The women’s rights in family relationships are guaranteed by the Constitution and Family Code of the Republic of Moldova as well as other normative acts.

The legislation of the Republic of Moldova is based on the principle of equality of rights between women and men and absolute prohibition of discrimination based on gender, including in family life. According to the principle of equality of rights, in family relationships the spouses have equal personal and patrimonial rights. The same principle is referred to the rights and obligations of the partners in concubinage, including taking care of and upbringing minor children, as well as the dependents.

CONCLUSION OF MARRIAGE

The marriage can be concluded by the civil registration authorities at the domicile of one of the future spouses or domicile of their parents. The citizens of the Republic of Moldova can also get married abroad, at the diplomatic missions or consular offices of the Republic of Moldova.

Marriage is concluded when following conditions are met:

• the spouses should express mutual and unconditional consent.
• the future spouses should reach the minimal age allowed for marriage, 16 years for women and 18 years for men;
• the future spouses should inform each others about their health state.

The woman is not obliged to get married if she does not agree with it. If a marriage has been signed without the consent from the woman, or before she reached 16 years old, she has the right to ask for the respective marriage to be declared null, by addressing to court.

The marriages of citizens of the Republic of Moldova concluded outside its territory, in accordance with foreign legislation, shall be recognized in Moldova only if there have been followed the conditions stipulated by the legislation of Moldova, indicated above.

Marriage shall not allowed:
- in case if one of the future spouses is already married;
- between relatives until the IV-th degree inclusively, between step brothers and sisters, between adopter and the adoptee, between the curator and the minor under his/her care;
- in case if any of the future spouses was deprived of the capacity to exercise (caused by mental alienation);
- between persons condemned to prison, in the period when both are imprisoned;
- between persons of the same gender.

For the purpose of concluding a marriage the woman can choose:
- to keep her surname;
- to take the surname of her husband;
- to accept a double surname, by connecting her surname with that of her husband.

The woman is not obliged to accept the surname of her husband against her will.

REFERENCE POINTS CONCERNING MARRIAGE

The woman and the man have equal obligations when concluding a marriage, during the marriage itself and in case if marriage is dissolved. All the problems of family life are solved by spouses in common, according to the principle of equality in family relations.

Each of the spouses has the right to freely and independently choose the activity, profession or domicile.

The relations between spouses are based on esteem and mutual help, on common obligations for maintaining a family, for upbringing and educating children.

The woman who does not have citizenship of the Republic of Moldova, but who lives on the territory of the Republic of Moldova, has the same rights and obligations in family relations as the citizens of the Republic of Moldova.

OWNERSHIP RIGHTS

The woman and the man have equal rights over the property obtained during marriage.

The goods obtained by spouses during their marriage belong to both spouses with the right to joint property (that is the property is not separate into share parts). The woman who is busy with household work and who due to other sound reasons does not avail of own revenues, also has equal rights as the husband, over all common assets earned during marriage, including over the land obtained as result of privatization.

The right to possess, use and avail of joint goods belong to both spouses, who need to exercise them in common agreement. Both the wife, as well as the husband have the right to sign contracts, by which to avail of joint goods (except for immovable goods), the agreement of the other spouse is presumed.

The woman keeps the right of private ownership over the goods, which used to belong to her before she got married, as well as over the goods obtained during marriage by means of donation and inheritance. These can be considered to be common property by court, only if the husband has considerably contributed to the enhancement of their value (for example, by means of capital reparation or reconstruction). Also, the personal things (for example clothing and shoes), except for the valuable jewelry and other luxury objects, are considered to be personal objects, disregarding the timing and the manner they were obtained.

The persons who would like to get married or the married spouses can sign a nuptial contract in written form, which needs to be certified at a notary’s office. This contract is signed in order to determine the patrimonial rights and obligations during marriage and/or in case of divorce. By signing this contract the parties can change the regime of common property, by establishing, for example, that all the goods obtained by spouses during marriage are personal property of the spouse who obtained them.

In the nuptial contract there cannot be included the stipulations which could limit the rights and legal
interests of the wife (or husband), for example, the rights to maintenance. And the woman has the right to appeal to courts for the sake of effective defense against the acts, which violate her legal rights and interests.

CHILDREN
Both parents have equal rights and obligations with regard to their children, despite the fact if the children were born when they were married or not, if they live together with their parents or separately. Also, the women have equal rights with men in matters of tutorship, trusteeship and adoption.

All issues related to the children’s education are solved based on mutual understanding between parents. If such an understanding does not exist, the woman has the right to appeal to tutor authorities for solving the litigation, and the decisions of the latter can be attacked in court.

If the parents live separately, the domicile of the child who did not reach 14 years old is determined by mutual agreement with the parents. If such an agreement is missing, the domicile of the minor shall be established by the court, which shall have to take into account the interests and the opinion of the child (if he/she has reached the age of 10). Even if the woman lives separately from the child, she has the right to communicate with him/her and to exercise parent rights. The husband does not have the right to forbid the meetings with the child, except for the case when the interdiction has been set by the tutorship authority or by court.

In cases when the husband (father/adopter) treats the child (children) cruelly; is not fulfilling parental obligations, is not providing for the upkeep; refuses to take the child from the maternity or from another medical or educational institution; abuses of parental rights; is a chronic alcoholic or drug addict; has an immoral attitude which exerts a negative influence on children; has committed offenses against the life and health of his children or wife, or in other cases, when the interest of the child require it, the woman has the right to ask in court, for the deprivation of parental rights of the father, by using judicial ways.

The woman who is deprived of parental rights may ask for meetings with her child, by appealing to the tutorship authority. The mother has the right to ask for re-establishing parental rights in court, in case when the circumstances for which she was deprived of these rights have disappeared, except for the case when the child was already adopted.

RIGHT TO MAINTENANCE
The wife has the right to ask for maintenance from her husband in cases when she is not able to work and has a need for material aid; is pregnant; takes care of the child during 3 years from the time it was born or takes care of a disabled child until he reached 18 years old (if she does not work and the child requires care). The woman preserves this right after the divorce. She benefits from maintenance means only if she does not have sufficient own revenue, and her husband has the possibility to provide for her. The wife looses the right for maintenance once with the time when these conditions disappear. If the husband refuses to provide for the maintenance of his wife and if between them there is no contract regarding the payment of maintenance, the wife has the right to ask assistance in court.

The husband cannot ask for a divorce during the time that his wife is pregnant and during one year after she gives birth, if the child was born alive and is living.

RIGHT TO SECURITY
The woman has the right to personal security. Any time physical, sexual or moral violence was applied on behalf of her husband, this case has to be declared to the police, and he shall be punished according to the legislation of the Republic of Moldova.

Addresses of organizations, which could provide information and/or pro bono legal assistance regarding these rights:
1) National Center for Studies and Information on Issues of Women, Chişinău, 194 Ştefan cel Mare 194 A str., tel. 24-13-93, 23-70-89;
2) Legal Clinic, Comrat, Lenin 160 str., office 8, tel. (298) 29480;
3) Legal University Clinic, Bălţi, Puşkin 38 str., floor 1, block 5, tel. (231) 24479;
4) Legal Center of Pro-Democracy Association, Orhei, Mihai Eminescu 9 str., tel. (235) 21578;
5) Legal Clinic, Tiraspol, Zapićni Pereulok 21/4 str., office 47, tel. (233) 335 90.
6) LADOM, Chişinău, V. Alecsandri 13 str., tel. 72-93-52.
7) Eco-lex, Chişinău, V. Alecsandri 97 str., office 302, tel. 22-04-12, 22-59-54.