

Švitrigailos str, 11B • Vilnius LT-03228, Lithuania
t +370 5 2691 600 f +370 5 2691 601, email: office@harm-reduction.org
www.harm-reduction.org

Violation of the right to motherhood among women who use drugs in the Republic of Moldova

Introduction

No one can be discriminated against regarding his or her health status according to the U.N. Declaration of Human Rights (1948) and specifically - the Convention on the Elimination of All Forms of Discrimination against Women (1979). Drug dependence is classified as a health condition under the International Classification of Diseases – ICD-10, as a cluster of physiological, behavioural, and cognitive phenomena in which the use of a substance or a class of substances takes on a much higher priority for a given individual than other behaviours that once had greater value. In the Republic of Moldova, pregnant women who use drugs (WUD) *are denied equal access to quality medical services during pregnancy*. They are constantly discriminated against by doctors, i.e. gynaecologists; dependency treatment specialists do not provide them with necessary care and treatment, which would reduce the harm to the fetus and to the woman; WUD are frequently coerced into having an abortion against their will, hereby depriving them of their right to motherhood and violating Article 16, “the right to found a family,” of the Universal Declaration of Human Rights. The case provided in the current complaint is an astonishing yet typical example of maltreatment of WUD in maternity and other health services in Moldova, as well as the inability of the government of Republic of Moldova to protect women who use drugs and/or are involved in a sex work from rape, violence and discrimination.

The case of Maria Rotaru

(The name is changed in order to guarantee confidentiality and protect the appellant from further discrimination and pressure from state authorities).

Maria Rotaru (born on March 3, 1981, living in Balti, Moldova) started to use drugs in 1997. In 1998, she got involved in street sex work, in order to earn money, for a living and to buy drugs. In 2004, 2005, and 2010, she was raped and seriously injured while working abroad as sex worker. She didn't report the crimes to the police because she was an illegal migrant and because of fear of being fined for providing sex services. She didn't access health

services, as her passport had been taken away by a pimp. A few months later, in January 2010, when she came back to Moldova she approached the Balti municipality mental health clinic and started drug detoxification. She was afraid to start opioid substitution treatment (OST), because she lacked accurate information about the effects of OST on health, and she got no adequate counselling. She received medical care for her injury due to rape. When being provided healthcare, Maria experienced a negative and humiliating attitude from health providers, who stigmatized her as a drug addict and prostitute.

Then, in 2011, Maria got pregnant. She was referred by a gynaecologist for HIV testing in substance abuse department of the mental health clinic, where she was diagnosed as HIV-positive. She was provided with HIV drugs to prevent mother-to-child transmission. In the health institution she was again accused by medical staff of being a prostitute - unworthy of becoming a mother, and an irresponsible "cow", not allowed to give birth. As a sex worker and drug user she was referred by a gynaecologist for an abortion (though there were no medical indications for abortion), but after lots of tears and suffering, she decided to give birth. Her daughter was born with Down syndrome. A few months after the birth, Maria relapsed and started to use alcohol. Instead of providing her with dependence treatment, counselling and social support, authorities deprived her of her parental rights and put her daughter in an orphanage. A few weeks later she stopped drinking and started to ask the authorities to give her the child back.

In 2013, Maria was diagnosed with TB co-infection. Now Maria is staying at a TB hospital, where they provide TB treatment. Her daughter, meanwhile, is staying in the orphanage. Maria is strongly motivated to take her daughter back from an orphanage after she is discharged from the hospital.

Violation of health rights of Maria Rotaru

1. *Non-provision of timely drug treatment (OST), clean syringes and condoms*, which led to increased risk of HIV, violating an inalienable fundamental (inherent) right to life recognized by Article 6 of the International Covenant on Civil and Political Rights, 1996;
2. *Non-provision of protection against rape and violence*, breaching the right to liberty and security of a person, reaffirmed by Article 9 of the International Covenant on Civil and

Political Rights, 1996), and the International Covenant on Social, Economic, and Cultural Rights, such as the right to equal protection under the law;

3. *Discrimination and maltreatment in health care settings*, referring to the concept of reproductive health developed and declared in Article 12 of the Convention on the Elimination of All Forms of Discrimination Against Women, which became effective in the Republic of Moldova from January 31, 1994, emphasizing a ban on discrimination expressed in Article 2 of the Universal Declaration of Human Rights as “everyone is entitled to all the rights set forth in this declaration, without distinction of any kind”;

4. *Groundless inducement to abortion and non-provision of vitally important information on maternal and infant health during pregnancy* in line with breaches of Article 24 of the Convention on the Rights of the Child, 1989, as well as Article 6 of the International Covenant on Civil and Political Rights, 1996;

5. *Groundless deprivation of parental rights* in breach of Article 16, “the right to found a family,” of the Universal Declaration of Human Rights.

Broader issues involved in the case

In Moldova, the estimated number of people who use drugs is 31,562; the proportion of women among them is unknown. According to official data, women amount to 6.4% of drug dependant persons; however, among clients of low-threshold services for people who use drugs, at least 18% are women (Union for HIV/AIDS prevention and Harm Reduction in the Republic of Moldova, 2012). During pregnancy, a woman drug user needs to be referred not only to drug addiction treatment like OST, but also to other necessary health care and social support services, in order to improve health outcomes for her and her child. OST helps to stabilize a woman’s physical and psychological state and allows her to prepare for motherhood, while adhering to other treatments, such as antiretroviral treatment, which prevents mother-to-child transmission of HIV. Widespread discrimination and stigma against pregnant WUD in healthcare settings is a violation of the right to the enjoyment of the highest attainable standard of physical and mental health declared by Article 12 of the International Covenant on Economic, Social and Cultural Rights to which the Republic of Moldova is a State Party.

Recommendations to Moldova

- To increase the coverage and quality of programs to prevent HIV transmission among women most vulnerable to HIV (provision of clean needles and syringes and condoms, HIV testing and counselling and opioid substitution treatment).
- To create mechanisms to protect women vulnerable to or living with HIV from stigma and discrimination in healthcare services.
- To create mechanisms to support women vulnerable to or living with HIV in parenting, through social services.

For more information:

Daria Ocheret

Deputy Director for Policy and Advocacy

Eurasian Harm Reduction Network

Tel.: +370 5 2691 600 Tel.: +370 5 2691 600

Fax: +370 5 2691 601 Fax: +370 5 2691 601

Cel.: +370 68271517

E-mail: dasha@harm-reduction.org

Reference

Union for HIV/AIDS prevention and Harm Reduction in the Republic of Moldova (2012)
Report on the results study «Access to harm reduction services for women who use injecting drugs in Balti, Belarus». In Russian. Available online from http://harm-reduction.org/images/stories/News_PDF_2013/Eu_Projects_Pdf/assessment_moldova.pdf
(Accessed: July 25, 2013)