



# Assemblée générale

Distr. générale  
15 mars 2013  
Français  
Original: anglais

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## Conseil des droits de l'homme

### Vingt-troisième session

Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,  
civils, politiques, économiques, sociaux et culturels,  
y compris le droit au développement**

## **Rapport du Groupe de travail sur la discrimination à l'égard des femmes sur le plan juridique et dans la pratique**

**Additif**

### **Mission en République de Moldova\***

#### *Résumé*

Le présent rapport donne un aperçu du cadre juridique, institutionnel et politique qui régit les droits fondamentaux des femmes, ainsi que des mesures prises pour le mettre en œuvre. Il contient également une description de la participation des femmes à la vie politique et à la vie publique ainsi qu'au monde du travail et des discriminations systémiques et multiples dont sont victimes les femmes roms. Il met en évidence les bonnes pratiques et s'achève sur des recommandations.

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\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit est joint en annexe au résumé et il est distribué dans la langue originale seulement.

## Annexe

[Anglais seulement]

### **Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to the Republic of Moldova (from 20 to 31 May 2012)**

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## I. Introduction

1. The Working Group on the issue of discrimination against women in law and in practice visited the Republic of Moldova from 20 to 31 May 2012 at the invitation of the Government. Two of its five members, the Chairperson-Rapporteur, Kamala Chandrakirana, and Eleonora Zielińska, participated in the visit.

2. In accordance with its mandate as contained in Human Rights Council resolution 15/23, the objectives of the Working Group were to engage in dialogue with the Government of the Republic of Moldova and other stakeholders on the issue of eliminating discrimination against women in law and in practice; to identify good practices relating to the elimination of laws that discriminate against women or are discriminatory in terms of implementation or impact; and to make recommendations on improvement of legislation and implementation of the law. The Working Group examined the issue of discrimination against women in political and public life as this is its priority theme for 2012, as well as in economic and social life. It also considered issues relating to the intersection of different forms of discrimination faced by specific groups of women.

3. The Working Group held extensive consultations in Chisinau, the municipality of Balti, and the district of Causeni with Government officials, representatives of the legislature and judiciary, the Center for Human Rights of Moldova and one of the Ombudspersons of Moldova, civil society organizations, representatives of the media and religious institutions, as well as a predominantly Roma community in Nisporeni district. In Gagauzia, it met with a representative of the legislature and a few non-governmental organizations, and in Transnistria, with the de facto authorities and non-governmental organizations. It also met with the United Nations country team, regional organizations, and representatives of the donor community. It attended two workshops chaired by the Minister of Labour, Social Protection and Family (MLSPF) and the Deputy Speaker of the Parliament on the subject of its mandate and key national priorities in this regard.

4. The Working Group expresses gratitude to the Government for its cooperation in ensuring the success of the visit. It is also grateful to the United Nations country team, including the Office of the United Nations Resident Coordinator and its Human Rights Adviser, and the United Nations Entity for Gender Equality and the Empowerment of Women, for their assistance prior to and during the visit, and to all who provided support to the mission. It looks forward to continued dialogue with the Government and other stakeholders on implementation of the recommendations made in the present report.

## II. Context

5. The Republic of Moldova has enjoyed independence for two decades. During this time it has had to address tensions and war in Gaguzia and Transnistria. The situation in Gaguzia was resolved by establishing an autonomous territorial entity, whereas the political status of Transnistria is as yet unsolved and peace talks continue in the context of the “Permanent Conference on political issues in the framework of the negotiating process on the Transnistrian settlement” (the 5+2 format).<sup>1</sup> These talks resumed in November 2011 after a long break.

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<sup>1</sup> Moldova and Transnistria are the parties concerned. The Organization for Security and Co-operation in Europe (OSCE), Russia and Ukraine act as mediators. The European Union and the United States of America are observers.

6. Upon independence, the Republic of Moldova pursued a transition to a market economy and a pursuit of democratic goals. Despite reforms, its economic performance was generally weak for most of the first decade until an economic recovery which started in 2000 and gained ground between 2007 and 2011, when the country achieved an average annual gross domestic product (GDP) growth rate of 6.4 per cent.<sup>2</sup>

7. Despite economic progress, 21.9 per cent of the population was living below the poverty line in 2010, indicating that poverty reduction has not kept pace with economic growth in the country. On the 2011 Human Development Index (HDI), the Republic of Moldova ranks 111 out of 187 countries and territories, placing it in the category of medium human development. On the Gender Inequality Index (GII) which reflects women's disadvantage in reproductive health, empowerment and the labour market, the loss in human development due to sex inequalities was 0.298, which is below the European regional average.<sup>3</sup>

8. With the prospect of joining the European Union, there is a new window of opportunity for the country to further secure the equal enjoyment of human rights for women and men. This opportunity comes at a time of economic crisis in the region and in the midst of a long-standing debate within Moldovan society about its overarching values and future direction.

### **III. The legal framework and its implementation: improvements and challenges**

9. The Republic of Moldova has made significant progress since its independence in ratifying international human rights treaties and adopting and revising national legislation to ensure compliance with international norms and standards. It ratified inter alia, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights in 1993, as well as the Convention on the Elimination of All Forms of Discrimination against Women in 1994. In 2006, the Republic of Moldova ratified the Optional Protocol to the Convention.

10. The Constitution of the Republic of Moldova, adopted in 1994, stipulates in article 4 that its provisions shall be understood and implemented in accordance with the Universal Declaration of Human Rights and treaties to which the country is party. In case of discord, international law takes precedence. Article 16 guarantees equality before the law without discrimination on a closed list of grounds of race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin. Article 43 guarantees equitable and satisfactory working terms to all and article 48 stipulates equality between women and men in marriage. According to the de facto authorities of Transnistria,<sup>4</sup> the Transnistrian "Constitution" and legislation contain equality provisions, but there is no specific legislation pertaining to gender equality. The authorities saw no need for such specific legislation, referring to the leadership role that women played in the political history of Transnistria and their current representation in executive bodies.

11. The Republic of Moldova has made regular improvements to its laws and policies since 2006, including in the field of women's human rights, to ensure conformity with international human rights standards.

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<sup>2</sup> <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG>

<sup>3</sup> See <http://hdrstats.undp.org/en/countries/profiles/MDA.html> and <http://hdr.undp.org/en/statistics/gii/>

<sup>4</sup> The Working Group expresses no opinion concerning the legal or political status of Transnistria.

12. In 2006, parliament adopted Law N. 5-XVI on Ensuring Equal Opportunities for Men and Women, which contains the principle of gender equality, defines discrimination on grounds of sex, and establishes an institutional framework for its implementation. The Law includes provisions pertaining to, inter alia, discrimination on grounds of pregnancy or maternity; sexual harassment; and ensuring equal opportunities between women and men in the public domain, and socio-economic spheres (including employment) education and health care. However, many stakeholders in Government and civil society described this law as merely “declarative” as it has no enforcement mechanism, despite being a symbolic achievement for women.

13. Law N. 5- XVI did not stipulate procedures for submitting and examining complaints of sex and gender-based discrimination. Notwithstanding, the Working Group was informed of two cases of gender-based discrimination brought to court by civil society organizations. Decisions on both cases were still pending during the Working Group’s visit. The Working Group notes that this negligible number of cases in the courts is unrepresentative of reported widespread discrimination faced by women in practice.

14. At the time of its visit, the Government was conducting a comprehensive review of Law N. 5-XVI. Amendments under consideration include, for example, definitions of victimization, sexism, incitement to sex discrimination and discrimination by association; the establishment of Gender Coordinating Councils (made up of Gender Units) tasked with drafting, promoting and monitoring policies; review of alleged sex discrimination cases within public institutions; establishment of minimum participation quotas of 40 per cent of each sex in access to public offices, in representation of governing bodies of political parties, and on the list of candidates; and recourse mechanisms for victims seeking remedy for discrimination. Some of these proposals have been incorporated into Law No. 121 of 25 May 2012 on Ensuring Equality.

15. In 2008, the Republic of Moldova adopted Law N. 120-XVI, which amended the Family Code’s provisions on the minimum age of marriage, raising it from 16 to 18 years for girls, as recommended by CEDAW in 2006.<sup>5</sup> However, marriage of children below the age of 18 may be authorized by the authorities “for well-founded reasons.” The Working Group found that the language used in relation to these exceptions does not contribute to certainty of the law and leaves room for discretion, which in turn could be influenced by discriminatory practices.

16. In 2008, the Republic of Moldova also adopted Law N. 45-XVI on Preventing and Combating Family Violence. This law established the institutional framework for responding to violence against women including detailing the responsibilities of the authorities involved; provides for the establishment of services to reintegrate victims; introduces protection orders to provide immediate relief to victims; and allows for greater inclusion of civil society in combating family violence. Its definitions include a broad understanding of family (encompassing marriage-like relationships) and violence (including physical, sexual, psychological, spiritual and economic violence). Despite the many innovations introduced by this law, its entry into force and implementation were limited due to lack of corresponding provisions in the Criminal Code of 2002 on domestic violence, leading to prosecution of these acts under general provisions in the Code on infliction of bodily harm or assault, or under administrative law. To address this gap, Law N. 167 of 2010 amended the Code, introducing article 201/1 on domestic violence.

17. Article 171 of the Criminal Code defines and sanctions rape and provides for a number of aggravating circumstances such as recidivism and age of the victim. Article 172

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<sup>5</sup> CEDAW/C/MDA/CO/3, para. 33.

sanctions “homosexuality or satisfying sexual needs in perverted forms committed through the physical or mental coercion of the person or by taking advantage of the person’s incapacity to defend him or herself or to express his/her will shall be punished by imprisonment for 3 to 5 years”. The Government noted during its universal periodic review in the Human Rights Council that homosexuality among consenting adults was no longer criminalized;<sup>6</sup> however, the rationale for differentiating rape (article 171) and “homosexual rape” (article 172) remains unclear. This contributes to exacerbating the bias against homosexuality, particularly of law enforcement agencies and the judicial system. In 2012, new amendments were made to the Criminal Code. Law N. 73 introduced amendments to articles 174, 175 and 175/1, which sanction sexual violence against children. These amendments increased sanctions and added an innovative clause dealing with child grooming. However, the age of children, 16, in these articles remains inconsistent with the definition of the child in the Convention on the Rights of the Child.

18. Sexual harassment is defined and sanctioned by article 173 of the Criminal Code. Although there are no known cases of the application of this provision in practice, some experts<sup>7</sup> as well as non-governmental organizations (NGOs)<sup>8</sup> question whether a criminal justice response is the most appropriate way of combating sexual harassment since the particular nature of the conduct which amounts to sexual harassment makes it difficult for the victim to meet the burden of proof requirements necessary for criminal prosecution. They therefore argue that civil or administrative law, which is more likely to accept the reverse burden of proof, could provide a more efficient response. However, in serious instances, the deterrent and symbolic significance of criminalization should not be ignored.

19. With regard to employment, article 8 of the Labour Code of 2003 prohibits any direct or indirect discrimination against the employee on the basis of, inter alia, gender. Article 10 also stipulates the obligation of employers to ensure equal pay for equal work, and article 128 proscribes, inter alia, gender discrimination in the amount and payment of wages. The Labour Code also includes provisions protecting pregnant and nursing working women. Provisions subsuming the traditional role of women as mothers and subordinates were amended in 2010 by Law N. 168, which aimed to enhance equality in the workplace and decrease overly protective provisions concerning women, in particular those with children.

20. The Republic of Moldova adopted Law N. 180-XVI in 2008 on Labour Migration, which regulates labour activities by immigrant workers in the country as well as of Moldovan citizens temporarily employed abroad. It also includes provisions regulating the issuance and suspension of licences to private employment agencies offering labour migration services. The law is mainly focused on labour rights and contains no specific guarantees on women’s rights, nor is it framed by a comprehensive human rights approach. Regrettably, its article 23 sets restrictions on labour emigration that could potentially have discriminatory impacts on women. According to this article, Moldovan citizens shall be restrained from emigrating for work if, inter alia, they “failed to submit written evidence, issued by the competent body for child protection of their residence, of registration of children who will remain in the country.” As women are traditionally considered responsible for childcare, the burden is likely to fall disproportionately on women who desire to migrate.

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<sup>6</sup> A/HRC/19/18, para. 15.

<sup>7</sup> OSCE/ODIHR Opinion on Amendments and Addenda, Enhancing Gender Equality in Certain Legal Acts of Republic of Moldova (3.1. Key Recommendations).

<sup>8</sup> Promo-lex Report, Discriminatory ill-treatment in Moldova (Chisinau, 2012), p. 70.

21. The Republic of Moldova has a solid legal framework, with crucial weaknesses that need to be addressed. For example, the Law on Ensuring Equality, which extends the protection against discrimination on many grounds also other than sex, was adopted by parliament during the Working Group's visit to the country. Under preparation since 2007, its adoption faced strong opposition to inclusion of a ban on discrimination on grounds of gender identity and sexual orientation, often accompanied by homophobic arguments, such as that being anti-gay is part of the Moldovan identity. Such opposition led to four grounds of discrimination being deleted from the bill: health status, wealth, social origin and sexual orientation. Sexual orientation was cited as a ground for discrimination only as concerns work. This law also includes a number of exceptions evidently in tension with or possibly in direct conflict with international law. It excludes from its protection families other than those based on marriage of a man and woman, adoption in cases of homosexual relationships, and issues connected to the right to manifest religion or belief.

22. The Working Group was informed that the deletions and change in the name of the law resulted from compromise between the Government and conservative forces, in particular mobilized by the Orthodox Church, which was heavily involved in the debates during the drafting process. This corresponded to findings in the 2011 report of the Special Rapporteur on freedom of religion or belief referring to "a formally privileged position of the Orthodox Church, in particular its Moldovan Metropolitan branch," and the reality that "the Church apparently wields enormous political influence."<sup>9</sup> During its visit, the Working Group learnt of the strong influence of the Church on other issues, including in relation to freedom of assembly<sup>10</sup>, the prohibition of sex education in school curricula and on attempts to amend the country's progressive law on abortion.

23. The Law on Ensuring Equality was drafted in response to a key recommendation by several international human rights mechanisms and is a primary human rights element in the Action Plan on Visa Liberalisation of Moldova with the European Union. Despite the last-minute deletions, this law significantly expands the domestic law content of the ban on discrimination. It further stipulates that discrimination on two or more grounds constitutes a "severe form of discrimination". The law establishes a Council to Prevent and Combat Discrimination and Ensure Equality which is charged with reviewing complaints of discrimination and making recommendations.

24. Given that Law N. 5-XVI on Ensuring Equal Opportunity for Men and Women lacks an enforcement mechanism, the measures of the Law on Ensuring Equality are a welcome addition to the Moldovan legal framework on non-discrimination. However, its effectiveness is seriously in question particularly as a result of the deletion of sanctioning powers from the mandate of the Council to Prevent and Combat Discrimination and Ensure Equality. The Working Group thus finds that this increases the urgency to develop a coherent approach to non-discrimination, incorporating sex-based discrimination consistently and comprehensively. In this regard, the draft amendments to Law N. 5-XVI under consideration would need to be aligned with the Law on Ensuring Equality and the competence of the Council reconsidered in this respect. In view of the Council's broad remit to deal with all forms of discrimination, women's rights risk being compromised unless there is a strategy to prioritize sex-based discrimination and its intersections with other grounds of discrimination.

25. Also during the Working Group's visit, a legislative amendment introduced article 104/1 in the Criminal Code. This article provides for chemical castration as a mandatory additional sanction in cases of rape and homosexual or perverse sexual acts committed

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<sup>9</sup> A/HRC/19/60/Add.2, paras. 31-32.

<sup>10</sup> See para. 60.

through physical or psychological coercion against children less than 14 years of age. In cases of repeated rape or rape with grave consequences for the victim, chemical castration may be applied at the court's discretion. The Working Group is concerned about the repressive approach of this legislation as expressed by the very nature of this additional sanction and the conditions of its application. Such sanction has been considered "invasive, irreversible and mutilating" by the European Committee for the Prevention of Torture and raises the issue of its severity and justifiability in the context of the prohibition of cruel, inhuman or degrading treatment or punishment. The amendment also constitutes a regressive measure vis-à-vis patients' rights to informed consent on any health intervention.

26. Further, other risks of regression in legal protection exist. For example, women have had the right to abortion since 1955. The law permits abortion without restriction as to reason up to the 12th week of gestation and for health reasons through the 28th week of pregnancy. These gains have come under attack by groups who advocate for reforming the law to restrict women's reproductive rights, including a motion for parental (in the case of minors) and spousal consent, conscientious objection for medical providers and counselling for women on the negative consequences of abortion.<sup>11</sup> Five parliamentarians tabled a project to reform this law, which has been withdrawn, for now.

27. As regards giving effect to the law, the Working Group noted that many procedural aspects adversely impact on women's ability to effectively claim their rights and protection. For example, the "Methodological Guidelines Regarding the Investigation of Sexual Crimes," drawn up in 2008 by the Criminal Investigation Directorate of the General Prosecutor's Office conserves gender bias in the administration of justice. It lists questions to be asked of rape victims in order to determine the facts, including past sexual relations and circumstances, and signs of injuries and defence exhibited by the victims. The reasoning is because "...teenage girls always physically resist sexual intercourse as they are shy and modest ... understanding this particularity, the partner interprets this behaviour as consent to the sexual intercourse and applies force to overcome resistance."<sup>12</sup> The assumption underpinning the Guidelines is that the victim has consented to the sexual act unless there is evidence of physical resistance, and in the case of teenage victims, the evidence of physical resistance or undue force will not be sufficient to prove the crime.

28. Certain police procedures also have negative implications for effective implementation of the law. For example, the way in which the police record crimes is of concern as it tends to favour the registration of those cases with a higher probability of successful outcomes. This has implications for how crime detection rates are calculated, which is based on the number and outcomes of cases sent to the prosecutor.

29. As the Special Rapporteur on violence against women was unable to assess the impact of Law N. 45-XVI during her visit to the Republic of Moldova in July 2008 because it had just entered into force, the Working Group examined some aspects of its implementation and noted that challenges remain. In 2012, there were 1,950 complaints of domestic violence and 816 recorded cases as compared to 491 recorded cases in 2011. There were 48 applications for protection orders under criminal proceedings in 2012, compared to 23 in 2011, representing increases in both complaints and requests for protection orders. While this is encouraging, the Working Group took note of reports that the overall number of requests for protection orders is in the hundreds.

30. With respect to protection orders, the Working Group learnt that courts reportedly rarely issue a protection order within the 24 hours required by Law N. 45-XVI. At times,

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<sup>11</sup> Population Policy Data Bank, Population Division, DESA, United Nations and the Centre for Reproductive Rights.

<sup>12</sup> Application 53519/07, *I. G. v. Moldova*, 1 March 2010.



courts have also reportedly refused to issue protection orders because the aggressor did not recognize the acts and presented witnesses who made statements in his favour. There are also delays in alerting local police and social workers to the existence of protection orders and police delays in notifying the perpetrators, as well as lack of monitoring and enforcement in certain cases. According to women's rights advocates, victims of violence often find themselves in a hostile court environment compounded by the perpetrators' presence and the biases exhibited by the authorities. At the time of the Working Group's visit, the police were not authorized to issue short-term protection orders, although discussions were ongoing on the need to introduce such measures. The Working Group welcomes the innovative interpretation of the legal provision on protection orders by local prosecutors, particularly in Causeni, which has created a safer environment for women victims of violence.

31. The application of administrative sanctions to perpetrators, usually in the form of a fine, has proved not to be a deterrent. In 2012, there were 2,623 administrative sanctions for such violence, and 523 cases were closed by the courts due to amicable settlements. This trend may be caused, among others reasons, by families choosing to reconcile in order to avoid having to pay the fine from their household budget.

32. There are also institutional impediments to effective implementation of the law. The police continue to display deep reluctance to intervene in matters deemed "private". Further, coordination between the police and social workers at the local level is weak. As many institutions are tasked with implementing Law N. 45-XVI, many note difficulties in identifying who holds the lead responsibility and to whom they should address themselves. In contrast to the number of victims of family violence, facilities for assisting victims are limited. Provision of services is complicated by an insufficient number of specialized professionals to assist victims of violence, a not fully effective referral system and lack of clear rules of cooperation between different agencies, as well as lack of security and police protection for these facilities. The Working Group heard concerns that the admission procedures of these centres are often rigid, formalized and complex, therefore leaving many victims without assistance, particularly those who have no papers from the police, who need only access to the shelter and no other service, who have tuberculosis, or have too many children. Many victims are reluctant to be registered in the public register of vulnerable persons, which is a requirement of these centres. The Working Group is further concerned that the requirement to register victims seeking assistance and protection from violence by residence status has serious exclusionary affects, particularly for rural and Roma women.

33. In Transnistria, the law does not contain a definition of domestic violence and there are no provisions for protection orders. However, victims can request administrative and criminal penalties leading to arrest in serious cases according to the de facto authorities. Further, there are no shelters specifically for victims of domestic violence and trafficking, despite a general recognition by the authorities and civil society of the severity of these issues. In most cases, domestic violence victims have no choice but to go to Chisinau for assistance. Advocates for women in Transnistria emphasized the importance of international engagements and international organizations in changing perceptions of violence against women and promoting a rights-based approach to dealing with the issue. They noted that 40 to 50 per cent of women in prison are there for killing their husbands or partners due to domestic violence. These cases are often not treated as self-defence nor are mitigating circumstances considered in the sentencing. They also noted that female juvenile offenders in detention centres are placed with adults, contrary to international standards.

## IV. Policy and institutional architecture

34. Pursuant to Law N. 5-XVI, the Government approved a National Programme on Ensuring Gender Equality in the Republic of Moldova for 2010-2015 and was in the process of updating the Action Plan (2013-2016) for implementation by line ministries and other national actors. The Programme covers employment and labour migration, social protection and family, education and health care, human trafficking and violence, representation of women in advertising and the media, and gender budgeting. However, there is no concrete allocation of resources, with implementation left to the discretion of line departments. The Action Plan (2010-2012), while a good start, was not costed and did not comprehensively cover all areas of concern in the Programme. Other initiatives such as the National Development Strategy (Moldova 2020) lack gender analyses and provisions, and sectoral strategies marginally, if at all, cover women's rights issues.

35. Responding to European Union requirements for the Republic of Moldova to reform its administration, the National Decentralisation Strategy was adopted by parliament on 5 April 2012, after two years of cross-country consultations. The Strategy is considered unique for its rights-based approach and espouses gender equality as a core guiding principle. It aims to achieve inclusion of marginalized and vulnerable groups, and promote autonomous and democratic local government, capable of offering equitable, quality, local services. While the Strategy is commendable, it is too early to assess or predict its role in advancing equality and human rights. The budget for its implementation may not be drawn up before 2015.

36. The Working Group recognizes that the prospect of a decentralized governance system provides new opportunities and challenges for equality between men and women. Since women's participation in political and public life is vibrant at the local level, decentralization could mean more access to policy-making by women. However, local politics is also highly susceptible to majoritarian and identity politics as well as to conservatism and women will face new challenges if these factors heavily shape the making of local policies and regulations. This creates an urgency to ensure the development of an institutional architecture to monitor and advance human rights and non-discrimination that effectively spans national to local levels of governance in a coherent and meaningful way. So far, no preventive or oversight mechanism has been instituted to ensure that decentralization does not have a negative impact on women.

### A. Executive bodies

37. The Minister of Labour, Social Protection and Family (MLSPF) holds central responsibility for overseeing the gender equality and women's human rights portfolio in the Republic of Moldova, and, according to Decision No. 933 approving the National Programme, is responsible for coordinating and monitoring its implementation and reporting annually to the Government Committee on Gender Equality (GCGE) on progress. Some stakeholders stated that the Ministry's reports are a compilation of activities and do not contain assessments on advances in equality and rights and on implementation of the laws.

38. Law N. 5-XVI stipulated a number of national authorities with responsibility for equality between women and men. Among them is GCGE, which was established in 2006 and chaired by the Deputy Prime Minister, also with primary responsibility for monitoring implementation of the National Programme. The Working Group was informed that, for much of its existence, the Committee was dysfunctional due to frequent changes in the Government and priorities; however, some recent improvements have been noted,

particularly to strengthen the national machinery to oversee progress on equality and women's human rights.

39. Executive-level bodies are complemented by Gender Councils, which were established by the Government in 2010. These are groups of two to four focal points from different departments in each organization. The Ministries of Defence, Economy, Finance, Interior, Justice, and Labour, Social Protection and the Family have convened such Councils to date.

40. While considering the extent to which these actors effectively address the issues, the Working Group was unable to get a sense of how they work in conjunction to catalyse real results for women's enjoyment of their human rights, despite repeated inquiries. It was also not able to ascertain how they will assume oversight for monitoring respect for equality and women's rights in decentralization. Further, the Working Group noted a broad range of challenges – from attitudinal to structural – which necessitate vigilant monitoring of how discrimination and women's empowerment issues are pursued in this framework.

## **B. Institutions for oversight and recourse**

41. The Centre for Human Rights of Moldova was established in 1997 by Law No. 1349 on Parliamentary Advocates and comprises three institutions: the four Ombudspersons who are "Parliamentary Advocates", the Centre for Human Rights and the National Preventive Mechanism against torture, established pursuant to the Optional Protocol to the Convention against Torture. In 2009, the Centre was accorded a "B" status by the International Coordinating Committee of National Institutions due to a number of weaknesses. Amongst them was the need for clarification on the role, functions, decision-making and budget allocations between the four Parliamentary Advocates and the Centre, and amongst the Parliamentary Advocates. The Centre will be subject to ICC review in 2014.

42. The Government informed the Working Group that it is in the final stages of amending Law No. 1349. It aims to replace the four Ombudspersons by a more simplified structure, involving one or maximum two Ombudspersons. A mandate dedicated to women's rights and combating violence is expected to be created. The Working Group was unable to obtain further information regarding concrete measures to effectively integrate women's human rights into this new structure. It is also not clear how the Centre and the Council to Prevent and Combat Discrimination will complement each other to advance equality and women's human rights, and fulfil the requirement of European Union Directives on the existence of equality bodies.

43. The Working Group met with the Director and other members of the Centre. It noted that although Law N. 5-XVI gave the Ombudsperson responsibility for guaranteeing and monitoring equality and dealing with complaints of discrimination, the Centre has been unable to effectively carry out these tasks as none of the four Ombudspersons has exclusive responsibility for women's rights. This is compounded by a range of structural, resource, competence, and attitudinal challenges. Further, it noted a lack of coordination amongst the Ombudspersons and insufficient information sharing between them on the issue of whether the Centre had received and responded to complaints from women about violation of their rights. The Group also found that the Director's portrayal of the situation of women in the Republic of Moldova was incongruous with evident persisting discrimination and inequalities faced by women and that certain positions were inconsistent with international standards on women's rights. Stakeholders added that women's rights are not adequately mainstreamed in the work of the different Advocates and expressed the view that the Chief Ombudsperson is generally unsupportive of gender equality and the effective protection of women's human rights.

44. Other institutions such as the Coordinating Council for Audio-Visual Media can monitor the use of language in the media and receive petitions. The Council gives public warnings and fines and can cease advertising or withhold operating licenses from media organizations in violation of the Audio-Visual Media Code. The Working Group met with the Council and heard of its efforts to combat discrimination in the media, including its success in having the advertising by Sun Television which denigrated women removed.

45. In Transnistria, the Ombudsperson informed the Working Group that no complaints of sex-based discrimination or domestic violence had been received, despite the significant caseload that NGOs reported handling.

## **V. Women in political and public life**

46. Where opportunities exist, women are active participants in political and public life and constitute a critical force in advancing women's human rights.

### **A. Women's diverse participation**

47. In the judiciary, there are currently 165 women judges out of a total of 441 (37 per cent). This is a 12 per cent increase since 2008, although no woman holds any of the top leadership positions. In the Prosecutor General's office, 252 out of 744 prosecutors are women (33 per cent). In 2012, for the first time, a female police commissioner was appointed.

48. In parliament, there are 20 women (19.8 per cent) out of a total of 101 parliamentarians,<sup>13</sup> placing the Republic of Moldova at 64 out of 188 countries on a ranking of women in parliament, as of 1 January 2012. The position of Deputy Speaker of the Parliament is held by a woman.

49. At the top levels of the executive bodies, only one ministerial position was held by a woman, out of 18 members of the Cabinet, at the time of the Working Group's visit.<sup>14</sup> She is in charge of MLSPF. After the visit, another woman was appointed as Minister of Education. At the deputy ministerial level, there are 7 women out of 35. In Transnistria, the three deputies to the de facto prime minister are all women, and key "ministries" such as finance and foreign affairs are led by women.

50. The June 2011 general local elections produced a result of 166 women (18.4 per cent) out of a total of 898 elected mayors. In first-level Municipal Councils, 3,033 women (28.5 per cent) out of a total of 10,630 counsellors were elected, and 206 women (18.3 per cent) out of a total of 1,120 were elected counsellors at the second level. Women represent 27.5 per cent of total counsellors.<sup>15</sup> Several stakeholders stated that villages with women mayors are often among the best in terms of performance and responsiveness to public needs.

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<sup>13</sup> Women in Politics 2012, situation on 1 January 2012, UN Women and IPU.

<sup>14</sup> Ibid.

<sup>15</sup> CEC data, Government of Moldova, June 2011.

51. In election management structures, women make up three quarters of staff of constituency commissions and 81 per cent of polling stations staff. As chairpersons of electoral commissions, women constitute 48 per cent of the total.<sup>16</sup>

52. Although most parties are comprised of 54 per cent women, many are not actively engaged and, as candidates, they were underrepresented in the 2011 local elections although they make up 53 per cent of the electorate. In the period between 1988 and 2009, there was a steady increase in women's inclusion in the candidates' lists of political parties, from 8 per cent to 25 per cent. The Working Group is concerned that this achievement has not been securely sustainable, however, as there was regression to 20 per cent in 2010.<sup>17</sup> Political parties have exceptionally required 30 per cent representation in their charter in management bodies and on ballots.

53. Women in the Republic of Moldova also participate in political and public life through other means, as journalists, NGO activists, public interest lawyers and human rights defenders. Women have taken advantage of the democratization of the media since 2009 and, today, they make up 60 per cent of journalists in the country. They are considered the majority of reformers in journalism, and several play a leadership role in developing investigative journalism in the Republic of Moldova. They often operate as independent journalists, including as bloggers in the internet-based public space. They are not in the top decision-making positions of media institutions. They work under constant political pressure, especially those who expose cases of trafficking, abuse in detention centres, and corruption.

54. As NGO activists, public interest lawyers and human rights defenders, Moldovan women speak out on critical public and political debates, including on the formulation of laws and policies and on their implementation. Some do so as members of the State-sanctioned National Participatory Council and others independently. Parliamentarians acknowledge the key role of civil society in providing them with data and analytical inputs. In June, a bill concerning a draft strategy for civil society development was expected to be ready for comments from the Government and debate in plenary.

## **B. Obstacles to full and equal participation**

55. The allocation of two ministerial portfolios to women is consistent with entrenched attitudes and stereotypes in the Republic of Moldova, clearly evident at the highest levels of leadership, which constrain women to traditional roles of having principal responsibility for the family and children, and for issues traditionally considered within "women's domain" such as education, social affairs, and gender. The MLFSP is also heavily female dominated, with 19 of the 25 leadership and directorate posts (76 per cent) allocated to women. In contrast, in other fields, women are less represented, especially at decision-making levels. For example, women constitute 144 of the 336 employees (42.9 per cent) of the Ministry of Foreign Affairs at home and abroad, but hold only one ambassadorship position, to the Council of Europe.

56. The Working Group met with several women who are members of political parties. As the Republic of Moldova has a national party-list system, the primary obstacle to the advancement of women in Parliament has been unwillingness by all major parties except the Party of Communists to place women at electable positions on party lists during

<sup>16</sup> Monitoring of participation of women and vulnerable groups in 2011 local elections, Joint Integrated Local Development Programme of the Government of Moldova implemented by UN Women and UNDP and funded by the Government of Sweden, 2011.

<sup>17</sup> See note 15 above.

national elections. Neither Electoral Code provisions nor the rules governing party financing are currently sufficient to overcome these problems. A female mayor serving her fifth term could not get the support of her party for a seat in the Regional Council despite her ability to gain the necessary votes. On the eve of the elections, the party transferred her from fourth to fourteenth place in the list, denying her the chance to win the elections. Women see themselves at a disadvantage during elections because they generally have less money than male candidates and lower wages, and less access to decision-making about resource allocation or spending. They also often lack male support.

57. All the women in political and public office with whom the Working Group met highlighted the “great price” they must pay because of the imbalance between their professional and family life. Without a change in the division of labour between men and women in the family and without proper public services to support childcare, women active in political and public life must constantly bear a double burden. Some have expressed their deep disappointment at the lack of sufficient support from the Government on this matter, while others fear that their career choice has become a disincentive for their daughters and other women to pursue a public role.

58. Women journalists who initiate and participate in public debates on issues which challenge traditional views face attacks and threats to their personal safety. Women lawyers who assist women victims of sexual offences are often accused of “defending prostitution”. A woman journalist who has written on diversity themes was recently portrayed on an internet site as a covert Islamist. Women activists who speak out in defense of the human rights of lesbians, gays, bisexual and transgender (LGBT) have items such as eggs, bottles and stones thrown at them or their offices. Outspoken Lesbian, Bisexual and Transgender (LBT) women are publicly “outed” on internet sites in an attempt at public shaming. These acts have been generally condoned by the authorities and many testify to the non-responsiveness of the police during such attacks.<sup>18</sup> Some positive developments from the Government side have been reported in 2012.

59. The Working Group is concerned that LBT women are not able to enjoy the right to free assembly and association. For example, following the ban of “aggressive propaganda of non-traditional sexual orientation” and the declaration of “a support zone for the Orthodox Church” by the City Council of Bălți in March 2012, at least four other municipalities, two districts, and a village reportedly also issued similar ordinances. Legal proceedings initiated by civil society in Balti were reportedly suspended and the case was pending at the time of the visit. In the meantime, following the State Chancellery’s legal proceedings, some of these local decisions have reportedly been repealed. Further, during its visit, the Working Group noted highly discriminatory, often sexist and homophobic, remarks by members of the Moldovan leadership in the lead-up to the adoption of the Law on Ensuring Equality.<sup>19</sup> These statements are viewed as condoning discrimination and serve to further polarize society.

60. The Working Group is additionally concerned about transgender women who are unable to amend identity documents following hormonal therapy or sexual correction because of court decisions which are reversed due to Government intervention. These actions deny full enjoyment of human rights.

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<sup>18</sup> The Report of the Resource Information Centre, “GenderDoc-M” on cases of discrimination of the LGBT community in the Republic of Moldova for 2010.

<sup>19</sup> “GenderDoc-M” report 2010 and Media Release, 22 May 2012.

### C. Efforts towards affirmative measures

61. The Government acknowledged that women candidates often lose elections not on merit but on perceptions. Efforts to improve women's participation and representation continue to be initiated by women parliamentarians. A bill to reform the Law on Political Parties (N. 294 of 21 December 2007) was tabled by the Deputy Speaker of the Parliament. If adopted, annual State budget allocations for political parties will be granted according to a number of criteria, including that 10 per cent of such funding be distributed to political parties that promote women on their candidate lists in parliamentary elections; and 10 per cent be distributed to political parties that promote women for the positions of local councillors of 2nd level (districts and Chisinau municipality) and mayors, proportionally to the number of seats obtained by female candidates. While commendable, the bill lacks unanimous support in parliament.

62. The Parliamentary Women's Group also proposed amendments to the Electoral Code to provide a minimum quota of 30 per cent of women in political party lists in line with the Government Program for 2011-2014, without specifying that women would need to be placed at electable positions on party lists. Amendments of this kind are necessary because so far this has remained at the discretion of the parties. In 2011, the Government approved the amendments as proposed. However, the bill has yet to advance since its submission to Parliament in 2010.

63. These amendments complement Law N. 5-XVI, which includes in its article 7 provisions for equality in elections and political parties, although women who face discrimination in political and public life noted that this Law has not been accessible or applicable to their situation.

## VI. Women in the labour force

64. The capacity of the Republic of Moldova to sustain its economic growth in difficult economic times and to effectively address persistent poverty is tied to its capacity to eliminate barriers to full and equal participation of Moldovan working women in the labour force. Compared to men, women have higher rates of underemployment and are overrepresented in the lowest paying sectors such as education, public administration and social assistance, with consequent lower remuneration. Women earn 72 per cent of men's wages. Many workplaces are segregated, with men occupying decision-making and managerial positions, and women undertaking lower-paid technical or other work.

65. The Working Group was informed that working women also face other disadvantages such as overly protective legal provisions on maternity, which create difficulties for both employers and employees and cause indirect discrimination as employers are reluctant to hire women, especially of reproductive age. A different retirement age of 62 years for men and 57 for women is applied. As a result, when women no longer have an income and their husbands die, they are often rendered destitute as widows. For example, in the apparel factories of Gagauzia, where women make up 70 per cent of the workers, the age of employment is up to 45 years, after which women are obliged to turn to agriculture and the informal sector, where they barely make a living. Further, openly discriminatory practices in hiring, including a preference for women under the age of 35, as well as incidences of sexual harassment, are common.

66. Stakeholders stated that a key institution in monitoring implementation of the Labour Code and discrimination in labour practices is the Labour Inspectorate. However, Labour Inspectorate staff lack knowledge on equality and non-discrimination, thereby

impacting on their ability to correctly identify and take action concerning discrimination against women in the labour market.

67. Labour migration reaches one third of the Moldovan working age population. A recent NBS Labour Force Survey found that 43 per cent of Moldovan migrants are women, many of whom are employed as domestic workers. Notwithstanding, the Working Group noted that there are no indications of a comprehensive gender analysis of the situation of women migrant workers upon return or prior to departure or any special measures to address the vulnerabilities of these women. For example, young women returning from work abroad face a range of negative treatment, including ostracism and heightened risk of rape, due to the perception of having undertaken sex work abroad. In Gagauzia, the authorities stated that villages are apprised of women returning from work abroad with diseases in an attempt to both protect the community and ensure medical treatment. This raises issues of confidentiality of medical information. This issue is reportedly not confined solely to Gagauzia.

68. Further, women migrant workers face stigmatization based on stereotypical views of their primary role in child-rearing. Data shows that approximately 100,000 children have been left behind by migrant parents and are being raised by grandparents, relatives or neighbours. In Bilceni Noi village, Singerei district, the Working Group was informed of the large numbers of elderly women bearing the burden of childcare. However, several stakeholders stated that the issue of children being left behind has been dramatized to discourage women from migrating.

69. The Government informed the Working Group that it was working with the International Labour Organization (ILO) to sign the Convention on Domestic Workers.

## **VII. Systemic and multiple discrimination against Romani women**

70. Romani women face discrimination on grounds such as sex and ethnicity, and their low socio-economic status. Romani women and girls in particular have high rates of illiteracy, lack access to employment and are particularly vulnerable to violence. They have lower life expectancy compared to non-Romani women and rarely benefit from social services, including reproductive health services at the community level. They are almost completely excluded from political life, particularly as candidates and in electoral management structures.<sup>20</sup> There are few if any Romani women employed in public functions at any level above the local level, and they are also completely excluded from elected and civil service positions in the local and regional administration.<sup>21</sup> Romani women who are single mothers, divorced or widowed face difficulties in securing their rights to housing and land. Within their communities, Romani women and girls also face discrimination, including prevalent early marriage of girls, which denies them many opportunities.

71. Romani advocates stated that they have little or no access to women parliamentarians and politicians do not respond to their concerns. Quotas for universities have not worked in practice because no adequate support exists at the secondary level of education for Romani girls and women. In its visit to the village of Cioresti and a Romani community in Vulcanesti village in Nisporeni district, the Working Group was informed of a current high degree of absenteeism of Roma children from schools because of seasonal

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<sup>20</sup> See note 18 above.

<sup>21</sup> "Who is missing from local development?" Brochure, Joint Integrated Local Development Programme of the Government of Moldova.



migration of the Roma community. Despite there being 60 per cent women candidates running for Council in a commune with the highest percentage of Romani inhabitants in the country, none of them were Romani.

72. The multiple forms of discrimination faced by Romani women represents a pattern of discrimination against the Romani people that is pervasive, persistent and deeply entrenched in social behaviour, constituting what the Committee on Economic, Social and Cultural Rights identifies as systemic discrimination.

73. The Government adopted a Roma Action Plan for 2012-2017 which mentions Romani women and makes provisions to establish Roma Community Mediators at the community level. The Working Group noted that Romani advocates enthusiastically welcomed such Mediators. It emphasizes the importance of the full and equal participation of Romani women in all stages of implementation and evaluation of the Plan, including as Community Mediators. It also commends the stated intention of the Government to support 15 Community Mediators from the State budget from 1 January 2013, and urges that the estimated 45 communities identified as needing a Mediator be covered by the 2014 budget, upon confirmation by the mapping undertaken. It underlines the critical role of well-trained Mediators, particularly to understand and address multiple discrimination faced by Romani women.

74. The Working Group draws attention to the importance of addressing structural impediments to the empowerment of Romani women, including in their access to education, employment and property, and guaranteeing Romani women's full and equal enjoyment of all human rights, including cultural rights. It also notes that action to strengthen networks of Romani women and girls would contribute to ending practices such as child marriages and child labour, reportedly prevalent in some Romani communities. It is concerned that the Government has no effective affirmative action measures for Romani, including in the labour market or disaggregated data, including by sex, on their employment. The Government's effort to increase the quality of medical services, including in rural and Romani communities, must address Romani women's access to health care generally, including reproductive health and rights, and for adolescents.

## **VIII. Good practices**

75. Formal and informal alliances and networks among women across party lines have been crucial to strengthening women's political participation in the Republic of Moldova. The vibrancy of the exchanges is commendable and the Working Group considers these alliances and networks to be good practices.

76. Women parliamentarians have initiated cross-party alliances in order to build support for common agendas, particularly on eliminating discrimination against women and advancing women's human rights. The creation of quotas for women in political parties is one of the results. The cross-party lines of communication continue to be open and productive, despite the lack of approval for a formal women's caucus in Parliament.

77. Women parliamentarians also advocate together for support of their party leadership and form alliances with men to advance women's rights as a public agenda. They develop close cooperation with women leaders of political parties in other countries, and take part in events organized by international and bi-lateral organizations to promote parity in politics, share women's experiences in politics and enhance their capacities, including in negotiating skills. Political party youth groups play an important role in forming future women politicians.

78. Initiatives such as the Women's Political Club – 50/50 by local civil society groups in collaboration with international organizations have been instrumental in developing the skills of women politicians and their visibility. The Congress of Local Authorities from Moldova (CALM) works to develop the capacities of local women leaders to perform job-related competencies, with support from UN Women. On 10 December 2011, a Women's Network of CALM was established and has inspired greater activism of women leaders at local level.

79. Other complementary initiatives, including United Nations and bilateral development agencies support for women's political participation, deserve mention. For example, since April 2010, the United Nations and the Government have been organizing a series of high-level meetings entitled Women Leaders Dialogue Series to facilitate dialogue, learning and networking among Moldovan women leaders and their international partners. As a result, a programme for supporting women in leadership in the Republic of Moldova and their increased participation in politics is under development by UN Women. Bilateral donors are funding initiatives such as Women's Political Empowerment, which includes support for the establishment of a Women's Caucus in Parliament, and the LeaderSHE - Young Women Leaders Academy, which grants awards to the 100 best women leaders.

80. Women Ambassadors to the Republic of Moldova are taking a leadership role in supporting women's political participation with other international development partners, and maintain continuing dialogue with parliament and women parliamentarians as well as women mayors through CALM.

## **IX. Conclusions and recommendations**

### **A. Conclusions**

81. **After two decades of legal reforms, the Republic of Moldova has built the foundation for guaranteeing equality and non-discrimination based on sex and other grounds. Nevertheless, the law still contains provisions which impede full equality and women's human rights as well as serious exceptions which hinder full protection. This needs to be resolved and implementation vigilantly monitored. Diversity and inclusion of all groups and views in society is still lacking. The highly charged, politicized debates preceding adoption of the Law on Ensuring Equality demonstrates how the development of a coherent and consistent legal framework on non-discrimination is inextricably linked to ongoing public debate in the Republic of Moldova about its values and future direction. Women's active participation in this debate, including marginalized and vulnerable groups, and its consequent impact on law-making, is critical.**

82. **Despite the persistent barriers arising from conservatism and patriarchal attitudes and gender stereotyping, Moldovan women have played a leadership role in the advancement of equality, non-discrimination and human rights. They do so as parliamentarians, mayors, journalists and human rights defenders, inter alia. Their leadership can be sustained by ensuring effective protection and recourse mechanisms, which would also enable them to enjoy their own rights, including in political and public life. Women who are perceived to challenge traditional roles and values, power structures and the status quo are in particular need of greater State support and encouragement. Currently however, the institutional architecture for human rights without discrimination is not adequately equipped to respond to women**

and their rights. It may also be difficult to sustain an increasing number of women in public office without adequate support for improved work-life balance.

83. The resilience of the Republic of Moldova in a time of economic crisis depends on the full and equal participation of women in the labour market and the capacity to address obstacles to women's right to decent work. This is also a critical time to secure and support the contributions of women who have so far been marginalized, including rural women, elderly women, women migrant workers, and Roma women.

84. International engagement and exchanges have been important in increasing awareness of human rights and their enjoyment in the Republic of Moldova, including through collaborations involving women leaders and organizations on issues such as domestic violence, political participation and community development.

85. The Republic of Moldova must use all tools at its disposal to enhance equality and women's human rights. Data collection, analyses, disaggregation and the use thereof to inform policy choices and objective policymaking is in need of strengthening. Awareness-raising and education are critical, as is using media and civil society to promote equality and non-discrimination. Above all, a legal, policy and institutional framework that protects and promotes the human rights of women is a *sine qua non*.

## **B. Recommendations**

86. The Working Group wishes to make the following recommendations to improve equality and non-discrimination and greater protection and promotion of women's human rights in the Republic of Moldova.

### **1. Measures to improve the legal framework and implementation of legislation, policy and institutional commitments**

87. The Working Group recommends that the Government:

(a) Ensure coherent and gender-responsive implementation of non-discrimination laws without delay, and undertake further efforts to incorporate the international human rights legal obligations of the Republic of Moldova into the domestic legal framework.

(b) Ensure allocation of resources to facilitate implementation of the National Programme on Ensuring Gender Equality and Action Plan, and ensure that policies and programmes comprehensively address equality and women's human rights concerns.

(c) Enhance the institutional architecture for non-discrimination, equality and human rights by:

(i) Establishing the Council to Prevent and Combat Discrimination and Ensure Equality, with appropriate gender balance and adequate resources for its functioning, including in addressing sex-based discrimination; its powers to sanction should be restored.

(ii) Intensifying efforts to enable the National Human Rights Institution and its successor to conform to the Paris Principles, and their capacity to respond to women's human rights issues, and advance the empowerment of women;

(iii) Strengthening institutional and financial mechanisms to facilitate coherent, comprehensive and effective implementation of the legal and policy

framework on equality between men and women by executive bodies, including in relation to the National Decentralisation Strategy.

(d) Improve effective implementation of the law on family violence by:

(i) Reviewing delays in issuance of protection orders and ensure their effective implementation, including by approving the draft guidelines on integration of the police, medical and social services while approaching victims of domestic violence;

(ii) Adopting measures to empower the police to issue short-term protective orders;

(iii) Strengthening State legal aid and pro-bono legal counselling services as well as psycho-social support for sex-based discrimination, including gender-based violence, and assistance and shelter for victims.

(e) Review the “Methodological Guidelines Regarding the Investigation of Sexual Crimes” to ensure conformity with international human rights standards on sexual violence.

(f) Ensure amendments to the 2006 Law on Ensuring Equal Opportunities for Men and Women underline the complementary character of this law and the Law on Ensuring Equality and include an explicit clause stipulating that the Council to Prevent and Combat Discrimination and Ensure Equality will examine cases of sex and/or gender based discrimination.

(g) Adopt without delay the amendments to the Electoral Code and Law on Political Parties and other relevant laws and regulations which establish special measures to move swiftly towards parity in practice of men and women in political and public life.

(h) Make further revisions in the Criminal Code by modifying relevant provisions in the Criminal Procedure Code to enforce the protection of victims of violence against secondary victimization during criminal proceedings.

(i) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, ILO Convention No. 189 Concerning Decent Work for Domestic Workers, Protocol 12 to the European Convention on Human Rights, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

(j) Support development of the analytical capacity of parliament on issues affecting compliance with non-discrimination and equality standards, including sex-based discrimination and its intersections with other grounds of discrimination.

(k) Incorporate provisions of Security Council resolution 1325 in talks with Transnistria and ensure the active participation of young women and men on both sides.

88. The Working Group recommends to independent national institutions:

(a) The Council to Prevent and Combat Discrimination and Ensure Equality should develop jurisprudence and work practices in conformity with international law, and establish a comprehensive ban on discrimination covering all grounds under international law, including sexual orientation and gender identity.

(b) The Centre for Human Rights and its successor should develop a mechanism for the protection of human rights defenders, with immediate priority for

Lesbian, Bisexual and Transgender (LBT) defenders and LBT women, and marginalized groups, in particular Romani women.

(c) The National Preventive Mechanism under the Optional Protocol to the Convention against Torture should evaluate the situation of women in detention across the Republic of Moldova, including on domestic violence charges and convictions, and female juvenile offenders, and aim to establish cooperation for these purposes in Transnistria.

**2. Measures to strengthen the effective protection of women's human rights and empowerment of women**

89. The Working Group recommends that the Government:

(a) Initiate a national campaign to increase public understanding and support for the elimination of discrimination against women in all fields of life, including for women migrant workers, minority women, LBT women, and all other women in positions of vulnerability, and to promote public recognition and acceptance of women's leadership role in political and public life.

(b) Establish and sustain a process of dialogue with women in political and public life on ways and means to reconcile work and family life, including by learning from best practices in other countries, with a view to developing special measures.

(c) Support the establishment and development of independent think tanks which would improve evidence-based policy discussions and public discourse to address persistent barriers in equality and non-discrimination, including on controversial issues such as reproductive health and sexual orientation and gender identity, as well as to address blind spots in understanding such as on the situation of Romani women, women migrant workers and other women in positions of vulnerability.

(d) Encourage employers' associations and trade unions to take a more active role in ensuring equal pay for equal work or work of equal value, and to counter discrimination against women.

(e) Initiate cooperation with the de facto authorities of Transnistria and other relevant stakeholders to afford women in Transnistria greater protection and enjoyment of their human rights, and engage in joint cooperation and programmes to combat violence against women.

(f) Comprehensively address barriers to equality for Romani women by:

(i) Developing an integrated database on the situation of Roma women, including in education, health, housing/land, and employment;

(ii) Conducting gender analyses on how current policies impact Romani women, and on structural and cultural barriers to Romani women's access to and benefit from these policies;

(iii) Supporting the development of qualitative research on the challenges faced by girls, single mothers, young mothers, divorced or widowed women, trafficked women, women in detention, women living with disabilities from the Romani community to inform policymaking;

(iv) Ensuring the capacity of Romani Community Mediators to be gender-responsive and transformative in their work, including enabling Romani women to negotiate within their communities, and full budgetary provisions to cover them by 2014;

(v) Ensuring gender balance amongst these Mediators and inclusion of Romani women's rights advocates in implementation and review of the Romani Action Plan;

(vi) Supporting the development of networks of Romani women and girls, providing integrated education, developing a proactive approach to solving human rights issues in Romani communities, and addressing issues related to housing and land title affecting Romani women and girls.

90. The Working Group recommends to the de facto authorities in Transnistria:

To apply a comprehensive regulatory framework on gender equality and women's human rights that meets international standards and use all available means at their disposal to protect and promote women's human rights and combat violence against them.

91. The Working Group recommends to the international community:

(a) Continue to support and integrate a human rights-based approach in all development aid and international assistance to the Republic of Moldova.

(b) Provide resources to build capacity in independent research in the legislative bodies and in civil society to support evidence-based policymaking.

(c) Support the sustainable development of national and international networks and skills building among the diversity of women active in political and public life, including among women human rights defenders.

(d) Facilitate sharing good practices and exchanging information with networks in other parts of Europe on initiatives for the effective inclusion of Roma women.

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