



**avocatul
poporului**
OMBUDSMAN

SHADOW REPORT under the UN Convention on the Rights of Persons with Disabilities 2024



SHADOW REPORT

submitted by People's Advocate Office to

UN Committee on the Rights of Persons with Disabilities under the

Convention on the Rights of Persons with Disabilities for the

19th Pre-Sessional Working Group - PSWG (March 25-28, 2024)

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This report has been prepared by the People's Advocate Office (Ombudsman) of the Republic of Moldova in its capacity as National Human Rights Institution accredited with "A" status.



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**Abbreviations:**

PA - People's Advocate (Ombudsman)

PACR – People's Advocate for Children's Rights

ADRM - Association of the Deaf of the Republic of Moldova

AMHSSS - Agency for the Management of Highly Specialized Social Services

NBS – National Bureau of Statistics of the Republic of Moldova

SEN – Special education needs

NFEC - National Forensic Expertise Center

CRPD - UN Convention on the Rights of Persons with Disabilities

TPCPD - Temporary placement center for persons with disabilities

CTP – Moldovan Council for Torture Prevention

RECPOR - Republican Experimental Centre for Prosthetics, Orthopedics and Rehabilitation

MLSP – Ministry of Labor and Social Protection

MH – Ministry of Health

PAO - People's Advocate Office

UN - United Nations Organization

NPCP – National Programme for Child Protection

GBV – Gender-based violence



About the People's Advocate Office of the Republic of Moldova

1. The People's Advocate Office, the only National Human Rights Institution in the Republic of Moldova, is an autonomous institution, independent from other authorities and institutions irrespective of their status and form of organization. It operates according to the provisions of Article 59¹ of the Constitution of the Republic of Moldova, Law no. 52 of April 3, 2014 on the People's Advocate Office (Ombudsman) and Law no. 164 of July 31, 2015 on the approval of the Regulation on the organization and operation of the People's Advocate Office. PAO is the successor to the former Human Rights Centre established under Law no. 1349-XIII of October 17, 1997 on Parliamentary Advocates. The Ombudsman's activities are guided by the UN General Assembly Resolution no. 48/134 of December 20, 1993 and its annex, which includes the Principles relating to the Status of National Institutions (the Paris Principles), as well as other international human rights treaties.
2. The People's Advocate contributes to safeguarding human rights and freedoms by preventing their infringement, monitoring and reporting on the status of fundamental human rights and freedoms at national level, enhancing legislation pertaining to human rights and freedoms, advocating for human rights and freedoms and the mechanisms designed to protect them, and fostering international cooperation.
3. In October 2023, following a recommendation from the Sub-Committee on Accreditation, the People's Advocate Office was reaccredited with "A" status by the Global Alliance of National Human Rights Institutions (GANHRI). This recognition signifies the full compliance of the Moldovan Ombudsman Institution with the Paris Principles, which set out the minimum standards for the operation of national human rights institutions.
4. The People's Advocate Office safeguards, monitors and promotes human rights in the Republic of Moldova through research, counseling and awareness-raising efforts. Additionally, the People's Advocate submits an annual report on the status of human rights to the Parliament.
5. Its mandate also encompasses monitoring the implementation of international/regional instruments related to human rights and freedoms and advocating for the adoption of international/regional instruments and recommendations on human rights and freedoms by national authorities. One of such instruments used by the People's Advocate to fulfill the mandate is shadow reporting to bodies established under international treaties, including the UN Convention on the Rights of Persons with Disabilities (CRPD).

Introduction

6. The People's Advocate Office of the Republic of Moldova is submitting this shadow report to the UN Committee on the Rights of Persons with Disabilities under Article 38 of the Convention on the Rights of Persons with Disabilities for the 19th pre-sessional working group scheduled between March 25 and 28, 2024.
7. In this Report, the People's Advocate Office addresses only the most pressing human rights issues in relation to the Convention on the Rights of Persons with Disabilities in the Republic of Moldova.



8. The Ombudsman notes that the Report does not cover the left bank of the Nistru River (the Transnistrian region), a territory not controlled by the constitutional authorities of the Republic of Moldova. Despite efforts of the People's Advocate Representative Office in Varnița to monitor human rights in the Transnistrian region, the actual situation in the uncontrolled region remains unknown. The Ombudsman observed a deterioration in the human rights situation in the region of the left bank of the Nistru River during the reporting period. Additionally, in 2023, the Ombudsman addressed two letters to the Secretary-General of the United Nations and the European Human Rights Commissioner¹, expressing concerns about the human rights situation in the region not controlled by the constitutional authorities.

GENERAL PROVISIONS (Articles 1 - 4)

Articles 1 - 4 – Purpose, definitions, general principles, general obligations

9. The Republic of Moldova ratified CRPD on July 9, 2010. Since then, a comprehensive framework on anti-discrimination and the inclusion of persons with disabilities has been adopted, largely aligning with the international standards set by CRPD.
10. The national human rights system is based on the Constitution of the Republic of Moldova of July 29, 1994, national legislation and international instruments to which the Republic of Moldova is a party. Additionally, the State has developed appropriate national policies to advance the rights of persons with disabilities.
11. The Constitution of the Republic of Moldova guarantees the protection of persons with disabilities under Article 51, which stipulates that persons with disabilities enjoy special protection from the whole society and that the State ensures appropriate conditions for their treatment, rehabilitation, education, training and social integration.²
12. The principles and objectives guiding the protection and promotion of the rights of persons with disabilities are outlined in Law no. 60 of March 30, 2012 on the social inclusion of persons with disabilities³. This law defines concepts such as "reasonable accommodation" and "universal design", consistent with the definitions provided in the Convention. However, it lacks specific concepts outlined in the Convention, such as "communication", "language", and "discrimination on the basis of disability". Nevertheless, the law defines terms like "person with disability", „disability”, „social inclusion”, „accessibility”, etc.
13. In light of the recommendations issued, the Ombudsman acknowledges the State's effort to ratify the Optional Protocol to the CRPD on November 4, 2021. This action demonstrates a commitment to upholding human rights, delivering on the human rights-related obligations, and showing concern for individuals.
14. Law 60/2012 on social inclusion of persons with disabilities was amended in 2022 following a notification from the Ombudsman for Children's Rights to the Constitutional Court. Prior to the Constitutional Court's decision, Law 60/2012 on social inclusion of persons with disabilities guaranteed to persons with disabilities the

¹<https://ombudsman.md/avocatul-poporului-a-adresat-scrisori-oficiale-secretarului-general-al-onu-si-comisarei-pentru-drepturile-omului-din-cadrul-coe-privind-instituirea-unui-mecanism-special-de-monitorizare-a-drepturilor/>

² https://www.legis.md/cautare/getResults?doc_id=136130&lang=ro#

³ https://www.legis.md/cautare/getResults?doc_id=139006&lang=ro#



right to compensation for transportation services. However, paragraph (4) of the law tied the determination of transport compensation to the place of residence (districts/municipalities). This provision served as basis for differentiated determination of the amount of transport compensation outlined in paragraph 9 of the Regulation on the establishment and payment of compensation, which was proposed for revision.

15. The Ombudsman viewed these regulations as discriminatory and in conflict with the provisions of art. 16, 47 and 51 of the Constitution of the Republic of Moldova⁴. They disadvantaged individuals with profound disabilities, children with disabilities under the age of 18, and individuals with profound disabilities residing outside Chisinau and Balti. As the authorities did not act on this recommendation, the Ombudsman referred the matter to the Constitutional Court. Consequently, in Decision no. 3 of February 24, 2022 on the constitutionality review of certain provisions of article 49 para. (4) of the Law no. 60 of March 30, 2012 on social inclusion of persons with disabilities, and points 9 and 10 of the Regulation on the establishment and payment of compensation for transportation services⁵, the Constitutional Court declared the provisions unconstitutional.
16. To prevent discrimination, the People's Advocate will keep scrutinizing legislation and draft legislation for compliance with the Convention standards and will propose amendments if discriminatory provisions are identified.

SPECIFIC RIGHTS OF PEOPLE WITH DISABILITIES

Equality and non-discrimination (Article 5)

17. The Law no.60 of March 30, 2012 on the social inclusion of persons with disabilities prohibits discrimination based on disability⁶. The law regulates the rights of persons with disabilities concerning their social inclusion, guaranteeing them the possibility to participate in all aspects of life without discrimination, on equal terms with other members of the society, while upholding fundamental human rights and freedoms. Additionally, art.8, para. (13) stipulates that the State must ensure the elimination of any form of discrimination based on disability. Despite the legal provisions prohibiting discrimination and offering heightened protection against discrimination for persons with disabilities, they still face discrimination in all areas of society. Subsequent sections of this Report will provide detailed accounts of areas where discrimination based on disability persists.
18. Law no. 121 of May 25, 2012 on equality also guarantees equality and non-discrimination for persons with disabilities. This law aims to prevent and combat discrimination and ensure equality for all individuals within the jurisdiction of the Republic of Moldova in the political, economic, social, cultural and other areas of life, regardless of any criteria, including disability.
19. This is highlighted in the 2022 General Report on prevention and combating of discrimination in the Republic of Moldova prepared by the Equality Council. Judging by the Equality Council decisions, discrimination occurs based on different criteria,

⁴ https://www.legis.md/cautare/getResults?doc_id=136130&lang=ro#

⁵ https://www.legis.md/cautare/getResults?doc_id=130256&lang=ro

⁶ https://www.legis.md/cautare/getResults?doc_id=139006&lang=ro#



including disability.

20. The People's Advocate places significant emphasis on the principle of equality and protection of persons with disabilities against discrimination. To promote respect for their fundamental rights and freedoms, **the Ombudsman recommends that the State conduct awareness-raising campaigns targeting both citizens and duty bearers.**

Women with disabilities (Article 6)

21. The People's Advocate notes that women with disabilities in the Republic of Moldova experience discrimination and negative stereotypes based on both gender and disability, impacting their ability to exercise their rights. Specifically, women with disabilities are perceived as a vulnerable group in the Republic of Moldova.
22. Women with disabilities encounter various challenges when enrolling in the education system, seeking employment, or accessing services. They are more susceptible to violence and poverty and less protected.
23. A 2023 survey on the level of stigmatization of women with disabilities⁷ revealed that one in two women who experienced discrimination or abuse did not disclose those experiences to any one, and one in four who did report did not receive any support. However, nearly six out of ten women with disabilities are resilient to discrimination and well aware of their rights.
24. Another study released this year⁸ 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.
25. The Ombudsman acknowledges the progress made by the State over the years in addressing barriers faced by women, including those with disabilities. However, **the Ombudsman underscores the reality of double discrimination and a heightened risk of gender-based violence and abuse faced by women with disabilities. Therefore, the Ombudsman recommends that the State should continue to prioritize issues related to the economic empowerment of women with disabilities and the prevention and eradication of violence and discrimination.**

Children with disabilities (Article 7)

26. The People's Advocate addresses another sensitive issue concerning people with disabilities, specifically children with disabilities, who have always been on the radar of the People's Advocate for Children's Rights.
27. In 2022, serving as the reference year for the reporting period, 1.6 thousand children aged 0-17 years were identified as having a primary disability (new cases), with 57.5% of them residing in rural areas. Mental and behavioral disorders (36.1%), congenital malformations, deformities and chromosomal abnormalities (22.4%), and diseases of the nervous system (13.5%) remained the predominant causes of primary disability. Notably, in rural areas, the percentage of children with profound disability in the total number of children identified with primary disabilities was lower compared to urban

⁷ <https://moldova.un.org/en/221015-women-and-girls-disabilities-present-manifesto-calling-inclusion>

⁸ <https://ro.scribd.com/document/702450467/Studiu-Identificarea-Problemei-in-Crearea-Afacerii-in-Randy1-Femeilor-Cu-Dizabilitati-Din-RM>



- areas (32.9% compared to 45.8%). In 2022, health institutions provided healthcare to 11.9 thousand children with disabilities.⁹
28. PACR recommended amending art. 2 para. (2) of the Law on state social allowances for certain categories of citizens no. 499/1999¹⁰ to include an exception allowing children who have lost their caregiver(s) to receive two types of social allowances simultaneously¹¹. Presently, according to article 2 para. (2) of the law, if a person is eligible for more than one type of allowance established by this law, except for the allowance for care, support and supervision, only one type of allowance is granted. Consequently, children receiving social allowances for disability are not entitled to social allowances for the loss of caregivers. Among the categories receiving state social benefits, children with disabilities who have lost their caregiver(s) appear to be the most vulnerable. The risks stemming from this situation have a dual negative impact on the child's physical and mental well-being. Thus, the national authorities are obliged to implement measures to compensate for losses resulting from the existence of the aforementioned risks. It is worth noting that so far, the State has not acted on the recommendation to improve and amend the legislation.
29. Special attention has been devoted to the social inclusion of children with disabilities and children in alternative residential care, as well as to the promotion of alternative family-based care. To this end, the Government of the Republic of Moldova has approved the 2022-2026 National Programme for Child Protection and its Action Plan¹². The document sets out objectives and priority actions, such as reducing extreme poverty rate among children aged 0-17 years from 11.3% in 2019 to 8.5% in 2026. The Government aims to ensure the efficient governance of the child protection system based on evidence, through dialogue and cooperation with civil society and development partners. The regulatory framework will undergo revision based on the recommendations from the international mechanisms, and additional financing will be allocated from the national public budget to ensure the integration of the child rights- based approach and the principle of leaving no one behind in all relevant policies, legislation and operational practices. The national programme will contribute to diversifying and strengthening support services and allocating financial resources based on the needs of girls and boys, including those from the most under-represented groups such as children with disabilities and rural children. However, it was only in September 2023 that the thematic working groups, based on the overall objectives of the NPCP, were established and their working rules approved. It is noteworthy that the working group also includes representatives from PAO.
30. However, the People's Advocate notes that the situation regarding the rights of children with disabilities remained largely unchanged during the reporting period. The Ombudsman highlights limited access for children with sensory and locomotor disabilities to assistive technologies and medical-social services. Despite some initiatives aimed at improving access to such equipment, they fail to fully address the needs. Moreover, there is still no national mechanism for collecting data on the needs

⁹ https://statistica.gov.md/ro/situatia-copiiilor-in-republica-moldova-in-anul-2022-9578_60434.html

¹⁰ https://www.legis.md/cautare/getResults?doc_id=138812&lang=ro#

¹¹ <https://ombudsman.md/wp-content/uploads/2023/05/04-2-10-1308-din-26.05.2023-Propunere-de-perfec%C8%9Bionare-a-legisla%C8%9Biei-Legea-p-d-aloca%C8%9Biile-sociale-nr.-499-1999-CPSSF.pdf>

¹² https://www.legis.md/cautare/getResults?doc_id=131899&lang=ro



of children with disabilities and monitoring the extent to which these needs are met. In rural areas, there is a shortage of trained specialists, leading to cases where a single specialist is responsible for covering two or even three districts in the country. Parents of children with disabilities often have to travel hundreds of kilometers to Chisinau to obtain quality medical services.

31. The Ombudsman has raised concerns about children with disabilities in various forums and meetings to raise the awareness about the need to eliminate discrimination, especially concerning children with autism.¹³
32. To further advance the human/child rights approach, aligning with the 2023-2030 Strategic Development Programme of the People's Advocate Office and the Work Plan of the National Human Rights Institution and PAO's Child Rights Department, the People's Advocate for Children's Rights prioritizes the protection and empowerment of the most vulnerable groups, including children with disabilities.
33. The Ombudsman welcomes ongoing development of the regulatory framework. In recent years there has been a diversification of intervention models, developed and piloted with the support of civil society organizations providing social services and of the development partners. However, access to medical-social services for children and young people with autism spectrum disorders or at risk of developing such disorders remains challenging, despite the existence of the legal framework. The mechanism for allocating financial resources for the development and delivery of such services at regional level still needs to be finalized and implemented.
34. The evaluation of the implementation of the 2018-2022 National Human Rights Action Plan (NHRAP)¹⁴, completed in 2023, indicated that this public policy document was implemented at an average level. The evaluation report revealed that the goals of reducing the rate of institutionalization of persons with disabilities and that of persons with disabilities deprived of the right to make decisions about it were not achieved. A new NHRAP for the years 2024-2027 is set to be adopted.
35. **The Ombudsmen recommends that the State allocate financial resources effectively for inclusive education and ensure that teachers receive continuous training on how to support children with disabilities.**

Accessibility (Article 9); Participation in political and public life (Article 29)

36. People with disabilities continue to encounter numerous barriers in accessing public institutions. The Ombudsman has repeatedly raised concerns, including in annual reports, regarding the accessibility of public institutions such as schools, municipal buildings, courts and administrative offices for persons with disabilities.
37. The lack of accessibility for people with mobility impairments, particularly those who use wheelchairs, in Moldovan communities remains a significant issue. This concern was also highlighted in the 2022 report of the Equality Council, which addressed complaints about the inaccessible roads and premises of public authorities for the people with disabilities. The Equality Council emphasized that inadequate accessibility is a barrier for people with mobility limitations to live independently and participate

¹³<https://ombudsman.md/en/post-document/raport-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2022-2/>

¹⁴ https://cancelaria.gov.md/sites/default/files/raport_de_evaluare_pnado_2018-2022.pdf



- fully in all aspects of life on equal terms with others.¹⁵
38. The Ombudsman reiterates the findings of the Equality Council, noting that this lack of accessibility not only hinders people with mobility impairments from accessing public services, buildings, roads, schools, housing, hospitals and employment opportunities, but also slows down and hinders their social integration.
 39. According to the aforementioned report, 23% of the decisions finding discrimination in relation to access to public goods and services were based on disability criteria, with the most commonly cited issues revolving around the inaccessibility of roads and premises of public authorities for persons with disabilities.
 40. In the 2021 report on human rights in the Republic of Moldova¹⁶, the Ombudsman highlighted another positive measure enacted by the Parliament, namely the amendment of Article 17 of Law no. 60/2012 on social inclusion of persons with disabilities. This amendment introduced a requirement for 4% of the total number of parking spaces, but no less than two spaces, to be designated for free parking for persons with disabilities. Additionally, penalties were introduced for parking in spaces reserved for such people.
 41. An article published by Ziarul de Gardă under the project "Local elections for all. Awareness-raising and advocacy campaign"¹⁷ revealed that the majority of polling stations in Moldova remain largely inaccessible to people with disabilities. Many lack ramps, adapted toilets, have narrow doors and dimly lit corridors. According to a 2022 study, the number of polling stations properly equipped to facilitate access for the persons with visual and hearing impairments is even lower - only 18 polling stations, or less than one percent of the total. Consequently, people with disabilities often request mobile ballot boxes and vote at home or give up their right to vote.
 42. According to Promo-LEX, during the 2023 local elections in Chisinau municipality, a person with disability could not enter a polling station because of the absence of a ramp and voted outside. However, he was provided with the necessary accommodations, including a privacy panel¹⁸.
 43. Monitoring of the voting rights of persons with disabilities during election campaigns uncovered numerous instances where the principle of equal opportunity in exercising electoral rights for persons with disabilities and other groups with mobility impairments was not upheld. This was due to the lack of, or barriers to, accessibility at polling stations, including infrastructure barriers, inaccessibility of areas adjacent to polling stations and absence of Braille ballot papers.
 44. The People's Advocate notes the significance of the approval of the Regulation on the accessibility of the electoral process for persons with disabilities by Decision no. 1187 of August 22, 2023¹⁹. This Regulation outlines accessibility requirements for polling stations and access roads to polling stations, along with the responsibilities of central and local governments, election candidates, media outlets, civil society and other

¹⁵ <https://egalitate.md/wp-content/uploads/2021/01/raport-final-2022-rev-1.pdf>

¹⁶ <https://ombudsman.md/en/post-document/report-on-the-observance-of-human-rights-in-the-republic-of-moldova-in-2021-2/>

¹⁷ <https://www.zdg.md/stiri/cum-nu-voteaza-persoanele-cu-dizabilitati-senzoriale-la-alegerile-locale/>

¹⁸ <https://promolex.md/24427-misiunea-de-observare-promo-lex-a-alegerilor-locale-generale-din-5-noiembrie-2023-noi-detalii-privind-desfasurarea-scrutinului-2/?lang=en>

¹⁹ https://www.legis.md/cautare/getResults?doc_id=139043&lang=ro



stakeholders to ensure the electoral rights of persons with disabilities. According to data collected at national level, in the 2023 general local elections, 28 persons with disabilities from 13 territorial-administrative units ran for office²⁰. The Ombudsman stresses that denying anyone the right to vote or stand for election based on disability is inconsistent with international obligations and standards.

45. Despite the aforementioned improvements, **the Ombudsman stresses that the State must continuously make efforts to enhance accessibility, enabling people with disabilities to live independently and fully participate in all aspects of life.**

Situations of risk and humanitarian emergencies (Article 11)

46. Following the military invasion of Ukraine by the Russian Federation, in 2022 the People's Advocate Office and the members of the Advisory Council conducted 121 monitoring and fact-finding visits to the Temporary Placement Centers for Refugees, the Temporary Placement Centre for Foreigners, to the state border crossing points, and Chisinau International Airport crossing point. They subsequently prepared 3 thematic reports and 1 summary report on the situation of refugees in 2022²¹.
47. Despite the requirement to uphold the principle of non-discrimination at all stages of accommodation, 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.
48. A significant concern lies in the limited access to education for refugee children from marginalized groups, including those with disabilities. This limitation persisted partly because their legal representatives refused to allow them to attend school.
49. According to the 2023 Keystone report²², parents of refugee children with disabilities highlighted challenges such as limited access to specialized health services, inaccessible or unavailable support services in their communities, and a lack of qualified staff in early education institutions to provide necessary support, all of which impede children's access to early education.
50. **The Ombudsmen recommend that the State ensure the full social inclusion of children who are beneficiaries of international protection.**

Equal recognition before law (Article 12); Access to justice (Article 13)

51. During the previous year, the Ombudsman advocated for and supported the initiative of the national authorities to amend the Law no. 198/2007 on state-guaranteed legal aid²³ so as to expand the eligibility for state-guaranteed legal aid to include persons with severe and profound disabilities, regardless of their income level. The Ombudsman commends these amendments and encourages relevant authorities to continue efforts to increase financial support for beneficiaries that could fall under the Law no 198/2007 on state-guaranteed legal aid.

²⁰ https://www.ipn.md/en/persons-with-visual-impairments-had-limited-access-to-information-on-websites-of-8012_1100549.html

²¹ <https://ombudsman.md/en/reports/rights-of-foreigners/>

²² https://www.keystonemoldova.md/wp-content/uploads/sites/4/2023/08/ENG_Situation_analysis.pdf

²³ https://www.legis.md/cautare/getResults?doc_id=141538&lang=ro#



52. The Ombudsman notes that, in terms of legislation, the right to a fair trial has been addressed through the amendment of Law no. 68/2016 on judicial expertise and the status of the judicial expert²⁴. This amendment, spurred by interventions from the Ombudsman, introduced para. (51) in article 75 stipulating that "The costs of judicial expertise conducted to establish a judicial protection measure shall be covered from the state budget". While this amendment has a positive impact on socially vulnerable persons and supports the effective implementation of the provisions outlined in the UN Convention on the Rights of Persons with Disabilities, it appears, based on the complaints received by the People's Advocate, that its implementation mechanism has not yet been put in place. The disagreement arises from the phrase "from the state budget", leading public institutions to deflect responsibility for covering these expenses. For instance, when a court mandates a judicial expert opinion, the court deems the costs the responsibility of the National Centre for Judicial Expertise, while the latter believes the court, as the authorizing institution, should bear these costs.
53. Authorities remain hesitant to ensure non-discriminatory practices for persons with disabilities within the justice sector. Despite some measures taken following the ratification of the UN Convention for Persons with Disabilities in 2010, gaps in the regulatory framework persist, causing perpetuation of discriminatory practices against persons with disabilities. In 2022, the People's Advocate requested the Constitutional Court to conduct a constitutional review of the term "locomotory" used in art. 213 para. (3) of the Code of Civil Procedure, as well as the language of para. (1¹) of art. 216 of the same code. These provisions were deemed restrictive by the People's Advocate, as they do not allow persons with disabilities to participate in court hearings via videoconference without physically attending a required institution, such as the social assistance institution or the guardianship authority, etc. The People's Advocate request stemmed from a notification from the Centre for the Rights of Persons with Disabilities, asserting that these provisions curtail the rights of persons with disabilities to engage in court proceedings via videoconference.²⁵
54. The Equality Council also identified these limitations in article 213 para. (3), which exhaustively lists the categories of persons who may request to be heard by videoconference, excluding persons with other than locomotor disabilities from making use of this prerogative. The Council considers that individuals with visual, hearing or psychosocial disabilities, or disabilities resulting from general medical conditions are in comparable situations to those with mobility impairment or individuals hospitalized in a medical facility, as the inability to physically attend court hearings stems from their health condition. Therefore, adequate accessibility measures should be implemented to enable persons with disabilities to effectively exercise their rights in such situations.²⁶
55. The Ombudsman emphasizes that, while this practice may serve a legitimate purpose, it could adversely affect persons with disabilities, placing them at a disadvantage due

²⁴ https://www.legis.md/cautare/getResults?doc_id=132473&lang=ro#

²⁵ <https://ombudsman.md/avocatul-poporului-a-sesizat-curtea-constitutionala-cu-privire-la-controlul-constitutionalitatii-unor-prevederi-din-codul-de-procedura-civila-prin-care-se-restrange-dreptul-persoanelor-cu-dizabilitati/>

²⁶ <https://egalitate.md/wp-content/uploads/2021/01/raport-final-2022-rev-1.pdf>



to their vulnerability, as attending hearings at notary's or bailiff's offices may entail expenses that the individual might not afford.

56. These observations are reinforced by a decision from European Court of Human Rights in 2022. The Court notified the Government of the Republic of Moldova of a new case of human rights violation involving a woman subjected to discrimination on the basis of disability and denied the opportunity to defend her rights (E.T. v. Republic of Moldova case). The case concerns the applicant's inability to take legal action to regain her legal capacity²⁷.
57. **The Ombudsman recommends that the State provide training to justice sector professionals on the rights of persons with disabilities to mitigate any further reluctance in ensuring non-discriminatory practices. Moreover, national legislation should be aligned with international standards.**

Liberty and security of the person (Article 14)

58. Concerning the treatment of persons deprived of their liberty in psychiatric hospitals and social care facilities, the People's Advocate primarily addresses issues related to the Law on mental health or existing systemic challenges. These include matters such as the placement of individuals in high security wards in social care facilities based on court orders, as well as staffing shortages and space limitations in these facilities.
59. The Ombudsman remains concerned about the provisions of Law no. 1402 of December 16, 1997 on mental health²⁸. Specifically, article 28 of the law allows hospitalization without consent. Thus, a person suffering from a mental disorder may be hospitalized in a psychiatric ward without his/her or his/her legal representative's consent before a court decision is issued if his/her examination or treatment is possible only under inpatient conditions and the mental disorder is severe and poses a direct social danger or presents serious harm to his/her health. The People's Advocate notes that these provisions require revising and stresses the importance of establishing clear safeguards for emergency medical situations to prevent arbitrary hospitalization of individuals with psychosocial disabilities.
60. Finally, the Ombudsman recognizes that involuntary placement and confinement in a high security section of a social care facility infringes upon the human rights and fundamental freedoms of the detained individual. Therefore, the Ombudsman **recommends alternative forms of treatment for individuals with mental disabilities within their community or home environment and consistently calls for more interventions for strengthening deinstitutionalization.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15);

Freedom from exploitation, violence and abuse (Article 16)

61. In its 2022 report on human rights in the Republic of Moldova, the People's Advocate highlighted that in temporary placement centers there is still a high rate of beneficiaries with severe and profound disabilities, resulting in overlapping and intensified demand

²⁷<https://promolex.md/22152-ctedo-a-comunicat-guvernului-cazul-unei-femei-discriminate-pe-criteriu-de-dizabilitate-si-lipsite-de-possibilitatea-de-a-si-apara-drepturile/?lang=ro>

²⁸ https://www.legis.md/cautare/getResults?doc_id=131976&lang=ro#



for supervision and assistance. Additionally, some institutions lack a psychologist, which negatively impacts the efforts to reshape beneficiaries' behavior, help them with emotional regulation, assess, reassess and deinstitutionalize individuals. Establishing and maintaining a complete and effective professional team is crucial for fostering a rehabilitation environment, providing care to beneficiaries with a problematic profile and assistance to beneficiaries with mobility impairments.

62. PAO received reports of 36 deaths in temporary placement centers for people with disabilities. Causes ranged from acute kidney and heart failure to diabetic coma, bronchopneumonia, mechanical asphyxia/food bowl asphyxiation, SARS-CoV-2 complications. Investigations into these cases based on the files and records received from the temporary placement centers for persons with disabilities revealed that some factors causing death of residents were failure to treat common illnesses despite notifications from individuals about their needs and sufferings; careless management of complaints, which are often seen as inconsistent, leading to delayed interventions to stop progression of a disease or establish an early diagnosis for effective treatment; treatment often prescribed already in the terminal phase.²⁹
63. Furthermore, the Ombudsman notes that patients are not engaged in occupational activities, and spend most of their time in unfriendly wards under the influence of strong psychotropic medication. The Ombudsman draws attention to the fact that in temporary placement centers there is still a high rate of residents with severe and profound disabilities, resulting in overlapping and intensified demand for supervision and assistance, while the absence of psychologists in some facilities exacerbates the situation even more.
64. Physical inspections of the temporary placement centers for persons with disabilities revealed overcrowding; lack of access to daylight and artificial light; lack of a ventilation system; insufficient mobility aids for the persons with disabilities, uncomfortable sanitary facilities, all of which increase the risk of self-injury among residents.³⁰
65. The Ombudsman reports limited mobility of the people with physical disabilities inside placement facilities and in their courtyards, which remains an unaddressed challenge, emphasizing the lack of a strategy and staff to work on the development of person's self-reliance, all of this undermining the rehabilitation efforts. Lack of action in this sense turns the placement center into an institution of isolation and indefinite accommodation for beneficiaries; the occupational activities are missing, and the beneficiaries of placement institutions are left to think of ways how to spend their time, usually leading to aggression, provocations and depression among them.³¹
66. The Ombudsman also raises concerns about psychiatric facilities. During the monitoring visits, CTP members found inadequate infrastructure which does not meet the needs of persons with physical disabilities, poor physical conditions leading to injuries. Patients are not engaged in occupational activities, and spend most of their time in unfriendly wards under the influence of strong psychotropic medication.

²⁹ <https://ombudsman.md/en/post-document/raport-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2022-2/>

³⁰ <https://ombudsman.md/rapoarte/>

³¹ <https://ombudsman.md/rapoarte/>



67. Finally, there is evidence that people placed in Temporary Placement Centers for people with disabilities are exposed to severe illnesses, which are beyond the profile of the centers, because of late diagnosis and failure of medical staff to take preventive measures. The Ombudsman notes that detention must not justify inadequate medical services³².
68. Therefore, **the Ombudsman recommended that the Ministry of Labor and Social Protection adapt the placement facilities to the physical and intellectual needs of beneficiaries, including the access roads; increase staffing levels, including by hiring or contracting alternative occupation, education and socialization services for beneficiaries, as well as services to provide medical support to beneficiaries.**

Living independently and being included in the community (Article 19)

69. The Ministry of Labor and Social Protection of the Republic of Moldova (MLSP) initiated the "RESTART" reform of the social assistance system in 2023. This reform aims to ensure fair access to quality social services³³ by redesigning the management of the social assistance system at national level. More specifically, it involves transferring social assistance responsibilities, including staff and social services, from the second level local public administrations to 10 newly created territorial social assistance agencies managed by MLSP. As part of this reform, starting from January 1, 2024, the "personal assistance" social service will be funded from the state budget.
70. Therefore, the personal assistants currently employed by district councils and the Balti local government will transition to these territorial agencies. An exception will be those in Chisinau municipality and Gagauzia, where the management of the social assistance service will stay with the local governments. These actions are intended to enhance the efficiency of public services. Last summer, over 2 thousand personal assistants, out of approximately 7 thousand in Moldova, went unpaid for several months.
71. MLSP clarified that the minimum package of social services, including personal assistance, is funded proportionally from the budgets of district and municipal councils and from the Population Support Fund, which is replenished through airport taxes, sponsorships and other sources. Insufficient funds in this fund last year prevented the AMHSSS from transferring funds to the local governments, leaving about 2,800 personal assistants without salaries³⁴.
72. On January 3, the head of the Medical and Social Assistance Department of the Chisinau municipality issued an order dismissing all retired personal assistants and 190 others who previously received salaries from the Population Support Fund. The remaining 2,100 personal assistants will now only be paid for part-time work and no

³²<https://ombudsman.md/en/post-document/raport-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2022-2/>

³³https://social.gov.md/wp-content/uploads/2023/05/Reforma-sistemului-de-asistenta-sociala_FINAL-1.pdf

³⁴<https://protv.md/actualitate/din-ianuarie-serviciul-social-asistenta-personala-va-fi-finatat-din-bugetul-de-stat-video---2677655.html>



- new personal assistants will be hired in Chisinau municipality until December 31, 2024 due to budget constraints.³⁵
73. In early 2024, the People's Advocate and the People's Advocate for Children's Rights received complaints from several groups of people expressing concern about the Chisinau municipality's decision to cease funding for the personal assistance service. The People's Advocates warn that this initiative violates Moldova's obligations under international human rights instruments, as well as the national regulatory and public policy frameworks (the 2030 Agenda for Sustainable Development, UN Convention on the Rights of Persons with Disabilities, UN Convention on the Rights of the Child, UN Convention on the Elimination of All Forms of Discrimination against Women, Constitution of the Republic of Moldova, Law no. 370/2023 on the rights of the child, Law no. 60/2012 on social inclusion of persons with disabilities, Law no. 5/2006 on equal opportunities between women and men, National Development Strategy „European Moldova 2030”, the 2022-2026 National Programme for Child Protection, the 2023-2027 Programme for promoting and ensuring equality between women and men in the Republic of Moldova, etc.).
 74. The People's Advocates believe that discontinuing the personal assistance service would be a serious setback and will undoubtedly impact the rights of children and adults, particularly those with disabilities. This move contradicts Moldova's commitments under the UN Convention on the Rights of Persons with Disabilities to safeguard the fundamental rights of persons with disabilities such as accessibility, equality before the law, education, the right to live in the community and to benefit from community services, and the State's obligations to make sure that children with disabilities live a decent life in conditions which ensure dignity, promote self-reliance and facilitate their active participation in the community.
 75. The Ombudsman views the current provisions as detrimental to social protection, leaving personal assistants without resources to meet their basic needs and the needs of their dependents. Lack of these services would impact, among other things, the right to work, the right to a decent standard of living and the right to non-discrimination.
 76. Therefore, the People's Advocates urge the Chisinau municipal administration to reconsider its decision to cease the financing of the personal assistance service, engage in public discussions, possibly involving national authorities, and seek solutions to enhance the services rather than close them.³⁶
 77. Additionally, the People's Advocate for Children's Rights has prepared a thematic report on children's rights within the residential institutions Rehabilitation Centre for Children in Cornești and the Rehabilitation Centre for Children in Tarnova. PACR expressed concern regarding children's rights during their stay in these facilities and noted that children suffering from tuberculosis continue to face marginalization and stigma from society. In one of the facilities, it was discovered that children had stayed for over 49 months, despite the recommended maximum admission period of 6 months, with potential extensions based on the recommendation of a committee

³⁵<https://moldova.europalibera.org/a/sute-de-asistenti-personali-din-chisinau-vor-fi-concediati-sau-vor-primi-doar-jumatate-de-salariu/32772100.html>

³⁶<https://ombudsman.md/sesizarea-avocatilor-poporului-legata-de-decizia-municipalitatii-chisinau-de-a-stopa-finantarea-claselor-cu-program-prelungit-in-institutiile-de-invatamant-general-si-a-serviciului-de-asistenta-person/>



comprising three doctors. PACR strongly recommended that the Ministry of Health implement measures to prevent the placement of children in institutions for purposes other than tuberculosis treatment (long-term stay), and review the policy of institutionalizing children during the tuberculosis rehabilitation phase and seek to minimize their placement within residential facilities.

78. In conclusion, the Ombudsman deems the current provisions detrimental to the social protection of individuals, lacking a human rights-based approach, which implies that the state exists for the people and that state policies must uphold human dignity and ensure that no person is left without adequate protection. **The Ombudsman further notes that the State should identify a mechanism to guarantee social protection in the aforementioned situation.**

Freedom of expression and opinion, and access to information (Article 21)

79. The Ombudsman emphasizes the importance of not only documenting and categorizing instances of hate speech but also understanding its detrimental impact on targeted individuals, mostly vulnerable groups such as people with disabilities.
80. In early 2023, the Ombudsman reviewed the draft law on access to public information, recognizing its fundamental role in building a state where human rights are upheld. The Ombudsman provided feedback on issues needing improvement, particularly highlighting the need for greater consideration for the visually impaired regarding information accessibility.
81. According to Law no. 60/2012 on social inclusion of persons with disabilities, the State acknowledges and promotes sign language and other alternative means of communication. Providers of public information must implement the Braille system to ensure timely and accessible information for applicants, facilitate their social integration and enable them to actively engage in the administration of public affairs. The Ombudsman underscored the necessity of a dedicated chapter to regulate issues related to equal access to understandable public information, with a specific focus on those with visual impairments.
82. Additionally, the Ombudsman noted that Law no. 148 of June 9, 2023 on access to public information in article 22³⁷ stipulates a fee if the requested information exceeds 20 pages. This fee could potentially prevent certain groups of applicants from obtaining information, such as individuals who cannot afford to pay, for instance those with disabilities or other vulnerable groups. It is also important to highlight the costs for providing information in formats suitable for individuals with visual or hearing impairments, such as transcribing information into Braille.
83. Despite some revisions made to the draft Law on access to public information in response to recommendations from the Ombudsman's initial opinion, certain suggestions were not incorporated in the draft law. Therefore, the Ombudsman re-submitted its opinion insisting on the recommendation regarding equitable access to understandable public information, which entails providing information in the requested language for national minorities and Braille for individuals with visual impairments.

³⁷ https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro



84. The Ombudsman notes that article 21³⁸ of the Law on access to public information of June 9, 2023 continues to stipulate that information of public interest is communicated to applicants in the language in which it is available. Therefore, the Ombudsman's recommendations have not been fully integrated into the law.
85. Throughout 2022, the Ombudsman continued to monitor the right to education for children with special needs. Despite some progress, the Ombudsman notes that issues leading to discrimination against these children within the education system still persist. These issues include lack or shortage of support teachers and specialists (psychologists, psycho-pedagogues, speech therapists), attitudinal barriers among teachers hindering the integration of children with special educational needs, insufficient funding for inclusive education, the need for ongoing training for teachers on how to deal with children with disabilities, especially those with the Down syndrome and intellectual disabilities. Many children in Moldova are still unable to fully enjoy their right to education, with schools often failing to provide an inclusive environment where the most vulnerable and excluded children, especially those with disabilities, can study and socialize. Many schools are still not part of the mainstream education system and have the status of 'special schools'.
86. According to data from 2022, there were 197 children with disabilities and 1,494 children with special education needs enrolled in general early education institutions³⁹. Additionally, by the end of 2022, the Ministry of Labor and Social Protection reported approximately 13,200 children at risk, with 67.2% of them residing in rural areas, including 334 children with disabilities.⁴⁰
87. In early 2024, PACR published a thematic report on the right to education of children with sensory impairments.⁴¹
88. One of the findings of the report is that children with SEN lack access to assistive equipment and technologies according to their individual needs, thus significantly impeding their participation and access to education in mainstream schools and diminishing their learning and development opportunities.
89. To address the aforementioned issues, the Government of the Republic of Moldova made considerable efforts, including the approval in 2023 of the Development Strategy "Education 2030"⁴², a strategic policy document aimed at modernizing the infrastructure of education institutions to respond to the needs of students and persons with disabilities. The strategy prioritizes creating a safe, protective and inclusive learning environment for all students.
90. According to the specific objective 2.13 of the Education 2030 Strategy, conditions must be ensured for the provision of education services in sign language and Braille. Additionally, initial and in-service training in the provision of education services in sign language and Braille must be provided for teachers. Despite progress, the Ombudsman notes, however, that only a small part of school textbooks, including those for optional subjects, are currently available in Braille.

³⁸ https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro

³⁹ https://statistica.gov.md/ro/situatia-copiiilor-in-republica-moldova-in-anul-2022-9578_60434.html

⁴⁰ https://statistica.gov.md/ro/situatia-copiiilor-in-republica-moldova-in-anul-2022-9578_60434.html

⁴¹ <https://ombudsman.md/post-document/asigurarea-dreptului-la-educatie-a-copiiilor-cu-deficiente-senzoriale/>

⁴² https://gov.md/sites/default/files/document/attachments/subiect-02-nu-900-mec-2022_1.pdf



91. Thus, children with visual impairments do not have access to all textbooks in Braille, highlighting that educational access for these children remains formal. Even though article 40 of the Education Code stipulates that "optional subjects included in the framework plan must have a share of 10-15% in primary education, 15-20% in secondary education and 20-25% in high school"⁴³, children with visual impairments cannot choose optional subjects because of the unavailability of textbooks in Braille for these subjects.⁴⁴
92. In the Republic of Moldova, professionals in sign language are trained exclusively by a single higher education institution, which has the appropriate infrastructure, methodological support and qualified trainers.
93. In conclusion, the People's Advocate notes that, despite the progress achieved by the State, **further efforts are essential to develop an accessible physical environment and individualized education process to respond to the needs and potential of children with disabilities.**

Health (Article 25)

94. Another sensitive issue concerning the people with disabilities is health. Over the years, the People's Advocate has monitored the right to the highest standard of health.
95. Concerning access to health services, overall, most respondents have a negative perception about the way in which their rights to health services are respected, although there is some improvement noted in the current survey compared to previous ones. The Ombudsman, as in previous periods, urges government actors to strengthen the alignment of national health practices with the standards of existing international bodies. Additionally, the Ombudsman notes that individuals placed in temporary placement centers for persons with disabilities are exposed to severe diseases, beyond the profile of the centers, due to late diagnosis and lack of disease prevention actions by medical staff. The Ombudsman notes that placing a person in a detention institution cannot justify inadequate medical services or their restriction.⁴⁵
96. According to a study conducted by the Ministry of Labor and Social Protection, more than 10 thousand people with disabilities received medical rehabilitation, mental health, care and prosthetic services in medical facilities in 2022, showing a slight increase compared to previous years⁴⁶.
97. The People's Advocates submitted several proposals for measures and actions to the Ministry of Health for the 2023-2027 National Programme on Sexual and Reproductive Health and Rights. They recommended including actions to raise awareness among health professionals about the rights of persons with disabilities through training and adoption of ethical standards. Moreover, they recommended ensuring the availability and accessibility of healthcare services and facilities for all persons with disabilities throughout the country, in line with the recommendations in

⁴³ https://www.legis.md/cautare/getResults?doc_id=138940&lang=ro#

⁴⁴ <https://ombudsman.md/post-document/asigurarea-dreptului-la-educatie-a-copiiilor-cu-deficiente-senzoriale/>

⁴⁵ <https://ombudsman.md/en/post-document/raport-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2022-2/>

⁴⁶ <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>



the Concluding Observations of the UN Committee on the Rights of Persons with Disabilities⁴⁷. It should be noted that the Programme has not yet come into effect despite one year of implementation having already passed.

98. For the first time in the Republic of Moldova, the People's Advocate Office has conducted comprehensive research on the right to health for refugees in Moldova. One of the Ombudsman's findings concerns the lack of a package of medical and social services for refugees with disabilities. Health condition often requires specialized medical assistance, confirmation of disability degrees and specific treatments, which are either not free of charge or difficult to access because of general barriers. Rehabilitation services and assistive hearing, vision and locomotor devices for people with disabilities are scarcely available and are largely paid for by beneficiaries themselves or donors.⁴⁸ In early 2024, PAO presented a set of indicators relevant to the right to health⁴⁹. The aim is to bring these indicators to the forefront and encourage dialogue on their use in statistical data collection and analysis, as well as in public policy-making and national and international reporting in the health field. The Ombudsman underlines the priority given to the right to health in PAO's 2023-2030 Strategic Development Programme and notes that developing an efficient and quality healthcare system is a shared value of the various institutions involved.
99. The Ombudsman concludes that the right to health remains an issue for the State, despite some positive developments. Barriers to access medical rehabilitation or medical devices for persons with disabilities continue to be a challenge, with inappropriate funding for medical services being one of the reasons.
100. **Therefore, the Ombudsman recommends the State to ensure non-discrimination against persons with disabilities, especially women, in relation to sexual and reproductive health and rights.**

Habilitation and rehabilitation (Article 26)

101. Safeguarding the rights of persons with disabilities through regulatory framework is one of the priorities of the Ministry of Labor and Social Protection. This priority translates into national policies and programmes targeting this group.⁵⁰ There are various services designed to protect the right to rehabilitation for persons with disabilities. One of such services is provision of technical aids by CREPOR⁵¹. This service supplies the population of the Republic of Moldova with technical aids like prostheses and wheelchairs. Additionally, it offers rehabilitation medical care to persons with disabilities and those with locomotor disorders through consultation, treatment and rehabilitation methods necessary for maintaining their health. Therefore, people with disabilities fall under the category of beneficiaries.

⁴⁷ <https://ombudsman.md/propunerile-avocatorilor-poporului-adresate-ministerului-sanatatii-pentru-proiectul-programului-national-privind-sanatatea-si-drepturile-sexuale-si-reproductive-pentru-anii-2023-2027/>

⁴⁸ <https://ombudsman.md/post-document/raportul-avocaturului-poporului-privind-evaluarea-accesibilitatii-serviciilor-esentiale-de-sanata-2/>

⁴⁹ <https://ombudsman.md/masa-rotunda-privind-prezentarea-setului-de-indicatori-relevanti-dreptului-la-sanatate/>

⁵⁰ <https://social.gov.md/wp-content/uploads/2024/01/Protectie-persoane-dizabilitati.pdf>

⁵¹ https://www.legis.md/cautare/getResults?doc_id=130219&lang=ro



102. Another service is the toll-free hotline support service created as a national hotline service to offer assistance, support and information to people with disabilities. Since June 2019 Keystone Moldova has been operating the hotline under a contract with the MLSP. The hotline service for persons with disabilities operates with a national number accessible throughout the Republic of Moldova, with anonymous, free and confidential calls from landline and mobile phones. The aim of the service is to offer access to information and advice to prevent and reduce violations of the rights of persons with disabilities.
103. According to the report of the toll-free hotline support service for people with disabilities, the number of calls in 2022 increased by 679 compared to 2021. This rise is attributed to the numerous challenges faced by the persons with disabilities, particularly after the outbreak of the war in the neighboring country Ukraine and the economic crisis within the country. These factors contributed to increased anxiety, stress and insecurity among people with disabilities and their family members in 2022.⁵² The Ombudsman commends this positive initiative and recommends that the State strengthen partnerships with civil society.
104. Furthermore, according to the Regulation on registration and distribution of rehabilitation/recovery vouchers to pensioners and beneficiaries of state social allowances approved through the Decision no. 37 of May 6, 2010, rehabilitation/recovery services are provided to persons with disabilities at the Moldovan Rehabilitation Centre for Invalids and Pensioners "Victoria", located in Sergheevca town, Ukraine, and in the Rehabilitation Centre for Elderly and Disabled Persons (adults) "Speranța", Vadul lui Voda town, Moldova. These are public institutions founded by the Ministry of Labor and Social Protection⁵³. Currently only the center located in Moldova is operational, while the center in Ukraine has suspended its operations because of the armed conflict.
105. Beneficiaries of rehabilitation/recovery services include unemployed people with severe or profound disabilities - the only group entitled to free of charge rehabilitation vouchers once every three years from the submission of the application package. People with severe or profound disabilities who are employed and those unemployed with moderate disabilities receive a 70% discount on the voucher price. However, because only one rehabilitation center for people with disabilities is currently operational, the number of people benefiting from rehabilitation and balneotherapy is low. This fact is also highlighted in the report of the toll-free hotline support service for people with disabilities, which also found that the waiting time for the balneo- sanatorium services is long.⁵⁴
106. The Ombudsman emphasizes that despite the challenges related to the shortage of rehabilitation facilities, the rights of persons with disabilities must not be neglected.
107. **Therefore, the Ombudsman recommends that the State ensure appropriate funding for the rehabilitation of people with disabilities to improve the quality of their lives and enable their social inclusion.**

⁵² <https://www.keystonemoldova.md/wp-content/uploads/sites/4/2023/02/2022.pdf>

⁵³ https://www.legis.md/cautare/getResults?doc_id=128811&lang=ro#

⁵⁴ <https://www.keystonemoldova.md/wp-content/uploads/sites/4/2023/02/2022.pdf>



Work and employment (Article 27)

108. The Constitution of the Republic of Moldova (art. 43, para. 1 and 2) stipulates that „every person shall enjoy the right to work, to freely choose his/her profession and workplace, to equitable and satisfactory working conditions, as well as to protection against unemployment”. Law no.60 of March 30, 2012 on social inclusion of persons with disabilities guarantees their integration into the labor market (art. 33 – 40), including the right to work, work arrangements, employer’s obligations related to the employment of people with disabilities, working and rest hours, professional orientation, training and rehabilitation.
109. Law no. 105 of June 14, 2018 on the promotion of employment and unemployment insurance⁵⁵ requires that employers adjust the workplace to facilitate the exercise of the right to work and enhance the performance of employees with disabilities, taking into account their individual needs. This includes equipping the workplace with access devices and equipment, hiring support staff and modifying the workspace. Article 38 of the Law also provides for payment of subsidies for hiring persons with disabilities based on an individual employment contract for an indefinite or fixed period of at least 12 months to employers, natural or legal persons under public or private law, who create jobs or adapt existing workplaces. The National Employment Agency covers 50% of the costs for employers hiring persons with moderate disabilities and 75% for those hiring persons with severe and profound disabilities.
110. However, people with disabilities still encounter challenges in employment, facing limited access to the labor market. According to 2022 statistics, the employment rate for people with disabilities was 15.9% compared to 45.5% for those without disabilities. The employment rate for men with disabilities was 16.2%, and for women, it was 15.6%. In urban areas, the employment rate was 17.9%, while in rural areas, it stood at 15.3%. Thus, the employment rate for people with disabilities is three times lower than that of those without disabilities, and shows a downward trend.⁵⁶
111. Additionally, the general report on preventing and combating discrimination in the Republic of Moldova in 2022 prepared by the Equality Council highlighted existence of employment-related discrimination, including based on disability, with 2 such complaints reported.⁵⁷
112. In conclusion, the Ombudsman acknowledges the persistent challenges faced by people with disabilities, exacerbated by the pandemic crisis. Despite available subsidies for employers, the number of employed people with disabilities remains low, often confined to poorly paid positions.
113. **The Ombudsman advocates for State action to promote employment of people with disabilities and put in place mechanisms to encourage employers to hire them.**

Adequate standard of living and social protection (Article 28)

114. The standard of living for people with disabilities remains low. Despite additional support measures taken by the Government, they have not had a direct impact on the

⁵⁵ https://www.legis.md/cautare/getResults?doc_id=139819&lang=ro#

⁵⁶ https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2022-9460_60822.htm

⁵⁷ <https://egalitate.md/wp-content/uploads/2021/01/raport-final-2022-rev-1.pdf>



living standards for this category of people. Although the minimum pension amount for people with disabilities⁵⁸ increased on 1 October 2021, it still does not cover the minimum subsistence needs of the people with special needs, with a coverage rate of 70.5% for pensioners with profound disabilities and only 47% for those with moderate disabilities. Even lower is the coverage rate of the subsistence minimum for recipients of state social allowances for people with disabilities, people with severe childhood disabilities and children with disabilities, who fall below the extreme poverty line.⁵⁹

115. Over the years, most of the complaints examined by the Ombudsman have been about limited access to community social services due to insufficient funding and poor development. The lack of financial resources, housing, food, which are supposed to be provided to persons with disabilities by local governments, has resulted in repeated complaints from those left outside the placement services.
116. The Republic of Moldova has committed to eradicate all forms of poverty by 2030, in accordance with targets 1.1 and 1.2 of the 2030 Agenda for Sustainable Development, combat inequalities and ensure an adequate social protection system for all, including the poor and vulnerable (target 1.3), as well as to reduce vulnerability among the poor and those in vulnerable situations by increasing access to goods, resources, services and information (targets 1.4 and 1.5).
117. The Ombudsman emphasizes the importance of participatory estimation of the minimum consumption basket for a decent living involving various groups of people with different socio-economic status and needs, in line with the principles of a human rights-based approach. Additionally, the estimation of the subsistence minimum/minimum basket for a decent living for persons with disabilities must consider their specific needs and types of disability.
118. In 2021, the Constitutional Court ruled on several issues regarding the right to social assistance and protection, taking into account the Ombudsman's opinion. The Court established unjustified differential treatment between recipients of age pension and recipients of disability pension.⁶⁰ It recognized the constitutionality of Article 33 para. (1) item c) of Law no. 156 of October 14, 1998 on the public pension system, insofar as persons with disabilities should also benefit from pension review. In an Amicus Curiae opinion,⁶¹ the People's Advocate stated that recipients of both age pension and disability pension must have the right to pension review. Therefore, given that Article 33 para (1) item c) of the Law on public pension system at that time did not view the recipients of disability pension eligible for pension review, the Ombudsman notes that this led to unjustified differential treatment and a failure to ensure a fair balance between the competing principles.
119. While the Ombudsman welcomes the actions taken by the State, they are deemed insufficient. The information received by the Ombudsman suggests that the State has

⁵⁸<https://cnas.gov.md/slidepageview.php?l=ro&idc=725&id=6248&t=/Mass-media/Intrebari-frecvente/Pensii-i-alocatii/Care-este-cuquantumul-pensiei-minime-pentru-limita-de-varsta-si-cuquantumul-pensiei-minime-de-dizabilitate/>

⁵⁹<https://ombudsman.md/en/post-document/report-on-the-observance-of-human-rights-in-the-republic-of-moldova-in-2021-2/>

⁶⁰<https://www.constcourt.md/libview.php?l=ro&idc=7&id=2287&t=/Media/Noutati/Curtea-a-stabilit-un-tratament-diferentiat-nejustificat-intre-titularii-pensiei-pentru-limita-de-varsta-i-titularii-pensiei-de-dizabilitate>

⁶¹ <http://ombudsman.md/wp-content/uploads/2021/09/04-1-07-din-21.09.2021-Opinie-CC.pdf>



not taken all the necessary measures to guarantee the rights of all persons with disabilities.

120. **Therefore, the Ombudsman recommends that the State put in place reasonable arrangements for persons with disabilities concerning pensions and social benefits.**

Statistics and data collection (Article 31)

121. According to NBS data, as of December 1, 2023, there were over 162.3 thousand people with disabilities in the Republic of Moldova, i.e. more than 6.5% of the population. More than half of the total fell into the category of those with severe disabilities, accounting for 56%. People diagnosed with moderate disabilities accounted for 28%, and those with profound disabilities – 16%. Compared to 2021, the share of people with profound and moderate disabilities increased.⁶²
122. Currently, there are no official statistics on the types of disability and the number of people in these categories. Only the degree of disability – profound, severe and moderate, and the factors causing the disability are documented.
123. According to the Infonet Alliance⁶³, there are approximately 15,000 people with visual impairments in the Republic of Moldova, with around 2,500 individuals who know the Braille alphabet (characters made up of raised dots that can be felt with the fingers). Information on persons with this type of disability is not included in the national statistics. According to the estimates of the Association of the Deaf of the Republic of Moldova⁶⁴, there are about 5000 people with hearing impairments in the Republic of Moldova. However, this information is not available on the NBS web page.
124. The Ombudsman has previously reported in annual reports⁶⁵ the lack of comprehensive statistical data on the number of recipients of minimum pensions for different types of disabilities and those receiving state benefits. This makes it challenging to estimate the real number of people living below the absolute or extreme poverty line. Disaggregated statistical data would be useful for developing more targeted social protection policies to address the needs of people with disabilities and their families for an adequate standard of living in society.
125. Currently, no data are collected on refugee children with disabilities of pre-school age in the Republic of Moldova, as the data collected on refugees is not disaggregated by disability criteria or age groups.
126. The Ombudsman notes that the State does not collect relevant disaggregated data on persons with disabilities to design appropriate measures and implement the Convention on the Rights of Persons with Disabilities.
127. Collecting disaggregated data on children with disabilities is an obligation under the CRPD. Although the State committed to this obligation when ratifying the

⁶² https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2022-9460_60822.html

⁶³ <https://medium.com/undp-moldova/braille-used-in-moldova-to-provide-equal-access-to-electoral-information-f7d47fd89c60>

⁶⁴ <https://www.as.md/news/7459>

⁶⁵ <https://ombudsman.md/en/post-document/report-on-the-observance-of-human-rights-in-the-republic-of-moldova-in-2021-2/>



Convention, it has not yet fully complied with it. Additionally, the Ombudsman deems it necessary to have disaggregated statistics for the Republic of Moldova in order to be able to conduct a comprehensive assessment of all persons with disabilities and to implement targeted policies.

128. In conclusion, despite some progress, the Republic of Moldova has not yet fully promoted, protected and ensured the rights of persons with disabilities.
129. The State has initiated efforts to enable the collection of data on persons with disabilities, more specifically by drafting the Decision for the approval of the Matrix of statistical indicators on persons with disabilities and the amendment of the Government Decision no.357/2018 on the determination of disability. As NHRI, the People's Advocate welcomes these efforts and **recommends the State to make sure all data collected on persons with disabilities are disaggregated, at least by gender, age and ethnic origin.**