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„MOTIVATIE”  
Moldova



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MOLDOVA

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# Information for the List of Issues

for UN Committee on the Rights of  
Persons with Disabilities in the context  
of the review of the combined second  
and third periodic reports of the  
Republic of Moldova

January, 2025

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## Introduction

Through this document, the group of organizations representing persons with disabilities from Republic of Moldova, would like to support the UN Committee on the Rights of Persons with Disabilities in developing the "List of Issues" for the review of the combined second and third periodic reports of the Republic of Moldova (presented in 2020).

Organizations that actively participated in the writing of the report:

- 1) Association „Alliance of Organizations for Persons with Disabilities from Republic of Moldova”
- 2) Centre for the Rights of the Persons with Disabilities (articles 5, 9, 11, 13, 28, 33)
- 3) Association of Parents of Persons with Disabilities Eternity (articles 24)
- 4) Association of the Deaf from the Republic of Moldova (articles 9, 21, 24)
- 5) Association „MOTIVATIE” from Moldova (articles 6, 9, 27)
- 6) Alliance „INFONET” (articles 9, 21, 24)
- 7) Association „Everyone Contributes to Change” (articles 22, 23)
- 8) Keystone Moldova (article 25, 28, 31)
- 9) Network of the Self-advocates from Republic of Moldova (36 persons with disabilities, supported by Keystone Moldova);
- 10) „Equal to Equal” (Transnistrian Region)
- 11) Moldovan Institute for Human Rights (IDOM) (articles 6, 11, 12, 13, 27)

## Article 4. General Obligations

To advance implementation of the CRPD and Concluding Observation of the Committee, the GoV of the RM approved the National Program on Social Inclusion of Persons with Disabilities (2017-2022) (GD no. 723/2017). This policy document expired in 2022, and the new one was not approved yet. The final evaluation of the Program shows a low degree of its implementation: 82% of the actions are in the process of the implementation being at different stages, about 16% of the actions are not implemented at all and only 2% are fully implemented. The low degree of implementation of the actions is due to the lack of a coordination and monitoring mechanism, weak understanding of mainstreaming disability rights in the public budget and external financial assistance and limited public financial resources.<sup>1</sup> A new National Program for the inclusion of people with disabilities has been developed for 2023, but has not been approved to date. There is no legal framework and mechanism for development of costs for social services for persons with disabilities, coordination mechanism for CRPD implementation. This creates difficulties removing barriers and promoting meaningful participation of persons with disabilities, and to provide targeted activities for persons with disabilities.

### **Suggested questions for the Government**

- How does the Government intend to ensure the implementation of the CRPD by mainstreaming disability in sectorial policies and developing disability-specific programs?
- What are the steps taken to speed up and ensure the consultation and approval process of the new program on social inclusion of people with disabilities?
- Are there any plans to increase public investment for CRPD implementation? What efforts are being made to allocate adequate costs for disability and make the budget visible in medium-term expenditure frameworks, and national financing frameworks.
- What plans does the Government have related to the functionality of the National Council on the Rights of the Persons with Disabilities as a coordination mechanism? When will the Regulation and its structure be updated in order to compliant with CRPD principles?

### **Suggested recommendations for the Government**

- To advance the approval process of the newly developed Program on social inclusion of people with disabilities as a cross-sectorial policy for disability-specific measures and disability-specific budgeting
- To develop and approve disability costs methodology for promoting disability inclusive budgeting in all areas
- To strengthen the governance and coordination mechanism for CRPD implementation (National Council on the Rights of the Persons with Disabilities)
- Allocate sufficient funds for CRPD implementation, including social services for persons with disabilities

## Article 5. Equality and Non-discrimination

In order to implement the Concluding Observations of the CRPD Committee (CRPD/C/MDA/CO/1 of 12.04.2017) to strengthen anti-discrimination legislation and procedures for addressing disability-

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<sup>1</sup> Ministry of Labor and Social Protection (2023). Report on final evaluation of the National Program on Social Inclusion of Persons with Disabilities for 2027-2022, available at: <https://social.gov.md/wp-content/uploads/2023/07/Raport-de-evaluare-finala-a-Programului-de-incluziune.pdf>

related issues, the Government has not taken any measures to develop and approve the procedures for challenging the refusal of reasonable accommodation or other forms of discrimination on disability ground. Public or private authorities who commit and/or tolerate such violations, do not risk any sanctions and continue the discrimination practices against persons with disabilities.

The recommendation of the CRPD Committee to the state authorities to publish information about cases of discrimination against persons with disabilities and their results, in an accessible format, is not implemented yet by the government, by public media subsidized by, State public budget.

### **Suggested questions for the Government**

- How does the Government intend to establish the sanctions mechanism for discrimination incidents found by the Equality Council?
- What efforts are being made by the Government to ensure the publishing and broadcasting of the information about cases of discrimination against persons with disabilities and their results, in an accessible format?

### **Suggested recommendations for the Government**

- To supplement the Code of Administrative Offences with provisions to allow the sanctions for discrimination situations found by Equality Council
- To recommend the Public Media Authority TeleRadioMoldova the broadcasting of the Equality Council decisions about discrimination against people with disabilities, in an accessible format
- To develop a monitoring mechanism for solutions and sanctions for the refusal of reasonable accommodation for people with disabilities or other forms of discrimination on disability grounds.

## **Article 6. Women with Disabilities**

Women with disabilities (47,6 % of the total number of people with disabilities<sup>2</sup>) face multiple discrimination and exclusion in all areas of life: low participation of women with disabilities in public and political life; mainstream services developed to prevent and combat gender-based violence are inaccessible for women and girls with disabilities, among others. According to a study conducted in 2020<sup>3</sup>, women with disabilities are less represented in educational processes than men with disabilities. The small rate of employment also represents one of the biggest barriers of women with disabilities towards social inclusion. Women with disabilities lack opportunities to fight against domestic violence, as most institutions and services are not accessible for being reached. Besides this, women with psychosocial disabilities face a high risk of violence, including sexual abuse, if they are institutionalized. Women with disabilities face certain disadvantages when it comes to sexuality, reproductive health and creating a family. Stereotypes prevalent in society that discriminate against and stigmatize women with disabilities, which causes some of them, especially those with severe disabilities, to give up family life.

The analysis of parenting education programs in Moldova<sup>4</sup> shows that there is no parenting education courses for parents with disabilities. These programs would contribute to preventing and combating discrimination against people with disabilities, especially against women with disabilities

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<sup>2</sup> The report on the situation of the persons with disabilities in Republic of Moldova in 2023 available at: [https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2023-9460\\_61550.html](https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2023-9460_61550.html)

<sup>3</sup> [http://progen.md/files/1601\\_cpd\\_raport\\_educatia\\_adultilor\\_2020.pdf](http://progen.md/files/1601_cpd_raport_educatia_adultilor_2020.pdf)

<sup>4</sup> Mapping of parenting programs in Moldova (2020), available at: <https://www.cnpac.md/ro/a-fost-lansat-studiul-pilot-cartografierea-programelor-de-educatie-parentala-furnizate-in-republica-moldova/>

in the realization of sexual-reproductive and parental rights. In the case of parents with disabilities, there are no social support services to exercise parental roles. Another study released by an OPD<sup>5</sup> highlights the numerous obstacles women with disabilities encounter in integrating into the labor market. These challenges include difficulties accessing public institutions to start a business, limited access to financial and advisory services, and a lack of modern technologies and internet connectivity, particularly in rural areas.

### **Suggested questions for the Government**

- How does the Government plan to develop and implement programs for empowerment of women with disabilities to increase their participation in social, political, cultural and civic life?
- What efforts are being made by the Government to ensure the mainstreaming disability in economic/social entrepreneurship grant schemes and support programs for business development for women?

### **Suggested recommendations for the Government**

- To ensure disability-inclusion of all programs and grant schemes designated to women empowerment, especially women with disabilities from rural areas
- To ensure equal access to mainstream vocational educational and career guidance services; programs on supported employment and access to economic grants schemes
- To increase the access of women and girls with disabilities to support services for family planning, parenting and childcare
- To raise awareness of society about the rights of women and girls with disabilities and encourage women with disabilities who provide informal care to join the formal social workforce.

## **Article 7. Children with disabilities**

Statistical data show that the number of children with disabilities in the Republic of Moldova is increasing, although not all children with developmental difficulties are included in official statistics. According to the data in 2022 there were about 10,6 thousand children with disabilities aged 0-17 years or 2,0% of the total number of children in Moldova. In 2022, "primary disability (impairment)" was determined in 1,6 thousand children (13,2%) of the total number of persons who accessed services for disability determination. The main cause of disability in children in the Republic of Moldova are mental and behavioural disorders (36,1%) and congenital malformations (22,4%). These data do not reflect the type of disability and are not sufficiently informative to estimate the needs for assistive technologies for children with disabilities both for personal use and for the inclusive education process<sup>6</sup>.

The degree of disability in children is determined solely on the basis of the documents on file, for these reasons the recommendations for assistive technologies are also very general. Research conducted by AOPD in 2024<sup>7</sup> has found gaps in the early identification of young children with

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<sup>5</sup> AEFL Moldova (2024). Barriers and Challenges faced by women with disabilities in business development or income generating activities, available at: <https://www.scribd.com/document/702450467/Studiu-Identificarea-Problemelor-in-Creare-Afacerii-in-Randy-Femeilor-Cu-Dizabilitati-Din-RM>

<sup>6</sup> Biroul Național de Statistică (2023). Persoanele cu dizabilități din Republica Moldova în anul 2022. Available at: [https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2022-9460\\_60822.html](https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2022-9460_60822.html)

<sup>7</sup> Ciocan L., Climov G. (2024). Analiza situației privind evaluarea și determinarea dizabilității în Republica Moldova: cadrul legal și perspectiva părților interesate din regiuni .Disponibil pe: <https://aopd.md/analiza-situatiei-privind-evaluarea-si-determinarea-dizabilitatii-in-republica-moldova-cadrul-legal-si-perspectiva-partilor-interesate-din-regiuni/>

disabilities, due to lack of screening by responsible institutions and a poorly developed early intervention system. Despite the notable achievements in deinstitutionalization of children, there remain gaps in policy and practice that continue to allow for the placement of children in institutions, including young children aged 0-6 years and children with disabilities. Recent evidence found that 10% of the 675 children in institutional care were under three years old and approximately 58% were under 6 years old. More than one-third (38%) were children with disabilities, and more than two-thirds of those have severe disability and/or complex care needs. Only four out of five children placed in residential institutions had a case plan.<sup>8</sup>

### **Suggested questions for the Government**

- When does the Government plan to establish a moratorium on placement of children with disabilities in residential care facilities?
- What efforts are being made by the Government to deinstitutionalize the remaining children with disabilities in residential care facilities?

### **Suggested recommendations for the Government**

- To end placement of the children in residential care facilities
- To extend the family support services, family-based alternative services for children with disabilities
- To raise awareness of society about the rights of children with disabilities and their families/caregivers.

## **Article 9. Accessibility**

According to the results of the consultative meetings conducted by UN Agencies in September 2020 and the rapid needs assessment conducted by OHCHR Moldova, one of the top three barriers confronting persons with disabilities is extremely limited accessibility of information, communication and online platforms, including public digital services provided which could be vital (e-health, e-commerce, e-finance etc.); road infrastructure and physical transportation; physical access to public buildings (outdoor and indoor) and to other relevant public services. The COVID-19 pandemic has exacerbated these barriers, including from the perspective of digital accessibility. Therefore, due to limited accessibility, people with disabilities are limited in their ability to benefit from services and protection, as well as in their ability to access required information. Persons with physical and sensory disabilities (visual and hearing disabilities), especially children, have limited access to mainstream services due to the lack of accessible infrastructure; of affordable, appropriate, qualitative and accessible assistive technologies and devices; and the limited services available in sign language interpretation.

Even though accessibility is a general precondition for the implementation of the CRPD, the Government has so far not approved a policy document to ensure accessibility of infrastructure, transportation, and communications. In 2022, the *Technical Questionnaire for Assessing the Accessibility of Infrastructure for People with Disabilities was approved (Order of the Ministry of Infrastructure and Regional Development no. 64/2022)*<sup>9</sup>, however it is not accompanied by a clear

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<sup>8</sup>Changing the Way We Care. (2021). Situational Analysis of Care Reform in the Republic of Moldova, available at: <https://bettercarenetwork.org/sites/default/files/2022-01/Report%201%20Care%20Assessment%2018%20Web.pdf>

<sup>9</sup>(ROM) [https://www.legis.md/UserFiles/Image/RO/2022/mo129-133md/ro-Chestionar%20accesibilitate%20\\_28\\_02\\_22.docx](https://www.legis.md/UserFiles/Image/RO/2022/mo129-133md/ro-Chestionar%20accesibilitate%20_28_02_22.docx)

mechanism for implementation, data collection and no responsible state authority is designated. There is no data about accessibility of public institutions in Moldova.

Non-governmental organizations, with the support of UNDP Moldova, carried out a study of the accessibility of all polling stations in the Republic of Moldova (almost all them are located in public buildings: educational institutions, cultural institutions, administrative buildings, medical institutions). According to this study only 1% of the public buildings have accessibility conditions, 72% - are fully inaccessible and 27% are partially accessible.<sup>10</sup>

Regarding access to transportation, the *Directive of the Ministry of Transportation and Road Infrastructure No. 101/2017 regarding the technical requirements of accessible vehicles for people with disabilities* is not implemented. Public transportation is accessible only in two municipalities: Chisinau and Balti. According to the data of the National Bureau of Statistics, out of 488 trolleybuses in the inventory, 381 trolleybuses have accessibility equipment. Otherwise, people with disabilities face difficulties in using interurban public transport (especially minibus type) in most localities in the country, as well as taxi services, etc. There is no data about the accessibility of interurban transportation.

People with hearing disabilities have limited access to information and communication. The data provided by the Association of the Deaf shows that in 2023 year there were 22 certified sign language interpreters in Moldova: one interpreter for 230 persons with hearing disabilities. However, the article 312<sup>1</sup> of the Code the Administrative Offences, prescribes sanctions for "failure to provide persons with hearing disabilities with a sign language interpreter by the public authorities". These stipulations have not been enforced so far and thus persons with hearing disabilities experience difficulties accessing the services offered by public authorities. The reports developed by the Audiovisual Council of the Republic of Moldova (2021) reveal that only 15 media service providers, out of 71 with broadcasting license used sign language or closed captioning.

Another reported issue refers to accessibility of national emergency service "112", which does not provide the reception of calls from people with hearing and/or speech difficulties through telematics terminals used in public electronic communications networks. Therefore, the people with hearing disability can call for emergency services only with the support person. In the case of victims of domestic violence with the mentioned deficiencies, calling for help remains a big challenge.

In the regulatory framework of public procurement, the accessibility concept/criterion is practically missing in it provisions. A review conducted by the Centre for Policies and Reform (CPR) points out that the public authorities prefer to award public procurement contracts in line with the "lowest price" criterion. The experts warn that using the authorities preferred criterion (the lowest price) may result in inefficient and non-sustainable goods and services purchased through public procurement procedures<sup>11</sup>.

### **Suggested questions for the Government**

- What efforts are being made by the Government to conduct the evaluation of the accessibility of all public buildings and cost estimation for their reasonable accommodation?
- How does the Government plan to address the accessibility barriers encountered by persons with disabilities?

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<sup>10</sup><https://www.undp.org/moldova/press-releases/moldova-only-18-polling-stations-out-more-2000-are-fully-accessible>

<sup>11</sup> <https://cpr.md/2020/04/08/esehuri-si-exceptii-ale-reformei-achizitiilor-publice/>

- What steps is the Government taking to integrate the accessibility concept/criterion in public procurement procedures?
- How is *the Directive No. 101/2017 regarding the technical requirements of accessible vehicles for people with disabilities* applied?

### **Suggested recommendations for the Government**

- To develop a national strategy/program or action plan on accessibility of the infrastructure, information and communication (cross-sectorial and participatory)
- To make all public transportation systems, both urban and rural infrastructure, accessible to all persons with disabilities, including specific actions planned to achieve these accessibility goals, with a clear time frame and baselines and measurable indicators
- To include in the continuing education and lifelong training curricula for professionals such as: architects, designers, engineers, construction managers and computer programmers a mandatory course on accessibility and universal design
- To set up a mechanism for monitoring the implementation of accessibility standards and application of penalties for non-compliance, in accordance the provisions of the Code of Administrative Offences.

### **Article 11. Situations of risk and humanitarian emergencies**

The humanitarian crisis caused by the war in Ukraine has highlighted that the Government is not prepared to deal with the barriers faced by people with disabilities in risk and humanitarian emergencies. People with disabilities who have been displaced from Ukraine are accommodated in Temporary Placement Centers for Refugees, the Temporary Placement Centre for Foreigners and in rented apartments/houses. Assessments conducted by the Moldovan Ombudsman Office show that most centers are located in buildings that are inaccessible to people with disabilities. The accommodation of Roma people and people with disabilities was problematic from the start, with reports of hostile attitudes from management and staff towards them. Moreover, refugees with disabilities used to be directed to specific centers for accommodation due to a lack of reasonable accommodation.<sup>12</sup> A study conducted by Keystone Moldova and EASPD<sup>13</sup> reveal that one-third of refugee parents that rented apartments/houses communicated that they face difficulties in obtaining the temporary protection status. The main reason indicated by parents is related to the absence of the apartment/house's owners ("they do not leave in Moldova in this period") and/or do not agree to sign the necessary documents, wishing to avoid paying income tax from renting out the flat. Without temporary protection status, people with disabilities who have been displaced from Ukraine face difficulties in accessing medical services, including dialysis services, assistive technologies, rehabilitation and social support services. The Ukrainian refugees with disabilities declare the limited access to accessible transportation, medication and mental health services.<sup>14</sup>

Regarding the situation of the persons with disabilities living in residential institutions and psychiatric hospitals, the national authorities have no action plans in place for situations of risk and humanitarian emergencies. The personnel of these institutions didn't benefit from training program on how to deal with risk situations and humanitarian emergencies.

<sup>12</sup> Ombudsman Reports (2022) available at: <https://ombudsman.md/en/reports/rights-of-foreigners/>

<sup>13</sup> Keystone and EASPD (2023). Situational analysis report of the capacity of the Early Childhood Education and Care (ECEC) system to respond to the needs of young children with disabilities and/or special educational needs (SEN), including refugee children from Ukraine, available at: [https://www.keystonemoldova.md/wp-content/uploads/sites/4/2023/08/ENG\\_Situation\\_analysis.pdf](https://www.keystonemoldova.md/wp-content/uploads/sites/4/2023/08/ENG_Situation_analysis.pdf)

<sup>14</sup> Ibidem

The national emergency notification system is not adapted to the needs of people with disabilities, especially those with hearing and mental health issues and, unfortunately, this issue is not included in the Program for Prevention and Management of Emergency and Exceptional Situations for 2022-2025.

### **Suggested questions for the Government**

- How does the Government mainstream the needs of persons with disabilities in the National Program for the Prevention and Management of Emergency and Exceptional Situations for 2022-2025?
- How is the Government addressing the barriers faced by Ukrainian refugees with disabilities displaced in Moldova?
- What measures are being taken by the Government to address the needs of people with disabilities, especially those who are living in residential institutions and psychiatric hospitals in situations of risk and humanitarian emergencies?

### **Suggested recommendations for the Government**

- To integrate the inclusive disability measures and budgeting in National Program for the Prevention and Management of Emergency and Exceptional Situations for 2022-2025
- To provide tailored support services to Ukrainian refugees with disabilities to ensure safety and independent living in the community
- To develop a road map in case of the need for displacement of the persons with disabilities from residential institutions and psychiatric hospitals in situations of risk and humanitarian emergencies
- To improve the warning systems and provision of official information about emergency situations and services in all accessible formats, including sign language.

## **Article 12. Equal recognition before the law**

In 2017, the Republic of Moldova carried out extensive reforms to adjust its legislation to Article 12 of the CRPD. Amendments were made to Civil Code No. 1107/2002, Code of Civil Procedure No. 225/2003, Family Code No. 1316/2000, Executive Code No. 443/2004, Law on Mental Health No. 1402/1997, and other relevant legislative acts. Furthermore, as part of the same reform, beginning in 2018, all individuals previously deprived of legal capacity were recognized, by law, as having full legal capacity.

However, even if the institution of legal incapacity was abolished by law, the legislator retained guardianship as a measure of judicial protection<sup>15</sup>, allowing once again for a legal mechanism that completely replaces the decision of a person with intellectual or/and psychosocial disabilities with that of a guardian. Reports developed by National Institute for Human Rights (IDOM) indicates that guardianship is still commonly used in Moldova, often as a default rather than a last resort.<sup>16</sup>

### **Suggested questions for the Government**

- How does the Government ensure that all types of guardianship measures are abolished?

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<sup>15</sup> Articles 65-164, Civil Code

<sup>16</sup> [https://www.facebook.com/drepturileomuluiMoldova/?locale=ro\\_RO](https://www.facebook.com/drepturileomuluiMoldova/?locale=ro_RO)

- What measures are being taken by the Government to ensure that all people with disabilities can access support services to exercise their legal capacity?

### **Suggested recommendations for the Government**

- To develop clear procedures for supported decision-making mechanisms which replace the guardianship, and recommend implementation by all responsible entities
- Provide capacity building program on supported decision-making mechanism to public servants and personnel of the legal institutions

### Article 13. Access to justice

The sociological research conducted in 2018 has shown that access to legal services for people with disabilities is very low: 95% of people with disabilities have never applied for legal aid although they had some problems to solve. Every fourth respondent mentioned that requested legal support from the mayor's office, 12% from the police, 5% from the court, 4% from the prosecutor's office, 2% from the Ombudsman office and 1% from the Equality Council<sup>17</sup>. The main issues for which people with disabilities require legal assistance refer to discriminatory treatment on the basis of disability; violation of the right of access to social and health services; violation of property rights; lack of support for decision making; violation of the right to live independent in the community.

In terms of ensuring the physical accessibility of the premises of the courts, a Plan for the construction of new buildings or the renovation of existing buildings by 2027, has been approved.<sup>18</sup> The plan also includes conditions/ requirement the accessibility of buildings to cater for the needs of people with disabilities. According to the accessibility audit of the premises of the courts, conducted by the Centre for the Rights of the Persons with Disabilities (OPD), out of the 25 buildings, only 2 are accessible - the Court of Appeal from Chisinau and the Court of Appeal from Comrat; 4 buildings are qualified as partially accessible, and 18 premises are inaccessible. Concerning physical accessibility, there are also cases of discrimination found by the Equality Council regarding the refusal of reasonable accommodation related to organizing of a court session with the participation of a person with disabilities, a wheelchair user.<sup>19</sup>

People with intellectual and psychosocial disabilities, especially those placed/living in psychiatric and residential institutions, are considered by respondents to a nationwide survey on human rights one of the groups most affected by human rights violations and social marginalization and require the greatest attention from the perspective of human rights protection.<sup>20</sup> People under judicial measures of protection, such as guardianship, risk facing exclusion from participation in justice processes, especially in criminal procedures due to legal and practical barriers.<sup>21</sup> The Government of Moldova has not revised its legislation to mandate procedural accommodations in judicial proceedings and lacks a definition for "procedural accommodations." The new Law on the State Fee, effective January 1, 2024, introduces compulsory fees for lawsuits, which may

<sup>17</sup>Munteanu P. (2018). Social inclusion of persons with disabilities in Moldova from the perspective of social role valorization / sociological research for PhD thesis, pag.110 available at: [http://www.cnaa.md/files/theses/2018/53886/parascovia\\_munteanu\\_thesis.pdf](http://www.cnaa.md/files/theses/2018/53886/parascovia_munteanu_thesis.pdf)

<sup>18</sup> [https://www.legis.md/cautare/getResults?doc\\_id=98551&lang=ro](https://www.legis.md/cautare/getResults?doc_id=98551&lang=ro)

<sup>19</sup> [http://egalitate.md/wp-content/uploads/2016/04/Decizie\\_constatare\\_84\\_17-1.pdf](http://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_84_17-1.pdf)

<sup>20</sup> OHCHR, UNDP, UNFPA, "Perceptions of Human Rights in the Republic of Moldova", p. 24, accessible

here: <https://www.undp.org/sites/g/files/zskgke326/files/migration/md/Human-Rights-Perceptions-Study-2018-ENG.pdf>

<sup>21</sup> CDPD (2023) "Evaluation of the national legislation and policies regarding access to justice", available at: [https://cdpd.md/wp-content/uploads/2023/01/Studiu\\_CDPD\\_2022\\_acces-justitie-PD\\_01.pdf](https://cdpd.md/wp-content/uploads/2023/01/Studiu_CDPD_2022_acces-justitie-PD_01.pdf).

disproportionately burden individuals with disabilities due to their low income, especially in administrative cases.

### **Suggested questions for the Government**

- What measures are being taken by the Government to ensure equal access to justice for persons with psychosocial and intellectual disabilities, especially those in residential institutions?
- How does the Government plan to improve the access to justice of persons with disabilities and integrate the concept of the “procedural accommodation” in justice system?
- What measures are being taken by the Government to ensure the accessibility of the premises of institutions involved in the justice process: courts, prosecution offices, police stations, lawyers' offices, penitentiary institutions?
- What measures are being taken by the Government to ensure reasonable accommodation in criminal or civil proceedings in which persons with sensorial, psychosocial and intellectual disabilities participate?

### **Suggested recommendations for the Government**

- Provide capacity building programs for judges, prosecutors, police officers, prison staff, lawyers, notaries in human rights-based approach to disability and communication with persons with psychosocial and intellectual disabilities
- To ensure access to assistive technologies and interpreters for persons with hearing impairments and/or intellectual disabilities
- Exemption of people with disabilities from paying state fees and the stamp duty in cases brought to courts in administrative litigation.

### **Article 19. Living independently and being included in the community**

In September 2018, the Government adopted the National Program for deinstitutionalization of persons with intellectual and psychosocial disabilities for 2018-2026. For this purpose, the Government developed the Personal Assistance service, Supported living, Community homes, Respite services etc. The mid-term evaluation conducted in 2021 shows that the way the Program is being implemented is not effective: the rate of return of persons to institutions after a period of living in community-based social services - is about 30% and the requests for placement of persons in residential institutions increased as well. The pandemic period, the energy crisis and the humanitarian crisis caused by the war in Ukraine stopped the process of deinstitutionalization.<sup>22</sup> Children with disabilities who were prioritized for deinstitutionalization continue to be in two residential institutions, where more than 90 percent of the beneficiaries are adults. The deinstitutionalization of children was not achieved because of the "severity" of their impairment. Old people with disabilities in the residential system are the second group "*left behind*", the system is not prepared to provide support and care at home or in community-based services for older people with disabilities. According to the Report on human rights compliance in the Republic of Moldova (2021), the Ombudsman also found the process of deinstitutionalization of persons with disabilities to be flawed.<sup>23</sup>

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<sup>22</sup> Munteanu P. (2021) The mid-term evaluation report, available at: [https://social.gov.md/wp-content/uploads/2022/05/Raport\\_Evaluare\\_intermediara\\_Program\\_Deinstitutionalizare.pdf](https://social.gov.md/wp-content/uploads/2022/05/Raport_Evaluare_intermediara_Program_Deinstitutionalizare.pdf)

<sup>23</sup><https://ombudsman.md/post-document/report-on-the-observance-of-human-rights-in-the-republic-of-moldova-in-2021/>

To promote independent living, the "Personal Assistance" service was established by Government Decision no. 314 of May 23, 2012.<sup>24</sup> In 2022, there were 26,434 persons with disabilities with high support needs in the Republic of Moldova<sup>25</sup>. Only 7329 people benefited of personal assistance service, out of them 57% are women and 63% men. Depending on the age group, about 5115 people with disabilities who have a personal assistant are adults and 2124 persons are children.<sup>26</sup>

The data analysis shows that about 44% (2124 out of 4864) of children with disabilities with high support needs have access to personal assistance. At the same time, around 220 requests for this service were registered in the waiting list. More than half of pending requests (55%) concern school-age children (7-15 years), and every third request is for preschool-aged children (3-6 years). These data show that the personal assistant is needed not only for care, but also to ensure the right to preschool and school education.

In the case of adults, the situation is more problematic, only 24% of people with a probability of eligibility have access to the "Personal Assistance" service.<sup>27</sup> About 2677 applications for the service are registered in the waiting list for access to the service, of which 75% are from adults living in rural areas. Of the total pending requests, 1236 are submitted by women and 1441 by men with high support needs. About 40% of pending applications in the adult category are submitted by older people (65+). Public authorities and social service providers do not have active strategies for identifying, recruiting and training personal assistants. This task is left more to the responsibility of persons with disabilities or their family members.

Research on gaps and priorities in provision of children with disabilities with assistive technology carried out in 2024<sup>28</sup> shows that the current provision mechanisms is fragmented, requires a comprehensive approach and a better synergy of policies. The analysis underlined the limitations in meeting the needs of adults and children with disabilities caused by insufficient cooperation between the medical, social and educational sectors in providing people with assistive technologies; insufficient effective procurement mechanisms at national level regarding the supply, quality, availability and affordability of assistive products; insufficient use by state institutions of the aspect of raising community awareness in providing assistive technologies. The study showed the lack of an effective mechanism at the country level for training specialists in the field of application of assistive technology. The training of medical, social and educational specialists (teachers, support teachers, speech therapists, psycho-pedagogists) in the field of assistive technologies is episodic. There are no training modules for users of assistive technologies and parents of children with disabilities.

The Country Report on situational analysis on the rights of the persons with disabilities<sup>29</sup> has shown that although the Republic of Moldova has got a well-developed social service legal framework, there

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<sup>24</sup>GoV Decision nr. 314/2012 on "Personal assistance" social service and the minimum quality standards, available at:

[https://www.legis.md/cautare/getResults?doc\\_id=103165&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=103165&lang=ro#)

<sup>25</sup>MLSP (2023). The statistical compendium on the monitoring of the rights of persons with disabilities (2023), available on:

<https://social.gov.md/wp-content/uploads/2023/07/Compendiu-statistic-privind-monitorizarea-drepturilor-persoanelor-cu-dizabilitati-in-Republica-Moldova-pentru-anii-2019-2022-1.pdf>

<sup>26</sup>Data provided by the National Social Welfare Agency

<sup>27</sup> Statistical data provided by the Ministry of Labor and Social Protection (2023)

<sup>28</sup> Malcoci L., Munteanu P., Cara A. (2024). Gaps and priorities analysis in provision of children with special educational needs and/or disabilities with assistive technologies for inclusive education in Moldova, available at:

[https://www.unicef.org/moldova/en/media/15296/file/Analiza%20Lacunelor%20\(Ro\).pdf](https://www.unicef.org/moldova/en/media/15296/file/Analiza%20Lacunelor%20(Ro).pdf)

<sup>29</sup> UNPRPD, UNDP (2022). Situational analysis of the rights of the persons with disabilities in Moldova. Country Report, available at:

[https://unprpd.org/situational\\_analysis/?wpv-document-category=country-situational-analysis&wpv-country=moldova&wpv\\_aux\\_current\\_post\\_id=1274&wpv\\_aux\\_parent\\_post\\_id=1274&wpv\\_view\\_count=1610](https://unprpd.org/situational_analysis/?wpv-document-category=country-situational-analysis&wpv-country=moldova&wpv_aux_current_post_id=1274&wpv_aux_parent_post_id=1274&wpv_view_count=1610)

are certain discrepancies, policy issues that create barriers to its efficient implementation. There is no National Program for Developing Social Services for living independently in the community based on the need assessment of different vulnerable groups, including persons with disabilities.

The legal framework for the financing mechanism of social services, including for persons with disabilities, is deficient. There is no mechanism to determine the costs of social services, including for persons with disabilities; therefore, the process of developing social services and tailoring them to the needs of persons with disabilities is more difficult. In 2023, the Government of Moldova launched the “Restart” Reform aimed to improve and strengthening the social protection system. Within the Reform the social assistance system is centralized. The Ministry of Labor and Social Protection is coordinating the implementation of the policies across the country through 10 Territorial Social Assistance Agencies. It was planned that under the reform the funding mechanism for social assistance system will be amended to ensure an efficient implementation of social services investment plans and performance-based budgeting. However, two territorial regions were excluded from the reform: the municipality of Chisinau and the Gagauz Autonomous Territorial Unit (UTAG).

### **Suggested questions for the Government**

- What measures have been taken by the Government to implement the recommendation of the mid-term evaluation of the national program on deinstitutionalization conducted in 2022?
- How does the Government plan to continue deinstitutionalization and provide support for independent living for people with disabilities in the context of the Restart Reform?
- What measures are being taken by the Government to increase the public funds for support services community-based, family-based, in-home, person-centered based, especially for personal assistance where pending applications is increasing?
- Are there any plans of the Government to increase the funds for residential care facilities to improve the infrastructure? Can the Government provide more detailed information?

### **Suggested recommendations for the Government**

- Set up a moratorium on the acceptance of persons with intellectual and psychosocial disabilities to all residential care facilities and extend support and care services in community and in-home
- To develop a new program on deinstitutionalization of persons with disabilities from residential care facilities and support for independent living in compliance with the recommendation of the mid-term evaluation report<sup>30</sup>, Guidelines on deinstitutionalization, including in emergencies issued by the Committee on the Rights of Persons with Disabilities (2022)<sup>31</sup> and European Commission Guidance on independent living and inclusion in the community<sup>32</sup>
- To develop and extend community-based services based on new plans for investments in compliance with the above-mentioned guidelines for all groups of people with disabilities (housing services, personal assistance, access to assistive technologies, support for employment etc.)

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<sup>30</sup> [https://social.gov.md/wp-content/uploads/2022/05/Raport\\_Evaluare\\_intermediara\\_Program\\_Deinstitutionalizare.pdf](https://social.gov.md/wp-content/uploads/2022/05/Raport_Evaluare_intermediara_Program_Deinstitutionalizare.pdf)

<sup>31</sup> <https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpd5-guidelines-deinstitutionalization-including>

<sup>32</sup> [https://employment-social-affairs.ec.europa.eu/document/download/add39bca-d41d-4935-b14f-1a5b2d59b636\\_en](https://employment-social-affairs.ec.europa.eu/document/download/add39bca-d41d-4935-b14f-1a5b2d59b636_en)

- To develop and implement the person-centered support funding models, to enable persons with disabilities and their families to arrange their own support, including personal assistance, preventing their institutionalization, affordable housing, assistive technology, reasonable accommodation providing them with choice and control over which services they use, how and where.

#### Article 21. Freedom of expression and opinion, and access to information

The Government has not implemented the recommendations of the Committee (CRPD/C/MDA/CO/1) regarding the recognition of sign language in official communication, training sign language interpreters, and ensuring access to sign language education for people with hearing disabilities. As a result, the rights to freedom of expression and access to information, as well as to education for people with hearing disabilities, continue to be violated.

##### **Suggested questions for the Government**

- What measures have been taken by the Government to develop the textbooks for learning sign language in Moldova, at different levels (kindergartens, schools, colleges and universities), aimed at standardizing sign language and giving it official status at government level with funding from the state budget?
- What mechanisms are in place to monitor the accessibility of the public information published by public institutions on their webpages or social media for persons with different types of disabilities?

##### **Suggested recommendations for the Government**

- Set up a monitoring and evaluation framework on accessibility of the public information disseminated to the general population by public institutions
- Mainstream disability inclusion in the Government communication strategy.

#### Article 22. Right to privacy

Violation of the right to privacy is manifested by the unauthorized collection, processing, storage and disclosure of information about personal, family, intimate life, diagnosis and health status and other aspects of private life in the residential care facilities. There are significant barriers to ensuring respect for the right to privacy and risks due to the digitization of many processes, but also arising from the situation of persons with intellectual disabilities, or of a psycho-social nature who need support and representation in decision-making and participation in social life.

##### **Suggested questions for the Government**

- What measures have been taken by the Government to ensure the right to privacy in residential care facilities? In psychiatric hospitals?
- What mechanisms are in place to monitor the respect of the right to privacy by the personnel of residential care facilities where the persons with disabilities live?

##### **Suggested recommendations for the Government**

- To develop and approve the safeguarding procedures in accessible formats to be recommended to all institutions who provide services or goods to persons with disabilities
- To develop and provide capacity building programs for persons with disabilities on their rights and how to protect their privacy.

## Article 23. Respect for home and family

Data from the "Generations and Gender" study <sup>33</sup> show that the society continues to be dominated by stereotypes, according to which some persons with disabilities do not have the right to marry, cannot freely and responsibly decide on the number of children and the interval between births. The analytical report "Barriers to family life of persons with disabilities in Moldova"<sup>34</sup> shows that family support policies are not sufficiently resilient and inclusive from the perspective of a human rights approach to disability. The analysis of the normative framework revealed that according to the Family Code it is not allowed to enter into marriage with persons in respect of whom a judicial protection measure is in place. So far there is no clear mechanism on how to authorize a marriage where at least one of the partners has a form of legal guardianship in place. The analysis highlights that support policies for disadvantaged families in the Republic of Moldova do not include special measures to remove barriers to family life and living independently in families where one or both partners are with disabilities, especially in rural areas. At the same time, persons with disabilities have less motivation and desire to have children in general and in the next three years compared to persons without disabilities. This finding is determined by poor health, limited access to support services both in family planning and in the process of raising and caring for the child.

Parents with disabilities have fewer opportunities to access care and educational support services for their children. Data from the "Generations and Gender" study show that a higher proportion of married people with disabilities (27,9%) need more childcare support than those without disabilities (20,1%). Around 57% of parents with disabilities access daycare services compared to 70% of parents without disabilities. Afterschool services are more than twice as requested by parents with disabilities than by parents without disabilities (56% and 25%). The study highlights that parenting education programs are not accessible for parents with intellectual and sensory disabilities. Families in which at least one partner has disabilities have a lower level of material and psycho-emotional well-being than families without partners without disabilities. The Covid-19 pandemic and the humanitarian crisis in the context of the war in Ukraine intensify depressive states and increasingly affect the psycho-emotional well-being of the families in which at least one of the partners has disability.

### **Suggested questions for the Government**

- What measures have been taken by the Government to enhance respect for home and family for persons with disabilities?
- Does the Government plan to modify the Family Code to ensure the rights to marriage to persons who have judicial protection measure?

### **Suggested recommendations for the Government**

- To develop and provide parental programs and support and care services for parents with disabilities
- To improve the Family Code and ensure the right of persons with disabilities to the marriage and to custody of children.

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<sup>33</sup> <https://www.ggp-i.org/moldova/>

<sup>34</sup> <https://moldova.unfpa.org/ro/publications/bariere-%C3%AEnt%C3%A2mpinate-de-c%C4%83tre-persoanele-cu-dizabilit%C4%83%C8%9Bi-%C3%AEn-planificarea-familiei-%C8%99i>

## Article 24. Education

In the last 10 years the Republic of Moldova has made good progress in ensuring the right to education of children with "special educational needs"<sup>35</sup> and children with disabilities. The new approved Program on Development of Inclusive Education (2024-2027)<sup>36</sup> states that by 2027, all children/students, regardless of the target group, will be included in general education institutions. In 2023, 2,4 thousand children with "special education needs" and/or children with disabilities were enrolled in early education institutions out of the total of 129 592 children (about 1,8%). 1,5 thousand children were children with special educational needs and 0,9 thousand children with disabilities. Out of the number of children with disabilities, 0,3 thousand attended general educational institutions and 0,6 thousand - special educational institutions (2,7% more than in 2022). The majority of these children (92,7%) belong to the age group 3 years and older and are included in pre-school education. Depending on the type of disability, higher shares go to children with speech impairment (33,1%), visual impairment (27,6%) and intellectual impairment (14,7%).<sup>37</sup>

In general education (mainstream schools), in 2023/24 school year, about 10362 children with special educational needs, including 4219 children with disabilities have been enrolled.<sup>38</sup> The share of children with special educational needs and children with disabilities in general education was about 3% of the total number of children enrolled at this educational stage. The number of students enrolled in special education in the 2023/24 school year (in schools for children with intellectual or physical developmental disabilities) amounted to 0,5 thousand, similar to the previous school year.<sup>39</sup>

The National Program for the Development of Inclusive Education states that educational institutions are less accessible to some categories of children with disabilities. Thus, only 22,3% of the entrances in schools are equipped with an access ramp, only in 62,3% of schools the width of the entrances allows free access for wheelchair users, only in 2,46% of educational institutions there is specialized furniture (adapted chairs with support for hands, head, back). Only 8% of schools have fully adapted sanitary facilities according to international standards.

The growing number of children with disabilities in mainstream educational institutions increases the need for assistive technologies and support services for inclusive education. Another problem is ensuring the transition of young people with disabilities from the secondary school education level to vocational education level, etc. In these conditions, young people with disabilities fall into the category of NEET<sup>40</sup> youth, having limited access to vocational training and, subsequently, to employment

### Suggested questions for the Government

- What measures have been taken by the Government to provide support services for inclusive education in mainstream pre-school institutions?

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<sup>35</sup> [https://www.legis.md/cautare/getResults?doc\\_id=146666&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=146666&lang=ro#) Articolul 3. Noțiuni principale

<sup>36</sup> Programul de dezvoltare al educației incluzive în Republica Moldova pentru ani 2024-2027, available at: [https://www.legis.md/cautare/getResults?Doc\\_id=141025&lang=ro](https://www.legis.md/cautare/getResults?Doc_id=141025&lang=ro)

<sup>37</sup> Biroul Național de Statistică (2024). Activitatea instituțiilor de educație timpurie în anul 2023 (aprilie 2024) [https://statistica.gov.md/ro/activitatea-institutiilor-de-educatie-timpurie-in-anul-2023-9454\\_61168.html](https://statistica.gov.md/ro/activitatea-institutiilor-de-educatie-timpurie-in-anul-2023-9454_61168.html)

<sup>38</sup> UNICEF Moldova (A. Cara) 2023. Nevoile și lacunele identificate privind tehnologiile asistive a Serviciilor de Asistență Psihopedagogică și a Centrelor de Resurse pentru Educație Incluzivă

<sup>39</sup> Biroul Național de Statistică (2024). Activitatea instituțiilor de învățământ primar și secundar general în anul de studii 2023/2024, available at: [https://statistica.gov.md/ro/activitatea-institutiilor-de-invatamant-primar-si-secundar-general-in-9454\\_60865.html](https://statistica.gov.md/ro/activitatea-institutiilor-de-invatamant-primar-si-secundar-general-in-9454_60865.html).

<sup>40</sup> Not in Education, Employment or Training

- Does the Government plan to increase the public funds for service packages for inclusive education?
- How does the Government ensure that inclusive units developed in mainstream schools are inclusive?

### **Suggested recommendations for the Government**

- To approve the support service packages for inclusive education and ensure sufficient financial allocations for inclusive education of children with intellectual disabilities, Autism Spectrum Disorders (ASD) and sensory disabilities (hearing and vision)
- To review the normative framework and eliminate the barriers related to the access of students with disabilities to technical and vocational education, ensuring that they have the opportunity to benefit from all educational opportunities
- To allocate sufficient financial resources for the implementation of the National Program for the Development of Inclusive Education by 2027 year.

### **Article 25. Health**

The review of the relevant research shows that although the Moldovan Government undertook actions to ensure access to health services for persons with disabilities, such actions are not sufficient. Persons with disabilities, comparatively to other groups of persons, continue to have lower access to basic health services due to inaccessible infrastructure of healthcare facilities; limited awareness level on the available healthcare services, including services and medications covered by medical insurance; limited financial capacities to purchase medications not covered by insurance; limited knowledge of physicians of rights of persons with disabilities and how to communicate with people with disabilities.<sup>41</sup>

The persons with "severe" disabilities have lower access to specialized healthcare services at home as the National Health Insurance Company does not cover the travel costs for healthcare professionals. Families with children aged 0-5 years with disabilities, persons with mental health problems, and women with disabilities are among the groups that lack access to specialized health services, such as early intervention, mental health, and reproductive services. People with hearing impairments continue to face difficulties in accessing the 112 emergency medical service and the family doctor due to communication support needs.<sup>42</sup>

Women with disabilities have limited access to exercise their sexual and reproductive rights, as medical institutions lack accessible facilities and trained specialists.<sup>43</sup> The "Generations and Gender" survey shows that about 18,3% of women with disabilities aged 15-49 years, regardless of sexual activity, have an unmet need for family planning compared to 16,3% of women without disabilities.<sup>44</sup>

In the field of mental health, some progress has been made in recent years, in particular by making 40 community mental health centers operational, there are still a number of shortcomings in ensuring

<sup>41</sup> <https://aopd.md/raport-de-monitorizare-privind-asigurarea-cu-medicamente-si-dispozitive-medicale-compensate-a-persoanelor-cu-dizabilitati-din-fondurile-asigurarilor-obligatorii-de-asistenta-medicala/>

<sup>42</sup> <https://www.keystonemoldova.md/wp-content/uploads/sites/4/2021/12/Acces-la-servicii-de-sanatate-in-perioada-pandemica.pdf>

<sup>43</sup> Centre for Health Policies and Studies (2024). Factors influencing contraceptive use among vulnerable groups in the Republic of Moldova, available at: <https://www.pas.md/en/PAS/Studies/Details/440>

<sup>44</sup> Generation and Gender Survey (2020), available at: [https://moldova.unfpa.org/ro/publications/raportul-studiului-genera%C8%9Bii-%C8%99i-gen-%C3%AEn-republica-moldova?fbclid=IwAR0Q16TPDPcWl4v\\_46\\_BCAQMk0whQ-CHsTcDO8H4jDvewTxjsF8rjt97B4M](https://moldova.unfpa.org/ro/publications/raportul-studiului-genera%C8%9Bii-%C8%99i-gen-%C3%AEn-republica-moldova?fbclid=IwAR0Q16TPDPcWl4v_46_BCAQMk0whQ-CHsTcDO8H4jDvewTxjsF8rjt97B4M)

access to such services and intervention for people with psychosocial and/or intellectual disabilities: relatively limited access to mental health services in the community, as community mental health centres are located in district centres, stigmatization of persons with psychosocial disabilities, discrimination in accessing services, lack of effective mechanisms for mental health protection and/or promotion, abusive regulatory provisions regarding hospitalization and application of treatment without the free consent of the person or legal representative, etc. It should be noted that mental and psycho social impairment represent one of the causes of disability in the Republic of Moldova: about 10% of the cases of primary disability assessment. In addition, there are no operational procedures for medical staff to draw up the necessary documentation for determining the degree of disability on the basis of the International Classification of Functioning, Disability and Health, which has an impact on the quality of assessment of individuals and of children with TSA in the all regions of country. A problem which affects the understanding of the situation of people with disabilities in terms of access to health services is the lack of comprehensive, complex and disaggregated statistical data, which has an impact on the interventions needed to be carried out. Although the Republic of Moldova undertook steps to reform the disability assessment system over the last decade, its core approach is the medical one. Given the additional documentation required to apply for an assessment, access to the system is even more difficult. Further, the degree of disability is determined based on documents only and persons with disabilities do not have an opportunity to meet with the assessment team in person. A formal complaint mechanism does exist for those who are not satisfied with the disability assessment process, but it is cumbersome.<sup>45</sup>

### **Suggested questions for the Government**

- What measures have been taken by the Government to conduct TSA screening in all regions?
- How does the Government ensure that all national protocols related to persons with disabilities are implemented by family doctors and specialized health care services?
- What measures have been taken by the Government to ensure the accessibility of the health care services?

### **Suggested recommendations for the Government**

- To integrate disability specific measures to ensure the physical accessibility of healthcare facilities and accessibility of public information as mandatory for the accreditation of the healthcare services
- Extend healthcare services provision at home for people with severe disabilities (including travel costs) in the list of services covered by the National Health Insurance Company
- Increase the level of awareness of medical staff on rights of persons with disabilities, as well as training on human rights-based approach to disability
- To extend the network of early childhood intervention services for children aged 0-5 years
- To promote and provide sexual and reproductive health services to the most vulnerable groups of people with disabilities (persons from residential care facilities and from remote rural area)

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<sup>45</sup> CIOCAN L., Climov G. Situational analysis on disability assessment mechanism in Moldova (2024), available at: <https://aopd.md/analiza-situatiei-privind-evaluarea-si-determinarea-dizabilitatii-in-republica-moldova-cadrul-legal-si-perspectiva-partilor-interesate-din-regiuni/>

- Strengthening the disability determination system to adopt a social approach to disability and International Classification of Functionality
- To enhance mental health services to address the needs of people with TSA and psychosocial disabilities, especially from rural area.

### Article 27. Work and employment

In 2022, over 32,000 persons with disabilities were officially employed in the labor market and paid social security contributions, recording a downward trend compared to the reference year 2019 (number decreased by 2,721 compared to 2019). This trend of decreasing employment of persons with disabilities is also confirmed by the employment rate, which in 2022 was 15.2%, down by 1.3 percentage points from 2019 (16.5%). The employment rate of people with disabilities is three times lower than that of persons without disabilities.<sup>46</sup> Although the range of active labor market measures for persons with disabilities has been expanded by including subsidies for the employment of persons with disabilities, subsidies for the creation or reasonable accommodation of the workplace to the needs of persons with disabilities, these programs require trained staff to manage the process at both the central and local levels. Annually, about 200 persons with disabilities are placed in the labor market (an extremely low performance).

#### **Suggested questions for the Government**

- What measures have been taken by the Government to reduce the barriers and motivate persons with disability to become more active in labor market?
- What measures have been taken by the Government to extend opportunities for vocational education and employment for people with disabilities, for example in care service provision where there is a high fluctuation rate and employment opportunities?

#### **Suggested recommendations for the Government**

- To strengthen institutional capacities of the National Agency for Employment with technical, financial and educational resources in order to improve and extend the provision of services and programs, active measures, for persons with disabilities
- To empower persons with disabilities to become more active in the open labor market, including ensuring access to professional and high education, offering accessible didactic resources, assistive technology and physical accessibility conditions
- To increase the general funding package for extension of the supported employment measures and services
- Develop new support schemes to facilitate the transition of the persons with disabilities from vocational education to the workplace and/or self-employment opportunities.

### Article 28. Adequate standards of living and social protection

The social benefits provided to people with disabilities are fragmented and are not correlated with the minimum subsistence level and the additional expenses for overcoming barriers to realizing entitlements. As per the National Bureau of Statistics, as of January 1, 2023, the average disability pension constituted 67% of the average pension and covered 80% of the estimated value of subsistence minimum level. Households with persons with disabilities, especially from rural areas,

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<sup>46</sup> <https://www.anofm.md/ro/node/74>

live in less advantageous conditions in terms of the level of equipment and comfort of the homes comparatively to households with no disability member, and more often assess their standards of living as poor and very poor. Data provided by the National Bureau of Statistics show that households with people with disabilities live in less favorable conditions in terms of the level of equipment and comfort of their homes. In particular, households with members with disabilities in rural areas are less well equipped with the main utilities, with 57,4% of them connected to public water supply networks, compared to 93,7% in urban areas, and only 40,7% of them have a water closet with water inside the house, compared to 81,8% in urban areas<sup>47</sup>. The data from the "Generations and Gender" study also show a lower level of material well-being in families with people with disabilities. Thus, the proportion of households with members persons with disabilities covering their current expenses with difficulty (84%) is higher than the proportion of households without persons with disabilities (67%). Families with members with disabilities can afford to cover to a lesser extent expenses related to comfort, participation, food and cultural life.

Persons who have been diagnosed with "severe" disability after the age of 23 are not eligible for the care allowance. The amount of the care allowance is approximately equal to the disability pension. The lack of this allowance for adults with disabilities was found to be discriminatory by the decision of the Equality Council of 07.03.2023 no. 216/22. On March 22, 2023, the Government of the Republic of Moldova approved Decision No. 148 on indexing of social benefits. According to this normative act, as of April 1, 2023, pensions and some social benefits are to be indexed by a coefficient of 15%. This decision of the state authorities violates the provisions of Article 13, paragraph (2) of the Law on the Public Pension System No. 198 of October 14, 1998, which states that "the indexation coefficient shall be equal to the inflation rate, established at the end of the previous year." In this context, we would like to point out that, according to data from the National Bank of Moldova, the annual inflation rate for December 2022 was 30,2%.

### **Suggested questions for the Government**

- What measures have been taken by the Government to ensure that the level of pensions and allowances for persons with disabilities is not lower than the established subsistence minimum guaranteed by the Law of Republic of Moldova on the subsistence minimum no. 152 of 2012?
- What measures have been taken by the Government to ensure the annual indexing of pensions and allowances in accordance with the annual inflation rate, and the recovery of the amount of unpaid benefits for the year 2023, as a result of the indexation only with 15% of the amount of social benefits instead of 30.2% according to the inflation rate?

### **Suggested recommendations for the Government**

- To assess the social payments received by persons with disabilities and develop a strategy to increasing cash benefits according to the subsistence minimum
- To improve the Fiscal Code (art. 287<sup>3</sup>) for persons wheelchair users subject to taxation from residential real estate (the reference being 135 m<sup>2</sup> and more)
- To develop disability extra cost methodology and ensure for disability specific programs on adequate standard of living and social protection.

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<sup>47</sup> Biroul Național de Statistică. Persoanele cu dizabilități din Republica Moldova, ediția 2021, Disponibil pe: <https://statistica.gov.md/newsview.php?l=ro&idc=168&id=7194>

## Article 31. Statistics and data collection

The Republic of Moldova has no comprehensive/cross-sector system to collect and report data on disability and inclusion, which is a barrier beyond dispute in determining the inequalities by areas (education, employment, health, participation) and developing targeted and efficient policies. The available statistics on socio-demographic profile of people with disabilities do not provide sufficient information concerning this group. There are no disaggregated data on persons with disabilities by such indicators as: basic functional deficiency (neuromotor, mental, sensory, etc.), economic status, marital status, ethnicity, religion, educational background, etc. There are no comprehensive and disaggregated data on the level of poverty amongst the persons with various types of disabilities; the access level to healthcare, education and social services of persons with disabilities, and their employability.

### **Suggested questions for the Government**

- How does the Government plan to collect and manage statistical data on people with disabilities disaggregated by sex, age, environment, educational background, occupational status, family status, type of disability, severity of disability, etc.)?
- What measures have been taken by the Government to improve data about persons with disabilities in Moldova and ensuring the synergies between informational systems managed by different ministries or/and administrative public institutions?

### **Suggested recommendations for the Government**

- To establish an effective system to collect and manage statistical data on people with disabilities disaggregated according to a series of social indicators (sex, age, environment, educational background, occupational status, family status, type of disability, degree of severity of disability, etc.)
- To integrate Washington Working Group questions in the Census survey, as well as in other researches provided by the National Bureau of Statistics and research institutions?
- To integrate disability statistics on Annual Statistical Report to facilitate the easy access to the data.

## Article 33. National implementation and monitoring

The Government did not appoint focal points within ministries and other public authorities in accordance with art.33, par.1 of CRPD. In the report of the State nothing is mentioned about the establishment of focal points in accordance with art.33, par.1 of CRPD. The lack of these focal points makes it difficult to implement the CRPD and related national policies. In the process of implementation of the national policies in the field of disability there is a lack of coordination between various sectors and the involvement of other ministries and agencies; the responsibility remains on the Ministry Labor and Social Protection, which has not sufficient authority to influence decision-making processes at all levels.

The coordination mechanism of implementation of CRPD (art.33, par.1) is not functional. For this purpose, the National Council for the Rights of the Persons with Disabilities was established, but the regulation and the constituents of the Council are not compliant with CRPD.

By Government decision Nr. 65/2018<sup>48</sup>, another body was established – the National Council for Human Rights. This Council is an advisory body of the Government, set up for the purpose of monitoring the implementation methods of the state policy in the field of human rights, as well as of the international treaties from the field of human rights. This mechanism also is non-functional.

There was not appointed an independent mechanism of Convention monitoring (art.33 paragraph 2). Recommendation nr.59 of the Committee was not fulfilled: “State Party is to appoint an independent mechanism of monitoring, according to the principles of Paris”.

Moldova does not have a functional Independent Monitoring Mechanism as per CRPD Article 33. An initiative to set up an independent monitoring mechanism based on the State's obligations under Article 33 (2) took place at the initiative of civil society with the support of OHCHR. A Council of Experts as an advisory body responsible for CRPD evaluation and monitoring was set up by the Ombuds Office. This Council of Experts had several joint activities with the Ombuds, but the activities were sporadic, and the mandate expired in 2019. Moreover, following the reform and restructuring of the Ombuds Office the Council of Experts was not maintained in the new structure. The OPDs highlights that for the advancement of the implementation of the CRPD it was essential to set up an efficient and effective monitoring mechanism in line with art. 33 of CRPD, with the involvement of OPDs and persons with disabilities.

#### **Suggested questions for the Government**

- How does the Government plan to establish focal points in diverse institutions of central and local level, according to art.33 paragraph 1 of CRPD, which will be offered sufficient authority to influence decision-making processes?
- What measures have been taken by the Government to improve data about persons with disabilities in Moldova and ensuring the synergies between informational systems managed by different ministries or/and administrative public institutions?

#### **Suggested recommendations for the Government**

- To reset the National Council for the Rights of the Persons with Disabilities as governance coordination body responsible for CRPD implementation at all levels and in all sectors
- To appoint an independent mechanism of monitoring (art.33, par.1), that will have a clear mandate, authority, financing and offering a framework for organizations of persons with disabilities to participate actively and efficiently in accordance with the General Commentary nr. 7 of CRPD Committee
- The adoption of regulations / protocols concerning the functioning and collaboration with focal points and the coordination mechanisms, the independent mechanism of monitoring and the participation of the organizations of the persons with disabilities at all these levels.

#### **The implementation of the CRPD in Transnistria region**

The territory of Transnistria is in the eastern part of the country on the left bank of the Nistru River and is not under constitutional control of public authorities of Moldova. Transnistria is not recognized as an independent state by the international community, the unanimous position of which is that it is part of the Republic of Moldova.

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<sup>48</sup> <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=379272&lang=2>

In Transnistria region there are about 14700 people with disabilities (3,16% of the total population of the region). Out of them, 1267 are children with disabilities.<sup>49</sup> The Senior UN Human Rights Expert Thomas Hammarberg conducted a follow up visit on 28 May – 1 June 2018 after the first visit from early 2013 on human rights in the Transnistrian region and found out that changes in perception of disability and in acknowledgment of the rights of persons with disabilities are noticeable. Despite this fact, the concept of disability in public policies and normative acts remains largely medical, in dissonance with the UN Convention on the Rights of Persons with Disabilities and WHO International Classification of Functioning, Disability and Health (ICF). Under such an approach the public machinery only aims to “cure” and medically “rehabilitate” persons with disabilities.

During the visit to the psychoneurological institution in Tiraspol the expert noticed that the material conditions in the institution remain constrained, beneficiaries of the institution have an isolated life, most of the time just hanging around without engagement into life fulfilling or productive activities. Leaving institution is not voluntary and depends on the medical assessment and willingness of relatives and sometimes local public authorities “to accept” back the persons with disabilities. A number of persons placed in residential care facilities appear to have no medical or any other reason to be interned into this institution. As the result of still prevailing medical approach many adults and children with disabilities continue to live a secluded life, in segregation, and outside the mainstream society and public space. Many persons with intellectual and psychosocial disabilities get deprived of their legal capacity and thus basic human dignity, and many of them have to live much of their life – often their entire life – in big state institutions, sometimes against their will.<sup>50</sup>

People with disabilities living in Transnistria region encounter barriers to achieve an adequate standard of living, to access mainstream educational institutions, having a job being much more discriminated compare with people with disabilities from the right bank of the Nistru River. The low percentage of employed people with disabilities may indicate the presence of barriers to finding work.

Successful initiatives on increasing accessibility of public buildings and spaces – such as accessibility appraisal of construction projects in Bender – are among the most promising positive development not only locally, but also in the wider region of Eastern Europe. It is equally important to mention first pilot projects on developing and implementing community-based support services for persons with disabilities in Ribnita, Dubassari, Grigoriopol and Slobozia. These examples have been developed almost by Civil Society Organizations with external financial support from European Union and other donor organizations. The OPDs from Transnistria region report that about 90% of public transportation does not provide accessibility for wheelchair users. The majority of the public institutions have no accessibility conditions

The pandemic crisis and the war in neighboring Ukraine have a negative impact on the standard of living of people with disabilities in the Transnistrian region. Food, hygiene and rehabilitation prices have increased by more than 50%, while disability pensions and care allowances have remained at the same level as five years ago. Due to low salaries and disability allowances, many families are forced to require from the “so called authorities” the placement of the children, adults and older persons with disabilities in residential institutions.

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<sup>49</sup> The data represent the situation from December 2022, provided by OPD from Transnistria.

<sup>50</sup> [https://moldova.un.org/sites/default/files/2023-10/Follow-up\\_Report\\_TH\\_2018.pdf](https://moldova.un.org/sites/default/files/2023-10/Follow-up_Report_TH_2018.pdf)

### **Suggested questions for the Government**

- How does the Government intend to support the implementation of the CRPD in Transnistria region?
- What plans does the Government have related to community-based services and deinstitutionalization of persons with disabilities living in residential care facilities in Transnistria region?

### **Suggested recommendations for the Government**

- To extend the revision of the policies approved by “so called authorities” from Transnistria to fully comply with the UN Convention on the Rights of Persons with Disabilities (UN CRPD)
- Develop community-based services supporting independent living and social inclusion of people with disabilities to advance deinstitutionalization
- Develop inclusive education for children with disabilities into the mainstream education, while at the same time accommodating the needs and interests of the children
- Deploy programs and policies of assisted employment for persons with disabilities (for instance, mobility, sensorial or psychosocial)
- Restore legal capacity of all persons with disabilities and develop community-based decision-supporting services instead of legal capacity substitution.