



“Monitoring of rights of persons with disabilities in Moldova”

**HOLISTIC REPORT:
Monitoring of rights of persons
with disabilities in Republic of
Moldova**

Chisinau - 2014

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ACRONYMS

LPA	Local public administration
ANOFM	National Employment Agency
DRPI	Disability Rights Promotion International
MLSPF	Ministry of Labor, Social Protection and Family
UNO	United Nations Organization
TAU	Territorial-administrative units

INTRODUCTION

Geographic framework and administrative division

Republic of Moldova is located in the Central part of Europe, in the north-eastern Balkans, on an area of 33843,5 km². The capital of Moldova is Chisinau. On the North, East and South Moldova is surrounded by Ukraine and on the West it is separated from Romania by the Prut River. The northernmost point of the country is Naslavcea village (48° 21' N 27° 35' E), the southernmost – Giurgiulesti (45° 28' N 28° 12' E), also the only locality on the Danube. The westernmost point is Criva village (48° 0' 16' N 26° 0' 30' E), the easternmost–Palanca village (46° 25' N 30° 05' E)¹.

Republic of Moldova is divided into 32 districts, 5 municipalities and 2 regions with special statute. The municipalities of Republic of Moldova are: Chisinau, Balti, Tighina, Tiraspol, Comrat. Regions with special statute: Gagauzia, Transnistria (disputable).

De jure, Transnistria is a part of Moldova, although this region is not actually controlled by the Moldovan government. The so-called Pridnestrovian Moldavian Republic declared independence in 1990, which hasn't been recognized by any state. Tiraspol municipality is the capital of Transnistria, which covers 5 districts (Camenca, Rabnita, a part of Dubasari, Grigoriopol, Slobozia) and two municipalities (Tiraspol and Tighina).²

The demographic situation

On January 1, 2013, the number of stable population in the Republic of Moldova amounted to 3559,5 thousand people, out of which 712,1 thousand people or every fifth person is aged under 18³.

The number of newborns in 2012 amounted to 39,4 thousand people or 253 more (0,6%) than the last year. The birth rate amounted to 11,1 live births per 1000 population. The fertility rate in rural areas (11,9%) is maintained on a higher level than the one in urban areas (10,0%). Out of the number of live births, 51,7% have been boys, the masculinity proportion being 107 boys to 100 girls.

The majority of children (99,2%) have been born in sanitary healthcare units. Depending on the weight at birth, we found that 94,8% of the number of live births had over 2500g. The greatest number of children (96,9%) have been born at 35 weeks.

The average age of mothers at the first birth is 23,9 years. As a rule, women from the rural area give birth at a younger age than those from the urban areas, respectively at 23,0 and 25,2 years. The distribution of newborns according to mother's age group represents their concentration till the age of 30 (75,2% of total number of births).

The extra-marital fertility rate is still high, the weight of newborns outside marriage amounts to 22,4%. 29,0 thousand (73,5%) of the total number of live births come to mothers at their first marriage, every second child is born in the first two years of marriage.

The number of divorces pronounced by court judgments amounted to 10,6 thousand cases or 4,3% less than in 2011. In average, the divorce rate is 3 divorces per 1000 population. The number of minor children affected by marriage dissolution amounted to 910 people.

Statistics regarding disability

The last years has been recorded a continuous increase of the number of persons with disabilities. According to the Annual Social Report of the MLSPF, on 31.12.2012, in the Republic of Moldova the total number of persons with disabilities amounted to 183693 people (14753 of which are children), 3878 people more (including 750 children) than the last year⁴.

1 <http://www.moldova.md/md/geografie/>

2 http://ro.wikipedia.org/wiki/Republica_Moldova#Clim.C4.83

3 <http://www.statistica.md/newsview.php?l=ro&idc=168&id=4096>

4 Annual Social Report 2012. Chisinau: MLSPF, 2013.

The disability rate is 516 persons with disabilities per 10 thousand population and every sixth person with disabilities falls within the category of people with severe disabilities⁵. People with disabilities represent 5,2% of the total number of population of the country, while children with disabilities – 2,1% of the total number of children from the Republic of Moldova.

The weight of persons with disabilities in the stable and employed population of the Republic of Moldova is also constantly increasing, amounting in 2012 to 5,2% and respectively 16,0%. Depending on the degree of disability, this category of persons is distributed as follows: 27413 persons (6342 of which are children) have a severe degree of disability, 121454 persons (including 6948 children) have a marked degree of disability and 34826 persons (including 1463 children) have a medium degree of disability. The last years a significant increase is observed, especially of people with a severe degree of disability and a marked degree of disability. Hence, from 2008 till 2012 the number of people with disabilities increased with 1676 and respectively 7285 persons.

Methodology

The holistic report “*Monitoring of rights of persons with disabilities in Republic of Moldova*” had been drafted based on surveys and research reports conducted in 2013 within the project implemented by Association “MOTIVATIE” of Moldova in partnership with the “Center for Society Orientation – COD” from Serbia, with the financial support of the European Union, within the Program “European Instrument for Democracy and Human Rights”. The holistic report focuses on three fields:

1. *The analysis of individual experience of persons with disabilities from the Republic of Moldova;*
2. *The monitoring of legislation, policies and programs regarding the observance of rights of persons with disabilities in Republic of Moldova;*
3. *The monitoring of mass-media and society’s attitude towards persons with disabilities.*

The survey „*Analysis of individual experience of persons with disabilities from the Republic of Moldova*” had been conducted by the Association „MOTIVAȚIE” in partnership with the Institute for Marketing and Polls IMAS-INC, Chisinau. During the survey, 149 semi-structured interviews had been conducted. The interviews had been conducted in February 01 – June 30, 2013, by a group of 24 persons with disabilities, hired as interviewers by Association „MOTIVAȚIE” of Moldova. The interviews had been conducted according to the methodology of Disability Rights Promotion International (DRPI).

As regards the structure of sample group, around 52% of the total number of 149 interviewed individuals are men and 48% - women, 55% are people from the rural area and 45% - from the urban area. As regards the type of disability, the structure of the sample group is the following: 22,9% with locomotor disabilities, 22,8% with sensory disabilities, 20,1% with somatic disabilities, 15,4% with intellectual disabilities, 12,8% other types of disabilities. The majority of interviewed persons fall within the age group of 26-40 (30,2%); followed by the age groups 18-25 (25,5%), 41-55 (24,2%), 56-70 (12,8%) and over 70 years – 7,4%.

All interviews had been transcribed and codified by the volunteers of Association „MOTIVAȚIE”, according to the DRPI coding scheme.

The survey had been conducted from the perspective of principles reflected in the UN Convention on the rights of persons with disabilities: *dignity, autonomy, participation, inclusion and accessibility, nondiscrimination and equality, respect for differences.*

The monitoring of individual experience of persons with disabilities had been carried out in the following districts of Republic of Moldova: Cahul, Causeni, Comrat, Soroca, Soldanesti, Edinet, Orhei, Nisporeni, Hancesti, Criuleni, Anenii Noi, Chisinau (including the suburbs), Ialoveni, the Transnistrian Region. The TAU had been divided into the following major regions:

⁵ The situation of persons with disabilities from the Republic of Moldova in 2012. Informative Note of the National Bureau of Statistics.

1. The Southern region: Cahul, Causeni, Comrat;
2. The Northern region: Soroca, Soldanesti, Edinet, Orhei;
3. The Central region: Nisporeni, Hancesti, Criuleni, Anenii Noi, Chisinau (including the suburbs), Ialoveni, the Transnistrian Region.

The individual experience of interviewees had been analyzed from the perspective of their division into 8 major categories (topics), and namely: human rights, class, ethnicity, gender versus disability, systemic roots of discrimination, the answer to abuse and discrimination, the reasons why certain situations had not been reported and recommendations of interviewees.

The report „*Monitoring of the legislation, policies and programs: the observance of rights of persons with disabilities from the Republic of Moldova*” is focused on the analysis of legislation, policies and programs regarding the observance of rights of persons with disabilities in the context of ratification by the Republic of Moldova of the UN Convention on the rights of persons with disabilities adopted in New York on December 13, 2006.

The report reflects the main problems and gaps from the national legislation and policies regarding the observance of rights of persons with disabilities.

The survey „*Monitoring of mass-media and society’s attitude towards persons with disabilities*” reflects the way disability topics are tackled. *The aim of the survey* consists in the monitoring of the Moldovan mass-media for the identification of messages which it sends regarding persons with disabilities and their role in society, methods of approaching disabilities and determining the attitude of society towards persons with disabilities.

Mass-media monitoring had been conducted in November 14, 2012 – February 10, 2014, being monitored 9 mass-media sources and analyzed around 300 materials. The monitored mass-media sources included 4 TV channels (TV 7, Moldova 1, Jurnal TV and Publika TV); 4 newspapers (Adevărul, Timpul, Jurnal de Chișinău and Komsomoliskaia Pravda) and the news portal Unimedia.

EXECUTIVE SUMMARY

The holistic report „Monitoring of persons with disabilities in Republic of Moldova” consists of an introduction, six chapters, conclusions and recommendations.

In the introduction there have been presented some aspects regarding the geographic framework of the country and some statistical data regarding disability. The introduction also comprises the methodology used in the drafting of the holistic Report.

The holistic report is drafted from the perspective of three basic components: 1) the individual experience of persons with disabilities (there are presented fragments of interviews with 149 persons with disabilities); 2) the legal and normative framework on the analyzed subject; 3) subjects reflected by the monitored mass-media (on the basis of the analysis of the 300 monitored mass-media materials, certain observations are made and some fragments of such materials had been presented).

The first chapter of the holistic report „Participation in social life” reflects the attitudes regarding the respect towards human dignity and discrimination against persons with disabilities. In a separate article have been analyzed some aspects regarding the accessibility of persons with disabilities to public spaces, social, economic, cultural infrastructure, etc.

The second chapter „Income safety and support services” present information on the access of persons with disabilities to social benefits, the access to devices and other types of assistance for the needs caused by disabilities. In the same time, there are presented specialized and high-specialized primary social services, designed for persons with disabilities. In this context, reference is made also to some statistical data on the creation and development of social services for persons with disabilities.

The third chapter „Health, habilitation and rehabilitation” expressed the views and opinions of persons with disabilities regarding the access to healthcare services, as well as the analysis of cases of discrimination in medical institutions.

The fourth chapter „Access to education” reflects the attitudes of persons with disabilities regarding accessibility of the education system, policies in the field of inclusive education and new regulations regarding the development of education services.

The fifth chapter „Employment” analyzes the access to labor market of persons with disabilities and their discrimination in the workplace.

The sixth chapter „Access to justice” reflects the legal and normative framework regarding the access of persons with disabilities to justice, the role of mass-media in the reflection of subjects regarding legal statute and protection, including the access to justice.

Chapter 1: PARTICIPATION IN SOCIAL LIFE

1.1 Attitudes regarding human dignity and discrimination against persons with disabilities

The violation of human dignity and the discriminatory attitude is one of the main problems faced by persons with disabilities. The experience of interviewed persons (149 interviews) shows multiple cases of violation of human dignity, much more frequent than cases of violation of respect (42 negative experiences and only 8 positive experiences).

The analysis of individual experiences outlines the fact that the lack of respect is found at the majority of interviewees. The interviewed persons with disabilities are telling about the fact that they feel „helpless” and believe that the world is seeing them useless for society, because due to their disability they cannot be socially active.

The most affected by the lack of respect are people under the age of 56, regardless of gender or place of living. The data show that persons with locomotor disabilities are the most frequently facing such type of situations, being followed by those with somatic diseases.

It hurts when you can't get out of the house and nobody needs you. Who would ever need me in the state I'm in? What good do we see? I don't see anything good, got it? I only stay home, I go a bit outside, than home again, a bit outside and that's it. I don't go anywhere, I just can't, if I could see at least something, I would say something, at least with my hands, but if I don't, what can I do? Not only that I cannot walk, I can't even see. Someone has to take me by the hand, to bring me by the hand, to help me sit, to give me stuff. Thanks to my son, he is always around, gives me injections, medications, he is making me tea, he is feeding me, washing me, he takes care of me. [M, South, other type of disability, 52 years old]

I felt down, like in a mud hole, useless... Because of indifference between people, they are treated differently; people look at them with disgrace, maybe because they treat others the way they are treated. [M, North, sensorial disability, 41 years old]

During the survey, 28 cases of discrimination had been reported, the most often by persons aged 18-55 (especially persons aged 26-40), fact which denotes that namely the socially-active population or the population that should be socially involved is facing cases of discrimination. A higher rate of discrimination cases is recorded among persons with locomotor disabilities, due to the fact that namely this type of disability is the most visible and easier to identify. The rural population feels more discriminated than the urban one, due to the existent prejudices at people living in the rural areas.

People with disabilities also talk about situations where they were not accepted to participate in social life, they had been rejected and left in isolation due to their disability.

Because this is how people are, they like staring at you... I mean if they saw something, a certain defect that's it, you fall within a different category of people. If they see that you are poor, that your life is harder, they consider you at a lower level. I think things should be different, because we are all equal. Maybe one person is with disabilities, another person has lower living conditions, but we are all equal, even before the law we are equal... But in our country people are divided into several categories. [M, North, somatic disability, 62 years old]

We had a chess competition in our school. As I love chess, I wanted to participate, but they did not take me as I am disabled. Only healthy persons were allowed. Since then, I have never tried to participate again in a competition. [M, South, other type of disability, 18 years old]

The interviewees feel rather helpless wanting to change the attitude of people towards them, they resign to this situation and they are not trying to change their attitude. The interviewed persons admit that people look at them differently, but they do not perceive this as a problem and understand that this fact is unintentional, by ignorance.

The most difficult thing is that being ill, people see us as a second category and this hurts. We are both disabled. If a family member is disabled, if parents are present, they protect him, or if the husband is near, he also protects him, and vice versa. But, if both family members are disabled, society sees them as a helpless family. Society sees us often as a begging family, only waiting for others to help us. [F, North, somatic disability, 53 years old]

I fell right in the middle of the city, I fainted and only 2 women helped me out. Nobody else did. Everybody thought that I was drunk or I fell asleep on the chair. People really thought so. People were walking by and nobody helped me out, nobody even came near me. [M, South, sensorial disability, 49 years old]

Due to this disease, I have to eat and drink more often. Friends are mocking me and isolate me from their circle, they ignore me more and more and I can't find a job because...it's hard. The greatest problem is with my friends because, as I said before, they won't go out with me, isolating me and mocking me. [F, South, 42 years old]

When you walk on the streets or in the transport, people mock you. You are not a healthy person and they laugh in your face because of it. They follow you, naming you bad words. It is really offending. What can I say? [M, South, somatic disability, 40 years old]

I have been isolated, abandoned by my husband, by the world, because people are indifferent. They look at you differently, if they see someone fall down, they leave him there and pass by, as he doesn't need to be helped and, at a certain extent, so it was. [F, South, intellectual disability, 22 years old]

I had a situation when I was in the public transport, sitting quietly, a man addressed to me, asked me something, I showed him by hand gestures that I did not hear him, at which he replied: „are you deaf?” He started to call me bad names and making uncensored gestures. It wasn't pleasant. This is why I do not use gestures in public transport, nor in the streets. [M, Nord, sensorial disability, 46 years old]

The Law on social inclusion of persons with disabilities No. 60 of 30.03.2012, art. 8, par.(6) provides that “Discrimination against persons with disabilities consists in any differentiation, exclusion, marginalization, limitation or preference, as well as the refuse to create favorable conditions and reasonable adaptation environment, which lead to the impossibility or complication of recognition, accomplishment or use of civil, political, economic, social or cultural rights, is forbidden and punishable by the law in force”.

The Law on quality No. 121 of 25.05.2012⁶ provides through art. 6 that any form of discrimination is forbidden. The promotion of a certain policy or performance of certain actions or inactions which violate the equality of rights of persons must be excluded by competent public authorities and sanctioned by law. Thus, no policy, normative act which is to be drafted by the Government and adopted by the Parliament must not admit discriminatory practices towards persons with disabilities.

A series of other normative acts, among which the Law on the activity of the Council for the prevention and exclusion of discrimination and ensurance of equality No. 298 of 21.12.2012⁷, the Labor Code No. 154 of 28.03.2003⁸, the Code of Civil Procedure No. 225 of 30.05.2003⁹, contain special provisions regarding the ban on discrimination, including persons with disabilities.

Monitored mass-media materials very seldom reflect the subject matter of discrimination against persons with disabilities. Out of the 300 monitored materials, only around 7% comprise subjects which reflect cases or situations of discrimination.

6 Law on equality No. 121/25.05.2012. In: the Official Monitor, 29.05.2012, No.103/355. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=343361>

7 Law on the activity of the Council for the prevention and exclusion of discrimination and ensurance of equality No. 298 of 21.12.2012. In: the Official Monitor, 05.03.2013, No.48. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346943>

8 Labor Code No. 154 of 28.03.2003. In: the Official Monitor 29.07.2003, No.159-162. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=326757>

9 Code of Civil Procedure No. 225 of 30.05.2003. In: the Official Monitor, 21.06.2013, No.130-134. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=348338>

Conclusions of the UN Report on poverty and human rights in the Republic of Moldova:

“Women are discriminated, Romani people are segregated, while persons with disabilities are either abused or exploited.

The degree of vulnerability grows if children have disabilities, if they are Romani, their parents are abroad or they are members of single-parent families.

The situation of persons with disabilities is bad, while the general integrity of persons with disabilities is missing.

...The old, obsolete system inherited from the soviet period beneficiates the exclusion from the society of persons with disabilities, especially persons with intellectual or psycho-social disabilities. We have been reported about situations when against such persons serious abuses had been committed: mental, physical and sexual”.

Adevărul, 17.09.2013

Official of the National Scientific and Practical Center of Pediatric Surgery “Natalia Gheorghiu”:
“What does a disabled person mean? Additional allowances. A burden not only for the family, but for the state as well. A burden for the entire active population”.

Jurnal de Chisinau, 04.10.2013

1.2 Accessibility

The limitation of the access of persons with disabilities to public spaces, social, economic, cultural infrastructure, etc. is one of the major problems faced by persons with disabilities.

The analysis of individual experience of persons with disabilities outlines the fact that the most frequently mentioned principle regarding the protection of persons with disabilities is participation, inclusion and accessibility. Positive experience of this principle supposes the recognition as equal participant, including by means of an environment free from any physical and social barriers, which ensures the effective participation of the disabled person in the social, cultural and political life, in sports, recreational and leisure activities. The negative experience linked with the observance of this principle represents segregation and isolation situations, based on the criteria of disability and/or the lack of support for satisfying personal needs, including the lack of accessibility. Out of 149 interviewees, around 58% (86 persons) gave negative examples of inclusion and accessibility.

I wanted to go to the military hospital, to exchange some money. I was on “Flacara” bus station, several minibus taxis passed by, nearly with no passengers, maybe with 4-5 passengers... I started to cry, as no minibus has stopped to take me, because I was on one foot with two crutches. On my way back the same situation occurred, around 4-5 minibus taxis passed by and only the fifth or the sixth stopped and took me. [M, South, mobility impairment, 52 years old].

When I want to go out somewhere, I have to find someone to help me get out in the street. I do not succeed to find someone all the time. [M, South, other type of disability, 18 years old]

In the wintertime, I almost don't go out at all. Only in the yard, for minor needs. Nobody comes in winter to remove the snow. [F, South, intellectual disability, 22 years old]

Sometimes, awkward moments happen. When I cross the street, cars never stop to give me the chance to cross it, even on crosswalks. I am more confident when someone crosses the street with me...It happens that I cannot see price tags or inscriptions in the shops. It is usually written in small fonts and it is hard for me to understand. It is complicated for me to use the public transport, as I don't see the number of the bus. And, again, I have to ask someone to stop the bus for me... [M, Center, sensorial disability, 55 years old]

Taking into consideration the fact that there are stairs, crossings, I must be very careful not to fall. This is why I don't go out much. In wintertime it is even more difficult, because of the ice, the road is slippery... I can't go out by myself, only if my son helps me. If not – I don't go. If it is a short distance, I go, but someone must help me come back home. [F, North, sensorial disability, 71 years old]

Currently, after adopting the Law on social inclusion of persons with disabilities No. 60 of 30.03.2012, the legal and normative framework guarantees the access of persons with disabilities in equal terms with the others, whether it is the physical environment, transport, information or means of communication, including information technology and electronic means of communication, other public utilities and services open or provided to the public, both in urban and rural areas, in accordance with the effective normative acts. The rules of adaptation of social infrastructure objectives to the needs of disabled persons are approved by the national construction management body – the Ministry of Regional Development and Constructions. These rules currently exist but, according to experts' recommendations, these must be reviewed¹⁰, as even the existent provisions – for example the General Regulation on Urbanism, approved by the Government Decision on the approval of the General Regulation on Urbanism No. 5 of 05.01.1998¹¹ - are not enough.

The state ensures the publication, by means of alternative communication systems (Braille system, in audio version, in a simple and understandable language, etc.) of artistic literature, school books, other didactic materials and training instruments. The rules of adaptation of information and communication systems to the needs of disabled persons, as well as those for using alternative means of communication (the Braille system, in the audio version, mimics and gesture language, etc.) within these systems, are to be approved by the Government.

Currently, the law in force does not provide alternative means of assistance and communication for disabled persons in all services and facilities available to the public, but it is limited to the regulations related to artistic literature and didactic materials.

As regards the training of interested persons in the field of accessibility for disabled persons – the appropriate regulations are missing. From the contents of the text of the UN Convention on the rights of persons with disabilities results the guarantee of the right to instruction of any persons, not only of persons with disabilities, but, the text of the Law on social inclusion of persons with disabilities No. 60 of 30.03.2012 refers only to the instruction for persons with disabilities. The Government is to draft training methodologies for all individuals interested in the accessibility issue, especially in the context of intense development of information technologies.

The report on the social protection of persons with disabilities and the implementation in 2012 of the Plan of Actions of the Social Inclusion Strategy of persons with disabilities (2010-2013)¹² supposed the taking of certain significant measures in this field.

Government Decision No. 599/13.08.2013 on the approval of the Plan of Actions for the implementation of measures of ensuring the accessibility of disabled persons to social infrastructure¹³ provides the review and approval of technical standards and normative acts for ensuring the access of disabled persons to social infrastructure.

10 http://www.mpsfc.gov.md/file/rapoarte/Raport_accesibilitate.pdf

11 Government Decision on the approval of the General Regulation on Urbanism No. 5 of 05.01.1998. In: the Official Monitor, 26.02.1998, No.14-15/95. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=302550>

12 http://www.mpsfc.gov.md/file/2013/rapoarte/Raport_implement_Strategie_%20FINAL_2012.pdf

13 Government Decision 599/13.08.2013 on the approval of the Plan of Actions regarding the implementation of measures for ensuring accessibility of persons with disabilities to the social infrastructure. In: the Official Monitor, 23.08.2013, No. 182-185/701. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=349254>

A series of mass-media materials outlined the involvement of persons with disabilities in the awareness and community information process about the lack of access to public institutions: „Wheelchair ramps. Wheelchair ramps from Chisinau are not equipped properly, according to construction normative acts” and „We have ramps, but they are useless” (the results of the survey conducted by Association „MOTIVAȚIE” have been presented); „No parking lots. There is no parking space for persons with locomotor disabilities in Moldova” etc.

„Although they are bound by law to have wheelchair ramps, not all economic agents take this fact into account. Out of 590 buildings from the republic, verified by the State Inspection in Constructions, around 400 buildings are limiting the access of persons with disabilities. A Government Decision to this end provides that all buildings from the country are bound to be equipped with functional wheelchair ramps”.

TV 7, Cotidian, 31.10.2013 (reference is made to the survey conducted by Association „MOTIVAȚIE”)

„Out of around 200 driving schools from Moldova, none of them is adapted to the needs of disabled persons. Even if the equipment of vehicles is accessible and not very expensive, the majority of institutions do not perceive it as an obligation to observe these requirements... The situation would change in favour of disabled persons once with the introduction of training requirements for drivers, as in the European countries”.

UNIMEDIA news portal, 14.11.2012

Chapter 2. INCOME SAFETY AND SUPPORT SERVICES

2.1 Access to social benefits

Judging from the stories of the majority of interviewees, they have the sense of injured dignity when they are constrained to beg for the right to social benefits. Many disabled persons had to face indifference, injustice, humiliation and repulsion when they addressed to social institutions. The majority of persons with disabilities who talked about their experiences related to the access to social benefits feel powerless when they have to make decisions by themselves as regards social protection; they have limited access to devices and other types of assistance for the needs caused by disability. Many interviewees are women, aged 26-55, with locomotor and/or sensorial disabilities, predominantly living in the villages from the central area of the republic.

I felt ignored and rejected because nobody wanted to help me... Because of their words ... Because I am ill and I am not enjoying all the possibilities that healthy people are. [F, Center, sensorial disability, 58 years old]

Of course, I feel bad for such experience and for the fact that nobody showed interest in helping me, telling me what to do, where to go, how to do, how to act, where to address in order to be registered as a person with a degree of disability. You know, not everyone cares. [M, South, sensorial disability, 49 years old]

I think that the European Court of Human Rights would determine the same thing. I felt humiliated. The human factor, the lack of care, indifference for my problem, even ignorance. If I did not address, I would have never get those money which I was actually entitled to. If I did not manage this problem by myself, than... I think that money would have simply disappeared... [F, North, somatic disability, 68 years old]

During the elections, they came to me to help me vote. I said that I vote only if I get some help. I did vote, and they did not help me till present time. [F, North, sensorial disability, 52 years old]

I would like the government to increase our pensions, to give us the allowances which they cancelled, even if small. For example in the summertime I was receiving 33 MDL. How can we pay for the water, gas, electricity with 33 MDL? These allowances they also cancelled. This is how the government decided. They said that allowances will receive only people who have no possibilities, no nothing. If you don't have a TV set, a refrigerator, no firewood, it means that you are entitled to a small material support, otherwise you do not receive these allowances, so they cancelled them. [M, Center, somatic disability, 23 years old]

The most difficult thing is to fight with the windmills, with our state. Unfortunately, if you heard of it, we all had nominative compensations. These were a very good help, for example I was able to use natural gas, as I was beneficiating of nominative compensations for heating. Unfortunately, they cancelled them in the summer of 2012, saying that they would give us ... something to help us. [M, North, mobility impairment, 71 years old]

The majority of interviewees feel excluded from the social protection schemes, an exclusion based on the criterion of disability and/or lack of support and assistance for the needs caused by disability, which prevent the full and effective participation in social life or community life.

Certain people said that they had been constrained to pay fees for social/medical services that they are actually entitled to by law; others had been refused when they asked for help or social aid. Social benefits are extremely low comparing to daily expenses and needs of disabled persons.

This is the problem of all interviewed persons, however the general tendency outlines under-privileged people aged 26-40, from the central and northern areas of the country, with somatic disabilities.

What privileges? 2 lei for water, 4 lei for electricity and only 12 lei for gas, because I have a gas tank. This is called help? Compensation? And for this they ask so many documents! But they inspect me... They came and checked the house, to see if I have a TV set. "You have a color TV set?" I told them that my son died so I got the TV set and the refrigerator from him. What should I do, take them to the cemetery now? If I have a TV set and a refrigerator, why would you care? At which they replied: "If you have, no compensation is provided". I said: "I lived for 58 years and I don't have the right to at least watch the TV?" [M, Center, mobility impairment, 58 years old]

The most difficult problems were the lack of financial resources. Currently, we are unemployed, we live in the village and the only financial resources we have are from my car repair activity, but I do not have repairs every day, I have animals that we have to feed, we rented 1,5 ha of land, we have no money to work the land: planting, growing, harvesting and bringing home the crops, we must pay for utilities, which also are very expensive, especially in wintertime, we need clothes, food, we have children to support. No one is supporting us, allowances which were helping us with firewood had been cancelled, we would like to buy firewood by ourselves for winter, but we can't afford that. We had a situation when I addressed to the Mayor's Office for material aid, I filed an application, they came and inspected us, to see what animals, home appliances we have: refrigerator, washing machine, but the majority of them are old, second hand, the refrigerator even broke recently, all of them are very old, however, they refused to provide us this social aid, which we think is unfair... I would also like to say that our daughter is studying and we have to pay her tuition, we have a house to maintain, and our financial situation is very difficult, this is how we live... [M, South, intellectual disability, 55 years old]

In accordance with the provisions of the Law on social inclusion of persons with disabilities No. 60 of 30.03.2012, disabled persons are entitled to entitlements, allowances, compensations, social aids and other types of social benefits, for minimizing or removing the consequences of social risks.

In accordance with the provisions of the legislation in force, disabled persons, including children with disabilities aged under 18, benefitate of the following three types of social benefits¹⁴:

1. State social allowances

Law No.499-XIV of 14.07.1999 provides the fixation of a state social allowance for persons with disabilities, who do not comply with the requirements for obtaining the right to receive a pension from the state social insurance budget. In the Republic of Moldova, around 47 thousand people with disabilities benefitate of state social allowances.

2. Maintenance, support and surveillance allowance

Law No.499-VIV of 14.07.1999 provides the fixation of maintenance, support and surveillance allowance for the following categories: a) people who are maintaining, supporting and surveying at home a child with severe disabilities aged under 18; b) persons with severe disabilities from childhood; c) persons with severe visual impairment. 16543 individuals with disabilities benefitate of this allowance.

3. State financial support

On 28.03.2013 had been adopted the Law No.51 for the amendment and supplementation of certain legislative acts, which stipulates the provision of a monthly state financial support starting from April 1, 2013. Along the year of 2013, 116885 disabled people benefited of this support.

4. State monthly allowances

Law No.121-XV dated May 3, 2001 provides the fixation of a state monthly allowance for certain categories of citizens, including persons with disabilities. In 2013, 3163 disabled people benefited of such monthly allowances.

5. Transportation allowances

¹⁴ Report on the social protection of persons with disabilities and the implementation along the year 2010-2013 of the Plan of Actions of the Strategy of Social Inclusion of persons with disabilities (2010 – 2013). http://www.mmppsf.gov.md/file/2013/rapoarte/Raport_implement_Strategie_%20FINAL_2012.pdf

In accordance with the provisions of art.49 of the Law No.60 of March 30, 2012 on the social inclusion of persons with severe and marked disability, disabled children, as well as individuals who support a severely disabled person or a disabled child are provided on their residence place, by the LPAs, allowances from the local budgets for the urban and interurban public transport (except taxis). In 2013, 149138 disabled people benefited of the above-mentioned allowances.

6. Annual allowances for transport services

Law No. 60 of March 30, 2012 on the social inclusion of persons with disabilities, art.49 provides that people with locomotor disabilities benefit of an annual allowance for transport services costs, while people with severe locomotor disabilities can choose, upon request, the right to import, with certain reliefs, a transport unit from abroad, in accordance with the provisions of the legislation in force. In 2013, 10959 people benefited of this allowance.

7. Social benefits

The Law on social benefits No.133-XVI of June 13, 2008 provides a minimum guaranteed monthly income for under-privileged families. Currently, social benefits and aid is also provided for the wintertime.

8. Material support

In accordance with the Regulation on the distribution of material support from the Republican Fund and local funds of social support of population and the collection method of these payments in these funds, approved by the Government Decision No.1083 of 26.10.2000, the material support is granted to socially-vulnerable individuals.

Disabled people benefit of various privileges in the form of relief and price cuts in accordance with the legislation in force. Privileges are especially granted in the following fields: service provision, purchase of goods, documents drafting and payment of various contributions (taxes, fees).

Mass-media reflects the access of persons with disabilities to social benefits. The most frequently tackled topics refer to the process of informing the population about the increase of social benefits for disabled people, the granted material support and poverty they are facing, etc.: “First-degree disabled persons will benefit of material support on the International Day of Persons with Disabilities”; “Around 300 MDL for the disabled individuals after Chernobyl accident”; “Elderly people’s drama. Tens of thousands of elderly people are in a deplorable situation”; “The allowance for transport costs for disabled people has been increased”.

„Over four million lei intended to be distributed to disabled individuals, children without parents, elderly people and other under-privileged categories of people who are on the limit of poverty, illegally came to the hands of other people, including to the hands of those who had to manage social funds.”

The Head of Social Inspection: „A certain category of social workers live very well on the money intended to be distributed to disabled individuals, homeless children, elderly lonely people, by means of fraud and illegal tricks”.

Timpul, 16.11.2012

2.2 Access to social services

Social services represent measures and activities focused on the satisfaction of social needs of an individual/family for overcoming a difficult situation, for preventing marginalization and social exclusion.

The analyses of individual experience of disabled people outlines the fact that the access to social services is limited, people are not sufficiently informed about their existence and are not satisfied by the quality of such services.

I have been bedridden for over 10 years now, and they came to see me only once. No one was coming. First of all, as you know every village has social workers and they are obliged to come at least once a month, as far as I know, to see how I live, if I need something. Nothing, they never came to see if I need anything. Me, at my turn, I never addressed to anyone either, as there was nothing to address for. But, as I understood, a lot of help is provided in the village for the disabled individuals who cannot walk, elderly people who cannot walk. I don't know if it is true, but as I hear, a lot of help is coming. Many people tell me that they brought stuff, but no one ever came to me personally with help, and I am bedridden. I haven't been financially supported... The only thing that we addressed for was to increase the pension, as the allowance is not enough. The money which I receive are not enough even for bread for one month. Not to mention other purchases. There are people who do not need so much this support, but they get it. They have a higher degree of disability, they can walk, they can go take the material aid by themselves. When it comes to me, I am bedridden and I cannot go out for information, nobody gives me anything. I feel very offended. I think they should think about me too, they should come ask me if I need anything, even if maybe I don't... [M, South, other disability, 18 years old]

Law No.60 of March 30, 2012 on the social inclusion of persons with disabilities stipulates that persons with disabilities benefit of *primary, specialized and high-specialized social services*. The type of social service that is to be provided to the disabled individual is determined by means of recommendations contained in the individual rehabilitation and social inclusion program of this person and is based on the initial and/or complex evaluation of the person/family, made by the social worker hired by the territorial social assistance structure to work at the Mayor's Office and by the multidisciplinary team, and adapted to the needs of a given person.

Primary social services suppose the provision of a certain series of services on the level of communication. One of such services is the *in-home social case services*, and around 25 thousand people benefit of it, including around 4 thousand persons with disabilities, which represent 17% of the total number of beneficiaries.

Another type of primary social services provided to persons with disabilities are the *social welfare canteens*, which offer lunch to under-privileged persons for a period of up to 30 days in one trimester.

In the category of primary social services is also comprised the community social assistance service, which provides support in settling difficult situations for social issues. Community social workers are responsible for the identification and evaluation of potential beneficiaries, they are drafting individualized social assistance plans, they provide primary social services, and they redirect the cases to specialized social services. In the Republic of Moldova, only along the year of 2013 there have worked 1105 community social workers.

Specialized social services are provided to beneficiaries who need rehabilitation or intense assistance from the part of specialists with an appropriate qualification level. The last years, a wide range of specialized social services had been developed for people with disabilities, such as: professional parental assistance; adult foster care; the Community Center, the Protected Dwelling, Respiro, the mobile team, personal assistance.

High-specialized social services include a series of social-medical services. In the Republican Experimental Center of Prosthesis, Orthopedics and Rehabilitation are provided services for around 42

thousand persons with disabilities. These services include the provision of technical aids and medical rehabilitation services. High-specialized social services are rendered also in the other 6 residential institutions designed for persons with disabilities, where around 1,7 thousand persons with mental (intellectual and psycho-social) disabilities are placed every year. The average period of stay of a person in an such institution is around 9,7 years in psychoneurological dispensaries and 7,6 years in somatic dispensaries. For disabled children, 2 boarding houses are open for children with mental deficiencies, where 581 persons with disabilities are placed.

One of the most stringent problems, especially for persons with disabilities, is the provision of social housing. Currently, the state is not conducting any activities for the provision of social housing; however, certain forms of protection of persons with disabilities are contained in the legislation. These are applied to company or state housing which had been given into use to persons with disabilities, non-privatized by them but, usually these provisions refer to former senior officials, judges, military personnel, etc. Chisinau City Hall launched a couple of years ago the social program „The First Home”, nevertheless, the participation in this program is almost impossible for the majority of disabled people, because the majority of them cannot allow to take bank credits or to pay the initial installment, etc.

Out of those 300 monitored mass-media materials, every sixth material refers to the access to social services and social benefits.

The subject matter which reflects the access of disabled people to social services includes the following topics: „Special children. Parents of disabled children learn from pedagogues how to take care of them”; „WHO: Moldova is an example of reforms for persons with disabilities” (they talk about the fact that our country obtained good results by creating such social services as the „Community House” and the „Protected Dwelling” for disabled people); „Emergency assistance” – in 5 districts of the country had been created mobile teams, which provide in-home assistance to persons with disabilities; „New services” – the disabled individuals from Chisinau can beneficiate of two new services: personal assistance and the mobile team: „Integrated into the family” – for 7 children from Orhei Orphanage had been open an alternative foster service”; „Fringe event for disabled children: the opening of ”Tony Hawks” Center, etc. In the same time, there are also reflected such subjects which denote the lack of services for persons with disabilities, the poor quality of such services, the insufficiency of incomes and miserable living conditions, faced by the disabled individuals: „Solutions for forgotten elderly people”; „Support only on paper” (specifying that the regulation on the personal assistance services is not working in reality).

...Whether they are bedridden, blind or with psychic deficiencies, they share the same hospital rooms ...”

Jurnal TV, 12.03.2013

„They live with 830 lei, this is the disability pension of the son of Andrievschi family from Soroca. The boy’s mother accuses state authorities for the fact that they infringe her right to beneficiate of a salary of a personal assistant. She is taking care of the 21 years old boy who is disabled and bedridden ...”

TVM Mesager, 04.04.2013

Chapter 3. HEALTH, HABILITATION AND REHABILITATION

3.1 Access to health, habilitation and rehabilitation services

From the analysis of the conducted interviews results that the majority of persons with disabilities had negative experiences as regards the access to health, habilitation and rehabilitation services, the impossibility of enjoying the highest possible health standards, the disabled person feeling disrespected and disregarded.

People who are facing the most often with the harm to human dignity when they need medical care and or/rehabilitation are women aged 26-40, with somatic disabilities, from the northern and central areas of the country, predominantly from the urban region. In the majority of cases, the human factor is decisive; the attitude of medical staff is the most frequently criticized.

I have been hospitalized for appendicitis. I felt sick and my mother called the doctor to give me some medications. He took the necessary measures and the medical staff brought me the medications. After that, this doctor was always coming to me with a plain face. However, other doctors had a good attitude towards me. I started to wonder what it was the reason. I thought that I offended him somehow and I asked my mom to go talk to him. My mother bought a box of chocolates, a bottle of champagne and went to thank him. But, when she opened the door, the doctor showed her by gestures to leave his office. Until now, I did not understand, what I did wrong, I just wanted to thank him. I did not expect such a behavior from his part. [F, Center, somatic disability, 26 years old]

Some people told us about cases of medical malpractice due to which they suffer till present time, cases of refusal to provide medical transport or hospitalization privileges, the lack of an appropriate infrastructure which would meet the necessities of disabled individuals.

I fell off the stairs and I had an abdominal surgery and now all my insides are getting out, they did not carry out the surgery properly, they did not use a surgical mesh... [F, North, somatic disability, 52 years old]

I am always at home, staying in my room, here is where I spend the greatest part of my life. This autumn I had a spinal cord trauma and now I am bedridden. It is complicated when I have to go to the hospital for a consultation, there is no transport and I can travel only with the ambulance, lying. When I was in the hospital, I had to go for a consultation so I needed an ambulance, but they told me "you have to find one and manage yourself". [M, Center, other disability, 50 years old]

At the sanatorium was fine, but only healthy people should go there, because disabled persons are avoided... don't do this, don't touch that. They avoid exceptional situations... They asked me and I told them that I have a disability for heart disease, so do what you have to do. Social assistance spends 300 lei so I think that this person should receive at least moral support... not such a careless attitude... I underwent an electrocardiogram and I went to the cardiologist with it. He listened to me, but did not even look at it, saying I'm free to go. He asked me if I have been sick for a long time ago, and I said yes, so he told me to move on... After this sanatorium, I made a conclusion for myself – I am no longer a person, I lost confidence, nobody needs me, after 50 years of work at school... [M, South, intellectual disability, 62 years old]

They cancelled my degree of disability. Being a person with such problems, I don't know why they decided that I am not disabled anymore and that they should give me a lower degree of disability, which was not fair... [M, North, somatic disability, 39 years old]

They gave me no hope and no support, only the decision which they all made together, after which the head of district approached me and said: "Look, I have put in a word for you, this is why they gave you a disability degree for life, so you don't have to pass this medical commission every year". Now they are good and fair, and I become the guilty one, they abuse their authority... [M, North, somatic disability, 39 years old]

The previous years, in the Polyclinic No. 11 was working a mimics and gestures translator, who was translating for the medical experts during consultations, it was working very well, he was helping us solve health problems, there were deaf patients coming even from Balti district. But when they closed this unit, when there was no longer such a translator, they transferred me on the residence address in Straseni. I have tried to send a written petition. This was just a waste of time. When there is no translator and I need urgent help, I ask my sister to help me, but it is much more difficult, as my sister does not know well the mimics and gestures language, and not all understand my handwriting. [F, Center, sensorial disability, 61 years old]

The state guarantees the access and right of persons with disabilities to a respectful and human attitude from the part of healthcare service providers, with no discrimination due to disability criteria. The state ensures accessible and free information of the public about the medical-social services provided for reducing to minimum and for preventing disabilities. The possibility of benefiting of the highest healthcare standards and access to various medical services is guaranteed both by the Constitution and by a series of special normative acts in the field of equality, disability, healthcare, etc. including, the Law on social inclusion of persons with disabilities No. 60 of 30.03.2012, the Law on equality No. 121 of 25.05.2012, the Law on health protection No. 411 of 28.03.1995, the Law on mental health No. 1402 of 16.12.1997, the Law on patients' rights and responsibilities No. 263 of 27.10.2005, the Law on state surveillance of public health No. 10 of 03.02.2009¹⁵.

Monitored mass-media sources also widely reflect certain problems related to the lack of rehabilitation services for the disabled individuals and cases of malpractice: "Sentenced to indifference. There are no state rehabilitation institutions in Moldova for autistic children"; "Four medical doctors from the Center of Mother and Child are accused of malpractice"; "System breakdown" (there is specified that "... psychiatry hospitals could be closed and people who suffer from psychic diseases could benefit of the same rights").

„A child fell into a 4th degree coma after the administration of an anesthetic. His mother is talking about the life after the coma.

The Ministry of Health refused to meet with the doctors who were saying that the child had chances to survive”.

Timpul, 18.03.2013

3.2 Discrimination in medical institutions against persons with disabilities

The survey on the individual experience of disabled persons outlined that in 8 cases had been determined certain distinctions or restrictions based on disability, which do not allow the effective recognition of rights of disabled persons to healthcare, habilitation and rehabilitation services and only in two cases such rights had been observed. People who face the most often discrimination in medical institutions are of median age (41-55 years old) from the northern part of the country, the rural areas.

Specialists refused to see me there. No one wanted to be in charge of my treatment because I was in a very severe state of health and their explanation was: "what shall we do if she dies on our operating table?". [F, North, physical disability, 20 years old]

An unpleasant moment happened in November, 2012, when I had to undergo a fluorography at the polyclinic. My aunt could not go with me so I went alone. She wrote on a piece of paper a request to the medical doctor and explained me to which polyclinic to go, at what floor and how to get there. When I came to the polyclinic, I saw a very long queue, but I waited. When it was my turn to get in, I gave the women the piece of paper, the doctor or nurse looked at me and made a gesture to get out of the cabinet. I tried to ask where to go, whom to address to, what to do, but she made a gesture to

¹⁵ Law on state surveillance of public health No. 10 of 03.02.2009. In: the Official Monitor, 03.04.2009, No. 67/183. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=331169>

get out, without helping me. I went out and I did not know what to do, I started to cry, I was helpless, alone. [F, North, sensorial disability, 29 years old]

It is not right what the doctors do with patients nowadays... Doctors must give hope to patients that everything is going to be fine, regardless of how serious or sick the person is actually is. But here, the doctors are different: they look at the medical test results and even if it's bad, they tell it right to your face...that you have only one month to live and the patient believes it. We should never believe doctors, they have no power. [F, Center, other type of disability, 56 years old]

The first time it was ok, I was in a severe state of health but then, year after year, when I go to confirm the disability degree, they approach the patient as if he owes billions, they squeeze the power out of you, being so illiterate... so bureaucratic... The most important thing in medicine is the principle of not harming, but unfortunately, you feel absolutely squeezed when you finish with all the tests and analyses. You come to the policlinic, you have high blood pressure, but you resist, you are trying to explain, but your explanations are useless, nobody needs them, it's like begging for a slice of bread, it is really humiliating. When you ask the doctor "why this is like that or why there are such changes?" he says "What do you want?" When I submit the tests results or I need help or some sort of certificates, I am actually asking for help in order to live more actively. The attitude in policlinics, hospitals is horrible, especially with those like me and in general, towards patients. If you have a more severe state of health, if you have no money, they don't even say hello. [M, Center, sensorial disability, 63 years old]

The Government of the Republic of Moldova ensures the protection of disabled people by means of such policies and programs, as follows: The Government Decision on the approval of the National Program on the mental state of health for the years of 2012-2016 No. 1025 of 28.12.2012¹⁶ and the Government Decision on the approval of the National Health Policy No. 886 of 06.08.2007¹⁷.

In accordance with the Law on mandatory medical assistance No. 1585 of 27.02.1998¹⁸, the state has the role of insurer in case of persons with disabilities, so this category of people beneficiate of free mandatory medical assistance.

Nevertheless, as recommendation, it is proposed a specific approach for disabled people in each of the above-mentioned documents, as only specific legal references would allow state institutions to budget the costs intended to ensure the principle of equity and the principle of positive discrimination, because persons with disabilities have much more pronounced needs, comparing to the rest of the citizens of the Republic of Moldova.

On the basis of fundamental constitutional rights to social assistance and protection and special protection of disabled people, as well as pursuant to the Law on social inclusion of persons with disabilities, this category of people beneficiates of individual rehabilitation and social inclusion programs. Although the government recently approved the procedure of determining the degree of disability – pursuant to the Government Decision on the determination of disability and labor capacity No. 65 of 23.01.2013¹⁹ – this approved Regulation did not stipulate certain guarantees provided by the UN Convention on the rights of persons with disabilities. Although the mechanism of promotion of complex rehabilitation and habilitation services and programs for the disabled people had been instituted, it does not take over the details and orientation towards the community.

16 Government Decision on the approval of the National Program on mental health for the years of 2012-2-16 No.1025 of 28.12.2012. In: the Official Monitor, 11.01.2013, No. 6-9/35.

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346311>

17 Government Decision on the approval of National Health Policy No. 886 of 06.08.2007. In: the Official Monitor, 17.08.2007, No. 127-130/931. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=324940>

18 Law on mandatory medical assistance No. 1585 of 27.02.1998. In: the Official Monitor, 30.04.1998, No. 38-39/280. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311622>

19 Government Decision on the determination of disability and labor capacity No. 65 of 23.01.2013. In: the Official Monitor, 25.01.2013, No.18-21/104. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346508>

The most frequently tackled subject in the monitored mass-media sources refers to “Health, habilitation and rehabilitation of persons with disabilities” – 93 materials, which equals to around 31% of the total number of materials (300). The materials included in this thematic category reflect mostly health problems, faced by persons with disabilities, aspects regarding the early prevention and involvement, their treatment, etc. The title of materials is suggestive and outlines the tackled subjects: “Compulsory test. From 2013, all children who turn 2, shall pass a compulsory test for diagnosing autism”; “Saved lives. News and innovations in the field of medicine for the last years”; “Autism can be cured. The NGO “Intelegem autismul” comes to help parents who have suffering children; “From 2014 the disabled newborn children shall beneficiate of a speech therapist consultation”; “Integrated in society. The mentally disabled persons shall beneficiate of medical help in district hospitals”; “A new laboratory” (in the Institute of Oncology had been opened a cancer diagnosis center); etc.

In the same time, a series of monitored materials from mass-media sources reflect health problems faced by the disabled persons and through their intermediary help is requested from the part of community for expensive treatments, which are usually underwent abroad: “Roma, a very sick young man, needs our help”; “The parents of a child from Rezina, a genderless newborn, need 15 thousand euros for the surgery”; “Financial funds are collected for a little girl who suffers from infantile cerebral palsy”; “The fight for life” (a family is asking for financial support to begin the treatment for their daughter); “Save a child” (to perform a surgery on a child with a kidney tumor); “A chance for life”; “Philanthropy for life”; “Football for life” (a child who suffers from the “butterfly disease” needs an expensive treatment); “The last hope” (a child needs financial funds for an expensive surgery to be performed in Kiev) etc.

„...Specialists from the field of psychiatry say that persons with psychic deficiencies are seen as some strange creatures of the nature with no chance to have a normal life if they are not integrated in the society...”

TV 7, Cotidian, 29.10.2013

Chapter 4. ACCESS TO EDUCATION

The analysis of the individual experience of persons with disabilities shows that the majority of disabled persons who felt disrespected and unappreciated in education institutions are women aged 18-40, from the central area of the country. Apart from the experiences when they felt disrespected, some of the interviewed people felt intimidated and verbally aggressed by the didactic personnel. Other participants told us that it is difficult for them to ask for help when they need it, and when they are constrained to ask for help from strangers, they feel that their dignity is affected. Only a few persons told us that they felt respected and that they were able to create relationships in school.

I felt disrespected, humiliated because the teacher from the school I went to did not accept me. Moreover, it was really offending when he was yelling at me, bending his head over me... [M, North, mobility impairment, 26 years old]

The lack of autonomy in making decisions which affect school life and education and the forced involvement in different situations due to disability is felt rather by men aged 18-25.

Certain interviewed persons mentioned that they had been hampered in exercising their autonomy of making decisions as regards the school context. In many cases, namely family members are those who hamper disabled persons in the autonomous decision-making process, due to reticence and skepticism in education institutions.

Because my mom did not allow me to study till the 12th grade, because she thought that children would push me on the stairs and she would have worried. But now I am grown up, I am 22 and I have to manage by myself. [M, South, somatic disability, 22 years old]

I completed 9 grades. I wasn't quite satisfied with the teachers I had. They were coming very seldom, only once or twice a month. They were coming more often only when we were addressing to the school principal. [M, Center, mobility impairment, 18 years old]

Many reasons which raise the feeling of neglect and inequality in the case of disabled people are linked with the lack of awareness and non-adapted behavioral patterns of the didactic personnel, the lack of resources adapted to special needs, the lack of an adequate infrastructure, the lack of supportive didactic personnel, the lack of faculty admission policies, etc.

It was hard for me to understand the didactic material during classes on protection and shoemaker at the vocational school, because teachers did not know the sign language. [M, Center, sensorial disability, 22 years old]

The information, the so-called reading, is not adapted for the disabled people; even the premises are not adapted. Teachers are not trained how to act with persons with disabilities. [M, South, intellectual disability, 46 years old]

There were many obstacles in the lyceum from the part of the Division of Education, Youth and Sports. There was another method of admission: apart from the classical one, I had to pass the medical commission and to obtain an approval from the part of the Division of Education, Youth and Sports. In order to get this approval, I had been knocking at their door for about 3 weeks. They had been adjourning this endeavor... When I visited them, they started to tell me that in fact, according to the regulation in force, if you are 22 you do not fall under the age category specified in the regulation. As a rule, a child is admitted to school at 7 years old, then he graduates from the lyceum at 18 and hence I am out the regulation. I kept insisting, they were telling me to call the next day, to come the next day and they will tell me if they signed my petition or not. About three weeks passed this way, I insisted and they eventually approved me. [M, Center, mobility impairment, 22 years old]

The greatest number of obstacles I encountered at the university, and namely the lack of accessibility, which equals to zero. At the entry, there are many steep stairs, while in the interior of the building, the first 3 years the greatest obstacle was the elevator, which was working only when we were not in

the examination period. When we did not have examinations, the elevator was working, but when we were coming to classes, the elevator was not working. During the warm season, they were helping me to get up the stairs, but during the wintertime it was harder, especially when it was raining or snowing. Everyone was in a hurry, no one was noticing me, I had to prepare in advance, to agree with the colleagues and they were waiting for me at the stairs. There were cases when it was very cold outside and to get to those steep stairs was difficult – there was a very high baseboard and I was asking the person to help me pass the baseboard, then the stairs. People were usually saying that they are in a hurry, that they have no time or that their back hurts, or they were pointing at the steel ramps, saying that these are installed for people like me. But these ramps are installed on the level of stairs and are very steep, slippery, and there is a very large distance between them. My wheelchair cannot even access these steel ramps. I was accepting their refusal; I was not getting angry with them. I was waiting for other people to help me. People are different, so is their thinking. [M, Center, mobility impairment, 29 years old]

Very often, the didactic staff is the one who hampers the effective recognition of disabled people and, instead of facilitating their integration process in the education context, they compromise it.

When I wanted to be admitted to the 10th grade, the principal of the school said that he will not take me and I was a little afraid that I will not manage. My school progress was not very good, rather average. [M, South, sensorial disability, 19 years old]

They were very unhappy. Even teachers, who were asking me: “What do you need more than others?” For example, I went to the university because I wanted to study, I did not want to get a diploma just to tick that I have higher education. They were asking me: “Why do you come to classes? You better stay home. We will give you marks automatically. Don’t create problems to you and to the others”. [M, Center, mobility impairment, 22 years old]

The human factor is very important and determines the connotation of individual experiences of persons with disabilities – in some cases, there exist didactic staff and colleagues who abide, respect and help people with special needs, in other cases, occur situations of lack of respect and inequality.

Of course, there were unpleasant cases at school. For example, a problem was when the teacher was giving me a question out loud, but I did not understand him, because I could not hear him, but the teacher had a very rude behavior and I was feeling bad. There were also cases a school when teachers did not honor their duties. [F, Nord, sensorial disability, 26 years old]

Accessibility is a problem... The dean is trying to make things better, although in the first academic year a store was opened near the dean’s office, right in front of the elevator, but which was closed. After 2-3 years, another person with locomotor disabilities appeared who wrote a letter to the dean, complaining that he has no access to the second floor, at which the dean asked us: “Why didn’t you write this letter before? I would be glad to help”. So he removed the obstacles... [M, South, mobility impairment, 26 years old]

There were some moments when I was attending the school, they were calling me deaf, being aware of the fact that I understood what were they saying. [M, Center, sensorial disability, 28 years old]

The Constitution of the Republic of Moldova and the Law on education No. 547 of 21.07.1995²⁰ guarantees the right to education, regardless of nationality, gender, age, origin and social status, political or religious appurtenance or criminal record. The state provides equal access to the state education institutions, as lyceums, institutions of vocational education, secondary specialized and higher education, depending on the skills and abilities.

As regards the possibility of persons with disabilities to obtain an education, the Government adopted the Development Program of inclusive education for the years 2011-2010²¹. This document is

20 Education Law No. 547 of 21.07.95. In: the Official Monitor, 09.11.1995, No.62-63/692.

21 Government Decision 523/11.07.2011 on the approval of Development Program of inclusive education in the Republic of

setting the conceptual framework of inclusive education and is designed to determine the processes of ensuring appropriate conditions for education needs and determining the individual differences of all children, young people and adults along their lives. These objectives shall be fulfilled by creating social-educational partnerships, involving all relevant actors in a unique education framework, by harmonizing intercultural relations and focusing education attention on marginalized/excluded groups. The promotion of inclusive education, and eventually of an inclusive attitude and culture, shall determine the institution of a new formula of human solidarity in an inclusive society.

From 01.01.2013, in all ATUs had been created units of psychopedagogical assistance, and on the national level had been instituted the Republican Center of psychopedagogical assistance²². Moreover, every school with inclusive practices shall create resources centers and shall institute support didactic staff units for providing support to children with special education needs, in accordance with the provisions of the Government Decision No.351 of May 29, 2012 for the approval of the Regulation on the redirection of financial resources within the reform of residential institutions²³.

The vocational education for young people with disabilities is carried out in institutions of secondary vocational education and specialized education (colleges). The Regulation of organization and performance of admission to institutions of vocational secondary education and specialized education from the Republic of Moldova, approved by the Order of the Ministry of Education No.606 of June 30, 2010, including subsequent amendments, provides certain privileges for the disabled persons to sign up for studies.

Around 14% of the monitored mass-media materials reflected the problems of the access to education services for persons with disabilities.

The subject-matter of the education program contains subjects which can be divided as follows:

1) Successful practices regarding the insurance of the right to qualitative education services for the disabled persons: "School for all"; "Studies at the hospital" (in the Institute of Oncology had been created a training center for cancer patients, for them to keep up with the school program of studies); "Japan helps out children" (Japan is offering a grant for the integration of disabled children in school and society); "Social inclusion" (autistic children are integrated in the kindergarten and school together with other children); "Different, but together" (it is told about a lyceum with inclusive practices from Floresti district); "Promote human values. Children from "Atlant" Center have promoted human values through dance, poetry and songs"; "They will study in ordinary schools. Students from the boarding school of Ialoveni will study in ordinary schools" (the residential institution shall be closed and the disabled children will be integrated in common schools) etc.

2) Cases of failure, violation of the right to education: "Alone among people" (it is a story about a child who had been refused to be admitted to music school, and the school he is attending now has no future for him); "Problems of children with hypoacusis" (the problems faced by children with hearing impairment, the lack of specialists in this field, etc.); "The parents of a school girl with locomotor problems is accusing the administration of a lyceum of discrimination" (child's parents state that the child had not been admitted to studies due to his disability); "School children from the country have limited access to education, declare the members of the national school students' council" (the article reflects the fact that education institutions are not equipped properly with wheelchair ramps) etc.

In the same time, certain monitored mass-media materials reflect in a discriminatory language the training process of the disabled children and even misinform the public opinion as regards certain reforms implemented in this field.

Moldova for the years 2011-2020. In: the Official Monitor, 15.07.2011, No. 114-116/589.

22 Government Decision No. 732 of 16.09.2013 on the Republican Center for Psychopedagogical Assistance and the district/municipal Psychopedagogical Assistance Service. In: the Official Monitor, 20.09.2013, No.206-2011/823.

23 Governmetn Decision No.351/29.05.2012 for the approval of the Regulation on the redirectioning of financial resources in the reforming of residential institutions. In: the Official Monitor, 08.06.2012, No. 113-118/393.

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=343471>

„It was very hard for me; I could not manage to study all the subjects at which I was supposed to pass the baccalaureate examinations. At a certain moment, I even decided to quit studies, but the second year of studies I changed my mind, specialty subjects were interesting for me, which is why I decided to apply all efforts for graduating from the faculty... I had cases when teachers refused to explain the topic, telling me that I am not capable of studying at their classes... some professors forbid students to get in after them, there was a case when I was pulling the door from the outside and the professor from the inside ...”

Adevărul, 19.07.2013

„...The school program is perceived more difficult by these children, because they are under medications. We conduct classes in the form of a game; otherwise children will never assimilate the school material...

TV 7, Cotidian, 06.03.2013

„...Children with special needs will join healthy school children, will sit in the same school desk and study together with ordinary school students...”

TV 7, Cotidian, 06.08.2013

The Chairperson of the NGO: „Our children, a great majority of them, are sitting home or are in special schools. We want our children to be included in the mass education, together with common children...”

Moldova 1, Mesager, 10.08.2013

„... School children from the country don't have full access to education. This is the conclusion of the first report drafted by the National School Children's Council. According to it, children abandon school due to poverty and the sick ones due to the fact that education institutions are not equipped with wheelchair ramps”.

TV 7, Cotidian, 31.10.2013

„...In result of the reform in 2007 on the liquidation of institutions for children with locomotor impairment, 9 such schools had been closed, and till 2015 other 4 are to be liquidated...”

TV 7, Cotidian, 08.04.2013

The reporter: “Children had been integrated through the intermediary of the Inclusive Education Program, implemented a decade ago”.

Moldova 1, Mesager, 30.09.2013

The last two extracts from the monitored materials show misleading information: in the case of the first one – the reform had been focused on the reorganization of the residential child's care system, and the presented data are wrong; as regards the second extract, we would like to mention that the Development Program of Inclusive Education is being implemented the 4th year in a row now. (From 2011).

Chapter 5. EMPLOYMENT

5.1 Access of persons with disabilities to the labor market

The participation, inclusion and effective accessibility of a disabled person in the labor activity or on the labor market involves multiples negative experiences, which suppose segregation and isolation based on the criterion of disability and/or lack of support in personal needs, including the lack of access to labor or to the labor market.

I studied at the university. I tried to find a job, but unfortunately I did not succeed, I have been looking for a job for one year, I addressed to the mayor's office. There, they told me to go look by myself, as they have nothing to help me with. After that, I had been admitted to master's degree studies, not to lose time. I studied for two years and now I am looking for a job. I fear that I won't be able to manage with all the tasks and duties, but I tried. They wouldn't tell me the reason. They tell me to keep on looking, as they cannot help me. I tried to find a job, I even went to a couple of interviews, but they told me that persons with the first degree of disability are not admitted to work, I tried to work as an operator, but they hired another person one day ahead. [F, South, other type of disability, 27 years old]

I addressed here in my district and I filed an application even to the Mayor's Office, to offer me a job at least at the kindergarten, as a babysitter. They promised to help me, but they offered jobs to many persons since then, not to me, even if I have studied at a cultural illumination school... [F, South, other disability, 44 years old]

One of the problems I am facing with is that I work hard, but I have a small salary and life is so expensive... with my salary I cannot afford what I want. [F, South, intellectual disability, 46 years old]

When I've been awarded the cooking certificate, they promised to hire me, even if I have hearing impairment. But they refused me, not in written as they should have, which is very humiliating. The same thing happened when I tried to get a job of shelling nuts, there they told me that they hire only persons with good hearing, they refuse the deaf ones. I don't understand what is the problem? I don't need communication skills while working with nuts, you just receive the nuts and you shell them, what is the problem? These are the reasons why I am still unemployed. The same thing is with the National Employment Agency, deaf persons also want to work, but they refused me. They are asking for documents, I submitted those documents, I've signed in, but they told me – there is no work for you. It is possible to work only as a seamstress, it is quite easy, I have worked during the summer, I already have some experience in this field, I know how to communicate and my health allows me... [F, Center, sensorial disability, 31 years old]

I have tried to work as a mailman. In summertime it's easy, but during the winter, when is cold, my health doesn't allow me to work. So I have worked only for 2 months ... [M, North, intellectual disability, 29 years old]

I have tried recently to get a job within the Ministry of Internal Affairs, having the possibility of obtaining a workplace, but the commission told me I cannot get one, as I am not able to work in this field, I must carry the insulin with me all the time, to take it on time. I know there are a lot of workplaces in the Ministry and I would have had the possibility to work there. [M, North, somatic disability, 22 years old]

Persons with disabilities are not so helpful to be hired. [M, North, sensorial disability, 41 years old]

For the last 5 years it was very hard for me, I basically don't work and when I try to get a job, they refuse me, even having the 3rd degree of disability, I can work, but I am refused all the time. All this time, I have been a housewife, I had no other options. It is very hard to find a job. When you communicate with people, they are always humiliating you. I can work with my 3rd degree of disability, but I have no access to work. Life is very hard. [F, North, mobility impairment, 53 years old]

I was looking for a job, but when employers find out that I am one-handed – it is over, they were afraid

that I would ruin their company image, even when talking to a client, it is not quite normal when you are one-handed. But they had no vacancies. I had to stay on the phone and people had to come there, with whom I had to discuss. Namely the fact that I was one-handed was not ok for them. [M, North, mobility impairment, 40 years old]

The Constitution of the Republic of Moldova (art. 43, par. 1 and 2) stipulates that: “Any person has the right to work, to freely choose a job, under fair and satisfactory labor conditions, as well as the right to protection against unemployment”. In the same time, article 44 of the Constitution stipulates that forced labor is forbidden.

The Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities guarantees the integration of the disabled people on the labor market (art. 33-40), including the right to work, types of employment, employer’s obligations regarding the employment of persons with disabilities, the working hours and holidays, the professional orientation, professional development and rehabilitation.

The National Employment Agency (NEA) is the central body in charge with the promotion of policies, strategies and programs in the field of protection of labor force employment and workplaces, with the prevention of unemployment, including for the disabled people. For ensuring the access to a larger number of persons with disabilities to the services provided by the NEA and its territorial structures, in 2011, through the Law No.56 of 09.06.2011 on amendment of certain legislative acts, amendments had been operated in the Law on employment and social protection of people looking for a job No. 102 of 13.03.2003²⁴. Hence, people with disabilities who are looking for a job have the right to beneficiate of active measures of promotion of labor force offered by NEA: information, professional consultation, labor mediation, professional orientation and development.

In order to bring into force measures which would facilitate the access to the labor market of the disabled persons, in the Law on the state budget for 2012 funds had been approved for the employment of 43 additional staff units within territorial employment agencies. These additional staff units shall be responsible for the provision of employment services and unemployment protection services for persons with disabilities.

Common Medical Consultative Boards are in charge for the examination of cases regarding the need of transfer for health reasons, on a temporary or permanent basis, to an easier job or another workplace, which would correspond to the state of health of people with reduced vital activity, assessing the character of recommended work and taking into account person’s qualification.

The current situation brought many states to provide certain forms of tax privileges for making possible the employment of people with special needs.

The inclusion in the labor market of persons with disabilities in the Republic of Moldova is currently performed through the intermediary of:

- services of professional orientation and professional development;
- organization of job fairs;
- information of persons with disabilities about the labor market;
- services of electronic mediation, including by accessing the portal www.angajat.md;
- support from the part of the state for specialized enterprises of public organizations, where 50% or more employees are persons with disabilities.

Currently, there are 15 specialized companies where 519 employees are working, 315 of which are disabled.

The Tax Code of the Republic of Moldova No. 1163 of 24.04.1997²⁵ provides also additional privileges and facilities for employed persons with disabilities.

24 Law No. 102 of 13.03.2003 on the employment and social protection of people looking for a job. In: the Official Monitor, 15.04.2003, No. 70-72/312. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=312729>

25 Tax Code No. 1163 of 24.04.1997. In: the Official Monitor, 18.09.1997, No.62/522. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=326971>

Employment of disabled people represents a subject rarely reflected by mass-media. Out of those 300 materials, only 9% refer to this subject. As a rule, they present materials about disabled people who managed to get a job and have great success.

In the same time, some of the monitored materials reflect problems linked with the integration of disabled people in the labor market and the actions taken for this: “With disabilities at work”; “They are still isolated”; “Employers are not prepared to hire disabled people”; “Employment chance. A law on social entrepreneurship is currently prepared in Moldova”; “Social projects” (the NGOs could create social programs, which would facilitate the employment of persons with disabilities).

„It is a hard to convince an entrepreneurship to hire a disabled person, because this involves responsibility, so many entrepreneurs refuse...” Disabled people complained that they cannot enter the institutions due to the lack of wheelchair ramps”... Many of such wheelchair ramps do not comply with the standards...”

Publika TV, 01.12.2012

“...One employer had been very excited to see me. He told me that he will hire me, accompanied me to the table and when we started the discussion, he noticed my disability. His voice changed. He got so nervous that he even overturned the glass of water. He told me there are a couple of other persons trying for this job and he will call me. I understood that even if I have the necessary knowledge, he will never hire me”.

Adevărul, 24.09.2013

5.2 Discrimination against persons with disabilities in the workplace

Employment includes life experiences in the workplace or the access to the labor market of the disabled person. Having conducted the statistical analysis of individual experiences narrated in the 140 interviews, we have found only one positive experience, the others being negative.

Statistically, 5 out of 7 negative narrated experiences belong to women. Also, median aged persons (18-40 years old) with sensorial and intellectual disability, from the urban areas have the most frequently affected dignity.

Of course it was offending, but what can I do if this is the reality? I didn't say anything, because it is not that easy to find another job, so I better be silent. This is the reality. [F, Center, mobility impairment, 30 years old]

It is offending when they need you in competitions they come begging: “please, come and help us in Causeni...” but afterwards, they forget about you... [M, North, somatic disability, 39 years old]

When I was working, I had a crisis and I've been dismissed for this reason. It happened only once, suddenly, at which everybody had a negative reaction. [F, Center, mobility impairment, 29 years old]

If I had another option, I would make a difference. An example would be to quit work by myself, not to hear those unpleasant words from the part of my boss. I would act differently, not to end in such a situation that I am now, to be a healthy, decent person. [F, Center, mobility impairment, 29 years old]

I had troubles at work. They were scolding me if I was coming late. Currently, I am working as a cleaning woman at the customs unit. There I worked from 8a.m. till 8p.m. They were offering me a car from the customs to Causeni district and if I was managing to finish all the cleaning, I was able to go home. I have worked also at the conscription office. There I was able to work only in the evening, after all employees were going home, as well as early in the morning, I could choose the time to clean the offices. My bosses were forcing me to work extra-hours, but my health did not allow me to. I was feeling weak and sick. I went to the doctor and he gave me a certificate saying that I have a degree of disability and I can work only a few hours. I showed this certificate to my employer and they didn't mind. They were sure that I was going to fulfill my working hours. But, for the first 3 months I will not be able to work the hours I want to work. They had a good attitude towards me... but, at a certain moment I felt pres-

sure from their part. I had a good job and I could not complain. I had the certificate from the doctor and they already took some decisions based on it. I spoke with the organization to help me and to give me the minimum number of hours of work so I could support myself. They had a good attitude, but they were excluding me. Especially, when the number of employees in this organization had been reduced. [F, North, somatic disability, 20 years old]

I was working every day, no holidays or days off. When everyone was celebrating at home, and I was at work. What kind of work is it? I want to stay home too, like the others. Yes, I told him to find another person to work in shifts, but he refused. He did not want that. He knew that I don't drink alcohol. Some other person would close the place, would go to the bus station, to the canteen and would drink a shot. I close the gate, but it cannot be locked. You can easily enter the place, and all the material is there. [M, Center, mobility impairment, 27 years old]

I worked in a sewing company once. When I got the job, I have worked for one year and six months and I found out that I was entitled to 2 weeks of leave. But they did not want to provide me this leave, saying that I have to work for another 6 months to see how I manage. I have worked for another 6 months. A year had passed, I wanted to take a leave, but they told me to wait some more. When I wanted to draft all official employment documents, because I was working without employment benefits, they asked me to wait. I have worked for another 6 months, one year and 6 months had passed and they still didn't provide me a leave. I told my mother about that, my mother called the company and asked the reason why they are not giving me a leave. They said that they need to execute the working plan, that they have a lot of orders, but my mother stated that I am a very hardworking girl and that I need a leave for personal issues. She said: "She needs a leave for her own personal issues, why don't you provide it to her?" And they accepted. They discussed with my mother and gave me a 2-weeks leave. [F, Center, sensorial disability, 35 years old]

The Labor Code of the Republic of Moldova No.154 of 28.03.2003²⁶ stipulates that labor relations are based on the principle of equality in rights of all employees. Any discrimination, direct or indirect, against the employee, based on gender, age, race, skin color, ethnic appurtenance, religion, political option, social origin, residence, disability, HIV/AIDS infection, trade union appurtenance, as well as on other criteria, not linked with his professional skills, is forbidden. The determination of a difference, exception, preference or rights of employees, which are determined by specific labor requirements, provided by the legislation in force, or the excessive care of the state towards persons who need increased social and legal protection shall not be considered discrimination.

Law No. 60 of 30.03.2012 on the inclusion of disabled persons provides that the employment process shall be carried out without discrimination. The document also bounds the owners of companies or institutions with at least 20 employees to hire persons with disabilities, in a number of at least 5% from the total number of employees. Companies are bound to ensure a reasonable adaptation of workplaces to people with special needs and to buy special equipment. There are no mechanisms yet for holding liable the employers who do not observe these provisions. Those who do not provide workplaces for the disabled persons or those who avoid hiring such people must allocate in the unemployment fund an average annual salary for each non-provided workplace.

Monitored mass-media sources basically do not reflect at all subjects regarding discrimination against persons with disabilities in the workplace. Only some materials attract public opinion on cases of discrimination against disabled people as regards accessibility and employment.

„ Employers are revolting against the new law which provides the obligation of hiring persons with disabilities. According to the new law, disabled people must work only 6 hours per day and shall beneficiate of 2 months of leave... Economic agents find these provisions repellent, as constraints, requirements and no advantages for creating new workplaces...”

Publika TV, 13.08.2013

²⁶ Labor Code of the Republic of Moldova No. 154 of 28.03.2003. In: the Official Monitor, 29.07.2003, No. 159-162/648. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=326757>

Chapter 6. ACCESS TO JUSTICE

The analysis of individual experiences told at the interviews outline the total or partial absence of cases when persons with disabilities are found in situations when they have to confront with the legal system and/or law enforcement bodies (police, prosecutor's office, etc.) This phenomenon could be explained by the limited access to judicial information (rights, obligations, recognition of situations which might violate human rights, misinformation as regards the procedure of claim, misinformation regarding the observance of human rights, etc. and the fear of recognizing that their rights are violated).

Out of those 140 conducted interviews, only 1 interviewed person mentioned that she felt segregated and isolated due to disability, fact which limited her access to justice.

If I had a lawyer or a solicitor, I would have solved my problem and I would know where my plot of land is, how many meters do I have... I would have solved my problem. [M, Center, somatic disability, 25 years old]

There had been recorded only one case linked with the observance of difference principle.

We called the police, who came 2-3 times and rebuked the owner; they told him that people with hearing deficiencies are also humans, and that we must understand each other diplomatically. I have the entire set of documents at home. The neighbors told the police that they do not respect people with hearing deficiencies, at which the police replied that this is not right, that we must climb down and live in harmony. The police came for the last time so he got a quite lessee, who lives with him. The entire situation was really tensed, now it is quiet. [F, North, sensorial disability, 33 years old]

Constitutional norms provide that any person has the right to effective satisfaction from the part of competent courts against documents which violate his/her legal rights, freedoms and interests. No law can limit the access to justice. In the same train of ideas, civil and criminal procedure norms expressly provide the free access to justice, the right to guaranteed legal assistance from the part of the state, equality before the law and justice, with no distinction between people with and without disabilities.

Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities provides that disabled people benefitate of legal aid in all fields in equal terms with the other citizens. People with managerial positions and all individuals guilty of the violation of the fundamental rights, interests and freedoms of persons with disabilities are held liable in accordance with the legislation in force.

The legal framework in the field of justice guarantees the access to justice for all citizens, including persons with disabilities, nevertheless, there are not enough surveys or analyses which would show at which extent is guaranteed this right of persons with disabilities. Thus, it would be necessary for law enforcement bodies to organize various mass-media campaigns, conferences, seminars with the aim of informing and raising the awareness of the disabled people, as regards the access to justice, and to organize different training programs for the employees of law enforcement institutions, for ensuring the access to justice of the disabled people.

As regards the guarantee of the equal right of the disabled people to inherit property, to control their financial business and to have equal access to loans, mortgage or other forms of financial credit, it had been found that no legal regulations are limiting the access to such rights. Moreover, legal norms on tutorship which is instituted on those who are lacking the capacity of exercise, provide protection over the administration of the property of the person under tutorship (the Civil Code of the Republic of Moldova No.1107 of 06.06.2002²⁷, art.41), also the existence of the obligation of the tutorship and guardianship authority of authorizing the conclusion of juridical acts of alienation (including donation), exchange or lease (rent), gratuitous use or pledge of property, juridical acts whereby rights of the ward are relinquished, agreements for partition of ward's property or shares and any other juridi-

27 Civil Code of the Republic of Moldova (general provisions) No. 1107 of 06.06.2002. In: the Official Monitor, 22.06.2002, No. 82-86/661. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=325085>

cal acts that lead to decrease in ward's property (Civil Code of the Republic of Moldova, art.42).

As regards the guarantee of the access of disabled persons to the support they might need for exercising their legal capacity, opinions differ when talking about the legal capacity of the disabled people. The procedure provided by law, as well as the practices of declaring the incapacity of the person and of instituting the tutorship are deficient and do not comply with the international standards in the field of human rights, especially with the provisions of article 12 of the UN Convention on the rights of persons with disabilities, placing the person declared incapable in a situation of excessive vulnerability. The most serious detected problems are linked with: failure to inform the person who is to be declared incapable about the trial and his/her rights; the possibility of excluding the participation of the person who is to be declared incapable from the trial; the formality of assigning a lawyer and his non-involvement in the protection of this person's rights; placing the person declared incapable in residential institutions on the initiative of the trustee or other social or medical institutions; formal monitoring and the lack of monitoring of the activity of trustees by the tutorship and guardianship authority; the loss of control of legally-declared incapable persons over their own financial resources and real estate (if any); deprivation of procedural rights and the impossibility of personally filing the application for the recovery of exercise capacity; the lack of a periodical review procedure of the necessity to maintain the statute of incapacity (permanent and irreversible aspect of tutorship)²⁸.

In 2011, the Legal Assistance Center for people with disabilities²⁹ with the support of USAID conducted a sociologic survey "Obstacles in the path of social inclusion of people with disabilities in the Republic of Moldova". According to the survey, 8,9% of respondents believe that the access to justice of people with disabilities is generally respected, 42,0% believe that it is partially respected, 27,5% think that it is not respected at all, and 21,6% stated that they do not know the answer to this question.

The Code of Civil Procedure No. 225 of 30.05.2003³⁰ and the Code of Criminal Procedure No. 122 of 14.03.2003³¹ guarantees the free access to justice and equality before the law and authorities; the Law No.60 of 30.03.2012³² stipulates that people with disabilities benefitate of equal legal capacity in all aspects of life and, as the case may be, benefitate also of measures of protection and legal assistance in exercising their legal capacity, provided by the legislation in force. People with disabilities benefitate of legal assistance in all the fields, in equal terms as the other citizens.

As regards the provision of procedural accommodations, according to age, for facilitating the participation of persons with disabilities in all and any trials, including as witnesses, the procedural norms provide in art. 219 that the person who is to be heard in court, if he/she is "mute" or "deaf", or if, for any other reasons, he/she cannot express his/her point of view, the questions and answers shall be made in written and shall be attached to the protocol; if the person cannot read and write, the services of an interpreter shall be provided.

An insignificant number of monitored mass-media materials reflect the subject matter regarding the "Legal statute and protection, the access to justice". Only 12 materials had been elucidated on this subject, which equals to around 4% of the total number of monitored materials.

The monitored materials refer to a case of malpractice: "The Ministry of Health: Doctors are not guilty in the case of the child who became disabled following the administration of an anesthetic –

28 http://www.un.md/key_doc_pub/STUDIU_Aplicarea_practic%C4%83_a_sistemului_de_tutel%C4%83_%C3%AEn%20Republica_Moldova.pdf

29 <http://www.advocacy.md>

30 Code of Civil Procedure of the Republic of Moldova No. 225 of 30.05.2003. In: the Official Monitor, 12.06.2003 No. 111-115/451. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=286229>

31 Code of Criminal Procedure of the Republic of Moldova (special part) No. 122 of 14.03.2003. In: the Official Monitor, 07.06.2003, No. 104-110/447. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=326970>

32 Law No. 60 of 30.03.2012 on the social inclusion of people with disabilities. In: the Official Monitor, 27.07.2012, No.155-159/508. <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=344149>

this case had been clarified and it had a rather widespread resonance, but no solutions for the child or his family had been found”.

One mass-media article is telling the story of an arrested Moldovan citizen, who was a member of a criminal group involved in the trafficking of disabled people, forcing them to beg on the streets in Russia.

On this subject, the newspaper “Adevărul” is presenting the materials “The day of invisible children” (reference is made to journalistic investigations, which revealed the deplorable situation of children from the Phtysiopneumological Center from Cornesti, the Boarding House from Orhei, the school for children with hypoacusis from Calarasi); “Tolerance is learned from childhood” (interview with N. Hriptievschi, a Moldovan expert at the European Commission against Racism and Intolerance); “Art and mold” (the story of an Afghanistan war veteran who built a balcony over the Exhibition Center “Brincusi”, which can collapse any minute and creates great problems).

„Near the world of happy children is another world – the world of disabled children, about which the politicians often forget ...”

Adevărul, 03.06.2013

Official of the National Scientific and Practical Center of Pediatric Surgery “Natalia Gheorghiu”:
“What does disabled person mean? Additional allowances. A burden not only for the family, but for the state as well. A burden for the entire active population.

Jurnal de Chisinau, 04.10.2013

„...After addressing to Mr. Ghimpu, Mr. Lupu, Mr. Filat, Mr. Voronin, and all of them disregarded her, Virginia Caldarari took her nine-year old son and took him to the Ministry of Health. She put him on the Minister’s table and refused to leave. Mr. Usatai advised the aggrieved mother to take her son to the orphanage... This is just a fragment from the staggering story, told by Virginia, about her child, who had been in a 4th degree coma for a half of year, after a visit to the stomatologist...”

Timpul, 18.03.2013

FINDINGS	RECOMMENDATIONS
1. Individual experience of persons with disabilities	
<p>1. Around 24% of the total number of 149 interviewed individuals thinks that the best way of improving the situation of the disabled people is the education of society and optimization of communication methods with the disabled people.</p>	<p>1. To inform the society about disability, to change the attitudes and to develop inclusive community environment for the disabled people.</p>
<p>2. Around 23% of the total number of interviewed individuals stated that they need to improve their living conditions.</p>	<p>2. To ameliorate and improve the living conditions and incomes of persons with disabilities and of their families through the approval by the Government of a plan of actions in this field (the Plan of actions of the Social Inclusion Strategy of persons with disabilities has expired in 2013)</p>
<p>3. Around 15% of the total number of interviewed individuals thinks that new policies in the field of protection of disabled people must be drafted and implemented.</p>	<p>3. To draft implementation and monitoring mechanisms of policies and of the legal framework on the protection of rights of persons with disabilities.</p>
<p>4. Around 10% of the total number of the interviewed individuals considers that the Government must show more respect and consideration towards the needs of disabled people; 8% stated that the Government must support and improve the access of disabled people to the labor market.</p>	<p>4. To inform the disabled people about the labor market and to provide support from the part of the state (including tax privileges) for companies/organizations where disabled people work.</p>
<p>5. Only 2,7% of the interviewed individuals stated that it is necessary to improve the participation and representation of disabled people in the Government and 3,3% recommend for the disabled people to associate and provide mutual support.</p>	<p>5. To operate amendments in the Law No. 60 of 30.03.2012 on the mechanism of consultation and involvement of the disabled people in the drafting and implementation of the legislation intended to the implementation of the UN Convention on the rights of persons with disabilities, including through the intermediary of associations of disabled people.</p>
2. The legal and normative framework on the protection of disabled people	
<p>1. The legal and normative framework in the field of protection of disabled people is recent, until present day no judicial practice had been created yet, fact confirmed also by the total lack of relevant cases in judicial practice, fact to which can contribute, first of all the disabled people.</p>	<p>1. To adjust the normative framework subordinated to law and to apply into practice these provisions, by involving, on the one hand, the LPAs and courts and on the other hand people with disabilities.</p>
<p>2. Despite the fact that the national legislation is bounding public authorities to ensure the adaptation of physical infrastructure to the needs of people with locomotor disabilities, currently only few institutions are adapted to their needs.</p>	<p>2. To draft and implement mechanisms for making local public authorities and other actors accountable for ensuring accessibility of physical infrastructure.</p>

<p>3. The existent regulations on the ensurance of observation of right of disabled people regarding the accessibility of physical infrastructure and the participaton are not explicit, imperative and exhaustive.</p>	<p>3.1. To review the adaptation norms of social infrastructure objectives to the needs of disabled people;</p> <p>3.2. To operate amendments and additions to the Law on social inclusion of disabled people No. 60 of 30.03.2012 regarding alternative methods of assistance and communication for persons with disabilities in all the services and facilities available to the public;</p> <p>3.3. To draft adaptation norms of information and communication systems to the needs of disabled people, as well those of using alternative communication methods (Braille system, the audio version, the mimics and gesture language etc.) within such systems;</p> <p>3.4. To initiate the process of making available indicators in Braille alphabet and in simple and understandable form in buddings and institutions open for the wide public;</p> <p>3.5. To draft training methodologies for all individuals interested in the problem of accessibility (Braille system, mimics and gesture language, etc.).</p>
<p>4. The current legislation needs significant improvements in the ensurance of observation of autonomy and dignity of disabled people, although on the level of principle the legislation is proclaiming these two concepts as inherent to all human beings.</p>	<p>4. To operate amendments in the legislation for the recognition of full legal capacity of the disabled person, which could guarantee the observance of human dignity and autonomy of the person of assuming risks and responsibilities, providing an adequate system of support in the decision-making process, when needed.</p>
<p>5. Although the legislation contains rather clear interdiction and sanctions against malpractices, these happen and are reported very seldom.</p>	<p>5.1 To draft methodological guidelines for the identification and investigation of cases of torture, violence or exploiting against disabled people.</p> <p>5.2 To provide appropriate support forms adapted to the specific character of gender and age of the disabled person and her family and caretaker, including the informational and educational support for avoiding, identifying and reporting cases of torture, violence or exploiting.</p> <p>5.3 To guarantee the fact that all privileges and programs created for the disabled people are effectively monitored by independent structures.</p>

<p>6. Although certain amendments had been operated in the legislation on the ensurance of the right to vote of the disabled people, it is still necessary to additionally regulate and apply alternative voting methods.</p>	<p>6. To review the legal framework on the enrusance of the right to vote of people with various types of disabilities. This fact supposes the regulation of certain voting alternatives, including the electronic vote, regulations regarding the appropriate planning of voting booths, to have all the necessary equipment.</p>
<p>3. The monitoring of mass-media and of society's attitude towards the disabled people</p>	
<p>1. The monitored mass-media sources are giving priority to the subjects related to health, habilitation and rehabilitation of disabled people (31%), to the social participation (22%), to the safety of incomes and support services (16%). It had been determined that a great part of materials about disabled people are mediatized on the occasion of a holiday and frequently these have a segregative character.</p>	<p>1. When approaching disability, it is very important that the journalist puts the person and her abilities before her disability. Nevertheless, it is necessary to reflect in mass-media subjects regarding the valorization of the social role of the disabled person, cases of social and community integration of disabled people.</p>
<p>2. Most frequently, mass-media is tackling disability from the economic perspective (32%), followed by the medical perspective (30%) and by rights perspective (28%). The heroic perspective regarding disability is tackled only in 10% of monitored materials.</p>	<p>2. It is necessary to promote successful stories and to apply the heroic perspective when presenting disabled people, and to use the social model of disability approach for guaranteeing their social inclusion.</p>
<p>3. The general tendency of mass-media sources regarding the use of terminology is inadequate in report with persons with disabilities and their families. A significant number of materials regarding disabled people contain discriminatory and depreciating notions. In around 38% of the monitored materials, the mass-media used negative, discriminatory terminology when speaking about disabled people.</p>	<p>3. To consolidate journalists' capacities in the field of disability for using an adequate, non-discriminating language.</p>
<p>4. Cases of violation of the rights of disabled people and cases of discrimination are not investigated in details and journalists do not talk about the eventual measures taken, etc.</p>	<p>4. To come back to widespread-resonance subjects for presenting the evolution of cases about which the mass-media talked previously.</p>

<p>5. Some mass-media sources showed less professional accuracy in certain presented materials, being visible the subjective opinion of the reporter, who promotes mercy and compassion towards the disabled people.</p> <p>The survey outlined the fact that around 24% of the monitored materials are tackling subjects regarding disability.</p> <p>Some monitored materials have certain gaps when speaking about objectivity and accuracy in telling about cases regarding the private life and the family of a disabled person, her physical and emotional safety, etc.</p>	<p>5.1 When approaching disability, people must not use labels or euphemisms;</p> <p>1.2 The subjects regarding disabled people shall be reflected so that they do not violate or place disabled people in depreciating roles.</p>
<p>6. When reflecting some materials, had not been observed the principle of compulsoriness of using at least two sources of information and, as a rule, the voice of the disabled person is not heard and she is not given the possibility of involving in the mediated discourse. In the majority of cases, the interests of the persons with disabilities are presented by officials, journalists, representatives of the NGOs, service providers, etc. The survey showed that only in 34% of the monitored materials, the first source of information about disability is the disabled person herself.</p>	<p>6. To observe the basic principles in journalism and the professional deontology: the compulsory presence of both sources and the separation of facts and opinions.</p>

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