**Questions for Member States:**

1. ***Please provide Information in relation to the existence of legislation and policies concerning mainstream and/or specific social protection programmes with regard to persons with disabilities, including:***
* ***Institutional framework in charge of its implementation;***

The right to social protection implies the government’s obligation to take appropriate and specific measures to give each person a decent living by providing various types of social benefits and services in case of illness, disability, old age, unemployment and other cases of loss of livelihood due to circumstances beyond the person’s will.

In this regard Republic of Moldova aims at promoting coherent and consistent social policies adjusted to the conditions of the modern life, as well as to relevant European and international standards.

In order to achieve national strategic objectives, the Ministry of Labor, Social Protection and Family focuses its activity on implementing new mechanisms of social protection for low-income population groups, including people with disabilities, improving the legal and regulatory framework that will ensure public access to minimum social benefits guaranteed by the government, pensions, allowances and social services. These measures are part of the social and economic reforms which directly contribute to improving the quality of life and social integration of people and guarantee citizens’ rights to social protection and security.

Moldova has shown political will to develop and promote specific policies and adjust the applicable national law to international laws by **ratifying** **the** **UN** **Convention on the Rights of Persons with Disabilities** by Law No. 166-XVIII of 09.07.2010.

Moldova’s ratification of the Convention has marked a significant change in the field of disability; the Convention proposes a new concept of approach to people with disabilities, i.e. transition from social and health protection to the approach in the light of human rights, social inclusion, human value and equal opportunities.

After ratifying the Convention on the Rights of Persons with Disabilities, despite the difficult economic and financial situation, Moldova still managed to achieve certain progress in implementing the Convention.

**The first step towards implementing the Convention was to develop the Social Inclusion Strategy for Persons with Disabilities (2010-2013)** approved by Law No. 169-XVIII of 09.07.2010. The Strategy defines reformation of the government’s policy on disability and includes guidelines for activities in adjusting the social care system to EU standards and the UN Convention.

The Ministry of Labor, Social Protection and Family plays an important role in implementing the Strategy. The Ministry, together with central and local governments and in partnership with the civil society, is engaged in achieving the following specific objectives:

1. adjusting the national legal framework to European and international standards on the rights of people with disabilities;
2. reorganizing structures and institutions responsible for coordinating the system of social inclusion of people with disabilities;
3. developing and approving new methodology/criteria for determining disability in children and adults;
4. diversifying community based care services for people with disabilities;
5. creating medical and social early intervention services;
6. adapting educational programs to special needs of children with disabilities;
7. developing an efficient mechanism for providing vocational guidance, training and professional rehabilitation of persons with disabilities;
8. adapting the social infrastructure to the needs of people with disabilities;
9. informing the public on the Strategy implementation process.

 The goal of Strategy in domain of **diversifying community based care services for people with disabilities** is to identify ways of ensuring sustainability of social services for people with disabilities: housing, community homes, foster care for children with disabilities, family placement for adults with mental disabilities, personal assistant, etc..

 Expected results of these objectives are:

a) individualized provision of social services to the needs of people with disabilities;

b) improving the quality of life of people with disabilities;

c) inclusion in the community of persons with disabilities;

d) preventing the institutionalization of people with disabilities.

Until 2012, protection of persons with disabilities in Moldova was regulated by Law on social protection of the disabled No. 821-XII of 24 December 1991, which required multiple adjustments both in terms of definitions related to disability and in terms of guarantees, support services and rights meant to ensure full participation of the people concerned.

For this reason it was decided to adopt a new, much more comprehensive law to facilitate social inclusion of persons with disabilities according to international standards and the Convention on the Rights of Persons with Disabilities. Thus, on 30 March 2012 **the Parliament of Republic of Moldova adopted the Law on social inclusion of people with disabilities No. 60.** From the structural point of view, the new draft law comprises eleven chapters that provide for **ensuring equal rights to people with disabilities as to other citizens**, namely the rights to: social security, healthcare, rehabilitation, education, employment, public life, physical environment, transportation, information technology and systems, communication technology and other utilities and services available to the general public.

* ***Legislative, administrative, judiciary and/or other measure aiming to ensure access of persons with disabilities to mainstream social protection programmes (e.g., poverty reduction, social insurance, health care, public work, housing);***

In order to improve the social assistance system, the Moldovan Parliament adopted the Law on Social Assistance No. 133-XVI of 13 June 2008.

The purpose of law is to provide a guaranteed minimum monthly income to disadvantaged families by providing social support proportionately to assessment of the family’s global average monthly income and need for assistance.

Starting in January 2011 the government introduced a cold season aid – a fixed amount benefit additional to social assistance, paid in winter months (November through March) to support the effort of households to pay high heating costs during this period. Since 1 January 2011, all families with an income below the Minimum Guaranteed Monthly Income multiplied by 1.6, applying for social assistance are eligible for a monthly payment.

On 3 December 2013, the Ministry of Justice issued Order No 519 which provides for the establishment of a Working Group for the modification and completion of the Civil Code, whose objective will be to bring the national legislation in conformity with the provisions of art. 12 of the UN Convention on the Rights of Persons with Disabilities. The amendment proposals agreed upon in the mentioned Working Group will be included in a Draft Law, which will be later on forwarded for consultations with the national authorities and social society.

* ***Creation of disability-specific programmes (such as disability pensions, mobility grants or others);***

In order to ensure economic and social security of persons receiving social benefits provided through the public social insurance system and adjust their purchasing power to the existing economic context, on 1 April the Government is performing **the annual indexation of pensions, including disability pensions**.

* **Law No. 156 - XIV of 14.10.1998 on State Social Insurance Pensions** stipulates that each person assigned a degree of disability due to a common disease shall receive a disability pension if they meet the condition regarding the pensionable service and the age of disability.

According to the applicable law, people with disabilities, including children with disabilities under 18 years old, receive the following types of **social benefits**:

* **State social allowances**

Law No. 499-XIV of 14.07.1999 provides for payment of state social allowance to persons with disabilities, including children with disabilities, who do not qualify for pension from the state social insurance budget.

* **Care allowance**

Law No. 499-XIV of 14.07.1999 provides for payment of care allowances to the following categories of persons with disabilities:

a) persons taking care of a child under the age of 18 with severe disability;

b) persons with severe disability from childhood, provided such persons are not fully maintained by the government;

c) persons with severe visual disability (blind) – to cover escort and home care costs.

* **Monthly state allowances**

Law No. 121-XV of 3 May 2001 provides for monthly state allowance to certain categories of citizens, including war invalids and persons assimilated to them.

* **Compensation for transportation costs**

Law No. 60 of 30 March 2012 provides for compensation for urban, suburban and interurban public transport (except taxis) to persons with severe and increased disabilities, children with disabilities and people accompanying a person with severe disability or a child with disability.

Government Decision No. 1268 of 21.11.2007 “On compensation of transportation costs to persons with musculoskeletal disabilities” gave the right to annual compensation for transport service costs to people made eligible by conclusion of the Council of determining disability and work capacity.

* **State financier support**

By Parliament was adopted the Law no. 147 of 17.07.2014 for the amendment and completing some legislative acts, which provide the granting a monthly of the state financial support of some pension beneficiaries established under Law no. 156-XIV of 14 October 1998 on state social insurance pensions whose amount does not exceed 1,500 lei, and state social benefits established under Law no. 499-XIV of 14 July 1999 on state social allowances for certain categories of citizens, including persons with disabilities.

* ***Fiscal adjustments or other similar measures.***
* people with disabilities are exempt from income tax, local taxes and road taxes;
* people with disabilities have facilities for documentation of identity documents of the National Passport System (document is issued free) and passport privileges for RM citizens;
* unemployed disabled persons are provided with health insurance;
* people with disabilities have telephone subscription payment facilities.

 **Support from the state for public organizations**

Annually, in the state budget are approved financial resources destined for partial compensation of the obligatory state social insurance contributions that are paid by organizations and undertakings from Moldova Blind Society, Deaf Association of Moldova and Moldovan Society of Invalids, and financial resources for procurement of equipment and raw materials to these organizations.

 The state partially subsidizes procurement of equipment and raw materials, creating jobs places, also partly are compensated the state social insurance contributions paid by specialized companies.

1. ***Please provide information on how persons with disabilities are consulted and actively involved in the design, implementation and monitoring of social protection programmes.***

In concordance with our domestic legislation (The Law No 239
from  13.11.2008 on transparency in decision making), people with disability are involved in process of governance and policy making through their Public Associations, like: Public Associations "Moldova Blind Union", Union of Organizations for People with Disabilities of Republic of Moldova, Invalids Society of the Republic of Moldova, Deaf Association from Moldova, Alliance of Organizations for People with Disabilities from Moldova and other NGOs active in this area.

Also, the **UN** **Convention on the Rights of Persons with Disabilities** in its article 4.3 calls on State Parties to actively involve persons with disabilities through their representative organisations.

 **Additional to this, Moldova’s Low no. 60** **from 30.03.2012** **on Social Inclusion of People with Disabilities** in Article 57, named *The right of persons with disabilities to create public associations* provide that:

1. In order to protect their rights and interests, in order to provide mutual support and provision of services, people with disabilities and they are allowed to create public associations as provided by law.
2. People with disabilities have the right to join voluntary associations to be represented at international, national, regional and local level.
3. Local authorities support associations of people with disabilities and organizations representing their interests, including placing them with offices and equipment required for operation.
4. ***Please provide information in relation to difficulties and good practices on the design, implementation and monitoring of mainstream and/or specific social protection programmes with regard to persons with disabilities, including:***
* ***Conditions of accessibility and the provision of reasonable accommodation;***

 **Accessibility** **of Infrastructure and Services**

With a view to adapting the social infrastructure to the needs of persons with disabilities, the ***Social Inclusion Strategy for Persons with Disabilities*** (2010-2013) adopted by Law No. 169 of 09.07.2010, traces the important steps to be carried out by the Government in the following years. These measures include: revising technical standards and regulations to ensure access of persons with disabilities to the social infrastructure; adapting socially important objectives (in healthcare, welfare, education and culture) to the needs of persons with disabilities; adapting public transport to the needs of people with disabilities; adapting housing to the needs of persons with disabilities; adapting information systems and the media (television and radio, press, internet etc.) to the needs of people with disabilities; using the sign language in the information system.

***Law on social inclusion of people with disabilities No. 60 of 30.03.2012*** for the first time introduces such concepts as **accessibility, universal design and reasonable adjustment** into the national legislative framework. Thus, the Law contains a number of provisions regarding the government’s accessibility policy (Article 17), design and construction of social infrastructure objects with regard for the needs of people with disabilities (Article 18), adjustment of social infrastructure objects for use by persons with disabilities (Article 19), access of persons with disabilities to public transport (Article 20), housing adjustment for use by people with disabilities (Article 21), access people of with disabilities to cultural objects, tourist attractions and sports facilities (rooms) (Article 23), and access to information through all means (Article 25). The law also provides that persons in executive positions, businesses, institutions and organizations with any form of property that do not meet legal requirements on removing existing barriers and properly arranging social infrastructure objects (buildings, transport, telecommunications, etc.) under the applicable regulations shall be liable in accordance with the Code of Offences.

Currently, the Ministry of Regional Development and Construction began reforming the technical construction regulation system to harmonize it with European and international standards. The reformation is a complex and long term process that implies a period of transition from the current construction regulations to European and international standards.

By Decision No. 599 of 13.08.2013 the Government approved the Action Plan on the implementation of measures to ensure accessibility for people with disabilities to social infrastructure.

Thus, old standards approved during the Soviet period began to be replaced with new standards, such as CM C.01.06-2007 (NCM C.01.06-07) C Buildings and their functionality С.01 Civil Constructions – **Building and Construction Accessibility for People with Disabilities**.

According to ***Land Transport Infrastructure Strategy for 2008-2017*** (Government Decision No. 85 of 01.02.2008, § 130), one of the priorities of the Ministry of Transport and Road Infrastructure is to regulate the level of quality and safety for urban passenger transport and technical regulations for vehicles used in urban public transport. Among future goals is to ensure information on accessibility of transport services for people with hearing and visual impairment, and access of wheelchair users to transport through sliding micro-elevators.

Also, for social inclusion of people with disabilities, the Ministry of Culture has initiated the development of certain projects to amend and supplement the following legislative documents: Law on culture, Law on libraries, Law on theaters, circus and concert organizations, Law on folk art crafts, which will include certain provisions on ensuring access of persons with disabilities to national and universal cultural values.

* ***Consideration of the specific needs of persons with disabilities within the Services and/or benefits of existing programmes;***

Social services are a set of measures and activities designed to meet the social needs of a person or family to help them overcome difficult situations, avoid marginalization and social exclusion.

In accordance with the Convention on the Rights of Persons with Disabilities, to achieve community integration of these people countries that are parties to the Convention must ensure people with disabilities with access to a wide range of services: home care, residential care and community based support, including personal assistance. Developing social services has become a key objective in implementing the national policy on social protection of disabled people, which implies the deinstitutionalization process and should take place through creation of alternative social services in cooperation and partnership with various stakeholders.

Republic of Moldova is fully engaged in the process of adjustment to the European values and standards. In this respect, by Decision No. 1512 of 31 December 2008 the Government approved **the National Program for creation of an integrated social service system for 2008-2012.**

The system is expected to rapidly expand community based and specialized social services and significantly improve the efficiency of highly specialized social services. By combining prevention and rehabilitation activities and solving cases at community level before they get worse, the system will become more cost efficient, will cover all those in need of social support and have a positive impact on the quality of life of persons at risk.

Regarding the development of social services, it is worth mentioning several regulations and minimum quality standards developed and approved for **new community based services** for persons with disabilities, namely:

By Decision No. 711 of 09.08.2010 the Government approved the ***Regulations and Minimum Quality Standards*** for the **Supported Living Service**. The service is meant to create conditions for development of independent living skills necessary for the social and professional integration of persons with mental disabilities.

By Decision No. 936 of 08.10.2010 the Government approved the ***Regulations and Minimum Quality Standards*** for the **Community Home Service**. The service is meant to provide ongoing care to and development of self-help and social interaction skills in beneficiaries to allow them a lifestyle as much as possible close to the usual lifestyle of the community to improve their (re)integration into the family and society.

By Decision No. 722 of 22.09.2011 the Government approved the ***Regulations and Minimum Quality Standards*** for the **Mobile Team Service**. The service is meant to improve the quality of life of beneficiaries through counseling, recovery and psycho-social rehabilitation, with a view to increasing personal autonomy, preventing institutionalization and ensuring social inclusion. The service is meant for people with medium or severe disabilities (especially children with disabilities), providing them social assistance and home support based on their identified needs, as well as counseling and support to their caregivers.

By Decision No. 314 of 18.05.2012 the Government approved the ***Regulations and Minimum Quality Standards*** for the **Personal Assistance Service.** The service is meant to provide assistance and care to children and adults with severe disabilities in order to facilitate their independence and integration into society (the assistance provided relates to social protection, employment, healthcare, education, information, infrastructure accessibility, etc.).

On 23 of May 2012, the Government approved the ***Regulations and Minimum Quality Standards*** for the **Respite Service**. The service is meant to provide specialized 24 hour assistance to people with severe disabilities for a maximum of 30 days per year, during which period their families, relatives or caregivers can have a rest.

By Decision No. 75 of 03.02.2014 the Government approved the ***Regulations and Minimum Quality Standards*** for the ***Family placement for adults Service.*** The service is meant to provide services primarily aimed at increasing the adult’s independence by teaching him or her the housekeeping skills necessary for leading an independent life in the community.

On 07 of May 2014, the Government approved the ***Regulations*** for the ***Communication services using sign language with help of the interpreter for people with hearing disability***.

In Moldova beginning from September 1st,2014, the Republican Experimental Prosthetic, Orthopedics and Rehabilitation Centre began to offer service in domain of vocational rehabilitation for people with disabilities. This service was approved by Minister’s Order No. 113 of 12.08.2014.

The development of services at different levels and with different degrees of specialization, depending on the assessed needs of beneficiaries, plays an important role in social inclusion of people with disabilities.

* ***Difficulties experienced by persons with disabilities and their families in fulfilling requirements and/or conditions for accessing social protection programmes;***

Regarding this question, is relevant to mention that in concordance with national legislation Public Administration Authorities of level 1 and 2 are components to create and develop the social service for people with disabilities on their own level.

* ***Consideration to age, gender and race or ethnic-based differences and possible barriers;***

No discrimination, all people are equal recognized by Law.

* ***Conflicts between the requirements and/or benefits of existing programmes, and the exercise by persons with disabilities of rights such as the enjoyment of legal capacity, living independently and being included in the community, or work;***

Social services are a set of measures and activities designed to meet the social needs of a person or family to help them overcome difficult situations, avoid marginalization and social exclusion.

In accordance with the Convention on the Rights of Persons with Disabilities, to achieve community integration of these people countries that are parties to the Convention must ensure people with disabilities with access to a wide range of services: home care, residential care and community based support, including personal assistance. Developing social services has become a key objective in implementing the national policy on social protection of disabled people, which implies the deinstitutionalization process and should take place through creation of alternative social services in cooperation and partnership with various stakeholders.

* ***Allocation of grants to personal budgets;***

See the answer to the question no. 1.

* ***Disability-sensitive training and awareness-raising for civil servants and/or external partners;***

Ministry of Labour, Social Protection and Family, regularly organizes various training programs for public authorities as well as civil society in order to awareness to the problems of people with disability. Ministry staffs also participate in various conferences, TV programs where is discussed the right of people with disability in divers domain.

* ***Existence of complaint or appeal mechanisms.***

People with disabilities can claim rights violated through the court of law.

1. ***Please provide any information or data available, disaggregated by impairment, sex, age or ethnic origin if possible, in relation to:***
* ***Coverage of social protection programmes by persons with disabilities;***

As of 01.01.2015, there were **183953 people with disabilities** (including children - **13446**) in Moldova, which is about 5% of the total population of the country.

|  |  |
| --- | --- |
| **Degree of disability**  | **Total persons** |
|
| ***Adults*** | severe disability | *22232* |
| increased disability | *114391* |
| average disability | *33884* |
| **Total** | **170507** |
| ***Children*** | severe disability | *5687* |
| increased disability | *5652* |
| average disability | *2107* |
| **Total** | **13446** |

* ***Rates of poverty among persons with disabilities;***

In concordance with data presented by National Bureau of Statistics about situation of persons with disabilities presents in 2012, in Moldova near 19% of households with children were in poverty. Additional costs or expenses relate to disability. The highest poverty rates were recorded in households that had comprises at least one child with disabilities (20.7%). In households without children were 15.9% poverty rate and the presence of at least one person with disabilities increases its growth rate up to 16.1%.

Poverty rates differ depending on the degree of disability of the person: from 12.4% for households with disabled persons to the 19.1% average for households with persons with severe disability. Analysis of poverty in households with persons with disabilities by area of ​​residence shows generally higher poverty rate among rural households. As for households with disabled children, there is a higher rate of poverty in urban areas.

* ***Additional costs or expenses related to disability:***

See the answer to the question no. 1.

1. ***Please provide information in relation to the eligibility criteria used for accessing mainstream and/or specific social protection programmes with regard to persons with disabilities, including:***

***Definition of disability and disability assessments used for eligibility determination;***

Law nr. 60 from 30.03.2012 on Social Inclusion of People with Disabilities on the Article 2. have the next d*efinitions:*

*disabled person* - a person with physical, mental, intellectual or sensory disabilities which in interaction with various barriers / obstacles may hinder their full and effective participation in society on an equal basis with others.

* ***Consistency of the eligibility criteria among different social protection programmes;***

See the answer to the questions no. 1 and 3, point no. 2 .

* ***Use of income and/or poverty thresholds;***
* ***Consideration of disability-related extra costs in means-tested thresholds.***

In order to avoid the poverty of people with disability, they receive from the state budget additional compensations, like:

* Care allowance;
* Compensation for transportation costs;
* State financial support.

Also,in order to improve the social assistance system, the Moldovan Parliament adopted the Law on Social Assistance No. 133-XVI of 13 June 2008.

The purpose of law is to provide a guaranteed minimum monthly income to disadvantaged families by providing social support proportionately to assessment of the family’s global average monthly income and need for assistance.

Starting in January 2011 the government introduced a cold season aid – a fixed amount benefit additional to social assistance, paid in winter months (November through March) to support the effort of households to pay high heating costs during this period. Since 1 January 2011, all families with an income below the Minimum Guaranteed Monthly Income multiplied by 1.6, applying for social assistance are eligible for a monthly payment.

In concordance with data of **Report of poverty in Republic of Moldova**, which is elaborated in every year by Ministry of Economy, the essential impact in process of reducing of poverty level in 2013 had the social benefits, especially social assistance benefit and cold season aid. Such calculations made based on household budget survey showed that the impact of these benefits on poverty was about 2,3 percentage points.