



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth and fifth periodic reports of the Republic of Moldova at the Committee's fifty-sixth session, held in October 2013. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MDA/CO/4-5). You may recall that in the concluding observations, the Committee requested the Republic of Moldova to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 20 and 28 of the concluding observations.

The Committee welcomes the follow-up report received with a two-month delay in December 2015 (CEDAW/C/MDA/CO/4-5/Add.1) under the CEDAW follow-up procedure. At its sixty-fourth session, held in July 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 20** of the concluding observations that the State party “to strengthen the enforcement of the Criminal Code, Law No. 45-XVI on preventing and combating domestic violence and other relevant national legislation; ensure that all women and girls, including in particular older women, Roma women and girls and women and girls with disabilities, are protected from violence and have access to immediate means of redress; and launch ex officio investigations into all such crimes and ensure that perpetrators are prosecuted and punished commensurate with the gravity of the crime”: The State party mentioned the multiple capacity building initiatives, including trainings and production of toolkits, targeting the judiciary, prosecutors, law enforcement agents, health professionals and social workers to promote awareness of the legal frameworks in place to prevent and combat violence against women, as well as trafficking in human beings, and to ensure the protection of victims. It further reported on the number of restraining orders issued, home-visits conducted to build community awareness on the root causes of domestic violence, and counseling given to registered perpetrators on the strict application of the law. It also informed the Committee on the development of a pilot monitoring mechanism to identify gaps in the implementation of the legislation in practice, the systemized collection of reported cases of domestic violence in a shared platform for social assistance, and the initiation of a socio-economic empowerment project targeting victims of domestic violence. The Committee welcomes the multiple awareness-raising efforts with a variety

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of stakeholders on the enforcement of the legal framework preventing and combatting domestic violence, as well as the projects to monitor its implementation and ensure the protection and rehabilitation of victims. However, it notes that the State party did not provide details on the steps taken to ensure that all women and girls, and in particular older women, Roma women and girls and women and girls with disabilities, are protected from violence and have access to immediate means of redress. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “expedite its efforts to amend Law No. 45-XVI on preventing and combating domestic violence so as to supplement court-ordered protection with a system of police-ordered protection and enable the issuance of police emergency protection orders”: The State party reported that, in view of harmonizing its national legislation with the Istanbul Convention, the Ministry of Labour, Social Protection and Family of the Republic of Moldova has proposed 11 amendments as well as new provisions to Law No. 45-XVI, which include the issuance of emergency restraining orders by the police, the regulation of a new crime in the national law - acts of persecution, provision of free legal assistance in trials for victims of domestic violence, and the victim's right to seek compensation from the offenders or the State. The State party further informed the Committee that a study was conducted on the implementation gaps of the provisions of the draft law related to the issuance of restraining orders by courts, the outcome of which endorsed the draft law. The Committee notes the proposed amendments to Law No. 45-XVI, in line with international standards, and particularly the provision empowering the police to issue emergency restraining orders against alleged perpetrators. However, the Committee notes that the amendments remain in draft form. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “remove any impediments faced by women in gaining access to justice; ensure that legal aid is made available to all victims of violence; encourage women to report incidents of domestic and sexual violence by raising awareness about the criminal nature of such acts; provide adequate assistance and protection to women victims of violence, including Roma women; and increase the number and funding of shelters and guarantee national coverage extending to women from rural areas and Transnistria”: The State party informed the Committee that, on the basis of a study conducted analysing gaps in gaining access to justice and to legal aid by victims of domestic violence, it proposed amendments to Law No. 45-XVI on preventing and combating domestic violence and to Law No 198-XVI on State Guaranteed Legal Aid in order to ensure free and mandatory legal aid. It further reported on the numerous awareness-raising activities undertaken, including specifically targeting Roma communities, and the increased reporting of incidents of domestic and sexual violence as a result. The State party also mentioned the creation of a hotline number for victims of domestic violence, the establishment of a centre providing social assistance and counselling in Drochia, as well as of a shelter in the Transnistria region, and the outcome of a study identifying the shortage in the number of shelters provided to meet the needs of the national population. The Committee welcomes the awareness-raising activities undertaken by the State party and their direct correlation with the increased reporting of incidents of domestic and sexual violence, as well as the assistance and protection provided to women victims of violence through the creation and funding of a hotline, counselling centres and shelters. It also notes the proposed amendments to domestic laws on the prevention and combatting of domestic violence and on the provision of free legal aid. However, it notes that, in practice, such legal aid is often provided by specialized non-government organizations or private lawyers. The Committee considers that the State party took significant steps to implement the recommendation. It considers that, for the period under consideration, the recommendation **has been implemented**.

Regarding the recommendation that the State party “ensure that all investigations into acts of sexual violence, including those committed against Moldovan migrant women, are carried out in line with international standards of investigation, including by amending the existing guidelines on investigation of rape and other forms of sexual assault”: The State party indicated that the

methodological guidance for prosecutors on investigating, inter alia, incidents of domestic violence, rape and other sexual acts, is currently under revision to be in accordance with guidelines of the European Court of Human Rights, following the repeal of the former impugned methods. The Committee notes the information provided by the State party regarding the repeal of the existing guidelines on the investigation of rape and other forms of sexual assault, as well as the efforts underway to replace them with guidelines in compliance with regional human rights standards. It notes, however, that the revised guidelines remain in draft form, pending approval of the authorities. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 20 of the concluding observations, the State party provide, **in its next periodic report due in October 2017**, information on further actions taken to:

- 1) Strengthen the enforcement of the Criminal Code, Law No. 45-XVI on preventing and combating domestic violence and other relevant national legislation; ensure that all women and girls, including in particular older women, Roma women and girls and women and girls with disabilities, are protected from violence and have access to immediate means of redress;
- 2) Expeditiously enact the amendments to Law No. 45-XVI on preventing and combating domestic violence so as to supplement court-ordered protection with a system of police-ordered protection and enable the issuance of police emergency protection orders;
- 3) Remove any impediments faced by women in gaining access to justice and ensure that free legal aid is provided by the State party and made available to all victims of violence; and
- 4) Expeditiously adopt the revised guidelines on investigation of rape and other forms of sexual assault to ensure that all investigations into acts of sexual violence, including those committed against migrant women, are carried out in line with international standards of investigation.

Regarding the recommendation made in **paragraph 28** of the concluding observations that the State party “increase access by Roma women, women in rural areas, women with disabilities and older women to formal employment by, among other things, ensuring the effective implementation of the National Programme on Ensuring Gender Equality for 2010-2015”: The State party indicated that, during the period 2013-2015, the National Employment Agency, jointly with its territorial structures, carried out a range of measures aiming at increasing employment among women, including by promoting active and preventive measures on the labour market. It further informed the Committee that several public forums were held to provide platforms for discussion on, inter alia, barriers facing women in seeking employment and increasing their participation in public and political life. The Committee notes that measures have been taken by the State party to increase employment among women. However, it considers that the State party did not provide sufficient information on whether they have resulted in increased access by Roma women, women in rural areas, women with disabilities and older women to formal employment. It further notes that the State party did not indicate what steps were taken to ensure the effective implementation of the National Programme on Ensuring Gender Equality for 2010-2015. The Committee considers that **it did not receive sufficient information** to assess whether the recommendation has been implemented.

The Committee recommends that, in relation to paragraph 28 of the concluding observations, the State party provide, **in its next periodic report due in October 2017**, information on further actions taken to:

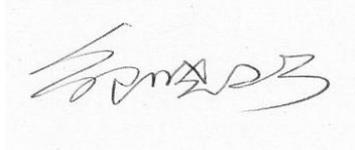
- 1) Increase access by Roma women, women in rural areas, women with disabilities and older women to formal employment by, among other things, ensuring the effective

implementation of the National Programme on Ensuring Gender Equality for 2010-2015; provide disaggregated data in this regard.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Republic of Moldova on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women