



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

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

**Information received from the Republic of Moldova on
follow-up to the concluding observations on its sixth
periodic report***

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* The present document is being issued without formal editing.



Follow-up information relating to paragraph 15 (a) of the concluding observations (CEDAW/C/MDA/CO/6)

1. According to concluding observations of CEDAW, during 2020 and 2021, the Government aimed to transmit the duties of the Government Committee into the mandate of the National Human Rights Committee, but the process was not finished due to the limited decision-making power of the acting Government.
2. On 28 April 2021, after almost 4 years of pause, the Government Committee for Equality between Women and Men (established by Government Decision No 350/2006) met in an ordinary meeting attended by representatives of central public administration, public institutions and civil society, and by a guest – the Ambassador of Sweden. Addressed topics: structure of the institutional mechanism for ensuring gender equality and the main challenges in ensuring the functionality of the mechanism.
3. Following the decision made, the Ministry of Labour and Social Protection established the working group made of representatives of the ministries and civil society that met in 2 meetings: on 11.06.2021 and on 22.07.2021. During these meetings, they worked and agreed upon the proposals to amend the institutional mechanism, and recommendations to amend the relevant regulatory framework.
4. With the establishment of the new Government in 2021, a decision at the highest level is to be taken about continuing the operation of the Government Committee for Equality between Women and Men.

Follow-up information relating to paragraph 23 (f) of the concluding observations

5. The Parliament of the Republic of Moldova ratified the Istanbul Convention by Law No 144 of 14 October 2021, which was subsequently promulgated by the Presidential Decree No 197 of 19 October 2021.
6. Following the ratification of the Convention, the Government initiated in December 2021 a participatory process for the development of the new roadmap specific for the implementation of the treaty, by engaging NGOs, the stakeholders and the international organisations. A major priority is ensuring the harmonisation of the national legislation with the provisions of the Convention.

Follow-up information relating to paragraph 27 (a) of the concluding observations

7. The draft Law amending the Criminal Code and the Contraventional Code, registered in the Parliament under the number 301, was adopted in first reading on 8 December 2016. By this draft Law it is proposed to operate various amendments to the Criminal Code, particularly the amendment of the offence component from the Article 346 in order to criminalise the actions of ‘incitement to violent actions based on prejudice’ and to substitute the words ‘social, national, racial or religious hate’ with ‘prejudice’ in the entire criminal law. In this regard, it is recommended to supplement the Criminal Code with the Article 134/1, which will define the term ‘prejudice’. In addition to a series of offences, the action committed ‘on grounds of prejudice’ shall constitute an aggravating circumstance.
8. At the same time, in order to ensure the compliance of the text of the draft with the international standards in the field, the Ministry of Justice requested the OSCE

Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to examine it. After the receipt on 26 April 2019 of the Opinion of OSCE/ODIHR, the content of the draft Law was adjusted to the formulated recommendations, various public debates were organised by the Committee for Appointments and Immunities and the last discussion on the Parliamentary platform and the last one was organised on 17 December 2021.

9. Following these discussions, in 2020 and 2021, the civil society organisations issued two position papers asking to introduce new amendments to the draft Law 301/2016, Article 701 on ‘incitement to discrimination’ in public spaces based on prejudices as well as to award the Council for Preventing and Eliminating Discrimination and Ensuring Equality with the mandate to sanction the actions of ‘incitement to hate and discrimination’.

10. Following the public discussion of 22.12.2021 about the draft Law No 301 organised by the Ministry of Justice, which was attended by representatives of public authorities, MPs, representatives of the civil society and development partners, it was agreed to finalise this draft law based on mutually agreed principles with all the stakeholders, taking into account the existing international standards and further adopt it in final reading.

11. As regards the political area, the Council for Preventing and Eliminating Discrimination and Ensuring Equality (the Council) mentions with certainty that hate speech escalates during electoral periods, which is confirmed by the Reports for the monitoring of hate speech developed by Promo LEX and eases during post-electoral periods. In order to diminish this phenomenon, the Council, together with the civil society urged the electoral contenders to avoid using hate speech.

12. During 2020-2021, the Council examined 609 complaints (2020 – 297, 2021 – 312). In 2020, harming of dignity was invoked in 57 out of 297 cases and 18 of them were based on sex/gender. Harming of dignity through hate speech or incitement to discrimination was found in 7 cases. Of the 126 decisions issued in 2020, in 19 cases the sex/gender criterion was the cause of the discriminatory behaviour.

13. In 2021, of the total number of 312 examined complaints, harming of dignity was invoked in 54 cases and 7 of them were based on sex/gender and on other criteria corroborated with them such as beliefs, disability, maternity. Harming of dignity through hate speech or incitement to discrimination was found in 7 cases. Of the 51 decisions issued in 2021, in 8 cases the sex/gender criterion was the cause of the discriminatory behaviour.

14. The complaints that invoke the harming of dignity can be classified in cases of:

- (i) Hate speech delivered by politicians or public persons;
- (ii) Sexist advertising.

15. A large share of complaints that invoke harming of dignity concern sexist advertising, which is a phenomenon that is still not punished in the Republic of Moldova due to ambiguous legal provisions.

16. As regards efficient remedies for victims, the Council mentions that even if its decisions are enforceable when they become final, a significant share of the decisions are appealed by parties, thus delaying for years the enforcement of Council’s decision and the victim of the discrimination is left without an effective remedy. The hate speech or the instigation to discrimination is a phenomenon that is vaguely defined in the legislation, which does not provide for discouraging sanctions.

17. The Central Electoral Commission (CEC) condemns the hate speech and the sexist language in electoral procedures and discourages the political parties and the

electoral contenders to use intolerance-based rhetoric. But, according to the tasks provided for by the electoral legislation and by the related legislation, there are no institutional powers and instruments regulated for the central electoral authority that monitors, documents and sanctions the use of discriminatory stereotypes, sexist language in political speech and hate speech in electoral campaigns.

18. In this context, note that CEC initiated the review and the improvement of the Electoral Code and of related legislation and during this process it will consider defining the hate speech in electoral campaigns and to regulate the methods to discourage the use of such speech.

19. During the electoral period, at CEC invitation, the media institutions and the electoral contenders sign the Code of Conduct on the conduct and coverage of the electoral campaign, which includes provisions on delivering a public speech using respectful language, without incitement to discrimination, hate or violence in public speeches on TV, radio, online media, in electioneering materials or in any other public appearances during the electoral campaign. Every signatory shall take the necessary measures to inform and train the members, the trustees and supporters about principles of equality and non-discrimination and prohibition of incitement to hate, and to take all the necessary measures to condemn publicly and report to competent authorities the identified cases of incitement to hate.

20. In 2021, the Broadcasting Council (BC), in partnership with the Council of Europe Office in Chişinău, organised for the publishers and journalists from radio and TV under the jurisdiction of the Republic of Moldova, two seminars entitled: 'National Broadcasting Environment – Between Ethics and Reality', which approached the topic: Promotion of good practices for supporting the principle of equality and non-discrimination.

21. The Code of Audiovisual Media Services of the RM No 174/2018, in Article 17(3), provides that audiovisual materials consisting of speeches inciting to hate may not be broadcast in the national broadcasting environment, and Article 11(2)(a) of the Code prohibits the broadcasting of programs that spread, incite, promote or justify racial hate, xenophobia, anti-Semitism or other forms of hate on the basis on intolerance or on discrimination based on sex, race, nationality, religion, disability or sexual orientation.

22. The Broadcasting Council, during the electoral campaigns recommended the audiovisual media service providers to comply with principles of audiovisual communication and to not admit in the electoral audiovisual media programs the spread, incitement, promotion or justification of racial hate, xenophobia, anti-Semitism or other forms of hate on the basis of intolerance or discrimination on the basis of protected criteria.

23. Note that the Broadcasting Council monitored the coverage of the electoral campaign for early Parliamentary Elections of 11 July 2021 by 15 TV providers and 1 radio provider in terms of incitement to hate and discrimination. The BC monitoring reports found that the media service providers did not admit violations in covering the electoral campaign for early Parliamentary Elections of 11 July 2021.

24. An online platform www.monitor.md/ for reporting and denouncing the cases of gender discrimination, sexist messages and violence against women in elections and politics was launched in October 2020 by the Platform for Gender Equality supported by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), with the financial assistance of Sweden and technical support of Promo-LEX. Thus, the society in general, can report the cases of sexism, sexist remarks and violence against women in elections. Later, UN Women supported the modernisation of the online platform (monitor.md) dedicated for reporting different

types of discrimination against women in elections and politics by developing a new section <https://gender.monitor.md/>. As a result, the online platform is currently used for reporting gender-based discrimination, gender violence, sexist speech and violence against women in elections.

25. The electoral campaign for the Presidential Elections of 2020 was monitored as regards the use of sexism, of speech that incites to hate and of violence against women. In this regard, in only 2 months of the presidential campaign of 2020, 144 such cases were reported. Of them, 65 cases were classified as violence against women, 61 cases of sexist speech and 18 cases of sexist and discriminatory speech in the public space, during electoral campaigns. On the basis of cases of sexism identified during the elections, 3 complaints were filed with the Council, which resulted into sanctions for those who launched sexist statements.

26. During the early Parliamentary Elections of 11 July 2021, the platform for monitoring gender equality received a total number of 113 reports (93 of them were initiated by men) about the uses of sexist language and discriminatory remarks against female candidates, as follows:

- 36 cases, use of insults;
- 26 cases, remarks that reinforce stereotypes;
- 19 cases, use of general and absolute terms;
- 11 cases, use of inappropriate humour, with sexual insinuations, vulgarities;
- 8 cases when stereotypical descriptors, euphemisms, diminutives or extremely polite forms of address were used;
- 7 sexualised remarks about clothes, body aspect, physical characteristics and civil status;
- 7 cases of physical/emotional violence.

27. The full report on the monitoring of sexist language during the elections of 11 July 2021, is available on the site egalitadedegen.md.¹

Follow-up information relating to paragraph 41 (c) of the concluding observations

28. The institution subordinated to the National Social Assistance Agency (NSAA) took measures to observe the rights of residents, as follows:

- Ensured free access to the Service of free telephone counselling for people with disabilities (SFTCPD);
- With the support of development partners, various beneficiaries from temporary placement centres for people with disabilities received modern mobile phones in order to be able to notify the competent authorities when necessary;
- Installed safe mailboxes in safe areas that provide the possibility to be used by the beneficiaries and by the staff in order to file complaints, objections, proposals and requests privately. The information from those boxes is extracted every week and after being registered is sent to the addressee, with the

¹ <https://egalitadedegen.md/en/mdocs-posts/discursul-sexist-in-spatiul-public-si-in-perioada-alegerilor-parlamentare-anticipate-din-2021-in-republica-moldova-ca-forma-a-violentei-impotriva-femeilor-in-alegeri-vifa>.

observance of confidentiality measures. Residents are informed about the aim of these mailboxes;

- Modern monitors are installed in every Centre in places that are accessible for residents, which display continuously adapted information about human rights, etc. that can be understood by people with disabilities;
- The institutions are endowed with video cameras, which are installed in public places;
- In all the placement institutions there are information boards that contain all the useful information in an accessible language that can be understood by the beneficiaries about their rights and responsibilities, contact numbers of law enforcement bodies, of nongovernmental organisations that defend the human rights, SFTCPD, etc.;
- The support of civil society in the activity of monitoring these institutions proved to be another alternative mechanism of efficient control and an additional instrument for preventing and combating the torture, inhuman and degrading treatments;
- Seminars involving the beneficiaries were conducted in order to prevent violent behaviour and in order to inform them about the administrative liability for acts of violence and violation of public order;
- Information sessions were conducted during 19 October – 3 November, with the participation of NSAA representatives and professionals from placement centres managed by the authorities (social workers, lawyers, psychologists, managers) – 55 people. The information sessions addressed the following topics: The Ombudsperson, tasks and role in the society; interaction of the Ombudsperson with public authorities;
- Human rights-based approach; whistleblowers and monitoring of human rights observance in psychiatric institutions;
- In the context of the support provided by UN Office for Human Rights in the Republic of Moldova in the area of social assistance, in 2021 a training manual was developed for the staff employed in social placement institutions for people with disabilities on Human Rights and Disability. In this regard, 2 training events were conducted for 40 professionals from the National Social Aid Agency and placement centres for people with disabilities;
- Under the project ‘Support of transformation process of care for people with mental disorders and people with learning difficulties in the Republic of Moldova’, funded by ‘People in Need’ NGO, a Methodological Guide for social workers that work in sheltered houses was developed during a participatory process with the engagement of professionals in the area;
- Developing the skills of social assistance professionals is a prerogative assumed by the authorities; thus, with the financial support of UN WOMEN, the team of the National Centre for Training, Assistance, Counselling and Education in Moldova (CNFACEM) and the NSAA initiated the development of a digitalised training course concerning the approach of cases of violence against women and girls. In this regard, during 28-30 September 2021, 5 workshops were organised with the participation of 153 professionals.

29. During August-September 2021, three placement institutions (Badiceni locality, Hincesti and Orhei municipalities) were surprised by unannounced visits from the Office of the Ombudsperson. During the second quarter of 2021, the employees of the Agency in partnership with representatives of Social Inspection, State Labour

Inspectorate, International Labour Market, 'People in Need' NGO, Mental Health Centre from Prague, Czech Republic, made unannounced visits to the above-mentioned placement centres.

30. In 2022, an UNPRPD project 'Addressing stigma and discrimination experienced by women with disabilities in Moldova' will be implemented by UN Women and UNDP in order to contextualize and pilot a global instrument for the assessment of stigma and discrimination against women and girls with disabilities, including in order to inform about evidence-based decision making. The project will help to reduce stigma and discrimination against women with disabilities following evidence-based responses, changed attitudes and behaviour of holders of rights and obligations.

31. The Law on Mental Health No 1402/1997, Law on Patient Rights and Responsibilities No 263/2005, set the necessary mechanisms to implement the recommendations from paragraph 41(c) on protecting women and girls with disabilities against abuses and violence, by ensuring confidential independent mechanisms for filling complaints in all psychiatric hospitals and to ensure medical procedures will not be conducted in relation to them without their previous and informed consent.

32. Thus, according to Article 5(2)(i) of Law No 1402/1997, when psychiatric assistance is provided, the person suffering of mental disorders has the right to appropriate privacy within mental health facilities, including within sleeping facilities so that women to sleep separately from men.

33. The Article 11(1) of Law No 1402/1997 establishes the possibility of administering the treatment to persons with mental disorders only with their free written consent.

34. In compliance with Article 29(1) of Law No 1402/1997, in-patient psychiatric assistance shall be provided in minimum restrictive conditions in order to ensure the security of hospitalised person and of other persons, by observing the person's legitimate rights and interests by health professionals.

35. According to Article 36(2) and (3) of Law No 1402/1997 a patient hospitalised in psychiatric hospital is entitled:

- To file requests directly to the Chief Doctor or to the head of the section concerning the treatment, examination, exit from the psychiatric hospital and observance of rights specified in this Law;
- To submit without censorship, complaints and requests to the lawyer and to public authorities, prosecutor's office, court, Ombudsperson or, where appropriate, to the Ombudsperson for Children's Rights;
- To meet face-to-face with the lawyer and with the clergy representatives;
- To be able to carry on correspondence without censorship;
- To receive and send packages, parcels and mail orders;
- To use the phone;
- To receive visitors, etc.

36. Note that in order to achieve these provisions, in order to protect women and girls with disabilities against eventual abuses and violence and in order to observe the rights of all the patients, boxes for requests/correspondence are installed in all the curative sections from psychiatric hospitals, which allow hospitalised persons to have direct access and notify any institution about any problem/complaint without censorship.

37. Thus, over the past 3–4 years, psychiatric hospitals did not register complaints concerning maltreatment, inhuman or degrading attitudes/actions, abuses or violence against patients, including against women and girls with disabilities. Patients can exercise their right to use mobile phones, they can communicate with relatives, with the lawyer, with any other person of their choice, without restrictions.

38. The hospitalisation, investigations and therapeutic procedures, medical interventions are performed with the informed written consent of the patient.

39. Information with the phone number of the green line of the Ministry of Health where patients can report possible abuses is displayed in the sections of the psychiatric hospitals.

40. Also, job descriptions of health workers and of auxiliary staff from psychiatric hospitals contain provisions aimed to eliminate possible abuses against patients.

41. The Ministry of Health monitors and provides continuous methodological support for health care and psychiatric facilities in order to protect women and girls with disabilities from abuses and violence, according to the recommendations of the UN Committee on the Elimination of Discrimination Against Women of 2020.

42. The Broadcasting Council, via the reports in their area of competence and by offering information of public interest in 2021, had an open dialogue with the state institutions and civil society. The audiovisual regulatory authority, in partnership with the state institutions, governmental organisations and NGOs, acting in the interest of the public in order to raise its awareness on important social problems, promoted a series of media campaigns.

43. Thus, the Broadcasting Council supported the request of ‘MOTIVATIE’ Association from Moldova (No 09-003 of 24 September 2021), which in the context of the International Day for the Elimination of Violence against Women celebrated annually on 25 November, asked help in order to ensure the media coverage of a spot aimed at diminishing the stereotypes and promoting a positive and non-violent behaviour of the society towards people with disabilities. By Decision No 36/218 of 30 September 2021, the Council recommended the television broadcasters under the jurisdiction of the Republic of Moldova to broadcast a video spot aimed to combat the violence against people with disabilities.
