

Gender Equality Agenda

**Gender Equality mainstreaming proposals
for inclusion in the 2014 – 2018 Governing Program**

Proposals formulated by:

Centrul Internațional pentru Protecția și Promovarea Drepturilor Femeii „La Strada”

Centrul de Drept al Femeilor

Asociația Femeilor Antreprenoare

Clubul Politic 50 la 50

Centrul Parteneriat pentru Dezvoltare

Fundația Est Europeană

Centrul de Resurse Juridice din Moldova

Centrul de Resurse pentru Drepturilor Omului

Centrul pentru Educație Antreprenorială și Asistență în Afaceri

Asociația Promo-Lex

Gender-Centru

Introduction

In spite of the concerted efforts over the last decade – since the adoption of the Equality of opportunity for men and women Law – of public authorities, development partners and Civil Society organizations, the structural issues that affect men and women disproportionately persist: (I) Women's low representation in decision-making bodies has stayed constant over a decade; (II) discrimination of women in the labor market persists and women continue to be overrepresented in the worst paying jobs; (III) women continue to be the main caretakers of children, with minimal involvement of fathers – this status-quo is determined by both public policy and social perceptions; (IV) the number of domestic violence victims continues to grow.

In 2014, the political class of Moldova has shown a total lack of political will. The commitments of the ruling coalition to European values like gender equality have been exposed as mere empty slogans and were not complemented by concrete legislative acts. Two bills promoting gender representation quotas in decision-making bodies and introducing paternity leave have lingered on the Parliamentary agenda for many months. After considerable pressure from Civil Society organizations through protests, civic actions and meetings with Parliamentary party factions, the political class had committed itself publicly to voting and adopting the said legislative proposals. These two bills were voted in Parliament in a first reading in July 2014 and then left in limbo for the rest of the Parliament's mandate – the second reading of the bills was not included on the agenda. Civil society organizations are concerned and disappointed over this proven lack of political will on behalf of the Parliamentary parties. Furthermore, this lack of political action stirs powerful doubts about the European commitments undertaken by the Moldovan political class.

In addition, 5 national-level Women's* Forums took place in the fall of 2014: The Forum of Women Mayors, the Forum of Women Lawyers, the Forum of Women with Disabilities, the Forum of Businesswomen and the Forum of Women Leaders from Rural Communities. At all these events, the women of Moldova proclaimed with one voice the importance of the principle of gender equality and demanded that the political class live up to their European commitments. This document contains the concrete demands that these women have formulated and included in the Resolutions of these events.

* Women from Moldova include Roma, Gagauz, Ukrainian, Russian and Bulgarian women, women with disabilities, black women, homosexual women and women that practice a religion other than the majority Christian Orthodox religion.

I. Participation and Equal Representation

Currently, the level of representation of women in the Parliament of the Republic of Moldova is lower than the European Union, OSCE and global averages. Throughout the last 5 national and 2 local elections, the percentage of women on party lists has not increased significantly. The proportion of women candidates in the 2005 elections was 29%; in 2014 it was 30.5%. Based on this, we can conclude that the political class has not undertaken significant action in the last 10 years to ensure a more equal representation of men and women in electoral processes.

We demand:

(1) That at least one of the highest decision-making state positions (President, Speaker of Parliament, Prime-Minister) be assigned to a woman.

(2) That the criteria of balanced gender representation be applied when nominating political positions in Parliament (Vice-presidents, Permanent Commission Presidents, the Permanent Bureau and Heads of Delegations), Government and other state bodies, like agencies subordinated to Parliament or Government. Also, that this criteria is applied when nominating ambassadors.

(3) That the legislative proposal introducing a minimum gender representation quota be voted in the final reading in the first 100 days of the new Parliamentary mandate. The legislative proposal needs to include: (I) A 40% minimum quota; (II) That the quota be applied for every 5 spots on the candidates' list; (III) That CEC, local and rayon electoral institutions are given the authority to refuse registering political parties as candidates that don't respect these provisions; (IV) that these provisions be applied for the 2015 local elections.

(4) Furthermore, we demand that in the first 100 days of the new mandate, Parliament adopts the legislative package dealing with the financial transparency of electoral campaigns and political parties, as was proposed by civil society organizations. The legislative package needs to include: (I) that 30% of the public funds given to political parties are allocated based on the "more-for-more" principle: the more women and youth the parties include on the candidates' lists, the more public money they receive; (II) Allowing Women and Youth organizations of political parties to utilize at least one third of the allocated public funds to organize activities which promote participation of women and youth in the electoral and political processes.

II. Gender-based Violence and Domestic Violence

Gender-based violence and domestic violence are very grave phenomena that affect many women in Moldova. According to statistical data (National Statistics Bureau, 2011) on gender-based violence, 7 out of 10 women from rural communities and 6 out of 10 women from cities have been subjected to at least one form of violence perpetrated by their partner/husband throughout their lives. Furthermore, 12% of all Moldovan women have suffered from *all* forms of domestic violence.

We demand:

(1) Improving current legislation by introducing the following provisions: (I) That police officers have the authority to issue emergency Protection Orders; (II) A compensation mechanism for victims of domestic violence; (III) A clear and predictable mechanism of funding Protection and Assistance shelters for victims; (IV) Harsher penal measures for perpetrators of domestic violence.

(2) Signing and ratifying the Council of Europe convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) by the end of 2015.

(3) Increasing public funds for extension of services and programs for both victims and perpetrators of domestic violence, so that by 2018, these services are available in each rayon, according to European minimum quality standards – one spot for every 10,000 people.

(4) Developing a clear and ambitious public policy in 2015 in the field of preventing and combating domestic violence. This policy needs to include firm commitments regarding improving: (I) the mechanism of signaling cases of domestic violence; (II) the work of Multi-disciplinary Teams; (III) the Monitoring of the implementation or violation of protection orders; (IV) continuous capacity development for representatives of all relevant public institutions (MAI, LPA, etc.)

(5) Setting up a special department within the relevant ministry to be exclusively responsible for coordinating the implementation of public policy in preventing and combating domestic violence. Furthermore, we demand setting up special units within the Ministry of Internal Affairs, General Prosecutor's Office, Ministry of Health and Local Public Authorities, to deal exclusively with domestic violence and gender-based violence cases.

(6) A firm commitment from the Government to publish an annual report dealing with domestic violence and gender-based violence. Furthermore, we demand that this report engages all relevant institutions and is made public in the first quarter of the subsequent year.

III. Labor Market

Legal provisions and policies that at one time were meant to “reward” women for their disproportionate role in caring for children, are now discriminating women on the labor market, especially in the current context when society has come to grasp the importance of a healthy work-life balance and of involving fathers more in rearing children.

Two facts illustrate perfectly the imbalance in public childcare leave policies: although Moldova has the longest period of paid childcare leave of all the European Union countries, it also has the lowest fertility rate. Thus, the current legal and normative framework: (1) doesn't motivate young families to have more children; (2) discriminates women on the labor market; (3) leads to considerable gender gaps in salaries and pensions; (4) doesn't encourage women with children to re-enter the labor market, leading to a deterioration of their professional skills; and (5) doesn't encourage fathers to get involved in childcare.

We demand:

(1) The voting and adopting in the final reading of the legislative amendments introducing paternity leave, which will include: (I) 14 days of paid leave for fathers within the first 100 days of childbirth; (II) this leave to be paid from public funds; and (III) that the leave payment is 100% of the father's salary.

(2) Amending the Education Code in 2015 so that nurseries (crèches) are financed from public funds starting with 2016, together with a firm commitment by Government that this service be available in all regions of the country by then.

(3) Amending the legal framework that stipulates childcare leave policies by 2016. Childcare leave reform will encompass the following elements: (I) rule out the provision for additional unpaid leave for when the child is 3-6 years old; (II) reserve a minimum of 2 months of paid childcare leave for fathers / if the family doesn't use up these 2 months, they lose them; (III) consider the option of decreasing paid childcare leave – according to current legislation, either parent can take paid childcare leave up until the child is 3 years old / this option will be considered together with bullet point (2) – guaranteeing access to nurseries; (IV) modify payments throughout paid childcare leave so that: women receive decreasing payments the more leave they take, so they are motivated to re-enter the labor market; while men receive increasing payments to motivate them to take-up more childcare leave.

(4) A substantial reform of the pension system to include: (I) gradual equalizing of the retirement age for men and women; (II) modifying the way that time spent in childcare leave is taken into account, when calculating the pension amount – right now, persons who decide to take childcare leave are penalized when it comes to calculating their pensions; (III) a gradual equalizing of the length of service required for a full pension, for men and women.

(5) That the Government approves a series of regulations outlining the specific anti-discrimination procedures (provisions which would prevent discrimination in hiring, establishing remuneration, promotion and access to benefits) that need to be implemented by all employers, especially those with more than 50 employees.

(6) An update to the Register of Professional Abilities and Skills, so that all profession titles can be declined in both masculine and feminine.

(7) That the time spent by women or men caring for persons with disabilities at home is counted towards the mandatory length of service for salary and pension entitlements.

IV. Women Entrepreneurs

Moldovan women make up 27% of executive directors of private companies in Moldova. A majority of them (85%) live in urban areas and 60% live in the capital (according to a 2013 study by the National Confederation of Employers). Businesses headed by women are relatively small in terms of number of employees and profits. This allows women entrepreneurs a greater flexibility to combine professional duties with household and childcare chores. A majority of women entrepreneurs own businesses that provide: consulting, training, advertising, tourism and trade services, light industry and manufacturing.

There are several types of barriers that women entrepreneurs face: *contextual barriers* – refer to women's business skills, mentality, social perceptions and lack of role models; *financial barriers* – refer to insufficient access to financial resources for women entrepreneurs, both experienced and those just starting up, and a lack of programs/grants financing women's business development; *soft barriers* – refer to entrepreneurial skills, access to business-management capacity development opportunities and information sources.

We demand:

- (1) That the Ministry of Economy, in partnership with other ministries, agencies, development partners and business associations, develops and enacts a Women's Entrepreneurship Program (Strategy) in Moldova. The Program will include an action plan with a clear set of activities and appropriate financial resources allocated.
- (2) Setting-up a financial product to guarantee loans taken out by women entrepreneurs (businesses where a woman is the administrator and one of the co-founders) with a 0% interest rate. Furthermore, we demand that this product is set-up as part of the State Credit Guarantee Fund, managed by the Organization for the Development of Small and Medium Enterprises.
- (3) Setting up a revolving Fund for issuing loans to women entrepreneurs, especially those starting-up their businesses in rural communities. Furthermore, we demand that the loans issued have a preferential interest rate to cover administrative expenses; and that the Fund is consolidated through state funds and topped-up by development partners.
- (4) Including a component to support and develop women's entrepreneurship, into the Small and Medium Enterprise Development Strategy for 2012-2020, approved by Government decision nr. 685 on 13.09.2012.
- (5) Establishing a capacity development and mentorship program for businesswomen, based on their needs for personal and entrepreneurial development and for fostering partnerships.
- (6) Gathering relevant statistical data and publishing a study on the impact of women-lead businesses on Moldovan development.
- (7) A more active involvement and consolidation of business associations promoting women entrepreneurs through setting-up a permanent dialogue/coordination platform to discuss activities and policies affecting women entrepreneurs. This platform will also engage representatives of public authorities and NGOs promoting women's entrepreneurship.

V. Gender Equality Institutions and Procedures

The institutional framework for ensuring gender equality is inefficient. This leads to a superficial implementation of policies in this field, while the majority of national strategies are adopted without taking into account gender equality.

Some of the greatest challenges in this respect are: (1) the low degree of accountability of public agencies/institutions to implement gender equality mainstreaming; (2) the low capacity to understand and formulate various policy options that impact women and men differently; (3) a very weak mechanism of monitoring and holding public institutions accountable for implementing gender equality mainstreaming.

We demand:

(1) Establishing a Parliamentary commission with clear responsibilities for ensuring and promoting gender equality – also, that this formulation or an equivalent is used when naming this commission. The commission responsibilities will include: (I) mandatory endorsement of all relevant, from a gender-equality impact perspective, legislative acts; (II) annual hearing of all central public authorities on the progresses in implementing policies and international commitments relevant for gender equality (CEDAW, UPR, MDG, etc.)

(2) Including the following formulation – *for ensuring gender equality* – or a similar wording in the name of the relevant ministry.

(3) Institutionalizing gender units in all ministries, starting with 2016. These units will have the following responsibilities: (I) they will be full-time employment, at least in the ministries responsible for: Internal Affairs, Economy, Education, Health, Social Services and Labor Market; (II) they will be based within the monitoring and analysis departments of said ministries and will function according to clear regulations; (III) their main duty will be to integrate the principle of gender equality in all stages of the public policy making cycle.

(4) That the Government adopts the Regulation on ensuring gender equality in 2015 (the regulation provides for integrating the gender, disability, poverty, age and other perspectives). This Regulation will provide for integrating the “equality of opportunity” perspective into the process of policy making, and also in the drafting of the budget. The Government will introduce a mandatory provision stipulating an analysis of the impact on “equality of opportunity”, for drafting and evaluating all relevant public policies.

(5) Empowering the Council for Preventing and Eliminating Discrimination with the prerogative to sanction perpetrators. European standards in this field, specifically Directive 43/200/EC, encourage creating independent institutions with a comprehensive and efficient mandate to ensure the efficacy of implementation of anti-discrimination legislation. Also, these standards stipulate that the national institution with the mandate to prevent and combat discrimination (the Council, in Moldova’s case) needs to have the authority to sanction perpetrators in discrimination cases.

(6) That the Government publishes an annual Report on Gender Equality and presents it to the public no later than the first quarter of the subsequent year.

(7) That the National Statistics Bureau disaggregates all data by gender