



Moldovan authorities failed to prevent a police officer from repeatedly beating his wife in front of their two daughters

In today's Chamber judgment in the case of [Eremia and Others v. the Republic of Moldova](#) (application no. 3564/11), which is not final¹, the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 3 (prohibition of inhuman and degrading treatment) of the European Convention on Human Rights in respect of Ms Lilia Eremia, and

a violation of Article 8 (right to respect for private and family life) in respect of her two daughters,

a violation of Article 14 (prohibition of discrimination) read in conjunction with **Article 3** in respect of Ms Lilia Eremia.

The case concerned the applicants' complaint about the Moldovan authorities' failure to protect them from the violent and abusive behaviour of their husband and father, a police officer.

The Court held that, despite their knowledge of the abuse, the authorities had failed to take effective measures against Ms Eremia's husband and to protect his wife from further domestic violence. It also considered that, despite the detrimental psychological effects of her daughters witnessing their father's violence against their mother in the family home, little or no action had been taken to prevent the recurrence of such behaviour. Finally, the Court found that the authorities' attitude had amounted to condoning violence and had been discriminatory towards Ms Eremia as a woman.

Principal facts

The applicants, Lilia, Doina and Mariana Eremia, a mother and her two daughters, are Moldovan nationals who were born in 1973, 1995 and 1997 respectively and live in Vălcine (Republic of Moldova). Lilia Eremia was married to A., a police officer who would often come home drunk and beat her in the presence of their two teenage daughters. As a result, the two girls' psychological well-being was adversely affected. After having been fined and given a formal warning by the Moldovan authorities, A. became even more violent and allegedly suffocated his wife in November 2010.

Lilia Eremia asked for her request for a divorce to be examined urgently, to no avail. At the same time, she applied to the Moldovan courts for a protection order, which was issued on 9 December 2010. It was subsequently served on her husband, who was ordered to stay 500 metres away from the family home for 90 days without contacting the applicants or committing any acts of violence against them. Although the police had opened a case to oversee enforcement of the protection order, A. assaulted his wife

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

again and entered the family home on several occasions. However, in April 2011, the Moldovan courts upheld A.'s appeal and partly revoked the protection order.

In the meantime, in December 2010, Lilia Eremia complained about A.'s violence to police officers who allegedly pressured her into withdrawing her criminal complaint, arguing that if A. had a criminal record and lost his job it would affect their daughters' educational and professional prospects. A criminal investigation was nevertheless launched in January 2011. Despite finding substantive evidence of A.'s guilt, notably in the form of medical reports and witness statements, the prosecutor suspended the investigation for one year on the condition that it would be reopened if A. committed another offence during that time.

Complaints, procedure and composition of the Court

Relying on Article 3 (prohibition of inhuman and degrading treatment), Lilia Eremia alleged that the authorities had ignored the domestic abuse to which she and her daughters had been subjected and failed to enforce the binding court order designed to protect them. Under the same Article, her daughters complained that they had been verbally abused and witnessed their mother being assaulted without being able to help. Under Article 14 (prohibition of discrimination) taken in conjunction with Articles 3 and 8 (right to respect for private and family life) the applicants further complained that the authorities had failed to apply domestic legislation intended to protect them against domestic violence, as a result of preconceived ideas concerning the role of women in the family.

The application was lodged with the European Court of Human Rights on 16 January 2011.

Judgment was given by a Chamber of seven judges, composed as follows:

Josep **Casadevall** (Andorra), *President*,
Alvina **Gyulumyan** (Armenia),
Corneliu **Bîrsan** (Romania),
Ján **Šikuta** (Slovakia),
Luis **López Guerra** (Spain),
Nona **Tsotsoria** (Georgia),
Valeriu **Grițco** (the Republic of Moldova),

and also Santiago **Quesada**, *Section Registrar*.

Decision of the Court

Article 3

The Court noted that, on 9 December 2010, the Moldovan courts had decided that the situation was sufficiently serious to warrant a protection order being made in respect of Lilia Eremia. She had also subsequently obtained medical evidence of ill-treatment. It also found that the fear of further assaults had to have been severe enough to cause her to experience suffering and anxiety amounting to inhuman treatment within the meaning of Article 3.

The Court further considered that the authorities had put in place a legislative framework allowing measures to be taken against people accused of domestic violence. Indeed, Moldovan law provided for criminal sanctions against the aggressors as well as for protective measures for their victims. Moreover, the authorities had been well aware of A.'s violent behaviour, which had become even more evident following the protection

order of 9 December 2010. Ms Eremia had also promptly complained about A.'s breach of the protection order. Therefore, the authorities should have realised that she had been exposed to an increased risk of further violence, which had been corroborated by sufficient evidence.

Although the authorities had not acted swiftly enough, the Court noted that they had not remained totally passive since A. had been fined and given a formal warning. However, none of those measures had been effective and, despite A.'s repeated breaches of the order, he had continued to carry out his duties as a police officer without any measure being taken to ensure the applicants' safety. The lack of decisive action by the authorities had been even more disturbing considering that A. was a police officer whose professional requirements included the protection of the rights of others, the prevention of crime and the protection of public order.

Lastly, the Court found it unclear how the prosecutor had found that A. was not a danger to society and why he had conditionally suspended the investigation against him even though the Moldovan courts had extended the protection order four days earlier on the ground that he represented a significant risk to his wife. As a result, the suspension had the effect of exempting A. from criminal liability rather than preventing him from committing further violence. Hence, the Court concluded that the authorities' failure to take effective measures against A. despite their knowledge of the danger of further domestic violence had amounted to a breach of Article 3 in respect of Lilia Eremia.

Article 8

Although Ms Eremia's daughters had complained of a violation of their rights under Article 3, the Court decided to examine the complaint under Article 8.

First, as had been recognised by the Moldovan courts, the two daughters' psychological well-being had been adversely affected by repeatedly witnessing their father's violence against their mother in the family home. Therefore, there had been an interference with their rights under Article 8.

Second, the authorities had been aware of that interference but had not taken all reasonable measures in order to prevent it. The Court noted that the protection order of 9 December 2010 had prevented A. from contacting, insulting or ill-treating not only Ms Eremia but also her children. Ms Eremia had also asked that her daughters be officially recognised as victims of domestic violence for the purposes of the criminal investigation against their father. Finally, the applicants had complained that, during one of his visits to the family house, A. had not only assaulted his wife but also verbally abused one of his daughters.

Therefore, the authorities had clearly been aware of A.'s breaches of the protection order as well as of his threatening and insulting behaviour towards the applicants and its effect on his daughters. However, little or no action had been taken to prevent the recurrence of such behaviour. On the contrary, despite a further serious assault in 2011, A. had been eventually released from all criminal liability. The Court therefore concluded that the Moldovan authorities had not properly complied with their obligations under Article 8 in respect of Ms Eremia's daughters.

Article 14 taken in conjunction with Articles 3 and 8

The Court reiterated that a State's failure to protect women against domestic violence breached their right to be equally protected under the law. In this case, Ms Eremia had been repeatedly subjected to violence from her husband whilst the authorities had been well aware of the situation. However, they had refused to treat her divorce as an urgent request. She had even allegedly been pressured by the police to withdraw her criminal

complaint against her husband. Furthermore, the social services had acknowledged that they had not enforced the protection order until 15 March 2011 owing to a clerical error. Indeed, they had allegedly insulted Ms Eremia, suggesting reconciliation, and telling her that she was not the first nor the last woman to be beaten up by her husband. Finally, although he had confessed he had been beating up his wife, A. had essentially been exempted from all responsibility following the prosecutor's decision to conditionally suspend the proceedings against him.

Therefore, the Court held that the authorities' failure to deal with the violence had effectively amounted to repeatedly condoning it, which reflected a discriminatory attitude towards Ms Eremia as a woman. Accordingly, the Court concluded that there had been a violation of Article 14 taken in conjunction with Article 3 in respect of Ms Eremia. The complaint under Article 14 taken in conjunction with Article 8 did not raise any separate issues in the eyes of the Court and was not examined separately.

Just satisfaction (Article 41)

The court held that the Republic of Moldova was to pay Ms Eremia 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 2,150 for costs and expenses.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.