

Republic of Moldova

The *2006 Law on Ensuring Equal Opportunities for Women and Men* (referred to hereafter as ‘Equality Law’) ensures women and men’s equal rights in the “political, economic, social, cultural, and other spheres of life, rights guaranteed by the Constitution of Moldova, with a view to preventing and eliminating all forms of discrimination based on the criterion of sex.” In the case of discrepancy between provision of the Equality Law and those of international treaties which Moldova is party to, international treaties shall prevail (Article 4). The law is far reaching in the sense that any domestic policy or actions, as well as any legal act deemed to be discriminatory or containing discriminatory provisions based on sex, can be declared null by the proper authorities, in accordance with the law (Article 5). Article 25 mandates the government to submit proposals to Parliament for bringing effective legislation in conformity with the Equality Law and to approve normative acts necessary for its’ implementation.

On 14 April 2016, Moldova’s Parliament passed Law No. 71 amending and supplementing articles in existing laws to strengthen legislation on non-discrimination and gender equality. Changes were made to laws governing the Press (No. 243), Civil Protection (No. 271), Healthcare (No. 411), the Prison System (No. 1036), Advertising (No. 1227), Broadcasting (No. 260), the Electoral Code (No. 1381), State Labour Inspectorate (No. 140), Labour Code (No. 154), and on the Law for Ensuring Equality between Men and Women (No. 5).

Moldova’s Constitution also contains an equality clause. Article 16(2) guarantees that “all citizens of the Republic of Moldova shall be equal before the law and public authorities, regardless of race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin.”

1. Discrimination in the family

a) Overarching legal framework for marriage

The Family Code and Civil Status Law (Law No. 100, 2000) govern marriage and non-marital relationships in Moldova. Article 1(3) of the Family Code provides women and men with the same right to marry and marriage is based on the principle of monogamy and consent of both parties. A declaration to marry must be submitted, in person, by people who wish to marry in a civil body with mutual consent expressed personally and unconditionally by both partners (Family Code, art. 10-11).

Moldova co-sponsored the UN Resolution on Child, Early and Forced Marriage adopted on 21 November 2014 along with 116 other countries (Girls Not Brides; 2014). While there are currently no specific provisions against forced marriage, given that marriage must be voluntary and consensual, forced marriage could therefore not be legally upheld.

b) Child marriage

The minimum age of marriage is 18 for both women and men (Family Code, art. 13). Nonetheless, Article 14(1) of the Family Code was amended in 2015 to allow marriage to be permitted, with good reason, up to two years less than the matrimonial age, at the discretion of local public administration and with consent of the minor's parents. Marriage is forbidden between a guardian and a minor under their guardianship, between those with close consanguine relations and at least one common parent, when at least one person is deprived of legal capacity; and between an adopter and adoptee (Family Code, art. 15).

The law does not explicitly forbid childhood marriage – but it is implied given that the matrimonial age is 18. If marriage occurs without consent before age 18, it can be nullified though the specific act is not penalised in any law. Where a person can marry as early as age 16 with parental consent and permission from local authorities (Family Code, art. 14(1)), anyone has the right to oppose a marriage based on a legal impediment and produce evidence for the latter. For instance, a person could counter the permission granted by a minor's parent to marry before age 18 based on the parent's negligence, unsoundness of mind etc. That opposition and evidence will be judged by a civil authority and if deemed legitimate, a marriage will either be refused or nullified (Family Code, art. 15(2)).

Further, article 42 of the Family Code includes provisions for the nullification of a marriage concluded with a minor who has not reached matrimonial age. Given that there is no clause in the Penal Code criminalising the act of child or early marriage, any criminal proceedings would have to focus on acts that are criminal such as statutory rape (Criminal Code, art. 174) or acts deemed similar to slavery. Article 167 of the Criminal Code partially defines the latter as controlling a person by use of deception, coercion, violence or threat of violence in relations of marriage or cohabitation. Such an offence is punishable by three to ten years imprisonment.

There are no official statistics on early or child marriage, but they are uncommon among non-Roma. Nonetheless, child and early marriage, as well as unplanned pregnancy, is common for Roma girls (Cheianu-Andrei, D. et al., 2016). Arranged marriages, under common law, not upheld by the state, are practiced in some Roma communities with Romani girls married at age 15 and younger – often to grooms that are also minors (Mihalache and Rusanovschi, 2014). Though the ceremonies are typically carried out in public spaces, local police officers refrain from intervening (Mihalache and Rusanovschi, 2014). There are currently no penalties for the act of carrying out or celebrating child marriage in Moldova.

c) Household responsibilities

Chapter 4 of the Family Code describes personal rights and obligations in marriage and codifies equality of spouses within the family unit. Articles 16-18 ensure the rights of both spouses to choose their own occupation, one's surname after marriage and determine their domicile independently and freely. Article 16(4) enforces a joint obligation for childcare and family maintenance.

Despite this, there are marked inequalities in the division of parenting responsibilities and support of children's education. Women are expected to perform the majority of unpaid household and family

related care work (ILO, 2016). A 2016 IMAGES survey¹ found that decision-making, regarding long-term investments, were decided alone by men in one out of three cases, with women making decisions about immediate household expenditures and childrearing (Cheianu-Andrei, D. et al., 2016; NBS, 2013).

Moldova is one of the largest net emigration countries in the world (UNHCR, 2009). This has an effect of increasing the work burden for women whose husbands work abroad. Women left behind face increased responsibilities for household subsistence and care of children and elderly family members (UNHCR, 2009).

d) Divorce

Moldova's Family Code governs the termination or invalidity of marriage and marital property. Marriage is dissolved by an order of a court. Article 33 gives women and men equal right to initiate a divorce. Article 34 limits a husband's right to petition for dissolution during his wife's pregnancy and one year after child birth, without the wife's consent. Outside of this circumstance, in the case that one spouse does not consent to divorce, the court may postpone proceedings for one to six months to provide time for reconciliation – except in cases where divorce is requested due to domestic violence or the court deems the marriage to be irreparable (Article 38).

Chapter 5 of the Family Code regulates marital property to the extent that it has not been clarified via a matrimonial contract. Goods acquired during marriage are the property of both spouses, inclusive of income earned by each spouse from work and entrepreneurial activity, intellectual property, non-compensatory payments and other common means (Family Code, art. 20). The law provides for valuation of non-monetary contributions via articles 19, 20 and 22.

After divorce, child custody is determined by the court, with preference given to the mother (CEDAW, 2012). As such, in 2010, 89% of single-parent families were headed by women (CEDAW, 2012). A 2016 report issued by the Council of Europe noted that lesbian women face prejudice when it comes to child custody arrangements, with courts deeming them as unfit parents for numerous reasons, on account of their sexual orientation (Străisteanu, 2016).

Domestic abuse rates are higher for divorced women than married women. A 2011 report by Moldova's National Bureau of Statistics noted that married women are more reticent than divorcees to disclose cases of violence, hence the higher rates of violence prevailing against women registered as divorced/separated or as widows.

e) Inheritance

Female and male surviving spouses have equal inheritance rights in Moldova, as do sons and daughters (Civil Code, Art. 1500). Article 1449 of the Civil Code provides women and men the same rights to make a will.

2. Restricted Physical integrity

a) Violence against women

On 15 December 2016, Moldova's President approved the signing of the Council of Europe's Istanbul Convention on Preventing and Combatting Violence Against Women and Domestic Violence (Decree No. 2511). Violence against women is criminalised via the country's law on domestic violence.

In Moldova, the burden of economic strife disproportionality falling on the shoulders of women (COE, 2014). Their diminished socio-economic status lends itself to their increased vulnerability to exploitation and physical violence. Sex trafficking is especially problematic (UNHCR, 2009).

b) Domestic violence

Law No. 45 (2007) on Preventing and Combating Family Violence stipulates that prevention and combating of domestic violence is a public health issue (CEDAW, 2012). It covers physical, sexual, emotional, spiritual and economic violence and provides protection both for victims and family members of the victim whether cohabitating or living separately (Articles 2-3). Each form of violence is defined within the law, as well as moral damage (Article 1). Article 17 establishes that acts of domestic violence can be prosecuted. Under Article 15, protection orders can be issued, with the possibility for immediate removal of the perpetrator from a shared home, prohibition of contact and enforcement of a minimum distance to be maintained from the victim (Article 15). Article 5 sets out specific measures for preventing and combatting domestic violence inclusive of legislation, equality and non-discrimination, confidentiality, access to justice, ensuring the protection and security of the survivor, as well as cooperation with NGOs and international organisations.

A specialised central body is established within the Ministry for Labour, Social Protection and Family to oversee implementation (Article 7(2)). Article 10 provides for the establishment of emergency shelters and counselling, as well as legal, psychological, social and medical services for victims. Services are also made available to perpetrators for counselling, legal advice, employment and professional training (Article 10(3)). There are several centres for rehabilitation of victims of domestic violence providing a range of services (CEDAW, 2012). The regulatory framework and regulation of these centres – overseen by the Ministry of Labour, Social Protection and Family – is outlined via Government Decision no. 129 with minimum quality standards established by Government Decision. No 1200. Chapter 2 of Law No. 45 identifies both the local and national authorities and institutions responsible for implementation of the legislation, sets out guidelines for them, and defines their powers.

Developed separate to the law, were Methodical Instructions on Preventing and Combating Domestic Violence, with common instructions for the Ministry for Internal Affairs, Ministry of Labour, Social Protection and Family and the Ministry of Health (UNHRC, 2011). Implementation of the law is funded by the state budget, budgets of local administration, as well as by donations and grants (Law No. 45, art. 16). Amendments were made to Law No. 45 in 2016, creating a hotline for 24-hour assistance, a website, free legal services (article 11(5)), and extending the definition of violence to include stalking. Survivors may also now claim compensation for damages from the state in the case of severe bodily injury or if proper state assistance was not provided.

Prior to 2007, there were no criminal penalties for domestic violence. This was remedied in the 2008 Law and further reinforced via Law No. 167, introduced in 2010, that made amendments to the Criminal Code. Article 171 and 201 were added – the first recognising marital rape as a crime and the former acknowledging the criminal nature of domestic violence. Domestic violence is punishable by 150-180 hours of community services, a fine of 200-300 conventional units, and up to two years of prison. For cases where acts of violence are carried out against two or more victims, punishment involves 180-240 hours of community service and up to five years of prison. In the most severe cases – where there is serious bodily injury, damage to health, suicide or death of the victim – a penalty of five to 15 years of imprisonment can be levied (Criminal Code, art. 201). Sanctions for violations of protection orders are outlined under articles 318-320 of the Contravention Code. One violation results in a warning, while subsequent or repeated violations result in a fine of 200-300 conventional units, 150-200 hours of community service and/or up to two years of prison (art. 320).

A 2016 report noted that police continue to apply a non-criminal provision to aggressors under article 78 of the Contravention Code that refers to “deliberate slight bodily injury,” thus sidestepping the criminalisation of domestic violence (UNHCR, 2016). Likewise, prosecutors are reluctant to invoke measures within the criminal code to prosecute violence against women, and have been slow to apply article 201 in cases where victims incur low-level injuries (UNHRC, 2016).

While Moldova has made significant strides to build the legislative framework around domestic violence and prevention of it, infrastructure is still lacking with fragmentation across various levels of implementation and a lack of coordination between relevant parties (Asay, 2014). A national report to the UN’s Human Rights Council noted “insufficient qualified human and financial resources in assisting victims of domestic violence and working with offenders; lack of mechanisms to identify, approach and solve sexual harassment cases; lack of assistance and protection to victims; lack of services of re-socialisation for the domestic offenders; and imperfection of the monitoring and evaluation mechanism in the field of domestic violence” (UNHRC, 2011). This lack of awareness contributes to Moldovan law enforcement’s passivity in both protecting women and investigation of domestic violence.

Moldova’s Ministry of Labour, Social Protection and Family reported the frequency of domestic violence against women and children to be at alarming proportions in 2009 (UNHCR, 2009). A 2011 study by the National Bureau of Statistics found that it is often accepted and justified from a social-cultural point of view. A national report submitted to the UN’s Human Rights Council noted that there is insufficient public awareness of the acuteness of domestic violence and that it is a violation of human rights (UNHRC, 2011).

A 2016 study found that violence is higher in rural areas and in families where men have a lower level of education, and low income (Cheianu-Andrei, D. et al., 2016). The same study found that most women (68%) were aware of social services in support of women victims of domestic violence, but a low proportion of those experiencing violence chose to benefit from such services (3%). Domestic abuse is two times higher for Roma women, in comparison to non-Roma women (Toartă, 2016; Mihalache and Rusanovschi, 2014). Internal rule, adhered to within the Roma Community, means that women rarely utilise state mechanisms for domestic violence, and are also reluctant to seek the help of state authorities given the deep-seated discrimination against the community in

general (Mihalache and Rusanovschi, 2014). Roma women's economic dependence on husbands and ingrained gender roles in married and family relationships reduce the likelihood of them leaving abusive relationships or reporting violence (Toartă, 2016; Mihalache and Rusanovschi, 2014). These factors lead to Roma women and girls' exclusion from the protection services that domestic violence victims outside the Roma community are privy to (Toartă, 2016).

Since the passage of Law. No. 45 in 2007, reports of domestic violence have increased. The increasing number of incidents registered by the police in recent years indicates an improvement in law enforcement response to the problem (USDS, 2014). Despite improvements in law enforcement's response to domestic violence, women often choose not to report it due to a low trust in police intervention (UNHCR, 2009; Cheianu-Andrei, D. et al., 2016). Perpetrators of domestic violence are overwhelmingly husbands or former husbands, followed by fathers and stepfathers. Investigations become more complicated when the aggressor is a police officer or member of the military (UNHCR, 2009; USDS, 2014). In these cases, women reported their husband using his status and personal connections to get away with impunity (UNHCR, 2009).

Supported by donor funds and in coordination with Moldova's General Inspectorate of Police and the Ministry of Labour, Social Protection and Family, trainings have been provided to some of the police force on preventing and combating domestic violence (COE, 2014). Domestic violence is included as one of the modules at Moldova's police academy for cadets, but continuous training tends only to be supported by civil society organisations (UNHRC, 2016).

In 2010, the Moldovan government made the decision to pilot an Automated Information System (AIS) to collect, store and process data on domestic violence via a "State Register of cases of domestic violence" in the districts of Drochia and Cahul. Statistics cover three areas: police, health and social care (UNHCR, 2011).

c) Rape

Rape is a criminal offence under Article 171 of the Criminal Code with varying degrees of punishment, based on whether a person is a repeat offender and how malevolent the crime is. It is defined as "sexual intercourse committed by the physical or mental coercion of the person, or by taking advantage of the victim's incapacity to defend himself/herself or to express his/her will," (Criminal Code, art. 171). Punishment ranges from a minimum of 3 years imprisonment to lifetime imprisonment. The following classifications warrant from 5 to 12 years' imprisonment: rape committed by a previous offender; rape committed knowingly against a juvenile, a pregnant woman, or by two or more persons; rape for the intentional contamination of the victim with a sexually transmitted disease; or rape involving torture of the victim. Ten to 20 years of imprisonment can be imposed for rape of a person under the care, custody, protection, education, or treatment of the perpetrator, of a juvenile under age 14, or committing the act with a deliberate intention to contaminate the victim with HIV-AIDS. Maximum penalties are also levied in the case that the act causes severe bodily injury, damage to health, death of the victim or other severe consequences.

Sexual intercourse with a person known to be under age 16 is considered statutory rape and is punishable by up to five years imprisonment (Article 174). Nevertheless, criminal liability may be

waived if the person who committed the act is similar to the victim in age and physical and mental development (Article 174). Marital rape is explicitly criminalised under Law No. 45 on domestic violence (Articles 133(1) and 171 (b2)).

Many rapes go unreported due to women's scepticism of police investigation, social stigma and a judicial process that focuses on behaviour of the victim, as opposed to the aggressor (Manole, 2011; UNHCR, 2011). In some cases, victims were blamed by the authorities for provocative dress, intoxication etc. and mishandled or dismissed cases in exchange for a bribe according to a 2014 Human Rights Report (USDS, UNWOMEN, UNHCR). Though the law does not require it – it is implied that physical evidence or use of force is needed for a rape conviction. In 2008 the General Prosecutor's Office issued Methodological Guidelines on the Investigation of Sexual Crimes to provide recommendations for the prosecution of sexual offences (Manole, 2011). One recommendation includes demonstrating the victim's physical resistance to the act. The expectation of corroborative evidence of resistance or physical harm does not reflect the reality of rape as a crime. As such, prosecution rates for rape and sexual offences remain low. In 2010, of 504 sex crimes reported, only half were examined by a court. Of those, proceedings were closed for 139 and either unresolved or still in process for the remaining 112 cases (Manole, 2011).

A 2016 study found, on average, one in five men in Moldova have had sex with a female without her consent, and nearly one in four men have had sex with a female unable to give her consent while under the influence of alcohol (UNHRC, 2016; Cheianu-Andrei, 2016).

Within the Romani community cases of rape are tried by Romani tribunals (*Romani Criss*), though it is possible to seek justice within civil courts too. The loss of virginity before marriage is considered a social ill among Romani (Toartă, 2016). As such, rulings of the *Romani Criss* can include reparatory marriage where the perpetrator is sentenced to marry the victim (even if she is underage) or pay a sum of money for having stolen her virginity (Toartă, 2016).

d) Sexual harassment

Law No. 71, passed by the parliament in April 2016 introduced amendments to several existing laws to include coverage of sexual harassment. The term "sexual harassment" and relevant measures to it, were incorporated into Law. No. 121 on Ensuring Equality, the Labour Code, Law No. 140 on the State Labour Inspectorate, the Press Law and Broadcasting code. The definition of sexual harassment in the 2006 Equality Law has been amended to "manifestation of physical, verbal, or nonverbal behaviour that violates the dignity of a person or creates an unpleasant, hostile, degrading, or humiliating atmosphere in order to induce sexual intercourse or other unwanted sexual acts through threats, coercion or blackmail." The notion of "sexist language" was added, defined as "expressions and appearances that portray the woman and the man in humiliating, degrading and violent manner, offending their dignity." The coverage of the Equality Law includes "equal rights in the political, economic, social, cultural, and other spheres of life, " thus it implies that sexual harassment is barred full-stop and is punishable in any of these domains – e.g. in public spaces, sporting institutions, the workplace etc.

Sexual harassment can technically be criminally sanctioned under Article 173 of the Criminal Code which covers “coercion to actions of a sexual character,” by “blackmail, or taking advantage of financial, work-related or any other form of dependence of the victim.” Punishment is a fine of 300-500 conventional units, community service between 140-240 hours, or imprisonment for up to three years.

In practice, sanctioning sexual harassment under the criminal code can be problematic, given that it operates on the presumption of innocence (Manole, 2011). This means that the victim must prove that a crime was committed, which can be difficult in cases of sexual harassment where there may not be physical evidence or witnesses. The burden of evidence can be discouraging to women who wish to lodge a complaint and make it difficult to secure a conviction for cases that do make it to trial (Manole, 2011). The relatively recent occurrence of legislation against sexual harassment means that employers and Moldovan society have yet to become fully accustomed to what constitutes sexual harassment, where it can occur, that it is ill-treatment, and the repercussions for it (Manole, 2011).

e) Female genital mutilation

The law does not prohibit female genital mutilation or cutting. There are no reports to suggest that female genital mutilation is a concern or practiced in Moldova.

f) Abortion

Abortion is legal in Moldova and permitted within the first 12 weeks of pregnancy, and up to 28 weeks sufficing certain criterion are met, decided by Moldova’s Ministry of Health. Law No. 411 on Health maintains that it is a woman’s personal right to decide on motherhood with the choice to terminate pregnancy up to 12 weeks (Article 32). After this time, an order from the Ministry of Health is required. In the case of threat to health, pregnancy resulting from a crime, genetic problems, and on ‘social grounds’, abortions can be permitted up to 22 weeks. In the case of congenital syphilis and severe foetal malformations, an abortion can be performed up to 28 weeks.

An abortion can only be performed by obstetricians and gynaecologists, within medical institutions or authorised medical offices (Law no. 411, art. 32). An abortion outside of these parameters is considered illegal and punishable by a fine of 200 to 500 conventional units, revocation of medical license, prohibition from some activities, and/or 2 to 3 years of imprisonment under Article 159 of the Criminal Code. Abortions performed after 12 weeks without an order from the Ministry of Health or in unsanitary conditions are also criminal offences. An abortion that incurs bodily injury or damage to health, or death, due to imprudence is punishable by one to six years’ imprisonment and possible prohibitions on medical practice (Article 159(2)).

More

Moldova’s guardianship system (“tutelă” or “opekunstvo”) increases the vulnerability of Moldovan women with mental and/or intellectual disabilities, to sexual abuse, and creates barriers for them to report violence (UNHCR, 2013). Those deemed to be incapacitated – due to mental, intellectual or physical disabilities – can be placed under a guardian. As such, they lose all standing before the law –

including the right to marry, divorce, vote, own property, claim social benefits or consent to or refuse medical treatment – as well as to appeal a guardianship order (USDS, 2014; UNHCR, 2013). The system is in opposition to Article 12 of the Convention on the Rights of Persons with Disabilities.

A 2013 study by the UNHCR found that the process of determining those who will be rendered incapacitated, thus placed under the guardianship system and deprived of their legal capacity, is highly gendered, especially in institutions for children. The report noted that gender-disaggregated data is not available for all children's institutions, but noted the large discrepancy between girls deemed incapacitated versus boys. In one boarding school, 153 (86%) out of 178 girls were deemed incapacitated, while only 4 (2%) of 188 boys were (UNHCR, 2013).

In the case of Moldova, domestic violence and trafficking are intimately connected. The fewer economic opportunities for women in Moldova have also led to the feminisation of migration. A lack of formal channels means that women often rely on informal networks to secure work outside Moldova. Without insurance and legal protection, women who emigrate are more susceptible to sex trafficking (UNHCR, 2009).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

The land tenure rights of Moldovan citizens are equally protected before the law, with no provisions set for any group in particular (World Bank, 2014). The 1991 Land Code (Law No. 828) governs land tenure. Land ownership can be awarded to vulnerable groups – inclusive of orphans, widows, children and women (World Bank, 2014). Law No. 121 (Enforcement of Equality Law) adopted in May 2012, prohibits discrimination in the sale or lease of movable or immovable property (Article 8). Overseeing implementation of the Law and assessing complaints is the Council for the Prevention and Elimination of Discrimination, formed in 2013. Article 315 of the Civil Code provides for equal ownership rights between men and women for property. Equal ownership rights of property between married women and men is referred to in Article 5 of the Family Code.

Under Soviet rule, there was no private ownership of land, rather state-owned collectives. After 1990, the process of privatisation and land titling began via the 1991 Land Code. As of 2014, 41% of properties were registered under women's names (World Bank, 2014). In rural areas, where there are communities of Ukrainians, Gagauz, Roma and others – the same land tenure rights exist – and a 2014 World Bank report estimates that 44% of Roma households received ownership rights under privatisation. Law No. 1543 on Immovable Property Cadastre provides for joint ownership of assets purchased or constructed by spouses during marriage – even when information for one of the spouses is not registered for the property in question (Article 39).

A 2014 FAO report found that only 12% of agricultural machinery is owned by women land holders. The same report notes the low rate of women accessing capital for agricultural activity, with only 6% of female land holders having done so. Businesses in rural areas face problems with accessing finance, lack of capital and technology. These problems are more acute for women, with many citing

the dilemma of balancing work and home life and the pressure to choose one over the other (CEDAW, 2012)

b) Secure access to formal financial resources

Article 12 of the 2006 Equality Law ensures equal access to entrepreneurial activity for both men and women and Article 8 of the Law on Enforcement of Equality prohibits discrimination in access to public goods and services, inclusive of banking and financial service, though access is not explicitly guaranteed. There are no restrictions on married or unmarried women to: sign a contract, register a business, or open a bank account (Law No. 121, art. 8; World Bank, 2016).

Moldova's National Development Strategy "Moldova 2020" encourages the creation of new enterprises via peer-learning, by expanding trainings, financial and logistical support, for women in particular. Women account for 27.5% of entrepreneurs in Moldova (Moldova 2020, 2013).

c) Workplace rights

Three laws ensure women's equal access to employment and non-discrimination based on sex in employment: the 2003 Labour Code, 2006 Equality Law, and Article 7 of the 2012 Enforcement of Equality Law. Article 47(2) of the Labour code states, "At conclusion of the individual labour it 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."

Provisions of Articles 9-10 of the Equality Law prohibit discrimination based on sex in employment with regards to selection criteria, recruitment, hiring, promotions, dismissal, and remuneration for labour of equal value (Article 10 (3abc)). Article 10 (3d) mandates employers to undertake measures to prevent sexual harassment within the workplace. Article 11 details actions deemed to be discriminatory by an employer and covers advertisements, establishment of work schedules, selection of employees for training, conditions of remuneration for equal work, distribution of tasks, and creating impediments or adverse working conditions for someone that has lodged a discrimination complaint. Employers are barred from requesting, without basis, information concerning an employee's civil status as well (Article 11 (1h)).

The law entitles a person who has considered him or herself to have been discriminated against, on the basis of sex, to request written submission of the reasons for the decision. The employer must respond within 30 days after submission of the request, otherwise, the person is entitled to a law suit. In this case, it is the employer's obligation to prove lack of intention of either direct or indirect discrimination. The 2012 Enforcement of Equality Law essentially reiterates the provisions set out in the Equality Law, with the addition of an overarching sub-article that prohibits "any other [discriminatory] act that contravenes the law," (Art 7 (2g)).

Article 124 to 126 of the 2003 Labour Code provides for maternity, paternity and parental/childcare leave. Article 124 grants 70 calendar days of prenatal maternity leave (starting at the 30th week) of up to 56 calendar days of postnatal leave. In the case of complicated delivery or giving birth to two more children, 70 days of postnatal leave is granted. In 2016, Law No. 71 amended the Labour Code to include 14 days of fully paid paternity leave (Article 124). Partially paid parental/childcare leave is

permitted up to 1039 days (Labour Code, art. 126) for either the mother, the father or other relatives directly looking after the child. It can be used integrally or partially at any time, until the child reaches the age of 3. Additional unpaid leave for looking after children between 3 and 6 years of age can be granted, on the basis of a written request for a maximum of 1095 days, without the caretaker losing their position at work (Labour Code, art. 126). Article 127 of the Labour Code provides the same provisions for guardians who adopt new-born children.

Law No. 289 details the calculation of indemnities, typically based on an average of wages earned per month over the previous 6 months (by the mother or her husband), though there is no minimum amount of work required to benefit (art. 7). Under the law, working women – or those who are not working but financially dependent on their husband -- are entitled to 100% of wages during maternity leave (art. 16). Wages for paternity/childcare leave are partially covered at a rate of 20% (art. 18).

Under the Labour Code, dismissal of pregnant workers is prohibited (art. 251), mothers are guaranteed an equivalent position at work after maternity leave (art. 126) and are entitled to nursing breaks (art. 108). Both parents are entitled to flexible or part-time working schedules to accommodate childcare needs (art. 97).

Pregnant women, women on postnatal leave and those with children under 3 years of age are restricted from night work, defined by the Labour Code as being between 22:00 to 06:00 (Article 103). An employer must receive written consent from women with children over 3 and up to 6 years of age, or with invalid children up to the age of 16 to partake in night work. Article 248 of the Labour Code limits the type of work women can partake in. This includes work deemed to be under hard or harmful conditions, underground work that involves physical labour, and any work that involving lifting items that exceed the maximum limit set for women (decided by the Government in consultation with trade unions). As such, this limits women's ability to work in mining, factories, construction, and metal-working, the same as men, and the type of job-related tasks they are permitted to do (World Bank, 2015).

The 1998 Law on Pension (No. 156), establishes different retirement ages for women and men. Women can retire before men with full benefits at age 57, while a man cannot do so until age 62 (article 41).

A shadow report presented at the 56th session of the Committee on the Elimination of Discrimination against Women (2013) held that gender segregation in employment is apparent in Moldova, with women mainly hired for lower-level positions and in sectors with lower salaries (Cheianu-Andrei, D. et al., 2016). Younger women face low salaries due to lack of work experience, sexual harassment, employers asking for a payoff in exchange for employment and – though illegal – individualised labour contracts conditioning a woman's employment based on not getting married or having children for a determined period (Cheianu-Andrei, D. et al., 2016). Despite legislation prohibiting it, termination of women's employment due to pregnancy or childcare duties is not uncommon (Străisteanu, 2016). Private companies often give women workers contracts for a determined period of time (e.g. 1 year) to allow for easier termination or avoid renewing a contract in case a woman becomes pregnant (Străisteanu, 2016).

Roma women and girls are one of the most disadvantaged groups from Moldova, facing intersectional discrimination based on gender, class, ethnicity and race. Their social exclusion reduces their access to services, social welfare and employment within the formal economy (Toartă, 2016).

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The government provides a child allowance to working parents under Article 31 of the Law on Indemnities for Temporary Work Disablement and Other Allowance of Social Insurances (No. 289, 2004) and via Article 4 of the Law on Children and Family Protection.

Several programmes supported by the Government of Moldova and implemented with international or regional partners have been launched and are ongoing since 2009 in support of advancing women's entrepreneurship. They further seek to promote state infrastructure and development of legislation and policies, beyond what is currently available, to cultivate and create equal conditions for women's entrepreneurship (Cebotari, 2016). In September 2016, the government of Moldova approved the pilot programme "Women in Business" to support women's entrepreneurship, overseen by the Ministry of Finance. The programme is in step with Article 32 of the 2014-2016 Association Agreement between Moldova and the European Union (Judgement No. 1064).

4. Restricted Civil liberties

a) Citizenship rights

Citizenship in Moldova is based on *jus sanguinis*, guided by organic law, and covered by articles 17-19 of the Constitution. Article 17 guarantees that no one can be arbitrarily stripped of their citizenship. Foreign citizens and stateless persons enjoy similar rights and duties of citizens of the Republic of Moldova (Constitution, art. 19). Under the Law on Citizenship, men and women have equal rights to acquire and convey citizenship to non-national spouses and their children (Article 17(a)). Women and men have the same rights to transfer, acquire and confer nationality. A person can acquire citizenship in five ways: by birth, recognition, adoption, recovery, or naturalisation (Article 10).

Women and men enjoy the same freedom to leave and enter Moldova under Law No. 269 on Exit and Entry (2009). Women and men also have equal rights to register the birth of their children. There are no reports of discriminatory practices affecting these rights.

Article 4 of Law No. 273 pertaining to national identification documents and passports provides that men and women can equally obtain a passport or national ID card in the same way as a man. There are no restrictions in place based on sex or marital status. Several documents are needed in order to obtain a national ID, including an expired identity card and some or all of the following civil status documents: birth certificate, marriage certificate, certificate of divorce, extract of marriage certificate, certificate of change of name and/or surname, birth certificate of a child under the age of 16 years, pension certificate, proof of registration at one's place of residence or a note relative to the issuance of a temporary identity card without registration at the place of residence. For military

personnel, a military ID, civil service ticket, and testimony of a rookie is needed. Minors must be documented in the presence of a parent or guardian and if under the age of 16, must provide: a birth certificate, ID (if available), the ID of a parent, and a medical certificate about their bloodline noted in their birth certificate.

b) Voting

Constitution, article 38(2) permits all citizens of the Republic of Moldova the right to vote at age 18, except for persons banned from voting by law. There are no reports of discriminatory practices that restrict women in exercising their right to vote.

c) Political voice

Chapter II of Law No. 5 (2006) ensures women's equal access to public office, equal opportunities within the electoral sphere and in the activity of political parties, as well as equal opportunities in mass-media. Article 5 (6d) deems affirmative actions to be non-discriminatory.

In April 2016, Moldova's Parliament adopted Law No. 71 which amended article 41 of the Electoral Code (Law No. 1381, 1997) to set a 40% candidate quota – for both men and women – on all electoral lists, for parliamentary and local elections. Candidate lists that breach these conditions will be refused by the electoral authority (Law No. 1381, art. 79(3)). Law No. 71 also made amendments to the Press Law (No. 243) and Broadcasting Code (No. 260) to prohibit sexist language and images in the media and advertising.

Over the years, the number of women appearing on candidate lists for parliamentary elections has increased (Republic of Moldova, 2013). There are very few female leaders of political parties, though women make up close to half of membership (CEC, 2016). Moldova has had two female Heads of Government and Deputy Prime Ministers. Nonetheless, the presence of women in public decision-making positions tapers off as the hierarchical scale increases (Republic of Moldova, 2013). Their share of ministerial positions ebbs and flows from one year to the next – from as low as 5% in 2011 to 27% and 29% in 2009 and 2015, respectively (CEC, 2016).

Women make up 30% of local councillors, and 20.6% of mayors. At the district level, women account for 18.5% of district/municipal councillors, 18.7% of deputy chairs, and 15.2% of District Chairs. In 2015, for the first time, two Roma women were elected to local councils (CEC, 2016).

Roma women are largely excluded from electoral processes and face double discrimination based on gender and their ethnicity (Mihalache and Rusanovschi, 2014). Moldova's Constitution and laws make no mention of multi-sectional/intersectional discrimination or protection of human rights defenders.

For women in Moldova in general, participation in politics is hindered by the perception that politics is a man's domain (Terzi-Barbarosie, 2013). A 2013 report implemented by the Council of Europe found that men within the political system – be it in political parties or those holding public office – are unwelcoming to women wishing to compete with them for leadership positions. Other typical obstacles for women pursuing a role in politics include limited support from political parties, and limited finances, networks and training for campaigning (Terzi-Barbarosie, 2013). For women in

politics, they cite a difficulty balancing the double duties of political and domestic life. Fear of violence, harassment and negative portrayal in the media have also led to women's unequal political participation (Terzi-Barbarosie, 2013). The OSCE noted negative campaign tactics utilised in the 2017 Presidential election, such as the use of sexist language (OSCE, 2017).

d) Access to justice

Article 20 of Moldova's Constitution guarantees access to justice irrespective of sex. Law No. 198 (2007) on State Guaranteed Legal Assistance funds legal services for those who lack sufficient financial means to pay them, but does not make any differentiation in availing funds based on race, nationality, ethnic origin, language, or sex (CEDAW, 2012). Article 6 of the Contravention Code establishes the principle of equality before the law stating that "Individuals who have committed contraventions shall be equal before the law and public authorities and shall be subject to responsibility for contraventions regardless of their race, nationality, language, religion, sex, political membership, property, social origin or any other situation."

Law No. 121 (2012) on Ensuring Equality makes acts of discrimination punishable by disciplinary, civil, administrative and criminal matters (Article 17). The law established a collegial body with legal personality under public law – the Council for Preventing and Eliminating Discrimination and Ensuring Equality (Article 10). Some of its functions include: to monitor the implementation and compliance with legislation on non-discrimination; initiate proposals to amend existing legislation; submit proposals to public authorities to improve behaviour toward persons subject to the law; and investigate complaints of people who consider themselves to be victims of discrimination. The Council can further act as mediator between interested parties and appropriate authorities to find solutions, notify the proper authorities to prosecute crimes, and suggest disciplinary measures to be taken. Articles 13 to 17 of Law No. 121 outline the procedure for submitting a complaint and the appeals process.

Where the Council also has the authority to collect information about the size, status and trends of discrimination at the national level (Article 12(1e)), there is no specific law or policy for the collection of gender statistics. Nevertheless, a decade long UNDP project on Strengthening the National Statistics System has created impetus for Moldova's National Statistics Bureau to systematically collect some gender statistics.

Complaints submitted to the Council notably include discrimination for women seeking police assistance and equal access to the law, victimisation of women by law enforcement for complaining about domestic violence, and limited access to justice for Russian speakers (Străisteanu, 2016). In the latter case, judges refused to examine complaints submitted in Russian, discriminating against women from national and linguistic minority groups (Străisteanu, 2016).

In reality, few women have benefited from the state-guaranteed legal aid law due to the stringent requirements set out within it to establish need (UNHRC, 2016). In the course of criminal proceedings for sexual or domestic violence, it is mandatory for the state to provide a lawyer, free of charge to the aggressor, while victims must organise for their own defence (Străisteanu, 2016). A 2016 NGO report submitted to the UN's Human Rights Council noted that both judges and

prosecutors invoke “settlement” techniques under Article 276(5) of the criminal code that can be dangerous for female victims of sexual or domestic violence. The article allows for termination of prosecution if the victim and aggressor reconcile.

Though there are no legal restrictions subjugating the testimony of a woman in court – cases pertaining to sexual and domestic violence put the burden of proof on the victim. Reports of the passivity of police, prosecutors and judges in the investigation and prosecution of these types of crimes (UNHRC, 2016; USDS, 2014; Mano, 2011) indicate that a woman’s spoken testimony against that of her aggressor does not carry equal weight. Low prosecution rates for sexual offences and poor enforcement of protection orders for domestic violence, have resulted in a number of cases being sent to the European Court of Human Rights, as opposed to being tried within Moldova’s courts. In terms of women serving in the legal profession, Law No. 1260 (2002) regarding lawyers indirectly discriminates against them and reduces their chances of upward mobility in their profession. The Law requires lawyers to have a minimum of five years continuous work experience to qualify as a candidate for a number of decision-making positions (e.g. Chairperson, member of the Commission on admission into the profession, member of the Ethic and Disciplinary Commission etc.). Women who pause to care for children or family members are disadvantaged by this provision and must work longer than their male counterparts to qualify (Străisteanu, 2016).

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