

# ECHR Establishes Moldova's Complicity to Family Violence

On 28 May 28 2013, Moldova was condemned by the European Court of Human Rights (ECtHR) in the case *Eremia and Others v. Moldova*, in connection with violation of Art.3 (prohibition of torture and inhuman treatment), Art.8 (private and family life) and Art.14 (prohibition of discrimination) of the European Convention of Human Rights (ECHR).

The ECtHR found that Art.3 was violated in respect of the first applicant in that the authorities did not provide her effective protection against violent actions of her husband and did not carry out an effective investigation of physical and verbal abuse perpetrated by the husband to the applicant.

Also, the ECtHR found a violation of Art.8 with reference to the second and third applicants, in the fact that the authorities failed to effectively investigate the physical and verbal abuses against the first applicant, which were committed in the presence of a second and third applicants.

The ECtHR also stated a violation of Art.14 in conjunction with Art.3 in the fact that the authorities failed to implement legislation providing protection in cases of domestic violence, based on prejudices about the role of women in the family.

The Court awarded the applicants a compensation of moral damages and legal costs amounting to 17,150 Euros.

This case is the first to show that domestic violence is a phenomenon based on the gender of the victim and constitutes discrimination based on gender.

Note that three other [similar cases](#) will be examined by the ECtHR in the near future.

Mrs. Eremia was systematically abused by her former husband. After filing for divorce in July 2010, he became more aggressive and continued to hit and insult her, often in the presence of their minor daughters. The victim's husband was a cop, and the numerous complaints to the police, prosecutors and the Ministry of Internal Affairs did not provide Mrs. Eremia and her minor daughters protection against domestic violence. The order of protection forcing the abusive spouse to leave the house and stop the violence was not executed. The abuser violated the order several times, including by applying physical violence against the applicants.

On 21 March 2011, the European Court of Human Rights informed the Moldovan Government of the case *Eremia and Others v. Moldova* (No. 3564/11 filed on 16 January 2011), in which the applicants, the mother and minor daughters, all victims of domestic violence, claimed complicity of the state in their mistreatment and gender-based discrimination with regard to their protection by the law.

The applicants complained to the Court, under Art.3 of the Convention, that the authorities have been inactive to protect them against domestic violence and hold the perpetrator accountable. They also complained, under Art.14 combined with Art.8 and Art.3 of the Convention, that the authorities failed to respect the law designed to protect victims of domestic violence due to misconceptions about the role of women in the family. Finally, they complained, under Article 17 of the Convention, that, by failing to apply national legislation to fully protect the applicants against domestic violence, the authorities deliberately destroyed the rights provided in the Convention.

The applicants were represented before the ECtHR by lawyer Doina Ioana Straisteanu, [delegated by the Promo-LEX under the project "Strengthening the Legal Protection and Raising Awareness about the Ill-Treatment on grounds of Discrimination in Moldova, including the Transnistrian Region"](#), project

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