

# Another case of domestic violence communicated by ECtHR

The Republic of Moldova has failed again to protect the victims of domestic violence. Thus, on December 19, 2011, the European Court of Human Rights communicated to the Government the case of T.M. and C.M. v. Moldova (No. 26608/11), where the applicants, mother and daughter, complained on the authorities' failure to fulfill its positive obligations to provide protection against the domestic violence that they were subjected.

The first applicant was married to M.M. since 2001. The second applicant was born from that marriage in 2002. M.M. got involved in gambling where he lost a large amount of money, didn't have a permanent job and accumulated many debts, at the same time he became aggressive towards his wife and child. Thus, the family situation became tense, especially after several strangers, under threats forced the applicant to sign a receipt, at that moment she find out about her husband's debts. Following all this events T.M. filed for a divorce on February 25, 2010. In the divorce process, after submitting to the Court a request for division of assets, her husband became even more aggressive.

On June 22, 2010, T.M. complained about verbal violence by her husband, following which the latter was sanctioned administratively by paying a fin. Later, he continued to apply verbal and physical violence and not only against his wife but also against his child. The injuries caused to the two victims were confirmed by a medical report. The same repeated in March 2011 and a month later the applicant requested the issuance of a protection orders.

Even if the protective order was issued, the process was delayed and the rules for issuing the protective order were improper, which made the victims continue to be subject to violence, documented by evidence.

The Government is invited to comment on this case and to answer questions to the Court on how the authorities have exhausted their positive obligations: a) to protect the applicant against domestic violence and to attract the aggressor responsible providing the applicant's right not to be subjected to degrading and inhuman treatment; b) to provide effective remedy regarding the allegations of domestic violence, given the apparent impossibility of the execution of the protective order in force; c) to prevent gender-based discrimination.

For more detailed information please contact: Alexandru Postica, Lawyer of the Association Promo-LEX:

Tel: (22) 31 09 45, GSM: 069104851, e-mail: [info@promolex.md](mailto:info@promolex.md)