



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

21 March 2011

THIRD SECTION

Application no. 3564/11
by Lilia EREMIA and Others
against Moldova
lodged on 16 January 2011

STATEMENT OF FACTS

THE FACTS

The applicants, Ms Lilia Eremia, Ms Doina Eremia and Ms Mariana Eremia, are Moldovan nationals who were born in 1973, 1995 and 1997 respectively and live in Vălcineț. They are represented before the Court by Ms D. Străisteanu, a lawyer practising in Chișinău.

The facts of the case, as submitted by the applicants, may be summarised as follows.

The first applicant is married to a police officer (A.). The second and third applicants are their daughters. According to the applicants, A. often came home drunk and assaulted the first applicant, sometimes in the presence of her daughters. In July 2010 the first applicant filed for divorce. After that, A. became even more violent, hitting and insulting the first applicant and his daughters. On 18 September 2010 A. was sanctioned by an administrative court. On 30 September 2010 he was warned by the Ministry of Internal Affairs to stop his violent behaviour.

On 5 November 2010 A. came home drunk and beat up the first applicant. On 6 November 2010 the first applicant complained to the prosecutor's office.

On 11 November 2010 A. again hit the first applicant in the presence of their daughters. He did the same on 12 November 2010, almost suffocating the first applicant, following which she lost her voice for a day and a half.

On 29 November 2010 the first applicant's lawyer asked the Călărași District Court to issue a restraining order against A. This was granted on 9 December 2010. A. was ordered to leave their house for ninety days and was prohibited from coming within 500 m of the applicants and from contacting them. The lawyer brought this court order to the attention of the local police, prosecutor's office and social welfare authority.

On 10 December 2010 Călărași police opened a case for the supervision of the enforcement of the restraining order of 9 December 2010.

On 14 December 2010 A. was warned by the local police to stop his violent behaviour and confirmed in writing that he had read the restraining order. It was established that A. had left the family home and was temporarily housed in a building belonging to the local municipality.

On 16 December 2010 A. saw the first applicant in the street and followed her, insulting her and trying to stop her. He continued doing so in a shop where she tried to find refuge.

On 19 December A. entered the family home, in violation of the restraining order. He hit and insulted the first applicant. On 23 December 2010 she complained to the police about the incidents of 16 and 19 December. Most of the complaints to various authorities were readdressed to the Călărași prosecutor's office.

On 10 January 2011 the applicants were invited to give statements at Călărași police station concerning their complaints against A. According to the first applicant, she was then persuaded to withdraw her complaint, because a criminal record and loss of employment by her husband would reflect negatively on her daughters' educational and career prospects. Another meeting, this time together with A., was set for 11 January 2011. During that meeting the first applicant expressed the wish to divorce and said that she did not want to cause trouble for her husband.

On 13 January 2011 A. went to the family home, violating the restraining order of 9 December 2010. He again hit and insulted the first applicant, simulating strangling her, and warned her that he would kill her and her aunt if she continued complaining. On 14 January 2011 a medical expert found injuries on her neck which could have been caused in the manner the first applicant had described.

The applicants have been hiding in the first applicant's aunt's house since the incident of 13 January 2011.

On 17 January 2011 a criminal investigation was initiated against A.

COMPLAINTS

1. The applicants complain under Article 3 of the Convention that the authorities have been inactive in protecting them from family violence and in prosecuting the perpetrator.

2. They also complain under Article 14 of the Convention, in conjunction with Articles 3 and 8, that the authorities have failed to apply the domestic legislation, which is intended to protect applicants from domestic violence, as a result of preconceived ideas concerning the role of women in the family.

3. Lastly, they complain under Article 17 of the Convention that by refusing to apply the domestic law to protect the applicants from domestic violence the authorities are wilfully destroying their rights under the Convention.

QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 3 of the Convention? In particular, did the authorities discharge their positive obligations under that provision to protect the applicants from domestic violence and to prosecute those responsible for such violence?

2. Has there been a violation of Article 8 of the Convention?

3. Has there been a violation of Article 14 of the Convention, taken in conjunction with Article 3 of the Convention?