

The Government of Moldova will have to pay again for gender discrimination and failure to offer an effective protection against domestic violence

Today, on January 28, 2014 the ECHR has adopted a judgment in case no. 26608/11 T.M. and C.M. against Moldova, having stated the violation of provisions under Article 3 and under Article 14 of the European Convention. The High Court established Moldova's responsibility, since the Prosecutor's Office refused to initiate any criminal proceedings against the aggressor, considering that the body injuries didn't constitute any conclusive evidence. Further, the Court noted that the protection order had been issued with a delay of 10 days and had subsequently been canceled by the same judge. Therefore, the police could not interfere to take the aggressor away from the family home, notwithstanding the severity of this case and the necessity of taking prompt actions.

Further, the Court judges challenged the stand of national authorities who, holding evidence based on the minor daughter's statements with respect to the father's verbal and physical aggression against the mother, had disregarded that fact and hadn't found any act of domestic violence. Pursuant to the Court, all those factors and other data explicitly evidence the failure of authorities to protect the applicants against domestic violence, as well as incomprehensive appreciation by the authorities of severity and extent of this problem, thus, manifesting a discriminatory attitude to women

as victims of domestic violence.

Thus, the Court ruled that the state should pay to the applicants non-pecuniary damages in the amount of 15.000 EUR, as well as costs and expenses in the amount of 2150 EUR.

The applicant T.M. was married to M.M. since 2001, and the spouses have a child born in 2002. M.M. became involved in gambling, having lost a large amount of money; he didn't have a permanent job and accumulated many debts, behaving at the same time aggressively towards his wife and child. Thus, the family situation became stringent, especially upon several strangers forced the applicant under threats to sign a receipt, and at that moment she found out about her husband's debts. As a result of all those events, T.M. filed a petition for divorce on February 25, 2010. Upon initiating divorce proceedings and lodging in the court an application for property division, her husband became even more aggressive.

On June 22, 2010 T.M. complained that she was being verbally abused by her husband, following which he was fined administratively. Later, he continued verbal and physical violation manifesting it not only against his wife, but also against his child. The injuries caused to those two victims were confirmed by medical reports. The same assault was repeated in March 2011, and a month later the applicant T.M. requested to issue a protection order.

The applicants were represented before the Court by lawyers of the Association Promo-LEX.

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