



2015

**ENSURING ACCESS
OF VICTIMS OF SEXUAL
VIOLENCE TO ADEQUATE
LEGAL AND SOCIAL
PROTECTION**



OAK
FOUNDATION



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INTRODUCTION

The crime related to the intimate aspects of a persons' life (sexual crimes) represents a specific category of offences whose numbers are on the rise in all countries around the world, including in The Republic of Moldova. Besides the growing number of offences of this category, what we see is diversification of its forms – from rape offence, to sexual harassment, child grooming for sexual purposes, etc. Thus, **even though in the Criminal Code of the Republic of Moldova was amended and adjusted taking into account the new social realities, the modality for the registration of these offences by the empowered bodies (General Police Inspectorate, National Bureau of Statistics, etc.) leaves much to be desired** because they don't cover the differentiation of the sexual offences by the categories foreseen by the Criminal Code – rape (Art. 171), violent actions with a sexual character (Art.172), sexual harassment (Art.173), statutory rape, meaning sexual intercourse with a person who has not reached 16 years of age (vaginal, oral, anal intercourse etc) (Art.174), perverted actions (Art.175) and sexual offences against children, through informational and communication technologies (Art.175').

The data of the National Statistics Bureau of the Republic of Moldova shows, at the moment, only the rape offence. The statistic data of this institution reveals a growth in the number of rapes as sexual offences – from 215 cases in the year 2000, to 352 cases in 2014. The number of cases of rape proportionate to 100 000 inhabitants reveals the same growing trend from 6 cases in 2000, to 10 cases in 2014.¹

The statistics of law enforcement, presents 332 cases of rape and 273 cases of sexual violence, in 2014. Also, a light increase of the sexual offences in the family environment has been registered: from 29, to 30 cases, in the years 2013-2014 of the rape offences (Art.171 CP) and from 11 to 20 cases of violent actions with a sexual character (Art.172. CP), for the same period.

But, **neither the data of the National Statistics Bureau, nor the data of the General Police Inspectorate do not reflect the social reality.** The number of cases of sexual violence is much higher, but these cases are not reported to law enforcement, because sexual violence is a taboo in the Moldovan society. The data of the „*Men and gender equality in the Republic of Moldova*” research reveals that almost every fifth man did have sex with a girl/woman, without her consent, while almost every fourth man with a girl/woman, who was too drunk, to say she doesn't

¹ <http://statbank.statistica.md/pxweb/Dialog/varval.asp?ma=JUS0101&ti=Infractions+in+registrate+dupa+tipul+infractionii+%2C+2000-2014&path=../Database/RO/12%20JUS/JUS01/&lang=1>

² http://www.igp.gov.md/sites/default/files/document/attachments/raport_privind_violenta_in_familie_12_luni_2014.pdf

want this thing. 18 per cent of men did recognize the use of force to have sexual intercourse also with the actual girlfriend/wife, while 14 per cent of men did use force to have sex with the ex-girlfriend/wife. Approximately 5 per cent of men did commit group sexual abuse.³

Sexual violence is the least recognized and reported form of violence. The majority of cases don't get into the view of the authorities. The main factors which cause this situation are multiple: (i) stereotyped social norms in which masculinity is associated with domination and aggression, while femininity with submission; (ii) blaming persons who are victims of these situations, as being guilty for the occurrence of these offences ; (iii) the fear of the persons to denounce such cases, in order not to be blamed, marginalized etc.

The path of the victims of sexual violence through the justice system is difficult and discouraging, these being sometimes victimized also by the specialists they are in contact with – police officers, criminal investigation officers, forensic doctors, public prosecutors, judges. **There are also legislative barriers which lead to the lack of effective protection against aggressors, to small rate of convictions, accompanied by mild sentences.**

A challenge for the Republic of Moldova is the **lack of a clear concept on the specialized training for professionals from the legal and social areas**, who manage cases of sexual offences, fact which leads, on one hand, to organization of some sporadic trainings, short term, specifically initiated by the representatives of the civil society, on the other hand, this type of ad-hoc training doesn't ensure the fact that specifically the trained specialists would manage matters of victims of sexual violence.

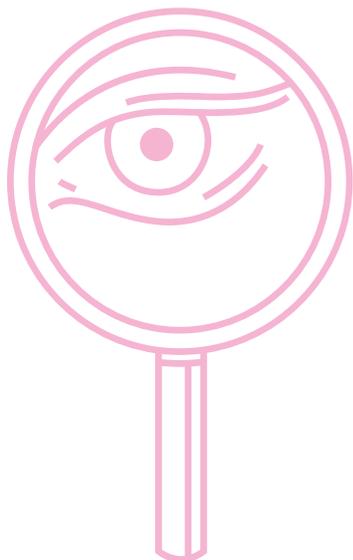
The aim of the present study consists of the analysis of the access of victims of sexual violence (VSV) to legal and social protection. This is a first attempt in the Republic of Moldova to show the **dimension and severity of this phenomenon** and to **evaluate the ways in which VSV are ensured with access to the legal and social protection**, according to the opinion of specialists from the justice system and the social sector, as well as the personal opinion of the victims of sexual violence.

This research is designated for law enforcement specialists (police officers, criminal investigation officers, public prosecutors, judges) who are reviewing cases of sexual violence; specialists from the social, educational and medical sectors (managers, psychologists, teachers, social assistants, medical professionals etc.), who are involved in assistance and protection of VSV, and, last but not least, decision makers.

³ *Men and gender equality in the Republic of Moldova*. – IMAGES, Women Legal Centre, SocioPolis, Chisinau, 2015, p. 96.

⁴ The woman is responsible, in the opinion of over 40 per cent of men, for her own rape, and if she has a bad reputation or doesn't oppose physical resistance when raped, these cases can't be considered rape. *Men and gender equality in the Republic of Moldova*. – IMAGES, Women Legal Centre, SocioPolis, Chisinau, 2015, p. 94.

THE METHODOLOGY OF THE RESEARCH



In order to reach the goal of the research, a complex methodological approach was used. Primary data was collected using the questionnaire survey based interview method and in-depth individual interview within the following target groups: managers of services provided to victims of domestic violence (VDV), law enforcement and social sector experts, as well as VSV. The research methods allowed the triangulation of data, but also provided knowledge on the access of victims to social and legal protection, from the perspective of various stakeholders (victims, specialists in the area of legal and social protection).

In order to know the existing services for VSV, mapping of services provided by various institutions to VDV was implemented. Within this mapping, identification of the number of VSV who did benefit of services and the specifics of provided services was undertaken. In parallel, various specialists who provide services directly to this group of beneficiaries – psy-

RESEARCH SAMPLE

Mapping of existing services for VSV

20

questionnaires applied to the managers of services provider for VDV's

Analysis of social and legal services in terms of specialists opinions

35

individual in depth interviews with specialists from social and legal area

Analysis of social and legal services for VSV in terms of victims opinions

14

in depth individual interviews with VSV

chologists, social assistants, social workers, police officers, criminal investigation officers, forensic experts, public prosecutors, lawyers of the culprits, lawyers of the victims, judges etc were extensively interviewed.

As part of the study data was collected from various territorial-administrative units of the Republic of Moldova. Still, the most important stakeholders are from the mun. of Chisinau, because the capital is where majority of civil society organizations are located to which victims are referred to or appeal themselves.

KEY FINDINGS

CHALLENGES IN ACCESSING THE JUSTICE SYSTEM BY VSV



The number of appeals on behalf of the victims to services of legal and social assistance is small – *"I don't think we get reported all cases of sexual abuse. I don't think each child or adult who went through the respective experience gets to appeal or to be somehow helped, protected or counselled"* (IIA_10_S).

Stereotypes and prejudices existing in the society represent an important factor leading to the reduced number of declared sexual offences. The majority of the population doesn't perceive sexual assault as offence, while marital rape isn't interpreted as a form of rape, but as an obligation resulting from the family relationship. That is why, frequently, the intervention of the police officers in such cases resumes to recommending to victims of sexual violence to forgive the

aggressor in order not to initiate a criminal case. The stereotyped attitude influences more the victims from the rural areas, specifically, because often the situation can be described as *"the rapist being pitied and protected, while the victim is mocked"* (IIA_10_S).

The interviewed specialists highlighted the **late reporting of cases of sexual abuse because of the lack of information possessed by VSV, but also because of their distrust of the persons around them as well as the society** in general. In the last years interviewed specialists did report that there

are multiple late appeals in cases of the sexual abuse of children, during several years, within the family – *“Why a child abused during 10 years doesn’t tell anyone? Because he doesn’t trust those around him”* (IIA_12_S).

Today, in the Republic of Moldova, **proactive actions in terms of the identification of cases of sexual violence** on behalf of specialists from the legal system are missing, as well as of those of the social system (social assistants, teachers, doctors etc.) – *“We stay in warm offices and wait for the victims to come to us”* (IIA_32_S).

But there are also cases when **the statements of the victims are not believed neither by relatives, nor by the sector police officers (patrol officer on duty)**. As an example, we have the situation of two elderly persons from a village, who were telling their relatives, the representatives of the LPA that they were raped by a young man and the women weren’t believed – *“She was complaining to her children, but they wouldn’t believe her... They were saying that she’s mad. That she was a drunkard... The second old lady, when she told people what happened to her, nobody believed her as well. She called the police... But the police officer just went after some children in the village and that was it. And after some time, there was the third and then the fourth case...”* (IIA_33_S). Practically, in this situation, the law enforcement authorities intervened only after the children of the third victim appealed to them.

Another factor which explains the small number of help requests of VSV addressed to legal authorities is the fact that **legislation does not grant a special status for VSV in comparison to victims of other forms of abuse** – *“VSV practically are not protected”*, even though the trauma caused as a result of such an offence raises the need of a more specific approach to be applied. **The legal system is designed to ensure only the rights and freedoms of the suspect, considered to have committed the offence**, by providing him/her a free of charge lawyer for the protection in court, whilst victims need to contract a paid lawyer in order to benefit of protection. Although the prosecutor may defend the side of the victim, studies have revealed that victims consider themselves practically without any protection protection.

Despite the fact that legislation ensures access to legal protection to all citizens, and police officers have the obligation to register and verify any incoming complaint to a police office, very often **statements made by victims are subject to doubt by those who are there to provide order and security in the society**. Currently, **there is no clear working methodology for actions necessary to be undertaken in cases of sexual violence, also the current status of victim is not taken into account, and the experience she suffered through is not being registered according to from the beginning**. The victims need to retell several times during the proceedings things that happened to them, thus leading to profound trauma effects. Also, at the moment of first contact with the police officers, **officers in charge evaluate the chances to prove/collect evidence on the criminal offence**. Practically speaking, in the situation when chances of collecting the evidence is small, law enforcement officers try to convince her/him not to file the complaint. Additionally, an important fact that has been established is that police officers **do not open an investigation at the moment of reporting, but only after a forensic expertise of the victim has been undertaken**.

A low number of specialists from the justice system, who have been trained and currently provide professional services, as well as knowledge on how to work with VSV, is also a factor contributing to reduced statistics of reported cases of violence. Although the Code of Ethics and Professional Conduct for police officers⁵, envisages that confidentiality is to be protected, as stated in Art. 6, there are a lot of situations when this principle is disregarded thus resulting in violation of norms of professional conduct: *"There was a situation when the local policeman has been invited to be made aware of the events, but after that he went to the village with inquiries: What is the behavior of the teenager X? Why was she the subject of rape? And these inquiries are made despite the fact that the community is not aware about this case, and the teenager did not want to file the complaint because she already knew there are other raped girls by the same aggressor, who has not been held liable for this offence up until today"* (IIA_10_S).

An important part for the initiation of the criminal investigation against the aggressor is the forensic examination of the VSV. Law enforcement officers have raised the issue of importance to improve the conditions of performing the forensic activities, modernize the medical equipment, as well as to exhibit a better attitude towards VSV. At the same time, the entire forensic system needs to be reformed to the extent that all issued documents are clear without room for misinterpretations.

Amendments to Art. 110' of the Criminal Code⁶ allow for conducting court hearings for children under 14 years, ideally, only once at the stage of criminal investigation by the investigative judges. Court hearings in cases of children are done by the investigative judge, psychologist, pedagogue or psycho-pedagogue. Currently, there is a requirement for the interviewer to be a specialist with psychological or legal background, with specialized trainings for interviewing child victims/witnesses delivered by the National Institute of Justice. The data of the research reveals that the system is partially functional, since such principles are applied to children and only in some of the country's regions. Court hearing participants have an issue with *"how big is the trauma and how difficult it is to talk about what has happened....when a person tells about his tragedy, the same emotional stress is being experienced; a therapy intervention is provided only when the victim discusses face-to-face with the psychologist, and once the discussion is finished, your story remains behind the door"* (IIA_12_S).

Support from the family members is important, since it encourages the VSV to further press with the criminal case without giving up at any stage of the criminal investigation. Judges have reported on situations when *"children tell about being sexually abused by their fathers, mother's concubine. Frequently, mother gets on the side of the aggressor and not of her child"* (IIA_22_S).

⁵ Government Decision nr. 481 as of 10.05.2006.

⁶ Law nr. 163 as of 18.07.2014.

Reports on psychological evaluations are being used in the judicial practice. They help the police officer, prosecutor and judge to get an understanding of the circumstances surrounding the case, because in this report the psychologist is able to describe the manipulation and constraints mechanisms used by the aggressor. Some of judges have underlined the fact that if the evaluation reports are professionally compiled, they bring a lot of value in the judicial process. It is important to highlight, that currently all psychological evaluation reports do not have a similar structure and there is need to support the initiative for a standard structure, and to introduce amendments in the legislation in order to consider these reports as evidence in the judicial process.

Once the criminal procedure has started, the VSV face the challenge of dealing with the pressure from the aggressor, and/or relatives, who persuade the victims to withdraw the complaint. VSV are extremely vulnerable from the emotional point of view, they can be easily manipulated, they get threatened to withdraw the complaint. Currently, the legal system in the Republic of Moldova admits that such victims are forced to withdraw their statements, being under pressure. Paradoxically, once in court, they are considered as “false evidence”, even though there are substantial proofs of the sexual abuse these victims have been subject to (see Box 1).

box 1

Case Study. A minor victim who was gang-raped got imprisoned after she has withdrawn her statements after being pressured to do so

„I had a case several years ago, which left serious marks on my activity as a professional, as a prosecutor, as an investigation officer, as a lawyer...

A 17-years old girl was raped by three individuals. She managed to run away totally naked. She ran into the street and took a taxi. After that, the aggressors were identified, the criminal case was opened and the aggressors were arrested... But in a short time, being under pressure, the victim changed her statements. Relatives of the aggressors started to threaten her, and she has declared that everything that happened to her was with her consent...

But what has surprised me is that the court closed the case, and the victim got arrested for making false statements. The girl got 5 years of imprisonment with actual enforcement. She got 5 years of imprisonment, when such punishment should have been given to her aggressors...

In fact, we all know that at the very start, the statements made are not false, and there exists also supporting evidence... I would have never allowed punishing a VSV.

What has the state offered a young girl at the age of 17 for the beginning of her life? The state has offered nothing. But the expectations would be that the state must prove its power and show justice that it can punish those found guilty”.

There are situations when mediation and reconciliation between parties is applied, even up to marriages in case of offences of sexual abuse so that the aggressor would not get imprisoned. Such situations must be avoided as stated by some specialists from law enforcement authorities.

It is necessary to exclude stopping the criminal procedures, opened for cases of rape and other sexual offences, as a result of withdrawing the complaints by the victim (see Box 2). For the legal authorities, the the withdrawal of complaint must not serve as a justification not to continue the initiated criminal investigation till its final completion. By allowing the possibilities to withdraw the complaint, justice system encourages sexual offenses.

box 2

Case study. Situations leading to reconciliation between parties in cases of sexual assault

„There was a rape case of a person under the age of 14. The aggressor was detained and during the investigation it has been found that he already was in detention twice and sentenced for such offences. During 2 previous cases, the reconciliation between parties was applied, and in another case – he was convicted for sexual abuse of minors aged under 16 y.o. and sentenced to paying a fine. Only at a later stage, the case was documented taking into account the previous offences and he was convicted to jail for many years.”

The majority of victims who addressed legal authorities to punish their aggressors have reported on **long time periods for the evidence collection and case examination in court**. The delaying of the resolution of the case determines victims to lose, in majority of cases, their courage, and thus forcing them to give up on pursuing punishment for the aggressor because of the injustice they have encountered. There are only a few cases when VSV are determined to pursue the case until the aggressor's final conviction is pronounced by the judge.

A small number of VSV, after filing a complaint with the police office and having a criminal matter started, benefited from psychological support from specialized shelters or legal assistance from some NGOs. At the same time, findings reveal evidence of the fact that legal and psychological assistance provided to VSV before the start of court procedures plays an important role because at this moment the victim is informed on her rights and responsibilities, and thus her emotional condition is better.

The impact of the experienced sexual violence on the victim's personality is currently neglected by the justice system. The mental health status exam cannot establish the impact of the suffered trauma on the personality development.

Cases of obtaining material and non-material damages are rare. Respectively, the subject matter experts have highlighted the importance of judges need to include the issue of material and non-material damage when they pronounce the court decision on cases of sexual offence, as well as on informing and supporting the victims after the conviction of the aggressor on how to apply and obtain material and non-material damages.

Specialists from the legal system recognized instances of corruption in cases of sexual violence that occurs at the court level . There are multiple factors associated with such situations, but the most prevalent is the unwillingness of the specialists to get out of the comfort zone. Lawyers providing services to VSV have reported on corruption situations related to activities of the forensic experts as well (See Box 3).

box 3

Case study. Corruption issue related to forensic

„An underage VSV did not undergo a forensic examination because the experts were not at work in that day. She has been sent to OBGYN specialist with an over 30 years of experience, who has proved the act of rape. The second day, the VSV undergoes the forensic examination which reports on the same trauma

The aggressor’s lawyer, after 1 year, requests repeatedly that forensic report is undertaken in Chisinau, and the expertize states that the victim had not been raped at all.

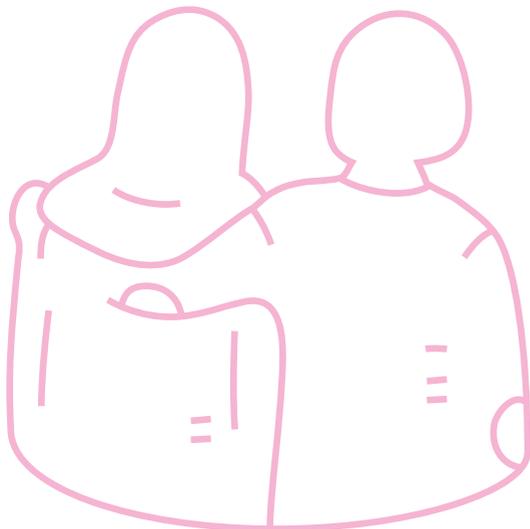
As soon as the VSV heard this, she got disappointed and left abroad...

I have compiled a letter of request to the attention of the prosecutor on this issue, but I have never managed to get clarifications.”

The subject matter experts highlight the fact that corruption issues are severely affecting the judiciary system – *“For each situation there is a price to be paid”* (IIA_13_S), and any undertaken actions do not generate expected results for years. For example, even though approximately 30 prosecutors have been punished for corruption in the last 6 years, the problem as a whole did not get solved.

The most reported issues encountered by VSV in the court system relate to the presence of a hostile environment. Although there is a legal framework in place, which envisages special mechanisms for interaction among experts, there is big difference between de jure and de facto situations. The implementation mechanism of the legal provisions is not functioning properly. There are multiple gaps in the system with reference to VSV: (i) possibility for different interpretation of legal provisions; (ii) insufficient prevention activities; (iii) lack of experts in the field; (iv) violation of the professional conduct by the employed specialists; (v) the procedure of the direct confrontation between the victim and the aggressor etc. Despite all these problems, there are many attempts to achieve a victim-friendly justice system in the Republic of Moldova. Some good progress is registered, but it refers to child victims, including VSV under the age of 14.

CHALLENGES OF THE SOCIAL PROTECTION SYSTEM FOR VSV



Currently, the issue of sexual violence is not a priority issue, neither for the central public authorities (CPA), nor for local public authorities (LPA).

The undertaken measures related to this area are based on initiatives of the non-governmental sector, but these are not sufficient to cover an adequate legal and social assistance for this category of victims. **Authorities must be held accountable for protecting victims' rights, and civil society together with donor community would manage to provide**

a substantially improved contribution to the development of services provided to VSV. In order to achieve this, a more proactive approach is required from the legal and social system representatives.

During this study, there were no specialized services provided to VSV by the public institutions in the Republic of Moldova. VSV are referred, on a needs' basis, to public assistance centers specialized for VDV or victims or potential victims of human trafficking, although, from a quantitative perspective, the existing assistance services of the VDV centers are not sufficient; additionally to this gap, such centers have a small capacity compared to the geographical area they cover and taking into account the existing international standards.⁷ From a qualitative perspective, VSV need specialized services emerging from their specific health condition.

From the total of 20 organizations, taking part to this study, 14 of them have offered services to VSV during 2010-2015. The number of child and adult VSV beneficiaries is impressive (see Table 1).

The listed organizations offer services for VDV and VSV during the crisis period only, which usually is not longer than 1-3 months, while long rehabilitation is not covered. After the crisis period, the victim is left to face their needs, trauma and problems on their own.

⁷ *Situation analysis on the provided services to women victims of domestic violence in the Republic of Moldova.* – OAK Foundation, WAVE, Women's Law Center. - Chisinau, 2014, p.15.

Table 1. VSV dynamics in the surveyed institutions (2010-2015 period), number of assisted cases⁸

	2010	2011	2012	2013	2014	2015 (January-August)
International Center for Women Rights Protection and Promotion „La Strada” ⁹	16	33	4	19	22	23
Women’s Law Center	23	30	31	30	56	88
The Chisinau Assistance and Protection Centre for victims and potential victims of human trafficking	75	55	70	84	68	- ¹⁰
Maternal Center „Ariadna”	-	-	-	-	11	-
Nongovernmental organization „Inceputul vietii” manage Center „Casa Schimbării”	14	11	13	10	16	6
Maternal Centre „Pro Familia”	3	7	7	4	4	2
Placement Centre for Parent-Child Couples, Cornești	2	2	2	-	1	1
Maternal Centre Cahul	-	-	-	-	-	1
Nongovernmental organization „Promo-LEX”	-	-	-	-	- ¹¹	3
Social Mission „Diaconia” manage Maternal Centre „În brațele mamei”	-	-	-	-	3	-
CNPAC - National Center for Prevention of Child Abuse, Service psychosocial assistance to child and family AMICUL	67	78	84	62	180	52
Center for Childhood, Adolescence and Family	9	4	4	-	1	1
Placement Center for Children of the Foundation „Regina Pacis”	-	-	-	-	2	3
Municipal Placement Center for Rehabilitation for Young Children	-	2	-	-	1	-

⁸ Only institutions that reported provision of assistance to VSV are included into Table 1.

⁹ Data includes only adult VSV, child VSV are not included. During 2010-2014, 58 child witnesses of sexual abuse/sexual exploitation have been assisted, but service providers were not able to generate an age breakdown statistics.

¹⁰ The number of assisted cases of VSV was not possible to be assessed since the data were not summarized per these criteria at the date of information request.

¹¹ The data for the years 2010-2014 about VSV could not be provided because no records have been kept on this criterion.

The number of specialists involved in the services area for VSV depends on the type of institution, its capacity and profile. In average, centers that provide shelter employ about 10 staff members, and maternal centers – between 6 and 8 employees. The main specialists for most of institutions include: a psychologist, social assistant, pedagogues or social pedagogue (in the case of children), medical assistant (full-time for some institutions, or part-time for other centers) and a lawyer (as a main specialist in some institutions, or invited on a needs' basis, or is not available at all in the other centers).

The placement service is one of the most requested type of help that VSV need – *“My situation is that I cannot go back home since there is no reason anymore, also I cannot move alone with 3 children. I have 3 children with me and 1 child left with my husband... I am not sure about tomorrow...”* (IIA_12_V). The beneficiaries of the center are offered housing, food, personal hygiene products, psychological assistance, etc.

Victims of sexual violence get access to institutions that provide housing, specifically maternal centers such as Chisinau Assistance and Protection Centre for Victims and Potential Victims of Human Trafficking and Shelter „Casa Marioarei” through territorial social assistance service or being referred by LPA or CPA, the territorial police office or NGOs and community members. In order to be entitled for centers' services, the following documents are necessary: a letter of request, a medical certificate, identification documents and other relevant papers. In case of emergency situations, the victim can be accepted without some of the listed documents since any of the missing documents will be restored while at the center. Restrictions pertaining to the accessibility of the centers' services are: (i) age (depending on center's profile specialized to service specific age categories of beneficiaries); (ii) a mental health condition – light forms of mental issues are accepted, but those with severe mental health disorders cannot be assisted because the life and security of the rest of beneficiaries is endangered; (iii) – TB cases are not accepted, (iv) cases with physical disabilities that reduce a person's mobility cannot be accepted since centers are not adequately equipped for such special needs; (v) cases with alcohol addiction – in case when VSV are alcohol addicted they have to go through a rehab course and only after that are accepted in the center; (vi) drug addiction — no assisted cases have been registered until today, but, as a rule, such cases can be accepted only after a specialized treatment.

Individual psychological counseling is a service offered by all organizations providing assistance to VDV. Psychological assistance and rehabilitation of victims envisage the delivery of proper and correct information to the victim, by providing explanations on the phenomenon they went through, contributing this way to the building of the self-belief and avoiding a repeated similar experience in the future: *“I would like all women to know about these centers, because so many of them are in the same situation. The most important help was what all the psychologists have explained me, and I would like everyone to understand that I am the victim, and he is the aggressor. The aggressor calms down for a while, gets the power back, and then attacks again. I did not understand this until now. I was thinking that he will change, become different and everything will get back to normal”* (IIA_7_V).

Medical assistance is provided approximately by half of the surveyed institutions. In case of health problems victims are referred to medical institutions. Services are provided based on the medical insurance policy. Most of cases do not have medical insurance (with the exception of children under age of 18, who benefit from a free of charge service based on mandatory medical insurance).

Primary legal assistance is a service actively requested by VSV, but this service is not provided by most of institutions since their staff does not include a lawyer. NGOs - Women's Law Center, "Promo-LEX" Association, International Center for Women Rights Protection and Promotion "La Strada", also public institutions such as the Assistance and Protection Centre for Victims and Potential Victims of Human Trafficking¹² provide primary legal assistance and qualified legal consultations to victims of human trafficking and VSV.

Telephone or face-to-face counseling is provided on a need's basis, specifically to women who have been already assisted by institutions, and currently are looking for help related to some of the issues. Other services provided for the benefit of VSV within some of the institutions are: non-formal education, social integration, monitoring and post-evaluation activities.

Beneficiaries of the Chisinau Assistance and Protection Centre for Victims and Potential Victims of Human Trafficking who do not have a job or education background are referred to the NGO „Insula Sperantelor”, where they have the chance to get a profession – hairdresser cook, etc. Non-formal education has the purpose to facilitate VSV's access the labor market so that they are able to restart their life – *"It is difficult for me to find a job because I stayed home for 12 years, I gave birth and raised 4 children and never worked"* (IIA_12_V).

This study reveals that a part of VSV did not benefit from some services, even though such would have been necessary. We like to underline the **elderly VSV who are left to live their lives alone, unable to overcome the suffered trauma**: *"I will die only because of what he did to me"* (IIA_14_V). The data mapping reveals that elderly VSV never benefit from any services. They are left to cope with the trauma alone, and the only help is the *"belief in God"* (IIA_13_V).

Another problem related to the provision of assistance is the lack of a qualified training for the community social assistants, unstable staffing due to rotations and lack of knowledge about services which victims could have been referred to – *"Social assistance sector employs persons of different backgrounds – accountants, engineers, etc., who are not adequately qualified for this job"* (IIA_12_S). A social assistant must know about all available and existing services, both at the territorial and national levels. Social assistant's competencies must be continuously built on, so that all beneficiaries *"have their case profile compiled and the social assistant is able to refer cases for existing service structures"* (IIA_32_S).

¹² These costs are covered by IOM.

The biggest majority of VSV does not benefit of any services at the community level. Specialists have reported on the encountered problems of VSV upon arriving back to their communities. *"It is extremely difficult to come back to their village because they get stigmatized"* (IIA_4_S). The lack of specialized centers for child VSV, these victims get to the situation where they live in one location, but must visit centers in another location in order to receive psychological rehabilitation services. This fact produces a bad impact on the child – *"children visit maximum 3-4 rehabilitation sessions, but they need much more help"* (IIA_3_S).

Psychological assistance, at the community level, contributes to the rehabilitation of VSV and helps them to cope better with their emotional trauma: *"I discussed with the psychologist from school and she told me that, if school teachers are bad with me I should come back to her and try to calm down. I am getting nervous very quickly and start crying. All my life somebody yelled at me. When somebody yells at me I start crying immediately"* (IIA_3_V).

The lack of specialized services for VSV in the public system generates discussions and disputes over the model how these should be developed – *"These services could be added to the existing ones provided by the same institutions designed for VDV assistance, but there is a need for professionals specialized in working with specifically this category of victims, and there is need for technical delimitations in respect to the applied therapy, communication, etc."* (IIA_35_S). Lack of standardized mechanisms of diagnostics and inability to differentiate the forms of abuse etc., does not allow for provision a high quality and efficient assistance to VSV.

Development of specialized services will contribute to a better quality of the provided services for VSV and an increased number of beneficiaries. As per specialists' opinion, the best advertising tool is the beneficiary's satisfaction – *"No booklet or information materials, neither mass media can provide what a serviced beneficiary can do. If a sexually abused person is adequately assisted and protected during all stages of the criminal investigation and after the court trial she/he won't be left alone, then the number of VSV denouncing the experienced offences will definitely increase"* (IIA_32_S).

The mapping reveals the weaknesses in the social assistance area of the VSV. These include: (i) lack of specialized services for child and adult VSV; (ii) lack of long-term services for VDV, only the crisis period is covered; (iii) lack of legal assistance in some maternal centers; (v) lack of reintegration activities of the VSV within their community, in parallel to provided services for victim's family.

There is a need to develop protection programs for VSV. Despite the fact these victims benefit of psychological counseling free of charge provided by some of social service centers, they still remain unprotected and feel insecure. The Republic of Moldova has a law on witness protection, but this law does not treat this category of victims as beneficiaries. Under such circumstances, it is necessary to develop a protection system and provide security to victims in order to build and maintain their trust towards state authorities.

COOPERATION AMONG ORGANIZATIONS OFFERING LEGAL AND SOCIAL ASSISTANCE TO VSV



Cooperation among institutions providing services to VSV represents a challenge because every institution follows its own operation rules with a system based on bureaucratic elements. At present, there is no common vision over institutions' mode of operation offering legal and social assistance to VDV, including VSV. Special attention needs to be focused on the interaction mode among specialists from the legal and social systems from the moment VSV files a complaint at the police office or from the point the victim is being identified at the community level.

Cooperation with territorial police officers

A good cooperation with the territorial police officers has been reported especially by NGOs engaged in advocacy activities. Such cooperation resulted in an increased number of referred cases, development of psychological evaluation, assistance to victims during court procedures.

The main obstacles encountered by the organizations during cooperation with police authorities include the lack of professional qualifications of the staff/partial knowledge of the job's terms of reference, as well as the presence of certain stereotypes towards VSV. To enhance the cooperation between police officers and non-governmental sector, including public institutions providing services to VSV, there is a need to build up the knowledge of the police officers with regards to the identification process of the crimes of sexual assault, as well as to provide understanding for a clear delimitation of roles and responsibilities of all involved parties.

There is a need for concise guidelines for police officers to help them manage properly sexual violence cases with step-by-step indications. Such guidelines can help avoid essential information not being included in the criminal files, as well as to avoid the VSV re-victimization.

Coping possibilities with the above-mentioned drawbacks can be provided through systematic trainings in the areas of prevention and countering the domestic and sexual violence, not only from a legal perspective, but also from a social point of view based on experience of working with real individuals and having clear delimitation between the roles of involved professionals working with VDV and VSV cases.

There are situations when police officers do not comply with the professional conduct norms, and do not perform their duties as per assigned responsibilities or if they do, then these are quite superficial. Despite such facts, this study reveals best-practice examples as well, for example, when police officers acted promptly in a situation of a VSV reporting a sexual violence offence, and thus contributing to the timely arrest of the aggressor.

Cooperation with public prosecutors

The majority of organizations provided services to VDV cooperate with the representatives of the public prosecution. A good cooperation practice is being reported by the NGOs qualified for the legal assistance during court procedures and conduct specialized trainings for public prosecutors.

In case of child VSV, the prosecutor is assisted by an assigned psychologist, usually, provided by the listed NGOs, tasked to formulate/reformulate correctly the questions during victim's hearing procedure. Lawyers are also provided (by the centers where such staff member or employee is available) and are involved during investigation process and are prepared to defend the interest of the victim in court.

Specialists from the social area, including VSV, report that there are public prosecutors that show a professional understanding of the problem, but so many others lack the knowledge on the specific approach to such a category of victims and continue with stereotyped thinking.

Changes that may lead to a more fruitful cooperation with prosecution officers are related to professional trainings for public prosecutors, as well as building better attitudes, changing the existing mentality, eliminating the stereotypical elements. The best approach remains to train public prosecutors, specifically on the sexual violence issues as specialized professionals for a specific focused area.

During this study, well-trained public prosecutors with good approach and well-determined civic position in the area VSV assistance were identified, but their number is still very small.

Cooperation with judges

The interaction between social specialists and judges occurs as needed and only during court trials. For example, the specialists compiling the psychological evaluation reports can be invited as witnesses to court; the psychologist or other staff member from certain centers may accompany the victim in court as a legal representative or as a support person or as trusted person. Also, centers providing qualified legal assistance by a professional lawyer may be entitled to represent victim's interest in court.

The encountered obstacles during cooperation with judges are: stereotypical attitude towards VSV from some judges, non-acceptance or resisting some of required changes, delayed court sessions, as well as overall corruption issues affecting the system.

As mentioned by the representatives of the NGOs involved in advocacy activities, expected improvements in the cooperation with judges can be formed through joint training projects, understanding the decisions issued by the Supreme Court of Justice, as well as advocating activities, information and raising awareness campaigns targeting the change of prejudice related to sexual violence.

A group of legal experts highlighted the efficient cooperation and that they appreciate very much the support provided by social service providers – *“Currently we are not able to cover all areas, including justice and child protection, and that is why the success of the criminal case gets is higher because of such help”* (IIA_11_S). On the other hand, the representatives of the social assistance area have mentioned that very frequently such cooperation with judges is just formal – *“They have asked for the psychological evaluation report. I have compiled it and sent to them. But I am rarely invited to the trial, usually this happens when the aggressor's lawyer wants to ask me stupid questions and insult me. In rest, there are no encountered issues coming from the prosecutors' and the judges' side”* (IIA_12_S).

Cooperation with medical institutions

Training provided to medical staff on sexual violence is insignificant. Such trainings were provided by various projects. Related topics included implementation of instructions pertaining to domestic violence, identification and referral of the case for assistance.

Non-governmental sector institutions with have raised the issue of conducting trainings for medical staff on the subject of sexual violence. These institutions have developed detailed plans of actions by including the sexual violence topics for all qualification training courses designed

for specialists from the medical area, and for conducting trainings for the specialists dealing with mother-and-child issues in order to contribute to the identification of the child victims of sexual violence.

The study reveals some examples of the best practices on the general awareness of medical institutions about sexual violence cases, including those of children. Efficient cooperation among institutions in the identification of some sexual violence cases of small children has been mentioned – *“The doctor informed us that something is wrong ... with a 1,5 y.o. child and later on we have learnt that this child is a VSV case”* (IIA_11_S). It will not be possible to identify child victims of such age without good training for specialists from the related field.

Cooperation with educational institutions

Certain cooperation with educational institutions on the issues of sexual violence already exists. Nevertheless, specialists from the non-governmental sector have indicated that this cooperation is *“difficult... due to indifference. Didactic staff is preoccupied solely about learning results of the children”* (IIA_9_S).

Education institutions need to conduct enhanced information and prevention activities among children, as well as their families. In order to be able to organize such trainings they need to get prepared for this. Also, all psychologists employed with education institutions and social services from the Republic of Moldova need to be trained in order to be able to identify such victims and refer them to specialized assistance – *“There are specific things mentioned by children that adults fail to notice... the child tries to communicate, but is unable to find the words, that is why there is a need for special training to understand what the child is trying to tell you in such situations”* (IIA_10_S).

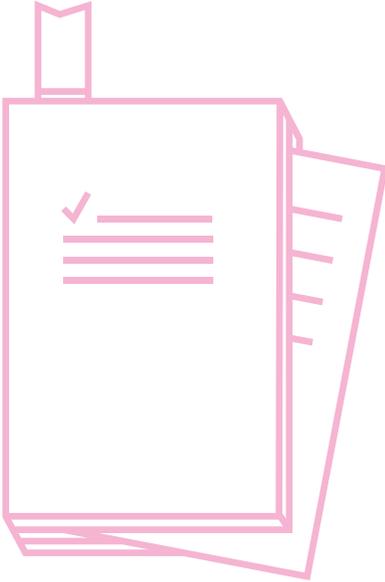
This study has identified positive examples as well, when didactic staff have contributed to the identification of some child VSV and referred them to existing assistance services.

Cooperation among service providers

The support provided by service providers is of a “great value” not only in the area of assisting child and adult VSV, but also in providing trainings for various specialists from the justice systems, and in providing a consolidated and multidisciplinary response to the VSV assistance. However, there are always possibilities to bring additional improvements to all that has been achieved till present times. – *“We, as direct service providers of VSV assistance, cannot frequently find a common point of view and hide behind the wall”* (IIA_25_S).

The data of the research reveal positive examples of cooperation among various institutions in situations of children with legal representation provided from the National Center for the Prevention of Child Abuse, as well as good cooperation experience with multidisciplinary teams.

RECOMMENDATIONS



The results of this study present the socio-legal reality in providing the legal and social assistance to VSV in the Republic of Moldova. Based on these results, the following recommendations can be provided in order to improve the situation in ensuring a secured access to VSV for adequate legal and social assistance:

FOR GOVERNMENT AUTHORITIES

General

- Implementation of the national and international agreements the Republic of Moldova has signed to ensure the protection of human rights, by securing to a full extent (through distinct legal mechanisms and procedures) the rights of VSV;
- Signing and ratification of The Council of Europe Convention on preventing and combating violence against women and domestic violence;
- Development of a National Strategy on preventing and combating violence against women and domestic violence, with a separate topic, dedicated to prevention and combating of sexual violence;

- Providing financing/increasing financing from state budget to cover all costs related to services such as: qualified legal aid, psychological counseling, medical services provided to VSV;
- Consolidation of partnerships among representatives of the legal, social, medical institutions, civil society, etc., and development of the cross-sector cooperation mechanism;
- Running awareness raising and information campaigns on the necessary actions to be done in case of identifying VSV, on risks and consequences associated with such type of offence, also about the existing services for VSV assistance;
- Development and implementation of campaigns aimed at changing/eliminating the stereotypes and prejudices among the population, on sexual violence issues, in partnership with civil society and mass media with the aid of TV shows, spots, talk-shows and reporter investigations, etc.;
- Development of special action programs to prevent sexual violence and development of proactive action modules for the identification of VSV for police officers, doctors, community social assistants, social workers etc.;
- Setting and training of special intervention teams in cases of sexual violence, including specialists providing direct services to VSV, a forensic expert, an investigation officer and a prosecutor able to react in a prompt manner in situations of sexual violence with secured protection of VSV' interests and in the name of justice.

Justice system

- Review of the legal framework, specifically the Criminal Code of the Republic of Moldova, chapter related to sex offences, starting from definitions. For example, in the definition of rape the notion of “forced” to be replaced with “vitiated consent”, as envisaged by the Istanbul Convention;
- Provision of updated comments or explanatory notes on the sexual violence field subjects by the Supreme Court of Justice, taking into account the international standards for preventing and combating violence against women;
- Development of a methodology on the procedures related to the registration and investigation of reported sexual violence cases in order to avoid re-victimization and secure access of VSV to justice;
- Specialized trainings for criminal investigation officers, public prosecutors, judges, lawyers on the topics of sexual violence crime's identification, investigation, sentencing, and referral of such cases only to specially prepared professionals;

- Development of guidelines, methodological instructions for public prosecutors and criminal investigation officers as per international standards related to the human rights’ protection areas, as well as per requirements of the Council of Europe Convention on preventing and combating violence against women and domestic violence;
- Involvement of a psychologist at the stage of the investigation process related to a child VSV an working together with the criminal investigation officer, because in the situation of such types of offences aggressors apply psychological violence. The presence of a psychologist at this stage will help explain all the manipulation strategies against the child and exclude the myth of the “consent of the child who reached the age of 16” specific to sexual violence. Ensuring a friendly justice system to all VSV, by extending the provisions of the Art. 110’ over to adult VSV as well. Hearing procedures of all VSV in specially equipped rooms for children to be organized in the manner to reduce the possibility of re-victimization, including the use of special technical means in case of adult VSV to reach a minimum number of hearing sessions (preferably only one session) and excluding the direct confrontation between the victim and the aggressor;
- Sanctioning the professionals from the justice area for violation of the professional conduct, acts of corruption etc. Implementation of sanctions for absence from court hearings and for unjustified delay of court hearings, thus reducing the duration of the criminal cases, including those related to sexual violence;
- Revision of legal framework with regards to forensic examination in order to avoid contradictory interpretations in the related documentation;
- Revision of psychological evaluation reports and their standardization in partnership with governmental institutions and civil society, in such a way that they will be accepted as evidence in court;
- Enhancement of the legal framework to avoid withdrawal of victims’ complaints leading to the interruption of the criminal procedures;
- Inclusion of the VSV category of beneficiaries for adequate assistance and protection within the Law on witness protection.

Social Protection System

- Providing free of charge psychological assistance to VSV by offering a psycho-emotional rehabilitation support;

- Development and inclusion of qualified specialized services, development of minimum standards of quality for the provided services to VSV;
- Extension and development of the aggressors' counseling programs throughout the entire territory of the Republic of Moldova;
- Development of specialized therapy programs for aggressors committing sex offences.

Medical System

- Implementation of a free of charge medical assistance program for VSV without a medical insurance card;
- Adequate and modern equipment of premises where the forensic examinations take place;
- Revision of the specialists' mandate empowered to perform the forensic examinations to the extent that medical assistants/nurses are also able to collect necessary evidence for the legal authorities and to document the cases, based on specialized trainings.

FOR THE CIVIL SOCIETY

- Training of specialists from specialized social service area and running continuous education trainings of professionals in order to be able to respond to VSV needs;
- Development of the curriculum for the psychologists who provide counseling services to VSV and their training on specifics related to sexual violence and work with VSV;
- Training of specialists from the justice area, police officers, criminal investigation officers, public prosecutors, judges) on applicable methods and techniques during their work with VSV;
- Training of community social assistants in the monitoring process of the VSV returning back to their homes;
- Conducting an analysis of the judicial practice in cases of sexual violence.



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