

Internally Displaced Persons are not Protected by the Legislation of the Republic of Moldova

On 20 June, the UN Refugee Agency (UNHCR) and the international community worldwide celebrates the World Refugee Day in order to attract the public attention to the millions of refugees and internally displaced persons in the whole world, who were forced to leave their homes because of wars, conflicts or persecutions.

The annual UNHCR Report on *Global Trends*, made public on 18.06.2015, shows that the global phenomenon of displacement due to wars, conflicts and persecutions reached the highest levels ever and the trend is increasing rapidly[\[1\]](#). At the global level, there are about 19.5 million refugees and 38.2 million people displaced within their own countries.

Though the Republic of Moldova made significant processes in the area of asylum, with the accession to the Convention relating to the Status of Refugees of 1951[\[2\]](#), and later by adopting the asylum law[\[3\]](#) aligned to the international standards, nothing was done with regards to internally displaced persons, and there aren't any official figures on the number of internally displaced persons[\[4\]](#).

We remind that in 1992 the Republic of Moldova faced a humanitarian crisis, when according to some estimations about 130 thousand people were displaced (from the Eastern region) as a result of the war on the Nistru river.[\[5\]](#)

Unfortunately, the lack of legislation on internally displaced persons raised the interest of some scientific researches only, who revealed a legal vacuum and lack of any guarantees

to protect the internally displaced persons, as well as the need to adopt a law on internally displaced persons[6].

A closer analysis of the legislation of the Republic of Moldova reveals that currently it contains neither the term of internally displaced persons, nor any mechanisms to protect this category of people.

More specifically, Law No 270 of 18.12.2008 on Asylum in the Republic of Moldova contains only the notion of displaced people who, according to the definition, refer only to foreign persons, displaced from their country of origin to other countries, i.e. refugees, and other regulatory acts have either fallen into disuse[7], or have a very narrow scope[8].

In this context, based on the Guiding Principles of the UN on Internal Displacement[9] we recommend to the national authorities and the Office of the United Nations High Commissioner for Refugees of the Republic of Moldova to take the necessary measures in order to adopt a special law on internally displaced persons in the Republic of Moldova.

The need to adopt such a law is even higher, given that a *de facto* regime was established on the left bank of the Nistru river, whose secessionist administration has one of the worst human rights practices in Europe[10], and the persecutions by law enforcement bodies from the left bank of the Nistru river force people to leave their homes.

For more details, please contact: Carolina Bondarciuc, Press Officer Promo-LEX: GSM 060280980, Tel/Fax (+373 22) 450024, e-mail pr@promolex.md

[1]<http://www.unhcr-centraleurope.org/ro/stiri/2015/raport-unh-crtendine-globale-privind-stramutarea-forata-in-2014.html>

[2]The Republic of Moldova joined the 1951 Convention and the Protocol Relating to the Status of Refugees by Law No 677 of

23.11.2001, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=312612>

[3] Law on Asylum in the Republic of Moldova No 270 of 18.12.2008,

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=330978>

[4] <http://www.unhcr.org/pages/49e48d3b6.html>

[5] Bennett J. Internal displacement in context: the emergence of a new politics. In: Davies W. Rights Have No Borders: Worldwide Internal Displacement. London: Global IDP Survey, Norwegian Refugee Council, 1998, p. 12.

[6] <http://www.cnaa.acad.md/news/2015/27042015/>

[7] Government Decision No 658 of 21.10.1993 on the provision of housing to citizens forced to leave the place of living in the Eastern districts of the Republic of Moldova

[8] Law No 105 of 16.05.2008 on the Protection of Witnesses and Other Participants in the Criminal Process

[9] UN Principles on Internal Displacement U.N. Doc E/CN.4/1998/53/Add.2,

published

on <http://www.brookings.edu/~media/Projects/idp/GPEnglish.pdf>

[10] Unfreezing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldova, available

at http://www.statistica.md/publications/137/ro/Raport_Transnistria_Meyer_rom.pdf