RIGHT OF PEOPLE DISABILITIES and Reform process on DISABILITIES

Ina Tcaci, Team Lead on disability, MLSP

Legal background

- **UN Convention on the Rights of Persons with Disability.** Since the signing (2007) and ratification (2010) of the Convention on the Rights of Persons with Disabilities, Moldova has embarked to systematically change its approach to disability from medical to a bio-psycho-social or functioning and human right approach, this approach facilitates the inclusion of children into the education system and adults in employment. Until the reform, the medical model was applied, which was oriented towards treatment, protection and segregation, and did not favor the social inclusion of people with disabilities; reform of the residential system to ensure the rights of people with disabilities to live independently in the community by regulating different types of social services.

- **Law no. 60/2012 on the social inclusion of people with disabilities**. Regulate the rights of persons with disabilities for their social inclusion, guaranteeing the possibility of their participation in all areas of life without discrimination, on an equal level with other members of society, based on the respect for fundamental human rights and freedoms.

- **Law no. 547/2003 on social assistance**. Regulates the right to social assistance, social assistance benefits and services.

- **Law on Social Services no. 123/2010**. Regulates the general framework for the establishment and functioning of the integrated system of social services, determining the tasks and responsibilities of central and local public administration authorities, other legal and natural persons empowered with the provision and delivery of social services

- **Government Decision no. 893/2018** on the approval of the National Program for the deinstitutionalization of people with disabilities and psychosocial disabilities in residential institutions managed by the National Agency for Social Assistance Social Assistance for 2018-2026 and the Action Plan for its implementation.

Normative framework

- **Government Decision no. 357/2018 on the determination of disability.** Regulated activity of the National Council for the Determination of Disability and Capacity for Work, the only institution authorized to determine the degree of disability.

- **The National Council for Disability and Work Capacity Determination (CNDDCM)** was reformed to bring the national regulatory framework in line with Article 12 of the UN CRPD. The aim of the reform was to enhance the rights that persons with disabilities, as well as to strengthen mechanisms for their protection (as of 2023, people with disabilities have the right to state-guaranteed legal assistance unconditionally, regardless of their income.)

- **Government Decision no. 50/2022**. Regulated **Information System** „Determination of Disability and Work Capacity" and the Regulation on the organization and functioning of the Information System "Determination of Disability and Work Capacity„.

- **Government Decision no. 567/2011**. Provision of technical aids for people with locomotor disabilities, medical rehabilitation, including provision of vision aids for people with visual disabilities provided by the Republican Experimental Center for Prosthetics, Orthopedics and Rehabilitation (CREPOR).

- **Government Decision No 333/2014**. Provision of mime-gesture language interpreting services for the hearing impaired persons. The service is provided by the Association of the Deaf of the Republic of Moldova and paid from the State Budget (by the Ministry of Labour and Social Protection).

- **Government Decision No. 198/2019**. Free Telephone Assistance Service for Persons with Disabilities, in order to prevent and reduce situations of violation of the rights of persons with disabilities. The service is free of charge (Freephone) - 080010808, which allows simultaneous reception of several calls, ensuring access to callers from any landline or mobile phone.

- **National social inclusion programme of people with disabilities 2024-2027,** to be approved.

I.GENERAL CONTEXT

on people with disabilities rights

In the Republic of Moldova, the total number of **persons with disabilities is 161,865, which is 6.4% of the total population and 2% among children. Disability in Moldova is more prevalent in rural than urban population.** PwDs face a more pronounced risk of poverty compared to general population. Data from the NBS show an increase in poverty rate among PwDs in the last five years, from 33.9% in 2019 to 42.0% in 2023.

Social benefits
for persons with disabilities

- Disability pension
- Attendance and supervision allowance
- State financial support
- Compensation for transport services
- Social assistance
- Social aid
- Emergency financial support

Social Services
for persons with disabilities

- Social service "Sheltered housing";
- Social service "Community house";
- Social service "Mobile team" for adults and children, provides social assistance and support at the beneficiary's home;
- Social service "Respiro";
- Social service "Personal assistance" at home;
- Social service "Foster care for adults and children";
- Social service "Day centre for disabled people";
- Social service "Family placement for adults"

III. INSTITUTIONAL STRUCTURES AND ADMINISTRATIVE CAPACITIES

on people with disabilities rights

Ministry

State Secretary

Department for Protection of the Rights of People with Disabilities

The main task - develop and promote state policy in the field of protecting the rights of persons with disabilities and supporting their families (Staff: 7 planed / 6 employed).

National Council for Disability and Work Capacity Determination

33 Territorial structures

Public Institution Republican Experimental Center for Prosthetics, Orthopedics and Rehabilitation (CREPOR)

10 Territorial social assistance agencies

33 territorial social structures

Agency for the Management of Highly Specialised Social Services

7 Residential Centre for Elderly and Disabled People

Refugees and disability determination

- Upon the arrival to Moldova, despite the status (with or without temporar protection) refugees with disabilities can access primary health care and initiate the disability determination process, following the same procedure that any Moldovan citizen follows and bennefiting from the same package of bennefits and assistance.

- Regarding children with disabilities, the Government Ordinance provides shorter time-limit for disability determination (up to 15 days, as compared to 30 days).

- As of May 2024, 26 refugees have undergone the disability determination process in the RM, 10 children (CNDDCM nr.7 Ordinance 07.01.2023) .

Reform process and Medium term plans

1. Reform of the disability determination process based on case management approach to ensure inclusion and empowerment of people with disabilities

1.1 Disability determination will follow a more complex algoritm to include functional psycho-social aspects in addition to biological (WHODAS)

1.2 Developing a guide on the rights of people with disabilities and their access to services and benefits

1.3 Developing stronger links with the National Employment Agency and the Social Assistance Services for better integration and employability of people with disabilities

V. FUTURE PLANS FOR APPROXIMATION AND IMPLEMENTATION OF IDENTIFIED DIFFERENCES

on people with disabilities rights

2. The process of disability determination is simplier, faster and more friendly for children and adults

2.1 Simplified process of re-examination of disability

2.2 Performance management system implemented including indicators on quality of services

2.3 Digitalization and inter-connection of different state owned databases for faster data exchange, reducing the time and beaurocracy

2.4 Improving case management of disability cases, including the services via the one stop shop model DOST

3. Integration of control mechanism on disability determination at all levels

3.1 Developing risk management and integrity systems at all levels (rayons, municipality, central)

3.2 Integration of AI to better identify system risks

3.3 Strenghtening the capacity of the internal audit of the National Council on Disability Determination to be able to flag loopholes in the system

V. CONCLUSIONS

on people with disabilities rights

- Technical need for expertise in transposing and implementing Directive (EU) 2019/882 (inter-govermental)
- Transition period for implementation - 2032 (need for adjusting infrastructure, technical infrastructure, services, etc)
- Technical expertise/Twinnings on EU best practices on increasing the integration and employment of people with disabilities
- Financial support needed for active employment measures for persons with disabilities
- Financial support needed for the digitalization of the disability determination process
- Financial support for the extension of the mobile teams of the social assistance services (14 additional)

Thank you for your attention!