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**LEGAL MEASURES OF SOCIAL SUPPORT FOR WOMEN AT WORKPLACE
UNDER CLIMATE CHANGE CONDITIONS**

**MĂSURI LEGALE DE SPRIJIN SOCIAL PENTRU FEMEILE LA LOCUL
DE MUNCĂ ÎN CONDIȚII DE SCHIMBĂRI CLIMATICE**

**ПРАВОВЫЕ МЕРЫ СОЦИАЛЬНОЙ ПОДДЕРЖКИ РАБОТАЮЩИХ
ЖЕНЩИН В УСЛОВИЯХ ИЗМЕНЕНИЯ КЛИМАТА**

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ABSTRACT:

**LEGAL MEASURES OF SOCIAL SUPPORT FOR WOMEN AT WORKPLACE UNDER
CLIMATE CHANGE CONDITIONS**

One of the UN SDGs is tackling and minimize climate change. This is a threat that has many adverse consequences, including in the world of work. Women are one of the most vulnerable categories in labor relations, and unfavorable environmental factors, which are aggravated due to climate change, are not always taken into account and taken into account by the employer. The paper discusses some legal measures that are being taken at the international, regional, national and employer levels to minimize the adverse effects of climate change in labor relations with women.

A legal analysis of the norms of the international framework, as well as materials of international organizations on women's rights in a changing climate, is carried out. Some conclusions and proposals are formulated to improve the efficiency of legal regulation of labor and social security relations with women in the workplace.

Key words: *legal measures, climate change, protection of labor rights, women in the workplace, social and legal support.*

JEL Classification: K 31, K 31; K 33

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РЕЗЮМЕ:

**ПРАВОВЫЕ МЕРЫ СОЦИАЛЬНОЙ ПОДДЕРЖКИ РАБОТАЮЩИХ
ЖЕНЩИН В УСЛОВИЯХ ИЗМЕНЕНИЯ КЛИМАТА**

Одной из ЦУР ООН является борьба с изменением климата и минимизация негативных изменений. Это угроза, которая имеет множество неблагоприятных последствий, в том числе в сфере труда. Женщины являются одной из наиболее уязвимых категорий в трудовых

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отношениях, а неблагоприятные экологические факторы, которые усугубляются из-за изменения климата, не всегда учитываются и принимаются во внимание работодателем. В статье рассматриваются некоторые правовые меры, которые принимаются на международном, региональном, национальном и уровне работодателя для минимизации неблагоприятных последствий изменения климата в трудовых отношениях с женщинами.

Проведен правовой анализ норм международного права, а также материалов международных организаций по правам женщин в условиях изменяющегося климата. Сформулированы некоторые выводы и предложения по повышению эффективности правового регулирования трудовых и социально-обеспечительных отношений с женщинами на рабочем месте.

Ключевые слова: *правовые меры, изменение климата, защита трудовых прав, женщины на рабочем месте, социально-правовая поддержка.*

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REZUMAT :

MĂSURI LEGALE DE SPRIJIN SOCIAL PENTRU FEMEILE LA LOCUL DE MUNCĂ ÎN CONDIȚII DE SCHIMBĂRI CLIMATICE

Unul dintre ODD-urile ONU este abordarea și minimizarea schimbărilor climatice. Aceasta este o amenințare care are multe consecințe negative, inclusiv în lumea muncii. Femeile sunt una dintre cele mai vulnerabile categorii în relațiile de muncă, iar factorii de mediu nefavorabili, care sunt agravați din cauza schimbărilor climatice, nu sunt întotdeauna luați în considerare și luați în considerare de către angajator. Lucrarea discută câteva măsuri legale care sunt luate la nivel internațional, regional, național și angajator pentru a minimiza efectele negative ale schimbărilor climatice în relațiile de muncă cu femeile.

Se efectuează o analiză juridică a normelor cadrului internațional, precum și a materialelor organizațiilor internaționale privind drepturile femeilor într-un climat în schimbare. Sunt formulate unele concluzii și propuneri pentru îmbunătățirea eficienței reglementării legale a relațiilor de muncă și de securitate socială cu femeile la locul de muncă.

Cuvinte cheie: *măsuri legale, schimbări climatice, protecția drepturilor muncii, femeile la locul de muncă, sprijin social și juridic.*

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Introduction

Tackling against climate change today is considered as a complex problem affecting many spheres of public life. UN SDG 13: Implement urgent action to combat climate change and its impacts, the objectives for achieving this goal include the following goal: “Integrate responses to climate change into policies, strategies and planning at the national level.”¹ Speaking about measures to respond climate change and their inclusion in policies at various levels, special attention should be paid to measures of legal support for the population as a whole, as well as the most vulnerable categories. Moreover, it is important to note that such support measures are needed in almost all states. This applies both in countries that are recognized by the international community as those most affected by catastrophic climate

¹ Take urgent action to combat climate change and its impacts. Available online: <https://sdgs.un.org/goals/goal13> (Date of visit: 01.12.2024).

change and environmental degradation, as set out in the SDG 13 targets: least developed countries and small island developing states¹, and in developed countries.

Legal measures of social support for women at workplace under climate change conditions

The labor sphere is that part of human activity in which external conditions, including climatic conditions and the state of the environment, are still an important factor. Despite the increased influence of artificial intelligence on the labor market, climatic conditions determine the development of the labor market for a large number of workers, primarily in the agricultural sector, as well as in the service sector. Thus, the World Bank presented a report stating that over the next five years, artificial intelligence will change almost a quarter of the world's jobs². This cannot but cause concern.

Taking into account the fact that in many countries of the world women are employed in unskilled jobs, including in agriculture, they become dependent on climate change. In these conditions, measures of social and legal support in the event of dismissal or layoff of workers remain important. Women in the workplace are categories of employees for whom a mechanism of legal protection has been established on the basis of gender. Moreover, this applies to both the norms of international law and the provisions of national legislation.

Among the international legal acts, it should be noted, first of all, UN Convention on the Elimination of All Forms of Discrimination against Women, 1979³ and the conventions and recommendations of the International Labor Organization:

- Maternity Protection Convention, 1919 (No. 3);
- Women's Night Work Convention, 1919 (No. 4);
- Equal Remuneration Convention, 1951 (No. 100);
- Discrimination (Employment and Employment) Convention, 1958 (No. 111);
- Recommendation on Workers with Family Responsibilities, 1965 (No. 123);
- Workers with Family Responsibilities Convention, 1981 (No. 156);
- Home Work Convention, 1996 (No. 177);
- Maternity Protection Convention, revised, 2000 (No. 183).⁴

In the context of serious threats of climate change, in our opinion, a number of questions and problems arise related to the application of basic international standards as guarantees of the implementation of women's rights in the workplace.

First of all, the issue of women's employment is problematic. As has been repeatedly noted in reports and reviews of international organizations, there is a direct connection with climate change and the issue of women's employment. As noted back in the Intergovernmental Panel on Climate Change (IPCC) its 2007 Assessment Report, "... the impacts of climate change will vary depending on gender, age and class, with the poor most likely to suffer".⁵ Experts also noted that due to gender inequality, women are vulnerable, since women make up the majority of the world's poor. Women are not considered by law to be employed in the case of housekeeping and childcare. In addition, women and natural resource management are sectors that experts note are particularly sensitive to climate change.

¹ UN Women: Europe and Central Asia. UN SDG 13. Available online: <https://eca.unwomen.org/ru/news/in-focus/women-and-the-sdgs/sdg-13-climate-action> (Date of visit: 01.12.2024).

² World Bank: AI will change about a quarter of jobs in five years. Available online: <https://habr.com/ru/news/732608/> (Date of visit: 01.12.2024).

³ UN Convention on the Elimination of All Forms of Discrimination against Women, 1979. Available online: <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (Date of visit: 01.12.2024).

⁴ ILO Conventions. Available online: <https://www.ilo.org/ru/resource/konvencii-mot> (Date of visit: 01.12.2024).

⁵ Climate Change Connections. Policy that Supports Gender Equality. Available online: https://www.unfpa.org/sites/default/files/pub-pdf/climateconnections_2_policy_0.pdf (Date of visit: 01.12.2024).

Secondly, speaking about employed women, the impact of climate change is manifested through occupational diseases. Climate and environmental factors such as soil salinization, an increase in average air temperature, a decrease in the ozone layer, soil waterlogging and others directly affect the health of working women. Based on this, the costs of social payments and benefits and pensions due to disability increase.

According to the International Labor Organization,¹ over 70 percent of the workforce is affected by climate change to some extent. Such changes, as identified in the ILO Report 2024, cause skin cancer and respiratory diseases, and more than 2.4 billion workers worldwide are exposed to excessively high temperatures in the workplace.² This threat associated with climate change is also dangerous from the position that harmful production factors in the workplace, so-called “new” ones, are not always taken into account by the legislator. The point is that legislation at the national level does not change flexibly in response to climate change, which is often studied and noticed at a more global level.

For example, for countries through which the Dniester River flows, a significant factor is the shallowing of the river along almost its entire length. The construction of power plants exacerbates this factor. For the employment sector, this causes consequences such as a decrease in the amount of arable land, a decrease in employment in agriculture, and a decrease in pastures. As well as rising air temperatures and increasing flooding along the entire length of the river.

One more important issue directly related to climate change and the position of women in the workplace is the change in the structure of the economy in the state due to environmental changes and climate change, which are often called climate disasters on a regional scale.

The factors we have indicated regarding women's rights in the labor sphere, taking into account climate change, directly affect issues of labor relations, as well as relations with social security and social protection. The factors we have indicated regarding women's rights in the labor sphere, taking into account climate change, directly affect issues of labor relations, as well as relations with social security and social protection.

In a broader approach, for example, as indicated in the materials of the Office of the UN High Commissioner for Human Rights, and other international bodies and organizations involved in the protection of human rights, a gender approach and gender rhetoric predominates.

Speaking about the impact on women, the reports and reports of the UN High Commissioner for Human Rights highlight the following areas of negative climate change³ impact on women, affecting their rights³:

✓ Food security: In this case, we are talking about unequal access to entrepreneurship in the field of food production, as well as limited opportunities for purchasing plant protection products in agricultural production;

✓ Health: As mentioned above, the impact on the health of women from adverse climate and environmental changes is greater than that of men, and UN experts note the negative effects of polluted water and air as unfavorable factors. And also the exclusion of women from the decision-making process;

✓ Gender-based violence: This factor also appears to need to be considered in the context of climate change. We are talking about economic violence, which worsens as the environmental situation worsens, including human trafficking and forced labor;

¹ Occupational safety and climate change. Available online: <https://www.ilo.org/ru/resource/news/izmenenie-klimata-sozdaet-celyy-kompleks-sereznykh-ugroz-dlya-zdorovya-70> (Date of visit: 01.12.2024).

² Ensuring safety and health at work in a changing climate. Global report, 2024. Available online: www.ilo.org/publns. (Date of visit: 01.12.2024).

³ Climate Change: Protecting Women's Rights. Available online: <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/materials/2PGenderLight.pdf> (Date of visit: 01.12.2024).

✓ Decent work: When it comes to decent working conditions for women, the issue of equality, respect for the principle of non-discrimination in labor relations, as well as providing additional guarantees for women and girls arises. Therefore, climate change is a factor threatening compliance with guarantee standards, if we consider this problem in the legal field.

All of these factors, to one degree or another, are components of assessing the situation on the labor market for employed women. Legal measures are only one of the areas of influence on the situation within the framework of numerous policies adopted and developed to ensure women's rights in the context of climate change. The International Labor Organization has developed a practical guide "Gender equality and inclusion for a just transition in climate action".¹ This guide is of practical interest as it provides a detailed analysis of policy directions for gender mainstreaming in the context of climate change. The factors influencing the labor market are analyzed, and examples of the practice of ILO member countries in responding to climate change and taking into account risk factors for employed women are given. For example, it is worthy of attention to address the need to "promote women's access to information and communication technologies (ICT) and their use in their enterprises. In this case, we are talking about climate change and the business risks and development forecasts caused by such changes in relation to the green economy or attracting new customers, as well as monitoring and responding to climate change impacts (for example, in agriculture)."²

The regional factor is important in the process of legal regulation of problems arising in the labor sphere caused by climate change. It is obvious that the challenges associated with environmental problems are specific depending on the region, state, or individual territory. Therefore, when considering climate change, next, after the international interstate level (UN, ILO and other international intergovernmental organizations), is the regional international level. Professor V. Lisenco, considering the process of international law-making, draws attention to participation in this process, along with international intergovernmental, and non-governmental organizations, paying attention to the place and significance of the international legal acts they adopt³. It seems important to note that with regard to climate change issues, it is the mechanism of involving international organizations with their more formal procedures that can be effective for making effective decisions.

We should give an example of the involvement of civil society organizations in identifying problems and developing proposals to take into account women's interests in the context of climate change. Among the issues raised are issues of women's employment and ensuring compliance with their labor rights. Thus, as part of OHCHR's activities to combat climate change, taking into account gender perspectives, the following were presented: Desk Study on Gender-Responsive Climate Action (May 2019); results of the Human Rights Council Panel Discussion on Women's Rights and Climate Change (June 2019).⁴

These international documents were formed with the participation of representatives of civil society. In particular, along with Member States, national human rights institutions (e.g. the Ombudsman of the Republic of Croatia), UN agencies (ILO, UN Women, World Meteorological Organization), civil society organizations participated in the preparation of the conceptual study and panel discussions:

¹ Gender equality and inclusion for a just transition in climate action: A practical guide. Available online: <https://www.ilo.org/publications/gender-equality-and-inclusion-just-transition-climate-action-practical> (Date of visit: 01.12.2024).

² Gender equality and inclusion for a just transition in climate action: A practical guide. P. 37. Available online: <https://www.ilo.org/publications/gender-equality-and-inclusion-just-transition-climate-action-practical> (Date of visit: 01.12.2024).

³ LISENCO V. International Non-Governmental Organizations: Legal Status, Types And Role in Modern World. Analytical work (scientific abstract) for a scientific degree Doctor Habilitat of Legal Sciences (based on published works). Chisinau, 2023. P. 24.

⁴ Tackling climate change with a gender perspective. Available online: <https://www.ohchr.org/ru/climate-change/gender-responsive-climate-action>. (Date of visit: 01.12.2024).

Asia Pacific Training and Research Center on Women;
Global Initiative for Economic, Social, Cultural Rights and Rural Development Institute
Landesa;

Women against crime and corruption; Network of Proactive Moms; and the Coalition for Gender Equality in Decision Making.

Over the past few years, the tendency to take into account the opinions of civil society institutions, including women's non-governmental organizations, when making decisions related to minimizing the threats of climate change has intensified. Of course, this activity takes place within the framework of the desire for gender equality in all spheres of society, but processes are also being intensified to take into account women's opinions in the fight against climate change.

At the international level, the formation of National Adaptation Plans in countries is recommended. As of September 30, 2023, 48 countries had signed such plans, all of which noted the importance of gender considerations in NAPs and their commitment to defining a legal framework to capture the scope of activities and actors involved.¹ In our opinion, the issue of women's employment is directly related to the indication of gender-oriented actions in the NAP, including by defining their inclusion as a criterion for funding approval. In this case, as we see it, we are talking about the allocation of funds, including for improving labor protection mechanisms at the state level, introducing new technologies, compensation mechanisms to ensure the preservation of the economic independence of women entrepreneurs, and others.

As we can see, not so many countries have submitted National Adaptation Plans. In our opinion, there is a prospect for the availability of such documents in the state sector; they are comprehensive in nature and quite clearly define the subjects and areas of activity of each of them.

A kind of alternative, but, of course, not having a direct goal of preventing climate change, can be called collective social partnership agreements concluded as a result of collective bargaining between employees and employers. Today, collective bargaining remains a fairly relevant and popular form of interaction between employees and employers. At the international level, in addition to the ILO conventions regulating collective bargaining, a Global strategy on occupational safety and health 2024–30 and plan of action for its implementation was adopted in 2023.² As one of the four basic principles of the Strategy that define the directions of action detailed within the framework of the Action Plan, the principle is specified: A focus on prevention throughout the life cycle.³ Occupational safety and health issues and prevention of safety and health risks, as stated in the document, should consider all life stages, including periods before or after participation in the labor market. In our opinion, this principle includes, among other things, taking into account natural factors, environmental threats and climate change issues, which employees should be aware of and take into account in the process of work.

In 2024, the ILO Global report dedicated to World Day at Work is called: Ensuring safety and health at work in a changing climate⁴. The Global Report, in addition to focusing on the threats of climate change and the need to take them into account in employment policies, speaks directly about the employment of women and the protection of their rights in the workplace.

So, speaking about legal measures to support working women in the face of climate change, the following should be noted. Legal measures to support women are a complex

¹ National Adaptation Plans 2023. Progress in the Formulation and Implementation of Naps. United Nations Climate Change Secretariat. 2023 Unfccc. P. 35.

² Global Strategy on Occupational Safety and Health 2024–30 and plan of action for its implementation. ILO 349th Session, Geneva, 30 October–9 November 2023. Available online: <https://www.ilo.org/resource/policy/global-strategy-occupational-safety-and-health> (Date of visit: 01.12.2024).

³ Global Strategy on Occupational Safety and Health 2024–30 and plan of action for its implementation.P. 4.

⁴ Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024

concept. Legal norms of labor law, the right of social protection are direct regulators of emerging social relations, the subjects of which are women in the labor market.

In addition, speaking about climate change, we should not forget about the legal mechanisms of environmental protection and environmental legislation. The complexity of the emerging relationships also involves an analysis of legal norms of financial law and legal measures of responsibility for violations of women's rights in the workplace caused by climate change. Using the example of the Republic of Moldova, we have already examined the legal mechanisms for the application and use of international legal methods for protecting women's rights, including in the area of employment.¹

Legal regulation of additional measures to support women in the workplace should be based on general legal and branch principles of legal regulation. Among them are the principle of equality, the principle of non-discrimination, the principle of observance, respect and protection of human rights. Branch principles of labor law - the principle of free labor, the principle of ensuring decent working conditions, the principle of participation of workers in the management of the organization in relation to the labor relations of women, in our opinion, are defined as basic for the application of legal guarantees and specialties of the legal regulation of women's working process. At the same time, the principle of equality should be the basis in determining the directions of legal regulation. Because many researchers note that it is in the situation with climate change and its impact on working women that the fear of inequality poses a threat. Moreover, in many countries this is the actual situation.

As researchers noted more than 8 years ago, "climate change is not only an economic, human security and human rights issue, but also an issue of environmental stewardship. In all of these areas, women are particularly, and in some cases disproportionately, affected by the impacts of climate change."²

Conclusions

That is why complexity in legal regulation should be the basis for achieving the goal of protecting and taking into account the rights and interests of employed women. We mean all levels of legal regulation: international, regional, national, employer (campaign) level, as well as the level of individual employment contracts. Unfortunately, the problem of illegal labor in the so-called "shadow labor market" remains relevant in many countries. People engaged in such work, primarily women, as well as girls, are in a vulnerable position. Their labor is unskilled and such labor is most vulnerable to climate change. Therefore, direct legal regulation of women's employment in this situation is not paramount, since it depends on cooperation to prevent serious adverse consequences of climate change, such as warming, desertification, destruction of the ozone layer and others.

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¹ SHCHUKINA N. International legal acts in the field of family protection, maternity, paternity and childhood. In: Materials of the international scientific-practical conference: Science, education, culture, February 12, 2021, Comrat, Republic of Moldova: State University of Comrat, 2021, Vol.1, pp. 414-420. ISBN 978-9975-3496-2-8; 978-9975-3496-1-1.

² Women and Climate Change: Impact and Agency in Human Rights, Security, and Economic Development. Georgetown Institute for Women, Peace and Security, 2015. Available online: <https://giwps.georgetown.edu/wp-content/uploads/2017/09/Women-and-Climate-Change.pdf> (Date of visit: 01.12.2024).

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