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***Peculiarities of  
Sexual Violence  
in the Republic  
of Moldova***



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## **Peculiarities of Sexual Violence in the Republic of Moldova**

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# Abbreviations

<b>CPA</b>	– Central Public Administration
<b>LPA</b>	– Local Public Administration
<b>CAP</b>	– Centre for Assistance and Protection of Victims and Potential Victims of Trafficking in Persons
<b>WLC</b>	– Women's Law Center
<b>NCPCA</b>	– National Centre for Prevention of Child Abuse
<b>Istanbul Convention</b>	– Council of Europe Convention on preventing and combating violence against women and domestic violence
<b>Lanzarote Convention</b>	– Council of Europe Convention on the protection of children against sexual exploitation and sexual assault
<b>CC RM</b>	– Criminal Code of the Republic of Moldova
<b>CPD</b>	– Centre "Partnership for Development"
<b>CPC</b>	– Criminal Procedure Code (of the Republic of Moldova)
<b>SCJ</b>	– Supreme Court of Justice
<b>NGO</b>	– Non-governmental organisation
<b>MAI</b>	– Ministry of Internal Affairs of the Republic of Moldova
<b>MHLSP</b>	– Ministry of Health, Labour and Social Protection
<b>ICC Statute</b>	– International Criminal Court Statute (Rome Statute)
<b>VDV</b>	– victim of domestic violence
<b>SV</b>	– sexual violence
<b>VSV</b>	– victim of sexual violence
<b>SUMP</b>	– State University of Medicine and Pharmacy



# EXECUTIVE SUMMARY

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This Report provides an analysis of sexual violence specificities in the Republic of Moldova in terms of linking the national legislation in the area of preventing and combating sexual violence (SV) with the relevant international standards. The Report objectives come down to an overall analysis of sexual violence cases in the Republic of Moldova – the trends over time, data disaggregated by demographic groups, contributing factors, figures and qualitative data on sexual violence in diverse statistics, referral mechanisms in place to services available for victims of sexual violence, ending with conclusions and recommendations aimed at improving the foregoing components, revising the legislative framework, as necessary, to eliminate differentiated and/or discriminatory approaches and enhance the efficiency of state institutions response in the process of preventing and combating sexual violence.

Sex-related crimes have some unique features: not only the number of cases is on increase around the world, but also their variety – from rape to sexual harassment, depraved actions, grooming (approaching children for sexual purposes), including through information and communication technologies.

Although the rights of all citizens are officially acknowledged in the Republic of Moldova, there is a series of gaps between the regulatory framework and its practical application in relation to victims of sexual violence (VSV). The latter, as a rule, still experience multiple barriers of cultural, economic and social nature, as well as legal challenges, which make the victims' access to justice more difficult. Victims of sexual violence do not have proper access to quality psychological services, to qualified and free legal aid, provided by state institutions or by NGOs, by service providers financed from the state or local budgets. The number of requests for legal aid and social protection lodged by VSVs is low. Such situation is determined by several factors, namely the stereotypes within the society, which, as a rule, blame the victim rather than the perpetrator; lack of confidence of sexual assault victims not only in people around them but also in professionals, justice; dependency on the aggressor or fear instilled by him; lack of

information about where to refer in such situations and the low level of legal knowledge.

Law enforcement professionals also face issues in obtaining evidence to be submitted to courts, as the victims are not aware and do not preserve evidence on the committed offence. Some victims resort to law enforcement bodies with delay, and it is difficult under such circumstances to prove sex-related crimes in courts.

The results of forensic expertise are an important component for initiating a criminal case file against the perpetrator. The law professionals report the need to improve the conditions under which forensic expertise takes place, the medical equipment, as well as to change the attitude of those professionals towards the victims of sexual violence, including the need to reform the expertise field itself, so that the documents issued by this body leave no room for arbitrary interpretation. In addition, the healthcare system limits the medical care to producing a forensic report identifying the injuries, while the victims shall seek for the necessary treatment, being forced to cover such treatment at their own expense.

Even when criminal proceedings are initiated, the victims of sexual violence are facing another issue – pressure from the side of offender and/or his relatives to withdraw the complaint. Being extremely vulnerable emotionally, the victims are easily influenced and, if they are not encouraged and supported, most of them quit the criminal process. There are also law experts who do not take into account the VSV vulnerability, the fact that they could be manipulated, threatened to withdraw their complaint. Paradoxically, but many VSVs, being forced to withdraw their statements under pressure, subsequently are brought to the courts for "false confessions", although there is clear evidence of sexual offence committed against them. In addition, most victims of sexual violence, who resorted to law enforcement bodies to punish the perpetrator, complain about the long time-frames for evidence collection and trial. The fact of dragging out the case file makes them lose courage, confidence in the system, and in the end they frequently renounce the imposition of punishment upon the perpetrator.

Nowadays, the justice system still neglects the impact of sexual violence on victim's personality and cannot be described as a friendly system. Case files on compensating the material and moral damage are rarely initiated, the judges do not expose themselves, while the prosecutors do not require this when render their judgment, making the mechanism for implementing the legal framework faulty. The justice system has got many shortcomings/gaps, namely: different interpretation of the regulatory framework, shortage of preventive activities, insufficiency of professionals trained in this area, practices of victim's confrontation with the perpetrator, etc.

The issue of sexual violence is of no priority either for the central government or for the local government. The actions undertaken in this context are related more to the non-governmental sector initiatives, though the latter are not suffice to provide appropriate legal and social aid to this category of victims. The authorities shall take on more responsibility, especially in terms of realising the rights to protection, while the civil society, together with the donor community, shall contribute further to the development of support services for VSVs.

More and more justice representatives recently noted that the psychological evaluation reports helped them understand the offence circumstances as the psychologists described in the report the manipulation, compulsion/coercion mechanisms applied by the aggressor. Many judges acknowledge that when the psychological evaluation reports are developed in a professional manner, they have value in courts. However, the psychological evaluation reports do not have a uniform structure; therefore, it would be appropriate to standardise them, as well as amend the legislation so that such reports could be admitted as evidence.

Nonetheless, the victims of sexual violence who benefited from psychological assistance provided by specialised services/NGOs after lodging their complaint with the police and a criminal case against the perpetrator was initiated are still far from numerous. Likewise, few victims had access to barrister's services during the judicial process. Concurrently, there is evidence that the psychological and legal aid provided to victims of sexual violence prior to the beginning of the judicial process plays an important role – when the victims are aware of their rights and responsibilities they are more stable from the emotional standpoint.

The analysis of qualitative data on sexual violence in the Republic of Moldova presented in this Report shows once again the importance of protection programmes developed for victims of sexual violence. Although the

victims benefit from free psychological counselling rendered by some providers of social services they are neither protected nor feel safe. Law No. 105 of 16.05.2008 on the protection of Witnesses and other Participants in Criminal Proceedings does not apply to victims of sexual violence as beneficiaries. Although Law No. 137 of 29.07.2016 on rehabilitation of victims of crime expressly identifies them as distinct subjects who can benefit from free psychological and legal aid, the implementation of such provisions is still incomplete.

Nowadays, some victims of sexual violence are placed in centres that provide services to victims of domestic violence (VDV) or to victims of trafficking in persons (TPs). As for the foster care centres for children, the situation is the same. However, this category of victims requires specialised services focused on their specific needs. The mapping of this phenomenon reveals several weaknesses in terms of social protection of VSVs: lack of specialised services both for children and for adults; lack of long-term services; the victims of domestic violence can benefit from support within the relevant centres during the crisis period only; lack of legal aid in some maternal centres; lack of preventive services for sexual violence and of activities for social reintegration in the community.

Collaboration amongst the entities to provide support to VSV is another challenge as each entity has got its own regulations, rules and bureaucratic system. At present the entities providing legal aid and social assistance to this category of victims have no single vision in this regard. The way how the social system experts interact with the ones working for the legal system shall receive coordinated and specialised attention and intervention as from the submission of complaints by victims of sexual offences with Police or when the victim is identified at the community level.

Nevertheless, measures are undertaken in the Republic of Moldova so that the system of justice gets closer to international standards. This Report, devoted to the correlation of national legislation in the area of preventing and combating sexual violence with the relevant international standards, is focused also on the development of certain field-related recommendations for central authorities, representatives of justice, having regard to align the national legislation with the provisions of Istanbul Convention. The Authors hope that the recommendations would be useful for developing comprehensive state policy and measures aimed at increasing protection and support to all victims of violence against women in the Republic of Moldova.

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## Methodology

The Report “Peculiarities of Sexual Violence in the Republic of Moldova” aims to analyse and quantify the phenomenon of sexual violence in the Republic of Moldova in terms of linking the national legislation with international standards in the area of preventing and combating sexual violence.

## Objectives

- Analysing the national regulatory framework in line with the relevant international treaties.
- Analysing the availability of data and their collection methods.
- Mapping the services currently in place in the Republic of Moldova intended for victims of sexual violence.
- Identifying the gaps and producing recommendations to prevent and combat sexual violence.

## Research Methods

Several methods have been applied to attain the research objectives and tasks, namely:

- studying the bibliographical resources in the area of preventing and combating sexual violence;
- carrying out an in-depth comparative analysis of international and national legislation on sexual crimes;
- interviews with representatives of law enforcement bodies, prosecutors, representatives of social services, representatives of healthcare sector, active NGOs working in this area;
- interviews with victims of sexual violence.

The Authors produced this Report, being guided by the *Theory of Change for Tackling Violence against Women and Girls*.

## Constraints

The Research shows the current situation in the Republic of Moldova in terms of sexual violence crimes. Due to the fact that the topic is highly sensitive it was impossible to conduct interviews on a representative sample of victims of sexual violence. The interviews with VSV are far from numerous (only five interviews). On this ground the analysis of the situation on sexual violence failed to sufficiently show the picture of quantitative data, especially the qualitative evaluation of

this phenomenon. Likewise, it is worth mentioning that the Study has not involved children, victims of sexual crimes nor their representatives. However, taking into account the complexity and sensitivity of this topic in terms of children, this phenomenon shall be tackled in a separate thematic publication.

# National legal/regulatory framework in the area of preventing and combating sexual violence and its correlation with the relevant international standards

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Following the adoption of the Declaration of Independence in 1991, the Republic of Moldova undertook a series of important measures to acknowledge human rights and legalise the state obligations to respect them. The fundamental human rights and liberties, their restriction boundaries were defined in the Constitution of the Republic of Moldova. Thus, Articles 24 and 28 of the Supreme Law stipulate that the state shall guarantee to every citizen the right to life and to physical and mental integrity. The state shall respect and protect family and private life. The *intimate* component of private life guaranteed by the Constitution aims at protecting the person's identity, his/her intimate life, personal relationships, including *sexual liberty*.

Upon accession to international organisations, such as the UN and the Council of Europe, the Republic of Moldova has entered into a number of commitments, including the one to enact a new Criminal Code (CP) tuned with generally recognised international standards. There are several articles amongst those standards, which in the context of fundamental human rights and liberties, criminalise sex-related crimes. Likewise, a series of amendments and addenda have been introduced to the Criminal Procedure Code (CPC), which guarantee the rights of victims of sexual violence throughout the proceeding of this category of crimes. Concurrently, the regulatory framework covering sexual crimes is directly based on a number of international treaties and conventions, as well as on other acts of a recommendatory nature.

The legislation of the Republic of Moldova criminalises more than one type of sexual assault or sexual offences: *sexual violence, violent sex-related actions, sexual harassment, approaching children for sexual purposes, depraved actions, and sexual relations with a person under 16 years of age*.

In the World Report on Violence and Health, developed by the World Health Organization in 2002, *sexual violence* is defined as any sexual act, attempt to obtain a sexual act by any person using violence or coercion. Likewise, as sexual violence shall be considered any unwanted sexual comments or advances, acts to traffic, or otherwise directed, against a person's sexuality by

any person, regardless of his relationship to the victim<sup>1</sup>. Sexual violence may occur both in peacetime and during the armed conflicts, being considered as one of most severe and traumatic violations of human rights.

According to the International Criminal Court Statute (Rome Statute of 17 July 1998 of the International Criminal Court, hereinafter referred to as the ICC Statute or Rome Statute), *rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity* shall be recognised as crime against humanity.

The United Nations Committee on the elimination of all forms of discrimination against women, reiterating the recommendation made when considering the initial report of the State Party (*n. b. the Republic of Moldova*), in compliance with its general recommendation No. 19, urges the State Party to give high priority to the implementation of world measures against domestic and societal violence against women. In its 2013 Report, the Committee urges the State Party to strengthen the enforcement of the Criminal Code and of Law No. 45-XVI on preventing and combating domestic violence and other relevant national legislation; to ensure that all women and girls, including, in particular, older women, Roma women, girls and women with disabilities are protected from violence and have access to immediate means of redress; to launch *ex officio* investigations into all such crimes, having ensured that perpetrators are prosecuted and punished commensurate with the gravity of the committed crime. The Committee urges also the State Party to expedite its efforts to amend Law No. 45-XVI on preventing and combating domestic violence. Hence, the State Party is required to supplement the court-ordered protection with a system of police-ordered protection and enable the issuance of police emergency protection orders. The State Party was urged to remove any impediments faced by women in gaining access to justice; to ensure that legal aid is made available to all victims of violence; to encourage women to report incidents of domestic and sexual violence by raising awareness about the criminal nature of such acts; to provide adequate assistance and protec-

<sup>1</sup> *World report on violence and health*. World Health Organization, Geneva, 2002, page 149.

tion to women victims of violence, including Roma women; and to increase the number and funding of shelters and guarantee national coverage extending to women from rural areas and Transnistria. The Committee urges also the State Party to ensure that all investigations into acts of sexual violence, including those committed against Moldovan migrant women, are carried out in line with international standards of investigation, including by amending the existing guidelines on investigation of rape and other forms of sexual assault. The State Party is urged to enhance the system of data collection to ensure that data are disaggregated by type of violence and by relationship between the perpetrator and the victim, to support research in this field and ensure that the information and data collected are made available to the public. And not the least, the State Republic of Moldova is called to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The Law on preventing and combating domestic violence was enacted on 1 March 2007, while its content was subsequently improved by a number of amendments and addenda, including the mechanism of immediate restrictive orders towards perpetrators (Article 12<sup>1</sup> of Law No. 196 dated 28.06.2018 amending and supplementing some legislative acts). Nowadays, there are many centres and shelters in the Republic of Moldova offering access to a wide range of assistance, including legal aid to victims of domestic violence. Often, victims of sexual violence, as a form of domestic violence, may benefit from centre support. However, the victims of rape or other forms of sexual violence cannot get any assistance from such entities.

*Sexual harassment* is defined in the Commission Recommendation on the protection of the dignity of women and men at work (92/131/EEC). In this document, *sexual harassment* is defined as any conduct of a sexual nature affecting the person under the conditions when the fact that respective person, by rejecting or submitting to such conduct on the part of employers or workers, is used explicitly or implicitly as a basis for a decision which affects that person's rights in terms of employment relationship. In the context of Commission Recommendations, sexual harassment, in general terms, is an obstacle to the proper integration of women into the labour market. Likewise, sexual harassment can be considered any conduct that creates an intimidating, hostile or humiliating working environment for the recipient<sup>2</sup>.

In Directive No. 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, sexual harassment is defined as a situation where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment<sup>3</sup>. The Directive also provides that harassment and sexual harassment are contrary to the principle of equal treatment between men and women and constitute discrimination on grounds of sex. These forms of discrimination occur not only in the workplace, but also in the context of access to employment, vocational training and promotion<sup>4</sup>.

In the national legislation, the equality of rights is governed by Article 16 of the Moldovan Constitution. This principle is violated and discriminated when a differentiated treatment is applied in equal cases, when there is no objective and reasonable ground to this end, or when there is disproportion between the pursued goal and the used means. Likewise, by equality irrespective of gender it is understood the equality between a man and a woman, which means setting legal environment for their participation, on the basis of equality, in all areas of social life and for creating an equal status within the family. Certainly, sexual assault acts, in this context, would infringe the equality of rights and lead to victim discrimination.

Another important constitutional principle related to victims of sexual aggression is formulated by Article 20 of the Moldovan Constitution – free access to justice. As per this principle, every person shall have the right to obtain effective protection from competent courts of jurisdiction against actions infringing his/her legitimate rights, freedoms and interests. Likewise, no law may restrict the access to justice. In light of this Article, the term *effective* is the key in developing the state obligation framework – only an effective protection of victims of sexual aggression can match this constitutional principle.

The material law of the Republic of Moldova, via several laws, protects the victims of sexual aggression. The Criminal Code of the Republic of Moldova (CC RM), Chapter IV of the Special Part, governs directly the crimes related to sexual life, which are qualified as

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<sup>2</sup> Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work (92/131/EEC).

<sup>3</sup> Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, Article 2 (1) (d).

<sup>4</sup> *Ibidem*, Preamble, paragraph (6).

socially dangerous acts committed intentionally, which injure – exclusively or in principal – the social relations related to a person's sexual life<sup>5</sup>.

The special legal object of crimes referred to in Chapter IV of the Criminal Code is the social relationships on certain specific social values stemming from the sexual life of a person. These specific social values cover sexual liberty and sexual inviolability. Along with the respective social values, sexual offences may affect, in the wayside, the social relationships referring to honesty and dignity, mental liberty, body integrity, health or even life of a person<sup>6</sup>.

Article 171 of the CC RM, *Rape*, criminalises the sexual rape act in a standard case and in two aggravating cases. The standard case criminalises the sexual intercourse committed through physical or mental coercion of the person or by taking advantage of the victim's inability to defend himself/herself or to express his/her will. Article 171 of the CC RM stipulates also two aggravating cases of rape. The first case of rape is governed by Paragraph (2) of Article 171 and shall be punished by imprisonment for five to 12 years. It includes the rape committed by a person who had previously committed rape as set forth in Paragraph (1); rape committed knowingly against a juvenile; committed knowingly against a pregnant woman; committed against a family member; committed by two or more persons; involving deliberate contamination of the victim with a sexually transmitted disease; committed with cruelty, as well as due to sadistic grounds. The second aggravating case is criminalised under Paragraph (3) and shall be punished by imprisonment for ten to 20 years or by life imprisonment. This case covers rape of a person under the care, custody, protection, education, or treatment of the perpetrator; of a juvenile under 14 years of age; involving deliberate contamination of the victim with HIV (AIDS); that causes by imprudence severe bodily injury or damage to health; that causes by imprudence the death of the victim; that results in other severe consequences.

*Violent sex-related actions* in the standard case are criminalised under Paragraph (1), Article 172 of the CC RM: homosexuality or satisfying sexual needs in depraved forms, committed through physical or mental coercion of the person or by taking advantage of the victim's inability to defend himself/herself or to express his/her will, shall be punished by imprisonment from three to five years. The same actions qualified

under the first aggravating case, are criminalised under Article 172 (2) of the CC RM, when such actions are: committed by a person who had previously committed rape as set forth in Paragraph (1); committed knowingly against a juvenile; knowingly against a pregnant woman; committed against a family member; committed by two or more persons; involving deliberate contamination of the victim with a sexually transmitted disease; committed with cruelty, as well as due to sadistic grounds, and shall be punished by imprisonment from five to 12 years. As per the second aggravating case, the same actions are criminalised under Article 172 (3) of the CC RM, if such actions: were committed against a person certainly known to be under 14 years of age; were committed against a person under the care, custody, protection, education, or treatment of the perpetrator; involving deliberate contamination of the victim with HIV (AIDS); that causes by imprudence severe bodily injury or damage to health; that causes by imprudence the death of the victim; that results in other severe consequences and shall be punished by imprisonment from ten to 20 years or by life imprisonment.

Article 173 of the CC RM criminalises *sexual harassment*, i.e. showing a physical, verbal or non-verbal conduct, which adversely affects the person's dignity or creates a non-pleasant, hostile, degrading, humiliating, discriminating or insulting situation aimed at coercing a person to sexual intercourse or to other unwanted sex-related actions, committed by threats, duress, blackmail, and shall be punished by a fine in the amount of 650 to 800 conventional units or by community service for 140 to 240 hours, or by imprisonment for up to three years.

Sexual intercourse other than rape, as well as any other acts of vaginal, anal or oral penetration, etc., committed with a person certainly known to be under 16 years of age, shall be punished by imprisonment from three to seven years, as per Article 174 of the CC RM "Sexual intercourse with a person under 16 years of age". Article 174 (2) of the CC RM stipulates that the person who committed the act set forth in Paragraph (1) shall not be subject to criminal liability if he/she is similar to the victim in terms of age and physical and mental development.

The innovation of 2002 Criminal Code is the inclusion of such crimes as *depraved actions* and *grooming for sexual purposes*, the last being adopted in a new wording – *solicitation of children for sexual purposes* – by Law 121 of 2.06.2016 amending Article 175<sup>1</sup> of the Criminal

<sup>5</sup> The Criminal Code of the Republic of Moldova, Special Part, Chapter IV, page 385.

<sup>6</sup> Sergiu Brînză, Vitalie Stati. Criminal Law, Special Part, Book I. Chisinau, 2011, pages 386-387.

Code, in force as of 01.07.2016. Hence, Article 175 stipulates that committing depraved actions against a person certainly known to be under 16 years of age, including through exhibiting, indecent touches, obscene or cynic discussions with the victim about sexual intercourse, coercing the victim to participate or to attend pornographic shows, making available pornographic materials to the victim, as well as in other sex-related actions, shall be punished by imprisonment from three to seven years.

Likewise, Article 175<sup>1</sup> in the last wording, criminalises the proposal, persuasion, manipulation, threatening, promise to grant benefits of any kind, carried out via information technologies or electronic communications, aimed at setting a date with a juvenile, with the purpose to commit against him/her any sexual crime, if such actions were followed by material facts leading to such a date, and shall be punished by imprisonment from two to six years. For the aggravating case, Article 175<sup>1</sup>, the same actions committed against a juvenile who is in a disabling status due to disease or disability; by a family member of the juvenile, by the person who lived with the juvenile or by the person under whose care, protection, education or treatment the juvenile was; by a person who previously was condemned for a sexual crime or for other deeds that are relevant for the case, shall be punished by imprisonment from three to eight years.

The national legislation in the area of sexual crimes comprises also other provisions, except for those covered by the Criminal Code. In order to prevent sexual harassment, the following provisions shall apply:

- *The Labour Code of the Republic of Moldova* imposes the obligation on the employer to undertake preventive measures against sexual harassment at work, as well as measures to prevent persecution for lodging a complaint on discrimination with the competent body<sup>7</sup>; to introduce provisions into the internal regulation of the unit prohibiting discrimination by any criterion and sexual harassment<sup>8</sup>. The internal regulation of the unit shall contain also provisions on compliance with the principle of non-discrimination, eliminating sexual harassment and any form of distorting dignity at work<sup>9</sup>. Art. 1 of the Labour Code defines sexual harassment as any physical, verbal or non-verbal conduct of

sexual nature, which affects the person's dignity or creates an intimidating, hostile, degrading, humiliating or insulting atmosphere.

- Law No. 121 of 25.05.2012 on Ensuring Equality prohibits any distinction, exclusion, restriction or preference based on criteria set forth by this Law that lead to limiting or undermining equal opportunities or treatment upon employment or dismissal, during the work and professional education. Harassment by Employer is also considered as discriminatory act<sup>10</sup>.
- According to Law No. 45 of 01.03.2007 on preventing and combating domestic violence (including sexual violence – *n.n.*), the victim of domestic violence shall have the right to get assistance for physical, psychological and social recovery via special medical, psychological, legal and social actions<sup>11</sup>.
- Law No. 5 of 09.02.2006 on equal opportunities between women and men, Article two defines sexual harassment as any form of physical, verbal or non-verbal conduct of sexual nature, which adversely affects the person's dignity or creates an intimidating, hostile, degrading, humiliating or insulting atmosphere, while Article 10 (3) d) of the same Law imposes the obligation on the Employer to undertake preventive measures against sexual harassment of women and men at work, as well as to prevent any persecution for lodging complaints on discrimination with the competent body.
- According to Law No. 137 of 29.07.2016 on the recovery of victims of crimes, the State shall provide several services to support the victims of crimes, including the victims of domestic violence, victims of sexual violence, as well as victims of trafficking in persons.

From a procedural point of view, a significant challenge for criminal investigation authorities is to grant victims access to justice and efficient access to support and protection during the reconciliation of the victim of sexual violence with the suspected, accused or charged person. Hence, Article 276 (5) of the Criminal Procedure Code of the Republic of Moldova (CPC RM), provides that in cases of domestic violence, the Prosecutor or court shall consider if the will of reconciliation is

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<sup>7</sup> The Labour Code of the Republic of Moldova, Article 10 (1) f<sup>3</sup>.

<sup>8</sup> *Ibidem*, f<sup>3</sup>.

<sup>9</sup> The Labour Code of the Republic of Moldova, Article 199 (1) b).

<sup>10</sup> Law No. 121 of 25.05.2012 on Ensuring Equality, Article 7 (1) f).

<sup>11</sup> Law No. 45 of 01.03.2007 on preventing and combating domestic violence, Article 11 (2<sup>1</sup>).

freely expressed, with no pressure, making sure that in this case the victim had indeed access to support and protection.

This provision does not cover other sexual offences than that referred to in Article 173 of the Criminal Code (Sexual harassment). Therefore, when sexual crimes, other than sexual harassment, are committed, criminal investigation can be initiated even when the victim lodged no preliminary complaint<sup>12</sup>. Concurrently, Article 276 (1) of the CPC provides for the possibility of reconciliation of the injured party with the suspected/accused/charged person in the cases initiated for committing the crimes listed in that Paragraph. Hence, it describes the situation, according to which criminal investigation shall be terminated when the victim reconciles with the offender even if the victim lodged a complaint to this end and criminal investigation was initiated.

It is known that often the victim of sexual harassment is studying or working with the perpetrator. Other times, the victim of sexual harassment can be a person under the care or is dependent in any other way on the offender. In the case of special or subordinated relationships, or being dependent to some extent on the aggressor, the victim will face greater difficulties in terms of gaining free and real access to justice. Under such circumstance, it would be much more difficult for the victim to notify the competent body about the offence and, on the contrary, the victim would be more vulnerable to face the perpetrator's pressure to withdraw the complaint. Therefore, there can be no question about efficient, real satisfaction of interests of the injured party when the legislation imposes the condition to initiate criminal investigations due to sexual harassment exclusively when the victim lodged a complaint, who, as it is ascertained, most often is vulnerable relative to the perpetrator and, at the same time, allows to terminate the investigation following an alleged reconciliation between the injured and the suspected, accused or charged person, on whom the victim may depend to some extent.

Following the sexual violence, the victim is subject to, mental liberty, a component of the legal object of crimes foreseen in Chapter IV, Special Part of the CC RM, is strongly impacted, which affects essentially the subsequent decisions taken by the injured party. The lack of regulatory provisions to isolate the subject of crime from his victim or at least the latter to be

efficiently protected against the decision power of the offender represents a decisive factor in the process of so-called reconciliation of the injured party with the suspected, accused or charged person.

An international document that is worth mentioning in the context of this Chapter is the Council of Europe Convention of 11.05.2011 on preventing and combating violence against women and domestic violence (Istanbul Convention), signed by the Republic of Moldova on 6 February 2017, although it has not been ratified yet. To this end, criminal legislation of the Republic of Moldova requires a number of amendments to be brought in compliance with the provisions of relevant standards. To avoid duplication, we would refer to a recently completed study – Compatibility Report 2018. National criminal rules and relevant international standards in the area of sexual offences – which conclusions and recommendations have been made public<sup>13</sup>.

In the context of linking the national regulatory framework in the area of preventing and combating sexual violence with the relevant international standards, it is worth noting also another key national act – Law No. 137 din 29.07.2016 on the rehabilitation of victims of crime, which aims to ensure that the rights of victims of such crimes like domestic violence, sexual violence, trafficking in persons are respected. As a starting point, we shall emphasise that the subjects of the Law on the rehabilitation of victims of crime are notably the victims of crimes. The term *victim of crime* means "the injured individuals, mentally or physically, who experienced emotional suffering or tangible loss, caused by the crime, as per the Criminal Code of the Republic of Moldova". Likewise, when we mean the financial compensation by the state of the damage caused by the crime, the term *victim of crime* includes also the "spouse, children and dependents of the deceased person".

Article 2 of the corresponding Law defines the support services granted to victims of crime: "support services, public or private, are those provided to the victims of abuse, physical, mental and sexual violence" (2). The same Article stipulates expressly the following public support services provided to victims (5):

- a) information counselling of victims of crime regarding their rights and services they may benefit from;
- b) psychological counselling;
- c) legal aid guaranteed by the state;

<sup>12</sup> Criminal Procedure Code of the Republic of Moldova, Article 276.

<sup>13</sup> *Compatibility Report 2018. National criminal rules and relevant international standards in the area of sexual offences*. International Centre "La Strada". Available at: <http://lastrada.md/pic/uploaded/Raport%20de%20compatibilitate%20norme%20penale%20VS.pdf>

- d) financial compensation by the state of the damage caused by the offence.

Article 2 (7) of the Law mentions the supplementing feature of provisions of Law No. 45-XVI of 1.03.2007 on preventing and combating domestic violence. Hence, the victims of domestic violence shall benefit also from supporting measures as per this Law, namely: pursuant to Article 11 (21), "the victim shall have the right to assistance for physical, psychological and social recovery through special medical, psychological, legal and social actions. The provision of protection and support services shall not be conditioned by the wish of the victim to make statements and participate in the process of legal proceedings against the perpetrator".

The same Article, Paragraph (5) stipulates the right of the victim to primary and qualified legal aid according to the legislation on state guaranteed legal aid, while Paragraph (6) specifies the obligation of healthcare facilities to provide medical care in compliance with the Law on mandatory healthcare insurance.

When referring to the legal aid provided in general to victims of crime, we shall specify that the Law on the rehabilitation of victims of crime stipulates a specific set of support services the victims shall benefit from.

(1) The victim of crime shall benefit from state guaranteed legal aid in compliance with the provisions of the Criminal Procedure Code and under the conditions of Law No. 198-XVI of 26 July 2007 on state guaranteed legal aid, if the offence was committed on the territory of the Republic of Moldova or if the offence was committed outside the territory of the Republic of Moldova and the victim is a Moldovan citizen, a foreigner or a stateless person who lives legally in the Republic of Moldova, and the criminal investigation process is carried out in the Republic of Moldova.

Getting back to the services specified in the national legislation and linking them with the crimes of sexual violence, we would try to identify individually the public support services referred to in Chapter IV of the Criminal Code the victims of crime may benefit from.

Hence, information counselling as a public support service provided to the victim of sexual violence is no more than a general duty of the Officer representing the body for crime identification, of the criminal investigation Officer, of the Prosecutor, of the court and of other subjects with competence in the area of recovery of victims of crime to submit the complete and specific information to the victim as per the provisions of Article 6 (1) a) - e). In specific terms, in the case of sexual

violence, the victims shall be provided with information regarding: support services granted to victims, the criminal investigation body where he/she could lodge a complaint on the offence committed, the procedural rights he/she benefits from, the available protection measures, as well as other information required by the victim.

As for the state guaranteed legal aid, we would refer to Law No. 198 of 26 July 2007 on state guaranteed legal aid. According to Article 19 (1) of the aforementioned Law, "The persons specified under Article 6 shall have the right to qualified legal aid who:

- a) need legal aid in criminal matters/cases, and the interests of justice so require, but they do not have sufficient means to pay for this service".

Hence, there are general provisions in place governing the state guaranteed legal aid, even for the victims of domestic violence. As for the other two public support services, Law No. 137 of 29.07.2016 on the rehabilitation of victims of crime, expressly mentions under Article 9 (1) and Article 12 (2) the following:

- Article 9 (1) stipulates that, therefore, psychological counselling shall be provided at the expense of the state upon the request of the victims of crime referred to in Articles 171-175 of the Criminal Code;
- Article 12 (2) states that the victims of crimes foreseen under Articles 171-175 of the Criminal Code shall have the right to financial compensation.

Free psychological counselling represents a minimum number of hours of counselling the state undertakes to provide to victims of crimes. As opposed to the previous service, namely information counselling, which is provided to the victims of all categories of crimes, free psychological counselling is granted to certain categories of victims only. The Information Note to the Law, Paragraph 3.2, specifies that the category of beneficiaries of this service comprises the victims who suffered both from physical and psychological trauma. Victims of sexual violence experience consequences of both physical and psychological nature; hence, they fall under the category of beneficiaries of this service.

Compensation by the state of the damage caused through criminal act shall be granted expressly to victims of sexual crimes. Article 15 of Law No. 137 of 29.07.2016 on the rehabilitation of victims of crime,

expressly mentions the damage caused by a crime for which the state grants financial compensation. Therefore, victims of sexual violence could ask for financial compensations granted by the state for:

- a) costs of in-patient care, treatment or other medical expenses incurred by the victim;
- b) damage caused to glasses, contact lenses, dental prostheses and other items intended to support the functioning of certain parts of the human body;
- c) damage caused by the destruction or deterioration of victim's items/assets or by victim's divest of such assets following the commitment of crimes referred to in Article 12 (2) of the Law;
- d) damage caused through disability if the latter resulted directly from the criminal acts;
- e) burial expenses of the victim, in the event of his/her death.

The right of the victim to an appropriate compensation paid by the state is stipulated also in Article 30 of Istanbul Convention, in Council Directive of 29 April 2004 relating to compensation to crime victims, in the European Convention on the compensation of victims of violent crimes, as well as in other international documents.

As of July 2012, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention of 25 October 2007) was enacted in the Republic of Moldova. Its main purposes are to prevent and combat sexual exploitation and sexual abuse of children, protect the rights of child victims of sexual exploitation and sexual abuse, promote national and international co-operation against sexual exploitation and sexual abuse of children. As a cross-national phenomenon, it raises even more concern. The threat is augmented also by the fact that offenders resort more frequently to new information and communication technologies (ICT), which are extremely contagious for children and teenagers. Such ICT could facilitate trapping the victims by the abusers and multiple expansion of the area where crimes are committed. These abusive criminal sex-related actions humiliate the children and create a risk of serious danger for their physical and psycho-social integrity. Amongst the most spread forms of commercial sexual exploitation of children one can count involving juveniles in prostitution, child pornography (pictures showing sexual abuse against children), trafficking in

children for their sexual exploitation, sexual tourism, early marriages. In the context of this Report we would not tackle the cases of sexual abuse and exploitation of children due to the complexity and sensitivity of this topic, which represents the interest area of a separate research/report.

Summarising the analysis of the national legal framework targeting the prevention and combat of sexual violence carried out in this Chapter, it can be stated that the legislation of the Republic of Moldova is in a satisfactory correlation with the relevant international standards. Over the last decade and beyond it a number of new laws and regulations were enacted, targeting directly or complementing the prevention and combat of this phenomenon, as well as amendments and addenda to the legal acts in force (the Criminal Code, Criminal Procedure Code, a set of organic laws of the Republic of Moldova). Concurrently, more than eleven legislative acts were promoted and enacted, which brought amendments and addenda to the current legislation with the aim to improve the mechanism for addressing the cases of domestic violence, as well as partial harmonisation of national legislation with the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Law No. 196 of 28 July 2016 amending and supplementing some legislative acts), launching the process of accession of the Republic of Moldova to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by signing the Convention on 6 February 2017, etc.). The 2018-2023 National Strategy on preventing and combating domestic violence and violence against women and the 2018-2020 National Action Plan on its implementation have been enacted. The research conducted mainly by the NGOs active in this area ("Granting access to victims of sexual violence to adequate legal and social protection", International Centre "La Strada", 2015; "Men and equality between women and men in the Republic of Moldova", Women's Law Centre (WLC), 2015; "Ensuring the victims' rights in the case of sexual crimes. Analysis of judicial practice in the Republic of Moldova", International Centre "La Strada", 2017; Compatibility Report: National criminal rules and relevant international standards in the area of sexual offences, International Centre "La Strada", 2018 etc.) contributed significantly to the development of these two documents.

Although the relevant legislation covers the whole criminality mechanism of sexual crimes, its practical enforcement, as well as giving effect to the rights

of victims of sexual violence, their protection is not efficient yet, nor is it implemented with celerity. It may also be noted the lack of uniform work practices, as well as low capacity of LPAs to intervene in preventing and combating the phenomenon, fragmented response of the healthcare system to the cases of sexual violence, inefficient handling of cases of sexual violence, weak awareness of victims about their rights and access to protection, services of psychological counselling, recovery and social reintegration, while the conduct of national level studies/statistical research to show the dynamics of domestic violence and violence against women is mainly in the attention of NGOs active in this area, but not in the attention of state authorities.

The 2018-2023 National Strategy on preventing and combating domestic violence and violence against women and the 2018-2020 National Action Plan on its implementation (approved by Government Decision No. 281 of 03.04.2018) include a number of measures intended to remove the gaps and overcome the issues encountered by the system, improve the mechanism for preventing and combating violence against women. Among others we shall mention the development and dissemination of a standard package of information materials for different groups of victims and different categories of professionals (on raising awareness of victims of violence against women and of domestic violence about their rights, on protection procedures and services and support), training of policemen, prosecutors, judges in the area of sexual crime investigation and review, developing a mechanism to ensure free extra-judicial and judicial expertise upon the request of victims of domestic violence and sexual crimes, conducting annual trainings for judges and prosecutors in the area of combating discrimination against women and victims of domestic violence with particular focus on the case law of the European Court of Human Rights and on the Recommendations of the UN structure, annual training of officers responsible for intervening in domestic violence and sexual violence cases, tackling a multi-disciplinary approach to such cases, conducting regular national studies/ representative statistical research to show the dynamics of domestic violence and violence against women and other actions.

## Conclusions

- ✓ Up until 2014, the Guidelines adopted in 2008 were used by prosecutors to investigate sexual crimes. In December 2014 those Guidelines were rescinded. Concurrently, in 2016, it was

announced the completion of other Guidelines for the investigation of sexual crimes in compliance with the human rights-based principles. The new Guidelines were designed as methodological recommendations for internal use by prosecutors. However, the Guidelines have not been published yet; therefore, they are not available to criminal investigation officers who shall conduct the proceedings for this category of crimes. Nowadays, there is no clear methodology to be used by Police to respond efficiently with celerity to sexual violence cases, while handling the cases of sexual violence on the basis of explanatory judgements of the plenary Supreme Court of Justice (SCJ) does not show the approach in light of human rights and respecting the victim's dignity.

- ✓ Victims of sexual crimes find themselves in the situation to persuade the criminal investigation body about the forced sexual intercourse, go for the purpose of producing the expertises, uphold the statement, require psychological and medical assistance, be subject to cross-checking with the perpetrators and their witnesses, be subject to certain expertise to find out that they do not lie. They are not involved efficiently in criminal proceedings and do not benefit from appropriate legal and psychological aid. Hence, in this way, they are not only victims of severe crimes, but also victims of the law system that re-victimises them manifold. In particular, due to such treatment, the victims of sex-related crimes have a passive position and in most cases prefer not to report the offence committed against them to the law enforcement body.
- ✓ Out of 240 investigated cases<sup>14</sup>, the Authors of the Study found that despite the guaranteed material, procedural rights, the victims of sexual crimes face a bureaucratic system, which is not prepared to accept such victims, to grant them protection, support and exercise their right to a fair process. Hence, it is found that since the time the offence was committed and until the conviction of the person who committed the offence, the victims of sexual violence crimes face a series of procedural breaches of their rights, preconceived approaches, stereotypes, intimidating procedural actions, which put them in an unfavourable situation, discriminate them in relation to this offence, although they are victims and are not guilty for the committed

<sup>14</sup> *Ensuring the rights of victims of sexual crimes. Analysis of judicial practice in the Republic of Moldova*. International Centre "La Strada", 2017.

crimes. Such breaches not only discriminate the victims, but also discourage them to notify the competent bodies or to uphold their complaints till the end, in most cases being forced to give up by withdrawing their complaint or by reconciliation.

## Recommendations

- A current priority is the ratification of Istanbul Convention, which imposes the Member States to establish one or several formal bodies responsible for coordinating, implementing, monitoring and evaluating the policies and measures aimed at preventing and combating all forms of violence against women, governed by the aforementioned Convention.
- Consider the practice of those countries, which have already ratified the Istanbul Convention and advanced towards an efficient response to cases of sexual violence, and follow some best practices in this context to secure an adequate response in the Republic of Moldova as well.
- Nowadays, in the Republic of Moldova, the effectiveness of access to justice in the area of sexual crimes is not fully secured by the internal law. We consider it appropriate to introduce the corresponding addenda and amendments to the Criminal Code, Criminal Procedure Code, as well as to the Labour Code, which would guarantee efficient protection of rights of sexual assault victims of any type and under any circumstances.
- Change the traditional interpretation of rape, reflected currently in the Moldovan criminal legislation, by having eliminated the need to prove physical resistance in all circumstances, which create the risk to leave certain types of rape unpunished, jeopardising effective protection of victims of rape. The focus shall be placed on accurate interpretation of the vitiate consent in cases of sexual crimes.
- The national legislation lacks a quality standard on providing services and support to victims of sexual crimes. As a recommendation we would suggest to develop such a standard, containing provisions resulting from specific needs of victims of this category of crimes.
- Set additional guarantees for victims of sexual crimes, including the right to privacy, the right to psychological and medical assistance during the criminal proceedings. Including medical services inherent to the examination and treatment of victims of sexual crimes into the mandatory health insurance policy.
- Address and translate into practice a mechanism for granting financial compensation to victims, including to victims of sexual crimes, for their mental suffering caused by the offence. Along with the fact that this is a legitimate right to be enjoyed by victims of sexual violence, it would enhance their confidence in the national judicial system, contributing to the increase of the rate of recurrences to justice.
- Ensure continuous education/training for officers responsible for intervening in cases of sexual violence on topics related to multidisciplinary tackling of such cases (frontline police, representatives of LPAs, social workers, healthcare professionals, psychologists, etc.). To this end there are several international best practices that could be followed and tailored to the context of the Republic of Moldova.

# Analysing the cases of sexual violence in the Republic of Moldova

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To fulfil with due diligence the obligations assumed as per the international standards, during the first years of its statehood and beyond, the Republic of Moldova established a mechanism, procedure and competent criminal investigation bodies to consider the cases of sexual assaults and hold the guilty people criminally responsible so that the rights of the victim are restored after criminalising the criminal acts. However, we are forced to acknowledge that both the mechanism and, in particular, the procedure of considering the sex-related crimes require further sustained endeavours aimed at their improvement, removing certain inequalities stemming from the regional principle.

Eradication of all types of violence – physical, psychological, spiritual, and, especially, sexual – irrespective of gender or age, requires not just some measures to be undertaken by the state authorities, but also a more participatory attitude of the community and society at large. The research conducted by several NGOs and by some international entities with representations in the Republic of Moldova reveals a “passive attitude of the society towards the victims of sex-related crimes”. This attitude of indifference or negligence – of social workers, teachers and even parents – frequently result in severe consequences, especially for the teenagers under 16 years of age who are going through a period of complicated physiological and psychological transformations. We need to introduce a relevant case when the victim cohabitated with the perpetrator for a certain time, did not attend school; all the people around her, including the parents, knew about that but failed to undertake any action to elucidate the causes of such a risky behaviour. This is a dangerous phenomenon as the preventive factors, such as the social worker, school, sector policeman, including the parents, having passive behaviour and failing to undertake any measure aimed at explaining the victim and perpetrator the consequences of such relations, have become simple witnesses of a dangerous consequence: pregnancy at a very early age. Here is another case drew from the research of sexual violence: a 15-years old victim

cohabitated with perpetrator for eight months and did not attend school, while the parents and teachers did not take any action to remedy the situation or explain the threats, failing in this way to properly fulfil their job duties and parental duties.

Trust Line for Women and Girls 0 8008 8008, managed by the International Centre “La Strada”, since its establishment in 2009 and up until 2018, received about 17,000 phone calls from across the country; this number comprises more than 7,000 women who were counselled on a personal issue of domestic violence or sexual violence. Concurrently, this service confirms the reduced number of requests of people affected by sexual violence, the reasons behind this being diverse – from the unawareness where to go and ask for help to fear, shame or disregard of marital rape as a form of domestic violence. Some 3,096 phone calls were received only in 2018, which contained 1,495 phone calls on domestic violence and 79 phone calls on sexual violence, the latter comprising 27 cases of sexual violence, involving 29 victims, of whom 18 women and 11 juveniles (ten girls and a boy). The information was disclosed to Trust Line by relatives, professional groups or victims. In all cases psychological and information counselling was provided depending on the callers' needs, being referred as per the assigned competences. Qualified legal aid was provided in four cases. In 50% of the cases the individuals disclosed information on sexual violence they were subject to in their childhood, a long time ago, and it was for the first time when the victims talked about such experience with somebody else. Some of those women only now become aware of Trust Line and heard that people talk about sexual violence in public; others thought they would overcome the issues individually, but all the time they see the perpetrator in the community, especially when they look into the eyes and feel derision, they just cannot take it anymore. Other women mentioned that the perpetrator passed away/died, but anyway the feeling of guilty and fear they had after the incident in their childhood is still alive.

It is worth stating that out of those 27 cases, ten cases involved juveniles aged between eight and 16 years. In the remaining cases the age of victims was diverse, from 21 to 62 years.

In most cases women and girls are the victims of sexual violence. Sex-related offences show that almost to an equal extent, victims of sexual violence are adult women and adolescents under the 16 years old. Often the aggressors belong to the circle of trusted people: friends or ex-friends, acquaintances, co-villagers, neighbours or even family members.

Over the last years, several cases of sexual assault were identified against women/girls with mental retard or other disabilities, as well as cases of rape of juveniles where the perpetrator was a family member (biologic father, step father, mother's cohabitant). It is worth noting that this could be the result of the increased number of requests/complaints and reported cases of sexual violence.

Likewise, cases were identified when the aggressors recorded on video the sexual intercourse with the victim, using the video to blackmail the victim – should the latter report to Police, the video would be sent to the family or to close friends or even made public on social networks ("Revenge porn").

A study produced by the Centre Partnership for Development (CPD) finds that every fifth aggressed woman was subject to sexual harassment by a teacher. According to the entity experts, the scope of this phenomenon would be larger as there is no clear reporting mechanism to this end, while women rarely report or do not report at all such cases due to different reasons.

Although in some states preventing and combating sexual harassment is a priority for the authorities, this offence is less often criminalized by the law enforcement bodies in the Republic of Moldova, being neglected to a great extent in work collectives, especially in universities and academic institutions. Hence, internationally, almost each Code of Education defines the term *sexual harassment*, shows the types of such offence in education institutions and expressly prohibits showing such behaviour within the academic premises. In the Republic of Moldova the legislative framework on education is defined by two key documents: the Code of Education and the Code of Ethics. The Code of Education has no referral to sexual harassment in education institutions. The Code of Ethics contains a single phrase that prohibits sexual harassment, without specifying where the victim shall report the offence,

who should intervene, etc. In addition, the Code of Ethics does not apply to universities, but only to general secondary and vocational schools. The core document of universities is the University Charter; however, only one document (of the Academy of Economic Studies) includes the term sexual harassment, which is prohibited within the academic premises of the institution.

The Moldovan legislation stipulates that sexual harassment can be penalised by civil, contravention and criminal law. In practice, there is a handful of cases sanctioning sexual harassment due to preconceived ideas that adversely affect the conduct and attitude of victims of sexual harassment towards such offence. The victims hesitate to lodge complaints, as they are ashamed to be blamed, they are afraid of the image and imprint such complaints may leave on them in the community they live and work or on their professional career.

The attitude of enforcement officers who investigate such cases is also adversely affected by preconceived ideas – often the women, as they are most often subject to sexual harassment, are not taken seriously or even mocked. In addition, such offence is difficult to prove – the victims shall demonstrate that they opposed such unwanted conduct, to find a supporting person whom they confessed earlier and the person agreed to appear as witness, to prove with such means as audio/video recordings, SMS, interactions on social networks etc. Likewise, it is advisable that the victim lodges a complaint both to the bodies within the education institutions and to competent authorities – to the Council for Preventing and Eliminating Discrimination and Ensuring Equality, Police and Prosecutor's Office, risking often to expand the number of persons who could make the case public and adversely affect the image and name on a larger area or become an "enemy" not only of the institution, but also of the whole education system.

The review of a specific case corroborates the aforementioned statement. Two employees of State University of Medicine and Pharmacy "Nicolae Testemitanu" (SUMP) complained to the management of the institution and to law enforcement bodies of sexual harassment and abuse in their employment relationship against Professor V. P., who was the head of the department they work for, while one of them made public his behaviour to Media. Although the case was highly publicised, it did not draw to the same extent the attention of competent authorities. The *Ministry of Health, Labour and Social Protection limited itself to monitor the case, passing the complaint resolution to*

the **Ethics Commission of the SUMP**. For more than two months the **Ethics Commission of the SUMP** considered the "accusations of abuse and sexual harassment at the Department of Epidemiology", condemned in general all types of harassment; however it found that the conflict "was very lengthy and at an advanced stage", therefore, it failed to identify "certain ways to settle it and regain a balanced collaboration within the department", did not punish the perpetrator. It decided to refer the case to the court. The Council for Preventing and Eliminating Discrimination and Ensuring Equality, during its public sitting on 4 March 2019, qualified the SUMP Professor's actions as gender-related harassment"<sup>15</sup>.

The hesitations of victims of sexual violence or even renouncing to report the cases of sexual abuse are affected to a great extent by the duration of the trial. The case of Stanislav Florea, a doctor at the Psycho-neurological Boarding House in Balti is consistent with the aforementioned statement (in terms of trial duration). Stanislav Florea was accused of rape of 18 in-patients of the Boarding House and convicted by the Court of First Instance to 13 years of detention in closed-type prison. Subsequently, magistrates of the Appeal Court in Balti amended the sentence of the Court of First Instance and convicted him to 15 years of detention. It is worth noting that the Court of First Instance granted no compensation for physical and moral damage to victims. The Criminal College of the Appeal Court in Balti upheld also the civil actions of victims, who received compensation for damage in the amount of MDL 50 thousand each, while one victim received MDL 70 thousand, as she was raped twice as a juvenile and got pregnant following the rape. We could say that justice was brought, but we shall state also that the case of rape was initiated in February 2013, while the final award was issued and enforced in March 2019!

We have to note also that in the second half of 2018 a great concern was triggered by the way how Media tackled and covered the issue of sexual violence. This is not only about non-professional titles and topics, which are intended to increase the number of views and rank higher this or that Media source rather than to consider and tackle thoroughly the causes and consequences for the victims of sex-related abuses and the impact on the society as a whole. We will consider another case, which **clearly compromised the issue** in general – the case of a politician, involved in a sexual abuse scandal. Without judging the suspected person

or the victim, we shall note the disappointment the journalists brought to the actors engaged in the fight for their rights and dignity of women, by the way they treated this topic. The theories and "judgments" forming the basis of this case significantly compromised the topic of sexual violence against women through focuses and political implications, as they served as a strong catalyser, which fuelled further the stereotypes and social preconceived ideas about the rape victims in our society.

## Conclusions

- ✓ Sexual violence is still a highly sensitive and hidden topic/taboo in the Republic of Moldova. This situation is determined by preconceived ideas existing in the community, which adversely affect the behaviour and reluctance of victims of sexual violence, and the action "logics" of many law enforcement officers.
- ✓ The individuals affected by sexual violence could equally be adult women, as well as teenager girls under 16 years of age, including children.
- ✓ The number of complaints lodged by people with multiple vulnerabilities, who suffered from sexual violence increased. This category includes: old people, individuals with mental health problems, adults who were sexually abused in their childhood by a family member.
- ✓ In recent years sexual abusers use more frequently information technologies to threaten, frighten and humiliate the victims. The abusers make also video recording to force the victim to refrain from reporting the case to law enforcement bodies.
- ✓ Professionals empowered to intervene in cases of sexual violence are still affected by preconceived ideas and stereotypes and frequently contribute to re-victimising or even discriminating the victims of sexual crimes, placing the whole burden of proving on their shoulders. Their intervention is limited exclusively to their own mandate, of a narrow feature, without involving and coordinating the response for such cases with professionals from other sectors.
- ✓ It is well known that often the victim of sexual harassment is studying or working with the perpetrator or can be a person under the care or be dependent in any other way on the offender.

<sup>15</sup> Decision dated 04.03.2019, Case No. 234/18. Available at: [http://egalitate.md/wp-content/uploads/2016/04/Decizie\\_constatare\\_234\\_2018.pdf](http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_234_2018.pdf)

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## Peculiarities of Sexual Violence in the Republic of Moldova

The community preconceived ideas, the attitude of law enforcement officers towards the victims of sexual harassment, women in the absolute majority of cases, the mechanism for crime proving discourages them to report this type of offences, they are often risking not only to adversely affect their image and name on a larger area, but also to become an “enemy” of the institution or even of the whole education system.

- ✓ So far, to the public regret, Media treats unprofessional cases of sexual violence. Introducing the cases of sexual abuse (sensitive by definition as they deal with the private life of a person) from the perspective of moral qualities or biography of those persons has no place and no reason when we talk about quality/ethic journalism. Repeated victim-

isation of the injured party, blaming the victims of rape, in general, and discouraging anyone who experienced or would experience one form of sexual violence or another – this is the most visible and the most regretful impact caused by the editorial policy stemming from the rush to squeeze strong emotions from any topic about rape. Or, the mission of Media and of the civil society is, *inter alia*, to encourage any victim to require help or to report the case to Police.

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## Recommendations

- Educate the general public and the young people through preventive actions and early prevention in order to adopt the pro-active role in reducing to zero tolerance towards sexual violence and domestic violence.
- Implement some subjects/courses in school, which would contribute to the education of young people what respect of personal limits means, as well as assertive communication, accurate interpretation of consent etc. An example to this end would be the replication of the optional course "Family Harmonious Relationships" approved by the Ministry of Education, Culture and Research of the Republic of Moldova.
- Conduct awareness campaigns aimed at changing the community attitude towards sexual violence, combating preconceived ideas and stereotypes towards victims of sexual violence.
- Strengthen co-operation of authorities entrusted to organize training activities, exchange of experience and best national and international practices on preventing and eradicating sexual violence for groups of professionals.
- Step up the efforts aimed at improving and addressing the region-related inequalities on the procedures for registering and investigating without delay sex-related crimes, including the case when authorities outside the law enforcement bodies are involved.
- Ensure capacity building to train and develop the ability of professionals from the regions and service providers to grant services to victims of sexual violence, based on individual and timely approach, focused on victim needs. Develop handbooks and information materials for professionals, which would guide the latter how to respond efficiently to cases of sexual violence.
- Develop Codes of Conduct / mechanism for reporting cases of sexual violence, sexual harassment within work collectives, universities, as well as put them into practice.
- Hold the journalists and all Media editors accountable for ethical and professional reflection of topics on sexual violence without disclosing details attempting the person's private life, without repeated victimization of VSVs, having avoided any blaming in general and discrimination in particular of people who experienced sexual violence.

# Figures and qualitative data on sexual violence in the Republic of Moldova

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Over many years, the National Bureau of Statistics of the Republic of Moldova included in its reports only the rape offences. If during the first years of rape monitoring (2000-2014) there was an upward trend (from 215 cases in 2000 to 352 in 2014), then as of 2014 and up until now there is a downward trend – the statistics of this institution revealed a drop in the number of sexual crimes, including rapes, from 352 cases in 2014, to 266 cases in 2018. Reported to 100.000 inhabitants, the number of cases of rape reveals the same downward trend over the last years – from 10 cases in 2014 to eight cases in 2017.<sup>16</sup>

The statistics of General Police Inspectorate display a more variable picture, stating 593 sexual-related crimes, registered in 2018 (2017 – 582; +1,89%), of which 259 cases of rape (2017 – 296; –13%) and 328 cases of sex-related violent actions (2017 – 282; +16,3%). Likewise, there is a slight increase in the number of domestic sexual crimes: from 30 cases of rape (Article 171 of the CC) in 2014 to 39 cases in 2018, and from 20 cases of sex-related violent actions to 24 (Article 172 of the CC) for the same period.<sup>17</sup>

While, according to the data of the General Prosecutor's Office, in 2018 there was an increase in the number of sexual crimes (+19 cases) relative to 2017, namely sexual violence (+18,12%). Over the same year (2018), 611 sexual crimes were registered, and 13 cases of rape were referred to justice (sent to trial) (exactly the same number as in 2017, and 30 cases in 2016); 154 criminal cases of rape were completed with indictment.

According to the data of Forensic Centre, as many as 645 requests were submitted to law enforcement bodies, courts etc. in 2018 to conduct forensic expertise of contestable sexual conditions and sexual crimes.

Although during 2014-2018 there was an increased number of entities that made public statistics about sexual violence, neither the data of the National Bureau of Statistics nor those of the General Police Inspectorate, nor those of the General Prosecutor's Office reflected accurately the social reality. The number of cases of sexual violence is without doubt greater, but a large portion of such cases are not reported to law enforcement bodies as sexual violence is a taboo in the Moldovan society. Or, the data of the research "*Men and Gender Equality in the Republic of Moldova*" revealed that almost every fifth man had sexual relations with a girl/woman without her consent, and almost every fourth man had sexual relations with a girl/woman who was too drunk to resist. In addition, 18 percent of the questioned men admitted they used force to have sexual relations with the current girlfriend/wife, while 14 percent of men used force to have sexual relations with their ex-girlfriend/wife. About 5 percent of men committed group sexual abuse.<sup>18</sup>

Sexual violence is the form least acknowledged and reported. Most cases do not reach to the attention of authorities. There are multiple core factors that favour such situation, namely:

- a) stereotype social rules where masculinity is associated with domination and aggressiveness, while womanliness is associated with obedience;
- b) charging the victims of such situations that they themselves are guilty for such crimes<sup>19</sup>;
- c) fear of aggressed people to denounce such cases to avoid being blamed, repudiated, marginalized, etc.

<sup>16</sup> Data available at: [http://statbank.statistica.md/pxweb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala\\_12%20JUS\\_JUS010/JUS010400reg.px/table/tableViewLayout1/?rxid=9a62a0d7-86c4-45da-b7e4-fecc26003802](http://statbank.statistica.md/pxweb/pxweb/ro/30%20Statistica%20sociala/30%20Statistica%20sociala_12%20JUS_JUS010/JUS010400reg.px/table/tableViewLayout1/?rxid=9a62a0d7-86c4-45da-b7e4-fecc26003802)

<sup>17</sup> [http://politia.md/sites/default/files/ni\\_violenta\\_in\\_familie\\_12\\_luni\\_2018\\_pagina\\_web\\_a\\_igp.pdf](http://politia.md/sites/default/files/ni_violenta_in_familie_12_luni_2018_pagina_web_a_igp.pdf)

<sup>18</sup> *Men and Gender Equality in the Republic of Moldova*. – IMAGES, Women's Law Centre, SocioPolis, Chisinau, 2015, page 96.

<sup>19</sup> In the opinion of more than 40 percent of men, the woman is responsible for the rape cases, and if she has a bad reputation or does not oppose physical resistance during rape, this cannot be considered as rape. See: *Men and Gender Equality in the Republic of Moldova*. – IMAGES, Women's Law Centre, SocioPolis, Chisinau, 2015, page 114.

The path of the victims of sexual violence through the justice system is cumbersome and discouraging, as sometimes they are victimized also by the contacted professionals, i.e. policemen, criminal investigation officers, forensic experts, prosecutors, judges. In spite of their guaranteed material and procedural rights, the victims of sexual crimes face a bureaucratic system, which is not prepared to accept in full the status of victims of such crimes, to grant them protection, support and exercise their right to a fair process. Hence, it has found that since the time the crime was committed and till the conviction of the guilty person, victims of sexual violence crimes have to face a series of procedural breaches of their rights, approaches, stereotypes, procedural actions aimed at their intimidation, putting them in unfavourable situations, being discriminated because of the offence committed against them, although they are victims and have no guilt for the committed offence. These breaches, approaches and stereotypes not only place the victims in a discriminating situation, but also discourage them to notify the competent authorities or to further uphold their complaints, being often forced to give up, withdraw the complaint or accept reconciliation with the offender, etc.

The rights of victims of sexual crimes are violated both during the criminal investigation stage and during the trial, as the law actors diminish the role of victims in criminal proceedings and their rights. Respectively, the victims of this category of crimes are initially put in the situation to convince the criminal investigation body about the forced sexual intercourse, to go where expertises are produced, to uphold the statement, to require psychological and medical assistance, to be subject to cross-checks with perpetrators and witnesses, to be subject to expertise which would reveal that they do not lie. They are not involved in criminal cases, do not benefit from legal aid and psychological support. Hence, they are not just victims of sexual crimes, but also victims of the law system, which subject them to repeated victimization in situations where such procedures and actions are neither appropriate nor necessary. Moreover, up until now the victims of sexual crimes did not benefit from any rehabilitation, any possibility to recover from the moral-psychological damage, being subject to bureaucratic and humiliating procedures. Namely due to these reasons most victims have passive standing and prefer in most cases not to notify the criminal investigation body about the committed offence<sup>20</sup>.

There is also a number of legislative barriers resulting in no effective protection against aggressors, low rate of convictions, accompanied by mild sentences.

### Conclusions

- ✓ In conclusion, we shall specify that at present the statistics on sex-related crimes are collected in a fragmentary and inconsistent manner in the Republic of Moldova. It is widely acknowledged the fact that appropriate and systematic collection of statistics is a core component of the policy development process in the area of prevention and combat of violence against women and of sexual violence. Hence, in order to form the basis for measures, as well as to monitor and evaluate the process of preventing and combating violence against women and of sexual violence it is necessary to collect and analyse segregated and comparable data. In this context, we shall mention that especially the collection and analysis of sectoral statistics is another issue for the institutions responsible for these activities.
- ✓ As things currently stand, only the Ministry of Internal Affairs has collected and analysed relatively coherent statistics. One of the issues is that the data collected in different sectors are not harmonised in light of common indicators, while some sectors lack relevant indicators. The Ministry of Health, Labour and Social Protection developed a data collection sheet (questionnaire and electronic base for data collection) about cases of violence against women to be filled in by community social workers and providers of public services. It is expected to have relevant statistics for the social assistance sector in the future as well.
- ✓ There is shortage of automated data collection systems and processing of statistics, while representative research at the country level is conducted sporadically, depending on donors' financial sources.
- ✓ Qualitative collection of data, cross-sectoral cooperation, and promotion of integrated policies would ensure the policy implementation to enable efficient intervention in cases of violence against women and of sexual violence, having secured cross-sectoral coordination and cooperation approaches, which would ensure also that the adopted policies are based on relevant statistics.

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<sup>20</sup> Data available at: [http://lastrada.md/files/resources/3/RO\\_Sumar\\_LaStrada\\_just.pdf](http://lastrada.md/files/resources/3/RO_Sumar_LaStrada_just.pdf)

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## Recommendations

- Revise the indicators and the ways statistics are collected at the national level, pooling the data and making available qualitative and quantitative data, which show the dynamics of sexual violence phenomenon.
- Develop a consolidated database on sex-related crimes aimed to avoid perpetuating any dissonance of data from different state sources, as well as to develop relevant national policies based on pertinent data. Develop certain clear and unified indicators for collecting data on sexual violence, in areas other than law enforcement, such as healthcare, education, social assistance, to enable cross-sector analysis of state response to such crimes.
- Make available to teams of professionals and competent authorities a truthful and qualitative picture of data on sexual violence in the Republic of Moldova, which would allow improving the policy in this area, as well as secure appropriate budgeting based on qualitative data from several sectors.
- Develop as soon as possible and enact an automated system to collect and process statistics on sexual violence, criminal cases, civil cases initiated for the recovery of damage, referred to justice and subject to trial, keeping records on aggressors.
- Eliminate the sporadic feature of research and studies on sexual violence based exclusively on donors' resources. Systematise the representative research at the national level based on scientific principles and in line with international standards.

# Reporting mechanism and services available to victims of sexual violence

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4.1. Mechanism for reporting and initiating criminal proceedings in the case of sexual offences

4.2 Access to social services and their availability

4.3 Services available to victims of sexual violence

# IV.



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#### 4.1. Mechanism for reporting and initiating criminal proceedings in the case of sexual offences

Although there are many legal provisions describing the rights of victims of sexual crimes, there is no clearly defined cross-sector mechanism to report the cases of sexual violence. Most actions related to sexual violence cases are carried out separately by every professional, lacking an efficient collaboration mechanism and a well coordinated response of professionals working in the area of law enforcement, medical and social services.

As per the amendments brought to the **Criminal Procedure Code by Law No. 66 of 22 April 2011**, the initiation of prosecution can be divided into two stages: *criminal process*, which shall start at the time of recording the notification under the provisions of Articles 262-265 of the Criminal Procedure Code, and *criminal investigation*.

Drawing on the feature of sexual crimes and specificity of evidence gathering, the promptitude of initiating the prosecution and carrying out the emergency actions of evidence collection can secure an effective investigation and realization of VSV rights.

In urban settlements the victim of sexual crimes shall report to Police Inspectorate, which has operative groups comprising also a representative of criminal investigation body involved in time-sensitive criminal investigation actions, such as registration of complaints, examination on the scene, interviewing the victim, referring the victim to forensic examination. However, in rural settlements the victims of sex-related crimes or their legal representatives notify the sector policeman, mayor, social worker or family doctor who has no competence to carry out emergency criminal investigation actions. Often they do not notify the criminal investigation body, and accept the complaint of the victim, followed by a complaint registration procedure and its referral to the criminal investigation body for consideration as per its competence.

Following the registration, the complaint shall be conveyed to the criminal investigation body, which is to undertake the necessary actions, taking into account the new provisions of the Criminal Procedure Code. Respectively, notwithstanding the fact that it involves two-three days, for cases of sex-related crimes this timeframe is significant for administering biological evidence, risking losing them. Likewise, following the consideration of cases there were situations when the date of lodging the complaint did not match the date of recording the notification, and the 24-hour term for recording the notification was exceeded, as per the written Order of the Ministry of Internal Affairs No. 121/254/286-0/95 of 18 July 2008 on single record-keeping of crimes, criminal cases and people who committed crimes. In most cases the term for lodging the notification – recording the notification – initiating the criminal investigation is one – two days, which corresponds to standards for carrying out criminal investigation actions with due diligence and in proximal terms. Moreover, in criminal cases sector policemen, following the lodge of complaints, shall report to the Police Inspectorate management, stating: "Hereby, I bring to your attention that following the preventive measures we undertook, we found that juvenile XX had sexual relations with YX. Based on the aforementioned, we require your permission to record this piece of information into REI IP X to be addressed as per the legislation in force."

In such cases, the Police bodies established a procedure that is not provided by the Criminal Procedure Code and which attempts to the duty of criminal investigation authorities to promptly respond with maximum diligence, and breaches the right of the victim to consider the case within proximal terms. In a manner contrary to the legislation in force and the amendments brought to the Criminal Procedure Code, the Policeman, following the submission of complaints, shall solicit explanations or statements from the victim of sex-related offence, where the victim shall disclose details regarding the circumstances of the case, which, in fact, is an interview

without securing the procedural rights covered expressly by the Criminal Procedure Code. Such procedure was practiced by the Police bodies up until 2011. It was due to the legislative gap, namely the Criminal Procedure Code did not foresee the possibility to carry out procedural actions prior to the opening of criminal investigation. Subsequently Article 279 (1) of the Criminal Procedure Code was amended to allow the criminal investigation body to carry out procedural actions, and the term *criminal process* was introduced. Although the Law has been amended, the fact of soliciting explanations or statements from the victim of sexual crimes continues in 30% of the considered cases. Under such circumstances the procedure of submitting explanations and statements is actually an intimidation of the victim, while the explanations shall be solicited from the people in conflict with the law rather than from the people – victims of crimes.

Concurrently, soliciting explanations is preceded by an interview of the victim according to the procedure foreseen by the Criminal Procedure Code, which implies that the victim will have to report once again the circumstances of the case and be subject to re-victimisation due to psychological and emotional feelings/experience produced by the crime. Moreover, out of those 240 criminal cases included in the study, in 65 of them the victim lodged explanations regarding the sexual crime, and the next day she/he is interviewed as an injured party<sup>21</sup>.

As a rule, the victim is the one to be involved in the criminal process even from the initial stage, since the time of notifying the criminal investigation body about the committed crime. However, there are cases when the criminal investigation body is notified by other people as well. The most frequent are the cases of juveniles, when pretty often the criminal investigation officer is notified by the legal representative of the victim: a teacher ("under a common test given to school children, the victim wrote that she was sexually assaulted by her step-father, mother's cohabitant ..."; the teacher discussed with the victim, and subsequently notified the Police); social worker, sector policeman (following the performance of certain actions to prevent criminality), family doctor.

Although the Criminal Procedure Code foresees the possibility to interview the victims under special conditions, these provisions do not apply to victims of sexual crimes. The interview of victims, adult injured parties,

including juveniles (14+), is carried out under general conditions, without using special mechanisms for their interview foreseen by the Criminal Procedure Law. Likewise, in most cases the injured parties are interviewed additionally two-three times, although such additional interviews are not needed.

Another important aspect in the case of sexual crimes is that following the lodge of a complaint the victim is issued a referral to forensic examination. With that referral the victim has to find independently, with no support, the institution where to go through forensic examination, the forensic doctor on duty, etc.

Often, the criminal investigation officer skipped calling for the ambulance to transport the victim and prepare the forensic examination report, except for the case when the victim called herself the emergency service. Likewise, there was no case when the victim was transported by the policeman to the emergency hospital or to the place of forensic examination. It seems that since the time of lodging a complaint on the committed crime attempting to her life and sexual integrity, the victim has to prove to the whole world that the offence actually occurred.

### ***Securing the rights of the victim of sexual crimes.***

Article 78 of the Criminal Procedure Code foresees expressly the rights of the victim/injured party. However, we think that victims of sexual crimes shall have, in particular, special rights so that they could enjoy a fair process and a social reintegration as efficient as possible.

The Criminal Procedure Code guarantees the injured party the right to an attorney, and when the injured party has no money to this end – to be assisted by an attorney who shall provide state guaranteed legal aid. As for guaranteeing the right to legal aid, we shall mention that although minutes shall be produced during the interview of the injured party to communicate the rights and obligations, in none of the considered case files the victim solicited an *ex-officio* attorney to provide state guaranteed legal aid. This leads to the conclusion that the victims do not wish to be represented by an attorney or that the communication of the rights and obligations is not effective and the victim is not aware of the real meaning of this right. There are few/ sporadic cases when the victim was represented by an attorney with whom a contract of state guaranteed legal aid was concluded.

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<sup>21</sup> *Securing the rights of victims of sexual crimes. Analysing the judicial practice of the Republic of Moldova*. International Centre "La Strada", 2017.

The procedural law does not guarantee the victim the right to medical aid, although according to the crime specificity medical care is absolutely necessary. We are incapable to find out with certainty whether the victims involved in the considered criminal cases benefited from free medical aid, which is required, but we inferred it from the submitted civil proceedings, by which material damage repairing was required, compensation of treatment costs, being stated also the material damage caused.

In all criminal cases, with some exemptions, victims are issued referrals to visit a forensic expert in order to produce a forensic report. However, forensic examination does not imply the provision of the necessary medical aid to the victim, only ascertaining the injuries. Hence, we reveal that the victim is granted medical aid only when she requested it due to the health condition, and when the victim requested individually medical aid at her own expense, so that subsequently the costs are recovered through the court. Often the victims pay individual visits to a family doctor for advice and prescription of a treatment on their own.

According to Government Decision No. 1387 of 10 December 2007 approving a single Programme for mandatory health insurance, the mandatory medical care granted to victims of sex-related crimes comprises:

- general blood analysis;
- urinalysis;
- urogenital smear;
- bacteriological investigations;
- virusologic investigations;
- complex eco-graphic examination (abdominal organs + urogenital system organs);
- radiodiagnostic investigations.

Medical aid is required for the treatment of physical injuries; there was no case of treating STDs or related to abortion following a rape. Moreover, as per the aforementioned Government Decision and attachments thereto, abortion is not covered by the mandatory health insurance policy.

As for the crimes involving sexual relations with a person under 16 years of age, medical care is provided only when the victim is pregnant and resorts to the family doctor due to pregnancy. We deem as alarming the fact that in case of rape, depraved sexual actions, sexual relations with a person under 16 years of age, no expertise is required to find whether the victim contracted a STD and needs treatment for that. Such treatment was required in no criminal cases covered by the research.

Moreover, no material damage was claimed in any criminal case resulting from the treatment of STDs.

Psychological counselling services are used sporadically, although the Law on the rehabilitation of victims of crime foresees expressly the provision of state guaranteed psychological counselling. Quite often the law enforcement bodies and healthcare services are not aware where to refer the victims for such services as specialised psychological counselling is not provided at all in many settlements.

## 4.2 Access to social services and their availability

In most cases victims of sexual violence do not know where to resort for aid or are completely confused. While, the number of specialised services for the victims of sexual crimes is also limited in the Republic of Moldova. There are services, organisations, which along with the services intended to victims of domestic violence or to victims of trafficking in persons, provide services to victims of sexual crimes as well. **Concurrently, practically, there are no specialised organisations/services intended expressly for victims of sexual violence in the Republic of Moldova.**

There is a direct relationship between the victim's age and the way of accessing the available services. The peculiarity of juvenile victims is that they often fail to grasp the complicated situation they are in and even if some of them understand it is not good at all what is happening to them, quite frequently they hesitate to require adults' help. There are several reasons to this: they are manipulated by the aggressor, they are afraid to talk about their situation, they do not know where to go and ask for help/advice. Hence, juveniles get professional help only when the parents or someone of close adults become aware, or the community social worker when visiting them at home detects some deviations in behaviour or the lack of a healthy environment to raise and educate children, or one of the teachers or family doctor. Rarely juvenile victims report to Police. In turn, the policeman refers the victim to the closest specialised services for victims of sexual violence, when he/she is aware of such services.

Another peculiarity of juvenile victims of sexual violence is that a large portion of them come from socially vulnerable families, mono-parental families or even juveniles with no parents, homeless. Hence, some of them get to care centres due to their vulnerability and, subsequently, the issue of sexual abuse is revealed. Some of them were abused sexually at early ages, were

subject to abortion or gave birth in adolescence. In the case of juveniles, victims of sexual violence from less vulnerable families, parents play an important role. Most of them, as soon as they are aware of the situation their child went through, start seeking for solutions. One of the solutions for such situations is that they find some adds about specialised services, as a rule, NGOs or specialised centres (Trust Line for Women and Girls, centres for the victims of domestic violence, the address of a maternal centre, etc.).

As a rule, victims of marital rape report domestic violence (physical or psychological) and, subsequently, during the counselling, acknowledge also sexual violence. Quite often women do not consider marital rape as a form of domestic sexual violence, due to the existing stereotypes in the society that women shall fulfil their marital obligation and shall "go to bed with the husband when the latter asks for". The decision to break the circle of domestic violence is determined sometimes by the fact that children also adopt aggressive behaviour – the victim mother acknowledges and reacts when she sees that her own children become aggressive as they adopt the violent behaviour of their father.

The access of victims of sexual violence to institutions providing foster care services (especially, centres supporting and protecting victims and potential victims of trafficking in persons from Chisinau (CAP), maternal centres) is granted via the territorial social assistance body, they being referred by a representative of the LPA or CPA or by the representative of police territorial body. Some cases are identified via the Trust Line for Women and Girls of the International Centre "La Strada". Following the psychological counselling and evaluation of risks for the identified person (child or adult), the NGO representatives, depending on the victim's needs, organise the referral to the corresponding specialised institution or to competent authorities. International Centre "La Strada" has also a mobile intervention team, which travels to the site, upon the request of law enforcement bodies, especially when legal aid (services of a specialised attorney) and psychological counselling are required. Victims of sexual violence rarely require such services on their own as few of them are aware of such services. There are also cases when the organisations are self-notified from the Media to provide assistance to victims of sex-related crimes.

In general, an application shall be filled in and submitted to place a beneficiary (when accommodation/ placement is needed) in a shelter, as well as a medical certificate, an ID act, other formalities. When the relevant providers on duty have an emergency, the

victim of sexual violence can be placed ad-hoc, while the required acts are prepared lately, during the period of her/his stay at the centre she/he was referred to. It is worth noting that none of foster care centres stated the binding need to submit a certificate confirming the legal standing of the victim of sexual violence. The decision to initiate a criminal process against the perpetrator is left at the discretion of the victim or her/his relatives, especially in the case of juvenile victims of sexual violence.

However, there is a number of factors limiting the provision of shelter services: a) age (depending upon the centre peculiarity, there are certain categories of age assistance is provided to); b) the presence of a mental disease (victims with light mental handicap are accepted, while those with more severe psychical disorders cannot be accepted as beneficiaries of the centre, as they endanger the life and safety of other beneficiaries); c) the presence of tuberculosis; d) limited mobility capacities (centres have no physical facilities to secure the movement of people with disabilities); e) alcohol dependence (when the victim consumes alcohol, she/he is referred initially to go through a dealcoholisation course and only after that could be accepted in the centre); f) drug addiction.

Most centres grant the necessary interventions during the crisis (three months at most, rarely six months). The conditions based on which the placement period could be prolonged are different – mostly it is the case of children when there are no optimal conditions for their integration in the biological family or in a new foster care. As for the adults, the term of placement could be prolonged when there are no optimal conditions of living for subsequent social integration of victims of sexual violence.

Professionals from the structures providing services aimed at preventing and combating domestic violence and violence against women noted that they benefited from internships/training courses, which helped them improve their professional level and the quality of services. Psychologists working at the Centre for Assistance and Protection of Victims and Potential Victims of Trafficking in Persons (CAP), the National Centre for Prevention of Child Abuse (NCPA), International Centre "La Strada", Women's Law Centre (WLC), benefited from trainings in the USA, Austria, Romania, and Russian Federation in the area of providing aid/support to victims of sexual violence. While, they specified that "it is far too little to know socio-psychological support techniques, when the society is not prepared to accept such victims... When we open the door for them to

leave many of them encounter non-accepting attitude in the society". Nonetheless, they are convinced that such specialised services for victims of sexual violence shall be developed and professionals shall be trained to provide pertinent services to this category of beneficiaries, in compliance with their specific needs.

An issue related to the quality of services is the diagnosis of victims. Some managers of shelters state that their staff "treat the victims without diagnosis". Respectively, the outcomes are not the expected ones due to this reason – it is difficult to provide high-quality and efficient counselling to a victim of sexual violence lacking complex diagnosis, based on certain dry stories and findings. These issues prove once again the need for additional training of professionals, including the staff of centres providing services to victims of domestic violence (as currently there are no specialised centres for victims of sexual violence in the country), so that they are able to identify all types of violence and provide pertinent services to victims of sexual violence, taking into account the diagnosis.

During the rehabilitation of children, victims of sexual violence, professionals apply also the methods and techniques they learn at the trainings organised by NCPA (materials prepared and printed by the Centre "AMICUL" providing psycho-social assistance services to child and family). Every child is counselled individually, taking into account his/her needs and peculiarities. First of all, the Centre professionals assess the extent to which the child was adversely affected by the traumatising event. Subsequently they "process/work on" the trauma effects, using different methods, depending on the child's age. The methods used most frequently are the projective ones. As a rule, children are joyful, friendly. When they are not able to show their emotions openly they resort to fine arts, followed subsequently by peer-to-peer discussions.

Children, victims of sexual violence, need more time to set relations with the professionals and require greater attention. The psychologist shall pay attention to the language, touches. However, there are certain issues in the process of rehabilitation of children, victims of sexual abuse – some of them renounce to individual therapy.

The research on this part of violence reveals however that some sexually abused victims benefited from no support service, even when it was required. We highlight especially the cases of old persons – victims of sexual violence who have to live the trauma in solitude and overcome it by themselves. Concurrently, social

workers reveal that psychological assistance, in certain situations, is needed not only for the victims, but also for the older people from the community who are afraid to stay home alone due to the potential aggression and, in the evening, they come together and stay overnight at one place or another. The mapping data show that most often older victims of sexual abuse do not reach out to benefit from services, remaining in the community to overcome their trauma in solitude and with faith in God.

Whereas sexual violence causes repercussions, traumas and different psychological effects in comparison with domestic violence, the need to develop a specialised psychological service intended for victims of sexual violence is obvious. Professionals from the community and from the justice system shall be trained to tell the victims of sexual violence in a simple way about their rights and refer them to services appropriate for their condition/situation. They should explain more clearly and forcefully about the benefits of counselling, to persuade them to follow the advice as often VSVs refuse all types of support services.

In this regard, it is necessary to develop a **curriculum for specialised psychological services granted to victims of sexual violence, a steady curriculum to comprise all the actions, step-by-step, from the first counselling and till the last.** At present the psychologists render counselling services at random. Moreover, psychological counselling is one of the most demanded and necessary services for victims of sexual violence. It is worth noting that most victims, who reached in the spotlight of NGOs, even those who were not placed in a centre, were counselled by a psychologist. The intervention of a psychologist was beneficial for all cases and, at that time, helped the victims of sexual crimes overcome easier that experience. Here we bring two witnesses to this end: 1. "It was a pleasure to talk to a psychologist, he/she is so energetic... In fact, this is my first experience like that, he/she is so energetic that makes you disclose everything, you trust him/her". 2. "I visited a psychologist, and after ten counselling sessions he/she brought me back to life. I managed to reintegrate in the society, I can communicate, can walk freely in the street, with no fear that someone would point fingers at me".

The psychological aid and rehabilitation of victims imply their accurate information and understanding of the phenomenon they experienced, contributing to the enhancement of self-confidence and reducing the possibility of similar events to occur afterwards. "I wish all the women are aware of these centres as there are

many women in similar situations. The most important is what all psychologists explained to me, and I would like this to reach everybody, that I am the victim, and he is the aggressor. The latter calms down, collects strengths, then attacks again. I failed to understand that before. I thought he would be different, he would change and everything would be OK”.

Most victims experience feelings of guilt, shame, fear, anxiety, depression, reason for which psychological aid shall be provided for a longer period of time. In the case of children, the psychologists highlight that at least ten sessions are required for children to achieve the expected outcome. The short-term intervention of a psychologist does not enable psycho-emotional rehabilitation of the victim, even when the professional tries hard to give them as much as possible in a short time-frame. As the psychologists themselves say, they render services for several days, weeks or even months (in the best case), which is a period when they cannot pretend that their intervention was efficient. This is just because a person, victim of sexual violence, needs time to adjust, needs to acquire confidence in the professional, then to acquire self-confidence, to be able to overcome the consequences of that trauma. Subsequently, the psychologist shall provide the victims with some behavioural techniques, strategies to help them feel stronger compared to the time they first met.

Concurrently, when lacking certain specialised centres, victims of sexual violence are forced to live in a certain community and attend rehabilitation sessions with a psychologist in another settlement. This situation adversely affects the beneficiaries – they attend at most three-four rehabilitation sessions and quit, although they need more sessions.

Another issue related to juveniles from this category of victims is the work with the parents to inform them about the statuses experienced by their children, to enable them providing the necessary support. Currently, most parents do not benefit from such services. In addition, in the case of children, victims of sexual violence, certain actions are required to be undertaken in schools with more pro-active involvement of community social workers. In this context, we highlight also the low degree of attention paid by teachers, psychologists working in education institutions towards the issues of sexual violence. Certainly, there are examples of best practices, when teachers notified the Police bodies about the cases of sexual abuse, or the example of NGOs active in the relevant area, but so far the number of such examples is insignificant.

One of the current issues for the LPAs, when it comes to provide qualified assistance to victims of sexual violence, is the lack of training of community social workers, their turnover and failure to be aware of services the victims could be referred to. As a rule, especially in the rural area, people with different education background work as social workers, including former accountants, engineers, etc, who do not have the required training. First of all, social workers shall be aware of services in place at the district and national level. Their knowledge and skills are to be strengthened so that they have a local mapping of beneficiaries and could refer people to the existing services.

Moreover, mapping would reveal more weaknesses in terms of social protection provided to victims of sexual violence. Among such weaknesses one could list:

- lack of specialised services both for children and for adults, victims of sexual violence;
- lack of long-term services within the centres for victims of domestic violence/ trafficking in persons as support is provided to them during the crisis only;
- lack of preventive services of sexual violence at community level;
- lack of activities to reintegrate the victims of sexual violence in the community, in parallel with services granted to families.

It is important to establish specialised services for victims of sexual violence. Specialisation of centres, by categories of victims, would have, doubtless, a positive impact. Or, it is dangerous for a young person subject to trafficking to meet with a young person, victim of sexual violence. The latter may get erroneous information about what did the person subject to trafficking or what happened to he/him. The most significant risk is that a victim of trafficking in persons, being at the same centre with a victim of rape or a victim of domestic violence, keeping contact with traffickers, can recruit other persons even when at the Centre.

There is a pressing need to develop also services aimed at ensuring safety to victims of sexual violence, as currently they are neither protected nor feel safe, although they benefit from free psychological counselling provided by NGOs. Law No. 105 of 16.05.2008 on the Protection of Witnesses and Other Participants in Criminal Proceedings was adopted in the Republic of Moldova (in force as of September 2008), but it does not cover the respective people (victims of

sexual violence) as beneficiaries. Under such conditions it is imperative to create a system of protection and safety for the victims of sexual violence as well, so that the latter have more confidence in justice and state authorities.

Along with all the issues and shortcomings mentioned so far, there are also some strengths highlighted by professionals, namely the provision of services to victims of sexual violence within the centres for victims of domestic violence, as well as the interaction among some social institutions to grant assistance to victims of sexual violence.

Development of specialised services would contribute to the improvement of both the quality of services granted to victims of sexual violence and the referral mechanism to such services, and, implicitly, to the increase of the number of cases reported by victims. In the opinion of professionals, the beneficiary can do the best advertising of service quality – no leaflets, no information materials, even none of the most reliable Media sources would do what a victim who benefited from the services he/she needed would. If a sexually aggressed person would be appropriately assisted and protected at all stages of criminal proceedings and would not be left alone after the judicial process, the number of victims of sexual violence reporting to law enforcement bodies/competent authorities such crimes would increase beyond any doubts.

### 4.3 Services available to victims of sexual violence

Nowadays, practically, there are no specialised services for victims of sexual violence available in the Republic of Moldova. All services for this category of beneficiaries are provided by some NGOs, which assist the victims of domestic violence at the expense of donor funds and of three public institutions. These services include information support and emotional support (Trust Line for Women and Girls of the International Centre "La Strada" for victims of domestic violence and sexual violence), medical aid, psychological counselling, legal aid, placement, social assistance. It is worth noting that most centres provide their services in crisis situations and do not have full geographical coverage at the national level.

Further we would consider in more details the services available within the existing Moldovan NGOs, which actively provide a range of services to victims of sexual crimes.

### Public Association International Centre for Women Rights Protection and Promotion "La Strada" (Chisinau Municipality)

Established in 2001, International Centre "La Strada" has provided a variety of services to protect victims of domestic violence and victims of sexual violence, as well as children – victims of commercial sexual exploitation, especially through the use of information technologies. The Centre administers several tools for providing the listed services.

- **Trust Line for Women and Girls (0 8008 8008)** is available 24/24, seven days a week and provides psychological counselling, legal aid, information about the system of support and protection for people affected by domestic violence, including sexual violence. During 2017-2018, 5.648 phone calls were received by Trust Line throughout the country, and 1.689 cases of domestic violence and 22 cases of sexual violence have been received. In 2018 982 persons were counselled through Trust Line, of which 953 persons were victims of domestic violence and 11 were victims of sexual violence. Out of that number, in 366 cases psychological counselling was provided to people, while in 563 cases the victims benefited from legal aid; in other 77 cases the victims were referred to get accommodation and shelter. Out of those 11 cases of sexual violence, all victims benefited from psychological counselling and legal support, and attorney's services were granted in two cases.
- **The support team against child sexual exploitation and sexual abuse**, especially by using information technologies. The team is available 24/24, seven days a week; it comprises an attorney and a psychologist-interviewer, who travel to any settlement across the country, upon the request of law enforcement bodies, prosecutors, professionals working in the area of protection of children's rights. In 2018, the specialised attorney assisted the victims in 25 cases of child abuse and sexual exploitation. The psychologist assisted the children in 28 cases of abuse and sexual exploitation in courts; likewise, 63 protection and legal interviews were conducted with children victims (including 12 interviews within the interview room) and 18 psychological evaluation reports.

Within the Centre, for Trust Line for Women and Girls work one manager and six counsellors, two psychologists and two attorneys providing direct services to beneficiaries (one intervention team for women

programme and the team for children support and protection against sexual exploitation and sexual abuse). The counsellors have psychological or social assistance education background; they have been appropriately trained and work in shifts.

In 2018, 63 children, victims-witnesses of sexual exploitation/abuse were provided assistance within International Centre "La Strada".

All services granted within the organisation cover counselling via the Trust Line for Women and Girls, legal advice, primary legal aid, and qualified legal support (victim's legal representation in courts). The Centre staff members carry out also monitoring activities, awareness raising campaigns, activities to educate the young people on harmonious relations, training of professionals (especially of criminal investigation officers, judges and prosecutors within the National Institute of Justice) in the area of counteracting sexual crimes. It is worth mentioning that services are granted to both victims of domestic violence and victims of sexual violence in the segment of preventing violence against women. Over almost two decades, the International Centre "La Strada" organised several information campaigns to prevent and combat trafficking in persons, promote safe migration (*migratiasigura.md*), provide phone counselling on safe migration and anti-trafficking via the Hot Line (0 800 77777). Likewise, thanks to the endeavours of Centre professionals, the Ministry of Education (currently the Ministry of Education, Culture and Research) approved an optional course in the school curriculum titled "Family Harmonious Relations", which is implemented in several upper secondary schools of the Republic of Moldova.

Financing sources in 2018:

- grants from international organisations or foundations in the amount of 66%;
- self financing through services rendered to international organisations – 15%;
- out of public financing sources of central level (State Budget) – 19%.

### **Public Association "Women's Law Centre" – WLC (Chisinau Municipality)**

It was established in 2009; the organisation work schedule is from 9:00 to 18:00, Monday through Friday. The organisation employs a social worker, two full-time barristers and a specialised service coordinator to provide assistance to victims of domestic violence.

WLC is a resource centre in the legal area and implements several projects aimed at reducing domestic violence, being focused on the training of law professionals. Likewise, it provides primary and qualified legal aid to victims of domestic violence, including victims of sexual violence. In recent years WLC has become well-known also thanks to the studies it conducted dealing with the analysis of services granted to victims of domestic violence, by publishing the Handbook of legal guideline in case of domestic violence, as well as a participant handbook titled "Implementing the legislation on preventing and combating domestic violence" intended for criminal investigation officers, prosecutors and judges etc.

In 2017, **465** victims of domestic violence benefited from specialised support services. Out of them, in **20** cases the victims claimed sexual violence acts committed by their life partners, along with other forms of domestic violence.

In 2018, **411** victims of domestic violence benefited from specialised support services. Out of them, in **20** cases the victims claimed sexual violence acts committed by their life partners, along with other forms of domestic violence. While, four cases of non-domestic sexual violence were registered (three cases – Article 171 of the CC and one case – Article 175 of the CC). Overall, during 2017-2018 there were recorded 40 cases of combined domestic violence (which included sexual violence as well) and four cases of non-domestic sexual violence.

The services granted within the organisation include consultation on the phone, face-to-face consultations, psychotherapy, individual psychological counselling, legal advice, primary legal aid, qualified legal aid (legal representations of victims' interests in courts), and family/community reintegration services. WLC carries out also monitoring/post-evaluation activities, awareness raising activities and network activity with other organisations providing services to victims of violence. All the aforementioned services are provided for both victims of domestic violence and victims of sexual violence.

The organisation's financing sources are provided exclusively by international donors; there is no budget line for services targeting the victims of sexual violence.

### **Centre for Assistance and Protection of Victims and Potential Victims of Trafficking in Persons – CAP (Chisinau Municipality)**

The Centre was established in 2001 with the International Organisation for Migration (IOM) support. The

same year it started providing assistance to victims of trafficking in persons. The analysis of statistics regarding the people assisted during 2001-2017 reveals that 93 percent of victims of this phenomena are also victims of domestic violence. Women, trying to break the circle of domestic violence, get into the trap of traffickers in persons, professionals from CAP have ascertained.

CAP works 24/24, seven days a week, while the service rendering schedule is between 8:00 – 17:00, from Monday through Friday, except for accommodation services. The organisation employs three full-time psychologists (one provides counselling to victims women and to mother-and-child couples; one provides counselling to children separated from parents and one provides counselling to victims men and boys), eight social workers (four of them work during the day and four – during the night), a pedagogue working during the day and three social pedagogues with night work schedule, a lawyer, a part-time doctor and a nurse.

The Center in 2017 provide services for 274 persons. During the same year, CAP assisted 68 victims of sexual violence, of which 13 cases involved children under 14 years of age, five cases involved children aged between 14 and 16 years, 43 cases involved children aged between 16 and 18 years, and seven cases involved women over 18 years of age. In 2018 CAP provide services to 188 persons. During the same year CAP assisted 36 victims of sexual violence, of which 11 cases involved children under 14 years of age, 10 cases involved children aged between 14 and 16 years, six cases involved children aged between 16 and 18 years and nine cases involved women over 18 years of age. Children, victims of sexual violence are assisted by this Centre as well because there is no specialised centre to provide services to this category of children<sup>22</sup>. "Many children with no parental care reach to us, including the children repatriated from abroad, and most of them are also victims of sexual exploitation", the CAP professionals have ascertained.

The Centre for Assistance and Protection provide a wide range of services to victims of trafficking in persons, victims of domestic violence, and victims of sexual violence. The Centre work specificity is that it provides short-term assistance (up to 30 days), during the crisis period and only in exceptional cases allows prolonging the stay. All services provided by the Centre include: accommodation/placement, consultation on the phone, face-to-face counselling, psychotherapy, individual psychological counselling, group psycho-

logical counselling, legal advice, primary legal aid, qualified legal aid (legal representation of victims' interests in courts), medical aid, non-formal education, family/community reintegration services, personal hygiene package, access to labour market, monitoring/post-evaluation activities, awareness raising activities, support to get ID documents, as well as network activity with other organisations providing services to victims of violence.

The financial resources allocated from the State Budget for services are limited. To provide higher quality services and to respond to beneficiaries' needs, CAP submits project proposals to the IOM and to other international donors – the state covers the expenses for accommodation (water supply, electricity, heating and meals). Medical aid for CAP beneficiaries depends on the availability of mandatory health insurance policy. When the adult victims of sexual violence have no policy they can benefit only from emergency assistance provided by the gynaecologist or family doctor. At the same time, the victims need also to have certain medical tests done, treatment, consultation of a neurologist, psychiatrist, etc.

To provide legal aid, CAP contracts two attorneys specialised in domestic violence and sexual violence issues, who are paid by the IOM. As for the psychological aid provided within the Centre, different psycho-social techniques and activities are used to rehabilitate the victims, such as individual and group psychological counselling, as well as recreational activities.

As an institution that provide public services, being under the subordination of the Ministry of Health, Labour and Social Protection, the organisation receives part of its funds from the State Budget, getting also private funds from international organisations, on the basis of implemented projects. CAP does not have a separate budget line targeting the victims of sexual violence.

#### **Association Promo-LEX**

This is an NGO, established in July 2002, aimed at developing democracy in the Republic of Moldova, including Transnistria, by promoting and protecting the human rights, monitoring democratic processes and strengthening the civil society.

The organisation has a distinct programme – the Human Rights Programme, one of Programme objectives being prevention and combating gender-based violence.

<sup>22</sup> Since 2017 the Centre for Assistance and Protection of Victims and Potential Victims of Trafficking in Persons from Chisinau opened and operates a specialised wing intended for sexually abused children.

The Association has a team of attorneys contracted for a long-term, as well as lawyers providing legal aid. They provide pro-bono assistance to victims of domestic violence, depending on their availability. At present, the organisation has a team of three attorneys/lawyers, who provide qualified legal aid in the area of domestic violence.

The number of victims of domestic violence assisted in 2017: 65 direct beneficiaries received legal aid (64 women and a man); 65 indirect beneficiaries (the children of direct beneficiaries: 38 girls and 27 boys); 30 cases of representation of direct beneficiaries in front of national courts and relevant authorities (police, prosecutor's office and LPA).

The number to victims of domestic violence assisted in 2018 by Association Promo-Lex: 72 direct beneficiaries (70 women and two men) and 23 indirect beneficiaries (nine girls and 14 boys).

During 2016-2018, Association Promo-LEX provided assistance in three cases of sexual violence, at the stage of examination of case files by the Supreme Court of Justice or by the Appeal Court.

The financing resources of Association Promo-LEX, as an NGO, come from international donors. Likewise, the Association has no separate budget line for services of legal aid targeting the victims of sexual offences.

### **National Centre for Prevention of Child Abuse – NCP-CA (Chisinau)**

NCP-CA is a national non-governmental organisation, which has been operating since 1998. It promotes the rights of children to be protected of any form of violence and targets its actions to raise awareness, reaching and motivating the society with the aim to stop children's ill-treatment. As of 2000, the NCP-CA launched a programme to provide specialised assistance to children who are victims of violence, including sexual violence. The assistance is provided within the Centre of psycho-social assistance for children and family "AMICUL", established by the NCP-CA and the Municipal Division for the Protection of Child's Rights Chisinau, based on Memorandum No. 61/01-706 dated 23.08.2007, approved by Chisinau Municipal Council Decision No. 5/7 of 25 March 2008.

The Service activity is governed by the in-house Regulation approved by the NCP-CA, as well as by the Methodical Guidance on the intervention of territorial/local child welfare authorities, service providers within the jurisdiction of Chisinau Municipality in the pro-

cess of identifying, assessing, referring, assisting and monitoring the cases of violence, neglect, exploitation and trafficking, approved by Chisinau Municipal Council Decision No. 2/ 20 of 22.02.2019.

The Service target group includes children aged 0-18 years, victims of violence and neglect, their family members and, where appropriate, people under whose care those children are. The Service work schedule is from Monday through Friday, 9.00-18.00. The Service employs four psychologists, two social workers, a legal adviser, and a coordinator. The Centre has got counselling rooms tailored to children's age, specially designated and equipped to carry out interviews under special conditions for children as per the provisions of Article 1101 of the Criminal Procedure Code.

The Centre provides services during the crisis period, including mobile intervention, as well as long-term interventions, namely psychotherapy, individual psychological counselling, legal counselling, primary legal aid, qualified legal aid, family/community reintegration services, accompanying the children during legal proceedings, support for child's interview under special conditions, services for the development of psychological evaluation reports and social assistance.

Throughout 2010-2018, the Centre provided specialised assistance to 592 sexually abused children. On the average, the latter are assisted for a 14-month period.

In 2018 the NCP-CA rendered specialised services to 143 children, victims of sexual violence, which represented 27% of the total number of beneficiaries determined over the corresponding year.

Out of the total number of children, victims of social violence, assisted in 2018, 75 children benefited from continuous support, while 68 cases were initiated in 2018, involving:

7 children aged 4-7 years,  
24 children aged 8-10 years,  
29 children aged 11-15 years, and  
8 children aged 16-18 years.

As many as 42 beneficiaries, victims of sexual abuse, were interviewed under special conditions with the participation of qualified interviewers.

As an NGO that renders services, 97% of Centre financing resources come from donor international organisations; 2.5% are allocated from Chisinau local budget and 0,5% are resources collected from the fundraising activities carried out by the organisation. The NCP-

CA has no separate budget line for victims of sexual violence; nonetheless, it allocates around 30% of its annual budget resources earmarked for direct services to provide such services to children, victims of social violence, and 10% of its overall budget.

#### **Child Care Centre "Regina Pacis" (Chisinau Municipality)**

Established in 2006, the institution is accredited by the National Council for Accreditation of Providers of Social Services by the Ministry of Labour, Social Protection and Family of the Republic of Moldova (currently the Ministry of Health, Labour and Social Protection), based on Law No. 129 of 08.06.2012 and on Government Decision of the Republic of Moldova No. 95 of 07.02.2014.

The organisation provides accommodation 24/24, seven days a week, while its professionals render day services, from Monday through Friday. The Centre employs a full-time manager, a part-time psychologist, three full-time social pedagogues/educators, working in shifts, a full-time social worker, a doctor who works 16 hours a month, a professional in the area of wood artistic processing, who works 36 hours a month, a logopedist or other teachers as needed.

In 2018 the organisation provided support to 20 children, victims of domestic violence, and to two children aged between 16 and 18 years, victims of sexual violence.

All services provided by the Centre include: accommodation/placement, face-to-face consultation, psychotherapy, individual psychological counselling, group psychological counselling, legal advice, primary legal aid, medical aid, economic empowerment, non-formal education, family/community reintegration services, personal hygiene, monitoring/post-evaluation activities, awareness raising activities and network activity with other organisations that provide services to victims of violence. All these services are targeting the children – victims of sexual violence. The Centre provides short-term and long-term intervention services.

As a private institution that services, its financing resources come exclusively from donor international organisations. The institution budget does not have a separate line for services targeting the victims of sexual violence.

#### **Centre of Family Crisis "SOTIS" (Balti Municipality)**

Established in 2008, Public Institution Centre of Family Crisis "SOTIS" is a shelter-type entity located in Balti

Municipality, open 24/24, seven days a week and provides in principal accommodation/shelter services. As an institution of social profile, it provides support services aimed at the (re)integration of victims of domestic violence in the community and family, its work schedule is between 9:00 – 18:00, day services, with national coverage. Centre "SOTIS" employs: a director, a vicedirector, three social workers, two psychologists, a part-time lawyer, a nurse.

The centre target group comprises: women, mothers with children under social risk situations, subject to domestic violence (physical, sexual, emotional, psychological and economic), victims and potential victims of trafficking in persons, etc. The Centre provides also consulting services on the phone (consulting phone line in the area of domestic violence).

In 2018, the Centre provided shelter services to 68 people (24 women, 44 children). At the same time, it assisted six VSVs. Likewise, upon the request of Police bodies, DSA Balti and Court Balti, 20 psychological evaluation reports were developed: 14 – for the cases of domestic violence and six – for the cases of sexual violence.

The Centre provides: shelter services, psychological counselling, psychological /psycho-diagnosis evaluations, including the development of psychological evaluation reports, social aid, medical aid, legal advice.

As a public institution, the Centre is financed exclusively from the State Budget. The institution budget does not have a separate line for the services targeting the victims of sexual violence.

#### **Maternal Centre "Ariadna" (Drochia)**

The Centre has been operated since 2006; it is open 24/24, seven days a week. The institution employs a psychologist, a psycho-pedagogues, two social workers, a lawyer, a social pedagogue; all full-time. Most professionals work from Monday through Friday, between 8:00 – 17:00.

As of 2018, following its reorganisation, Centre "Ariadna" provides services exclusively to victims of domestic violence.

#### **Maternal Centre "Pro Familia" (Causeni)**

The Centre was established in 2006 as an NGO. Subsequently, in 2011, it was reorganised in a public institution. It is open 24/24, seven days a week. Professionals render services from 8:00 to 17:00, from Monday

through Friday, while in the weekend and public holidays social workers work in shifts. The organisation employs: a director, a vicedirector, a psychologist, six social workers (three day-care workers, three night-care workers), a nurse and a full-time social pedagogue, a psychiatrist, one lawyer.

In 2017, the Centre provided services to 40 victims of domestic violence, of which 15 cases involved young mothers with 26 children, and to four victims of sexual violence, of which: two cases involved children aged between 14 and 16 years and two cases involved women over 18 years of age.

In 2018, 131 beneficiaries were assisted, of which 58 adults with 73 children. Out of the total number, there was one victim of trafficking in persons, 10 victims of domestic violence (mothers with 16 children), and victims of sexual violence in six cases, aged between 14 and 16 years.

All the services rendered by the Centre include: accommodation/placement, consultation on the phone, face-to-face consultation, individual psychological counselling with elements of psychotherapy, group psychological counselling, legal advice, medical aid, family/community reintegration services, personal hygiene, access to labour market, monitoring/post-evaluation activities, awareness raising activities and network activity with other organisations that provide services to victims of violence. All these services are targeting both victims of domestic violence and victims of sexual violence. All services are provided for short-term and long-term periods. The Centre does not provide primary and qualified legal aid.

The Centre financing sources are covered in full from the local budget. The institution spent about 3% of its 2018 budget to render services targeting victims of sexual violence. Although it does not have a separate budget line for such victims, the Centre is one of the few institutions that managed to show separate budget allocations targeting the victims of sexual violence.

### Maternal Centre "Încredere" (Cahul)

The Centre was established in 2007; it is open 8:00 – 17:00, while the services are provided 24/24, seven days a week. The centre employs a psychologist, a part-time pedagogue, four social workers, of which three have night duties and a part-time nurse.

In 2018, the Centre rendered services to three women and their four children, who suffered from domestic violence.

All services granted by Maternal Centre "Încredere" include: accommodation/placement, consultation on the phone, face-to-face consultation, individual psychological consultation, group psychological consultation, medical aid, family/community reintegration services, personal hygiene, access to labour market, monitoring/post-evaluation activities, awareness raising activities, network activity with other organisations that render services to victims of violence. All these services are rendered both for short-term and long-term periods, targeting both victims of domestic violence and victims of sexual violence. The Centre is a state institution that provides public services and is financed exclusively from the local budget. Currently, the organisation has no separate budget line to provide services targeting the victims of sexual violence.

## Conclusions

- ✓ Recapitulating the matter set out in this chapter, we conclude that during the criminal proceedings investigating sexual crimes the victim is treated unfairly, being subject to discriminatory treatment relative to the guaranteed rights. Moreover, the criminal investigation body fails to sufficiently secure the fulfilment of victim's rights, and quite often it does not fulfil the rights guaranteed by law. The path of victims of sexual violence through the justice system is cumbersome and discouraging, sometimes they are victimised also by the contacted professionals, namely policemen, criminal investigation officers, forensic experts, prosecutors, judges. In spite of their guaranteed material and procedural rights, the victims of sexual crimes face a bureaucratic system, which is not prepared to accept in full the status of victims of such crimes, to grant them protection, support and exercise their right to a fair process.
- ✓ Although there are many legal provisions describing the rights of victims of sexual crimes, there is no clearly defined cross-sector mechanism to report the cases of sexual violence. Most actions related to sexual violence cases are carried out separately by every professional, lacking an efficient collaboration mechanism and a well coordinated response of professionals working in the area of law enforcement, medical and social services.
- ✓ The procedural law does not guarantee the victim the right to medical aid, although according to the crime specificity medical care is absolutely necessary. But the healthcare system is not adjusted to victims' needs. Quite often, when lacking health

insurance policy, the victims of sexual crimes cannot benefit from the whole range of necessary care services. In most criminal cases victims are issued referrals to visit a forensic expert who is supposed to devise a forensic report on findings. However, forensic examination implies just the ascertainment of injuries without providing the required medical care. Frequently the victims demand individually medical care, covering the treatment on their own.

- ✓ It is worth acknowledging that victims of sexual violence are often subject to multiple vulnerabilities, generated by procedural barriers. Given the lack of an appropriate intervention system, the victims experience diverse unnecessary delays. Hence, when lacking a national legislative framework sufficiently corroborated with international practices and given the conditions of stereotyped perceptions of professionals towards the victims of sexual violence, the latter are subject to pressures and manipulations by aggressors who use the procedural shortcomings to this end.
- ✓ There is no working methodology tailored to specific needs of victims of sexual violence, which would take into account their psycho-emotional condition, having avoided in this way the adverse effect on the emotional condition (repeated interview and direct confrontation with the perpetrator) of the victim and their re-victimisation.
- ✓ After experiencing sexual violence, the mental liberty of the victim, which is a component of the legal subject of crimes foreseen in Chapter IV, Special Part, the CC RM, is heavily affected, which impacts essentially the decisions taken by the injured party afterwards. The lack of rules that would isolate the perpetrator from his victim or at least ensure efficient protection to the victim against the perpetrator's decision power, represents a decisive factor in the process of so-called reconciliation between the injured party and the suspected, accused or charged person.
- ✓ There are no specialised services targeting the victims of sexual violence. Psychological counselling is one of the most demanded and necessary services for victims of sexual violence. Currently psychologists provide random counselling services, most frequently within NGOs, while legal aid services are often granted by professionals within centres of assistance to victims of domestic violence or victims of trafficking in persons. In this

regard, it is necessary to develop a curriculum on specialised psychological services granted to victims of sexual violence, a steady curriculum, comprising the actions covered during the first counselling through the last. At present, professionals mention they need special training to provide high quality rehabilitation services to victims of sexual crimes.

## Recommendations

- Conduct operational research, covering all aspects of sexual crimes, having established a relevant and beneficial regulatory framework to protect the victims of this type of crimes (implementing the provisions of Law No. 137 dated 29.07. 2016 on the rehabilitation of victims of crimes: ensuring mandatory legal aid /guaranteed by the state, ensuring psychological and medical counselling, interviewing the victims in friendly environments, setting clear criteria for additional interviewing of victims, avoiding victim confrontation with the sexual perpetrator during the case initiation, proceedings and trial).
- Include medical services inherent to examination and treatment of victims of sexual crimes in the mandatory health insurance policy.
- Enhance the endeavours aimed at improving and removing inequalities based on geographical principle from the registration procedures and emergency examination of sex-related crimes, including the case when authorities outside the law enforcement bodies are involved.
- Whereas sexual violence causes repercussions, more severe traumas and psychological impact relative to domestic violence, it is required to develop specialised services targeting the victims of sexual violence. Concurrently, the intervention and assistance in sexual violence cases shall be done promptly by a team of professionals (representatives of law enforcement bodies, psychologists, medical staff, forensic experts, social workers, etc.) in a well-coordinated formula.
- Provide training aimed at changing the social rules and behaviour of community and justice system professionals in terms of informing in a better way the victims of sexual violence about their rights to access the services they may be referred to.
- Include the sexual violence topic in the curriculum of initial and continuous training of professionals from different areas (representatives of law enforcement bodies, psychologists, doctors, medical staff, and social workers).
- Develop and institutionalise community coordinated response in the country focused on victims' trauma and needs to ensure efficient joint work of professionals from different areas (law enforcement bodies, healthcare sector, service providers for victims of sexual violence).
- Develop long-term services for victims of sexual violence and ensure state guaranteed legal aid. Currently most victims of sexual violence receive such aid over the crisis period only.
- Develop, at the level of state authorities, protection programmes, which would secure safe environment for victims of sexual violence. Currently, they receive psychological counselling, free legal aid provided by the civil society organizations, but they are neither protected officially nor feel safe, especially during the criminal proceedings.



# Overall Conclusions and Recommendations

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## Conclusions

- ✓ Up until 2014, the Guidelines adopted in 2008 were used by prosecutors to investigate sexual crimes. In December 2014 those Guidelines were repealed. While in 2016, it was announced the completion of other Guidelines for the investigation of sexual crimes in compliance with the human rights-based principles. The new Guidelines were designed as methodological recommendations for internal use by prosecutors. However, the Guidelines have not been published yet; therefore, they are not available to officers of criminal investigation who shall conduct the proceedings for this category of crimes. Nowadays, there is no clear methodology to be used by Police to respond efficiently with celerity to sexual violence cases, while handling the cases of sexual violence on the basis of explanatory judgements of the plenary SCJ does not show the approach in light of human rights and respecting the victim's dignity.
- ✓ Victims of sexual crimes find themselves in the situation to persuade the criminal investigation body about the forced sexual intercourse, go for the purpose of producing the expertises, uphold the statement, require psychological and medical assistance, be subject to cross-checking with the perpetrators and their witnesses, be subject to certain expertise to find out that they do not lie. They are not involved efficiently in criminal proceedings and do not benefit from appropriate legal and psychological aid. Hence, in this way, they are not only victims of severe crimes, but also victims of the law system that re-victimises them manifold. In particular, due to such treatment, the victims of sex-related crimes have a passive position and in most cases prefer not to notify the law enforcement body about the offence committed against them.
- ✓ Out of 240 investigated cases, the authors of the Study found that despite the guaranteed material, procedural rights, the victims of sexual crimes face a bureaucratic system, which is not prepared to accept such victims, to grant them protection, support and exercise their right to a fair process. Hence, it is found that since the time the offence was committed and until the conviction of the person who committed the offence, the victims of sexual violence crimes face a series of procedural breaches of their rights, preconceived approaches, stereotypes, intimidating procedural actions, which put them in an unfavourable situation, discriminate them in relation to this offence, although they are victims and are not guilty for the committed crimes. Such breaches not only discriminate the victims, but also discourage them to notify the competent bodies or to uphold their complaints till the end, in most cases being forced to give up by withdrawing their complaint or by reconciliation.
- ✓ Sexual violence is still a highly sensitive and hidden topic/taboo in the Republic of Moldova. This situation is determined by preconceived ideas existing in the community, which adversely affect the behaviour and reluctance of victims of sexual violence, and the action "logics" of many law enforcement officers.
- ✓ The individuals affected by sexual violence could equally be adult women, as well as teenager girls under 16 years of age, including children.
- ✓ The number of complaints lodged by people with multiple vulnerabilities, who suffered from sexual violence increased. This category includes: old people, individuals with mental health problems, adults who were sexually abused in their childhood by a family member.
- ✓ In recent years sexual abusers use more frequently information technologies to threaten, frighten and humiliate the victims. The abusers make also video recording to force the victim to refrain from reporting the case to law enforcement bodies.

## Peculiarities of Sexual Violence in the Republic of Moldova

- ✓ Professionals empowered to intervene in cases of sexual violence are still affected by preconceived ideas and stereotypes and frequently contribute to re-victimising or even discriminating the victims of sexual crimes, placing the whole burden of proving on their shoulders. Their intervention is limited exclusively to their own mandate, of a narrow feature, without involving and coordinating the response for such cases with professionals from other sectors.
- ✓ It is well known that often the victim of sexual harassment is studying or working with the perpetrator or can be a person under the care or be dependent in any other way on the offender. The community preconceived ideas, the attitude of law enforcement officers towards the victims of sexual harassment, women in the absolute majority of cases, the mechanism for crime proving discourages them to report this type of offences, they are often risking not only to adversely affect their image and name on a larger area, but also to become an “enemy” of the institution or even of the whole education system.
- ✓ So far, to the public regret, Media treats erratically cases of sexual violence. Introducing the cases of sexual abuse (sensitive by definition as they deal with the private life of a person) from the perspective of moral qualities or biography of those persons has no place and no reason when we talk about quality journalism. Repeated victimisation of the injured party, blaming the victims of rape, in general, and discouraging anyone who experienced or would experience one form of sexual violence or another – this is the most visible and the most regretful impact caused by the editorial policy stemming from the rush to squeeze strong emotions from any topic about rape. Or, the mission of Media and of the civil society is, *inter alia*, to encourage any victim to solicit help or to report the case to Police.
- ✓ Nowadays the statistics on sex-related crimes are collected in a fragmentary and inconsistent manner in the Republic of Moldova. It is widely acknowledged the fact that appropriate and systematic collection of statistics is a core component of the policy development process in the area of prevention and combat of violence against women and of sexual violence. Hence, in order to form the basis for measures, as well as to monitor and evaluate the process of preventing and combating violence against women and of sexual violence it is necessary to collect and analyse segregated and comparable data. In this context, we shall mention that especially the collection and analysis of sectorial statistics is another issue for the institutions responsible for these activities.
- ✓ As things currently stand, only the Ministry of Internal Affairs has collected and analysed relatively coherent statistics. One of the issues is that the data collected in different sectors are not harmonised in light of common indicators, while some sectors lack relevant indicators.
- ✓ There is shortage of automated data collection systems and processing of statistics, while representative research at the country level is conducted sporadically, depending on donors' financial sources.
- ✓ Collection of qualitative data, cross-sectoral cooperation, and promotion of integrated policies would ensure the policy implementation to enable efficient intervention in cases of violence against women and of sexual violence, having secured cross-sectoral coordination and cooperation approaches, which would ensure also that the adopted policies are based on relevant statistics.
- ✓ We shall draw the conclusion that during the criminal proceedings investigating sexual crimes the victim is treated unfairly, being subject to discriminatory treatment relative to the guaranteed rights. Moreover, the criminal investigation body fails to sufficiently secure the fulfilment of victim's rights, and quite often it does not fulfil the rights guaranteed by law. The path of victims of sexual violence through the justice system is cumbersome and discouraging, sometimes they are victimised also by the contacted professionals, namely policemen, criminal investigation officers, forensic experts, prosecutors, judges. In spite of their guaranteed material and procedural rights, the victims of sexual crimes face a bureaucratic system, which is not prepared to accept in full the status of victims of such crimes, to grant them protection, support and exercise their right to a fair process.
- ✓ Although there are many legal provisions describing the rights of victims of sexual crimes, there is no clearly defined cross-sector mechanism to report the cases of sexual violence. Most actions related to sexual violence cases are carried out separately by every professional, lacking an effi-

- cient collaboration mechanism and a well coordinated response of professionals working in the area of law enforcement, medical and social services.
- ✓ The procedural law does not guarantee the victim the right to medical aid, although according to the crime specificity medical care is absolutely necessary. But the healthcare system is not adjusted to victims' needs. Quite often, when lacking health insurance policy, the victims of sexual crimes cannot benefit from the whole range of necessary care services. In most criminal cases victims are issued referrals to visit a forensic expert who is supposed to devise a forensic report on findings. However, forensic examination implies just the ascertainment of injuries without providing the required medical care. Frequently the victims demand individually medical care, covering the treatment on their own.
  - ✓ It is worth acknowledging that victims of sexual violence are often subject to multiple vulnerabilities, generated by procedural barriers. Given the lack of an appropriate intervention system, the victims experience diverse unnecessary delays. Hence, when lacking a national legislative framework sufficiently corroborated with international practices and given the conditions of stereotyped perceptions of professionals towards the victims of sexual violence, the latter are subject to pressures and manipulations by aggressors who use the procedural shortcomings to this end.
  - ✓ There is no working methodology tailored to specific needs of victims of sexual violence, which would take into account their psycho-emotional condition, having avoided in this way the adverse effect on the emotional condition (repeated interview and direct confrontation with the perpetrator) of the victim and their re-victimisation.
  - ✓ After experiencing sexual violence, the mental liberty of the victim, which is a component of the legal subject of crimes foreseen in Chapter IV, Special Part, the CC RM, is heavily affected, which impact essentially the decisions taken by the injured party afterwards. The lack of rules that would isolate the perpetrator from his victim or at least ensure efficient protection to the victim against the perpetrator's decision power, represents a decisive factor in the process of so-called reconciliation between the injured party and the suspected, accused or charged person.
  - ✓ There are no specialised services targeting the victims of sexual violence. Psychological counselling is one of the most demanded and necessary services for victims of sexual violence. Currently psychologists provide random counselling services, most frequently within NGOs, while legal aid services are often granted by professionals within centres of assistance to victims of domestic violence or victims of trafficking in persons. In this regard, it is necessary to develop a curriculum on specialised psychological services granted to victims of sexual violence, a steady curriculum, comprising the actions covered during the first counselling through the last. At present, professionals mention they need special training to provide high quality rehabilitation services to victims of sexual crimes.

## Recommendations

- A current priority is the ratification of Istanbul Convention, which imposes the Member States to establish one or several formal bodies responsible for coordinating, implementing, monitoring and evaluating the policies and measures aimed at preventing and combating all forms of violence against women, governed by the aforementioned Convention.
- Consider the practice of those countries, which have already ratified the Istanbul Convention and advanced towards an efficient response to cases of sexual violence, and follow some best practices in this context to secure an adequate response in the Republic of Moldova as well.
- Nowadays, in the Republic of Moldova, the effectiveness of access to justice in the area of sexual crimes is not fully secured by the internal law. We consider it appropriate to introduce the corresponding addenda and amendments to the Criminal Code, Criminal Procedure Code, as well as to the Labour Code, which would guarantee efficient protection of rights of sexual assault victims of any type and under any circumstances.
- Change the traditional interpretation of rape, reflected currently in the Moldovan criminal legislation, by having eliminated the need to prove physical resistance in all circumstances, which create the risk to leave certain types of rape unpunished, jeopardising effective protection of victims of rape. The focus shall be placed on accurate interpretation of the vitiate consent in cases of sexual crimes.

## Peculiarities of Sexual Violence in the Republic of Moldova

- The national legislation lacks a quality standard on providing services and support to victims of sexual crimes. As a recommendation we would suggest to develop such a standard, containing provisions resulting from specific needs of victims of this category of crimes.
- Set additional guarantees for victims of sexual crimes, including the right to privacy, the right to psychological and medical assistance during the criminal proceedings. Including medical services inherent to the examination and treatment of victims of sexual crimes into the mandatory health insurance policy.
- Address, enact and translate into practice, as soon as possible, a mechanism for granting financial compensation to victims, including to victims of sexual crimes, for their mental suffering caused by the offence. Along with the fact that this is a legitimate right to be enjoyed by victims of sexual violence, it would enhance their confidence in the national judicial system, contributing to the increase of the rate of recurrences to justice.
- Ensure continuous education/training for officers responsible for intervening in cases of sexual violence on topics related to multidisciplinary tackling of such cases (front line police, representatives of LPAs, social workers, healthcare professionals, psychologists, etc.). To this end there are several international best practices that could be followed and tailored to the context of the Republic of Moldova.
- Educate the general public and the young people through preventive actions and early prevention in order to adopt the pro-active role in reducing to zero tolerance towards sexual violence and domestic violence.
- Implement some disciplines in school, which would contribute to the education of young people what respect of personal limits means, as well as assertive communication, accurate interpretation of consent etc. An example to this end would be the replication of the optional course "Family Harmonious Relationships" approved by the Ministry of Education, Culture and Research of the Republic of Moldova.
- Conduct awareness campaigns aimed at changing the community attitude towards sexual violence, combating preconceived ideas and stereotypes towards victims of sexual violence.
- Strengthen co-operation of authorities entrusted to organize training activities, exchange of experience and best national and international practices on preventing and eradicating sexual violence for groups of professionals.
- Step up the efforts aimed at improving and addressing the region-related inequalities on the procedures for registering and investigating without delay sex-related crimes, including the case when authorities outside the law enforcement bodies are involved.
- Ensure capacity building to train and develop the ability of professionals from the regions and service providers to grant services to victims of sexual violence, based on individual and timely approach, focused on victim needs. Develop handbooks and information materials for professionals, which would guide the latter how to respond efficiently to cases of sexual violence.
- Develop Codes of Conduct / mechanism for reporting cases of sexual violence, sexual harassment within work collectives, universities, as well as put them into practice.
- Hold the journalists and all Media editors accountable for ethical and professional reflection of topics on sexual violence without disclosing details attempting the person's private life, without repeated victimization of VSVs, having avoided any blaming in general and discrimination in particular of people who experienced sexual violence.
- Revise the indicators and the ways statistics are collected at the national level, pooling the data and making available qualitative and quantitative data, which show the dynamics of sexual violence phenomenon.
- Develop a consolidated database on sex-related crimes aimed to avoid perpetuating any dissonance of data from different state sources, as well as to develop relevant national policies based on pertinent data. Develop certain clear and unified indicators for collecting data on sexual violence, in areas other than law enforcement, such as healthcare, education, social assistance, to enable cross-sector analysis of state response to such crimes.
- Make available to teams of professionals and competent authorities a truthful and qualitative picture of data on sexual violence in the Republic of Moldova, which would allow improving the

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- policy in this area, as well as secure appropriate budgeting based on qualitative data from several sectors.
- Develop and enact, as soon as possible, an automated system to collect and process statistics on sexual violence, criminal cases, civil cases initiated for the recovery of damage, referred to justice and subject to trial, keeping records on aggressors.
  - Eliminate the sporadic feature of research and studies on sexual violence based exclusively on donors' resources. Systematise the representative research at the national level based on scientific principles and in line with international standards.
  - Conduct operational research, covering all aspects of sexual crimes, having established a relevant and beneficial regulatory framework to protect the victims of this type of crimes (implementing the provisions of Law No. 137 dated 29.07. 2016 on the rehabilitation of victims of crimes: ensuring mandatory legal aid /guaranteed by the state, ensuring psychological and medical counselling, interviewing the victims in friendly environments, setting clear criteria for additional interviewing of victims, avoiding victim confrontation with the sexual perpetrator during the case initiation, proceedings and trial).
  - Include medical services inherent to examination and treatment of victims of sexual crimes in the mandatory health insurance policy.
  - Whereas sexual violence causes repercussions, more severe traumas and psychological impact relative to domestic violence, it is required to develop specialised services targeting the victims of sexual violence. Concurrently, the intervention and assistance in sexual violence cases shall be done promptly by a team of professionals (representatives of law enforcement bodies, psychologists, medical staff, forensic experts, social workers, etc.) in a well-coordinated formula.
  - Provide training aimed at changing the social rules and behaviour of community and justice system professionals in terms of informing in a better way the victims of sexual violence about their rights to access the services they may be referred to.
  - Include the sexual violence topic in the curriculum of initial and continuous training of professionals from different areas (representatives of law enforcement bodies, psychologists, doctors, medical staff, and social workers).
  - Develop and institutionalise community coordinated response in the country focused on victims' trauma and needs to ensure efficient joint work of professionals from different areas (law enforcement bodies, healthcare sector, providers of services for victims of sexual violence).
  - Develop long-term services for victims of sexual violence and ensure state guaranteed legal aid. Currently most victims of sexual violence receive such aid over the crisis period only.
  - Develop, at the level of state authorities, protection programmes, which would secure safe environment for victims of sexual violence. Currently, they receive psychological counselling, free legal aid provided by the civil society, but they are neither protected officially nor feel safe, especially during the criminal proceedings.

