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## **Information for the list of issues for the revision of the Republic of Moldova by the Committee on the Elimination of All Forms of Discrimination against Women**

### **Seventh Periodic Report, 93<sup>rd</sup> session, pre session working group**

#### **Statement of Interest**

The Equality is a public, autonomous authority instituted in 2012 by the adoption of the Law No. 121/2012 on Ensuring Equality.

The Council's mission is to prevent and protect against discrimination, to ensure equality, to promote equal opportunities and diversity.

The Equality Council has the power to promote equality and non-discrimination through information campaigns, awareness raising campaigns, campaigns for training different categories of stakeholders involved in the social, economic, cultural and other spheres.

The Equality Council examines complaints of discrimination and adjudicates there on by adopting a decision that is enforceable. It issues consultative opinions on the compliance of legal acts to the principles and norm on equality and non-discrimination.

The present information was drafted based on the body of decisions issued by the Council and on the analysis of the legal norms undertaken by the body.

#### **National machinery for the advancement of women**

Pursuant to Section 15(b), the Committee recommended the allocation of adequate resources to the Equality Council to ensure the effective implementation of its mandate.

The full independence of the Council is jeopardized by the institutional financial dependence on the Ministry of Finance. While the National Human Rights Programme (2024–2027) provides that funding to be allocated to the Equality Council to support activities related to its mandate—specifically 500,000 lei (approximately €100,000) annually—the stipulated financial resources were not disbursed in either 2024 or 2025.

Furthermore, in 2023, the authorized number of staff of the Council was raised from 20 to 33 positions; however, no corresponding budgetary provisions were made to cover the additional personnel costs.

Notably, the Equality Council has faced persistent challenges in filling vacant posts due to inadequate remuneration levels, which fail to reflect the complexity and significance of the duties performed by its professional staff. To date, the salary scales applicable to the Council's personnel remain unrevised and are much lower than those of other categories of public servants performing duties of comparable complexity. Consequently, employment opportunities offered by the Council remain unattractive. It is also pertinent to highlight that within the Council's directorates responsible for core mandate-related functions, the staff occupancy rate stands at a mere 30%.

## **Temporary special measures**

Under Section 19 (d), the Committee recommended the implementation of temporary special measures to accelerate access to public positions, education, and employment for women from disadvantaged groups.

In 2023, the Law on Paid Internships in Public Service was adopted, granting individuals who have completed a full internship and received an evaluation of "excellent" the right to be appointed to entry-level public positions (not requiring professional experience) without a competitive selection process.

While this legislation mandates that 10% of such positions be allocated to persons with disabilities, it fails to incorporate affirmative action measures for women belonging to national minorities, including Roma women, and women from rural areas, despite explicit recommendations in this regard submitted by the Equality Council.

## **Education**

Regarding Committee recommendation 31 (a), young women tend to select specializations in humanities-oriented fields – 90,7% (philology, political science, social sciences, social work, etc.), which are typically lower-paying than STEM disciplines

where male students predominantly enroll – 66,6%<sup>1</sup>. This gender segregation pattern persists across all levels of higher education. Although recent years have seen a positive trend of increasing female participation in STEM education and subsequent STEM careers, the gender gap remains significant.

Regarding Committee recommendation 31 (d), in 2023-2024 academic year, 10400 students with special educational needs and disabilities were enrolled in the country's educational institutions, including 9900 students in general education institutions and 500 students - in schools for children with intellectual or physical development deficiencies<sup>2</sup>. In 2022 there were 1366 of support teachers.

The Council is concerned about ensuring the right to education for children with special educational needs or disabilities, following the amendments made in August 2024 to the Order of the Minister of Education and Research No. 1388/2023, which established:

- 1 support teaching staff unit for every 10 students with special educational needs and/or disabilities (moderate disability level), or
- 1 support teaching staff unit for every 3 students with special educational needs and/or disabilities (severe or profound disability level).

Educational institutions with more than 641 students may hire 1 support teaching staff unit upon identifying at least one child with disability.

After analyzing data from the National Bureau of Statistics regarding the number of students in educational institutions, the Council found that in 95% of schools, the number of students is below 641. Consequently, children with special educational needs and/or disabilities risk being left without the assistance of a support teacher if the required number of students (depending on disability level) is not met.

Another systemic problem that diminishes the educational choices for women and girls with disabilities and leads to their low enrolment in post-secondary vocational education and tertiary education, results from the Regulation on the organization and conduct of the admission to technical vocational training programs, approved by Order of the Ministry of Education and Research no. 648/2022.

According to the provisions of this Regulation, the candidates with special educational needs, who studied according to an Individualized educational program (which implies a modified curricula to one or more study disciplines) and hold a secondary school graduation certificate with a specific series, are eligible to apply only to secondary technical vocational training programs with the duration of 2 years. In other words, the educational choices for the pupils with special educational needs, that graduated by passing an individualized exam, adjusted to the contents of their modified curricula, are

<sup>1</sup> GENDER EQUALITY INDEX 2024, <https://euneighbourseast.eu/ro/news/publications/indexul-egalitatii-de-gen-2024-stagnare-in-lupta-pentru-egalitate-de-gen-ce-ne-opreste-sa-avansam/>

<sup>2</sup> [https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2023-9460\\_61550.html](https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2023-9460_61550.html)

limited to around 100 most simple qualifications, such as barber, baker, plumber, painter and other.

Subsequently, the Council highlights that the criteria set for admission to post-secondary vocational education and tertiary education do not accommodate the special needs of candidates with special educational needs/disabilities, in order to ensure their participation on an equal basis with other candidates who do not have disabilities.

## **Sex-based discrimination and harassment in employment**

In the context of the Committee's recommendation 32 (d) and 33 (d), the Council notes that, although the Republic of Moldova has ratified the Violence and Harassment Convention, 2019 (No. 190), of the International Labor Organization by the Law no. 440/2023, no effective measures were put in place in order to ensure that any form of harassment and discrimination in the workplace, including sex-based, is disciplinary sanctioned. Thus, although the special anti-discrimination legislation contains provisions that forbid any form of discrimination in employment, only contraventional sanctions may be applied for such deeds. In this respect, prompt procedures and efficient disciplinary sanctions must be established in order to encourage victims to report any form of discrimination, harassment or violence and to ensure their protection against acts of victimization.

The harassment based on a protected ground is one of the most frequent forms of discrimination in employment in the Council's case-law. Since 2020, the Council found harassment of women at workplace based on sex/gender in 4 cases, and harassment of women based on other protected grounds (health status, disability, opinion, trade union membership status etc.) in 5 cases.

## **Dismissal of the elderly which affects women's pension**

Pursuant to the Committee's recommendation 33 (g), the Council highlights that no concretes measures were taken by the state during the reporting period in order to prevent the abusive use of article 86 of the Labor Code by employers and the discriminatory dismissal of older women. Subsequently, since 2020, the Council found discrimination of older women by abusive dismissal on the grounds of article 86 par. (1) y<sup>1</sup>) of the Labor Code in 7 cases. For comparison, abusive application of the same provision against men was found in 2 cases. At the same time, the Council points out that on January 1, 2025 the average pension for women will be 16.3% lower than for men<sup>3</sup>.

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<sup>3</sup> [https://statistica.gov.md/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617\\_61689.html](https://statistica.gov.md/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617_61689.html)

Also, during the Restart reform of the social assistance system, given the lack of resources to remunerate the positions of personal assistants, the local authorities made use of this provision to terminate the individual labor contracts with nearly 200 personal assistants.

## **Social protection**

In respect of the Committee's recommendation 37 (a), the Council notes, with particular concern, that given the fact that women, especially in rural areas, are most likely to assume the care-giving responsibilities of children, family members with disabilities or the elderly women, they continue to be disproportionately affected by the deficiencies of the social assistance system, which amplifies their economic vulnerability. According to data from the Agency for the Management of Highly Specialized Social Services, in 2023, the share of female personal assistants (who care for people with severe disabilities) was 80.0%<sup>4</sup>.

Specifically, with the approval of the Law on the social inclusion of persons with disabilities, in 2013, the Personal Assistance' Service was set up. At the end of 2022, 2713 applications for admission to the „Personal Assistance” service are still not covered, which means that care is provided for persons with severe disabilities outside the system by family members.

In addition, the Council estimated that the real needs of the population in the „Personal Assistance” service are covered at the current stage only in proportion of 32% (number of beneficiaries in relation to the total number of eligible people with severe disabilities). The decisions regarding the amount of financing means of the „Personal Assistance” service are not correlated with the analysis of the real needs of the beneficiaries in assistance services. The decisions regarding the number of approved personal assistants are dictated by the limited financial resources, which leads to the continuation of the practice of hiring personal assistants on a part-time basis, with the establishment of a partial work schedule.

The Council established that in 2022, of the total number of personal assistants, 4941 were employed full-time; 665 per 0.75 unit; 266 per 0.5 unit and 5 people per 0.25 unit. The Council noted that the employment of personal assistants per 0.5 unit or 0.25 unit causes a significant reduction in the amount of their remuneration, a fact that negatively affects particularly people who take care of a family member and cannot earn additional income. All these preconditions lead to a difference in average pensions of 20,2% between women and men.<sup>5</sup>

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<sup>4</sup> [https://statistica.gov.md/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617\\_61689.html](https://statistica.gov.md/ro/portretul-statistic-al-femeilor-si-barbatilor-in-republica-moldova-9617_61689.html)

<sup>5</sup> According to data presented by the National Bureau of Statistics at the beginning of 2024.

The social assistance services sign employment contracts with personal assistants for a period of one year, even if they care for a person with severe disabilities that are not temporary. This practice creates legal insecurity, personal assistants facing the risk of not signing a new employment contract for the next period.

In addition, the insufficiency of the “Respiro” type services, which determines the infringement of the right of personal assistants to paid vacation.

As an alternative to the „Personal Assistance” Service, the state offers a social allowance for persons who take care of the persons with severe disabilities. At the beginning of 2024, 13 200 persons were beneficiaries of care allowances, the amount of which covers the value of existence minimum in proportion of 71%.

At the beginning of 2024, from the total number of social allowances beneficiaries, 20% were children with disabilities, and 40,3% were women.