1. Discriminatory family code

Under the country’s Family Code, only marriages conducted by state registration services have legal validity in Moldova. According to article 11, marriage can be contracted based on the mutual, “uncorrupted consent, expressed personally and unconditionally” by the woman and the man who are getting married, provided that they have reached the minimum legal age to marry.

Amendments to the Family Code made in 2008 raised the legal minimum age for marriage for women from 16 to 18; it remains 18 for men. However, the marriage age can be reduced by two years for women and men for ‘good reasons’ and with permission from local authorities. The Family Code specifically says that “reduction of the marriage age shall be authorized by the local government in whose jurisdiction the persons who want to get married reside, based on their application and the consent of minor's parents”.

The official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report notes that an increasing number of children are being born to parents whose marriages are not registered, particularly in rural areas. However, the report states that this is due to changing attitudes, with growing social acceptance of the idea of women having children out of wedlock. Divorce, liberalization of social norms, economic instability and migration are mentioned among the factors that underlie the increasing number of births out of the wedlock. There is a more tolerant attitude among civil society towards the phenomenon of children born out of the wedlock, especially at a mature age.

According to the Moldova National Bureau of Statistics, the share of children born out of the wedlock in 2012 was 22.4%. There has been an increase by 10% in this share during the past 18 years.

According to the United States Department of State, there were no official statistics regarding early marriages, but they were believed to be rare.

According to statistical data, the average age of women in Moldova entering their first marriage is 23 years old, while for men it is 26 years old. The highest number of marriages for 2012 was in the age group 20-24 years old (45.3%). Marriages under the age of 20 years old are more frequent in rural areas:

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1 CEDAW (2011), p.44
2 Family Code, Article 11
3 Amendments to the Family Code, made by Law No. 120-XVI of 29 May 29 2008, article 14
4 CEDAW (2011), p.44
5 CEDAW (2011)
6 CEDAW (2011), p.45
7 CEDAW (2011)
17.1% of marriages registered in rural areas were in the age group under 20 years old as compared with 6.0% in urban areas.

Early marriage affects Romani women and girls to some extent. In particular, the CEDAW is concerned about reports of child marriage in some Roma communities and about lack of systematic action taken by the State party to address this practice, despite legal prohibition of early marriage. Inadequately addressed child and early marriage affects the ability of Romani women and girls to advance.

Under the Family Code, parents have equal parental authority over children during marriage, and following a divorce. Under the law, both women and men can be head of the household. Customary and religious law are not valid sources of law under the constitution, in regard to parental authority or any other matters. According to USAID, the perception that a man is the head of the household and the breadwinner remains strong, despite high levels of male unemployment, and that many households are in fact headed by women, due to high rates of divorce and male migration. The official CEDAW report notes that the unequal division of labour and women’s lower status in the household contribute to women’s limited social, political and economic participation outside the home.

Women have equal inheritance rights in Moldova, as wives and as daughters. Customary and religious law are not valid sources of law under the constitution, in regard to inheritance or any other matters. In practice, land and property is usually inherited by the youngest son in the family, as he is expected to care for the parents in their old age. According to concluding comments, CEDAW is also concerned about information received that following divorce or death of the husband, women are, in practice, often denied their right of inheritance.

More

Women and men have the same rights to file for divorce; however, if the wife is pregnant or the couple has a child under the age of one, the husband cannot request a divorce without the wife’s permission.

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11 UN Women, UNDP, OHCHR (2014), p. 52
12 CEDAW (2013), p. 11
13 UNICEF (2013)
14 CEDAW (2011), p. 11, 44
17 Cozzarelli, Catherine (2011), p. 3
18 CEDAW (2011), p. 39
21 Countries and their cultures – Moldova
22 CEDAW (2013), p. 13
23 Family Code, Article 34
The official CEDAW report (2011) states that in the majority of cases women are awarded custody of children following a divorce. 24

Amendments were made to the Family Code, by Law no.167 of July 9, 2010 and the following language was incorporated in article 37: “if during the examination of the application for divorce, one spouse does not give his/her consent to divorce, the court will defer consideration of the case, setting a deadline the reconciliation of one to six months, except for the divorces started on the ground of domestic violence, confirmed by evidence”. 25

2. Restricted physical integrity

Moldova has not signed or ratified the Council of Europe ‘Convention on preventing and combating violence against women and domestic violence’. 26

Following amendments made to the Criminal Code in 2011, domestic violence is a criminal offence. 27 In addition, domestic violence is addressed under the 2008 Law on Preventing and Combatting Family Violence. 28, 29, 30

The Criminal Code defines domestic violence “any deliberate action or inaction, except actions taken in self-defence or in defence of other persons, whether physical or verbal, that is manifested through physical, sexual, psychological, spiritual or economic abuse or by causing material or moral damage, committed by a family member against other family members, including against minors, or against common or personal property.” 31

The Law on Preventing and Combatting Family Violence defines domestic violence as ‘any deliberate action or inaction, except actions taken in self-defence or in defence of other persons, whether physical or verbal, that is manifested through physical, sexual, psychological, spiritual or economic abuse or by causing material or moral damage, committed by a family member against other family members, including against minors, or against common or personal property’. 32

According to the US Department of State, the Criminal Code of Moldova (article 201) stipulates that the maximum penalties for domestic violence are fifteen years’ imprisonment. 33 Under the Law on Preventing and Combatting Family Violence, civil and / or criminal protection orders can be issued against perpetrators. 34

The official CEDAW report states that the Law on Preventing and Combatting Family violence establishes ‘an institutional framework with concrete responsibilities for the competent authorities, [and provides] for establishment of assistance centres for the victims of violence and mechanism of settlement of

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24 CEDAW (2011), p.11
25 CEDAW (2011), p.46
26 Council of Europe Treaty Office (2013)
27 Law no. 167, amending Criminal Code
28 Law no.45
29 CEDAW (2011), p.14
30 Law no. 45-XVI on prevention and combating of family violence
31 Advocates for Human Rights / Bulgarian Gender Research Foundation / Women’s Law Center (2012)
32 Law on Preventing and Combatting Family Violence, Article 2
33 US Department of State (2013)
34 WAVE (2011)
violence cases’. The Special Rapporteur on Violence Against Women (hereafter Special Rapporteur) also notes that the Law lays out clear guidance in regard to the respective responsibilities of central and local administration authorities in regard to victims of domestic violence.

According to the Special Rapporteur, who visited Moldova in 2008, domestic violence and the impact that it has on women’s lives does not receive appropriate recognition among state officials or wider society, resulting in insufficient infrastructure to support victims. The Organization for Social Cooperation in Europe (OSCE) Gender Advisor, who visited Moldova in 2011, also noted that the law is poorly implemented in practice. In particular, at the district and community level there is insufficient understanding of the law and the responsibilities that it confers on local state authorities, in terms of providing protection and support to victims of domestic violence.

There are also issues in regard to enforcement of protection orders. Criminal charges are very rarely brought. A shadow report to the CEDAW Committee by the Advocates for Human Rights and the Women’s Law Centre makes similar points, as does a report by USAID; both note that failure to allocate funds for services for domestic violence victims has been a serious issue.

According to the OSCE Gender Advisor, domestic violence is still seen very much as a private matter. The Advocates for Human Rights report that this acts as a barrier to reporting, as is lack of faith in the police and justice system. In addition, lack of knowledge that domestic violence is punishable by law also means that few people report it.

According to data from the Ministry of Interior held by the Women Against Violence Europe (WAVE) network, 369 cases of domestic violence were registered in 2011, and 222 protection orders were issued. In addition, 4688 people were the subject of ‘police prevention activities’ in regard to domestic violence.

The Special Rapporteur found that domestic violence cases are not often considered to warrant legal investigation, unless the victim has been seriously injured. Women who do file complaints have to produce medical evidence of the assault: the cost of this, coupled with the fact that few medical staff are trained to deal with domestic assault cases, act as further obstacles to women’s access to justice in domestic violence cases. In her report, the OSCE Special Representative noted that despite the fact that police are trained on how to deal with domestic violence cases, the treatment that women receive from police and other service providers varies in ‘levels of knowledge, skill, and diligence’, and that

35 CEDAW (2011), p.14
36 Human Rights Council (2009), p.16
37 Human Rights Council (2009), p.2
38 Patten, Wendy (2011)
39 Patten, Wendy (2011), p.3, 4
40 Advocates for Human Rights / Women’s Law Center (2013)
41 Cozzarelli, Catherine (2011), p.19
42 Patten, Wendy (2011), p.3
43 Advocates for Human Rights (2011)
44 Cozzarelli, Catherine (2011), p.19
45 WAVE (2011)
46 Human Rights Council (2009), p.9, 20
police rarely initiate cases. A shadow report to the CEDAW Committee by the Advocates for Human Rights and the Women’s Law Centre notes that police often blame victims for the violence, or minimise criminal behaviour in domestic violence cases.

Rape is a criminal offence under the Criminal Code (Article 171).

Marital rape is specifically recognised as a criminal offense in Moldova, under Article 2 of the Law on Preventing and Combatting Family Violence, and the Criminal Code (as amended by Law no.167).

Rape is punishable by between three and twenty years’ imprisonment, depending on the nature of the attack, the age of the victim, and the number of perpetrators.

According to a 2011 article in the Equal Rights Review, prosecution of rape and other crimes of sexual violence focus on the behaviour of the victim, not the aggressor; in particular, according to official guidelines published in 2008, the prosecution must demonstrate that the victim physically resisted the attack. Of particular concern is the fact that in cases of rape and sexual assault committed against an adolescent, the guidelines suggest that where sexual intercourse involves a young person, some sort of physical force may be necessary, given the ‘shyness’ of the teenager.

As noted above, the Law on Prevention and Combatting Family Violence (which covers marital rape) includes clear guidelines for the responsibilities of local and national level authorities in regard to victims of violence.

The Special Rapporteur notes that sexual violence is less reported than other forms of gender-based violence, partly because victims fear that they will be held responsible, and will face stigmatisation.

In 2010, 323 cases of rape were registered in Moldova (an increase of 32.4% on the previous year).

Data from 2006 shows that 24.6% of women reported experiencing physical and/or sexual violence in their lifetimes. Elsewhere, the 2005 Demographic and Health Survey (DHS) found that 4% of women respondents had experienced sexual violence of some form.

According to a 2011 National Survey entitled “Violence against women in the Family”, 19% of women have suffered from sexual violence at least once over the period of their lifetime. Sexual harassment is covered by the 2006 Law on Equal Opportunities. Amendments were made to the Criminal Code in July 2010 to criminalise sexual harassment under Law no.167.

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47 Patten, Wendy (2011), p.3
49 Council of Europe (2009), p.7
50 Human Rights Council (2009), p.16
51 CEDAW (2011), p.14
52 Manole, Olga (2011), p.36-37
53 Criminal Code, Article 171
54 Manole, Olga (2011), p.40
55 Human Rights Council (2009), p.16
56 Human Rights Council (2009), p.9
57 Manole, Olga (2011), p.36
59 Cozzarelli, Catherine (2011), p.18
60 UN Moldova (2011), p. 10
made to the Criminal Code in 2011 (under Law no.167) introduced sexual harassment as a crime under Article 173 of the Code.\textsuperscript{64}

The 2006 and 2013 laws on equal opportunities cover sexual harassment in the workplace.\textsuperscript{65} The criminal code defines the act of sexual harassment and sets the punishment with monetary penalty, community service (140 to 240 hours) or imprisonment of up to three years.\textsuperscript{66}

According to a 2006 survey reported by USAID, 22% of women questioned said they had experienced sexual harassment at work or at school.\textsuperscript{67}

According to a 2011 article published in the \textit{Equal Rights Review}, few cases of sexual harassment are reported due to: women’s lack of knowledge of what actually constitutes sexual harassment; lack of knowledge of the legislation in place, and; employers failing to inform their staff about sexual harassment and its consequences.\textsuperscript{68}

The 2011 article in the \textit{Equal Rights Review} notes that the inclusion of sexual harassment in the Criminal Code is likely to prove unworkable, because of the onus in Moldovan criminal law on the victim to prove that the attack took place.\textsuperscript{69}

The 2013 Law on Ensuring Equality stipulates the establishment of the Council for Prevention and Elimination of Discrimination and Assurance of Equality to oversee implementation of the law, and to hear complaints and impose penalties.\textsuperscript{70}

A report by the Council of Europe notes that members of the judiciary currently receive no training in how to deal with any form of violence against women cases.\textsuperscript{71}

However, the \textit{National Programme on Ensuring of Gender Equality for 2010 – 2015} notes the need to increase public awareness of sexual harassment.\textsuperscript{72} Also, the Programme calls for developing educational programs and methodologies in order to form responsible behaviour among children and the youth.\textsuperscript{73}

There is no evidence to suggest that female genital mutilation is practised in Moldova.

\textbf{More}

In her report, the Special Rapporteur notes that Moldova is considered to be a major source country for women and girls trafficked abroad for the purposes of forced prostitution, mainly to Russia and other parts of the former Soviet Union, Turkey, Romania, Southeast Europe, the Middle East, and the European Union. In 2005, a new Law on preventing and combating trafficking was introduced. However,

\begin{itemize}
\item \textsuperscript{61} Law on Ensuring Equal Opportunities for Women and Men 2006, Article 2
\item \textsuperscript{62} Law on Ensuring Equality, 2012, Article 7
\item \textsuperscript{63} Manole. O (2011), p. 39
\item \textsuperscript{64} Manole, Olga (2011), p.40
\item \textsuperscript{65} Law on Ensuring Equality, 2012, Article 11
\item \textsuperscript{66} Criminal Code, Article 152
\item \textsuperscript{67} Cozzarelli, Catherine (2011), p.15
\item \textsuperscript{68} Manole, Olga (2011), p.40
\item \textsuperscript{69} Manole, Olga (2011), p.40
\item \textsuperscript{70} Law on Ensuring Equality, 2012, Articles 11, 12
\item \textsuperscript{71} Hagemann-White, Carol (2010), p.52
\item \textsuperscript{72} Government of the Republic of Moldova (2009)
\item \textsuperscript{73} National Programme on Ensuring of Gender Equality for 2010 – 2015
\end{itemize}
the law is poorly implemented, and trafficking remains a serious problem. Men and children are also trafficked abroad for forced labour. According to the Special Rapporteur, women trafficked abroad or who migrate illegally are very vulnerable to torture and extreme forms of degrading treatment in countries of destination, and face stigmatization upon return to the Republic of Moldova. Victims of trafficking often withdraw from participating in criminal investigations, either as a result of pressure from traffickers, or because of the insensitive way that they are dealt with by the police. Children left behind with friends or relatives when their parents migrate for work – or with the father when only the mother has migrated – are at risk of being trafficked or abused in other ways themselves. In her report, the Special Rapporteur states that allegations of corruption among public officials are a major constraint to combating trafficking.  

Abortion is available on demand in Moldova.  

3. Son bias

The male/female sex ratio for the working age population in 2013 is 0.98 while the sex ratio at birth is 1.08. There is no evidence to suggest that Moldova is a country of concern in relation to missing women.

More

In 2012, the ratio of female to male in primary school enrolment was 99.8 and 101.6 for secondary education.

4. Restricted resources and assets

Women and men have equal rights to own and access land and property other than land in Moldova. Customary and religious law are not valid sources of law under the Constitution, in regard to land and property rights or any other matters. According to the General Agricultural Census Conform (2011), the share of agricultural farms managed by women is 36.3% and 63.7% by men. Women’s farms are mostly in the age group 65 years old and over (53.3%).

Women’s rights to property do not depend on their marital status or type of marriage. All property purchased during a marriage is owned jointly by both spouses, while each spouse retains individual ownership of any property purchased prior to the marriage.

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74 Human Rights Council (2009), p.8, 11-12, 17, 19, 21  
75 United Nations Department of Economic and Social Affairs, Population Division (2013)  
76 CIA World Fact Book  
77 World Bank Development Indicators Database  
78 CEDAW (2011), p.40  
79 CEDAW (2011), p.42  
82 Family Code, Article 20  
83 CEDAW (2004), p.54
According to a 2006 shadow report submitted to the CEDAW committee, traditional social norms constrain women’s access to, ownership, and control over land, property, and other assets. The official CEDAW report (2011) remarks on a lack of gender disaggregated data on land ownership, but also notes the recent launch of the General Agricultural Census, which will in future provide detailed information on conditions in rural areas, including in regard to land ownership.

Women and men have equal rights to credit and bank loans. In practice, the 2006 shadow report to the CEDAW committee noted that women are often unable to access credit, because they do not have assets that can be used as collateral, and because of high bank and interest charges.

According to financial inclusion data held by the World Bank, 17% of adult women had a bank account in 2011, compared to 19% of men. One survey of conditions in rural areas produced some interesting findings in regard to applying for credit: while in 73% of loan applications, the husband’s name had been on the application (compared to 22% of cases where the wife’s name had been on the application, and 4% where both spouse’s names had been used), 54% of men and 56% of women questioned strongly agreed with the statement that they could not apply for credit without their spouse’s signature. As the official CEDAW report notes, however, there is a lack of gender-disaggregated data on access to credit more generally.

In 2012, 52.23% of recipients of micro-credit were women, according to the Microfinance Information Exchange.

A Women’s Needs Assessment was conducted in 2011 by UNDP. According to the survey, the absolute majority of women (76.1%) had never taken loans, 16% have addressed to banking institutions at least once, and in the case of 7% of the respondents, another person within their family has addressed to obtain credit. High bank interests were cited by both women and men interviewed as constraints to access loans. Women’s lack of credit history is a disincentive for women to apply for loans. Other reasons mentioned were fear that they could not return the amount borrowed, taking into account both that loans are very expensive and uncertainty of income, lack of collateral, lack of stable income. Generally, every third woman does not intend to use credit services because they do not need them. In the same time, 31% of women think they do not have enough income to reimburse the loan later, while 12% indicated the lack of collateral required as a reason. The low level of information is another reason mentioned by 6% of women.

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84 Burca, Elena (2006), p. 9, 18-19
85 CEDAW (2011), p.41, 42
86 CEDAW (2011), p.40
87 Burca, Elena (2006) p. 9, 18-19
88 Miluka, Juna (2009), p.20
89 CEDAW (2011), p.40
90 Microfinance Information Exchange (2013)
91 UN Women (2011)
92 UN Women (2011)
5. Restricted civil liberties

Women and men have the same legal right to free access to public space and freedom of movement, including in regard to choice of residence and the right to leave and return to the country (laws not specified). 93

Women belonging to certain minority groups appear to face discriminatory practices that affect their free access to public space. The Law on Ensuring Equality, which came in at the beginning of 2013, does not include sexual orientation, gender identity, or state of health as grounds for discrimination. Several municipal councils have also brought in bans on the ‘aggressive propaganda of non-traditional sexual orientation’, and on public Muslim worship. 94

Amnesty International reports that discrimination against members of the LGBTI community is common, limiting free access to public space for LBTI women. In addition, Amnesty reports that people living with HIV have faced barriers in access to healthcare, including one HIV positive woman who was refused a hospital operation. 95

There are currently no quotas in place to promote women’s political participation, at national or sub-national level. 96 However, the Organization for Social Co-operation in Europe (OSCE) reports that in 2011 local elections, most political parties met a self-imposed 30% quota for female candidates for local council seats, although not for seats at the regional council or mayoral level 97. In addition, as of 2011, a parliamentary initiative to amend the Election Code to provide for a 30% quota for women candidates on party lists was at the stage of public consultations. 98

In local elections held in 2011, 18.5% of local mayors elected were women. Electoral bodies did not provide gender disaggregated data on elected councillors. 99 Among elected mayors, the share of women only increased marginally from 18.15% in 2007 to 18.51% in 2011; at the councillors’ level, the increase is from 16.48% in 2007 to 18.39% in 2011. As for the proportion of women among Members of Parliament, it remained at 19.8% in 2013100. So despite some progress, more efforts are needed to promote women to key positions. 101

More

According to research by USAID, while the majority of journalists in Moldova are women (including investigative journalists), few women occupy decision-making positions in media organisations. Women journalists report most often on ‘soft’ (entertainment, ‘women’s issues’) rather than ‘hard’ (e.g. politics and economics) news issues. In addition, the depiction of women and men in the media tends to

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93 CEDAW (2011), p.43
94 Amnesty International (2013), p.182
95 Amnesty International (2013), p.182
96 quotaProject (2013)
97 OSCE (2011), p.20
98 OSCE (2011), p.20-21
99 OSCE (2011), p.20-21
reinforce traditional gender roles, with men portrayed in their professional capacity, while women are shown in the context of their private lives. In addition, according to a 2013 report prepared by various Moldovan NGOs, there is a lack of effective mechanisms of prevention regarding gender stereotyping, and sexist advertising continues.

Concerning **workplace rights**, article 8 of the Labour Code prohibits discrimination on the basis of gender in employment.

The Law on Ensuring Equality, approved in 2013, includes prohibition of discrimination in the sphere of work and employment. Amendments were made to the Labour Code in 2010: for example, restrictions such as overtime work, work on weekends and holidays and shift work for women with children under three years old have been lifted.

The Labour Code of Moldova forbids heavy work and harmful working conditions for women, including underground work, with the exception of work in sanitary services and work not requiring physical effort. It is also forbidden for women to lift and carry heavy weights. The list of prohibited activities is found in Government Decision No. 264 of 6 October 1993. This would indicate that women have limited decision-making power on the type of employment that they can do.

Pregnant women are entitled to up to 126 days paid **maternity leave** in Moldova, at 100% of their salary. Maternity leave is financed through the state social security budget.
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