

Promo-LEX: Mild penalties for perpetrators of domestic violence

For the past 16 days, several events have been organized in the Republic of Moldova in order to raise awareness about, prevent, and combat domestic violence. At its last Universal Periodic Review, Moldova was given 30 recommendations on preventing and combating domestic violence. Among them was a recommendation that Moldova ratify the Convention of the Council of Europe on preventing and combating violence against women and domestic violence.

Although we now have mechanisms to combat domestic violence, the Promo-LEX Association notes with concern that courts continue to apply excessively mild punishments to abusers. Thus, there is a discrepancy between the sentences received by perpetrators and the seriousness of the acts they have committed. Promo-LEX lawyers believe that symbolic punishments can actually encourage further domestic violence.

In this context, the Buiucani Court delivered a judgement yesterday (December 9th) sentencing an abuser to a suspended sentence of 5 years, even though he was charged with four offenses: illegal deprivation of liberty (article 166 of the Criminal Code), domestic violence against a spouse or minor daughter (article 201/1, paragraph 2 of the Criminal Code), hooliganism (article 287 of the Criminal Code) and non-execution of a court decision (article 320 of the Criminal Code). The defendant has repeatedly abused a woman and minor since 2014, especially after the victim decided to leave their shared residence and filed a request to investigate the defendant.

The prosecutor requested a sentence of 7 years of imprisonment

for the abuser, and the injured party and her lawyer requested the maximum penalties for each charge. Nevertheless, the court ended the trial for 2 of the charges using the Law on Amnesty and handed down a conditional sentence of 5 years of suspended imprisonment for the other 2 charges. Finally, the court decided to apply the provisions of Article 90 of the Criminal Code, arguing that the defendant has shown good behavior and can be reformed.

Given the perpetrator caused his former partner and the minor to suffer greatly for three years, the punishment was excessively mild compared to the acts committed, says Dumitru Sliusarenco, a Promo-LEX lawyer. He also observed that courts apply lenient punishments (without time in prison) in the majority of domestic violence cases, even though judges apply much harsher penalties for other, similarly severe crimes. The Promo-LEX lawyer concluded that almost nothing stops the offender from committing new acts of violence and endangering the life and security of the victim after such a sentence.

In conclusion, the Promo-LEX Association draws the authorities' attention to the decisive role of the courts in preventing domestic violence. Applying light punishments to abusers discourages victims of abuse from turning to the legal system for help. Since superior courts have previously applied more severe punishments in cases of domestic violence, and given the seriousness of the problem, we believe that inferior courts should standardize judicial practice in this area.