



Information from CSOs
in relation to the review of the Republic of Moldova by the
Committee on the Rights of the Child
(76 Session, 11 - 29 September 2017)

Fourth and fifth state party periodic reports

This document is submitted to the UN Committee on the Rights of the Child from CSOs working in the field of disability in the Republic of Moldova:

Center of Legal Assistance for Persons with Disabilities (CLAPD) – is an organization of persons with disabilities, founded in 2006 whose mission is to promote, protect and ensure the rights of persons with disabilities in Republic of Moldova. CLAPD had a leading role in the CSOs campaign for the ratification of CRPD by Moldova (2010), in drafting the first Alternative Report on the CRPD (2015). CLAPD is currently actively involved in improving national legislation, strategic litigation, advocacy and monitoring the implementation of the CRPD. <http://advocacy.md>

Motivatie (Motivation) Moldova – is an organization of people with disabilities founded in 2002. Its mission is to improve the quality of life of persons with disabilities and achieve a higher degree of their social inclusion. Motivatie Moldova has as a main target group person with physical impairments and wheelchair users. Motivatie Moldova has a leading role in public campaigns for accessibility. <http://motivatie.md>

"Infonet" Aliance - is a CSO founded in 2007. "Infonet" is working in providing the right to access to information for people with disabilities, especially with sensory impairments, providing the right to vote to persons with disability. <http://www.infonet.md/>

The Association of Deaf Persons, established in 1950, is the main organization representing persons with hearing disabilities in Republic of Moldova

Education of children with disabilities (Article 29, Article 23)

The sign language is not adequately recognized as an official language of the State party. The teachers of the special schools for deaf children and with hearing disabilities do not receive training in sign language, consequently they do not possess the necessary communication skills to effectively use sign language in teaching school subjects.

The insufficient training of sign language interpreters resulting in an inadequate number of interpreters in public and private services and the lack of access to bilingual education for deaf children.

The status of the sign language in Republic of Moldova is legitimated by the Law no. 60 of 30.03.2012 and Regulation on the operation of the Service of Interpretation into Sign Language for Persons with Hearing Impairments was approved by Government Decision no. 333 of 14.05.2014.

The art. 25 para. 1 of the Law no. 60 of 30.03.2012 provide, "The State recognizes and promotes sign language and other alternative modes of communication as a means of communication between people."

Annually, through the Ministry of Labor, Social protection and Family used to be allocated the amount of 500 000 MD lei from the state budget for the insurance of sign language interpretation service. Unfortunately, year by year, the amount was decreased with the explanation that 50% of the amount could not be capitalized by the Association of Deaf Persons in Moldova. This was happening because:

- In 2016 was 1 interpreter for 195 persons with hearing disabilities. We mention that the European average varies from 1 interpreter for 70-100 persons with hearing disability.
- The price per hour of sign language interpreting varies from 25 to 31,36 MD lei (1,1 – 1,7 Euro), which is very low.
- The costs of transportation to the place where the service is going to be delivered and the time of transportation is not charged. Also, the costs on creating jobs for the sign language interpreters is the responsibility and the task of the Association of Deaf Persons. For this reason, although the services are highly requested, they are available only partially on the territory of Republic of Moldova.

The Republic of Moldova, via the Ministry of Education, had undertaken measures that, according to the opinion of the Association of Deaf Persons, highlight problems in the implementation of inclusive education programs relating to persons with hearing impairment: closing the special/residential institutions for deaf children, merging the Vocational school for persons with hearing disability in Chisinau with ... the Vocational school for children with visual impairments; inclusion of children with hearing disability in the general education institutions. The Association of Deaf Persons is pronouncing in the favor of inclusion of children with hearing disability in the pre-school, gymnasium, high school and high education institutions, but it finds, unfortunately, that the teachers lack an appropriate

training and they haven't received such a training since 2010, which would allow this inclusion. The Association of Deaf Persons is pleading for the announcement of moratorium when closing a school, special/residential institutions for deaf children, until the remedial of the above causes.

The majority of the educational institutions are not having physical accessibility conditions: access ramps, accessible WC, sufficiently large doors, contrasting marking, etc. In some cases, the ramps are built only as a formality, in practice is not possible to use them. The school buses that ensure the transportation of the children to the schools in the republic are not accessible for children with wheel chair.

In this case, children with disabilities are forced to opt for home schooling because of the lack of elementary accessible measures.

A major problem of children with disabilities (especially with hearing and visual impairment) stays to be the access in the lyceums, professional schools, college and university. The lack of support services in the secondary educational institutions (vocational), the fact that the buildings and the educational programs are not adapted, makes them inaccessible for children with disabilities in the most of the cases.¹

Proposed recommendations:

- Recognize sign language in official interaction
- Invest in the training of sign language interpreters and provide sign language interpretation for services open to the public and so that deaf children have equal access to a quality, inclusive education
- The Ministry of Education to approve a model regarding the "reasonable adaptation" of the educational institutions and a plan regarding the gradual accessibility of the stairs in those 1300 educational institutions from Republic of Moldova.
- Development of support services in the educational secondary professional institutions, in the specialized medium education and superior in order to increase the access to education of people with disabilities.
- Ensure that no child is refused admission to mainstream schools on the basis of disability, ensure accessibility and allocate the necessary resources to guarantee reasonable accommodation to facilitate the access of students with disabilities to quality, inclusive education, including pre-school and tertiary education;
- Make training on inclusive education and its implementation mandatory for administrative staff and teachers.

¹ *Social inclusion of people with disabilities in Republic of Moldova*, Soros Foundation Moldova. Keystone Moldova, Chişinău 2017 <http://soros.md/en/publication/incluziune-sociala-persoane-cu%20dizabilitati>

**Parent orientation/guidance (Article 5) Parental responsibility (Article 18)
Separation from parents (Article 9) Social security and social benefits (Article
26, Article 18 paragraph 3, Article 23)**

By the Decision dated from February 13, 2014, the National Council on the Prevention and Elimination of Discrimination and Ensuring Equality has detected the discrimination of mothers that take care of children with a severe degree of disability and for this reason they cannot get employed. When achieving the pension age, these parents cannot benefit from the old age pension, since they do not have any necessary length of employment.

Until January 01, 1999, the period of care for a person with severe disabilities (degree I) was included in the contributory period of the family member that provides such care. As a result of the legislative amendments², the period from January 01, 1999 up to present is no more included in the contributory period for the parents that take care of the children with severe disabilities.

On January 01, 2013, the Social Service „Personal assistance”³ came in force. Therefore, the parents that are „personal assistants” accumulate the years of employment by conclusion of the individual employment contract with the General Directorate of Social Assistance, but this opportunity is not accessible for all parents. According to the data of the Ministry of Labor, Social Protection and Family, in September 2015, only 0.87% of the total number of persons with disabilities, or 15% persons with severe disabilities registered (of which there are 21,000 adults and 6,000 children). Employment as a personal assistant resolves the problem only partially; the period from January 01, 1999 up to getting employed (more the 14 years) is not included in the contributory period.

By the Decision dated February 13, 2014 (case 030/2013)⁴, the Council on the Prevention and Elimination of Discrimination and Ensuring Equality has requested the Ministry of Labor, Social Protection and Family to develop the necessary standard provisions for implementation of the transitory positive measures on the persons that have taken care of children with disabilities since January 01, 1999, and for that reason they could not work, so that this period is to be included in the years of employment. So far, no action has been taken to amend the legislation.

Until present, the Government did not request to modify the legislation in order to encourage the parents of children with severe to take care of their children at home and not to place them in institutions.

² Law No. 156 on state social insurance pensions dated October 14, 1998.

³ Decision of the Government No. 314 on approval of the Regulation-Framework on organization and functioning of the Social Service „Personal Assistance” and the Minimal Quality Standards dated May 23, 2012

⁴ <http://www.egalitate.md/index.php?pag=news&id=836&rid=467&l=ro>

RECOMMENDATIONS

- To enter the amendments in the legislation on pension granting, so that the persons who have taken care of the children with disabilities from January 01, 1999 and could not work for this reason would be entitled to have this period included in the years of employment (contributory period).

Children deprived of family environment and parental care (Article 20). Abuse and neglect (Article 19).

” Please provide information on measures taken to monitor and prevent violence against children with disabilities in residential, including psychiatric, institutions, and if such incidents are systematically investigated, if suspects are prosecuted and if sanctions are imposed on perpetrators.” (para.6, List of issues)

Republic of Moldova lacks a mechanism in monitoring the violence, abuse and ill treatment against children with disabilities in residential institutions, including psychiatric ones.

According to the legislation of Republic of Moldova, the prosecutor’s office is entitled to investigate the torture cases and ill treatments, including in psychiatric institutions. The report of General Prosecutor’s Office mention that in 2015 were received 633 complaints on torture and ill treatment by this institution. Only seven of these complaints (less than 1%) were made on acts committed in psychiatric institutions. There are no cases when the perpetrators were punished by the court for their actions.

Proposed recommendation:

To recommend the State to enact legislation, including monitoring mechanisms, to detect, prevent and combat violence, in residential, including psychiatric, institutions especially for women and children with disabilities. Ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), signed by the Republic of Moldova on 06.02.2017.