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تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقررة الخاصة المعنية بمسألة العنف ضد المرأة
وأسبابه وعواقبه، السيدة ياكين إيرتورك*

إضافة

البعثة التي قامت بها إلى جمهورية مولدوفا**

* تأخر تقديم هذا التقرير لكي يتضمن أحدث المعلومات.

** يعمم موجز تقرير هذه البعثة بجميع اللغات الرسمية. أما التقرير نفسه فيرد في مرفق هذا الموجز ويعمم باللغة التي قُدم بها فقط.

موجز

يتضمن هذا التقرير ما خلصت إليه من استنتاجات على إثر الزيارة الرسمية التي قمت بها إلى جمهورية مولدوفا في الفترة من ٤ إلى ١١ تموز/يوليه ٢٠٠٨ بالاشتراك مع المقرر الخاص المعني بمسألة التعذيب وغيره من ضروب المعاملة أو العقوبة القاسية أو اللاإنسانية أو المهينة

وبودّي أن أعرب عن تقديري لحكومة جمهورية مولدوفا على تعاونها الممتاز.

لقد نتجت عن تحول جمهورية مولدوفا إلى ديمقراطية وإلى اقتصاد سوقي عقب انهيار الاتحاد السوفياتي صعوبات اقتصادية واجتماعية ألفت على عاتق المرأة عبئاً ثقيلاً. ولو أن الاقتصاد استرجع نموه الإيجابي منذ عام ٢٠٠٠ إلا أن الاختلال الهيكلي والضعف المؤسسي يطرحان تحديات أمام استقرار البلاد الاجتماعي - الاقتصادي.

والمساواة بين الجنسين يكفلها القانون؛ لكن في الممارسة العملية، مما يزيد من مفارقة إخضاع المرأة ارتفاع مستويات البطالة و/أو مواطن الشغل المنخفضة الأجر. وبالتوازي مع ذلك، فإنّ المواقف التي تقوم على سلطة الأب والمواقف التمييزية تزيد المرأة ضعفاً وتعرضاً للعنف والاعتداء. وفي هذا السياق، فإن العنف المتزلي واسع الانتشار بشكل خاص، إذ يتغاضى عنه المجتمع إلى حدّ كبير ولا يلقي الاعتراف المناسب من المسؤولين والمجتمع، بل وحتى النساء أنفسهن مما يؤدّي إلى وجود هياكل أساسية وقائية غير كافية لضحايا العنف.

والحاجة إلى الابتعاد عن محيط الاعتداء، بما في ذلك العنف المتزلي والتحيّز وتزايد الحرمان الاقتصادي، كلّها عوامل تحث المرأة على السعي إلى العمل في الخارج. ونتيجة لذلك، وبالأساس في سياق الهجرة غير المشروعة/غير القانونية، فإنّ العديد من النساء يقعن ضحية أوضاع شبيهة بالرق و/أو شبكات الاتجار، ويعشن ظروفاً هي بمثابة تعذيب وسوء معاملة.

وجمهورية مولدوفا قطعت شوطاً طويلاً من حيث بناء المؤسسات وحماية حقوق الإنسان منذ الاستقلال، الأمر الذي يعكس التزامها بهذا الخصوص. وقانون منع العنف العائلي ومكافحته، الذي بدأ سريانه، واعد جداً. فهذا القانون، إلى جانب قانون إتاحة فرص متساوية للرجل والمرأة، سيساهم في تحسين منع حوادث العنف ضد المرأة والوقاية منها ومقاضاة المسؤولين عنها. غير أنه لا تزال توجد فجوات عديدة بين الإطار الناظم والممارسة العملية.

ويحتتم التقرير بعدد من التوصيات فيما يتصل بالقضاء على العنف؛ وتمكين المرأة وتحقيق مساواتها مع الرجل؛ وإقامة نظم قواعد بيانات تراعي الفوارق بين الجنسين؛ وإدخال إصلاحات على المؤسسات وعلى القطاع العام؛ والتعاون الدولي. وأناشد الدول تقاسم مسؤولية استنباط حلول ثنائية وعبر وطنية لمشكلة الاتجار بالنساء والفتيات.

Annex
REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST
WOMEN, ITS CAUSES AND CONSEQUENCES, YAKIN ERTÜRK, ON
HER MISSION TO THE REPUBLIC OF MOLDOVA
(4-11 July 2008)

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Introduction

1. From 4 to 11 July 2008, I undertook an official mission to the Republic of Moldova at the invitation of the Government. The visit was carried out jointly with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, which allowed both mandate holders to benefit from each other's experience in assessing the situation of human rights and its gendered dynamics in the country.

2. Consultations were held with the Prime Minister, the Deputy Prime Minister, the Ministers for Foreign Affairs and European Integration, Health, Interior, Justice, Social Protection, Family and Child, the Deputy Minister of Economy and Trade, representatives of the Ministry of Education and Youth and the Prosecutor General. In addition, we met with members of the Supreme Court of Justice and of Parliament, representatives of the Governmental Committee for Gender Equality, of the Bureau for Inter-ethnic Relations, and of local governmental institutions, as well as the Head of the Penitentiary Administration.

3. Meetings were also held with the following: the chairperson and representatives of the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the Convention against Torture"); international organizations, including the United Nations Country Team (UNCT), the International Organization for Migration (IOM), the Organization for Security and Cooperation in Europe (OSCE), the Delegation of the European Commission and other members of the diplomatic and donor community; and civil society representatives from women's organizations, ethnic minorities and religious groups. We had the opportunity to visit prisons, police precincts and institutions providing services to survivors of violence in different parts of the country and speak with persons in detention and victims of violence, trafficking and ill-treatment. We also conducted a one-day visit to the Transnistrian region of the Republic of Moldova, where I visited women in a penitentiary institution and met with civil society actors dealing with gender issues.

4. I would like to express my gratitude to the Government of Moldova for its excellent cooperation and receiving the mission at the highest level. I would also like to thank the UNCT and the Resident Coordinator for the assistance extended prior to and during the mission, and the IOM and the OSCE for their support throughout the visit. I am particularly grateful to the women who shared their experiences with me.

I. GENDERED DIMENSIONS OF TRANSITION

5. After independence on 27 August 1991, the Republic of Moldova experienced one of the sharpest economic declines in the Commonwealth of Independent States (CIS), coupled with a conflict in the Transnistrian region of the country.¹ These resulted in a decline of real gross domestic product (GDP) growth by around 10 per cent yearly, a sharp erosion of living standards, an increase in poverty and a dramatic deterioration of education and social services.

¹ The Transnistrian region is self-proclaimed as independent of the Republic of Moldova. See O. Protsyk, "Moldova's Dilemma in Democratizing and Reintegrating Transnistria". *Problems of Post-Communism*, vol. 53, No. 4, July-August 2006, pp. 29-41.

6. Today, although still volatile, structural reforms have enabled the Republic of Moldova to reach a degree of macroeconomic stability and a cumulative rise in real GDP of around 50 per cent since 2000.² However, the human development index (HDI) has fallen drastically over the years, going from eighty-first place in 1992, to 111 out of 177 countries in terms of economic and social development, and 135 in terms of GDP per capita, which are significantly below the averages for Eastern Europe and the CIS.³ Important structural imbalances, weak institutions, expansion of the informal economy and proliferation of corruption⁴ continue to challenge the country's political, social and economic stability.

7. Once a middle-income country, the Republic of Moldova has become the poorest country in Europe,⁵ with adverse implications for women's status and gender relations. In this respect, as the socio-economic status of women declines, their vulnerability to exploitation, violence and ill-treatment increases. Particularly alarming is the trafficking of women and girls for exploitation in domestic labour and the commercial sex industry.

A. Status of women

8. During the Soviet period, although within a paternalistic framework,⁶ women's education and their participation in public life and the workforce was supported as part of official State policy.⁷ As a result, women fared relatively well in terms of basic development indicators.

9. In the process of post-Soviet transformations, while many of the policies supportive of women's public sphere participation were abandoned,⁸ the reassertion of traditional patriarchal values and gender stereotypes further restricted women's opportunities in public life. Moreover, the liberalization of the economy led to high levels of unemployment, with significant implications for women. Unemployment rates have dropped from about 8 per cent during 2003-2006 to 5.1 per cent in 2007, and now appear to be lower among women than men, both in urban and in rural areas.⁹ After a steady decline in female employment as a percentage of total number of employed persons between 1990 and 2000, it appeared to hold at about 49 per cent in 2006 and 2007. However, these figures may not reflect the full picture. The share of inactive

² *The Economist Intelligence Unit*, Moldova Country Profile 2007.

³ *Human Development Report 2007/2008*, United Nations Development Programme (UNDP), p. 231.

⁴ Transparency International's 2008 Corruption Perception Index ranks Moldova in position 109 out of 180.

⁵ *Human Development Report* (note 3 above), p. 242.

⁶ See Advocates for Human Rights, 2000. *Domestic Violence in Moldova*. Minnesota Advocates for Human Rights.

⁷ This included laws and policies establishing formal equality between men and women, although women remained largely underrepresented in decision-making positions. See Ala Mindicanu, 2005. *Women's Participation in Democratic Transition*, October (Paper presented at the expert group meeting on political participation, EGM/EPWD/2005/EP.6).

⁸ See, for instance, CEDAW/C/MDA/CO/3, concluding comments by the Committee on the Elimination of Discrimination against Women to the Republic of Moldova. Official unemployment figures for 2007 were provided by the Ministry of Economy and Trade, in correspondence dated 3 April 2009, and 2003-2006 figures are available at http://www.indexmundi.com/moldova/unemployment_rate.html. It is noteworthy that an estimated 25 per cent of working age Moldovans are employed abroad.

⁹ National Bureau of Statistics of the Republic of Moldova, *Women and Men in the Republic of Moldova: Statistical Compilation*, Statistica Moldevei, Chisinau 2008, pp. 167 and 232.

population (i.e. persons not considered economically active) in the country has remained high at between 40-50 per cent (plus) throughout 2003-2007, rates which increased in 2006 and 2007, especially for women.¹⁰ It is also the employment rate of adult women (ages 25-54) that has decreased the most, by almost 10 per cent between 2003-2007.¹¹ Moreover, while unemployment figures for women in rural areas appear to have almost halved in 2007, this may be due to their increased inactivity in these areas, with more women becoming housewives, being confined to the informal sector, or reaching the retirement age.¹² These factors, together with the overall impoverishment of the country, hitting the countryside particularly hard, have severely marginalized women, constrained their options and increased their dependency on men.

10. Poverty is said to have a distinct female face. The Government of Moldova noted in its second and third periodical report presented to the Committee on the Elimination of Discrimination against Women in 2004,¹³ that while only 10.7 per cent of women were financially secure, 54.6 per cent had modest incomes, 25.6 per cent were at the absolute poverty line and 8.4 per cent were below the absolute poverty line. The report further pointed to the discrepancy between women's high level of education and their economic marginalization, which is reflected in the unemployment and inactivity figures aforementioned and the wage gap between women and men in both the public and private sectors. With respect to wage remuneration, in 2006 women earned only 68 per cent of the average salary of men, a figure which increased slightly in 2007 to 72.64 per cent. This discrepancy affected all economic fields.¹⁴ A major area of concern is the worsening social and economic status of women in rural areas, who are directly affected by the crisis in the agricultural sector.

11. On the other hand, since the 2005 parliamentary elections, encouraging progress has been achieved in women's representation in decision-making positions. Women gained 21.8 per cent of the seats in the Parliament, representing an impressive increase from the 3.8 per cent in 1990. The Prime Minister, for the first time ever in Moldovan history, is a female and five women hold cabinet ministerial positions. Women's representation in local government, however, has shown a downward trend,¹⁵ with only 3.1 per cent of district (*rayon*) presidents, and 17.5 per cent of mayors of municipalities, towns and villages being women, as of April 2008.¹⁶ Given the fluctuation of these figures between 1980 and 2008, it is not possible to ascertain whether women's political participation has entered a positive upward trend. The situation therefore warrants close monitoring and a firm State commitment to ensure a sustained equal representation of women in leadership positions at all levels of political and public life.

12. On the whole, however, poverty and lack of opportunities characterize the reality for the vast majority of women in Moldova, for whom migration abroad is the only viable option to

¹⁰ Ibid., p. 221.

¹¹ Ibid., pp. 168 and 223.

¹² Ibid., p. 232.

¹³ CEDAW/C/MDA/2-3.

¹⁴ See *Women and Men ...* (note 9 above), p. 240, noting that the only exception was the fishing industry, which employed 100 women in 2007.

¹⁵ In 1980 women in local government was 49.8 per cent, the figure systematically declined over the years. See Ala Mindicanu, loc. cit., p. 8. Some improvement was noted for a period however, as a result of the "Women can do it" project (2001-2004).

¹⁶ *Women and Men ...* (note 9 above), p. 175.

secure a livelihood. Ironically, the feminization of migration may hold more risks than opportunities for these women.

B. Feminization of migration

13. The Republic of Moldova is one of the largest net emigration countries in the world, with a steadily increasing number of its population migrating to find work either as seasonal/temporary or permanent migrants, sending home remittances that provide one of the most important sources of survival for many households and represent a significant component of the national economy.¹⁷

14. Although the numbers of migrants vary by source, according to the National Bureau of Statistics, migrant outflows had grown from less than 100,000 in 1999 to more than 400,000 in 2005, representing approximately one quarter of the economically active population of the country. Other sources estimate that the figure is likely to be close to 1 million when illegal migrants are also considered.

15. IOM, based on figures from 2006, distinguished four distinct groups of Moldovan migrants: (a) construction workers in the CIS (33 per cent), mainly Russia, and predominantly rural men with low levels of education; (b) those employed in sectors other than construction (25 per cent) in the CIS, almost half being rural women with higher levels of education; (c) migrants to the European Union and Israel (33 per cent), over half being female mainly from rural areas; and (d) others, such as migrants to Turkey and Romania (12 per cent), two thirds being women, predominantly from rural areas with low levels of education.¹⁸

16. As these figures indicate, seasonal or temporary migration is a way of life especially for rural Moldovans in their strategy to cope with the pressures of the economic crisis of the late 1990s, which resulted in declining standards of living and unemployment. The overall rural migrant stock is composed of 64 per cent men and 61 per cent of women.¹⁹ While men appear to make up the majority of overall migrants, women's migration has become a salient feature of the phenomenon. With formal channels lacking, many women rely on informal networks, some of which may be linked to illegal operators that lure young women and girls into risky forms of employment, as discussed below.

17. Different estimates situate female migration from Moldova between 40 and 60 per cent of the overall migrant population. Many of my interlocutors, especially in rural areas, referred to an increasing number of women going to work abroad, often illegally, without legal protection or insurance, and leaving their children and husbands behind, with the prospect of earning an

¹⁷ In 2006, remittances constituted 36.2 per cent of GDP, among one of the highest ratios in the world. The volume of remittances to the Republic of Moldova increased gradually since the late 1990s, from US\$ 87 million in 1996 to US\$ 1,182 million in 2006. World Bank, Development Prospects Group, 2008. *Migration and Remittances Factbook*; World Development Indicators database.

¹⁸ Patterns and Trends of Migration and Remittances in Moldova, IOM, 2007.

¹⁹ Ministry of Health National Demographic and Health Survey, Chisinau, 2005.

income to improve the family's living conditions.²⁰ However, particularly within irregular/illegal forms of migration, many Moldovan women fall victim to trafficking networks and experience situations that amount to torture and ill-treatment.

18. Although remittances have contributed to improved standards of living of migrant households, the negative impact of mass migration on the lives of individual migrant women and those left behind, and on household stability has been dramatic. While women left behind become overburdened with increased responsibilities for household subsistence, child care and care of the elderly, the migration of women more often than not results in the disarray of the family, as the husband left behind tends to neglect or abuse the children or abandon them altogether to start a family elsewhere.

II. VIOLENCE AGAINST WOMEN

19. Moldovan women suffer from all forms of violence. However, domestic violence and trafficking are major areas of concern. The two are intimately connected and are linked to women's overall subordinate position in society. Particularly in the context of irregular/illegal migration, women who fall victim to slave-like work conditions and/or to trafficking networks are extremely vulnerable to torture and extreme forms of degrading treatment in countries of destination and stigmatization upon return to the Republic of Moldova.

A. Domestic violence

20. While reliable data and a systematic registering of cases on the nature and extent of the phenomenon is lacking, domestic violence is said to be widespread. According to a Ministry of Labour, Social Protection and Family report: "[...] At present, the frequency of domestic violence, whose victims are women and children, is acquiring alarming proportions. Unfortunately, it is very difficult for the State to control domestic violence since in most of the cases it is reported only when there are severe consequences of the violence, the other cases being considered just family conflicts."²¹

21. Despite this acknowledgement, unless it results in serious injury, domestic violence is not perceived as a problem warranting legal intervention. As a result, it is experienced in silence and receives little recognition among officials, society and women themselves.

22. According to a survey conducted in 2005, 41 per cent of women interviewed reported encountering some form of violence within the family at least once during their lifetime.²² The survey revealed that psychological violence, followed by physical violence, is the most widely reported form of abuse in the family. Almost a third of the women interviewed indicated having

²⁰ An IOM survey in 2006 estimated that 177,000 children had been left by parents working abroad; of those, 40 per cent were from rural areas. See Moldova, Migration and Remittances in the Republic of Moldova, IOM, 2006.

²¹ Quoted in: Minnesota Advocates for Human Rights. *Domestic Violence in Moldova*, December 2000, p. 6 (available at www.mnadvocates.org).

²² *Women at Risk in the Republic of Moldova*, Winrock International, June 2005 (available at <http://www.stopvaw.org/Moldova.html>). The findings of the Demographic and Health Survey conducted the same year revealed this figure to be higher, at 68.7 per cent.

been subjected to multiple forms of violence. The study notes that domestic violence runs across lines of class and education; however, women with a higher level of education or economic status may tend not to disclose incidents of violence. Sexual violence remains the least reported form of violence. This may be due to lack of recognition of sexual abuse within the family as a wrongdoing or the fear among victims that they will be held responsible and become outcasts.

23. The perpetrators of violence against women are often family members, overwhelmingly husbands or former husbands (73.4 per cent), followed by fathers or stepfathers (13.7 per cent) and mothers or stepmothers (7 per cent).²³ Staff at the shelter in Chisinau indicated that husbands of many of the women who seek help at the shelter are either police officers or from the military, which makes it far more difficult for these women to escape the violent environment and seek divorce. For example, Natalie [assumed name], whom I met at the shelter, a university graduate working as a secretary, escaped from her abusive husband who is a retired policeman. She filed a divorce case in court and rented an apartment but, due to her husband's aggression, had to remain in the shelter with her two children. Although she has complained about his violence repeatedly, she believes that due to his police connections, he is able to manipulate the system.

24. Research shows that although higher levels of violence are found among women aged between 25 and 35 years, violence in the family starts at a very early age, with 27 per cent of women encountering violence from the age of 15 or earlier.²⁴ Violence against children is widely tolerated, including by civil servants and health professionals. A 2007 study reported of the United Nations Children's Fund (UNICEF) that while 21 per cent of parents believe that children are "frequently exposed to serious violence by their parents", 40 per cent admit that beating a child is a justifiable and an effective corrective measure. The survey also shows that 20 per cent of parents feel that family doctors, social workers and police officers avoid helping abused children.²⁵

25. Migration takes a particular toll on children left behind or those in fractured families, making them more vulnerable to violence and exploitation. Studies show that the number of children who do not live with both parents has nearly doubled in recent years from 16 per cent in 2000 to 31 per cent in 2005.²⁶ The situation is particularly worrisome for the children whose mothers have migrated.

26. Some parents departing to work abroad entrust their children to orphanages, boarding schools or other institutions, where conditions are generally poor. In its 2006 report, the Centre for Human Rights of Moldova²⁷ stated that 85 per cent of the 10,350 institutionalized children in the country were not orphans but had one or both parents alive who had placed them in institutions because of poverty or migration. The report further attributed the decrease in

²³ Demographic and Health Survey, Ministry of Health and Social Protection, 2005.

²⁴ Ibid.

²⁵ "Violence against Children in the Republic of Moldova", study carried out by the Ministry of Social Protection, Family and Child and of the Ministry of Education and Youth, with the support of UNICEF Moldova 2007.

²⁶ *Migration and the Rights of Children in Moldova*, UNICEF-Moldova, March 2008.

²⁷ Parliamentary Advocates, along with the Centre for Human Rights, from the National Human Rights Institution/Ombudsperson's Office in the Republic of Moldova.

secondary school attendance, particularly in rural areas, to the absence of parents.²⁸ Girls who suffer from abandonment and neglect or have been taken out of school are particularly at risk of falling victim to violence, abuse and trafficking.

27. Heightened risk of suicide among abused women is also said to be an issue of concern. In some cases, women have resorted to killing their abusers as the only way out of the oppressive life they are enduring. Several of the detainees I met in the Rusca penitentiary for women and penitentiary institution No. 3 in Tiraspol were convicted of murdering or inflicting severe bodily injuries on their husbands. These women, who were serving harsh sentences,²⁹ resorted to such violent acts after living under abusive conditions for years. In Rusca, I received allegations that women had been subjected to corporal punishment by prison guards and were made to perform forced labour. On these, the Government has responded that complaints of corporal punishment by inmates are examined individually by specialists in the field, and that the 68 inmates in Rusca that were working in 2008, had voluntarily enrolled in paid work programmes for which they received an income of 41.81 lei/day.³⁰ Given the seriousness of these allegations however, a thorough investigation on the part of the authorities is encouraged.

28. Economic marginalization and unemployment exacerbate women's dependency and constrain their options to leave an abusive relationship. During my visit, I met women who, even after a divorce, had returned to their abusers because of sheer economic dependence, especially in cases where the couple had children. With the dramatic increase in housing prices due to privatization, finding alternative housing appears to be a serious problem, to the extent that in divorce cases, courts are increasingly ordering the family dwelling to be physically partitioned. On the other hand, the personal testimonies I received from women living under abuse revealed that the lack of confidence in law enforcement agencies and the high cost of legal assistance are major constraints for women in seeking help.

29. There are also a number of widely held misconceptions about violence against women which treat the problem as isolated cases concerning a particular group. These misconceptions are: (a) violence against women is a phenomenon that takes place in poor and broken homes; (b) victims of violence are inherently vulnerable women needing special protection; (c) violent men are deviants who use alcohol and drugs or have personality disorders; (d) domestic violence involves all members of the household, including men. It has been my experience that such misunderstandings often result in misguided and partial solutions, such as rehabilitation programmes for abusers, restrictions over women in order to protect them or gender neutral solutions that overlook the causes of gender-based violence.

B. Trafficking in women and girls

30. The Republic of Moldova is said to be a major source for trafficked persons, particularly women and girls, 14 per cent of whom are under the age of 18 and more than half are between 19

²⁸ Country Reports on Human Rights Practices in Moldova - 2007, United States Department of State, March 2008.

²⁹ I welcome the amnesty declared in July 2008 to convicts below 21 years of age, pregnant women or women with children younger than 8 who had been sentenced to less than seven years' imprisonment.

³⁰ Government correspondence received 30 March 2009.

and 24 years old.³¹ Trafficked children are subjected to sexual exploitation (77 per cent), forced into begging (5 per cent), perform auxiliary work at construction sites (5 per cent) or work in homes (7 per cent).³²

31. According to IOM and La Strada data, at least 70 per cent of trafficking victims come from families described as “poor” or “very poor”, 65 per cent declare unemployment as their main reason for going abroad, and between 70 and 95 per cent had experienced violence at home prior to being trafficked.³³ Several of my interlocutors, including victims, described the need to escape an abusive family and community environment as a factor being intimately linked to trafficking. Women escaping domestic violence and girls leaving or running away from institutional care are most vulnerable to being trafficked. According to IOM, 80 per cent of the women and girls trafficked from Moldova were victims of domestic violence before being trafficked and after their return.

32. From 2000 to 2008 the IOM assisted 2,443 victims of trafficking, overwhelmingly for sexual exploitation (85.8 per cent), followed by labour exploitation (6.5 per cent) and begging (3.1 per cent).³⁴ Moldovan women and girls have been trafficked to more than 30 destination countries in Western Europe, South Eastern Europe, the Middle East, the United States of America and the former Soviet Union, primarily Russia. Although exploitation patterns reportedly differ from region to region, sexual exploitation is most common and particularly pronounced in Turkey, the United Arab Emirates and Balkan countries.³⁵

33. Most victims of trafficking are recruited by individuals, often female kin or friends who in many cases have themselves been victims of trafficking. In fact, many of the convicted women I spoke to in Rusca penitentiary were serving sentences based on trafficking charges. It is reported that recruiters are mainly Moldovan citizens, with connections in other countries, who deceive the girls and women with promises of well-paid jobs abroad.³⁶

34. The experience of Irene [assumed name], who was offered a job in Russia by a female acquaintance, is illustrative. The woman provided her with a ticket to Istanbul where she was told she had to change planes. In Istanbul she was met by two Turkish men who took her to a house where other women and girls were being involuntarily kept and marketed in the sex sector. Irene was forced into prostitution for a month and a half, until a client helped her to escape. She contacted the police and on the basis of her testimony several of the traffickers were arrested. Irene was placed in a shelter for trafficked victims before being returned to the Republic of Moldova. She was not met by anyone at the airport in Chisinau and had to beg for money to

³¹ *Trafficking as it is - A Statistical Profile: 2005-2006 Update*, IOM, 2007 (available at http://www.iom.md/materials/brochures/3_ct_traff_eng.pdf).

³² Ibid.

³³ *Second Annual Report on Victims of Trafficking in South-Eastern Europe*, Country Report on the Republic of Moldova, August 2006 (see http://www.iom.md/what_we_know.html).

³⁴ Figures provided by IOM Moldova.

³⁵ *Trafficking as it is ...* (note 31 above).

³⁶ *Trafficking in Persons in Moldova*, International Centre for Women’s Rights Protection and Promotion, La Strada, 2005, pp. 33-35 (available at http://www.lastrada.md/publicatii/ebook/Trafic_persoane_eng.pdf).

return to her village. Despite the complaint she filed to the police, no action was taken against the woman who had lured her.

35. Internal trafficking in the Republic of Moldova, particularly in the Transnistrian region, is also a problem. Alina [assumed name], at the age of 15, was sold by her brother to the owner of a bar in Tiraspol. For a year, she was sexually exploited by many men, both within the premises of the bar and in private homes where she was driven in the trunk of a car. Alina was often beaten and subjected to various forms of ill-treatment by her abusers. She and 11 other girls, including 7 minors, were rescued as a result of a police operation. Four people were arrested in the police raid. When I met her, Alina was about to leave the shelter where she had stayed for the last three months and was eager to go back to her parents in Tiraspol and return to school. She was not, however, willing to tell her parents that it was her brother who sold her. Therefore, Alina runs the risk of being resold by her brother.

36. A study conducted by La Strada revealed that 11 per cent of the victims of trafficking have been recruited repeatedly.³⁷ In 90 per cent of cases of repeated recruitment, women come back to Moldova independently after having been deported from the country of destination, without receiving any assistance in terms of rehabilitation or reintegration. In addition, for the mere fact of having been abroad, many of them face stigmatization and are regarded as “prostitutes” by their own family, the community and potential employers, thus hindering their chances of successful reintegration. Many women, who are traumatized, opt to run away from home and become vulnerable to further exploitation and abuse, and easy targets for traffickers.

37. The Special Rapporteur on torture, in his report (A/HRC/7/3), concluded that certain cases of trafficking can amount to torture and/or ill-treatment, if the State fails to fulfil its due diligence and rehabilitation obligations in terms of the prevention of trafficking and the protection of individual victims. He further stressed that the social exclusion resulting from past trafficking experiences can lead to revictimization and may also amount to inhuman and degrading treatment.

38. The Committee on the Elimination of Discrimination against Women in reviewing the periodic report of the Republic of Moldova (CEDAW/C/MDA/2-3) in 2006 expressed concern over whether victims of trafficking for the purposes of prostitution risked prosecution for violating immigration, labour and prostitution laws. The State party assured me that this was not the case,³⁸ and moreover, that new provisions were in place to protect victim confidentiality and provide free legal, health and social rehabilitation services. However, there are reports that breach of confidentiality of data concerning victims of trafficking and the services offered to them is a problem.³⁹ It was noted that the Anti-Trafficking Law, despite having a provision on protection of confidentiality of victims, does not foresee any sanctions for breach of confidentiality.⁴⁰ Government authorities have explained that this is because sanctions for this

³⁷ Ibid.

³⁸ Government correspondence received 30 March 2009.

³⁹ An Assessment of Referral Practices to Assist and Protect the Rights of Trafficked Persons in Moldova, UN Office on Drugs and Crime, February 2007.

⁴⁰ Article 21 of the Law on preventing and combating trafficking in human beings.

type of breach are provided elsewhere, including in relevant provisions in the Law on State Secrets and the Criminal Code.⁴¹ The consistent implementation of these provisions in trafficking cases is encouraged. Similarly, clear regulations on the compilation and transmission of data on trafficking victims should be subject to agreed operating procedures among all those involved in combating trafficking.

39. It is worth noting that the new National Plan to Prevent and Combat Trafficking in Human Beings for 2008-2009 contemplates setting up procedures for collecting and analysing data in the field of trafficking at the national level.

III. RESPONSES TO THE PROBLEM

40. This section focuses on the responses by government and non-governmental actors to violence against women and girls, highlighting existing gaps in laws and practices as well as recent initiatives.

A. Legal and policy framework

41. The Republic of Moldova is party to the major United Nations human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol,⁴² all of which form an integral part of the legal system of the Republic.⁴³ Relevant regional human rights instruments ratified by the Republic of Moldova, a member State of the Council of Europe, include the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter, and the Council of Europe Convention on Action against Trafficking in Human Beings.

42. Important steps have been taken to integrate these international and regional standards into the national legal framework through the adoption of numerous laws, action plans and programmes which are relevant for the advancement of women and the promotion of their rights in various fields.⁴⁴ However, due to the lack of a centralized database on sex-disaggregated data and indicators on violence against women and on gender-based discrimination in general, the monitoring and evaluation of the impact of measures put in place for the

⁴¹ Government correspondence received 30 March 2009. In this correspondence, specific reference is made to: article 7 of Law No. 06-XIII of 17 May 1994 on State Secrets; and articles 334, 315, and 344 of the Criminal Code.

⁴² The Republic of Moldova has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

⁴³ Article 4, paragraph 1, of the Constitution provides that human rights and freedoms guaranteed in the Constitution shall be understood and implemented according to the Universal Declaration of Human Rights as well as conventions and treaties ratified by Moldova. Article 4, paragraph 2, further provides that, wherever discrepancies appear between conventions and treaties on human rights and Moldovan national laws, priority shall be given to international regulations.

⁴⁴ Representatives of women's organizations with whom I met indicated that these international standards are not observed in the Transnistrian region of the country; therefore, there is a major gap in monitoring gender issues.

achievement of women's de facto equality and the elimination of violence against women remains difficult.⁴⁵

1. Gender equality

43. The Republic of Moldova has undertaken commendable legislative reforms to achieve gender equality. This principle is recognized in article 16, paragraph 2, of the Constitution and under many laws, such as the Civil and Criminal Codes, the Criminal and Civil Procedure Codes, the Family Code and the Labour Code. The entry into force in February 2006 of the Law on ensuring equal opportunities for women and men established the country's first legal framework for prohibiting gender-based discrimination.

44. In accordance with international treaties to which the Republic of Moldova is a party, in particular the Convention on the Elimination of All Forms of Discrimination against Women, this Law introduces the concepts of gender mainstreaming, direct and indirect sex-based discrimination, affirmative action, gender equality and sexual harassment. To ensure equal opportunities, the Law creates a new governmental Commission on Equality, defines the competences of both central and local specialized public entities and requires the Ombudsperson to ensure the observance of gender equality as an integral part of constitutional human rights and liberties.

45. However, many consider the Law as declarative in nature, as it lacks enforcement mechanisms and does not provide for procedures for submitting and examining gender-based discrimination complaints nor for legal remedies in cases of violations. In addition, adequate financial and human resources for its implementation have not been allocated.

46. The Law is partly the result of the National Plan for Promoting Gender Equality for 2003-2005, which called for the development of a legal framework on gender equality, the elimination of gender-based discrimination in the labour market, the increase of public awareness and education on gender-related problems, and the elimination of violence against women. A new Plan for Promoting Gender Equality was adopted for 2006-2009, with specific provisions in the field of violence against women, including the development of institutional structures and services for victims of violence. Significant provisions on gender equality and women's empowerment, particularly in decision-making positions and in employment, have also been included in the National Human Rights Action Plan for 2004-2008⁴⁶ and the National Development Strategy for 2008-2011.⁴⁷

⁴⁵ The Ministry of Social Protection, the Family and the Child informed me of future initiatives, including the setting up of two national information systems to monitor respectively domestic violence and child abuse cases.

⁴⁶ Chapter 11, "Ensuring of Women's Rights" provides for, inter alia: review of national legislation; creation of mechanisms ensuring equal representation at all levels of State bodies; developing training materials to promote gender equality, including in schoolbooks; drafting a Code of Principles on Combating Domestic Violence obliging public officials to respond to domestic violence; and strengthening the police system in combating domestic violence.

⁴⁷ Goal 3 "Promote Gender Equality and Empowerment of Women" includes increasing representation of women in decision-making positions and reducing gender inequality in remuneration.

47. In April 2008, the Government, in cooperation with the United Nations Development Fund for Women (UNIFEM), started an initiative that led to the development of a National Strategy on Gender Equality, the first ever umbrella strategy on gender equality and women's empowerment. Among its main areas of focus are violence and trafficking, employment and migration, political participation of women, awareness-raising and gender budgeting and financing.

2. Domestic violence

48. The entry into force, on 18 September 2008, of the Law on preventing and combating violence in the family⁴⁸ marks a very important step in the country's efforts to establish the framework and mechanisms for preventing and combating domestic violence as well as identifying the public authorities and specific institutions responsible for its elimination.

49. The Law defines what constitutes domestic violence, applicable both to cases of cohabitation and separate habitation, distinguishing, inter alia, among physical violence, sexual violence - including marital rape - or psychological violence. Clearly specified in the Law are not only the competencies of the central and local administration authorities, but also those of the centres and services of rehabilitation for victims. In addition, it contains a number of important provisions, such as on the security of the victim as a human rights principle, the possibility for third party complaints and granting of protective orders within 24 hours of receipt of the complaint, obliging the perpetrator to stay away from the victim, her children or other dependants.

50. Although it is too early to assess the impact of the Law, most of my interlocutors praised its timeliness and importance in helping to bridge many of the current gaps in the field of domestic violence. A recurrent issue which was raised related to the proper implementation of the Law, notably given the lack of a plan of action and of clear provisions concerning budget allocation, and bearing in mind the insufficient infrastructure to support victims of violence in the country.

51. Other recent noteworthy developments in responding to violence against women are the inclusion of provisions in the Criminal Code on: new aggravating circumstances for severe physical or health damage committed against a spouse; deprivation of liberty for average physical or health harm to a spouse; the offence of "deliberate small physical or health damage", which was previously classified as an administrative infringement.⁴⁹

3. Trafficking

52. One of the most significant advances in the field of trafficking was the adoption in 2005 of the Law on preventing and combating trafficking in human beings (hereafter referred to as the Anti-Trafficking Law). The Law constitutes the culmination of the National Plan to Prevent and Combat Trafficking in Human Beings (2002-2006), which called for the creation of a legislative framework, including the passage of new laws, the modification of existing codes and the

⁴⁸ Law No. 45-XVI, 1 March 2008.

⁴⁹ See articles 151, para. 2 (a), 152, para. 2 (c), and 153 of Criminal Code.

ratification of relevant international conventions. The Plan established the National Committee for Combating Human Trafficking for its monitoring. In March 2008, a new Plan for 2008-2009 was approved by the Parliament.

53. The Anti-Trafficking Law brings national legislation into closer compliance with the international standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Council of Europe Convention on Action against Trafficking in Human Beings. The 2003 Criminal Code has also been brought into line with the Anti-Trafficking Law by establishing criminal responsibility for trafficking in human beings, trafficking in children, illegal border crossing of children, and pimping.⁵⁰ The Code also improves the protection of the participants in criminal proceedings and increases penalties prescribed for human traffickers up to life imprisonment.

54. In the field of international cooperation, the Republic of Moldova has signed collaboration agreements with Slovakia and Italy on combating criminality, including trafficking in human beings, and talks for such agreements have been initiated with the United Arab Emirates and Israel. In addition, the Ministry of Interior has developed cooperation with entities such as InterPol, EuroPol, Frontex, the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) and the Southeast European Regional Center for Combating Trans-border Crime (SECI Center).

55. Despite these measures, implementation is said to lag far behind the legal framework.

4. Migration

56. The prospects of accession to the European Union have created the need for the Republic of Moldova to review its migration policy and reorganize public institutions responsible for its implementation. In this context, the intimate link between irregular/illegal forms of migration and human trafficking, in particular of women and girls, has also gained greater recognition.

57. Measures put in place in the past few years include the adoption of resolutions and new laws in line with international standards, the introduction in the Criminal Code of a provision criminalizing the organization of illegal migration,⁵¹ the development of a policy framework for promoting and protecting the rights of Moldovan migrant workers abroad,⁵² and the strengthening of the role and capacity of the governmental bodies in charge of migration issues. Currently, the Ministries of Interior and of Economy and Trade deal with the phenomenon.

⁵⁰ See articles 165, 206, 207 and 220 of the Criminal Code.

⁵¹ Article 362 of the Criminal Code provides: “organization, for financial gain, of the illegal entry and/or residence on a State’s territory of a person that is not its citizen or resident” is a criminal offence, punishable by a fine or imprisonment of three to five years, deprivation of the right to hold certain positions, exercise certain activities for a period of one to three years, or by the closure of the organization.

⁵² The Republic of Moldova has signed labour and social security agreements with 11 countries, readmission agreements with 9 countries, and in October 2007 it signed a readmission agreement with the European Union regarding persons residing without authorization in the Union.

58. An important recent initiative in the field of migration is the Mobility Partnership signed between the European Union and the Republic of Moldova on 5 June 2008. The purpose of this Partnership, which expressly refers to the respect of human rights and the need to take into account the labour market and the economic situation of the country, is to facilitate legal migration, in particular for development purposes; establish cooperation on migration and development; prevent and combat illegal immigration and trafficking/smuggling of human beings; and promote an effective readmission and return policy.

59. On 10 July 2008, the Parliament adopted the Law on labour migration regulating both labour activities by immigrant workers in the Republic of Moldova and the terms for temporary employment of Moldovan citizens abroad. According to this Law, employment of Moldovan citizens abroad shall be carried out on the basis of individual employment contracts concluded with the employer before departure, through licensed employment agencies that are registered with the National Employment Agency or in accordance with bilateral agreements. Particularly encouraging are the provisions regulating the issuance of licences to employment agencies, providing for their withdrawal when there is proven involvement in trafficking, and requiring migrants to register their underage children who will remain in the country with the competent body. The mechanisms for supervision and control established in the Law, including the regular monitoring of the activities of private employment agencies and the cooperation with diplomatic missions, are also encouraging.

60. These commendable initiatives, together with the assurances I was given that the Government would soon ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, shall set solid legal ground for strengthened prevention of illegal migration and trafficking and the protection of victims.

B. Institutional framework

61. Gender-related policies and programmes are supervised by the governmental Committee on Gender Equality, an advisory and coordinating body created in 2006 in accordance with the Law on ensuring equal opportunities for women and men. It is chaired by the Deputy Prime Minister in charge of social affairs and comprises key ministries, employers associations, trade unions, the Academy of Public Administration, the Academy of Economic Studies, and non-profit organizations. Major duties of the Committee include gender mainstreaming and promotion of equal opportunities for men and women, coordinating the activity of central and local public administration authorities, and developing cooperation between State entities and civil society on gender equality issues.⁵³

62. Women's national machinery, which is said to be understaffed and underresourced, is within the Ministry of Social Protection, the Family and the Child, which is vested with the duty to develop and promote policies in the field of combating domestic violence, promoting gender equality and providing social assistance.

⁵³ Article 18 of the Law on ensuring equal opportunities for women and men.

63. Lack of capacity within various ministries to address issues related to violence against women constitutes a major challenge for the implementation of legislation and action plans in the field. This is particularly relevant with regard to the implementation of the new Law to prevent and combat violence in the family. The Ministries of Social Protection, the Family and Child; Education and Youth; Health care; Interior; Justice; and Local Public Administration are the central authorities responsible for the administration of the Law. The procedure for its implementation and details on budget allocation, however, are not specified.

64. Regarding trafficking, several institutional initiatives have taken place since 2001, including the creation of a special anti-trafficking unit within the Office of the General Prosecutor and the establishment of an ad hoc National Committee to Combat Trafficking in Human Beings. Local multidisciplinary anti-trafficking committees have also been established in all districts of the country. In 2003, the National Committee established four sub-working groups on prevention, protection and direct assistance, legislation, and child trafficking, each co-chaired by a deputy minister and an international organization, namely IOM, OSCE and UNICEF.

65. The main State institution dealing with combating trafficking in human beings is the Centre for Combating Trafficking in Persons (CCTP). Established in 2005 within the Ministry of Internal Affairs as a task-force body, it has criminal investigative competences integrating specialists from the Border Guards Service, Customs Service, Information Security Service, Centre for Combating Economic Crimes and Corruption, and the General Prosecutor's Office.

66. In spite of these measures, allegations of corruption among public officials are repeatedly raised as a major constraint to combating trafficking in human beings. Particularly striking is the fact that the Government has not prosecuted or criminally punished any of the government investigators, prosecutors and senior officials - including the deputy director of the CCTP - that in August 2006 were dismissed from their posts on allegations of corruption in connection with a criminal trafficking ring operating in the country.⁵⁴

C. Reporting and prosecution of violence

67. Incidence of violence against women and girls, particularly within the family, remains largely underreported due to: shame; fear of social stigma; lack of knowledge about existing laws, judicial procedures and services; or simply because of lack of confidence in the system. Women who attempt to access the legal system report that they often face significant obstacles and re-victimization. Unless violence results in serious physical injuries, police, prosecutors and judges are said to often trivialize the matter and discourage women from pursuing the case and an investigation. The lack of specialized female units within the police dealing with cases of violence also deters women from reporting cases. In many instances, domestic violence cases are treated as administrative offences rather than being criminally prosecuted.

68. Law enforcement agents I spoke with attributed the low number of prosecutions of domestic violence cases to the withdrawal of claims by the victims themselves, without questioning why this is so. Although the Criminal Code provides for the prosecution of cases

⁵⁴ Shortly before my visit, the President dismissed some senior staff of the Ministry of Interior on charges of corruption.

involving serious injuries without the consent of the victim, in practice, law enforcement agents rarely pursue the prosecution of a domestic violence case without the victim's cooperation. Importantly, the new Law to prevent and combat violence in the family addresses these issues by calling on the administrative bodies of the Ministry of Interior to: identify, record and report cases of family violence; ensure basic records of aggressors; visit families with records of family violence and undertake preventative activities to avoid repeated acts of violence; ensure the administrative arrest of the aggressor; in emergency cases, obtain a protective order from the court; inform victims of their rights, including the right to free legal counsel; and provide assistance with placement in rehabilitation centres.

69. The requirement of forensic evidence of injury has also been indicated as a deterrent to bringing cases to court. Consequently, the role of forensic doctors, who will grade the injuries as light, medium or severe based on criteria set forth in the Criminal Code, is of extreme importance in determining the charges that may be brought against the perpetrator. The cost of a forensic certificate, although small, coupled with the reluctance of many women to seek medical attention in domestic violence cases and lack of training of health professionals on how to address such cases may also act as deterrents to pursuing criminal prosecution. The role of medical institutions is recognized in the new Law, which calls on them to: report cases of family violence to the authorities; ensure medical counselling and assistance to victims; and contract medical services to be provided by centres/services for victim and aggressor rehabilitation.

70. Regarding trafficking cases, a significant increase in the number of prosecutions and convictions has been reported in the past years. The discrepancy in the response shown in trafficking cases versus domestic violence cases reflects the emphasis recently placed on the former as a priority issue. Given the intimate connection between the two, a coordinated and comprehensive system for the protection and assistance to victims of both domestic violence and trafficking is needed.

71. According to the Ministry of Interior, in 2007, 528 criminal cases of human trafficking were registered,⁵⁵ of which 350 were brought to court and resulted in 287 convictions. The remaining 178 were mainly pimping cases with no factual connection to human trafficking.⁵⁶ The CCTP and regional units of the Ministry of Interior identified 40 international networks involved in trafficking in human beings and the organization of illegal migration. Furthermore, the CCTP brought to court five cases of corruption and abuse of influence (including four cases involving CCTP staff) and four cases of involvement or complicity of civil servants in migration cases. Figures for the first semester of 2008 indicate that 352 cases of human trafficking were registered,⁵⁷ of which 173 were brought to court and resulted in 119 convictions. During this period, the CCTP and the Ministry of Interior identified 16 international networks dealing with trafficking in human beings and the organization of illegal migration.

⁵⁵ Of these, 254 were linked to trafficking in human beings, 51 to children trafficking, 154 were cases of sexual procurement and 69 of organization of illegal migration.

⁵⁶ Reportedly, in many instances, prosecutors file trafficking charges in pimping cases because the Anti-Trafficking Law is more permissive on searches and wire tapping.

⁵⁷ Of these, 154 of them concerned trafficking in human beings, 28 were cases of children trafficking, 102 of sexual procurement and 68 of organization of illegal migration.

72. Despite this progress, the reporting and prosecution of trafficking cases has yet to overcome a number of obstacles. In many cases, prosecutions are initiated long after the victim is recruited, making it difficult to gather evidence. Often times, law enforcement agents lack training on victim identification and interviewing techniques and subject the victim to repeated interviews during the investigation, thus increasing the possibility of re-traumatization. On many occasions, victims change their mind about participating in criminal proceedings in order not to endure further stigmatization or because of pressure and intimidation from traffickers. Reportedly other problems linked with prosecutions include: violation of legal procedures during in-court proceedings, in particular regarding witness protection and confidentiality; the failure to seek forfeiture of criminally derived assets; and the failure to award compensation to victims.

73. As previously mentioned, progress in the number of trafficking investigations and prosecutions is largely offset by the Government's lack of follow-up on allegations against government officials, police officers and police guards for involvement in trafficking cases. Poor quality investigations and corruption are said to have resulted in light or suspended sentences for traffickers.

D. Support services

74. Non-governmental organizations (NGOs) manage most of the essential support services for women victims of violence and abuse in the country. Many of them offer psychological, medical and legal assistance but, due to lack of financial resources, they cannot offer shelter facilities. These centres are largely insufficient in number, lack human and material resources, and are almost exclusively concentrated in urban areas. In addition, the lack of a clear mapping or a comprehensive database on the existing infrastructure for women subjected to violence renders the identification of support services extremely difficult for victims in the Republic of Moldova.

75. There is one main shelter in the country - Casa Mariorarei - where domestic violence victims and their children can take refuge. This shelter, located in Chisinau, offers psychological, social and legal counselling and operates a hotline for actual and potential victims of violence and abuse. It presently offers 24 beds for women and their children, who stay on average one month in the shelter. Despite the fact that the building has been provided by the Mayor's Office free of charge, the shelter operates with insufficient material and human resources and is largely dependant on donor support. Five other centres providing more limited assistance to victims of domestic violence also exist, including two day centres which offer counselling and support to victims of domestic violence and three maternity centres which offer temporary/crisis shelter and counselling services. Article 10 of the Law to prevent and combat violence in the family defines the actors that can create centres for rehabilitation of victims of family violence and sets out the modalities for their operation.

76. Support services to victims of trafficking are mostly provided through NGOs with the support of international organizations. However, the Government of the Republic of Moldova has taken an important role in the development and implementation, in partnership with the IOM, of the National Referral System for the Protection of Victims of Trafficking and Persons

at Risk (NRS), which at the time of reporting was being implemented in 16 regions and 2 municipalities in the country.⁵⁸ The main goal of NRS is to combat trafficking in human beings by coordinating the efforts of national and local state institutions and civil society, and provide comprehensive short- and long-term assistance to actual and potential victims through a series of measures. These measures include: (a) raising awareness and reducing vulnerability through different initiatives, particularly in the fields of housing and employment; (b) prosecution/special assistance programmes for witnesses in legal proceedings through a strong partnership with the CCTP; and (c) identification, repatriation, rehabilitation and long-term reintegration services for victims of trafficking. Proposals to expand NRS throughout the country, including to victims of domestic violence, and to make it sustainable are currently under way.⁵⁹

77. There is one major shelter for victims of trafficking in the country - Rehabilitation Centre for Victims and Potential Victims of Human Trafficking - located in Chisinau with a capacity for 24 victims who stay on average three to four weeks. This shelter, operated by IOM with the support of various donors, provides medical, psychological, social and legal counselling to victims of trafficking. The adoption of Government Decision No. 847 on 11 July 2008 foresees an increased Government involvement and eventual ownership of the Centre.

78. In addition to other projects run by private donors, the United Nations Development Programme (UNDP) has established a network of youth and maternal centres that provide social assistance, job training and develop entrepreneurship activities for women and youth who have been victims of trafficking and other forms of violence, including domestic violence.

79. In the Transnistrian region of the Republic of Moldova, while there is no specific infrastructure for responding to domestic violence cases, IOM has implemented a comprehensive counter-trafficking prevention and protection programme in cooperation with a local NGO partner. In addition to a hotline that provides confidential information on migration and trafficking, which has received almost 3,000 calls since its launch in 2006, the project also provides legal assistance, vocational training, support with job placement and start-up grants for small businesses to victims of trafficking.

IV. CONCLUSIONS AND RECOMMENDATIONS

80. **The Republic of Moldova, since its independence in 1991, has encountered a multitude of difficulties in its transformation to a political democracy and market economy. While many of the related challenges hold commonalities with other post-Soviet countries, this mission has enabled me to identify some of the salient features of the Moldovan transition, which have significant implications for women's status and the violation of their rights.**

81. **One of the most common gendered outcomes of the post-Soviet transition is the dual burden of economic exclusion and patriarchal transgression in women's lives. In the Republic of Moldova, while violence within the private sphere has been found to be the most prevalent form of abuse confronting women, the risk of torture and ill-treatment is**

⁵⁸ According to government correspondence, received 30 March 2009.

⁵⁹ Information leaflet by the Ministry of Social Protection, the Family and the Child and IOM on the National Referral System for the Protection of Victims of Trafficking and Persons at Risk.

particularly manifest in the context of irregular migration which often intersects with trafficking for purposes of sexual and labour exploitation. Migration of Moldovan women, which is initially motivated by economic pressures, is strongly linked to violence and ill-treatment within private life.

82. While trafficking has gained greater recognition in society and by authorities as a public policy issue, domestic violence still remains largely invisible and legitimated as a normal aspect of primary relations. The link between the two is rarely questioned. Consequently, despite the commendable legal and policy developments, particularly in the fields of gender equality, domestic violence, trafficking and migration, the discrepancy between the normative framework and the reality on the ground is a major concern.

83. Furthermore, the predominant approach to crimes against women is a punitive one rather than preventive, protective and corrective. Reporting of such crimes continues to be low and their investigation, prosecution and conviction are poor. Given that crimes against women are largely hidden or socially condoned, combating the problem is challenging, as it is both difficult and costly, and has minimal political returns in the short term. However, the Government is obligated under international and domestic law to embrace this challenge with strong political will and determination. This requires first and foremost: a recognition of the link between women's status and the diverse forms of violence against them; fundamental shifts in mentality and effective policies and programmes, including vigorous public awareness campaigns, training programmes for law enforcement and judicial staff, as well as health professionals; promoting and supporting women's empowerment; and partnership with civil society in building a strong and reliable infrastructure for the protection of victims of violence.

84. While the Government of the Republic of Moldova is primarily responsible in ensuring that women living under its jurisdiction live a life free of violence, it is important to emphasize that combating trafficking in women and girls is also the joint responsibility of the international community, requiring transnational solutions and cooperation.

85. In light of the above, I would like to make the following recommendations to the Government, which are also applicable to the Transnistrian region of the Republic of Moldova. They will require the support and assistance of donor agencies in their implementation.

86. Regarding the elimination of violence against women and girls, the Special Rapporteur recommends that the Government:

(a) Elaborate a Plan of Action for the implementation and monitoring of the Law on preventing and combating violence in the family, including through appropriate mechanisms and the allocation of adequate budgetary and human resources for its implementation to relevant State bodies;

(b) Ensure adequate funding to improve the existing infrastructure, including long-term rehabilitation programmes, to support victims of domestic violence and trafficking and create new centres that provide psychosocial, legal and residential services

throughout the country, paying special attention to the increased vulnerability of women and girls in rural areas;

(c) Expand the framework of the National Referral System for the Protection of Victims of Trafficking and Persons at Risk to children left behind and victims of domestic violence; and bearing in mind the intimate link between trafficking in women and domestic violence, institute a comprehensive, coordinated Government-led system for protection and assistance to all victims;

(d) Enact internal regulations and protocols defining the roles, responsibilities, procedures and codes of conduct of each relevant sector; develop reporting and monitoring mechanisms and provide skills training for the efficient performance of all these functions;

(e) Establish specialized female law enforcement units;

(f) Develop training modules on the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Declaration on the Elimination of Violence against Women and relevant national legislation on violence within the family, gender equality and trafficking for training of all law enforcement personnel, judges and prosecutors, health-care providers and social workers to ensure that they adequately respond to cases of violence against women;

(g) Address the root causes of domestic violence and trafficking of women and girls, and their inter-linkages in all policies, plans and programmes;

(h) Ensure that all those who are involved in the trafficking and sexual exploitation of women and girls are duly prosecuted and punished to the full extent of the law, while guaranteeing the victims' right to protection and confidentiality;

(i) Promptly and thoroughly investigate all allegations which may constitute forms of violence against women;

(j) Consider legislative reforms recognizing the effects and trauma of domestic violence on women, with a view to ensuring that this is taken into account as mitigating circumstances, in the case of women who murder or inflict severe bodily injuries on their husbands/partners because of domestic violence.

87. Regarding gender equality and empowerment of women, the Special Rapporteur recommends that the Government:

(a) Institute a mechanism located within the highest level of Government - a national rapporteur or observatory on gender issues - to observe and monitor trends in gender equality and ensure the consistency of progress achieved;

(b) Ensure full implementation and monitoring of the Law on equal opportunities for women and men, including through the allocation of adequate financial resources, and the guarantee of legal remedies in case of violations;

(c) Ensure that all job-generation and poverty-alleviation strategies and programmes are gender sensitive, and that women, particularly those from rural areas, have full access to vocational training programmes, including through the implementation of temporary special measures in accordance with article 4 of the Convention on the Elimination of All Forms of Discrimination against Women and General Recommendation No. 25 (2004) of the Committee on the Elimination of Discrimination against Women;

(d) Conduct awareness-raising campaigns on violence against women and women's rights targeted at women, particularly in rural areas, to enhance their awareness of their human rights and to ensure that they can avail themselves of procedures and remedies for violation of their rights;

(e) Integrate a gender equality perspective into school textbooks and curricula and provide gender training for teachers, with a view to changing patriarchal attitudes and stereotypes regarding the role of men and women in the family and society;

(f) Consider reintroducing the "life skills education" programme into elementary and secondary school curricula;

(g) Encourage the media to play a more active role in promoting women's status in society, and not to project gender stereotypes or discriminatory attitudes towards women.

88. Regarding gender-sensitive information and knowledge base, the Special Rapporteur recommends that the Government:

(a) Enhance national level collection, analysis and dissemination of sex-disaggregated data on the prevalence of different forms of violence against women and girls, including through the classification of domestic violence as a separate crime in police and prosecution records, and introduce specific modules on violence against women and trafficking in national surveys;

(b) Set up a centralized database to map out the support services and institutions for women and girls subjected to violence within the National Referral System;

(c) Collaborate with academic and research institutions to carry out periodic research on the impact of economic restructuring on women, migratory trends and their affect on the family;

(d) Strengthen exchange of data between government bodies, crisis centres and international and non-governmental organizations.

89. Regarding institutional and public sector reforms, the Special Rapporteur recommends that the Government:

(a) Consider restructuring the national machinery for the advancement of women as an independent entity located at the highest level of the government structure and strengthen it with the financial and human capacity and political authority to enable

outreach and to coordinate the work of all ministries and relevant public institutions on gender equality issues;

(b) Monitor, through measurable gendered indicators, the impact of laws, policies and action plans in order to evaluate progress achieved towards the elimination of violence against women and girls;

(c) Investigate with diligence all allegations of corruption among public servants and prosecute perpetrators.

90. With regards to international cooperation, the Special Rapporteur recommends that the Government:

(a) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) Adopt decisive measures to regulate migratory flows, including by promoting safe migration on the basis of the new Law on labour migration, the Mobility Partnership with the European Union and bilateral agreements, including measures related to data collection and recording of migrants leaving the Republic of Moldova, information-sharing and training, and addressing the gendered social consequences of migration and supporting women migrants;

(c) Promote labour force mobility opportunities, as an expression of the right to free movement and the right to dignified working conditions;

(d) Foster international, regional and bilateral cooperation, under the principle of shared responsibility of States, with countries of transit and destination, to effectively respond to incidents of trafficking with the view to provide safe return and reintegration to victims, and to apprehend and punish traffickers;

(e) Work with the donor community to encourage them to include the issue of domestic violence in their trafficking programmes.

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