



**Report by Information Centre GENDERDOC-M
Presentation of the status of Lesbian, Gay, Bisexual and Transgender Rights in the Republic
of Moldova for Universal Periodic Review**

Information Centre GENDERDOC-M was established on 8 May 1998 and is a non-governmental organization that advocates for and lobbies LGBT (lesbian, gay, bisexual and transgender people) rights in Moldova. Information Centre GENDERDOC-M is a member organization of the Coalition on Anti-Discrimination, National Youth Council of Moldova, ILGA-Europe (European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association) and IGLYO (International Lesbian, Gay, Bisexual, transgender and Queer Youth and Student Organization).

1. Introduction:

In Moldovan society, there persist principles of social intolerance, religious extremism and discriminatory attitude from public office representatives, commercial agents and other organizations towards LGBT people. Such sentiments stem from one's assurance that he/she will remain unpunished if commits a crime against a homosexual person. LGBT community gravely faces intolerance and is deprived of equal rights. No less serious consequences derive from the fact that LGBT people perceive themselves as second-class citizens, unworthy of being protected from violence and hatred by state.

An analysis of LGBT human rights violations shows that the Republic of Moldova neither respects commitments it assumed by signing international acts, nor does it observe its own decisions such as National Human Rights Action Plan 2004-2008 which was adopted by the Moldovan parliament on 24 October 2004. This leads to a conclusion that Moldovan government does not guarantee its own citizens exercise of their rights and freedoms, which violates supreme law of the land, the Constitution of the Republic of Moldova, and a number of international legal norms.

2. Law on Preventing and Combating Discrimination:

According to the National Human Rights Action Plan 2004-2008 the Parliament of the Republic of Moldova had assumed responsibility to adopt a Law on Preventing and Combating Discrimination. To date, the bill has not been adopted. On 17 February 2011, the draft law was approved by a majority vote in the government and forwarded to parliamentary committees for further consideration.

In July 2008, representatives of civil society and public authorities met with OSCE Mission to Moldova to discuss the draft. Greatest arguments during discussion were caused by whether to include sexual orientation among grounds protected from discrimination in the law or not. Such negative attitude is formed and promoted by aggressive and radical neo-Nazi and religious groups who do not want LGBT people to be integrated as an equal part of society protected from discrimination. Religious groups constantly affirm that they have right to discriminate against LGBT people.

Relying on annual reports on discrimination and human rights violations submitted by Information Centre GENDERDOC-M and based on documented cases of discrimination, as well as



relying on results of the recent study conducted by Soros Foundation-Moldova (http://soros.md/perceptia_discriminare_RM), which shows that the level of tolerance towards LGBT people reaches only 2%, we can state that the LGBT community is one of the most discriminated social groups in Moldova.

Recommendation: Exactly because of the situation described above, parliament of the Republic of Moldova must not permit exclusion of sexual orientation as a non-discrimination criterion from the Law on Preventing and Combating Discrimination as well as to adopt the law unconditionally and without delay.

3. Freedom of Assembly:

In spite of constitutional right to freedom of assembly every Moldovan citizen possesses, the LGBT rights organization has never been given an authorization to hold a peaceful demonstration. Since 2005 Information Centre GENDERDOC-M has tried to organize a peaceful demonstration supporting adoption of an anti-discrimination legislation and standing for human rights observance without discrimination and homophobia in the city centre of Chisinau. Each time, special committee comprised of local authority representatives prohibited the peaceful demonstration due to participants' sexual orientation. In 2008, new Law on Freedom of Assembly, which stipulates that non-discrimination is one of the basic principles, became operative. Article 4B from this law guarantees freedom of assembly for everyone regardless of his or her race, nationality, language, sex, political affiliation, social status and any other criteria.

On 11 May 2008, the bus with LGBT representatives was ferociously attacked when tried to hold a peaceful demonstration. Group of 46 persons, including organization's staff, LGBT community members and Pride Festival guests, were attempting to hold peaceful demonstration at the Grand National Assembly Square. Between 300 and 500 aggressive counter-protesters, comprised of religious extremist groups, neo-fascist Noua Dreapta (The New Right) movement and Afghani and Transnistrian wars combatants, blocked the bus with demonstrators trying to break its engine whilst shouting insults against the people trapped inside. About six police vehicles were parked within 100 meters from the site of occurrence; however, the police did not interfere at all. GENDERDOC-M representatives attempted to call the police nine times without any success. After demonstration participants had yielded up demonstration posters and flags, they were unblocked and the bus was able to leave the site.

Information Centre GENDERDOC-M sent letters of concern to the Ministry of Internal Affairs and General Police Commissariat and received a response that counter-protesters had acted in compliance with Law on Freedom of Assembly whilst LGBT demonstrators had violated Law because their demonstration had been banned.

Information Centre appealed against decision of the City Hall. On 18 March 2009, the Supreme Court of Justice justified City Hall's conduct considering its ban on demonstration legitimate.

In 2010, attempting to hold another demonstration, Information Centre GENDERDOC-M notified Chisinau City Hall about its intention requesting protection from counter-protesters if such appeared. The City Hall went to Court of Appeals asking for permission to ban the LGBT demonstration. Grounds for prohibition comprised a large number of petitions and letters received by local authorities in which individuals and religious associations were demanding demonstration's barring. They said that Moldova was a religious country with 95% Orthodox



Christian population who were deeply outraged by the mere intention to hold a gay parade at the Grand National Assembly Square, which is considered a holy site for citizens of the Republic of Moldova with the Central Cathedral situated next to it.

On 28 April 2010, Court of Appeals prohibited Information Centre GENDERDOC-M to hold a peaceful demonstration.

On 13 May 2010, the Supreme Court of Justice recognized unlawfulness of the decision by Court of Appeals but did not recognize fact of discrimination against GENDERDOC-M and its intention to hold a peaceful demonstration. Moreover, it did not bind Chisinau City Hall to prevent such situations in future. This happened even in spite of the fact that organization's barrister proved presence of discrimination based on sexual orientation.

Recommendation: Public authorities must respect principles of equality and non-discrimination towards all social groups living in the Republic of Moldova and ensure equal access to rights and freedoms for every person on the territory of Moldova. Also, authorities must ensure protection from counter-protesters at assemblies. To initiate criminal case proceedings and to make those who bar freedom of assembly criminally liable in compliance with Article 185 from the Criminal Code of Moldova.

4. Freedom of Expression:

Threats and incitements to violence against LGBT people in oral discourses, as well as within various Internet forums and websites, are frequent and lead to fomentation of hatred and homophobia, particularly among youths who are usual visitors of such web pages. This situation is also aggravated by the fact that reliable information concerning sexuality and LGBT rights is not presented in educational institutions; all knowledge about homosexuality derives from stereotypes that persist in Moldovan society. In such conditions, it is very easy to provoke hatred against gay people.

Complaints sent to Prosecutor General's Office urging to stop incitements to hatred, hate speeches and threats apparent on official mass media websites and social networks did not have any positive outcome. Prosecutor General's Office stated that a case could not have been initiated due to absence of body of a crime.

On 23 April 2010, Law on Freedom of Expression was adopted by parliament. According to Article 3, Paragraph 3, freedom of expression may be limited by law in a democratic society when it threatens national security, territorial integrity or social security, to protect order and prevent crimes, to protect health and morality, reputation or rights of other persons, to prevent disclosure of confidential information or to maintain authority and impartiality of judicial system. Article 3, Paragraph 5, states that guarantee of freedom of speech does not apply to discourses inciting to hatred and violence.

Recommendation: Moldovan authorities must obligate bodies of charge to control and immediately react to violations which are prosecuted by this law.

5. Hate Crimes:

Information Centre GENDERDOC-M documents cases of attack on LGBT people on streets, in public places and even in their own families. There is not a single court decision that would qualify such attacks as hate crimes. Law-enforcement bodies do not take any measures to prevent



such crimes. There are known cases when the police officers, upon their arrival to the scene of crime, realizing that the victim is a homosexual person, would pick offender's side and begin mocking and humiliating the victim. GENDERDOC-M even documented cases when victims had been sexually harassed and treated with disrespect by law-enforcement authorities. As a result of such kind of treatment, some people consider rather acceptable to humiliate gay and lesbians because this norm of conduct is tolerated by the state itself.

The hardest ordeals of all are problems caused by law-enforcement bodies. Exactly in these cases LGBT people feel vulnerable and frightened and are even ready to give bribe in order to avoid problems with the police. Some policemen use such opportunity to extort money by threatening and blackmailing gays and lesbians. Loss of confidence in law-enforcement officers leads to people's unwillingness to file complaints against other violations.

To date, we are not aware of cases when policemen were punished for dereliction of obligations when they had been investigating crimes committed against LGBT community members.

6. Right to Respect for Private Life and Right to Non-disclosure of Personal Information:

Information Centre GENDERDOC-M has documented a number of racketeering cases performed by the police in gay meeting places in city parks.

The blackmailed were gay men who were forced to pay certain amounts of money to the police workers for the information regarding their private life was not disclosed to their families and employers. As a result of one such case, a young gay man committed suicide being afraid that his sexual orientation would be disclosed to his parents and at work.

GENDERDOC-M sent a letter of demand to the Ministry of Internal Affairs and Central Police Commissariat urging to hold explanatory work with the police and put an end to blackmailing of gay men at places of their meeting. However, we have not received a satisfactory response yet. Senior police officers cover up their subordinates' illegalities and falsify investigation results.

As regarding the suicide case, an internal investigation was initiated. Witnesses, who had heard the conversation between that young man and the police, were interrogated. Unfortunately, the investigation was terminated due to absence of the body of crime. Information Centre GENDERDOC-M intends to convince victim's relatives to go to court against Ministry of Internal Affairs and the police.

Recommendation: To investigate all blackmail cases and to not allow inadmissible conduct of the police and other bodies. Moldovan authorities must make certain that public servants do not act discriminatory and possess necessary skills for this kind of work, namely, they have basic knowledge in the field of human rights and non-discrimination.

7. Consumer Rights and Access to Public Services:

Information Centre GENDERDOC-M has documented several cases when employees and owners of public caterings had asked to leave young gays and lesbians from their establishments. Police have never interfered properly. At best, those offenders were charged with hooliganism and forced to pay minimum fine to the state. The fact of discriminatory behavior and infringement of the right to access public services was never recognized.



In spite of the fact that World Health Organization erased homosexuality from International Classification of Diseases as back as 1990, in the Republic of Moldova, there are doctors who consider homosexuality a disease and refer homosexual individuals to psychiatric treatment. On the score of doctors' ignorance about homosexuality and transgender issues, this group of people still faces difficulties when visiting doctors. To avoid problems, patients conceal information regarding their homosexuality, which complicates diagnosing and treatment selection.

Recommendation: State must provide proper education and qualification to doctors in order to service LGBT people competently. Also, Moldovan authorities must ensure access to medical services for the LGBT community members. Moldovan authorities must ensure protection of consumer rights and punish those who violate them in compliance with law.

8. Right to Identity:

Nowadays, there is no any mechanism on changing government-issued identification documents for transsexual individuals in Moldova. These people live with new appearance according to their desired identity (which develops within hormonal therapy) but with old IDs which indicate their sex assigned at birth. Absence of IDs which correspond to current appearance and identity is a serious obstacle on the way of getting a job, crossing a border and in other spheres where IDs are required. Customs inspections and frontier services are not informed about transsexuals' existence and they do not have any instructions on how to react when a transsexual person is crossing a border with not updated documents. This leads to degrading treatment and humiliating procedures of undressing and personal examination before these people are allowed to cross a border.

In September 2010, Information Centre GENDERDOC-M held a round table with the Ministry of Health where transgender issues regarding procedure of ID changing were discussed. A working group to solve these problems was created after that event. To date, there have been no positive results of this group's activity.

Recommendation: Authorities must introduce necessary changes in existing Moldovan legislation and its implementation to ensure protection of the right to identity of transsexual people. Law on Document Changing requires revision and definition of a precise system, as well as definition of the "sex change" term according to European standards. State employees, particularly customs inspections and frontier services, must be informed and instructed about such situations.

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