

The ill-treatment of persons with disabilities is prevalent across the globe, and is also found in Moldova



A review of international human rights reports will demonstrate that the ill-treatment of persons with disabilities

is prevalent across the globe, and there are very strong arguments in favour of adopting a response which recognises the human rights, and specifically discrimination, issues relating to this problem, stated Libby Clarke, Legal Officer at The Equal Rights Trust. The statement was made within the Public Lecture “Disability-based discriminatory ill-treatment in Moldova” organized on July 7th 2011 by The Promo-LEX Association in partnership with The Equal Rights Trust ([ERT](#)).

The event started with a short presentation of the sixth edition of [The Equal Rights Review \(ERR 6\)](#). To this end, ERR 6 includes an article by Promo-LEX on the discriminatory ill-treatment of women in Moldova – the first article which ERT

have published on Moldova. Jarlath Clifford's article provides a very useful analysis of the implications of the ratification of the UN Convention on the Rights of Persons with Disabilities by the European Union. This volume also includes other articles which are relevant to the topic of disability discrimination and health equality.

In her presentation, Libby Clarke highlighted the complex nature of the topic of this public lecture and the broad range of behaviours which fall within the category of disability-based discriminatory ill-treatment. This is any treatment which:

- a) is carried out against a person with disability;
- b) meets the threshold of "torture and inhuman and degrading treatment and punishment", as defined in international and regional human rights law instruments and case law; and
- c) can accurately be described as discriminatory on the grounds of the victim's disability. This means that if the individual was not disabled, either the behaviour would not have occurred, or it would not have had such a severe effect.

"Whilst human rights law is principally concerned with the treatment of individuals by the State, we are also interested in patterns of torture and ill-treatment of persons with disabilities perpetrated by private persons or entities because the Committee against Torture has confirmed that States should be held liable for private torture and ill-treatment if they fail to respond adequately to them, or fail to take reasonable measures to prevent them. This would include, for example, ill-treatment which takes place at the hands of family members in the domestic setting or at the hands of staff in a privately-run care home, where the State has not taken adequate steps to prevent or investigate such ill-treatment", stated Libby Clarke.

To this end, examples of the forms of behaviour we are dealing with include: Torture in conventional detention settings; Use of unnecessary or disproportional force (short of torture);

Sexual violence; Domestic violence; Hate crime based on disability; Corporal punishment; Medical experiments and medical negligence in places of detention, including the failure to provide adequate healthcare; Forced medical treatment, including forced sterilisation, abortion and interventions aiming to correct or alleviate a disability such as electro shock treatments; Prolonged solitary confinement; Poor material conditions in places of detention; Extreme destitution; Inadequate medical or psychiatric care in detention; and Lack of accommodation of disability in detention.

Discriminatory ill-treatment based on disability can also take place in a very broad range of contexts, which adds to its complexity, especially in terms of carrying out comprehensive research and collecting accurate data for human rights reports. This ill-treatment can take place in: places of detention, such as police cells and prisons; hospitals and mental health institutions; care homes; schools; within the community; and in the private family home.

Among the International Treaties that regulate this area were mentioned the following: International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of Persons with Disabilities; European Convention on Human Rights; and UN Convention against Torture.

According to these International Treaties, to which Moldova is a party, disability is a protected ground for the purposes of protections from discrimination and, to this end, Republic of Moldova has an obligation to prevent and punish the instances of ill-treatment of persons with disabilities. The State also bears the responsibility to monitor the situation in this area and to inform the population about this phenomenon and the existing protection measures and mechanisms.

Forced medication, constant beatings, the use of leg cuffs,

sexual violence, forced abortion and forced „detention” of persons with disabilities are just some of the violations found by Institute for Human Rights Moldova ([IDOM](#)) as a result of the monitoring conducted in 3 Psychiatric Hospitals and 6 Psychoneurological Homes in Moldova, stated Vanu Jereghi, Executive Director at IDOM.

Ergotherapy applied in these institutions, can also be mentioned in this context, since it is basically a forced labour and could even be qualified as a form of slavery.

Thus, the ill-treatment of persons with disability represents a sad reality for Moldova and the authorities fail to undertake adequate measures to combat this phenomenon and to investigate allegations of ill-treatment of persons with disabilities, concluded Vanu Jereghi.

The failure to provide adequate healthcare and the prevalence of medical negligence within the places of detention and specialized medical institutions also represents a serious issue for Moldova. Promo-LEX Association represents a case that refers to the death of a person suffering from schizophrenia at one of those 6 Psychoneurological Homes in Moldova. In this case, the lawyer attached to the project seeks to argue for the responsibility of state institutions for the physical and mental integrity of the mentally ill people in their care. What remains clear is that patients hospitalized in psycho neurological care facilities are under the control of the doctors and, due to their mental illnesses, remain dependent upon the quality of the medical care given them. The vulnerability of these patients should be an evaluation criterion for the medical assistance offered.

The lecture also raised other relevant issues related to this topic. It was emphasized that this area still lacks adequate attention from both State and civil society representatives. Those who suffer are people – people that have rights, just like everybody else.

The event gathered 30 participants: lawyers, law and

journalism students, members of human rights NGOs and activists.

Promo-LEX Association thanks the Public Law Library for hosting this event.

The event was organized within the framework of the project “Strengthening Legal Protection from and Raising Awareness of Discriminatory Ill-Treatment in the Republic of Moldova, including Transnistria”, a project funded by the **European Union** through the European Instrument for Democracy & Human Rights (EIDHR). The project is co-funded by **UNDP Moldova** within “A joint UNCT for Human Rights Protection and Promotion in the Republic of Moldova” Project.

Contact Person : Olga Manole, Project Coordonator, Promo-LEX Association, olga_manole@promolex.md