

BASELINE ASSESSMENT

The evaluation of the implementation of Law Nr. 45 regarding the prevention and fight against domestic violence amongst Roma in the Republic of Moldova

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The opinions expressed in the report belong to the author and cannot reflect in any way the opinion of
the Promo-LEX Association and of the Open Society Foundation.*

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INTRODUCTION

According to the Recommendation Nr. R (85)4, adopted at the reunion nr. 382 of 26.03.1985 of the Committee of Ministers of the Council of Europe, domestic violence is considered any action or inaction committed inside the family by one of the members of that family, and that has an impact over life, corporal and psychological integrity, or freedom of another member of that family, and violates in a serious manner their personality.

On 18.09.2008 came into effect the Law of the Republic of Moldova regarding prevention and fight against domestic violence. The goal of this act was to establish juridical and organizational basis for the activities of prevention and fight against domestic violence, the establishment of responsible authorities, and the establishment of the mechanism of notifying and solving cases of violence.

Although the Law came into effect in 2008, at the moment there are multiple problems regarding the implementation of the Law. Several experts in the area consider that the implementation of the respective law is deficient because of a lack of clear and concise mechanisms of transposing the law into life. The authorities, in their turn, acknowledge that there is a lack of coordination between the bodies that have the function of preventing and fighting domestic violence.

According to the Law 45, the authorities involved in preventing and fighting against domestic violence are obliged to react promptly to any notification and to inform the victims about their rights. After the notification, these bodies are obliged to undertake measures needed to protect the victim.

The respect for human rights when reported to Roma victims is a complex subject in all European countries, with a large Roma population. This subject needs many efforts on behalf of authorities and responsible bodies, as well as on behalf of leaders of Roma organizations, in order to increase the protection of rights of Roma persons.

The Roma communities until today are governed by paternalistic values. Thusly, domestic violence in Roma communities represents a complex subject, due to the patriarchal structures and the fact that it is a sensitive subject, similar to the Roma identity¹.

Hence, Roma women are a doubly discriminated group: by the majority of the society – being of Roma ethnicity, and by men – being women. The patriarchal structure of the traditional Roma community imposes the Roma woman a subordination role to the man. Hence, often women and Roma children become victims of domestic violence. In this sense, it is important to analyze the way and efficiency of implementation of the Law on fight against domestic violence in case of the Roma minority in the Republic of Moldova in order to establish whether there is a discriminatory application of legislation on behalf of responsible actors; whether the

¹ *Fight against domestic violence with Roma women victims : prevention, identification, and intervention recommendations, 2012* http://www.surt.org/empow-air/docs/guia_Rumano.pdf

Roma victims of domestic violence are familiarized with the respective law; also, to establish the frequency of cases of domestic violence in Roma communities and evaluate the efficiency of the fight against such cases.

Quantitative data regarding cases of domestic violence with Roma victims, reported by the responsible bodies, are lacking, because the notifications and applications with respective bodies are not disaggregated by ethnicity. It is, therefore, impossible to compare the number of cases of domestic violence in Roma and non-Roma families.

Qualitative data about domestic violence in Roma communities in Moldova are also only a few. Recently, a Study on the situation of women and girls from the Roma communities in Moldova² was launched. This document contains a chapter about domestic violence in Roma communities. „What the conclusions of this Study reflect is the fact that domestic violence is felt on a very individual basis by the Roma women. They hardly speak about this subject with other members of the family and the majority of time they never complain about it because of fear, shame or because they give up. [...] Financial insecurity and the concerns about the fate of the children catch them in the trap of abusive relations”³

The baseline assessment „Evaluation of implementation of the Law Nr. 45 regarding the prevention and fight against domestic violence amongst Roma in Moldova” presents detailed qualitative data on domestic violence amongst Roma from seven communities from Moldova, compactly populated by Roma.

The goal and objectives of the study

The goal of this study stemmed from the fact that it is a very pressing problem and consisted of evaluating the implementation of the prescriptions of the Law Nr. 45 applied to Roma communities from Moldova. The study includes recommendations for optimizing the implementation of the law in Roma communities.

To achieve the goal of the study, several objectives were established:

1. Studying the degree of knowledge by the Roma victims about the phenomenon of domestic violence and of the corresponding legal framework;
2. Studying the degree of knowledge by the responsible bodies from seven communities of Moldova with compact Roma populations of the legal provisions regarding domestic violence, and of the competences of the responsible bodies.
3. Studying the attitude of the Roma victims about the domestic violence (traditions, myths, specific stereotypes) and studying their attitude regarding the legal framework in the area of domestic violence;

² Study regarding the situation of Roma women and girls in Moldova, 2014
[file:///C:/Users/User/Downloads/Studiu_cu_privire_la_situatia_femeilor_si_fetelor_rome_din_Republica_Moldova_ro%20\(3\).pdf](file:///C:/Users/User/Downloads/Studiu_cu_privire_la_situatia_femeilor_si_fetelor_rome_din_Republica_Moldova_ro%20(3).pdf)

³ Idem

4. Identifying problems and difficulties victims of domestic violence face, especially the process of reporting cases to authorities;
5. Studying the attitude of police officers and social assistants regarding Roma victims, study the problems and difficulties they face when solving cases of violence with Roma victims;

Methodology of research

For each objective were established indicators of study, which formed the basis of techniques and methods of the study.

The target groups that were the object of the study were the following: sector police officers, social assistants, community mediators, Roma victims of domestic violence, Roma women, Roma men.

Sociological instruments applied during the study were the following:

1. Interviews with Roma victims of domestic violence, sector officers, social assistants, and community mediators;
2. Focus group discussions with Roma women and men.

Implementation of the research methodology

In-depth interviews with victims of domestic violence of Roma ethnicity, social assistants and community mediators, as well as focus group discussions with Roma women and men, were carried out in the following localities: Chişinău municipality; Otaci town Očniţa rayon; Mihăileni village and Rîşcani tow, Rîşcani rayon; Ciocîlteni village Orhei rayon; Talmază village Ştefan-Vodă rayon; Gribova village Drochia rayon; and Schinoasa village Călăraşi rayon.

The research also covered in-depth interviews with police officers from: Buiucani sector of Chişinău municipality; Otaci town; Rîşcani town; Călăraşi town; Talmază village, Ştefan-Vodă rayon; Ciocîlteni village Orhei rayon. Seven social workers and six police officers were interviewed, as well as 7 community mediators, and 10 Roma women victims of domestic violence. Twenty Roma men and 28 Roma women took part in the focus group discussions in the abovementioned localities.

CHAPTER 1

LEGAL AND INSTITUTIONAL FRAMEWORK OF ISSUING AND APPLYING THE PROTECTION ORDER

Until 2008, when the Law 45 came into effect, the victims of domestic violence in order to protect themselves against the aggressor could only look for a refuge. In some cases the aggressor would be retained by the police to be brought before a judge, who would have to decide whether they were guilty of committing certain offences.

According to article 247 of the Contravention Code (CC), the aggressor had to be detained in order to solve promptly the contravention cause. For graver cases, criminal investigation could be started on the basis of article art. 151 of the Criminal Code (CP) – premeditated and grave damage to the body or health; on the basis of article 152 CP – premeditated medium damage of the integrity of the body and health; article 155 CP – threatening with murder or with grave damage to body or health; and article 166 para 1 CP – illegal deprivation of liberty of a person.

Consequently the Law 45 was the first legislative act that offered the victims of domestic violence protective measures against the aggressor. For the first time the national legislation included the term of “protection order” – a legal instrument through which the court can apply measure of protection for the victim of domestic violence. This law was adopted on 01.03.2007 and published on 18.03.2008. According to article 15 para 2 of Law 45, the complaint lodged with the court for issuing the protection order would be examined according to the Civil Procedure Code (CPC) and Criminal Procedure Code (CPP).

The protection order had to be issued only in cases prescribed by article 345 of the CPC. Hence, the order could be solicited only in case of an act authenticated by a notary or entered into through a simple record, or in cases of receiving a subsistence pension, or salary or other rights, or in case of other legal actions of incurring certain incomes from the fiscal authority or the bailiff. We have to conclude that the article 345 of the CPC failed to provide for the possibility of issuing a protection order based on Law 45.

The first case of issuing a protection order that was reported and made public, was that of the Anenii Noi Court, of 25.09.2009, when a protection order was issued based on the principle of the analogy of the law.

According to Law 167 of 09.07.2010, which came into effect on 03.09.2010, several modifications were made to a series of acts that were regulating the modality of issuing protection orders, as well as clarifying the competent authorities regarding solving issues of domestic violence. Thus, the Law on police was modified, according to which the police officers have to ensure the execution of the protection order, but also lodge with the Court the request for a protection order.

Starting with 3 September 2010 domestic violence was included into the Criminal Code of Moldova. According to article 201/1 CP domestic violence is any premeditated action or inaction, manifested physically or verbally, committed by one member of the family against another member of the family, which cause physical sufferance that result in mild damage to body or health, psychological sufferance, and material or moral prejudice. The offence is punished by 150 to 180 hours of community service, or prison up to 2 years.

The same offence with aggravating elements, such as actions against two or more members of the family, or causing of medium damage to body or health, implies a punishment of 180-200 hours of community service, or prison up to 5 years.

Regarding the modifications operated to the CPP, article 215/1 was introduced which regulates the protective measures applied to the victims of domestic violence, within a criminal case. The CPC also saw modifications, with a new chapter introduced outlining the manner of examination of requests for orders. In this sense, the order issued under a criminal case would contain the same elements as the order issued under a civil procedure.

Consequently, we find that a clear procedure regarding the manner of issuance of orders, both under criminal and civil procedures, was introduced only on 03.09.2010. In conclusion, practical mechanisms of applying the protection orders were created only after two years of Law 45 coming into effect.

CHAPTER II

THE PERCEPTION AND DEGREE OF UNDERSTANDING OF THE PROVISIONS REGARDING DOMESTIC VIOLENCE IN THE LOCALITIES THAT ARE POPULATED COMPACTLY BY ROMA

2.1. The degree of understanding by the police officers and by the victims of Roma ethnicity of the concept and forms of domestic violence

Before proceeding to evaluating the degree of knowledge by authorities of the concept and forms of manifestation of domestic violence, it is imperative to underline that the authorities are those who are responsible for the security of the victim. In this context, the perception of the police officers about the basic notions can influence the exercise of their attributions in accordance with Law 45-XVI.

According to Law 45 of 01.03.2007 regarding the prevention and fight against domestic violence, the notion of domestic violence is explained through any premeditated action or inaction, excepting the actions of self defence or defence of other persons, manifested physically or verbally, through physical, sexual, psychological, spiritual or economic abuse, or through causing material or moral prejudice, committed by a member of the family against other members of the family, including against children, as well as against common or personal property.

According to Law 45, the forms of manifestation of domestic violence are: **physical violence** – premeditated damage of body or health, through punching, pushing, plumping, pulling of hair, pinching, cutting, burning, strangulating, biting or any other form and of any intensity, through poisoning, intoxication, and other actions with similar effect;

Sexual violence – any violence with sexual character or any illegal sexual behavior within family or in any other interpersonal relation, such as marital rape, banning using contraception methods, sexual harassment; any undue or imposed sexual behavior; obligation to practice prostitution; any other illegal sexual behavior regarding any underage member of the family, including through fondling, kisses, photography of the child or any other unwanted touches with sexual connotation; any other actions with similar effect.

Psychological violence – imposing a will or personal control, provoking states of tension and psychological suffering through insults, belittling, scoffing, name calling, blackmailing, demonstrative destruction of objects, through verbal threats, through overt showcasing of weapons or through hitting household pets; neglect; involvement in personal life; acts of jealousy; imposing isolation through detention, including in the family house; isolation from the family, community, friends; interdiction of pursuing a professional career, or studies; depositing of identity documents; premeditated deprivation of access to information; other actions with similar effect;

Spiritual violence – underestimating or diminishing the importance of satisfying moral and spiritual needs through interdiction, limitation, ridicule, or penalization of aspiration of members of the family through banning, limiting, scoffing or punishing the access to cultural, ethnic, linguistic or religious values; imposing of an unacceptable personal system of values; other actions with similar effect or repercussions;

Economic violence – deprivation of economic means, including depriving of means for basic subsistence, such as food, medicine, objects of basic need; abuse of various situations of superiority in order to deprive the person of goods; banning of the right to own, use and dispose of common goods; unequitable control over common goods and resources; refuse to sustain the family; forcing to work in difficult or harming conditions, including underage members of the family; other actions with similar effects;

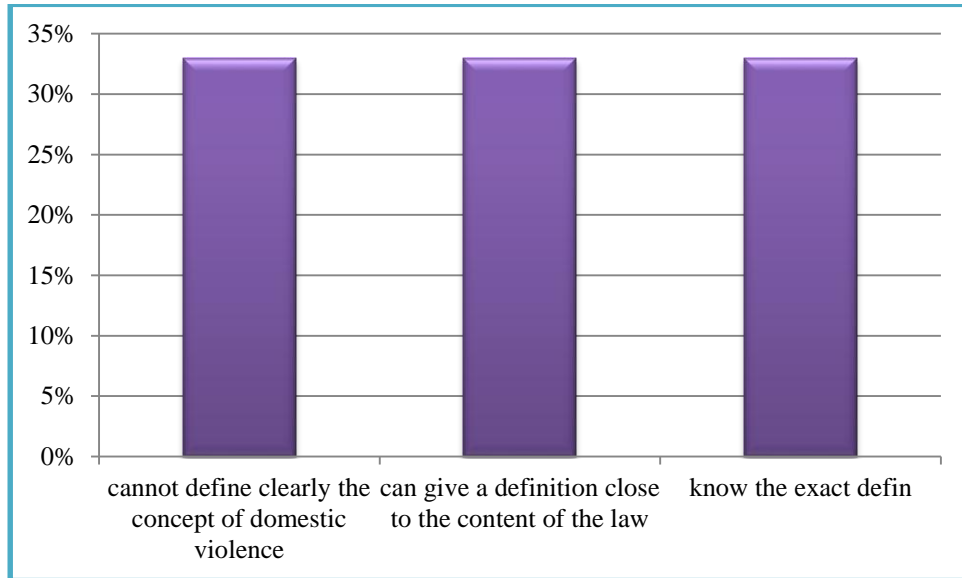
The authorities have to be aware of the definition of domestic violence in order to be able to offer informational support to the persons that need the help and be able to implement the relevant legislation.

The data presented in this chapter were obtained through interviews carried out within this research project, with victims of domestic violence of Roma ethnicity, with social assistants, community mediators, and based on focus groups discussions with Roma women and men from the following localities: Chişinău municipality; Otaci town Ocniţa rayon; Mihăileni village and Rîşcani tow, Rîşcani rayon; Ciocîlteni village Orhei rayon; Talmaza village Ştefan-Vodă rayon; Gribova village Drochia rayon; and Schinoasa village Călăraşi rayon. Within the same research project, were interviewed police officers from: Buiucani sector of Chişinău municipality; Otaci town; Rîşcani town; Călăraşi town; Talmaza village, Ştefan-Vodă rayon; Ciocîlteni village Orhei rayon.

Even though all Police Inspectorates from the abovementioned localities were sent requests to inform the relevant persons about the planned interviews within this research project, not all the representative of law enforcement were prepared for the meeting with the interviewer. Hence, 33% of them refused initially to discuss with the interviewer without any explanation. Later, based on orders from their superiors, they agreed to take part in discussions.

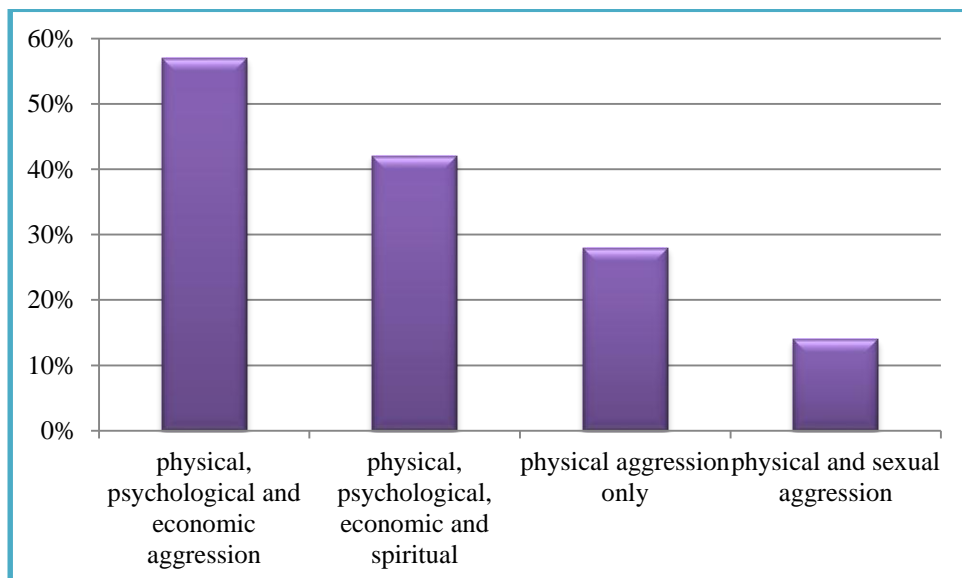
According to the results of the interviews with police officers, a third of them (33.3%) cannot define clearly the concept of domestic violence (some haven't offered any answer at all). Another 33.3% defined the concept of domestic violence more or less close to the content of the law, while another third (33.3%) – know the exact definition of domestic violence, the way it is presented in the law. (Diagram 1)

Diagram 1: The concept of domestic violence as viewed by police officers



Regarding the forms of manifestation of domestic violence, the results of interview reveal that 57% of police officers interpret domestic violence as physical aggression, psychological or economic aggression applied by one member of the family against another; 42% of respondents added spiritual aggression; 28% perceive domestic violence as physical aggression only; and 14% mentioned both physical and sexual aggression (Diagram 2)

Diagram 2: The level of knowledge by police officers of forms of manifestation of domestic violence



Regarding the explanation of these forms, 90% of police officers (the question is addressed separately), explain psychological violence as threat from one member of the family against another, causing of psychological suffering, belittling. 80% understand as economic violence the deprivation of basic economic needs by one member of the family against another. 10% of respondents associate spiritual violence with imposing or banning a change of religion.

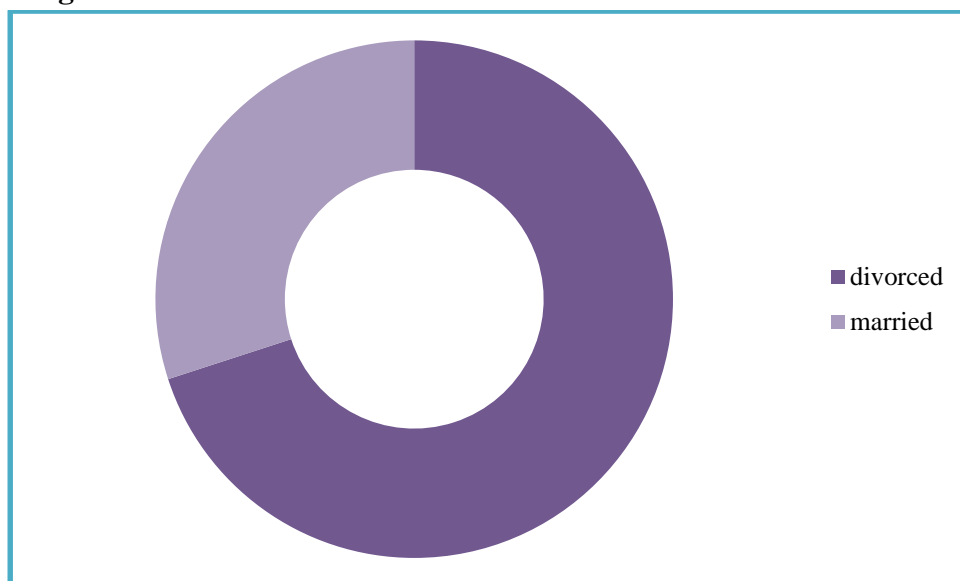
All police officers mentioned that there no differences between manifestations of domestic violence in Roma and non-Roma families.

The concept of domestic violence and forms of manifestation as viewed by Roma

To find out the degree of knowledge of the concept and forms of manifestation of domestic violence amongst Roma victims, in the seven localities of the sample were organized focus group discussions with Roma women. The women – the victims of domestic violence, regardless of their ethnicity, are reticent to discuss about their personal cases with a stranger (interviewer). That is why, firstly, the focus groups were carried out with Roma women (28 persons in 7 communities), where they felt free to talk about the phenomenon using examples from other families. In this atmosphere it could be deduced which of the participants were victims of domestic violence. After these discussions, some of the victims, having acquired more courage after the focus group discussion, stated their personal situation in the family. Then the interviewer discussed with each victim separately, according to the questionnaires developed within the present study.

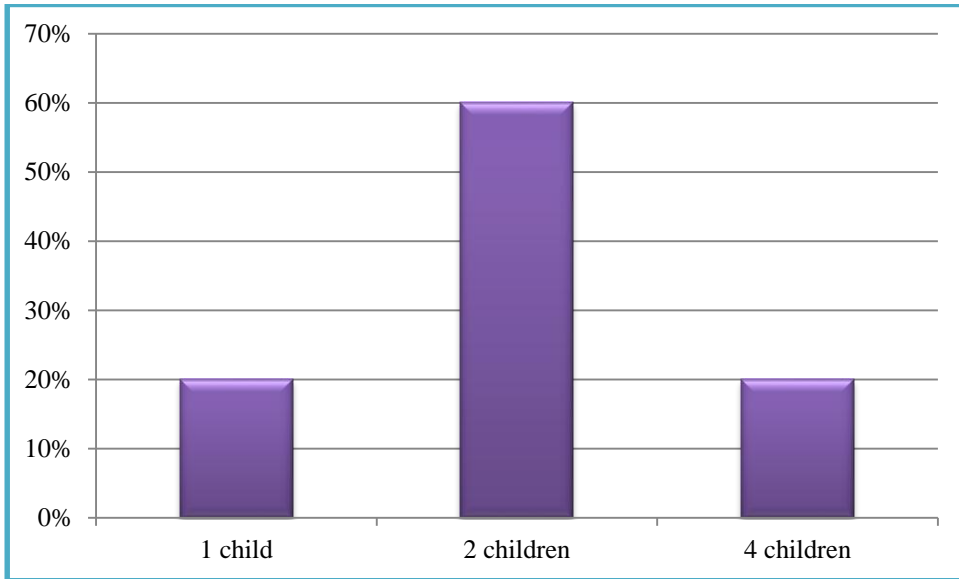
In the seven communities, with compact Roma populations were interviewed 10 women, victims of domestic violence. The responses of the victims were similar, as well as their family situations. (Diagram 3.1).

Diagram 3.1 Marital status of victims



70% of victims were divorced; 30% are married. All victims had children: 20% one child, 20% - 4 children, 60% - 2 children. (Diagram 3.2)

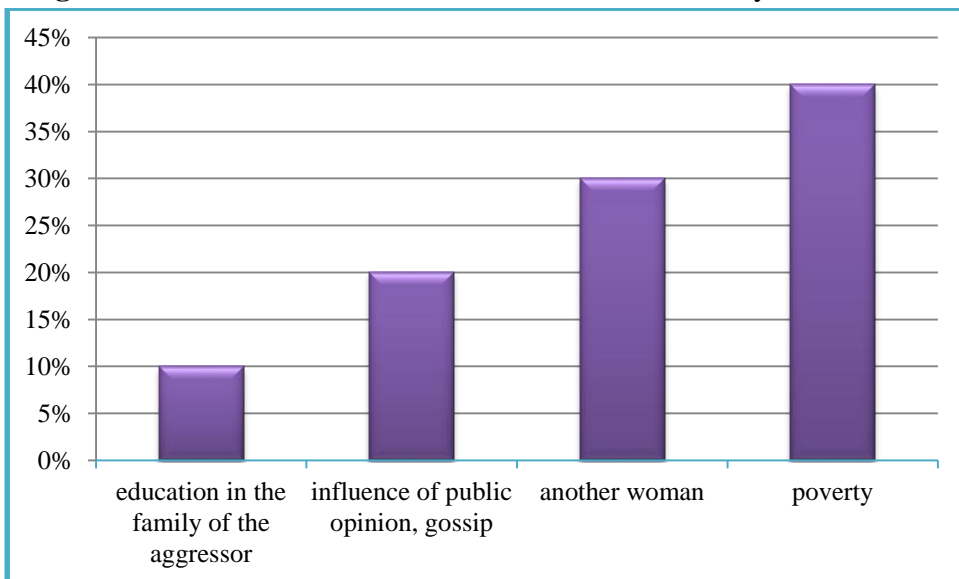
Diagram 3.2: Family status of victims. Children



The concept of domestic violence is understood by the Roma victims as an act of physical and moral aggression applied by the husband against his wife.

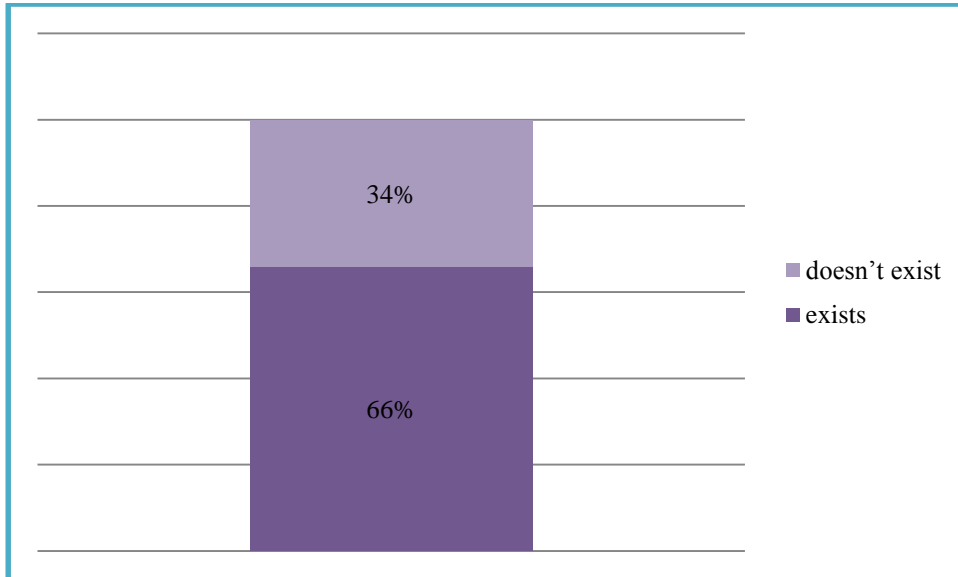
The causes of violence in the family, according to the opinions of the victims of Roma ethnicity, are: 10% identified as one of the causes the education in the family: “Violence towards women is perceived as a norm”. 20% - because of gossip, the aggressor is influenced by the opinions of other people who live in the community. 30% of interviewed victims suffered of domestic violence from their husbands because of other women in the life of men-aggressors. 40% - poverty, difficult financial situation of the family (Diagram 4).

Diagram 4: The causes of domestic violence, as viewed by Roma victims



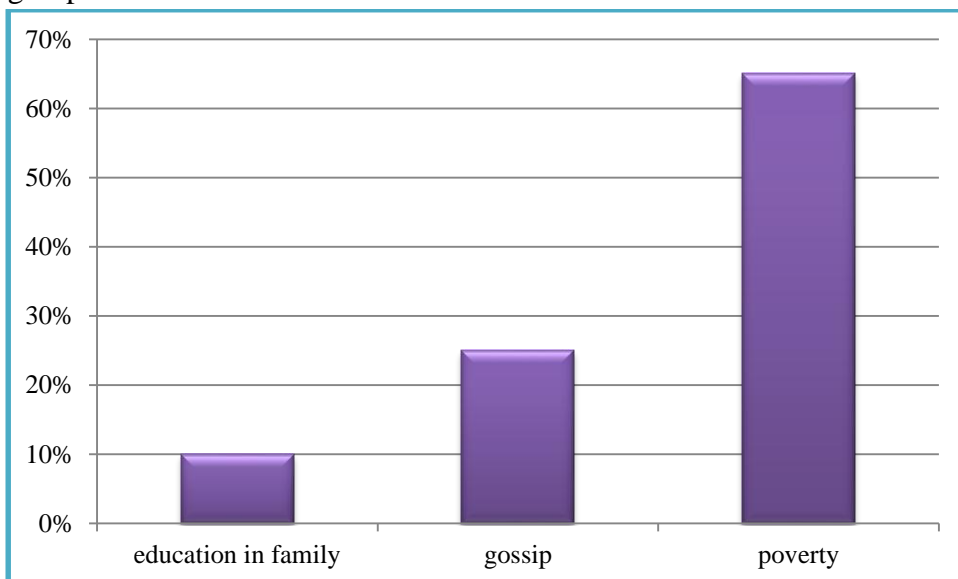
From focus group discussions with those 28 Roma women, two thirds of the respondents (66%) confirmed that the phenomenon of domestic violence is present in the Roma families from their communities. A third denied such fact. (Diagram 5).

Diagram 5: The existence of domestic violence in Roma families, in the perception of women, focus group participants



100% of those who confirmed the existence of the phenomenon stated that the aggressors are the husbands, and the victims are the wives. According to the opinion of the participants, the main causes of the violence, in the families that the respondents knew about, are: 65% - difficult financial situation in the family, poverty. 25% - gossip, public opinion; 10% -education in the family (Diagram 6).

Diagram 6: The causes of domestic violence as viewed by Roma women, participants in focus groups



CONCLUSION

As a result of analysis of the interviews, it is found that not all police officers are familiarized with the concept of domestic violence and the forms of manifestation. Only a third (33%) of interviewed officers knows well the definition of domestic violence, according to the law.

Regarding the victims of Roma ethnicity, they are poorly informed about the concept and forms of manifestation of domestic violence.

The principal cause of domestic violence, as stated by the victims but also by the women from the focus groups, is poverty. When the financial situation is difficult, many problems appear. It is difficult to find a job, which influences psychologically the aggressors, who feel uncertainty about supporting the family. As a result, the man – the head of Roma family, tries to impose himself through physical aggression, or other forms of domestic violence.

2.2. The perception of police officers and victims of Roma ethnicity about the importance and frequency of the domestic violence phenomenon

This subchapter presents the opinion of police officers and Roma victims about the importance and frequency of domestic violence in their communities, both in Roma and non-Roma families.

The police officers consider that the problem of domestic violence is very important, because as a result of conflicts between parents suffer the children, whose future depends on the good relations between the parents in moral, psychological and spiritual sense. The frequency of this phenomenon differs in Roma and non-Roma families. 80% of police officers consider that domestic violence happens more often in non-Roma families, and only 20 percent think that domestic violence takes place more often in Roma families (given that Roma represent a smaller fraction of the population from the sample, when compared to the rest of the population). The opinions of police officers about the frequency of the phenomenon of domestic violence are not based on the number of cases reported by Roma and non-Roma victims, because the cases in the General Inspectorates of Police are not segregated by ethnicity. Yet, in smaller rural communities the sector officers know well the real situation and the residents of the community. Thusly, their responses are based on their own observations and opinions.

From discussions in focus groups with Roma women from those seven communities of the study, 50% maintain that domestic violence in Roma families exists. To the question in which families (Roma or non-Roma) the violence takes place more often, the participants could not answer, because they live a more isolated way of life and lack the knowledge of what is happening in non-Roma families. Another 50% stated that they didn't notice any domestic violence in their communities in the Roma families; thusly they think the phenomenon is more frequent in non-Roma families.

70% of Roma victims think that the dynamics of domestic violence in the recent times has decreased, because the generations are different, and nowadays the youth see differently family

life. 30% consider that the level of violence has not decreased. Yet, none of the victims consider that the dynamics of violence in their family has increased.

CONCLUSION

Even though 80% of police officers consider that the number of cases of domestic violence in the Roma families is smaller, 50% of Roma women from focus groups say that this problem persists in their communities. The conclusion is that the Roma victims fail to notify the authorities and do not ask for help. But the authorities also fail to identify cases of violence on their own.

2.3. The level of knowledge by the police officers and social assistants regarding their the role and competences in protecting the victims, and the level of knowledge by the victims of the roles of the bodies responsible for their protection

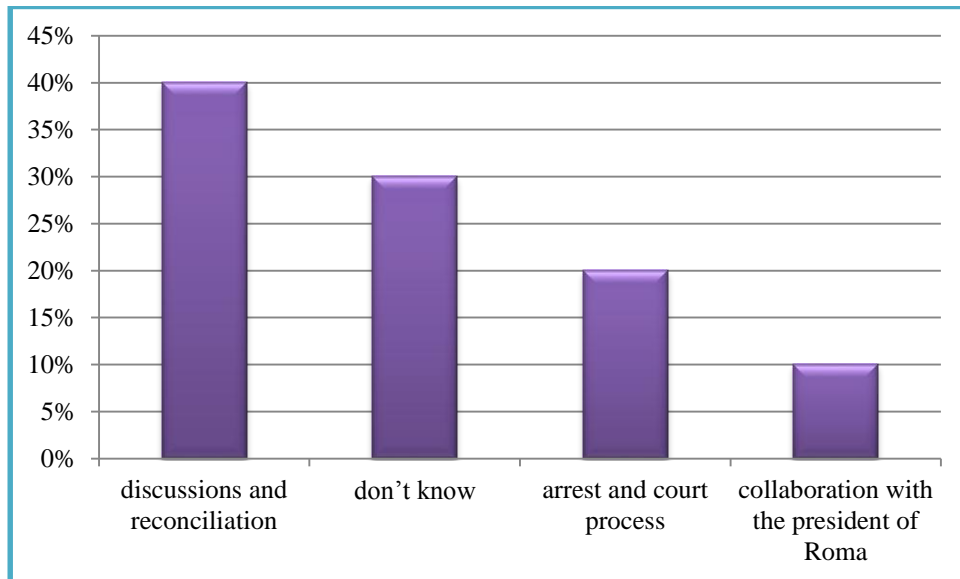
According to the provisions of Law 45 (Art.8, para.6), the competences of the bodies of home affairs in preventing and fighting against domestic violence are: a) identification, registration and reporting of cases of domestic violence; b) ensuring nominal registration of aggressors; c) notification, in case of children victims of violence, of the tutelary authorities; d) examining the requests and notifications from citizens, medical institutions, forensic medicine, and other institutions, regarding family conflicts, and acts of violence, death threats or existence of any other imminent threat.

According to interview with police officers, these consider that the victim, in case of abuse, has to call on law enforcement agencies. But the opinions of the victims are different from those of policemen. 60% of victims consider that, first of all, an abused person should call on a member of the family. Some respondents declared that: “before notifying the police, we need to discuss the problem with an older member of the family”. Only 40% - consider that the victims have to appeal directly to police. Another victim said: “If a victim is a younger girl, she can talk to her mother; if it’s an adult without parents – only the policy can defend her”.

In this context we can evaluate the knowledge of the responsible bodies regarding their competences in protecting the victim. 80% of respondents policemen knew well their attributions and measure that need to be taken to protect the victims. 30% mentioned they took part in additional training to improve their knowledge in the area of domestic violence, organized by various NGOs in Moldova. 15% took part in trainings about the specifics of the traditions and culture of the Roma ethnicity, organized by Roma NGOs.

Victims of Roma ethnicity were asked to list the attributions of police for their protection. 40% of respondents consider that the police officer needs to discuss with the aggressor and the victim in order to reconcile them and prevent any future conflict. 30% could not respond while 20% said that police needs to arrest the aggressor and initiate the court process. 10% consider that the sector officer should inform the president of Roma from the community, to solve the situation according to the law but also respecting Roma tradition (Diagram 7).

Diagram 7: Views of victims regarding the attributions of police in domestic violence cases



All social assistants know their duties in case it is needed to offer help to victims of domestic violence. Nevertheless, 28% of the interviewed social assistants said that they get involved in cases of domestic violence only if solicited by the police. 44% mentioned that upon a victim's request they could offer them placement in special centers.

Collaboration amongst relevant authorities in preventing and fighting against domestic violence

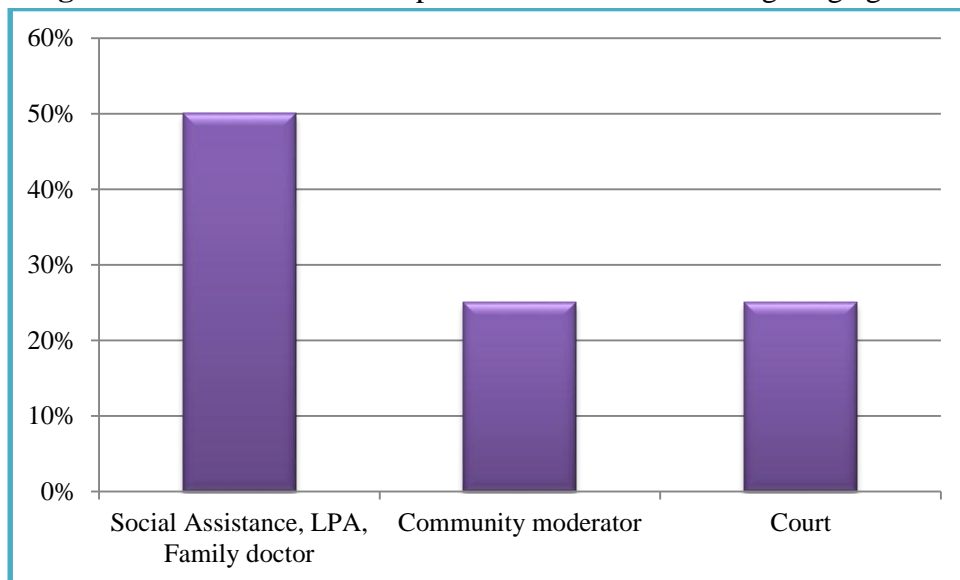
The efficiency of prevention and fight against domestic violence depends on the collaboration of relevant authorities. Law 45 (Article 7, para 1): the authorities and institutions with functions of prevention and fight against domestic violence are:

- a) central public administration (Ministry of Labour, Social Protection and Family, Ministry of Education, Ministry of Health, Ministry of Home Affairs, Ministry of Justice);
- b) specialized local public authorities:
 - directorates of social assistance and family protection;
 - general directorates of education, youth and sport;
 - health protection bodies;
 - home affairs bodies;
- c) committees for social problems within local public administration;
- d) centers/services for rehabilitation of victims and aggressors;
- e) other organizations with specialized activities in the area.

Police officers were asked who and what kind of assistance can offer to victims of domestic violence in their community and whether there is a mechanism of collaboration between these bodies. All police officers mentioned that in fighting against domestic violence they collaborate with the local public administration, social assistant, family doctor, and when needed, with other bodies. Additionally, the respondents mentioned the Roma community mediator who is responsible for mediating various issues between Roma communities and local authorities. The

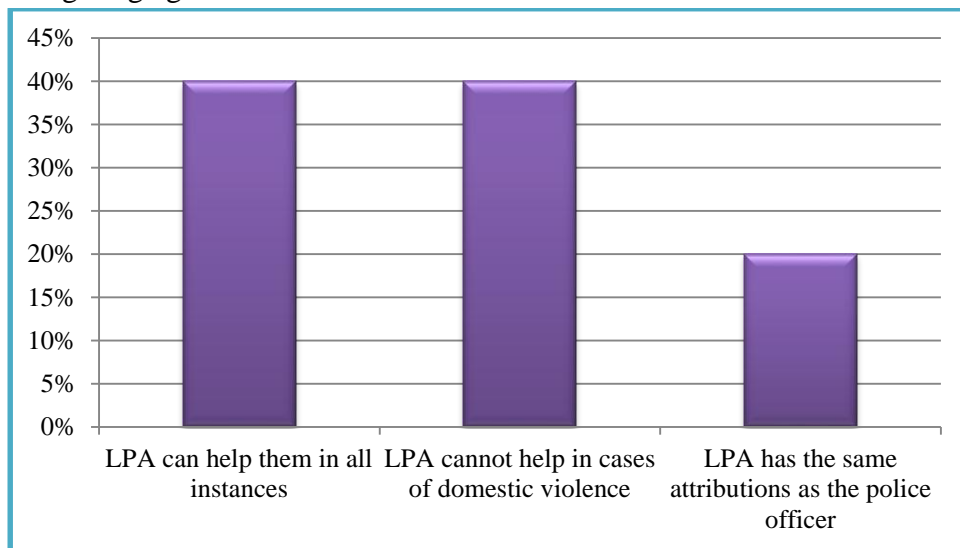
interviewed police officers consider that the responsible authorities from the community have an efficient collaboration regarding fighting against domestic violence. According to the police officers, they most often collaborate with the Social Assistance Direction, Local Public Administration and Family Doctor– 50% of respondents. 25% mentioned the Roma community moderator and another 25% - the court (of the institutions that exist in the locality). (Diagram 8).

Diagram 8: bodies with which police collaborates when fighting against domestic violence



All the victims know that in case of domestic violence they could call on police. Yet, not all victims do so. They prefer to talk to relatives and Roma community moderators – the persons they trust. The knowledge of the victims about the situations when they could call on the Directorate of Social Assistance and to the mayor’s office and their attributions in preventing and fighting against domestic violence differ. 40% of women consider that they should address the mayor’s office with any issue. 40% consider that the mayor’s office cannot help them in cases of domestic violence. 20% say that the mayor, in cases of domestic violence, has the same power and possibilities as the police officer. (Diagram 9.1).

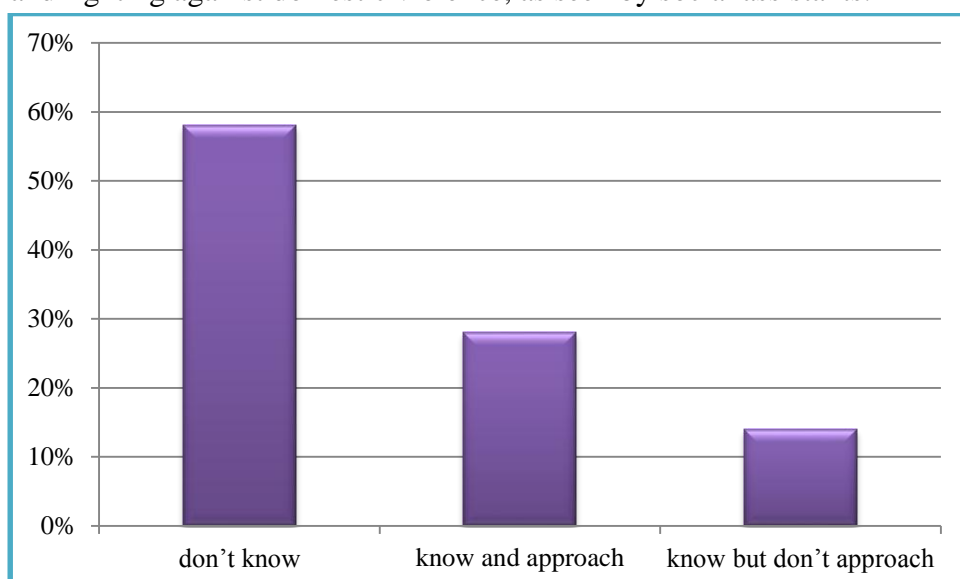
Diagram 9.1: Knowledge of Roma victims about the attributions of the LPA (Mayor’s office) in fighting against domestic violence



Regarding the attributions of the social assistant, 30% of victims do not know them; 70% say that they should call on the social assistant in case of financial problems, problems with school, unemployment, lack of food and clothes for members of the family.

Social assistants from the seven communities were asked to which extent they consider that Roma victims know that they could approach them for help. 58% of assistants think that Roma victims do not know that the social assistant can help them. There are no sufficient and efficient sources of information, and they mostly get information from individual discussions. One social assistant called this “gypsy post”. Other respondents say that Roma approach the police with any problem they have. 28% say that Roma victims know that they should approach social assistants, and appeal to them regularly. 14% say that Roma know, but fail to approach social workers for help. (Diagram 9.2).

Diagram 9.2: Degree of knowledge by victims about the duties of social assistant in preventing and fighting against domestic violence, as seen by social assistants.



CONCLUSION

Even though all victims and female focus groups participants know that they can call on police in cases of domestic violence, a big part of them fail to do so, preferring to solicit the support of the family.

80% of interviewed police officers know exactly their duties in this field, as prescribed by Law 45. But the victims are not well informed which are the measures the police could take to help them. Also because of insufficient information the Roma victims lack knowledge about when a person abused in the family can and should approach the mayor's office or social assistance. During the focus group discussions with community mediators, one participant said that: "Generally, Roma are not accustomed to approach directly the mayor's office or social assistant for various reasons (the attitude of authorities towards Roma people, lack of trust, lack of knowledge about their rights). Most frequently the Roma address the LPA or social assistance through the community mediators. But there are many Roma communities that lack an employed community mediator. It is more difficult there, because the victims have to appeal directly to state bodies".

With certainty, we can find that the Roma victims of domestic violence lack what kinds of help can be offered by the social assistant. Nevertheless, 42% of social assistants consider that Roma know that they could approach them regarding domestic violence.

2.4 The attitude of the Roma victims regarding the phenomenon of domestic violence

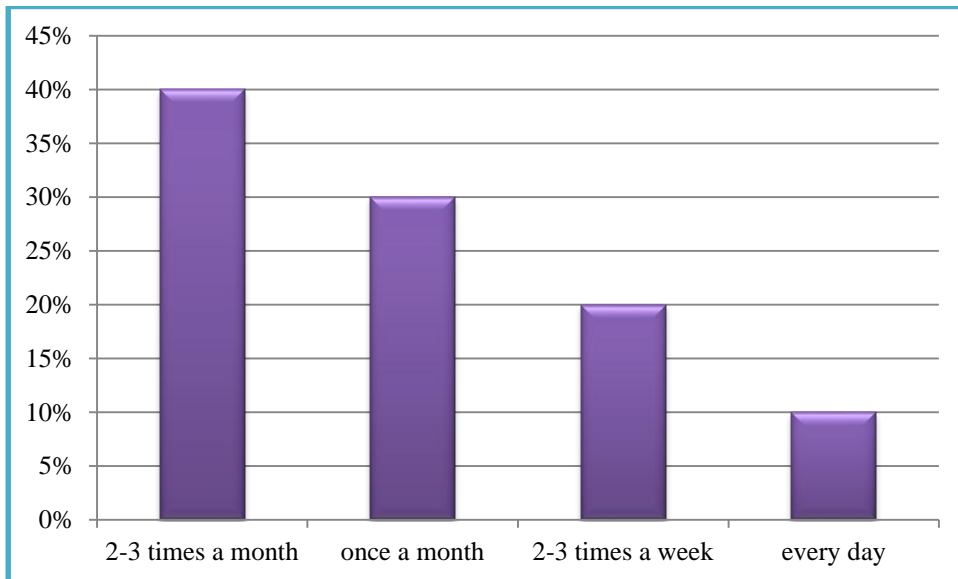
Roma families are founded based on patriarchal traditions. The girls in Roma families are educated from childhood to respect the man as the head of the family. It is difficult to talk about any kind of gender equality in the majority of Roma families. The women themselves accept that they have to obey the husband, because he is the one supporting the family, and "this is our tradition".

Official records about domestic violence are lacking in General Inspectorates of police due to a lack of data segregation. This is why it is difficult to estimate the size and dynamics of the phenomenon in Roma families. Some officers say there is no such problem in their communities, but the results of focus group discussions with both Roma men and women show the contrary.

Of the seven communities from the sample we found that almost half of the women, participants in focus group discussions (14 women), suffered domestic violence. Yet, only ten women agreed to talk in more detail about their situations.

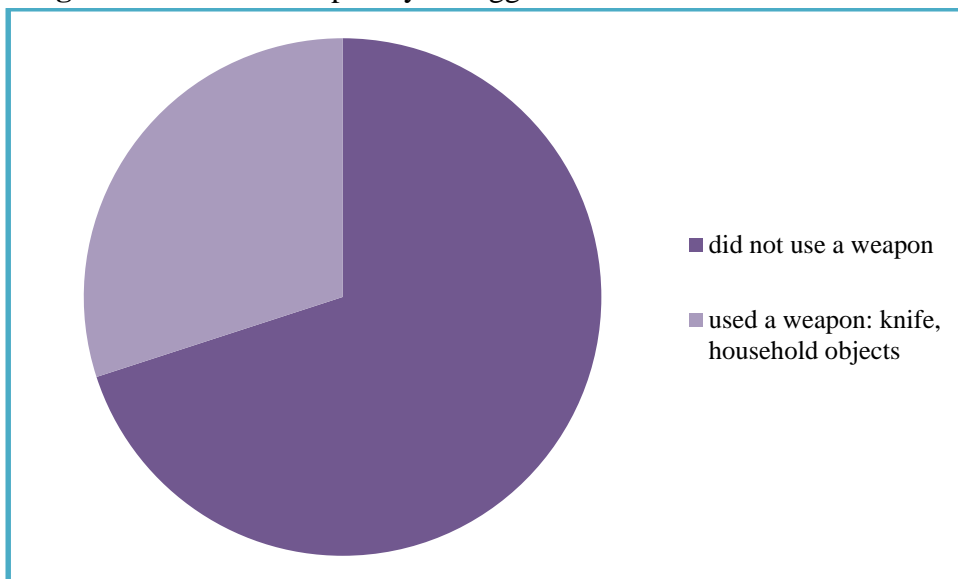
According to the results of the interview, 40% of those 10 persons said they were subject to domestic violence (physical, psychological, spiritual and financial) 2-3 times a month; 30% – once a month; 20% - 2-3 times a week; and 10% - every day (Diagram10).

Diagram 10: Frequency of domestic violence cases



In 70% of cases of physical abuse, the aggressor did not use any weapon. In 30% - there was a weapon involved (knife, household objects). (Diagram11).

Diagram 11: Use of weapon by the aggressor



Roma women who took part in focus groups were asked about the existence of stereotypes and traditions in the Roma communities that would prevent the victims from reporting the cases. 40% said no; and 60% confirmed the influence of traditions. Some victims said: “It is so in Roma communities that the man is bigger and the woman has to bend the knee. The women most often forgive and are patient”. „I should not say that he was beating me so that the family is not shamed”. „This is how the tradition used to be, the new generation doesn’t have something like this”.

CONCLUSION

60% of interviewed persons consider that in Roma communities there are prejudices that influence the reporting of domestic violence. But the fact that 40% of participants deny such prejudices confirms that the situation depends on the community (traditional versus non-traditional), and the perception of each woman about family values. In traditional Roma communities where the patriarchic norms are more pronounced and the Roma traditions are respected and followed, there are taboos regarding domestic violence.

Community mediator: „For Roma the institution of family is very important and Roma women would do anything to save the family, because the children need to be raised by both parents.” The man has the responsibility to support the family financially, while the women – to take care of the children and the household. To a certain extent, the Roma women in traditional communities have to endure and hide family abuse.

2.5 Difficulties Roma victims face when reporting the cases of domestic violence

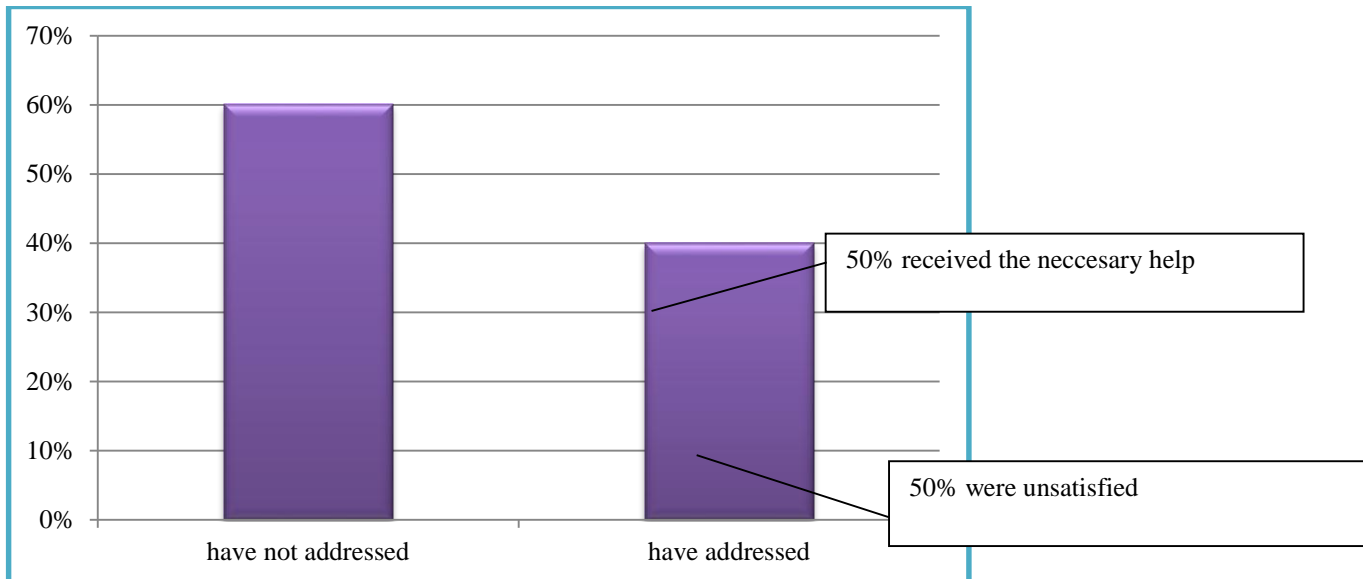
Roma women represent the most vulnerable group in Moldova. Usually, they have a lower level of education, higher rates of unemployment, significantly lower level of income and poorer health than the rest of the population. [...] Roma women are exposed to multiple discriminations, facing complex threats of exclusion because they are women and Roma⁴.

As a result of this study, was found a high rate of domestic violence against Roma women – half of the women who took part in focus groups are victims of domestic violence. Yet, it is very difficult to identify the number of such cases reported to relevant bodies. It is, then, impossible to compare the number, frequency and dynamics of domestic violence in roma and non-roma families. The present study looks to identify, based on interviews with victims, the causes of non-reporting of cases.

60% of victims stated that they did not appeal to the police officer, while 40% – did so. 50% of those who appealed to police were satisfied with the result, because their problems were solved. Another 50% said that their situation stayed the same (Diagram 12).

⁴ Study regarding the situation of Roma women and girls in Moldova, 2014 (UN Women, OHCHR and UNDP Moldova)

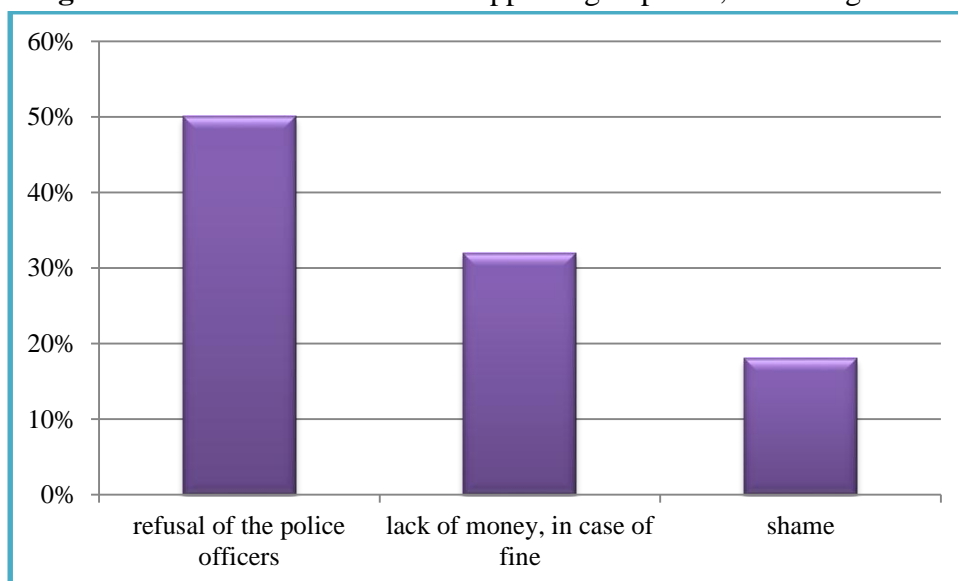
Diagram 12: Victims appealing to police officer



Of the number of persons who appealed to the police, 50% said that the local police refuses (from personal experience) to offer help to Roma, justifying that Roma have their own traditions. They also stated that to solve the problem through official organizations, the representatives of police asked for money from the Roma. 32% of persons that did not approach a police officer said that a fine would mean using family money, while another 18% - because of shame. From interviews with victims: “I did not go to the police. It is a shame for me and the family of the husband”, „Only the last time I went to the police, when I decided to split from my husband.”

All victims said they wanted to maintain their families so that their children have a better future, and preferred to remain silent (Diagram13).

Diagram 13: The causes of victims appealing to police, according to victims



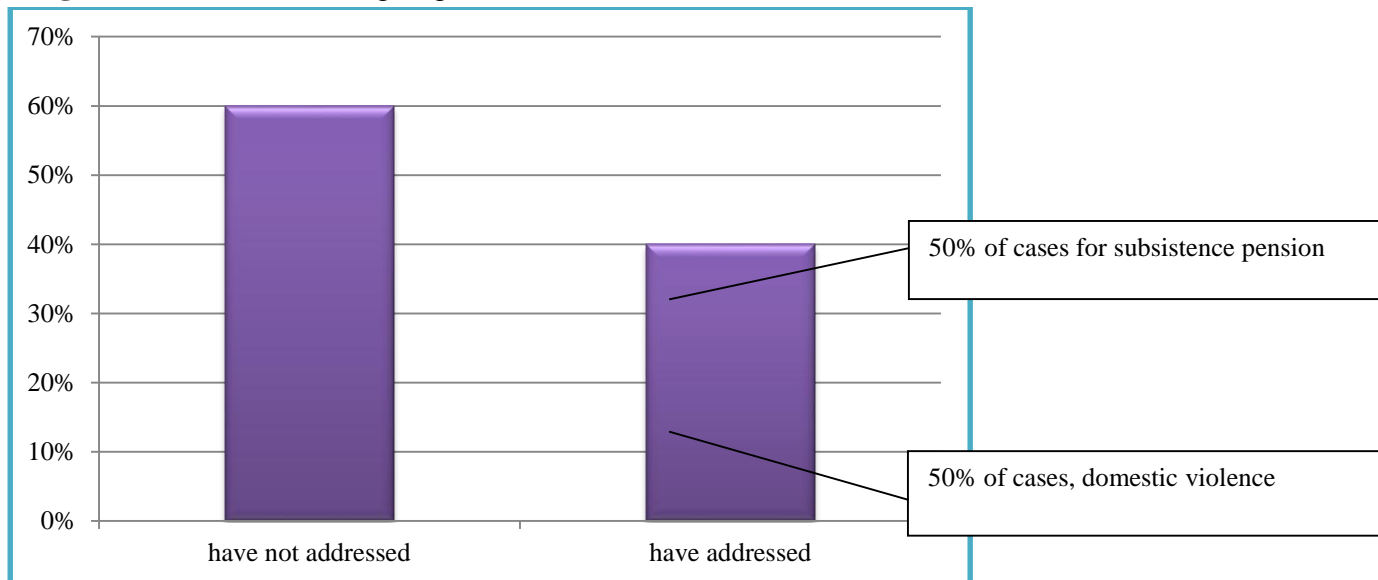
Half of the respondents addressed the family doctor. Another 50% - didn't, explaining that it is a shame, "people shouldn't know".

None of the victims went to the social assistant to solve domestic violence issues, considering that the social assistant cannot help them in such cases. At the same time, the social assistant is approached with other issues, such as benefits and children's school, and unemployment.

60% of victims did not appeal to a court. They do not any reason to go to court: "Anyway, nothing is achieved; we are Roma and we don't know the process. They fool us around so that in the end it is how they like it." (statement based on previous experience of the victim).

Of the 40% of the victims who went to court, half of the requests were about subsistence pension claimed from the husband, and another half – requests on domestic violence. But in all these cases the victims annulled the requests (the parties have reconciled). (Diagram14).

Diagram 14: Roma victims going to Court



CONCLUSION

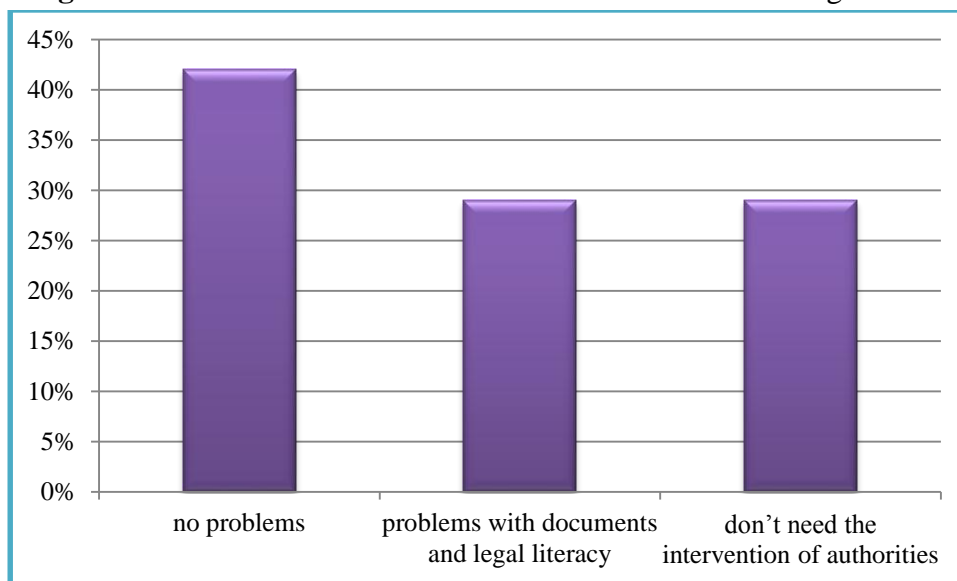
Roma persons appeal to relevant bodies as a last resort. For example, the cases of domestic violence are reported to the police only when the victim decides to get divorced, or in case the relatives cannot help her.

The majority of Roma victims prefer to appeal in cases of domestic violence to relatives, even though they know they should address the relevant bodies. The victims fail to address the authorities because they lack trust (from experience of communication with police officers), fear to be treated with negligence or to be lied to (because they lack knowledge in the area), financial problems of the family, shame (if the case is investigated by police, several persons are interviews and the case can be heard by more people), and attempts of extortion from law enforcement agencies (more often, in urban communities).

2.6 Problems police officers and social assistants face when solving cases of domestic violence involving Roma victims

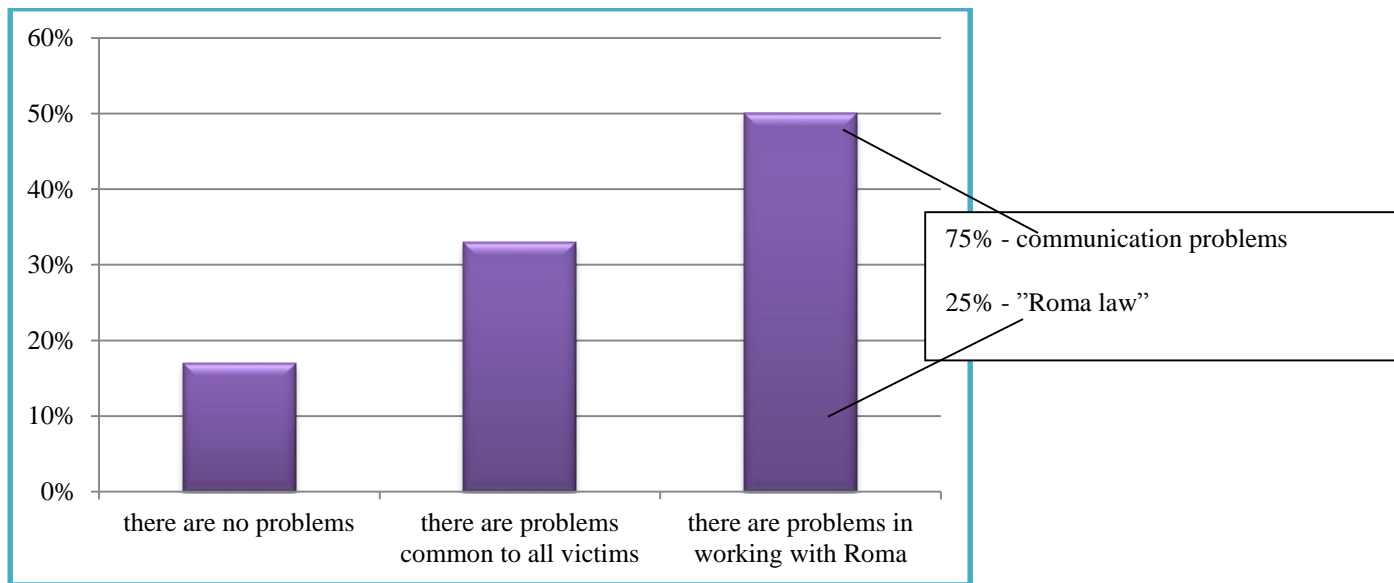
According to interviews with victims, half of them consider that the relevant bodies have a negative attitude towards Roma, when compared to other ethnicities. Sector officers and social assistants, deny this statement, underlining the equality of all citizens before the law. To the question directed at social assistants whether they had any difficulties when dealing with Roma victims, 42% said they lacked any problems; 29% said that Roma have problems with documents (lack of identity documents) and do not know basic legal procedures (how to fill out a form). Other 29% consider that the only problem is that Roma are used to be dealing their problems in their communities, without the intervention of state authorities (Diagram 15.1).

Diagram 15.1: Problems that social assistants face when dealing with Roma victims



To the question whether police officers faced difficulties when fighting domestic violence in Roma communities, 17% say they lacked difficulties. 33%– there are problems, but they are not Roma-specific, but general – the community lack shelters for victims. And 50% of respondents confirm the existence of problems, specific to Roma communities. 75% mention communication problems: „They are isolated, the don't like talking. I am trying often to talk personally to the victim, [...],but they don't come to talk or state they have reconciled”. A quarter of officers confirmed the existence of difficulties when solving domestic violence cases in Roma communities, talking about a “Roma law”, according to which they solve their problems inside the community. (Diagram 15.2).

Diagram 15.2: Difficulties police officers face when dealing with domestic violence cases in Roma communities



25% of police officers mentioned the “Roma law” as a specific Roma problem when dealing with domestic violence. The subject of „Roma law” was raised in focus group discussions both with Roma men and women. As a result of discussions, the traditional Roma communities revealed the existence of the so-called “Council of the Elderly” where various community problems are discussed and advice given. Yet, the problem of domestic violence is not dealt with by the Council of the Elderly.

CONCLUSION

The opinion of Roma victims and representatives of authorities regarding a negative attitude from the later, are completely different. The Roma say that authorities have often a negative attitude, based on prejudices. Representatives of police and social assistants say all citizens are equal. Yet, many of them say that there are difficulties when dealing with Roma communities. The majority of police officers who face difficulties specific to Roma, underline communication problems. The cause of this problem is the segregation or Roma and lack of trust in state bodies. Social assistants also consider as problematic the isolation of the Roma community, problems with documents and legal illiteracy.

60% of women who took part in focus groups recognized the existence of prejudices and traditions according to which the victims face difficulties when reporting cases. They confirm that this topic is a taboo in their community. Domestic violence is not spoken of.

The Council of the Elderly only exists in traditional Roma communities. Yet, the sittings of the Council have a family character (cases are discussed and advice is given) and has a role in reconciling the parties. It is important to note that the Council doesn't deal with domestic violence.

The male focus group participants from the other 5 localities said they could prefer the problems in their communities to be solved through a Council of the Elderly, because it is based on Christian values and Roma traditions, and reconciles those in a conflict.

CONCLUSIONS AND RECOMMENDATIONS

The main goal of the study was to evaluate the implementation of Law 45 regarding prevention and fighting against domestic violence in Roma communities in Moldova. In this context were carried out interviews with Roma victims, social assistants, police officers, and community organizers from the sample communities.

The analysis of the interviews shows that the phenomenon is present in Roma communities. It is impossible to compare the numbers in Roma and non-Roma families as the cases are not segregated in official records.

For Roma women the subject is sensitive, because it is considered a taboo in Roma families. Female focus group participants had difficulties discussing this subject, while victims sometimes were afraid to talk about the aggressor.

According to the opinion of Roma victims and female focus group participants, one of the main causes of domestic violence is poverty. The financial resources are lacking for daily needs, taxes, school expenses, food, clothes, shoes, health issues. In such vulnerable conditions, the partners and husbands suffer, and in some cases, it transforms into domestic violence.

Very often Roma victims accept the abuse from husbands/partners, to maintain the family for the children.

If the abused person decides that they cannot endure any more, they go, first of all, to relatives. If they lack relatives, or of the relatives cannot help, the victims appeal to police – as a last resort. But, appealing to police means splitting of the family. Some victims, part of the study, have chosen to reconcile with the aggressor, even after appealing to police.

On the other hand, Roma women abused in the family, fail to appeal to police, because of lack of trust in state bodies (from previous negative experience of communicating with police officers) and out of fear of being treated with negligence by the police, or fear to be lied to (cases of extortion).

The opinion of Roma victims differs from that of representatives of state bodies, regarding the negative attitude of the later. Roma say the state bodies often have a negative attitude towards Roma, based on prejudices. Representatives of police and social assistants say the law is equal for all citizens of Moldova.

Roma victims and focus group participants are not familiarized with the attributions of the social assistant or of the mayor's office in dealing with domestic violence. The victims are not well informed about which measures can be taken by the police to protect the victims.

60% of female focus group participants consider that the Roma community has prejudices that have a negative influence over reporting of domestic violence. This situation refers, most often, to the traditional Roma communities.

Recommendations:

- Police officers, social assistants and mayor's office civil servants should be trained in the area of non-discrimination and prevention and fight against domestic violence;
- Information of the Roma population from the localities with compact Roma population, regarding the subject of domestic violence prevention and fight against;
- Employment of a para-lawyer in communities with compact Roma population, or training of community mediator in legal matters;
- Presentation of clear models regarding the establishment of efficient collaboration between state bodies in preventing and fighting against domestic violence, and clear listing of attributions of these bodies.
- Creation of relations between state bodies, providers of social services, Roma organizations and leaders of Roma communities, to improve the measures for preventing domestic violence in communities with compact Roma population.