



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Thirty-sixth session

7-25 August 2006

**List of issues and questions with regard to the
consideration of periodic reports**

Republic of Moldova

The pre-session working group examined the combined second and third periodic report of the Republic of Moldova (CEDAW/C/MDA/2-3).

General

1. Please provide more detailed information on the process of preparing the second and third periodic report of the Republic of Moldova. This information should indicate which Government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was adopted by the Government and presented to Parliament.

2. The Committee, in its concluding comments on the initial report of the Republic of Moldova of 2000,¹ called for the development of an integrated gender equality policy. Please provide information on the implementation and assessment of the national plan for the promotion of gender equality in society for the period 2003-2005.

**Constitutional, legislative and institutional framework and status of
the Convention**

3. The Committee, in its previous concluding comments, called 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”, which prohibits both direct and indirect discrimination. Please provide information

¹ See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, part two, para. 96.

on the steps taken in response to this recommendation. What is the legal status of the Convention in the Republic of Moldova?

4. The report states that the Law on gender equality is in the drafting process (see para. 21). Please provide information about the scope of the draft and whether it incorporates a prohibition on direct and indirect discrimination against women in line with article 1 of the Convention, as well as a time frame for its adoption.

5. The report states (see para. 17) that the legal mechanism to protect women against discrimination is not yet defined and that normative and practical aspects for its creation are still incomplete. What are the reasons and/or obstacles the Government is facing towards the completion of such a legal mechanism that also has adequate means of enforcement.

6. Please provide, as requested in the Committee's concluding comments,² information about the remedies available to women and court cases, if any, that have been filed by women who faced discrimination.

7. The report acknowledges the lack of a solid and viable national mechanism on gender equality and the resulting negative impact on the implementation of gender policies (see para. 99). What measures has the Government taken to implement the recommendation of the Committee³ in its concluding comments that the Government assess the capacity of the national machinery and provide it with adequate decision-making capacity and financial and human resources?

Violence against women

8. The report mentions that the Law on domestic violence is being drafted (see para. 86). Please provide detailed information about this draft legislation, including its scope and the time frame for its adoption.

9. The report also gives information about the new Criminal Code (see para. 28), mentioning new aggravating circumstances for severe physical or health damage committed against a spouse (article 151, para. 2 (a)), and deprivation of liberty for average physical or health harm to a spouse (article 152, para. 2 (c)). The Code also covers the offence of "deliberate small physical or health damage" (article 153), which previously fell under the Code as an administrative infringement. Please provide further information on these provisions, including details on evidentiary requirements and penalties. Is marital rape a criminal offence?

10. In her report, the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences expressed concern about the fact that domestic violence was widespread and underreported (E/CN.4/2003/75/Add.1, para. 2059). When introducing its initial report to the Committee, the Government stated that the planned revisions of the Criminal Code and of the Code of Criminal Procedure would address the issue of access to justice for victims of domestic violence.⁴ Please indicate how the revised Criminal Code and the Code of Criminal Procedure enhance women's access to justice and encourage women victims of domestic violence to report such violence. In particular, does the revision include access for victims to legal aid?

² Ibid., para. 92.

³ Ibid., para. 100.

⁴ Ibid., para. 80.

11. Please describe the measures undertaken to collect, analyse and use data and statistics disaggregated by sex and ethnicity on all forms of violence against women.

Trafficking in women and exploitation of prostitution

12. The report states that the draft of the law on preventing and counteracting human trafficking is presently under final preparations (see para. 30). Kindly give details about the progress made in relation to the draft law, as well as information on the main content and scope of the law.

13. Most of the reasons mentioned in the report (see para. 29) to explain trafficking and illegal migration of women from the Republic of Moldova are related to the poor economic situation of women. What preventive measures aimed at improving women's economic situation have been undertaken by the Government in response to the Committee's concluding comments of 2000?⁵

14. Please provide information, including statistical data, on the phenomenon of prostitution of women and girls, in particular street prostitution, and on the measures taken to address the root causes, to prevent the sexual exploitation of women and girls, to raise awareness of the health and safety risks of prostitution and to ensure the protection, rehabilitation and social reintegration of prostitutes.

Stereotypes and education

15. In its previous concluding comments, the Committee urged the Government to undertake curriculum reforms and textbooks revisions addressing stereotyped images.⁶ Please indicate the measures taken by the Government to this effect. In particular, please indicate if it has elaborated any strategies to eradicate gender-based stereotypes through all levels of the education system and to enhance girls' education.

Participation in political and public life and representation at the international level

16. In its previous concluding comments, the Committee noted with concern the persistence of stereotyped attitudes and behaviour patterns about the roles of women and men in the family and society, which were reflected in the low level of women's participation in political decision-making and the lack of the sharing of household and family responsibilities between women and men.⁷ The report highlights that "the share of women at the decision-making levels is still very low" and that "the Government will create mechanisms that will ensure the implementation of gender equality policies within state institutions and political parties" (see para. 95). Please provide further details about the mechanisms created by the Government. In particular, indicate whether the Government has taken temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 to increase the number of women in all areas of decision-making, including in the Foreign Service, and provide specific information on the establishment of targets, quotas and timetables to monitor progress. Please also provide information on the results of any measures taken in this regard.

⁵ Ibid., para. 104.

⁶ Ibid., para. 106.

⁷ Ibid., paras. 97 and 98.

Employment

17. In its last concluding comments,⁸ the Committee urged 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 International Labour Organization (ILO) conventions ratified by the Republic of Moldova”. It further urged the Government “to consider establishing an equal opportunities ombudsman to monitor implementation of such legislation, and with the power to receive complaint about violations”. Please provide information on the steps taken in response to this recommendation.

18. Kindly provide details about the legislative situation in regard to social assistance for persons without pension benefits, such as elderly women in need.

Health

19. The maternal mortality rate remains high. The report shows the highest rate of maternal mortality among women from rural areas (see para. 68) as well as an increase in the maternal mortality rate caused by illegal abortions in 2002 (see para. 60, table 25). Please indicate what measures specifically addressing maternal mortality in the rural areas and maternal mortality as a consequence of illegal abortion have been undertaken by the Government.

20. The report states that “pandemic tobacco use could become the primary cause of [avoidable] mortality and premature mortality” (see para. 63). Figures are especially alarming of very young women smokers, 81 per cent being under age 20. Has the Government developed national strategies targeting this group and aimed at raising awareness at health risks?

21. Please provide detailed information on women’s narcotics and psychotropic substances use as well as measures taken to address this “major risk for public health in the Republic of Moldova” (see para. 62).

22. Kindly provide data disaggregated by sex, minority and age on the prevalence of HIV/AIDS in the country. Please also describe measures taken by the Government to address HIV/AIDS and other sexually transmitted diseases among women, as requested in the Committee’s last concluding comments,⁹ and indicate whether a gender perspective has been integrated in the AIDS prevention measures.

Women and poverty

23. The report makes several references to the increase in the rates of poverty and the deterioration of living standards in response to the economic transformation towards a market economy. Please provide current data, disaggregated by sex, age and ethnicity, and discuss trends on the percentage of Moldavian population living in poverty in urban and rural areas and the number of households headed by women living in poverty. Please also indicate what efforts have been made to eradicate poverty and whether there are programmes targeted specifically at alleviating women’s poverty, including that of older women.

⁸ Ibid., para. 108.

⁹ Ibid., para. 110.

24. Given the country's difficult economic circumstances, please indicate how implementation of the Convention and achievement of equality between women and men is addressed in national development strategies and programmes.

Rural women and ethnic minority women

25. The report acknowledges that the worsening social and economic status of women in rural areas is another matter of major concern (see para. 98). It further mentions that rural areas will benefit from additional training in the concept of gender equality. The development and support of gender-based initiatives among rural women is also mentioned as being a top priority for the Government. Please provide detailed information about time frame and ways foreseen to implement those two measures.

26. The Human Rights Committee, in its concluding observations, expressed "its concern at the situation of the Gagauz and that of the Roma, who continue to suffer serious discrimination, notably in rural areas" (CCPR/CO/75/MDA, para. 19). The report does not provide any information on this issue. Please provide information and statistical data on the situation of ethnic minority women, in particular Roma and Gagauz women, especially with regard to their access to education, health, employment and their participation in political and public life, as well as on the efforts made by the Government to address the prevalence of discrimination against these women.

Marriage and family relations

27. In its last concluding comments, the Committee expressed concern at the different ages of marriage established in the Family Code for boys (18 years) and girls (16 years).¹⁰ The Committee on the Rights of the Child expressed the same concern (CRC/C/15/Add.192). Have any steps been taken by the Government to raise the minimum age of marriage for girls to the same age as that for boys?

Optional Protocol

28. The Government stated in its introduction to its initial report that it had initiated the process of acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.¹¹ Please indicate any progress made with respect to accession to the Optional Protocol.

¹⁰ Ibid., paras. 113 and 114.

¹¹ Ibid., para. 82.