

NATIONAL REPORT MOLDOVA 2016

DETAILS REPORT WRITING ORGANISATION

Country: Republica Moldova

Organisation writing report: NGO Artemida

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Representing any other organisations? No

1. ORGANISATIONS/PROGRAMMES

WHAT TYPE OF ACTIVITIES RELATED TO DOMESTIC VIOLENCE PREVENTION HAS YOUR ORGANISATION CARRIED OUT DURING THE LAST THREE YEARS?

AO "Artemida" manages 2 centres:

1. The Maternal Centre, which provides assistance and protective services for victims of domestic violence. The centre opened August 15, 2006.
2. The Centre of Assistance and Counselling, for domestic violence aggressors, founded in 2012. This centre works to prevent and combat acts of violence by providing assistance and counselling services for people who have committed acts of domestic violence.

The goal of our organisation is to promote the protection of women's rights and to contribute to the prevention of domestic violence in Moldova. AO "Artemida" aims to protect human rights and promote change at an individual, community and systemic level.

The organisation has undertaken campaigns, in schools and in the community, to raise awareness of the problems facing women and children who are victims of domestic violence. AO “Artemida” regularly supports information sessions among young people from different institutions in the northern areas of the Republic of Moldova. These sessions aim to prepare young people for the challenges of adult life, by giving them the skills to differentiate healthy relationships from abusive ones. Young people are taught to recognise the signs of various forms of abuse that might affect them directly, or affect people around them, and given techniques for avoiding or overcoming these problems.

AO Artemida also organises support groups for women who are facing difficulties, as well as sessions aimed at increasing self-knowledge and self-esteem. It provides information, and raises awareness, among the local community regarding the problem of domestic violence through mass-media, and regularly distributes informative materials such as flyers and brochures.

The organisation trains members of multi-disciplinary teams (MDT), such as police officers, social workers, doctors, and teachers.

The “Ariadna” Maternal Centre provides temporary placement services for women and children who are victims of domestic violence, and whose life and health are endangered at home.

Finally, the centre for the assistance and counselling of family aggressors works with perpetrators who are referred to the centre by a court order. The centre provides a rehabilitation programme in the context of preventing further acts of violence.

WHAT WOULD YOU DEFINE AS THE BIGGEST OBSTACLES/CHALLENGES REGARDING VIOLENCE PREVENTION TO YOUR ORGANISATION/S? PLEASE FOCUS ON THE LAST THREE YEARS.

The biggest obstacle is the lack of work schedules for family aggressors. Moldova, has the only centre in Moldova that offers assistance and counselling services for family aggressors following the Duluth model. This model requires aggressors to undertake two sessions per week over a period of three to four months. During this time, eight key topics are addressed, including non-violence, non-threatening behaviour, sexual respect, partnership and negotiation. This model was selected because it acknowledges that assistance for aggressors must be given in the context of community efforts to address domestic violence. At the moment, we are in the process of elaborating our rehabilitation program for aggressors.

A further obstacle is the difficulty of creating new services for aggressors in other districts.

Finally, services for victims and aggressors provided by our organisation are underfunded. The local public administration is dealing with a profound deficit of resources due to modest transfers from the central budget, the lack of local business and the wider economic crisis.

2. COUNTRY

PLEASE GIVE AN OVERVIEW OF GENERAL SITUATION IN YOUR COUNTRY REGARDING WORK WITH PERPETRATORS.

Multi-disciplinary teams (MDTs) have been formed in order to address the problem of domestic violence at a district level. These MDTs were developed in some communities due to the presence of international agents and NGOs. MDTs consists of social workers, police officers, doctors and other specialists from the community such as headmasters, priests,

City Hall secretaries, and representatives from local NGOs. In some communities the mayor is also actively involved in the local MDT.

The development of the MDT programme has involved several training rounds, continuous supervision, and the provision of equipment and literature for MDTs in a number of communities. This has resulted in an increased level of awareness of the problem of domestic violence, across a wider area. Correspondingly, instances of identification, including self-identification, of victims of domestic violence increased, and the methods of multidisciplinary specialists in these cases were improved.

In terms of services for aggressors, Drochia is the only district in the north of Moldova that has a centre providing assistance and counselling services for aggressors. In central Moldovia, two psychologists in Chisinau are developing services for assisting family aggressors through the initiative of the organization CNFACEM. In the south of the country, there are no services for family aggressors, and this impacts on the effectiveness of assistance offered to victims, perpetuating domestic violence. The problems that aggressors are dealing with, their anger and lack of ability to control that anger, often remain unresolved.

PLEASE GIVE AN OVERVIEW OF YOUR COUNTRY'S CRIMINAL AND CIVIL RESPONSE TO DOMESTIC VIOLENCE, ESPECIALLY ANY CHANGES WITHIN THE LAST 3 YEARS? (I.E. WHAT ARE THE MOST IMPORTANT LEGAL AND POLICY MEASURES AND HOW HAVE THEY BEEN IMPLEMENTED?)

The Government of the Republic of Moldova is committed to combatting domestic violence through the ratification of the relevant international treaties, and through the harmonization of national law and politics with international standards.

Law 45/2007 establishes the roles and responsibilities of local and state organs regarding the prevention of domestic violence and the provision of assistance to those affected.

Changes have been made regarding the response to family aggressors. In the first 24 hours after receiving a request, the courts release a protection ordinance to assist the victim.

These measures apply to the aggressor:

- The obligation to temporarily leave the home shared with the victim, or to stay away from the victim's home, without making decisions about property assets;
- The obligation to stay away from the place where the victim is located;
- The obligation to refrain from contacting the victim, her children or other dependents;
- The obligation to refrain from visiting the victim's work place or living place;
- The obligation to maintenance the child that he has in common with the victim until the case is solved;
- The obligation to pay the expenses and damages caused by his acts of violence, including medical expenses, and expenses associated with replacing and repairing destroyed or deteriorated assets;
- The restriction on the unilateral disposal of joint assets;
- The establishment of a temporary schedule for visiting his minor children;
- The interdiction on carrying and keeping a weapon;
- **The obligation to participate in a special program, or counselling, if such an action is determined by the court as necessary for reducing or eliminating the violent behaviour.**

Law 167/2010 brings a multitude of changes and new additions to existent legislation in order to create a mechanism for implementing special law 45/2007, regarding the prevention of domestic violence. The relevant legislation includes Law 416/1990 regarding the police, the Family Code 1316/2000, the Penal Code 985/2002, the Code of Civil Procedure 225/2003, the Code of Penal Procedure 122/2003, Law 547/2003 regarding social assistance, Law 436/2006 regarding local public administration, Law 45/2007 regarding the prevention and combating of domestic violence, and Law 102/2003 regarding the employment and social protection of job-seekers.

The most recent modifications to legislation affected Law 196. These changes were aimed at the modification and completion of certain legislative documents. They were introduced on 28 July, 2016, and have been enforced since 16 October 2016. These modifications streamline mechanisms addressing domestic violence in line with recommendations made by CEDAW and civil society organisations. Further, these modifications aim to harmonise the national legal provisions with CAHVIO. The elaborated project contains provisions to modify 12 normative acts.

In order to ensure the implementation of these protection measures, it is proposed that the definitions of several terms, such as domestic violence, spiritual violence, victim and aggressor, are modified. New definitions will also be outlined for terms such as crisis situation/critical situation, urgent restraining order, violence against women, and gender violence against women.

For example, modifications to Law 45 (3rd article, 2nd paragraph, letter “b”) will broaden the scope of persons who can be considered victims or aggressors in cases of domestic violence. At the same time, it is proposed that the 9th article of Law 45 should be modified in order to consolidate national mechanisms aimed at preventing the relapse of domestic violence offenders. These mechanisms provide assistance and counselling for offenders, with the purpose of reintegrating them in the community, and aim to widen the competences of probation organs.

PLEASE TELL US ABOUT THE PROGRESS YOUR COUNTRY HAS MADE IN RELATION TO ISTANBUL CONVENTION.

Several modifications have been made through Law 196 to harmonise national legislation with the Istanbul Convention. For example, proposed modifications to art. 11 are in line with CAHVIO provisions regarding compensation. Both signatories stipulate that victims who have suffered severe corporal injuries and the deterioration of their health due to violence have the right to claim compensation from the aggressors or from the state under Chapters 1- 10. The Convention recommends offering compensation for both corporal

injuries and serious psychological damage caused by acts of psychological violence. Article 12/1 of Law 45 establishes the possibility of issuing a restraining order against a domestic violence offender. This is in accordance with the requirements of the Convention, which stipulates that restraining or protection orders must be available to the victims of any form of violence covered by the Convention. This proposition regulates the mechanisms and releasing procedure of restraining orders on the part of the police. It addresses the period of time in which a restraining order is released, the constraints placed on the aggressor, the consequences for the aggressor if these restrictions are not complied with, and the appeal procedure. Further, it covers the right of the victim to request protection measures. Restraining orders assist victims through the immediate intervention of police to isolate/exclude the aggressor. In this way, police officers are empowered to put in place restraining orders that force the aggressor to immediately leave the house for a period of 10 days. During this 10-day period, it is possible to request a longer period of protection from the court if necessary.

The proposed modifications to article 13 aim to make the process for requesting protection measures clearer. The victim can file the request herself, but in certain cases where she is unable to do so, professionals can file the request on her behalf.

Modifications to article 15 include new measures for protecting the victims of domestic violence, beyond those that currently exist. The modifications are also driven by the necessity to regulate these protection measures more precisely, in terms of procedures regarding the issuance of protection orders, procedures for supervising restraining orders, and regulations regarding the revocation of protection measures.

DO YOU KNOW ANY OTHER ORGANISATIONS/PROGRAMMES IN YOUR COUNTRY THAT CARRY OUR DOMESTIC VIOLENCE PERPETRATOR WORK? IF YES, PLEASE, LIST THEM.

The organisation CNEFACEM from Chisinau is an initiative undertaken by two psychologists and it is aimed at developing assistance services for family aggressors.

3. BEST PRACTICES

TELL US ABOUT BEST PRACTICES IN WORK WITH PERPETRATORS IN YOUR COUNTRY.

1. Cooperating with the police, courts, prosecutor's office, probation services, and services for victims of domestic violence,
2. Organizing scientific conferences and seminars for police, social workers, doctors, judges, prosecutors and others, with the purpose of developing capacities of intervention in cases of domestic violence,
3. Working with family aggressors through the centre of assistance and counselling for family aggressors in Drochia, and
4. Organising and conducting awareness campaigns for the general population regarding the problem of domestic violence.

4. NEEDS AND RECOMMENDATIONS

WHAT HAS TO BE DONE TO PREVENT DOMESTIC VIOLENCE IN YOUR COUNTRY (REGARDING WORK WITH PERPETRATORS)?

Important measures include

1. Developing an intervention centre that will manage and organise intervention activities and programs working with victims of domestic violence,
2. Developing services for family aggressors in more districts within the Republic of Moldova,
3. Training professionals who work with family aggressors,
4. Providing better supervision for professionals who work with victims of domestic violence and family aggressors.

WHAT ARE THE MOST IMPORTANT TASKS AND STEPS THAT YOU FEEL SHOULD BE FOCUSED ON IN YOUR COUNTRY IN ORDER TO TACKLE DOMESTIC VIOLENCE ON A GENERAL LEVEL?

1. Organising and conducting training and awareness campaigns that explain the issues involved in cases of domestic violence, and ways to solve them.
2. Developing a rehabilitation program for family aggressors.
3. Expanding programs to other districts, and further developing services for family aggressors.

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