

## **Mandate of the Special Rapporteur on the rights of persons with disabilities**

REFERENCE: AL  
MDA 4/2015:

6 May 2015

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of persons with disabilities pursuant to Human Rights Council resolution 26/20.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the **deletion of two key provisions from an omnibus legislative bill concerning persons with disabilities**, which, I understand, will be subject to a second reading in the Parliament of the Republic of Moldova on 7 May 2015.

It has been brought to my attention that the bill was originally introduced by your Excellency's Government in 2014, at the initiative of the Ministry of Labour, Social Protection and Family, with proposals for three amendments which would advance the Republic of Moldova's implementation of the Convention on the Rights of Persons with Disabilities. Nevertheless, I was informed that two of the three proposals have been excluded by the Parliamentary Committee from the bill currently under consideration by Parliament. These relate to establishing the right to vote for persons under guardianship, and recognising the right of persons under guardianship to have legal standing to challenge in court decisions on their placement under guardianship.

I would like to bring to your urgent attention that the deletion of these two provisions would seriously undermine the rights of persons with intellectual and psychosocial disabilities as established in the Convention on the Rights of Persons with Disabilities, ratified by your Excellency's Government on 21 September 2010, and hinder compliance, especially in relation to their right to vote, to be elected and to participate in political and public life on an equal basis with others (article 29) and to effectively access justice on an equal basis with others (article 13). I would thus like to underscore the importance of reinstating these provisions in the bill, as they would constitute a welcome and important measure towards bringing the legislation of the Republic of Moldova to further compliance with international human rights standards. I would also like to take this opportunity to plead your Excellency's Government to move forward with the

general guardianship reform under development in your country, on the basis of article 12 of the Convention and General Comment 1 on the equal recognition before the law by the Committee on the Rights of Persons with Disabilities.

In light of my ongoing dialogue with your Excellency's Government on conducting a visit to your country later this year, and of my mandate to provide technical advice in support of national efforts for the effective realization of the rights of persons with disabilities, I will remain attentive to continue exchanging closely with you on this topic and would be grateful if you could share my views urgently with the Parliamentary Committee considering the bill.

Should you have any questions or require further information on the instruments and standards referred to above, please do not hesitate to contact Ms. Krista Orama, Associate Human Rights Officer, who is supporting my mandate at the Office of the High Commissioner for Human Rights (e-mail: korama@ohchr.org; tel.: +41 22 928 92 86).

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Catalina Devandas Aguilar  
Special Rapporteur on the rights of persons with disabilities