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Moldova: State protection available to female victims of domestic violence (August 2000 - November 2005)

Research Directorate, Immigration and Refugee Board, Ottawa

General Situation

Several sources suggested that domestic violence was widespread and of serious concern in Moldova (Freedom House 11 Aug. 2005; IHF 23 June 2004; *Country Reports 2004* 28 Feb. 2005, Sec. 5; MAHR Dec. 2000, 2; UN 2005; see also Moldova 12-30 June 2000, 5). In its report on a fact finding mission carried out between February and May 2000, the Minnesota Advocates for Human Rights (MAHR) interviewed "[d]octors, attorneys, judges, prosecutors, journalists, women's advocates and other individuals [who] reported incidents of severe abuse of women at the hands of their intimate partners" (Dec. 2000, 2).

Citing the International Organization for Migration (IOM), Amnesty International (AI) reported that 80 per cent of Moldovan women and girls trafficked for forced prostitution had been victims of domestic violence before and after having been trafficked (AI 2005; *The Observer* 3 Oct. 2004).

Statistics

According to the United Nations Population Fund (UNFPA), 1,150 cases of domestic violence, including five deaths and fourteen serious injuries, were reported to the Shelter for Victims of Gender-Based Violence in Chisinau in the first five months of 2005 (UN 2005). *Country Reports 2004* stated that between January and October 2004, the Ministry of Internal Affairs had received 3,707 complaints of domestic violence, "including 64 severe cases of spousal abuse, of which 29 resulted in serious bodily injury and 35 resulted in either murder or attempted murder" (28 Feb. 2005, Sec. 5). According to women's groups, these domestic violence crimes were "underreported" (*Country Reports 2004* 28 Feb. 2005, Sec. 5).

Please see the attached table found on the Website of the South Eastern European Women's Legal Initiative (SEELINE), which includes domestic violence statistics for 2000 to 2002 that SEELINE obtained from the Moldovan Ministry of Internal Affairs (Nov.-Dec. 2002). SEELINE comprises members from nine Balkan countries who monitor gender-related aspects of their region's legislative systems in an effort to ultimately improve women's rights (n.d.).

Society

According to the Director of the Shelter for Victims of Gender-Based Violence, Tatiana Tofan, "domestic violence is accepted in Moldova. Many women keep silent about the abuse they endure and never report it" (UN 2005), although further statements to this effect could not be found within time constraints.

Legislation

Several sources reported that in Moldova there is no specific law defining or punishing domestic violence (IHF 23 June 2004; US 5 Oct. 2004; *Country Reports 2004* 28 Feb. 2005, Sec. 5; SEELINE Nov.-Dec. 2002; *ibid.* July-Aug. 2002). Cases of domestic violence can be dealt with either by the Criminal Code, in cases of "grave" injuries, or by the Code of Administrative Offence, in cases of "light" injuries (*ibid.* Nov.-Dec. 2002).

In cases of serious bodily harm, Article 96 of the Criminal Code stipulates that an individual who "deliberately" causes "light bodily harm" can face a "5-year deprivation of liberty," while Article 95 stipulates intentionally causing "grave" harms to another person can be punished "with deprivation of liberty from 3 to 25 years" (*ibid.*).

In many instances, cases of domestic violence that would fall under the Code of Administrative Offence are not pursued because the individuals concerned often reconcile (*ibid.*). According to SEELINE, the South Eastern European Women's Legal Initiative, many Moldovan women choose reconciliation with their abusers or choose not to report incidents of abuse for the following reasons:

- 1 - there is a tradition of not publicly disclosing what are seen as private family affairs;
- 2 - many women are not aware of their legal rights;
- 3 - many women avoid seeking the help of police officers whom they see as too dismissive in cases of domestic violence;
- 4 - women are often afraid that their abusers might become more violent if the women seek help;
- 5 - sanctions for domestic abuse, including fines (ranging between the equivalent of 10 and 25 times a minimum monthly salary) and incarceration of the abuser, often become a financial burden on the family unit (*ibid.* Nov.-Dec. 2002).

According to the UNFPA, in 2005, the Moldovan Parliament was considering a law on domestic violence which, "if passed, will require the Government to create more shelters for battered women in all regions of the country" (UN 2005). Additional or corroborating information on this law could not be found within time constraints.

Judiciary

According to *Country Reports 2004* and MAHR, domestic violence is "rarely prosecuted" in Moldova (*Country Reports 2004* 28 Feb. 2005, Sec. 5; MAHR Dec. 2000). The MAHR stated that the few cases that are brought before a court frequently lead to "insignificant" penalties, and convictions are often commuted (ibid.).

Police

The UNFPA quoted the director of the Chisinau-based Shelter for Victims of Gender-Based Violence as stating that "[t]he police are not sympathetic to women who report their violent partners.... [Our NGO is] trying to work with the police and social services to sensitize them about domestic violence, but it's a long process" (UN 2005).

In 2002, SEELINE mentioned that police were beginning to take preventative measures to minimize risk factors of domestic violence, including emphasising education over punishment of perpetrators of violence (Nov.-Dec. 2002). However, according to SEELINE, there is insufficient legislation dealing with police actions in cases of domestic violence and inadequate funding of the police when it comes to protecting victims of domestic violence (Nov.-Dec. 2002). The MAHR reported that the police response to calls from female victims of domestic violence was not satisfactory (Dec. 2000). Often, police allegedly did not to respond to such calls or, if they did, the protection they offered was lacking (MAHR Dec. 2000). In some cases where police investigations led to the laying of charges against perpetrators of domestic violence, courts were forced to reject these charges because they had been filed too late (ibid.).

Government

According to SEELINE, the Moldovan government cannot afford to provide services to victims of domestic violence, which are instead generally provided by non-governmental organizations (NGOs) (Nov.-Dec. 2002). The MAHR noted in 2000 that the Moldovan government does not adequately prevent domestic violence or protect or treat women who are the victims of domestic violence, nor does it generally assist NGOs working in this field (Dec. 2000). According to *Country Reports 2004*, the government has undertaken public awareness campaigns and law enforcement training sessions on the subject of domestic violence with the help of foreign donors (28 Feb. 2005, Sec. 5). In addition, *Country Reports 2004* stated that the city of Chisinau operated a shelter for abused women (28 Feb. 2005, Sec. 5).

Thanks to a group of women politicians, Basapress News Agency announced, on 27 July 2001, the Moldovan Parliament introduced anti-trafficking in persons legislation: those found guilty could be jailed for up to 25 years (27 July 2001). While not explicitly confirming that this law had been passed, *Country Reports 2004* indicated that traffickers of human beings could face up to life imprisonment (28 Feb. 2005, Sec. 5).

Moldova is a signatory to the International Covenant on Civil and Political Rights (CCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (MAHR Dec. 2000; UN 9 June 2004).

Non-Governmental Organizations (NGOs)

In its 2002 report on Moldova's Criminal Code, SEELINE indicated that most of the help provided to victims of domestic violence came from the non-governmental sector (Nov.-Dec. 2002). The UNFPA has stated that in 2005, only two shelters exist within Moldova (UN 2005). At the end of 2002, SEELINE estimated that there were 20 to 25 anti-violence NGOs in Moldova, representing "about 47 [per cent] of total women-focused NGOs" (Nov.-Dec. 2002). According to *Country Reports 2004*, there was a privately run hotline for abused women in Moldova (28 Feb. 2005, Sec. 5).

Since its inception in 2004, the Shelter for Victims of Gender-Based Violence in Chisinau has offered emotional, psychological, and legal help to over 625 women (UN 2005).

The "anti-violence center" Femeia Azi (Woman Today) was founded in Chisinau in 1996 with support from the Open Society Foundation (Soros) (SEELINE Nov.-Dec. 2002). This centre provides psychological services over the course of one to twelve months, training in regaining self-confidence for up to eighteen months, as well as "physical recovery" and "emotional correction" (ibid.). Women, and in some cases their children, can spend up to a month in the centre's "very comfortable and friendly" shelter (ibid.). According to SEELINE, by 2002, the centre received between 1,500 and 1,700 abused women annually (ibid.). In 2002, the shelter continued to depend on the assistance of international donors, and was working with the International Helsinki Federation (IHF) (ibid.).

In 1998, the Soros Foundation opened a crisis centre in Balti, one of Moldova's major cities (ibid.). The centre, which provides psychological and legal services and helps between 1,000 and 1,100 women per year, found that one of the root causes of domestic violence in Balti was alcohol and drug addiction (ibid.). In addition, SEELINE noted that the Balti Centre is very active in conducting media campaigns denouncing violence (ibid.).

The Soros Foundation also created the Women's Studies and Information Center (NWSIC), which conducts research on violence against women and organizes training sessions and conferences for NGOs (ibid.). In 2000, NWSIC hosted 1,100 participants, and in 2002, it was serving 43 "women-focused NGOs" (ibid.).

The Gender Center Group, which was registered in January 2000, has 25 specialists, including teachers, psychologists, legal specialists, and doctors who volunteer their time to promote gender equality (ibid.).

In addition to NGOs, other organizations that have contributed to the cause of domestic violence treatment and prevention are the United Nations Development Programme (UNDP) in Moldova, the Embassy of the United States in Moldova, and the United States Department of Culture (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Internet Sites, including: British Broadcasting Corporation (BBC), *Courrier des Balkans* [Arcueil, France], European Country of Origin Information Network (ECOI), Helsinki Committee of Moldova, Human Rights Watch (HRW), International Crisis Group (ICG), The Network of East/West Women, Women's International League for Peace and Freedom (PeaceWomen.org), Women Watch, World News Connection (WNC).

Attachment

South Eastern European Women's Legal Initiative (SEELINE). November-December 2002. Tatiana Raducanu. *Criminal Code Report: Moldova*. <<http://www.seeline-project.net/CCR/MoldovaCCR.htm>> [Accessed 18 Nov. 2005]

Official statistics offered by the Information and Evidence Direction of the Ministry of Internal Affairs in domestic violence for the period 2000-2002.

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