



REPORT

of the Office of the People's Advocate (Ombudsman)

of the Republic of Moldova

on the implementation of UN Convention on the Elimination

of All Forms of Discrimination against Women

by the Republic of Moldova

Elimination of discrimination

The article 16 of the Constitution of the Republic of Moldova enshrines equality between women and men.

The principle of gender equality is promoted by other laws such as the Law no.5-XVI of 09.02.2006 on ensuring equality between women and men, Law no.121 of 25.05.2012 on ensuring equality, Law no.45-XVI of 01.03.2007 on preventing and combating domestic violence.

By decision no.259 of 28.04.2017, the Government approved the Strategy for ensuring equality between women and men in the Republic of Moldova for the years 2017-2021.

The National Human Rights Action Plan, which was adopted by the Parliament in May 2018, contains as main field of intervention the protection against discrimination, promotion of equality, prevention and combating of domestic violence and ensuring gender equality.

The definition of discrimination is provided by the Law on ensuring equality, and it is considered to be in accordance with provisions of the Convention.

Also, the national legal framework is prohibiting and is sanctioning any act of discrimination against women. The existing legal framework provides administrative, civil and criminal liability.

The effective protection of women against any act of discrimination is ensured through national justice system and other public institutions, such as Council on the Prevention and Elimination of Discrimination and Ensuring Equality (equality body), and The Office of The People's Advocate (NHRI).

The National Institute of Justice organized training courses on human rights and women's rights for judges, prosecutors, lawyers providing legal aid, other persons acting in the justice sector. During this period, training materials and books were developed for the professionals on subjects mentioned above.

Despite all aforementioned, the main policy documents are not appropriately covered financially. This means that the implementation of the policies is under the risk, and does not have a real impact on the improvement of the situation of women.

Also, the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (equality body), and The Office of The People's Advocate (NHRI), need to be ensured with adequate financial and human resources, and adequate work conditions to discharge of their activity.

Temporary special measures

The State adopted temporary special measures for the engagement of women in public life. Thus, the Parliament of the country adopted new amendments to the election legislation (art. 46, para. (3) of the Electoral Code). The new amendments established that the lists of candidates for the parliamentary and local elections will be drawn up respecting the minimum representation quota of 40% for both sexes. The candidates are placed on the lists according to the formula: at least four candidates for every ten seats.

However, according to the transitional provision established by the same law, in the general local elections of October 20, 2019, the lists of candidates were not drawn up respecting the minimum representation quota of 40% for both sexes, at least three candidates for every ten places.

It also includes measures aimed at financing parties and distributing allowances including 7.5% for political parties commensurate with women actually elected in parliamentary elections, 7.5% for political parties commensurate with women actually elected in local elections, and 5% for political parties commensurate with the young people actually elected in the parliamentary elections and, respectively, in the local elections.

At the same time, the sanction "refusal to register the electoral competitor" was introduced in case of presenting the list of candidates designated for elections against the minimum representation quota and of the non-conforming positioning of the candidates in the list, according to new legal provisions.

Political participation of women by Indicators and Years	2013	2014	2015	2016	2017	2018	2019
Share of women in ministerial positions, %	25	25	25	25	22,2	33,3	11,11
Share of women deputy in parliament, %	19,8	18,8	21,8	20,8	21,8	20,8	24,8
Share of women in police, %	18,3	17,1	17,4	17,9	18,8	19,4	-
Share of women judges, %	40,9	43,8	45,2	47,7	47,4	48,3	-

However, statistical data¹ are showing that the measures taken by State are not sufficient and more efforts are necessary for the engagement of women in public and political life.

Elimination of gender biases and stereotypes

Despite all efforts of the State to remove gender stereotypes, to overcome patriarchal and gender-based stereotypical attitudes concerning the roles and responsibilities of women and men in the family and in society, by informal education programmes, public awareness campaign, prohibition on the use of sexist advertising², there are still problems regarding the elimination of patriarchal and gender-based stereotypical attitudes.

According to the study " The men and gender equality in the Republic of Moldova" from 2015, 90.5% of men and 81.5% of women consider that the most important thing for a woman is housekeeping and cooking for the family. The proportion of men who consider that changing diapers, washing and feeding the children are women's responsibilities is even higher - 95%. This indicator is also quite high among women - 75.1 percent (3 of 4 women) agree with this statement.

Starting with 2016 when the parental leave was introduced, around 6030 men have benefited from the right to paternal leave of 14 calendar days, at the birth of the child, according to data of National Office of Social Insurance.

During the leave, the father benefits from paternal allowance, which is paid from the state social insurance budget. It is granted to the father of the child (insured employee) at the fulfillment of the following if:

- confirms the total contribution period of at least three years or at least nine months, achieved in the last 24 months prior to the date of birth of the child;
- was granted, upon request, parental leave to the unit from the basic workplace within the first 56 days from the date of the child's birth;

¹ National Bureau of Statistics:

https://statbank.statistica.md/pxweb/pxweb/en/50%20Statistica%20gender/50%20Statistica%20gender_GEN03_GEN030200soc.px/table/tableViewLayout1/?rxid=9a62a0d7-86c4-45da-b7e4-fecc26003802

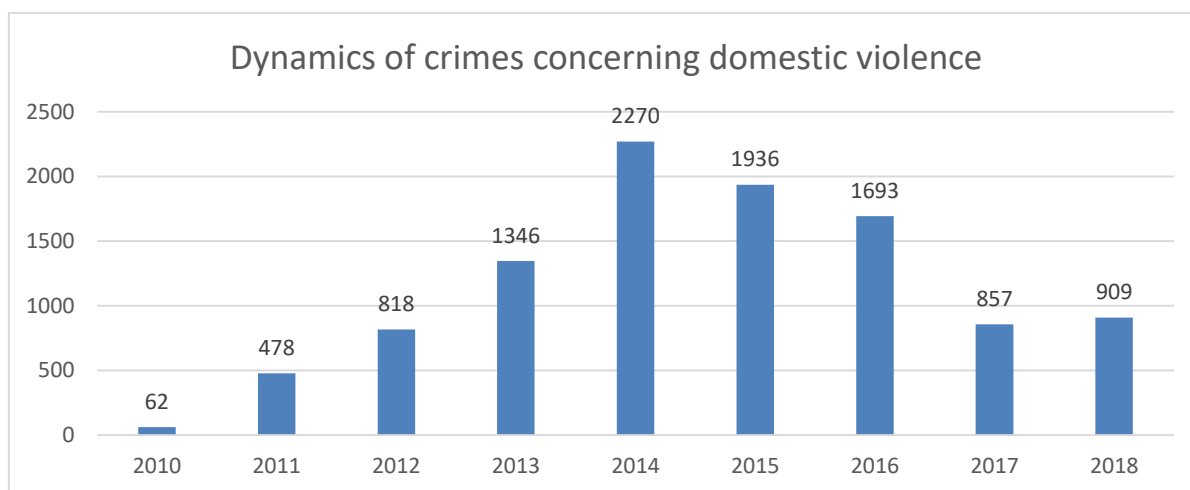
² in 2016 there were adopted new amendments regarding prohibition of use of the sexist advertising

- made a guaranteed income at the basic job in the last three months before the month of the child's birth.

We appreciate it as a positive step, even if at the beginning the law was not applicable for militarys, and it was a subject of intervention of the People's Advocate Office. The Office submitted a proposal for the harmonization of legislation with the aim to eliminate the discrimination against this category of persons.

Violence against women

Although significant efforts are made by the state in partnership with civil society, however, violence against women remains a widespread phenomenon.



Following the legal provisions, adopted by Law no. 196 of July 28, 2016, by which the Contravention Code was supplemented with art.78/1, which provides for the contravention liability for mistreatment or other violent actions, committed by one family member in regard to another, as they caused insignificant damage to the integrity corporal, the indices of the criminal cases regarding the crime of domestic violence have decreased significantly.

At the same time, the investigating agents and the prosecutors initiated in 2018 - 1657 contravention cases regarding the family aggressors. On facts of violation of the protection ordinance, in 2018 the criminal prosecution was started in 408 criminal cases regarding art. 320/1 of the Criminal Code - failure to enforce measures from the ordinance to protect the victim of domestic violence, compared to 282 cases in 2017. In 2018, 733 perpetrators were convicted of acts of domestic violence (55 of which being women), 132 of which were imprisoned. Based on the requests of the victims of domestic violence, within the criminal prosecution, in accordance with the provisions of art.215/1 of the Criminal Procedure Code, 382 requests were submitted regarding the application of measures to protect the victims of domestic violence, all being admitted.

Violence against women and girls is one of the most common forms of human rights violations in the Republic of Moldova. 63% of women in the Republic of Moldova have experienced a certain type of violence (psychological, physical or sexual) on the part of their spouse during their lifetime. At the same time, only 8.4% of abused women reported the case to the police.

In 2016 new amendments regarding the Law no.198-XVI of July 26, 2007 on the legal assistance guaranteed by the State were adopted, thus the legal aid is available for all victims of domestic violence.

According to statistics, legal aid service assisted about 645 women/13 girls in 2017, 691 women/19 girls in 2018, and 642 women/20 girls in 2019. Unfortunately, there are no data disaggregated on disability or ethnicity.

The Republic of Moldova has not ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence yet. The Government adopted the draft law on ratification of the Convention on 27 December 2019, but with reservations for the article 30, §2, and article 59.

In 2013 the Ombudsman received an information regarding allegation of sexual abuse committed by a doctor of the psycho-neurological institution from Bălți. The Ombudsperson requested the intervention of the General Prosecutor's Office, and a criminal case was initiated. Only in 2019 the perpetrator was found guilty and convicted to imprisonment.

This case demonstrated that the complaints mechanism is not functional in such institution as Temporary Placement Centers for Persons with Disabilities, and that persons with disabilities are not heard because of their disability. This is the explanation for all accusations that the victims are lying about abuses and for such a long duration of the trial.

During the years 2014-2016 the Office of the People's Advocate organized 3 awareness raising campaigns among population on violence against women.

Suppression of traffic in women and exploitation of prostitution of women.

The State adopted in 2005 a legal framework regulating prevention and combating trafficking in human beings - Law no 241/2005.

Under this Law, in 2018 by the Government's Decision no. 461 the National Strategy on preventing and combating trafficking in human beings for the years 2018-2023 and Action Plan on its implementation for the years 2018-2020 were approved.

Statistical data show an increase of 35% of number of adult victims identified in 2018 and 20% of number of children victims, compared to 2017.

Statistical data on application of Criminal Code, Trafficking in Human Beings/Trafficking in children (art.165/art.206 CC)

Year	Criminal cases registered	Criminal cases sent to court	Accused (traffickers) in respect of whom sentence has been pronounced	Persons convicted to imprisonment	Persons convicted to imprisonment with a conditional suspension	Number of victims
2014	151/24	42/7	34/9	28/9	6/0	238/26
2015	151/38	52/24	29/10	27/9	0/0	242/68
2016	123/28	22/11	48/8	39/8	1/0	197/35
2017	122/41	65/20	31/28	25/21	1/0	201/48
2018	154/37	60/23	56/30	32/24	2/1	305/60

Although there are a high number of cases registered, the number of criminal cases sent to court is relatively low. It is also observed a significant gap between the number of criminal cases registered and number of persons convicted to imprisonment.

Education

Gender statistics provided by National Bureau of Statistics show that gross enrolment ratio of women is higher than gross enrolment ratio of men, at all educational levels.

Gross enrolment ratio by Educational levels, School years and Sex	2014/15		2015/16		2016/17		2017/18	
	Male	Female	Male	Female	Male	Female	Male	Female
Gross enrolment ratio in tertiary education	44.1	57.3	43.7	57.1	45.7	58.4	46.0	59.9
Gross enrolment ratio in upper secondary education	64.8	66.8	66.4	68.5	73.3	72.9	76.2	75.1
Gross enrolment ratio in lower secondary education (gymnasium)	105.2	105.3	106.1	105.5	107.2	106.5	107.5	106.5
Gross enrolment ratio in primary education	105.8	104.7	104.6	103.3	103.9	102.6	103.7	102.0
Adjusted net enrolment rate in primary education	102.8	102.2	102.6	101.5	102.1	101.0	102.5	101.4

The percentage of women in the structure of population is higher than the percentage of men, when we look at data regarding the upper level of education.

The structure of population by Age group, Level of education, Years and Sex	2015		2016		2017		2018	
	Men	Women	Men	Women	Men	Women	Men	Women
25-49 years								
Lower	25.3	22.2	27.5	23.7	25.9	23.2	26.2	23.1
Medium	55.7	51.3	53.3	48.9	53.9	49.4	53.1	48.0
Upper	19.0	26.5	19.2	27.4	20.2	27.5	20.6	28.8

Also, the literacy rate of population aged 15-24 years, is higher within women than within men.

Literacy rate of population aged 15-24 years by Sex and Years	2014	2015	2016	2017	2018
Men	99.5	99.4	99.6	99.7	99.0
Women	99.6	99.4	99.7	99.7	99.5

Unfortunately, in the database on gender statistics there are no statistical data disaggregated by ethnicity, disability or territorial criteria. For these reasons it is difficult to make

conclusions regarding the access to any level of education of Roma women, women with disabilities or women from rural area.

Also, there are no statistical data regarding fields of study and professions chosen by young women.

Elimination of discrimination against women in the field of employment.

Official statistics shows that the gender pay gap is still an important issue and a big challenge for women from the Republic of Moldova.

Gender pay gap by Economic activities and Years	2015	2016	2017	2018
0 Economic activities - total	13,2	14,5	13,5	14,4
A Agriculture, forestry and fishing	10,7	12,6	11,3	11,8
B+C+D+E Industry	18,2	17,8	19,7	20,9
B Mining and quarrying	8,5	-3,4	1,7	-19,4
C Manufacturing	13,5	13,2	15,2	17,4
D Electricity, gas, steam and air conditioning supply	0,9	6,3	5,4	7,9
E Water supply; sewerage, waste management and remediation activities	5,2	3	4,9	6,8
F Construction	9,9	13,7	10,8	15,9
G Wholesale and retail trade; repair of motor vehicles and motorcycles	9,6	13,7	8,5	14,4
H Transportation and storage	-0,3	6	2,4	4,4
I Accommodation and food service activities	11	8,2	10,1	15,2
J Information and communication	27,5	32,8	35,4	32,5
K Financial and insurance activities	38,7	41,4	39,2	38
L Real estate activities	11,9	12,8	5,6	6,9
M Professional, scientific and technical activities	10,7	16,1	15,6	11,5
N Administrative and support service activities	-6,2	-12,2	-17,8	-13,3
O Public administration and defense; compulsory social security	12,5	9,7	7,4	6,8
P Education	3,2	0,4	0,2	-1,3
Q Human health and social work activities	13,5	15,7	15,8	18,6
R Arts, entertainment and recreation	15,3	18,1	19	18,2
S Other service activities	-7,1	4,9	-4,8	7,6

Elimination of discrimination against women in the field of health care.

In January 2018, the medical system in the Republic of Moldova was shaken by the collective statement of some women who suffered from the interaction with the medical system of the Republic of Moldova in the prenatal field. This case has revealed mass violations of patients' rights, violations of medical legislation and ethical and deontological norms by some medical workers. In their statement, mothers referred to cases in which they were refused / delayed giving urgent medical assistance, were asked to pay for medical services that the law says should be free, they felt humiliated, disrespected, discriminated by medical staff on various criteria, including on the demand to find out which treatment is being administered; have been

diagnosed and treated wrongly - sometimes fatal for the fetus and / or serious consequences for the physical and emotional integrity of mothers³.

The sexual-reproductive health of women placed in Temporary Placement Centre for Persons with Disabilities is also a problem.

Although the facility management said that informing activities were periodically organized, this, however, was not confirmed by the TPCPD users who participated in the interview. Users are provided with condoms upon request. No other forms of contraception are provided in the facility and so, the right of the persons to choose an adequate form of contraception is limited.⁴

According to the users, cases of pregnancy interruption/abortions still exist in the facility. The staff monitors the female users' menstruations. Women of reproductive age are also frequently seen by the gynecologist.

Based on the discussions with the users and staff, we concluded that the placement centres visited did not forbid friendships between men and women but that it was not always possible to be placed together.⁵ Nonetheless, the right to start a family and to establish and maintain couple relations is not promoted or supported. This was confirmed by the users' statements: *"what should one do with a child in the facility?!", "there are no conditions for living together."*

General observations

The national legal framework for equality between women and men is in line with international commitments. However, implementation lags behind, and women face discrimination and inequality in social, economic and political life, they lack effective opportunities for participation in decision-making in public and private sector.⁶

There is a lack of data on the efforts of the state and the impact of its actions ... or, the data that exist are not easily accessible for the interested persons (data accessibility) and not fully disaggregated on ethnicity, disability and territorial criteria.

³ <http://ombudsman.md/wp-content/uploads/2019/07/RAPORTENGL2018.pdf>, page 47.

⁴ Study on the Respect for Human Rights in Social Care and Mental Health Facilities of the Republic of Moldova

⁵ Cocieri TPCPD, Bădiceni TPCPD, Brînzei TPCPD

⁶ <https://www.md.undp.org/content/moldova/ro/home/gender-equality.html>