



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms of  
Discrimination against Women**

**Combined fourth and fifth periodic reports of States parties**

**Moldova\* \*\***

[15 September 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files at the Secretariat.

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## List of abbreviations

ACSA	National Agency for Rural Development
CCD	Common Core Document
CEC	Central Election Commission
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIS	Commonwealth of Independent States
CSOs	Civil Society Organizations
DPM	Democratic Party of Moldova
PD	Parliament Decision
EC	Electoral Code
ECHR	European Court of Human Rights
GDP	Gross Domestic Product
GD	Government Decision
GFPs	Gender Focal Points
DV	Domestic Violence
HDI	Human Development Index
HRBA	Human Rights Based Approach
ICT	Information and Communication Technologies
IDUs	Injecting Drug Users
ILO	International Labor Organization
IOM	International Organization for Migration
IUD	Intrauterine Device
LDPM	Liberal Democratic Party of Moldova
LGBT	Lesbians, gays, bisexuals, transgender
LP	Liberal Party
MDGs	Millennium Development Goals
MEc	Ministry of Economy
MEd	Ministry of Education
MFAIE	Ministry of Foreign Affairs and European Integration
MIA	Ministry of Internal Affairs
MLSPF	Ministry of Labor, Social Protection and Family
MoF	Ministry of Finance
MoH	Ministry of Health
NBS	National Bureau of Statistics

NCPH	National Center of Public Health
NDS	National Development Strategy
NEA	National Employment Agency
NPEGE	National Programme on Ensuring Gender Equality for 2010-2015
NGO	Non-Governmental Organization
NHIC	National Health Insurance Company
NHRAP	National Human Rights Action Plan
NSIH	National Social Insurance House
OSCE	Organization for Security and Co-operation in Europe
PCRM	Party of Communists of the Republic of Moldova
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
VTHB	Victims of Trafficking in Human Beings
WHO	World Health Organization

## I. Introduction

1. The Republic of Moldova lies in the central part of Europe in the north-eastern Balkans, and occupies an area of 33,843.5 km<sup>2</sup>. As of 1 January 2011, the stable population amounted to 3,560,400 persons. On 27 August 1991, the Republic of Moldova became an independent and sovereign state. Since 1992, the Republic of Moldova is a member of the United Nations, and since 1995, a member of the Council of Europe. The Republic of Moldova has ratified nearly all the core international human rights treaties, extensively accepting the obligations that derogate and periodically submitting national reports on their implementation.

2. According to the Human Development Report (2010), the Republic's Human Development Index is 0.623, placing it in the category of states with medium human development, and ranking the country 99th out of the 169 countries and territories for which calculations were made. Between 1990 and 2010, the value of the Human Development Index increased from 0.616 to 0.623, representing an increase of 1 percent or an average annual growth of around 0.1 percent.

3. During the past years, the Republic of Moldova held different positions regarding gender equality: 17th (2006), 21st (2007), 20th (2008), and 36th (2009) in the world, according to The Gender Gap Report, prepared by World Economic Forum. In 2010, Moldova ranked 34th in the world and 16th among the countries of Europe and Central Asia. According to the Human Development Report (2010), the Gender Inequality Index was 0.429 (in 2008), which ranked the country 40 out of 138 countries for which calculations were made.

4. In 2000, the Republic of Moldova submitted its initial national report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Moldova. In 2006, the Government submitted the combined second and third periodic report on the implementation of Convention (CEDAW/C/MDA/2-3) in Moldova to the Committee on the Elimination of Discrimination against Women.

5. In line with the concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MDA/CO/3), the Republic of Moldova must submit its combined fourth and fifth periodic report in July 2011. This document contains information on the implementation of the Convention from 2006 until now, while the statistical indicators cover the period from 2003 and 2010 (where available) to provide a broad picture of the country's development as compared to the previous report. According to the national legislation, official statistical data and results of the validated surveys were used to develop this report.

6. Special attention was paid to the recommendations of the Committee on the Elimination of Discrimination against Women, based on the assessment of the combined second and third report of the Republic of Moldova. The Action Plan for 2008-2011 was developed to implement the above-mentioned provisions.

7. The combined fourth and fifth periodic report was developed in line with the general provisions of Article 18 of the Convention on the form and content of periodic reports, defined by the Committee on the Elimination of Discrimination against Women, as well as other recommendations adopted later by the Committee. The guidelines on drafting the reports (HRI/GEN/2/Rev.6) were also taken into account. This Report consists of two parts: the common core document and the report on the implementation of the Convention in Moldova.

8. This Report was developed by the Ministry of Labor, Social Protection and Family, with the participation of gender focal points, specialists from ministries and other central public authorities, assisted by the UNWomen Project, "Women's Economic Empowerment through increasing Employability in the Republic of Moldova". The aforementioned specialists were

trained on the reporting criteria/indicators based on the Convention (August 2010, April 2011). Aside from the inter-ministerial consultations, consultations with international and national non-governmental organizations were held with the support of the UNWomen in the process of the Report drafting. To ensure the participatory principle, the draft Report was placed on the site [www.mmps.gov.md](http://www.mmps.gov.md) and discussed at a round table with the participation of representatives of Government agencies, non-governmental organizations and international bodies active in the field (May 2011).

9. In accordance with national legislation, the combined fourth and fifth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Republic of Moldova was presented and discussed during the meeting of the Governmental Committee for Equality between women and men (June 2011). It was approved by the National Commission for Initial and Periodic Reports on the implementation of international conventions to which the Republic of Moldova is a party (June 2011). The Report was heard during the meeting of the Parliamentary Committee on Social Protection, Health and Family (July 2011).

## **II. Report on the implementation of the Convention**

### **Article 2**

10. The legislation of the Republic of Moldova provides for equal rights for women and men in all areas of public and private life. The previous report outlined the articles of the Constitution of the Republic of Moldova which provide for protection of the rights of the citizens to work and labor protection, free choice of employment, fair and satisfactory conditions of work, the right to social protection and social services etc.

11. The Law on ensuring equal opportunities for women and men Nr. 5-XVI as of 09.02.2006 has an important role in promotion of gender equality in Moldova, which stipulates that in the Republic of Moldova, women and men benefit from equal rights, freedoms, and opportunities.

12. For the first time the law defines gender-based discrimination, making distinction between direct and indirect discrimination. Gender-based discrimination - any distinction, exception, restriction or preference aiming at or resulting in restriction or impairing of recognition, performance and implementation based on equality of human rights and fundamental freedoms between women and men. The Law contains a special article „Prohibition of discrimination on grounds of sex” (Article 5)<sup>1</sup>.

13. The law provides that "Actions that restrict or exclude equal treatment of women and men in any way are considered discriminatory and shall be prohibited. The legal document containing gender-based discriminatory provisions shall be declared invalid by competent bodies." At the same time, Law no.5-XVI provides for a range of actions that are not regarded as discriminatory, such as: measures to ensure certain special conditions for women during pregnancy, post-partum, and breast-feeding period; affirmative actions.

14. The Legislation of the Republic of Moldova provides for legal measures to combat discrimination, including the right to seek legal protection. Particularly, the unjustified refusal to hire a person, illegal dismissal and other violations of employees' rights can be challenged under Articles 329 – 332 of the Labor Code.

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<sup>1</sup> The Law states that the promotion of a policy or the conduct of actions that do not ensure equality between women and men is considered discrimination and must be removed by the public authorities.

15. The legal-regulatory framework does not have any discriminatory provisions towards women; women are equal with men before law, without any discrimination and they enjoy equal rights and freedoms in economic, social, political, civil and cultural life.

16. According to Articles 164 and 165 of the Criminal Code, kidnapping of a pregnant woman and trafficking of a pregnant woman are among the aggravating circumstances related to such crimes. The Criminal Code forbids application of unpaid community work to pregnant women, women with children under 8 years old (Article 67 (4)). For the purpose of mother and child protection, Article 71(3) prohibits life detention of women and minors.

17. Generally speaking, the national legal framework meets the international standards related to gender equality, but there are still some gaps in terms of strengthening the legal mechanism of women's protection against discrimination. Despite the fact that the Law on Gender Equality requires the parties and other socio-political organizations to promote gender equality, no mechanism of holding them liable for violation of these provisions has been established. Therefore this law is of a declarative nature. Currently the national legislation is being adjusted to the requirements of Law no.5-XVI, focusing on identification of relevant implementation mechanisms.

18. Taking into account the Concluding Comments of the Committee on the Elimination of Discrimination against Women, the Government adopted the National Programme on Ensuring Gender Equality in the Republic of Moldova for 2010-2015<sup>2</sup> (NPEGE), which provides a comprehensive approach to mainstreaming the gender equality principle in policy documents in all areas and at all levels of decision making and implementation. The program is supplemented by the Action Plan for implementation, in 2010-2012, of the NPEGE. The identified fields are: Employment and migration, Gender-sensitive Budgeting, Women's participation in the decision making, Social Protection and Family, Healthcare, Education, Combating violence and trafficking in human beings, Increase of the public awareness levels and of mass-media.

19. The Gender Focal Points (GFPs) from the specialized central public administration, NGOs active in the gender fields, experts, representatives of the academia have contributed to the preparation of the mentioned document. The NPEGE reflects the implementation of the international commitments assumed by the Republic of Moldova by ratifying several international and national instruments in the field of equal opportunities.

20. At the same time, we note some reservations in the implementation of the Action Plan of NPEGE due to the shortage of human and financial resources.

### **Article 3**

21. The legal-normative framework stipulates the equal access of women and men to social assistance, healthcare, education, employment, participation in the public and political life (see CCD, p.190-191).

22. One of the greatest achievements in promoting gender equality in Moldova at the level of national strategic frameworks was the inclusion for the first time of the gender equality ideas in the National Development Strategy (NDS) 2008-2011. Despite the fact that the points of entry into a strategic document were quite low, gender issues were included, as result of an open consultative process with stakeholders in 4 of the 5 priority NDS sectors, specifically: (1) elimination of violence against women, (2) women entrepreneurs; (3) decrease of the wage gap and segregation of the labor market, (4) support to women's political participation. The revised Millennium Development Goals were reflected in NDS.

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<sup>2</sup> Government Decision No. 933 of December 31, 2009, see [www.mmprf.gov.md](http://www.mmprf.gov.md).

23. In 2007 the MDGs were reviewed in Moldova from the gender perspective (UNDP / UNIFEM (now part of UNWomen)). In 2009-2010 the The Second Millenium Development Goals Report, Republic of Moldova was developed, which also included the analysis of gender aspects of MDGs. The Government Report on the implementation of the International Development Goals, presented at the ECOSOC meeting (June 2010) reflected implementation of MDGs in Moldova through the gender prism. These activities have contributed to the identification of problems and perspectives of mainstreaming gender issues in the public policies that are relevant to the mentioned objectives, as well as to the enhancement of skills of the public officials involved in the development of sector reports from the gender perspective. The actions are part of the list of Concluding Comments of the Committee on the Elimination of Discrimination against Women: the Republic of Moldova (2006).

24. For the first time the Government Program „European Integration: Freedom, Democracy and Welfare” (2011-2014) contains a Gender Policy section, which proves the political will of the Government. This document is an platform of actions that will strengthen this sector.

25. Law no. 5-XVI established the institutional mechanism designed to coordinate the implementation of the legal framework, i.e. the Government Committee for Equality between women and men, Division for Gender Equality and Violence Prevention Policies in the MLSPF, Gender Focal Points in line ministries, which were listed in the CCD (p.192-195). Meanwhile, there are many reservations regarding its efficiency, in particular regarding the activity of the GFPs, which are overloaded with their basic functions and have limited time for gender equality issues.

26. With a view to implement the Recommendations of the Committee on the Elimination of Discrimination against Women (2006) in 2007 the implementation of Law no. 5-XVI was monitored in partnership with MLSPF and Gender-Center with the support from the OSCE Mission to Moldova. Thus, gaps were identified and recommendations to overcome them were proposed<sup>3</sup>. The report served as a practical tool that helped to raise the awareness of Gender Focal Points on the subject, as well as to promote the Law No. 45-XVI.

27. In 2010 the evaluation of the implementation of the National Plan "Promoting gender equality in the society for the period 2006-2009" (with UNIFEM (now part of UNWomen) support) was conducted at the initiative of the MLSPF, as an important pre-condition to identify both progress and gaps in the area, as well as necessary strategic intervention actions. The results were taken into account when planning the activities of the line ministries, including in cooperation with the CSOs for 2010.

28. During January-February 2011, the MLSPF, with the active participation of GFPs from APC and LPA professionals, with the support of UNWomen Programme "Economic Empowerment of Women by Increasing Employment Opportunities in Moldova", monitored the implementation of the National Gender Equality Program in the Republic of Moldova for 2010-2015 through the analysis of the Action Plan for 2010<sup>4</sup>. The monitoring report was discussed at the meeting of the Government Committee for Equality between women and men on March 03, 2011, placed on [www.mmpsf.gov.md](http://www.mmpsf.gov.md). The monitoring results serve as a basis for ministries to improve their interventions in the field and appropriate adequate resources.

29. In 2008-2009 a set of gender-sensitive indicators was developed for the monitoring and evaluation of government reporting on commitments undertaken under international human rights treaties, the Convention, the Beijing Platform, the MDGs and national commitments made in the NDS and other strategies (e.g. National Employment Strategy, etc.). The NBS

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<sup>3</sup> See [www.gender-centru.md](http://www.gender-centru.md).

<sup>4</sup> See [www.mmpsf.gov.md](http://www.mmpsf.gov.md).



undertook significant actions to develop gender disaggregated statistics<sup>5</sup> with the support of several international agencies (UNDP, UNFPA, UNIFEM (now part of UNWomen)<sup>6</sup>. The statistical information can be accessed on the website of the NBS [www.statistica.md](http://www.statistica.md), which has a Gender Statistics section with selected current gender desegregated statistics. The actions referred to are part of the Government efforts to implement the Recommendations of UN Committee.

30. At the same time, some indicators are still to be explored and operationalized, particularly those related to population migration, domestic violence, etc. Similarly, the staff of the State structures have reduced capacity to use existing statistics in the development and monitoring of sectoral policies.

31. In the context of implementation of the mentioned Committee's recommendations, we find the need to monitor, through measurable indicators (mainly qualitative), the impact of laws, policies, projects and plans of action on the situation of women, to assess the real progress made to achieve the real equality of women.

#### Article 4

32. Taking into account the recommendations of the Committee on the Elimination of Discrimination against Women, the Government has undertaken some efforts to promote temporary special measures in accordance with Article 4(1) of Convention and General Recommendation 25 of the Committee to accelerate the achievement of substantive equality of women with men in all areas, in particular in terms of participation of women in decision making and their access to employment and education. Thus, the Government Program for 2011-2014, the section on Gender policies, provides for introduction of quotas to facilitate the promotion of women to decision-making positions. In 2010 at the initiative of the Parliamentary Women's Group, the Government endorsed the decision to support the Election Code amendment on 30% quota. Currently this document is pending Parliament approval. At the same time proposal of a quota of at least 40 per cent of representation of one of the genders in decision-making positions was included in draft amendment and adjustment of national legislation to the Law no. 5-XVI.

33. In this respect we note that over the years there have been some initiatives to promote the representation of gender quotas in party documents, in the election process. The deadlock in this respect is determined by different approaches of the concerned subject, the persistence of gender stereotypes on the women's political leadership.

34. During the reporting years motherhood protection remained a key objective of the Government activity. According to Article 16 of the Law no.289-XV of 22.07.2004 on Allowances for Temporary Disability and other Social Benefits (subsequently amended), the insured, unemployed wives in families where only the husband earns an income and unemployed women are granted maternity leave which includes prenatal leave of 70 calendar

<sup>5</sup> See the Gender Statistics User Guide, 2008; Statistical compilation "Women and Men in the Republic of Moldova", 2008; Analytical Report "Men and Women on the Labor Market of the Republic of Moldova", 2008; Compilation "Moldovan Population by Ages and Genders, Territorial Profile as of January 1" (2008, 2009); Compilation "Population and Demographic Processes in the Republic of Moldova" (2007, 2008, 2009); studies on Gender inequality in income and other indicators of the population's welfare (based on the data of Household Budget Survey), 2008; Conditions for establishment and development of companies: Analysis from a gender perspective, 2009; Reconciliation between work and family life in the Republic of Moldova: Results of the statistical survey of 2010.

<sup>6</sup> Joint project, "Strengthening the National Statistical System" (UNDP, UNIFEM, UNFPA), see [www.statistica.md](http://www.statistica.md).

days and maternity leave for a period of 56 calendar days (for complicated births or birth of two or more children - 70 days), period for which the maternity allowance is paid. In case of a still birth or if the baby dies during the maternity leave, the maternity allowance is granted for the established period.

35. The monthly rate of maternity allowance is 100% of average monthly income earned during the last 6 calendar months preceeding the month of the insured risk, income from which social insurance contributions were paid. Establishment, calculation and payment of maternity allowance shall be made by the economic unit where the employee has her/his basic job (where the employment record book is kept) based on the individual employment agreement at the expense of the state social insurance budget.

36. According to Article 250 of the Labor Code (LC), pregnant women and breastfeeding mothers, according to medical conclusion, shall be transferred to easier work, which excludes the influence of adverse production factors, maintaining the average wage on the previous place of work. While solving the problem of granting an easier work, which excludes the influence of hazardous production factors, the pregnant woman should be released from performing labor duties with the preservation of the average wages for all the working days, when she didn't work for that reason.

37. The partially paid parental leave can be used entirely or partially at any time until the child reaches the age of 3 years. The partially paid parental leave can be used optionally, upon written request, by the father, grandmother, grandfather or other relative who is directly involved in caring for the child, as well as by the guardian. Such leave is included when calculating the seniority, including the special seniority and the length of employment. Although the length of employment is not affected, the amounts of social security allowances based on which the pension is calculated are decreasing.

38. According to the data provided by the National Social Insurance Company (NSIC), the number of beneficiaries of parental allowances for children up to 3 years by categories (mothers, fathers, grandmothers, grandfathers, guardian, other relatives) for the period 2003-2010 shows a significant prevalence of mothers their rate ranging from 99.7% (2003) to 98.65% (2010) (see Table 1 and Annex 22). Despite the favorable legal framework, the responsibility for raising and educating children is vested in the mother, a situation caused primarily by the persistent traditional gender stereotypes.

**Table 1: Beneficiaries of parental allowances for children up to 3 years**

<i>Categories</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Mothers	9855	15308	19995	23189	24671	26962	40009	43506
Fathers	15	42	59	59	83	106	214	273
Grandmothers	12	29	42	67	101	169	283	288
Grandfathers	1	0	1	4	6	3	3	8
Guardians	1	2	9	11	8	9	2	7
Other relatives	0	0	0	0	1	2	18	16

*Source:* National Social Insurance House

39. Mothers who work part-time or at home receive both wage and child benefit. In addition to maternity leave and partially paid parental leave until the age of 3 years, mother or one of the aforementioned persons may qualify for additional unpaid leave to take care of child aged between 3 and 6 years, period for which she/he keeps her/his job (position). At the same time, in the opinion of national experts, the period of additional leave is protective and therefore an impediment to women promotion rather than a measure to protect women.

40. During the additional unpaid leave for child care, mother or another person looking after the child has the right to work part time or at home. The additional unpaid leave period is included in calculation of seniority, including special seniority provided that the employment agreement has not suspended at employee's initiative.

41. According to Article 86(2) of the Labor Code no employee can be dismissed during the maternity leave, partially paid leave for child care until the age of three years or during additional unpaid leave for child care aged from 3 to 6 years (see art.11, 13).

42. It should be noted that under the Regulation on the fulfillment of military service in the Armed Forces, women soldiers who are on maternity leave are not released from military service (they are transferred under the jurisdiction of the Ministry of Defense) and upon returning from leave they are reassigned to positions in military units. However, some problems exist in this area. Thus, for women engaged in military service, the child care leave period is included in overall seniority and length of employment, but not included in the calendar age of military service. This provision restricts the possibility to benefit of a pension according to the above-mentioned Regulations.

## Article 5

43. Certain studies<sup>7</sup> conducted on gender equality confirm the persistence of gender stereotypes in the Moldovan society, despite the drastic transformations of the family, gender roles, particularly in the context of economic migration. We note the development of new realities in terms of the status of both genders: a symbiosis of economic empowerment of women and maintaining of the traditional status of the man as the "head of family", with resulting diminution of women's economic contribution to the family budget and to society development.

44. Gender stereotypes have a rather general nature and are more pronounced in rural areas. Women involved in work continue to carry the burden of a double load, with the obligation to provide financial support to the family and household work and child care and education. Statistics show that 98 per cent of people on parental leave are women, despite a favorable legal framework for both genders.

45. The legal and regulatory frameworks provide for prevention and elimination of gender stereotypes in society. The Family Code provides for equal responsibility of parents for child education and caretaking both during marriage and in case of divorce. In case of divorce the court decides which of the parents the minor child will be living with after divorce. But the national judicial practice shows that, in most cases, the court gives preference to children living with their mother after divorce. As a result, most single-parent families are headed by women (89.1% in 2010).

46. The state policies on gender equality focus on promoting partnership models between women and men in both the public and private life. NPEGE includes expressly the goal of raising public awareness on preventing and eliminating gender prejudices, stereotypes and conditions that generate gender-based discriminatory situations.

47. Taking into account the recommendations of the Committee on the Elimination of Discrimination against Women, the Ministry of Education has taken some measures to eliminate gender stereotypes from teaching materials and the educational process. Thus, during

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<sup>7</sup> Reconciliation between work and family life in the Republic of Moldova: Results of the statistical survey of 2010; Case study on Vulnerability of women from single-parent families in taking care of children with disabilities in Floresti rayon, UNIFEM (now part of UNWomen), 2008; Women's vulnerability to HIV and AIDS in the Republic of Moldova, 2010.

2009-2010 a new National Curriculum was developed, more sensitive to gender compared with the previous one. In 2010 the MEd in partnership with the NGOs working in the field and UNFPA support conducted the gender analysis of disciplinary curricula and training of the director and staff of editorial offices and of the authors that participated in the development of 46 textbooks. The share of stereotypes decreased significantly in the textbooks and the national curriculum of all levels. Thus, the textbooks for pupils in primary, secondary and high-school grades, published recently, present boys and girls in joint activities, without any distinction. At the same time, the textbooks published earlier, used extensively in training, contain examples of gender stereotypes.

48. In this context, we must take into account that the elimination of gender stereotypes is related to the change in mindset, which is a long process.

49. We have noted that in some families in rural areas work is divided between boys and girls, in a way that boys are responsible for activities which requires a greater physical effort, while girls perform more household activities.

50. In Technology Education curricula which are taught in primary schools, modules are not separate for boys and girls. In the secondary school technological education classes are split for girls and boys, but the modules are selected depending on material and technical basis, as well as on teachers' skills. Enrollment in different modules is voluntary and there are no restrictions for girls or boys. In rural areas such modules as "Metal Processing Technology", "Electro-technology" are requested at 95% by boys. In the IX<sup>th</sup> grade the module "Professional Areas" is studied, within which the occupational areas are identified and the option for the future occupation/profession is established according to students' own interests and skills. Thus, attempts are made to gradually decrease the stereotypes related to occupations for men or for women only.

51. The subject "Civic Education", compulsory for the secondary and high-school grades (grades V - XII), in the Framework Plan for primary, secondary, general and high-school institutions, has two modules "Man - a social being" and "Life and health - personal and social values, where students learn the family values and the associated responsibilities. An optional subject in secondary school (grades X -XII) is "Family Life Education." In general secondary education (grades X-XI) and in secondary vocational education the course "Family Life Education" is compulsory and is studied during in the Xth grade and the first year of vocational secondary school, about 34 hours annually.

52. It is acknowledged that media outlets play an important role in raising the gender awareness of the population. The analyses of gender equality coverage by Moldovan media show that, during the past years, newspapers published an increasing number of materials referring to gender, which is welcome. At the same time, biased, discriminatory and sexist materials can still be encountered. Studies show that among professionals in press articles, men constitute 61%, women 16%, while 23% are articles showing women and men in a balanced perspective. It is considered in Moldova that men "do politics", while women "are brought into politics"; men appear to be more concerned about business, while women, even if they are involved in business, appear in the press representing more "womanly" realms (clothes and shoes factories, perfume networks, clinics, educational institutions). In newspapers with a considerable number of permanent items that present successful personalities and professionals, men prevail, while women are presented sporadically and in a very small number. Positive models are, usually, masculinised.<sup>8</sup> Most often the authors' intention is not to denigrate women

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<sup>8</sup> Roundtable, "What are the benefits of women's greater implication in political life and economic development?" OSCE Mission in the Republic of Moldova, Chisinau, September 9, 2010.

as a social group or to show the superiority of men, but by virtue of stereotypes, these differences and biased approach to men and women continue to occur frequently.

53. Experts believe that, because of insufficient knowledge in the area but, more explicitly, because of gender insensitivity, the advertisers continue to produce interpretable, stereotyped and discriminatory images. Another explanation of their persistence is the public interest for such billboards.

54. Despite some improvements in gender discourse of the media in Moldova, some gaps persist in this area: insufficient permanent and constant promotion campaigns for women's rights and equal opportunities; information/studies/analyses of the gender equality are few and the available data are addressed generally to a limited public and sometimes even to the specialized audience; the level of training of media outlets is insufficient. We should also mention the drawbacks concerning the mechanism of identification and settlement of the sexism issue in street advertisement.

55. It is to be noted that stereotype attitudes are still present in some education institutions, such as the Military College. Currently only men can be enrolled in the Military College. Representatives of the Ministry of Defense have explained the current situation concerning the matriculation of girls by the lack of special conditions for such education for girls. At the same time, the management of the Ministry of Defense promised to solve the problem to the possible extent.

56. Insufficient professional guiding and the persistence of gender stereotypes hinder the choice of a profession among some predominantly male professions. Certain occupations are traditionally considered specific to women and men (CCD, points 90-91).

57. Thus, the breakdown of employed population by socio-economic activities shows significant gender disparities. The areas where women hold high shares are gradually changing, but not easy at all. In 2010 the situation was the follows: the share of women employed in Public Administration, Education, Health and Social Assistance was 68.7%. At the same time there is a certain level of women's underemployment compared to men. In construction, for instance, this share is 8.9%, in industry 44.1%, in transport and communication -22.8% (see Table 2).

**Table 2: Employed population by national economy activities/gender (1000 people)**

<i>Type of activity</i>	<i>Year</i>					
	Total	2009		2010		
		No.	%	Total	Women	
Economic activities – total	1184.4	586.7	49.5	1143.4	570.1	49.8
Agriculture, hunting, fishing	333.7	145.8	43.7	314.7	139.6	44.3
Industry	155.4	69.2	44.5	145.8	64.4	44.1
Construction	72.9	8.7	11.9	67.5	6.0	8.9
Wholesale and retail trade; Hotels and restaurants	217.4	123.8	57.0	213.4	124.3	58.2
Transport and communications	68.0	17.5	25.7	63.7	14.5	22.8
Public administration, education, health and social services	248.6	172.0	69.1	250.7	172.3	68.7
Other activities	88.4	49.7	56.3	87.6	49.1	56.0

*Source:* MMPSF, BNS

58. In order to overcome the current situation, awareness actions have been organized both in educational institutions, and among the adult population, particularly through the media (for instance the Family Festival). The issues of gender education and establishment of partnership culture need to be explored intensively.

59. The violence against woman in families and the society is a violation of human rights of women, provided both in international legal treaties and in the national ones. One of priority objectives of NPEGE for 2010-2015 refers to prevention and combating of gender based violence, including domestic violence.

60. Law no. 45-XVI stipulates that the prevention and combating of domestic violence are part of the national policy for family protection and support and is an important public health issue. The approval of the Law on Prevention and Combating of Domestic Violence no. 45-XVI of March 1, 2007, entered into force on September 18, 2008, is an important step towards stopping violence and it marks the recognition and implementation by the Republic of Moldova of international human rights commitments, including Recommendations of the Committee for the Elimination of Discrimination against Women. The Law defines the domestic violence and its forms, establishing an institutional framework with concrete responsibilities for the competent authorities, providing for establishment of assistance centers for the victims of violence and mechanism of settlement of violence cases by the possibility to submit requests, applying protection order and isolating the perpetrator.

61. For the purpose of enforcing Article 18(2) of the Law no. 45-XVI, the MLSPF has initiated the process of harmonization of national legislation in force with the provisions of the abovementioned Law. In this respect, the Report on the Compatibility of Moldovan legislation with the Law on Prevention and Combating of Domestic Violence was developed by a group of independent national experts, funded by UNFPA, UNIFEM (now part of UNWomen), UNDP and OSCE Mission in Moldova, which included a series of recommendations to amend and supplement the national legislation. On July 9, 2010 the Parliament adopted the Law no. 167, proposing amendments and additions to a range of legal acts<sup>9</sup>, ensuring thus the mechanism of implementation of legal provisions in preventing and combating of domestic violence.

62. In particular we mention addition of new definitions in the Criminal Code by Law no.167, such as: rape, committed against a family member (Article 171(2) b2), violent actions of sexual nature, committed against a family member (Article 172(2) b2), be punished by imprisonment from 5 to 12 years. Article 2011 Domestic Violence was added to the Criminal Code. By adopting these provisions the state recognizes the criminal nature of domestic crimes.

63. As a result, concrete actions have been driven by rapid intervention and resolution of cases of VF. Currently, according to MIA data there are around 80 protection orders applied as a measure to protect victims of domestic violence.

64. In May 2008 the Coordinating Group on prevention and combating of gender based violence, including domestic violence, was established. According to Article IX of the Law no. 167 of 09.07.2010 on amendment and supplementing of certain legal acts, para. 1(3) the interministerial coordinating Council was established based on the aforementioned Group for the prevention and combating of domestic violence for interministerial coordination of this area. The establishment of the mentioned structure ensures a more efficient coordination of the actions of various professionals and institutions in preventing and combating domestic violence.

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<sup>9</sup> Criminal Code (Article 1012); Criminal Procedure Code (Article 447); Family Code (Article 210); Civil Procedure Code (Article 451); Law on Social Assistance (Article 249); Law on Prevention and Combating of Domestic Violence (Article 17); Law on Local Public Administration (Article 116); Law on Employment and Social Protection of Jobseekers (Article 312); Law on Police (Article 56).

65. The Republic of Moldova benefits of considerable support from the international community in the actions of preventing and combating domestic violence and human trafficking. In 2008-2010, UNDP, UNFPA, IOM and OSCE Mission to Moldova, in partnership with the Government of the Republic of Moldova and the civil society implemented the project „Protection and Empowerment of Victims of Human Trafficking and Domestic Violence”, financed by the Japanese Government, through the UN Human Safety Fund. Under this project specialists in 30 pilot sites were trained, many informative actions were undertaken and community infrastructure was developed.

66. The issue of domestic violence prevention and establishment of the culture of non-violent relationships is approached by different actions / information campaigns.

67. It should be noted that the course "Family Life Education", "Civic Education" in the pre-university education system includes "Family Violence" topics; meetings with health and law experts are organized as extracurricular activities, and this topic is also discussed during the meetings with the form master. University and pre-university curricula provide for teaching of a series of classes on subjects related to domestic violence (e.g. the "Domestic Violence" Course at Moldova State University, the "Counseling Victims of Violence" Course at Moldova Free International University / Master in Psychology).

68. MLSPF developed and approved the regulatory framework for the social infrastructure services for the DV victims; Framework-regulation on the organization and functioning of the centers for rehabilitation of victims of domestic violence (GD no. 129 of February 22, 2010), Minimal Quality Standards in the area (GD no. 1200 of December 23, 2010).

69. Currently there are several centers in the country, providing services for the victims of domestic violence<sup>10</sup>. Thus, the opportunities to access the protection services for the victims of domestic violence have increased.

70. The work with perpetrators is carried out by the staff of the Police Units responsible for the preventive record of family brawlers and organization of preventive measures with perpetrators. With the support of UNFPA the Concept Paper on Perpetrators Rehabilitation services was established. Currently they work on opening the Center for their rehabilitation and development of legal-normative framework in the field.

71. During 2009-2010 the representative of MLSPF and General Prosecutor's Office participated in the development of the draft Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO). The adherence of the Republic of Moldova to CAHVIO will constitute a platform for adjusting the national legal and regulatory framework to the European standards.

72. Given the above-mentioned, the state recognizes violence against women, including domestic violence, as a social problem for the Republic of Moldova and a violation of human rights. The prevention of this phenomenon has been recognized as an interdisciplinary and multi-sectoral process, which should be achieved through a set of policies.

<sup>10</sup> Centers co-financed by the State: Municipal Counseling Center for Families and Children (Balti); Center for Information and Counseling of the Victims of Violence (Cahul); Maternal Center Ariadna (Drochia); Maternal Center Încredere ("Trust") (Cahul); Maternal Center Pro Familia (Causeni); Maternal Center Pro Femina (Hincesti); Family Crisis Center SOTIS (Balti); Temporary Placement Center for Children at Risk Drumul spre Casă ("The way home") (Balti). Centers initiated by NGOs: Casa Mărioarei Shelter (Chisinau); Center for Psycho-Social Assistance to Child and Family Amicul (Chisinau); NGO La Strada - Mediation Center for children victims of sexual abuse by foreign citizens/Hotline for women suffering from domestic violence - 0800 88 008; Law Center (Causeni).

73. Studies show that women and men of Moldova that there are insufficient reasons for husbands to beat their wives. However, 21% of women and 22% of men agreed that one of the reasons for beating the wives is neglecting of children<sup>11</sup>. The data confirm the persistence of stereotypes and the need to work with the population in order to eliminate them.

74. Currently the Study on Domestic Violence against Women, conducted by NBS with the support of UNDP, UNFPA, UNIFEM (now part of UNWomen) is being completed. The qualitative and quantitative data will allow approaching the phenomenon in depth, in order to improve the services of preventing and combating domestic violence.

75. In July 2011 a social Project "Economic Empowerment of Vulnerable Women in Moldova" was launched in which more than 300 victims of domestic violence will receive assistance in employment or starting a business. The project is supported by Orange Moldova Foundation and implemented by UNFPA, in collaboration with MS and MLSPF through partner organizations, as follows: Tighina Psychologists Association, Association of single-parent families in Cahul, Family Crisis Center "SOTIS" from Balti, public Association "Artemida" from Drochia.

76. At the same time, despite the actions taken to prevent and combat domestic violence, we find some gaps in terms of legal and regulatory frameworks and human and financial resources. Thus, the state must strengthen the links of the mechanism with the existing regulatory framework (particularly the procedure concerning the issue and enforcement of the protection order), its adjustment according to the needs of protection and support to the victims of violence, strengthening of specialists skills, especially in the context of staff turnover. The development of the accreditation system of social services, including those for the victims of domestic violence is on the agenda of MLSPF. The lack of national computerized data system remains a serious gap, which the authorities are working now on.

## Article 6

77. The trafficking in humans grew in the Republic of Moldova in 1994-1995, when the illegal migration, caused by the economic crisis and the crisis in production, inflation, increase in the number of unemployed, decrease in social expenses had a disastrous impact on the migrational situation in Moldova and the illegal migration became a common and tolerated phenomenon, sometimes considered the only solution of poverty alleviation.

78. During the reporting period the Government developed a set of strategic provisions and actions supported by regulatory acts aiming and guiding and producing an impact on the prevention of human trafficking, combating of THB crimes, protecting and assisting victims and potential victims<sup>12</sup>.

79. With regard to THB, there is a dynamization of the actions taken by the Government and the civil society, a stronger collaboration and partnership being noticed between these two players. Based on the actions reported by the Government and Non-Government Organizations,

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<sup>11</sup> See Women's vulnerability to HIV and AIDS in the Republic of Moldova (MoH, MLSPF, NCHM, UNAIDS), Chişinău, 2010.

<sup>12</sup> National Plans for the Prevention and Combating of Human Trafficking, including the recent one for 2010-2011, approved by Government Decision No. 835 of 13 September 2010; Special Additional Plan to the National Plan for the Prevention and Combating of Human Trafficking for 2010-2011, approved by Government Decision No. 1170 of 21 December 2010; Regulation of the National Committee for the Combating of Human Trafficking, approved by Government Decision no. 472 of 2008; Law No. 241 of 2005 on Preventing and Combating Human Trafficking; National Referral Strategy for the Protection and Assistance of Victims and Potential Victims of Human Trafficking and its Plan of Actions, approved by the Parliamentary Decision No. 257 of 5 December 2008.



an increase in the number of informed people is noticed, particularly in pre-university and university institutions. In the same context it should be mentioned that the awareness raising and information of the population concerning the THB continued both in the urban and rural areas. Also, the implementation of pro-active preventive measures continued through the National Referral System for Protection and Assistance to Victims and Potential Victims of THB (SNR) by offering assistance to the potential victims - particularly vulnerable people, who may become victims of trafficking in human beings.

80. We find that the crime indicators are decreasing (see CCD, p. 144). Concerning the actual state of convictions for human trafficking, it is noted that currently in Moldova 133 convicts serve a prison sentence for crimes under Article 165 (trafficking) and 206 (child trafficking) of the Criminal Code. Of the total number of such convicts, 117 persons were convicted under Article 165 (48 men and 69 women) and 16 persons under Article 206 (10 men and 6 women).

81. Trafficking prevention was tackled from the perspective of decreasing the underlying factors, such as domestic violence. National awareness raising campaigns were organized during 2003-2011 regarding domestic violence with different intensity levels<sup>13</sup>. The campaign aimed basically at promoting zero tolerance towards domestic violence and elimination of the existing stereotypes concerning all forms of violence. As result, the level of identification (including self-identification) of victims of domestic violence via the hotline for women has increased. During 2010 a total number of 1464 calls was recorded.

82. Since 2007, thanks to the extensive collaboration with different religious cults from the Republic of Moldova on preventing human trafficking, IOM Mission in Moldova supported the organization of public awareness initiatives on the problems of migrants, the prevention of illegal migration and human trafficking phenomenon - particularly the annual event "National Day of Prayer" as part of the Campaign "16 Days of activism against gender based violence".

83. To encourage young people to express their views on migration and diversity, through the use of film, the National Video Contest for the Youth PLURAL + Moldova" were organized in 2009 and 2010 by IOM and UNFPA in partnership with the Ministry of Youth and Sports within the United Nations International Year of Youth. The event gathered hundreds of guests, young people across the country and representatives of the civil society and embassies, who discussed the problem of illegal migration and migration impact on potential victims of trafficking. Thus, young people have become more informed and more sensitive to human trafficking issue.

84. A novel instrument, accessible to the wide public is represented by theater performances. During 2005-2008, with the support of IOM a national campaign to raise awareness about the risks of illegal migration was implemented by staging the performance "Abandoned People" and conducting related information activities. The assessment showed that it had a significant impact - most of the participants in the campaign stating that they have changed the views about illegal migration and its risks.

85. During 2010 the documentary show "CASA M" (with the support of OSCE Mission to Moldova, ILO) - based on real stories of victims of domestic violence and THB currently placed in rehabilitation centers and prisons was presented. The theater performances had an

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<sup>13</sup> TV shows have also been produced on the prevention and combating of THB, domestic violence and risks of migration, especially the thematic episodes from the cycle "Destinies and Destinations", produced by OWH Studio with the support of OSCE Mission to Moldova, Winrock International, IOM and other partners in 2007-2010. The programs that have addressed the topics mentioned above in a complex way were broadcasted on local and national televisions, distributed in DVD format, representing an effective information and advocacy tool.

impact on the broad public due to the possibility of analyzing and debating the presented “case studies”, where a direct interaction with the actors and their feelings was possible. This qualitative approach raised the level of public awareness about domestic violence and trafficking in human beings.

86. The National Referral System (NRS) provided assistance and protection to victims and potential victims of the HT at the country level, aiming at strengthening the capacity of their later integration /reintegration. In 2006 the National Coordination Unit (NCU) of the NRS was established in the MLSPF, currently financed by the IOM, which is responsible for the coordination of assistance and referral of victims and potential victims of the THB at three levels (international, national and local/rayon).

87. The regional operational units of the NRS are the multidisciplinary teams (MDT), consisting of specialists from regional decentralized bodies, as well as representatives of specialized NGOs, who directly identify the needs and provide services directly to beneficiaries. The MDT is coordinated by the specialist from the rayon Division/Section of Social Assistance and Family Protection, at the community level by the social assistant from the mayoralty.

88. Since its launch in 2006 until 2010, 1,333 beneficiaries received assistance within the NRS, of which 243 were victims of human trafficking and 910 potential victims. In 2010 via the NRS the Government provided assistance to 461 beneficiaries – victims and potential victims of HT (of whom: victims of HT – 133, cases of HT prevention - 328).

89. Thus, analysis of the dynamics of the statistical data of the IOM Mission to the Republic of Moldova reveals a decrease in the number of victims assisted under IOM projects: in 2006 – 295 victims assisted; 2007 – 273 victims assisted; 2008 – 158 victims assisted; 2009 – 159 victims assisted; 2010 – 139 victims assisted. According to IOM, these statistics may be understood as a decrease of the phenomenon for several reasons, including the change in trafficking trends described above, which determines people not to identify themselves as victims of trafficking in human beings. In this context, the Government of the RM continued extending the assistance programs for the potential VTHB in order to reduce their vulnerability to this phenomenon and the risk of trafficking/retrafficking. These actions are visible through the geographical extension of the NRS and development of MDT members’ skills in early identification of potential VTHB.

90. In order to prevent the trafficking of potential VTHB and re-trafficking of VTHB the Center of Appeal (CA) is operating within the Ministry of Foreign Affairs and European Integration, the priority of which is prevention of THB through emergency advisory and counseling services. As a complement to government services (i.e. CA), informational counseling services were provided for the purpose of preventing trafficking and providing assistance to people at risk both in the country and abroad by the hotline of the “La Strada” Center.

91. Repatriation is one of the components of assistance and protection of VTHB and potential VTHB. The identified Moldovan citizens in difficult situations abroad are eligible for repatriation to their country of origin. Thus, the national procedure for repatriation of children and adults - victims of human trafficking, illegal migrants and unaccompanied children is regulated by Government Decision no. 948 of 07.08.2008, according to which the MLSPF is responsible for the initiation of the repatriation procedure. The repatriation of adult VTHB and migrants in difficulty is organized with IOM support, while repatriation of identified children without legal accompanying persons on the territories of other states is organized with the support of IOM Mission and/or Swiss Foundation Terre des Hommes (TdH).

92. On March 12, 2009, the MLSPF signed a tripartite cooperation agreement with the IOM Mission in Moldova and the TdH in Moldova. During 2009, 20 missions were organized, a total of 42 children were repatriated. During 2010, 27 missions were organized, a total of 67 children being repatriated. During 2009, 45 adults were repatriated (40 human trafficking victims - 37

women, 3 men) and 5 migrants in difficulty (2 women and 3 men). During 2010, 70 adults were repatriated (55 human trafficking victims – 13 men and 42 women) and 15 migrants in difficulty - (8 men and 7 women).

93. To inform correctly about the risks that the youth can be subjected to, the law enforcement officials, together with representatives of the civil society active in this area, organized informative seminars in universities on the risks of THB and illegal migration. In this context, there is an imminent risk of trafficking of young people of school age. Thus, central and local government institutions in partnership with the civil society ("La Strada" Center), through peer to peer educators organized a wide range of workshops for 5800 young people. The subjects discussed included prevention of human trafficking, prevention of domestic violence and promotion of interpersonal relationships.

94. With regard to the overall image of the THB phenomenon in the Republic of Moldova, the studies performed by independent agencies showed that only a number of HT cases are officially registered and assisted (their share can range by various estimations between 20-50 per cent). Unfortunately, the real number of HT victims at the national level cannot be estimated exactly. However, we can certainly operate with the number of people who have sought the national anti-trafficking system through the line institutions – whether by criminal prosecution or through victims' assistance programs.

95. At the same time, according to studies performed by the national NGOs, poor rural women that do not have any profession are the main group of trafficked persons from Moldova<sup>14</sup>. Poverty, unemployment and the lack of convenient offers on labor market are the reasons forcing young people to leave abroad or to accept doubtful offers from traffickers. Domestic violence is another determinant factor of the THB (over 80 per cent of VTHB have been victims of domestic violence). The age range of the recruited women extends every year. While until recently people aged between 18 and 25 years were among victims, today the cases of trafficked children occur more and more often. Thus, there is a new increasing trend in the number of victims, sexually abused minors, an increasing number of recruitments via the Internet.

96. The main countries of destination for sexual exploitation are Turkey, Russia, Cyprus, United Arab Emirates and other countries in the Middle East and the Western Europe. Men continue to be trafficked for labor exploitation, particularly in construction, agriculture, for which the basic destination is the Russian Federation. Cases of children trafficked for beggary to the neighboring countries have also been recorded.

97. A new trafficking trend has emerged recently, growing within the country, namely of trafficking of girls and young women particularly from rural areas to Chisinau. Men- victims of internal trafficking are mainly exploited in agriculture. At the same time, there are signs that people from neighboring countries are trafficked to Moldova for forced labor. The breakaway region of Transnistria, which remains a source of exploitation (of origin and transit) of VTHB, should also be noted.

98. According to research on THB in Moldova<sup>15</sup>, there is evidence of a reduction in the phenomenon, which means that awareness and information measures, and the pro-active measures to combat THB and protect victims had a positive impact directly on the population. However, the society remains strongly affected by stereotypes and the anti-trafficking system is not as perfect yet as to provide secure confidentiality, thereby discouraging victims to identify themselves. At the same time, several Government and Non-Government Organizations monitor constantly the phenomenon and identified certain logistical and organizational

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<sup>14</sup> See [www.lastrada.md](http://www.lastrada.md).

<sup>15</sup> See [www.iom.md](http://www.iom.md).

constraints. Thus, it is necessary to unify the data and analyses in a single profile, which would allow a better alignment of strategies and tactics for prevention and control to those targeting the care and protection of VTHB.

99. Prostitution is not legalized in the Republic of Moldova. Given the traditions of the Republic of Moldova, prostitution as a phenomenon is condemned at all levels of society, regardless of the reasons that fostered this phenomenon.

100. The liability for prostitution is regulated by the Administrative Offences Code, approved by the Law no. 218-XVI of October 24, 2008 with subsequent amendments and addenda, which stipulates contravention liability for prostitution - a fine of 10 to 20 conventional units (Article 89).

101. People using the services provided by prostitutes cannot be held liable according to the law of the Republic of Moldova. In this context, the experts recommend to apply in Moldova the existing international experience of bringing to account the users of prostitution services.

102. At the same time, the Contravention Code (Article 90) stipulates liability for the production, sale, distribution or storage of pornography products by sanctions in form of a fine of 40 to 50 conventional units, applied to individuals or a fine of 100 to 150 conventional units for legal entities.

103. The Criminal Code also stipulates combating of pimping (Article 220)<sup>16</sup>; combating of trafficking in children for commercial or noncommercial sexual exploitation, for prostitution or pornography industry (Article 206)<sup>17</sup>.

104. With the regard to the protection of women from employment agencies we underline Article 165 of the Criminal Code – Trafficking in Human Beings. We should noted the approval of the Agreement on Cooperation of the Ministries of Internal Affairs (Police) of the CIS Member States in Combating THB, signed in St. Petersburg on September 17, 2010 by the Republic of Moldova.

105. At present MIA coordinates the activity of the working group involving NGOs to adjust the national legislation to the provisions of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse (signed on October 25, 2007, Lanzarote).

106. Thus, the strengthening and implementation of the legal and regulatory framework to prevent and combat THB, sexual exploitation of women and children is a priority action. The combination of "prevention through assistance" with extensive information and awareness campaigns, but also with well-structured actions of identifying the victims represent a modus operandi suitable for the Republic of Moldova.

## **Article 7**

107. The Constitution of the Republic of Moldova provides for equal rights for all citizens regardless of sex. The Law no.5-XVI (Article 7) stipulates the measures to ensure the

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<sup>16</sup> The call to, determination or facilitation of prostitution, or taking advantage from prostitution by another person is punishable by a fine of 200 to 800 conventional units or with imprisonment from 2 to 5 years. If these actions are committed by an organized criminal group against two or more persons, a more severe punishment from 4 to 7 years is applied.

<sup>17</sup> Art. 206 stipulates imprisonment from 8 to 12 years, with deprivation of the right to hold certain positions or to exercise certain activities for a period of 2 to 5 years, and the legal entity shall be punished with a fine from 3000 to 5000 conventional units, with deprivation of the right to conduct a certain activity or with the liquidation of the legal persons.

enforcement of the principle of gender equality, obliging the parties and other social and political organizations to contribute to ensuring equal rights and opportunities between their members, women and men, by:

- a) Ensuring representation of women and men in the composition of their management bodies;
- b) Ensuring representation of women and men in the lists of candidates, without any gender-based discrimination.

108. In this context the continuous efforts of some parties to ensure these provisions should be noted. Thus, some political parties introduced in their charter the requirement of having the minimal representation of genders of 30 per cent in management bodies and on ballots; one political party applied the “zip” principle of placing men and women in elections. In November 2010 only 3 political parties had established shares of participation on the ballots in their Charters (NLP, LDPM and SDP).

109. The increased participation of women in politics is one of the basic ways of building gender balance in the society. In recent years there has been a positive development, but unstable with respect to the representation of women on electoral lists:

- i) increase the rate/share of women on the lists of candidates for Member of Parliament of the Republic: from 15.7% (1998) and 29% (2005) to 30.4% in July 2009 and 28.5% (2010);
- ii) increase participation of women as independent candidates: 2005 -0; the elections of April 5, 2009 among the six independent candidates there were two women (33.3%); elections of November 28, 2010 among 20 independent candidates were five women (25%);
- iii) increase the rate/share of female Members of Parliament on the lists: from 20.8% in 2005 and 25.7% in July 2009 to 18.8% in November 2010 and 20.8% in May 2011.

110. During the reporting period the increase of women in local decision-making positions is observed: from 17.9% in 2007 to 18.04% in 2011, at the level of district councilors from 16.48% in 2007 to 18.39% in 2011. The promotion of women in the Government remains uneven, women accounting for about 6% over the years, with few exceptions (see CCR, p. 116-121).

111. According to Article 7 of the Law no. 5-XVI, the Central Electoral Commission, councils and district election offices ensure the observance of the gender equality principle in the electoral area. In the parliamentary elections on April 5, and in those of July 29, 2009, in terms of association, the electoral bodies in the district electoral councils were represented by women at a rate of 42.3%. 46 women (or 43.8%) were elected as chairs, deputy chairs and secretary of the constituency electoral councils of the second level. During 2010, the CEC organized and held a constitutional republican referendum on September 5 and the early parliamentary elections on November 28. In these two elections, the CEC established 35 constituency electoral councils, in the structure of which over 300 members worked and operated. 162 of the total number of electoral officials involved in the organization and conduct of the constitutional referendum on September 5, 2010 were women, thus constituting 42.0%. 48 women (45.7%) were elected as chairs, deputy chairs and secretary of the constituency electoral councils.

112. At the same time we also note that currently the Central Election Commission is not able to develop gender-disaggregated statistical information on the conducted campaign. Such information will be accessible only after the full implementation of the Concept of State Automated Information System "Elections" (SAIS "Elections") adopted by the Parliament by the Law No. 101-XVI of May 15, 2008.

113. A gender analysis of the civil servants of Moldova, we find that men accounted for 47.6%, and women - for 52.4% of the total number of persons employed in public administration (see Table 3). Although the situation seems to be favorable for women, they are under-represented in positions of public dignity (27.8%) and high level executive positions (33.3%), and public positions with special status (14.8%). Thus, women play a less important role in the decision making process. On the other hand, women constitute the largest share in management and execution public functions (Annex 19).

**Table 3: Civil servants (2010)**

	<i>Analysis of the civil servants by gender, 2010</i>							
	<i>Public administration</i>		<i>Central public administration</i>		<i>Specialized central bodies</i>		<i>Local public administration</i>	
	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>
Total, including	52.4	47.6	57.1	42.9	52.9	47.1	56.9	43.1
Positions of public dignity	27.8	72.2	35.7	64.3	17.7	82.3	17.8	82.2
High-level public executive positions	33.3	66.7	26.1	73.9	11.1	88.9	100	0
Public management positions	64.1	35.9	60.8	39.2	59.7	40.3	68.3	31.7
Public executive position	72.6	27.4	73.4	26.6	71.2	28.8	71.5	28.5
Positions with special status	14.8	85.2	14.7	85.3	24.1	75.9	100	0

*Source:* State Chancellery

114. It should be noted that the Republic of Moldova does not have a unique methodology of keeping records of civil positions and civil servants, either with general or special status. Therefore, the National Bureau of Statistics is to develop the respective methodology and to generate the statistic indicators in accordance with EU practices, in order to have a comprehensive statistics in public administration, with indicators comparable to the indicators applied in European and international statistics.

115. To increase women's participation in the political activity several training programs for women from political parties, NGOs (e.g. "Women can do it" Project, Political Club 50/50 etc.), information actions, printing and dissemination of information materials, round tables etc. were organized. Thus, in the context of local election campaign of June 2011 the following was carried out: National Campaign "Candidate! Be the one to make a change!" (Political club 50/50 with UNDEF support) / representative of MLSPF is the member of the Board "Women can succeed"; the workshops "Strengthening the capacity of women mayors in integrating the HRBA/GE into local public policies" (UNWomen/JILD in partnership with the Government); workshops "Strengthening women candidates' skills for a successful election campaign" were organized under the auspices of the Vice-Speaker of the Parliament of the Republic Moldova within the project "Support to Parliament development in Moldova" (with UNDP support); workshops with women entrepreneurs (International Center for Advancement of Women in Business / OSCE Mission to Moldova) etc. As a result, the number of women on electoral lists and of women elected in local decision-making positions has increased.

116. In 2009, 2010 on the initiative of NGOs was conducted gender analysis of programs and electoral platforms of the parties. Experts have found compared to previous period, some progress in the activity of political parties, particularly in promoting and positioning of women on electoral lists, including the subject of gender equality / women's issues in the statutes, programs and election platforms. Meanwhile, most documents contain wording protectionist

parties focused on family support and protection of women, placing women on electoral lists is not favorable. Despite efforts in the field of analysis, the results have not been explored by political parties at their fair value<sup>18</sup>.

117. Overall in the country a positive dynamic in women's participation in public and political decision-making process has been noted. At the same time women remain underrepresented both in elections, and in political process, as well as in decision-making, the mentioned figures do not reflect by far the demographic structure of the population, where women account for 51.9 per cent and men – 48.1% per cent of the population. It is important to support and strengthen the increasing trend in the number of women involved in the political activity.

118. The main factors of the positive changes in the area are: amendment and adjustment of the legislation; (increase the accountability of parties and other structures for compliance with the gender balance) and application of affirmative measures; implementation of the international commitments; implementation of programs of gender education of the population (with an impact on population (transformation of gender roles of women and men in society and family); elimination of gender stereotypes and structural barriers (i.e. insufficient day-care services for pre-school children, for people with disabilities/elderly, inflexible program schedules of women and men etc).

119. Women represent the majority among the members of the trade unions, enjoying the same rights of association as men. At the same time at the management level their number is decreasing (see details in the CCD, point 93).

120. Women represent the majority among the leaders and members of NGOs on social protection domain. See details about NGOs in CCD, p. 112-114.

121. In the Republic of Moldova there are not any female political prisoners, there were not documented cases of discrimination against women for participation in political activity, in women's organizations.

## Article 8

122. According to the legislation of the Republic of Moldova, men and women have equal rights to hold a diplomatic post.

123. Gender disaggregated data on the number of employees in the diplomatic service of the Republic of Moldova (employees of the central office of the MFAIE and of Diplomatic Missions and Consular Offices of the Republic of Moldova abroad) show a significant gender discrepancy. At the same time, the development curve has varied during the years (see Table 4):

**Table 4: Employed in diplomatic posts**

<i>As of:</i>	<i>Total number of employees in the diplomatic service</i>	<i>Number of women</i>	<i>Number of men</i>
January 1, 2007	373	148	225
January 1, 2008	374	161	213
January 1, 2009	352	137	215
January 1, 2010	328	131	197
January 1, 2011	374	145	229

<sup>18</sup> See Equal opportunities in the electoral process, AlianțaProGen 2009, CPD, Coaliția 2009. Chișinău, 2009, see [www.progen.md](http://www.progen.md); Report on monitoring the elections of November 2010 from a gender perspective, Clubul politic 50/50, see [www.clubul50.md](http://www.clubul50.md).

*Source: MFAEI*

124. In 2011 women employed in the diplomatic service of the Republic of Moldova held the following positions: 1 woman – deputy minister, 3 – ambassadors.

125. Despite some progresses in women's promotion in the diplomatic service, their representativeness in decision-making positions in the diplomatic service abroad is low. The UN Committee Recommendations in this area have been implemented in part.

126. An automated database was created in 2010 by the State Chancellery of the Republic of Moldova based on the Form "General information about the personnel" which includes the section "Number of women employed in the central office of the Ministry of Foreign Affairs and European Integration (MFAEI) plus the diplomatic missions". Recently, the Division for Staff, Legislation and Litigation of MFAEI started to supplement and update this database. However, it should be noted that this basis was not designed to include information about the persons who have been submitted by the Republic of Moldova to fill positions within international organizations, because there is no legal mechanism to regulate the appointment of these individuals.

### **Article 9**

127. The law on the citizenship of the Republic of Moldova (LCRM) No, 1024-XIV of June 2, 2000 (amended in 2008) provides for equal rights in obtaining, changing and keeping the citizenship of the Republic of Moldova for men and women. This right is not affected by any social, cultural and economic factors.

128. Marriage to a stateless person or change of nationality of a spouse shall produce no effects on the citizenship of the other spouse (Article 7 of LCRM). Citizenship of the Republic of Moldova shall be acquired by birth, recognition, adoption, recovery, naturalization (Article 10 of the LCRM). In all these cases the mother's nationality has the same weight as that of the father. In accordance with Article 11 of LCRM, Citizen of the Republic of Moldova is the child born to parents, both or one of whom is a citizen of the Republic of Moldova, upon his/her birth to parents, both or one of them at the time of child birth, is a Moldovan national, born on the territory of the Republic, a child born on the territory of the Republic of Moldova to stateless parents, born on the territory of the Republic of Moldova to parents holding the citizenship of another state or to parents one of whom of stateless and the other is a foreign citizen. Marriage to a citizen of the republic of Moldova is a ground for acquiring the citizenship of the Republic of Moldova by naturalization (Article 17 of LCRM).

129. A foreign citizen (spouse) married to citizens of the Republic of Moldova has the same rights to establish residence in the Republic of Moldova (Article 16 of the Law on the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Moldova).

130. According to Article 4 of the Law on Identity Documents in the National Passports System no.273-XIII of November 9, 1994, the woman can obtain the passport of the citizen of the Republic of Moldova or another travel document based on a personal application. The consent of the husband is not necessary.

131. At the same time it should be noted that based on the Recommendation of the Committee on Elimination of Discrimination of Women for Moldova, the MITC included in its policy documents the basic principles aiming at facilitating the access of citizens to the services of the information society and reducing the digital gap. These objectives provide the citizens with equal information opportunities, aiming at ensuring the formal and substantial equality between women and men.



## Article 10

132. Article 6 of the Law on Education confirms the right to education, which is guaranteed, irrespective of nationality, sex, age, social origin and status, political or religious belonging, criminal records. The state ensures equal access to state institutions of secondary, vocational, and higher education, according to student's skills and capacities.

133. Since children have equal opportunities to education, regardless of sex, there are no separate subjects for boys and girls, either in pre-university education or in secondary vocational, secondary specialized or higher education. Admission to vocational secondary education, specialized secondary and higher education is based on the average mark in the school diploma.

134. According to MEd data, the gender balance is maintained at the first stages of education (primary, secondary). Significant differences arise at the secondary vocational education stage, where the share of boys is higher (69.4% - in academic year 2010/2011). Girls have a higher share in higher school (57.61%), in secondary specialized education (55.8%), in higher education / public institutions (57.7%), in higher education / non-public institutions (52.2%).

135. Regarding the distribution of students by genders, the total number of students studying in higher education the share of women is higher constituting 62,000 persons or 56.4% of all students (see Table 5).

**Table 5: Distribution of students by specialties (2010)**

<i>Major areas</i>	<i>Number of students</i>			<i>Share in the total number, %</i>	
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
		<i>Including:</i>			
Total	109892	47877	62015	43.6	56.4
Education	15302	3553	11749	23.2	76.8
Humanitarian and arts	4928	1394	3534	28.3	71.7
Social and economic sciences, law	39699	14665	25034	36.9	63.1
Science	4046	2056	1990	50.8	49.2
Engineering, processing technologies, architecture and construction	22002	15771	6231	71.7	28.3
Agriculture	2216	1650	566	74.5	25.5
Healthcare	4106	1152	2954	28.1	71.9
Services	5417	3093	2324	57.1	42.9

*Source:* NBS

136. Women mostly apply for higher education institutions in the fields of: education (76.8%), health care (71.9%), social sciences, economics and law (63.1%), humanities and arts (71.7%).

137. At the level of colleges men mainly go to colleges in the fields of: transport (92.9%), construction (73.9%), agriculture (66.7%), industry (55.4%) and law (47.4%). In higher education, men apply for the institutions in the fields of: agriculture (74.5%), engineering, processing technologies, architecture and construction (71.7%), science (50.8%).

138. According to NBS data, only 57 women researchers -PhDs have made scientific researches (compared to 310 men) and 557 women researchers -PhDs in sciences were involved in scientific researches (compared to 754 men). According to experts this is due to several factors, especially family issues.

139. In the Republic of Moldova there is the private Theoretical High School "Orizont" with its branches, (established by the Decision of the Government of the Republic of Moldova no. 611 of September 30, 1993), following a bilateral agreement signed with the company "FETIH" S. A., Republic of Turkey, where only the boys from the Republic of Moldova study in IX – XII forms. Since 1999 the Theoretical High School "Orizont" has established a private institution of secondary education. Currently girls are also enrolled in this institution. During the academic year 2010-2011, 281 of the 909 students are girls, given that the subsidiaries from Durlesti town, Chisinau municipality, Ceadâr-Lunga town study only boys.

140. The allocation of scholarships is performed based on merits, according to GD no. 1009 of September 1, 2006<sup>19</sup>. There is no data basis recording the number of girls and boys receiving scholarships of merits.

141. The local public administration is responsible for the education of all children who have abandoned the compulsory education. Children are not divided by genders in such case. For the girls who have abandoned the compulsory schools there no special training programs. At the same time, the studies show that tendency of early abandonment of the education system is among boys (23.9%)<sup>20</sup>.

142. Expulsion from secondary vocational or higher education takes place based on bad academic results or unjustified absence from classes. There is no gender disaggregated data base of such situations.

143. Sport education is a compulsory school subject for the national curricula at all stages of education, where girls and boys go to sport classes together. Sport norms for different activities (light athletics etc.) are differentiated based on international normative. But there are no sport contests, where the girls would not participate. Thus girls face no restrictions in accessing sport halls, stadiums etc.

144. Women hold a significant position in the education system from the Republic of Moldova (Table 6). See for more details points 289-290.

**Table 6: Women's share in the total number of teaching staff**

	<i>% teaching staff</i>
Primary and general secondary education	84.2
Secondary specialized education	71.1
Vocational secondary education	53.4
Higher education	54.1

*Source:* MEd

<sup>19</sup> The Decision of the Government of the Republic of Moldova No. 1009 of 1 September 2006, On the amount of scholarships and other types of social benefits for the students in higher education institutions, students in vocational, secondary specialized institutions and people enrolled in post-university education institutions, establishes the categories, the amount of scholarships and the framework regulation on the ways and conditions of granting scholarships to the students in cycles I and II, integrated education, health and pharmaceutical education in higher education institutions, students of vocational ad secondary professional institutions and persons enrolled in post-university education.

<sup>20</sup> Approaches to social exclusion in Moldova: Methodological and analytical aspects, 2010. See [www.undp.md](http://www.undp.md).

145. 72.3% of the total number of headmasters of general primary and secondary education institutions are women. 24.2 % of all 66 headmasters of vocational institutions are women. In secondary specialized education, 28.3% of all 46 headmasters of colleges are women. We note that with introduction of the Electronic Education Registry the data for the higher education will be disaggregated as well.

146. It should be noted that there are no impediments in getting employed at manager positions in different areas and reaching the level of professionalism by women. Promotion is made based on contest and on professional competence.

147. It also should be noted the specific of aging of the teachers, the average age being 45 years. In this respect, it is necessary to develop lifelong learning programs.

148. Government budget expenditures for the education have been steadily growing. Reported to GDP these expenditures raised from 6.7% in 2003 to 9.9% in 2010. In the total social expenditures, the share of expenditures for education was about 30 per cent in 2009. Analyzing the distribution of allocations of funds by level of education in 2010, we find that over 44% of resources were allocated to the general compulsory education, 19% - to pre-school education, about 13% - to higher education and only 5% - to vocational education. No data are available concerning the financial allocations disaggregated by gender.

#### **Article 11**

149. As a member of the United Nations and International Labor Organization, the Republic of Moldova promotes a national anti-discrimination policy, both concerning the labor use, and in working relationship itself. Since it gained its independence, the Republic of Moldova has ratified several international treaties related to gender equality, including in the abovementioned areas (Annex 21).

150. According to provisions of the international treaties listed, the national subsequently adopted regulations proclaim non-discrimination in all areas of social life.

151. Labor Code, art. 5, sets the basic principles of regulation of labor relations and other relations directly related to them: freedom of labor (the right to free choice of work, the right to choose a trade and an occupation; Prohibition of compulsory (obligatory) work and discrimination in the sphere of labor relations; Provision of the right of each worker to fair working conditions, including working conditions corresponding to the standards of occupational safety and health, and the right to rest, including regulation of working hours duration, granting annual paid holiday, daily rest, days off and nonworking holidays, etc.

152. Article 8 of the LC provides expressly that any direct or indirect form of discrimination of the employee on the basis of gender, age, race, skin color, ethnic origin, political convictions, social origin, place of residence, physical, intellectual or mental disability, HOV status, memberships of trade unions or participation in trade-union's activity, and also on other criteria which have not been connected to professional qualities of the worker shall be prohibited. Article 47 of the Code prohibits the unreasonable refusal of employment.

153. At the same time, the Code provides for a number of preferential norms applicable only to certain categories of employees, such as: Since in the state's acceptance these people need an increased social and legal protection and in the context of this code the application of preferential norms related to them is not a form of discrimination. Also, according to Article 8(2) of the Code, the application of differentiations, exceptions, preferences or rights of employees is not discrimination and is determined by the requirements specific to a certain position, established by the national legislation in force.

154. The national law does not establish distinguished rights for men and women regarding the use of annual leave or vocational training. The relevant norms of the Labor Code refer to the employees in general and include unique provisions applicable to both men and women.

155. The exception constitutes two norms on how to grant annual leave, which refer exclusively to women. Thus, according to Article 115(2) of the Labor Code, the woman has the right to use the annual leave for the first year of employment before the expiry of 6 months of work at the unit, if she wants to use it before the maternity or immediately after it (according to the general rule, the leave is granted after six months of work at the unit).

156. Also, in accordance with Article 125(1) of the Labor Code, the annual leave may be granted to women, upon written request, prior to the maternity leave or immediately after it, or after the parental leave (rule applicable to both newly hired women, and those who worked at the unit several years). And other persons entitled to use care leave have the right to leave after the parental leave.

157. The principle of non-discrimination based on race, nationality, ethnic origin, language, religion, gender, opinion, political beliefs, wealth or social status is also used at the basis of enforcement of provisions of the Law on Employment and Social Protection of Jobseekers no. 102-XV of March 13, 2003 (subsequently amended). Provided in Article 8 of the Law, it seeks both passive labor market measures, that include payment of monetary compensation for limited periods, as well as active ones (to jobseekers and employers), including measures to boost employment, vocational guidance and training of jobseekers, as well as mediation services upon employment, provided by the structures of the National Employment Agency (see details in CCD, points 83-86).

158. Article 9 of the Law no.5-XVI on Gender Equality proclaims equal access and treatment of women and men in employment. Article 10 determines the employer's obligations concerning the need to ensure gender equality. Article 11 provides a list of possible actions by an employer to be regarded as discriminatory against persons of a particular gender. Also, the person who feels discriminated against by the fact that the employer hired, promoted or awarded facilities to another person based on the gender criterion or committed other discriminatory acts is entitled to request written reasons for the decision. The employer is obliged to provide an answer to a person who feels discriminated against within 30 days from the filing date. Otherwise, the person is entitled to initiate legal action.

159. With regard to job stability, it should be noted that a guarantee of this is Article 54 of the Labor Code, according to which individual employment agreements are normally concluded for an indefinite period of time. The individual employment agreement may be concluded for a fixed term not exceeding 5 years, but only for the performance of temporary work in the cases expressly provided for in Article 55 of the Labor Code.

160. All rules cited above are applied in the context of the principle of equal rights for all employees.

161. Special normative acts come to complement the framework provisions of the Labor Code. Thus, according to Article 29(1) the Law on the Public Position and Status of the Civil Servant no. 158-XVI of July 4, 2008, employment for a public office takes place under the principles of open competition (through contest), transparency, competence, professional merit and equal access to public service for any citizen. The same law stipulates specifically the right of the civil servant to enjoy job stability and the right to be promoted to higher public positions office and advanced on the salary scale depending on his/her professional performance.

162. According to Article 97 of the Labor Code, part-time employment can be established based on an agreement between employee and employer, both at the time of employment, as well as later.

163. At the request of the pregnant woman, an employee who has children under the age of 14 years or disabled children (including under the employee's guardianship/tutorship) or of the employee who takes care of a family member, in accordance with the medical certificate, the employer is obliged to establish part-time day or week of employment.

164. Part-time employment does not imply limiting the rights of the employee on the calculation of seniority, length of annual leave or other employment rights. Payment for work performed in this case is done proportionally to the time of worked or the work load performed.

165. Also, in accordance with Article 100 of the Labor Code, the employer may, by written agreement of the employee, establish individual programs of work, with flexible working time arrangements, if this is allowed by the internal regulation of the unit or by the collective or individual employment contract.

166. All these possibilities, along with other labor rights (including leave allowances, training, etc.) can be exploited by men and women on equal terms.

167. One of the problems in this regard remains the weak public information regarding their rights. The young people should be informed in schools about the labor legislation on a continuous basis.

168. Article 10 of the Labor Code establishes the basic obligation of the employer to ensure equal pay for work of equal value. Article 128 of the Labor Code provides that at the establishment of the size and payment of wages are not admitted any discrimination on the basis of gender, age, disability, social origin, marital status, ethnic origin, race or nationality, political views or religious beliefs, trade-union membership or participation in trade-union activity.

169. The salary rights of women and people with family obligations are protected by a special provision - Article 247 of the Labor Code - which expressly prohibits salary reduction for reasons of pregnancy or the existence of children under the age of 6 years.

170. According to the available information, men and women in similar conditions receive equal pay for fulfillment of the same tasks. However, according to statistics, there is the gender wage gap, women's wages being the national average of 68% (2006) to 76% (2010) of salary men (Table 7). Despite their reduction, the difference remains significant. This discrepancy occurs because men traditionally occupy higher and better paid positions and prevail in the economic sectors where wages are higher, while women constitute the majority in the social sector, where wages are low (see CCD, p.89-92). At present the Government is revising the methodology for calculating wages.

**Table 7: Ratio of the salaries of women to the salaries of men**

<i>Salary (thousand lei)</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Men	2162.6	2489.9	2910.1	3144.0	3439.5
Women	1472.7	1808.6	2134.0	2403.0	2619.0
Ration of women's salary to men's, %	68.09	72.6	73.3	76.4	76.1

*Source:* NBS

171. The basic national act governing the legal relations in the area of occupational health and labor safety is currently the Law on Occupational Safety and Health no. 186-XVI of July 10, 2008. Developed for the purpose of transposition into national law of international and European standards in occupational safety and health (Convention no. 155 of the ILO, European Directive 89/391/EEC), this Law does not contain provisions that could be applied differentially to people of different genders.

172. Aiming at imposing measures to increase the level of safety and health of the employees at work, the Law sets out general principles regarding the prevention of occupational hazards, protection of health and safety of workers, elimination of risk or unexpected factors, and the rights and obligations of the parties involved in work relationships. Throughout the Law to

designate employees the notion worker is used, which is defined in Article 1 as any person employed under the law, by an employer, including trainees and apprentices.

173. The right to compensation for temporary disability due to common illnesses or accidents unrelated to work are granted to individuals (women and men) with the condition to achieve a total training rate of at least 3 years, or at least 3 months, carried out in the last 12 months prior to the insured risk (illness).

174. In Moldova, the right to old age pension is granted if the following conditions are met: 1) the age of 62 years for men and 57 years for women, 2) the contribution period of 30 years for both men and women. Gender analysis of the retirement system of the Republic of Moldova (2007), led to the observation that the rules of the national legislation is neutral in terms of gender. At the same time, for the retirement system is characteristic of a number of gender issues and asymmetries in the partial differentiation of the retirement schemes for men and women, as well as differences between the situation of men and women in the labor area, in society and family<sup>21</sup>.

175. The legislation on social insurance provides the concept of insured person - natural person able to work, living in the Republic of Moldova, having the obligation to pay social insurance contributions in order to benefit from the right to prevent, restrict or remove social risks under the law – respectively, it does not provide any differentiation on the right of individuals to receive benefits by gender (except for the retirement age). The insured person within degree of disability, caused by a common disease, benefits from a disability pension if he/she meets the contribution period, referred to the age when disability was found.

176. With reference to the protection of women's reproductive function, according to Article 248 of the Labor Code, the use of women's work in difficult or harmful work conditions, as well as in underground works, except for underground works for the provision of health and social services and those that do not involve physical labor, is forbidden. Also prohibited is the manual lifting or carrying of loads by women over the maximum norms established for them.

177. The classification of heavy and harmful works, where the use of women's labor is prohibited, as well as the norms of maximum load permissible for women in manual lifting and carrying of loads are approved by Government Decision no. 264 of October 6, 1993. It includes works in 28 branches of national economy, including metal processing, geological exploration, chemical industry, printing, etc. In this regard we mention the need to review and adjust the referred document to the contemporary labor market requirements.

178. Article 251 of the Labor Code prohibits the dismissal of pregnant women, of women who have children under 6 years old and of employees on paternal leave, except cases provided for in Article 86(1) b) and g) to k) of the Code.

179. According to Article 89 of the Labor Code, the employee illegally released from work, can be restored to work based on a court judgment (access to justice is equally guaranteed to men and women based on Article 20 of the Constitution and Title XII of the Labor Code).

180. However, the employer or other people guilty for discriminatory actions against women, with regard to their employment or work, can be held liable under Article 176 of the Criminal Code, which provides sanctions for the violation of equality in citizens' rights<sup>22</sup>.

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<sup>21</sup> Gender aspects of pension system of Republic of Moldova. MLSPF. Chisinau, 2007, see [www.mmssf.gov.md](http://www.mmssf.gov.md).

<sup>22</sup> The violation of citizens' rights and freedoms guaranteed by the Constitution and other laws on the grounds of gender, race, color, language, religion, political, or any other opinions; national or social origin; association with a national minority; property; birth or any other situation: a) committed by a person in position of responsibility, or b) resulting in considerable damage, shall be punished by a fine in

181. If discrimination takes the form of sexual harassment, it shall be punished under Article 173 of the Criminal Code: "Sexual harassment, i.e. physical, verbal or nonverbal behavior, which damages the dignity of a person or establishes an unpleasant, hostile, degrading or humiliating environment for the purpose of coercing a person to sexual intercourse, homosexuality, or to the commission of other actions of a sexual character by blackmail or by taking advantage of financial, work-related or any other form of dependence of the victim shall be punished by a fine in the amount of 300 to 500 conventional units or by community service for 140 to 240 hours or by imprisonment for up to 3 years."

182. In the context of legislation revision from the perspective of eliminating discrimination towards women, we have to note the adoption on July 9, 2010 of the Law no. 168 on the amendment and supplementing of different legal acts, including the Labor Code of the Republic of Moldova. Article 1 of the Labor Code – „Definitions” – was supplemented with the notions „sexual harassment” and „dignity at work”<sup>23</sup>.

183. Women having children under the age of three, in the case when they cannot perform their former labor responsibilities, are transferred to another work with preservation of the average wages from the previous workplace, as stipulated by the present code, until the children reach the age of three (art.250, LC).

184. Additional obligations for employees and employers were added in Articles 9 and 10 of Labor Code by Law no. 168. Thus, now the employees shall have non-discriminatory behaviors towards other employees and the employer<sup>24</sup>.

185. Articles 103, 105, 110, 111 and 318 of the Labor Code, that prohibited engagement of women who had children aged under 3 years into night work, additional work, work on days off and on holidays, as well as in continuous-shift work have been amended, women with children under the age of 3 years have been included in the category of employees who can perform such work based on their written consent. This was done on the basis of the Recommendations of the specialized UN Committee.

186. In Article 249 the prohibition to send pregnant women, women on parental leave and women who have children aged under 3 years on business trips was excluded. Once this amendment entered into force, such women can be sent to business trips based on their written consent.

187. In Article 108 of the Labor Code, which provides for the granting of breaks for child feeding, the word “women” was replaced with the words „One of the parents (tutor, guardian)”,

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the amount of 300 to 600 conventional units\* or by community service for 150 to 240 hours or by imprisonment for up to 3 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.” \*1 conventional unit =20 lei.

<sup>23</sup> Dignity at work – comfortable psycho-emotional environment in work relationships excluding any verbal or non-verbal behavior of the employer or other employees which may harm the moral and psychological integrity of the employee.

<sup>24</sup> The following new obligations were established for the employers:

- to ensure equality of opportunity and treatment to all employees according to their occupation, to professional guidance and training, promotion in service, without any discrimination;
- to apply the same criteria for assessing the quality of work, penalty and dismissal;
- to take measures to prevent sexual harassment at the workplace and to prevent persecution for submission of discrimination complaints to the competent body;
- to ensure equal conditions for women and men to combine work and family obligations;
- to introduce provisions in the regulation of the unit on prohibition of discrimination based on any criterion and sexual harassment;

so that child feeding is not longer the prerogative of the woman. Currently such breaks are provided to one of the parents (tutor, guardian) of children aged under 3 years<sup>25</sup>.

188. Article 251 of the Labor Code, that prohibited dismissal of pregnant women, women with children aged under 6 years and of persons on parental leave, except for the cases when the unit is terminated, was amended by introducing additional grounds for dismissal of such women.

189. If the employer's abusive behavior towards women does not meet the elements of offenses covered by Articles 173 and 176 of the Criminal Code (sexual harassment and violation of equal rights of the citizens), he/she will be sanctioned under Article 55 of the Contravention Code, which provides fines from 40 to 180 conventional units for labor law violations. The body empowered to establish the commission of the offense is Labor Inspection.

190. During 2006-2010 the Labor Inspection received 14,145 petitions from the citizens, including 4950 from women. The most common issues raised in petitions referred to: failure to pay wages on time, illegal dismissal from office, unpaid annual leave, unpaid medical leave, non-observation of the normal working hours, non-observation of the working conditions at work etc. Due to the lack of petition management software, it is not possible to provide any information about the share of certain issues in the number of all petitions.

191. Thus, we note the existence of a comprehensive legal and regulatory framework on protection of women upon employment and on the labor market. At the same time, there is an imperfect mechanism for the identification of discriminatory situations on the labor market, including cases of sexual harassment and their resolution. Lack of data about cases /trials based on such situations confirms the above thesis.

192. The Law no. 180 on Labor Migration of July 10, 2008 regulates the temporary activities of migrant workers, conditions of issuance, extension and revocation of the work permit and the permit for temporary stay for work, as well as the conditions for temporary employment of the citizens of the Republic Moldova abroad. According to this law, the State shall ensure, as required by law, protection of migrant workers without distinction of race, nationality, ethnic origin, language, religion, gender, political affiliation, wealth or social origin (Article 4(2)).

193. In general, both international instruments and national legislation governing labor migration do not make specific references to gender, as they do not use explicitly such terms as "wife or husband" instead of "spouse", "daughter or son" instead of children, "man or woman" instead of a migrant. However, indirect factors such as gender stereotypes and gender differences are obvious. For example, while the regulations on the right to stay in the country admit migrants for certain occupations and there is gender segregation in these sectors, migrants admitted as seasonal farm or construction workers are mostly men, as women migrants usually prevail in the service sector<sup>26</sup>.

194. However, in these circumstances, we find discrimination against women regarding the right to free choice of profession and employment, since in the countries of destination; migrants are employed to ENES works (avoided by the national workers, except the very poor). Migrant women are given the most vulnerable jobs. They get "3D jobs" - dirty, dangerous, degrading, in miserable, dangerous, degrading conditions. Many women migrant workers, particularly those in the domestic sector and leisure, are subject to various forms of abuse, such

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<sup>25</sup> Additional breaks of at least 30 minutes in duration shall be given at least once every 3 hours. For the categories of people mentioned above who have two or more children under 3 years old, the duration of the break must not be less than one hour. The breaks for child feeding are included in the work time and shall be paid based on the average salary.

<sup>26</sup> Labor migration, NBS. Chisinau, 2008.



as non-observance of the terms of employment, sub-standard working and living conditions, restricted freedom of movement, physical, sexual or psychological abuse.

195. Men enjoy better employment opportunities, from unskilled to highly skilled jobs. Women can engage in a limited number of occupations associated with traditional gender roles, such as working in the domestic sector (housekeeper, steward, nanny), agriculture, factories or export areas, hotels and leisure industry. Migrant female workers are suffering, in fact, because of double discrimination in the workplace: first, because they are foreigners and thus suffer the same types of discrimination as undocumented male migrant workers and secondly because they are women and thus become victims of abuse or trafficking both in the labor market as well as migration in countries of destination. Thus, being engaged in irregular areas that do not fit their qualifications, education and skills, they often degrade or lose their professional qualification<sup>27</sup>.

196. However, irrespective of women's earnings, these are lower than men's because women usually work in unregulated sectors of the labor market. Undocumented (irregular) migrant workers, both women and men are exposed to discrimination, harassment, intimidation and economic exploitation at all stages of migration: recruitment, travel across country borders, during their stay and work in the country of destination.

197. International experts in the area express their views on the feminization of migration in the current period, which implies increased risk of women's exposure to discrimination. This risk will increase because of the attitude towards migrants in general and because gender attitudes and perceptions change slowly. There are gender inequalities, and labor markets remain segmented and segregated both in their home countries (Republic of Moldova), as well as in the countries of destination.

198. Generally, Moldovan migrants benefit to a very limited extent of health insurance, pay for time not worked (sick leave, rest) or social security at work. The vast majority of migrants have weekly rest days. But the situation differs greatly depending on the country in which migrants work.

## Article 12

199. The right to health care is provided in several countries' legislative acts, deriving from the Constitution (1994), Healthcare Law no. 411-XIII of 28 March 1995 etc. During the reporting period was adopted the National Health Policy of the Republic of Moldova (2007-2021) (GD no. 886 of August 6, 2007), a document that aligns Moldova to the European Community values. National Health Policy should be a priority in the efforts made by the Government and civil society continues strengthening public health and socio-economic recovery of the country situation. The document stipulates for all pregnant women regardless of ethnic origin, marital status and social, political and religious affiliation and babies for a fair and free access to a certain qualitative health services during the pregnancy period, birth and postnatal period. Maternity hospitals have been given the status of Hospital – "Family friend".

200. Mandatory health insurance was developed by adopting the Regulation on the addition, releasing and accounting policies of mandatory medical insurance (GD No. 1015 of September

<sup>27</sup> Discrepancies in work remuneration occur also for these reasons. Of the total number of migrants, 94.3 per cent were employed. Of them 35 per cent (men) were unskilled workers with a lower wage, while half of all women were engaged in unskilled work, which suggests the existing of different treatment of women and men with regard to equal pay. At the same time, most workers receive a salary lower than the salary paid to natives (44 per cent). About 27 per cent said that salaries were paid late, and one in five people either worked extra hours or was not able to take sick leave.

5, 2006), the Unique Programme on mandatory health insurance (GD no. 1387 of December 10, 2007, as amended).

201. National legislation contain provisions related to voluntary surgical sterilization of women and men (Article 31), it can be made at their desire, or at the indication of the physician with the written consent of the person in public and private health care facilities in the cases and the manner prescribed by the Ministry of Health. As for women's right to voluntary termination of pregnancy, Article 32 states that women are granted the right to decide themselves the maternity issue.

202. In order to improve the reproductive health state, the access of the population, mainly in the rural area, to reproductive health services, to adolescent health services, preconception counseling, post-partum and post-avortum counseling, counseling on sexuality issues, diagnosis and treatment of infertility, sexually transmitted diseases, ensuring vulnerable population groups with free or discounted contraceptives, the National Reproductive Health Strategy for 2005-2015, was developed and approved by Government Decision no. 913 of August 26, 2005.

203. Based on health system reform, family planning became an integral part of primary health care service. Currently, there are three Women's Health Centers operating in the country (Chisinau, Drochia and Cahul), 47 reproductive health rooms within health care facilities.

204. In order to improve the existing health system by adjusting it to European and international standards of adolescents' and youth health care according to their real needs, and by the successful implementation of the Youth Strategy (2004), the Ministry of Health, with the support from International Development Agency, World Bank, and UNICEF, opened 12 Youth Friendly Health Centers, during 2005-2006, which since January 1, 2007 act as the functional subdivisions of health care facilities and are funded by the National Health Insurance.

205. The activity of these centers is focused on improving health indicators, particularly by reducing STI incidence, including of HIV/AIDS, reducing the number of unwanted pregnancies, use of drugs among adolescents etc.; increasing the level of youth satisfaction with services provided by the health system.

206. Since 2004, when the compulsory health insurance was introduced, an adequate and sustainable budget regardless of the social status of pregnant women and children – groups ensured by the state - was established. All costs related to maternal and child care are covered by public funds. Under compulsory health insurance pregnant women are provided with 100 per cent compensated medicines - iron and folic acid in outpatient care, while children aged between 0-5 years are entitled to 24 types of 100% compensated drugs for treatment at home.

207. During the recent years the activity of maternities has undergone significant changes, becoming closer to family environment. In 2005 a new concept was approved - Family Friendly Maternity concept (Order of the Ministry of Health no.327 of April 10, 2005). Maternities are now promoting the principles of privacy, confidentiality, participation of women in decision making and care for healthy and sick newborn, rooming-in, family members' visits to the maternity ward. Also, "baby friendly hospital" technologies are successfully implemented, such as: early breast-feeding, skin to skin contact, exclusive breastfeeding of the newborn in maternity hospitals, etc.

208. In May 2006, having assessed the real needs in every maternity ward in the country, an action plan was developed for creating sanitary-hygiene requirements consistent with the regulations in the area, providing for a timing of reconstruction and repair works during the years 2006-2008, which was accepted by the Government in August 2006 and proposed to district councils for implementation.

209. Since 2006, the funding of births has developed depending on the level of Perinatal Centers (Level I, II, III). At the same time, in order to observe the patient's right to free choice

of doctor, pregnant women are hospitalized for delivery at the requested, individually selected health facility, regardless of place of residence, except for the pathological cases, when, according to medical indications, it is necessary to respect the principles of regionalization and screening of pregnant women. Since 2008 a new profile was contracted – pathology of the newborn.

210. Since 2008 the Republic of Moldova has implemented EU standards and criteria for registration in official state statistics of births and newborns with the weight 500 gr. and above born at least 22 weeks of gestation (the joint order of Ministry of Health, Ministry of Information Development, and National Bureau of Statistics no. 455/137/131 of 10.12.2007).

211. An important role was also played by the involvement of foreign donors in co-financing the health system in order to achieve better results and to implement modern technology and performance. The following results have been fulfilled within the Moldovan-Swiss project "Modernization of prenatal services in Moldova", with support from the Swiss Agency for Development and Cooperation:

- Strengthening the infrastructure of the Perinatal Centers by procuring and delivering modern health equipment;
- Creating republican service for the diagnosis and supervision of the newborn by purchasing and delivering health equipment.

212. Perinatal centers mainly of level I have been fitted with 20 types of health equipment. In 2009, 26 types of health equipment for 14 health facilities in the republic were received and installed (Scientific Research Institute of Mother and Child Health Care, 3 Perinatal Centers of Level II and 10 level I maternities).

213. In November 2009 health equipment with the total value of about U.S. \$700,000 provided by the Council of Europe Development Bank and the Swiss National Committee for UNICEF through UNICEF was received. The equipment was distributed to the IIIrd level Perinatology Center and to 10 IInd level perinatal centers in the country. The set of equipment includes: incubators, resuscitation tables, photo-therapeutic lamps. Five advanced Doppler ultrasound devices were purchased (1 to each of the units in Ungheni, Balti, MCH No.1, SRIMCHC - 2 devices).

214. In August 2010 the Ministry of Health benefited from a set of medications and medical equipments to assists women during the delivery in the areas affected by floods, donated by UN Population Fund in Moldova (UNFPA) worth about USD 9 thousand. The beneficiaries of donation are maternity wards in 8 rayons: Hincesti, Ungheni, Briceni, Edinet, Rascani, Nisporeni, Cahul, Cantemir.

215. Under the project „Health and Social Services”, the World Bank has procured and distributed through UNICEF about 60 thousand food packages to pregnant women and women breastfeeding children aged less than 6 months and to children between 6 months and 2 years old.

216. With the support of UNICEF and Swiss Development Cooperation Office in Chisinau centers for antenatal education of pregnant women and their families in maternities and Family Health Centers were established and equipped in all rayons of the country.

217. In order to ensure quality care accessible to women in the country, assessment of the quality of obstetric and neonatal medical health service a new concept was approved and implemented - the concept of confidential audit of each case of maternal and perinatal death proximity and the confidential questionnaire of the analysis of cases of maternal death at the national level. Their large scale implementation will allow identifying real and precise cases of perinatal and maternal death, the level of the use of clinical protocols, decision making and proposals for improvement.

218. As a result of these measures, the levels of maternal and child mortality decreased, as presented more concretely in the main report. We mentioned that in December 2010, the Government of the Republic of Moldova adopted the Regulation on inter-sectoral collaboration mechanism in the medical and social field in order to prevent and reduce infant and under-five mortality at home. At present, trainings of the primary health care workers and community social assistants are conducted for joining the efforts in the field (with the support of UNICEF).

219. During several years UNFPA has supported Moldova in procuring and providing contraceptives to disadvantaged and risk group population, as well as support in creating the informational system of their evaluation and monitoring (SICON).

220. At the same time, within the compulsory health insurance, people in the groups of medical and socially conditioned risks groups receive health devices and contraceptives with prolonged effect.

221. Although the Single Package includes coverage of services related to pregnancy, childbirth, post-partum period by NHIC, abortion services at the woman's request are not included in it, so women have to pay these costs. Experts mention cases of breach of confidentiality in the provision of abortion services, the anonymous of abortions not being provided by the law<sup>28</sup>

222. During the reporting period, major attention was paid to informing people about various aspects of health care (see CCD, points 236-240).

223. During the report period a controversial situation emerged in terms of promotion of a healthy life style among the population. On the one hand, there are many information actions organized in the country, while on the other hand, this topic is insufficiently explored at the level of education institutions, economic units etc. The specialized Committee's recommendation on the inclusion of sex education in educational institutions has been achieved only partially, some topics being covered only tangentially in the national curriculum. Meanwhile, the experts mention the need for ongoing educational activities, especially in the context of parents' migration to work outside the country, qualitative information support and trainings for teachers.

224. The health care system primarily employs women (Table 8). According to MoH, in 2010 women constituted 58.2% among doctors, including medical workers with secondary education 95.7%

**Table 8: Number of doctors**

	2003	2004	2005	2006	2007	2008	2009	2010
Total	12649	12555	12577	12674	12733	12665	12783	12780
women	7217	7237	7358	7040	7351	7369	7457	7311
men	5432	5318	5219	5634	5382	5296	5208	5469
on 100000 habitants								
Total	351,0	349,0	349,0	354,0	356,0	355,0	359,0	359,0
women	384,0	386,0	393,0	378,0	396,0	398,0	403,0	396,0
men	314,0	308,0	304,0	327,0	313,0	309,0	309,0	302,0

Source: NBS

<sup>28</sup> Evaluation Report of the Gender Integrity in the implementation of the National Reproductive Health Strategy in the Republic of Moldova. WHO, UNFPA. Chisinau, 2009. See [www.unfpa.md](http://www.unfpa.md).

225. A special public health problem, affecting women and, especially, men are socially conditioned diseases (annex 8). See details about addictive behavior and mainly alcohol abuse in CCD, points 67-69.

226. The above mentioned facts reveal that the Government progressed in the field of women's and men's health. However, there are a number of problems related not only to the system's functionality, but also to the attitude of people, to their own health. Traditionally Moldovan women are responsible for issues related to pregnancy, delivery, child care and education, family planning, use of contraception methods, which makes men not to feel the need to get involved in these activities and to search for such types of services<sup>29</sup>. In this regard, population education programs for a healthy lifestyle should be developed, especially by motivating men for a responsible and healthy behavior.

227. The quality of reproductive health services needs to be improved: correct counseling for clients (advantages, disadvantages, side effects, complications, methods and techniques, etc.) and obtaining informed consent, abortion services, particularly in rayons, providing Youth Friendly Health Services by physicians from Family Health Center and District Hospitals.

### Article 13

228. According to the national legislation, women and men have equal rights to receive child benefits, access to credits, various social allowances. The national legislation does not contain any provisions that would limit women's rights to access and participation in various sports, nature, cultural, recreational activities. In the opinion of specialists, only the economic state of the persons can be a significant impediment in this regard.

229. We note that in educational institutions, girls and boys benefit from equal access to cultural activities and programs of physical education, sports (taking into consideration the gender peculiarities in practicing physical exercise).

230. Although according to experts' estimations Moldova's economy recorded a certain development and poverty reduction in recent years, enforcement of citizens' social rights remains one of the most difficult problems of the country.

232. Allowances for families with children continue to hold an important place in the cash assistance programs and though Household Budget Survey data show an insignificant impact on poverty reduction of these benefits, they continue to be the only income-based permanent benefits. During the recent years the number of recipients of child allowances has been rising and by 2009 recorded an increase of 4.8% compared to 2008<sup>30</sup>.

233. Families with children residing in Moldova have the right to receive benefits for families with children. Families with children benefit from the following types of benefits: a) one-off childbirth allowance; b) monthly child allowance until the age of 3 years - for insured persons and the age of 1.5 years - if uninsured persons (hereinafter - monthly child allowance). The amount of allowances to families with children is presented in Annexes No. 22. Details with respect to insured persons are listed in Article 4 of this report.

234. Although during the recent years measures to attract people to the social insurance system have been implemented (voluntary insurance opportunities), including annual increases of the amounts of benefits for children, their effect is essentially negligible. Thus, in 2009 the number of beneficiaries of child allowances (from among the uninsured) was 2.7 times higher than of the insured.

<sup>29</sup> Evaluation Report of the Gender Integrity in the implementation of the National Reproductive Health Strategy in the Republic of Moldova, 2009. See [www.unfpa.md](http://www.unfpa.md).

<sup>30</sup> Approaches to social exclusion in Moldova. Methodological and analytical aspects, 2010.

235. In case of a disease of a child under the age of 7 years or of a child with disabilities with intercurrent disease under the age of 16 years, the benefits for taking care of a sick child are provided to the mother for a period of up to 14 calendar days (for outpatient treatment) or up to 30 calendar days (for inpatient treatment for the period that the child requires care). The certificate for taking care of a sick child can be issued to another family member (father, grandmother, grandfather, other family members that is employed, guardian or trustee), if due to some reason, confirmed documentary, the mother cannot take care of the child (in case of illness, temporary absence, deprivation of parental rights, etc.). The amount of allowance depends on the average monthly insured income and length of contribution period.

236. According to the Law on the Republican Fund and Local Funds for Social Support to Population No.827-XIV of February 18, 2000 (as amended), on the International Children's Day - June 1, families receive one-off material aid. Traditionally, before the beginning of the school year, poor families with children of school age receive material assistance for the procurement of school supplies. At the same time, some families receive material aid for children's schooling before the beginning of the school year.

237. With a view to improve the system of social allowances and orient them to the poorest, since 1 October 2008 the disadvantaged families have the right social aid, which is a minimum guaranteed monthly income determined in accordance with the evaluation of the average total monthly income of the household and the need of its members for social assistance. The level of the guaranteed minimum monthly income is set annually by the State Budget Law. Out of the total number of beneficiaries of social aid established in 2010, 81% were families with children.

238. Also, the indexation of social security allowances and state social allowances is performed annually in April. Similarly, in order to support the families with children, the size of allowances for birth and childcare are reviewed annually, both for insured and uninsured persons. Beneficiaries are large families, those with children with disabilities, single parents with children, families with institutionalized orphans and family-type children's homes and foster care service (Annex 22).

239. At the same time, the need to develop an automated information data system, which will include gender-disaggregated data in the social protection area, remains a serious problem.

240. The studies carried out in the social protection sector from the gender perspective (with the support of UNIFEM (now part of UNWomen)) identified several problems in the field. The significant gaps between the employment of women and men indicate a high degree of economic vulnerability of these families: these families are forced to survive on the basis of social allowances, which constitute about 50% of the minimum consumption basket. Women heading single parent families, especially those with children with severe disabilities, are exposed to more social and economic risk than men. In this context, it is very important that the Government recognizes the value of the work (care) performed by mothers who raise children with disabilities, especially of the first degree, by including the number of years used to take care of a child with disabilities, who has not been institutionalized, in the calculation of the seniority that gives the right to a pension, a workbook, paid leaves, etc<sup>31</sup>. The findings of the study were considered when developing social protection policies for people with disabilities.

241. The social assistance system, both in its classical form, and in its current structure is based on a patriarchal society model, where women are paid neither for taking care of old persons, children and ill persons, nor for involvement in civic and community activities. This model, based on the idea that family income consists of both paid work and unpaid care, clearly

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<sup>31</sup> Case Study: Vulnerability of women from single-parent families in taking care of children with disabilities in Floresti rayon. UNIFEM (UNWomen), 2008, [http://un.md/key\\_doc\\_pub/UNIFEM/index.shtml](http://un.md/key_doc_pub/UNIFEM/index.shtml).

limits the social, economic and political participation of women, who are mainly providers of unpaid care.

242. The persistence of gender stereotypes and strong division of gender roles, which influence the social models presenting the woman as being largely responsible for family and private life (in the field of unpaid work), and men - in the public sphere and in vocational activity (in the field of in paid work). Such a division leads to the persistence of unequal division of the household and family responsibilities, being one of the main causes of discrimination against women on the labor market and of their limited social and political participation.

243. The complex of measures directed towards effective management of labor migration is unlikely without social protection of migrant workers, which is achieved through concrete action to ensure the fundamental rights of Moldovan citizens working abroad. The measures focus on monitoring compliance with the terms of employment contracts, signing of bilateral agreements and adherence to relevant international legal instruments.

244. On February 10, 2006 the European Convention on Legal Status of Migrant Workers was ratified, providing for ensuring to migrant workers of a behavior which is not less favorable than for citizens of the country of destination. It is to be noted that Moldova assigns a particular importance to this instrument, since this Convention was ratified by a number of states, which are points of destination for Moldovan workers (Russia, Italy, Portugal, Spain, Greece etc). Currently, an important direction of activity is the development of enforcement mechanisms for this Convention, ILO Migration for Employment Convention no.97 and the ILO Private Employment Agencies Convention no. 181.

245. As part of implementation of the National Strategy on Employment Policies, the state program on the support of the development of Small and Medium Enterprises in 2009-2011, the Organization for the Development of the Small and Medium Enterprises Sector (ODSMES) manages the Credit Guarantee Fund, which aims at providing guarantees on loans allocated to economic entities by financial institutions. During the recent years, despite the economic crisis, the mentioned sector registered a positive trend. The Small and Medium Enterprises have a share of about 35.5% in the country's GDP.

246. The Government policy is directed towards creating an appropriate business environment, developing an appropriate regulatory framework. The priority of MEc is to stimulate female entrepreneurship, women's promotion in decision-making positions in business, development of business relationships between women entrepreneurs, expansion of new horizons of cooperation.

247. During the reporting period multiple actions in the relevant field period were taken: competition of the beneficiaries of grants for young women, especially for young female graduates of educational institutions (cooperation between MEc and the Academy of Economic Studies of Moldova); training of women entrepreneurs, providing grants to start up individual business<sup>32</sup>.

248. Only in 2009, the OSMESD granted guarantees for bank loans amounting to MDL 1,620,500, which facilitated the access of SMEs to bank loans amounting to MDL 4,461,000.

<sup>32</sup> Thus, in the framework of the Program on the Promotion and Expansion of Entrepreneurial Skills in the Republic of Moldova (2007-2008), 511 patent holders, including 374 women were trained; the Training Program "Simple Entry Bookkeeping" (2008-2009) trained 1,122 entrepreneurs and consultants, total about 3,000 persons; the National Program of Economic Empowerment of Youth (2008-2010) trained 1,126 teenagers, including 434 women; the Continuous Training Program "Efficient Business Management" (2009-2010) trained 2,965 people, including 928 women; the Pilot Program for Attracting Remittances in Economics "PARE 1 +1"(2010) trained 21 migrants and their 1st degree relatives.

Currently, the amount of collateral assets granted by ODSMES is MDL 4,153,100, so facilitating the allocation of bank loans to SMEs amounting to MDL 12,327,200. The guarantees granted during this period had a positive economic impact increasing the sales revenue of SMEs by 45.2% per enterprise. We note that the guarantee activity stimulated the enterprise to sell their products on the foreign markets to (Belarus, UK, etc.). The business entities that received loan guarantees increased their number of employees by 15%, which led to the creation of at least two jobs per enterprise.

249. The mentioned actions contribute to creating favorable conditions for starting business by women. At the same time, data from relevant studies reveal certain problems in the field: the share of women entrepreneurs (employed managers and business co-owners) in the total number of entrepreneurs in Moldova constitutes 27.5%. Accordingly, the number of men entrepreneurs is 2.6 times higher than the number of women. Both, at the stage of enterprise establishment, and at the stage of business development, women face some barriers in accessing financial resources. Women participate less than men in export activities. Thus, according to experts, the enterprises held and managed by women, mostly are more limited in resources and have lower growth opportunities<sup>33</sup>.

250. In the opinion of experts, it is possible to support women entrepreneurs either under specific programs aimed at supporting women or programs designed to support micro-enterprises or new businesses, because women more often hold/manage this type of enterprises. It is necessary to develop further the institutions of the market infrastructure and their orientation towards the specific needs of women entrepreneurs – improvement of their access to information, consulting services, at bank and non-bank sources of financing<sup>34</sup>. The research results can serve as a foundation not only for the policies of ensuring gender equality but also for the adoption of measures for business development in general.

251. In this respect, the UNWomen Programme “Women’s Economic Empowerment through Increasing Employability in the Republic of Moldova” is focused on improving the local services, creation of Joint Information and Services Bureau, capacity building of the relevant institutions in their provision, and improvement of the regulatory and legislative framework.

252. At present the responsible structures are working on improving the monitoring and evaluation methodology of the sector.

253. Under the legislation in force, all citizens have access to credit, regardless of gender, observing the provisions of relevant procedures. At the same time, certain gaps with regard to gender disaggregated statistics on their use, size and purpose have to be mentioned.

## **Article 14**

254. In all developing countries, women have a significant contribution to rural economy. Increasing women's access to land, education, financial services, information services, technology and employment in rural areas would increase productivity and would provide additional benefits in terms of agricultural production, food safety, economic growth and social welfare.

255. According to the national legislation, women and men have equal rights to land ownership, access to insurance programs, medical services, educational programs, creation and

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<sup>33</sup> Conditions for establishment and development of companies: analysis from a gender perspective. NBS, UNDP, UNIFEM (now part of UNWomen). Chisinau, 2009; Situational study of the labor force in the rural area, including from a gender perspective. IDIS, UNIFEM (now part of UNWomen), UNDP. Chişinău, 2010. See [www.statistica.md](http://www.statistica.md)

<sup>34</sup> Conditions for establishment and development of companies: Analysis from a gender perspective, 2009.



participation in agricultural cooperatives, development of entrepreneurial activities, etc. There are no legal restrictions and differences regarding rural and urban areas.

256. Currently we do not have any data about the works performed by rural women (cooking, cleaning, water, child care, selling on the market, etc.) The National Bureau of Statistics has also initiated the process of developing a study that will eventually allow identifying the types and time of activities usually performed by rural women.

257. The General Agricultural Census, which is the first general census carried out in the Republic of Moldova has been launched recently. It will provide relevant data necessary to assess agricultural policies and the needed information for the development of the Statistical Farm Registry. The General Agricultural Census will cover the whole country (except the rayons on the left bank of Dniester River and Bender municipality), both rural and urban areas and it will cover all agricultural holdings, including auxiliary households of the population that have agricultural land and animals.

258. 28 associations of food producers and processors of agricultural production are active in the agro-food sector, two of them are headed by women.

259. Many programs meeting the requirements of agricultural producers and processors are active in the agro-industrial complex<sup>35</sup>. Both men and women can benefit from these programs on equal terms. Ex: In 2010, with the support of RISP 2,245 new jobs were created including 875 (39 percent) for women. 1234 people were founding employers, including 159 (13 per cent) women.

260. During 2010, the National Rural Development Agency organized 3105 seminars and training programs, by 1.7 percent more if compared with 2009. These seminars were attended 55,700 beneficiaries, of which 21,800 were women (39.2 percent), with an increase of 5.8 percent in 2010 compared to 2009.

261. There are agricultural markets in almost each town, where rural women can sell their products.

262. During 2010 ACSA network consultants provided 192.9 thousand advisory services for 373,3 thousand agricultural producers and rural entrepreneurs, of which about 5,4 per cent, or over 20 thousand people - repeated customers. Within the assistance provided to the agricultural subsidy program information-training campaigns have been organized at the national, rayon and local levels, within which 893 seminars were held for 21,761 participants, including 8,661 women. 53 demonstration businesses have been established with ACSA support.

263. In 2010, the extension services network organized 622 promotional activities, it provided 2350 advisory services. Article 4 of the Land Code of the Republic of Moldova defines the land owners. Article 4 of the Land Code of the Republic of Moldova establishes the categories of land owners. These are holders of ownership, property right and right of land use<sup>36</sup>

<sup>35</sup> Agriculture revitalization project (IFAD II: 2006-2013, with a budget of about USD 15 million); Rural Business Development Program (IFAD III: 2006-2011, with a budget of about USD 13.5 million); Rural Financial and Marketing Services Program (IFAD IV: 2009-2014, with a budget of about USD 12.7 million); Rural Investment and Services Project (RISP II: 2006-2012, with a budget of about USD 39.0 million); Avian Influenza Human Pandemic Preparedness and Response Project (2006-2011) (with a budget of about USD 10.6 million), etc.

<sup>36</sup> According to Government Decision No. 239 of 19 April 2010 "On approval of the Land Cadastre as of 1 January 2010," there are State farmer enterprises - 74 (177,600 ha), the same as in 2009; Agricultural production cooperatives - 227 (133,400 ha), an increase with 23 units compared to 2009 (11.3 percent); Agricultural joint stocks - 127 (48.2 thousand ha), an increase with 46 units compared to 2009 (56.8 percent); Agricultural limited liability companies - 1345 (639.2 thousand ha), an increase with 78 units

264. For the purpose of developing a new regulatory framework governing land relations, the new Land Code was drafted, which was endorsed by the stakeholders and will be submitted to Government for approval. The proposed changes do not have an impact of women holding land. Considering the serious state of quality of the soil, the land improvement works within the Soil Conservation and Fertility Improvement Program were extended for the years 2011-2020.

265. The draft Government decision on approving the aforementioned program was submitted to the Government for consideration and approval. The implementation of Land Re-parceling Project ended in 40 villages, in the territory of which 15,685 land transactions have been made (10,197 sale and purchase transactions, 767 exchange transactions, 4,355 long-term lease transactions and 366 cases of inheritance).

266. The participation rate of land owners amounted to 25 percent, if we take into account the fully registered transactions and 22 percent is we calculate all transactions, including those under implementation. No gender disaggregated data are available with regard to this chapter.

267. Despite the mentioned measures, the studies in the field have shown that businesses in rural areas frequently face problems as follows: lack of funds, lack of advanced technology, reduced access to credits, etc. Many barriers regarding the initiation and development of business are perceived by rural women more acutely. Women with some business experience note that in our culture "the women is always in dilemma: career or family, while the man easily choose the first one, the woman finds it difficult to make such a choice"<sup>37</sup>.

268. Government Decision no. 96 of February 16, 2010 "On measures for implementation of Law no. 239-XVI of November 13, 2008 on transparency in decision-making" provides the procedures for ensuring transparency in decision-making and adopting by central and local governments, as well as public and private businesses managing and using public funds.

269. The provisions of this decision are applied in development and adoption of draft laws, regulations, administrative acts, draft decisions, which may have an economic, environmental and social impact (on lifestyle and human rights, culture, health and social protection, local communities, public services etc.). However, the Ministry of Agriculture consults the public opinion when developing new documents, placing all drafts on its website. Thus men and women have opportunity to participate in the development of public policies.

## Article 15

270. The national legislation stipulates equal civil rights for women and men, in particular on the conclusion of contracts, property ownership, access to justice.

271. According to Article 2 of the Law No. 198-XVI of July 26, 2007 on State Guaranteed Legal Assistance, the state guaranteed legal assistance – granting legal services provided in the present Law from the funds intended to provide such services to people who lack sufficient financial means to pay them and who meet the conditions mentioned in the present law (see CCR, point 188).

272. Article 6 of the above mentioned Law provides that the state-guaranteed legal assistance is granted to the citizens of the Republic of Moldova within the limits set by this law.

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compared to 2009 (5.5 percent); Farmer households - 399,842 (553,600 ha), an increase with 18,907 units (5.0 percent) compared to 2009 operating in the country. This confirms the extension of the opportunities for agriculture development and enhancement of the population's living standards. No gender disaggregated data are available with regard to this chapter.

<sup>37</sup> Conditions for establishment and development of companies: Analysis from a gender perspective, 2009; Situational study of the labor force in the rural area, including from a gender perspective, 2010.

Therefore, this Law does not make any race, nationality, ethnic origin, language, religion, sex difference.

273. Article 19(1)e) of the above mentioned Law stipulates that the concerned persons who need legal assistance in contravention, civil and administrative cases, but do not have sufficient means to pay for these services have the right to qualified legal assistance, the cases being complex from the legal or procedural point of view, which comes into force on January 1, 2012.

274. The Code of Civil Procedure of the Republic of Moldova No. 225-XVd of May 30, 2003 (as amended) provides that any interested person has the right to appeal in court, as required by law to defend their violated or challenged rights, freedoms and legitimate interests. No person shall be denied legal protection by reason of absence of the legislation, imperfection, collision or obscurity of the legislation in force.

275. The Parliament's decision on the accession of MSSR to Declaration of Human Rights and International Covenants on Human Rights no. 217-12 of 28.07.1990, the above-mentioned laws and other regulations on the movement of persons provide that any person has the right to move freely and choose his/her residence within the borders of a state; is entitled to leave any country and return to his/her country, has the right to work, to free choice of employment, to fair and favorable conditions of work and to protection against unemployment, and any employed person has the right to a fair remuneration that would assure both to him/her and his/her family an existence with human dignity and supplemented, if necessary, by other means of social protection; all people without discrimination, regardless of race, nationality, ethnic origin, language, religion, sex, political affiliation, wealth, social origin or any other reason.

275. Also, in accordance with Article 8 of the Labor Code, the Law on Labor Migration and other normative and legal acts in this area, the work relations are governed by the principle of equal rights for all employees. Any discrimination, direct or indirect, of an employee based on sex, age, race, ethnicity, religion, political option, social origin, residence, disability, union membership or activity, as well as other criteria unrelated to his professional qualities, is prohibited, thus the principle of "equal treatment", stipulated in the European Convention on Social Security, signed by the Republic of Moldova on 22 May 2002 is observed.

276. Managing labor migration is performed in accordance with international instruments ratified by Moldova, the agreements in the field, and the Law on Labor Migration no. 180 of 10.07.2008, Law on Aliens in the Republic of Moldova no. 200 of 16.07.2010, and other laws. An effective mechanism for regulating and coordinating the migration process at national level and bilaterally between Moldova and EU Member States is to Mobility Partnership, which aims at ensuring the legal migration, improving the impact of migration on development and promotion policy of return in the context of human rights.

277. Moldova currently tends to expand the number of states that will govern relations in social insurance, based on new principles, which provide a framework of social security guarantees of future retirees. For this purpose the Government Decision no. 1170 of October 29, 2007 approved the Intergovernmental Agreement on Social Security developed on the basis of the European Convention on Social Security and in accordance with general rules set out in Regulation no. 883/2004 on Social Security. Intergovernmental Agreement contains discriminatory provisions regarding the principle of citizenship or domicile. Person entitled to receive benefits regardless of their nationality and even reside in the other Contracting State. Agreement shall apply to national laws of Contracting States on the following social security benefits: benefits for sickness and maternity, occupational accidents and occupational diseases, invalidity benefits (pensions and allowances), pensions for old age, pensions survivor, death grants, unemployment benefits.

278. At present, we consider inappropriate Moldova's adherence to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Thus, it is suggested to review the Recommendation of the specialized Committee.

## Article 16

279. The policies for social protection of family and child are directed towards encouraging the birth rate increase by promoting effective family support, modernization and diversification of community services and family services to prevent institutionalization of children and enhance quality of life of the core of society - the family.

280. Addressing the serious problems, currently faced by the family and the child, that are determined by negative phenomena such as economic decline, population ageing, family's living conditions instability and the impact of illegal migration of parents seeking a job, are a priority objective of ensuring an adequate and effective social protection (see CCD, p.213-229).

281. According to Article 48 of the Constitution of the Republic of Moldova, "family" is the natural and fundamental element of the society and is entitled to protection by society and the state. According to the national legislation, family and family relationships are protected by the state.

282. Family relationships, in particular the conditions and manner of concluding, terminating and declaring the nullity of marriage, personal non-property relations, arising from marriage, family and adoption, the conditions, methods, forms and effects of legal protection of orphans and children deprived of parental care or in other vulnerable situations, and other family social relations are governed by the Family Code, approved by the Law of the Republic of Moldova no.1316-XIV of October 26, 2000 (with subsequent amendments), the Civil Code, approved by Law no.726-III of the Republic of Moldova of June 14, 2002 (with subsequent amendments), and other normative acts in accordance with the principle of monogamy, marriage based on free consent of men and women, equal rights of spouses in the family, mutual moral and material support, marital fidelity, priority to the education of the child in the family, care for the support, education and safeguarding of the rights and interests of minors and other family members, who are unable to work, amicable settlement of all family life issues, inadmissibility of deliberate interference in family relationships, free access to court protection of the legal rights and interests of family members.

283. Thus, according to the Family Code, all married persons have equal rights and obligations in family relationships, regardless of gender, race, nationality, ethnic origin, language, religion, opinion, political affiliation, wealth and social origin.

284. Only marriage concluded by state civil registration service creates rights and obligations between spouses. Art. 11 of the Family Code provides the following conditions for conclusion of marriage: the existence of the mutual, uncorrupted consent, expressed personally and unconditionally by the woman and the man who are getting married, provided that they have reached the age when marriage is allowed. Also, the persons who want to get married shall inform each other about their health condition<sup>38</sup>.

285. For the purpose of implementing the Recommendations of UN Committee the Government of the Republic of Moldova has modified the minimum legal age for marriage from 16 years to 18 years for women, for men it is 18 years as in the past. Thus, under Article 14 of the Family Code, with the amendments made by Law No. 120-XVI of May 29, 08, the minimum marriage age is 18. For good reasons, the marriage age can be reduced but with no more than two years. Reduction of the marriage age shall be authorized by the local government in whose jurisdiction the persons who want to get married reside, based on their application and the consent of minor's parents.

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<sup>38</sup> Currently the wording of this statement is debated; experts recommend taking it out, as it is regarded as a barrier to legalization of family relations.

286. All questions in family life are settled by the spouses jointly, in accordance with the principle of equality in their family relationships. Each spouse has the right to continue or to independently choose his/her occupation and profession. Spouses establish their residence freely and independently. The relationships between spouses are based on mutual respect and help, on joint obligations of supporting the family and of taking care of and educating children.

287. In concluding their marriage the spouses can choose between taking the surname of one of them or one formed by joining both names as common family names, or keeping the surname they had before marriage, or joining the spouse's surname to their surname. When registering a divorce, spouses may choose to keep the surname chosen when they concluded their marriage or to take back the surname they had before concluding the marriage (Article 17).

288. The issues related to the spouses' property are stipulated in a number of articles of the Family Code. According to Article 20, the assets acquired by spouses during the marriage are owned jointly by both spouses. Article 21 stipulates the right of the spouses to own, use and decide of joint assets, Article 22 - personal property of spouses.

289. With regard to divorce moments, we note that the reasons for divorce are specified in Article 33 and 34 of the Family Code<sup>39</sup>.

290. We mention the importance of adding in the Family Code, by Law no.167 of July 9, 2010, the words "if during the examination of the application for divorce, one spouse does not give his/her consent to the divorce, the court will defer consideration of the case, setting a deadline the reconciliation of one to six months, except for the divorces started on the ground of domestic violence, confirmed by evidence"(Article 37). Thus the Government proves its political will to combat domestic violence. This is confirmed by the statement that the child is entitled to protection against abuses, including against corporal punishment by parents or persons replacing them (Article 53(4)), methods of education to exclude physical and psychological violence, etc. (Article 62(2)) which complemented the Labor Code by Law no.120-XVI of May 29, 2008.

291. An important amendment in the organization of contemporary family institute refers to increasing extramarital births, which is considered one of the main features of the second demographic transition<sup>40</sup>. As a new trend for the Moldovan society, an increase in the number of births out of the wedlock by rural women was noticed.

292. The following factors underlie the increasing number of births out of the wedlock: divorce, liberalization of social norms, economic instability, migration, etc. Also, we note the polarity of opinions in the society about the children born out of the wedlock. There is a more tolerant attitude towards the phenomenon of children born out of the wedlock, especially at a mature age.

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<sup>39</sup> Marriage shall cease upon death or judicially declared death of one spouse. Marriage may be terminated by divorce (dissolution), based on the application of one or both spouses or of the guardian of the spouse who has been declared incapable (art. 33). In the absence of agreement of the wife, the husband cannot ask for a divorce during her pregnancy and within one year after childbirth if the child was born alive and is living (art. 34).

<sup>40</sup> In the past thirty years, the percentage of children born of unmarried women increased three times, in the recent years the number of births out of the wedlock to very young, economically dependent women, and to women of mature age who have selected cohabitation, has increased. We find the high level of births out of the wedlock to girls aged up to 20 years, which in 30 years increased by 17%, obtaining in 2009 the value of 46.9% out of the total number of births in this age group. Thus, in cities half (50%) of the children born to mothers aged under 20 years are out of the wedlock, and - 47% in villages. If in 1980 the rate of births out the wedlock in the urban area was by 0.8% higher than in the rural area, since 2003 their share was reversed, registering values by 2.3% higher in the rural area, and in 2010 this indicator was by 7% higher than in the urban area.

293. If a foreigner has taken refuge in the Republic of Moldova, the procedure for obtaining a form of protection by the Republic of Moldova is governed by Law no. 1286-XV of July 25, 2002 on the Status of Refugees, which was replaced by Law on Asylum in the Republic of Moldova no. 270-XVI of December 18, 2008.

294. 4 of Law no. 270-XVI of December 18, 2008, on Asylum provides that the Refugees Division of the Bureau for Migration and Asylum, under the MIA is responsible for managing and solving the problems of asylum seekers, refugees and beneficiaries of humanitarian or temporary protection<sup>41</sup>. Also, according to Article 54 of the Law, applications for asylum may be submitted to other competent board supervision and control authorities, police, structures or subdivisions of the Penitentiary Department or temporary arrest units of the law enforcement bodies, which will send them in turn to Refugees Division according to provisions of this law. The information presented in the application is examined and a decision is issued providing for a form of protection (refugee status or humanitarian protection) or the application is rejected. The decision may be appealed in court based on administrative litigation proceedings.

295. Article 12 of Law no. 270-XVI on Family Union provides that the competent authorities shall respect the principle of family union in accordance with the provisions of this law. Family members of the beneficiary of a form of protection shall enjoy the same kind of protection and the same status as the beneficiary<sup>42</sup>.

296. The Family reunification procedure is performed based on an application submitted by the person holding the status of protection beneficiary, requesting family reunification, providing complete information about the persons to be called (the law allows request of entry for spouses or children only, if the applicant is an adult, or of parents, if the applicant is minor). The application is reviewed by the Office of Migration and Asylum, MIA, which, if the application is accepted, shall issue an invitation for the specified persons, which will enable them to obtain legal entry visas in Moldova.

### III. Conclusions

#### **Progress in promoting gender equality / women's rights ensuring**

297. During the reporting period the Republic of Moldova has taken several actions to ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

298. The national legislation stipulates the principle of equal rights and opportunities for women and men in all fields. The principle of equality is guaranteed through a series of organic and ordinary laws, which confirms that the state gives special attention to the achievement of the assumed commitments, adhering to international treaties on human rights.

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<sup>41</sup> The Refugee Division cooperates with the government authorities in the implementation of rules and procedures necessary to ensure the rights of asylum seekers and refugees, as well as of the beneficiaries of humanitarian or temporary protection. For this purpose, officials from the Refugees Division are given the opportunity to communicate with these categories of persons, regardless of their location in the Republic of Moldova. The person must submit a request for a form of protection to Refugees Division of the Ministry of Internal Affairs.

<sup>42</sup> This Article also applies to family members who meet the following conditions: a) accompany the beneficiary of a form of protection; b) are beneficiary's dependents and reside with him; c) their personal status is not incompatible with the refugee status or the status of beneficiary of another form of protection provided by this law. The husband and the wife enjoy the principle of family union if the marriage was concluded before they entered on the territory of the Republic of Moldova and before the beneficiary applied for asylum. Family members of a refugee whose refugee status was acknowledged according to para. (3) shall retain this status in case of divorce, separation or death of the refugee.

299. Currently there is a state institutional mechanism in the country functional in the field of gender equality (the Government Committee for Equality between women and men, the Division for Gender Equality and Violence Prevention Policies, the Ministry of Labor, Social Protection and Family, Gender Focal Points, Gender Councils in some ministries and other central public administration authorities), which is a positive indicator in the process of democratization. The Government's political will to promote gender equality is stipulated in the Government Program.

300. In order to achieve the recommendations of the Committee on the Elimination of Discrimination against Women, the Republic of Moldova adopted a National Programme on Ensuring Gender Equality for 2010-2015 years, the Law 45-XVI on Preventing and Combating Domestic Violence, it has taken action to adjust the legal and regulatory framework to international standards to eliminate protectionist provisions. Actions have been organized to monitor the implemented policies, the system of gender-sensitive statistic data was developed etc.

301. The efforts to promote gender equality have been channeled towards solving concrete problems related to the implementation of gender policy and the exclusion of gender-based discrimination in various fields, especially on labor market.

302. The programs carried out during this period contributed to the advancement of women in decision-making positions at various levels in society.

303. The legal and regulatory framework to prevent and combat domestic violence and trafficking in human beings were adopted, some protection and support services for victims were created.

304. The measures taken by state authorities in health care, with the support of international projects, have contributed to reducing maternal and infant mortality rates. The Government's actions in education led to the decrease of certain gender discrepancies in this sector.

305. During the past years the dialogue between state structures and civil society organizations in the field covered by their direct participation to the elaboration of policy documents and concrete activities at the society / community level has increased.

306. With the support of international partners, many studies have been conducted from a gender perspective in health care, social protection, labor market, human trafficking, domestic violence, and other sectors, which contributed to the thorough perception of the discussed phenomena, identification of the problems and needs of women and men in the mentioned segments. Some of the conclusions and recommendations were taken into account in the elaboration of public policies and sectoral documents.

307. During the reporting period, the state structures authorized in the field have established a constructive dialogue with the international partners: UNFPA, UNIFEM / UN Women, ILO, OSCE Mission to Moldova, UNAIDS, UNDP, etc. in order to exploit the gender dimension in carrying out the planned activities.

308. Currently, the Government is preoccupied with harmonization on national legislation to the provisions of the generic gender equality law and international standards.

### **Obstacles and limitations**

309. The transition process to market economy, worsened by the global economic crisis has led to the decrease of the socio-economic development indicators. Despite of the trends of poverty reduction, the average disposable income per family member covers only 92% of the subsistence minimum. The exodus of working age population outside the country in search of better paid jobs has a direct impact on demographic security of the population.

310. The situation of women is contradictory. Having the same professional qualification as men, even higher in some segments, women are often employed requiring low qualifications, with lower average wages than men.

311. Despite the positive growth trends of women in decision-making positions, they are under-represented in higher hierarchical positions. The introduction of positive measures would be a tool of facilitating this process. Also, the implementation of training programs for women and men of different classes on the subject of gender equality and human rights is a precondition for advancement in the field.

312. The problems regarding family violence against women, trafficking in human beings are still very present. The adjustment of the implementation mechanisms of the existing legal and regulatory framework, the allocation of adequate resources in the field, the elaboration of educational/information programs for the population, the development of appropriate training of specialists are necessary.

313. The low information of the population about gender equality, their rights, and the possibilities to claim their exercise remains a serious problem. The active involvement of mass-media in educating the society in the spirit of gender equality, the elimination of sexism from language and advertising etc. are necessary.

314. Men and women in the rural areas need special attention, especially in the context of economic migration. The development and support of entrepreneurship programs, especially of women and youth, would improve the deplorable socio-economic situation, reduce migration flows and mitigate the negative consequences of population aging.

315. As an important part of strengthening the status of women in society is the social protection system: the development of community social services, promotion of family support services for vulnerable families with children at risk at all levels, of forms of temporary accommodation alternative to institutionalization.

316. Special attention should be paid to the adjustment of the legal and regulatory framework by strengthening the enforcement mechanisms, developing the institutional mechanism on gender equality, developing the skills of subject-matter specialists, allocating adequate resources for gender equality programs.

317. At the same time, it is necessary to adjust the donor funded programs to the country's needs, by mainstreaming the gender dimension and consolidating the existing resources.



## Annexes

Appendix 1: The structure of population

Appendix 2: Indicators on population according to the confession criterion based on the population census of 2004

Appendix 3: Indicators on population according to the native language criterion, based on the population census of 2004

Appendix 4: The structure of population according to the main nationalities criterion (based on the data of the population census)

Appendix 5: Reproduction of population. Life expectancy

Appendix 6: Number of pensioners by categories, sexes in dynamic for the years 2006 - 2010

Appendix 7: The rates of the natural movement of population (per 1000 residents, through the republic)

Appendix 8: Health state

Appendix 9: Family status: marriages, divorces

Appendix 10: Migration

Appendix 11: Standards of living. Incomes

Appendix 12: Poverty rates among the most vulnerable categories disaggregated based on the gender of the household head, 2009

Appendix 13: Consumption of food products per resident (kilograms)

Appendix 14: Social and living conditions

Appendix 15: Pregnancy, abortions

Appendix 16: Health state of women

Appendix 17: Indicators on the labour force

Appendix 18: The evolution of social spending and for the police / security / justice system in general government total expenditures 2006-2010

Appendix 19: The civil servants of the public central and local authorities, persons

Appendix 20: The number of persons deprived of freedom and detained within the penitentiaries of the Republic of Moldova

Appendix 21: International treaties in the field of human rights to which the Republic of Moldova is a party or a signatory

Appendix 22: Parental allowances

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