



GREVIO

Baseline Evaluation Report

Republic of Moldova

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)

THE REPUBLIC OF MOLDOVA

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of the Republic of Moldova. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Last, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

evaluation of the Republic of Moldova, GREVIO received written contributions from the People's Advocate of the Republic of Moldova and the national coalition Life without Violence.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to the Republic of Moldova which took place from 30 January to 3 February 2023. Where available, significant legislative and policy developments up until 23 October 2023 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures taken by the authorities in the Republic of Moldova to implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the “Istanbul Convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained throughout the various steps of the first (baseline) evaluation procedure, set out in Article 68 of the convention. This includes written reports (a state report submitted by the Moldovan authorities and additional information submitted by the National Human Rights Institution of the Republic of Moldova and the NGO coalition “Life without Violence”) and information gathered and discussions held over a five-day evaluation visit to the Republic of Moldova, in February 2023. A list of the bodies and entities with which GREVIO held exchanges can be found in Appendix II.

The report welcomes the significant commitment demonstrated by the Moldovan authorities to combat violence against women and implement the Istanbul Convention. These include the adoption of the Law on Preventing and Combating Family Violence, from 2007, and the recent amendments to a number of laws to increase the protection of women victims of violence and the prosecution of perpetrators by, for instance, providing free legal aid to victims of domestic and sexual violence in criminal proceedings and enabling law-enforcement officers to issue emergency barring orders on the spot. Moreover, at the policy level, a number of consecutive national programmes have provided the basis for a strategic approach to preventing and combating violence against women and domestic violence. Also of great relevance are the steps that have been taken by the authorities to set up multi-agency co-operation mechanisms in respect of cases of domestic violence to ensure productive co-operation between all relevant stakeholders.

In the area of protection and support for women victims of violence, the report welcomes the establishment of the first sexual assault centre in Ungheni, which provides immediate medical care, trauma support, forensic examinations and psychological assistance by qualified professionals, with a view to avoiding secondary victimisation. GREVIO also commends the Moldovan authorities’ efforts to provide support and protection to women fleeing the war in Ukraine.

At the same time, GREVIO observed a number of issues where improvement is needed, in order to reach higher levels of compliance with the requirements of the Istanbul Convention. The report highlights how policies and the application of laws have largely focused on domestic violence and, to a certain extent, on sexual violence, failing to provide integrated measures to tackle other, sometimes less visible, forms of violence against women. The report addresses the crucial importance of enhancing the implementation of the Istanbul Convention in relation to all forms of violence against women – many of which are currently less addressed by policies, programmes and support services – and with due regard for their gendered nature.

In this report, GREVIO also identifies the urgent need to increase the funding levels, which are modest overall, and to offer sustainable funding sources for women’s rights organisations, as they play a vital role in the delivery of specialist support services to women victims of violence in the Republic of Moldova, noting that these NGOs primarily rely on international donors for funds that are allocated on a project-based basis. Accordingly, the report emphasises the need to ensure sustainable funding levels for women’s NGOs that run specialist support services for women victims of all forms of violence, through long-term grants, based on transparent procurement procedures. Equally, the report stresses the need to reinforce the access of women who are or may be at risk of intersectional discrimination, including women living in rural areas, to protection and support services.

The need for a stronger criminal justice response to all forms of violence against women, including domestic violence, has also been identified by GREVIO. Amendments to the Criminal Code in recent years have aligned it more closely with the requirements of the Istanbul Convention.

However, difficulties persist in ensuring the application of elements of the code in practice, not least because of a lack of understanding of the serious and gendered nature of these forms of violence. The report identifies the need to significantly reinforce the initial and in-service training on all forms of violence against women and domestic violence of those professionals who are first in line to provide support and protection to victims, as well as of those whose role is to ensure that justice is served.

Moreover, while the criminal offence of rape was amended to include a reference to consent, the definition of non-consent provided therein requires the use of physical or mental coercion by the perpetrator, thus leaving out a broad range of circumstances in which force or coercion may not have been present while the victim was unable to freely give consent. The evaluation has further brought to light the urgent need for action to ensure that sterilisation and abortion procedures performed on women with disabilities are not conducted without their prior informed consent and thorough understanding of the procedure.

While GREVIO welcomes the Republic of Moldova's ratification of the Istanbul Convention and the efforts taken to implement it, a number of issues that require urgent action by the authorities to comply fully with the convention's provisions have been identified, including the need to:

- develop a central policy document that offers a holistic response to all forms of violence against women covered by the convention, beyond domestic and sexual violence, and that is implemented through effective co-operation among all relevant institutions;
- integrate the perspectives and needs of women who are or may be exposed to, or who may be at risk of, intersectional discrimination, such as domestic workers, asylum-seeking and/or migrant women and women with disabilities, into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women, in order to overcome the specific difficulties experienced by these groups of women;
- provide sufficient human and financial resources to the national co-ordinating body so that it can fulfil its duties to co-ordinate and implement policies on all forms of violence against women, as well as carry out monitoring and evaluation of those policies;
- collect, analyse and disseminate disaggregated administrative data in all areas of relevance to the Istanbul Convention;
- enable the access of women victims of violence to healthcare services;
- allocate appropriate human and financial resources to social services, including those delivered by local authorities, in support of victims of all forms of violence against women;
- set up dedicated programmes aimed at ensuring the long-term empowerment of women victims of domestic violence and their economic independence;
- increase the number and the geographical spread of domestic violence shelters and their accessibility to women who are, or may be, at risk of intersectional discrimination, such as women with disabilities, women with addiction issues, Roma women and women living in rural areas;
- ensure that due consideration is given to incidents of domestic violence and sexual violence in decisions on custody and visitation rights, and that all authorities involved in decisions on custody and visitation are trained on the effects that violence has on children, in order to protect the safety of the victim and her children.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to fully comply with their obligations under the convention. These include the need to improve the number and availability of perpetrator programmes throughout the country; to promote awareness-raising campaigns and conduct research on all forms of violence against women, including those that are currently less explored, such as stalking, female genital mutilation, forced marriage, forced sterilisation and forced abortion; to facilitate victims' access to compensation in civil and criminal proceedings; and to ensure the roll-out of the sexual assault centre piloted in Ungheni to other parts of the country, so that victims of sexual violence and rape can benefit from support services on a one-stop-shop basis, regardless of their place of residence.

Introduction

The Republic of Moldova ratified the Istanbul Convention on 31 January 2022. In accordance with Article 78, paragraph 2, of the convention, the Republic of Moldova reserves the right not to apply the provisions under Article 30, paragraph 2, and Article 59 of the convention. This reservation is valid for a period of five years from the day of the entry into force of the convention in respect of the Republic of Moldova and may be renewed.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of the Republic of Moldova by letter and transmission of its questionnaire on 28 February 2022. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Moldovan authorities subsequently submitted their state report on 3 October 2022 – within the deadline set by GREVIO. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to the Republic of Moldova, which took place from 30 January to 3 February 2023. The delegation was composed of:

- Laura Albu, Member of GREVIO
- María Rún Bjarnadóttir, Member of GREVIO
- Elif Sariaydin, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention
- Louise Hooper, international consultant

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Lilia Pascale, Head of Department of policies for ensuring equality between women and men, Ministry of Labour and Social Protection, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the authorities in the Republic of Moldova.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Moldovan authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. At the time of ratifying the Istanbul Convention, the Republic of Moldova made a declaration in accordance with the provisions of Article 77 that it will apply the provisions of the convention only on the territory effectively controlled by the authorities in the Republic of Moldova until the full establishment of the territorial integrity of the Republic of Moldova. For this reason, the assessment of the implementation of the Istanbul Convention by the Republic of Moldova is limited to the regions of the country effectively controlled by the Moldovan authorities and it excludes the Russian-occupied region of Transnistria.

B. Scope of application of the convention and definitions (Articles 2 and 3)

3. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term “violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” offered in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

4. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both the cause and the result of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3, paragraph *b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

5. GREVIO welcomes the significant progress made by the Moldovan authorities towards building a comprehensive legal, policy and institutional framework in the field of combating violence against women and domestic violence, which they started well ahead of the ratification of the Istanbul Convention, in January 2022, including the adoption of Law No. 45-XVI on Preventing and Combating Family Violence in 2007, and the development of the first National Strategy for Preventing and Combating Domestic Violence and Violence against Women 2018-2023 (“national strategy”) which was succeeded by the National Programme on Preventing and Combating Violence against Women and Family Violence. A legislative package that entered into force in 2016 introduced a number of measures into key laws for the protection of victims of domestic violence, such as emergency barring orders, which allow law-enforcement bodies to remove the perpetrators from the shared residence immediately. Following the ratification of the Istanbul Convention in 2022, the Republic of Moldova stepped up its efforts to bring the country’s legislative, policy and institutional framework further in line with the standards of the convention. Amendments to various laws, including the Criminal Code, the Criminal Procedure Code and the Family Law have been enacted in 2023 in order to align them with various requirements of the Istanbul Convention.² The recent amendments introduced important measures that aim to enhance the protection of victims of violence against women, such as the provision of free legal aid in criminal proceedings to victims of domestic and sexual violence.

6. GREVIO welcomes these positive developments as an indication of the Republic of Moldova’s commitment to the implementation of the Istanbul Convention. It welcomes in particular that the Law on Preventing and Combating Family Violence, as revised in 2018, provides for a comprehensive definition of domestic violence in compliance with Article 3 of the convention. GREVIO also notes that the definition of domestic violence also includes an additional form of domestic violence, namely “spiritual violence”.³ At the same time, the legal definition of family members contained in Article 3 of the Law on Preventing and Combating Family Violence was expanded to include former spouses and partners, regardless of co-habitation. Moreover, both the National Programme on Preventing and Combating Violence against Women and Family Violence 2023-2027 and its predecessor the National Strategy for Preventing and Combating Domestic Violence and Violence against Women 2018-2023 acknowledges the gendered dynamics and issues of power and control that are manifest in domestic and sexual violence, and provides a set of measures under the four pillars of the convention, namely prevention, protection, prosecution and integrated policies. However, while the national programme establishes a good framework for preventing and combating domestic violence and, to a certain degree, sexual violence, GREVIO regrets to note that none of the measures included therein addresses certain forms of violence against women covered by the convention, such as stalking, forced marriage, female genital mutilation (FGM), sexual harassment, forced abortion and forced sterilisation. No other policy documents in force appear to specifically address these forms of violence.⁴

7. GREVIO strongly encourages the authorities in the Republic of Moldova to enhance the implementation of the Istanbul Convention in relation to all the forms of violence against women covered by the convention, in addition to domestic violence and sexual violence, that are not currently addressed by policies, programmes and services, such as sexual harassment, female genital mutilation (FGM), forced marriage, forced abortion, forced sterilisation and stalking.

2. The law on amending some normative acts (ensuring the rights of victims in cases of sexual crimes and family violence) entered into force on 9 January 2023.

3. According to Article 2 of the LPCFV, the definition of “spiritual violence” reads as follows: “underestimating or diminishing the importance of satisfying moral-spiritual needs by prohibiting, limiting, ridiculing, penalising the aspirations of family members, by prohibiting, limiting, ridiculing or punishing access to cultural, ethnic, linguistic or religious values; imposing a system of personally unacceptable values; other actions with a similar effect or with similar repercussions”. The text of the law is available in Romanian at: www.legis.md/cautare/getResults?doc_id=110200&lang=ro.

4. The expired National Human Rights Action Plan covering the period 2018-2022 included certain objectives and actions aimed at increasing the investigation rate of sexual harassment and other crimes of sexual nature, and at increasing society’s awareness of these issues. Within the implementation period of this action plan, 573 professionals in the justice sector were trained and a number of public information and awareness-raising campaigns on sexual harassment were carried out.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

8. In the Republic of Moldova the prohibition of discrimination and the principle of equality are enshrined in the constitution, which guarantees equality before the law and public authorities, regardless of, *inter alia*, race, nationality, ethnic origin, language, religion and sex.⁵ Further legal and policy reform in the area of equality and non-discrimination have been undertaken with a view to increasing convergence with European Union standards. In this respect, the Law on Ensuring Equal Opportunities for Women and Men and the Law on Ensuring Equality were enacted in 2006 and 2012, respectively. The former promotes gender equality, primarily through the imposition of duties on public bodies to make decisions and policies consistent with the notion of equal opportunities between women and men. However, it does not provide for any enforcement mechanisms. On the other hand, the Law on Ensuring Equality constitutes the general anti-discrimination legislation in the Republic of Moldova and it prohibits discrimination on a non-exhaustive list of grounds, including sex, applicable in all spheres of life. In addition, a number of laws contain provisions on ensuring gender equality in specific fields. For example, in 2016 the Electoral Code was amended to introduce a 40% gender quota for political party candidate lists and cabinet nominees, which resulted in the election of the highest number of women MPs in 2021.⁶ With a view to ensuring the implementation of the principle of gender equality enshrined in various laws, the Strategy for Ensuring Equality between Women and Men in the Republic of Moldova was adopted for 2017-2021.⁷ The strategy identified a number of areas of intervention, including, but not limited to, women's participation in decision making, the gender pay gap, social protection and family policies, gender-responsive budgeting, eradicating stereotypes and promoting non-violent communication.

9. The Department of policies for ensuring equality between women and men of the Ministry of Labour and Social Protection is the competent authority for shaping gender equality policies. The Law on Ensuring Equality also established the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, which is tasked with receiving complaints of discrimination and proposing disciplinary sanctions to the relevant public body in cases of unlawful discrimination. According to the United Nations Development Programme's 2021 Gender Equality Index, the Republic of Moldova ranks 51st out of 170 countries.⁸

10. GREVIO welcomes the efforts made by the authorities in the Republic of Moldova to improve its institutional and policy framework to accelerate the elimination of discrimination against women and promote gender equality. It however notes that there is a gap between the legislative and policy framework on gender equality and its implementation in practice, as policies to advance gender equality are not backed by adequate funding and there is insufficient understanding and commitment by the duty bearers to implement them.⁹

11. GREVIO encourages the authorities in the Republic of Moldova to step up their efforts to implement legislation and public policies on equality between women and men in order to ensure the practical realisation of the principle of gender equality.

5. Article 16 of the Constitution of Republic of Moldova, available at: www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf.

6. In the 2021 elections, 40 women and 61 men MPs obtained seats in parliament. See UNDP, 2021 Early Parliamentary Elections – Gender Perspective, available at: www.undp.org/moldova/publications/2021-early-parliamentary-elections-gender-perspective.

7. See the state report, p. 7.

8. UNDP Human Development Reports, Gender Inequality Index, available at: www.hdr.undp.org/sites/default/files/2021-22_HDR/HDR21-22_Statistical_Annex_GII_Table.xlsx.

9. UN Women Moldova, Strategic Note for 2018-2022: <https://moldova.unwomen.org/en/biblioteca-digitala/publicatii/2018/03/strategic-note-summary>

2. Intersectional discrimination

12. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights and the list contained in its Protocol No. 12¹⁰ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.¹¹

13. The National Programme on Preventing and Combating Violence against Women and Family Violence (2023-2027) makes a reference to women who are or may be at the risk of being subjected to intersectional discrimination. In this respect, the specific objective 1.4 provides that “all women, including women with multiple vulnerabilities (older women, Roma women, women with disabilities, including intellectual disabilities, LGBTI women, migrant women, asylum-seeking women, women without a residence permit, refugee girls and women, women living in rural areas, women in prostitution and women with addiction issues) know their rights and are encouraged to report any form of violence”. The National Programme also acknowledges that the prevalence of violence is higher among women with disabilities, Roma women and older women, whereas reporting rates were lower. Despite this acknowledgement and apart from the aforementioned specific objective, GREVIO regrets to note that the notion of intersectional discrimination is not reflected in the wider Moldovan legal and policy framework governing gender equality and violence against women. Neither the Law on Ensuring Equal Opportunities for Women and Men nor the Law on Ensuring Equality reflect the intersection of multiple grounds for discrimination. While the Strategy for Ensuring Equality between Women and Men acknowledges that women and girls from certain demographic categories are more vulnerable to gender-based violence, such as women and girls with disabilities, elderly women, Roma women and girls, migrant women and girls and HIV-positive women, it does not provide any specific measures to address the particular needs of these groups. GREVIO welcomes the adoption of the Action Plan for the Roma Population in the Republic of Moldova (2016-2020) and the National Programme for the Social Inclusion of Persons with Disabilities (2017-2022). However, it was not able to obtain information regarding the impact of the measures contained therein on the status of women with disabilities and Roma women. Indeed, the information made available shows that several groups of women are likely to face increased and/or specific obstacles in relation to the forms of violence covered by the convention due to discrimination on multiple grounds – these include women with disabilities, Roma women and women from rural communities.

14. As regards women with disabilities, according to a survey conducted by the MOTIVAȚIE Association in 2023, this group of women have an increased exposure to violence and face obstacles accessing different services, including transportation and healthcare. Referring to violence, victims indicated that the perpetrators were most frequently people close to them. The survey found that 50% of the women with disabilities who suffered discrimination or abuse did not tell anyone about these negative experiences and, among those who decided to report the incident, one in four did not receive any support. GREVIO notes in this respect that sufficient accommodation in domestic violence shelters, catering to the needs of women with disabilities, including those suffering from psycho-social disorders, requires improving.

15. Another group of vulnerable women is Roma women. According to indications made by women’s rights NGOs in the field, women from Roma communities, including those arriving from Ukraine, continue to experience discrimination which is rooted in deep-seated prejudice and stereotypes. Worrying accounts shared by civil society representatives indicate normalisation and disregard for gender-based domestic violence in the Roma community by professionals, including

10. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

11. See paragraphs 52-54 of the Explanatory Report to the Istanbul Convention.

law-enforcement officers.¹² Such indications suggest that there is a tendency to ascribe violence committed against Roma women to “cultural practices” and to apply different standards as regards their access to justice. Moreover, educational and financial constraints hinder them from accessing support services. Research data also show discriminatory practices among the Roma population, resulting in early marriages.¹³ While there are no official statistics, an estimated 12% of girls in Moldova are married before the age of 18, and underage marriage is most common within the Roma communities. Such high rates of early marriages may indicate a widespread yet unreported prevalence of forced marriage.

16. Last, the limited availability of economic opportunities and quality services in rural areas remains a challenge for the advancement of gender equality and the empowerment of women throughout the country. The lack of information, access to services, opportunities and means of economic empowerment, and employment, all constitute barriers for women in rural areas who need help and support for dealing with gender-based violence.

17. **GREVIO strongly encourages the authorities in the Republic of Moldova to:**

- a. **prevent and combat violence against women who are, or may be, exposed to intersectional discrimination, including but not limited to women with disabilities, Roma women and women from rural communities;**
- b. **include preventing and combating violence against women in policies, measures and programmes addressing the specific needs of groups of women facing intersectional discrimination;**
- c. **integrate an intersectional perspective into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women’s NGOs representing women who are, or may be, exposed to intersectional discrimination.**

D. State obligations and due diligence (Article 5)

18. Aspects of the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

12. Information obtained during the evaluation visit.

13. International Labour Organization, Roma Women and the World of Work in the Republic of Moldova, 2018, p. 24, available at: www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_631869.pdf.

II. Integrated policies and data collection

19. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

20. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

21. GREVIO notes that in the Republic of Moldova certain initiatives have been taken in the past to design a set of policies on some forms of violence covered by the Istanbul Convention, which gained momentum after the ratification of the convention. For example, the first National Strategy for Preventing and Combating Domestic Violence and Violence against Women was developed to cover the period 2018-2023. This strategy was succeeded by the National Programme on Preventing and Combating Violence against Women and Family Violence, covering the period 2023-2027. The implementation of the National Programme is carried out through the measures contained in an action plan which will be revised in 2026, following the evaluation of the first three years of the implementation of the National Programme.

22. Similar to the National Strategy for Preventing and Combating Domestic Violence and Violence against Women covering the period 2018-2023, the recent National Programme includes four main objectives which follow the four pillars of the Istanbul Convention, namely prevention, protection, prosecution and co-ordinated policies. The specific objectives under each pillar include: training different categories of professionals to work on cases of domestic violence; incorporation of equality between women and men and the prevention of violence in educational programmes; strengthening the capacities of specialised services for victims of domestic violence; enhancing the economic empowerment of victims; improving the healthcare system's response to violence against women, ensuring respect for the rights of child witnesses and victims of acts of violence against women; increasing the accountability of perpetrators and access to justice of the victims, as well as adopting a multidisciplinary approach to combating domestic violence; and enhancing the partnership with non-commercial organisations, mass media and the private sector. GREVIO notes with satisfaction that the national programme covers all the four pillars required for a comprehensive approach to preventing and combating domestic violence. However, while the title of the strategy implies the inclusion of all forms of violence against women within its scope, GREVIO notes that the measures contained therein mainly address domestic violence, save for certain measures aimed at increasing the prosecution of sexual violence and the establishment of specialist services for its victims. Apart from this strategy, there are no other specific policy documents addressing other forms of violence against women covered by the Istanbul Convention. GREVIO thus notes with regret that certain forms of violence against women covered by the Istanbul Convention, such as stalking, forced marriage, female genital mutilation (FGM), forced abortion and sterilisation and other forms of violence against women committed in the name of "honour" have not received sufficient attention in national policy. On the other hand, GREVIO welcomes that the recent National Programme on Preventing and Combating Violence against Women and Family Violence acknowledges the prevalence of the digital dimension of violence against women and the need to provide a holistic response to this phenomenon. While GREVIO did not have a chance to evaluate the practical implementation of this strategic document, it hopes that this recognition will form the basis for the development of policies to address the digital manifestations of violence against women.

23. GREVIO notes that the Moldovan legislation as well as the National Programme and its action plan establish a good framework for a robust multi-agency and multisectoral response in the Republic of Moldova. For instance, the Interministerial Co-ordinating Council for the Prevention and Combating of Domestic Violence was created in 2012 in accordance with the provisions of the Law on Preventing and Combating Family Violence with a view to ensuring co-operation between

ministries, other central administrative authorities and NGOs in monitoring the implementation of the violence against women policies. Moreover, the action plan for the implementation of the National Programme on domestic violence assigns clear roles and responsibilities to various national authorities in relation to the implementation of the policies foreseen in the strategy. It recognises the role of the central and local public administration authorities, setting out specific responsibilities at both levels and across sectors, involving different ministries, but also recognises the role of NGOs and civil society in preventing and combating domestic violence. However, difficulties are encountered in the implementation of the policies and measures as a result of weak and fragmented interinstitutional co-ordination and co-operation. These include, for instance, lack of systematic communication and co-operation between healthcare and social authorities and law enforcement. GREVIO notes that the People's Advocate of the Republic of Moldova also expressed the need for improved co-operation among all relevant authorities as well as civil society in the Republic of Moldova to ensure effective protection of women victims of violence.¹⁴

24. GREVIO also notes disparities in the co-ordination of policies at the local level. Important steps in this regard have been taken with the creation of community multidisciplinary teams (MDTs) in 2007 in all municipalities, made up of social welfare professionals, police officers, family physicians, local authorities, psychologists and pedagogues. These teams were established with a view to ensuring a joint response to cases of domestic violence in local communities and referring the victims to the relevant professionals. However, indications given by civil society representatives revealed that the meetings of the MDTs remain sporadic and often their members lack sufficient training to provide the best response to the cases brought to their attention.

25. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure a state-wide effective, comprehensive and co-ordinated set of policies to prevent and combat all forms of violence covered by the Istanbul Convention, including in their digital dimension.

26. GREVIO further strongly encourages the authorities in the Republic of Moldova to foster increased co-ordination at the various levels of public administration. For this purpose, the Moldovan authorities should plan to devise measures aimed at harmonising and monitoring the work of multidisciplinary teams to prevent and combat domestic violence and violence against women. Such efforts should be supported by the allocation of appropriate financial resources and the training of all relevant professionals.

B. Financial resources (Article 8)

27. The action plan for the implementation of the National Programme for Preventing and Combating Violence against Women and Family Violence state that the listed measures will be funded "within the limits of the approved budgets of the responsible authorities" without determining specific amounts, with the exception of certain measures such as the development of a standard information package for victims, training for local authorities, development of a training methodology for MDTs, development of programmes aimed at the early prevention of violent behaviour in interpersonal relationships, devising the modalities for the provision of counselling services for couples, the establishment of a telephone helpline and streamlining the mechanism for supervising the execution of protective measures. The funds indicated for the implementation of these specific measures in the action plans covering 2018-2020 and 2021-2022 respectively amount to 8 499 000 Moldovan lei (MDL) (approximately €436 000) and MDL 1 554 000 (approximately €80 000); however, it appears that this is more an estimation of the needed resources rather than actual allocation of funds.

28. While GREVIO does not have detailed information on the funds allocated to the implementation of policies and measures to prevent and combat violence against women in the state budget, information provided by experts in the field points to a widely insufficient allocation of financial resources for the implementation of integrated measures and policies when compared to

14. Submission from the People's Advocate of the Republic of Moldova, p. 5.

the actual amounts needed for prevention activities or service provision.¹⁵ As regards the funding of staff and activities carried out by social assistants in local authorities, which are the first points of entry for domestic violence victims, GREVIO was alerted to the fact that their resources are extremely limited and, combined with the frequent staff turnover caused by the heavy workload and low salaries, they cannot provide adequate support services to victims of domestic violence.¹⁶

29. GREVIO welcomes the readiness of the Moldovan authorities to co-operate with the international community and appreciates international donors' efforts to fund measures and projects to prevent and combat violence against women in the Republic of Moldova. It further acknowledges the different economic situation among the states parties to the Istanbul Convention. GREVIO recalls, however, the state's responsibility to allocate appropriate state funds to implement legislative and policy measures in the area of violence against women in order to discharge its obligation under Article 8 of the Istanbul Convention. GREVIO is further concerned by the fact that little to no funding appears to be dedicated to other forms of violence against women other than domestic violence.

30. While recognising the economic consequences of the Covid-19 pandemic and the energy crisis stemming from the war in Ukraine on the Moldovan economy, GREVIO notes that in the Republic of Moldova resources dedicated to addressing domestic violence and for the provision of specialist services seem to be heavily dependent on restricted project funding from external sources. Even the action plan for the implementation of the National Programme covering the period 2023-2027 lists "external development partners" as funding sources. A total of MDL 12 718 200 (approximately € 663 000) was indicated under this heading, compared to MDL 37 820 100 (approximately €1 971 000) dedicated for the implementation of the measures from the state budget).

31. GREVIO recalls that under Articles 8 and 9 of the convention, funding processes for women's rights organisations providing specialist support services to victims of violence should ensure adequate and guaranteed levels of funding for them to adequately provide these services. The overall modest funding levels and the unsustainability of the available funding sources, which depend on donor contributions, risk hampering the delivery of specialist support services.

32. In relation to the provision of financial resources to NGOs working in the field of violence against women, according to information provided by NGOs, there is no budget line in the state budget specifically dedicated to supporting the work of NGOs. GREVIO was informed that many civil society organisations have been asking for clearer legislative measures to enable the commissioning of public services dealing with violence against women to experienced women's organisations.¹⁷

33. **GREVIO urges the Moldovan authorities to:**

- a. **take steps to increase and ensure the sustainability of the financial resources allocated to measures and policies for preventing and combating violence against women, including in particular to women's rights NGOs that run specialist support services for women victims of all forms of violence. Such suitable funding opportunities should be guaranteed, for example, through long-term grants based on transparent procurement procedures. GREVIO further encourages the authorities to acknowledge, tap into and promote the extensive victim-centred expertise of NGOs;**
- b. **take steps, in particular by planning earmarked funding, to identify more effectively the sums spent on preventing and combating violence against women by all relevant national and local institutions.**

15 .Ibid., pp. 6-7.

16. Information obtained during the evaluation visit.

17. Information obtained during the evaluation visit.

C. Non-governmental organisations and civil society (Article 9)

34. GREVIO notes with satisfaction that NGOs and civil society organisations are recognised as playing an important role in preventing and combating violence against women in the Republic of Moldova. The Law on Preventing and Combating Family Violence requires that the state central specialised bodies shall co-operate with the non-governmental organisations, individuals and legal entities involved in violence prevention and response activities. NGOs are also involved in both the development and implementation of the legislative and policy framework to combat violence against women. They also play an important role in providing a range of specialist support services for women victims of violence based on a victim-centred and feminist approach, including the running of helplines and shelters, the provision of counselling services for domestic violence, psychological support and legal aid. Furthermore, state authorities regularly co-operate with women's rights organisations to develop and deliver training for professionals. GREVIO notes with satisfaction that the People's Advocate of the Republic of Moldova considers the communication and partnership between the public and non-governmental sector to be largely effective.¹⁸

35. However, GREVIO notes that the role and recognition given to these women's NGOs falls short of the active encouragement and government support required by Article 9 of the Istanbul Convention. Civil society organisations have stressed that while the authorities rely a great deal on their work when it comes to obtaining statistics, information, research or other expertise in the area of violence against women, this is not matched by sufficient financial support. According to a study on the costs of domestic violence in the Republic of Moldova carried out by the Women's Law Centre in 2016, more than 60% of costs related to services provided to victims of domestic violence and violence against women are covered by civil society organisations and, as is detailed in the analysis under Article 8 of this report, significant difficulties have been experienced by these providers of specialist support services, including shelters, in securing financing.

36. GREVIO notes that some efforts have been made by the authorities to officially involve women's rights organisations in multi-agency co-operation at the local level, for example by the inclusion of NGOs providing specialist services to victims of violence against women in the MDTs. Nevertheless, concerns have been shared with GREVIO about the effective involvement of civil society in these forums.¹⁹

37. GREVIO strongly encourages the authorities in the Republic of Moldova to put in place a dedicated, transparent and accountable public procedure under which all NGOs providing specialist support services to victims of all forms of violence against women and their children can apply for funding.

D. Co-ordinating body (Article 10)

38. The co-ordinating body appointed by the Moldovan authorities in accordance with Article 10 of the convention is the Ministry of Labour and Social Protection, which is the central authority responsible for developing and promoting policies to prevent and combat violence against women and providing social assistance to victims and perpetrators. The Department of policies for ensuring equality between women and men of the Ministry of Labour and Social Protection undertakes daily tasks related to the development and promotion of state policies on gender equality and on preventing and combating violence against women and domestic violence as well as human trafficking. As such, the Department of policies for ensuring equality between women and men is the main body responsible for the co-ordination of the implementation of the National Programme for Preventing and Combating Violence against Women and Family Violence and its action plans.

39. The department also co-ordinates the work of the Interministerial Co-ordinating Council for the Prevention and Combating of Domestic Violence to evaluate the implementation of the National Programme based on the reports submitted by all relevant public authorities and institutions with

18. Submission from the People's Advocate of the Republic of Moldova, p. 8

19. Information obtained during the evaluation visit.

responsibilities for the implementation of the programme. The evaluation is based on the indicators established in the action plan on the implementation of the National Programme. While welcoming a clear monitoring procedure and the inclusion of NGOs in the Interministerial Co-ordinating Council, GREVIO points out the need to consider the possibility of evaluation by external, independent entities, to ensure the objectivity of the assessment.

40. The Department of policies for ensuring equality between women and men is also in charge of collecting data on domestic violence submitted by social assistance and child-protection services, as well as data collected through the national helpline and from providers of women's specialist services, social assistance, including shelter services, psychological counselling and vocational and legal counselling for victims and perpetrators. GREVIO, however, notes that the Department does not have any responsibilities for the co-ordination and analysis of administrative data on the response of law enforcement and the judiciary to violence against women, nor data on healthcare services. This fragmented approach to data collection falls short of providing a full picture of gender-based violence and domestic violence with which to evaluate public policies and laws, so as to identify and remedy any existing shortcomings.

41. GREVIO notes that the functions of the co-ordinating body apply to the promotion of gender equality and combating domestic violence and do not apply to all the forms of violence against women covered by the Istanbul Convention, reflecting a fragmented approach to addressing all forms of violence against women covered by the convention. GREVIO further notes that the Department of policies for ensuring equality between women and men, which bears the bulk of the responsibilities set out in Article 10, is under-resourced and understaffed. In this context, GREVIO emphasises that the role of this co-ordinating body must be understood in the light of the obligations set out in Article 7 of the Istanbul Convention, which require states parties to devise and implement policies that encompass a multitude of measures taken by the different agencies and sectors, through effective co-operation among them, in order to offer a holistic and co-ordinated response to violence against women.

42. With a view to ensuring consistent policy making and the effective implementation, monitoring and evaluation of measures taken to prevent and combat all forms of violence against women, GREVIO strongly encourages the authorities in the Republic of Moldova to:

- a. ensure the co-ordination and implementation of policies and measures in relation to all forms of violence against women, including in their digital dimension, and their independent monitoring and evaluation, in order to ensure objectivity in the evaluation;**
- b. provide the co-ordinating body with sufficient and stable human and financial resources.**

E. Data collection and research (Article 11)

43. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

1. Administrative data collection

44. GREVIO notes at the outset that the Republic of Moldova does not have an integrated system of data collection on domestic violence and other forms of violence against women. Various authorities, including the police, the prosecution authorities, different departments within the Ministry of Justice and the Ministry of Labour and Social Protection, and healthcare institutions collect data, but these are not collated centrally to provide a comprehensive picture on the reported cases of violence against women and domestic violence. Moreover, not all relevant authorities disaggregate data based on the relationship between the victim and the perpetrator and data are not systematically

made available to the public.²⁰ GREVIO highlights the lack of co-ordination and comparability of the data between law enforcement and the judiciary, as well as the lack of an integrated case-management system that would allow the tracking of cases at all stages of the law-enforcement and judicial proceedings, and as a result prevents an assessment of conviction, attrition and recidivism rates or the identification of gaps in the response of institutions to violence against women.

a. Law-enforcement agencies and the justice sector

45. The General Police Inspectorate collects data and produces statistics on the number of criminal complaints received and the type of crime, segregated by age and sex of the victim and the perpetrator and containing information on the education level, the influence of alcohol or other substances and the residence of the perpetrators. The collected data also include the number of emergency restraining orders issued by police officers in cases of domestic violence. GREVIO was also informed that different police districts individually collect data on whether the perpetrator has previously committed similar crimes or has access to weapons and other risk factors, which enables the responding police officers to take appropriate precautions when responding to a criminal complaint, including on violence against women. However, these data-collection efforts are not centralised in a single database accessible to all police districts.

46. According to the state report, in the justice sector, the National Council for State Guaranteed Legal Aid and various departments of the Ministry of Justice are involved in the collection of statistics, including the Courts Administration Agency, the National Probation Inspectorate and the National Administration of Penitentiaries. These authorities collect data on cases examined by the courts as well as on those at the enforcement stage, disaggregated by age, the sex of victims and perpetrators, education level, being under the influence of alcohol or other substances, and the residence of perpetrators.

47. GREVIO notes that while the data collected by various sub-entities of the Ministry of Justice concern acquittals and convictions, imposed sanctions and the protection orders per type of offence in both criminal and administrative proceedings, in the absence of data disaggregated on the basis of the relationship between the victim and perpetrator, it is impossible to make a distinction between the number of cases related to intergenerational violence (such as child abuse, for example) and intimate partner violence. The current legal framework refers to “family violence”, which includes both intimate partner violence and intergenerational violence. Similarly, there are a number of general offences in the Moldovan Criminal Code which are applicable to violence against women. It is therefore important that the justice systems record data on relationship categories, including, for instance, former cohabiting partners and current or former non-cohabiting partners.

48. As regards civil proceedings, GREVIO regrets that data from civil courts data on compensation claims brought before criminal and civil courts are lacking. Similarly, data on the number of decisions on custody/visitation/residence of children that have expressly taken into account reports of domestic violence against the mother do not appear to be available or recorded. GREVIO, however, notes that since 2020 data on the number of protection orders issued in the context of civil proceedings in respect of both adult and minor victims of violence are available and disaggregated on the basis of sex, age and residence of the victims. Nonetheless, GREVIO could not obtain any information on whether these data were disaggregated on the basis of the form of violence.

49. Last, GREVIO was informed that the General Prosecutor's Office collects certain data on the indictments issued in respect of different offences and contraventions. However, this database is not linked to those of the General Police Inspectorate and the Ministry of Justice. More generally, GREVIO regrets that data collection is not integrated across the police, prosecution and judiciary. Further, there is no system that allows the tracking of cases at all stages of the law-enforcement and judiciary procedures and the identification of the outcome of cases. GREVIO emphasises in this connection that an important requirement of Article 11 of the convention is to design data models that allow an assessment of conviction rates and an analysis of the factors which contribute to many

20. Information obtained during the evaluation visit.

cases of violence reported to law enforcement “falling out” of the legal system without a final conviction, as a crucial element for analysing the efficiency of the judicial response to violence. In order to study conviction rates, it is necessary to have data that use the same definitions and the same units of measurement from start to finish.²¹ Therefore, data collected by law-enforcement agencies, prosecutors, courts, prisons and probation services should use the same definitions and the same units of measurement from the initial stages of legal proceedings to their conclusion.²²

50. GREVIO urges the Moldovan authorities to collect administrative data from law-enforcement agencies, prosecution authorities and judicial bodies, based on harmonised categories, and to introduce a case-management system that would enable cases of violence to be tracked throughout the criminal process, from reporting to indictment and conviction, in relation to all criminal offences covered by the Istanbul Convention and broken down by sex, and age of both the victim and the perpetrator, type of offence, relationship between the perpetrator and the victim, and geographical location.

51. GREVIO further encourages the authorities in the Republic of Moldova to collect data on:

- a. the number of protection orders issued in the context of civil proceedings, their violations and the resulting sanctions, in cases of all forms of violence against women;**
- b. the number of decisions on custody/visitation/residence of children that have expressly taken into account reports of domestic violence;**
- c. the number of cases where women victims of violence have claimed and obtained compensation from the perpetrator for offences covered by the Istanbul Convention.**

b. Healthcare sector

52. In the Republic of Moldova, data in the healthcare sector are mainly collected by the Centre of Forensic Medicine, the institution authorised to perform medico-legal investigations, medico-legal autopsies and forensic clinical investigations in criminal and civil proceedings. GREVIO however notes that data collected by the Centre of Forensic Medicine only consist of the number of domestic and sexual violence cases examined by the centre and are not disaggregated by the relationship between the victim and the perpetrator. Accordingly, in 2020 and 2021, 4 053 and 3 904 cases were examined, respectively, by the various divisions of the institution. However, due to the shortcomings in the data-collection system, it is impossible to deduce the ratio of intimate partner violence and intergenerational violence. GREVIO was informed that the Centre of Forensic Medicine took recent steps to introduce the relationship between the victim and the perpetrator as a data factor in their database, the results of which shall be visible in the statistics of 2023.

53. GREVIO was informed that the Ministry of Health and healthcare providers also collect some form of data on victims of violence against women and domestic violence, by filling out the Gender-Based Violence Data Collection Forms for the Health System, as regards persons who have sought help from such services. However, no information was provided to GREVIO about the different categories of medical professionals who are responsible for data collection or about the forms of violence addressed by such efforts.²³ According to the authorities, the increase in the workload of the healthcare professionals during the Covid-19 pandemic strained their capacities to fill out the data-collection forms, which had an impact on data collection.²⁴ Moreover, GREVIO observes that the statistics cited in the state report did not include any figures from the general healthcare system in that regard. GREVIO underlines that this lack of data is worrying because health services are often on the frontline when it comes to detecting women victims of violence,

21. See Walby S. (2016), “Ensuring data collection and research on violence against women and domestic violence: Article 11 of the Istanbul Convention”, Council of Europe, Strasbourg, p. 22.

22. Ibid.

23. Information obtained during the evaluation visit.

24. See the state report, p. 33.

listening to them in confidence, offering them assistance and referring them to specialist support services.

54. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure the collection of data by healthcare providers on their contact with women in relation to experiences of gender-based violence. Such data should be disaggregated, at the minimum, by sex and age of both the victim and the perpetrator, the relationship between them, the type of violence and geographical location.

c. Social services

55. According to the information provided by the authorities, the Ministry of Labour and Social Protection collects data on domestic violence victims who benefit from social services, thanks to the data submitted by municipal social assistance and family protection departments, the national helpline and, to a certain extent, organisations providing specialist services to victims of violence against women.

56. GREVIO notes that certain statistical data are available, mainly concerning cases of domestic violence, and are disaggregated by sex, types of intervention and services offered. However, GREVIO was not made aware of to what extent these statistics are being analysed and used for evidence-based policy making. NGOs also collect statistical data, disaggregated by geographical area, crime type and intervention or services provided, as well as the sex and age of the beneficiaries.

57. GREVIO strongly encourages the authorities in the Republic of Moldova to expand the collection of data to reports made to, and interventions proposed by, social services in relation to all forms of violence covered by the Istanbul Convention.

d. Data on the asylum procedure

58. GREVIO notes with regret that in the Republic of Moldova data on the number of asylum claims made on the basis of gender-related persecution and their outcomes are not collected.

59. GREVIO encourages the authorities in the Republic of Moldova to introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution, including female genital mutilation and forced marriage.

2. Population-based surveys

60. Paragraph 2 of Article 11 details parties' obligation to conduct population-based surveys based on data that are statistically representative of the target population so that they can be easily generalised to the larger population. Parties are additionally obliged to conduct such surveys at regular intervals in order to make a pertinent and comparative assessment of the prevalence of and the trends in all forms of violence covered by the scope of the Istanbul Convention by tracking developments longitudinally.

61. In 2010, the National Bureau of Statistics conducted the very first national prevalence survey on domestic violence against women, with a view to identifying the causes and assessing the prevalence of different forms of domestic violence, as well as their impact and consequences on the physical and mental well-being of women victims of violence. The survey found that the overall lifetime prevalence of psychological, physical or sexual intimate partner violence was 63% among women aged 15 to 65. GREVIO welcomes the Moldovan authorities' ongoing plans to repeat this exercise.

62. Apart from this, no population-based surveys have been carried out in the Republic of Moldova that reveal the prevalence of any of the other forms of violence against women covered by the Istanbul Convention. The only available data emanate from the OSCE-led Survey on Violence

against Women in 2018, which showed that, since the age of 15, one in 10 women indicated that they had been stalked, nearly half (49%) of women had experienced at least one form of sexual harassment and 15% of women had experienced physical violence at the hands of a non-partner.

63. GREVIO emphasises that the aim of Article 11, paragraph 2, is to assess, through regular surveys, the prevalence of all forms of violence against women covered by the Istanbul Convention. It therefore observes that the above-mentioned surveys did not address forms of violence such as forced marriage, forced sterilisation, forced abortion and FGM. While GREVIO understands that these forms of violence occur less in the Republic of Moldova, they nonetheless warrant an assessment of their prevalence, given that such forms of violence tend to go undetected as victims can be reluctant to bring them to the attention of the police or other authorities.

64. GREVIO invites the authorities in the Republic of Moldova to carry out population-based surveys on the prevalence of forms of violence against women covered by the Istanbul Convention that so far have not been explored, including those that affect particularly disadvantaged groups of women, at regular intervals.

3. Research

65. Article 11, paragraph 1*b*, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.²⁵

66. Numerous research projects have been carried out on violence against women in the Republic of Moldova, covering topics such as the specifics of sexual violence cases, the compatibility of the legislation of the Republic of Moldova with the provisions of the Istanbul Convention, mapping of services available to victims of violence against women and the analysis of criminal justice responses to cases of domestic violence. GREVIO notes with particular interest the National Analytical Study on Femicide, which was carried out in 2021 and examined femicide cases from the period 2016-2019, in order to improve the institutional response to gender-based and domestic violence.

67. GREVIO welcomes the plethora of research available in the Republic of Moldova, noting that it has provided a valuable insight into the specific aspects of violence against women. GREVIO notes, however, that the majority of research projects were funded by international donors and carried out by non-governmental or international organisations, with little financial support or strategic prioritisation from the authorities. Second, the above-mentioned studies focus predominantly on domestic violence and, to a certain extent, on sexual violence, but fall short of addressing other forms of violence which are equally important even if seemingly less prevalent. It is also unclear to what extent policies draw on the expertise and findings of research. Finally, while GREVIO was informed of some studies looking at children as direct victims of violence or bullying, there seems to be a lack of research into children's witnessing of domestic violence.

68. GREVIO encourages the Moldovan authorities to step up efforts to support research on all the manifestations of violence against women, including those that are currently not explored, and on the effects that witnessing domestic violence has on children.

25. Explanatory Report to the Istanbul Convention, paragraph 77.

III. Prevention

69. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. Awareness raising (Article 13)

70. In the Republic of Moldova awareness-raising activities are carried out regularly to commemorate special days such as the International Day for the Elimination of Violence against Women, International Women's Day and national public holidays. These initiatives usually take place with the participation of high-level government officials and parliamentarians, representatives of state authorities, civil society organisations and international organisations and public figures, and range from the publication of statements to the organisation of conferences and other events. GREVIO notes with satisfaction that the Moldovan authorities use these occasions as an opportunity to reiterate their commitment to zero tolerance of violence against women and to promote a non-stereotyped image of women and men. GREVIO notes with particular interest the campaign "Denim Day", which takes place annually, on the last Wednesday of April, and aims to raise awareness of sexual offences.

71. Another noteworthy effort is the organisation of the International Conference on Preventing and Combating Violence against Girls and Women and Domestic Violence on 8 November 2022 by the NGO network Life without Violence with support from international donors. The conference focused on discussing the four pillars of the Istanbul Convention, namely prevention, protection, prosecution and integrated policies.

72. GREVIO also welcomes the involvement of the Moldovan police in several awareness-raising campaigns. In this context, the police took part in various activities, including workshops and round-table discussions, flash mobs and activities aimed at the provision of information to different target groups.

73. While welcoming the efforts made by the authorities to increase the visibility of violence against women and domestic violence, GREVIO notes with concern that most of the awareness-raising activities highlighted by the authorities are primarily implemented through externally funded projects, which raises doubts about the sustainability of these actions once the funding has ended. GREVIO considers that additional actions need to be implemented at regular intervals, aimed at increasing public awareness and supplying people at risk with information on the protection, support and legal avenues available to women victims of violence. In this context, GREVIO recalls that one of the requirements of Article 13 of the convention is that awareness-raising campaigns and programmes are conducted on a regular basis so as to reach as many people as possible.

74. GREVIO further notes that these initiatives almost exclusively focus on domestic violence and that other forms of violence covered by the convention, such as psychological and economic violence, stalking, sexual harassment and forced marriage, as well as the digital manifestations of violence against women, including image-based abuse, and the harm done to children who witness violence, remain insufficiently addressed. Outreach efforts also appear to be insufficient in rural areas, where gender stereotypes tend to be more prevalent.²⁶

26. Submission from the People's Advocate of the Republic of Moldova, p. 10.

75. Thus, it points to the need to extend the scope of awareness-raising campaigns throughout the country to address all forms of violence against women covered by the convention, especially those that remain underreported.

76. This is also relevant in relation to the choice of target groups, as none of the campaigns seem to address the needs and concerns of women who are or may be at risk of intersectional forms of discrimination, including but not limited to Roma women, women with disabilities, women fleeing the war in Ukraine and LGBTI women. GREVIO thus highlights the need for the Moldovan authorities to diversify awareness-raising activities so that the information and messages disseminated are relevant to the particular needs and concerns of women and girls at risk of intersecting forms of discrimination, because of their age, disability and migrant or ethnic minority status, for example.

77. GREVIO strongly encourages the authorities in the Republic of Moldova to step up their efforts to conduct awareness-raising campaigns on a regular basis and at all levels, with a view to addressing the various aspects of preventing and combating all the forms of violence against women covered by the Istanbul Convention, and to reaching specific groups of women and girls, including Roma women, women with disabilities, women fleeing the war in Ukraine and LGBTI women. Furthermore, GREVIO strongly encourages the authorities in the Republic of Moldova to ensure appropriate and sustainable state funding for awareness-raising campaigns and to involve all relevant stakeholders in such efforts, including civil society organisations.

B. Education (Article 14)

78. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity.

79. GREVIO welcomes the acknowledgement of the need to promote gender equality and to prevent gender-based violence through education in the National Programme and the provision of measures to this end. In this context, the Moldovan authorities have taken some steps to integrate educational content promoting gender equality at different levels of education, such as the inclusion of topics related to respect and tolerance in the pre-primary curriculum. Similarly, new courses were introduced into the curriculums for primary and secondary schools to address gender equality, respectful communication, sexual consent and other subjects relevant to preventing and combating violence against women and girls. In this respect, the compulsory courses in primary and secondary education, entitled “Personal Development” and “Education for Society”, as well as a number of other optional courses, include elements about gender equality and violence against women, non-violent conflict resolution and respect in inter-personal relationship. GREVIO notes, however, reports from civil society organisations indicating that these courses are not always provided on a mandatory basis and depend on the individual choice of school administrations and teachers.²⁷

80. Furthermore, civil society organisations expressed concerns about the competence of teachers to implement the aspects of the curriculums on gender equality, violence against women and sexual education. GREVIO notes with concern research revealing that teachers often have biased and stereotyped views on violence against women and the role of men and women.²⁸ Reports also indicate that sexuality education tends to focus on the risks and consequences of unprotected sexual relationships, and it is unclear to what extent the topic of consent is covered in the relevant courses. GREVIO recalls that the importance of comprehensive sexuality education for girls and boys, including the teaching of notions such as consent and personal boundaries, has been

27. See the submission from Life without Violence, p. 17.

28. www.lastrada.md/pic/uploaded/RAF%20report_complete_1.pdf.

expressed by different intergovernmental organisations and bodies,²⁹ including in the Council of Europe's Recommendation CM/Rec(2019)1 on preventing and combating sexism, which calls for age-appropriate, evidence-based and scientifically accurate and comprehensive sex and sexuality education to be incorporated into school curriculums.³⁰

81. GREVIO strongly encourages the authorities in the Republic of Moldova to step up their efforts to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity, adapted to the evolving capacity of learners, and to ensure that information on the different forms of gender-based violence against women is provided in formal curriculums and at all levels of education. This includes the need to address forced marriage and sexual violence in education by focusing on the right to personal integrity and unequal power relations between women and men.

C. Training of professionals (Article 15)

82. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

83. The National Programme includes the “development and consolidation of professional competences through the necessary training, and training of different categories of specialists for intervention tailored to the case” as a specific objective, which GREVIO welcomes.

84. In line with the measures contained in the previous national strategy, the Moldovan authorities have taken steps to develop and deliver initial training programmes on domestic violence to all relevant professionals, in close partnership with civil society organisations. For police officers, a curriculum on interventions to prevent and combat domestic violence was developed in order to ensure the effective implementation of national legislation. Similarly, the National Institute of Justice, in partnership with the Women's Law Centre, has prepared training material for prosecutors and judges on the implementation of legislation on preventing and combating domestic violence. Last, a distance-learning training course was launched in 2021 for the initial training of social workers on dealing with domestic violence.

85. GREVIO notes that all of these courses appear to be optional. According to information provided by the authorities in 2020, 515 police officers, 20 judges and 33 prosecutors benefited from these training courses. As GREVIO does not possess information on the total number of law-enforcement, prosecution and judicial authorities who entered into service that year, it is not possible to assess the participation rate. Moreover, it is understood from the figures provided in the state report that only the training programmes for judges and prosecutors are offered systematically each year.³¹ GREVIO notes that the lack of systematic training in the law-enforcement and justice sectors was also remarked upon by independent institutions and civil society organisations, which constitutes an obstacle to the specialisation of professionals in these sectors.³²

86. Similarly, in-service training programmes appear to be one-off initiatives with voluntary participation rather than systematic and mandatory training efforts. In 2022, these efforts included capacity-building activities for police officers on data collection in domestic violence cases; in 2021, various seminars and courses were held for judges, prosecutors, court clerks and other professionals

29. “Comprehensive sexuality education” is defined by UNESCO’s “International technical guidance on sexuality education – An evidence-informed approach” (2018) and the World Health Organization’s (WHO) Standards for Sexuality Education in Europe (2010). See also the resolution of the United Nations Human Rights Council, “Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls”, adopted on 12 July 2017, A/HRC/ RES/35/10.

30. See Recommendation CM/Rec(2019)1 on preventing and combating sexism, section II.G.6.

31. See the state report, Annex 1.

32. Submission from the People's Advocate of the Republic of Moldova, p. 12.

in the justice system on the investigation and examination of domestic and sexual violence. GREVIO notes with interest that since 2021 the European Programme for Human Rights Education for Legal Professionals (HELP) course on women's access to justice and importance of the Istanbul Convention is included in the voluntary training programmes for professionals in the justice sector. According to the information provided by the authorities, a total of 297 legal professionals have completed this course, including 48 judges, 54 prosecutors, 70 judicial assistants, 41 clerks, 45 prosecutors' consultants and 39 specialists. In 2020, training was provided for auxiliary court and prosecutorial staff, lawyers providing legal aid, police officers working with perpetrators and judicial practitioners examining domestic violence cases. Various other training activities have been organised by civil society organisations and international partners.

87. Recognising the need to increase training efforts in the justice sector, the Action Plan on the implementation of the National Programme on Preventing and Combating Violence against Women and Family Violence, covering the period 2023–2027, sets out the obligation for the National Institute of Justice to organise training sessions on the implementation of the Istanbul Convention, which GREVIO welcomes. This being a recent development, the modalities for the design and delivery of this training were not defined at the time of GREVIO's baseline evaluation of the Republic of Moldova.

88. As for the education sector, while GREVIO does not have information on the initial service training of teachers, the psycho-pedagogical module included in all in-service training programmes tackles subjects related to violence prevention and gender equality among young people.³³ Participation in such training programmes, however, appears to be voluntary.

89. In the healthcare sector, certain voluntary training activities were organised by the Ministry of Health and international donors, focused on responding to cases of sexual violence. According to the information provided by the authorities, a total of 84 medical and non-medical personnel were trained from emergency services, state-run community mental health centres and youth-friendly health services, as well as the Forensic Medicine Centre. Similarly, in June a number of workshops on the management of rape cases in the healthcare system were held, where 139 primary care professionals were trained. While welcoming these efforts, GREVIO notes that they remain project-based and rely on donor funding, rather than being systematically offered to healthcare professionals on a mandatory and systematic basis.

90. Specific information was not provided on initial and in-service training of other relevant professional groups dealing with women victims of violence, such as social services workers and immigration and asylum officials, as required by Article 15 of the Istanbul Convention

91. GREVIO notes that there is no available information on training on other forms of violence covered by the convention, apart from domestic and sexual violence. It is also not clear to what extent existing programmes focus on the gendered aspects of domestic violence, as well as on the impact of such violence on children. These shortcomings, which are exacerbated by the high turnover rate in the public service, seem to have a serious impact on the ability of all relevant professionals to recognise and identify gender-based violence against women, as well as on the extent to which they treat the victims of violence in a non-stereotyped and non-discriminatory manner. Overall, while noting the steps taken by the authorities to train professionals dealing with victims of violence, GREVIO considers that there is further room to consolidate and expand the capacity of professionals to deliver an effective and tailored response to violence against women through mandatory, systematic initial and in-service training.

92. GREVIO urges the authorities in the Republic of Moldova to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, including their digital manifestations, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation, for all professional groups, in particular law enforcement, the healthcare sector and the judiciary. All training must be supported and

33. Submission from the People's Advocate of the Republic of Moldova, p. 11.

reinforced by clear protocols and guidelines setting the standards that staff are expected to follow and by appropriate and sustainable funding.

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

93. Article 90, paragraph 6 (c¹) of the Moldovan Criminal Code provides a list of measures which may be invoked by the courts when ordering a conditional suspension of the sentence. Accordingly, the courts may oblige the convict to participate in probationary programmes, among other measures. The National Probation Inspectorate implements the probationary programmes aimed at reducing violent behaviour for perpetrators convicted of domestic violence. These programmes are delivered in four specialised institutions throughout the country and perpetrators are referred to them by probation services. According to available information, voluntary participation in these programmes is also possible; however, this appears to happen very rarely.³⁴ GREVIO further notes with regret that while attendance on these programmes can be ordered together with a suspended prison sentence, Article 201 of the Criminal Code and Article 78 of the Contravention Code do not provide for the possibility of prescribing these measures when the perpetrator is ordered to undertake unpaid community service by the courts.³⁵

94. One of these programmes was developed on the basis of the DULUTH Model and adapted to the Moldovan context. During the period 2020-2021, 57 perpetrators of domestic violence followed the programme. This programme adopts a gender-based cognitive behavioural approach to counselling and educating perpetrators on developing alternative skills to avoid violent behaviour.

95. GREVIO commends the Moldovan authorities for putting in place psycho-social treatment programmes for perpetrators of domestic violence, but it notes that only one of the four providers is funded from the state budget and the rest rely on donor contributions for the continuity of their services. Reports from the civil society indicate that only 5-10% of the perpetrators on probation are referred to these services. However, according to information provided by the National Probation Inspectorate, in 2020 11% of the perpetrators on probation were required to attend perpetrator programmes and this number gradually increased to 19 % in 2021 and 27% in 2022. Even so, the capacities of the available services are regarded as insufficient to meet the needs.³⁶ Furthermore, there are no specific measures to evaluate the impact of the programmes on perpetrator behaviour and/or victim safety. GREVIO welcomes that in 2023 the National Probation Inspectorate put forward a proposal to amend Article 90 of the Criminal Code with a view to expanding the range of available measures listed therein, and to introduce an obligation for the courts to impose participation in probationary programmes as a mandatory measure to accompany suspended sentences. Other planned measures include the development of a programme to treat perpetrators of sexual violence, roll out of a training of trainers programme to increase the number of skilled professionals to deliver psycho-social treatment services, and to provide training to service providers on the use of tools for assessing the impact of probationary programmes.³⁷

96. Since 2020, the National Administration of Penitentiaries has been implementing a psycho-social intervention programme for men convicted of domestic violence. The programme is available in all penal institutions in the country and requires mandatory participation upon the decision of prison specialists. According to information provided by the National Administration of Penitentiaries, a total of 32 participants completed this programme. GREVIO also notes with interest the introduction of a programme in 2021 aiming to provide guidance for married prisoners or those who are planning to get married on how to create conditions for constructive relationships with their families and social groups. In the first half of 2023, a total of number of 191 participants attended this programme in 11 penitentiary institutions.

34. Submission from Life without Violence, p. 19. Also see the submission from the People's Advocate of the Republic of Moldova, p. 13.

35. Submission from the People's Advocate of the Republic of Moldova, p. 13.

36. Ibid.

37. Information provided by the National Probation Inspectorate.

97. Information provided in the state report to GREVIO indicates that certain tertiary prevention activities were carried out by the police in 2020. However, the exact nature of these activities, and whether they integrated a gendered understanding of domestic violence, is unclear.

98. **GREVIO strongly encourages the authorities in the Republic of Moldova to:**

- a. **develop common minimum standards to apply to perpetrator programmes, in line with the principles of the Istanbul Convention and recognised best practices;**
- b. **increase the number of perpetrator programmes for domestic violence and improve their availability across the country, while ensuring that local governments are granted sufficient resources to organise programmes that comply with the principles of the Istanbul Convention;**
- c. **promote the attending of both mandatory and voluntary programmes by perpetrators by ensuring a more consistent application of existing referral mechanisms and by fostering the interplay between perpetrator programmes and criminal proceedings and other procedures, while prioritising the safety of victims and their access to justice;**
- d. **conduct an independent evaluation of perpetrator programmes, based on a set of predefined indicators aimed at measuring the effectiveness of such programmes to prevent further acts of violence, considering, *inter alia*, feedback from the victim.**

99. **In doing so, the authorities should ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims, having due regard to recognised relevant standards.³⁸**

2. Programmes for sex offenders

100. While there are no voluntary programmes for sex offenders in the Republic of Moldova, mandatory programmes are provided within the prison system by the National Administration of Penitentiaries which operate on the same principles as the penitentiary treatment programmes for persons convicted of domestic violence. According to the information provided by the authorities, in 2021, 106 inmates participated in these programmes.

E. Participation of the private sector and the media (Article 17)

101. GREVIO notes with satisfaction that recent amendments to the Contravention Code set out employers' accountability for failing to develop internal policies to prevent and fight sexual harassment and gender-based discrimination in the workplace and for obstructing the reporting process in cases of sexual harassment. As of yet, there is no information on the measures taken to ensure the implementation of these legal requirements, and therefore more effort is needed to ensure the commitment of employers to safe and healthy workplaces and to protecting women from sexual harassment in the workplace.

102. GREVIO also welcomes the inclusion of private-sector entities in campaigns aiming to raise awareness of violence against women. For example, in 2021, during the "16 Days of Activism against Gender-Based Violence", a number of private-sector entities, including Premier Energy Moldova, were involved in the dissemination of messages encouraging victims and witnesses of violence against women to seek help. The messages were published on electricity bills and reached approximately 920 000 people in the centre and south of the country.

38. See the Council of Europe collection of papers: Domestic and sexual violence perpetrator programmes: Article 16 of the Istanbul Convention available for download at: <https://edoc.coe.int/en/violence-against-women/7144-domestic-and-sexual-violence-perpetrator-programmes-article-16-of-the-istanbul-convention.html>

103. In terms of self-regulatory standards, the Broadcasting Council developed and approved the Methodology for Monitoring Broadcasters. This methodology, which was developed within the European Union–Council of Europe Joint Programme “Promoting European standards in the audiovisual regulation of the Republic of Moldova”,³⁹ provides a set of indicators to effectively monitor broadcasting agencies, which include sexism in advertising, gender equality and hate speech. In addition, a Journalists’ Code of Ethics was developed, which also includes commitments to avoid discrimination based on gender, among other grounds. GREVIO was not provided with detailed information on how the authorities promote and implement the principles provided in these guidelines.

104. **GREVIO invites the Moldovan authorities to encourage the private sector and the media to adopt and implement measures and self-regulatory standards to prevent and combat gender-based violence against women.**

39. Information on the joint programme is available at: www.coe.int/en/web/freedom-expression/moldova-promoting-european-standards-in-the-audio-visual-regulation#:~:text=The%20%E2%80%9CPromoting%20European%20standards%20in,and%20built%20upon%20its%20achievements.

IV. Protection and support

105. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

106. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local levels is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

107. GREVIO notes a number of promising practices on multi-agency and multisectoral response mechanisms developed in the recent years in the Republic of Moldova. For instance, a Barnahus facility was set up in the Balti region to provide specialist psychological, legal, medical and social assistance for children victims and witnesses of crimes, including witnesses of domestic violence, under one roof. GREVIO welcomes the plans of the Moldovan authorities to open two more Barnahus establishments in Chisinau and Cahul with a view to eventually covering the northern, southern and central regions of the country.

108. GREVIO further notes another important development, which is the steps taken to establish a sexual assault centre to provide holistic services to victims of sexual violence.⁴⁰ GREVIO was further informed of the authorities’ plans to set up a centre in Chisinau to provide a comprehensive set of day services to victims of domestic violence. However, the timeline for the finalisation of this project had not been determined at the time of the evaluation visit.

109. As for responses to violence against women at the local level, the Law on Preventing and Combating Family Violence provides a framework for multi-agency and multisectoral co-operation in the provision of different forms of assistance for victims of domestic violence. In this respect, it tasks the local authorities with the creation of multidisciplinary teams (MDTs)⁴¹ in order to ensure a systemic approach to the protection and assistance of the victims of domestic violence (Article 8, paragraphs 2 and 8). MDTs are composed of social welfare professionals, police officers, family physicians, local authority officials, psychologists, pedagogues and representatives of other institutions with relevant responsibilities in the field. The establishment of the MTDs aims at facilitating co-operation between the institutions participating in managing domestic violence cases, on a case-by-case basis, and referring the victim to the most relevant procedures and services. GREVIO notes that MTDs have been set up in all of the counties by decisions of the local authorities. While GREVIO welcomes the formalisation of interagency co-operation at the local level, the role of the MTDs is unclear. According to experts in the field, these teams are tasked with intervening in cases of both violence against children and domestic violence. However, in certain areas, such as the Cahul district, there has not been a recorded intervention by the MDTs in cases of adult childless women victims of violence and domestic violence in the period 2019-2020.⁴² Due to the lack of a clearly defined mandate in the regulatory framework, MDTs do not appear to have clear procedures for their operation. Furthermore, MDTs are established at the beginning of each calendar year by local authorities and the profile of their members may vary between different municipalities. GREVIO was alerted to the fact that it is not uncommon for most of the members of the team to

40. See Support for victims of sexual violence, Article 25.

41. See Chapter II, Article 7 (Comprehensive and co-ordinated policies).

42. Information obtained during the evaluation visit.

change after local elections. GREVIO stresses that such ambiguities in the working methods of the MTDs may hamper the continuity and quality of a referral mechanism for victims of domestic violence.

110. GREVIO draws attention to the fact that in the Republic of Moldova the existing support framework caters almost exclusively to victims of domestic violence. Similar support does not exist for victims of any other form of violence against women covered by the Istanbul Convention. In this respect, GREVIO welcomes the opening of a sexual assault centre in Ungheni and hopes that such holistic services will be made available to victims of other forms of violence against women.

111. GREVIO urges the Moldovan authorities to set up institutionalised structures for co-ordination and co-operation among all of the governmental and non-governmental agencies and service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular rape and sexual violence, forced marriage, stalking and sexual harassment.

B. Information (Article 19)

112. Several laws set out the obligation for the authorities to provide information about available support services and legal measures to the victims of violence, which GREVIO welcomes. According to Article 11 of the Law on Preventing and Combating Family Violence, the competent authorities in charge of preventing and combating domestic violence are obliged to inform the victims about their rights and relevant procedures, available services and their providers, as well as the availability and extent of legal counselling or legal aid. The law also stipulates the law-enforcement authorities' duties to inform the victim of the release of a detained person or the suspension of a protection order. Article 8 of the Law on Preventing and Combating Family Violence further sets out the obligation of the competent authorities to ensure the victim's effective access to information.

113. To ensure the wide dissemination of information, the Ministry of Labour and Social Protection maintains a website containing useful information for domestic violence victims, such as the relevant legal procedures and how to access them, available social and specialist services for victims of domestic violence and for the treatment of perpetrators, and studies and surveys on the topic.⁴³ The website, however, appears to be available only in Romanian, which hinders access to up-to-date information for many victims, especially considering the high number of women in Moldova who have fled the war in Ukraine and may not speak Romanian.

114. As for criminal proceedings, Articles 6 and 7 of the Law on the Rehabilitation of Victims of Crime provides for the obligation upon law-enforcement and prosecution officials to inform victims of crime in a written and accessible manner about the special conditions of the available support services, the competent prosecution authority, their procedural rights stemming from the Criminal Procedure Code and Enforcement Code, and the available protection measures set out in the Criminal Procedure Code and the Law on the Protection of Witnesses and Other Participants in Criminal Proceedings. According to the Moldovan authorities, the General Police Inspectorate issued administrative acts to ensure that victims of domestic and sexual violence are informed about their rights in practice, in particular the right to benefit from free legal assistance. These administrative acts include the Standard Operating Procedure for Interviewing the Participants in Criminal Cases, which stipulates that information to victims should be provided in simple and accessible language.

115. Civil society organisations and independent institutions drew GREVIO's attention to shortcomings in the provision of information to victims of domestic violence.⁴⁴ Despite the efforts of the Ministry of Labour and Social Protection to consolidate information on a website, accounts provided by NGOs indicate the lack of an integrated information system available in an easy to navigate and accessible language. Moreover, while information on general services is more readily available, the information about specialist services is not always provided to victims of violence

43. [Antiviolența.gov.md](https://antiviolența.gov.md).

44. Submission from the People's Advocate of the Republic of Moldova, p. 15.

against women despite the requirement provided for in the law. Material containing such information is usually produced with the joint efforts of special services but there seem to be no systemic efforts to provide user-friendly material by the authorities.⁴⁵

116. In the criminal justice system, GREVIO was alerted to the practice of law-enforcement and prosecution authorities often providing information to victims in technical legal language.⁴⁶ In any case, the information is only made available when the victim decides to take legal action. GREVIO also observed deficiencies in providing information to victims of domestic and sexual violence with regard to their rights to benefit from state-funded legal assistance, which is essential for them to navigate complex legal proceedings. This problem is reportedly more prominent in rural areas, which might discourage women victims of violence from reporting the crimes. GREVIO stresses in this respect that simply reading out the rights and list of services to the victims is not sufficient without offering practical advice on how to enforce their rights or access support services.

117. As regards the right of victims to receive information in a language they understand, GREVIO is concerned that online and printed information is rarely available in a language other than Romanian, Russian and Italian.⁴⁷

118. Last, while GREVIO notes that certain efforts are being made to provide information on domestic violence services and legal measures, it is concerned by the absence of information on other forms of violence, in particular information for victims of sexual violence and victims of, or women and girls at risk of, FGM and forced marriage.

119. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure that professionals in all relevant institutions take a more proactive approach towards informing victims and securing a wider dissemination of information about the support services and legal measures available to victims of domestic and other forms of violence against women, in a language they understand. Such efforts must encompass all forms of violence against women covered by the Istanbul Convention.

C. General support services (Article 20)

1. Social services

120. Article 11 of Law on Preventing and Combating Family Violence sets out the victim's right to medical, psychological, legal and social support. The provision of such services is not conditional on the initiation of criminal proceedings.

121. The Ministry of Labour and Social Protection is the central public authority responsible for the social assistance policy promoting the rights of victims of domestic violence, and the Social Assistance and Family Protection Sections/Departments are the local public authorities empowered to implement policies on providing social assistance to victims and perpetrators. These sections/departments employ a specialist who is responsible for preventing and combating domestic violence, for providing, among other things, counselling, rehabilitation and social reintegration services and for referring victims to other relevant authorities and services.

122. The organisation and functioning of social services for women victims of violence are regulated by the Government Decision Approving the Minimum Quality Standards for the Social Services and the Sectoral Guidelines prepared for social assistants working on preventing and combating domestic violence.

45. Submission from the NGO coalition Free from Violence, p. 22.

46. Ibid.

47. Ibid.

123. GREVIO notes that social services provided to victims of violence against women are strained by the lack of resources. According to information provided by civil society organisations, in 2022, out of the MDL 38 billion (approximately €2 billion) allocated for social protection in the state budget, only MDL 1.8 billion (approximately €94 million) was allocated to social services, and only 2% of this amount was directed to fund services for victims of domestic violence and victims of trafficking in human beings.⁴⁸ As a result, the social welfare system is understaffed and social workers are underpaid and confronted with an even higher caseload due to the influx of persons fleeing the war in Ukraine, given that social services are also tasked with the provision of assistance to other categories of vulnerable individuals, including refugees. In addition to the low number of social workers, high turnover rates among social workers result in decreasing numbers of professionals sufficiently qualified to provide counselling and make adequate referrals.⁴⁹ GREVIO notes that the situation is particularly dire in rural areas where there are not enough specialised social workers.

124. Moreover, GREVIO was informed of a lack of co-operation and referral between local social welfare services and law enforcement in certain regions.⁵⁰ In this respect, while interagency co-operation is regulated at the national level, in practice proactive co-operation between the police, the prosecutor's offices, the courts and social services or NGOs providing support services to victims is lacking, and more training is needed for professionals as regards referrals and needs assessment to ensure that women victims of violence receive personalised and specialised support, tailored to their needs.

125. According to Article 23 of the Law on the Promotion of Employment and Unemployment Insurance, victims of domestic violence are included in the list of persons who require additional support to enter the labour market. Certain programmes are in place to facilitate their integration into economic life, such as vocational training opportunities, internships, subsidised employment for women with disabilities and women over the age of 50, consultancy and assistance on starting an entrepreneurial activity and other initiatives supporting local projects aimed at increasing job opportunities. However, while GREVIO does not have detailed statistics about the implementation of these programmes, according to the authorities, in 2022 only three domestic violence victims benefited from them. Information provided by civil society indicated the absence of long-term alternative services to ensure the financial independence of women victims of violence.⁵¹

126. Another major issue preventing the long-term independence of victims from the perpetrator is the lack of a social housing scheme or any other financial measures, such as rent subsidies, to provide women victims of violence with long-term affordable housing. While fully recognising the economic strain resulting from the back-to-back healthcare and humanitarian crises affecting the Republic of Moldova, GREVIO notes that the provision of comprehensive and long-term support services that can enable women victims to achieve economic independence in a sustainable manner necessitates the redistribution of financial and human resources. In this context, GREVIO notes that domestic violence is a leading cause of homelessness and housing instability for women and their children⁵² and, as a result, victims may remain in violent relationships due to economic dependence and limited housing alternatives. For this reason, GREVIO underlines the importance of affordable medium and long-term housing solutions to victims of domestic violence, supplemented by healthcare and child-related support, in order to ensure that women can establish a life independent from the perpetrator.

127. GREVIO urges the Moldovan authorities to take steps to allocate appropriate human and financial resources for social services, including those delivered by local authorities, in support of victims of all forms of violence against women.

48. See the submission from Life without Violence, p. 12.

49. Information obtained during the evaluation visit.

50. Information obtained during the evaluation visit.

51. See the submission from Life without Violence, p. 12.

52. OECD, "When home is not a safe haven", 2023, p. 2.

128. GREVIO further urges the authorities in the Republic of Moldova to ensure the setting up of dedicated programmes aimed at the empowerment of women victims of domestic violence, including securing their economic independence through financial assistance, education, training, assistance in finding employment and long-term housing solutions.

2. Healthcare services

129. In the Republic of Moldova, emergency health services are covered by universal healthcare, but a health insurance is required for other health services. While some categories of unemployed people⁵³ are covered by the health insurance fund, victims of violence against women are not included among them and thus must pay for non-emergency treatment. According to a report by the World Health Organization, over 10% of the Moldovan population lacks health insurance coverage. GREVIO notes with concern the information received from civil society organisations indicating that a large number of women victims of violence do not have medical insurance and cannot access quality healthcare for their long-term health problems, which are not covered by the state's health insurance fund.

130. Another issue of concern for GREVIO is that medico-legal investigations required for the establishment of the circumstances surrounding violence against women in criminal proceedings are not included among the of state-funded medical services unless they were conducted in the course of an ongoing criminal investigation. GREVIO notes with concern the impact that this can have on the access to justice of victims who may not want to initiate criminal proceedings immediately and who lack financial resources to pay for the forensic examinations out of pocket. When victims seek emergency healthcare for their injuries resulting from violence, GREVIO was made aware of cases where family doctors failed to sufficiently record the injuries due to lack of awareness and training, which in turn diminishes the victim's chances of success in criminal investigations, should they decide to report the incidents and proceed with the legal process.

131. Moreover, indications made by experts in the field point to a lack of knowledge among healthcare professionals about specialist services for women victims of domestic violence, which hinders their ability to successfully refer them to available services.⁵⁴ GREVIO underlines that the health sector is often the first and sometimes the only entry point for women and child victims of domestic violence and thus plays a key role in enabling their access to other essential services.

132. GREVIO urges the authorities in the Republic of Moldova to bring the healthcare system to the forefront of efforts to combat all forms of violence against women, by:

- a. ensuring the access of victims of all forms of violence against women to quality healthcare, free of charge;**
- b. ensuring that health professionals are trained in the early detection and prevention of violence against women and that they provide free-of-charge documentation of forensic evidence adequate for use by the criminal justice sector;**
- c. developing and/or upgrading adequate protocols and procedures, and providing the corresponding training, to bring professionals' attitudes, skills and responses to violence against women, including sexual violence, up to the required standards;**
- d. reinforcing the role of the health sector in the interagency co-operation and referral system.**

53. According to the Law on Mandatory Health Insurance, the categories of unemployed persons who can benefit from public health insurance are as follows: children up to the age of 18, students enrolled in the educational system at levels 3-8, pregnant women, parturient and postpartum women, persons with severe, pronounced or moderate disabilities, retirees, unemployed persons registered by territorial employment agencies, people who take care, at home, of a severely disabled person who requires constant care and/or supervision from another person.

54. Information obtained during the evaluation visit.

D. Specialist support services (Article 22)

133. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

134. The types of support that such dedicated services need to offer include providing shelter and safe accommodation, immediate medical support, the collection of forensic medical evidence in cases of rape and sexual assault, short and long-term psychological counselling, trauma care, legal counselling, advocacy and outreach services, telephone helplines to direct victims to the right type of service and specific services for children as victims or witnesses.

135. The requirements in terms of services to be provided to victims of domestic violence by the authorities are described in Article 8 of the Law on Preventing and Combating Family Violence. Accordingly, free-of-charge specialist support services, including emergency accommodation, psychological counselling and legal assistance, are provided by nine state-run centres. One of these centres caters for women victims of human trafficking and four are maternal centres, whose shelter services are only available to women with children under a certain age, but day services are accessible for other groups of women as well. GREVIO notes that maternal centres are not specialised in providing services for women victims of violence, but rather to all women in crisis situations, which include being a victim of violence, human trafficking or experiencing financial difficulties. GREVIO does not have any information on the capacities of the maternal centres to deliver services on the basis of a gendered understanding of violence. On the other hand, GREVIO welcomes the ongoing efforts of the Moldovan authorities to set up sexual assault centres to provide specialist services to victims of sexual violence.

136. Additionally, a plethora of civil society organisations provide services which are clearly framed in feminist approaches and a gendered perspective of violence against women. GREVIO notes that state-funded specialist support services for women victims of violence remain underdeveloped, insufficient and often inaccessible. The major challenges brought to GREVIO's attention in this area are insufficient geographical coverage; lack of awareness regarding the specific needs of vulnerable groups of women; unavailability of long-term psycho-social and medical care; the high turnover of staff; the shortage of specialists at the local level; and the inefficiency of local multidisciplinary teams.⁵⁵ Reports indicate there are particular difficulties with the provision of legal assistance and counselling because of a lack of resources.⁵⁶ Furthermore, GREVIO notes that the available services do not provide counselling and support in relation to all the forms of violence against women covered by the Istanbul Convention.

137. Recalling the importance of women-to-women specialist support and counselling for all forms of violence against women covered by the Istanbul Convention, GREVIO urges the Moldovan authorities to provide or arrange for adequate specialist women's support services, with a gendered approach, throughout the country and for all forms of violence covered by the Istanbul Convention, including in their digital dimension, as well as for the victims' children, while paying due regard to the needs of women who are or may be exposed to intersectional discrimination. The aim should be to ensure the provision of immediate, medium and long-term support to women victims of violence by involving and tapping into the long-standing expertise of independent women's specialist support services provided by civil society organisations.

55. See the submission from Life without Violence, p. 23.

56. Submission from the People's Advocate of the Republic of Moldova, p. 16.

E. Shelters (Article 23)

138. There are seven public institutions which provide shelter services for victims of domestic violence, victims of trafficking or single mothers who are in need of emergency accommodation. According to the information submitted by the authorities, the state-run shelters have an estimated total capacity of 182 beds,⁵⁷ are free of charge and victims can stay for up to three months, with the possibility of extending it to six months. In addition, there are 12 shelters run by non-governmental organisations. These, however, do not receive sufficient funding to provide specialist support for women victims of gender-based violence and rely mostly on private donors and international grants to support victims of violence.

139. According to the indications given by civil society organisations, the capacities of the shelters fall short of responding to the needs of victims.⁵⁸ In this respect, GREVIO notes that some of the state-funded centres only provide accommodation to women with young children. Moreover, shelters are mostly concentrated in urban areas, making it difficult for victims from rural or isolated areas to access them. GREVIO has observed that in certain areas childless women victims of violence, or women with older children, had no other option for accessing emergency accommodation but to travel to other cities. GREVIO points to the need to increase the number of specialist shelters for women victims of violence and their children, in order to move closer to the minimum standard of one family place per 10 000 head of population and to ensure their adequate distribution throughout the country,⁵⁹ in line with the Istanbul Convention.

140. Barriers to accessing shelters for women belonging to certain groups have also been identified by GREVIO. Women with disabilities, especially women with psycho-social and intellectual disorders, and women with addiction issues face difficulties in being admitted to shelters. There are no dedicated shelters available for these groups of women and existing ones are not adapted to their needs. In some cases, such women are placed in a psychiatric institution following a court decision, which falls short of addressing their need for specialist support services as victims of gender-based violence against women. While GREVIO understands that the support needed by women victims of violence with psycho-social or intellectual disorders or addiction issues goes beyond the expertise and staffing levels of domestic violence shelters, it emphasises that shelters must be sufficiently equipped to welcome women with different needs. GREVIO has previously had the opportunity to clarify that generalist structures cannot replace specialist shelter spaces for women victims of violence⁶⁰ and preference must be given to the expansion of the latter, rather than adapting the former.

141. **GREVIO urges the authorities in the Republic of Moldova to:**

- a. expand the number and/or capacity of specialist shelter facilities for women victims of violence and their children, throughout the country, while monitoring the quality and financial sustainability of this service;**

57. See the state report, p. 35.

58. In line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (and the Explanatory Report to the Istanbul Convention), Article 23 (Shelters) states that there should be one shelter place per 10 000 inhabitants. With Moldova's population of 2 804 801, there is a need for at least 280 shelter places in the country.

59. Article 23 of the Istanbul Convention requires Parties to ensure that there are appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for women and children. Paragraph 135 of the Explanatory Report to the Istanbul Convention provides guidance to Parties as to how to assess whether the current number of shelters is sufficient. More specifically, it refers to the Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV (2008)6), which recommends that there should be one family place per 10 000 head of population. A "family place" is defined in the Council of Europe publication "Combating violence against women: minimum standards for support services", EG-VAW-Conf (2007) Study rev., as "an adult plus the average number of children". This notwithstanding, it is important to note that the Explanatory Report clarifies that the number of shelter places should be adapted to the actual need/demand in the country.

60. See GREVIO evaluation report on France, paragraph 154.

- b. ensure equitable access to such specialist shelter services for all women victims of all the forms of violence covered by the Istanbul Convention, especially women with disabilities, women living in rural areas, women with addiction issues, older women, Roma women and migrant women.**

F. Telephone helplines (Article 24)

142. Since 2018, the Moldovan government has been funding the state-wide helpline operated by the NGO La Strada, “Trust Line for Women and Girls”, for victims of violence against women, which is accessible 24/7 and free of charge. This anonymous and confidential service provides primary psychological counselling for victims of domestic violence, advice on recognising signs of violence in a relationship and how to build a non-violent relationship, and legal counselling and referral of victims to specialist services. According to information provided by the authorities, in 2021 the Trust Line received 1 956 calls, which is approximately the same as in 2020. In both years, 84% of the beneficiaries were women. The number of callers decreased slightly in 2022, with 1 530 calls registered by the service provider, of which 80% were from women.

143. There are also two freephone helplines for victims of domestic violence run by NGOs, one operating in Transnistria.

144. GREVIO regards the establishment of Trust Line as a good example of outsourcing social services to NGOs with relevant expertise and funding them on a long-term basis. It however notes that the helpline is available only in Romanian and Russian, and its scope appears to be limited to domestic violence and, to a certain extent, sexual violence. It is unclear to what extent victims of forced marriage, FGM, sexual harassment or stalking can receive support and counselling.

145. GREVIO is further concerned about reports indicating that in 2020 the Ministry of Labour and Social Protection initiated discussions to merge three specialist helplines into one, for financial optimisation. These are the Trust Line, the Child Helpline and the helpline for people with disabilities. Merging these helplines may dilute the level of specialisation of their responders and affect the quality of provided services. GREVIO recalls in this context that the convention requires the establishment of a national helpline dedicated to providing psychological support, counselling, legal advice and referral to specialist services to victims of all forms of violence covered by its scope. Generic helplines fall short of meeting these requirements.

146. GREVIO encourages the authorities in the Republic of Moldova to ensure the functioning of a state-wide free-of-charge, anonymous and round-the-clock telephone helpline dedicated to women victims of the various forms of violence covered by the Istanbul Convention, which is capable of providing counselling to victims, with due respect for the confidentiality of all callers, and which is operated by qualified staff trained in all the forms of violence covered by the convention.

G. Support for victims of sexual violence (Article 25)

147. At the time of GREVIO’s evaluation visit to the Republic of Moldova, there were no operational rape crisis or sexual violence referral centres in the country. In a bid to remedy this shortcoming, in 2021 the creation of a specialised service for victims of sexual violence in Ungheni was initiated by the Moldovan authorities, with support from UN Women Moldova, UNICEF and the European Union.

148. Once operational, this centre will provide round-the-clock, standardised and multidisciplinary support and assistance for sexual assault victims in accordance with the Istanbul Convention. Victims will be able to access the centre through self-referral or referral by other services. They will also have the possibility to be accompanied during the procedures in the centre by a person of their choice. The services provided at the sexual assault centre will include preliminary counselling, if needed, follow-up care and psychological counselling, and referrals to other services, if the victim

so wishes. An in-house forensic expert will be employed to collect evidence, including biological and photographic evidence. The centre is located within a medical facility and is connected to a private reception area of the gynaecology department of the hospital where victims can undergo medical examination, receive free-of-charge emergency contraception, testing for sexually transmitted diseases and free-of-charge post-exposure prophylactic HIV treatment (HIV-PEP). The facilities are also equipped with videoconferencing technology to record the testimony of the victim taken in the presence of a psychological councillor. The two-year piloting phase of the centre is expected to start in 2023. During this period the operation of the centre will be tendered to an NGO by the donor organisations. GREVIO was informed about the possibility of the Moldovan government taking over the funding of the centre after the two-year piloting phase.⁶¹

149. In the meantime, medical examination and treatment of sexual violence victims is provided at medical institutions, according to the Standardised Clinical Protocol on the Clinical Management of Cases of Rape issued by the Ministry of Health. GREVIO notes however that forensic examinations are provided by the Centre of Forensic Medicine, which has a main central site in Chisinau and smaller units across the country. GREVIO notes that these units are often located further from rural areas, meaning victims incur the cost and burden of travelling to undergo forensic examinations, which presents obstacles to women's access to justice.

150. GREVIO emphasises the need to ensure support services for all victims of rape and sexual violence, including hard-to-reach groups. At the same time, GREVIO recalls the importance of ensuring comprehensive support to victims of sexual violence, including long-term counselling services and offering practical support to victims in court and during legal proceedings. Taking into account the fact that the above-described planned service mostly matches the definition of sexual violence referral centre, which responds the needs of victims of recent sexual assaults, GREVIO draws attention to the question of whether Moldovan women also need assistance for incidents of sexual violence that happened in the past, as many women who survived rape trauma may need long-term psychological support typically provided by rape crisis centres. While GREVIO is mindful that the Istanbul Convention does not require states parties to establish both types of centres stipulated under Article 25 (rape crisis centres and sexual violence referral centres),⁶² it nonetheless stresses that the experience of rape crisis centres in other countries⁶³ shows that essential aspects of their work include providing services and support confidentially and making a commitment to victims that they will not be pressured into reporting violence (while maintaining that if they do wish to report, they will be supported by the rape crisis centre staff throughout the judicial process). Being aware of the stigma associated with sexual violence, it can be assumed that many women in Moldova would prefer the option of receiving confidential support and assistance.

151. The initiative taken through the first pilot centre for victims of sexual violence funded by external donors is therefore promising. However, such a service should be rolled out across the country and should also evolve into a sustainable service with state funding earmarked for beyond the initial project phase.

152. GREVIO strongly encourages the authorities in the Republic of Moldova to pursue their efforts to set up sexual violence referral centres and/or rape crisis centres and ensure sustainable state funding beyond the initial project phase, recalling that one such centre should be available for every 200 000 inhabitants⁶⁴ and that their geographical spread should make them accessible to victims in rural areas as much as in cities. The gathering of forensic evidence and the issuing of forensic certificates must not impose a financial burden on the victim.

61. Information obtained during the evaluation visit.

62. Explanatory Report to the Istanbul Convention, paragraph 139.

63. Brankovic B. and Saidlear C. (2021), "Promising practices of establishing and providing specialist support services for women experiencing sexual violence: A legal and practical overview for women's NGOs and policy makers in the Western Balkans and Turkey", WAVE, Vienna, European Union, Civil Society Strengthening Platform and UN Women: <https://wave-network.org/promising-practices-of-establishing-and-providing-specialist-support-services-for-women-experiencing-sexual-violence-a-legal-and-practical-overview-for-womens-ngos-and-policy-makers-in-the-w/>.

64. Explanatory Report to the Istanbul Convention, paragraph 142.

H. Protection and support for child witnesses (Article 26)

153. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children who were present. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

154. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.⁶⁵ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

155. GREVIO welcomes the recognition of the harmful effect on children who witness domestic violence in Article 2 of the Law on Preventing and Combating Family Violence, which expressly recognises children witnessing domestic violence as victims in their own right.

156. GREVIO further commends the Moldovan authorities' efforts to provide support to child witnesses of domestic violence through the establishment of specialised centres based on the Barnahus model.⁶⁶ These centres aim to reduce the risk of secondary victimisation through conducting and recording child-friendly interviews, carrying out forensic examinations and providing psychological and social support.

157. Where child witnesses cannot access a Barnahus, Article 110¹ of the Code on Criminal Procedure sets out special conditions for hearing child witnesses of domestic violence under the age of 18. Their hearing is carried out by a specialised interviewer in child-friendly rooms equipped with audio/video recording equipment. The recording of the interview then replaces the need for the minor to attend a hearing in person as part of the court proceedings in order to prevent further traumatisation. GREVIO observed that some police stations are equipped with such child-friendly interview rooms, but it does not possess information on whether they are available in every police station and/or courthouse in the country. GREVIO also notes the concerns raised by civil society organisations about the lack of regulations setting out the criteria for the accreditation of the specialists interviewing the child. Similarly, while the law provides that children participating in legal proceedings should be accompanied by a psychologist, in many cases this duty is undertaken by pedagogues or school psychologists who do not necessarily have the required level of specialisation.⁶⁷

158. GREVIO encourages the authorities in the Republic of Moldova to step up measures to give more practical meaning to the legal recognition of the harmful effects that witnessing domestic violence has on children, including by the development of appropriate guidelines and the provision of specialised training. GREVIO further encourages the authorities in the Republic of Moldova to provide appropriate support services for these children tailored to their needs, including by ensuring access to a Barnahus centre in all regions.

I. Reporting by professionals (Article 28)

159. The Law on Preventing and Combating Family Violence stipulates that “responsible persons, other persons who know that there is a danger to the life and health of a potential victim must communicate this to the competent authorities with functions [for] preventing and combating domestic violence. In other cases, reporting will only be done with the consent of the victim”. In

65. “Problems associated with children’s witnessing of domestic violence”, Jeffrey L. Edleson, *VAW Net*, available at: www.vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

66. For more information on this model, see the GREVIO report on Norway.

67. See the submission from the Life without Violence coalition, p. 31.

addition, the Law on the Rehabilitation of Victims of Crime, which applies also to civil society service providers, indicates that service providers “have the obligation to notify the police if, from the conversation with the victim, they deduce that they are in danger”. Furthermore, Article 22 of the Instruction Regarding the Intersectoral Co-operation Mechanism in Cases of Family Violence provides that “in cases of domestic violence with a high degree of risk to the life and/or physical and/or mental integrity of the victim, the specialists who identified/assisted the victim are obliged to immediately inform the police and the territorial social assistance structure about the case”.

160. While GREVIO finds the wording of the legislation to be in compliance with the requirements of Article 28 of the Istanbul Convention, it points to a worrying lack of awareness among all relevant professionals about the application of those obligations in practice. During GREVIO’s evaluation visit, all of the professionals met by the delegation stated that they are obliged to report to the police all incidents of violence against women, including domestic and sexual violence, regardless of the victim’s consent.

161. GREVIO underlines that such practices may constitute a barrier that prevents women victims of violence from seeking help if they do not wish to initiate formal procedures and/or fear the consequences of reporting the violence, for them or for their children (for example, retaliation from the abuser, financial insecurity, social isolation or the removal of children from their care). In this respect, GREVIO is particularly concerned about the lack of knowledge of reporting obligations among healthcare staff. A fundamental element of the doctor–patient relationship is that of confidentiality, and healthcare professionals are generally required to respect patient confidentiality. This is based on the notion that individuals should not be prevented from seeking medical treatment for fear of a disclosure of their condition to a third party. A confidential relationship is a prerequisite for providing patients with a correct diagnosis and the best possible medical care. This is even more important for victims of domestic violence, rape, sexual violence or other forms of violence covered by the convention. At the same time, healthcare staff, in particular general practitioners, play an important role in identifying victims of domestic violence, and may be the only professionals to know about the abuse that the victims are suffering.

162. The obligation entailed by Article 28 of the convention is carefully worded in order to allow healthcare staff, where they have reasonable grounds to believe that a serious act of violence has been committed and that further serious acts of such violence are to be expected against an adult, to report their suspicion to the competent authorities without risking being sanctioned for breaching their professional duty of confidentiality. However, in those cases where there are no reasonable grounds to believe that further serious acts of violence may be committed, the personal autonomy and choice of the woman concerned should be respected. The explanatory report explicitly states that this provision does not impose an obligation on such professionals to report.⁶⁸ The exception would be cases such as where the victim is a minor or is unable to protect herself due to physical or mental disabilities.⁶⁹

68. Explanatory Report to the Istanbul Convention, paragraph 147.

69. Explanatory Report to the Istanbul Convention, paragraph 148. With regard to violence committed against children, General Comment No. 13 (2011) of the Convention on the Rights of the Child, paragraph 49, provides that “in every country, the reporting of instances, suspicion or risk of violence should, at a minimum, be required by professionals working directly with children”. In relation to forced marriage and FGM, the Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices, of 14 November 2014, under its paragraph 55J, provides that “States parties should ensure that it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents if they have reasonable grounds to believe that a harmful practice has occurred or may occur. Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report”.

V. Substantive law

163. Recalling the principle of women's empowerment mainstreamed throughout the convention and in order to maintain the victims' trust in services, GREVIO strongly encourages the Moldovan authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Moldovan authorities to ensure that all relevant professionals are informed about the requirement to obtain the victim's prior consent before reporting to law-enforcement authorities, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected.

164. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

165. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the convention).

166. The principle of the disciplinary, civil, administrative and criminal liability of public officials is enshrined in Article 56 of the Law on the Civil Service and the Status of Civil Servants. Accordingly, public officials may be held responsible for violating their official duties and relevant rules of conduct, as well as for negligence in the performance of their tasks, including a failure to prevent and protect victims of violence against women. Article 2 of the Law on the Police also provides that the main tasks of the police include, *inter alia*, the protection of the life, the rights and dignity of others, prevention of crime and protection of public order. Under Article 21, paragraph 8, of the same law, a police officer can be dismissed for committing offences discrediting the police. More generally, Article 53 of the Moldovan Constitution upholds the principle of state liability for loss and harm caused to individuals as a result of the actions of public officials, including investigative bodies and courts. However, no data on the number of civil claims lodged against the state and their outcomes were made available to GREVIO, making it difficult to assess whether this is a tool used in the context of a failure to prevent violence against women and protect woman victims. Similarly, data on the number of cases in which disciplinary measures have been taken against public officials who have failed to prevent, investigate and prosecute acts of violence covered by the Istanbul Convention are unavailable.

167. GREVIO recalls that the obligation stemming from Article 29, paragraph 2, of the convention is in line with the case law of the European Court of Human Rights (the "Court") concerning the failure of public authorities to comply with their positive obligations under Article 2 (right to life) and Article 3 (prohibition of torture) of the European Convention on Human Rights (the "Convention"). GREVIO notes in this respect that several judgments rendered by the Court⁷⁰ have noted the failure of state officials to take effective measures and to ensure punishment of the perpetrator, despite knowing of the danger of further domestic violence, which amounted to repeatedly condoning such

70. *Eremia v. the Republic of Moldova*, Application No. 3564/11; *B. v. the Republic of Moldova*, Application No. 61382/09; *Mudric v. the Republic of Moldova*, Application No. 74839/10; *T.M. and C.M. v. the Republic of Moldova*, Application No. 26608/11; and more recently *Luca v. the Republic of Moldova*, Application No. 55351/17.

violence and reflected a discriminatory attitude towards the victims as women. In one of these cases,⁷¹ the Court also found a failure to comply with positive obligations under Article 8 (right to private life), notably because the authorities failed to take adequate measures to protect two minor daughters from witnessing their father's violent assaults on their mother, and the effects of such behaviour on them, and to prevent the recurrence of such behaviour. In a more recent case, the Court found a violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights read in conjunction with Article 3 on the ground that the authorities' continuous rejection to apply protection measures in a case of domestic violence using reasons that downplayed the seriousness of the victim's complaints of violence and undermined the credibility of her statements was not an isolated failure or delay in dealing with violence against the applicant, but in fact condoned such violence, reflecting a discriminatory attitude towards the victim as a woman.⁷²

168. GREVIO welcomes the measures taken by the Moldovan authorities to remedy the shortcomings identified in these cases, including the establishment in 2022 of a commission for the monitoring and analysis of cases of domestic violence resulting in the victim's death or serious bodily harm. The mechanism will be tasked with examining the actions and inactions of competent authorities in such cases with a view to preventing them in the future. While the commission is yet to finalise its review, GREVIO regards this as a positive step towards ensuring due diligence in addressing cases involving violence against women.

169. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure through all available means that victims of any of the forms of violence against women covered by the Istanbul Convention are aware of, and are given the practical means to, challenge and address any failure on the part of state officials to discharge their professional obligations. GREVIO further encourages the authorities in the Republic of Moldova to compile relevant statistics on the number of claims made against the authorities and the number of remedies granted as a result.

2. Compensation (Article 30)

170. According to the Moldovan Criminal Procedure Code, primary compensation from the offender is available to women victims of violence in criminal proceedings (Article 219) or by bringing a separate civil lawsuit (Article 221). Accordingly, victims of crime can participate in criminal proceedings as civil parties and claim compensation for material and/or moral damages from the perpetrator. If no civil action for compensation is filed in the criminal proceedings, or if the criminal court does not settle the civil action, or alternatively if the losses are not entirely covered, the victim or his/her successors may file a compensation claim in a civil court. There are no data to indicate how many victims of violence against women have benefited from compensation either in civil or criminal proceedings and what amounts were awarded.

171. As regards secondary state compensation for victims of crime, the Republic of Moldova reserved the right not to apply Article 30, paragraph 2, of the Istanbul Convention. GREVIO notes, however, that the Law on the Rehabilitation of Victims of Crime establishes a mechanism for victims of violence, including violence against women, to have the right to financial compensation from the state, albeit not fully functional at the time of the preparation of the report.

172. GREVIO strongly encourages the authorities in the Republic of Moldova to take further measures to:

- a. facilitate victims' access to compensation in civil and criminal proceedings and ensure that such reparation is promptly attributed and proportionate to the gravity of the harm suffered;**

71. *T.M. AND C.M. v. the Republic of Moldova*, Application No. 26608/11, available at: <https://hudoc.exec.coe.int/?i=004-14229>

72. *Luca v. the Republic of Moldova*, Application No. 55351/17, paragraph 105. This case has not yet become final at the time of the adoption of this report (see Article 44 § 2 of the ECHR).

- b. collect data on the number of cases in which women victims of violence have claimed and have obtained compensation from the perpetrator for offences covered by the Istanbul Convention.**

173. GREVIO further invites the authorities in the Republic of Moldova to consider lifting their reservation to Article 30, paragraph 2, of the Istanbul Convention.

3. Custody, visitation rights and safety (Article 31)

174. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

175. The Moldovan Family Code contains provisions which allow for the revocation or limitation of parental responsibility, including custody and visitation rights.

176. Although in cases of divorce the rule is shared parental responsibility, Articles 67-68 of the Family Code provide that, for certain reasons and given the best interests of the child, the court may decide that parental authority is exercised exclusively by one parent. Article 67 of the Family Code provides a non-exhaustive list of the reasons which may lead to the cessation of parental rights, which include physical, psychological or sexual violence against the child. The law prescribes the specific circumstances in which such measures are to be considered by the court, which generally revolve around protecting the child's safety and development from the risk or inability of the parent to exercise parental care.

177. According to the information provided by the authorities, the draft version of the legal amendments which entered into force on 9 January 2023 included an amendment of Article 38 of the Family Code to make it compulsory for the courts to take into account the history of intimate partner violence when deciding on parental responsibilities. GREVIO notes with regret that this provision appears to have been excluded from the adopted amendments. Moreover, GREVIO observed that Family Courts do not conduct risk assessments nor do they systematically ask for the disclosure of risk-assessment and safety plans drawn up by law-enforcement agencies and/or other competent stakeholders in cases of domestic violence, so that they can be taken into account when determining the best interests of the child.⁷³ GREVIO stresses, therefore, the need for the courts to proactively seek information from other bodies, including law-enforcement, healthcare and education authorities, as well as specialist women's support services. GREVIO also notes a need to monitor and follow up institutional/court practice related to custody and visitation rights, with the aim of analysing how the legislative solutions and regulations have been applied in practice.

178. As regards measures in place to ensure that the exercise of visitation or custody rights does not jeopardise the rights and safety of the victim or of her children, GREVIO has also been alerted about worrying practices in this respect. Experts in the field have underlined that often children are asked to meet the abusive parent without ensuring suitable arrangements and premises, in some cases obliging the mother to facilitate the visitation between the perpetrator and her children in the absence of other solutions.⁷⁴

179. While GREVIO notes that the Moldovan legislation allows for limitations of custody and visitation rights, where this may jeopardise the safety of women victims of domestic violence and their children, GREVIO is concerned by the lack of understanding among judges and other professionals of the harm borne by children witnessing domestic violence. GREVIO recalls that incidents of violence by one parent against another have a severe impact on children. Exposure to such violence breeds fear, causes trauma, adversely affects children's development and is

73. Information obtained during the evaluation visit.

74. Information obtained during the evaluation visit.

recognised as a form of psychological violence. GREVIO thus points to the need for appropriate training of judges and relevant professionals, with a view to raising their awareness of the harmful effects of children's exposure to violence.

180. The shortcomings in custody and visitation proceedings where there is a history of domestic violence were also confirmed in two judgments by the European Court of Human Rights. In *Luca v. the Republic of Moldova*, where, the applicant who was a victim of domestic violence, complained that their shared children refused to have any contact with her after being taken away by the perpetrator despite a protection order being in force at the time. In the ensuing divorce proceedings, the competent divorce court awarded the custody of the children to the perpetrator, which resulted in the *de facto* withdrawal of the applicant's contact rights as, according to the applicant, the child protection authority had failed to provide any support in time to prevent the children's further estrangement and had failed to assess the reasons for their hostility towards their mother despite the domestic violence context. In this judgment the European Court of Human Rights found a violation of Article 8 of the European Convention on Human Rights on the ground that the authorities failed to investigate whether the children's behaviour was connected with having witnessed domestic violence or the impact on them of living with the perpetrator of domestic violence.⁷⁵ The Court concluded that the Moldovan authorities should have taken into account the incidents of domestic violence in the determination of child contact rights.⁷⁶

181. Similarly in the case of *Bîzdîga v. the Republic of Moldova* the European Court of Human Rights reiterated that in proceedings concerning the custody and visitation rights of children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment has to form an integral part of such proceedings. For this reason, the Court found that an alleged history of domestic violence was a relevant and even mandatory factor to be weighed in the assessment of domestic authorities when deciding on contact rights.⁷⁷

182. GREVIO urges the authorities in the Republic of Moldova to take the necessary measures to ensure that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority, the competent authorities are required to consider all issues relating to violence against women and domestic violence and assess whether this violence might warrant restricting custody and visitation rights. In particular, GREVIO urges the authorities in the Republic of Moldova to:

- a. explicitly require, through appropriate means, all relevant parties playing a role in the determination of custody and visitation rights (social workers, the judiciary, psychologists, child psychiatrists and others who provide expert opinion to courts) to screen for and take into account any incidents of violence covered by the Istanbul Convention, on the basis of gender-sensitive guidelines, and ensure that such professionals receive appropriate training;**
- b. strengthen interinstitutional co-operation and information exchange between civil courts and criminal courts, as well as between these courts and services that assist and support victims of violence and their children or other bodies, such as women's specialist services, social protection and health services, or educational institutions;**
- c. ensure, through training and appropriate guidelines/protocols, the recognition (by relevant professionals, especially judges) that witnessing violence against a close person jeopardises the best interests of the child;**
- d. incorporate risk-assessment procedures in the determination of custody and visitation rights following domestic violence in order to determine the child's best interests, as well introduce the possibility that relevant professionals monitor**

75. *Luca v. the Republic of Moldova*, no. 55351/17, 17 October 2023, paragraph 91, available at: <https://hudoc.echr.coe.int/?i=001-228151>. Please note that this judgment has not yet become final at the time of the adoption of this report (Article 44 § 2 of the ECHR).

76. *Ibid.*, paragraph 92.

77. *Bîzdîga v. the Republic of Moldova*, no. 15646/18, 17 October 2023, paragraph 62, available at: <https://hudoc.echr.coe.int/?i=001-228152>. Please note that this judgment has not yet become final at the time of the adoption of this report (Article 44 § 2 of the ECHR).

visitation arrangements and document (possible) evidence of abuse or the harmful effects of (supervised) visits, and inform the court about such evidence or about children at risk of abuse, so that courts can review or reconsider their decisions on visitation based on updated information;

- e. equip social work centres with adequate resources, including sufficient space and professional staff, to allow for supervised visitation to take place in a safe environment and with the necessary support, as well as to recognise potential signs of distress in children as a result of supervised contact.**

B. Criminal law

1. Psychological violence (Article 33)

183. Article 33 of the convention requires parties to criminalise psychological violence, which is defined as the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats.

184. GREVIO welcomes the inclusion of psychological violence in the domestic violence offence set out in Article 201¹ of the Criminal Code, the formulation of which appears to capture a pattern of repeated and prolonged abuse, by criminalising the conduct of causing "isolation or intimidation with a view to imposing one's will or establishing control over the victim". It further welcomes the inclusion of psychological violence in the definition of domestic violence provided in Article 2 of the Law on Preventing and Combating Family Violence.

185. It is unclear, however, to what extent the above provisions are being used in relation to psychological violence committed by abusive partners or ex-partners, as the data collected on Article 201¹ of the Criminal Code is not disaggregated by the form of violence nor by the relationship between the perpetrator and the victim. Similarly, while the authorities maintain that Article 155 of the Criminal Code on threatening a person with murder or severe bodily injury is also applicable to cases of psychological violence committed within close relationships, there are no data available for GREVIO to make an assessment of the practical application of this general offence in a violence against women context. GREVIO further regrets to note that no information is available on the extent to which the aforementioned provisions were made use of in the prosecution and punishment of perpetrators who install spyware or use other devices to control, manipulate or otherwise breach the privacy of their victims.

186. GREVIO notes that it is difficult to verify whether psychological violence in all its manifestations is prosecuted and punished, as the convention requires. According to the national prevalence survey on domestic violence against women carried out by the National Bureau of Statistics in 2010, 57.1% of Moldovan women have suffered from psychological violence in their lifetime. According to the OSCE-led Survey on Violence against Women, the most prevalent form of violence committed by an intimate partner is psychological violence, mentioned by 71% of the respondents. The survey revealed that psychological violence is a widely spread form of intimate partner violence in the Republic of Moldova, indicating that women had experienced it with a current or previous partner.⁷⁸ In the absence of data on the implementation of relevant offences, GREVIO is concerned that such a prevalent form of violence remains unrecognised by the Moldovan criminal justice system. This is confirmed by the information provided by the People's Advocate of the Republic of Moldova, which indicates that very few criminal cases end with sentences for psychological violence.⁷⁹

187. **GREVIO strongly encourages the authorities in the Republic of Moldova to:**

- a. increase awareness, including through training, among judges, law-enforcement agencies and legal professionals, of the gendered nature and consequences of**

78. Survey available at: www.osce.org/files/f/documents/2/1/424979_0.pdf.

79. Submission from the People's Advocate of the Republic of Moldova, p. 21.

psychological violence as one of the most prevalent forms of violence against women in the Republic of Moldova, and to review the application of the existing criminal offences on psychological violence by the courts, in order to ensure that the relevant provisions are effectively used to investigate, prosecute and punish all its manifestations, including its digital dimension;

- b. take measures to improve the collection of data on the number of criminal charges, indictments and convictions related to psychological violence against women, including its digital dimension.**

2. Stalking (Article 34)

188. The Law on Preventing and Combating Family Violence defines stalking as a form of psychological violence consisting of contacting or attempting to contact the victim by any means or through another person, and which causes a state of anxiety, fear for safety and/or forces the victim to change his or her conduct of life. Such conduct is criminalised in Article 78² of the Contravention Code and subject to punishment with a fine of between 30 to 60 conventional units⁸⁰ and 20 to 40 hours of community service or 10 to 15 days of arrest. According to the information provided by the authorities, stalking as defined by Article 34 of the Istanbul Convention does not reach the level of social danger of an offence, hence its qualification as a contravention.⁸¹

189. No data, however, have been provided on the number of investigations opened, prosecutions carried out or convictions handed down for the offence of stalking. Nonetheless, GREVIO notes that the sanctions for stalking provided for in the Contravention Code are not dissuasive, especially taken into account the list of persons exempt from the sanction of arrest,⁸² and the fact that the imposition of community service is dependent on the perpetrator's consent.⁸³ Moreover, as GREVIO has noted, requiring the criminal conduct to cause the victim to change her behaviour or to suffer from the psychological impacts of stalking places an undue burden on the victim and an emphasis on her behaviour rather than on the perpetrator's.

190. GREVIO encourages the authorities in the Republic of Moldova to amend the relevant legislation in order to adequately criminalise stalking, specifying its constituent elements in line with Article 34 of the Istanbul Convention and providing dissuasive sanctions. It further encourages the authorities to:

- a. conduct specialised training of law-enforcement officers, prosecutors and judges on the gendered and serious nature of stalking, including post-separation stalking and stalking via digital means and technology, in order to ensure the effective criminalisation in practice and the application of proportionate and dissuasive sanctions;**
- b. collect data on the number of cases of stalking, including its online dimension, to identify the magnitude of this phenomenon and take adequate measures.**

3. Physical violence (Article 35)

191. Physical violence as an element of domestic violence is criminalised under Article 201 of the Criminal Code. Moreover, GREVIO notes that domestic violence (encompassing physical violence) is also criminalised under Article 78, paragraph 1, of the Contravention Code, which governs conduct with a level of social danger lower than a crime. The determinant factor triggering the application of the Criminal Code or the Contravention Code in a domestic violence case appears to be the degree

80. According to Article 64 paragraph 2 of the Moldovan Criminal Code, a conventional fine unit is equal to 50 lei (approximately 10 Euros).

81. See the state report, p. 44.

82. According to Article 38, paragraph 6, of the Contravention Code, the following groups are exempt from arrest: persons with severe and pronounced disabilities, military personnel, military personnel and employees of the Ministry of Internal Affairs with special status, persons under employment contracts, minors, pregnant women, women who have children up to 8 years old, persons who are the sole breadwinner of a household, children up to 16 years old, people who have reached the general retirement age.

83. Article 37, paragraph 3, of the Contravention Code.

of bodily injury caused. In this sense, an “insignificant” bodily injury is subject to contravention liability, whereas if minor, moderate or serious bodily injury is caused, the criminal offence of domestic violence is invoked. GREVIO welcomes the criminalisation of domestic violence in the Moldovan criminal legislation, but notes, however, that the parallel qualification of domestic violence as a contravention raises a number of issues.

192. GREVIO observes that certain concerns were expressed by women’s rights NGOs in relation to the parallel sanctioning regime for domestic violence committed under the Criminal Code (for more serious cases of domestic violence) and the Contravention Code (for less serious cases, sanctioned through misdemeanour proceedings). According to these considerations, since the introduction of a domestic violence provision in the Contravention Code, the number of criminal cases initiated has halved compared to previous years, while the number of contravention cases has doubled.⁸⁴ GREVIO wishes to draw attention to the difficulties that arise from the co-existence of two domestic violence offences. First, there appears to be no uniform criteria applied consistently to distinguish between the contravention and the criminal offence of domestic violence. Leaving the qualification of the legal nature of the act to practitioners solely based on the severity of bodily injury, and without clear guidance, may result in serious cases of physical violence being charged as a contravention and in turn, cases of psychological violence may go unpunished, despite their explicit criminalisation under Article 201¹ of the Criminal Code.⁸⁵

193. Second, the disparity between the sanctions imposed by the two laws raises questions about the effectiveness of parallel sanctioning regimes. The Contravention Code gives rise to either a community service of between 40 and 60 hours or contravention arrest of between seven to 15 days. Arrest under the Contravention Code cannot be applied as a sanction to perpetrators who are, *inter alia*, the sole breadwinners of a household. The criminal offence of domestic violence, however, carries a sanction of community service of between 150 and 180 hours or a prison sentence of up to four years – a much more dissuasive sanction. GREVIO thus expresses concern about this discrepancy and notes that penalties under the contravention offence should better reflect the gravity of the acts in question.⁸⁶

194. The Moldovan Criminal Code further foresees a number of offences that include elements of physical violence, including murder (Article 145), intentional infliction of grievous bodily injury (Article 151) and intentional infliction of less severe bodily injury (Article 152). GREVIO notes that the provision on murder foresees higher sanctions if the offence is committed against a family member.

195. GREVIO urges the authorities in the Republic of Moldova to ensure, through all available means such as protocols, training of professionals and legislative change, more operational clarity between the contravention and the crime of domestic violence. In addition, GREVIO urges the authorities in the Republic of Moldova to ensure more dissuasive sanctions for the contravention of domestic violence.

84. European Implementation Network, “Domestic violence de facto decriminalised in Moldova”, 2018, available at: www.einnetwork.org/ein-voices/2018/9/21/domestic-violence-de-facto-decriminalised-in-moldova.

85. See Chapter V, Psychological Violence.

86. See Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 350.

4. Sexual violence and rape (Article 36)

196. Prior to the legislative amendments which entered into force on 9 January 2023, Article 171 of the Moldovan Criminal Code on rape criminalised “sexual intercourse committed by physical or mental coercion of the person or taking advantage of the person’s inability to defend herself/himself or express her/his will”. With Law No. 316 of 17 November 2022, some normative acts were amended, including the definition of rape in Article 171 of the Criminal Code, which was changed to “non-consensual sexual acts”. As to what constitutes non-consensual sexual acts, the recent amendments added Article 132² to the Criminal Code, which provides that a “sexual act or action of a sexual nature that is accompanied by physical or mental coercion, applied to the victim or another person, or in which the person's inability to defend themselves or to express their will is taken advantage of, is considered non-consensual”.

197. The Moldovan Criminal Code includes further provisions that are applicable to cases of sexual violence. Article 172, for instance, criminalises acts of a sexual nature without consent, which fall outside the scope of the offence of rape and are defined by Article 132² as “any other ways of obtaining sexual satisfaction than the action of vaginal, anal or oral penetration of a sexual nature with any body part or object”. Both Articles 171 and 172 provide a set of aggravating factors in light of the victim’s vulnerability – age, dependence or subordinate position, disability or close relationship with the perpetrator– as well as whether the offence was committed in a particularly traumatising way, for example by multiple perpetrators, with particular cruelty or with the aim of transmitting a venereal disease.

198. In parallel with the aforementioned two articles on sexual acts without consent, the Moldovan Criminal Code also criminalises sexual intercourse with a minor under the age of 16 and enticing a minor for sexual purposes.⁸⁷

199. While GREVIO welcomes the introduction of the concept of consent into the Moldovan Criminal Code via the recent legislative changes, it regrets to note that the law still defines non-consent on the basis of the use of physical or mental coercion by the perpetrator.⁸⁸ The offences of rape and sexual actions without consent, as provided for by Articles 171 and 172 of the Criminal Code, are therefore not based on the notion of lack of freely given consent, as required by Article 36 of the convention. GREVIO recalls that this approach does not reflect the realities of women that experience sexual violence and their coping mechanisms for such violence, which include reactions such as flight, fight, freeze, flop or befriend. For example, research on the neurobiology of sexual trauma, conducted on victims of rape, shows that “freezing” is a common reaction by victims associated with subsequent post-traumatic stress disorder (PTSD) and severe depression.⁸⁹ What is required is the penalisation and effective prosecution of any non-consensual sexual act, including in the absence of physical resistance, as passivity cannot be considered as a sign of voluntary participation. In this respect, GREVIO draws the authorities’ attention to existing promising practices in Europe whereby, further to the paradigm shift towards definitions of rape and sexual violence based on the lack of freely given consent, the number of reports and prosecutions of non-consensual sexual acts has increased.⁹⁰ In these cases, the focus in investigations/prosecutions has been placed on the obligation of the accused to be aware of the consent given, thereby sending the message that sexual acts for which consent has not been established incur criminal liability.

200. As these legal amendments are a very recent development, GREVIO has not had the opportunity to assess the implementation of the amended provisions. However, the information collected by GREVIO and the exchanges with practitioners point to a need to supplement the legal amendments with the provision of appropriate training to all relevant stakeholders, such as medical

87. Articles 173 and Article 175 of the Criminal Code respectively.

88. Article 1322, paragraph 3 provides that “The sexual act or the action of a sexual nature that is accompanied by physical or mental coercion, applied to the victim or another person, or in which the person's inability to defend himself or to express his will is taken advantage of, is considered non-consensual.”

89. See Moller A., Sondergaard H. P. and Helstrom L. (2017), “Tonic immobility during sexual assault – a common reaction predicting post-traumatic stress disorder and severe depression”, *Acta Obstetricia et Gynecologica Scandinavica*, 2017, 96, pp. 932-938.

90. See the Mid-term Horizontal Review, Council of Europe, 2021, paragraphs 362-363.

professionals, police officers, social workers, lawyers and members of the judiciary.⁹¹ There is an urgent need to update the relevant training curriculums to keep pace with the new law. GREVIO also recalls the need to collect data on reported cases, indictments and convictions and to introduce a case-management system that would allow cases to be tracked along the criminal justice chain – from reporting to prosecution, convictions and sanctions – in order to assess any gaps in the institutional and judicial response to sexual violence and to provide an in-depth analysis of the possible reasons for attrition.⁹²

201. GREVIO urges the authorities in the Republic of Moldova to amend the sexual offences provided under the Criminal Code to fully incorporate the notion of lack of freely given consent, as required by Article 36 of the Istanbul Convention, and to define the type of non-consensual sexual acts that are criminalised, in line with Article 36, paragraphs 1a, b and c, of the convention.

202. GREVIO further encourages the authorities in the Republic of Moldova to collect statistical data on the newly introduced sexual offences in the Moldovan Criminal Code that would allow these cases to be tracked along the criminal justice chain – from reporting to prosecution, convictions and sanctions – in order to assess any gaps in the institutional and judicial response to sexual violence and to provide an in-depth analysis of the reasons for attrition.

5. Forced marriage (Article 37)

203. GREVIO notes that currently forced marriage is not included as an independent criminal offence in the Moldovan criminal legislation. According to the authorities, the Criminal Code contains a number of provisions that may be applied in cases of forced marriages. One such provision is Article 167 on slavery or practices similar to slavery, which lists “using coercion, violence or threat to make a person enter into or remain in an extramarital or marital relationship”, as a means of committing slavery. Other relevant provisions are Articles 165 and 206 of the Criminal Code, which criminalise human trafficking in respect of adults and children, respectively.

204. GREVIO recognises the potential overlap between forced marriage and the forms of exploitation referred to by the authorities, namely practices constituting or similar to slavery and trafficking in human beings. Indeed, forced marriage may be linked to sexual exploitation or labour exploitation. It should also, however, be a stand-alone offence. While the Istanbul Convention does not require establishing specific offences for each form of violence against women, its aim is to help parties create the necessary legal framework to ensure robust intervention and prosecution by law. The problem with the inclusion of the specific form of violence of forced marriage into broader offences of slavery or human trafficking is that such offences do not cover all forms of forced marriage, as they have a focus on coercion. Applying the offence of coercion to address forced marriage raises the concern that it is a complainant offence, meaning that the police will only investigate if the victims report to the police, and the prosecution requires the consent of the victims, who are extremely vulnerable in forced marriage situations. The current approach thus appears to hinder an adequate response by law-enforcement and criminal justice institutions.

205. While the prevalence of forced marriage in Moldova is unknown, various sources indicate the persistent practices of arranged marriages and child marriages within the Roma community in the country.⁹³ While acknowledging the differences between underage and forced marriages, GREVIO underlines that the young age of brides means that they are at a higher risk of not being able to express their full and free consent to a marital union or to resist a forced marriage. High rates of early marriage may indicate a widespread, yet unreported, prevalence of forced marriages. For this reason, more efforts must be made to recognise and address this form of violence, in co-operation

91. See Chapter III, Training of professionals.

92. See Chapter II, Administrative data collection.

93. See for example information provided by the organisation Girls not Brides at www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/moldova/ or by the Centre for Investigative Journalism (CIJM) at www.investigatii.md/en/investigations/childs-rights/roma-girls-from-school-to-early-marriages.

with community-based organisations and entities, and through training and awareness raising among professionals. This assessment also applies to FGM (see the next section).

206. GREVIO strongly encourages the authorities in the Republic of Moldova to consider introducing a specific criminal offence of forced marriage to cover the special nature of these offences and to make it operational for law-enforcement authorities and courts.

6. Female genital mutilation (Article 38)

207. The Moldovan Criminal Code does not contain any specific offence criminalising female genital mutilation. According to the information provided by the authorities, this stems from the fact that such a form of violence against women is largely “alien to the country’s traditions and practices”.⁹⁴ Nevertheless, the conduct described in Article 38a of the Istanbul Convention can be prosecuted under Articles 152 and 151 of the Criminal Code regarding, respectively, intentional injury and the aggravated form of this offence. However, the conduct of coercing, procuring or inciting someone to undergo female genital mutilation, as described in Article 38, paragraphs *b* and *c*, appears to remain outside the scope of such provisions and does not seem to be criminalised under any other existing offence.

208. GREVIO strongly encourages the authorities in the Republic of Moldova to:

- a. consider introducing into their criminal legislation an offence specifically targeting all forms of female genital mutilation, as defined in Article 38 of the Istanbul Convention;**
- b. raise awareness and knowledge among relevant professionals and society at large of this specific form of violence against women.**

7. Forced abortion and forced sterilisation (Article 39)

209. Article 159 of the Moldovan Criminal Code, on “illegal abortion”, criminalises the interruption of pregnancy committed outside medical institutions in unsanitary conditions or by persons other than specially authorised medical professionals and the termination of pregnancies that exceed 12 weeks without the presence of any of the medical indications listed by the Ministry of Health. This provision, however, does not include performing an abortion without the prior and full informed consent of the pregnant girl or woman.

210. Similarly, sterilisation conducted by unauthorised persons in unsuitable facilities or unsanitary conditions is criminalised under Article 160 of the Criminal Code as “illegal surgical sterilisation”. According to the information provided by the authorities, any surgical procedure conducted without the consent of the woman or girl concerned may be punished as intentional injury and its aggravated form under Articles 152 and 151 of the Criminal Code. GREVIO however has not received the judicial statistics that would enable it to assess the effectiveness of applying the criminal provisions of causing bodily injury to forms of violence against women.

211. In this respect, GREVIO recalls the judgment of the European Court of Human Rights in the case of *G.M. and Others v. the Republic of Moldova*,⁹⁵ which concerned the rape of three women with psycho-social and intellectual disorders by a staff member of a state-run neuropsychiatric residential institution and the subsequent forced abortion and the non-consensual implantation of contraceptive coils. While the perpetrator was convicted of rape, no criminal proceedings were initiated due to the fact that prior to 2006 the domestic law had not required consent for the medical interventions performed on persons with intellectual disabilities. The Court found, in particular, that the existing Moldovan legal framework lacked the safeguard of obtaining valid, free and prior consent

94. See the state report, p. 45.

95. *G.M. and others v. the Republic of Moldova*, Application No. 44394/15: www.hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2244394/15%22%2C%22documentcollectionid%22:%5B%22JUDGMENTS%22%2C%22DECISIONS%22%2C%22itemid%22:%5B%22001-220954%22%5D%7D.

for medical interventions from intellectually disabled persons, even after the changes introduced in 2020 to the ministerial order, which originally authorised the termination of pregnancies in cases of intellectual disability and currently shifts the responsibility onto the legal representative. The Court held that the adequate criminal legislation to dissuade the practice of non-consensual medical interventions carried out on persons with intellectual disabilities in general and women in particular, and other mechanisms to prevent such abuse of intellectually disabled persons in general and of women in particular, fell short of the positive obligation to establish and apply effectively a system providing protection to women living in psychiatric institutions against serious breaches of their integrity.

212. GREVIO urges the authorities in the Republic of Moldova to ensure that for any abortion or sterilisation procedure performed on women with intellectual disabilities, prior and informed consent is obtained on the basis of sufficient information on the procedure provided in a disability-accessible manner by professionals trained in gender and disability issues. In any procedure authorising the sterilisation of legally incapacitated women, less invasive birth control options should be considered with due regard to the best interests and self-determination of the women.

8. Sexual harassment (Article 40)

213. The offence of sexual harassment defined in Article 40 captures any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person. Sexual harassment is neither limited to the workplace nor to the family and can occur in multiple contexts, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. The convention allows parties to choose whether to sanction perpetrators of this offence either through criminal or non-criminal sanctions.

214. Under Article 173 of the Moldovan Criminal Code, sexual harassment is defined as “any physical, verbal or non-verbal behaviour that damages the person's dignity or creates an unpleasant, hostile, degrading, humiliating, discriminatory or insulting atmosphere by the use of threats, coercion or blackmail with the aim of engaging in sexual relations or other unwanted sexual acts with a person”. This offence is sanctioned with a fine of between MDL 650 and 850 (approximately €30-40), 140 to 240 hours of community service or up to three years' imprisonment. GREVIO notes that the definition of sexual harassment under the Criminal Code is broadly in line with the convention. GREVIO further notes that since 2016, the Law on Equal Opportunities⁹⁶ and the Labour Code⁹⁷ provide the obligation for the employer to inform employees that all acts of discrimination and sexual harassment are prohibited at work. While these provisions tasked the State Labour Inspectorate with monitoring employers' observance of the obligations to take measures to prevent and combat sexual harassment, until recently the law did not stipulate any sanction for employers who failed to do so. However, in a welcome development, on 31 March 2023 the Moldovan Parliament adopted amendments to the Contravention Code introducing legal fines for employers that fail to undertake measures for preventing and combating sexual harassment in the workplace.⁹⁸

215. Despite the various legal avenues available to victims, the practical relevance of these provisions appears to be limited. For example, according to information provided by the authorities, between 2020 and 2022 only seven perpetrators were imprisoned for committing sexual harassment.⁹⁹ While GREVIO has not received information on the number of reports, investigations and prosecutions of sexual harassment, it can be assumed that the majority of the cases which are examined by domestic courts result in fines or community service, if not in the acquittal of the perpetrator. GREVIO therefore concludes that more must be done to ensure that the different legal provisions are utilised to their full potential. Additional efforts are also needed from the authorities both to organise the collection of information about sexual harassment more effectively and

96. Article 10, paragraph (2)(d).

97. Article 10, paragraph 2, and Article 199, paragraph 1.

98. See a news item announcing the legislative changes on the website of the Moldovan Moldpres State News Agency: “Employers to be obliged to prevent sexual harassment at working place in Moldova”, available at: www.moldpres.md/en/news/2023/03/31/23002627.

99. See the state report, p. 90.

to highlight the actual circumstances of women affected by this form of violence, which is known to exist in the country, as confirmed by the state report.¹⁰⁰

216. GREVIO encourages the authorities in the Republic of Moldova to take measures to ensure that the legal provisions and policies protecting women from sexual harassment are fully applied, including where such harassment is carried out using digital tools. It should be possible for progress in this area to be measured using relevant data, including on how the new mechanisms that establish the responsibility of employers to combat and prevent sexual harassment operate in practice.

9. Sanctions and measures (Article 45)

217. The respective sections of this report which analyse the offences covered by the Istanbul Convention highlight the range of sanctions that are provided for in the legislation. From the information obtained on the actual use of the sentencing range that is made for offences within the remit of the Istanbul Convention, GREVIO notes the indications made by experts in the field that judges do not resort to the full range of punishment that is available in the law, and tend to apply the lowest possible sanction.¹⁰¹ GREVIO observes that this approach sends out the message that violence against women is not serious. Moreover, until the legislative amendments that entered into force on 9 January 2023, reconciliation was an available alternative dispute resolution procedure in sexual violence cases, thus leaving the perpetrator unpunished. While GREVIO could not obtain information on the extent of the practical application of this procedure in sexual violence cases, it stresses that such alternative dispute resolution methods constitute an obstacle to the victim's access to justice in sexual violence and harassment cases, where the victim is in a particularly vulnerable situation and may consent to reconciliation due to social stigma, fear of retaliation or undue influence from the perpetrator.

218. More generally, GREVIO observes that the absence or the very limited collection of data for offences related to violence against women makes it challenging to assess whether courts impose sanctions that are proportionate and dissuasive.

219. GREVIO urges the authorities in the Republic of Moldova to ensure – through legislative measures and the effective training of members of the judiciary and prosecution services – that sentences and measures imposed in cases of domestic violence and on the different forms of violence against women are effective, proportionate and dissuasive, as required by Article 45 of the Istanbul Convention.

10. Aggravating circumstances (Article 46)

220. Article 77 of the Criminal Procedure Code sets out the aggravating circumstances, which include, *inter alia*, prior conviction for a similar offence; severity of the impact of the offence on the victim; commission of the offence by more than one perpetrator; commission of the offence due to prejudice; commission of the offence against a minor or a pregnant woman or by taking advantage of the victim's vulnerability caused by advanced age, illness, disability or another factor; abuse of a position of public or social duties or trust; commission of the offence in the presence of a minor, persons with intellectual disabilities or persons dependent on the perpetrator; a particularly cruel manner of committing the offence; and the use of weapons in the commission of the offence. In addition, some of the aggravating circumstances required by Article 46 of the Istanbul Convention form part of the elements of the crime under certain provisions of the Moldovan Criminal Code, such as Articles 171 and 172 relating to sexual violence.

221. GREVIO notes that the requirement of Article 46a of the Istanbul Convention to introduce aggravated sentences for offences committed against a former or current spouse or partner, family

100. Accordingly, every fifth female employee in Moldova is subject to subtle forms of sexual harassment in the workplace, and four women out of 100 face serious forms of workplace sexual harassment. See a news article on the bill of amendment at: www.ipn.md/en/each-fifth-female-employee-in-moldova-is-subject-to-workplace-7967_1071116.html.

101. Information obtained during the evaluation visit.

members and persons cohabiting with the victim is less well complied with. For example, while certain offences set out in the Criminal Code, such as rape (Article 171), non-consensual sexual actions (Article 172) and murder (Article 145) list the commission of the offence against a family member¹⁰² as an aggravating circumstance, GREVIO notes that some other general offences applicable to cases of violence against women do not include such a factor, for instance causing bodily injury and its aggravated form (Articles 152 and 151), threatening (Article 155), human trafficking (Article 165) and slavery or acts of a similar nature (Article 167).

222. GREVIO further notes that no sentencing guidelines exist for the judiciary. While there is no information available on the application of aggravating circumstances in criminal statistics, it has been brought to GREVIO's attention that in some instances judges assess the factors surrounding a case of violence against women on the basis of stereotypical gender roles and respect for the family as a fundamental unit of society.¹⁰³ GREVIO is thus concerned that the full range of aggravating circumstances may not be duly applied in the Moldovan criminal justice system. GREVIO recalls the urgent need to ensure the necessary training on, and full application of the principles of, the Istanbul Convention, without which the application of aggravating circumstances will remain flawed.

223. GREVIO strongly encourages the authorities in the Republic of Moldova to take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are in practice considered and applied by the courts as aggravating circumstances for crimes of violence against women, and to adopt legislative measures to expressly include the commission of an offence against a former or current spouse or partner, family members and persons cohabiting with the victim as an aggravating circumstance in crimes of violence against women.

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

224. Article 109 of the Criminal Code and Article 276 of the Criminal Procedure Code set out the specificities of the reconciliation procedure in the Moldovan criminal justice system, which is optional. Accordingly, the criminal liability of first-time offenders of certain crimes, which are deemed less serious,¹⁰⁴ is lifted if the victim and the perpetrator reach an agreement to settle their dispute through the payment of damages or other restorative measures.

225. According to the information provided by the authorities, the domestic violence offence (Article 201¹ of the Criminal Code) as well as the "intentional murder of a family member" (Article 145, paragraph e¹ of the Criminal Code) are explicitly exempted from the reconciliation mechanism.¹⁰⁵ Furthermore, GREVIO was informed during the evaluation visit that the legislative amendments which entered into force on 9 January 2023 exclude offences against sexual freedom from the scope of this procedure. Indeed, under the Criminal Code in force, reconciliation is not possible in cases of sexual offences and offences against family and minors, which GREVIO welcomes.

226. GREVIO, however, notes that a number of general offences which are relevant to violence against women still fall within the scope of the alternative dispute resolution mechanism, including but not limited to, murder and causing grievous bodily harm. GREVIO notes that the specific domestic violence offence set out in Article 201¹ applies to "violent actions resulting in slight injury

102. Article 133(1) of the Criminal Code defines family member as: a) in the case of cohabitation: persons in marriage, in divorce, persons in respect of whom a judicial protection measure has been instituted, their relatives, relatives, spouses of relatives, persons in relationships similar to those between spouses (cohabitation) or between parents and children; b) in the case of living separately: married, divorced persons, their relatives, relatives, adopted children, persons in respect of whom a judicial protection measure has been instituted, persons who are or have been in relationships similar to those between spouses.

103. Information obtained during the evaluation visit.

104. The Criminal Code does not set out an exhaustive list of offences which are deemed "less serious"; it rather provides that reconciliation is applicable to offences provided in the following sections of the Criminal Code: crimes against personal life and health, crimes against freedom, honesty and the dignity of the person and crimes against property.

105. See the state report, p. 52.

to bodily integrity or health”, whereas other forms of violence against women (including those that are not committed by family members, partners or former partners) or domestic violence causing more serious injuries will be qualified as causing bodily harm, thus falling within the scope of reconciliation.¹⁰⁶ GREVIO notes with concern that no information was provided on whether any specific measures, such as guidelines or training efforts, were introduced to ensure that victims consent freely to the reconciliation and that no coercion or intimidation is used upon them. It is therefore essential that judges are trained to forego conciliatory attempts in all cases involving violence against women and domestic violence.

227. As regards alternative dispute resolution mechanisms in divorce proceedings, Article 37, paragraph 4, of the Family Code provides that where one of the parties does not consent to the dissolution of marriage, the court will postpone the examination of the case and establish a reconciliation period of between one and six months, except for divorce cases started on the grounds of domestic violence and confirmed by evidence. If parties do not reach an agreement at the end of the set period, the court shall grant a divorce.

228. Based on the available information, the nature of evidence required by the courts to detect domestic violence is not clear. It is therefore important for family judges to refer cases to reconciliation only when certain safeguards and criteria are in place to ensure the protection of the victims, including, for example, assessment of whether the victims entered the procedure under direct or indirect pressure. In this context, GREVIO also stresses the importance of specifically training the professionals involved in the court-granted reconciliation process, such as social workers and accredited mediators, with a view to ensuring their ability to adequately intervene in cases where domestic violence may be present, even when it is not the basis for launching divorce proceedings or when it is not established by court-accepted evidence.

229. GREVIO urges the authorities in the Republic of Moldova to take the necessary measures, including amending the relevant legislation, to explicitly prohibit the mandatory character of reconciliation in criminal proceedings where there is violence against women, regardless of the applicable provision of the Criminal Code.

230. In the meantime, and until such amendments are enacted, GREVIO urges the Moldovan authorities to incorporate a risk-assessment procedure and other safeguards to ensure the full and free consent of the victim in the context of any voluntary reconciliation procedure.

231. GREVIO also strongly encourages the Moldovan authorities to:

- a. take measures to ensure that in cases of reconciliation in the context of divorce, effective screening processes and safeguards are established to allow judges to identify and address power imbalances between the two parties resulting from a history of domestic violence by one spouse against the other, with a view to ensuring the free and full consent to the mediation process of both parties;**
- b. train judges, mediators and all relevant professionals involved in the reconciliation procedure on the need to ensure that victims freely consent to mediation and are not exposed to secondary victimisation.**

¹⁰⁶. In cases where the offence is subject to conciliation and the injured party is dead, the Supreme Court of Justice of Moldova recognises the successors' right to accept or continue reconciliation procedures in its decision no. 4-1-ril-3/2019 dated 7 February 2019.

VI. Investigation, prosecution, procedural law and protective measures

232. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations and immediate response, prevention and protection (Articles 49 and 50)

233. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

234. GREVIO notes with satisfaction that Articles 8 and 11 of the Law on Preventing and Combating Family Violence oblige the authorities responsible for preventing and combating domestic violence to react promptly to any notification of an incident and to inform victims about their rights, the authorities and institutions available to assist them, the services and organisations that provide help, the legal procedures to file, and follow up, a complaint, the role of the police and available protection. The police are also required to adopt a multi-agency approach and co-operate with other competent authorities, including civil society. Moreover, Article 11, paragraph 2, of the Law on Preventing and Combating Family Violence sets out the victims' right to assistance for physical, psychological and social recovery through special medical, psychological, legal and social actions. The granting of protection and assistance services is explicitly unconditional on the victim's testimony or participation in the prosecution of the perpetrator. The law also guarantees the victim's right to private life and confidentiality of information.

235. According to the information obtained by GREVIO, domestic violence incidents are primarily identified through the single emergency service phone number 112.¹⁰⁷ In cases of domestic violence, it is common practice for two officers to attend, with a preference for at least one female officer, if possible. Usually, one officer will talk to the victim in one room while the other will be with the alleged perpetrator in another room.¹⁰⁸ The risk-assessment questionnaire filled out by the officers at the scene also allows the police to record relevant evidence.¹⁰⁹ If a suspected perpetrator of domestic violence is known to have a weapon at home, the situation is considered as high risk and police officers will seize the weapon.

236. However, according to information provided by civil society sources,¹¹⁰ in 2020 there was a significant difference between the numbers of requests for police assistance for domestic violence – 12 970 – and the number of confirmed cases, 2 453. This resulted in 81% of reports being unconfirmed. This finding supports the indications provided by women's rights organisations and NGOs that the police turn up and talk to the parties but do not take meaningful action.¹¹¹ Similarly, in terms of prevention, although the police co-operate with social workers, much of that work appears to involve talking to the perpetrator and the victim, rather than taking actions backed with sanctions. The root cause of this stark difference stems from cultural attitudes that permeate both the police and society at large.

107. Information obtained during the evaluation visit.

108. "Law-enforcement response to domestic violence cases in the context of the Covid-19 crisis in the Republic of Moldova", La Strada, 2021.

109. Risk-assessment document provided by the police to the delegation.

110. Law-enforcement response to domestic violence cases in the context of the Covid-19 crisis in the Republic of Moldova", La Strada, 2021.

111. Information obtained during the evaluation visit.

237. Women's organisations and NGOs explained that reporting, investigation and prosecution is still significantly hampered by stereotypes and prejudices, in what remains a patriarchal country.¹¹² These include generalised views that women should endure violence, that they are inferior to men and that they will be judged if they report violence against them, and often these views are internalised by the women themselves. Specific concerns raised included victimisation, harassment and re-traumatisation by the police. In addition, GREVIO was alerted by experts in the field that even well-trained police officers do not have the awareness that societal pressures may constitute a barrier to reporting. This can result in women withdrawing their complaints.¹¹³

238. Operational problems, such as lack of access to information, may also contribute to the attrition rates. Although the police maintain a register of perpetrators, restraining orders and protection orders, these records are kept manually. To access the records, the police must contact the department responsible for monitoring the perpetrator, which can take a couple of days and results in police officers not knowing whether there is a history of violence or an existing protection order. GREVIO was informed that the police are currently piloting an electronic register and it is hoped that this will be rolled out in 2023. At present, however, there is a clear protection gap due to the difficulty of obtaining the relevant information from the records. Additionally, there does not appear to be a system of reporting and recording patterns of abuse. GREVIO notes that this can result in the context and history of violence not being taken into account when officers arrive at a crime scene. Further concerns were raised by civil society organisations about the speed of reaction to calls reporting domestic violence during the Covid-19 pandemic.¹¹⁴

239. In terms of psychological harm, particularly in rural areas, GREVIO was informed that this is not perceived as a form of harm and therefore is not taken seriously. Women's organisations suggested that more information, training and awareness-raising campaigns are needed.¹¹⁵

240. Overall, therefore, while GREVIO commends the Moldovan authorities for the legal changes taken to ensure compliance with the convention,¹¹⁶ it is still a challenge to change societal attitudes and to improve the knowledge, capacity, resources and response of the police. Particular concerns arose in respect of case management regarding gender-based violence and domestic violence.

241. GREVIO strongly encourages the Moldovan authorities to take steps to reduce attrition rates by improving the investigation and prosecution of gender-based and domestic violence offences, by:

- a. enhancing the capacity of the police through sufficient recruitment and continuous training in respect of new laws, gender-sensitive policing and best practices in combating violence against women and domestic violence;**
- b. monitoring the speed of the police response and the outcomes of requests for assistance;**
- c. increasing and monitoring the effectiveness of awareness-raising campaigns designed to remove the stigma and stereotypes attached to domestic violence and violence against women.**

2. Effective investigation and prosecution

242. At the outset, GREVIO welcomes the efforts undertaken by the Moldovan authorities to improve the prosecution and management of sexual violence cases, including rape. GREVIO notes that there have been some initiatives to train prosecutors and judges on the amendments to the Code on Criminal Procedure, and a circular was issued to inform the judicial authorities of the new provisions. GREVIO also welcomes the adoption of the working methodology and instructions for

112. See also Țurcan-Donțu A. and Cheianu-Andre D., "National Analytical Study on Femicide", p. 28, Women's Law Centre NGO, available at www.cdf.md/wp-content/uploads/2022/03/Femicid_engleza.pdf.

113. "Law-enforcement response to domestic violence cases in the context of the Covid-19 crisis in the Republic of Moldova", La Strada, 2021.

114. Ibid.

115. Information obtained during the evaluation visit.

116. See Chapter V, Substantive Law.

intervening professionals in sexual violence cases, in April 2023, aimed to improve the co-operation in rape cases between all relevant agencies, including law enforcement, social welfare, education and healthcare institutions as well as commercial entities. Furthermore, GREVIO was informed that over 1 000 medical professionals have received online training, and an additional 100 doctors have been trained on-site to respond to sexual violence. A very promising development is the establishment of a sexual assault centre in Ungheni, with the support of UN Women, in order to provide one-stop-shop services for victims of sexual violence. GREVIO notes that, once operational, this centre will enable women to obtain immediate and follow-up medical treatment after a sexual assault, in conditions of confidentiality and with evidence storage facilities.

243. As for domestic violence, GREVIO notes that there is a specialised prosecutor's office dealing with cases involving children and domestic violence. When prosecutors notice shortcomings during the investigation stage, they can send the file back to law enforcement. GREVIO notes that the Methodical Instruction on Police Intervention in Cases of Domestic Violence, issued by the General Police Inspectorate, provides detailed instructions on the process and procedure to be followed when investigating domestic violence, including evidence collection requests for forensic medical examinations, risk assessment and multi-agency work.

244. GREVIO was informed by women's organisations and NGOs that often police officers qualify domestic violence cases under the Contravention Code rather than the Criminal Code. One reason for this stems from an apparent over-reliance on forensic medical evidence to prove elements of the offence. GREVIO notes with concern that psychological violence seems not to be properly identified or penalised. To challenge this contravention qualification, the victims need to make a court application and pay stamp duty, which requires knowledge of the criminal justice system and financial means. As a result, domestic violence cases are not treated as seriously as they should be, penalties fall short of being dissuasive and women's access to justice is hindered. GREVIO stresses that this can lead to patterns of domestic violence being overlooked and escalating over time.

245. GREVIO notes the concerns expressed by women's rights organisations and NGOs about the insufficient number of police officers at local level and their heavy workload, which prevent law enforcement from implementing successful prevention programmes. GREVIO was further alerted to significant issues of secondary victimisation and re-traumatisation in the course of investigations, including an example of a woman being required to share intimate images with multiple state bodies within the scope of investigations into image-based abuse.¹¹⁷

246. Another reported issue of great concern is the difficulties that women with disabilities face in criminal proceedings, both in terms of proving lack of consent in sexual violence cases and accessing protection. GREVIO regrets that there is no effective victim-protection mechanism when the perpetrator is the carer of the victim and when the victim is financially and physically dependent on the perpetrator. GREVIO welcomes as a positive example the modifications made in the course of criminal investigations to enable a woman with Down's syndrome to testify in appropriate conditions, and hopes that such good practices will become the norm with training and awareness-raising initiatives targeting all those in the criminal justice chain.

247. Finally, the lack of an interconnected online case-management system in the justice sector containing information on relevant emergency barring orders, protection orders and sentences results in a serious gap in the relevant information available to the authorities to ensure proper and adequate levels of protection, in terms of both investigation and prosecution.

248. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure that women victims of violence and domestic violence have appropriate access to services during the investigation process, by:

- a. ensuring a sufficient number of well-trained police officers, particularly on the gendered dimension of domestic violence, sexual violence, psychological violence, secondary victimisation and re-traumatisation;**

¹¹⁷ Information obtained during the evaluation visit.

- b. **ensuring a sufficient number of well-trained prosecutors and investigators;**
- c. **identifying solutions for particularly vulnerable groups of women, such as those in rural areas and women victims of violence with disabilities;**
- d. **developing and implementing an interconnected online records system that links the police and prosecution service, with due regard to data protection and privacy.**

249. **GREVIO further invites the authorities in the Republic of Moldova to ensure that access to healthcare by women victims of violence is not delayed or obstructed because of a mandatory reporting duty, by ensuring that the reporting threshold remains high and by monitoring victims' access to services and their use, following the reporting of offences.**

3. Conviction rates

250. According to the "National Analytical Study on Femicide",¹¹⁸ between 2016 and 2019, 226 deaths of victims of domestic violence were registered (these data were not disaggregated by gender). Furthermore, in the same period, 65 criminal prosecution cases concerning the deaths of women or girls were initiated under Article 145 (murder) and Article 201¹ paragraph 4 (domestic violence resulting in the death of the victim) of the Criminal Code. It is also reported that although one in five of the defendants had previously been convicted for domestic violence, this had not been effective in deterring them from committing further violence against women. The report notes that none of those convicted were required to participate in a probation programme for reducing violent behaviour. Concerns were also raised about the level of sentencing being insufficient to deter the offender from resorting to violence again in the future. NGOs and women's organisations were of the view that cases of violence against women tend to remain pending before the criminal justice authorities for years.

251. According to the state report, in 2020 there were nine recorded cases of women being killed, which rose to 12 in 2021.

252. GREVIO notes that there are currently 22 women in prison for killing their partners, of whom an estimated 40% are in prison as a consequence of retaliating to violence perpetrated against them, and information received by GREVIO from civil society indicates that Roma women are disproportionately represented within this group.¹¹⁹

253. In 2021, the police received 14 728 notifications of domestic violence. Of these, 1 963 cases were recorded *ex officio* by the responding police officer. Some 918 crimes against family values¹²⁰ were recorded and 1 662 cases that contravened Article 78¹ of the Contravention Code. During the same period, prosecutors investigated 947 criminal cases under the domestic violence provisions of the Criminal Code. This suggests that only in a low percentage of the reported cases was action taken to punish the offender.

254. In terms of rape and other forms of sexual violence against women, the lack of statistics about interventions, prosecutions and convictions makes it difficult to assess the effectiveness of the system.

255. **GREVIO strongly encourages the authorities in the Republic of Moldova to swiftly identify and address all factors contributing to domestic violence being inappropriately penalised, either because the offending behaviour is not considered as sufficiently serious to warrant criminal prosecution or because the sentence handed down is not a sufficient deterrent and/or does not require participation in a recidivism reduction programme.**

118. Țurcan-Donțu A. and Cheianu-Andre D., "National Analytical Study on Femicide", Women's Law Centre NGO, available at: www.cdf.md/wp-content/uploads/2022/03/Femicid_engleza.pdf.

119. Information obtained during the evaluation visit.

120. See the state report, p. 52. The report, however, does not indicate which specific provisions of the Criminal Code or the Contravention Code qualify as "crimes against family values".

256. **GREVIO invites the authorities in the Republic of Moldova to conduct research into women convicted of domestic violence who were themselves victims of domestic violence, in order to ascertain how self-defence and domestic violence against women are considered and treated by the judiciary.**

B. Risk assessment and risk management (Article 51)

257. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

258. The police have a standard questionnaire for domestic violence incidents to record evidence and evaluate the risk of violence in the family, taking into account the presence of firearms, which the police are required to remove, even if legally held. This risk-assessment form, once completed, is also used by the prosecutor and judge as evidence in criminal cases and when considering whether to grant a protection order. Article 8 of the Law on Preventing and Combating Family Violence requires social assistance and family protection departments to collaborate with the police to identify people likely to commit acts of domestic violence and refer them to specialist rehabilitation centres. If there is imminent danger to a child, the police are required to assist the guardianship authority, as provided for by Articles 9 and 10 of the Law on the Special Protection of Children at Risk and of Children Separated from Their Parents, as well as by the instructions on intersectoral co-operation. According to the state report, sectoral instructions also require social workers, medical doctors and examiners to complete a risk-assessment questionnaire, which is a different form to the one used by the police. There is no standardised assessment of risk for gender-based violence and domestic violence across all agencies. Minimum quality standards for all service providers would assist in ensuring an appropriate risk assessment and management process.

259. The General Police Inspectorate's Methodical Instruction on Police Intervention in Cases of Domestic Violence provides guidance on how to complete the risk assessment. GREVIO welcomes that this instruction was updated in 2023 with the aim to better reflect the standards of the Istanbul Convention regarding risk assessment. Accordingly, if the risk is determined to be moderate or high, an emergency restraining order will be issued, regardless of the wish of the victim. In 2021, 1 963 cases were recorded *ex officio* by the responding police officer. NGOs and women's organisations informed GREVIO that although the form is welcomed, it is not sufficiently used in practice; although the police respond to the incident, there is no adequate follow-up as regards risk management.

260. An analysis of sentences carried out for the purposes of the National Analytical Study on Femicide showed that only 21 out of 50 defendants had been registered by the police as domestic violence perpetrators, and in only two of those cases had a protective order been applied. Similarly, emergency restraining orders had been applied against only two domestic violence perpetrators. This suggests that the risk of violence against women is being ineffectively identified, the risk of harm is underestimated and therefore the risk assessment and management process do not serve their purpose.

261. In this context GREVIO wishes to point out that, in its judgment in the case of *Kurt v. Austria* [GC],¹²¹ the European Court of Human Rights clarified the obligations relating to risk assessment and management under Article 2 of the European Convention on Human Rights. The Court found in particular that in the course of a comprehensive risk assessment, "while the judgment of well-trained law-enforcement officials is essential in each case, the use of standardised checklists, which indicate specific risk factors and have been developed on the basis of sound criminological research and best practices in domestic violence cases, can contribute to the comprehensiveness

121. *Kurt v. Austria* [GC], Application No. 62903/15, judgment of 15 June 2021.

of the authorities' risk assessment ...".¹²² GREVIO fully endorses this consideration and stresses that proper risk assessment and management can save lives and should therefore be an integral part of the response by authorities to cases of violence covered by the Istanbul Convention.

262. GREVIO welcomes the creation in 2022 of a commission, chaired by the Ministry of Internal Affairs, bringing together experts from the government and the NGO sector to analyse domestic violence cases resulting in death or serious harm, with the aim of reducing violence, providing quality services, preventing victimisation and achieving the re-education and socialisation of abusers, with a focus on identifying deficiencies in state actions.

263. GREVIO strongly encourages the authorities in the Republic of Moldova to reinforce the capacity of relevant professionals to carry out risk assessments, including by:

- a. providing guidelines and increasing training efforts;**
- b. introducing a standardised risk-assessment process for all agencies;**
- c. ensuring that risk assessments are carried out systematically, and keeping all reports and records of violence against women to allow the evaluation of the risk of repeat and escalating violence, while ensuring respect for the principles of data protection.**

C. Emergency barring orders (Article 52)

264. GREVIO welcomes the stipulation in Article 121 of the Law on Preventing and Combating Family Violence that if the risk assessment conducted at the scene identifies circumstances that give rise to reasonable suspicions that acts of domestic violence have been committed and/or there is imminent threat of violence or repeated violence, the police must immediately issue an emergency barring order against the perpetrator to address the crisis situation and concurrently take necessary action to investigate the act of violence. Similarly, according to the General Police Inspectorate's Methodical Instruction on Police Intervention in Cases of Domestic Violence, if following the risk assessment there is a reasonable suspicion that acts of domestic violence have been committed and/or there is an imminent danger of repetition or commission of violence, or of escalation of the situation, the police or the prosecution are obliged to immediately order the issuance of the emergency restraining order in respect of the perpetrator. Non-compliance with the emergency restraining order is an offence punishable by community service or imprisonment of up to three years.

265. According to Article 12 of the Law on Preventing and Combating Family Violence, this order can ensure the removal the perpetrator from the shared residence, restrict the areas to which the suspected perpetrator can go, prevent contact with the victim, including electronic and physical contact, and prohibit the keeping and carrying of a weapon. The order is valid for up to 10 days, irrespective of the will of the victim, and the perpetrator can challenge it for up to 30 days – although the order remains in force while being challenged. The General Police Inspectorate's Methodical Instruction provides for the police to monitor compliance by carrying out unannounced visits to the victim's address at least once every two days. However, according to the report "Law-enforcement response to domestic violence cases in the context of the Covid-19 crisis in the Republic of Moldova", there are extremely few cases in which the victim is contacted to verify whether the protection measures are being respected. In addition, there is no possibility of electronic monitoring during this period.

266. Where a perpetrator is ordered to leave the shared house, he is required to hand over the house keys and is informed of any restrictions, rights and obligations, and the liability for failure to comply with the applicable conditions. During the period of validity of the restraining order, the victim may apply for a protection order, which would have the effect of extending the period of the emergency order, pending the execution of protective measures established by the court.

122. Ibid. paragraph 171.

267. During the Covid-19 pandemic, training was provided to patrol officers which resulted in a 14% increase in the number of emergency removal orders issued – in one district this increased from 19 in 2019 to 183 in 2020. In 2021, out of 14 728 reported notifications of incidents of domestic violence, 5 851 restraining orders and 277 protection orders were issued by the courts at the request of police officers. The number of restraining orders issued in the first half of 2022 was 3 071.

268. According to the state report, there were 14 728 reports of domestic violence recorded in 2021. A total of 5 851 restraining orders were issued and 277 protection orders granted by the courts at the request of police officers. Some 1 963 cases were recorded *ex officio* by the responding police officer. The police recorded 918 crimes against family values¹²³ and 1 662 cases that met the constitutive elements contravening Article 78¹ on domestic violence of the Contravention Code. Of the offenders, the recorded gender was 1 596 men and 61 women, and there were five children. Of the victims, 1 444 were recorded as women and 82 men, and the victims included 43 children. The total included 90 female victims with children and one male victim with children.

269. In the first six months of 2022, 1 212 cases of domestic violence were detected, out of which 451 cases met the constituent elements of a crime and 761 met the constitutive elements of a contravention. During the same period, the police issued 3 071 emergency restraining orders. This increase suggests that the awareness and use of available protective measures has increased.

270. GREVIO recognises that the legal framework is compliant with the convention and commends the Moldovan authorities for their efforts to put in place training for the police, and the success this has brought in increasing the use of these orders. However, implementation gaps remain. Both state and NGO interviewees remarked that there remained a reluctance to evict a perpetrator from the shared home with the victim, particularly in winter, which is of concern as this is also the time of the year when cases are likely to rise. The focus appeared to be placed on the difficulties in finding a place for the perpetrator to go if he is evicted, rather than on the safety of the victim if he is not. More importantly, although a register is kept of these orders, this is not yet electronic, but manual, and therefore access to records is problematic.

271. GREVIO urges the authorities in the Republic of Moldova to complete the pilot work on the electronic record-keeping system swiftly and ensure that it is introduced throughout the country.

D. Protection orders (Article 53)

272. A protection order can be issued by a criminal court, as provided for in Article 215¹ of the Criminal Procedure Code, only if the criminal investigation has been started and the aggressor has been granted procedural status. Protection measures are applied for a period of up to three months and can be extended.

273. If no criminal investigation has been initiated, the case should be considered by the civil court under Articles 278³ – 278⁹ in Chapter XXII of the Civil Procedure Code entitled “application of protective measures in cases of family violence”. This should usually be submitted by the victim, but exceptions are made for the police or a social assistance body, which can submit the application when the victim is unable to do so, for reasons of health, age or another valid reason. A decision must be made within 24 hours of receiving the request. The court is required to explain to the victim how to access services for victims of domestic violence.

274. Article 15 of the Law on Preventing and Combating Family Violence provides for a court to be able to include a number of measures when issuing a protection order, including the temporary removal from the shared home or a requirement that the perpetrator stays away from the home, a restraining order, prohibition on contact or the requirement to continue to provide economic support for the children. Where electronic monitoring is ordered, the court must apply these conditions. The

123. See the state report, p. 52. The term “crimes against family values” refers to offences committed under Article 201¹ of the Criminal Code

court may also order a limitation on any goods to be possessed or used by the victim, a requirement to participate in counselling or a special treatment programme to reduce or eliminate violence, and a prohibition on keeping a weapon.

275. GREVIO notes that the introduction of electronic monitoring bracelets has provided a strong mechanism for monitoring risk to women victims of violence, which has significantly reduced recidivism rates. A victim and/or members of the family can also agree to wear an electronic surveillance system to monitor the perpetrator's compliance with their obligations – an agreement that must be made in writing. Electronic monitoring must be ordered by a judge upon application by a lawyer and it usually requires a risk of physical harm, the potential use of weapons, including knives, or a high level of threat. They are also used in cases of stalking. Electronic monitoring is not available during the 10-day period of immediate response.

276. According to a report from the Moldovan Probation Service, in 2021, 773 protective orders were sent to the electronic monitoring centre for execution and electronically monitored 502 subjects, out of whom 479 were men and 23 were women. Ninety-four of these orders, out of the 112 reported, were found to have been violated by the offenders. Some 81% (408 offenders) complied with the orders. Previously, the analysis of sentences in cases of femicide had revealed that in only two out of the 50 cases analysed, protection measures had been requested. GREVIO notes that attempts are being made to improve the use of protection orders and that action is taken in case of any breaches. However, it remains concerned that where protection orders are violated, the penalty applied by judges is usually unpaid hours of community service, which does not appear to be enough to prevent recidivism.

277. Child visits can take place while a protection order is applied, under a programme approved by the territorial guardianship authority, according to Article 15 of the Law on Preventing and Combating Family Violence. GREVIO was concerned to hear that protection authorities appear to be prevented from engaging with child-protection issues until the restraining order has expired. This results in women victims of violence being required to undergo mediation.

278. The protection order can be revoked at the request of the victim, subject to certain conditions, including previous compliance with the order, the undertaking of counselling or treatment by the perpetrator or fulfilment of the requirement that the will of the victim is freely expressed and that they have had access to assistance and protection. GREVIO was alerted to situations in which there has been a protection/restriction order in place for the mother but not the child.¹²⁴ Even though a restriction order may be in place, the father may demand that his rights be respected to see his child, and it can be very hard to convince the local stakeholders to recognise that witnessing domestic violence is a form of harm to the child and to take the risk of contact visits to the mother properly into account.

279. GREVIO strongly encourages the authorities in the Republic of Moldova to improve the effectiveness of protection orders by:

- a. providing clear guidance to the territorial guardianship authority on the actions to be taken to prevent harm to women victims of violence and/or their children in cases where contact takes place with the perpetrator of violence, against whom a protection order has been issued;**
- b. assessing whether, in cases where breaches of the protection order are punishable by unpaid community service, the penalty is complied with and is effective to prevent recidivism.**

124. Information obtained during the evaluation visit.

E. Ex parte and ex officio proceedings (Article 55)

1. Ex parte and ex officio proceedings

280. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

281. Legislation enables both *ex parte* and *ex officio* prosecutions for those offences required by the convention. Article 276, paragraph 1, of the Criminal Procedure Code sets out a list of crimes which require the victims' prior complaint in order to start a criminal prosecution. This includes cases of deliberate but less severe bodily injury, which can entail a prison sentence of up to seven years.

282. GREVIO also notes with satisfaction that the prosecution of domestic violence cases is not discontinued due to the reconciliation of the perpetrator and victim. Following amendments to the Criminal Procedure Code, Article 109 now also prevents reconciliation in respect of cases of sexual violence (except for less serious offences committed by minors).

283. However, in practice, GREVIO was informed that judges often discontinue prosecutions when the victim's testimony is withdrawn because of a perceived lack of evidence, which appears to be borne out by conviction rates.

284. GREVIO encourages the authorities in the Republic of Moldova to strengthen evidence collection and storage and to provide guidance to judges and prosecutors on continuing prosecutions in the absence of the victim's testimony.

2. Victim support in legal proceedings

285. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services may assist and support victims during investigations and judicial proceedings.

286. Following the amendments that entered into force on 9 January 2023, under Articles 52 and 57 of the Moldovan Criminal Procedure Code,¹²⁵ the prosecutor or the criminal investigation officer has a responsibility to inform the victim of the support services available, including medical assistance, psychological counselling, shelter services and legal assistance, and the conditions under which they are granted. A victim of sexual violence or domestic violence has the right to a lawyer, to be accompanied by a trusted person alongside the lawyer during all stages of investigation, including any closed sessions, to be informed about support services, including medical assistance, psychological counselling, shelter services and legal assistance, and to be heard in the presence of a lawyer under conditions of respect for dignity and privacy. From the moment they are identified as a victim of violence, they should also benefit from the right to protection and compensation.

287. According to the report "Good practices in facilitating access to justice in Moldova",¹²⁶ free legal and psycho-social assistance resources are currently concentrated in municipalities in the north and centre of the country, and are much less available in the south, resulting in barriers to accessing justice, including travel time and costs. One good practice identified is the existence of mobile teams in some rural areas that can target older people affected by domestic violence and the Roma community.

125. Articles 52, 57 and 58(4) in particular.

126. "Good practices in facilitating access to justice in Moldova", Chisinau 2022, Arina Țurcan-Donțu available at: www.justitietransparenta.md/en/bune-practici-privind-facilitarea-accesului-la-justitie-moldova/.

288. Child victims or witnesses under the age of 18 are heard in criminal cases under special conditions and concerning crimes of sexual violence or domestic violence. Where a child is a witness to violence, they have the right to be represented at all stages of the trial by a legal representative and a lawyer, the right to confidentiality and the right to make statements in their mother tongue or be assisted by an interpreter.

289. GREVIO encourages the authorities in the Republic of Moldova to take steps to ensure that all victims of gender-based and domestic violence can access victim support, irrespective of their geographical location.

F. Measures of protection (Article 56)

290. In respect of protection measures, Moldovan law is broadly in compliance with the convention. There is a provision in law to prevent “confrontation” between the victim and perpetrator during court hearings. National legislation foresees the possibility of screens and other measures to protect the victim in court, including videoconferencing. Steps are underway to create family justice centres and sexual assault centres equipped with videoconferencing facilities, for taking initial statements and also potentially for hearings. There have therefore been some encouraging efforts undertaken to comply with the convention as regards providing a one-stop-shop service. These are not yet in place, and GREVIO was informed that protection measures are difficult to ensure in practice.

291. If there are grounds to believe that a woman victim of violence may be or has been threatened with death, violence, damage to or destruction of property or other illegal acts, additional protection measures are provided by the Law on the Protection of Witnesses and Other Participants in Criminal Proceedings.¹²⁷ This includes a witness protection programme, change of residence, workplace or studies, change of identify or appearance, installation of an alarm system and other measures. Similarly, Article 215¹ of the Criminal Procedure Code provides that should there be sufficient grounds to consider that the victim of domestic violence or the victim of a sexual crime participating in criminal proceedings is in danger of being subjected to further violence, the law enforcement authorities or the prosecutor are obliged to intervene without delay to ensure the imposition of protection measures.

292. GREVIO notes with satisfaction that Article 11 of the Law on Preventing and Combating Family Violence requires the police to inform victims when there is a danger to their life or health, when a detained or convicted person has been released or when an existing protection order is cancelled. The private life and identity of the victim are also protected under this law. The Criminal Procedure Code also provides the following victims’ rights: to be informed by the criminal investigation body, prosecutor or, as the case may be, the court, about the settlement of the complaint and about all the adopted decisions that refer to their rights and interests; to receive free-of-charge copies of all relevant decisions, including those to terminate or close the criminal process or the decision not to start the criminal prosecution, the copy of the sentence or any other final court decision.

293. Women’s organisations and NGOs reported that the most difficult challenges in respect of protection measures is that they are difficult to ensure in practice and that there is a lack of co-operation between relevant services.

294. GREVIO encourages the authorities in the Republic of Moldova to reinforce protection measures by:

- a. ensuring that judges and prosecutors are aware of such measures and routinely consider whether or not they should be applied, irrespective of an application by the victim;**

¹²⁷. Available at: www.legis.md/cautare/getResults?doc_id=110503&lang=ro.

- b. **developing procedures and protocols for multi-agency work to ensure co-operation between relevant services, including women's organisations and NGOs;**
- c. **collecting data on a regular basis and carrying out research, including from a victim's perspective, on the effectiveness of the measures in place to avoid repeat victimisation through the justice system.**

G. Legal aid (Article 57)

295. According to the state report, the Law on Preventing and Combating Family Violence read in conjunction with the Law on State Guaranteed Legal Aid establish that victims of domestic violence can benefit from both primary legal aid and qualified legal aid, regardless of income and from the date the complaint was filed. This also applies to victims of sexual offences. Legal aid is available for urgent legal assistance to obtain the protection measures outlined in Article 278 of the Civil Procedure Code or those under Article 215 of the Criminal Procedure Code. For other civil matters, including divorce, a financial means test must be met. GREVIO is concerned that in civil proceedings consideration is given to the joint household income, which excludes victims of domestic violence from the scheme.

296. According to research, primary legal assistance is provided immediately at the time of referral, and it consists of legal advice, assistance with the drafting of legal documents (complaints, applications for protective measures for victims of domestic violence) and other forms of assistance. Qualified legal assistance involves defending the interests of a domestic violence victim in criminal, civil, misdemeanour or administrative proceedings, and is provided free of charge. Legal aid cover does not include court fee costs or other disbursements, but it does cover a lawyer to apply for the exemption of fees.

297. The procedure for requesting a lawyer is simplified. Victims do not have to physically go to the office of the NGO providing the lawyer as this can be arranged by telephone, e-mail or directly through the professionals responsible for the prevention and protection of domestic violence (social workers, police officers or prosecutors).

298. There are 530 lawyers in the legal aid scheme, of whom between 20 and 50 are specialised in providing assistance to women victims of violence. In addition, there are 72 paralegals who cover 70 local communities.

299. An analysis by the Women's Law Centre demonstrated that in none of the examined cases of femicide the successor of the victim was represented by a lawyer, despite the possibility of legal aid. Neither were any civil cases filed against the perpetrator.

300. Legal aid is also available in asylum cases under a trilateral agreement between the government, the United Nations High Commissioner for Refugees (UNHCR) and the National Council for Legal Aid. If legal aid is refused, the case will be referred to an NGO that provides free legal aid and that will decide whether to appeal.

301. **GREVIO invites the Moldovan authorities to ensure that legal aid is available, in practice and throughout the country, and to review the provision of civil legal aid to enable women victims of domestic violence to access justice.**

VII. Migration and asylum

302. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

303. As stated by the Council of Europe's Special Representative of the Secretary General on Migration and Refugees, the Republic of Moldova is the neighbouring country that has received the largest proportion of refugees from Ukraine in relation to its population of approximately three million. From 24 February 2022 to mid-June 2022, around 500 000 people from Ukraine had entered the Republic of Moldova, which is seven times greater than the number of entries in 2021, which stood at 70 000.¹²⁸ According to information provided by the UNHCR,¹²⁹ the majority of the refugees from Ukraine are women and children, which requires a gender-sensitive crisis response. In this respect, GREVIO commends the Moldovan authorities and population for their hospitality, actions and spirit of co-operation with international organisations and civil society. GREVIO also recognises that some of the population who arrived from Ukraine are transient, which may slow the momentum of their longer-term integration.

A. Residence status (Article 59)

304. In accordance with Article 78, paragraph 3, of the Istanbul Convention, the Republic of Moldova has reserved the right not to apply Article 59 of the convention. This reservation was entered at the time of ratification, on 31 January 2022, and is valid for a period of five years.

305. Notwithstanding the reservation, available information indicates that the Moldovan legislation provides for a renewable, autonomous residence permit for victims of domestic violence who have arrived in the country for the purpose of family reunification if their relationship breaks down as a result of domestic violence within the three-year period required by law.¹³⁰ GREVIO also notes that the international protection of family members of a refugee is maintained following separation or divorce and that the cancellation or cessation of refugee status does not have an automatic legal effect on the person's family.¹³¹ In light of this information, GREVIO notes that the relevant Moldovan legislation appears to comply with the requirements of the convention.

306. GREVIO invites the authorities in the Republic of Moldova not to renew the reservation with regard to Article 59 of the Istanbul Convention, upon expiry of its period of validity.

128. Report of the fact-finding mission to the Republic of Moldova by Ms Leyla Kayacik, Special Representative of the Secretary General on Migration and Refugees, paragraph 15, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680a818de>

129. See the relevant news item from the UNHCR, www.unhcr.org/news/moldovan-gbv-shelter-offers-safety-and-community-refugees-ukraine.

130. Under Moldovan law a spouse with residence under the family reunion provisions is entitled to permanent residence after a period of three years. Article 31 of the Moldovan Law on Foreigners establishes the general conditions for the granting of a temporary residence permit to a victim of domestic violence. This is supplemented by more detailed conditions under Articles 32 and 33, including a right to contest a refusal to grant the right of temporary residence. Article 39, paragraph 1(d), provides for a granting or extension of temporary residence to a victim of domestic violence for a period of one year. Last, Article 42 provides for the extension of temporary residence to a victim of domestic violence if certain conditions are met, namely that they do not pose a danger to national security or public order, the status of victim of domestic violence is confirmed, their stay is necessary for a court process or other competent authority, they would face a risk to life or bodily integrity, torture, inhuman or degrading treatment if returned to the country of origin.

¹³¹ Article 12, paragraph 3, of the Law on Asylum.

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

307. The Refugee Directorate of the Bureau for Migration and Asylum – a subdivision of the Ministry of Internal Affairs – is the authority responsible for asylum seekers, refugees and beneficiaries of humanitarian or temporary protection, as well as for applying the provisions of the Law on Asylum in the Republic of Moldova. Until the outbreak of the Ukraine crisis, the number of asylum seekers in the Republic of Moldova was very low. Between 2020 and 2021, according to the state report, the number of asylum claims amounted to 161, of which 43 were claims submitted by women.¹³² During this period, there were 75 decisions granting international protection, of which 30 related to women.¹³³

308. Following the aggression of the Russian Federation against Ukraine, by 1 July 2022 the number of asylum claims increased significantly, to 8 067, 1 223 of which were submitted by women. At the time of GREVIO's evaluation visit to the Republic of Moldova, 12 000 applications were pending. GREVIO notes that the number of staff has not increased to deal with this exponential increase in applications. According to the information provided by the state authorities, during this period 13 decisions on international protection were delivered, three of which concerned women.¹³⁴

309. In order to address the impact of the Russian Federation's aggression, the Parliament of the Republic of Moldova declared a state of emergency on 24 February 2022,¹³⁵ for a duration of 60 days, which was initially extended on 21 April 2022¹³⁶ to 23 June 2022. A second extension was decided upon on 23 June 2022 by the Moldovan Parliament to run until 7 August 2022,¹³⁷ "taking into account the situation related to the regional security and the menace to the national security". On 28 July 2022, the Moldovan Parliament decided to further extend the state of emergency for an additional 60 days, with effect from 8 August 2022.¹³⁸ Following the parliament's decision, the Commission for Emergency Situations developed new procedures to manage the influx of asylum seekers arriving from Ukraine. Accordingly, Ukrainian citizens were granted the right to enter Moldova with their own identity documents. The government also established four temporary centres in Stefan Voda, Ocnita, Cahul and Falesti districts for the accommodation of persons fleeing the war in Ukraine.

310. On 18 January 2023, the Government of the Republic of Moldova approved the granting of temporary protection to Ukrainian asylum seekers, providing a more secure legal status to those fleeing the aggression by the Russian Federation. The temporary protection regime, which entered into force on 1 March 2023, for a period of one year with the possibility of renewal, grants displaced persons from Ukraine a number of rights and services, including access to employment, accommodation (in temporary placement centres for persons in need), emergency and primary medical assistance, public education for children and certain forms of social assistance.¹³⁹

311. GREVIO regards the Moldovan legal framework governing the area of asylum to largely be in line with the convention insofar as it recognises gender-based persecution as giving rise to asylum through the Law on Asylum. Article 45, paragraphs 1(a), 2(a) and 2(f), recognise acts of physical, mental and sexual violence and acts and abuse of a gender-specific nature as sufficiently severe acts of persecution which represent a severe violation of basic human rights, in terms of granting refugee status. No data are collected, however, in respect of how many applicants are granted asylum on the basis of gender-based persecution.

132. See the state report, p. 62.

133. Ibid.

134. Ibid.

135. Decision of the Parliament No.41/2022, on the declaration of the state of emergency.

136. Decision of the Parliament No. 105/2022, of 21 April 2022, on the extension of the state of emergency.

137. Decision of the parliament No. 163/2022, of 23 June 2022, on the extension of the state of emergency.

138. MOLDPRES News Agency – "Emergency state extended by another 60 days in Moldova". See the English version of the Parliamentary Decision No. 245, of 28 July 2022, at: www.rm.coe.int/1680a78aac.

139. www.legis.md/cautare/getResults?doc_id=110503&lang=ro, HG No. 21 of 18 January 2023 regarding the granting of temporary protection to people displaced from Ukraine: www.legis.md/cautare/getResults?doc_id=135260&lang=ro.

312. GREVIO also notes with satisfaction the good co-operation that the Moldovan authorities have established with international organisations, including the UNHCR, to deal with the crisis situation, resulting in relatively effective processes at the borders and the strengthening of the capacity of professionals working with refugees. A noteworthy example in this regard is the establishment of “Orange Safe Spaces” at temporary refugee placement centres across the Republic of Moldova to offer women and girls from Ukraine immediate support and counselling, as well as an entry point to access specialised services regarding gender-based violence and sexual and reproductive health.¹⁴⁰ In addition, the UNFPA and civil society organisations established a mobile Orange Safe Space to reach out to communities and ensure that both Ukrainian and Moldovan populations across the country have equal access to information, support and services.¹⁴¹ Separate “Blue Dot” safe spaces were set up by the UNHCR and UNICEF, in co-operation with public authorities and other partners, to provide services for children, families and other persons with specific needs arriving from Ukraine, including key information, rest areas, food, hygienic supplies, psycho-social support, safe spaces for mothers and children, basic legal counselling and referrals to local services.¹⁴² However, GREVIO notes with regret that there does not appear to be any systematic vulnerability assessment process or standard operating procedures for the identification of vulnerable women victims of gender-based violence. Instead, reliance is placed on self-identification. Despite the aforementioned good practices, no victims of gender-based violence have been identified among migrant and asylum-seeking women from Ukraine. This lack of identification is of some concern given the prevalence of intimate partner violence in Ukraine¹⁴³ and the cases of sexual harassment and sexual abuse reported by NGOs to the Council of Europe’s Special Representative of the Secretary General on Migration and Refugees.¹⁴⁴

313. GREVIO also notes with satisfaction that the Republic of Moldova has taken a broad number of legislative and other measures aimed at ensuring that asylum procedures are gender-sensitive. Women are generally interviewed in the absence of family members, and they can request a counsellor of the same sex, although it appears that they are not systematically informed of this possibility. The Bureau of Migration and Asylum, with the support of the UNHCR, developed and approved a practical guide on the assessment of needs of asylum seekers in vulnerable situations, and their referral to competent authorities, in order to provide some information and guidelines on the principles, rights, legal framework, communication and procedural aspects to be followed during the assessment of the needs of asylum seekers in vulnerable situations and their referral to relevant authorities and services. GREVIO welcomes the efforts to raise awareness and provide information, including online, on available services for victims of domestic violence and sexual violence for migrant/asylum-seeking women, even though certain problems are encountered in practice regarding their outreach. GREVIO also notes with interest other good practices, such as training initiatives, the presence of Roma women cultural mediators and specialist LGBTI organisations at Refugee Arrival Centres (RACs), free access to Wi-Fi in RACs and the provision of SIM cards at the border points.

314. Although a good range of services are currently available for survivors of violence against women, GREVIO notes that few survivors seek them in practice. This appears to be partly due to a lack of knowledge not only among refugees and migrants but also among service providers. There is, however, good awareness of the various hotlines in operation to provide support and information to people fleeing Ukraine. Since the start of the Russian aggression, 223 cases of gender-based violence were reported by refugees to these hotlines, including 32 calls relating to the disappearance of a refugee, eight cases of exploitation of migrants and four cases of human trafficking. Additionally,

140. Report of the fact-finding mission to the Republic of Moldova by Ms Leyla Kayacik, Special Representative of the Secretary General on Migration and Refugees, paragraph 118, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680a818de>

141. Ibid.

142. Ibid., paragraph 94.

143. According to the OESCE-led Survey on Violence against Women 2019, the prevalence of lifetime physical and/or sexual intimate partner violence among 18–74-year-old women (in Ukraine) was estimated to be 26% and 76% of those respondents had experienced physical and/or sexual intimate partner violence in the last 12 months. Organization for Security and Co-operation in Europe (OSCE) (2019), Main Report, OSCE Secretariat, Vienna, Austria.

144. Report of the fact-finding mission to the Republic of Moldova by Ms Leyla Kayacik, Special Representative of the Secretary General on Migration and Refugees, para. 122, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680a818de>

people have used the hotlines to report injuries sustained. There have been 90 cases recorded in calls to the hotline for victims of violence where information was provided, 20 cases of domestic violence among refugees, four cases of sexual violence and 68 cases of other forms of gender-based violence.

315. According to the Gender-Based Violence (GBV) Safety Audit Report,¹⁴⁵ specific concerns about violence against women have been reported in relation to transportation from Ukraine to the Republic of Moldova and also on public transportation and in taxis in Moldova, where sexual violence by drivers has been reported as a risk by both Moldovan and refugee women. According to the report, refugee Roma women are often singled out for harassment on buses. Refugee women and girls have also reported incidents of verbal harassment and discrimination when walking in the street and in playgrounds, as well as harassment and discrimination by some service providers, including when seeking medical support.

316. There is a right of appeal against a refusal of asylum. In this respect, GREVIO welcomes the availability of legal aid and representation provided through a trilateral agreement between an NGO partner, the UNHCR and the National Legal Aid Council, in order to enable women to exercise the right of appeal in the event of a negative decision on the asylum claim.

317. GREVIO further commends the Moldovan authorities for the integration measures taken to support refugees who have been subjected to torture, rape or other forms of severe psychological, mental or sexual violence, including the provision of accommodation and an extended integration period. GREVIO also notes various training efforts undertaken by the authorities to investigate and document war crimes in Ukraine.

318. GREVIO encourages the authorities in the Republic of Moldova to build on the emerging good practices and develop standard operating procedures for the identification of women and girls fleeing Ukraine who are at risk of, or who have experienced, gender-based violence. Furthermore, awareness-raising measures and programmes to reduce the stigma associated with gender-based violence should be undertaken within Ukrainian refugee communities to increase the ability of women and girls to disclose instances of all forms of violence against women. Specific measures should be taken to address the issue of discrimination and harassment against Ukrainian refugees by the host communities, in particular towards Roma refugees.

2. Accommodation

319. According to the state report, accommodation at the Temporary Placement Centre for Foreigners is provided for an initial period of three months, which may be extended for a further three months in cases involving pregnant women. Gender-specific measures have been taken in these centres, including accommodating women and men separately and providing activities and scheduling mealtimes separately, and there are female staff and guards in the centres. Daily activities are provided for women and children up to the age of three.

320. As for persons fleeing the war in Ukraine, GREVIO was informed that many of those who remained in the Republic of Moldova, instead of transiting through the country, have found accommodation, at least for the time being, with Moldovan families.¹⁴⁶ Other available accommodation options for Ukrainian refugees include being housed at one of the RACs or in private refugee shelters, the latter of which are not affiliated with the government-run RAC system and are sometimes located outside the major urban areas, thus requiring more monitoring and support.

321. According to the GBV Safety Audit Report,¹⁴⁷ the feedback on the experience of those residing in RACs across the Republic of Moldova has been highly positive as has feedback about

145. Gender-Based Violence (GBV) Safety Audit Report: Ukraine Refugee Response, Republic of Moldova (August 2022), available at: www.reliefweb.int/attachments/9aca8ce6-15b3-45bd-8773-98d5e12e9123/GBV%20SA%20report%20final%20version%2020.09.22.pdf.

146. Information obtained during the evaluation visit.

147 Gender-Based Violence (GBV) Safety Audit Report: Ukraine Refugee Response, Republic of Moldova (August 2022).

the measures taken by the Ministry of Labour and Social Protection's Department for Social Assistance to enhance safety and access to services. However, there have been concerns about the lack of privacy in sleeping arrangements, including where curtains are used as doors, and that some bathing facilities, although gender separated, do not have a lock on the main shower room door. The many external visitors, particularly to the RAC set up at the MoldExpo Centre, result in girls not having sufficient privacy. It was noted in this respect that the open-plan nature of the accommodation, with cubicle partitions having cloth doors and space only for one bed, and the related lack of privacy reported by some of the residents does not make it suitable for long stays.¹⁴⁸ Although some of the RACs have police or security at the entrance, visitors are not always verified. This limited capacity to control access to RACs by external visitors has resulted in some serious incidents of gender-based violence against women. According to the GBV Safety Audit Report, in one instance a male external visitor tried to enter a bathroom and dormitory while women were present. Girls have also reported instances in which men entered their sleeping quarters in the RAC and watched them while they slept. In another reported incident, men in a van with blacked-out windows entered the RAC through the back door, which may have exposed the women and girls staying at the centre to a human trafficking risk. Cases of verbal and physical aggression towards single mothers by men in the RACs have also been reported. In one case, this resulted in a report to the police and support from the RAC manager to provide healthcare.

322. Another area of concern identified by the GBV Safety Audit Report is the risk of threat of evictions and harassment or abuse by private landlords in private accommodation facilities. In this respect, GREVIO notes the worrying reports of threats and incidents of physical violence from landlords or contact persons who arranged the housing. GREVIO stresses that the hosting of women and their children with families in private houses leads to a risk of gender-based violence, which is not easy to monitor. The limited outreach to Ukrainian refugees in private and host accommodations, given the initial focus of humanitarian efforts on RACs and border points, and the growing socio-economic vulnerability of refugees in an increasingly prolonged crisis, could lead to a heightened risk of sexual exploitation, abuse and physical and psychological violence in private and host accommodations.

323. GREVIO further notes with concern the accounts indicating that sexual violence or intimate partner violence perpetrated in a relationship other than marriage is not always considered as a form of domestic violence by RAC staff, which may hinder the access of victims of this form of violence to support services.¹⁴⁹ According to the UNHCR, most service providers are unaware that domestic violence may include remote psychological abuse by perpetrators in Ukraine or elsewhere. GREVIO notes that in one such documented case, a victim returned to Ukraine to live with the perpetrator owing to pressure from home.

324. GREVIO strongly encourages the authorities in the Republic of Moldova to take steps to ensure that risks to the safety and privacy of asylum-seeking and refugee women fleeing Ukraine are removed, in order to prevent sexual and gender-based violence against women, including by:

- a. making structural improvements to RACs to ensure privacy in bedrooms and bathrooms;**
- b. establishing clear access controls for RACs and monitoring of incidents of abuse;**
- c. developing, publishing and monitoring the implementation of safeguarding measures for the private rental sector, host families and refugees, including the provision of information, clear pathways for obtaining support and services in cases of violence against women and domestic violence, and setting up a complaints mechanism to enable private landlords responsible for abuse of refugees to be identified and barred;**

148. Report of the fact-finding mission to the Republic of Moldova by Ms Leyla Kayacik, Special Representative of the Secretary General on Migration and Refugees, paragraph 59, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680a818de>

149. Information obtained during the evaluation visit.

- d. **increasing age-appropriate and in-person community outreach and engagement with refugees, especially in private and host community accommodation.**

C. *Non-refoulement* (Article 61)

325. Article 61 of the Istanbul Convention entails the obligation under international law for states to respect the principle of *non-refoulement* in relation to women victims of gender-based violence who may fear persecution if returned. According to this principle, states shall not expel or return an asylum seeker or refugee to any country where their life or freedom would be threatened. Article 3 of the European Convention on Human Rights also prevents a person being returned to a place where they would be at real risk of being subjected to torture or inhuman or degrading treatment or punishment. The obligation to respect the *non-refoulement* principle applies equally to victims of violence against women who are in need of protection, irrespective of the status or residence of the women concerned.¹⁵⁰

326. The principle of *non-refoulement* is ensured by Article 11 of the Law on Asylum, whereby no asylum seeker or beneficiary of a form of protection should be returned or expelled to a country or territory where their life or freedom might be threatened, or where they may be subjected to torture, inhuman or degrading treatment.

327. Although access to the territory over land borders by Ukrainian nationals has been secured and the response to the crisis situation is to be commended, concerns were raised by NGOs about the ability of non-Ukrainians to access asylum procedures at Chisinau airport, and about the discriminatory treatment of some nationalities, in particular Afghan, Turkish, Syrian and Russian nationals, who are subject to a different level of border check. While the incidents brought to GREVIO's attention concerned men, GREVIO warns that such practices could lead to *refoulement* of women victims of gender-based violence of these nationalities.

328. **GREVIO encourages the Moldovan authorities to uphold their obligation to respect the principle of *non-refoulement* of victims of violence against women, including by investigating the concerns raised in respect of the potential discriminatory treatment of some nationalities at Chisinau airport and by ensuring that women arriving by air are not prevented from accessing asylum procedures.**

150. Explanatory Report to the Istanbul Convention, paragraph 322.

Concluding remarks

329. The Republic of Moldova has taken a range of measures that demonstrate a strong commitment to the implementation of the Istanbul Convention. Most notably, wide-scale reviews of criminal and civil laws brought the Moldovan legal framework closer to the standards of the Istanbul Convention, and two consecutive national strategies set the foundation for comprehensive policy responses to violence against women and domestic violence. The adoption of the Law on Preventing and Combating Family Violence, which pre-dated the Republic of Moldova's ratification of the convention, was followed by important legislative amendments, such as the introduction of emergency barring orders as protective measures and the provision of free legal aid to victims of violence against women, regardless of their financial means.

330. Moreover, GREVIO has witnessed a variety of initiatives, projects and promising practices to protect and support women victims of violence, including the piloting of a sexual assault centre in Ungheni. The Moldovan authorities have also extended the available support services to women who have fled the war in Ukraine.

331. GREVIO's review of existing policy approaches and legislation on violence against women in the Republic of Moldova has revealed, however, many areas in which further action is needed to comply with the standards of the convention. The report shows that certain forms of violence against women, such as forced marriage, female genital mutilation, forced abortion and forced sterilisation, are largely overlooked by the legislative and policy framework. Emphasis is also given in the report to the importance for the judiciary, police, social welfare and healthcare services, among others, to set up data systems that enable them to collect data on victims and perpetrators of violence, disaggregated at the very least by sex, age, type of violence, relationship between the victim and the perpetrator, and geographical location. In the area of protection, the report highlights that the support services currently available to victims primarily pertain to domestic violence and are concentrated in urban areas, leaving a significant gap in service provision for all the other forms of violence against women and for women living in rural areas. The capacities of the specialist services run by dedicated women's NGOs are strained by the lack of sufficient and sustainable funding.

332. In the area of substantive law, despite a legal amendment aimed at bringing the criminal provisions on rape in line with the Istanbul Convention, the Criminal Code still uses wording which requires the use of force, threats or the taking advantage of the victim's inability to put up resistance or voice her lack of consent. Similarly, court practices do not ensure that incidents of domestic violence or of other forms of violence against women are taken into account when taking decisions on custody and visitation, thereby adopting a restrictive interpretation of the best interests of the child. The report also points to the lack of dissuasive sanctions in cases of violence against women, contrary to Article 45 of the convention. In the areas of investigation, prosecution, procedural law and protective measures, the report revealed a need to intensify training efforts and the development of implementation tools to eradicate persisting stereotypes and prejudices among criminal justice professionals. Finally, in the area of migration and asylum, the report points to shortcomings in the provision of accommodation for women fleeing Ukraine, which may give rise to risks to their safety and privacy.

333. With the present report, GREVIO wishes to support the efforts of the authorities in the Republic of Moldova and it invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the authorities in the Republic of Moldova.

334. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), and in particular to the government, relevant ministries and the judiciary, but also to NGOs and other civil society organisations which work to prevent and combat violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Scope of application of the convention and definitions (Articles 2 and 3)

1. GREVIO strongly encourages the authorities in the Republic of Moldova to enhance the implementation of the Istanbul Convention in relation to all the forms of violence against women covered by the convention, in addition to domestic violence and sexual violence, that are not currently addressed by policies, programmes and services, such as sexual harassment, female genital mutilation (FGM), forced marriage, forced abortion, forced sterilisation and stalking (paragraph 7).

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

2. GREVIO encourages the authorities in the Republic of Moldova to step up their efforts to implement legislation and public policies on equality between women and men in order to ensure the practical realisation of the principle of gender equality (paragraph 11).

2. Intersectional discrimination

3. GREVIO strongly encourages the authorities in the Republic of Moldova to: (paragraph 17)

- a. prevent and combat violence against women who are, or may be, exposed to intersectional discrimination, including but not limited to women with disabilities, Roma women and women from rural communities;
- b. include preventing and combating violence against women in policies, measures and programmes addressing the specific needs of groups of women facing intersectional discrimination;
- c. integrate an intersectional perspective into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing women who are, or may be, exposed to intersectional discrimination.

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

4. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure a state-wide effective, comprehensive and co-ordinated set of policies to prevent and combat all forms of violence covered by the Istanbul Convention, including in their digital dimension (paragraph 25).

5. GREVIO further strongly encourages the authorities in the Republic of Moldova to foster increased co-ordination at the various levels of public administration. For this purpose, the Moldovan authorities should plan to devise measures aimed at harmonising and monitoring the work of multidisciplinary teams to prevent and combat domestic violence and violence against women. Such

efforts should be supported by the allocation of appropriate financial resources and the training of all relevant professionals (paragraph 26).

B. Financial resources (Article 8)

6. GREVIO urges the Moldovan authorities to: (paragraph 33)
 - a. take steps to increase and ensure the sustainability of the financial resources allocated to measures and policies for preventing and combating violence against women, including in particular to women's rights NGOs that run specialist support services for women victims of all forms of violence. Such suitable funding opportunities should be guaranteed, for example, through long term grants based on transparent procurement procedures. GREVIO further encourages the authorities to acknowledge, tap into and promote the extensive victim-centred expertise of NGOs;
 - b. take steps, in particular by planning earmarked funding, to identify more effectively the sums spent on preventing and combating violence against women by all relevant national and local institutions.

C. Non-governmental organisations and civil society (Article 9)

7. GREVIO strongly encourages the authorities in the Republic of Moldova to put in place a dedicated, transparent and accountable public procedure under which all NGOs providing specialist support services to victims of all forms of violence against women and their children can apply for funding (paragraph 37).

D. Co-ordinating body (Article 10)

8. With a view to ensuring consistent policy making and the effective implementation, monitoring and evaluation of measures taken to prevent and combat all forms of violence against women, GREVIO strongly encourages the authorities in the Republic of Moldova to: (paragraph 42)
 - a. ensure the co-ordination and implementation of policies and measures in relation to all forms of violence against women, including in their digital dimension, and their independent monitoring and evaluation, in order to ensure objectivity in the evaluation;
 - b. provide the co-ordinating body with sufficient and stable human and financial resources.

E. Data collection and research (Article 11)

1. Administrative data collection

a. Law-enforcement agencies and the justice sector

9. GREVIO urges the Moldovan authorities to collect administrative data from law-enforcement agencies, prosecution authorities and judicial bodies, based on harmonised categories, and to introduce a case-management system that would enable cases of violence to be tracked throughout the criminal process, from reporting to indictment and conviction, in relation to all criminal offences covered by the Istanbul Convention and broken down by sex, and age of both the victim and the perpetrator, type of offence, relationship between the perpetrator and the victim, and geographical location (paragraph 50).

10. GREVIO further encourages the authorities in the Republic of Moldova to collect data on: (paragraph 51)

- a. the number of protection orders issued in the context of civil proceedings, their violations and the resulting sanctions, in cases of all forms of violence against women;
- b. the number of decisions on custody/visitation/residence of children that have expressly taken into account reports of domestic violence;
- c. the number of cases where women victims of violence have claimed and obtained compensation from the perpetrator for offences covered by the Istanbul Convention.

b. Healthcare sector

11. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure the collection of data by healthcare providers on their contact with women in relation to experiences of gender-based violence. Such data should be disaggregated, at the minimum, by sex and age of both the victim and the perpetrator, the relationship between them, the type of violence and geographical location (paragraph 54).

12. GREVIO strongly encourages the authorities in the Republic of Moldova to expand the collection of data to reports made to, and interventions proposed by, social services in relation to all forms of violence covered by the Istanbul Convention (paragraph 57).

d. Data on the asylum procedure

13. GREVIO encourages the authorities in the Republic of Moldova to introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution, including female genital mutilation and forced marriage (paragraph 59).

2. Population-based surveys

14. GREVIO invites the authorities in the Republic of Moldova to carry out population-based surveys on the prevalence of forms of violence against women covered by the Istanbul Convention that so far have not been explored, including those that affect particularly disadvantaged groups of women, at regular intervals (paragraph 64).

3. Research

15. GREVIO encourages the Moldovan authorities to step up efforts to support research on all the manifestations of violence against women, including those that are currently not explored, and on the effects that witnessing domestic violence has on children (paragraph 68).

III. Prevention

A. Awareness raising (Article 13)

16. GREVIO strongly encourages the authorities in the Republic of Moldova to step up their efforts to conduct awareness-raising campaigns on a regular basis and at all levels, with a view to addressing the various aspects of preventing and combating all the forms of violence against women covered by the Istanbul Convention, and to reaching specific groups of women and girls, including Roma women, women with disabilities, women fleeing the war in Ukraine and LGBTI women. Furthermore, GREVIO strongly encourages the authorities in the Republic of Moldova to ensure appropriate and sustainable state funding for awareness-raising campaigns and to involve all relevant stakeholders in such efforts, including civil society organisations (paragraph 77).

B. Education (Article 14)

17. GREVIO strongly encourages the authorities in the Republic of Moldova to step up their efforts to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity, adapted to the evolving capacity of learners, and to ensure that information on the different forms of gender-based violence against women is provided in formal curriculums and at all levels of education. This includes the need to address forced marriage and sexual violence in education by focusing on the right to personal integrity and unequal power relations between women and men (paragraph 81).

C. Training of professionals (Article 15)

18. GREVIO urges the authorities in the Republic of Moldova to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, including their digital manifestations, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation, for all professional groups, in particular law enforcement, the healthcare sector and the judiciary. All training must be supported and reinforced by clear protocols and guidelines setting the standards that staff are expected to follow and by appropriate and sustainable funding (paragraph 92).

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

19. GREVIO strongly encourages the authorities in the Republic of Moldova to: (paragraph 98)

- a. develop common minimum standards to apply to perpetrator programmes, in line with the principles of the Istanbul Convention and recognised best practices;
- b. increase the number of perpetrator programmes for domestic violence and improve their availability across the country, while ensuring that local governments are granted sufficient resources to organise programmes that comply with the principles of the Istanbul Convention;
- c. promote the attending of both mandatory and voluntary programmes by perpetrators by ensuring a more consistent application of existing referral mechanisms and by fostering the interplay between perpetrator programmes and criminal proceedings and other procedures, while prioritising the safety of victims and their access to justice;
- d. conduct an independent evaluation of perpetrator programmes, based on a set of predefined indicators aimed at measuring the effectiveness of such programmes to prevent further acts of violence, considering, inter alia, feedback from the victim.

20. In doing so, the authorities should ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims, having due regard to recognised relevant standards (paragraph 99).

E. Participation of the private sector and the media (Article 17)

21. GREVIO invites the Moldovan authorities to encourage the private sector and the media to adopt and implement measures and self-regulatory standards to prevent and combat gender-based violence against women (paragraph 104).

IV. Protection and support

A. General obligations (Article 18)

22. GREVIO urges the Moldovan authorities to set up institutionalised structures for co-ordination and co-operation among all of the governmental and non-governmental agencies and service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular rape and sexual violence, forced marriage, stalking and sexual harassment (paragraph 111).

B. Information (Article 19)

23. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure that professionals in all relevant institutions take a more proactive approach towards informing victims and securing a wider dissemination of information about the support services and legal measures available to victims of domestic and other forms of violence against women, in a language they understand. Such efforts must encompass all forms of violence against women covered by the Istanbul Convention (paragraph 119).

C. General support services (Article 20)

1. Social services

24. GREVIO urges the Moldovan authorities to take steps to allocate appropriate human and financial resources for social services, including those delivered by local authorities, in support of victims of all forms of violence against women (paragraph 127).

25. GREVIO further urges the authorities in the Republic of Moldova to ensure the setting up of dedicated programmes aimed at the empowerment of women victims of domestic violence, including securing their economic independence through financial assistance, education, training, assistance in finding employment and long-term housing solutions (paragraph 128).

2. Healthcare services

26. GREVIO urges the authorities in the Republic of Moldova to bring the healthcare system to the forefront of efforts to combat all forms of violence against women, by: (paragraph 132)

- a. ensuring the access of victims of all forms of violence against women to quality healthcare, free of charge;
- b. ensuring that health professionals are trained in the early detection and prevention of violence against women and that they provide free-of-charge documentation of forensic evidence adequate for use by the criminal justice sector;
- c. developing and/or upgrading adequate protocols and procedures, and providing the corresponding training, to bring professionals' attitudes, skills and responses to violence against women, including sexual violence, up to the required standards;
- d. reinforcing the role of the health sector in the interagency co-operation and referral system.

D. Specialist support services (Article 22)

27. Recalling the importance of women-to-women specialist support and counselling for all forms of violence against women covered by the Istanbul Convention, GREVIO urges the Moldovan authorities to provide or arrange for adequate specialist women's support services, with a gendered approach, throughout the country and for all forms of violence covered by the Istanbul Convention,

including in their digital dimension, as well as for the victims' children, while paying due regard to the needs of women who are or may be exposed to intersectional discrimination. The aim should be to ensure the provision of immediate, medium and long-term support to women victims of violence by involving and tapping into the long-standing expertise of independent women's specialist support services provided by civil society organisations (paragraph 137).

E. Shelters (Article 23)

28. GREVIO urges the authorities in the Republic of Moldova to: (paragraph 141)

- a. expand the number and/or capacity of specialist shelter facilities for women victims of violence and their children, throughout the country, while monitoring the quality and financial sustainability of this service;
- b. ensure equitable access to such specialist shelter services for all women victims of all the forms of violence covered by the Istanbul Convention, especially women with disabilities, women living in rural areas, women with addiction issues, older women, Roma women and migrant women.

F. Telephone helplines (Article 24)

29. GREVIO encourages the authorities in the Republic of Moldova to ensure the functioning of a state-wide free-of-charge, anonymous and round-the-clock telephone helpline dedicated to women victims of the various forms of violence covered by the Istanbul Convention, which is capable of providing counselling to victims, with due respect for the confidentiality of all callers, and which is operated by qualified staff trained in all the forms of violence covered by the convention (paragraph 146).

G. Support for victims of sexual violence (Article 25)

30. GREVIO strongly encourages the authorities in the Republic of Moldova to pursue their efforts to set up sexual violence referral centres and/or rape crisis centres and ensure sustainable state funding beyond the initial project phase, recalling that one such centre should be available for every 200 000 inhabitants and that their geographical spread should make them accessible to victims in rural areas as much as in cities. The gathering of forensic evidence and the issuing of forensic certificates must not impose a financial burden on the victim (paragraph 152).

H. Protection and support for child witnesses (Article 26)

31. GREVIO encourages the authorities in the Republic of Moldova to step up measures to give more practical meaning to the legal recognition of the harmful effects that witnessing domestic violence has on children, including by the development of appropriate guidelines and the provision of specialised training. GREVIO further encourages the authorities in the Republic of Moldova to provide appropriate support services for these children tailored to their needs, including by ensuring access to a Barnahus centre in all regions (paragraph 158).

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

32. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure through all available means that victims of any of the forms of violence against women covered by the Istanbul Convention are aware of, and are given the practical means to, challenge and address any failure on the part of state officials to discharge their professional obligations. GREVIO further encourages the authorities in the Republic of Moldova to compile relevant statistics on the number of claims made against the authorities and the number of remedies granted as a result (paragraph 169).

2. Compensation (Article 30)

33. GREVIO strongly encourages the authorities in the Republic of Moldova to take further measures to: (paragraph 172)

- a. facilitate victims' access to compensation in civil and criminal proceedings and ensure that such reparation is promptly attributed and proportionate to the gravity of the harm suffered;
- b. collect data on the number of cases in which women victims of violence have claimed and have obtained compensation from the perpetrator for offences covered by the Istanbul Convention.

34. GREVIO further invites the authorities in the Republic of Moldova to consider lifting their reservation to Article 30, paragraph 2, of the Istanbul Convention (paragraph 173).

3. Custody, visitation rights and safety (Article 31)

35. GREVIO urges the authorities in the Republic of Moldova to take the necessary measures to ensure that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority, the competent authorities are required to consider all issues relating to violence against women and domestic violence and assess whether this violence might warrant restricting custody and visitation rights. In particular, GREVIO urges the authorities in the Republic of Moldova to: (paragraph 182)

- a. explicitly require, through appropriate means, all relevant parties playing a role in the determination of custody and visitation rights (social workers, the judiciary, psychologists, child psychiatrists and others who provide expert opinion to courts) to screen for and take into account any incidents of violence covered by the Istanbul Convention, on the basis of gender-sensitive guidelines, and ensure that such professionals receive appropriate training;
- b. strengthen interinstitutional co-operation and information exchange between civil courts and criminal courts, as well as between these courts and services that assist and support victims of violence and their children or other bodies, such as women's specialist services, social protection and health services, or educational institutions;
- c. ensure, through training and appropriate guidelines/protocols, the recognition (by relevant professionals, especially judges) that witnessing violence against a close person jeopardises the best interests of the child;
- d. incorporate risk-assessment procedures in the determination of custody and visitation rights following domestic violence in order to determine the child's best interests, as well introduce the possibility that relevant professionals monitor visitation arrangements and document (possible) evidence of abuse or the harmful effects of (supervised) visits, and inform the court about such evidence or about children at risk of abuse, so that courts can review or reconsider their decisions on visitation based on updated information;

- e. equip social work centres with adequate resources, including sufficient space and professional staff, to allow for supervised visitation to take place in a safe environment and with the necessary support, as well as to recognise potential signs of distress in children as a result of supervised contact.

B. Criminal law

3. Psychological violence (Article 33)

36. GREVIO strongly encourages the authorities in the Republic of Moldova to: (paragraph 187)

- a. increase awareness, including through training, among judges, law-enforcement agencies and legal professionals, of the gendered nature and consequences of psychological violence as one of the most prevalent forms of violence against women in the Republic of Moldova, and to review the application of the existing criminal offences on psychological violence by the courts, in order to ensure that the relevant provisions are effectively used to investigate, prosecute and punish all its manifestations, including its digital dimension;
- b. take measures to improve the collection of data on the number of criminal charges, indictments and convictions related to psychological violence against women, including its digital dimension.

2. Stalking (Article 34)

37. GREVIO encourages the authorities in the Republic of Moldova to amend the relevant legislation in order to adequately criminalise stalking, specifying its constituent elements in line with Article 34 of the Istanbul Convention and providing dissuasive sanctions. It further encourages the authorities to: (paragraph 190)

- a. conduct specialised training of law-enforcement officers, prosecutors and judges on the gendered and serious nature of stalking, including post-separation stalking and stalking via digital means and technology, in order to ensure the effective criminalisation in practice and the application of proportionate and dissuasive sanctions;
- b. collect data on the number of cases of stalking, including its online dimension, to identify the magnitude of this phenomenon and take adequate measures.

3. Physical violence (Article 35)

38. GREVIO urges the authorities in the Republic of Moldova to ensure, through all available means such as protocols, training of professionals and legislative change, more operational clarity between the contravention and the crime of domestic violence. In addition, GREVIO urges the authorities in the Republic of Moldova to ensure more dissuasive sanctions for the contravention of domestic violence (paragraph 195).

4. Sexual violence and rape (Article 36)

39. GREVIO urges the authorities in the Republic of Moldova to amend the sexual offences provided under the Criminal Code to fully incorporate the notion of lack of freely given consent, as required by Article 36 of the Istanbul Convention, and to define the type of non-consensual sexual acts that are criminalised, in line with Article 36, paragraphs 1a, b and c, of the convention (paragraph 201).

40. GREVIO further encourages the authorities in the Republic of Moldova to collect statistical data on the newly introduced sexual offences in the Moldovan Criminal Code that would allow these cases to be tracked along the criminal justice chain – from reporting to prosecution, convictions and sanctions – in order to assess any gaps in the institutional and judicial response to sexual violence and to provide an in-depth analysis of the reasons for attrition (paragraph 202).

5. Forced marriage (Article 37)

41. GREVIO strongly encourages the authorities in the Republic of Moldova to consider introducing a specific criminal offence of forced marriage to cover the special nature of these offences and to make it operational for law-enforcement authorities and courts (paragraph 206).

6. Female genital mutilation (Article 38)

42. GREVIO strongly encourages the authorities in the Republic of Moldova to:
(paragraph 208)

- a. consider introducing into their criminal legislation an offence specifically targeting all forms of female genital mutilation, as defined in Article 38 of the Istanbul Convention;
- b. raise awareness and knowledge among relevant professionals and society at large of this specific form of violence against women.

7. Forced abortion and forced sterilisation (Article 39)

43. GREVIO urges the authorities in the Republic of Moldova to ensure that for any abortion or sterilisation procedure performed on women with intellectual disabilities, prior and informed consent is obtained on the basis of sufficient information on the procedure provided in a disability-accessible manner by professionals trained in gender and disability issues. In any procedure authorising the sterilisation of legally incapacitated women, less invasive birth control options should be considered with due regard to the best interests and self-determination of the women (paragraph 212).

8. Sexual harassment (Article 40)

44. GREVIO encourages the authorities in the Republic of Moldova to take measures to ensure that the legal provisions and policies protecting women from sexual harassment are fully applied, including where such harassment is carried out using digital tools. It should be possible for progress in this area to be measured using relevant data, including on how the new mechanisms that establish the responsibility of employers to combat and prevent sexual harassment operate in practice (paragraph 216).

9. Sanctions and measures (Article 45)

45. GREVIO urges the authorities in the Republic of Moldova to ensure – through legislative measures and the effective training of members of the judiciary and prosecution services – that sentences and measures imposed in cases of domestic violence and on the different forms of violence against women are effective, proportionate and dissuasive, as required by Article 45 of the Istanbul Convention (paragraph 219).

10. Aggravating circumstances (Article 46)

46. GREVIO strongly encourages the authorities in the Republic of Moldova to take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are in practice considered and applied by the courts as aggravating circumstances for crimes of violence against women, and to adopt legislative measures to expressly include the commission of an offence against a former or current spouse or partner, family members and persons cohabiting with the victim as an aggravating circumstance in crimes of violence against women (paragraph 223).

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

47. GREVIO urges the authorities in the Republic of Moldova to take the necessary measures, including amending the relevant legislation, to explicitly prohibit the mandatory character of

reconciliation in criminal proceedings where there is violence against women, regardless of the applicable provision of the Criminal Codes (paragraph 229).

48. In the meantime, and until such amendments are enacted, GREVIO urges the Moldovan authorities to incorporate a risk-assessment procedure and other safeguards to ensure the full and free consent of the victim in the context of any voluntary reconciliation procedure (paragraph 230).

49. GREVIO also strongly encourages the Moldovan authorities to: (paragraph 231)

- a. take measures to ensure that in cases of reconciliation in the context of divorce, effective screening processes and safeguards are established to allow judges to identify and address power imbalances between the two parties resulting from a history of domestic violence by one spouse against the other, with a view to ensuring the free and full consent to the mediation process of both parties;
- b. train judges, mediators and all relevant professionals involved in the reconciliation procedure on the need to ensure that victims freely consent to mediation and are not exposed to secondary victimisation.

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations and immediate response, prevention and protection (Articles 49 and 50)

1. Reporting to, immediate response and investigations by law-enforcement agencies

50. GREVIO strongly encourages the Moldovan authorities to take steps to reduce attrition rates by improving the investigation and prosecution of gender-based and domestic violence offences, by: (paragraph 241)

- a. enhancing the capacity of the police through sufficient recruitment and continuous training in respect of new laws, gender-sensitive policing and best practices in combating violence against women and domestic violence;
- b. monitoring the speed of the police response and the outcomes of requests for assistance;
- c. increasing and monitoring the effectiveness of awareness-raising campaigns designed to remove the stigma and stereotypes attached to domestic violence and violence against women.

2. Effective investigation and prosecution

51. GREVIO strongly encourages the authorities in the Republic of Moldova to ensure that women victims of violence and domestic violence have appropriate access to services during the investigation process, by: (paragraph 248)

- a. ensuring a sufficient number of well-trained police officers, particularly on the gendered dimension of domestic violence, sexual violence, psychological violence, secondary victimisation and re-traumatisation;
- b. ensuring a sufficient number of well-trained prosecutors and investigators;
- c. identifying solutions for particularly vulnerable groups of women, such as those in rural areas and women victims of violence with disabilities;
- d. developing and implementing an interconnected online records system that links the police and prosecution service, with due regard to data protection and privacy.

52. GREVIO further invites the authorities in the Republic of Moldova to ensure that access to healthcare by women victims of violence is not delayed or obstructed because of a mandatory reporting duty, by ensuring that the reporting threshold remains high and by monitoring victims' access to services and their use, following the reporting of offences (paragraph 249).

3. Conviction rates

53. GREVIO strongly encourages the authorities in the Republic of Moldova to swiftly identify and address all factors contributing to domestic violence being inappropriately penalised, either because the offending behaviour is not considered as sufficiently serious to warrant criminal prosecution or because the sentence handed down is not a sufficient deterrent and/or does not require participation in a recidivism reduction programme (paragraph 2553).

54. GREVIO invites the authorities in the Republic of Moldova to conduct research into women convicted of domestic violence who were themselves victims of domestic violence, in order to ascertain how self-defence and domestic violence against women are considered and treated by the judiciary (paragraph 256).

B. Risk assessment and risk management (Article 51)

55. GREVIO strongly encourages the authorities in the Republic of Moldova to reinforce the capacity of relevant professionals to carry out risk assessments, including by: (paragraph 263)

- a. providing guidelines and increasing training efforts;
- b. introducing a standardised risk-assessment process for all agencies;
- c. ensuring that risk assessments are carried out systematically, and keeping all reports and records of violence against women to allow the evaluation of the risk of repeat and escalating violence, while ensuring respect for the principles of data protection.

C. Emergency barring orders (Article 52)

56. GREVIO urges the authorities in the Republic of Moldova to complete the pilot work on the electronic record-keeping system swiftly and ensure that it is introduced throughout the country (paragraph 271).

D. Protection orders (Article 53)

57. GREVIO strongly encourages the authorities in the Republic of Moldova to improve the effectiveness of protection orders by: (paragraph 279)

- a. providing clear guidance to the territorial guardianship authority on the actions to be taken to prevent harm to women victims of violence and/or their children in cases where contact takes place with the perpetrator of violence, against whom a protection order has been issued;
- b. assessing whether, in cases where breaches of the protection order are punishable by unpaid community service, the penalty is complied with and is effective to prevent recidivism.

E. Ex parte and ex officio proceedings (Article 55)

1. Ex parte and ex officio proceedings

58. GREVIO encourages the authorities in the Republic of Moldova to strengthen evidence collection and storage and to provide guidance to judges and prosecutors on continuing prosecutions in the absence of the victim's testimony (paragraph 284).

2. Victim support in legal proceedings

59. GREVIO encourages the authorities in the Republic of Moldova to take steps to ensure that all victims of gender-based and domestic violence can access victim support, irrespective of their geographical location (paragraph 289).

F. Measures of protection (Article 56)

60. GREVIO encourages the authorities in the Republic of Moldova to reinforce protection measures by: (paragraph 294)

- a. ensuring that judges and prosecutors are aware of such measures and routinely consider whether or not they should be applied, irrespective of an application by the victim;
- b. developing procedures and protocols for multi-agency work to ensure co-operation between relevant services, including women's organisations and NGOs;
- c. collecting data on a regular basis and carrying out research, including from a victim's perspective, on the effectiveness of the measures in place to avoid repeat victimisation through the justice system.

G. Legal aid (Article 57)

61. GREVIO invites the Moldovan authorities to ensure that legal aid is available, in practice and throughout the country, and to review the provision of civil legal aid to enable women victims of domestic violence to access justice (paragraph 301).

VII. Migration and asylum

A. Residence status (Article 59)

62. GREVIO invites the authorities in the Republic of Moldova not to renew the reservation with regard to Article 59 of the Istanbul Convention, upon expiry of its period of validity (paragraph 306).

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

63. GREVIO encourages the authorities in the Republic of Moldova to build on the emerging good practices and develop standard operating procedures for the identification of women and girls fleeing Ukraine who are at risk of, or who have experienced, gender-based violence. Furthermore, awareness-raising measures and programmes to reduce the stigma associated with gender-based violence should be undertaken within Ukrainian refugee communities to increase the ability of women and girls to disclose instances of all forms of violence against women. Specific measures should be taken to address the issue of discrimination and harassment against Ukrainian refugees by the host communities, in particular towards Roma refugees (paragraph 318).

2. Accommodation

64. GREVIO strongly encourages the authorities in the Republic of Moldova to take steps to ensure that risks to the safety and privacy of asylum-seeking and refugee women fleeing Ukraine are removed, in order to prevent sexual and gender-based violence against women, including by: (paragraph 324)

- a. making structural improvements to RACs to ensure privacy in bedrooms and bathrooms;
- b. establishing clear access controls for RACs and monitoring of incidents of abuse;
- c. developing, publishing and monitoring the implementation of safeguarding measures for the private rental sector, host families and refugees, including the provision of information, clear pathways for obtaining support and services in cases of violence against women and domestic violence, and setting up a complaints mechanism to enable private landlords responsible for abuse of refugees to be identified and barred;
- d. increasing age-appropriate and in-person community outreach and engagement with refugees, especially in private and host community accommodation.

C. *Non-refoulement* (Article 61)

65. GREVIO encourages the Moldovan authorities to uphold their obligation to respect the principle of non-refoulement of victims of violence against women, including by investigating the concerns raised in respect of the potential discriminatory treatment of some nationalities at Chisinau airport and by ensuring that women arriving by air are not prevented from accessing asylum procedures (paragraph 328).

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

Ministry of Labour and Social Protection
General Police Inspectorate
Bureau for Migration and Asylum
General Prosecutor's Office
Ministry of Justice
Ministry of Foreign Affairs and European Integration
Ministry of Health
Centre of Forensic Medicine
Ministry of Science and Education
National Bureau of Statistics
Ungheni Municipality
Ungheni District Police Headquarters

Public bodies

National Human Rights Institution of the Republic of Moldova

Non-governmental organisations

Ariadna Domestic Violence Shelter
Facia
GENDERDOC-M Information Centre
Intersos
La Strada
Life Without violence
Memoria
National Centre for Counselling, Assistance and Education
National Centre for Preventing and Combating Abuses against Children
Norwegian Refugee Council
People in need
Plan International Moldova
Platform for Gender Equality
Women for Women
Women's Law Centre

Other organisations

UNFPA Moldova
UNHCR Moldova
UN Women Moldova

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

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