



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

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**Committee on the Elimination of Discrimination
against Women
Thirty-sixth session**

Summary record of the 749th meeting (Chamber B)

Held at Headquarters, New York, on Wednesday, 16 August 2006, at 10 a.m.

Chairperson: Ms. Belmihoub-Zerdani (Vice-Chairperson)

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In the absence of Ms. Manalo, Ms. Belmihoub-Zerdani, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined second and third periodic report of the Republic of Moldova (CEDAW/C/MDA/2-3; CEDAW/C/MDA/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Ghana took places at the Committee table.*

2. **Ms. Gribincea** (Republic of Moldova), introducing the State party's combined second and third periodic report (CEDAW/C/MDA/2-3), said that her country had ratified the Convention in 1994. The State party's first report on the implementation of the Convention had been submitted in October 1998 and considered by the Committee in June 2000. The second periodic report, currently combined with the third, had been drawn up in cooperation with central and local public administration gender units, whose initial training in reporting had been funded under the "Training leaders" project of the United Nations Development Programme (UNDP), Moldova. The final draft of the report had been discussed on 26 December 2003 by the Governmental commission for gender equality, which included representatives of NGOs, educational institutions and social partners. The text had been transmitted to all gender units for consideration. Once approved by a majority of the members of the governmental commission, the report had been transmitted to the Ministry of Foreign Affairs and European Integration which had submitted it to the Committee in 2004.

3. On 9 February 2006, Parliament had adopted a special law on equal opportunities, as requested by the Government in line with the recommendation made by the Committee. That Law, aimed at implementing equal rights for women in various areas, including political, economic, social and cultural activities, provided for equal opportunities, gender mainstreaming and affirmative action and prohibited direct and indirect gender-based discrimination and sexual harassment. According to article 15 of the Law, the national mechanism for gender equality consisted of representatives from the Parliament, the

Government, the governmental commission for gender equality and the Ministry of Health and Social Protection (specialized body) and, in addition, the ministries and central administrative authorities (gender agencies), and the local public administration authorities (gender agencies). On 15 December 2005, the Republic of Moldova had acceded to the Optional Protocol to the Convention (Act No. 318-XVI).

4. Progress had been made with regard to women's participation in public decision-making. The percentage of women mayors had increased from 10.9 per cent in 1999 (93 women out of a total of 851 mayors) to 14.8 per cent in 2005. As a result of efforts made by women in political parties and by NGOs, the number of women who had stood for election to Parliament had increased in 2005 by more than 10 per cent, with a subsequent increase in the number of women deputies, currently 21 (compared with 4 in 1994). Currently, of the 16 ministers, 23 deputy ministers, 13 directors of central administrative agencies and 25 ambassadors, two, four, four and five, respectively, were women. The two ministerial posts held by women were those of Deputy Prime Minister and Minister of Justice.

5. The Government had taken action in line with the Committee's recommendations regarding violence against women. Through joint governmental and non-governmental efforts, domestic violence was no longer considered a private or family matter but was regarded as a social issue. In July 2006, the draft Law on preventing and combating violence against women had been adopted by Parliament on first reading. Its provisions were aimed mainly at protecting and strengthening the family, ensuring compliance with the fundamental principles of legislation on the family, and guaranteeing that men and women had an equal opportunity to enjoy their right to a life without violence. The text laid down the legal and organizational basis for preventing and combating domestic violence, specified the bodies responsible for such action and stipulated procedures for informing the authorities and dealing with such cases by coercive means. Preventing and combating domestic violence had been assigned a prominent place in both the 2003-2005 National Plan entitled "Promotion of human gender equality in society" and the new plan drawn up and approved by the Government for the period 2006-2009. It was important to improve official statistics and monitoring in that area. The figures were based on data

provided by the Ministry of Internal Affairs for, inter alia, murders, serious bodily injuries and recorded rapes.

6. The national legislative framework formulated in line with the country's international commitments and the Committee's recommendation with regard to combating trafficking in women consisted of provisions in the 2004-2008 National Action Plan for human rights, which stipulated the relevant objectives and activities, the Law on preventing and combating human trafficking (Act No. 241-XVI of 20 October 2005); and the National plan for preventing and combating human trafficking (Government resolution No. 903 of 25 August 2005).

7. Labour legislation contained no discriminatory stipulations against women and ensured gender equality with regard to employment. Through a series of measures taken by the Government — with the support of social partners and other stakeholders — in order to increase the number of qualified jobs and raise employment, progress had been made in terms of gender equality in the labour market. However, much remained to be done. Priority should be given to formulating a gender mainstreaming strategy; aligning national legislation with the Law on equal opportunities; enacting the draft Law on preventing and combating violence against women; compiling gender statistics; building the capacities of the national gender-equality mechanism; introducing the gender perspective in the poverty reduction strategy paper (PRSP); and raising awareness of gender issues among the population.

8. International organizations that had provided valuable support for gender equality in Moldova included UNDP, the United Nations Development Fund for Women (UNIFEM), the Organization for Security and Cooperation in Europe (OSCE), the International Organization for Migration (IOM) and the Swedish International Development Agency (SIDA).

Articles 1 to 6

9. **Mr. Flinterman**, referring to an assertion in the responses that there had been no court cases of gender discrimination, asked whether that gap could be due to ignorance on the part of the judiciary, the legal profession and the parties concerned. He would like to know what remedies were available to women whose rights had been violated, what was the relevance of

procedures before the Constitutional Court and whether there were any NGO programmes for informing women of their rights and any training programmes for the judiciary and the legal profession in general. In view of the costliness of court procedures, he wondered whether there was an ombudsman in the Republic of Moldova and, if so, what type of cases were within his or her purview. Moreover, since it had been impossible to set up a parliamentary advocate agency, he would welcome information on the current arrangement involving three parliamentary advocates.

10. Observing that the Convention referred to “gender equality” but not “gender equity”, he enquired whether those terms, which appeared in the report and the responses, had been used as synonyms. He welcomed the reported inclusion in the Law on equal opportunities of a definition of gender discrimination covering direct and indirect discrimination and asked for the text of that definition. He would also welcome information on the removal of equal-opportunity provisions from the Law on local public administration. Lastly, intrigued by the affirmation in paragraph 18 of the report that the activities stipulated in the National Action Plan for human rights were “a modern expression of the principle of non-discrimination and equality” and had a “deontological perspective”, he was curious to know the meaning of the quoted expressions.

11. **Ms. Popescu** said that she would welcome information on the scope of the Law on equal opportunities and on the implementation of that Law, which seemed to contain no implementation or funding provisions. Welcoming the definition of direct and indirect discrimination, temporary special measures and sexual harassment in the Law on equal opportunities, but noting that sexual harassment was not defined in the amended Labour Code, she requested a clarification with regard to the lack of any legal instruments for detecting and dealing with cases of sexual harassment. Stressing that gender stereotypes, deeply rooted in Moldovan society, largely contributed to discrimination against women in the area of employment, to their professional segregation and political under-representation and to domestic violence, she wished to know whether the Republic of Moldova had a strategy for combating gender stereotypes, including comprehensive awareness-raising campaigns.

12. She would be interested in information on any activities aimed at sensitizing the media with respect to gender equality, any dissemination of success stories of women leaders who managed to combine their public responsibilities with a normal family life and any projects designed to encourage men to share family responsibilities. Welcoming the draft Law on preventing and combating violence against women, she pointed out that, according to alternative sources of information, the mentality underlying domestic violence was still strong in the country and asked whether the draft law would eventually address marital rape and whether article 171 of the Criminal Code, which dealt with rape, made any reference to marital rape.

13. **Mrs. Tavares da Silva**, referring to the 2003-2005 National Plan entitled "Promotion of gender equality in society", asked for evaluation-based information which demonstrated that women's status had improved in the context of employment, access to decision-making, awareness of gender issues and domestic violence. The new National Plan drawn up for the period 2006-2009 should presumably be based on priorities identified through evaluations and she would like to know if there was any relationship between the new plan and the internal action plan which, according to paragraph 22 of the report, addressed mainly work-related issues in a bid to align Moldovan legislation with the revised provisions of the European Social Card.

14. Referring to the components of the national gender-equality mechanism, she enquired as to the specifically gender-related role of Parliament and the various government bodies and as to the status of the governmental Commission for gender equality, which included representatives of NGOs, educational institutions and social partners and therefore might be a consultative body. The key role ascribed to the Ministry of Health and Social Protection with regard to gender issues suggested that violence against women was treated as a social problem, not as a merely private matter, and that had been confirmed in the oral statement. That approach was positive but, over and above any social aspects, violence against women constituted a violation of human rights. Any law on violence should protect not only the family but also individual family members, particularly women.

15. **Ms. Gabr**, stressing the importance of the national mechanism implementing the country's

international commitments, asked about the composition, mandate, role, funding and sustainability of that mechanism, whose viability and effectiveness required cooperation between the Government and civil society. Referring to the plan for the period 2006-2009, she enquired as to its budget and follow-up. She concurred with the importance ascribed to combating stereotypes in society and in education and, noting the low percentage of women in the Foreign Service, pointed out that women were excluded from some functions, especially in the military.

16. **Ms. Gribincea** (Republic of Moldova), referring to the question on training programme for the judiciary on gender issues and the legal aspects of such issues, said that, under the Constitution and the Law on equal opportunities, nobody could be refused legal protection on the ground that there was no legislative basis. To ensure the proper training of judicial officials, courses had been organized and a compendium of the international agreements to which the Republic of Moldova was a party had been published and circulated to all legal departments. Those steps had been taken in 1998 with the support of domestic organizations. A pamphlet had been issued and transmitted to all Government departments and NGOs with a view to implementing Committee recommendations. The ministries, educational institutions and NGOs concerned had also participated in the preparation of the Law on equal opportunities.

17. The 2006-2009 National Plan for gender equality included an integrated strategy for gender equality with regard to social, economic, political and family-related issues. A new project to be launched in that area with expertise and funds provided by SIDA and UNIFEM would include the development of a strategy for implementing relevant national legislation. In 2003-2005, the Ministry of Labour and Social Protection, through a UNIFEM-sponsored programme for promoting equal rights and opportunities, had made considerable progress in the area of enactment and enforcement of gender legislation. In addition, gender-related information had been disseminated through the media on questions of gender equality. Overall effectiveness could be measured by the progress reported, for instance, the increase in the number of women elected to public office.

18. **Ms. Pascal** (Republic of Moldova) recapitulated the main features of the country's current gender-related legislation and national machinery. Parliament

and the Government attended to gender issues in the framework of their respective fundamental mandates. In the absence of a parliamentary commission for gender issues, such questions were handled by the parliamentary Commission for human rights, cults, ethnic minorities and foreign communities and the parliamentary Commission for social protection, the family and health. The governmental Commission for gender equality was an advisory organ and, acting in accordance with rules approved by the Government, promoted gender equality and coordinated activities of various bodies and cooperation between Government departments and civil society regarding gender issues. Central department units and local social security staff with gender responsibilities monitored the implementation of existing legislation. The local staff in question was funded locally and acted in lieu of local administration gender-units that were not yet operational.

19. The national plan for gender equality drawn up for the period 2006-2009 had been based on an evaluation of the preceding plan in accordance with standards introduced by experts. Funded under the State budget and local administration budgets, it was implemented by the Ministry of Health and Social Protection in partnership with SIDA and specialized local NGOs. Ministry departments directly involved in the earlier plan had submitted annual reports on measures that had been or could be taken. Moreover, there were plans for promoting gender equality in the labour market and enhancing entrepreneurial opportunities for women, especially in the rural areas. A special labour inspectorate monitored employment practices to identify cases of discrimination against women and dealt with sexual harassment in the workplace.

20. Raising awareness of gender issues and concepts was a priority matter for the Ministry of Health and Social Protection. Steps in that area were taken systematically through a unit cooperating with the media. Gender-related research would be accelerated in the eastern part of the country with a view to reducing gender-based violence. Much effort had gone into the draft Law on preventing and combating violence against women. The Ministry of Health and Social Protection actively promoted a healthy lifestyle for men and women and planned to expand activities in that area by, *inter alia*, improving and broadening the information process and intensifying the Ministry's

cooperation with gender staff in other departments, local authorities and NGOs.

21. So far, there had been only one relevant training programme for members of the judiciary. Organized by the Ministry of Justice gender-related information unit, it familiarized lower court judges with international concepts and instruments. However, a new and broader training programme in that area was scheduled to start in 2006. To facilitate the access of poor citizens to the judicial system, the current legislation provided for legal counsel free of charge. Lack of funds had thwarted plans to provide for an ombudsman under the Law on equal opportunities, and the Government had opted for assigning similar responsibilities to the parliamentary advocates. Measures taken to stop violence against women had included such awareness-raising activities as radio broadcasts and discussions. The draft Law on preventing and combating violence against women as adopted by Parliament on first reading had contained only provisions regarding victims of rape and other forms of violence. The text had been subsequently enhanced with measures against the perpetrators and provisions laying down the powers of the competent bodies.

22. **Ms. Patten** noted that in its previous concluding comments the Committee had recommended temporary special measures to accelerate women's representation in educational decision-making. However, the periodic report made no mention of such measures even though the Committee's general recommendation No. 25 stressed that States parties should provide adequate explanation with regard to any failure to adopt temporary special measures. Such failures could not be justified simply by avowing powerlessness. She therefore asked what efforts had been made to adopt the measures in question and what impediments had been encountered. She looked forward to reading about their implementation in the next report.

23. Current national legislation defined affirmative action and called for it to promote balanced participation of women and men in specific professions when a disproportionate representation of one gender was identified. Moreover, one of the goals of the National Action Plan for human rights for the years 2004-2008 entailed setting up a mechanism to ensure equal gender representation at all levels of power. Given the slow progress recorded with regard to gender equality in decision-making, the statement in the report that such progress was impeded by a continuing

patriarchal mentality, and the key importance of such equality to the empowerment of women, she would be interested to know what priority was given to temporary special measures under the plan, what efforts were made to introduce such measures, what groups of women were targeted and whether any identification exercise regarding the disproportionate representation of one gender had been undertaken. According to some NGO reports, the Government had favoured the introduction of temporary special measures in the electoral code in order to enable more women to hold political office, but Parliament had rejected the introduction of such measures twice, in 1995 and 1999, and such language had been specifically excluded from the law as finally enacted. She would welcome information on the parliamentary debates and the obstacles encountered.

24. **Ms. Shin**, referring to the legislation and policy of the Republic of Moldova with regard to human trafficking, recommended that: in line with international standards, the victim's consent — often obtained through coercion or deceit — should be made legally irrelevant; that victims should not be subject to criminal or other proceedings (for instance, if they violated immigration or labour law) which would deter them from coming forward; that victims' identity and testimony should be kept confidential to protect them from traffickers; and that victims should not be charged any documentation or service fees. She asked whether any awareness-raising activities were carried out among potential victims of human trafficking and whether, in cases of sexual exploitation and prostitution, charges were brought against not only the prostitute, but also the client and the pimp or brothel owner. Lastly, she would welcome information regarding the extent to which women availed themselves of the opportunity to start a small or medium-sized enterprise.

25. **Ms. Gribincea** (Republic of Moldova) said that the Government was committed to eliminating trafficking in women. The Ministry of Health and Social Protection, in cooperation with the International Organization for Migration mission in Moldova (IOM Moldova), operated a centre where victims were sheltered for about three months and were provided with health care, psychological assistance, social services and reintegration-oriented counselling. In early 2006, the Government, in partnership with IOM Moldova, had set up a system to ensure long-term

follow-up of the victims, promote local integration and provide assistance to potential victims through appropriate monitoring and services at the regional level, including training. The system comprised local government structures and support groups. Use was made of existing legislation to find jobs for the victims, who for about 10 months received financial assistance, including unemployment benefits. In cooperation with IOM Moldova and the "La Strada" organization, the Ministry ran an awareness-raising programme for women in and out of school and a help desk for victims.

26. The law considered trafficked women as victims regardless of consent and provided for sanctions against pimps. Victims' identity and testimony were kept confidential. With regard to women's participation in public decision-making, account should be taken of the transition from a planned economy to the current economic system. Improvement had been slow but steady. Much remained to be done, building on any progress so far achieved. It was encouraging to note that the Deputy Prime Minister was a woman and the parliamentary Commission for social protection was chaired by a woman. Within the framework of the 2006-2009 National Plan for gender equality, particular attention would be paid to making appropriate training available to women and implementing — in cooperation with civil society — appropriate legislation, including temporary special measures and quotas. To that end, links existing at the central and local level between several directorates of the Ministry for Health and Social Protection and NGOs would be exploited.

27. **Ms. Gabr**, after referring to the various commissions and other bodies described by the Moldovan delegation, asked whether the Republic of Moldova had an integrated national mechanism for eliminating discrimination against women. If such a mechanism existed, she would welcome information on its mandate and funding.

28. **Mr. Flinterman**, referring again to the lack of an ombudsman, enquired as to the mandate of the three parliamentary advocates and the number of women's human rights violation complaints that they had received. He asked whether there were plans to appoint an ombudsman. Further, he wondered whether the legal aid scheme set up to help women victims to deal with court procedures was really available or whether the funds set aside for the scheme were used for other

purposes. He reiterated his question on the relevance of Constitutional Court procedures, asking in particular whether a woman whose rights were violated must use a Constitutional Court procedure in addition to the ordinary court procedure. Lastly, he again requested clarification of the meaning of the terms “gender equity” and “gender equality”.

29. **Ms. Popescu** expressed astonishment that the draft Law on preventing and combating violence against women referred only to the victims and not the perpetrators and asked what was the use of such a law. She called for very clear provisions regarding the perpetrators of domestic violence and passive relatives. Moreover, she would like to know: how the existing shelters for women victims of violence could function as day-care centres only; whether the Government planned to set up and fund additional shelters for the victims; and whether there were provisions for removing from the household the perpetrator rather than the victim and protecting the victim. Lastly, she reiterated her question on marital rape.

30. **Ms. Tavares da Silva**, referring to existing legal provisions for gender mainstreaming in all government policies, strategies, programmes, normative acts and funding, said that she would welcome information on the mechanism used to that effect, and in particular on the bodies responsible for the coordination, review and evaluation of the implementation of those provisions.

31. **Ms. Gribincea** (Republic of Moldova), referring to the implementation of gender mainstreaming, said that gender policies and strategies were developed by units responsible for gender issues in the various ministries and were coordinated by the Ministry of Health and Social Protection and by the governmental Commission for gender equality, a consultative body that also monitored activities carried out in that area. Shelters for women victims of domestic violence, set up in cooperation with experienced NGOs, were beginning to operate, providing either day care or housing and full assistance for a month, depending on the case. Assistance was available through a special fund for social support and was provided by interdisciplinary teams (consisting of psychologists, social assistants and legal specialists), which also addressed the perpetrators and the relatives in a bid to halt violence and reintegrate the victim in the family after one month.

32. The law did not provide for rehabilitating the aggressors. They were subject to sanctions decided by a court and ranging from a simple warning to imprisonment. There was ongoing discussion about the possibility of removing the perpetrator from the household. Although Moldovan law did not specifically provide for marital rape, such cases could be prosecuted under the Criminal Code (art. 171). The mandate of the three parliamentary advocates, two men and one woman, was not limited to gender issues. The advocates cooperated with the Ministry of Health and Social Protection with a view to resolving gender-related problems and implementing the relevant legislation. Lastly, the use of “equity” to mean “equality” was probably a translation error and attention would be paid to that point in future.

Articles 7 to 9

33. **Ms. Arocha Dominguez**, noting women’s insufficient participation in decision-making at the central and local levels, asked what steps had been taken to eliminate discrimination against women in the country’s political and public life and, in particular, to promote women’s participation in political parties and in elections. She further asked whether any diagnostic study had been carried out in order to establish the main causes of women’s under-representation. Those causes might vary depending on the type of office to be occupied.

34. **Ms. Tavares da Silva**, pointing out that the percentage of women among mayors had regressed from 15.4 per cent in 2003 to 14.8 per cent currently, and stressing the low overall level of women’s participation in decision-making, said that she would welcome information regarding the Government’s equal representation policy, especially in view of Parliament’s rejection of temporary special measures consistent with the law.

35. **Ms. Gribincea** (Republic of Moldova) said that in the Republic of Moldova women for the most part attached importance to their duties in the home, and stereotyped conceptions caused them to jib at the idea of giving up some of their family responsibilities to occupy public office. However, some women participated in training seminars or entrusted their children to preschool establishments in order to participate in political life, and the number of women candidates was expected to increase in the 2007 local elections. Through a project launched in cooperation

with NGOs, 1,580 women had received training in the art of campaigning. Moreover, a number of women headed administrative departments. The Government's gender policy, based on research carried out by NGOs and at university level, was being implemented step by step. The effects of that policy were monitored by a special unit in the Ministry of Health and Social Protection and, according to rules formulated by the governmental Commission for gender equality, by public administration staff entrusted with gender-related responsibilities. That staff received annual reports drafted by the Ministry as a basis for recommending gender mainstreaming methods. The ministerial monitoring unit had been an innovation. The National Bureau of Statistics of the Republic of Moldova had published a special bulletin that provided gender-related national data and constituted an important policy tool.

36. **Ms. Arocha Dominguez** said that, since in the Republic of Moldova women constituted the majority of intellectuals, scientists, professional and technical workers and the workforce as a whole, the Government should step up measures — for instance, in education — to strengthen women's participation in the country's political and public life.

37. **Ms. Tavares da Silva** said that she would like to know what was the Government's policy with regard to reconciling work and family, private and public responsibilities. Currently, that reconciliation was under intensive scrutiny in other countries, in particular those of the European Union, and the Council of Europe and the European Commission had issued guidelines on the subject. Such a policy should include appropriate training and the creation of social conditions conducive to gender equality in public life.

38. **The Chairperson**, speaking as a member of the Committee, pointed out that single women should presumably have easier access to public office. She suggested the introduction of financial incentives in the form of subsidies to parties in proportion to the percentage of women among their candidates and among their members who were elected to public office.

39. **Ms. Gribincea** (Republic of Moldova) said that the implementation of the Law on equal opportunities was a priority for the Government. Plans for the future included: the promotion of women currently occupying junior posts in the various political and public

administration structures; and the development of gender equality as a family value with a view to encouraging women's participation in public life. The Government would consider the use of financial incentives.

Articles 10 to 14

40. **Mr. Flinterman**, noting that the Republic of Moldova had signed the Convention relating to the Status of Refugees on 28 July 1951 and had adopted national legislation to implement its obligations under that Convention and its 1967 Protocol, asked whether the enabling national legislation included provisions on trauma and sexual violence in connection with the determination of refugee status.

41. **Ms. Gribincea** (Republic of Moldova) said that her country had centres for refugees, to whom assistance and services were provided in cooperation with NGOs, but that she would like to address that issue later and in greater detail.

42. **Ms. Shin** said that the manner of presenting employment-related statistics in the report did not provide a clear picture of the situation of women in the labour market. Noting that the definition of unemployment for statistical purposes was misleading to the extent that it failed to take account of women not actively seeking employment, she asked whether research had been undertaken to determine the real situation. She would welcome information on any findings with regard to employers' discriminatory practices in hiring, wages, promotion, and so forth. She enquired as to the existence, method and effectiveness of any monitoring mechanism designed to identify cases of arbitrary refusal to hire or dismissal, which were illegal. She asked what policies and programmes were in place to reduce the substantial wage gap between men and women. Furthermore, she urged the Government to review any legislation purporting to protect women in order to determine whether such provisions were overly protective and in reality tended to reduce women's employment opportunities. Lastly, she noted that, although it provided a definition of sexual harassment, Moldovan legislation contained no specific provision that prohibited its practice. She therefore asked whether sexual harassment was regarded as a problem in Moldovan society and what the Government intended to do about it.

The meeting rose at 1 p.m.