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BEYOND RECOGNITION: WOMEN'S RIGHTS IN UNRECOGNIZED STATE-LIKE ENTITIES AND THE ROLE OF INTERNATIONAL LAW – THE CASE OF TRANSNISTRIA

POZA UZNANIEM MIĘDZYNARODOWYM: PRAWA KOBIET W NIEUZNAWANYCH PODMIOTACH QUASI-PAŃSTWOWYCH A ROLA PRAWA MIĘDZYNARODOWEGO – PRZYPADEK NADDNIESTRZA

Women's rights cannot be suspended due to the uncertain status of a territory. This study examines how they can be protected in unrecognized entities, with Transnistria as a case study. The aim is to identify the mechanisms – legal, institutional, and societal – through which gender equality and protection from gender-based violence may be advanced despite the absence of international recognition. The study employs a qualitative methodology combining legal doctrinal analysis, case study research, policy analysis and the Human Rights-Based Approach (HRBA), drawing on reports, secondary sources, and expert interviews. The findings show that although constitutional guarantees exist, systemic barriers persist, and the lack of a dedicated gender-equality framework leaves women dependent on civil society initiatives and international engagement. The paper concludes that coordinated action – linking legal reform, cross-border cooperation and sustained support for local advocacy – is essential for strengthening women's rights in Transnistria and other unrecognized entities.

Keywords: women's rights; unrecognized state-like entity; Transnistria; human rights; human rights based-approach

Prawa kobiet nie mogą być zawieszone ze względu na nieokreślony status terytorium. Na przykładzie Naddniestrza artykuł analizuje, w jaki sposób można chronić prawa kobiet w takich warunkach. Celem opracowania jest identyfikacja mechanizmów – prawnych, instytucjonalnych i społecznych – które mogą wzmacniać równość płci i ochronę przed przemocą ze względu na płeć mimo braku uznania międzynarodowego. Zastosowano jakościową metodologię obejmującą analizę dogmatycznoprawną, studium przypadku, analizę polityk publicznych oraz podejście oparte na prawach człowieka (HRBA), wykorzystując raporty, literaturę oraz wywiady eksperckie. Zastosowano jakościową metodologię obejmującą analizę dogmatycznoprawną, studium przypadku, analizę polityk publicznych oraz podejście oparte na prawach człowieka (HRBA), wykorzystując

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raporty, literaturę oraz wywiady eksperckie. Wyniki badania wskazują, że pomimo konstytucyjnych gwarancji, w Naddniestrzu utrzymują się bariery systemowe, a brak kompleksowych regulacji w zakresie równości płci sprawia, że kobiety polegają głównie na organizacjach pozarządowych i wsparciu międzynarodowym. Artykuł konkluduje, że skuteczna ochrona praw kobiet w Naddniestrzu i innych nieuznawanych podmiotach wymaga skoordynowanego podejścia łączącego reformy prawne, współpracę transgraniczną i trwałe wsparcie lokalnego aktywizmu.

Słowa kluczowe: prawa kobiet; nieuznawane podmioty terytorialne; Naddniestrze; prawa człowieka; perspektywa praw człowieka w rozwoju

I. INTRODUCTION

Although women's rights are universally recognized as human rights, their implementation remains uneven, especially in territories with contested legal status. Unrecognized state-like entities (unrecognized entities), such as the Pridnestrovian Moldavian Republic (Transnistria), operate beyond the jurisdiction of recognized States and international oversight, generating legal ambiguity and undermining human rights protections. While non-state actors (NSAs), including the entities discussed here, are considered capable of bearing liability for human rights violations, this capacity is generally not recognized by States, which often disclaim jurisdictional capacity in such regions. Nonetheless, human rights, including women's rights, are universally applicable and not contingent on political recognition or territorial status (UN OHCHR, 2011).

As the debate over the legal obligations of unrecognized entities under international human rights law (IHRL) has become increasingly well-established (Heintze, 2009; Muller, 2019; Ronen, 2013; Tan, 2019), this issue falls outside the scope of the present contribution. Instead, this paper explores how women's rights can be protected and promoted in such contexts, focusing on Transnistria as a case study. It argues that non-recognition cannot justify the suspension or neglect of women's rights, and examines the mechanisms through which these rights can be advanced despite legal ambiguity.

The origins and operational structure of Transnistria, which emerged within the internationally recognized borders of the Republic of Moldova (Moldova) in 1991, have been relatively well documented in the academic literature (Grant, 2017; Popescu, 2013). Although the region has incorporated elements of international human rights law into its domestic framework, it has been classified as 'not free' by Freedom House.¹ The region lacks dedicated women's rights legislation and enforceable protections under Moldovan law. Women, who constitute over half the population (Government of Transnistria, 2015), face systemic rights violations, yet the gendered implications of the re-

¹ The organization's annual report assesses each country's and some territories' (e.g. Transnistria) degree of political freedom and civil liberties; see Freedom House (n.d.).

gion's contested status remain underexplored. This paper seeks to help close that gap.

The paper examines (section II) the international and domestic legal frameworks relevant to women's rights in Transnistria, revealing misalignment with IHRL and the absence of dedicated gender legislation; in section III, it analyses the activities of local authorities and civil society in addressing gender inequality and domestic violence; section IV considers the role of Moldova and international actors in supporting rights protection in the region. While local NGOs and international donors have prompted some recognition of women's rights, substantive legal reform remains lacking. Despite Moldova's limited jurisdiction, the UN Human Rights-Based Approach ([HRBA]; UNSDG, n.d.) demonstrates that local engagement and international collaboration can yield practical advances (section V).

Methodologically, this study draws on a multidisciplinary qualitative approach, combining legal doctrinal analysis, case study research, and the HRBA. While the HRBA is primarily a development and policy tool, it is used here as an analytical framework to assess the extent to which local practices align with international human rights norms in the absence of formal oversight. The analysis draws on publicly available materials in English and Russian, including secondary literature, institutional and NGO reports, as well as insights from research visits to Moldova and interviews with representatives of NGOs and Moldovan authorities. The empirical component is limited to expert and institutional perspectives. The paper concludes by offering policy recommendations and highlighting the relevance of its findings for other unrecognized entities.

II. INTERNATIONAL AND LOCAL FRAMEWORK RELATED TO WOMEN'S RIGHTS IN TRANSNISTRIA

1. General remarks

The legal framework governing women's rights in Transnistria exists at the intersection of IHRL and the region's domestic legal system. Transnistria's unrecognized status complicates the application of IHRL, as such entities cannot formally accede to international treaties. While such entities cannot formally be parties to international treaties, there is a growing academic consensus that they may nonetheless bear human rights obligations under international law due to their effective control over a given territory (Heintze, 2009; Ronen, 2013; Wiener & Clapham, 2022). Various international human rights bodies have demonstrated increasing support for the idea that unrecognized entities have obligations under IHRL (Cwicinskaja, 2025, pp. 453–455).

In practice, some of these entities, including Transnistria, have unilaterally accepted certain human rights treaties as being in force within their territo-

ry.² Though lacking binding legal force, these declarations signal aspirations for legitimacy, improved governance, and an enhanced international image. These self-commitments allow for international pressure on rights enforcement without entailing state recognition. A comparable precedent exists in the engagement of non-state armed groups with human rights obligations, such as the Deed of Commitment (Geneva Call, n.d.). The practice has demonstrated that the majority of signatories have undertaken concrete measures to implement and enforce their obligations under Deeds of Commitment (Hofman, 2016, p. 28). This reinforces the principle that human rights obligations transcend questions of recognition or statehood. Therefore, the unilateral acceptance of human rights treaties by unrecognized entities, such as Transnistria, represents an important development in showing how such entities can bear human rights obligations in practice, notwithstanding their lack of formal recognition.

Despite the ongoing doctrinal debate and the increasingly established practice of UN monitoring bodies engaging directly with unrecognized entities, States remain reluctant to incorporate these entities into the international human rights framework, leaving their residents – including women – in a legal vacuum without formal protection.

Given the inapplicability of recognized States' legal systems to the residents of unrecognized entities, the judicial systems established within these entities serve as the primary mechanisms for human rights protection. Therefore, the incorporation of IHRL norms into their legal frameworks is essential for ensuring fundamental rights and legal recourse for their residents. In the context of ensuring women's rights in unrecognized entities, feminist legal theory is pivotal. It highlights how law can both reflect and reinforce existing power structures, while also serving as a tool for transformative change (Fineman, 2012). Feminist legal theory offers a valuable framework for understanding how local women can reshape these legal spaces from within. Through advocacy and engagement, they not only challenge entrenched legal norms but also contribute to the incorporation of international women's rights standards into local legal frameworks, even in the absence of formal statehood or international oversight.

2. International legal framework

International human rights law provides strong protections for women's rights at both universal and regional levels, requiring States' authorities to take proactive measures to ensure their recognition and enforcement. This involves eliminating discrimination, addressing structural inequalities, and

² e.g., South Ossetia – Law of the Republic of South Ossetia of 25 December 2007 on the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms; Law of the Republic of South Ossetia of 25 December 2007 on the Ratification of the Covenant on Civil and Political Rights; Law of the Republic of South Ossetia of 25 December 2007 on the Ratification of the International Covenant on Economic, Social and Cultural Rights; Law of the Republic of South Ossetia of 25 December 2007 on the Ratification of the Convention on the Prevention the crime of genocide and punishment for it (texts obtained directly by the author during research); Transnistria – see section III.

prohibiting harmful practices. Key instruments include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the European Convention on Human Rights and Fundamental Freedoms (ECHR), and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).

The ICCPR and ICESCR enshrine principles of equality and non-discrimination, ensuring women's rights in public affairs, employment, education, and social protection. The Human Rights Committee (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR) have adopted number of General Comments advancing gender-sensitive interpretations of these rights and providing normative guidance to promote gender equality and strengthen State compliance (Ross, 2008, pp. 54–114).

However, the most comprehensive treaty on the rights of women remains CEDAW, which defines *discrimination* against women broadly and requires States to integrate gender perspectives into law and policy. According to Alston and Goodman (2013, pp. 179–180), CEDAW is historic due to its expansive protective provisions. Its Optional Protocol enhances enforcement by allowing individual complaints before the Committee on the Elimination of Discrimination Against Women (the Committee).

In 2013, the Committee made a significant step in asserting that unrecognized entities should be obligated to respect IHRL. In General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations (GR30), the Committee affirmed that under certain circumstances, particularly when an armed group with an identifiable political structure exercises significant control over territory and population, NSAs are obliged to respect international human rights standards, including CEDAW (UN CEDAW, 2013b). This marked a milestone in women's rights jurisprudence by reinforcing the principle that CEDAW's protections apply universally – regardless of an entity's territorial or political status under international law. Although it does not have binding legal force over NSAs, it has become an important normative reference for UN agencies as well as international and local NGOs when they press local de facto authorities to align with international women's rights standards.

European regional human rights treaties also emphasize the protection of women's rights. Although the ECHR does not explicitly focus on gender equality, it prohibits gender-based discrimination and through its Protocols and the European Court of Human Rights's (ECtHR) case-law has progressively strengthened protections against domestic violence and gender-based violence ([GBV]; ECtHR, 2024; Iliescu et al., 2022; Inal, 2020). Moreover, in 2014, the Istanbul Convention – the first binding European treaty specifically addressing violence against women – entered into force. It recognizes various forms of violence against women as serious human rights violations and establishes a monitoring mechanism with independent experts overseeing compliance and evaluating the implementation of the treaty (McQuigg, 2017). By ratifying the Istanbul Convention, State parties are obliged to amend their legislation,

implement practical measures, and allocate sufficient resources to effectively prevent, prosecute, and combat violence against women and domestic violence, as well as to protect and support victims.

3. Local legal framework

Despite its unrecognized status, the Transnistrian authority undertook unilateral commitments to align the internal normative framework with several international human rights instruments, including the Convention on the Prevention and Punishment of Genocide, the ICCPR and its protocols, the ECHR and its protocols, the ICESCR, the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD).³ However, key treaties such as CEDAW and the Istanbul Convention have not been formally incorporated into Transnistrian law.

Since declaring independence, the Transnistrian authorities have operated outside Moldova's legal framework, aiming to establish a democratic state grounded in the rule of law and the equal treatment of citizens of all nationalities.⁴ The Transnistrian Constitution explicitly affirms principles of international law and human rights in Articles 16 and 17,⁵ indicating an intention to incorporate IHRL into domestic legislation.

Despite formal equality guarantees, Transnistria lacks a dedicated gender-equality law or institution. Existing bodies, such as the Ministry of Social Protection's family department, do not function as a gender oversight mechanism. Despite early hopes from NGOs (NGO Rezonance and NGO Legal Informational Center Apriori, 2013), gender equality has not been prioritized in its activities or public reporting (Ministry of Social Protection and Labour of the PMR, n.d.).

Gender-related protections are addressed implicitly in the Constitution, the Code of Marriage and Family,⁶ the Labour Code,⁷ and the Law on the Se-

³ Decision of the Supreme Council of the Pridnestrovian Moldavian Republic of 22 September 1992 no 226 on the attitude of the Pridnestrovian Moldavian Republic to international treaties and other acts on human rights (<https://mid.gospmr.org/ru/TLj>); Decision of the Supreme Council of the Pridnestrovian Moldavian Republic of 23 May 2002 no 579 on the recognition as framework norms of law on the territory of the Pridnestrovian Moldavian Republic Convention on the Rights of the Child, World Declaration on the Survival, Protection and Development of Children, Declaration on Social and Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally (<https://mid.gospmr.org/ru/TLj>).

⁴ Declaration of Independence of the Pridnestrovian Moldavian Soviet Socialist Republic, 25 August 1991 (<https://archive.fo/d17At>). It should be noted that on 5 November 1991 the words 'Soviet' and 'Socialist' were excluded from the name of the entity.

⁵ The Constitution of the Pridnestrovian Moldavian Republic (<https://president.gospmr.org/pravovye-akty/konstitutsiya-pmr/>).

⁶ The Code on Marriage and Family of the Pridnestrovian Moldavian Republic, put into effect by the Law of the Pridnestrovian Moldavian Republic of 19 July 2002 No. 158-3-III 'On the Entry into Force of the Code on Marriage and Family of the Pridnestrovian Moldavian Republic' (SAZ 02-29).

⁷ Law of the Pridnestrovian Moldavian Republic of 19 July 2002 No. 161-3-III 'The Labour Code of the Pridnestrovian Moldavian Republic' (SAZ 02-29).

curity of the State Pensions of the Citizens.⁸ However, these provisions are insufficient to ensure comprehensive protection of women's rights. Article 17 of the Constitution prohibits discrimination, including on the basis of sex, while Article 43 guarantees equal remuneration. The Code of Marriage and Family affirms spousal equality in Article 17, and the Labour Code, in Article 3, mandates non-discrimination in employment. The Law on the Security of the State Pensions of the citizens in Transnistria establishes differentiated retirement ages, with women retiring at 55 and men at 60. While not uncommon, as 62 out of 190 countries still maintain a lower retirement age for women (World Bank Group, n.d.), this practice is increasingly being challenged. Although often viewed as beneficial, it can shorten women's workforce participation and pension contributions, thereby reducing retirement benefits. Many countries have moved toward equalizing retirement ages, driven by gender-equality advocacy and legal reforms addressing structural pension inequalities (Zahid & Martins, 2025). In Transnistria, achieving gender parity in retirement age may require not only legislative change but also a shift in public perception regarding the fairness of equalizing the retirement age for both genders.

The legal framework addressing domestic violence is insufficient. Transnistrian law does not explicitly define domestic violence, instead addressing related offences indirectly through the Criminal Code (CC) and the Administrative Offences Code (AOC). Domestic violence is not treated as a distinct legal category but falls under general provisions on crimes against persons, such as attempted murder, serious or medium bodily harm or other violent offences.⁹ In turn, the AOC imposes fines for intentional light physical injury that does not result in significant harm.

Transnistrian NGOs have played a key role in advocating for legal reforms on domestic violence prevention (see below). After nearly a decade of persistent efforts by civil society, local authorities have shown some willingness to amend legislation. In 2019, the local Ministry of Internal Affairs (MIA), in collaboration with NGOs, developed an instruction manual for law enforcement on domestic violence prevention, which came into force in 2021.¹⁰ It outlines standardized procedures for police intervention, victim protection measures, and referral mechanisms aimed at improving the authorities' response to domestic violence cases.¹¹ Further progress was made on 20 June 2023, with the

⁸ Law of the Pridnestrovian Moldavian Republic of 17 February 2005 No. 537-3-III 'On state pension provision for citizens in the Pridnestrovian Moldavian Republic' (SAZ 13-25).

⁹ Penal Code of the Transnistrian Moldavian Republic (<https://pravo.gospmr.org/uploads/ul/books/YK/uk.pdf>).

¹⁰ Order of the Ministry of Internal Affairs On approval of the Instruction on the organization of activities of employees of internal affairs bodies for the suppression and prevention of domestic violence No. 250 dated 14 August 2020 (<http://minjust.gospmr.org/oo/Publication.nsf/805c7c76d1c2ddb8c2258213005be80f/29e7c33f48aebaf6c22586a7004c6785!OpenDocument>).

¹¹ According to the Instruction, the militia (local police) officer who communicates with the victim should inform her about the activity of Resonance Center and services provided by it. The Instruction contains a risk assessment questionnaire to be filled in by militia officers on site. According to the questionnaire, if the risk level is high or medium, the officer should inform the victim about a potential social support and develop a safety plan together with her. Also, data

enactment of a medical response procedure for domestic violence cases approved by Order No. 353 of the Minister of Health.¹² While these developments are notable, Transnistria's legal framework remains inadequate and weakly enforced. The absence of clear legal definitions for domestic violence and gender discrimination further weakens protections for women.

The following sections examine how the Transnistrian authorities and civil society address legal gaps, emphasizing the role of local institutions and external actors in shaping gender policy. Their interaction will be key to advancing women's rights in the region.

III. ACTIVITIES OF THE TRANSNISTRIAN AUTHORITIES AND CIVIL SOCIETY

While the Transnistrian authorities claim to align with international human rights norms, women's rights remain largely overlooked. Patriarchal norms cast women as caregivers, despite many assuming financial responsibility due to male labour migration (Groshovninam, 2013, p. 219). A 2019 survey conducted by the local NGO Rezonans (2019a, p. 33) found only 14.1% of respondents free from gender bias, illustrating the persistence of stereotypes that hinder equality.

Given the complexity of the topic, this study does not aim to comprehensively cover all aspects of women's rights in Transnistria. It focuses on two key areas: gender equality – defined as equal access, pay, and representation – and domestic violence. These domains are central to evaluating the region's legal and social responses to gender-based discrimination.¹³ International instruments stress the importance of gender-balanced participation in all spheres of life (UN CEDAW, 1997, para. 14; UN GA, 2015; UN CEDAW, 2024, para. 16), advocating for quotas when female representation falls below 30–40% (UN CEDAW, 2024, para. 16). Despite this, the Transnistrian authorities resist adopting gender-equality legislation, citing such factors as women's historical leadership roles and their representation in executive bodies (UNHRC, 2013, para. 10). While women have held 27–50% of executive positions since 2011,¹⁴

about her case will be sent to the Crisis Center, with the consent of the victim, and the staff of the Center will provide the victim with the necessary help.

¹² Order of the Ministry of Health of the Pridnestrovian Moldavian Republic On approval of the Procedure for the response of medical workers of medical and preventive institutions to cases of domestic violence No. 11787 dated 4 May 2023 (<https://resonancengo.org/upload/userfiles/files/11787.pdf>).

¹³ At this point, it is important to acknowledge that, in addition to gender equality and domestic violence, other pressing issues in this domain include reproductive health and rights as well as human trafficking.

¹⁴ The author's own calculations, based on publicly available information from the official website of the local Government of the Pridnestrovian Moldavian Republic (<https://government.gospmr.org>).

which surpasses international benchmarks (UN Women, 2025),¹⁵ women's political participation is now declining, with only 23% female representation in the latest term. Additionally, female parliamentary representation remains low, fluctuating between 2–3 out of 43 deputies depending on the term.¹⁶ Although no gender-based pay discrimination has been reported in state-funded public administration, there are no gender quotas or mandatory party lists to ensure women's participation in politics. Furthermore, no legislative measures are currently in place to address these concerns, leaving a significant gap in gender equality and political representation.

In the private sector, gender equality remains largely unverified due to the absence of official gender-disaggregated data. Surveys indicate wage disparities and occupational segregation, reinforcing economic inequality (PromoLEX, 2012, p. 43). Public discourse reflects entrenched biases, as evidenced by the dismissive term 'Shevchuk women's battalion' used to deride the 2012 appointment of a government with 50% female representation by President Shevchuk (Shmakov, 2024), illustrating resistance to gender parity in leadership roles.

Despite formal gains in female representation, the lack of systemic equality measures, limited legislation, and enduring societal bias continue to restrict women's participation. The absence of comprehensive data further hinders efforts to address disparities, underscoring the need for monitoring aligned with international standards.

According to the Committee (UN CEDAW, 2017, para. 2) and the UN Human Rights Council (UNHRC, 2018, para. 19), the prohibition of GBV against women has become a principle of customary international law, binding even unrecognized entities, particularly when they exercise effective control over a territory and its population. Domestic violence in the entity remains widespread yet underreported. A 2011 survey found 36% of women had experienced physical domestic violence (US Bureau of Democracy, 2011), while 10% of the population believes men have the right to punish their wives. Cultural norms frame domestic violence as a private issue, discouraging victims from seeking help. A 2019 survey by the local NGO Rezonans (2019b) revealed that 66% of domestic violence victims never sought assistance.

The lack of a comprehensive legal framework and enforcement mechanisms exacerbates GBV in Transnistria. While the CC penalizes moderate and serious injuries, it fails to address domestic violence in its entirety. Criminal liability arises only for severe harm, whereas minor assaults like slapping or pushing are treated as administrative offences. Between 2014 and 2018, 75% of such administrative cases were dismissed without legal action against the perpetrators (NGO Rezonans & Transdnistrian Platform on domestic violence prevention and women's rights promotion, 2019, p. 8). Additionally,

¹⁵ As of 1 January 2024, women occupied 23.3 % of executive Cabinet positions globally, while only 15 countries achieved gender parity (≥ 50 % women in these roles).

¹⁶ The author's own calculations, based on publicly available information from the official website of the local Parliament of the Pridnestrovian Moldavian Republic, <https://vspmr.org>

psychological and economic abuse remain unrecognized, depriving victims of legal protection. This impunity results from the absence of specific laws criminalizing domestic violence, leaving many abusers unpunished. Despite civil society's efforts, no new legal initiatives emerged until 2019, when, as noted earlier, the local MIA collaborated with NGOs on a domestic violence protocol – though a prolonged legal gap remained, as the measure did not enter into force until 2021.

Transnistria lacks effective victim protection mechanisms, with authorities failing to provide adequate support services. Many victims hesitate to report abuse due to distrust of law enforcement, fear of retaliation, and concerns about victim-blaming, leading to widespread underreporting (Cristei et al., 2019, p. 74). Domestic violence is not classified separately from other offences and no official statistics are maintained, which obstructs efforts to address the issue effectively.

In the absence of institutional response, women-led NGOs serve as the *de facto* providers of core services to domestic violence victims. This *de facto* delegation of responsibility underscores the systemic failure of the Transnistrian authorities to establish an effective legal and institutional framework to combat domestic violence, contradicting their self-declared human rights commitments.

Given the lack of official data collection, statistics on domestic violence in Transnistria primarily come from NGO-operated hotlines funded by international donors and indirect reports from the local MIA compiled upon NGO requests. The rising number of calls to a helpline operated by an NGO since 2009 – totalling over 17,925 by 31 December 2022 (NGO Interaction, n.d.) – highlights the scale of the issue and underscores the urgent need for official intervention.

Furthermore, NGOs have established shelters for victims. The first shelter, established by an NGO with international donor support in 2015, provides housing, legal aid and psychological assistance. While the number of shelter spaces remains inadequate compared to international standards (CE, 2008, p. 51), the shelter's establishment marks a crucial effort to protect and support victims, despite lack of local government funding.

The gradual recognition of the problem of domestic violence by the Transnistrian authorities, driven by women NGO advocacy, marks a significant development despite the absence of a dedicated legal framework. Between 2016 and 2017, the issue gained governmental acknowledgment, leading to a December 2017 agreement between the local MIA and NGOs to strengthen prevention efforts. As part of this initiative, the NGO Rezonans trained hundreds of police officers to identify and respond to domestic violence. Further institutional progress followed in 2019 and 2023, when the MIA and Ministry of Health, under NGO influence, adopted standardized response procedures. While limited in scope, these measures demonstrate the impact of sustained civil society advocacy in institutionalizing authorities' responsibilities.

The NGO-government cooperation has yielded tangible results. Police officers trained through NGO-led programmes have increasingly referred vic-

tims to specialized support services, advising them to complete intake forms and seek assistance from NGOs (Vlasiuk, 2022). After prolonged negotiations, local authorities granted the NGO Rezonans a state-owned building in 2019 to serve as a shelter, which was renovated with international financial support (Promo-LEX, 2019, p. 25). This marked the first formal recognition by the Transnistrian authorities of the need for victim accommodation services, though without any financial contribution from the budget.

However, it is crucial to note that no funds have been allocated from the Transnistrian budget for women's rights initiatives, leaving victim support reliant on NGO efforts funded by international donors. This dependence raises concerns about the sustainability of protection mechanisms. Since 2015, four day-centres for domestic violence victims have been established, providing essential services, but due to financial constraints, only one remained operational by 2019, underscoring the precarious nature of victim support in the absence of institutional funding. This situation further illustrates the failure to meet international human rights standards and the urgent need for a comprehensive legal and institutional framework to combat domestic violence effectively.

IV. THE ROLE OF INTERNATIONAL INVOLVEMENT IN THE PROTECTION OF WOMEN'S RIGHTS IN TRANSNISTRIA

1. The Republic of Moldova

As the internationally recognized sovereign over Transnistria, Moldova is bound by international human rights law to protect the rights of all individuals within its jurisdiction, including women. Despite being party to key treaties such as CEDAW and the Istanbul Convention, Moldova's lack of effective control over Transnistria impedes enforcement, rendering its commitments largely symbolic in the region. Moldovan national legislation and policies do not extend to the territory controlled by Transnistrian authorities. Since the 1990s, Moldova has asserted its inability to guarantee rights in areas beyond its control (UNHRC, 2000, para. 332), issuing territorial reservations and declarations to limit treaty applicability until full territorial integrity is restored (CE, n.d.; UNHCR, n.d.).

Nonetheless, influenced by international bodies and European Court of Human Rights jurisprudence affirming the State's responsibility to protect human rights across its entire territory¹⁷ (UNHRC, 2016, paras. 5–6), Moldova has revised its approach to human rights in Transnistria. During its HRC membership (2010–2013), it reaffirmed its commitment to safeguarding rights in Transnistria (UNHRC, 2011, para. 75.41). Thus, Moldova is required to take diplomatic, legal and policy-driven actions to enhance women's rights protec-

¹⁷ ECtHR Judgment of 8 July 2004, *Ilascu and Others v. Moldova and Russia*, App. no. 48787/99, [https://hudoc.echr.coe.int/#%7B%22itemid%22:\[%22001-61886%22](https://hudoc.echr.coe.int/#%7B%22itemid%22:[%22001-61886%22)

tions in the region, including extending domestic legislation, engaging international mechanisms, and supporting NGOs providing services to GBV victims.

In this regard, Transnistria has been formally included in the Moldovan National Human Rights Action Plans (NHRAP) since 2011.¹⁸ However, key objectives – particularly women’s rights – remain unimplemented (UNHRC, 2016b, para. 108; Government of the Republic of Moldova, 2024, para. 19; Promo-LEX, 2022, p. 7; Avocatul Poporului, 2024, p. 54). Women’s rights are absent from Moldova-Transnistria negotiations, and Moldova has yet to act on Committee recommendations to cooperate with *de facto* authorities (UN CEDAW, 2013, para. 12). Moreover, Moldovan institutions do not systematically monitor human rights in Transnistria, and the region is generally excluded from state reporting under CEDAW Article 18 (UN CEDAW, 1998, 2004, 2012) and under Article 68 of the Istanbul Convention (GREVIO, 2022). Despite national progress in gender equality – reflected in Moldova’s Gender Inequality Index improving from 0.298 in 2010 to 0.156 in 2022 (UNDP, n.d.) – these advances have not extended to Transnistria. The Committee has observed that women in Transnistria lack protections equal to those in the rest of Moldova (UN CEDAW, 2013, para. 11). Although services are formally available to them on the right bank of the Dniester River, legal and financial barriers often prevent access. To address systemic human rights gaps, Moldova must strengthen collaboration with Transnistrian NGOs and international actors. Such partnerships would improve its capacity to protect women’s rights in areas beyond its control. Despite Moldova’s formal commitments, NGOs report insufficient and interest-driven follow-up (Promo-LEX Association & Media Center, 2016, para. 29, 31; Chiriac & Tugui, 2014, p. 11). This scepticism underscores the need for a more consistent and rights-focused approach to NGO support. Moreover, a major policy gap exists in Moldova’s failure to provide direct financial or institutional support to Transnistrian NGOs, despite the Committee’s recommendations (UN CEDAW, 2020, para. 23(d)). Moldova does not allocate any state budget funds to support these organizations in Transnistria. As NGOs are the primary service providers in the region, state funding would reflect Moldova’s commitment to protecting women in Transnistria and upholding its human rights obligations.

At the same time, Moldova has taken indirect steps to protect human rights in Transnistria, such as supporting unrestricted access for international human rights monitoring mechanisms. This has allowed visits from various international bodies, which have helped monitor human rights conditions, including women’s rights, in the region.¹⁹ Moldova has also facilitated access

¹⁸ Parliament of the Republic of Moldova, Decision No. 90 of 12-05-2011 on the approval of the National Human Rights Action Plan 2011–2014 (https://www.legis.md/cautare/getResults?doc_id=17950&lang=ro); Parliament of the Republic of Moldova, Decision No. 89 of 24-05-2018 on the approval of the National Human Rights Action Plan 2018–2022 (https://www.legis.md/cautare/getResults?doc_id=110031&lang=ro).

¹⁹ e.g., the visits of UN Special Rapporteur on violence against women and UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2008 or UN Independent Expert on the enjoyment of all human rights by older persons in 2023.

to international funding for Transnistrian NGOs by allowing them to obtain Moldovan tax identification numbers, required for registration in Moldova. This grants NGOs access to international funding (Ivan Țurcan, Head of the Analytical and Information Section of Reintegration Policies Bureau of the Republic of Moldova, personal communication, 29 October 2024). Although Moldova does not directly allocate funds for the protection of women's rights in Transnistria, it includes the outcomes of locally implemented NGO projects funded by international organizations in its official reports to international bodies (UNHRC, 2016c, para. 76). In doing so, Moldova attributes these initiatives to its own efforts while limiting its direct accountability for addressing gender-related issues in the region.

Given that the Moldovan constitutional authorities' lack effective control in Transnistria, cases of human rights violations are reported to international organizations with appeals for intervention to halt illegalities and restore or ensure the protection of violated rights. International engagement has proven to be one of the most effective mechanisms for improving the protection of women's rights in the region.

2. International organizations

Since its declaration of independence, Transnistria has maintained a relatively open approach to engagement with the international community, particularly when compared to other unrecognized entities in the post-Soviet space (Cwicinskaja, 2018). This openness has facilitated visits from international organizations resulting in reports that provide at least a partial assessment of the human rights situation in the region.

The first and only report dedicated exclusively to women's rights in Transnistria was prepared by the UNHRC's Special Rapporteur on violence against women in 2009. The report highlighted that international standards were not being met in Transnistria, pointing out significant gaps in gender-issue monitoring and the lack of infrastructure to address domestic violence cases. Although its recommendations were formally directed only to the Moldovan government, the Rapporteur clarified their relevance to Transnistria as well. Despite limited implementation and no direct recommendations to local authorities, the report stands as a success in the cooperation between international organizations, the parent State, and the Transnistrian local authorities. The Special Rapporteur's ability to meet with both local authorities and NGOs marked a milestone in addressing women's rights issues in the region, given the challenges related to access and limited information.

Recent international reports on women's rights have increasingly addressed both the Moldovan and Transnistrian authorities. This shift began in 2011 when UN High Commissioner for Human Rights, Navi Pillay, affirmed her mandate's applicability to all areas under *de facto* control, regardless of legal status (UN OHCHR, 2011). Her position prompted the UN to commission reports by the UN Senior Expert on human rights in Transnistria (Hammarberg, 2013, 2018), which included dedicated chapters on women's

rights and direct recommendations to local authorities. This approach was later reinforced in the 2012 report of the UN Working Group on the issue of discrimination against women in law and in practice following its mission to the Republic of Moldova (UNHRC, 2013, para. 90). Advocates for women's rights in Transnistria had long called for this rights-based approach. International engagement has been vital in raising awareness of women's rights and enhancing their effective enjoyment within the parent State – Moldova (UNHRC, 2013, para. 84). Given the positive national impact, similar efforts should be extended to Transnistria to ensure that women across all Moldovan territories benefit equally from international cooperation and advocacy, thereby closing gaps in gender equality and protection.

The Council of Europe adopted a similar approach, termed 'unlimited access to grey zones',²⁰ which advocates for maintaining contact with *de facto* authorities and conducting visits to monitor human rights conditions. This engagement remains strictly procedural, avoiding any political or legal recognition of these authorities.

This strategy has proven effective in strengthening the protection of women's rights in Transnistria. Local authorities have taken international reports seriously, leading to increased cooperation and project implementation.²¹ Direct dialogue with local authorities facilitated the launch of initiatives funded by international donors, with participation from UN agencies, local and Moldovan NGOs with the consent of both local authorities of the entity as well as the Moldovan authorities (UN Multi-Partner Trust Fund Office, n.d.). Since 2015, these projects have resulted in the establishment of shelters, psychological and legal support services, food aid, vocational training for domestic violence victims, and awareness campaigns. As a result, victims of domestic violence in Transnistria now have access to a similar range of social services as those available throughout Moldova.

Additionally, international projects have provided Transnistrian officials with opportunities to observe domestic violence prevention strategies abroad. Local NGOs have organized study visits abroad for law enforcement personnel, fostering a shift in their perception – moving from viewing domestic violence as a private matter to recognizing it as a social issue (UNDP IEO, 2018, p. 19). This indirect engagement with international support has contributed to gradual improvements in human rights practices. Moreover, such a solution aligns with the interests of both Moldova and the international community, allowing for cooperation while sidestepping political recognition debates over Transnistria's contested status.

Although these projects are typically short-term and involve a limited group of NGOs, they cannot replace a comprehensive local policy framework. Nonetheless, these initiatives have led to measurable improvements in the

²⁰ PACE. (2018). Resolution 2240 (2018). Unlimited access to member States, including "grey zones", by Council of Europe and United Nations human rights monitoring bodies.

²¹ The issue of domestic violence and establishment of a safe place for women appeared as one of nine approved priorities by local Transnistrian authorities in 2013.

protection of women's rights (Hammarberg, 2018, p. 18) and have created meaningful opportunities for women-led advocacy to serve as a bridge between international norms and local enforcement. Furthermore, joint initiatives involving both the population and authorities from both sides of the conflict serve as a crucial step toward building mutual trust and fostering confidence in cross-border cooperation.

V. CONCLUSIONS

Women's rights in Transnistria remain a neglected aspect of regional human rights (Hammarberg, 2013, p. 29). Legal, institutional, and political obstacles – linked to the region's unrecognized status – hinder effective protection against gender-based discrimination. Despite formal commitments, enforcement of gender equality remains weak and fragmented.

In turn, Moldova's strategies for promoting women's rights remain ineffective in Transnistria due to its lack of control. In this vacuum, NGOs serve as the main providers of protection, exemplifying feminist legal theory in action – by centring lived experience, challenging structural inequality, and driving grassroots reform. In contested spaces with fragile human rights guarantees, local women become key agents of protection. However, their impact depends on sustained international support and cooperation from both Moldovan and Transnistrian authorities.

The legal status of entities like Transnistria raises critical questions regarding the applicability of international human rights law to non-state actors. Contemporary international law acknowledges that certain obligations extend beyond states to NSAs, including *de facto* authorities exercising effective control over a territory. As affirmed in GR30, NSAs may bear obligations under IHRL when exercising territorial control, particularly in prohibiting (GBV; paras. 16, 18). Unrecognized entities exercising control over a population carry legal and moral responsibilities under IHRL.

UN Security Council Resolution 1325 is highly relevant to unrecognized entities, as it acknowledges the gendered impact of conflict and affirms women's roles in peacebuilding and governance²². It should inform international engagement with regions like Transnistria. GBV must be addressed as a security issue through sustained institutional responses and victim-centered support. Expanding capacity-building for women in law enforcement, governance, and civil society is essential for strengthening their advocacy for gender equality and rights.

The case of Transnistria illustrates how international pressure and civil society engagement can effectively promote human rights within unrecognized entities. Despite its unresolved political and legal status, pressure from the international community, combined with sustained support for local civil

²² UNSC. (2000) Resolution 1325. S/RES/1325 (2000).

society initiatives, has proven to be one of the most effective mechanisms for influencing the Transnistrian authorities.

Advancing women's rights in unrecognized entities requires a pragmatic, multilateral approach that balances international engagement with political realities. International actors should work with both parent States and de facto authorities to promote gender-equality standards. Parent States must uphold their obligations by facilitating NGO access to funding and training, while supporting collaboration between local and national NGOs. Reliable data on GBV and women's socio-economic conditions in regions like Transnistria are critical for informed policymaking. Regional cooperation, sustainable NGO funding, and gender-sensitive governance are key to closing protection gaps.

This model extends beyond Transnistria and is relevant to other unrecognized entities worldwide. In such contexts where political isolation and limited state structures create significant barriers to gender equality and human rights protection, coordinated efforts by international bodies, parent States and NGOs are essential to uphold women's rights, despite complex geopolitical realities.

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