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совет по равенству
equality council

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Equality Council submits this report to the Committee on the Rights of Persons with Disabilities (the Committee) on the occasion of its review of the Republic of Moldova's second and third periodic reports.

The Equality Council is an independent public institution (NHRI) established on 31 July 2013, based on the Law no. 121 on Ensuring Equality of 25.05.2012¹. The mandate of the Council relates primarily to the examination of complaints alleging discrimination, assessment of legislation from the equality perspective and promotion of equal opportunities.

General principles and obligations (arts. 1-4)

1. The Program for the Support of the Roma Population in the Republic of Moldova for the years 2022-2025 was approved in 2022, but it does not include a disability perspective.

Recommendations:

- **Policy documents concerning Roma population should take into account intersectionality: disability, gender, age, place of residence and other aspects.**

Equality and non-discrimination (art. 5)

2. The ground of disability holds the first place in 10-year statistics of decisions where Equality Council found discrimination². Discrimination of persons with disabilities was in different domains, such as access to goods and services available to the public³, in the field of work⁴, in the field of education⁵ and by inciting to discrimination⁶.

3. According to the “Equality perception and attitudes in the Republic of Moldova” study the persons with mental and psychosocial disabilities are perceived with relatively big social distance, being accepted only as a work colleague⁷.

Recommendations:

- **To increase efforts aimed to eliminate stereotypes and prejudices towards people with disabilities and to reduce hostile attitudes and behaviors.**

Children with disabilities (art. 7)

4. Provisions of art. 2 par. (2) of the Law 499/1999 on state social allowances for some categories of citizens creates discrimination in access to social assistance benefits for children with disabilities who have lost one or both parents, because they does not

¹ Additional information is available on the Council’s web page: www.egalitate.md

² egalitate.md/wp-content/uploads/2021/01/Brosura-A5-10-ani-Consiliul-pentru-Egalitate-en-web.pdf

³ egalitate.md/wp-content/uploads/2016/04/45_2022_Decizie_constatare_votat-1.pdf, egalitate.md/wp-content/uploads/2021/01/97_2022_Aviz_constatare_redactat-VP.pdf, egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_110_2020_semnare.pdf, egalitate.md/wp-content/uploads/2016/04/292_21_Aviz_consultativ_constatare_votat.pdf

⁴ egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_50_-2020.pdf, egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_56_2020.pdf, egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_156_-2020.pdf.

⁵ egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_131_2018.pdf, egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_147_2019.pdf, egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_114_2020.pdf.

⁶ egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_01_2021.pdf.

⁷ egalitate.md/wp-content/uploads/2021/01/Brosura-A5-10-ani-Consiliul-pentru-Egalitate-en-web.pdf

recognize the right to benefit simultaneously from the disability allowance and the allowance for the loss of the breadwinner. Children with disabilities who have lost their breadwinner, being eligible for both the disability allowance and the allowance for children in case of loss of the breadwinner, are to benefit from only one of the allowance. The legislation does not take into account the fact that the situation of the child who has special needs determined by his disability is aggravated by the circumstance of losing the breadwinner and just a single allowance does not assure a minimum of existence.

Recommendations:

- **To modify the law in order to provide children with disability with both loss-of-the-bread-winner and disability allowances.**

Accessibility (article 9)

5. One of the greatest challenges in the field of social inclusion of persons with disabilities is to ensure the accessibility of the physical environment, transport and information. Failure to provide accessibility for persons with disabilities creates barriers in exercising their fundamental rights on equal terms with others.

6. Accessibility of physical environment. According to the 2022 study⁸, 10.6% of public institutions were accessible, compared to just 1.7% of police stations. A low degree of accessibility is also found in case of medical and cultural institutions⁹. Total accessibility is of this institution is absent and only 50% of the buildings are partially accessible.

7. In 2 of the cases Council found discrimination in situations where local public authorities were unable to ensure accessibility by creating an asphalted road and access to the house of a person with disability.

8. Monitoring showed that many new or renovated buildings do not meet technical standards with regard to the accessibility for persons with disabilities.

9. Accessibility of transport services. For persons with disabilities only the transport by trolleybus is accessible, which is carried out only in Chisinau and Balti municipalities. Other types of suburban and inter-city regular public transport, as well as taxi are inaccessible to persons with disabilities. The Council points out that the Road Transport Code, unfortunately, stipulates circumstances in which people with disabilities could be refused to get services because of a disability or limited mobility, rather than making accessibility of means of transportation a direct requirement. At the current stage, both the condition regarding the technical and material requirements for carrying out the activity of a road transport operator stipulated by art. 16-17 of the Road Transport Code, as well as the requirements for participating in the competition for routes/courses for road transport of people through regular services, stipulated by art. 38 of the Road Transport Code, do not contain the accessibility requirement for transport operations¹⁰.

10. At the same time, in one of the cases Council found discrimination on the ground of disability in access to transport services manifested in the refusal of a service provider to embark a person with disabilities.

11. Another problem identified by the Council is inaccessibility of the buildings of autobus stations and terminals¹¹.

⁸ <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>

⁹ [https://a.cec.md/storage/ckfinder/files/Studiul_Acces%20egal%20pentru%20toti%20in%20sectiile%20de%20votare%20\(2022\).pdf](https://a.cec.md/storage/ckfinder/files/Studiul_Acces%20egal%20pentru%20toti%20in%20sectiile%20de%20votare%20(2022).pdf)

¹⁰ egalitate.md/wp-content/uploads/2021/01/raport-final-2022-rev-1.pdf

¹¹ https://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_180_2018.pdf

Recommendations:

- **Develop and implement of a new strategy on the inclusion of persons with disabilities and allocate sufficient financial resources to ensure accessibility of physical environment, transport and means of communication.**
- **Implement an efficient mechanism of sanctioning for non-compliance with accessibility standards.**
- **Train the personnel providing public transport services on accepting the embarkation of persons with disabilities.**
- **Enhance control to ensure refusal of issuance of the certificate of urbanism and the construction authorization in case of non-observance in construction projects of accessibility elements for persons with disabilities.**
- **Introduce the requirement of having accessible means of transport for people with disabilities in the list of requirements established for the assignment of routes/courses included in the local, municipal, district and inter-district road transport programs and for the issuance of the road transport of people through regular services authorization.**

Access to justice (article 13)

12. The provisions of art. 213 par. (3) of the Civil Procedure Code give an exhaustive list of participants who can request to participate in hearings through videoconference in case of impossibility to physically attend the court session, excluding persons with disabilities, other than the locomotor one, from making use of this option. Thus, these provisions limit the possibility of persons with visual, hearing, psychosocial or general condition disabilities to participate in hearings through videoconference in case of impossibility to physically attend the court session.

13. Also, the provisions of art. 216 par. (11) of the Civil Procedure Code disadvantage persons with disabilities, as they limit the possibility for persons with disabilities who are witnessing to participate in hearings through videoconference. The Council drew attention that the situation of vulnerability that leads to the discrimination of persons with disabilities is determined especially by factors such as the inaccessibility of the infrastructure and transport, the place of living in the rural area, the low level of income as well as other circumstances¹².

14. In 2023, 1296 persons with disabilities (2.7% of the total beneficiaries) benefited from qualified legal assistance guaranteed by the state, a number almost double compared to 621 persons with disabilities registered in 2020¹³.¹³ Along with the positive trends recorded in 2023, there is a shortage of lawyers and paralegals, who can provide primary and qualified legal assistance to persons with disabilities, especially in the regions. Out of 1296 persons with disabilities beneficiaries of qualified legal assistance guaranteed by the state, 1021 are persons with mental/intellectual disability, who constitute about 78.8%. Despite the high number of persons with intellectual and psychosocial disabilities who requested the service, the number of lawyers specialized in providing state legal assistance to persons with intellectual and psychosocial disabilities is very small, the list approved by the National Legal Aid Council consists of only 10

¹² egalitate.md/wp-content/uploads/2021/01/raport-final-2022-rev-1.pdf

¹³ <https://statistica.cnajgs.md>

persons, 5 of whom are designated for the territorial office of Chişinău, the other 5 for the territorial offices of Bălţi and Cahul and no lawyer for the territorial office of Comrat¹⁴.

15. Another problem related to legal assistance guaranteed by the state consists in the considerable distances that people have to travel to submit the request for the services, as the National Legal Aid Council has only four territorial offices. In these circumstances, persons with disabilities and their family members refuse to benefit from this service, because they do not have financial resources to cover the transportation costs¹⁵, moreover the transport outside the municipalities of Chişinău and Bălţi is inaccessible for persons with disabilities. Thus, the number of persons with physical disabilities, who benefited from legal assistance guaranteed by the state in 2023, is 5 times smaller than the number of persons with psychosocial and intellectual disabilities¹⁶.

16. Headquarters of the National Legal Aid Council, as well as the territorial office of Chişinău are not properly accessible, which creates problems for 26% of the beneficiaries of this office who have a physical disability¹⁷. Although the website of the National Legal Aid Council offers the possibility of submitting the request for legal assistance guaranteed by the state through an online form, there is still the obligation to use the electronic signature¹⁸. At the same time, Chişinău territorial office does not have a safe and protected space which needed in order to respect the confidentiality of discussions with persons with disabilities in the process of requesting services or submitting a request¹⁹.

Recommendations:

- **To amend the Civil Procedure Code in order to ensure reasonable accommodation of the needs of all persons with disabilities who have are participants of court hearings or witnesses, by offering them the possibility to participate through videoconference.**
- **To increase number of lawyers specialized in providing legal assistance guaranteed by the state to persons with intellectual and psychosocial disabilities.**
- **To ensure the accessibility of the headquarters of the National Legal Aid Council, as well as its territorial offices.**
- **To ensure the possibility to request services of the legal assistance guaranteed by the state remotely and simplifying the online request, excluding the obligation to use electronic signature.**
- **To adapt the premises where the discussions with persons with disabilities take place, so that they discussions could be carried out safely and respecting the confidentiality.**

Personal mobility (art. 20)

17. The changes implemented in 2022 to the normative framework that regulates fiscal and customs facilities for the import of vehicles to be used by persons with locomotor disabilities, have introduced restrictions in importing vehicles, namely: (1) the impossibility

¹⁴ <https://cnajgs.md/uploads/asset/file/ro/1869/26.PDF>

¹⁵ [Raport de monitorizare - Asistența juridică garantată de stat pentru persoanele cu dizabilități intelectuale și psihosociale | 2023 - AOPD](#)

¹⁶ <https://statistica.cnajgs.md>

¹⁷ <https://statistica.cnajgs.md>

¹⁸ formulare.cnajgs.md/ro/forms/qualified-legal-aid

¹⁹ <https://aopd.md/raport-de-monitorizare-asistenta-juridica-garantata-de-stat-pentru-persoanele-cu-dizabilitati-intelectuale-si-psihosociale/>

of importing an unused vehicle; (2) the impossibility of importing a car with a cylinder capacity of the engine greater than 2500 cm³; (3) limiting the right of persons with disabilities to transmit by inheritance the means of transport imported, held with the right of property; (4) limiting the number of persons who can have special certificate which allows to drive the car of and for the person with locomotor disabilities.

Recommendations:

- **To review the policies on granting fiscal and customs facilities to persons with severe locomotor disabilities by excluding unjustified restrictions from the relevant normative framework.**

Education (art. 24)

18. In 2021, 722 children with disabilities and 1312 children with special educational needs were included in early education institutions, showing a downward trend compared to 2019. Children with disabilities from urban areas benefited from increased access to early education services compared to those from rural areas. In the case of children with disabilities, the difference in access between urban and rural was 6.2 times²⁰.

19. In 2022-2023 academic year, 9800 students with special educational needs and disabilities were enrolled in the country's educational institutions, including 9300 students in general education institutions and 500 students - in schools for children with intellectual or physical development deficiencies²¹. In 2022 there were 1366 of support teachers. Thus, a support teacher has an average of 7 students with special educational needs and disabilities. This situation leads to the overloading of the teaching staff. The Council found that the funding of support teachers and resource centers for inclusive education is made from the inclusive education fund, which is up to 2% of the budget allocated to educational institutions, depending on the number of students. Thus, the fund for inclusive education in institutions with a small number of students will be austere. The mechanism for determining the fund for inclusive education should not depend on the general number of students in the institution, but on the number of children with disabilities and their real inclusion needs²².

20. In the field of education, the problems that hinder the inclusion of children with disabilities are related to the non-compliance of methodologies on measures to reasonably accommodate the needs of pupils with disabilities²³; insufficiency of teachers who know sign language; stigmatization of children with disabilities and lack of their involvement in extracurricular activities; obstructed access to higher education for people with hearing impairment²⁴.

²⁰ <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>

²¹ https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2022-9460_60822.html

²² https://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_131_2018.pdf

²³ The regulation regarding the national baccalaureate exam, approved by the order of the Ministry of Education, Culture and Research no. 47/2018 - does not provide the possibility to increase the time for the foreign language test and for students with hearing impairment, being provided only for students with severe motor, neuromotor or visual impairments; does not provide for students with diabetes the possibility of having specific medical devices for insulin administration and insulin monitoring, a pen-insulin syringe, a blood glucose meter set or a continuous glucose monitoring system, and / or pump with continuous insulin infusion system, mobile phone - to transmit the data read from the glucose sensors, etc.

²⁴ Foreign language discipline, in special education institutions for students with hearing impairments, is not taught until the end of the secondary school cycle. In the Framework Plan for primary, secondary and high school education, the year of studies 2020-2021, the teaching of the foreign language in special education institutions for students with hearing disabilities remains to be provided only in grades II-V. https://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_147_2019.pdf.

21. The Council has found physical inaccessibility of educational institutions for children with locomotor impairments²⁵ along with lack of transport adapted for movement to and from the educational institution. The complaints²⁶ examined by the Council point to a rigid attitude of teaching staff in the process of integration of children with special educational requirements in pre-school and primary educational institutions and lack of capacity to design and implement individualized curricula.

22. The barriers for children with disabilities include the lack of information and infrastructure specific to their needs (e.g., roads and sidewalks that are not accessible for people in wheelchairs and transport units that are not adapted to the needs of people with disabilities). The additional barriers in the system are the absence of teachers prepared to work with children with special educational needs²⁷, the low number of adapted teaching materials, the resistance to change manifested by some school managers, teachers and parents, as well as their psychosocial adaptation²⁸.

Recommendations:

- **To ensure the physical accessibility to the whole educational chain.**
- **To develop non-educational support services in order to facilitate the inclusion of children with disabilities: specialized transport for movement to and from the educational institution.**
- **To identify appropriate solutions to change the approach to and mechanism of establishing the fund for inclusive education.**
- **Eliminate attitudinal barriers through the development at teaching staff of specific competencies to work with children with special educational requirements.**
- **Develop a system for collection, analysis and dissemination of disaggregated data regarding the inclusion of children with disabilities into the education system.**

Work and employment (article 27)

23. As regards employment, the indicators reveal a low rate of employment of persons with disabilities, which has a negative influence on the income of persons with disabilities. Over 32000 persons with disabilities in 2022 were officially employed, registering a decreasing trend compared to 2019. In 2022 their number decreased by 2721 persons compared to 2019. This trend of reducing the employment of persons with disabilities is also confirmed by the employment rate, which in 2022 was 15.2% - a decrease compared to 2019 when it was 16.5%. Thus, the employment rate of persons with disabilities is three times lower than that of persons without disabilities. While the employment rate of persons without disability was 44.1%, among persons with disabilities it was only 15.2%. For men it was 15.5%, for women - 14.8%. The employment rate of persons with

²⁵ Decision of 09.09.2014 with regard to case 122/2014, https://www.egalitate.md/media/files/files/decizie_122_2014_eng_801614.pdf

²⁶ Decision of 28.06.2014 with regard to case 083/2014, http://www.egalitate.md/media/files/files/decizie_cauza_083_depersonalizat_1357797.pdf, Decision of 25.11.2013 pe cauza 005/2013, http://www.egalitate.md/media/files/files/decizie_proiect_cauza_005_13_f_v_final_2502223.pdf, Decision of 21 iunie 2016 with regard to case 400/16, http://www.egalitate.md/media/files/files/decizie_400_2016_constatare_depersonalizat_6187649.pdf

²⁷ https://egalitate.md/wp-content/uploads/2016/04/Decizie_constatare_131_2018.pdf

²⁸ Hotărârea Guvernului nr. 944/2014 cu privire la aprobarea Strategiei de dezvoltare a educației pentru anii 2014-2020 „Educația 2020”.

disabilities from urban areas was higher - 15.6% - compared to that from rural areas - 15.1%²⁹.

24. 23. In 2022, 2256 persons with disabilities were looking for a job, compared to 1387 persons in 2019. The unemployment rate among persons with disabilities had upward trend, being 4.6% in 2022 compared to 3.8% in 2019. This indicator was 12 times higher in 2022 in urban areas - 12.7% - compared to rural areas - 1.3%³⁰.

25. The average monthly income for persons with disabilities constitutes about 83% of the average monthly income for persons without disabilities³¹.

26. The share of NEET youth among persons with disabilities increased in the period of 2019-2021, from 1.44% to 1.72%.

Recommendations:

- **To develop a system of comprehensive strategies to increase the number of employed people with disabilities.**

Adequate standard of living and social protection (art. 28)

27. People with disabilities face a higher risk of poverty compared to people without disabilities. According to data of the National Bureau of Statistics, the absolute poverty rate among people with disabilities was 41.2% in 2022, while that of people without disabilities was 30.1%.

28. Households with persons with disabilities live in less favorable conditions in terms of the level of equipment and comfort of the dwellings. These households happened to be connected to public water supply networks in a proportion of 71.2%, compared to 74.4% in the case of households without persons with disabilities. Sanitary equipment with running water in the dwelling (WC) was available for 55.7% households, compared to 61.9% in the case of those without persons with disabilities. A lower level of equipment of households with the main utilities is characteristic especially for households with persons with disabilities from rural areas, which in a proportion of 61.5% were connected to public water supply networks, compared to 95.9% in urban areas and only 41.7% had sanitary group with running water in the dwelling compared to 91.2% in urban areas³².

29. With the approval of the Law on the social inclusion of persons with disabilities, in 2013, the Personal Assistance' Service was set up. At the end of 2022, 2713 applications for admission to the „Personal Assistance” service are still not covered. Council estimated that the real needs of the population in the “Personal Assistance” service are covered at the current stage only in proportion of 32% (number of beneficiaries in relation to the total number of eligible people with severe disabilities). The decisions regarding the amount of financing means of the „Personal Assistance” service are not correlated with the analysis of the real needs of the beneficiaries in assistance services, and the decisions regarding the number of approved personal assistants are dictated by the limited financial resources. The continuation of the practice of hiring personal assistants on a part-time basis, with the establishment of a partial work schedule. The Council established that in 2022, of the total number of personal assistants, 4941 were employed full-time; 665 per 0.75 unit; 266 per 0.5 unit and 5 people per 0.25 unit. The Council noted that the

²⁹ https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2022-9460_60822.html

³⁰ <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>

³¹ <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>

³² https://statistica.gov.md/ro/persoanele-cu-dizabilitati-in-republica-moldova-in-anul-2022-9460_60822.html

employment of personal assistants per 0.5 unit or 0.25 unit causes a significant reduction in the amount of their remuneration, a fact that negatively affects particularly people who take care of a family member and cannot earn additional income³³. The social assistance services sign employment contracts with personal assistants for a period of one year, even if they care for a person with severe disabilities that are not temporary. This practice creates legal insecurity, personal assistants facing the risk of not signing a new employment contract for the next period.

30. The national legislation recognizes the right to benefit from care, assistance and support allowance only for persons with severe childhood disabilities and persons with severe visual disabilities. Consequently, persons with severe disabilities, other than visual, whose disability occurred after the age of 18, are excluded.

31. The insufficiency of the “Respiro” type services, which determines the infringement of the right of personal assistants to rest.

Recommendations:

- **To ensure an adequate standard of living for persons with disabilities and their families, including rising the amount of pensions and social allowances to the average size of consumer basket.**
- **To ensure that persons with disabilities have access to mainstream social services on equal terms with others.**
- **Authorities have to plan financial resources to support the implementation of social service "Personal Assistance".**
- **To allocate sufficient financial resources to ensure the continuity of the service for persons with severe disabilities.**
- **To change the normative framework in order to ensure the right of persons with severe disabilities, other than of vision, whose disability occurred after the age of 18, to benefit from the care, assistance and support allowance.**
- **Local public authorities should develop the “Respiro” social services by establishing placement centers in the localities where they are not available.**

Participation in political and public life (article 29)

32. The persons with disabilities cannot realize its political rights in terms of equality with the others. During the local elections in 2023, people with disabilities faced physical and informational accessibility barriers. Only 0.89% (18) of the polling stations are accessible, 27.32% (551) - partially accessible, 71.79% (1448) - inaccessible³⁴.

33. The TV stations that broadcasted electoral debates either did not provide translations in sign language, or did not display the face and hands of the interpreter in a size of at least 1/3 of the screen, as required by the legal norms. During the electoral campaign, no electoral meetings were organized with and for persons with intellectual disabilities in residential institutions or other community centers³⁵.

³³ <https://egalitate.md/wp-content/uploads/2021/01/Brosura-A5-10-ani-Consiliul-pentru-Egalitate-en-web.pdf>

³⁴ [https://a.cec.md/storage/ckfinder/files/Studiu_Acces%20egal%20pentru%20toti%20in%20sectiile%20de%20votare%20\(2022\).pdf](https://a.cec.md/storage/ckfinder/files/Studiu_Acces%20egal%20pentru%20toti%20in%20sectiile%20de%20votare%20(2022).pdf)

³⁵ <https://api.md/ro/declaratia-coalitieii-civice-pentru-alegeri-libere-si-corecte-privind-alegerile-locale-generale-din-5-noiembrie-19-noiembrie-2023/>

34. The web pages of the electoral competitors did not have an integrated accessibility menu for the visually impaired³⁶.

Recommendations:

- **Organize polling stations in buildings accessible to persons with locomotor disabilities.**
- **Ensure that election procedures and election materials are appropriate, accessible and in easy-to-understand format.**

Statistics and data collection (article 31)

35. Having analyzed the statistical data held by the State, the Council finds that they do not present socio-economic situation of persons with disabilities, but it show situation more from the medic perspective. The lack of data makes impossible the assessment of the situation of persons with disabilities and creates barriers to the development and the implementation of effective public policies, which shall improve the situation of persons with disabilities.

Recommendations:

- **Collect, analyze and disseminate data in accordance with the Set of indicators for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities.**

³⁶ <https://civic.md/stiri/74895-pestea-157-mii-de-alegatori-ignorati-si-in-scrutinul-local-2023.html>