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Women's participation in democratic transition*

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* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

General Considerations:

a) Perestroika. A chance or a challenge?

Sandwiched between Romania and Ukraine, Republic of Moldova emerged as an independent state following the collapse of the Soviet Union in 1991. Gorbachov's perestroika saw an explosion not only of the Soviet empire, but also of the Soviet social conscience. Transition found the people of Moldova psychologically and morally unprepared for such radical change. If during the Soviet period people did not need to think about their future, enduring poverty as something pre-destined and thankful for their wages, however low. But after the fall of the system, which had seemed so permanent and imperturbable, people found themselves at the mercy of destiny.

Restructuring processes were unleashed without well-established plans, without clear mechanisms for implementing structural changes, without a planned system of social, economic and psychological protection, without skilled staff and without the genetic memory of private ownership and independent leadership, the result of over 50 years of totalitarian dictatorship. Overnight, the entire population found itself in a strange new society, in which totally different rules and laws operated.

Unfortunately, during such unstable transition periods the ugliest social patterns come to the fore. We are now witnessing more corruption than we ever had before, the promotion of false values, a lack of culture in all areas of economic, political and social life, and processes affecting the whole of society such as unemployment, social stress and a drastic decline in living standards.

Today Moldova is one of the poorest and most corrupt countries in Europe. In 1994 the UN Human Development Report had Moldova in 75th place, in 1995 in 81st place, in 2002 in 105th place, in 2003 – 113th place, in 2004 – 115th place. The national economy is in a mess, GDP has been falling steadily, the shadow economy is 60% from GDP, and external debt is about 80% of GDP.

Living standards in the Republic of Moldova remain among the lowest in Europe and official data on the rate of unemployment do not reflect accurately the true state of affairs. According to the available data, emigration of the labor force from the Republic of Moldova to the West is estimated at between 600,000 and one million citizens.

Changes that occurred in the Moldovan economy had a negative impact on women's participation in the labor market, increased the difference between incomes of women and the ones of men, while social assistance and prosperity considerably declined. Consequently, as a result of these changes, the women's condition became more vulnerable, and their economic situation worse.

b) Gender and transition

Prior to considering the aspects of the transition, it is essential to recognize that gender is central to understanding the transition process. Of course, gender equality plays an important role in growth, employment and poverty reduction, and cannot be ignored. The fundamental policy changes associated with the transition process are likely to affect men and women differently because of their different positions, roles, and responsibilities in society. The unequal treatment of men and women cannot only be questioned on human and equity grounds but is also economically inefficient. As a result, the development of effective economic policies requires gender analysis and the mainstreaming of gender into the development of the policies themselves, including the budgeting process.

It is unfortunately the case that the statistics necessary to adequately incorporate gender into the analysis of the transition, and into pro-poor growth, do not for the most part exist in Moldova. With some exceptions, the data that disaggregate between men and women are the common-place statistics that one finds in even the least gender-sensitive countries: mortality rates, life expectancy, school enrollment, for example (Economic Policies for Growth, Employment and Poverty Reduction: Moldova in Transition. UNDP, 2005). An assessment would make expenditure and taxation trade-offs for benefits to men and women more transparent. One reason that discrimination against women in budgets continues is that the gender impact of expenditures and taxes are hidden, making public debate impossible. There are standard methodologies for such assessments, which for several donors and lenders are mandated in their assistance programmes.

II. Conditions determining the level of representation of women

a) Constitutional provisions. Discrimination-non-discrimination

Although the Art. 16 provides for the equality of all citizen before the law and public authorities, including on grounds of sex, the Constitution of the Republic of Moldova does not reflect the definition of discrimination which prohibit both direct and indirect discrimination. The economic and social rights in the Republic of Moldova are guaranteed by some articles of the Constitution. The Chapter II “Fundamental rights and freedoms” contains several provisions related to both economic and social rights. Under art.43 of the Constitution the state ensures the right to work and of access to work: “every person has the right to freely choose his/her work, and to benefit from equitable and satisfactory working conditions as well as to be protected against unemployment”. All employees have the right to work protection. In this respect the protective measures will bear upon work security and hygiene, working conditions for women and young people, the introduction of minimum wages across the national economy, the weekly period of rest, the paid holidays, difficult working conditions. Articles 44-47 guarantees the rights: to be protected against compulsory work, to possess private property and debts, to inherit private property, to strike, to receive the social assistance and protection, to be ensured against unemployment, disability, old age.

At the same time, there is no anti-discriminatory law in Moldova, forbidding discrimination in the field of labor, social security, education, housing, care, in the sphere

of private and public contracts etc. This lacuna is a serious obstacle to an effective system of gender legislation.

The Parliament in 1998-2001 was receptive to the problems of gender equality, adopting a new gender vision in the amendment to Article 9 of the Law on Parties and Other Social and Political Organizations, adopted on 22 October 1998. New paragraph 6 was formulated in the following way: "Parties and other social and political organizations shall promote the principle of equality between men and women in decisional bodies on all their levels".

There have been attempts to propose amendments to the Electoral Code (Article 67. Special conditions for lists of candidates), but neither in the parliament in 1994-1998, nor in the one from 1998-2001 these proposals for amendment gathered the necessary number of votes. The amendment consists in the following: "Representatives of both genders shall be present in the lists of candidates in the proportion of at least 30%". This amendment perfectly corresponds to Article 4 paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women, that stipulates the principle of "positive discrimination": "Adoption by state of special measures meant to accelerate the instauration of a true equality between men and women is not considered a discriminative act under the present Convention." Thus, repeated attempts of the Subcommittee for Equal Opportunities (1998) and the Club of Parliamentary Women (1999) to introduce European practices of elimination of discrimination against women in the national legislation were not successful, and although the above-mentioned Convention had been ratified by the Parliament in 1994 it is not respected because its requirements have not become a part of the national legislation.

b) CEDAW recommendations

Despite all constitutional provisions regarding equal rights, we still can not conclude that *political will* regarding gender equality policy became a reality in the Republic of Moldova. We should mention that the main recommendations of the CEDAW committee weren't respected. The Committee is concerned about the lack of an overall, mainstreamed policy for the achievement of gender equality, which contributes to the disproportionately heavy burden of the effects of transition borne by the women of Moldova. Now, after 5 years after the reporting (JUNE, 2000), we can note that the recommendations of Committee did not become a reality. Such provisions as "The Committee recommends that the Government take urgent action to put in place mainstreaming gender equality policy to promote equality between women and men in all areas, and in particular in the economy, in political and public life, and in the family. The Committee emphasizes that a gender equality policy in accordance with the Convention will require a new approach in Moldova that focuses on women as individuals and active agents of change and claimants of rights" are respected just partially. During 1998-2001 the Subcommittee for Equal Opportunities existed in Moldovan Parliament (Human Rights Committee). This subcommittee (led by MP, dr. Ala Mindicanu) provided successfully some amendments on gender issues (Law on political parties, Law on public

administration etc), organized 3 ministerial meetings with gender focal point representatives in order to elaborate a mechanism for the implementation on gender equality policies. Unfortunately the Parliament elected in 2001 closed this subcommittee. The Second Periodical Report published, but not provided to CEDAW Committee, contains the same weaknesses as the Initial one – no strategy on gender mainstreaming.

c) Gender legal provisions

There is only clear gender provision in Moldovan legislation today: Law on political parties adopted on 1999, art.9: “The parties respect the principle of gender equality in their decision making bodies at all levels”. Unfortunately, no punishment for the infringement of this provision is provided in Moldovan legislation.

We should mention that some legislative provisions in last years changed in a worse way for women rights. Thus, the gender issue from the Law on Local Public Administration (the duties of local councilors on gender issues, included in art. 12 and 18) has been excluded from the new version of the law on 18 March 2003. All gender centers opened in the country during last 4 years (Decision of governmental committee for Women Issues, 21 April 1999) have been closed or act illegally.

According to the recommendations of CEDAW Committee (12-30 June 2000, on Moldovan initial report), “ the Committee calls on the Government to encourage a constitutional amendment to incorporate equality on the basis of sex in the Constitution and to reflect fully art.1 of the Convention in the Constitution. It requests the Government to clarify the status of the Convention in domestic law, and to ensure, through legal education and continuing professional training, that judicial officers are aware of the Convention. None of those recommendations have been respected yet.

On 18 August 2004 the Government postponed again (for the second time in 2004) the submission of approval of the draft of the Law on gender equality (UNIFEM project). The motivation for the adjournment was the article on the quota issue (30% representation for both gender in decision-making bodies and in the list of candidates for the elections). Just on May, 23th 2005 the draft of Gender Equality Law was adopted in first reading under big pressure of the international community, without a clear chance to become a real Law in the near future.

Speaking about political will of the governance, we should recognize that gender equality is not yet a priority for the state policy. Because the democracy means also the respect for human rights, including women rights, we can conclude that the Republic of Moldova, from this point of view, are not yet a real democratic country.

d) National machinery in gender equality

According to the “Plan of Primordial Actions Regarding the Improvement of Women’s Situation and Increase of their Role in the Society”, adopted by the Government on the 15th of January 1998, the conception of gender equality should have

been elaborated and implemented in the years of 1998-1999. Unfortunately, this conception has not been defined, and the ministers and departments referred to in the Decision nr.39 have not received any money for this kind of activity and, respectively, have done almost nothing. Practically, those 25 paragraphs of the Decision were left on paper. As well as was left on paper the government's obligation to adopt a National Program in the domain. After elections 2005 the new government "lost" the Ministry of Labor, so the Section responsible for gender Equality is lost either.

The new Criminal Code came into force on 12 July 2003, has an art. (176) which stipulates that " any infraction of the rights and freedom of citizen based on gender, race, color, language, religion, political or other opinion, national or social origin, belonging to a national minority, property or other situation: Committed by official,Entailed serious consequences..." Nobody used so far this article to protect his (her) rights.

There are not any provisions for gender equality issues in the annual national Budget like some articles for the support of the National Plan on Promotion of the human gender in the society for the 2003-2005, or some specific policies as any tax facilities for respecting gender equality conditions owners etc. Because women are involved mostly in the social sphere, we can find that, despite the fact that women represent 51,4% of employed population, their weight in the national Budget is insignificant - 12,1%.

The scale of living in the Republic of Moldova remains one of the lowest and official data regarding the rate of unemployment does not reflect the true state of matters almost at all. The data regarding the massive emigration of labor forces from the Republic of Moldova to the west varies between 600 thousand and one million citizens. The women constitute more than 60 per cent from this number. This avalanche of illegal migrants (who were never and by nobody registered) was especially applied in the field of services (nursing, constructions, seasonal agricultural works, tourism, entertainment etc), that are paid badly and these employees are not protected by the legislation of the corresponding states.

The impact of women's participation on policy outcomes

a) Women in Parliament

During the soviet period women had a constant percentage of their presence in the Supreme Soviet, which was 33% (ignoring the fact that their representation in those old times was purely formal and had a propagandistic character; women did not take part in the truly decisional body- the Political Bureau of CC of CPSU).

Events that followed after the year of 1989, having released the latent dispositions and mechanisms of the society, lead to a decrease of women's number in the elective bodies. At the same time we can see that this process is in tendency of losing its intensity. Unfortunately, even in the general election-2005 gender issue was not the priority of political parties. Only Christian Democratic Popular Party provided 50% of women in the

candidates lists. The rest of electoral actors introduces less than 30% of women in their lists. Nevertheless last general election (6 March 2005) gave us the best result on gender presence in Parliament: 21 women among 101 MPs. Not enough, but much better than before (1990 – 3,8%, 1994 – 4,9%, 1998 – 8,9%, 2001 – 15,9%). During 2001-2004 a big project “Women Can Do It” of the Pact of Stability in South Eastern Europe was developed in the Republic of Moldova. Thousands of women were trained to be self-confident, to run for decision-making positions, to realize their role in the society. Now there are a lot of well trained women in Moldova, unfortunately, this fact is not enough for big changes. General patriarchal mentality is still leading here, at all levels of decision making.

b) Women in Government

Women’s presence in the Government of the Republic of Moldova was significant neither during the soviet period, nor after the achievement of independence. And in the past, as well as now, women were not but occasionally advanced in the executive bodies. As we can see, if women presence is growing up in Parliament, In the Government (the place of real decision making) their presence not exceed 1-2 persons and represents: 1980 - 10% (3 out 30), in 1990 – 7 (1 out of 13), in 1994 – 0% (0 out of 20), in 1996 – 0% (0 out of 17), in 1999 – 6% (1 out of 15), in 2001 – 11% (2 out of 18), in 2005 – 13% (2 out of 15). These figures show that our society did not change too much its understanding of importance of gender equitable representation in decision-making bodies for democratic process.

Women’s participation in democratic transitions

Women represent 52,3% of the population and 51.3% of labor force. Despite their presence and activity in economic and social life, the salaries of women represents 71,9% from men’s salaries because of their very poor representation (4%) in well paid spheres (decision-making, financial bodies etc). As a general rule, women occupy jobs requiring a lower level of professional skills and qualifications than men.

Changes that occurred in the transition economies had a negative impact on women’s participation in the labor market, increased the difference between incomes of women and the ones of men, while social assistance and prosperity considerably declined. Consequently, as a result of these changes, the women’s condition became more vulnerable, and their economic situation worse. One of the main problems confronting women is unemployment. Women make up more than 60% in the number of unemployed of the republic (official statistics, varying between 35-40 thousand- are very far from reflection of a real number of people who lost their workplaces). Part of the reason for this situation is lack of state regulation of this problem, and the other part of the reason is the people’s distrust in the ability of the state to offer them another job, which is manifested in their reluctance of declaring their availability to the labor registry offices.

The economic crisis caused mainly by restructuring and privatisation predominantly affects women. According to information provided by the Archive of the

Department of Statistics, the rate of unemployment. 1998 for women was 17.8%, compared with 10.2% for men. This figure for women represents a significant increase in women's unemployment since 1994, when it was only 8.9%. Official data in 2004 show that rate of women unemployment is 12%. Today is practically impossible to find out a real figures about unemployment, because the migration (more than 600.000 people) is not considered as an consequence of unemployment.

The problem with rights for women very often causes a serious barrier as to their economic position on the labor market employers are discouraged to hire women as employees, because women cause more 'trouble' or "cost more money". As a consequence, employers will prefer male employees. The legal clauses that forbids them to do so is often infringed.

Women's participation in local government

There are not big differences from women representation in the national and local decision making bodies. According to our statistics, in 1980 women were represented much better in local governments: 49,8%, in 1985 – 50,4%, than, after 1990, the situation dramatically changed: 1990 – 35% of councilors and 13% of mayors, 1996 – 39,2% councilors , 10.03% mayors, in 1997 – 9,7% councilors, 8,74% mayors, 2003 – 10% councilors, 15% mayors. Growing number of women mayors is the result of "Women Can Do It" project (2001-2004). This fact shows that the education at local level can increase women presence in decision making bodies at both local and national levels. Very important figure is that women voters constituted 58.9% at local elections in 2003. It shows that there is a big potential for democratic process among women. Women should realize their power. Democratic education is crucial for post-totalitarian society.

Conditions under which political bodies commit to gender balance and gender mainstreaming in processes and outcomes

It is interesting to investigate women's participation in the activity of political parties. Unfortunately, the official statistics usually pass over the level of women's participation in political processes. For example, one of the requirements of the Ministry of Justice for registration of parties is the list of members containing the information about their year of birth, their domicile, their number of identity card, but not their gender. This situation is characteristic almost for all state bodies, what denotes an absence of the state interest towards the situation and the role of women in the society.

Another way of promotion of the principle of equality between men and women in political sphere is the introduction of representation rates in the Bylaws of parties. The principle of parity (50x50) was introduced and is respected in the majority of European parties. Unfortunately, our parties do not respect the above-mentioned amendment to the Law on Political Parties. A fortunate exception is the Social –Liberal Party, which has in its Bylaw a special article of the following content: Article 18."The party respects the

principle of gender equality in its decisional bodies on all levels. Representatives of both genders shall be present in the lists of candidates for elections on a proportion of at least 30% “. Other example is art.5 of Democratic Party, Program on the same issue.

Today in the Republic of Moldova women who show their willingness to take part in the political life must involve in the activity of parties, get promoted by parties, reach the decision-making bodies and then be included in the electoral lists. Due to the fact that the existing factors of decision promote mostly themselves, or those “convenient” and obedient, women are most often left outside the competition, or get places after the first ten. Rare exceptions only confirm the rule. Only after the acknowledgement of the role that women can and should play in a democratic society, they can overcome political handicap.

Conditions under which women work across party lines, including with male allies.

The cooperation between women NGO, between women from different political parties, between women in decision making is the question of future – women solidarity is not to easy to create. We have some examples of such cooperation, but without big impact on the women representation in decision-making. Thus, in 1999, after the training “Women in leadership” provided with women MPs by SIDA (Swedish International Development Agency), a Women Club was created in Parliament, uniting all 9 MPs. Unfortunately, those MPs couldn’t provide some concrete changes in the legislation. More than that, even some of MPs provided any amendments on gender equality (Electoral Code), MPs from other fractions did not vote!

There are some active NGOs and alliance between women NGOs, which appear before elections, provide some activities, based on grants, but do not continue their activity after them.

One of the main problems for women empowerment is our **Electoral Code**. Whole country is only 1 constituency. The president of the party is the real owner of its list. There are no any possibility for women to run for the parliament avoiding parties leaders acceptance. This is the way for mind corruption, for lack of solidarity and for women “outsiders” role (is very difficult to compete with powerful men).

There are not men allies for gender issues in Moldova. They use the democratic terminology, but they do not provide any of those rights (human, women etc) in fact. Unfortunately, gender equality can become a real policy in the Republic of Moldova only under international pressure and long term education programs.

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