dreams about that event.				
21.	I was the entire time alert, as if I expected something bad to happen to me.				
22.	I tried not to talk to anyone about what happened.				

Interpretation of results:

Sub-scale “**intrusion**” (IN), sum of points: 1, 2, 3, 6, 9, 16, 20

Sub-scale “**avoidance**” (AV), sum of points: 5, 7, 8, 11, 12, 13, 17, 22

Sub-scale “**physiological arousal**” (AR), sum of points: 4, 10, 14, 15, 18, 19, 21

The sum of results obtained for the 3 sub-scales illustrate the impact of the event scale (IES-R):

Post-traumatic stress intensity	IN	AV	AR	IES-R
Low	Up to 10	Up to 10	Up to 10	Up to 30
Average	11-18	11-20	11-18	31-56
High	19-23	21-26	19-23	57-74
Very high	24-35	27-40	24-35	75-110

Annex 1a. Sample

	Variable	Number	%
Age	18-24 years old	7	14.0
	25-30 years old	10	20.0
	31-35 years old	13	26.0
	36-40 years old	13	26.0
	41-50 years old	7	14.0
Area of residence	urban	13	26.0
	rural	37	74.0
Education	secondary	18	36.0
	college/vocational school	13	26.0
	higher education/post-graduate	11	22.0
	secondary incomplete	8	16.0
Marital status	Married	31	62.0
	Single	1	2.0
	In partnership	18	36.0
Number of children	0	2	4.0
	1	13	26.0
	2	22	44.0
	3	9	18.0
	4	4	8.0
TOTAL		50	100.0

Annex 1b. General results of the analysis of the Grid of evaluating the influence of the traumatizing event (number of respondents – 50)

<i>Question /answer</i>	<i>Never</i>	<i>Seldom</i>	<i>Some-times</i>	<i>Often</i>
1. Any sign of that event (situation) made me live again everything that happened.	2.0%	22.0%	38.0%	38.0%
2. At night I could not sleep peacefully.	2.0%	4.0%	54.0%	40.0%
3. Some things made me think about what happened all the time.		6.0%	52.0%	42.0%
4. I permanently felt irritation and fury.	2.0%	12.0%	36.0%	50.0%
5. I could not afford myself to get upset when I thought about that event or when something reminded me of it.		14.0%	62.0%	24.0%
6. I kept thinking about what happened contrary to my will.	6.0%	12.0%	40.0%	42.0%
7. It seemed that everything that happened was unreal and it did not happen to me.	12.0%	18.0%	46.0%	24.0%
8. I tried to avoid everything that could remind me of what happened.	2.0%	14.0%	38.0%	46.0%
9. In my mind I had involuntary sparks of separate episodes from the event.	4.0%	14.0%	46.0%	36.0%
10. I looked all the time tensed and strongly startled whenever something scared me.	2.0%	4.0%	42.0%	52.0%
11. I tried not to think about what happened.	2.0%	10.0%	36.0%	52.0%
12. I was aware that until now I live again the moments of what happened, but I did not do anything to avoid these feelings.		18.0%	50.0%	32.0%
13. I felt numb and all feelings related to what happened made me stiff.	6.0%	6.0%	56.0%	32.0%
14. I noticed that I act or feel differently, as if I still were in that situation.	4.0%	14.0%	50.0%	32.0%

15. It was difficult for me to fall asleep.		2.0%	34.0%	64.0%
16. Strong emotions related to that event overwhelmed me.	2.0%	6.0%	28.0%	64.0%
17. I tried to exclude from my memory what happened.	6.0%	4.0%	30.0%	60.0%
18. It was difficult to focus my attention on something specific.		4.0%	20.0%	76.0%
19. Whenever something reminds me of what happened, I had unpleasant physical sensations: sweating, nausea, shortness of breath, accelerated pulse, etc.	8.0%	8.0%	26.0%	58.0%
20. I had bad dreams about that event.	8.0%	4.0%	32.0%	56.0%
21. I was the entire time alert, expecting something bad to happen to me.	2.0%	4.0%	26.0%	68.0%
22. I tried not to talk to anyone about what happened.			14.0%	86.0%

Annex 1c. Distribution of the variants of answers to the statement “I could not sleep peacefully at night” as to the social-demographic profile of the VDV (number of respondents – 50)

		<i>At night I could not sleep peacefully.</i>			
		<i>Never</i>	<i>Seldom</i>	<i>Some-times</i>	<i>Often</i>
Age	18-24 years old	14.0%		14.0%	72.0%
	25-30 years old			60.0%	40.0%
	31-35 years old			61.0%	39.0%
	36-40 years old		15.0%	54.0%	31.0%
	41-50 years old			71.0%	29.0%
Area of residence	Urban	8.0%		77.0%	15.0%
	Rural		5.0%	46.0%	49.0%
Education	Secondary incomplete	12.0%		25.0%	63.0%
	Secondary		6.0%	55.0%	39.0%
	College/vocational school			62.0%	38.0%
	Higher education/post-graduate		9.0%	64.0%	27.0%
Number of children	0			50.0%	50.0%
	1	8.0%		69.0%	23.0%
	2			54.0%	45.0%
	3		22.0%	45.0%	33.0%
	4			25.0%	75.0%

**Annex 1d. Distribution of variants of answers to the statement
*“I looked all the time tensed and strongly startled whenever something
scared me”* as to the social-demographic profile of the VDV (number of
respondents – 50)**

		I looked all the time tensed and strongly startled whenever something scared me.			
		Never	Seldom	Sometimes	Often
Age	18-24 years old			14.0%	86.0%
	25-30 years old		10.0%	40.0%	50.0%
	31-35 years old		8.0%	61.0%	31.0%
	36-40 years old	8.0%		38.0%	54.0%
	41-50 years old			43.0%	57.0%
Area of residence	Urban			54.0%	46.0%
	Rural	3.0%	5.0%	38.0%	54.0%
Education	Secondary incomplete			25.0%	75.0%
	Secondary	5.0%	6.0%	50.0%	39.0%
	College/vocational school		8.0%	46.0%	46.0%
	Higher education/post-graduate			36.0%	64.0%
Number of children	0				100.0%
	1		15.0%	54.0%	31.0%
	2			45.0%	55.0%
	3	11.0%		33.0%	56.0%
	4			25.0%	75.0%

Annex 1e. Distribution of the variants of answers to the statement “It was difficult to fall asleep” as to the social-demographic profile of the VDV (number of respondents – 50)

		It was difficult for me to fall asleep.		
		Seldom	Some-times	Often
Age	18-24 years old		57.0%	43.0%
	25-30 years old	10.0%	30.0%	60.0%
	31-35 years old		31.0%	69.0%
	36-40 years old		38.0%	62.0%
	41-50 years old		14.0%	86.0%
Area of residence	Urban		38.0%	62.0%
	Rural	3.0%	32.0%	65.0%
Education	Secondary incomplete		28.0%	72.0%
	Secondary	8.0%	23.0%	69.0%
	College/vocational school		36.0%	64.0%
	Higher education/post-graduate		63.0%	37.0%
Number of children	0		100.0%	
	1	8.0%	46.0%	46.0%
	2		18.0%	82.0%
	3		44.0%	56.0%
	4		25.0%	75.0%

Annex 1f. Distribution of the variants of answers to the statement “*The strong emotions related to the said event overwhelmed me*” as to the social-demographic profile of the VDV (number of respondents – 50)

		The strong emotions related to the said event overwhelmed me.			
		Never	Seldom	Some-times	Often
Age	18-24 years old		14.0%	14.0%	72.0%
	25-30 years old	10.0%	20.0%	30.0%	40.0%
	31-35 years old			23.0%	77.0%
	36-40 years old			38.0%	62.0%
	41-50 years old			29.0%	71.0%
Area of residence	Urban	8.0%	7.0%	31.0%	54.0%
	Rural		5.0%	27.0%	68.0%
Education	Secondary incomplete		25.0%	12.0%	63.0%
	Secondary	5.0%		39.0%	56.0%
	College/vocational school		8.0%	23.0%	69.0%
	Higher education/post-graduate			27.0%	73.0%
Number of children	0				100.0%
	1		15.0%	31.0%	54.0%
	2	5.0%	5.0%	26.0%	64.0%
	3			11.0%	89.0%
	4			75.0%	25.0%

Annex 1g. Distribution of the variants of answers to the statement “It was difficult for me to focus attention on something specific” as to the social-demographic profile of the VDV (number of respondents – 50)

		It was difficult for me to focus attention on something specific		
		Seldom	Sometimes	Often
Age	18-24 years old	14.0%	14.0%	72.0%
	25-30 years old	10.0%	30.0%	60.0%
	31-35 years old		38.0%	62.0%
	36-40 years old			100.0%
	41-50 years old		14.0%	86.0%
Area of residence	Urban	15.0%	23.0%	62.0%
	Rural		19.0%	81.0%
Education	Secondary incomplete	5.0%	17.0%	78.0%
	Secondary		23.0%	77.0%
	College/vocational school		18.0%	82.0%
	Higher education/post-graduate	12.0%	25.0%	63.0%
Number of children	0			100.0%
	1	8.0%	31.0%	61.0%
	2	5.0%	22.0%	73.0%
	3		11.0%	89.0%
	4			100.0%

Annex 1h. Distribution of the variants of answers to the statement “When something reminded me of what happened, I had unpleasant physical sensations: sweat, nausea, shortness of breath, accelerated pulse, etc.” as to the social-demographic profile of the VDV (number of respondents – 50)

		When something reminded me of what happened, I had unpleasant physical sensations: sweat, nausea, shortness of breath, accelerated pulse, etc.			
		Never	Seldom	Some-times	Often
Age	18-24 years old	14.0%		29.0%	57.0%
	25-30 years old			20.0%	80.0%
	31-35 years old	15.0%		31.0%	54.0%
	36-40 years old	8.0%	31.0%	15.0%	46.0%
	41-50 years old			43.0%	57.0%
Area of residence	Urban	8.0%		31.0%	61.0%
	Rural	8.0%	11.0%	24.0%	57.0%
Education	Secondary incomplete	13.0%	12.0%	12.0%	63.0%
	Secondary	17.0%		28.0%	55.0%
	College/vocational school		15.0%	16.0%	69.0%
	Higher education/post-graduate		9.0%	45.0%	46.0%
Number of children	0				100.0%
	1	8.0%		23.0%	69.0%
	2	4.0%	14.0%	36.0%	46.0%
	3	11.0%	11.0%	22.0%	56.0%
	4	25.0%			75.0%

Annex 1i. Distribution of the variants of answers to the statement “I had bad dreams about that event” as to the social-demographic profile of the VDV (number of respondents – 50)

		I had bad dreams about that event			
		Never	Seldom	Sometimes	Often
Age	18-24 years old			29.0%	71.0%
	25-30 years old			50.0%	50.0%
	31-35 years old	8.0%	7.0%	23.0%	62.0%
	36-40 years old	23.0%	7.0%	39.0%	31.0%
	41-50 years old			14.0%	86.0%
Area of residence	Urban			31.0%	69.0%
	Rural	11.0%	5.0%	32.0%	52.0%
Education	Secondary incomplete	12.0%		25.0%	63.0%
	Secondary	17.0%	5.0%	28.0%	50.0%
	College/vocational school			46.0%	54.0%
	Higher education/post-graduate		9.0%	27.0%	64.0%
Number of children	0				100.0%
	1			31.0%	69.0%
	2	4.0%	9.0%	41.0%	46.0%
	3	22.0%		22.0%	56.0%
	4	25.0%		25.0%	50.0%

Annex 1j. Distribution of the variants of answers to the statement “I was all the time alert, as if I expected something bad to happen to me” as to the social-demographic profile of the VDV (number of respondents – 50)

		I was all the time alert, as if I expected something bad to happen to me			
		Never	Seldom	Sometimes	Often
Age	18-24 years old	14.0%		14.0%	72.0%
	25-30 years old		10.0%	30.0%	60.0%
	31-35 years old			15.0%	85.0%
	36-40 years old		8.0%	38.0%	54.0%
	41-50 years old			29.0%	71.0%
Area of residence	Urban	8.0%	8.0%	7.0%	77.0%
	Rural		3.0%	32.0%	65.0%
Education	Secondary incomplete	12.0%		25.0%	63.0%
	Secondary		5.0%	28.0%	67.0%
	College/vocational school			23.0%	77.0%
	Higher education/post-graduate		9.0%	27.0%	64.0%
Number of children	0				100.0%
	1	8.8%		15.0%	77.0%
	2		9.0%	32.0%	59.0%
	3			33.0%	67.0%
	4			25.0%	75.0%

Annex 1k. Distribution of the variants of answers to the statement “I tried not to talk to anyone about what happened” as to the social-demographic profile of the VDV (number of respondents – 50)

		I tried not to talk to anyone about what happened	
		Sometimes	Often
Age	18-24 years old	29.0%	71.0%
	25-30 years old	10.0%	90.0%
	31-35 years old	8.0%	92.0%
	36-40 years old	15.0%	85.0%
	41-50 years old	14.0%	86.0%
Area of residence	Urban	23.0%	77.0%
	Rural	11.0%	89.0%
Education	Secondary incomplete	22.0%	78.0%
	Secondary	8.0%	92.0%
	College/vocational school	9.0%	91.0%
	Higher education/post-graduate	12.0%	88.0%
Number of children	0	50.0%	50.0%
	1		100.0%
	2	23.0%	77.0%
	3	11.10%	89.0%
	4		100.0%

Annex 11. The results of data analysis for the Sub-scale Intrusion (IN)

		Frequency	Percentage
Valid	average intensity	5	10.0
	high intensity	11	22.0
	very high intensity	34	68.0
	Total	50	100.0

		IN		
		Average intensity	High intensity	Very high intensity
Age	18-24 years old	14.0%		86.0%
	25-30 years old		20.0%	80.0%
	31-35 years old	8.0%	23.0%	69.0%
	36-40 years old	23.0%	23.0%	54.0%
	41-50 years old		43.0%	57.0%
Area of residence	Urban	8.0%	15.0%	77.0%
	Rural	11.0%	24.0%	65.0%
Education	Secondary incomplete	17.0%	11.0%	72.0%
	Secondary	8.0%	46.0%	46.0%
	College/vocational school		18.0%	82.0%
	Higher education/post-graduate	12.0%	13.0%	75.0%
Number of children	0			100.0%
	1	8.0%	23.0%	69.0%
	2	9.0%	23.0%	68.0%
	3	11.0%	33.0%	56.0%
	4	25.0%		75.0%

Annex 1m. The results of the data analysis for the Sub-scale Avoidance (AV)

		Frequency	Percentage
Valid	average intensity	3	6.0
	high intensity	13	26.0
	very high intensity	34	68.0
	Total	50	100.0

		AV		
		Average intensity	High intensity	Very high intensity
Age	18-24 years old		43.0%	57.0%
	25-30 years old		30.0%	70.0%
	31-35 years old	15.0%	8.0%	77.0%
	36-40 years old	8.0%	38.0%	54.0%
	41-50 years old		14.0%	86.0%
Area of residence	Urban		8.0%	92.0%
	Rural	8.0%	32.0%	60.0%
Education	Secondary incomplete	11.0%	17.0%	72.0%
	Secondary	8.0%	23.0%	69.0%
	College/vocational school		18.0%	82.0%
	Higher education/post-graduate		63.0%	37.0%
Number of children	0		50.0%	50.0%
	1		38.0%	62.0%
	2	9.0%	23.0%	68.0%
	3	11.0%	22.0%	67.0%
	4			100.0%

Annex 1n. The results of the data analysis for the Sub-scale physiological arousal (AR)

		Frequency	Percentage
Valid	average intensity	1	2.0
	high intensity	2	4.0
	very high intensity	6	12.0
	average intensity	41	82.0
	Total	50	100.0

		AR			
		Low intensity	Average intensity	High intensity	Very high intensity
Age	18-24 years old	14.0%			86.0%
	25-30 years old		10.0%	20.0%	70.0%
	31-35 years old			8.0%	92.0%
	36-40 years old		8.0%	15.0%	77.0%
	41-50 years old			14.0%	86.0%
Area of residence	Urban	7.0%	8.0%		85.0%
	Rural		3.0%	16.0%	81.0%
Education	Secondary incomplete		11.0%	11.0%	78.0%
	Secondary			15.0%	85.0%
	College/vocational school			18.0%	82.0%
	Higher education/post-graduate	12.0%			88.0%
Number of children	0				100.0%
	1	7.0%		8.0%	85.0%
	2		4.0%	9.0%	86.0%
	3		11.0%	11.0%	78.0%
	4			50.0%	50.0%

Annex 1o. The results of the data analysis of the Impact of Event Scale (IES-R)

		Frequency	Percentage
Valid	average intensity	2	4.0
	high intensity	10	20.0
	very high intensity	38	76.0
	Total	50	100.0

		IES-R		
		Average intensity	High intensity	Very high intensity
Age	18-24 years old	14.0%		86.0%
	25-30 years old		20.0%	80.0%
	31-35 years old		31.0%	69.0%
	36-40 years old	8.0%	31.0%	61.0%
	41-50 years old			100.0%
Area of residence	Urban	8.0%	15.0%	77.0%
	Rural	3.0%	22.0%	75.0%
Education	Secondary incomplete		33.0%	67.0%
	Secondary	8.0%	7.0%	85.0%
	College/vocational school		18.0%	82.0%
	Higher education/post-graduate	13.0%	12.0%	75.0%
Number of children	0			100.0%
	1	8.0%	15.0%	77.0%
	2	4.0%	23.0%	73.0%
	3		22.0%	78.0%
	4		25.0%	75.0%

Annex 2. General self-efficacy Test

Age _____; Residence: urban/rural; District (raion): _____
 Education _____; Marital status _____;
 No. of children _____
 Date " _____ " 2014

Instructions: Below there are a few statements. Evaluate, giving a certain number of points for each of them, depending on how specific they are for your situation.

No.	Statements	Totally agree = 1	Somewhat agree = 2	Somewhat disagree = 3	Totally disagree = 4
1.	If something seems too complicated to me, I would not even insist on trying.				
2.	I avoid trying to learn new things if they seem too difficult.				
3.	When I try something new and I fail, I rather give up.				
4.	When I make plans, I am sure I can realize them.				
5.	If I do not manage to achieve the task from the first time, I try until I succeed.				
6.	Whenever I need to do something unpleasant, but important for me, I do not give up until I make it through.				
7.	Whenever I take a decision to do something, I start immediately enforcing it.				
8.	Failure makes me only try harder.				
9.	When I set important goals, I seldom achieve them.				
10.	I do not see myself capable of solving the majority of problems that occur in my life.				
11.	When there are unexpected problems ... I do not manage to settle them too quickly.				
12.	I feel uncertain regarding my ability to do something.				

Short description:

The scales identify the capacity of:

1. Initiative
2. Social effort
3. Persistence

The test measures the level of general self-efficacy, in other words, the human sense combined with the competence and confidence to realise a certain task in a certain area for achieving the set goal.

It is composed of 12 items that are components of three factors:

Initiative, effort, persistence.

Thus, the maximum possible score is 48 points. The segments of scores corresponding to the self-efficacy levels are:

1-16 – low level

17-32 – average level

33-48 – high level

2.a. Sample

	Variable	Number	%
Age	18-24 years old	7	14.0
	25-30 years old	9	18.0
	31-35 years old	12	24.0
	36-40 years old	11	22.0
	41-50 years old	11	22.0
Area of residence	Urban	12	24.0
	Rural	38	76.0
Education	Secondary education	23	46.0
	High school studies	1	2.0
	College/vocational school	11	22.0
	Higher education/post-graduate	8	16.0
	Gymnasium	7	14.0
Marital status	Married	29	58.0
	Divorced	2	4.0
	Single	5	10.0
	In partnership relation	14	28.0
Number of children	0	3	6.0
	1	5	10.0
	2	29	58.0
	3	13	26.0
	TOTAL		50

Annex 2.b. General results of the analysis of the *General self-efficacy scales* (no. of respondents – 50)

	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree
1. If something seems too complicated to me, I would not even insist on trying.	38.0%	54.0%	4.0%	4.0%
2. I avoid trying to learn new things if they seem too difficult.	48.0%	38.0%	4.0%	10.0%
3. When I try something new and I fail, I rather give up.	48.0%	36.0%	12.0%	4.0%
4. When I make plans, I am sure I can realize them.	10.0%	46.0%	22.0%	22.0%
5. If I do not manage to achieve the task from the first time, I try until I succeed.	18.0%	42.0%	26.0%	14.0%
6. Whenever I need to do something unpleasant, but important for me, I do not give up until I make it through.	20.0%	26.0%	48.0%	6.0%
7. Whenever I take a decision to do something, I start immediately enforcing it.	18.0%	38.0%	24.0%	20.0%
8. Failure makes me only try harder.	20.0%	22.0%	42.0%	16.0%
9. When I set important goals, I seldom achieve them.	48.0%	36.0%	12.0%	4.0%
10. I do not see myself capable of solving the majority of problems that occur in my life.	52.0%	36.0%	6.0%	6.0%
11. When there are unexpected problems ... I do not manage to settle them too quickly.	60.0%	30.0%	6.0%	4.0%
12. I feel uncertain regarding my ability to do something.	62.0%	24.0%	10.0%	4.0%

Annex 2c. Distribution of the variants of answers to the statement “When I make plans, I am sure I can realize them” (no. of respondents - 50)

		When I make plans, I am sure I can realize them			
		Totally agree	Somewhat agree	Somewhat disagree	Totally disagree
Age	18-24 years old	14.0%	43.0%	29.0%	14.0%
	25-30 years old		44.0%	22.0%	33.0%
	31-35 years old	17.0%	50.0%	8.0%	25.0%
	35-40 years old		55.0%	27.0%	18.0%
	41-50 years old	18.0%	36.0%	28.0%	18.0%
Residence	Urban	17.0%	25.0%	50.0%	8.0%
	Rural	8.0%	53.0%	13.0%	26.0%
Number of children	0	34.0%	33.0%	33.0%	
	1	20.0%	40.0%	40.0%	
	2	7.0%	45.0%	21.0%	27.0%
	3	8.0%	54.0%	15.0%	23.0%
Marital status	Married	3.0%	59.0%	21.0%	17.0%
	Divorced			50.0%	50.0%
	Single	40.0%	40.0%	20.0%	
	In partnership relation	14.0%	29.0%	21.0%	36.0%

**Annex 2d. Distribution of the variants of answers to the statement
*“If I do not manage to achieve the task from the first time, I try until I
succeed”* (no. of respondents – 50)**

		If I do not manage to achieve the task from the first time, I try until I succeed			
		Totally agree	Somewhat agree	Somewhat disagree	Totally disagree
Age	18-24 years old	43.0%	57.0%		
	25-30 years old	22.0%	11.0%	33.0%	33.0%
	31-35 years old	17.0%	42.0%	33.0%	8.0%
	35-40 years old	18.0%	55.0%	18.0%	9.0%
	41-50 years old		46.0%	36.0%	18.0%
Residence	Urban	17.0%	50.0%	25.0%	8.0%
	Rural	18.0%	40.0%	26.0%	16.0%
Number of children	0	100.0%			
	1		60.0%	40.0%	
	2	14.0%	48.0%	17.0%	21.0%
	3	15.0%	31.0%	46.0%	8.0%
Marital status	Married	14.0%	52.0%	24.0%	10.0%
	Divorced			50.0%	50.0%
	Single	80.0%	20.0%		
	In partnership relation	7.0%	36.0%	36.0%	21.0%

**Annex 2e. Distribution of the variants of answers to the statement
 “When I take a decision to do something, I immediately start enforcing it” (no. of respondents – 50)**

		When I take a decision to do something, I immediately start enforcing it			
		Totally agree	Somewhat agree	Somewhat disagree	Totally disagree
Age	18-24 years old	43.0%	57.0%		
	25-30 years old	11.0%	44.0%	11.0%	34.0%
	31-35 years old	25.0%	42.0%	33.0%	
	35-40 years old	9.0%	27.0%	36.0%	27.0%
	41-50 years old	9.0%	27.0%	28.0%	36.0%
Residence	Urban	25.0%	25.0%	42.0%	8.0%
	Rural	16.0%	42.0%	18.0%	24.0%
Number of children	0	67.0%	33.0%		
	1	20.0%	60.0%		20.0%
	2	14.0%	35.0%	31.0%	20.0%
	3	15.0%	39.0%	23.0%	23.0%
Marital status	Married	10.0%	38.0%	31.0%	21.0%
	Divorced				100.0%
	Single	80.0%	20.0%		
	In partnership relation	14.0%	50.0%	21.0%	15.0%

**Annex 2f. Distribution of the variants of answers to the statement
 “Failure only makes me try harder” (no. of respondents – 50)**

		Failure only makes me try harder			
		Totally agree	Somewhat agree	Somewhat disagree	Totally disagree
Age	18-24 years old	57.0%	43.0%		
	25-30 years old	22.0%	33.0%	11.0%	33.0%
	31-35 years old	17.0%	8.0%	58.0%	17.0%
	35-40 years old	18.0%		73.0%	9.0%
	41-50 years old		36.0%	46.0%	18.0%
Residence	Urban	17.0%	25.0%	50.0%	8.0%
	Rural	21.0%	21.0%	40.0%	18.0%
Number of children	0	67.0%	33.0%		
	1	40.0%	20.0%	40.0%	
	2	14.0%	17.0%	45.0%	24.0%
	3	15.0%	31.0%	46.0%	8.0%
Marital status	Married	10.0%	28.0%	41.0%	21.0%
	Divorced			100.0%	
	Single	80.0%	20.0%		
	In partnership relation	21.0%	14.0%	50.0%	15.0%

Annex 2g. Distribution of variants of answers to the statement “I do not see myself capable of solving the majority of problems that occur in my life” (no. of respondents – 50)

		I do not see myself capable of solving the majority of problems that occur in my life			
		Totally agree	Somewhat agree	Somewhat disagree	Totally disagree
Age	18-24 years old	29.0%	29.0%	14.0%	28.0%
	25-30 years old	67.0%	33.0%		
	31-35 years old	58.0%	25.0%	8.0%	7.0%
	35-40 years old	44.0%	45.0%	9.0%	
	41-50 years old	55.0%	45.0%		
Residence	Urban	50.0%	33.0%	8.0%	8.0%
	Rural	53.0%	37.0%	5.0%	5.0%
Number of children	0	33.0%	33.0%		33.0%
	1	20.0%	40.0%	20.0%	20.0%
	2	59.0%	38.0%	3.0%	
	3	54.0%	31.0%	8.0%	7.0%
Marital status	Married	55.0%	45.0%		
	Divorced	50.0%	50.0%		
	Single	20.0%	20.0%	20.0%	40.0%
	In partnership relation	58.0%	21.0%	14.0%	7.0%

**Annex 2h. Distribution of the variants of answers to the statement
 “When there are unexpected problems, I do not manage to settle them too quickly” (no. of respondents – 50)**

		When there are unexpected problems, I do not manage to settle them too quickly			
		Totally agree	Somewhat agree	Somewhat disagree	Totally disagree
Age	18-24 years old	14.0%	57.0%	29.0%	
	25-30 years old	89.0%		11.0%	
	31-35 years old	67.0%	17.0%		17.0%
	35-40 years old	55.0%	45.0%		
	41-50 years old	64.0%	36.0%		
Residence	Urban	59.0%	25.0%	8.0%	8.0%
	Rural	60.0%	32.0%	5.0%	3.0%
Number of children	0		67.0%	33.0%	
	1	40.0%	40.0%	20.0%	
	2	69.0%	28.0%	3.0%	
	3	62.0%	23.0%		15.0%
Marital status	Married	66.0%	31.0%	3.0%	
	Divorced	100.0%			
	Single		40.0%	40.0%	20.0%
	In partnership relation	64.0%	29.0%		7.0%

Annex 2i. Distribution of the variants of answers to the statement “I feel uncertain regarding my ability to do something” (no. of respondents – 50)

		I feel uncertain regarding my ability to do something			
		Totally agree	Somewhat agree	Somewhat disagree	Totally disagree
Age	18-24 years old	43.0%		29.0%	28.0%
	25-30 years old	78.0%	22.0%		
	31-35 years old	59.0%	33.0%	8.0%	
	35-40 years old	55.0%	27.0%	18.0%	
	41-50 years old	73.0%	27.0%		
Residence	Urban	75.0%	17.0%	8.0%	
	Rural	58.0%	26.0%	11.0%	5.0%
Number of children	0	34.0%		33.0%	33.3%
	1	80.0%		20.0%	
	2	69.0%	21.0%	7.0%	3.0%
	3	46.0%	46.0%	8.0%	
Marital status	Married	59.0%	31.0%	10.0%	
	Divorced	100.0%			
	Single	20.0%	20.0%	40.0%	20.0%
	In partnership relation	79.0%	14.0%		7.0%

Annex 2j. Data on the VDV's self-efficacy level (no. of respondents – 50)
Self-efficacy level

		Frequency	Percentage	Valid percentage	Cumulative percentage
Valid	Average level	50	100.0	100.0	100.0

