



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

No. SUI-ONU//334.5.1/437

The Permanent Mission of the Republic of Moldova to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Special Procedures Branch and has the honour to transmit herewith the response of the Government of the Republic of Moldova to the Communication no. OL MDA 1/2016 dated 3 March 2016 of the Special Rapporteur on the rights of persons with disabilities.

The Permanent Mission of the Republic of Moldova to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Special Procedures Branch, the assurances of its highest consideration.



Geneva, 15 June 2016

*Encl.: 1 page*

**OHCHR REGISTRY**

**28 JUN 2016**

**OFFICE OF THE UNITED NATIONS HIGH  
COMMISSIONER FOR HUMAN RIGHTS  
SPECIAL PROCEDURES BRANCH**

*Geneva*

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**Ministry of Justice comments on the recommendation of the Special Rapporteur  
on the rights of persons with disabilities on legal capacity reform  
in the Republic of Moldova**

The Ministry of Justice of the Republic of Moldova has set up a working group in December 2013 in order to reform the legal capacity of natural persons. The group has drafted a bill to supplement and amend the Civil Code as well as other laws to harmonize the national legal framework with article 12 of the *Convention on the Rights of Persons with Disabilities*.

The bill has been elaborated taking into account the relevant legal provisions of France, Germany, Italy, Czech Republic, Hungary and Belgium, as well as a number of Council of Europe recommendations: *Committee of Ministers Recommendation R(99)4 on principles concerning the legal protection of incapable adults* and *Committee of Ministers Recommendation CM/Rec(2009)11 to member states on principles concerning continuing powers of attorney and advance directives for incapacity*.

The proposed amendments differ essentially from the existing model and cannot be reduced to “substitute decision-making” as provided by General Comment No. 1 of the Committee on the Rights of Persons with disabilities to article 12 of the Convention. This mechanism has been identified as a prevailing one in European countries, which is also in line with UN principles. Currently, the draft law is in its final stages of elaboration and will be soon submitted to the Government for adoption.