

Juvenile Victims of Sexual Offences are not Protected by Authorities

Although the Republic of Moldova lost several cases at the European Court of Human Rights in which it failed to conduct efficient investigations on accusations by juvenile victims of sexual assaults and rapes (cases of I.G. vs Moldova, see details [here](#) and N.A. vs Moldova, see details [here](#)), the defective practice still continues.

Using some procedural tricks, the perpetrators either escape prosecution, or are applied a milder or symbolic punishment. The situation is particularly dangerous when the victims of sexual assaults are juveniles and their guardians or parents do not have enough resources to fight the system. This is the case of a juvenile victim of rape, where the Orhei District Court pronounced a sentence that actually absolved two perpetrators from liability, while the third one was punished symbolically.

According to the victim's testimonies of December 2014, she was deprived of liberty by three persons in a house from Orhei town, where she was forced to consume alcohol and have sexual intercourses against her will. At the time of the assault the victim was underage and reportedly was invited to that house by a friend, supposedly to a party. After the rape, the victim managed to get away and was found by her mother in a state of shock.

According to the case evidence, the police found many bottles of alcoholic drinks, narcotic substances (cannabis), and some items of the victim's clothing at the crime scene. Nevertheless, Orhei Prosecutor's Office accepted the defendants' version that the juvenile victim had sexual

intercourses wilfully, although the victim denied it. During the criminal prosecution they failed to check if the victim consented to have sexual intercourses, as alleged by defendants, and did not take into account other circumstances, such as: victim's helplessness and age, the fact that the defendants consumed alcohol and narcotic substances, the bodily injuries found on the body of the victim and the state of shock that the victim was found in.

The Orhei Court sentenced only one of the defendants to 2 years in prison for deprivation of liberty, but without holding him criminally liable for rape, although the defendant admitted having had sexual intercourses.

The victim's lawyer, Dumitru Sliusarenco argues that: "The authorities neither investigate efficiently, nor protect juvenile victims of rape. Therefore, the situation turns paradoxical when the prosecutor's investigation reached the conclusion that the victim had sexual intercourses wilfully, while being deprived of liberty against her will. In conclusion, one can see a vicious practice of investigating sexual offences, where offenders escape punishment, whereas victims are subjected to repeated victimization. As a consequence, the victims endure continuous emotional pain, are stigmatized and lose self-confidence and trust in the justice system."

When the authorities (policemen, investigators, prosecutors) investigate sexual offences, they are influenced by gender-based prejudice and stereotypes, therefore their investigation is inefficient.

Legal aid is provided under the "Strengthening civil society organizations from Moldova, including the Transnistrian region, to combat discrimination through advocacy actions" Project, implemented by The Equal Rights Trust and Promo-LEX Association and financed by the European Union.

Find the video material on this case [here](#) and [here](#).

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