

Discrimination against women found in the first case submitted against Moldova at the UN Committee on the Elimination of Discrimination against Women



The Promo-LEX Association announces the first case from the Republic of Moldova in which the UN Committee on the

Elimination of Discrimination against Women (CEDAW) has found the existence of discrimination, following from a lack of intervention in a case of domestic violence.

The plaintiff was born in 1959. She was a victim of domestic violence during a significant period of her life, but her complaints against her abuser did not come to anything. Criminal proceedings were begun regarding the complaints, but, repeatedly, they were suspended after a while. Eventually, the criminal case was closed because of the expiration of the

statute of limitations. The plaintiff maintained that the authorities of the Republic of Moldova violated the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

On 10 March 2017, CEDAW made public the text of its recommendations adopted on 2 March 2017. The text contains the findings and conclusions of the Committee, that the Republic of Moldova did not fulfill its obligations and therefore violated the rights of the plaintiff under articles 1, 2 (a), (c), (d), and (e), 5 (a), and 16 of the Convention. The Committee decided that the authorities should take immediate and effective measures to guarantee the physical and psychological integrity of the plaintiff and that she should receive reparations proportional to the physical and psychological damage caused.

The Committee recommended modifying legislation so that it does not contain rules that are discriminatory toward victims of domestic violence, who are most often women. At the same time the Committee appreciated that the authorities are open to modifying the relevant legal framework. By accepting the competence of CEDAW to examine individual cases, the Republic of Moldova has also assumed the obligation to act in good faith, which means the obligation to take appropriate measures and to recover the reparations due to the plaintiff. Therefore, along with the need to fulfill general obligations, the state will need to pay reparations to the plaintiff. CEDAW has previously set moral damages comprising between 2500 and 5000 Euros for victims of discrimination.

The Optional Protocol entered into force for the Republic of Moldova on 28 February 2006. Up to now, only 3 complaints against the Republic of Moldova have been registered before CEDAW, and the one described above is both the first complaint registered and the first found in the favor of the plaintiff.

The additional protocol of the CEDAW was ratified by 189

states. Overall, CEDAW has registered only 113 cases since 2003. The CEDAW has found violations in 24 cases, a lack of violations in 2 cases, 35 cases have been declared inadmissible, and in 10 cases proceedings were closed. At the moment only 42 cases are pending.

The plaintiff was represented by lawyers and legal experts from the Promo-LEX Association.

The complete text of the Recommendations can be found [here](#).

The press conference can be followed on Privesc.eu.

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¹The CEDAW Committee acts on the basis of the Convention on the Elimination of All Forms of Discrimination against Women, an international treaty adopted in 1979 by the General Assembly of the United Nations. The Treaty was ratified by the Parliament of the Republic of Moldova in Decision nr. 87-XII on 28 April 1994.