



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

18 March 2011

THIRD SECTION

Application no. 74839/10
by Lidia MUDRIC
against Moldova
lodged on 21 December 2010

STATEMENT OF FACTS

THE FACTS

The applicant, Ms Lidia Mudric, is a Moldovan national who was born in 1939 and lives in Lipcani. She is represented before the Court by Ms D. Străisteanu, a lawyer practising in Chişinău.

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

The applicant is a 72-year old lady who, after divorcing her husband many years ago, lives in her own house next to that belonging to her former husband. According to the applicant, on 31 December 2009 her ex-husband broke into her house and beat her up. He did the same on 19 February 2010, since which date he has remained in the applicant's house permanently.

The applicant obtained a medical report confirming her beating and on 18 March 2010 she complained to the police and other authorities. She also complained that the local police were aware of the situation, but had done nothing to protect her.

On 27 March 2010 the applicant was again beaten up by her ex-husband. On 30 March 2010 she was informed that the events complained of had been partially confirmed, but that her ex-husband could not be sanctioned because of his mental illness.

The authorities promised to take action and on 22 June 2010 a court ordered the eviction of her ex-husband and ordered him to stay away from the applicant and her house. However, that order was not enforced. On 17 July 2010 the applicant was again beaten up by her ex-husband. In response to her new complaint, on 23 July 2010 a new court order was adopted, similar to that of 22 June 2010. This order was not enforced.

On 6 December 2010 the applicant was again beaten up by her ex-husband and on 16 December 2010 she obtained a third court order, similar to the two already adopted.

Throughout the relevant period, the applicant and her lawyer made numerous complaints to the local police, prosecutor's office and other authorities, asking for protection for the applicant and for her ex-husband to be punished. At the time the present application was lodged no measures had been taken to ensure that the applicant's ex-husband was obliged to have treatment for his illness.

COMPLAINTS

1. The applicant complains under Article 3 of the Convention that the authorities tolerated the ill-treatment to which she had been subjected in her own home, and failed to enforce binding court orders designed to offer her such protection.

2. She also complains under Article 14 taken in conjunction with Articles 3 and 8 of the Convention that the authorities had discriminated against her because of her gender, denying her the right to live a life without violence.

3. She finally complained under Article 17 of the Convention that the refusal to sanction her ex-husband allowed him to continue his illegal actions, leading to the destruction of the applicant's rights.

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 applicant from domestic violence and to prosecute the person 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 and/or 8 of the Convention?