



PERMANENT MISSION OF THE REPUBLIC OF MOLDOVA
TO THE UNITED NATIONS OFFICE IN GENEVA

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The Permanent Mission of the Republic of Moldova to the United Nations Office in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to Human Rights Council resolution 13/11 "*Human Rights of Persons with Disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support of national efforts for the realisation of the rights of persons with disabilities*" has the honour to transmit here within the information *Application of the UN Convention on the Rights of Persons with Disabilities in the Republic of Moldova*, in response to the note verbale of the Office of the High Commissioner.

The Permanent Mission of the Republic of Moldova to the United Nations Office in Geneva avails itself of this opportunity to renew to the Secretariat of Human Rights Council the assurances of its highest consideration. *Y. Z.*



Geneva, 29 September 2010

Enclosed: 9 pages

OHCHR REGISTRY

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Office of the United Nations High Commissioner for Human Rights
Geneva

Reference:

UN Resolution no. 1507 on Human Rights – "The fundamental rights of persons with disabilities"

Application of the UN Convention on the Rights of Persons with Disabilities in Republic of Moldova

Social protection of persons with disabilities

In order to achieve the objectives of the main national strategic documents, the activity of the Ministry of Labor, Social Protection and Family is oriented towards the application of new mechanisms of social protection of population groups with low income (especially persons with disabilities) and the improvement of the legislative-normative framework, that will ensure access of the population to minimum social assistance benefits guaranteed by the State, pensions, indemnities and social services. These measures fit into accomplishing within the social-economic reforms, which results shall contribute to improving the living standards/material status of the population and their social integration, which serve as guarantor of citizens' rights for protection and social security.

Social integration of persons with disabilities is one of main responsibilities of the central and local authorities, of the civil societies.

By Law no. 166-XVIII from 09.07.2010, Republic of Moldova ratified the UN Convention on the Rights of Persons with disabilities (signed at New York on March 30, 2007), to demonstrate the political will and to establish some clear defined objectives for developing and promoting policies in the field and adjustment of the existing national legislation to international requirements.

UN Convention is an international treaty on the rights of persons with disabilities that establishes rights of persons with special needs and the obligations of the States Parties to promote, protect and ensure the rights of these persons.

Thus, for the purpose of adjusting the normative acts on social protection of persons with disabilities from Republic of Moldova at the provisions of the mentioned Convention, was elaborated the Strategy of social inclusion of persons with disabilities (2010-2013).

The Strategy defines state policy reforming guidelines, including the directory action lines of activities in the field of social protection system for persons with disabilities and its adjustment to international standards and provisions of the Convention. The strategy includes actions necessary for reforming the policies in the field, which would allow the implementation the Convention provisions.

At the plenary session of the Parliament from 09.07.2010 has been adopted the Law on the approval of the Strategy of social inclusion of persons with disabilities (2010-2013).

At the early stage of implementing the Strategy, in 2010-2011 will be undertaken and implemented more actions, the most important ones: the elaboration and adoption of the

Law on social inclusion of people with disabilities; developing and approving the Methodology for determining disabilities of children and adults, according to the provisions of the International Classification of Functionality, Disability, Health of the WHO; adjusting the legislative-normative National framework to the European and international standards on protecting the rights of persons with disabilities; reorganization of structures and institutions responsible for coordinating the system of social inclusion of persons with disabilities.

The main obstacle that may occur during implementation of the provisions of the UN Convention on the Rights of Persons with disabilities and in the process of reforming the given field consist in the insufficient resource funding needed for such purposes.

For the implementation of the UN Convention on the Rights of Persons with disabilities and for the realization of the reforms in the social protection field for people with disabilities from Moldova, it is very important benefiting of the assistance and the experience of partners, especially of the UN agencies, by promoting technical assistance projects, capacity building and exchange of experience, which will contribute to social inclusion of people with disabilities.

Employment

Exclusion of all possible forms of discrimination in labor and employment fields represent a permanent priority for the Republic of Moldova in developing all normative acts that contribute to their implementation.

The Labor Code of the Republic of Moldova, which came into force in March 2003, highlighted, in a separate article, the prohibition of discrimination in labour field, thus stressing the importance of this principle.

The content of Art.8 „In the framework of the labour relations shall operate the principle of equality in rights of all employees. Any direct or indirect employee discrimination based on his gender, age, race, ethnicity, political option, social origin, residence, handicap, status or trade union activity, as well as other criteria not related to his professional qualities, shall be prohibited” has the purpose to establish equal rights and opportunities when executing the employment capacity. Only the vocational skills should be taken into consideration when concluding an employment contract and when establishing the contract terms, including the determination of remuneration conditions.

The statistical data analysis for the recent years indicates the increase of both the number of people with permanent disabilities and the disability index. It is noticed that in 2009, the number of persons with disabilities increased with 106 persons more than in 2008. The majority of them are men with disabilities and disabled persons from rural areas.

Distribution of persons of 16 years old and over determined as disabled for the first time

	Total		Women		Men	
	2008	2009	2008	2009	2008	2009
Total by country	14021	14127	6 005	5 877	8 016	8 250
Urban	5767	5789	2 531	2 439	3 236	3 350
Rural	8254	8338	3 474	3 438	4 780	4 900

Information is presented without the data on districts from the left side of the river Nistru

and
Source: Ministry of Health

Bender

municipality

The majority of people have the IIrd disability degree. The number of persons with Ist disability degree is decreasing (by 0.5% compared to 2008), and the number of persons capable to work is also in a slight increase: 0.3% of persons with IIIrd disability degree.

Distribution by indicators of persons of 16 years old and over determined as disabled for the first time, The disability degree and age

	2008	2009
In % total number of determined disabled persons		
I Degree	14,4	13,9
II Degree	58,2	58,9
III Degree	26,7	27,0

Information is presented without the data on districts from the left side of the river Nistru and
Bender municipality
Source: Ministry of Health

The access of persons with disabilities to the state social guaranties system represents a key element when measuring the equal opportunities of participation in social and economic life of society, thus diminishing the risk of poverty and social exclusion.

The social services are now oriented mainly towards basic needs (food, housing, clothing, etc.) provided usually by residential institutions. Alternative residential care services for rehabilitation and social inclusion will continue to be provided mainly by the associative sector or in partnership with local public administration.

The policies for social protection of persons with disabilities include: 1) pensions and other social benefits; 2) social services; 3) medical services; 4) education and training; 5) employment in the labour field; 6) fiscal privileges.

The situation on the labour market of the Republic of Moldova is characterized by the increase and deepening of the discrepancy between labour force supply and demand, massive exodus of the population, increased unemployment, and reduction of standard of living.

The employment policies on the labour market of the Republic of Moldova are oriented towards facilitating employment through: promoting access to quality employment for all persons, including vulnerable persons capable to work; combating discrimination on the labour market, preventing exclusion from labour market.

The unemployment issues led to legislative measures which ensure the protection of the persons without a place of employment. So, a series of normative acts have been developed and promoted and their provisions are directly oriented toward the social integration of persons from vulnerable category.

In 2003 the Law No. 102-XV of 13 March 2004 on employment and social protection of persons seeking employment came into effect. It regulates the implementation of the strategies and policies to maintain a high level of employment and work force adjustment to labour market requirements, the social protection of persons seeking employment, prevention of unemployment and combating its social effects. In addition, the following acts have been adopted:

- Government Decision No. 852 from 14 July 2003 "On the restructuring of the Employment State Service reorganization"
- Government Decision No. 862 from 14 July 2003 „ on the approval of the procedure of access to employment opportunities"
- Government Decision No. 1080 from 5 September 2003 „ on the approval of the Regulation on the process of management of professional training of the unemployed"
- Parliament Decision No.253-XV din 19 June 2003 "on the approval of the concept on guidance training and professional initiation of human resources" Each year, action plans on employment are elaborated and approved on the basis of the employment strategy..
- The National Strategy on Employment Policies for 2007-2015, etc.

In order to implement the National Strategy on employment policies for the period 2007-2015, Annual Action Plans on employment are elaborated and approved by Government.

On the basis of the National Strategy and the legal framework in this area, the National Employment Agency (NEA), as a public institution subordinated to the Ministry of Labour, Social Protection and Family, manages the labour market development policy, the protection measures and social inclusion of persons seeking employment. To this end, NEA operates with labour market indicators according to which: (I) there are performed the analysis of labour market evolution, the short, medium and long-term analysis and forecasts (ii) the most disadvantaged social groups are identified; (iii) protection measures, active and passive inclusion measures on labour market are developed; (iv) the social dialogue objectives are oriented (v) the expenditures on social protection of unemployed are administered and financed.

Through its territorial structures (35 employment agencies in 35 districts, 2 municipalities, UTA Gagauzia), the National Agency implements active employment measures, such as:

- providing and coordinating the implementation of employment policies and vocational training (labor mediation, information, guidance and vocational orientation to persons seeking employment, training and retraining of persons seeking employment, involvement in paid public works, stimulate labour mobility, encouraging employers to hire graduates of higher education institutions);
- ensuring the implementation of social protection of unemployed persons in accordance with the legal provisions in force;
- performing studies and analysis in the field of employment and vocational training;
- development based on statistical indicators and forecasts and annual action programs.

The measures provided in Law No 224-XV of 13 March 2003 on employment and social protection of persons seeking employment are focused on the target groups of population: youth, women, disabled persons, insufficient qualified persons, desperate persons on labour market, long-term unemployed persons, with lack of experience, etc.

The Agency provides services to all population categories, including disabled persons.

During the period of 2009 – first semester of 2010, the employment agencies have provided mediation services to 1303 persons from disabled category, 47% of whom were women.

During the first semester of 2010, the number of disabled persons has reached 316, which represents a decrease of 41 persons in regard to the same period of the last year.

During the first semester of 2010, 9% of registered unemployed disabled persons have been employed.

<i>Mediation services, registered unemployed disabled persons</i>	Registered	Women	Employed	Women
2009	711	346	81	36
6 months 2009	357	163	39	17
6 months 2010	316	137	28	9
<i>Mediation services, not registered unemployed disabled persons</i>				
2009	191	101		
6 months 2009	114	68		
6 months 2010	85	32		

Through mediation services, people receive support throughout labor market information, legislation provisions, opportunities for filling a job vacancy; presentation of the job vacancy list, and also individual work with vulnerable persons with the purpose to provide them better employment opportunities.

In order to provide effective mediation services to disabled persons, the experts of employment agencies together with the person shall elaborate an individual mediation plan, which sets the main steps to achieve the individual goal. In 2009, 78 mediation plans for disabled persons have been elaborated. Currently, the employment agencies have elaborated 143 mediation plans for disabled persons. As a result, 1 person has been enrolled in a course of vocational training and 6 persons have found a suitable job.

The whole spectrum of information services provided to persons seeking employment, including free of charge services provided to disabled persons, increase their level of knowledge and employment. The services provided are the following:

- providing information on labor market and occupations;
- individual assessment and self-assessment for orientation and vocational training;
- providing information regarding the participation to various labour market measures on employment;
- developing the skills and self-confidence of persons looking for a job, for helping them to take a decision on their career;
- training on methods and techniques for seeking employment (interview presentation, preparing a CV).

Labour market information, professional career planning, assessment and self-assessment are accomplished through the way of self-information, by providing individual or group guidance to persons seeking employment or within the job-clubs organized by the employment agencies.

Along with the creation of the labor market information system, there have been created efficient opportunities for persons looking for a job to use all the time the labor market information. The transparency data, of information meant to improve knowledge regarding employment, statistics, employment legislation, vacancies database have an important role for all actors of the labor market.

Information services and professional guidance have the purpose to provide vocational orientation, including individual self assessment on purpose to search and find a suitable job.

During the period of 2009 – 1st semester 2010, 46 disabled persons have benefited by information and professional guidance services, 44% of whom were women and more than 25% were disabled person with 1st and 2nd degree of disability.

Through information and professional guidance services, 17 disabled persons have been employed, and 36 persons from the same category have been enrolled in a course of professional training.

During the first semester of 2010, the employment agencies have provided information and professional guidance services to 185 disabled persons, 79 of which were women.

Information and professional guidance services		Total , from wich:	Wome n	Empleye d	Enrolled in a course of professional training.
2009	Disabled persons with.1st and 2nd degree of disability	47	25	2	2
	Disabled persons with.3rd degree of disability	172	73	13	32
6 months 2009	Disabled persons with.1st and 2nd degree of disability	30	17	-	1
	Disabled persons with.3rd degree of disability	96	42	7	10
6 months 2010	Disabled persons with.1st and 2nd degree of disability	56	32	2	1
	Disabled persons with.3rd degree of disability	131	47	-	1

The training procedure on public works for unemployed persons, approved by Government Decision No. 1121 on 14 October 2004, amended and supplemented by Government Decision No. 1238 on 30 November 2005 provides motivation by means of payment to unemployed persons who perform this kind of work by granting them a monthly allowance, from the Unemployment Fund, equal to 30% of the average salary per economy for the preceding year, proportionate to the actually time worked for a period not exceeding 12 calendar months.

During the period of 2009 – 1st semester 2010, 30 disabled persons have been trained for public works, 63% of whom were from rural areas and 43% were women.

<i>Training for public works</i>	Total	Women	Rural persons
2009	19	7	14
6 months 2009	13	4	10
6 months 2010	11	6	5

Professional training of unemployed persons is a service that offers the opportunity to perform training courses in different domains in order to get a qualification or re-training, a fact which represents an opportunity for a easier integration on labour market.

During the period of 2009 – 1st semester of 2010, 37 disabled persons were performing a course of professional training, 54 disabled persons have graduated a course of professional training, 31 of which obtained a qualification, 20 have been re-qualified and 3 have performed re-fresher courses. As a result of the professional training, 29 disabled persons have been employed.

	Were performing a course professional training	Enrolled at the beginning of the year	Graduated the training course				Employed	
			total	qualification	Re-qualification	Re-fresher courses	By confirmation	Independently
2009	15	38	31	15	13	3	11	9
6 months 2009	15	14	21	11	9	1	5	3
6 months 2010	22	4	23	16	7	-	3	6

According to Art.34 of Law No. 102-XV of 13 March on Employment of Population and Social Protection of Persons Seeking Employment, the eligible persons receive professional integration or re-integration allowance. The professional integration or re-integration allowance is an untaxable fix monthly payment from the Unemployment Fund of state budget, equal to 15% of the average salary per economy for the preceding year, at the date of the decision to pay the allowance, and granted for a period of 9 calendar months to the unemployed whose disability degree (I or II) have expired according to the legislation.

During the period of 2009 – 1st semester 2010, 92 persons with expired disability degree, have benefited by professional integration or reintegration allowance (9% of total number of registered disabled persons), 53 of whom – women and 51 - from rural areas.

<i>Professional integration or reintegration allowance</i>	Total, from whom:	Women	Rural persons
2009	50	28	32
6 months 2009	35	18	23
6 months 2010	42	25	19

In accordance with the legal provisions, registered unemployed persons receive free compulsory medical insurance policy. Thus, all disabled persons registered at employment agencies have received free medical insurance policy while being unemployed.

In order to enhance the broad spectrum of information measures on labor market, in 2009 the Information Centre on labor market was created near the National Employment Agency from Chisinau. The center has been equipped by the Moldovan-Swedish project "Support to Public Employment Services in Moldova" in order to facilitate the free and rapid access to information on labour market, vacancies from the government portal "Labor Market ", including the possibility to access other sites posting information about job vacancies, educational institutions etc.

The experts of the center provide consultation, organize seminars for job seekers and employers, guide persons how to use self-information channels and job search, introduce the applicant to employer, support when writing a resume, etc.

In 2010, the Call Center on Labour Market was created as a division of the Information Center on Labour Market. It have been equipped by the EU project "Strengthening the management capacity of Moldovan labor market and the return of migrants" under the EU Mobility Pact. All the citizens, including disabled persons can call to the center and require different information about labor market (free call phones within the country: 080 001 000, chargeable calls abroad: 37 322 838 414).

Taking into account the vulnerability degree of disabled persons, the Call Center offers an advantage in terms of self-information by free and rapid access to information on labour market.

During the implementation period of the abovementioned project, a new strategy was developed within the National Employment Agency on work proceedings with vulnerable persons. The main purpose of the strategy is to increase the opportunities and to develop the employment capacity of socially vulnerable persons. Specific objectives:

- Preventing social exclusion of vulnerable persons;
- Increasing the information dissemination on employment;
- Increasing the professional competitiveness on labour market;
- Ensuring the access to professional training readjusted to the labour market requirements and in accordance with the working options and capacities;

Developing partnerships with employers and other actors on labour market for professional rehabilitation of vulnerable persons

In order to realize the provisions of the Strategy, it was emphasized on improving the working capacity of staff working with vulnerable persons. It was created a strategic working group on implementing and monitoring the actions alongside with the strategy. Thus, the actions and measures organized by specialists of the employment agencies are designed to increase the access of vulnerable persons to the whole range of services, methods and programs implemented on the labour market.

The section no 3.4 "Labour relations and labour protection. Optimizing employment" of the Action Plan for implementing the Government Activity Program for 2005-2009 "Country modernization. Welfare of people" provides in point 151 "Creation of three pilot centers for integrating the social- vulnerable persons on labor market".

This provision has been realized within the Moldovan-Swedish project "Support to Public Employment Services in Moldova". Taking into account the staff deficiency in the employment agencies, in order to realize the provision, it was emphasized on improving working capacity of staff in 4 employment agencies working with vulnerable persons. These working methods with the social vulnerable persons are to be extended to all regional agencies. During the project implementation, 179 disabled persons benefited by the above mentioned service, 21.8% of whom have been employed. New opportunities have been created in order to establish a closer cooperation with employers and to conclude cooperation agreements which provide different facilities to persons from vulnerable groups, such as scholarship payment, additional pay during training and readjustment period of.

However, there are a lot of legislative and institutional difficulties during implementation of certain measures on labour market destined to this population category.

Law No.102-XV of 13 March 2003 on employment of population and social protection of persons seeking employment provides a series of other active measures on labor market destined to target groups like disabled persons, youth, women etc.

We mention some measures planned for 2010 which have been not implemented because of lack of financial means:

- stimulating labor mobility, according to which the unemployed persons who are employed on a basis of individual employment contract in another location which is 30km away from the place of residence, benefit by a readjustment allowance equal to an average salary per economy for the preceding year. The unemployed persons under this provision who change their residence place receive a compensation equal to three average salaries per economy for the preceding year;

- encouraging the employers to employ disabled graduates, whose studies were financed from the state budget. The measure consists in financial support provided to employers for a period of 18 calendar months for each disabled graduate employed on a contract basis, for at least 3 years

The lack of job vacancies is also a factor which represents a barrier for integration of disabled persons. However this general factor represents a simplistic approach which can not reflect the real situation. This situation is mainly explained by the discrepancies between supply and demand of employment opportunities, including educational level and the suitability (quality and specialization), socio-economic domains and sectors, gender, age, disability etc., and the lack of rehabilitation services and vocational training for certain categories of persons. On the one hand the workplaces are not specialized, on the other – there is a lack of subsidy programs for employers in order to employ this category.

In August 2010, the fourth edition of the Social Monitor "equal opportunities, inclusion and social protection of disabled persons" have been elaborated and published by the Institute for Development and Social Initiatives (IDIS) "The Future" – a study which is worth to be a basis for creation of a social inclusion system for persons with disabilities. Based on this study, it was determined that persons with disabilities encounter barriers in employment. Underestimation of the intellectual capacity and skills of persons with disabilities lead to their disqualification on labor market, despite the national legislation that protects their right to employment. A vicious circle is created when the legislation allows and provides legal and social protection to persons with disabilities, in turn, the employers avoid to hire these persons for various reasons, including because of stereotypes.

An alternative for persons who move slowly is the homework, if the social-psychological conditions permit so. The provisions regarding homework contract are provided and protected by Chapter IX, "Homework" of the Labor Code

In this context, creating conditions and services necessary for persons with disabilities become a priority, in order to offer them the possibility to choose the form of employment and workplace according to their functional potential.

Finally, the following recommendations have been developed on the basis of the performed Study, for preventing discrimination, partly involuntary, of persons with disabilities, such as:

- to prohibit and consider illegal for employers to ask questions regarding disability during the employment interview;
- employers should take decisions based on job qualifications of the persons with disabilities;
- access ramps should be installed in schools, public buildings, and in most opened public places according to technical standards approved for such constructions.