**Information of the Ombudsperson's Office (of the Ombudsperson) of the Republic of Moldova at the request of the Special Rapporteur on adequate housing**

1. The Ombudsperson's Office shall use the term “homeless” to examine cases involving persons who are in a psychological, relational, health, social, legal crisis, in a situation determined by the lack of a home or the impossibility to afford one. The crisis situation is understood as the inability to obtain an identity document, a job and be provided with medical and social public services.

In the regulatory framework the definition of “homeless” is given in the draft of a Government Decision (approving the Framework-Regulation on the organization and modus operandi of the Social Centre for Accommodation and Social Adaptation of the Homeless and the Minimum Quality Standards) which is currently being pondered over with the public authorities. According to this draft, the homeless are persons who do not have a permanent, nor a temporary home.

1. A category of the population that has nowhere to live is made up children and orphans of young ages who graduated from residential institutions, and who – according to the law of the Republic of Moldova – are supposed to be given a place to live by the local public authorities. Because there are no dwelling spaces that the local public authorities could provide, the young orphans have to wait for more than 10 years to be given a place to live. After pondering over this issue, the Ombudsperson made several recommendations to the local public authorities and the Government. As the authorities were shirking from providing a dwelling place to young orphans, the Ombudsperson filed a civil lawsuit to have the court acknowledge the violation of the right to a decent life and home for orphans, require the local public authorities to give the young orphans a place to live and pay non-pecuniary and pecuniary damages caused by the authorities as they failed to observe children’s constitutional rights. The court did acknowledge the violation of constitutional rights, but it, unfortunately, did not oblige the local public authorities to give young orphans dwelling places.

This issue made the subject of an Issue-Focused Report drafted by the Ombudsperson’s Office, and was also tackled in the Annual Report submitted to the Parliament[[1]](#footnote-2), and the Government is asked every year to take actions to address this issue at country-level.

1. The Ombudsperson’ Office believes that the key-causes why there are homeless people have everything to do with the high level of poverty, which determined the insufficiency of available homes and social shelters, evacuation because of not paying rent, long-term unemployment, swindling.

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5. The Ombudsperson's Office – after examining the application of a person with disabilities who has the status of social orphan, and who after graduating from a trade school had no decent place to live – qualified this as a violation of the right to social protection (to a decent standard of living) With regard to this case, a notification with recommendations was submitted to the Ministry of Labour, Social Protection and Family. The recommendations of the Ombudsperson were about providing the necessary assistance to prepare the documents needed to establish the right to social allowances in compliance with the laws in force, identifying possibilities to place these young people in a social service in order to facilitate their inclusion in the community, and also about reviewing the social protection system so as to lessen the number of socially disadvantaged persons like the aforementioned ones, who were not provided with any social protection whatsoever.

6. On 30 April 2015, the Law No 75 on Dwellings was passed. It shall come into force on 29 November 2015. This law gives the definition to the term *social housing* – housing meant for persons in need of social protection, given for rent as prescribed by this Law. Chapter II of the Law sets forth how can social housing be applied for, and that record needs to be kept of the persons who need social housing etc.

On 14 May 2015, by the order of the Ministry of Regional Development and Constructions of the Republic of Moldova, the Regulation on the carrying out of the project to build homes for the socially and economically disadvantaged was adopted, it was precisely aiming at:

a) persons with severe disabilities;

b) deinstitutionalized persons (orphans between 18 and 21 years of age);

c) families with at least 3 minor children, families where there is only one parent bringing up at least two minor children;

d) families or persons who have in their care children with severe disabilities;

e) young families under the age of 35, in which at least one of the family members is employed in a budgetary institution, or persons under the age of 35 working in budgetary institutions (in the field of education, health, social assistance).

1. http://ombudsman.md/sites/default/files/document/attachments/cpdom\_raport\_2011anexe\_0.pdf [↑](#footnote-ref-2)