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Moldova: Domestic violence, including legislation, state protection and services available to victims

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1. Overview

Sources indicate that domestic violence in Moldova is a "serious" problem (Cozzarelli 8 Mar. 2011) and that it is "widespread" (UN 25 July 2011, para. 40; Moldova 2010, 6). A study on women's vulnerability to HIV/AIDS in Moldova published in 2010 by the Ministry of Health of the Republic of Moldova, the Ministry of Labour, Social Protection and the Family National Centre for Health Management surveyed 1,969 people between the ages of 15 and 64 (ibid., 19). According to the survey, 51.3 percent of women who had a sexual partner reported that they had experienced psychological abuse in their lifetime, 24.2 percent had experienced physical violence, and about 12.1 percent had experienced sexual violence (Moldova 2010, 44). The report also notes that women living in rural areas experience violence in "higher proportions" than women in urban areas (ibid.). However, "experts" interviewed by the authors of the survey said "that it is not actually a rule and violence in rural areas is more visible because of stronger social networks" (ibid., 60).

The US Department of State's *Country Reports on Human Rights Practices for 2011* states that there were reportedly 340 cases of family violence in 2011 (US 24 May 2012, Sec.6). A representative of the International Organization for Migration (IOM) Mission to Moldova, in correspondence with the Research Directorate, indicated that, according to the Ministry of the Interior, 458 domestic violence crimes were registered in 2011; the victims were 360 women, 16 girls and 82 men (IOM 7 June 2012). Data also show that 8 women were killed by their partners in 2011 (ibid.).

Sources indicate that domestic violence is underreported (US 24 May 2012, Sec. 6; IOM 7 June 2012; Moldova 2010, 18; UN 8 May 2009, para. 67). The study on women's vulnerability to HIV/AIDS in Moldova indicates that 12.2 percent of victims would report the abuse to the police, 5.1 percent to other municipal authorities, 6.3 percent to the justice system and 11.2 to hospitals (Moldova 2010, 45). The study explains that women "tolerate" violence because of "economic dependency, perception and pressure from society and psychological and physical pressure from their partners. There was a widespread perception that addressing to police in such cases is inefficient" (ibid., 18).

According to the report of the UN Special Rapporteur, violence against women, especially domestic violence, is "largely underreported due to: shame; fear of social stigma; lack of knowledge about existing laws, judicial procedures and services; or simply because of lack of confidence in the system" (UN 8 May 2009, para. 67). *Country Reports 2011* explains that women rarely report domestic abuse because of the weakness of available legal remedies, such as fines and brief detentions for convicted abusers (US 24 May 2012, Sec. 6). The IOM representative similarly indicated that victims are often reluctant to report domestic violence for several reasons, including:

- there is still a high level of tolerance of the general public and specialists towards gender based violence, including domestic violence;
- victims don't self-identify themselves as such due to the fear of recidivism by perpetrators, in particular, given the persisting patriarchal mentality, especially in rural areas;
- domestic violence is considered a private matter;
- there is a lack of services for domestic violence perpetrators which makes assistance to victims one-fold and not efficient;
- inadequate law enforcement; and
- low financial and technical capabilities of the state to support the development of services (IOM 7 June 2012).

According to the report of the UN Special Rapporteur, economic hardship and difficulties finding alternative housing "exacerbate women's dependency and constrain their options to leave an abusive relationship ... especially in cases where the couple had children" (UN 8 May 2009, para. 28). In some cases abused women resorted to suicide or to killing their abusers as the "only way out of the oppressive life they [were] enduring" (ibid., para. 27).

1.1 Domestic Violence, Trafficking and Sexual Exploitation

Sources state that women who are victims of domestic violence in Moldova are vulnerable to becoming victims of human trafficking (AFP 25 Nov. 2010; see also IOM 2009, 9). Agence France-Presse (AFP) reports that over 70 percent of women and girls who were trafficked from Moldova were victims of domestic violence (25 Nov. 2010). According to the IOM report, over 90 percent of women assisted by IOM and La Strada were victims of domestic violence prior to being trafficked (IOM 2009, 13). The report of the UN rapporteur indicates that Moldovan women were trafficked to more than 30 countries in Western Europe, the Middle East, the United States, South Eastern Europe, Russia and other former Soviet Republics (UN 8 May 2009, para. 32).

1.2 Transnistria

The BBC indicates that Transnistria is a break-away region of Moldova, which is not recognized by Moldova and the international community (BBC 26 Dec. 2011). According to an IOM report entitled *Countering Trafficking in Moldova*, "[w]hile the region is *de jure* part of Moldova, *de facto* Transnistria remains under the administration of the authorities in Tiraspol, the 'capital' of Transnistria" (IOM 2009, 6). Transnistria has its own government, parliament, military and police (ibid.).

Freedom House reports that domestic violence against woman is a problem

in that region (2011). *Country Reports 2011* similarly indicates that domestic violence was a "serious" problem in Transnistria (US 24 May 2012, Sec. 6). The report cites an unnamed study that indicates that in 2011, 35.7 percent of women in Transnistria experienced physical domestic violence, 22 percent were reportedly beaten by their husband or partners and 5.2 percent were sexually abused by their partners (ibid.). According to *Country Reports 2011*, in Transnistria, the law does not prohibit violence against women (ibid.). However, a statement of the UN Working Group on discrimination against women published on 30 May 2012 indicates that a draft regulation on domestic violence "is being discussed" in Transnistria.

2. State Protection

2.1 Legislation

Moldova adopted the Law on Preventing and Combating Family Violence in March 2007, which came into force on 18 September 2008 (Moldova 2007). The law defines different types of violence, such as family violence, which includes physical, sexual, psychological, spiritual and economic violence (ibid., Art. 2). In this law, sexual violence includes marital rape (ibid.). It names the authorities and institutions responsible for preventing and combating family violence, such as the Ministry of Social Protection, Family and Child, the Ministry of Education and Youth, the Ministry of Healthcare, the Ministry of the Interior, the Ministry of Local Public Administration, and the Ministry of Justice (ibid., Art. 7). The law specifies the role of centers for the rehabilitation of victims of family violence, which can be created by government or public administration authorities, or by international organizations or NGOs (ibid., Art. 10). The law provides a possibility for third parties to submit a claim of family violence (ibid., Art. 12). According to the law, there is no charge for the submission of domestic violence claims to the court (ibid., Art. 13). The claims can be submitted to the following organizations:

- a. To the administrative bodies of the interior;
- b. To the court;
- c. To the department of social assistance and family and child protection;
- d. To the local public administration authority. (ibid.)

The law specifies the following protective measures:

1. The court shall, within 24 hours of receipt of the claim, issue a protective order, to assist the victim, by applying the following measures against the aggressor:
 - a. Oblige the aggressor temporarily to leave the joint dwelling or to keep away from the victim's dwelling, without making any determination as to ownership of property or assets;
 - b. Oblige the aggressor to keep away from the victim's person;
 - c. Oblige the aggressor to refrain from contacting the victim, the victim's children or other dependants of the victim;
 - d. Prohibit the aggressor from visiting the victim's place of work or residence;
 - e. Oblige the aggressor, until the case is resolved, to contribute to the maintenance of his/her and the victim's children;
 - f. Oblige the aggressor to cover the costs and damages caused by the aggressor's acts of violence, including medical expenses and

- the cost of replacing or repairing destroyed or damaged assets;
 - g. Restrict the unilateral disposal of common assets;
 - h. Oblige the aggressor to partake in a special treatment or counselling program, if the court determines this is necessary to reduce or eliminate violence;
 - i. Establish a temporary visitation schedule for the aggressor's underage children;
 - j. Prohibit the aggressor from keeping or handling fire arms.
2. The sector inspector, in collaboration with the social assistant, is responsible for notifying the aggressor of the protective order and its application.
 3. The protective measures specified in paragraph 1 will be applied for up to three months, may be cancelled upon the elimination of the threat or danger that caused the application of such measures, and may be extended in case of a repeated claim or if the conditions set in the protective order have not been observed.
 4. The application of protective measures does not prevent the commencement of divorce procedures, division of property, annulment of parental rights, seizure of a child without annulment of parental rights or other actions provided by applicable legislation.
 5. The supervision of the execution of the protective measures established by the court is the task of the administrative bodies of interior, the administrative bodies of social assistance and other administrative bodies, as appropriate.
 6. If warranted, the court may lift the protective measures at the victim's request. If the victims are children or infirm persons, the court is obligated to examine the case.
 7. An appeal of the protective order may be made according to applicable legislation. (ibid., Art. 15)

The 2009 report of the UN Special Rapporteur indicates that the criminal code includes provisions on

new aggravating circumstances for severe physical or health damage committed against a spouse; deprivation of liberty for average physical or health harm to a spouse; the offence of "deliberate small physical or health damage," which was previously classified as an administrative infringement. (UN 8 May 2009, para. 51)

Sources indicate that amendments to the criminal code that criminalized "sexual harassment" and domestic violence were adopted in 2010 (IOM 7 June 2012; US 8 Apr. 2010, Sec. 6). *Country Reports 2010* states that sexual harassment is punishable by penalties ranging from a fine to a maximum of two years imprisonment (US 8 Apr. 2010, Sec. 6). The amendments to the criminal code are designed to promote safety and well-being of victims of domestic violence (ibid.). *Country Reports 2010* explains that,

[t]he amendments require the abuser to leave lodgings shared with the victim, regardless of who owns the property. The amendments also provide for psychiatric evaluation and counseling, forbid the aggressor from approaching the victim either at home or at a place of business, and forbid visitation of children pending a criminal investigation. Courts may apply such protective

measures for a period of three months, and can extend them upon the victim's request or following repeated acts of violence. (ibid.)

2.2 Implementation of the Law

Country Reports 2011 states that "[r]eal progress in protecting women and children against domestic violence was slow" (US 24 May 2012, Sec. 6). The 2009 report of the UN Special Rapporteur indicated that there was a lack of enforcement of the law on domestic violence partly due to a lack of planning, lack of provisions on budget allocation, as well as lack of infrastructure to support victims of domestic violence (UN 8 May 2009, para. 50). According to the report, prosecutors and judges often treat domestic violence cases as "administrative" rather than criminal offences (ibid., para. 67).

According to sources, the court issued 206 protection orders in cases of domestic violence between 2010 and 2011 (UN n.d., 20; IOM 7 June 2012). However, the IOM representative noted that it is "not sufficient and often protection orders are not issued or not extended even though there is a clear need [for that]" (ibid.). Sources indicate that complaints were submitted to the European Court of Human Rights (ECHR) because of non-implementation of protection orders (ibid.; UN n.d., 20). *Country Reports 2011* states that NGOs report delays in issuing protective orders, as well as improper enforcement of protective orders by the police (US 24 May 2012, Sec. 6). For instance, *Country Reports 2011* provides an example of a woman who filed a complaint with the ECHR in March 2011, accusing Moldova of "inhumane treatment and gender discrimination" in accessing police protection (ibid.). A protection order was issued for her and her daughters, but it was reportedly not enforced by police (ibid.). According to the report, the woman submitted requests for protection to the Prosecutor General's Office and the Ministry of Interior, but they were unanswered, "allegedly because the abuser was a police officer" (ibid.).

2.3 Police

According to the NGO La Strada, an international center for protection and promotion of women rights, victims of domestic violence do not have trust in law enforcement authorities and consider that police intervention will not improve their situation (2012, 2, 11). The report of the UN Special Rapporteur states that the high cost of legal assistance, the lack of confidence in law enforcement agencies and the lack of specialized female units within the police prevent women from seeking help (UN 8 May 2009, para. 28, 67).

The IOM representative also noted that the police officers do not always provide help to victims of domestic violence, "especially in rural areas where people know each other and there is an unwritten custom of keeping quiet about family issues" (IOM 7 June 2012). La Strada reports that police often refuse to document the complaints of domestic violence because they consider it to be a private family issue, or because they claim there is not enough evidence of severe physical injuries (La Strada 2012, 52). The organization explains that sometimes police officers do not take any action because the aggressor is a relative or friend of the police officer (ibid.). La Strada further states that in cases when the aggressor is a former police officer or ex-staff member of the Ministry of the Internal Affairs,

victims are reluctant to initiate any kind of action for seeking legal support, being afraid of her husband's position or relationship; on the contrary, any

action taken can only aggravate the situation ... (ibid.)

Sources report that often a fine is charged to the aggressor which has a negative impact on the household budget (La Strada 2012, 52; Moldova 2010, 63; US 24 May 2012, Sec. 6;), "further harming the wives and children of abusers" (ibid.).

2.4 Other Initiatives

The IOM representative stated that approval of the *National Program on Gender Equality 2010-2015* by the government in 2009 is an "important step forward" (IOM 7 June 2012). The Ministry of Labour, Social Protection and Family is responsible for the implementation of the program (Moldova 31 Dec. 2009, 1). The program focuses on the reduction of gender based violence and on state measures to prevent and combat domestic violence, among other things (ibid., 22). Further information on the program could not be found among the sources consulted by the Research Directorate.

The IOM representative indicated that the National Referral System for Assistance and Protection of Victims and Potential Victims of Trafficking (NRS), which is a comprehensive system of co-operation between governmental and non-governmental agencies, involves promotion of human rights and combats domestic violence and human trafficking (IOM 7 June 2012). According to a UN progress report for 2011 regarding a development assistance framework in Moldova, the NRS covers the entire territory of Moldova (UN n.d., 26). The report indicates that from January until September 2011, 243 victims of domestic violence received "direct assistance," including psychological, social, legal and vocational counselling through NRS (ibid.). However, the IOM representative noted that the system is "not fully effective for victims of domestic violence as the actual implementation of the laws in this field is still deficient or inconsistent" (IOM 7 June 2012).

In 2009, the Organization for Security and Co-operation in Europe (OSCE) in partnership with the Ministry of Labour and Social Protection of Moldova, La Strada, the Gender Centre and the UN Population Fund, among others, organized a 16 day campaign in Moldova in order to raise awareness about domestic violence (OSCE 24 Nov. 2009). *Country Reports 2011* indicates that the government, in partnership with foreign agencies, tried to increase public awareness on domestic violence, but, according to the NGOs, there was an "excessive reliance" on NGOs for raising awareness on remedies and for them to assist domestic violence victims (US 24 May 2012, Sec. 6).

The study on women's vulnerability to HIV/AIDS in Moldova indicates that staff at the Ministry of the Interior lacks training to support victims of domestic violence (Moldova 2010, 63). The UN progress report on Moldova similarly indicates that police officers need additional training on domestic violence (UN n.d., 20). However, according to the OSCE, in 2011, the OSCE organized a two-day training seminar for 30 judges, prosecutors, lawyers and police officers in the Republic of Moldova in order to improve the implementation of legislation in efforts to combat violence against women (OSCE 12 Dec. 2011).

3. Support Services

3.1 Shelters

The representative of the IOM Mission to Moldova indicated that the Centre for Assistance and Protection (CAP) and Casa Marioarei are state-run shelters (IOM 7 June 2012). The CAP provides short-term rehabilitation assistance and temporary lodging for people in vulnerable situations, particularly for victims of human trafficking, but also to victims of domestic violence, children and elderly (ibid.). The IOM representative noted that the state covers the centre's expenditures and salaries, but the cost for direct assistance to victim, such as legal and humanitarian assistance, are covered through IOM projects (ibid.). According to the website of the Casa Marioarei, they provide emergency accommodation, judicial, medical, social and psychological assistance to female victims of domestic violence and their children (Casa Marioarei n.d.a). In 2008, they provided assistance to 79 women and 104 children (ibid., n.d.b). The average length of stay in the shelter, located in Chisinau, in 2008 was 23 days; the shortest stay was 2 days, while the longest stay was 140 days (ibid.).

A report by the UN Development Programme (UNDP) indicates that there are Maternal Centres that provide services to victims of domestic violence in Causeni, Drochia and Cahul (UN 2010, 16). According to the IOM representative, "Ariadna" Maternal Centre in Drochia is run by the NGO Artemida and specializes in a long-term rehabilitation and reintegration of victims of domestic violence and victims of trafficking (IOM 7 June 2012). The UNDP report says that Maternal Centres provide psycho-social assistance, counselling, vocational training and retraining to victims of domestic violence (UN 2010, 12). Each Centre has an average of 10 accommodation places and can assist about 80 persons annually (ibid., 13). During 2006-2010, these three centres assisted 814 victims of domestic violence (ibid., 16).

The report submitted by the government of Moldova to the UN Human Rights Council provides information on a number of shelters, including:

- The Centre for Assistance and Protection of Victims of Violence (Balti) and the Centre for Information and Counselling for Victims of Violence (Cahul), day centres funded by the government that provide counselling and support to victims of domestic violence;
- The "Pro-Femina" Maternal Center (Hincesti) that provides temporary foster home and psychological, social and legal assistance to mothers with children who are victims of domestic violence;
- The "SOTIS" Family Crisis Center (Balti) that provides psychological, social, medical and legal assistance to victims of domestic violence or human trafficking;
- The "Drumul spre Casa/The Road Home" (Balti) that provides rehabilitation services to mothers with children who are victims of domestic violence or human trafficking; and
- The Legal Center (Causeni) has developed a network of legal services for the victims of domestic violence in four districts: Anenii-Noi, Rezina, Soldanesti, and Vulcanesti (Moldova 19 July 2011, note 19).

3.2 Telephone Hotlines

Country Reports 2011 indicates that La Strada operates a hotline to report domestic violence (US 24 May 2012, Sec. 6). According to La Strada, the hotline offers recommendations on recognizing early signs of violence in relationships, psychological and legal counselling, among other services (La Strada 2012, 4). The report indicates that the most numerous domestic violence cases were

registered in 2011 (1,495 calls), with a 17 percent increase compared to 2010 (*ibid.*, 6).

3.3 Other Services

La Strada in Chisinau provides support services to victims of trafficking (IOM 2009, 11) and victims of domestic violence (US 24 May 2012, Sec. 6). In addition to the hotline, the organization offers victims psychological and legal aid, as well as follow-up assistance (*ibid.*).

Sources indicate that a specialized centre for perpetrators has been created in Drochia (UN n.d., 20; IOM 7 June 2012) and is operated by the NGO Artemida (*ibid.*).

According to the UN progress report on Moldova, anti-domestic violence services "remain dependant on international donor funding and support from international organizations and NGOs" (UN n.d., 29).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral Sources: Attempts to contact representatives from the following organizations were unsuccessful: Amnesty International Moldova; Casa Marioarei, Moldova; Center for Partnership and Development, Moldova; Center for Human Rights, Moldova; Gender-Centru NGO, Moldova; Embassy of the Republic of Moldova in Washington, D.C.; Interaction NGO, Moldova; La Strada, Moldova; Ministry of Labour, Moldova; Organization for Security and Co-operation in Europe; United Nations Development Program, Moldova; UNAIDS, Moldova; Winrock International NGO, Moldova.

Internet sites, including: Amnesty International; Beginning of Life; eoi.net; Factiva; Freedom House; Global Legal Resources; Human Rights Watch; IDP Project; Info-Prim Neo; Internal Displacement Monitoring Centre; International Crisis Group; International Federation for Human Rights; Legislationline; Minority Rights Group International; Moldova — Embassy of the Republic of Moldova in Washington, D.C., Ministry of Justice, Ministry of Internal Affairs, Ombudsman; *Moldpres*; Radio Free Europe/Radio Liberty; United Nations — Integrated Regional Information Networks, Office of the High Commissioner for Human Rights, UNICEF, UN Population Fund, UNHCR RefWorld, UN Women.

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