

ECtHR condemns the Republic of Moldova for the second time in the case of domestic violence

Today, on July 16 2013, the European Court of Human Rights (ECtHR) has pronounced the decision on the case of Mudric and others vs. Moldova. Thus the ECtHR found the violation of the art. 3 invoking that authorities had tolerated ill-treatment the victim had been subject to in her house, and failed to execute the court judgment aimed at ensuring the victims protection. The ECtHR stated as well the violation of the art.14 together with the art. 3 and 8 of the Convention for reason of gender discrimination from the part of authorities which neglected her rights to live without any form of violence. The ECtHR has also stated the violation of the art. 17 of the Convention, as authorities refused to sanction her former husband and permitted him to continue his illegal actions which resulted in violation of the applicant's rights.

The Court awarded to the applicant the sum in the amount of EUR 15,000 as compensation of moral damage and EUR 2,150 for compensation of costs and expenses.

This is the second case demonstrating the fact that domestic violence is a phenomenon based on victim's gender and represents gender discrimination. We can also recall the other 2 similar cases that the ECtHR shall examine in the nearest future.

Lidia Mudric, a woman of 72 years old, after divorcing her husband has continued to live in the house belonging to her and to her husband as well. According to the applicant, On December 31, 2009 her ex-husband has broken into her house and

has beaten her. The same happened on February 19, 2010 and starting with this date he has permanently resided in the applicant's house.

The applicant has obtained a medical report confirming bodily injuries caused to the latter. On March 18, 2010 she has addressed to the police and to the other authorities. In her applications she was complaining as well for the fact that the police knowing the situation undertook nothing to protect her. On March 27, 2010 the Applicant was beaten again by her ex-husband. On March 30, 2010 the applicant was informed by the authorities that the facts she complained of were confirmed just partially and due to the psychical disease of her ex-husband, he could not be sanctioned.

The authorities have promised to take measures, but on June 22, 2010 the court has ordered the eviction of the applicant's ex-husband and obliged the latter to stay away from the applicant and her house. However, this court judgment was not executed. On July 17, 2010 the applicant was beaten again by her ex-husband. Responding at a new complaint of the applicant the court has issued a new judgment similar with that as of June 22, 2010. This judgment remained unexecuted as well. On December 6, 2010 the applicant was again beaten by her husband. On December 16, 2010 the applicant has obtained the third court judgment similar with those two court judgments issued previously.

During the relevant period the applicant and her lawyer have filed a number of petitions with the police office, Prosecutor's Office and other authorities demanding protection for the applicant and punishment for the ex-husband.

Lidia Mudric was represented at ECtHR by the lawyer Doina Ioana Straisteanu delegated by the Promo-LEX Association within the project "Strengthening Legal Protection from and Raising Awareness of Discriminatory Ill-treatment based in the Republic of Moldova, including Transnistria", a project

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For more information please contact:

Doina Ioana Straisteanu, Lawyer and Expert in Human Rights
Tel. 0685 92 222, distraisteanu@dis.md

Olga Manole, Project Manager, Promo-LEX Association
Tel : 449626, e-mail: olga_manole@promolex.md