

# Alternative/shadow Report on Women's Rights in Moldova

Presented at the 56th session of the Committee on the Elimination of  
Discrimination against Women (CEDAW), 30 September – 18 October 2013

## **Foreword**

*This report has resulted from the hard work of a group of people, dedicated to the elimination of women discrimination. Representatives of different risk categories, Roma women, women victims of domestic violence, LBT women and other categories met in different working sessions and shared personal experiences as victims of discrimination. The obtained information was processed, structured and included in the given report.*

*The report was put together and finalised by Ms. Olesea Perean, Jurist, Human Rights Expert.*

*The working group would like to convey its gratitude to the Office of the High Commissioner for Human Rights in the Republic of Moldova and personally to Mr. Claude Cahn, Human Rights Advisor, Anna Lungu and Alina Grigoras, National Human Rights Consultants for their efforts in the organisation of group's working sessions, report compilation as well as for the support provided.*

*The report's content and conclusions do not represent the opinion of the Office of the High Commissioner for Human Rights in the Republic of Moldova.*

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## ***Introduction***

*The CEDAW standards in the Republic of Moldova - an incursion in the evolution of the process of fight against discrimination phenomenon in the Republic of Moldova.*

The adoption of the Convention on the Elimination of All Forms of Discrimination against Women adopted on 18 December 1979 by the UN General Assembly has become an innovation in dealing internationally with the right of woman to not be discriminated, to have equal rights with men and to enjoy guarantees for her personal development.

The Republic of Moldova ratified the Convention on 28 April 1994<sup>1</sup> ; along with its ratification, the State has assumed the obligations to ensure the observance of its provisions. Despite the ratification of the Convention in the '90s, the concern of the Moldovan Government regarding the actions aimed at ensuring the equality of women is relatively new, but is not a systematic and comprehensive one. In this way, in order to ensure equal exercise of rights by women in the political, economic, educational, health and other areas of life in order to prevent and eliminate all forms of gender-based discrimination, the Law on Equal Opportunities of Women and Men was adopted only in 2006<sup>2</sup>. The Law tries to enhance equal access of women and men to public functions in the management bodies, applying to hold certain positions in the electoral rolls, and at the same time, the Law provides for a list of socio-economic obligations, in particular in the employment field, and describes some obligations of the employer. Nevertheless, the Law has a declarative character and is not applied effectively, because it lacks an implementation mechanism. In order to make the Law more practical, there were adopted the National Programme on Ensuring Gender Equality for 2010-2015<sup>3</sup>, and the Action Plan for Program Implementation for 2010-2012, which includes the actions that have to be implemented in the 8 identified problematic areas.

The implementation of the actions included in these strategic documents is revised periodically by drafting monitoring reports. Although in most cases, the concrete actions from the policy documents are listed as implemented or partly implemented, the Republic of Moldova registered considerable delays in the implementation of viable policies on ensuring women's equality, non-discrimination and empowerment.

In this way, Moldova has outlined a number of risk groups of women that are systematically subject to discrimination and are treated differently. At the same time, although according to the Government reports submitted to the civil society, women empowerment actions are implemented and considerable achievements are invoked in this regard, these results are isolated, and not systemic.

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<sup>1</sup> Ratified by the Parliament of the Republic of Moldova, Decision No. 87-XII of 28 April 1994

<sup>2</sup> Law No.5-XVI on Ensuring Equal Opportunities for Women and Men of 9 February 2006, published on 24.03.2006, Official Gazette No. 47-50

<sup>3</sup> Approved by Government Decision No.933 of 31 December 2009

In the same context, it is worth mentioning that despite the adoption of the Law on Enforcement of Equality on 25 May 2012<sup>4</sup>, which main purpose is to establish a Council for the prevention and elimination of discrimination and ensuring the equality that would sanction directly the discrimination actions, including gender-based discrimination, the abovementioned Council has not been established until May 2013, and the establishment date cannot be forecasted.

This report will try to describe the existing situation in the field of ensuring equal opportunities for women and men in the Republic of Moldova. The reports developed within the working group, attended by representatives of risk groups subject to discrimination, were compiled into this general report. Taking into consideration that the report was developed with the participation of the risk groups representatives, the information contained in the report can be qualified as being from the first source.

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<sup>4</sup> Law no. 121 on Enforcement of Equality of 25 May 2012, published on 29.05.2012 in the Official Gazette No. 103 , in force : 01.01.2013

## ***Chapter I Women empowerment of the Republic Moldova***

### *1. Promoting women in eligible positions*

According to Articles 7 and 8 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as *the Convention*), the States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: ... b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;". Article 8 gives the women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

In the 2011 local elections of the Republic of Moldova, according to the statistical data, only 18 per cent of candidates were women, by 3 per cent less than the average rate of female candidates during the 2007 local elections.

It is obvious that the State does not fulfil its obligations to ensure to women the right to participate in the political and public life of the Republic of Moldova. The women try to mobilize their efforts with a view to defend and protect their rights. During the international Conference "Gender Equality for a Sustainable Society" held in Chisinau on 20 November 2012, the participants established the need for a higher involvement of women in the political life and thus to reduce the discrimination by men.

According to the statistical data, in spite of the European path embraced by the Government established after 2009, during the communist government, up until 2009, there were more women advanced in politics and decision-making positions than afterwards. Women members of parliamentary parties are discriminated when getting into the Parliament; even if on the party lists there is a considerable number of women, they do not get into the Parliament, because these are placed on lower places, so that they do not become Members of the Parliament. In the Parliament of the Republic of Moldova there are only 20 women out of 101 Members of the Parliament. *Most women in the Parliament represent the Communist Party.* Eight out of 36 communist deputies are women. The *Liberal Democratic Party* has four women deputies out of the total number of 31 deputies. The *Democratic Party* is represented by three women, and the *Liberal Party* by only two women. There are three women among the seven non-affiliated deputies. The women accept tacitly these conditions, being treated with inferiority by their colleagues men from the party and *de facto*, have no decision making power in the political party. Currently, there are no women with decision making power in Moldovan politics. Women are not promoted into high state dignity positions. There were only *two female ministers* and 18 men in the Filat Government in 2009 – 2013. There are 4 female ministers in the Leanca Government of 2013.

The women are under-represented in the politics and are virtually absent from the party top positions. There is only one woman in the leadership of Liberal Democratic Party – the Deputy Chairman Liliana Palihovici. Same thing is in the Liberal Party, with a single woman as Deputy Chairman. The Democratic Party has no woman in the leadership, and the first woman in the hierarchy is the Secretary of the parliamentary fraction.

The Republic of Moldova has never had a woman President.

The existing situation is due to the stereotypes that persist in the society and are not eliminated through public policies or campaigns.

### ***Question to the Republic of Moldova:***

- *What measures have been undertaken to eliminate the stereotypes regarding the role of a women in the society and promotion of women in the political life?*

### ***Country-specific recommendations :***

- *To set a mandatory share of 48 percent of women to be included in the electoral lists, out of which at least 20 women should be on the first 40 places;*
- *To institute the share of 40 percent of women, which can become Ambassadors and Honorary Consuls of the Republic of Moldova;*
- *To develop programmes and awareness campaigns against stereotypes regarding the role of women in the society and family.*

*The mayor position* in the local public authorities is held mostly by men. Thus, there are only 166 female mayors out of 897 mayors elected in the localities of the Republic of Moldova. The Liberal Democratic Party is represented by 52 women - mayors, Communist Party – 46, Democratic Party – 39, and Liberal Party – 15 women as mayors.

In 2012, during the elections to the Popular Assembly of Gagauzia, only 29 out of 165 candidates were women, and only one got into the respective institution. During the 2011 local in Gagauzia, there were only a couple of women candidates to the position of mayor, but none was elected. Currently, only one woman works in the Executive Committee of Gagauzia.

The Republic of Moldova lacks the institutional policy framework in the field of women empowerment; there is no unitary programme at state level to prepare women for decision-making positions and to be elected in eligible positions; programmes that would be implemented and would be open for girls-adolescents.

### ***Question to the Republic of Moldova:***

- *What measures have been undertaken by the State in order to empower the women, to train them to become opinion leaders , managers at local and central levels?*

### ***Country-specific recommendations :***

- *To develop and implement a national women empowerment programme in the Republic of Moldova;*
- *To implement programme actions in towns and villages, but in particular in the rural areas, so that women from rural areas or outside the capital city can benefit of the measures to be proposed under the programme.*



## 2. *Observance of the right to be employed*

Article 11 of the Convention shall provide the State with all appropriate measures to eliminate discrimination against women in the field of employment. The law of the Republic of Moldova consists of norms that grant the right to work and forbid discrimination in the field of labour/employment<sup>5</sup>.

One of the factors that condition the discrimination in the field of employment is the economic crisis. Women account for 53.5 percent of the inactive population in the national economy, whilst the men account for 41.6 percent.<sup>6</sup> Because of the economic crisis that has been felt in the Republic of Moldova, the managers of small enterprises are not interested in spending their resources and time to teach or train their employees. In particular, the employers are not motivated by the State to promote women in higher positions or hire women when they apply for the same position as men.

A woman who used to be a housewife for some time has no possibility to legalize this type of work. House work cannot be included in the overall employment history.

According to the data of the National Employment Agency, the number of official employment applications has decreased. If a woman did not find a job as long as she was registered with the Employment Office, she is transferred to the informal sector of the economy, where she is assumed to work unofficially or is supported by the relatives while taking care of the family and household. This experience cannot be included in the employment history.

One of the solutions would be, in this case, for the women to carry out their own business, but there are no programmes and legal norms to train women in the field of business entrepreneurship.

The prevalence of the private sector in the national economy leads to difficult control over the observance of the norms in the field of the right to work/employment and to a limited number of jobs, in particular jobs that require

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<sup>5</sup> Art. 43 of the Constitution of the Republic of Moldova, adopted on 27 July 1994, published on 12.08.1994 in the Official Gazette no. 1, date of entering into force on 27.08.1994, stipulates: The Right of Working and of Access to Work (1) Every person has the right to freely choose his/her work, and to benefit from equitable and satisfactory working conditions, as well as to be protected against unemployment. (2) All employees have the right of work protection. In this respect the protective measures will bear upon work security and hygiene, working conditions for women and young people, the introduction of minimum wages across the national economy, the weekly period of rest, the paid holidays, difficult working conditions, as well as other specific situations. (3) The length of the working week shall not exceed 40 hours. (4) The right of collective bargaining is guaranteed, and so is the legal enforceability of collective agreements.

<sup>5</sup> Art. 44 stipulates: Prohibition of Forced Labour (1) Forced labour is prohibited. (2) Not to be regarded as forced labour are the following: a) military -like duty or the activities designed to replace it, carried out by those who under the law are exempted from compulsory military service; b) work done by a convicted person under normal conditions, in custody or on conditional release; c) services such as required to deal with calamities or other dangers or as considered under the law to be a part of normal obligations of civilians.

<sup>5</sup> Art. (6) of Labour Code, No. 154 of 28.03.2003, published on 29.07.2003 in the Official Gazette no. 159-162 stipulates: Non-restriction of labour rights and labour freedom (1) Labour freedom is guaranteed by the Constitution of the Republic of Moldova. (2) Every person is free in choosing the workplace, profession, occupation or his activity. (3) Nobody, during his life, can be obliged to work or not work in a certain place or hold a certain profession, regardless of whom they are. (4) Any legal document concluded with failing to respect the provisions of the paragraphs (1), (2), (3) is null. Art. (8) of the Labour Code stipulates: Prohibition of discrimination in the field of labour (1) In the framework of the labour relations shall operate the principle of equality in rights of all employees. Any direct or indirect employee discrimination based on his gender, age, race, ethnicity, political option, social origin, residence, handicap, HIV/AIDS status or trade union activity, as well as other criteria not related to his professional qualities, shall be prohibited. (2) Establishment of some differences, exceptions, preferences or employees' rights, determined by the specific requirements of a certain work, established by the legislation in force, or by the state special care towards persons requiring an increased social and legal protection, shall not represent discrimination.

(2), (3) is null. Art. (8) of the Labour Code stipulates: Prohibition of discrimination in the field of labour (1) In the framework of the labour relations shall operate the principle of equality in rights of all employees. Any direct or indirect employee discrimination based on his gender, age, race, ethnicity, political option, social origin, residence, handicap, HIV/AIDS status or trade union activity, as well as other criteria not related to his professional qualities, shall be prohibited. (2) Establishment of some differences, exceptions, preferences or employees' rights, determined by the specific requirements of a certain work, established by the legislation in force, or by the state special care towards persons requiring an increased social and legal protection, shall not represent discrimination.

<sup>6</sup> According to the data of National Bureau of Statistics placed on [www.statistica.md](http://www.statistica.md)

medium and high qualification of the employee. According to the statistics<sup>7</sup>, as of 31.12.2012, the demand for specialised secondary education and highly educated candidates accounted for 16 percent of the total number of offers. This determines the employees to agree on any kind of job in order to gain a minimal income.

### ***Question to the Republic of Moldova :***

- *What measures have been undertaken by the State to ensure non-discrimination of women with regard to the right to access to the labour market apart from the legal norms that stipulate the right to non-discrimination in the field of employment?*

### ***Country-specific recommendations :***

- *To impose a mandatory quorum of employed women within large enterprises and authorities and motivate private entrepreneurs to hire the required number of women.*

Many women who lost their job get employed in the informal sector of the economy<sup>8</sup>.

This factor leads to lack of protection and low salaries. The salaries received in the informal sector are not reflected in the official papers. Sanitary and labour protection norms are not completely or generally observed and the working hours are increased without additional payment or additional days off.

### ***Question to the Republic of Moldova:***

- *What are the protection instruments instituted by the State to protect the rights of women, who were employed unofficially/ in the informal sector of the economy?*

### ***Country-specific recommendations :***

- *To institute a legal mechanism through which the unofficially employed women could, however, benefit of the right to include the unofficial job into the employment history.*

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<sup>7</sup> [www.statistica.md](http://www.statistica.md)

<sup>8</sup> According to the data of the Ministry of Labour, Social Protection and Family

Due to the lack of well-paid jobs and satisfactory working conditions determined by the need to survive, the women of the Republic of Moldova decide to leave for work abroad. Most of the times, being abroad, women are employed in the informal sector and even if they work legally, the employment history from abroad is not included in the overall employment history in their country of residence. This fact determines the violation of rights in the field of labour: lower salaries, lack of social package, non-observance of labour protection norms. The women who worked outside the country cannot hold an employment history card when they return to the country, which determines the difficult employment and lack of possibilities to enjoy social benefits.

### ***Question to the Republic of Moldova:***

- *What measures have been undertaken to avoid massive migration of labour force consisting of women from the Republic of Moldova and what is the mechanism that women who work abroad can use to enjoy their right to social security?*

### ***Country-specific recommendations :***

- *To develop legal mechanisms, so that women employed outside the country can benefit of a minimal social package upon return.*

The role stereotypes that persist in the Moldovan society determine the women, first of all, to choose an area for education to get a specialty for women that requires less endeavour and efforts. According to the statistics, women are mostly employed in the services area: hotel and restaurant services – 71.1%, health and social assistance – 80.7%, education – 75.4%<sup>9</sup>. Moreover, the merits of the women in the fields in which these are engaged are appreciated in light of the stereotypes. This is why there are cases of violation of the right of women to equal salary with men.

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<sup>9</sup> [www.statistica.md](http://www.statistica.md)

### **Question for the Republic of Moldova:**

- *What were the State's actions to eliminate the stereotypes regarding the womanisation or masculinisation of certain professions?*

### **Country-specific recommendations:**

- *To adopt policies motivating women who choose masculine professions, according to the stereotypes;*
- *To offer additional state-financed seats for women in the professional and higher education institutions for the specialities considered masculine by the society.*

The legislation of the Republic of Moldova consists of norms that guarantee the right to be employed<sup>10</sup>. But in reality, the employment announcements consist of discriminatory requirements, often listing candidate's gender and age related requirements.

Example: according to the data of Study "Discrimination of women based on age grounds on the labour market of Moldova: examination of sources and effects on this phenomenon on the development of women's personality, family and society"<sup>1</sup>, 55.8 percent of respondents faced age discrimination during the first stage of employment. During the interview, 18.6 percent of respondents were asked inappropriate questions regarding their family status. After employment, the women are the last ones to be promoted; this happens only after all men have been promoted.

In the Republic of Moldova, women are constantly discriminated by the employers, but have no effective and simple remedies against discrimination, and protection of their rights. According to the abovementioned survey, the number of women who tried to solve the discrimination-related issues in the employment field can be divided into the following groups:

- those who tried to clarify the situation with the manager/head of the unit – 40.2% of the total number of respondents;
- those who complained about their supervisor to the hierarchically superior person – 6%;
- those who addressed the court or other law-enforcement entities – 2.6%;
- those who addressed the trade-union – 1.7%;

<sup>10</sup> Art. 47 of the Labour Code No.154 of 28.03.2003, published on 29.07.2003 in the Official Gazette No. 159-162, stipulates: (1) Reasonless employment refusal is prohibited. (2) At conclusion of the individual labour is prohibited to directly or indirectly limit the rights or establish some direct or indirect advantages based on gender, race, religion, ethnicity, residence, political option or social origin. (3) Employer's refusal to recruit shall be drawn up in writing, with indication of the information stipulated in the art. 49 paragraph (1) letter b) and can be appealed in the court.

- those who did not try to do anything – 48.7%;

The causes for discrimination/inequality between men and women, according to the study, are:

- existing stereotypes of employers, according to whom, there are feminine and masculine professions – 36.5%;
- possible decrease of profits due to hiring women of a certain age (possible maternity, child care, medical leaves) – 26.3%;
- lack of knowledge about the rights in the field of women's employment – 17.3%;
- existing traditions that imply the existence of different gender roles in the society – 16.7%.

Example: A private company X is facing a conflict situation – two employees, a woman and a man, have been selected for a training programme abroad under a project. The conflict appeared when it was not clear who should go because it was impossible to send both employees. The man was a good employee with a potential successful career within the company, and consequently, he got the company's management approval. The woman had the same qualifications, was appreciated by the company management but did not get the company's support. She felt her rights were violated and resigned; hence, the company lost a qualified employee.

Age-based discrimination is a common thing in the Republic of Moldova, especially for the women from two age categories: 16-25 and over 45 years old.

The young women face the following issues:

- low salaries due to the lack of work experience;
- sexual harassment;
- corruption of employers who suggest women to pay money for employment;
- condition the individual labour contracts with the fact that the woman shall not get married and not give birth to children, and the contract is signed for a determined period of time.

Most employees consider that the women are not the best candidates to be hired because there is the risk of getting married or giving birth to children and will have to go on maternity or child care leave and will be concerned of family problems. At the same time, the young women encounter discrimination, sexual harassment which makes it unbearable to work, brings discomfort and violates woman's dignity.

Example: A 28-year-old woman was hired as Secretary. Being attractive, she was harassed by her superior. She did not complain to the head of unit being afraid of harming her boss. Based on these, she decided to resign. She was subject to psychological stress and the fear that whenever she goes, she would be treated in the same way. Eventually, she was financially supported by her parents because she was afraid to get employed.

A steady aging rate increase of the population has been registered during the last 15 years in the Republic of Moldova. The group of women who are older than 45 years old are subject to discrimination most often. The employed women older than 45 years usually receive a salary by 1/3 smaller than the women of average age, and compared to men, they receive 1.5 times smaller salaries.<sup>11</sup> This happens in spite of the fact that according to the statistics the employees older than 40 years are more productive at their working place, are more responsible because they have strong professional habits, but they do not always have the required education.

Another relevant example is the data of the Study “Discrimination of women due to their age on the labour market of Moldova: examination of sources and effects of this phenomenon on the development of women’s personality, family and society”, the young women encounter discrimination in 36.5 percent of the cases, and 31.1 percent were discriminated because of their pregnancy or because of having small children.

#### ***Questions to the Republic of Moldova:***

- *What measures have been undertaken by the State at the policy level to abolish the discrimination against women in the field of employment?*
- *What effective, simple, non-judicial resources does the victim of discrimination have in the field of employment in the Republic of Moldova?*

#### ***Country-specific recommendations:***

- *To develop policies to eliminate the discrimination of women in the field of employment which would involve public awareness campaigns regarding the equality of rights of men and women and promotion of woman's image as a responsible and effective employee*
- *To institute legal norms which would encourage the employers to hire women, including women older than 45 years or pregnant women.*

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<sup>11</sup> According to International Labour Organisation.

### 3. Gender violence (domestic violence) and the impact of this phenomenon on women

Gender violence, including domestic violence, continues to be one of the main problems regarding the rights of women faced by the Republic of Moldova today.

Domestic violence is a social phenomenon that affects negatively the society, both directly and indirectly. According to the 2011 statistics<sup>12</sup>, 63.4 per cent of the women residing in the Republic of Moldova with the age over 15 years or 6 out of 10 women encountered at least one form of violence during their life.

During November 2009 – December 2011, the Hot Line of the International Centre “La Strada” received 2.978 calls from the entire territory of the Republic of Moldova, and even from abroad. Thus, most cases of domestic violence were registered in 2011 – 1.495 calls (967 calls were about domestic violence and 192 of these were repeated cases) a 17 percent increase compared to 2010, when 1.236 calls were registered<sup>13</sup>.

Although the legislation in the field offers a protection mechanism for victims of domestic violence, the implementation of the legal provisions and protection of victims of domestic violence is sporadic.

There are many cases when the police or social assistants refuse to intervene when informed about domestic violence, or they intervene after a couple of days.

Also, there were many situations when the victim addressed to the Mayor of the locality when the policeman could not be found, but the Mayor would tell her that he was not responsible for such cases. This happens because of existing stereotypes in the Moldovan society, on one hand, and due to the lack of knowledge about the legal provisions, on the other hand. In such cases, the victims are constrained to leave their homes and seek shelter.

*Example:* D.S. lived with her husband who was unemployed and alcohol addicted for about 20 years; he was beating her up and swearing at her permanently, claiming she was not earning enough money. The woman addressed repeatedly to the police, but it only intervened after three days or even one week.

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<sup>12</sup> See [http://www.statistica.md/public/files/SeminareConferinte/Violenta\\_fam\\_dec\\_2011/Raport\\_violenta\\_fam.pdf](http://www.statistica.md/public/files/SeminareConferinte/Violenta_fam_dec_2011/Raport_violenta_fam.pdf)

<sup>13</sup> Phone log, Chisinau 2012 [http://www.lastrada.md/publicatii/ebook/Telefon\\_de\\_incredere\\_pentru\\_femei\\_2.pdf](http://www.lastrada.md/publicatii/ebook/Telefon_de_incredere_pentru_femei_2.pdf), page 7

### **Question for the Republic of Moldova:**

- *What measures have been undertaken to streamline the implementation of legislation for the protection of the domestic violence victims ?*

### **Country-specific recommendations :**

- *To organise training courses in the field for the authorities responsible for the prevention and elimination of domestic violence.*

Simultaneously, in almost all the cases when the victim requires protection against psychological or economic violence without invoking physical violence, the court refuses to issue an order of protection. This happens because these types of violence are difficult to prove and especially when the aggressor denies his deeds. In these cases, the declarations of victims are underestimated and even ignored.

### **Country-specific recommendations:**

- *To ensure security and welfare for all victims of violence, to eliminate the judges belief/preconception that the woman - victim of domestic violence lies in order to obtain material advantages (for instance, a house);*

There are cases when the order of protection is issued, but it stays only on paper, because it is not enforced. In this case, there are two hypotheses when the aggressor refuses to enforce the order of protection or infringes the measures stipulated in the respective order, or the policeman and the social assistant do not fulfil their obligation to enforce and supervise the enforcement of the order of protection.

Although both the policeman and social assistant have to supervise the enforcement of the order by visiting the victim at home and by telephoning the victim, these actors react only when they are called by the victim. The most often arguments invoked by the authorities are: "I cannot spend my day between the two of you; I have more important things to do" OR "Call me when he beats you".

### **Country-specific recommendations:**

- *To develop a mechanism for sanctioning the aggressors if they refuse to enforce the order of protection and/or violate its provisions;*
- *To develop a mechanism for sanctioning the officials who do not fulfil their duties and admit the repetition of domestic violence cases;*



In spite of the fact that beginning with 3 September 2010, domestic violence (all forms and irrespective of the severity) is being punished in accordance with the provisions of Art. 201/1 of the Criminal Code of the RM, the police prefers to punish the aggressor in accordance with Article 78 and/or Article 69 of the Contravention Code of the RM, and do not bring criminal charges against them in accordance with Article 201/1 of the Criminal Code of the RM.

Example 1: M.S., after being beaten up and threatened, addressed the police complaining about domestic violence. The policemen came to the scene, drafted a report and applied a contravention sanction to the aggressor-husband. After paying the fine, the aggressor refused to take care of children saying that the money meant for the family was paid to the state. Thus, the effect of the fine was negative on the victim and children. These circumstances made the woman stop calling the police in such circumstances.

Example 2 : A.M., after being beaten up repeatedly by her concubine, decided to file a complaint with the police. The policeman applied a MDL600 fine to the aggressor. Coming home, the boyfriend beat her up again even more for calling the police.

### ***Country-specific recommendations :***

- *To train the policeman, criminal prosecution officers and prosecutors in what regards calling to responsibility the aggressors;*
- *To oblige the investigative entities to register all complaints on domestic violence, to open criminal proceedings and to investigate criminally the cases of domestic violence;*

Currently, there is only one rehabilitation centre for victims of domestic violence in Chisinau, Moldova. If the victim has to work to take care of her children, she cannot leave the town/village. That is why very few victims address to rehabilitation centres, and some victims are not accepted by the rehabilitation centres.

In many cases, the victims do not receive the necessary qualified rehabilitation assistance, and after leaving the centre, they face domestic violence again.

The living conditions of the victim in the rehabilitation centre are almost like in the isolator.

Example: Mrs. E.V. with two minor children sought shelter with the rehabilitation centre because she was a victim of domestic violence. She received 3 consultations with the psychologist and 2 with the lawyer during one month and two weeks. The husband refused to support financially the children. The woman had no job. The centre did not provide enough and qualitative food. She was prohibited to leave the centre after 19.00. Consequently, the woman was forced to go back to the aggressor.

#### **Country-specific recommendations :**

- *To develop a mechanism for granting state financial support to the victim of domestic violence or redirecting the resources of the aggressor to the victim without their interaction;*
- *Institution building of the rehabilitation centers for victims of domestic violence, to establish regional centers on the entire territory of the Republic of Moldova and ensure their functionality.*

## **Chapter II Access to services of different categories of women from the Republic of Moldova**

### *1. Discrimination of women with disabilities*

Article 12 of the Convention stipulates the obligation of all states signatories of the Convention to ensure equal access to healthcare services, on a basis of equality of men and women.

Although the access to healthcare services in the Republic of Moldova takes place on a basis of equality of men and women, however, some categories of women cannot fully benefit of the medical services.

This is the case of women with disabilities. Today, there are about 180,000 persons with disabilities, including 60 percent of women, in the Republic of Moldova.

The Law on Social Inclusion of the Persons with Disabilities was adopted in March 2012<sup>14</sup>, and the Law on Enforcement of Equality was adopted in May 2012<sup>15</sup>.

Both laws form the general anti-discrimination framework in the Republic of Moldova and were developed in accordance with the international standards regarding the inclusion of persons with disabilities. Nevertheless, there are some reserves, in particular with regard to law enforcement or implementation, where the Republic of Moldova has considerable delays.

In spite of the ratification of the UN Convention on the Rights of Persons with Disabilities in July 2010, the Republic of Moldova has not developed yet during this three years a monitoring mechanism of its implementation.

Small, but steady steps are made by the civil society, which recently established an independent monitoring mechanism (IMM) of the UN Convention on the Rights of Persons with Disabilities. This control body has been launched on 13 February 2013 by 10 NGOs founders and 3 members of the Ombudsman Institution – Centre for Human Rights in Moldova.

The situation of women with disabilities is hardly studied in Moldova, but the issues faced by them in the day-to-day life are stringent and require regular visibility on the public agenda. A key reason is most probably the fact that besides being discriminated on gender grounds, the women with disabilities are also discriminated because of their physical and mental deficiency, which induce double pain/suffering.

The Non-Governmental Organisations from Moldova that operate in the field of inclusion admit that the women with disabilities have no equal chances to education, employment and public services as compared to men with disabilities. Why? It is a rhetorical question, with an answer hidden deep in people's mentality.

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<sup>14</sup> Law No.60 on Social Inclusion of Persons with Disabilities of 30.03.2012, published on 27. 07.2012 in the Official Gazette no. 155-159, Art. no. 508

<sup>15</sup> Law No.121 on Enforcement of Equality of 25.05.2012 published on 29.05.2012 in the Official Gazette No.103, Art. no. 355, in force since 01.01.2013

When a woman with disabilities or a specialised NGO complaints to law-enforcement entities about the violation of certain rights, a Commission to examine the case is formed, but it is never settled because of the corruption and incompetence in the system.

*Example:* A woman with eyesight disability was aggressed by the employees of the Union Fenosa Company (electricity provider), who opened and checked the electricity meter without her permission; after entering into her apartment, they checked all the electrical appliances and drafted a report. They were informed from the very beginning that the woman, owner of the flat is practically blind and needs a reliable person to read the report to her so she can make the appropriate decision. The employees of the company refused to wait or come another day and forced the woman to sign the report, which they called regular control act. The woman believed them and signed it, but later she received an invoice of more than MDL 8000 as arrears for electricity. The reason of this amount was the discovery of an authorised power point. The person addressed to court, and the trial is ongoing for over 2 years. The judges delay the settlement of the case because they doubt the woman's disability and force her to bring multiple certificates, while the representatives of Union Fenosa continue to be absent in the court. This is just one case of discrimination, which unfortunately, is not the only one in the Republic of Moldova.

### ***Question to the Republic of Moldova:***

- *What mechanism to ensure the rights of persons with disabilities was created or is operational in the Republic of Moldova?*
- *What measures have been undertaken by the State to ensure social inclusion of women with disabilities?*
- *What measures have been undertaken to ensure social inclusion of women with disabilities in the rural area?*

### ***Country-specific recommendations :***

- *To develop a state programme that would monitor and ensure the observance of the rights of persons with disabilities.*
- *To adopt consolidated programmes at national level with concrete actions to be undertaken to ensure social inclusion of women with disabilities;*
- *To oblige local authorities to develop and adopt programmes to ensure social inclusion of persons with disabilities, especially of women;*

## *Access to education*

Currently, in the Republic of Moldova about 5 percent of girls with different types of disability are registered in almost each education institution, but unfortunately not all of them come to classes on a regular basis. Most of women/girls with disabilities confirmed in private discussions that they encounter indifference from the teachers. They think that this is probably due to the lack of specific experience, lack of reasonable conditions (equipment, ramps, furniture, space, light, stairs, elevators) to ensure independent access to all classrooms for the girls with disabilities.

Example: Mereni village, Anenii Noi. All children and teachers know of Natalia, who is enrolled in their school but who stays isolated at home and rarely comes to school and only for quarterly exams. The professors say the problem is also in her parents who are afraid their child will be discriminated by her peers. On the other hand, the school lacks practicable ramps and Natalia gets frustrated every time she has to ask a third person to carry her on the stairs.

### ***Country-specific recommendations :***

- *To adjust the education institutions to the needs of persons with disabilities;*
- *To adjust the education programmes to the needs of persons with disabilities;*
- *To develop the concept of inclusive education in the educational system.*

At the moment, the local public authorities of the Republic of Moldova do not provide any support in the schooling process of women with disabilities.

The parents have a feeling of fear and shame for their children with disabilities. Moreover, there is no Curriculum adjusted to meet the specific needs of girls with disabilities.

The social assistant is not usually trained to offer a qualitative consultation to parents of disabled children, who have to go to school.

Over 70 per cent of the population of the Republic consider that the persons with disabilities have to study in specialised institutions. Most women/girls with disabilities choose to receive inclusive education, but the State does little in adjusting the education institutions to their needs. Most schools, especially those from the rural area, have no ramps, adapted doors and enough space to receive a pupil with disabilities, even if she is enrolled and the public authorities are aware of this.

For instance, the persons with poor eyesight study in specialised schools because they find it difficult to adapt to the curriculum in the general schools, but there are only 2 lyceums for blind children in the Republic of Moldova, in Balti and Chisinau, which makes it impossible for children living in other localities than those mentioned above to attend these schools.

Example: Elena is a 16-year-old girl with poor eyesight. She is illiterate because her mother decided to protect her from prejudices and discrimination and did not enrol her in school because of her disability. She stayed at home and took care of the household. After moving to Chisinau, she was diagnosed with mental retard as well, but another psychologist diagnosed her as a victim of pedagogical negligence and advised her to join specialised courses offered by the Association of Blinds so she can learn Braille alphabet.

Example: As a result of parents' insistence, Aliona from Drochia village finished 9 grades at home and wanted to continue her studies at the College of Medicine. When she asked for the 9 class graduation certificate, Aliona was suggested to continue her studies in a specialised institution mentioning as argument her incapacity to study at the College of Medicine.

The UE countries have adjusted the classrooms for inclusive education for persons with disabilities in ordinary schools and universities, so these people can have the chance to study normally without any impediments. However, this practice is not developed in the Republic of Moldova; there is no teacher or assistant trained to work with disabled persons in ordinary schools and universities. A step has been taken towards the inclusion by the administration of the State Pedagogical University "Ion Creanga" from Chisinau, which equipped a classroom with modern technologies to facilitate the education process among students with disabilities.

### *Right to work*

Example: Raisa affirms that her working station in the company she works for is not adjusted according to her needs. The employer declared, "If you want to work – work, if not I can find one hundred other people for your position". The intolerance of the working collective frustrates her every day. The employer pays her a lower salary as compared to a healthy specialist in the department.

Example: Marcela has poor eyesight. She was hired at a state-owned company, where all the necessary conditions had been created for her. But once the collective found out about her disability, they became intolerant towards her disability and she had to ask to be transferred into another department of the same company.

The employers from Moldova often refuse to hire women with disabilities because they are not informed and think these are not productive, and often get sick. The employer is afraid to hire women with disabilities because he/she assumes that in a short period of time she would get married and pregnant and he/she will have to pay additional allocations.

Example: Otilia from Chisinau uses a wheel chair. She applied for a vacancy and her CV was accepted by the employer. The young lady was invited to the employment interview. She did not mention in her CV that she is a wheel chair user. When she came to the interview, the employer refused to have the interview, having seen Otilia's disability.

Over 250 employees were interviewed confidentially within the Business Assistance and Employment Program for the Blind. When asked, "What do you think about the introduction of a quota of 5 percent of disabled persons to be hired by a company with a total number of employees exceeding 50 employees?" about 80 percent of the respondents declared that they would prefer to pay the fine instead. The main reason behind this statement is that the employers think that the disabled are less productive, the law forces the employer to offer the same salary for 6 instead of 8 working hours and they also go on medical leave too often.

The women with disabilities, especially those visually impaired and blind, face big difficulties in finding a job. Having been discriminated from early age in the education institutions (kindergartens, schools, etc.), they are not trained properly remain illiterate, not knowing the standard alphabet or the Braille. Their illiteracy makes it impossible to obtain any professional qualification to be able find a job and be independent. This problem is very serious in the rural areas, where there are few NGOs and institutions that can provide pedagogical training to visually impaired or blind people.

Although the Law on Social Inclusion of the Persons with Disabilities imposes a rate of 5 percent of disabled to be hired in companies with more than 20 employees, the law has no mechanism of implementation or sanctioning of employers who do not observe this provision.

### **Question to the Republic Moldova:**

- *What measures have been undertaken, except for the adoption of Law on Social Inclusion of the Persons with Disabilities, to ensure the right to work of women with disabilities?*

### **Country-specific recommendations:**

- *To adopt norms that would force the employers to observe the 5 per cent ratio of employees with disabilities by sanctioning or providing incentives for not hiring or hiring persons with disabilities, respectively.*

#### *Access to healthcare services*

According to the legislation in force, each person with disability has the right to a rehabilitation and medical treatment every 3 years, but when this is granted by the state, the individual needs of the person are not taken into account.

Example: Parascovia from Chisinau was offered a treatment in Sergheevka (Ukraine). The social assistant offered the rehabilitation course during winter period, although Parascovia uses a wheel chair and it is difficult to ride on snowy and icy roads. The assistant did not come up with any other alternatives.

Example: A woman with disabilities – Ala – found out that she was pregnant and addressed to the general practitioner in the region to be registered. When the family doctor found out that she was pregnant, she started to verbally aggress her saying, “There are so many persons with disabilities in Moldova! Do you want to give birth to another one like you? Who would raise this child if you are not capable?”

In this case, the disabled woman had to go to a private healthcare centre where she benefited from adequate attitude and a corresponding treatment, only the cost of those services were considerable.

The women in wheel chairs complain that it is not possible for them to have the gynaecological exam because of the fact that the gynaecological chairs are not adapted to their needs.



Another deficiency of the medical system is that the doctors and other medical workers are not psychologically trained to provide services to a person with disabilities, often having a hostile attitude.

Example: Livia from Ungheni is a blind woman. She came to the ophthalmologist accompanied by someone. The doctor addressed the questions to the caretaker instead of the patient and discussed the treatment with the caretaker instead of the patient, ignoring her completely. The blind patient felt herself marginalized and decided to address to another doctor.

In Moldova, the state medical institutions do not offer specialised assistance to women with disabilities. The ambulances are not adapted for people with disabilities.

The Moldovan doctors and the medical institutions do not ensure the confidentiality of data of women with disabilities.

Example: Olesea is a girl with mental disability. She had a conflict with her parents. When she became pregnant she went to a gynaecologist, who disclosed the information about her pregnancy to her mother, recommending Olesea to have an abortion. Olesea refused to have the abortion and was forced to leave her parents' house, being placed in a rehabilitation centre.

The persons with disabilities, who are immobilised at home, cannot benefit of medical assistance.

Example: In the rural locality X, the family doctor refused to consult a disabled woman at home for a year, invoking different reasons such as annual, medical leave or training courses.

The women with disabilities cannot benefit of medical assistance in a special regime adapted to their special needs.

Example No. 1: Nadejda was brought to the hospital in critical situation, where she was kept for two days without any medical treatment and afterwards she was refused to be checked in because there were no social assistants to help her go from doctor to doctor for tests and treatment. A Commission was established to investigate this case of discrimination.

Example No.2: Clavdia, who is a person with disabilities in a wheel chair for 30 years, has never been to a hospital even if she was often getting sick, because she was immobilised in bed. When her health worsened, she was checked in into the intensive therapy ward until the reason for her health problems would be stabilised. Together with her mother, as caretaker, they waited for three days for the treatment to improve her health condition. Despite the fact that she complained to the Chief Doctor of the Hospital, Clavdia did not receive the necessary treatment. The patient's file was misplaced, and after a couple of days, without getting any treatment she was discharged.

### *Social and economic benefits*

The banks from the Republic of Moldova usually refuse to grant loans to women with disabilities:

Example: Alina from Ialoveni wanted to establish a mini poultry farm. She has a visual disability, but she also has grown-up children, who were willing to get involved in the business. Alina addressed a bank for a USD 2000 loan. She developed a well thought business plan with the help of a NGO, but the bank turned down her application. The reason was weird – unreliability of the applicant.

The Para-Olympic Committee exists only formally in the Republic of Moldova. The women with disabilities cannot affirm themselves as sports women.

Example: Daniela from Floresti says sport for her is the most efficient way to integrate into the society. She is blind, but participated successfully in swimming competitions in Tiraspol, and that was the end of her sportive career, because there is no transparency in the Para-Olympic Committee in Moldova, and without financial support one becomes trapped in this situation. She is constraint to participate in a sportive activity without any chance for fair appreciation.

The State does not encourage the participation of disabled women in the social and cultural life.

Example: Women with disabilities do not have equal chances at musical festivals. The jury says from the very beginning that the voice counts little if there is no rhythm and eye contact with the audience.

### *Equality in marriage and the right to form a family*

Marriages between people with mental disabilities are prohibited.

Women with disabilities cannot adopt children; the Law on Adoption prohibits expressly the adoption of children by persons with disabilities.

### *Access to public and political life*

The women with disabilities find it impossible to enjoy the right to vote; the election booths are inaccessible for wheel chairs, and persons with mental disabilities are not allowed to vote, if their legal capacity is limited or if deprived of legal capacity. There are no women with disabilities in top public positions.

The Republic of Moldova lacks educational programmes specialised in training specialists to offer counselling services to women with disabilities, and respectively, there are no specialized personal consultants in this field. Also, although the function of personal assistant has been established, he/she is not fully paid by the State. The greatest share of the costs for his/her services is incurred by the persons with disabilities.

### **Questions to the Republic of Moldova:**

- *What measures have been undertaken by the State to ensure equal access of women with disabilities to healthcare services, especially in rural areas?*
- *What are the measures undertaken by the State to promote women with disabilities in the business environment?*
- *What was the share of women with disabilities in the total number of women who received support to launch a business?*

### **Country-specific recommendations:**

- *To include special assistance for patients with disabilities into the healthcare system;*
- *To ensure equal access of women with disabilities to loans and financing from the State to start a business;*
- *To ensure physical access of women with disabilities to the buildings of public authorities as well as premises of private legal entities providing services;*
- *To ensure tolerance and understanding of the special needs of women with disabilities by public servants and other representatives of state authorities;*
- *To develop educational programmes to train psychological counselors for persons with disabilities;*
- *To provide 100 percent state financial support to personal assistants.*

## 2. *Discrimination of HIV/AIDS -infected women*

According to official statistics, 7125 people infected with HIV/AIDS were registered officially in Moldova as of 1 January 2012. If in 2002 the share of women in the number of new cases of HIV equalled to 27.7 percent, then in 2012 this reached 52.7 percent.

In the past, HIV infection was seen as a public health problem which required a purely medical approach. But recently it is admitted more and more that HIV represents a complex issue that affects not only the health of person but also his/her relations with other members of the community they are part of, the national policies, as well as the overall economic and social development process. Under these circumstances, the marginalized groups become the most vulnerable to getting infected with HIV and to its effects in time.

The freedom to not be discriminated is a fundamental human right, which is based on eternal and universal principles of the natural right. People living with HIV, as any other members of the society, have the same rights and wish to live their life in a normal way, to work, to study, and not be forced to be HIV tested, to receive freely the treatment they need.

In the Moldovan legislation, these rights are reflected in a rather complex way taking the form of more distinctive rights. Despite these laws on HIV/AIDS, this category of people encounters discrimination, especially in the following situations:

1. access to healthcare;
2. confidentiality and right to private life;
3. access to education;
4. right to marriage and family life;
5. employment opportunities and social protection;
6. access to free movement;
7. free access to justice, etc.

*Access to medical services and the right of women to the highest possible health standard*

The access to non-discriminatory and highly qualitative healthcare services, as well as to basic drugs, represents one of the obligations of the society towards HIV-infected women. Practically speaking, this means that the healthcare system should be prompt and receptive in regard to the specific HIV-related needs, so that the risk of infection is minimal. In reality, the situation is different in the RM.

Example: P.N. is 31 years old and is HIV infected: In 2010, she was hospitalised at the Clinical Hospital of Infectious Diseases because her health deteriorated. In her referral to the hospital received from the doctor in her locality the HIV/AIDS diagnosis was mentioned. Once she was hospitalised, P.N. realised that because of her HIV positive status, the behaviour of the medical personnel towards her has changed, compared to other patients, being a discriminatory one. “Thus, all the patients from the ward could use the hospital mugs, only I was obliged to use my own mug”. She also mentioned that she is convinced that even the cook knew about her HIV diagnosis, as well as the auxiliary staff (nurses), trying every time to avoid her during their duties execution.

The most frequent reports on situations when women felt discriminated were those regarding the access to qualitative healthcare services.

#### **Question to the Republic of Moldova:**

- *What measures have been undertaken to avoid the stigmatization of people infected with HIV or AIDS?*

#### **Country-specific recommendations:**

- *To eliminate the legal norms that contribute to the stigmatization of people with HIV/AIDS;*
- *To implement policies in the field of non-discrimination of HIV/AIDS-infected people;*
- *To train the employees from the healthcare system in the spirit of nondiscrimination of HIV/AIDS patients.*

*The right to private and intimate life, as well as observance of personal information confidentiality*

Despite the fact that the aspects of the private life and confidentiality observance are well reflected in the provisions of some relevant normative acts, the State does not observe the physical intimacy of women, and does not guarantee the confidentiality and protection of personal data.

Given the fact that the most frequent situation is when the confidentiality of the data regarding the state of health of a person, and namely, information on the results of HIV tests is violated.

Example: During the visit, the social assistant D.L., in the presence of neighbours and relatives, declared that B.L. is HIV positive. As a result of this statement, the neighbours do not talk to B.L., as well as their children ignore her son, refusing to communicate with him. According to the legal provisions in force, the social assistant has to observe the confidentiality of the medical condition of the patient B.L. after finding out this information as a result of his/her professional duties execution.

Thus the lack of trust in the medical staff in what regards the confidentiality aspects represents one of the major causes of the limited access of the population to specialised medical services, such as the prevention, counselling and testing.

According to a study carried out by the Moldovan Institute for Human Rights (MIHR), in April 2012, about 50 per cent of respondents declared that the medical personnel reveals their HIV status without their consent.

### *Access to education*

International and national human rights norms expressly enshrining the right to education, forbid any form of discrimination in the field of education.

Pre-school and education institutions have no right to refuse the admission, segregate or limit the participation of women in different activities, including sportive, access to services or benefits, or to expel students on the grounds of HIV infection.

In Moldova, this category is subject to an imminent risk of discrimination by limiting the access to education, the social pressure being an important factor in this context.

According to a representative of MIHR, the cases when children are not accepted in kindergartens because of their parents' condition are very frequent: "There are more cases of discrimination in this regard. For instance, in a rural locality, an HIV positive mother was directly discriminated, her child was expelled from kindergarten, and thus the whole family was forced to move to another village, because it was discriminated by other residents".

### *Right to marriage and family life*

The State forces the seropositive woman to abort or to sterilize herself, without giving information regarding the transmission of HIV from mother to child. Moreover, these persons do not have the right to adopt children, in accordance with the Government Decision No.512 of 25.04.2003.

Example: "I would like to adopt a child, but the State does not let me...", declared a 35-year-old woman from Chisinau.

## *Right to work and social protection*

The living conditions and social problems represent an important challenge faced by HIV-infected women in the Republic of Moldova. Their material situation contributes significantly to the vulnerability of this group; social exclusion being based on many factors. From this point of view, it is important in a democratic society to ensure the access to the labour market and social protection of risk groups against exclusion, because social exclusion affects the capacity of these people to enjoy their rights.

The right to work/labour for women with HIV means a better quality life, and hence, a longer life, because a job offers a stable income, health insurance and social relations.

The Labour Code prohibits the discrimination based on many criteria that are not related to the professional skills. At the same time, we are witnesses of many cases such as the one told by a seropositive woman, “I was working as a taxi dispatcher. When the co-workers found out that I was infected, I was fired based on another reason”.

As for social protection, there is no social assistance system specific for these people, neither in the plan of indemnities nor in the social care services plan. These persons can benefit of certain social protection measures only if they meet the vulnerability criteria set forth by the Ministry of Social Protection and Family of the RM.

Example: R.A., 38 years, 1<sup>st</sup> degree of disability, without a place of residence, was placed in a social residential institution in February 2010 by the social assistance Department of Singerei rayon, because she had no place to live and was in a difficult situation. In August 2010, she was excluded from social institution because she was diagnosed with HIV, which according to the Guidelines of 16.03.2000 on the accommodation in social institutions under the jurisdiction of the Ministry of Social Protection and Family of the RM, represents a general contradiction for accommodation in the social institutions of Moldova. Accordingly, R.A. is in a situation to live on the streets, and expose her life and health to a real danger, including that of becoming victim of human trafficking networks, according to her mother.

## *Right to free movement*

Free movement refers to the right of every person to choose freely the place of residence in a country, as well as the right of the citizens of a country to leave and enter freely their country.

The national normative framework is in absolute contradiction with the international norms with respect to the free movement of women with AIDS. In



particular, the legislation in force imposes explicitly restrictions on foreign persons living with HIV regarding their stay, movement and activity in the Republic of Moldova.

“I am a citizen of Ukraine, and my husband is citizen of the Republic of Moldova. I have a child here in the country, a house but I cannot legalize myself, and cannot get a residency permit. The State refuses because I am infected. I am not allowed to enter the Republic of Moldova and my husband is not allowed to come to Ukraine due to the same reasons”, declared a 35-year-old woman within a focus-group organised in Balti.

### *Free access to justice*

In Moldova, the right to free legal assistance is purely declarative, taking into account the stigmatization to which the women infected with AIDS are subject, as well as difficulties faced by these persons in their everyday life when they have to address to public authorities and/or courts. This is the reason why many discrimination cases remain unpunished and not reported. The message sent to the society is that the discrimination is an acceptable practice in the Republic of Moldova.

“Because of discrimination, I am afraid to ask for legal aid from the justice sector, I am afraid it will not help me to solve my problem, so I prefer to be silent”, declared a 30-year-old woman during a focus-group.

## **Questions to the Republic of Moldova :**

- *What measures to protect the private life and data confidentiality of persons infected with HIV have been undertaken by the State?*
- *What were the State's actions to avoid the stigmatization of young women infected with HIV or whose oarents are infected in the educational system?*
- *What measures have been undertaken to avoid discrimination of persons infected with HIV in child adoption?*
- *What were the actions of the State aimed at ensuring the free access to work/labour and free movement of persons infected with HIV?*

## **Country-specific recommendations:**

- *To institute sanctions for disclosure of person's information about the HIV status of a person;*
- *To inform the people in the educational field about the lack of danger to get infected with HIV for the persons that are in the vicinity of the infected person;*
- *To exclude from the legal framework the norms that oblige people to present the HIV certificate to obtain labour and residency permits or for employment purposes.*

## **Chapter III Risk categories specific to women discrimination**

### *1. Discrimination against Roma women*

Starting from the second half of the XXth Century, the number of Roma population in Moldova, according to the censuses, has registered a continuous growth. According to the 2004 census, 12,271 Roma citizens live in the Republic of Moldova, or 0.4 percent of the population. At the same time, there are no exact data that would confirm that the number of Roma population is bigger than in the official records. However, the data is contested by Roma leaders, who say there are about 150,000 persons. Due to the uncertainty and identification issues (most Roma persons do not declare their ethnic affiliation), it is difficult to determine the exact number of Roma population in Moldova. It is very difficult to calculate the degree of representation of the Roma people working in the priority areas of activity.

Roma people represent a vulnerable group, especially within the ethnical minorities. It is very important to underline the specific vulnerabilities encountered by them. Due to stigmatization and stereotypes, the Roma families and their children are discriminated, being vulnerable to many risks. According to the

sociological study “Perceptions of the population from the Republic of Moldova Regarding Discrimination Phenomenon: Sociological Study”, 48 percent of the respondents consider that Roma people are the most frequently discriminated group in the Republic of Moldova. More than 40 percent of respondents would accept to have a Roma person as a neighbour, friend or co-worker. At the same time, every fourth respondent believes that Roma people have to be isolated from the community.

Roma people face difficulties in accessing services and social assistance, as well as in employment, because of the complex registration process, which requires identification papers, permanent residency, etc. The discriminatory attitude towards Roma people adopted worldwide represents an additional challenge. The biggest part of Roma communities are placed in the suburbs or even outside localities, which also makes it difficult to access the basic community services. According to the estimates, the unemployment rate among Roma people is 50 percent higher as compared to the majority of population. Every second Roma person lives in extreme poverty, while six out of ten Roma persons – in absolute poverty. About 61 per cent of Roma people survive with less than USD 2 per day (international poverty threshold) and over 80 percent of Roma households are not connected to running water and have no bathroom or toilet.

Roma children face the same difficulties in the access to education. The rate of enrolment of Roma children in primary schools is under 70 percent, and under 5 percent in the secondary schools. Every fifth Roma person cannot write or read; three out of ten persons of Roma origin have only primary education, and another three (out of ten) have only secondary education (including incomplete or vocational education). Higher education is a very rare phenomenon in the Roma group accounting for only 4 percent out of the total Roma population, as compared to the 38 percent share of Roma population in relation to the majority population.

Roma women are more vulnerable because they are exposed to increased risks of social exclusion and poverty, both compared to men from their community as well as women of other ethnic affiliations. The issues they face refer to the access to labour market, education and social services. Roma women benefit sporadically from reproductive health services available at community level. Due to gender related stereotypes, it is more likely for a Roma girl to drop school before a Roma boy.

### *National public policies for Roma women*

The Government of the Republic of Moldova adopted on 8 July 2011 the Decision No.494 on the Approval of the Action Plan to support the Roma population from the Republic of Moldova for 2011-2015. The Action Plan is supposed to supplement the existing framework in order to improve the situation of the Roma in the relevant sectors and its provisions have to be inserted in the strategic and policy documents approved by the Government. By approving the Plan, the Government

has decided to reaffirm its European aspirations and mobilize the international support by using the existing opportunities in attracting foreign financial means for its implementation and to change the perception regarding the issues of Roma people and identify sustainable solutions.

The Action Plan on support to the Roma population from the Republic of Moldova for 2011-2015 aims at solving specific issues faced by minorities by using the operational political, social, economic instruments at central level and by imposing the application of special measures at the local level.

The priority fields of intervention are presented in accordance with a single structure which includes the general objectives, the specific objectives and concrete actions by indicating the authorities responsible for the implementation and the deadline for the actions. At the same time, there are chapters regarding the monitoring indicators, costs of actions and financing procedure.

Thus, there are four actions mentioned in the framework document, which are part of the specific objectives in fields such as, labour and economic welfare, healthcare and social security. The actions to be implemented aim at the social and economic inclusion, enhancement of the access to social services such as medical assistance, education, and living conditions, employment, etc.

Table No.1

<b><i>Objective</i></b>	<b><i>Action</i></b>	<b><i>Result indicators</i></b>	<b><i>Planned budget</i></b>
Increasing the employment rate of Roma people through awareness, professional training, mediation and public work involvement (Objective 3.1.)	Organisation of awareness campaigns for Roma population, especially women, with regard to services and programmes of territorial agencies of the National Employment Agency; existing projects and incentives granted to farmers; opportunities and contribution to the development of different forms of private entrepreneurship (Activity 3.1.26.)	7 campaigns organised; number of beneficiaries (especially of women) involved in employment programmes	-
To increase the number of Roma persons employed in the private economic sector by promoting entrepreneurial activities and employment (Objective 3.2.)	Organisation of annual training and professional courses for Roma persons, especially women, who want to start a business (Action 3.2.35)	3 courses organised every year; the number of beneficiaries, including of women who launched private businesses	-
To increase the access and addressability of Roma persons to medical services, including emergency services (Objective 4.1.)	Organisation of awareness campaigns for Roma population with respect to sanitary education, especially of children and women (Action 4.1.39.)	4 campaigns organised every year	
To improve the quality of medical services, especially for mothers and children, and to enhance the capacity of medical personnel (Objective 4.2.)	Enhancing the process of providing compensated medicines/drugs to the Roma population, including children and pregnant women (Activity 4.2.44.)	Number of prescriptions; Number of beneficiaries.	-

## **Questions to the Republic of Moldova**

- *Which of the activities included in the policy documents on Roma development were implemented and what is their impact on the Roma community?*

## **Country-specific recommendations :**

- *To include into the policy documents for Roma promotion the result indicators that would refer to the expected result and not the number of activities*

The actions specified in Table No.1 shall be implemented in Quarter IV of 2014, Quarter IV of 2013, and Quarter IV of 2015. The actions are not accompanied by a current budget, and no financial sources are specified. The actions to be carried out are expected to result in some outcome indicators, which are not clearly specified.

In the Action Plan on the support to the Romapopulation from Moldova, the subject of Roma women was addressed only tangentially, without giving it a deeper significance. There are only 4 actions out of the total number of actions that are related to Roma women, and namely enhancing the access of Roma women to healthcare services. The objectives in education, culture, public administration, documentation and dwellings do not have a gender differentiation, but are focused on the entire Roma community from the Republic of Moldova.

### *Participation in the decision-making process and involvement in public life*

The Roma people account for a very small percentage in local public administration authorities and there are few data that would demonstrate that the Roma are members of political parties. There are significant differences in the share of participation of women and men in the decision-making process. In the case of Roma population, the participation share is higher among men than women. The women do not involve in the decision-making process, due to many reasons, but the most frequent reason is that they have no one to leave their children with.

### *Underrepresentation in the decision-making bodies*

The Social-Political Movement of Roma from the Republic of Moldova participated in the early Parliamentary elections of 28 November 2010, but did not pass the electoral threshold having accumulated only 0.14 percent of votes. At that moment in time there was no representative of the Roma women in the party. On 4 November 2012, the Extraordinary Congress of the Social-Political Movement of the Roma from the Republic of Moldova took place, and the new Chairman, Vasile

Drangoi, has been elected. The Management Board was established during the event, and one Roma woman is part of it.

The town councils of Soroaca and Edinet have 2 Roma persons. A Roma man is the Advisor to the Prime-minister, being responsible for social problems.

### *Participation in elections*

Example: According to the 2004 census data, 23 percent of the communities population (Cioresti and Buda) included in the Study “Monitoring of Women’s and Vulnerable Groups’ participation in the local 2011 elections” were Roma. None of the 8 candidates to mayor positions and 109 candidate for councillor positions in these communities is Roma.

The polling station of Buda commune that covers also Ursari village, mostly populated by Roma, had 850 voters included in the voting lists, of which 360 - of Roma origin. During the first round of the local elections 456 persons came to vote, including 124 Roma. Thus, the presence at the polling station accounted for 54 percent of the entire community, but only 34 percent of the Roma population, registering a lower participation in the elections. Out of the 124 Roma voters from Buda commune, 64 were women and 60 – men.

The polling station from Vulcanesti village, Cioresti commune registered 355 voters, including 315 Roma (88.7 per cent). The first round of elections was attended by 263 voters, or 71.5 per cent, a little under the participation rate of the entire commune – 73.2 per cent. In this case, the theory regarding the low participation of Roma has not been proved. In Vulcanesti village, out of 271 Roma voters that exercised their right to vote, 139 were women.

The composition of the election administration structures at the local level confirms that the Roma minority is marginalized, while the other minorities from the given localities are fully involved in the elections process. It has been established that Roma people are practically not among the members of the Election Commissions and Offices from their communities. Out of the 4 entities monitored, only one Roma person (man) is part of the elections structure as member of the office. No Roma was member of the District Electoral Commission or held a leading position in these entities.

### **Question to the Republic of Moldova:**

- *What were the measures undertaken to stimulate the participation of Roma people into the public life?*

### **Country-specific recommendations :**

- *To implement awareness campaigns financed by the State to remind the Roma that they have same civil and political rights as the majority population.*

#### *Discriminatory attitude of the society towards Roma community*

The Roma women are discriminated both inside their community, because these are women from a patriarchal system, and outside of the community, because they are part of a stigmatized and socially excluded group. The Roma woman is seen as a “family keeper” and “a reproductive mechanism that works very efficiently”. The labels on women, as well as the prejudices like: “witch” and “beggar”, left their traces in the formation of the negative attitude towards this group.

From the outside, the role of the woman as regards the participation in the community life and the decision-making process is underestimated. From inside, the role of the woman regarding its participation in the community life and the decision-making process is limited and restricted (according to the traditions).

#### *Romani traditions and customs*

“A Roma man cannot allow his wife or another woman to hold a more important position than his. These are the traditions, she has to stay home and take care of children!”

Roma families are known as promoters of traditions and habits that are hundreds of years old. Their historical evolution has registered a number of modifications, however, Roma preserved their traditions and habits, and the young generation continues to promote some traditional aspects. In this evolutionary process, the woman has stayed at the back, “in man’s shade”, having only the housekeeping activities, thus, limiting (sometimes prohibiting) her participation in the public life of the community and society, in general. The Roma woman “does what the man says”, “should stay only in the kitchen and raise the children”. The man will never allow the woman to hold a higher position than his. In Roma communities, whether compact or mixed, all the decisions are made by men.



The family is the central institution of Romani communities. The identities and roles are defined around this institution. A Romani family is defined as an extended family, as a network which does not represent the alliance between two people, but an alliance between two families in the same community. The Romani family is a place of belonging and self-preservation, with a strong social control that limits the freedom and independence of women. The woman is the main caretaker and educator, who preserves and transmits the cultural values from generation to generation.

In Roma communities, the patriarchal system is strong and has an important role in developing individual and social identities. Roma identities are related to the traditional gender roles. The result is the definition of social gender roles, which are limited and restricted in the case of women. The family has a strong social control over the woman to ensure that she follows the assigned social role. The persistence of patriarchal thinking and practices that support the rigid distinction between private (woman) and public (man); as a result of which, even if the women render services that bring an income, they continue to assume a predominant role in raising the children and in the household works. Assimilation of masculinity with authority and superiority; assimilation of femininity with maternity, sensibility, fragility would determine their lower productivity in the society, as compared to men.

#### ***Question to the Republic of Moldova:***

- *What measures have been undertaken to eliminate gender stereotypes within Roma communities?*

#### ***Country-specific recommendations :***

- *Awareness campaigns regarding equal rights for men and women.*

#### *Access to education*

According to the report on the study of the access of women from vulnerable groups to services and the decision-making process at local level, the women are more likely to abandon school (62 %) as compared to men (52%).

Roma population encounters significant difficulties in accessing education, at an average level of 49 per cent. The main cause of this phenomenon is the lack of financial resources, which leads to the impossibility to pay the education fees, procure winter clothes and necessary stationery in 40 percent of the cases. Another reason invoked by the Roma population is the differentiated treatment towards

Roma children both on behalf of the colleagues as well as professors. Thus, 16 percent of Roma respondents stated that they received low marks with regularity, and 16 percent specified that the professors and pupils make offensive jokes about them.

The issue of Roma vulnerability is also reflected in the school enrolment process, 22 percent of the respondents declared that they were not accepted because of lack of certain documents; 15 percent affirmed that they were not enrolled because they did not go to the kindergarten. Another reason is the lack of papers. This issue is more serious in the urban area, since the social relations are tighter in the rural area, the authorities make certain concessions to enrol the children, even in the absence of the entire set of necessary papers.

The experts in the field consider that a great part of Roma children does not go to school, both because they are poor and have nothing to wear, as well as because they are not prepared to go to school (they did not go to the kindergarten), but also because they have no possibility to study in their native language.

“Roma people are rejected and despised in the society, being considered an inferior group of people. Roma pupils and students do not have the possibility to study in their native language”.

Under the circumstances of rather strong competition on the labour market, the reduced level of education of the Roma children or even lack of it, leads to their exclusion from the labour market.

“The children abandon school, have no education or specialisation to be employed. The citizens of the RM are not tolerant to the persons that differ from the majority; hence, Roma people find it very difficult to integrate”.

#### ***Question to the Republic of Moldova:***

- *What measures have been undertaken with a view to the educational inclusion of Roma children?*

#### ***Country-specific recommendations :***

- *To implement inclusive education programmes for Roma children;*
- *To include some subjects in Romani language and Romani language itself in the schools where Roma children study.*

### *Early marriage*

In the Roma communities, it is “welcome” to marry your daughter at 12-14 years. “This is the tradition!” - is the most widespread reply, when the parents are asked why the children are married at an early age. “My mother got married at 13 years, I – at 14 years, and I would like for my daughter to marry as soon as possible”.

There are three forms of marriages in Romani communities: forced marriage, early or arranged marriage. Forced marriages represent the phrase used to describe a marriage when one or both parties are married without her or his consent or against her or his will, or when the consent is not valid. The arranged marriage assumes the consent of both parties to be assisted by the parents or by a third party (match-maker) to find a spouse. Early marriage, child marriage has two forms practiced separately in different communities. The first is to marry a minor girl with an adult man through arranged and forced marriage, the legal age for consent not being reached. The second form is when the marriage is arranged between two families of two children for a future marriage. Thus, the two children become betrothed to each other until they are ready for marriage.

Often, the tradition favours the man, the woman remaining the most vulnerable element in fact. The marriages are arranged by families; young people have no word to say in choosing the partner. The marriages with no papers and at early ages are predominant.

After marriage, the “just married couple” abandons the school. The women are exposed to this phenomenon in a bigger percentage than men because “she” has to learn how to manage a household to become a “loyal keeper of the home”.

### *Access to medical services*

Women seek medical services more often than men. Women from rural areas, for instance, said they had to pay additionally for the necessary medical services or they had to buy more expensive medicines, which are not covered by the medical insurance policy.

### *Lack of identity documents and health insurance*

Access of Roma women to healthcare services is impeded by the fact that a great number of them have no identity papers or mandatory health insurance policies.

### *Lack of medical institutions in Romani communities*

There are no medical institutions in the Romani communities. The Schinoasa (Calarasi), Ursari (Calarasi), Huzun (Straseni), Vulcanesti (Nisporeni) villages: have never ever had a medical institution. The population is forced to travel tens of km to access healthcare services. In the mixed communities, the institutions are

weakly equipped or the equipment is obsolete, and sometimes even the strictly necessary equipment is missing. In Parcani village (Calarasi), the equipment is worn out and has not been replaced for 30 years. The building of the medical unit is damaged and lacks a heating system, water supply system and sewage. The institution is operating under these conditions for more than 50 years.

### *Discrimination on behalf of healthcare institutions' representatives*

The representatives of healthcare institutions, who provide services to Roma people, have a discriminating behaviour towards these people. The Roma people are denied emergency healthcare services. The reason for denial is the lack of transport to travel to the respective community or underestimation of the health state of Roma patients.

*Example:* There was never a medical unit in Ursari village, Calarasi rayon. In 2012, person X was very sick. His spouse called the emergency. The person received the following response, "There are patients who are more seriously ill than you. Wait. You are not dying right now". After many calls, after 2 hours, the emergency arrived. The patient was already dead.

### *Employment*

The labour market of the Republic of Moldova registers a lower participation of women, which can be explained by a traditional perception of the woman's role to raise children and take care of the house, or because of low education. The share of housewives is higher (13%) among Roma population as compared to other population (9%), a fact that proves a lower participation of Roma women on the labour market.

### *Social labels and prejudices*

The prejudices and the stereotypes with regard to the statute and occupation of Roma women that exist in the society give birth to such labels as, "Roma women cannot read or write, they are illiterate", "Roma women steal, beg, use sorcery and deceit", "Roma women are filthy and smell bad", etc. These labels further lead to discrimination on behalf of the employers. The Roma women encounter multiple different discriminatory attitudes, both from the employer as well as family members and Romani communities. The employer sees the Roma woman as illiterate, thief, beggar or "filthy". The Romani families associate the woman with a "housewife", who must cook and take care of children and house. The society sees the woman as a "shadow" of the man, who comes out very rarely in public. The employer decides immediately to hire or not a Roma woman. Most of the times, the

employer motivates the refusal to hire with the lack of education, unpleasant experience with Roma people, popular stereotypes about Roma women.

Example: Roma woman X registered with the Employment Office. After a period of 3 months, she was contacted regarding a vacancy. The person came for an interview for the position of a cleaner. During the interview, she was told that the position was already filled. After a couple of minutes, a non-Roma woman was hired.

### *Migration and poverty*

The lack of social integration, education and jobs lead inevitably to massive migration of Roma people, especially of women, who have no possibility to get employed.

### *Access to housing and decent living conditions*

According to the Report of the Social Study on the Access of Vulnerable Women to Services and the Decision-Making Process at local level, developed by UN WOMEN and UNDP Moldova in 2012 within the Joint Integrated Local Development Programme, the Roma respondents stated that the houses are inherited from parents, and their comfort is far from being decent (72%).

The lack of a water supply and gas supply systems represent the main deficiencies for a normal way of life. Most Roma people have electricity and can cook at the electric stove. But in many cases, the food is cooked at an improvised stove in the yard (during the winter in the stove). Moreover, 81 per cent of Roma women, who participated in the study, admitted that their house was in a deplorable state. According to the study, the likelihood of women to have an own house is small. The housing issue among Roma women emerges when the women are abandoned by men, when there is a misunderstanding or in case of divorce. Thus, most often, they have to live with their relatives or have to look for a place to rent.

Due to the financial problems caused by unemployment or need to raise the children (that requires considerable expenses), the quality of rented places does not meet the minimum standards of living. At the same time, even if these women have a place to stay, due to the high utility costs, they have to give up some facilities and limit themselves. The study shows that because of financial problems, the mothers limit their children in what regards the use of water or heat. The number of women who live with their parents is greater than the number of men (9% compared to 6%), and even bigger in the case of divorced people. The women from rural areas share the house with their parents more often than men (7% compared to 4%).

Furthermore, the situation in which the women have no place to live is more stringent in the urban area. Sometimes these reasons conditions the fact that the women tolerate a violent behaviour of the husband in order to avoid being homeless.

### ***Questions to the Republic of Moldova:***

- *What measures have been undertaken to eliminate the early marriage phenomenon in the Romani communities?*
- *What measures have been undertaken to empower Roma women since the last review by the State?*
- *How is Roma discrimination tackled in the Republic of Moldova?*

### ***Country-specific recommendations :***

- *To adopt conclusive and realistic policies to fight against early marriage of Roma girls;*
- *To enhance the access to medical services of Roma women by establishing ambulatory medical units in Romani communities;*
- *To organise family planning seminars in Romani communities;*
- *To inform Roma people about non-discrimination and raise awareness of non-discrimination in Romani communities.*

## 2. *Discrimination of LBT women, sex workers and young women/adolescences*

The observance of the rights of minorities is analysed, first of all, in the light of the normative framework that stipulates these rights. Declaratively speaking, the LBT women are protected by the legislation of the Republic of Moldova. Every time the Government is asked about the observance of LBT women's rights, it declares that the Constitution of the Republic of Moldova enshrines the equality of men and women<sup>16</sup>, the Labour Code<sup>17</sup> ensures equal access of women to work. However, there are legal norms that violate the rights of LBT women. Thus, the Family Code<sup>18</sup> and the Law on the Legal System of Adoption<sup>19</sup> contain norms that could determine discriminatory treatment of the abovementioned women. The Criminal Code<sup>20</sup> and the Contravention Code (of Administrative Offences)<sup>21</sup> contain

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<sup>16</sup> Art. 16 of the Constitution of the Republic of Moldova, adopted on 27 July 1994, published on 12.08.1994 in Official Gazette No.1, in force on 27.08.1994, stipulates: (1) It is the foremost duty of the State to respect and protect the human person. (2) All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin". Art. 35 para (7) stipulates, "The access to lyceal, vocational and higher education is equally open to all and is based on personal merit". Art.38 para.(1) stipulates "The foundation of State power is the will of the people made known through free elections hold at regular intervals and based on universal, equal, direct and free suffrage". Art. 48 para (2) stipulates: "The family is founded on the freely consented marriage of husband and wife, on the spouses equality of rights and on the duty of parents to ensure their children's upbringing and education."

<sup>17</sup> The Labour Code adopted on 28 March 2003, in Article 5 let. e) stipulates "equality in employees' rights and possibilities"; let.g) "provision of employees with equality in work promotion, taking into consideration the work productivity, qualification and length of service in the specialty, as well as in professional training and improvement, excluding any type of discrimination";

<sup>18</sup> The Family Code adopted on 26.10.2000, published on 26.04.2001 in the Official Gazette No. 47-48 Art 210 does not protect the rights of adolescent girls, by not indicating in Article 15 the necessity to be of legal age to get married.

<sup>19</sup> Law No. 99 on Legal System of Adoption of 28.05.201 published on 30.07.2010 in Official Gazette No. 131-134, Art 441, in force since 30.01.2011 does not stipulate express impediments for adopting a child by an unmarried person, but taking into account the Law on Ensuring Equality of 25.05.2012, Article 15 stipulates expressly that the provisions of the Law do not refer to adoption, an LBT person even without a stable partner will not have the possibility to adopt a child.

<sup>20</sup> The Criminal Code No.985 of the Republic of Moldova of 18.04.2002 re-published on 14.04.2009 in the Official Gazette No.72-74, Art 195, attributes the homosexuality to the category of satisfying pervert sexual desires (Article 172). It is a discriminating provision, which contributes to the formation of opinion about homosexuality as pervert behaviour.

<sup>21</sup> Contravention Code No. 218 adopted on 24.10.2008, published on 16.01.2009 in the Official Gazette No.3-6, Art 15, in force since 31.05.2009, stipulates in Article 89 sanctions for prostitution, but does not stipulate sanctions for those who benefit from prostitution. In this respect, the sex workers are punished but the men who use their services are not. At the same time, in May 2013, the Contravention Code was amended by adding a separate Article that prohibits the propagation of "relations other than traditional family relations" with the following wording: "Art. 90<sup>1</sup> para (2) Distributing of public information and/or committing actions directed toward propagation of prostitution, paedophilia, pornography or relations other than related to marriage or family, in conformity with the Constitution and Family Code, shall be sanctioned by a fine of 100 to 120 conventional units for individuals and by a fine of 200 to 300 conventional units for a person with leading position, by a fine of 300 to 400 conventional units for a

norms that allow discrimination. The provisions of the Law on Equal Opportunities to Men and Women<sup>22</sup> have a declarative character due to the lack of implementation mechanisms and coherent policy documents in the field of equal opportunities for men and women. The Law on Ensuring Equality<sup>23</sup> is a “sterile” act because it has no effective implementation mechanism. The Anti-discrimination Council is an “impotent” body which decisions:

1. are not mandatory for the subjects involved in the procedure in front of the Council;

2. the Council has no right to apply sanctions to discriminators and to set the quantum of compensation for caused moral and/or material damages.

*The policy framework* for the elimination of discrimination towards the women promoted by the State is very weak, and ***it's inexistent*** for LBT people and sex workers.

The LBT women, young people/adolescences and sex workers are the most often discriminated categories in the Republic of Moldova. The discrimination takes the form of:

- Lack of sanctions for the discrimination actions, in general, committed by private persons who have nothing to do with the access to services, labour and education, their non-inclusion in the provisions of the Contravention Code. Thus, the discrimination actions committed by individuals are not sanctioned by the courts. LBT persons, who are very often discriminated through harassment by individuals who know about their sexual orientation, cannot sanction these people because of the absence of legal provisions in this regard;

- lack of effective protection of potential victims of discrimination. The victims of discrimination do not benefit of protection mechanisms. There is no requirement for confidentiality of data about the fact that a person is from vulnerable categories. The State does not ensure the confidentiality of data about victims of human trafficking during criminal investigation, both when they are witnesses and victims. Although the Code of Criminal Procedure provides a mechanism for keeping the confidentiality, this is applied only at the request of the person, but not independently of their request. Many times, the women victims of human trafficking, being victims or witnesses in the criminal proceedings, do not necessarily benefit of qualified legal assistance, so that they do not know about the rights granted by the Code of Criminal Procedure with regard to data confidentiality. There were registered cases when the victims of human trafficking were summoned as victims

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company, with or without deprivation, in all cases, of the right to exercise a certain activity for a period from 3 months to one year”.

<sup>22</sup> Law No. 5 - XVI on Ensuring Equal Opportunities between Women and Men of 09.02.2006 stipulates in Article 1 that the scope of this law is to ensure equal rights to women and men in political, economic, social, cultural and other fields of life; rights guaranteed by the Constitution of the Republic of Moldova to prevent and eliminate all forms of discrimination based on gender.”

<sup>23</sup> Law No. 121 on Ensuring Equality of 25.05.2012 published on 29.05.2012 in the Official Gazette No. 103, Art 355, in force since 01.01.2013;



or witnesses in criminal proceedings, and thus the current spouses, neighbours, relatives were finding out about their past;

- discriminatory practices of sanctioning only the sex workers and not the consumers of such services;

- the retirement age of women is smaller than for men: 57 years for women and 62 years for men<sup>24</sup>. The sex workers do not benefit of any social guarantees and do not have the possibility to get a pension because their activity is not legalized;

- pensions for seniority smaller than for men. Taking into account that the salaries of women are smaller than of men, as a result of pension calculation the amounts are also smaller<sup>25</sup>;

- administrative practices of stigmatization and stereotypes in rape cases and other crimes against the sexual life of the person. Lack of policies to remove the stereotypes from the society, in general, and to change the mentality of policemen, prosecutors, in particular, lead to improper attitudes on their behalf when investigating rape cases with the involvement of sex workers and LBT. They do not believe the statements of these persons, do not finalise the criminal proceedings considering that these people cannot be victims of rape or other crimes against sexual life. Very often, these people do not even address to the law-enforcement bodies because they are afraid to be sanctioned for prostitution;

- the discriminatory provisions of the Criminal Code that assign the homosexual relations to the category of pervert actions;

- practises regarding the inclusion of questions regarding the sexual orientation in the blood donation forms.

*The arrears of the Republic of Moldova with regard to the development and progress of LBT women, young people/adolescences and sex workers are as follows:*

- lack of social guarantees for sex workers (salaries, medical assistance), as well as for potential subjects of discrimination from LBT category;

- lack of awareness campaigns and training programmes (sexual education, life skills, family planning). The attempts to include the life skills or sexual education courses in the school curriculum are impeded fiercely by the Moldovan Orthodox Church as well as by other Christian cults. These subjects are not taught in most of the schools. The young girls have no access to contraception. If the situation is more progressive in towns, the young girls have no possibility to benefit from information on sexual education in rural areas. On the contrary, the religious values are very widespread in villages and the girls are brought up in the predominantly patriarchal spirit.

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<sup>24</sup> Law No.156 - XIV of 14.10.1998 on State Social Insurance Pension published on 17.12.1998 in the Official Gazette No 111-113 Art : 683, in force since 01.01.1999 stipulates in art. 41 the retirement age, and the age difference persists in all categories of employees.

<sup>25</sup> According to National Programme on Ensuring Gender Equality for 2010-2015, approved by the Government Decision of the Republic of Moldova No. 933 of 31.12.2009

*There are no special measures undertaken by the State in the given field*

- lack of LBT representatives in the political life. There are no officially declared LBT persons in the political life;
- sexist advertising and elimination of sexism from the education institutions and other public institutions are missing;
- the woman is confused with a sex object based on traditions and other cultural aspects;
- lack of separation of the Church from the State. The Moldovan Orthodox Church has considerable influence on the decision-makers from Moldova and manifests homophobic attitudes. It also declared in complicity with the local authorities some towns as homosexuality-free areas<sup>26</sup>.

*The State does not undertake any measures to fight against the exploitation of LBT women, young girls and sex workers.*

- There are no rehabilitation centres. The state rehabilitation centres to help victims of human trafficking or former sex workers are practically inexistent in Moldova. The State does not undertake measures to rehabilitate psychologically, economically and socially these women;
- Raping of prostitutes is decriminalized;
- Lack of state policies and practices to fight against the exploitation of sex workers.

### *Public life*

- there are no LBT representatives in key positions;
- LBT representatives are not eligible as candidates for elective public functions.

### *International participation and representation*

- Non-existent in the case of LBT persons.

### *Citizenship*

- lack of a legal framework for transgender women and young girls;
- issuing of identity documents for transgender persons is done only through court decision, which very often is a difficult, expensive and stressful process;
- employment is impossible for transgender and LBT persons. Moreover, the young people/adolescents are allowed to start working only from 16 years old.

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<sup>26</sup> [http://www.publika.md/stropiti-cu-benzina--incendiati-si-gata--am-scatat-de-ei--membrii-genderdoc-m--amenintati-de-un-grup-de-enoriasi-video\\_1225801.html](http://www.publika.md/stropiti-cu-benzina--incendiati-si-gata--am-scatat-de-ei--membrii-genderdoc-m--amenintati-de-un-grup-de-enoriasi-video_1225801.html)

### *Education*

- equipping the gyms to meet the needs of the boys violate the rights of young girls/adolescents;
- the school books and programmes promote the social sexist and patriarchal model;
- lack of promotion and enhancement of sportive achievements of the girls;
- lack of sexual education, life skills, diversity/tolerance, etc. programmes;
- segregation based on gender criteria during the technological education classes prejudices the girls;
- lack of a compulsory gender equality course in the pre-university institutions and universities.

### *Employment*

- restrictive normative framework regarding the right to work for children under 16 years old;
- lack of rights for sex workers;
- employment shortcomings for LBT and transgender persons; unequal salaries compared to men.

### *Access to healthcare services*

- the reproductive health (fertilization until a certain age) represents an impediment for LBT persons;
- the access to medical services for trafficked persons or sex workers; there are no mobile units or special centres where these persons can receive assistance; access to medical assistance is strictly connected to person's residency, and if the person is from a village, the access to medical services is cumbersome; also, there are persons who lose their residency, and in this case, the medical institution that is supposed to deal with it cannot be identified;
- transgender (lack of services for gender correction);
- option to choose between a male or female gynaecologist. LBT persons can be obliged to go to male gynaecologist, even if they feel repulsive. The health system operates based on medical referrals. Without a referral from the family doctor, the LBT person will not be examined by a gynaecologist and if the referral is to a male doctor, he will perform the check-up.

### *Labour and health*

- lack of occupational security insurance for LBT persons, pregnant women and young girls;
- the equal access of sex workers, LBT to medical services is not ensured in comparison with other beneficiaries of these services;

- lack of state insurance, balanced nutrition of LBT pregnant women, young girls and sex workers;
- lack of tolerance towards procedures like abortion, contraception, fertilization.

### *Social and economic benefits*

- LBT are not allowed to get married or be in a partnership, to adopt, to visit their partners in the hospital;
- both LBT and sex workers cannot obtain loans because LBT cannot provide data on income sources of their partners because the relation between them is not qualified as legal, and the sex workers cannot submit the proof of salary or other own income;
- LBT cannot benefit of tax exemption for their partners as compared to traditional families. The Tax Code stipulates the right of every person to benefit of a fiscal exemption for income tax for him/herself, as well as of the exemption for the spouse. The relation between LBT persons is not considered legal, thus they cannot benefit of the tax exemption for the spouse, despite the fact that they live together.

### *Women in rural areas*

- non-promotion of tolerance in villages towards LBT persons, harassment of sex workers, stigmatization and expelling them from the villages;
- failure to promote leisure activities (sport) for young people;
- access to specific medical services for reproductive health;
- religious and cultural traditions contribute to stigmatization, isolation and exiling of minorities from the rural area.

### **Questions to the Republic of Moldova:**

- *What measures have been undertaken to ensure the non-discrimination of LBT women?*
- *What was the need to adopt the Law on Ensuring Equality Without "Sexual Orientation" as a protected criterion?*
- *What measures of protection of the rights of sex workers have been undertaken by the State?*

### **Country-specific recommendation:**

- *To adopt policy documents that would contribute to the promotion of equal rights of LBT and sex workers , without discrimination?*
- *To implement LBT related tolerance programmes into the educational system;*
- *To include the criterion "sexual orientation" into the Law on Ensuring Equality as a protected criterion;*
- *To develop a rapid sanctioning mechanism and provide compensations for discrimination deeds;*
- *To develop social inclusion programmes for former sex workers;*
- *To promote programmes on ensuring equal opportunities for young girls and boys;*
- *To develop mechanisms to protect the civil rights of LBT such as the right to adopt children, right to inherit after parents's death, etc.*

## ***Conclusions***

The aspirations of the Republic of Moldova towards the harmonization of the legal framework with the international standards in the field of anti-discrimination of women have a constant character and have registered positive results in the recent years.

At the same time, according to the relevant information in this study, the real situation differs in most cases from the assumptions and mechanisms established in laws that aim at ensuring the equality of men and women and non-discrimination of different categories of women.

The Moldovan society continues to have different categories of women, who suffer discriminatory treatments or are victims of systemic discrimination.

Roma women, representatives of LBT, middle-age women, pregnant women or women with disabilities do not benefit of support from the State or effective protection against discrimination. Most often the laws are abstract, and do not institute simple and functional mechanisms for the protection of rights. The most eloquent example in this case is the adoption of Law on Ensuring Equality in 2012, but failure to create within two years of the most important implementation mechanism – Anti-Discrimination Council.

Despite the existence of policy documents in the field of promotion of the rights of certain categories of persons such as, Roma and persons with disabilities, these documents have only a formal character and do not have practical manifestation. Or, the effects of these documents are more important than their existence.

Unfortunately, the Republic of Moldova does not develop tolerance and equality spirit in the society. The Moldovan schools continue to promote the patriarchal model of the society, deliver religion lessons for which the curricula was developed, but do not teach subjects that would promote non-discrimination, including non-discrimination of women, equality between women and men, the right of different categories to protection against discrimination on behalf of the State, etc.

Often, the potential victims of discrimination do not even know that they have the right to protection and support from the State in the process of exercising their rights and freedoms.

This report did not just identify the issues faced by women from the Republic of Moldova, priority fields in which the discrimination of women takes the shape of a mass problem, but comes to suggest some measures through which the Republic of Moldova would be able to overcome the identified deficiencies.

Taking into account that the identification of issues represents the first step towards their settlement, the Government of the Republic of Moldova has nothing else to do but focus on the aspects underlined in this research and undertake all the measures necessary to eliminate all forms of discrimination against women on its territory.