



Joint Submission to the U.N. Human Rights Council for Moldova's third's Universal Periodic Review

Submitted by: The organization members of the he National Coalition "Life without violence" , Women's Law Center (WLC), Promo-LEX Association, International Center "La Strada" and RCTV "Memoria", and others.

I. INTRODUCTION

Founded in 1983, The Advocates for Human Rights (“The Advocates”) is a volunteer-based NGO committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates works to promote human rights, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates has published more than 25 reports on violence against women, provided consultation on draft laws on domestic violence, and trained systems actors to effectively implement new and existing laws on domestic violence.

The Women's Law Centre (WLC) is a non-governmental organisation created in 2009 by women lawyers. WLC's mission is to contribute to promoting gender equality, preventing and combating domestic violence in the Republic of Moldova by raising public awareness, strengthening the capacity of relevant actors, providing holistic services to women, conducting research and analysis, monitoring legislation and aligning it with international standards.

Promo-LEX Association - is a non-governmental organization that aims to advance democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society through a strategic mix of legal action, advocacy, research and capacity building. Promo-LEX Association has NGO consultative status with ECOSOC.

The International Centre "La Strada" is a non-governmental organization created in 2001 whose mission is to ensure that the legitimate rights and interests of women and children in the Republic of Moldova

are respected at all levels - individual, legislative and executive. We promote this by applying a comprehensive model of approaching our work through information and education, providing direct support and assistance, community building and policy development.

The Rehabilitation Centre for Torture Victims "Memoria" (RCTV "Memoria") is a non-governmental organization created in 1999. The mission of RCTV "Memoria" is rehabilitation through comprehensive assistance (medical, psychological, social and legal assistance) for survivors of different forms of interpersonal violence, including victims of gender-based violence and domestic violence. As well as preventing torture and promoting the building of a society free from violence and torture.

The National Coalition "Life without Domestic Violence" (National Coalition) is a national network of 23 NGOs and public institutions working in the field of preventing and combating violence against women and children¹. The mission of the Coalition is to contribute to a life free of violence for/against women and children through advocacy and improvement of public policies, capacity building and support to member organizations and capacity building of the network.

¹ The National Coalition "Life without Domestic Violence" (National Coalition) is a platform composed of 23 NGOs and public institutions working in the field of preventing and combating violence against women and children. Established in 2014, the Coalition is active in advocacy initiatives to support education, public awareness and services, through rehabilitation, assistance and protection offered to the abused as well as the aggressors.

II. THE OBJECTIVE OF THE REPORT. THE CONTEXT OF DOMESTIC VIOLENCE AND SEXUAL VIOLENCE IN MOLDOVA.

1. Domestic violence is a widespread phenomenon in Moldova. Although it is a serious violation of human rights, it often goes unpunished. According to the Survey delivered by the OSCE Mission to Moldova², in 2019, three out of four women (76%) consider violence against women to be commonplace, and (33%) personally know someone in their family and among friends who has been subjected to domestic violence. Two out of five women (40%) say they have been subjected to physical and/or sexual violence by their partner or non-partner since the age of 15³. Women who participated in the survey said that Moldova is still a patriarchal society, where men dominate at home, at work and in the public sector⁴. This situation is aggravated by the patriarchal context which places responsibility on the victim but not on the aggressor. According to the OSCE survey, the rate of reporting violence is below 11% as there are a number of obstacles that prevent women from accessing justice and support assistance and protection services, including mistrust of authorities and a lack of medium-, long-term and practical support.

2. Sexual violence affects women's physical, sexual, reproductive, emotional and social well-being. Immediate and long-term health outcomes for women who have experienced sexual violence include: physical injury, unwanted pregnancy, sexually transmitted infections, post-traumatic stress disorder, anxiety and depression. Marital rape is under-reported, as 50% of women consider sexual intercourse in marriage to be a marital obligation. Victims of violence are often re-victimised by the system that should protect them, and legislative gaps often allow perpetrators to escape punishment for their crimes. If the state fails to ensure implementation of legislation, effectively protect victims and punish perpetrators, then the state does not act diligently to prevent, investigate and punish these violations. Few victims of sexual crimes report the fact of sexual abuse they have been subjected to⁵. Victims' reluctance is also due to gender stereotypes. The OSCE survey found that these values are shared not only by professionals who interact with victims but also by women. Two out of five women in Moldova (40%) agree that "women who say they have been abused often make up or exaggerate their rape allegations".⁶ Being stigmatized, rape victims often withdraw their complaints because in the absence of long-term support, they fail to defend their rights but often find themselves alone face to face with the perpetrators and the system that is supposed to protect them.

3. This report concerns the Republic of Moldova's compliance with its international human rights obligations, in particular in the area of violence against women, including sexual and domestic violence. The report includes the progress made, the challenges faced by victims of domestic and sexual violence and the gaps in the field. The Republic of Moldova participated in the first session of the Universal

² The survey delivered by OSCE on violence against women "Well-being and safety of women", 2019.

https://www.osce.org/files/f/documents/9/2/413237_0.pdf

³ Ibid

⁴ Ibid.

⁵ According to the information on the website of the General Inspectorate of Police on the number of sexual life crimes recorded by the police in 2018 there were registered 593 crimes, in 2019 - 578 crimes and in 2020 - 466 crimes.

⁶ Ibid.

Periodic Review (UPR) in 2011⁷. In its first report to the Human Rights Council, Moldova reported an important step aimed to stop violence through the adoption of the Law on preventing and combating domestic violence⁸. Subsequently, in 2016, Moldova participated in the second cycle of the UPR⁹ when the state accepted all the recommendations on ensuring gender equality and combating violence against women, and the Government made a commitment to undertake efforts to prevent and combat violence against women in Moldova.

4. The authorities have taken important actions to prevent violence against women and domestic violence, but further efforts are needed to ensure that women's rights are respected. On 03.04.2018, the National Strategy on preventing and combating violence against women and domestic violence for 2018-2023 and the Action Plan for 2018-2020¹⁰ were approved, strengthening the protection and assistance tool for victims of violence against women and domestic violence being one of the overall objectives of the strategy. With the support of development partners and non-governmental organizations¹¹, trainings for specialists interacting with victims of domestic and sexual violence were conducted. This report highlights the remaining challenges and concludes by making recommendations to the Government to ensure the safety and protection of victims.

The 2016 Universal Periodic Review of the Republic of Moldova

During its second-cycle Universal Periodic Review in 2016, the Republic of Moldova received 27 recommendations related to gender-based violence and domestic violence.¹² The Republic of Moldova fully accepted these 27 recommendations.

6. The Republic of Moldova accepted 21 recommendations related to gender-based and domestic violence.¹³ The level of implementation of Recommendations along with undertaken actions are included in the Annex to the Report.

III. COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS.

Considering the extent and impact of domestic violence in Moldova, it is necessary to adopt and implement firm, systemic measures in line with international standards in this field. Victims of domestic

⁷ Human Rights Council, Working Group on the Universal Periodic Review, *Report of the Working Group on the Universal Periodic Review, Republic of Moldova*, 14 December 2011, U.N. Doc. A/HRC/19/18.

⁸ Law on preventing and combating domestic violence, *Law 45 of 01.03.2007* Monitor Oficial No. 55-56, 18.03.2008.

⁹ Human Rights Council, Working Group on the Universal Periodic Review, *Report of the Working Group on the Universal Periodic Review, Republic of Moldova* (2016)

¹⁰ Government Decision "Monitor" No. 281 of 03.04.2019, Monitor Oficial No. 121-125 art. 348.

¹¹ In the period 2016-2021, the WLC organized trainings for 582 judges and prosecutors, 36 lawyers, 105 criminal proceedings officers, 78 court clerks, judicial assistants, 87 social workers, 162 police officers, 241 judicial experts, etc. In 2018-2019, Promo-LEX Association, in partnership with RCTV Memoria and the Association Against Violence "Casa Marioarei", organized 20 seminars within which 500 members of multidisciplinary teams were trained in combating domestic violence.

¹² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Republic of Moldova* (December 21, 2016), U.N. Doc. A/HRC/34/12, ¶¶ 121.8-121.13, 121.16, 121.51, 121.63, 121.85-121.102.

¹³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Republic of Moldova* (December 21, 2016), U.N. Doc. A/HRC/34/12, ¶ 121.16, Strengthen the provisions of the Criminal Code on gender-based violence (El Salvador); ¶ 121.51 Take additional measures to achieve gender equality, including specific measures to eliminate gender

and sexual violence continue to face multiple difficulties in accessing justice and equal protection under the law, due to the following issues, highlighted below:

1. Legislative gaps and systemic problems ensure impunity for perpetrators. Since 16 September 2016, acts of physical violence resulting in minor bodily harm to a family member are covered by the Contravention Code. The authorities have decriminalized acts of domestic violence, and the legislative amendments have had in fact the *opposite effect* - that of protecting the aggressors and perpetuating the violence against women. Despite an increasing number of complaints filed with the police, the number of criminal and contravention cases brought on domestic violence remains low. In 2017, the police registered 10,871 complaints regarding domestic violence, with 1953 contravention cases and 853 criminal cases initiated, which would mean that the state responded in only 26.7% of registered complaints. In 2018, 11,026 complaints were registered in the police register II, with 905 criminal cases and 1,657 contravention cases initiated, equivalent to 24% of all registered complaints. The situation was similar in 2019 when 20.7% were responded to and in 2020 when the state responded to only 18.4% of domestic

discrimination and gender-based violence (Kyrgyzstan); ¶121.63 Increase professional training and adopt guidelines for improving the conduct of police, prosecution, and courts in investigating bias-motivated crimes and cases of domestic violence (United States of America); ¶121.85 Enhance measures for the prevention, punishment and eradication of all forms of violence against women, including measures to promote their rights and to eliminate patriarchal and discriminatory stereotypes (Mexico); ¶121.86 Continue public awareness campaigns on domestic violence and the introduction of specific rape prevention programmes (Australia); ¶121.87 Create a comprehensive policy about violence against women, and especially domestic violence, that prevents, punishes and eradicates these issues, especially in rural areas (Slovenia); ¶121.88 Establish measures to strengthen the fight against domestic violence (Paraguay); ¶121.89 Continue harmonization of its legislation with norms of the Council of Europe in the area of preventing and combating violence against women, including domestic violence, and ensure the effective implementation of legislation (Switzerland); ¶121.90 Take advantage of measures to prevent and combat domestic violence (Algeria); ¶121.91 Improve and expand the capacity and coverage of domestic violence shelters as well as rehabilitation centers for domestic violence victims, especially in rural areas (Austria); ¶121.92 Speed up preparation of the strategy on the prevention and suppression of violence against women and violence in the family (Belarus); ¶121.93 Continue to develop a policy framework and implement a comprehensive strategy to combat domestic violence that includes education and public awareness for rural areas, strengthened mechanisms to hold offenders to account, and enhanced training for law enforcement officials (Canada); ¶121.94 Accelerate the adoption of the norms related to preventing and combating domestic violence and elaborate coordinated policies in order to prevent and combat domestic and sexual violence, including support mechanisms and norms for the protection of victims (Chile); ¶121.95 Implement effective mechanisms to prevent and sanction domestic and gender-based violence, including legal and psychological assistance for victims (Costa Rica); ¶121.96 Evaluate the effectiveness of implementation of laws safeguarding women's rights and providing protection against domestic and gender-based violence and ensure that measures such as protection orders and the punishment for their breach or swift access of victims to justice are systematically applied and that shelters for victims of domestic violence, including in rural areas, are readily available (Czechia); ¶121.97 Take steps to more effectively prevent and prosecute cases of violence against women, including domestic violence, and to ensure the effective implementation and enforcement of existing legislation in this regard (Estonia); ¶121.98 Plan concrete actions which could be taken to improve protection of and support to victims of domestic violence as well as to ensure that legal aid is available to all victims of violence in order to ensure a comprehensive approach to domestic violence (Slovenia); ¶121.99 Train law enforcement, judiciary, prosecutors, health-care and social workers on responding to domestic violence (Slovenia); ¶121.100 Ensure adequate legal and social protection for women and girls subjected to gender-based violence (Poland); ¶121.101 Fully implement the recommendations from the first universal periodic review cycle still pending, namely those regarding the strengthening of the Criminal Code provisions against gender-based violence and hate crimes (Portugal); ¶121.102 Pursue the ongoing work of revision and improvement of the Criminal Code to be amended regarding provisions against gender-based violence and hate crimes (Portugal).

violence complaints¹⁴. The report on the monitoring of court proceedings, delivered by the WLC in 2018¹⁵, found that in criminal cases on the fact of domestic violence, only a small number of perpetrators were sentenced to prison. In the majority of cases, the court imposed the sanction of unpaid community service or conditional suspension of the execution of the sentence. No cases were identified where defendants were required to undergo treatment for alcohol and/or drug addiction, or to attend a special treatment program or counselling to reduce violent behavior. Following the monitoring of 13 criminal cases on domestic violence¹⁶, 1 case was concluded with a sentence of 1 year imprisonment in a semi-closed prison, 7 cases were concluded with a sentence of unpaid community service, 1 case was concluded with a sentence of termination of the criminal proceedings due to the death of the defendant and in 5 cases concluded with the conditional suspension of the execution of the sentence, provided for in Article 90 of the Criminal Code. Thus, in the case of domestic violence aggressor who, as a rule, commits repeated acts of violence against family members and who, even during the criminal proceedings, does not cease this behaviour, the court decides to suspend the execution of the punishment and poses the victims to an additional risk. In this respect, lenient sentences imposed by the courts have no effect in deterring the offenders' behaviour. As for domestic violence contraventions, there is no effective procedure for an offender to undergo a behavior correction program. Moreover, according to the Constitutional Court's decision of 22.11.2018,¹⁷ the sanctions provided for in Article 78/1 of the Contravention Code include: 1) unpaid community work, which can be applied only with the offender's consent, and; 2) administrative arrest, which cannot be applied to persons who have reached retirement age. The Court found loopholes in the legislation which do not allow the punishment of those who have reached retirement age and refuse to perform unpaid community service. Parliament should amend the legislation to ensure that the penalty system works effectively, but so far the situation remains unchanged.

2. Sexual offences need to be reviewed in order to effectively protect victims of sexual violence. According to the study realized by IC "La Strada",¹⁸ it was highlighted the need to revise the provisions of the Criminal Code and Criminal Procedure Code regarding sexual offences in order to bring them in line with international standards. According to a study conducted in 2017¹⁹ it was found that victims of sexual offences face a bureaucratic system, which is not ready to provide them with the necessary protection, assistance. Victims of sexual violence face a number of violations of their rights, preconceived harmful attitudes and ensuring actions that come to revictimize them. Victims are discouraged from bringing cases to the competent authorities and from pursuing their complaints to the end, often having to give in by withdrawing their complaints or conciliation.

¹⁴ See Report on domestic violence 2018 by the General Police Inspectorate:

http://politia.md/sites/default/files/ni_violenta_in_familie_3_luni_2019_pagina_web_a_igp.pdf

¹⁵ Report on monitoring of court proceedings in cases of domestic violence, sexual violence and trafficking in human beings, Women's Law Center, 2018; [http://cdf.md/files/resources/135/CDF_Monitorizare_web_EN%20\(1\).pdf](http://cdf.md/files/resources/135/CDF_Monitorizare_web_EN%20(1).pdf)

¹⁶ Ibid.

¹⁷ Ruling on Article 78/1 of the Contravention Code (domestic violence), available here

<https://www.constcourt.md/public/ccdoc/hotariri/ro-h282018111g2018roe1f9c.pdf>

¹⁸ Report on Compatibility of National Criminal Laws on Sexual Offences with International Standards on Sexual Offences., delivered by La Strada International Centre, 2018

¹⁹ Ibid.

3. Preconceived approaches and passivity of the authorities regarding intervention in cases of sexual and domestic violence²⁰. Authorities do not share a common vision for effective intervention in cases of domestic violence. Failure to punish perpetrators and the state's overriding concern for their rights continue to be a problem that threatens the safety and lives of victims of domestic violence. Among the most serious problems in the process of combating domestic violence is the lack of prompt action by the police when they are notified in cases of domestic and sexual violence, and sometimes their biased attitude towards the perpetrator. There have been cases when the perpetrator was a former worker of law enforcement agencies and the police, rooted in professional solidarity, avoided applying protective measures to the victims, leaving them in danger. Moreover, the police only react immediately if the victims not only report the acts of violence but also prove the consequences of the violence (physical injuries). On the other hand, reports of other types of violence, such as psychological violence, economic violence and/or persecution are not taken into account. Many victims of domestic and sexual violence²¹ are discriminated against by the prosecuting authorities on the basis of gender in their access to justice and equal protection of the law, and perpetrators are left with impunity for domestic violence. In case of I.P. v. Republic of Moldova (no. 33708/12), the ECtHR found a violation of Article 3 for Moldova's failure to take sufficient action to punish acts of sexual violence.

4. Failure to investigate psychological and economic violence. The OSCE survey found that psychological violence within the family is widespread in Moldova, with 71% of women stating that they had experienced such violence. More than half of the women experienced controlling behaviour (55%) and abusive behaviour (53%). Just less than one of five women had experienced economic violence (19%), and 12% of women who had ever had a partner and had children said their children had been used for blackmail or abused. Victims find it difficult to prove psychological violence because the work of psychologists is not regulated by law. And psychological assessment reports are not included in the list of evidence provided by national law. Thus, psychologists who draw up assessment reports are recognised as witnesses in criminal cases in order to disclose the circumstances that have become known to them as a result of psychological counselling. Many representatives of law enforcement institutions share the opinion that economic violence or psychological violence does not cause suffering similar to that caused by physical violence. Even though psychological and economic violence is included in Article 201.1 of the Criminal Code, there is no case in which the perpetrator is convicted only for economic or psychological violence. Therefore, the provisions of the Criminal Code that refer to criminal liability for psychological and economic violence are not applied unless accompanied by slight bodily harm.

²⁰ *Case study* The beneficiary of the WLC, as a result of the physical violence, suffered minor bodily injuries and was admitted to emergency care hospital. A criminal case on domestic violence was filed, but shortly afterwards the perpetrator was not prosecuted on the grounds that his actions did not constitute a criminal offence. The prosecution motivated this decision by the fact that the victim provoked the aggressor to use violence, when during meetings with the minor children, the victim said to her ex-husband "I provide our minor children with clothes, footwear and food on my own, but you just look at them like at the zoo". The prosecution reasoned that this statement intimidated the aggressor and he reacted by using violence in order to defend himself. Although the Equality Council found gender discrimination in access to justice in this case, the perpetrator was granted impunity. This case demonstrates the impact and consequences of the preconceived ideas of specialists in relation to victims of domestic violence.

²¹ Decision of the Council on Preventing and Eliminating Discrimination and Ensuring Equality, (case No.100/19, of 29.07.2019) http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_100_2019.pdf

5. Limited access to state-guaranteed legal aid for victims of domestic and sexual violence. According to Law No. 198 of 26.07.2007 on State-guaranteed legal aid, victims of violence have right to legal aid guaranteed by the state. However, the rights of victims of domestic and sexual violence to free legal aid are very limited. According to the findings of the [Report on monitoring court proceedings in cases of domestic violence](#), 96% of defendants were represented by a lawyer in criminal cases of domestic violence, while only 7% of injured parties had a lawyer. Legal assistance for victims is extremely needed, as they often do not understand how legal proceedings are conducted and face difficulties when making statements. In addition to these procedural barriers, victims are often subject to multiple vulnerabilities due to a lack of adequate systems, a long period of time needed to collect evidence, other unnecessary legal delays, and pressure and manipulation from perpetrators. Without the professional support of a specialist, victims withdraw their complaints.

6. Limited access to forensic examination for victims of domestic violence. National legislation guarantees victims the right to free forensic examination. However, around 70% of victims' complaints to the police to initiate investigations remain unaddressed and victims often have to pay for forensic examinations. Not all victims can afford these costs, particularly in cases when victims are vulnerable (with reduced mobility, physical disabilities, intellectual disabilities, elderly women, women with many children, etc.) In addition, information about the location of forensic examination services is not available to many victims, preventing them from accessing these services.

7. Limited access of victims of domestic and sexual violence to support and protection services. Victims of domestic and sexual violence need comprehensive services, including mental health services, not just psychological counselling. A referral system for the rehabilitation of victims of gender-based violence and a victim-centered approach does not exist in Moldova. The provisions of Law No. 137/2016 on the rehabilitation of victims of crime, which entitles victims to support services from the state, remain unimplemented, but in practice these support services are limited. Most of the support and protection services for victims of domestic and sexual violence are provided by governmental organisations from donor funds. The major challenges regarding services are their insufficient geographical coverage, their adaptation to crisis conditions (such as the pandemic) and to the special needs of certain groups of women, the lack of long-term psycho-social and medical services, the high turnover of staff and the shortage of specialists at the local level, and the low efficiency of multidisciplinary teams. The financial resources allocated from the public budget for specialised services for victims of domestic violence are not adjusted to the real costs of maintenance and the needs of women and children. Non-governmental organizations depend on funds of donors. There is a lack of long-term alternative services needed to ensure the financial independence of women victims of domestic and sexual violence.

8. Victims of domestic violence in the Transnistrian region²² are not protected by law. The lack of a definition of domestic violence in Transnistrian legislation makes it impossible to separate cases of domestic violence from other crimes, and consequently there are no official statistics on the number of

²² <https://en.wikipedia.org/wiki/Transnistria>

cases of domestic violence. The survey²³ conducted in Transnistria by the Resonance Center in 2019 found that more than 66% of the Transnistrian population considers the problem of domestic violence to be very urgent, 66% of the respondents confirmed that they were victims of domestic violence but did not turn to the authorities for help, but only 15% of cases - reported to the police.

Victims of violence receive support only from non-governmental organizations. There is a lack of programs working with perpetrators as a preventive measure and services for victims. All services are provided with donor support by non-governmental organizations, which makes these services unsustainable.

At the same time, the number of victims of domestic violence seeking help from NGOs in the Transnistrian region is increasing annually²⁴. According to statistical data of Resonance NGO²⁵, they received 2794 referrals in three years (2016-2018). At the same time, the number of appeals registered by "Interaction" NGO is increasing every year. In January - December 2020, 1801 calls were registered to the hot line, 371 more calls compared to 2019. In 683 cases (out of 1801 calls), the fact of domestic violence was registered. This makes up 38% of all calls. Cases of domestic violence in Transnistria are much more, than the statistical data collected by NGOs in the Transnistrian region show. According to data from the Resonance Centre, every tenth resident²⁶ of the region believes that a man has the right to beat his wife. Women are often cruelly beaten and the aggressors are protected by social clichés and inaction of the authorities. Although some legislative initiatives have been put forward, they are "frozen". Transnistria's administrative code provides fines for domestic abusers, but these are paid from the family budget and it is victims of domestic violence who usually pay them.

IV. RECOMMENDATIONS

We also consider it necessary to implement the recommendations made to Moldova in the previous UPRs, which have remained unimplemented or have been partially implemented. At the same time, based on the obstacles identified in cases of domestic and sexual violence, we present a list of recommendations reflecting the current situation of victims of violence in Moldova:

- Speed up ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);
- Ensure effective investigation of all complaints of domestic and sexual violence, prosecution of perpetrators and delivering sentences that would be proportionate to the seriousness of the violence committed.
- Initiate and promote amendments to the Criminal Code and the Contraventions Code to increase penalties applied for domestic violence and sexual violence in line with international standards;

²³ The survey "Domestic violence in Transnistria".

https://resonancengo.org/upload/userfiles/files/Resonance_survey_2019_domestic_violence.pdf

²⁴ Statistics from the hot line for women in the Transnistrian region. <https://ngointeraction.org/line/preduprezhdenie-nasiliya-v-seme/>

²⁵ The survey "Domestic violence in Transnistria".

https://resonancengo.org/upload/userfiles/files/Resonance_survey_2019_domestic_violence.pdf

²⁶ Ibid.

- Ensure the application of the Lethality and Repeat Violence Risk Assessment Questionnaire, ensuring its completion in all cases of domestic violence, and including the risk assessment in the criminal and contravention case file.
- Establish an effective system of referral of domestic and sexual violence victims to specialized support services, including the collection of official statistical information for this purpose.
- Ensure that women, including those belonging to vulnerable groups (ethnic minorities, women with disabilities, migrant women, elderly women, etc.) are informed about their rights and the remedies available to defend their rights;
- Remove barriers and stigma that discourage women from reporting gender-based violence, including through awareness-raising and training of law enforcement officials and social workers;
- Ensure the full and effective implementation of the National Strategy on preventing and combating violence against women and domestic violence for 2018-2023 and the Action Plan and allocate adequate financial resources for this purpose.
- Create specialized centers for victims of sexual violence. Expand and adequately and according to the victims' needs fund specialized rehabilitation centers for victims of violence against women and domestic violence (day and residential).
- Include the area of preventing and combating violence against women and domestic violence in public policy documents at local level and allocate financial resources from the public budget;
- Ensure full and long-term funding from public budget for the Hot Line Service, its operation and promotion at national level as an essential and urgent service;
- Develop the concept of social housing, transitional housing for victims of violence;
- Ensure effective implementation of the provisions of Law No 137 on victims of crime;
- Implement an effective mechanism to force offenders to undergo special programs of alcohol and drug rehabilitation, detoxification and behavior change counselling, including collection of information on how many offenders have completed the programs, the type of program and the impact of the program on behavioral change.
- Initiate and promote amendments to criminal procedural legislation to ensure avoidance of direct confrontation of perpetrators and victims of domestic and sexual violence.
- Initiate and promote amendments to civil procedural legislation, setting a short term for examination of appeals against the decision on the application/non-application of protection measures.
- Amend legislation to ensure that all forms of gender-based violence are criminalised and punished in Moldova, regardless of the degree of bodily harm caused.
- Ongoing training of specialists interacting with victims of violence to adopt a gender-sensitive approach in the light of international instruments with respect to human rights (ECtHR, CEDAW and Istanbul Convention provisions).
- Amend Article 78/1 of the Contravention Code to remove provisions that exempt perpetrators from criminal liability and encourage women to report cases of violence.
- Adopt a special law regulating the work of psychologists.
- Amend the Code of Criminal and Civil Procedure to include psychological assessment reports in the list of evidence and evidentiary procedures. Develop practical mechanisms for responding to cases involving sexual offences and namely methodological guidelines for police intervention, medical institutions, etc.

ANNEX:

Recommendation	Progress/Regress 2016-2021
<p>A - 121.10 Implement "emergency barring orders" and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)</p>	<p>The recommendation partially implemented. The Republic of Moldova signed the Istanbul Convention in February 2017, but its ratification is delayed.</p> <p>Progress has been noted in establishing a new protection mechanism. On 16 March 2017, the new legal provisions on the application of the emergency barring order by the police entered into force.</p>
<p>A - 121.51 Take further steps to achieve gender equality, including specific measures to eliminate gender discrimination and gender-based violence</p>	<p>The recommendation not implemented. No progress has been made, the recommendation is to be implemented.</p>
<p>A - 121.63 Increase the level of professional training and adopting guidelines to improve the conduct of police, prosecution and courts in investigating bias-motivated crime and domestic violence cases</p> <p>A - 121.99 Train law enforcement and judiciary bodies, prosecutors, health care and social workers to respond to domestic violence</p>	<p>The recommendation partially implemented. Progress has been noted in adopting guidelines to improve police conduct. By the GIP Order No. 360 of 08.08.2018, the "Methodical Instruction on Police Intervention in Preventing and Combating Domestic Violence" was approved. Within the period 2016-2021, the WLC organized trainings for 582 judges and prosecutors, 36 lawyers, 105 prosecution officers, 78 court clerks, judicial assistants, 87 social workers, 162 police officers, 241 judicial experts, etc.</p>
<p>A - 121.85 Improve measures to prevent, punish and eradicate all forms of violence against women, including measures to promote women's rights and eliminate patriarchal and discriminatory stereotypes</p>	<p>The recommendation not implemented. Following legislative amendments in punishment of domestic violence, the authorities have seen setbacks. On 28 July 2016, the Law No. 196 on amending and supplementing certain legislative acts was adopted, which adjusts the legal framework with the inclusion of two components of misdemeanors in the Contravention Code, and namely: art. 78² (acts of persecution) and art. 78¹ (domestic violence). The amendment of the Contravention Code with the introduction of art. 78¹ has negative consequences for victims of domestic violence. As a result of the amendments to the Contravention Code the number of criminal cases initiated under art. 201/1 of the Criminal Code has been halved compared to previous</p>

	<p>years (853 in 2017, 905 in 2018, 871 in 2019 and 811 in 2020), while the number of contravention cases under art. 78/1 has doubled (1953 in 2017, 1657 in 2018, 1589 in 2019 and 1587 in 2020). The recommendation on prevention has been partially implemented. Prevention campaigns are carried out annually, but they are fragmented, unfunded, donor-dependent, focused rather on providing information concerning violence than on gender stereotypes.</p>
<p>A - 121.86 Continue public awareness campaigns on domestic violence and introduce specific rape prevention programmes</p>	<p>The recommendation partially implemented. The annual 16-day campaign of actions against gender-based violence is insufficient and is done more at central level. The community, especially in rural areas, is insufficiently informed about the phenomenon of violence, the existing legal framework and the assistance available to victims of domestic violence.</p>
<p>A - 121.87 Create a comprehensive policy on violence against women and, in particular, domestic violence that prevents, punishes and eradicates these problems, especially in rural areas</p> <p>A - 121.88 Establish measures to strengthen the struggle against domestic violence</p> <p>A - 121.93 Continue to develop policy framework and implement a comprehensive strategy to combat domestic violence that includes education and public awareness for rural areas, strengthened mechanisms to hold perpetrators liable, and improved training for law enforcement officials.</p>	<p>The recommendation partially implemented. By GD No. 281 of 03.04.2018, the National Strategy on preventing and combating violence against women and domestic violence for 2018-2023 and the Action Plan for 2018-2020 on its implementation were approved.</p> <p>In 2021, a new Action Plan has been developed and it is subject to approval of the Government. However, local policies that would include specific provisions and commitments by local authorities, no Socio-Economic Development Strategy makes reference to gender-based violence and specific measures to reduce it.</p>
<p>A - 121.89 Continue to harmonise its legislation with Council of Europe standards in the field of preventing and combating violence against women, including domestic violence, and ensure effective implementation of legislation.</p>	<p>Recommendation partially implemented. Some progress has been made in harmonising the national regulatory and institutional framework with international standards in order to increase the effectiveness of reforms in the field of combating violence against women and domestic violence, and namely: Adoption of Law No. 113/2020 to amend some regulatory acts (Law No. 45/2007 on preventing and combating domestic violence; Law No. 198/2007 on state-guaranteed legal aid; Law No. 8/2008 on</p>

<p>A - 121.92 Accelerate the preparation of the strategy on the prevention and suppression of violence against women and domestic violence.</p> <p>A-121.94 Accelerate the adoption of rules on preventing and combating domestic violence and develop coordinated policies to prevent and combat domestic and sexual violence, including support mechanisms and rules for the protection of victims</p>	<p>probation); - Approval of Government Decision No. 281 of 3 April 2018 on the approval of the National Strategy on preventing and combating violence against women and domestic violence for 2018-2023 and the Action Plan for 2018-2020 on its implementation (adjustment of the regulatory and institutional framework in accordance with the provisions of the Istanbul Convention);</p>
<p>A 121.95 Implement effective mechanisms to prevent and punish domestic and gender-based violence, including legal and psychological assistance for victims.</p>	<p>The recommendation partially implemented.</p> <p>According to the Law No. 198 of 26.07.2007 on State-guaranteed legal aid, with amendments and additions introduced by Law No 196/2016, victims of violence can receive state-guaranteed legal aid. However, the rights of victims of domestic violence to free legal assistance are very limited.</p> <p>The General Prosecutor's Office has initiated the procedure for drafting a bill on amending the Code of Criminal Procedure in order to harmonise the criminal procedural legislation (Articles 58, 371, 385 of the Code of Criminal Procedure) with the normative acts adopted in order to provide victims of certain categories of crimes with psychological, legal, medical and financial support.</p>
<p>A - 121.96 Evaluate the effectiveness of implementation of laws that protect women's rights and provide protection against domestic and gender-based violence and ensure that measures such as protection orders and punishment for violations or victims' prompt access to justice for victims of domestic violence, including in rural areas, are systematically enforced and readily available</p> <p>A-121.97 Take measures to more effectively prevent and prosecute cases of violence against women, including domestic violence, and to ensure effective implementation and enforcement of existing legislation in this regard.</p>	<p>The recommendation partially implemented. Some progress has been noted in ensuring access to justice in general, through the implementation of the electronic file and the accessibility of judicial information and processes. With the adoption of Law No. 17 of 05.04.2018, amendments were made to the content of the Code of Civil Procedure which provide for the possibility of submitting the documents required for the trial of the case in electronic form through the Integrated Case Management Program PIGD.</p> <p>In 2018, the WLC delivered the Report on the monitoring of court proceedings in case of domestic</p>

	<p>violence, sexual violence and trafficking in human beings.</p>
<p>A - 121.98 Plan particular actions that could be taken to improve protection and support for victims of domestic violence and to ensure that legal assistance is available to all victims of violence to ensure a comprehensive approach to domestic violence;</p>	<p>The recommendation partially implemented.</p> <p>With the support of civil society, progress has been noted. By Order GIP No. 41 of February 04, 2019, the letter of rights „Don't tolerate violence, know your rights", developed in partnership with the International Center „La Strada" and the US Embassy in the Republic of Moldova, was implemented. This letter is an informational support for victims of physical, psychological and sexual abuse and is based on the rights the victim has under the Law.</p> <p>At the same time, by GIP Order No. 470 of 26.10.2018, the standard operational procedure (SOP) for informing the victims/complainants of the crime/contravention was developed.</p>
<p>A - 121.100 Ensure adequate legal and social protection for women and girls subjected to gender-based violence.</p>	<p>The recommendation partially implemented. Based on Law No. 133 of 09.07.2020, the emergency barring order has been introduced.</p>