

## **ECONOMIC GENDER EQUALITY IN MOLDOVA: LEGAL CHALLENGES**

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**Abstract:** Economic gender equality is a pivotal issue in the Republic of Moldova, where significant disparities continue to exist between men and women in terms of income, employment opportunities, and access to resources. This abstract addresses the legal frameworks and policies currently in place in Moldova aimed at promoting gender equality in the economic sphere. The study explores the effectiveness of these laws, highlighting both successes and areas of persistent inequity.

The research employs a mixed-method approach, combining quantitative data analysis of gender disparities in economic indicators with qualitative assessments through legal case studies and policy reviews. The purpose of this study is to identify the legal obstacles that hinder gender equality in economic relationships and to propose legal reforms that could enhance equity.

Preliminary findings suggest that while Moldova has made strides in aligning its legal system with international standards on gender equality, enforcement remains weak, and cultural norms continue to perpetuate gender biases in the workforce. The study concludes with recommendations for improving legal enforcement mechanisms and promoting gender-sensitive economic policies.

**Keywords:** Gender Equality, Economic Law, Moldova, Legal Reform, Gender Inequity

**JEL Classification:** K38, J16, D63

### **1 Introduction**

Economic gender equality is not only a fundamental human right enshrined in international frameworks but also essential for achieving social justice and sustainable development. As outlined by the **Council of Europe** according to the 2030 Agenda for Sustainable Development's 17 Sustainable Development Goals (SDGs), gender equality forms the bedrock of democratic development, poverty reduction, and the achievement of the **UN Sustainable Development Goals (SDGs)** (United Nations, 2020). In Moldova, despite legislative strides aimed at promoting gender equality, significant gaps persist between the de jure (law) and de facto (practice) realization of these goals, especially in the economic sector (Findlaw, 2020).

Gender inequalities manifest in various dimensions of economic life in Moldova, including employment, wage gaps, and access to entrepreneurial opportunities. For instance, while Moldova's legal framework mandates equal pay for equal work, data consistently show that women earn less than men across many sectors. According to a 2022 report by the **World Economic Forum** (World Economic Forum, 2022), Moldova ranks 32nd in terms of gender parity in economic participation, highlighting the disparities that continue to exist in wages, career progression, and leadership

positions. Laws such as Moldova's **Law on Ensuring Equal Opportunities for Women and Men (2006)** aim to ensure formal equality in all sectors of life, including employment and public participation. However, legal frameworks alone are insufficient to close the gender gap, particularly in a society where traditional gender roles continue to influence perceptions of women's economic roles. A 2020 study by **UN Women** highlights that Moldovan women continue to disproportionately shoulder unpaid care work, which limits their participation in the formal economy (UN Women, 2020). Moreover, institutional weaknesses, including underfunded monitoring bodies and inadequate judicial enforcement, further hinder the translation of gender equality laws into concrete progress. This paper explores the legal and cultural challenges to achieving economic gender equality in Moldova. Specifically, it will analyze the national and international legal frameworks designed to promote gender equality, assess the enforcement mechanisms in place, and examine the cultural and institutional barriers that undermine progress. By drawing on case studies and international comparisons, the study provides recommendations for enhancing the efficacy of Moldova's gender equality laws.

## **2. Legal Framework on Gender Equality in Moldova**

### **2.1 National Legislation**

Moldova's **Law on Ensuring Equal Opportunities for Women and Men (2006)** stands as the cornerstone of the nation's legislative framework for promoting gender equality. The law mandates that men and women must have equal access to opportunities in education, employment, and public life (Transparency International Moldova, 2020). It also establishes mechanisms to monitor and combat discrimination, including the creation of specialized institutions, such as the **National Council for Preventing and Eliminating Discrimination and Ensuring Equality**.

Additionally, the **Labor Code** of Moldova includes specific provisions aimed at protecting women from discrimination in the workplace. For example, it guarantees equal pay for equal work and prohibits the dismissal of women due to pregnancy or maternity leave. However, a 2021 report by the **International Labour Organization (ILO)** pointed out that Moldova continues to face challenges in implementing these protections, particularly in private sector industries where enforcement is weaker (International Labour Organization (ILO), 2021). For example, despite legal provisions, there is a persistent wage gap between men and women, with women earning approximately 14.5% less than their male counterparts, according to a 2020 **National Bureau of Statistics** report.

Moreover, gender-based discrimination is often underreported, partly due to societal norms and the fear of retaliation. A study by **Transparency International Moldova** found that over 60% of women in the workforce had encountered some form of gender-based discrimination but did not file complaints due to mistrust in legal institutions or fear of negative repercussions (Transparency International Moldova, 2020). This reflects a broader problem of institutional weaknesses, where the bodies responsible for enforcing gender equality laws are often under-resourced and lack sufficient authority to hold violators accountable.

### **2.2 International Obligations**

Moldova's commitment to promoting gender equality extends beyond its national legislation to include various international agreements and treaties. As a signatory to the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, Moldova has pledged to align its national laws with international gender equality standards. CEDAW, often referred to as the

international bill of rights for women, requires signatory states to eliminate discrimination against women in all spheres of life and to ensure that women enjoy equal rights and freedoms.

While Moldova has made progress in ratifying international agreements, challenges remain in their domestic implementation. For instance, in its 2019 report, the **CEDAW Committee** expressed concerns regarding Moldova’s ability to fully implement its obligations under the convention. The report highlighted several areas where Moldova needed to improve, particularly in addressing the gender wage gap, combating violence against women, and ensuring equal access to education and healthcare.

In addition to CEDAW, Moldova is also a member of the **Council of Europe** and is therefore bound by the **European Convention on Human Rights**, which enshrines the principle of non-discrimination, including on the basis of sex (CEDAW Committee, 2019). However, despite these international obligations, Moldova has faced criticism for its slow progress in achieving gender parity in economic participation. According to a 2021 **World Bank** report, one of the main barriers to full implementation of gender equality in Moldova is the lack of coordination between national and international bodies (World Bank, 2021). There are often gaps between Moldova’s legal obligations under international agreements and the practical enforcement of these commitments.

### **3. Legal and Institutional Challenges**

#### **3.1 Legal and Institutional Weaknesses**

While Moldova has a solid legal framework aimed at promoting gender equality, the practical enforcement of these laws remains weak due to significant institutional limitations. The primary institution responsible for monitoring and enforcing gender equality laws is the **National Council for Preventing and Eliminating Discrimination and Ensuring Equality**. This body is tasked with overseeing the implementation of the **Law on Ensuring Equal Opportunities for Women and Men (2006)** and other related legal frameworks. However, a 2020 report by **UNDP Moldova** highlighted that the council often faces substantial challenges, including underfunding, insufficient staff, and a lack of technical expertise to effectively carry out its mandate (UNDP Moldova, 2020).

A 2019 survey conducted by **Transparency International Moldova** found that approximately 70% of women who experienced workplace discrimination did not report the incidents, partly due to a lack of confidence in the ability of institutions like the National Council to address their concerns (Transparency International Moldova, 2019). Moreover, the council is limited in its enforcement powers, often relying on other government bodies to implement its recommendations. This results in delayed actions or, in many cases, no action at all. In its 2021 annual report, the National Council itself acknowledged that societal resistance to gender reforms, particularly in rural areas, has hindered the progress of gender equality initiatives. This resistance is often rooted in traditional gender norms that view women primarily as caregivers, limiting their perceived role in the public and economic spheres.

One example of the council’s limited capacity to enforce gender equality is the wage gap between men and women in both public and private sectors. Although the council has issued recommendations and guidelines for employers, its inability to enforce mandatory wage transparency has resulted in little progress in closing the gender pay gap. According to a 2020 **ILO** study, Moldova continues to see a wage disparity of approximately 14% between male and female employees, a figure that has remained relatively stagnant over the past decade.

In addition, legal literacy remains a significant barrier to effective enforcement. Many Moldovan women are unaware of their legal rights and the recourse available to them under gender equality laws. A 2020 **UN Women** report pointed out that only 15% of women interviewed were aware of how to file a complaint regarding gender discrimination, reflecting the broader challenges of access to justice in Moldova.

### **3.2 The Role of the Judiciary**

The judiciary in Moldova is another critical institution that faces challenges in the interpretation and enforcement of gender equality laws. While the legal framework provides avenues for addressing gender-based discrimination in employment and other sectors, the courts often struggle with the proper application of these laws due to a lack of gender-sensitive training and institutional biases.

Recent cases of economic discrimination highlight the judiciary's inconsistent approach to gender-related claims, particularly in wage discrimination. For example, in **EEOC v. Enoch Pratt Free Library (2020)**, female branch managers were found to be earning significantly less than their male counterpart despite performing equal work. The court ruled in favor of the women, awarding them backpay and liquidated damages, yet the case took time to resolve, reflecting criticisms about the speed and effectiveness of the judiciary in handling such claims (Business & Human Rights Resource Centre, 2021).

Another case, **EEOC v. Covenant Medical Center, Inc (2020)**, involved a female business intelligence developer who was paid substantially less than her male colleagues. Despite her superior experience, the company justified the disparity with prior salary histories and negotiation differences. The case was resolved with a monetary settlement and an increase in her pay, but gender equality advocates continue to express concerns about the length of time these cases take to resolve and the adequacy of compensation (U.S. Equal Employment Opportunity Commission (EEOC), n.d.).

These cases underscore the broader societal impact of gender pay discrimination and the judiciary's role in addressing these systemic issues.

In the Republic of Moldova, gender-based wage discrimination remains a significant issue despite legislative efforts. A study by the Partnership for Development Center found that Moldovan women lose an average of 9,620 MDL annually due to occupational inequality. This is a result of systemic gaps in legislation, such as the absence of "equal pay for equal work" principles in critical laws like the Law on Remuneration and collective labor agreements. Despite Moldova's commitment to international conventions on gender equality, these gaps hinder effective enforcement of wage equality in various sectors, particularly industrial fields where women constitute a significant portion of the workforce (Robu, 2023),(Borgan Project, 2020).

Moreover, cultural and institutional factors, such as Soviet-era patriarchal norms, contribute to these disparities. Women are disproportionately affected by informal employment and precarious working conditions, exacerbating the gender wage gap. The lack of gender-sensitive policies and programs, particularly in labor-intensive sectors, further perpetuates this issue. While some reforms have been introduced, including a new National Gender Equality Program, there are still substantial barriers to achieving economic parity between men and women in Moldova. (Borgan Project, 2020).

Another example is a landmark case from 2018, a female employee sued her employer for wage discrimination after discovering that her male colleagues were receiving higher salaries for similar work. Although the case was eventually ruled in her favor, it took nearly two years for the court to reach a decision, and the compensation awarded was deemed inadequate by gender equality

advocates. The **National Council for Preventing and Eliminating Discrimination and Ensuring Equality** later criticized the judiciary's handling of the case, citing delays and a lack of understanding of gender discrimination's broader societal impacts.

In the Republic of Moldova, there are notable instances where the judiciary's approach to gender-based wage discrimination has been inconsistent, particularly in handling cases brought before the Equality Council and national courts. A legal analysis by the United Nations Development Programme highlights several cases where women have faced wage disparities compared to their male counterparts. Although Moldova has ratified international conventions on gender equality, such as the Equal Pay for Equal Work principle, enforcement remains a challenge, especially in the private sector, where wage gaps persist.

One significant example is the gender wage gap identified in various industries, with Moldovan women earning approximately 15% less than men. This gap is particularly pronounced in sectors like industrial work, where women are overrepresented. Courts have ruled on several cases addressing this issue, but delays in rulings and inadequate enforcement of penalties remain a concern. The 2016 National Gender Equality Program aimed to address these disparities, yet gaps in the legal framework, such as the absence of specific provisions in key labor laws, continue to hamper progress.

These cases illustrate the broader structural and cultural factors at play, where patriarchal norms and weak enforcement mechanisms undermine efforts to achieve wage parity (Robu, 2023), (Economic Council to the Prime Minister of the Republic of Moldova, 2024)), (Wadham and Russu, 2016)).

This cases reflects broader issues within Moldova's judiciary system. A 2020 report by the **European Court of Human Rights (ECHR)** found that the Moldovan judiciary has significant gaps in applying international human rights standards, including those related to gender equality. The report pointed out that Moldovan courts often fail to consider the structural and systemic nature of gender-based discrimination, focusing instead on individual cases without addressing the broader institutional biases that perpetuate inequality.

Moreover, judicial decisions often lack consistency, with different courts applying varying interpretations of gender equality laws. A 2019 study by **UNDP Moldova** found that judges often interpret gender discrimination claims narrowly, limiting their decisions to explicit cases of unequal treatment while neglecting subtler forms of discrimination, such as indirect discrimination or systemic biases. This inconsistency creates uncertainty for women seeking justice and undermines the effectiveness of Moldova's gender equality laws.

To address these challenges, gender-sensitive training for judges has been recommended by various international organizations, including **UN Women** and the **Council of Europe**. However, as of 2022, progress in implementing such training has been slow, with only a few judicial workshops focusing on gender issues. In the absence of comprehensive judicial reform, the enforcement of gender equality laws in Moldova remains inconsistent, leaving many women without adequate legal recourse for economic discrimination.

#### **4. Cultural and Social Barriers**

In addition to the legal and institutional challenges, cultural perceptions of gender roles in Moldova play a significant role in limiting women's economic participation. Traditional views on family roles, where women are seen primarily as caregivers and men as breadwinners, continue to dominate in many parts of the country. A 2020 **UN Women** report highlights that women in Moldova spend an



average of four hours more per day on unpaid domestic work than men, which directly impacts their ability to participate in the formal economy. This disproportionate burden of care work is a major factor that prevents women from seeking full-time employment or pursuing entrepreneurial ventures. A study by the **National Bureau of Statistics** in 2019 revealed that 44% of women in Moldova feel that societal expectations regarding family responsibilities have hindered their professional development. This perception is even more pronounced in rural areas, where traditional gender norms are deeply entrenched, and access to childcare services is limited. As a result, many women are forced to make difficult choices between family obligations and economic independence.

The media and education systems also contribute to reinforcing traditional gender roles. According to a 2021 study by **UNICEF Moldova**, textbooks and educational materials often depict women in stereotypical roles, such as mothers or teachers, while men are portrayed in leadership or technical positions (UNICEF Moldova, 2021). This perpetuates the idea that women are less suited for leadership or economically demanding roles. In a society where these views are deeply ingrained, laws promoting gender equality struggle to gain traction, as they conflict with societal norms.

Furthermore, public opinion surveys conducted by **Transparency International Moldova** in 2020 found that 63% of respondents believed that a woman's primary role should be in the home, while only 25% supported gender parity in high-level professional roles. This cultural resistance to gender equality makes it difficult for women to assert their rights, even when legal mechanisms exist to protect them. For instance, many women are reluctant to report cases of workplace discrimination, fearing backlash from their communities or families.

These cultural barriers intersect with legal challenges to create a complex landscape for gender equality in Moldova. Even when women have the legal right to equal pay or protection from discrimination, societal expectations often deter them from pursuing these rights. To overcome these obstacles, a comprehensive approach is required, one that addresses not only legal reforms but also cultural shifts in how gender roles are perceived and valued in society.

## **5. Policy Recommendations**

To address the challenges identified in Moldova's quest for economic gender equality, this paper proposes several policy recommendations aimed at strengthening both the enforcement of existing laws and shifting cultural perceptions of gender roles.

1. **Increased funding for the National Council for Preventing and Eliminating Discrimination and Ensuring Equality:** The council currently lacks the resources to effectively monitor and enforce gender equality laws. By increasing funding and staffing, the council can better address complaints of discrimination and ensure that employers comply with gender equality legislation.
2. **Judicial training programs focused on gender-sensitive interpretations of the law:** Judges and legal professionals must receive comprehensive training on how to interpret gender equality laws. This includes understanding the systemic nature of gender-based discrimination and ensuring that legal judgments reflect the broader societal implications of gender inequality.
3. **Public awareness campaigns to shift cultural norms surrounding gender roles:** Cultural barriers remain one of the most significant obstacles to achieving gender equality in Moldova. Public awareness campaigns, particularly in rural areas, should focus on challenging traditional gender roles and promoting the economic and social benefits of gender equality. This could involve partnerships with educational institutions, the media, and civil society organizations to reach a wider audience.

**4. Expansion of childcare and family support services:** Providing accessible and affordable childcare is essential for increasing women's participation in the workforce. Policies that support work-life balance, such as parental leave for both mothers and fathers, can help shift cultural perceptions of caregiving as a shared responsibility between genders.

**5. Incentivizing private sector compliance with gender equality laws:** The government could introduce financial incentives for businesses that demonstrate compliance with gender equality legislation, such as tax breaks or public recognition. This would encourage employers to actively promote gender diversity and equal pay within their organizations.

## **6. Conclusion**

Moldova has made notable progress in aligning its gender equality laws with international standards, but significant challenges remain in both the enforcement of these laws and societal acceptance of gender equality. While legal frameworks exist to promote equality in the workplace and beyond, weak institutional capacity and deeply ingrained cultural norms continue to hinder women's full economic participation. Addressing these issues requires a multifaceted approach that includes legal reforms, institutional strengthening, and cultural change.

To bridge the gap between formal legal equality and actual equality in practice, Moldova must invest in strengthening its enforcement mechanisms and shifting societal attitudes that limit women's roles in the economy. By tackling both the legal and cultural dimensions of gender inequality, Moldova can make meaningful progress toward achieving gender parity in economic participation and ensure that women and men alike have equal opportunities to contribute to the country's development.

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