

REPUBLIC OF MOLDOVA

CEDAW A/55/38 (2000)

67. The Committee considered the initial report of the Republic of Moldova (CEDAW/C/MDA/1) at its 478th, 479th and 484th meetings, on 21 and 27 June 2000 (see CEDAW/C/SR.478, 479 and 484).

Introduction by the State party

68. In introducing the report, the representative of the Republic of Moldova drew attention to the period of change which the country had undergone towards a democratic society, and the political, economic and social transformation that had influenced the development of society, including women's activities. The ratification of the Convention in 1994 was an expression of the country's commitment to women's rights. While the Constitution and existing legislation enshrined equality between women and men, and no discriminatory provisions were contained in the law, the Government recognized that there was a need for further legislative reform, as well as for the creation of adequate mechanisms for the realization of women's rights.

69. A national action plan had been adopted in 1998 to implement the Beijing Declaration and Platform for Action. Cooperation between governmental bodies and non-governmental organizations to elaborate programmes for women was taking on increasing importance, and the Republic of Moldova had also benefited from the cooperation and technical assistance of international organizations, especially the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the World Bank.

70. She noted that new legislation was being drafted to cover labour issues, family, criminal and civil matters. Women parliamentarians, together with governmental bodies and non-governmental organizations, provided support to harmonize these reforms with the provisions of the Convention.

71. The representative brought the Committee up to date on developments in the Republic of Moldova since the submission of the report. They included the creation of a Commission on Questions of Women and the Family to advise the President of the Republic and the designation of gender focal points to monitor and coordinate implementation of the principle of equal opportunity in ministries, local governments and other entities. Consideration was being given to the establishment of a Department for family policy and equal opportunities.

72. The challenges of the transition to a market-based economy were visible in women's low economic activity rate, which stood at 43.6 per cent in 1999, their level of unemployment, overall poverty levels, and massive migration, especially of women. The latter had also led to an increase in trafficking in women, and steps were being taken by the Government to prevent and combat that scourge, including plans to improve legislation. Women's low representation in public and political life remained another area of concern.

73. The representative highlighted women's educational achievements, where they made up 55 per cent in secondary and 58 per cent in tertiary educational institutions in 1998/99. She also noted that women's literacy rate was 94.5 per cent. Efforts to change traditional attitudes concerning the role of women in society and in the family included curricula revisions at various levels of education, as well as the introduction of a course on gender education at the University of Moldova.

74. While the right to work was protected by the Constitution, various legislative provisions aimed at protecting women against discrimination in the labour market. The Republic of Moldova had ratified Convention 100 of the International Labour Organization (ILO). The transition to a market-based economy required new skills and qualifications, and women represented a high percentage of those who received training in new skills. Women represented three quarters of the unskilled labour force, and received 70-80 per cent of male wages.

75. At the same time, women remained primarily responsible for household activities, and the traditional division of labour in the household had been reinforced by certain policies.

76. That double burden of women was even more pronounced in rural areas, and also constituted an obstacle to women becoming entrepreneurs. In fact, women's representation at the decision-making level in large businesses remained low, but women made up some 48 per cent of micro-entrepreneurs.

77. The representative noted that social rights granted to women as mothers actually had a negative effect on their position in the labour market. The Government intended to address the matter by extending parental benefits also to fathers, and a revision of the Labour Code in that regard was envisaged. Efforts were also under way to create a system of labour inspection.

78. While the law provided for equal access of women and men to free basic health care, including for pregnant women and children, those provisions were not implemented because of the difficult economic situation. Working conditions were often hazardous, and the poor level of nutrition had led to an increase in the rate of anaemia in pregnant women. The Government had adopted programmes to address those issues, including plans to open prenatal health care offices at the district level.

79. Access to medical care, including family planning, remained a problem especially in rural areas. A law governing reproductive health and family planning was under consideration.

80. The poor health situation of women was frequently caused by violence. Although the law protected women against all forms of violence, including domestic violence, it was difficult for the State to intervene in situations that were considered as family conflicts. In addition, access to justice for victims of violence was very complicated. The planned revisions of the criminal code and of the code of criminal procedure would address those matters.

81. Furthermore, a new Family Code intended to reflect the change in social relations, including family relations, and would also address the question of matrimonial property.

82. The representative noted that the Republic of Moldova's legislation covered the rights of

women, but lacked a prohibition of, or sanctions against, discrimination against women. The Government was aware of the importance of such legislation to achieve equality and equal opportunity. She also noted that the Government had initiated the process of acceding to the Optional Protocol to the Convention.

Concluding comments of the Committee

Introduction

83. The Committee expresses its appreciation to the Government of Moldova for submitting its initial report. It commends the Government on its frank and substantive oral presentation, which updated developments in the State party since the submission of its report in 1998, and which further clarified the present status of implementation of the Convention.

84. The Committee commends the Government of the Republic of Moldova for sending the Vice-Minister for Labour, Social Protection and the Family, who established a constructive and frank dialogue with the members of the Committee.

85. The Committee welcomes the fact that the Republic of Moldova adopted the Convention without reservations and formulated a plan of action pursuant to the Beijing Platform for Action.

Positive aspects

86. The Committee commends the Government for its expressed political will to implement the Convention. It welcomes the Government's efforts to review and amend its legislation to comply with its obligations under the Convention.

87. The Committee congratulates the Government on its intention to ratify, as soon as possible, the Optional Protocol to the Convention.

88. The Committee commends the Government for its efforts to ensure continued high levels of education in the population in general, and women in particular.

89. The Committee welcomes the Government's recognition of the important role of the increasing number of non-governmental organizations and other actors of civil society that are active in women's issues.

Factors and difficulties affecting the implementation of the Convention

90. The Committee considers that the country's ongoing political and economic change and the resulting high level of women's poverty are major impediments to the full implementation of the Convention.

Principal areas of concern and recommendations

91. The Committee is concerned that although the Constitution provides for the equality of all

citizens before the law and public authorities, including on grounds of sex, it does not reflect the definition of discrimination in article 1 of the Convention, which prohibits both direct and indirect discrimination. The Committee is also concerned about the status of the Convention in domestic law, and whether its provisions can be directly invoked before the Courts. It is further concerned about the lack of information provided about remedies available to women for redress of violations of their rights protected under the Convention.

92. The Committee calls on the Government to encourage a constitutional amendment to incorporate equality on the basis of sex in the Constitution and to reflect fully article 1 of the Convention. It requests the Government to clarify the status of the Convention in domestic law, and to ensure, through legal education and continuing professional training, that judicial officers are aware of the Convention. It requests the Government to provide in its next report information about the remedies available to women, and about any court cases based on the Convention.

93. The Committee, while appreciating the efforts undertaken to implement the Convention, notes with concern that the legislative framework for the implementation of the Convention has not yet been completed, and that several critical legislative proposals and amendments remain at the drafting stage.

94. The Committee calls on the Government to seek, as a matter of urgency, the completion of a non-discriminatory legislative framework that is fully consistent, and in compliance, with the Convention. It recommends in particular that all measures be taken to ensure the early adoption of the law on equal opportunities.

95. The Committee is concerned about the lack of an overall, integrated policy for the achievement of gender equality, which contributes to the disproportionately heavy burden of transition carried by the women of the Republic of Moldova.

96. The Committee recommends that the Government take urgent action to put in place an integrated gender equality policy to promote equality between women and men in all areas, and in particular in the economy, in political and public life, and in the family. The Committee emphasizes that a gender equality policy in accordance with the Convention will require a new approach in the Republic of Moldova that focuses on women as individuals and active agents of change and claimants of rights.

97. The Committee notes with concern the persistence of stereotyped attitudes and behaviour patterns about the roles of women and men in the family and in society. It is further concerned that there is no clear understanding of article 4, paragraph 1, of the Convention. Stereotyped attitudes are reflected, for example, in the low level of women's participation in decision-making in political life, where women hold fewer than 10 per cent of the seats in Parliament. Such stereotyped behaviour is also reflected in the lack of sharing of responsibilities between women and men for household and family duties.

98. The Committee recommends that the Government take urgent measures to overcome stereotyped and patriarchal societal attitudes. It recommends that the Government use article 4, paragraph 1, of the Convention to increase the number of women in decision-making at all levels,

and in all areas, including the establishment of targets and of timetables to monitor progress. It further urges the Government to take urgent measures to modify social and cultural patterns of behaviour, including through information and public awareness-raising campaigns, so as to facilitate the emergence of non-discriminatory attitudes about the roles and responsibilities of women and men. The Committee invites the Government to take fully into account the Committee's general recommendation 23 on women in public life.

99. The Committee expresses its concern about the adequacy of the mandate and resources of the national machinery for the advancement of women to provide overall leadership for the elaboration, prioritization and implementation of the Government's equality policy and legislative agenda, including sectoral coordination within the Government, and with civil society.

100. The Committee recommends that the Government assess the capacity of the national machinery for the advancement of women, including its location, mandate and resources, with a view to providing it with the full political support and human and financial resources required to lead the Government's efforts to implement the Convention.

101. The Committee is concerned about the prevalence of all forms of violence against women, including domestic violence.

102. The Committee urges the Government to place high priority on measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. In the light of its general recommendation 19 on violence against women, the Committee calls on the Government to ensure that such violence constitutes a crime punishable under criminal law, that it is prosecuted and punished with the required severity and speed, and that women victims of violence have immediate means of redress and protection. It recommends that measures be taken to ensure that public officials, especially law enforcement officials and the judiciary, are fully sensitized to all forms of violence against women. The Committee also invites the Government to undertake awareness-raising measures, including a campaign of zero tolerance, to make such violence socially and morally unacceptable.

103. The Committee expresses its concern about the increase in trafficking in women and girls for a variety of purposes including sexual exploitation, often under false pretences.

104. The Committee urges the Government to implement a holistic approach to combat trafficking in women for commercial or sexual purposes. This should include a legislative framework to prosecute and punish traffickers, preventive measures aimed at improving women's economic situation so as to reduce their economic vulnerabilities, and measures to rehabilitate and reintegrate trafficked women where necessary. It also urges the Government to increase international and cross-border cooperation, especially with receiving countries, to reduce the incidence of trafficking and prosecute traffickers, as well as to ensure the protection of the human rights of trafficked women.

105. The Committee, while noting women's high educational levels, expresses its concern about the predominance of women in low-level educational sectors. It is also concerned about the lack of statistical information concerning women's representation in various fields of teaching, and in

administrative and high-level posts at all levels of education. The Committee is also concerned about the persistence of stereotyped portrayals of women and men in curricula and teaching materials.

106. The Committee urges the Government to undertake curriculum reforms and textbook revisions addressing stereotyped images. It also recommends that the Government's educational policy include measures to encourage girls and women to seek education and training in non-traditional fields, as well as in growth areas of the economy. The Committee calls on the Government to implement temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to accelerate women's representation in educational decision-making.

107. The Committee is concerned about the situation of women in the labour market, including women's unemployment levels, job segregation and the fact that, because of lack of opportunity at home, many women seek employment abroad, often without obtaining work permits. The Committee is also concerned that the country's protective labour laws may create obstacles to women's participation in the labour market.

108. The Committee urges the Government to ensure that legislation is in place prohibiting both direct and indirect discrimination against women in the labour market, and guaranteeing to women equal opportunities in accordance with article 11 of the Convention and relevant ILO conventions ratified by the Republic of Moldova. It urges the Government to consider establishing an equal opportunities ombudsman to monitor implementation of such legislation, and with the power to receive complaints about violations. It also recommends that the Government review protective legislation with a view to reducing barriers for women in the labour market. It recommends that the Government's labour market and employment policies target explicitly those groups of women who are particularly disadvantaged by the impact of transition. It invites the Government to increase measures to adopt the sharing of family responsibilities between spouses. It recommends that the Government ensure that sexual harassment in the workplace is covered by legislation that is fully implemented.

109. The Committee, while noting declines in women's mortality rates, is concerned about the status of women's health, especially women's reproductive health, and that abortion is apparently used as a means of fertility control. It is also concerned about women's occupational health, in particular in the tobacco-growing industry.

110. The Committee urges the Government to maintain free access to basic health care, to include a life-cycle approach to women's health in its health policy, and to improve its family planning and reproductive health policy, including availability and accessibility of modern contraceptive means. It encourages the Government to include sex education systematically in schools, including vocational training schools. It encourages the Government to continue its cooperation with international organizations to improve the general health situation of women and girls in the Republic of Moldova, and to take measures aimed at reducing occupational health risks to women workers. It requests the Government to provide detailed information in its next report on measures undertaken by the Government to reduce the incidence of HIV/AIDS and other sexually transmitted diseases among women. It also requests the Government to provide statistics on women's tobacco, alcohol and drug use and other substance abuse.

111. The Committee is concerned about the lack of information about the various aspects of the situation of rural women in the Republic of Moldova.

112. The Committee requests that the Government provide in its next report detailed information about all aspects covered by article 14 of the Convention. In this regard, it requests that information be provided about rural women's educational, health, housing and employment situation, including entrepreneurship opportunities, compared to women living in urban areas.

113. The Committee is concerned at the differential ages of marriage established in the Family Code for boys and girls and the legal recognition of marriages of girl children, which is not in conformity with article 16, paragraph 2, of the Convention.

114. The Committee recommends that the Government take action to bring legislation on the marriage age for women and men into full conformity with the Convention, taking into consideration the Committee's general recommendation 21.

115. The Committee encourages the Government to accept the amendment to article 20, paragraph 1, of the Convention concerning the time of meetings of the Committee.

116. The Committee requests that the Government respond in its next periodic report to the specific issues raised in these concluding comments. It further requests the Government to provide in its next report an assessment of the impact of measures taken to implement the Convention.

117. The Committee requests the wide dissemination in the Republic of Moldova of the present concluding comments, in order to make the people of the Republic of Moldova, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".