

REPUBLIC OF MOLDOVA (2ND AND 3RD PERIODIC REPORTS)

Information submitted to the Committee

The small Moldovan delegation was led by Ms. Tatiana Gribincea and included the Principal Advisor at the Department of Equal Opportunities and Family Politics at the Ministry of Health and Social Protection, as well as a representative from the Moldovan Permanent Mission to the United Nations.¹

The Republic of Moldova submitted its combined second and third periodic reports² under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses to the Committee on the Elimination of Discrimination against Women's (the Committee) list of issues and questions. The State report was finalised with the participation of the Committee for Women Rights, which includes both governmental actors and Non-Governmental Organisation (NGO)³. The information included in the report largely focuses on measures taken by the Government and the various governmental bodies responsible for the implementation of the different articles. There is minimal sex-disaggregated data made available. As noted in the report, the Moldovan Government is still working on implementing the recommendations of the Committee from its last reporting session meaning that many measures, such as the *Law on Equal Opportunities for Men and Women* adopted in February 2006, are still new and untested.

The responses to the list of issues and questions addressed many legal questions, such as the passage of the first draft Law on Domestic Violence. The Committee questioned the use of the Convention in the Moldovan court system. Although it remains untested in the domestic courts, the Convention is written into the Moldovan Constitution as an international legal instrument and it is therefore possible to cite the Convention in domestic court proceedings. Some of the Committee's queries had not been sufficiently answered in the responses to the list of issues and questions, notably regarding the legal mechanisms available to women in cases of discrimination and whether the State party has adopted any temporary special measures to guarantee women's *de facto* equality⁴. The State's response to the issues and questions was submitted late and was therefore only available in English, creating difficulty for some Committee members. Moldova has no reservations to the Convention.

Two Moldovan NGO representatives were present during the informal meeting with NGOs: one from the Women's Organisation Forum from the Republic of Moldova and one from Gender Centre Moldova. The representative from the Women's Organisation Forum claimed that her organisation spoke for over 300 Moldovan women's NGOs. The Women's Organisation Forum also drafted the shadow report coordinated by the International Women's Rights Action Watch (IWRA)⁵. The shadow report highlighted discrimination faced by women in the labour sector, particularly in regard to wage differentiation. The labour code provides equal rights, but contains no mechanism for enforcement or complaint. The State report claims that women in Moldova earn two-thirds of the wages of men while the shadow report states the figure is close to one half. The Women's Organisation Forum recommends measures to end labour segregation, such as quotas and the adoption of a gender sensitive State budget.

¹ For a full account of the delegation see: <http://www.un.org/womenwatch/daw/cedaw/cedaw36/moldova%20delegation.pdf>.

² <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/MDA/2-3&Lang=E>.

³ "Committee" and "commission" are used interchangeably in the report and by the delegation, leading to some confusion during the meetings about the precise status of the mechanism.

⁴ <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/MDA/Q/3&Lang=E>

<http://www.un.org/womenwatch/daw/cedaw/cedaw36/cedaw.c.mda.q.3.add.pdf>.

⁵ http://www.iwraw-ap.org/resources/pdf/Moldova_SR.pdf.

The Gender Centre representative stated that the legislation on violence against women remains declarative, without sufficient mechanisms for enforcement and implementation. She also claimed that violence is still a major obstacle to women's equality and that the State report neglects to mention many cases of domestic violence. This is due to domestic violence being often considered a private matter. During the dialogue with the delegation, the Committee posed questions based on the information submitted by the NGOs, particularly on questions concerning employment. The NGOs thanked the Committee, noting that its recommendations constitute a useful tool for NGOs to pressure the Government on women's issues.

Themes and Issues⁶

Law on Equal Opportunities for Men and Women

Although the Committee commended the State for including indirect discrimination in its definition of gender discrimination, it remained dissatisfied with the explanation of the jurisdiction and efficacy of the 2006 *Law on Equal Opportunities*. According to the information provided both by the Government and the NGOs, the legislation contains neither a provision for temporary special measures nor a mechanism for hearing discrimination or sexual harassment complaints.

The Committee stressed that the spirit of the Convention does not concern merely equal opportunities for women but real, *de facto* equality in all areas of social, civil, and political life. The delegation claimed that the electoral process is not discriminatory, as it is based solely on 'merit, failing to recognise the potential for stereotypes and prejudicial attitudes against women to cloud judgement on what constitutes 'merit.' The Committee again recommended temporary special measures to guarantee the equal participation of men and women in decision-making processes and in managerial positions.

In addition to the concerns over the content of the *Law on Equal Opportunities*, the Committee was also interested in the actual mechanism of implementation and monetary and staffing resources designated for implementing the new legislation. The Committee inquired about which governmental agencies are responsible for its implementation. In its Concluding Comments, the Committee remained concerned with the present inability of the Government of Moldova to fully implement the Convention, due to a lack of concrete State mechanisms—specifically an absence of specific goals and comprehensive action plans—and insufficient budget allocation.⁷ The Committee urged the State party to move beyond philosophical declarations on women's equality and devise specific measures and goals to be analysed in the next State report.

Gender stereotypes

As noted in the Concluding Comments, the Committee remains concerned with the prevalence of harmful gender stereotypes. In its previous Concluding Comments issued during the Committee's 23rd session upon considering Moldova's Initial Report, the Committee recommended measures to combat prejudicial attitudes, including goals and timetables for implementation and actualisation⁸. According to the Committee, the following changes are necessary to prevent the transmission of patriarchal attitudes to new generations: awareness-raising campaigns and changes to the educational system and content, specifically training for teachers and gender-sensitive textbooks. The Committee cites gender stereotypes as the root of inequality in almost all sectors of Moldovan society, particularly with regard to political participation and the representation of women in managerial positions. Stereotypes not only affect the election and hiring processes, but the gender role expectations also place an unequal burden on women who wish to enter politics or the labour sector since they are still expected to fulfil the primary household duties.

⁶ For a full account see: <http://www.un.org/News/Press/docs/2006/wom1581.doc.htm>

⁷ <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Moldova%20cc%20advance%20unedited%20version.pdf>

⁸ <http://www.un.org/womenwatch/daw/cedaw/cedaw23/moldova%20as%20adopted.html>

Trafficking

The Committee commended the State party on its actions to eliminate trafficking, although it pointed out that Moldova is known as the main country of origin in trafficking for the purpose of sexual exploitation. The Committee expressed concern over whether victims of trafficking for the purpose of prostitution risked prosecution for violating immigration, labour, and prostitution laws, as this was left unclear in the State report and its responses to the list of issues and questions. This was still not definitively addressed by the delegation during the session, although the delegation assured the Committee that new provisions were in place to protect victim confidentiality and provide free legal, health, and social rehabilitation services.

Domestic violence

The Committee expressed concern over the new domestic violence legislation, specifically regarding the complaint mechanisms available to victims and the punitive measures in place for perpetrators. The Committee requested further clarification on the actual content of the law, particularly regarding the punishment of perpetrators. The delegation stated that the law is aimed at preventing domestic violence, not rehabilitating the perpetrators, who are "warned" to stay away from the victims for a certain period. The aggressor may be fined for their abuse, with minimal measures of imprisonment. The Committee recommended further awareness-raising campaigns, legal and counselling services for victims, and more clear and accessible recourse mechanism for victims.

Labour and the Economy

As Moldova transitioned to a free-market economy, expected difficulties arose, with women experiencing the most acute economic hardships. The Committee strongly recommended that the Government study and analyse the impact of economic restructuring on women in particular, as this is only one of the numerous areas in which sex-disaggregated data remains absent. The Concluding Comments read, 'It [the Committee] regrets that the Development Objectives of the Republic of Moldova, whose main objective in relation to the first of the eight Millennium Development Goals is the eradication of extreme poverty and starvation, failed to include any gender perspectives.'⁹ The feminisation of poverty in Moldova remains of particular concern to the Committee and the delegation failed to adequately respond to questions about the impact of economic restructuring. The delegation stated that there is no gender dimension in the economic growth strategy, but that this could be remedied in the future.

Conclusions and next steps

While the delegation made a concerted effort to answer numerous questions posed by the Committee, on occasion questions posed were either ignored or insufficiently addressed. It was unclear whether this stemmed from a translation difficulty or from the limited knowledge of the small delegation. However, the Committee showed greater patience with the Moldovan delegation than it had with other delegations, repeating and rephrasing questions to be attended to more thoroughly. During the Committee's last consideration of Moldova's periodic report (the 23rd session), the Committee recommended temporary special measures to guarantee *de facto* equality for women, as stipulated in Article 4¹⁰.

Though the State party has yet to fully implement all articles of the Convention, the Committee recognised the special difficulties faced by the Moldovan Government in this period of political and economic transition. However, the Committee stressed that women's issues are also human rights issues and can not be delayed. In

⁹ See paragraph 20:

<http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Moldova%20cc%20advance%20unedited%20version.pdf>

¹⁰ <http://www.un.org/womenwatch/daw/cedaw/cedaw23/moldova%20as%20adopted.html>

its 2002 concluding observations, the Human Rights Committee echoed the Committee's concerns on trafficking, requesting that the Government of Moldova revise and strengthen its efforts in combating trafficking¹¹.

The Committee urged the Moldovan Government to set specific goals and timetables for the full implementation of the articles of the Convention as well as the fulfilment of obligations specified by the other international human rights instruments. The Committee also recommended ratifying the *International Convention on the Rights of All Migrant Workers and their Families*. The Committee requested that the State party provide comprehensive sex-disaggregated data for the next reporting period as this lack of significant statistics caused difficulty in gaining a clear picture of the status of women in Moldova, particularly rural women and ethnic minority women¹². The absence of concrete State mechanisms for the implementation of gender legislation remains a major obstacle to the full implementation of the Convention and the Committee urged the Government of Moldova to take specific measures and assess the practical impact of such actions for the next State report. The Committee expressed pleasure that the Republic of Moldova has ratified the Optional Protocol.

As key positive steps taken, the State Party announced the creation of its 2005-2009 "Modernization of the Country—Welfare of the Population" plan for economic growth. The intention of the this plan is to stimulate the labour sector, in hopes of creating more jobs and increasing the opportunities for technical training, with a special focus on women. The head of the delegation also stated that Moldova was increasing its gender education project, though project specifics were not given. According to Ms. Gribincea, the Moldovan Government is in the process of reforming its process of generating statistics, in compliance with the Committee's previous Concluding Comments at its 23rd session.

¹¹ http://www.bayefsky.com/html/moldova_t4_ccpr.php

¹² This is a common difficulty in the post-Soviet States, as the inherited system statistics has proven difficult to reform. See also Georgia and Uzbekistan.