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**NGO information to the United Nations Human Rights Committee**

**For consideration when compiling the Concluding Observations on the Third Periodic Report of the Republic of Moldova under the International Covenant on Civil and Political Rights during its 118th Session**

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Submitted by the

Mental Disability Advocacy Centre (MDAC) & the Moldovan Institute for Human Rights (IDOM)

19 September 2016

**I. OVERVIEW**

1. This written submission provides information on issues of concern with regard to the Republic of Moldova’s compliance with the provisions of the International Covenant on Civil and Political Rights (hereinafter “the Covenant”), with a focus on the enjoyment of those rights by people with disabilities. The purpose of the submission is to assist the Human Rights Committee (hereinafter “the Committee”) in writing its Concluding Observations in relation to the Republic of Moldova’sThird Periodic Report (hereinafter “Government Report”).
2. The submission will focus on the following issues:
   1. Torture and ill-treatment against people with disabilities (Articles 6 and 7 of the Covenant);
   2. Subjecting people with disabilities to forced labour (Article 8 of the Covenant);
   3. Depriving people with disabilities of liberty (Articles 9, 10 and 12 of the Covenant);
   4. The right to equal recognition before the law (Articles 14, 16 and 26 of the Covenant); and
   5. The right to vote and to be elected (Article 25 of the Covenant).
3. The submission has been written by the Mental Disability Advocacy Centre (MDAC)[[1]](#footnote-2) and the Moldovan Institute for Human Rights (IDOM).[[2]](#footnote-3)

**I. Torture and ill-treatment against people with disabilities (Articles 6 and 7 of the Covenant)**

1. The Republic of Moldova has made progress in recent years in the area of combating torture and ill-treatment. Positive steps have included:
   1. Collaboration with various national and international bodies;[[3]](#footnote-4)
   2. Creating a specialised institution to protect the rights of psychiatric patients (the Lawyer for Psychiatric Patients); and
   3. Training prosecutors to investigate cases of ill treatment in psychiatric institutions, and developing a guideline for such investigations.
2. Severe abuses however continue to take place in institutional settings against people with disabilities and the State is failing to take sufficient measures to prevent them and punish perpetrators. Examples of cases of ill-treatment, which might amount to torture, include:
3. Allegations of rape and sexual violence, as well as violations of other sexual and reproductive rights of women with disabilities (including forced abortions, forced contraception);[[4]](#footnote-5)
4. Forced administration of drugs and the use of mechanical restraint measures; to make the situation worse, such human rights abuses are often perpetrated by unqualified people, with no training and in the presence of other beneficiaries, with the with the consent or acquiescence of managing staff; such incidents are also often not even recorded;[[5]](#footnote-6)
5. Administration of medication for extended periods of time without the informed consent of patients;[[6]](#footnote-7)
6. Lack of a comprehensive and systematic approach to the problem violence in institutions;[[7]](#footnote-8)
7. Lack of individualised treatment plans for patients in psychiatric hospitals;[[8]](#footnote-9)
8. No effective investigations of deaths in psychiatric institutions. Despite the high mortality rate, which cannot be justified by the profile of the institutions,[[9]](#footnote-10)no investigations have taken place to identify systemic problems.
9. Investigations into allegations of abuse, ill-treatment and torture submitted by people with disabilities are frequently insufficient or faulty. This is due a lack of knowledge and experience of prosecutors and criminal investigators regarding the specificities of working with people with disabilities, whether they are victims or witnesses. In MDAC’s, IDOM’s and our collaborators experience, law enforcement officers are also often biased and discriminate people with disabilities, considering them not worthy of trust.

**Proposed recommendations to the Republic of Moldova:**

1. **Prohibit and prevent practices which amount to ill-treatment or torture including the forced administration of drugs and restraints on persons with disabilities in psychiatric and other institutions. All treatments must be provided on the basis of informed consent.**
2. **Conducting prompt, impartial and thorough investigations into all complaints made by people with disabilities, including in relation to allegations of torture and ill-treatment in mental health care facilities.**
3. **Ensure that perpetrators of crimes against people with disabilities are brought before the courts, subjected to effective investigations, and punished where found guilty.**
4. **Undertake investigations to ascertain the reasons for and prevent gender-based violence and high mortality rates in institutions.**

**II. Subjecting people with disabilities to forced labour (Article 8 of the Covenant)**

1. Cases of people with disabilities living in institutions being subjected to forced labour have been reported on numerous occasions by the Centre for Human Rights,[[10]](#footnote-11) the Lawyer for psychiatric patients[[11]](#footnote-12) and media sources.[[12]](#footnote-13)
2. Residents of institutions are frequently required to scrub floors and toilets, wash dishes, clean dining rooms after meals, clean wards and corridors, housecleaning and are sometimes required to carry heavy weights (bags with food, etc.).[[13]](#footnote-14) The explanation of the management of social care institutions and psychiatric institutions is usually “ergotherapy”, though in practice it means that residents are required to undertake work that should be done by employees. One of the reasons of this is the decision of the Ministry of Labour and Social Protection to freeze employment in all subordinate institutions due to a huge national budget gap.[[14]](#footnote-15)
3. Residents are also required to work outside of institutions, where they are usually remunerated at a lower rate than their colleagues for similar work. There are also cases where they only work for food.[[15]](#footnote-16) As an example, in one monitoring visit IDOM carried at an institution in the north of the country, residents have reported that the staff of the institution (“nannies”, orderlies, nurses, cooks, electricians, accountants, economists, etc.) used residents to help them with various chores such as chopping wood, gardening, cleaning, cattle grazing, reaping, etc. Sometimes the workers were “loaned” to neighbours, and staff lost track of them. It was alleged that sometimes, when people refused to work, they were threatened by the staff with having their medication taken away.
4. In relation to remuneration, it is important to underline that those residents who are formally employed by social care houses to perform auxiliary work, have the right to equal remuneration for similar work. Art. 38 of the Law on social inclusion of people with disabilities, states the right to a full-time wage while having a shortened working time of 30 hours per week. This is not respected in practice. Monitoring by IDOM shows that residents of institutions frequently work full time for the institutions but receive only one quarter to one half of the equivalent salary, being treated as part-time workers.[[16]](#footnote-17)
5. Article 8 of the Covenant, which prohibits forced labour, should be read in conjunction with Article 27 of the CRPD, which, besides prohibiting such practices, requires States to recognize the right of persons with disabilities to work, on an equal basis with others, including the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work by taking appropriate steps, including through legislation, to, inter alia: rohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment and protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value.

**Proposed recommendations to the Republic of Moldova:**

1. **Put in place effective investigation and enforcement measures against exploitation of people with disabilities in institutions, including for the prevention of forced labour.**
2. **Within the broader context of the deinstitutionalization reform, the Government should also ensure that people have their labour rights respected and that they can, if so they wish, integrate on the free labour market**

**III. Deprivation of liberty of persons with disabilities (Articles 9, 10 and 12 of the Covenant)**

1. There are two situations which give rise to arbitrary deprivation of liberty of people with disabilities in the Republic of Moldova. Firstly, people who are alleged to have a crime and are suspected of having mental health issues are subjected to mandatory psychiatric examinations in psychiatric hospitals. The second situation relates to legislation which allows for people with disabilities to be placed in social care institutions against their will and/or because of a lack of community-based services.

Mandatory psychiatric examinations

1. Where a person is suspected of committing a crime and there are suspicions related to their state of at the time of the impugned act, the person can be committed to a hospital for a psychiatric examination. If the person does not consent to such procedure, Moldovan law allows the person to be committed involuntarily (Article 490 of the Criminal Procedure Code of the Republic of Moldova).
2. The law does not provide sufficient guarantees against arbitrary detention and is discriminatory in its intent and purpose. According to the Moldovan Mental Health Law,[[17]](#footnote-18) a person hospitalised without his/her free consent must be subjected to a mandatory examination by a commission of psychiatrists of the hospital within 48 hours.[[18]](#footnote-19) Where the commission establishes that compulsory hospitalisation is required, they are required to inform the court whose jurisdiction covers their psychiatric hospital within 24 hours. The relevant judges are then required to examine the commission’s request within 3 days.[[19]](#footnote-20)
3. The effect is that a person with an actual or perceived mental disability can be deprived of liberty for 6 days, without effective legal safeguards. Moreover, unlike deprivation of liberty as a preventive measure (arrests), compulsory hospitalisation for the purpose of conducting a psychiatric examination does not have to be subjected to periodic reviews. This is a legislative loophole that favours abuses and arbitrary deprivation of liberty of persons with mental disabilities.
4. The measure is discriminatory because it applies only to people with actual or perceived mental disabilities. If the court eventually agrees with the opinion provided by the commission established within the psychiatric hospital, the person can be deprived of their liberty for an indefinite period of time until it is established that his/her state has improved.[[20]](#footnote-21) Moreover, the health facility is not only allowed to confine a person with disabilities, but also to subject the person to forced treatment with no control mechanisms being in place.
5. Such practices and legislation are not in Articles 9 and 10 of the Covenant, including the prohibition on arbitrary arrest or detention (Article 9 (1)). Moreover, according to the Covenant, anyone arrested or detained on a criminal charge should be brought promptly before a judge or other officer authorised by law to exercise judicial power (Article 9(3)). This does apply in Moldova for all other people, except the ones with an actual or perceived disabilities. The practice is therefore discriminatory, and as a consequence in breach of Article 14 of the UN Convention on the Rights of Persons with Disabilities (hereinafter “CRPD”), which clearly states that the existence of a disability shall in no case justify a deprivation of liberty.

**Proposed recommendations to the Republic of Moldova:**

1. **Amend the legislation to ensure that people with disabilities who are alleged to have committed crimes enjoy the same legal and procedural safeguards as everyone else;**
2. **Abolish all provisions that use the necessity of a medical or psychiatric assessment as the sole basis of deprivation of liberty. An absolute ban of deprivation of liberty on the basis of actual or perceived impairment is necessary.**

Involuntary placement in social care institutions and psychiatric hospitals

1. Another form of deprivation of liberty is the placement of people under guardianship in social care and psychiatric institutions against their will. People deprived of legal capacity can be placed there at the request of their guardian and, in the case of social care institutions, with the consent of the local guardianship authority.[[21]](#footnote-22) The consent of the person concerned is not required and in practice they are rarely consulted.
2. The Council of Europe’s Committee for thePrevention of Torture has already expressed concern in relation to the Moldovan practice of involuntarilyadmitting people with disabilities against their will to institutions, and urged the State back in2012 to ensure that the consent of the person is always sought before placement.[[22]](#footnote-23)
3. According to the law, if the guardian consents to the placement, the person is considered to be placed in an institution “voluntarily”. This means that the person does not enjoy the same safeguards that “involuntarily admitted” individuals have. There is no periodic review of detention and no judicial scrutiny of the grounds for continuing detention.
4. These situations amount to arbitrary detention which breaches Article 9 and 12 of the International Covenant on Civil and Political Rights, Article 14 of the Convention on the Rights of Persons with Disabilities and, in some circumstances, Article 5 of the European Convention on Human Rights.
5. Article 12 (1) of the Covenant sets out that . The CRPD further sets out that people with disabilities have the right to live independently and be included in the community (Article 19). For people to be able to exercise such right however, states need to develop community based services that ensure people with disabilities can access the support to enable them to live independently. Without such measures people with disabilities will continue to be placed in institutions, frequently against their will, and be deprived of their liberty due to the lack of any real alternatives. The deinstitutionalisation process in Moldova has been however extremely slow and targeted mostly at institutions for children.[[23]](#footnote-24)

**Proposed recommendations to the Republic of Moldova:**

1. **Abolish legislation that allows arbitrary deprivation of liberty of persons with disabilities in the form of forced admission to psychiatric institutions, including on the basis of consent provided by a guardian or other third-party.**
2. **Adopt a legislative and policy framework that ensures provision of mental health treatment and services only on the basis of free and informed consent.**
3. **Ensure the right to independent living and inclusion in the community for people with disabilities by:**
   * 1. **Prohibiting deprivation of liberty on the basis of the existence of an actual or perceived disability;**
     2. **Setting out the right to live in the community in national legislation; and**
     3. **Adopting a time-bound plan for the deinstitutionalisation of adults with disabilities, with a detailed vision of services and coordination between different agencies and sectors involved in community-based care.**

**IV. The right to equal recognition before the law (Articles 16 and 26 of the Covenant)**

1. Over 4,000 people in the Republic of Moldova are still deprived of their legal capacity.[[24]](#footnote-25) Guardianship is regulated by Article 24 of the Civil Code.[[25]](#footnote-26) The guardian, as the legal representative of the person declared “incapacitated” executes all legal acts in the name and on behalf of the person concerned.
2. This means that when one is deprived of legal capacity, his/her will and preferences are disregarded in all spheres of life, including in relation to where and with whom they live and rights such as the right to marry, the right to property, the right to manage their finances, the right to leave a will, the right to work or the right to freedom of association. There is also a direct relation between deprivation of legal capacity and long-term institutionalisation in healthcare or residential care facilities and most persons declared incapacitated are placed in psychiatric institutions.[[26]](#footnote-27) Deprivation of legal capacity is also linked with forced medical interventions, which in certain circumstances can constitute torture or inhuman and degrading treatment.[[27]](#footnote-28)
3. Persons deprived of legal capacity cannot file requests or challenge court decisions, not even those through which they were deprived of legal capacity.[[28]](#footnote-29)Once placed under guardianship, people with disabilities are very likely to remain in that situation for all their lives. To the best of our knowledge there is only one case, decided by the courts in 2015, where a person has seen her legal capacity restored after being placed under guardianship.[[29]](#footnote-30)
4. Such policies and legislation violate the international obligations that the Republic of Moldova assumed under the Covenant, specifically its Articles 16 and 26, which recognise that everyone shall have the right to recognition everywhere as a person before the law. This right is further detailed in the Convention on the Rights of Persons with Disabilities (CRPD), according to which States Parties shall recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and must States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity (Article 12 (2) and 12 (3)).
5. The Republic of Moldova has already been criticized for these practices during the first cycle of the Universal Periodical Review[[30]](#footnote-31) and by the UN Committee on Economical, Social and Cultural Rights.[[31]](#footnote-32) The Human Rights Committee also asked question in relation to the subject on its List of Issues addressed to the Republic of Moldova.
6. Several relevant law proposals[[32]](#footnote-33) have reached the Parliament and the Moldovan Constitutional Court has had to deal with complaints related to the constitutionality of legal provisions allowing for the deprivation of legal capacity and consequently for the deprivation of specific rights.[[33]](#footnote-34)
7. As the Government has underlined in its third report sent to this Committee, it has created back in 2011 a Working Group aimed at reforming the institution of legal capacity.[[34]](#footnote-35) Nonetheless, the Moldovan legislation on legal capacity remains discriminatory and abusive, contravenes Article 16 of the Covenant and Article 12 of the CRPD and expressly restricts the fundamental rights and freedoms of persons with disabilities. The reform has been going on for over five years, without new legislation actually being adopted and having an impact on the lives of people with mental disabilities.

**Proposed recommendations to the Republic of Moldova:**

1. **Immediately abolish the system of guardianship for persons with disabilities which allows for the complete removal or suspension of legal capacity for persons with mental disabilities. This system must be replaced with a system of supported decision-making which enables persons with disabilities to exercise their legal capacity on an equal basis with others, in compliance with Article 16 of the Covenant and Article 12 of the CRPD.**

**V. The right to vote and to be elected (Article 25 of the Covenant)**

1. As mentioned above, the Republic of Moldova still denies the right to vote to people under guardianship. Among others, the OHCHR Human Rights Adviser in Moldova also expressed concerned in relation to the country not allowing a category of its citizens to exercise such a fundamental rights as voting.[[35]](#footnote-36).

**Proposed recommendations to the Republic of Moldova:**

1. **Abolishing legislation automatically denying all people under guardianship their right to vote.**

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1. MDAC is an international human rights organisation which uses the law to secure equality, inclusion and justice for persons with mental disabilities worldwide. MDAC’s vision is a world of equality where emotional, mental and learning differences are valued equally; where the inherent autonomy and dignity of each person is fully respected; and where human rights are realized for all persons without discrimination of any form. MDAC has participatory status at the Council of Europe, and special consultative status at ECOSOC. For more information, please visit www.mdac.org [↑](#footnote-ref-2)
2. IDOM is a nongovernmental organisation founded in 2007 by a group of human rights experts with the aim to raise awareness, promote and defend human rights at national and international levels. The strategic areas of IDOM are the rights of persons living with HIV/AIDS; rights of people with mental disabilities placed in psychiatric institutions and social care houses; prohibition of ill-treatment in places of pre-trial detention and the right to health.In order to achieve its objectives, IDOM promotes and defends human rights on grassroots and government levels, through education and empowerment, monitoring and reporting of human rights violations, raising awareness activities, strategic litigation and promotion of human rights standards in national policies and legislation. For more information please visit www.idom.md. [↑](#footnote-ref-3)
3. The Government agreed to publishing reports of international bodies on the Republic of Moldova, such as those of the Special Rapporteur on Disability, Special Rapporteur on extreme poverty and the European Committee for the Prevention of Torture. [↑](#footnote-ref-4)
4. Such cases have reached the national courts. MDAC is currently supporting litigation on behalf of 18 women who claimed to have been repeatedly raped, during several years, by a medical professional working in the institutions where they live. The first instance court’s decision is expecting in the following weeks. [↑](#footnote-ref-5)
5. Report to the Government of the Republic of Moldova on the visit to the Republic of Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), pp. 62-62 and para 184, available at http://www.cpt.coe.int/documents/mda/2016-16-inf-eng.pdf [↑](#footnote-ref-6)
6. P. 49 of the Report of the Special Rapporteur on Disability, available at http://md.one.un.org/content/dam/unct/moldova/docs/pub/A%20HRC%2031%2062%20Add.2%20ro.pdf [↑](#footnote-ref-7)
7. Findings of the Moldovan Institute for Human Rights, available [in Romanian] at http://www.cnp.md/ro/produse/monitorizarea-politicilor/drepturile-omului/item/1858-idom-a-prezentat-raportul-privind-respectarea-drepturilor-omului-%C3%AEn-institu%C8%9Biile-psihoneurologice [↑](#footnote-ref-8)
8. Report to the Government of the Republic of Moldova on the visit to the Republic of Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), para. 154, available at http://www.cpt.coe.int/documents/mda/2016-16-inf-eng.pdf [↑](#footnote-ref-9)
9. Submission of the Moldovan Institute for Human Rights (IDOM), 27 November 2015, EU-Moldova Human Rights Dialog. [↑](#footnote-ref-10)
10. The report on the respectance of human rights in the Republic of Moldova in 2013, available [in Romanian] at http://www.ombudsman.md/sites/default/files/document/attachments/raport\_cpdom\_20131.pdf [↑](#footnote-ref-11)
11. Reports on respecting the rights of patients of psychiatric hospitals and psycho-neurological institutions for October 2012- July 2013; April–September 2012 and 1 July 2013 – 31 June 2014, available at www.dis.md [↑](#footnote-ref-12)
12. See for example http://ziarulnational.md/raport-pacienti-batuti-si-de-40-kg-in-spitalele-de-psihiatrie/. [↑](#footnote-ref-13)
13. Reports on respecting the rights of patients of psychiatric hospitals and psycho-neurological institutions for October 2012- July 2013 available at www.dis.md. [↑](#footnote-ref-14)
14. The lack of finances in the state budget can be motivated by the theft of the one billion US dollars from the Moldovan banks, but also by inefficient state expenditures and high-level corruption and frauds, <http://www.moldova.org/en/minister-of-finances-moldova-will-have-a-deficit-of-1-billion-lei-in-the-budget/> [↑](#footnote-ref-15)
15. The Right to Legal Capacity of People with Disabilities, 2013, avilable in Romanin] at http://soros.md/files/publications/documents/Anexa%201\_%20Studiu%20comparativ.%20Drept%20la%20capacitate%20juridica.pdf [↑](#footnote-ref-16)
16. The monitoring visits have shown that despite the large volume of work that is being done by the beneficiaries of the social care houses that are employed by the institution, they receive only ¼ or ½ of their salary, as officially they have a part time job. [↑](#footnote-ref-17)
17. Republic of Moldova, Law No. 1402 of 16 December 1997 on Mental Health. [↑](#footnote-ref-18)
18. Id., Article 31. [↑](#footnote-ref-19)
19. Id., Article 33. [↑](#footnote-ref-20)
20. 490 of the Criminal Procedure Code of the Republic of Moldova [↑](#footnote-ref-21)
21. Republic of Moldova, Law No. 1402 of 16 December 1997 on Mental Health, Article 40(1). [↑](#footnote-ref-22)
22. See, for example, Council of Europe, “Report to the Government of the Republic of Moldova related to the visit in Moldova of the

    European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment”, 2012 with information about

    theOrhei Psycho-neurological home, paras. 123 and 137. Available [in French] from http://www.cpt.coe.int/documents/mda/2012-03-

    inf-rum.pdf. [↑](#footnote-ref-23)
23. For more details on the deinstitutionalization procees in Moldova see MDAC, OHCHR et. al. *The Human Rights of People with Mental or Intellectual Impairments in the Republic of Moldova*. 2015, pp. 64-78, available at <http://www.mdac.org/sites/mdac.info/files/moldova_report_2015_english.pdf>. Since the writing of that report new strategies have been adopted, but they are yet to have had a direct impact on the lives on people with disabilities, particularly adults, who live in institutions. [↑](#footnote-ref-24)
24. See Legal Assistance Center for Persons with Disabilities. (2013)*The Right to Legal Capacity of Persons with Disabilities. A Comparative Study of the Legislation of the Republic of Moldova and International Standards in the Field*:

    <http://soros.md/files/publications/documents/Anexa%201_%20Studiu%20comparativ.%20Drept%20la%20capacitate%20juridica.pdf> and the United Nations Human Rights Office of the High Commissioner, Mental Disability Advocacy Centre et. al. (2015). *The Human Rights of People with Mental or Intellectual Impairments in the Republic of Moldova. An Assessment of Key Aspects of the Domestic Law and Policy Framework in Light of the UN Convention on the Rights of Persons with Disabilities,* pp. 45-64, available at http://www.mdac.org/sites/mdac.info/files/moldova\_report\_2015\_english.pdf. [↑](#footnote-ref-25)
25. Civil Code of the Republic of Moldova No. 1107 of June 6, 2002, published: June 22, 2002, in Official Gazette No. 82-86 Article No.: 661. [↑](#footnote-ref-26)
26. OHCHR Study – The System of Guardianship in Practice in the Republic of Moldova: Human Rights and Vulnerability of Persons Declared Incapacitated, 2013. [↑](#footnote-ref-27)
27. Report of Special Rapporteur for torture and other cruel, inhuman or degrading treatment or punishment Manfred Nowak, A/63/175, para. 49. [↑](#footnote-ref-28)
28. Article 308, Civil Procedure Code of the Republic of Moldova, No. 225 of May 30, 2003, published: June 12, 2003, in Official Gazette No. 111-115. [↑](#footnote-ref-29)
29. The case of Elena Voronina decided on the 2nd of June 2015 by the Court of Appeals of Chisinau. For more details on the case see the United Nations Human Rights Office of the High Commissioner, Mental Disability Advocacy Centre et. al. (2015). The Human Rights of People with Mental or Intellectual Impairments in the Republic of Moldova. An Assessment of Key Aspects of the Domestic Law and Policy Framework in Light of the UN Convention on the Rights of Persons with Disabilities, pp. 10-11 and p. 50, available at http://www.mdac.org/sites/mdac.info/files/moldova\_report\_2015\_english.pdf. [↑](#footnote-ref-30)
30. Human Rights Council. (2011). Report of the Working Group on the Universal Periodic Review: Republic of Moldova. A/HRC/19/18, reccom. 75.13, available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-18\_en.pdf. [↑](#footnote-ref-31)
31. (E/C.12/MDA/CO/2), 2011) [↑](#footnote-ref-32)
32. For example, On May 7, 2015, the Parliament passed Law No. 87 on the amendment and completion of some legislative acts, which guaranteed people deprived of legal capacity the right to vote and to challenge court decisions through which they were deprived of legal capacity. The President of the Republic of Moldova, however, refused to promulgate the legislation and, therefore, the new provisions have never entered into force. [↑](#footnote-ref-33)
33. See for example Decision No.27 of November 13, 2014, of the Constitutional Court on the control of the constitutionality of Article 21 (5) letter e) of Ombudsman Law No. 52 of April 3, 2014 (non-examination of the complaints filed by incapacitated persons) where the Constitutional Court of the Republic of Moldova found unconstitutional the legal provisions that prohibit people deprived of legal capacity to file requests and petitions to the National Ombudsman. [↑](#footnote-ref-34)
34. *Third periodic reports of States parties due in 2013- Republic of Moldova.* 17 March 2016, CCPR/C/MDA/3, paras. 135-136. [↑](#footnote-ref-35)
35. <http://www.ombudsman.md/ro/content/masa-rotunda-la-tema-respectarii-dreptului-la-vot-persoanelor-cu-nevoi-speciale-organizarea> [↑](#footnote-ref-36)