

Justice for Deceased Victim of Domestic Violence in V.C. v Moldova

On 9 July 2020, the Committee on the Elimination of Discrimination against Women ('the Committee') issued its adopted views in the case of [V.C. v Moldova](#), finding the Republic of Moldova in violation of the Convention on the Elimination of All Forms of Discrimination against Women ('the Convention').

[Promo-LEX](#), working in partnership with the [Equal Rights Trust](#), submitted the application on behalf of V.C. whose husband, C., subjected her to continued acts of domestic violence during their marriage. This abuse was physical, verbal and emotional, and ultimately led to V.C.'s violent death. The Committee found that the Republic of Moldova, through its entire structure, including its authorities, officials, institutions, practices and legislation, failed to exercise due diligence, adequately address and investigate V.C.'s repeated complaints of domestic violence and to provide her with effective legal protection, counselling and rehabilitation services.

Noting that gender-based violence amounts to discrimination within the meaning of article 1 of the Convention, the Committee highlighted that States parties must adopt and implement diverse measures to tackle gender-based violence against women committed by non-State actors, including having laws, institutions and a system in place to address such violence and ensuring that they function effectively in practice and are supported by all State agents and bodies, which diligently enforce the laws. The failure of a State party to take all appropriate measures to prevent acts of gender-based violence against women in cases in which its authorities are aware or should be aware of the risk of such

violence, or the failure to investigate, to prosecute and punish perpetrators and to provide reparations to victims and survivors of such acts, provides tacit permission or encouragement to perpetrate acts of gender-based violence against women. The Committee found the Republic of Moldova in violation of its positive obligations to protect V.C. from discrimination.

Promo-LEX and the Equal Rights Trust welcome the decision, which in addition to holding the Republic of Moldova accountable under its Convention obligations, marks an important development in the admissibility criteria for individual complaints. The Optional Protocol to the Convention allows for individual complaints on behalf of a victim provided they give their consent or, where consent cannot be obtained, the author of the communication can justify action on their behalf without such consent. The Committee found that Promo-LEX had standing to present the communication on behalf of V.C. after her death, and therefore without her express consent, emphasising that this finding was in the interest of justice and the prevention of impunity. By bringing the *locus standi* rules closer in line with international human rights jurisprudence, the Committee's decision opens the door for posthumous justice for victims of domestic violence and ensures that the end to impunity for acts of discrimination against women inches nearer.

We remind that this is already the second decision of the Committee against the Republic of Moldova on the cases represented by the Promo-LEX Association. The first decision was issued in 2016 on the case of R.L. and also refers to domestic violence. The Promo-LEX Association hopes that the Committee will ask the Government of the Republic of Moldova to review its policies and attitude towards cases of domestic violence and will provide legal support and protection to victims by the initial complaints.

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