



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

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## Committee on the Elimination of Discrimination against Women

### Fifty-sixth session

30 September – 18 October 2013

Item 4 of the provisional agenda

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

## List of issues in relation to the combined fourth and fifth periodic reports of the Republic of Moldova

### Note by the Committee

The pre-session working group examined the combined fourth and fifth periodic reports of the Republic of Moldova (CEDAW/C/MDA/4-5).

#### General

1. The report contains limited data disaggregated by sex and other factors such as age, ethnicity, geographical location and socio-economic background pertaining to the areas and provisions of the Convention even though the report indicates that the National Bureau of Statistics undertook significant actions to develop gender disaggregated statistics (para. 29)<sup>1</sup>. Please provide further information on the steps taken to improve the collection and analyses of data and information disaggregated by sex and other factors pertaining to areas and provisions of the Convention. Specifically, please provide data on all forms of violence against women, trafficking in girls and women, exploitation of prostitution and the situation of women from disadvantaged groups, such as women with disabilities, rural, older and Roma women. Please also explain how such data are used to inform targeted policy and programme development, and in monitoring and evaluation of progress achieved towards the realization of substantive equality of women with men.

#### Constitutional, legislative and institutional framework

2. The report states in paragraph 17 that, during the period under review, national legislation was being adjusted to the requirements of Law No. 5-XVI (Law on Equal Opportunities for Men and Women), focussing on the identification of relevant

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic reports of the State party (CEDAW/C/MDA/4-5).

implementation mechanisms. Please provide updated information on the outcome of the adjustments to any pieces of legislation on this matter.

3. Please elaborate on whether the Convention, the Committee's general recommendations, and related domestic legislation form an integral part of legal education and of the training of parliamentarians, the judiciary, the legal profession, the police and other law enforcement personnel, as recommended in paragraph 17 of the Committee's previous concluding observations (CEDAW/C/MDA/CO/3). Please provide information on actions taken to raise awareness on the Convention among the general public and to sensitize women, in particular those belonging to the most disadvantaged groups, about their rights under the Convention and the relevant domestic legislation as well as the means available to seek redress when they are subjected to discrimination. Please provide information on cases of discrimination on the grounds of sex and gender and their outcome, as well as the remedies provided, that have been filed by women before courts and other complaints bodies (i.e. the Centre for Human Rights, Labour Inspection).

#### **National machinery for the advancement of women**

4. Please provide more detailed information on steps taken to strengthen the national machinery designed to coordinate the implementation of the Convention and relevant domestic legislation and gender equality programmes and plans, namely the Government Committee for Equality between women and men, the Division for Gender Equality and Violence Prevention Policies under the Ministry of Labour, Social Protection and Family and Gender Focal Points in line ministries (para. 25). Please also state the measures taken to enhance decision-making power and to increase human and budgetary resources to these bodies as recommended in the Committee's previous concluding observations (CEDAW/C/MDA/CO/3, para. 13). Please further indicate whether gender focal points in the local administration were reinstated.

#### **Temporary special measures**

5. The report mentions in paragraph 32 that the Parliament approval of the Election Code amendment on 30 per cent quota for women is still pending. Please provide information on the efforts being taken towards the enactment of the amendment to the Election Code. The report also mentions the deadlock with respect to "the representation of gender quotas in party documents" (para. 33). Please describe barriers that exist in this regard and measures being taken to overcome them.

#### **Stereotypes**

6. The report mentions that certain studies conducted on gender equality confirm the persistence of gender stereotypes in the society (para. 43) and provides information on some measures taken in the educational system (paras. 47 and 51). It also indicates that studies confirm that men's stereotypical attitudes towards women perpetuate acts of violence against women (para. 73). Please provide information on further measures envisaged, and whether the State party plans to develop a large scale, comprehensive and coordinated policy to change social and cultural patterns that lead to stereotyping, which perpetuate gender-based violence and women's subordination and hamper the realization of their rights under the Convention. The report mentions in paragraph 52 that according to findings of the analyses of gender equality coverage by Moldovan media, stereotypes, differences and biased approach to men and women continue to persist. Please explain the State party's role in encouraging the media and advertising to adopt and implement self-regulatory measures, guidelines, codes of conduct or other forms of self-regulations that promote the use of non-sexist language and the presentation of non-stereotyped images of

women and men, and to develop and implement gender-sensitive training for media professionals.

7. What measures are being taken to eliminate the persisting gender stereotypes which hinder the choices of professions by women such as the reported restriction to enrol women in the Military College (para. 55)?

#### **Violence against women**

8. In paragraph 60, the report refers to the entry into force of the Law No. 45-XVI on Prevention and Combating of Domestic Violence in September 2008. Please provide detailed information on the progress made to prevent domestic violence, including marital rape. Please also provide data on: (a) cases of domestic violence against women reported to the police; (b) investigations initiated; (c) convicted perpetrators and sentences imposed; (d) cases of infringements of protection orders and the number of protection orders that were subject to administrative fines and criminal sanctions as a result of such breach; and (e) if available, women murdered by their husbands, partners or ex-partners.

9. According to information, there is an acute lack of efforts by the State party's authorities to implement Law No. 45-XVI. Please describe the steps taken to: (a) inform the general public, in particular women, including rural, older and less educated women, on available measures to prevent domestic violence, and to protect victims and encourage women to report acts of violence; (b) ensure the prosecution of perpetrators and that sanctions imposed are proportionate to the gravity of their acts; (c) provide victims with adequate protection and support services, including legal and psychological counselling, and a sufficient number and capacity of shelters, remedies and rehabilitation; and (d) provide for further capacity-building and training of all relevant professionals dealing with victims of domestic violence (such as police and other law enforcement officials, health and social workers and the judiciary). What steps have been taken to enhance the coordination and cooperation of stakeholders under the interministerial coordinating Council established in 2010 (para. 64).

10. The report in paragraph 76 confirms the need to close the gap between the legal and regulatory framework and its implementation, in particular concerning the procedure of issuing protection orders and their enforcement. Information received indicates that the protection order scheme under Law No. 45-XVI does not adequately address victims' needs in situations of immediate danger because the court-ordered protection of victims is often delayed or refused by courts, and that protection orders are not adequately enforced partly because perpetrators are only held liable for their violation in cases of repeated breach. Furthermore, the information received is critical about mediation and conciliation in domestic violence cases, which does not take into account the unequal power relations between victims and perpetrators. Please provide information on measures taken and envisaged to address these issues and explain whether the State party intends to provide for the issuance of immediate short-term emergency protection orders and give priority to the safety of victims.

11. The report is silent about women victims of other forms of violence against women, such as sexual harassment, rape and other acts of sexual violence. However, information received indicates inadequate definition of acts of sexual violence in the State party's Criminal Code. In addition, it refers to the case of *I.G. v. the Republic of Moldova* (Application no. 53519/07) in which the European Court of Human Rights found the State party in violation of the European Convention on Human Rights for inadequate investigation and prosecution of a rape case. Please provide information and data on other forms of violence against women and explain the measures taken or envisaged to ensure that definitions of rape and acts of sexual violence as well as investigations and prosecutions of such acts are based on the lack of voluntary consent of the victim.

**Trafficking and exploitation of prostitution**

12. According to the report, the main countries of destination with regard to trafficking for purposes of sexual exploitation are Turkey, Russia, Cyprus and United Arab Emirates (para. 96). Please provide information if any steps have been taken to establish a mechanism for cooperation with these countries with a view to address the demand for trafficked women and to prosecute traffickers in the destination countries.

13. Please clarify the mandate and terms of the National Referral System (paras. 86 and 87). Please also provide information on measures taken to guarantee confidentiality to victims of trafficking and to provide assistance and support to victims and potential victims. Please also provide information on the actual risks that victims of trafficking face with regard to possible prosecution under the State party's immigration, labour and prostitution laws.

14. The report indicates that prostitution is not legalized in the State party and that "people using the services provided by prostitutes cannot be held liable" under the law. Please provide information on existing mechanisms for the protection of the rights of women in prostitution under the current legal framework, and on the measures taken to suppress exploitation of prostitution of women. Please explain the State party's position to review the existing national law with a view to criminalizing the use of such services as recommended to the State party by the experts (paras. 99-101).

**Participation in political and public Life and decision-making**

15. The report refers to the provisions of the Law No. 5-XVI aiming at ensuring the 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 female and male members (paras. 107-111). Please provide information on the steps taken to ensure the full implementation of those provisions, and to increase representation of women in appointed and elected positions, and other decision-making positions at all levels, particularly in the judiciary, and in the diplomatic service, including at the ambassadorial level.

**Employment**

16. The report acknowledges the existence of a gender wage gap, which is attributed to differences in the average level of wages in 'masculine' and 'feminine' sectors of employment (paras. 168-170). Please provide information on the concrete measures taken or envisaged to effectively address the wage gap and the occupational segregation in the public and the private sectors, and to promote women's access to decision-making positions. Please explain how the State party is promoting the objective evaluation of jobs with a view to applying the principle of equal pay for work of equal value.

17. Please provide information on measures taken to encourage women's participation in the formal labour market, especially measures to reach out to less employable categories of women, such as rural and migrant women, Roma women and women with disabilities. Please also provide information on the review and adjustment of Government Decision No. 264, which contains the list of works prohibited for women, to the contemporary labour market requirements (para. 177). What measures are being taken to address the concentration of women in low-paid sectors of the labour market? Please indicate measures the State party is undertaking to provide a safe working environment free from discrimination, including through addressing sexual harassment at work. Please explain the extent to which the reversal of burden of proof is applied to protect women's right to non-discrimination at work and their access to employment.

18. Information in the report indicates the overprotection of motherhood, such as the granting of three years of partially paid parental leave and additional three years of unpaid parental leave for which a parent on leave keeps her or his job (paras. 37-38). The State party acknowledges that the period for additional parental leave is an impediment to women's promotion (para. 39) and that partially paid parental leave is taken almost exclusively by mothers (para. 38). The Labour Code prohibits the dismissal of women with children below 6 years of age. It also obliges employers to provide for part-time work at the request of a pregnant woman, and employees who have children under the age of 14 years or those who take care of a family member (paras. 41, 162 and 163). What plans are envisaged to ensure more equitable sharing of parents' responsibilities for caring for children and other family members and to increase the possibilities of women to access employment and promotion? Please provide sex-disaggregated data on part time work granted to parents under the motherhood/fatherhood protection provisions.

### **Health**

19. The report mentions the National Reproductive Health Strategy for 2005-2015. Please describe the measures taken, covered by this strategy, to raise women's and girls' awareness of sexual and reproductive health and rights, including their knowledge of how to protect themselves from sexually transmitted diseases. How does the State party plan to remedy the lack of unified, comprehensive and human rights-based education curricula on sexual and reproductive health and rights in primary and secondary schools, as acknowledged in paragraph 223? Information received indicates that women from certain disadvantaged groups may be subjected to coercive sterilization, and it also refers to the judgment of the European Court of Human rights in the case of *G. B. and R. B. v. the Republic of Moldova (Application no. 16761/09)*. Please provide information on the measures undertaken to bring the law and practices on sterilization in compliance with international standards.

### **Rural women and other disadvantaged groups of women**

20. Please provide updated information on the measures taken and envisaged by the State party to ensure that rural women, Roma women and women with disabilities have effective access to affordable quality health care and other social services, education, employment and participation in public and political life, including at decision-making levels. Information received indicates that there are several regions in the State party which have separate schools and classes for Roma and non-Roma children. Please provide information on measures undertaken to eliminate Roma segregation and to ensure the enrolment, retention of Roma girls and women in schools and their completion of higher education. Please provide information on a strategy, if any, aiming at the elimination of discrimination of women and girls with disabilities especially those with mental and intellectual disabilities.

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