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THE 2011 REPORT ON STATE OF HUMAN RIGHTS OF LGBT PEOPLE IN THE REPUBLIC OF MOLDOVA DRAWN BY THE GENDERDOC-M INFORMATION CENTRE

The report reflects all registered cases of discrimination and human rights violations of LGBT people and generally describes the situation for 2011. That year, just like in the past ones, GENDERDOC-M Centre's activity faced strong resistance from religious and extremist organizations, as well as from some public and political figures.

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 strong assurance that he/she will remain unpunished if commits a crime against a homosexual person. LGBT community gravely faces institutional homo- and transphobia, and is deprived of equal rights. Serious consequences derive from the fact that many LGBT people perceive themselves as second-class citizens, unworthy of being protected from violence and hatred by state.

On 12 October 2011, Republic of Moldova was subject to the Universal Periodic Review at the United Nations Human Rights Council, resided in Geneva, for the first time. The UPR is a new and unique UN mechanism launched in April 2008 which includes a review of human rights situation in each of UN member states every four years.

Moldova was criticized for infringement of LGBT rights by such states as Poland, Norway, USA, Sweden, Australia, Spain, the UK, France and Mexico. These countries gave 10 recommendations to the Republic of Moldova to improve the state of human rights of LGBT people and protect them from discrimination. Moldova voluntarily committed itself to implement most of received recommendations (9 out of 10).

The 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, National EU-Moldova Visa Liberalization Action Plan, UPR recommendations, etc. This leads to a conclusion that Moldovan government does not guarantee its own citizens exercise of their rights and freedoms, which violates the supreme law of the land, the Constitution of the Republic of Moldova, and a number of international legal standards.

LAW ON PREVENTING AND COMBATING DISCRIMINATION:

In October 2007, Ministry of Justice of the Republic of Moldova created an anti-discrimination working group and prepared a draft law on preventing and combating discrimination in June 2008. 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 the GENDERDOC-M Information Centre and based on documented cases of discrimination, as well



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as relying on results of the 2011 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. 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.

Republic of Moldova had assumed responsibility to adopt the Law on Preventing and Combating Discrimination. To date, the bill has not been adopted. On 17 February 2011, the draft law was approved by majority vote in the government and forwarded to parliamentary committees for further consideration.

On 30 March 2011, at its ordinary sitting, government of the Republic of Moldova decided to withdraw the Law on Preventing and Combating Discrimination from parliament for improvement and clarification. According to the then Minister of Justice Alexandru Tanase, draft was withdrawn because it necessitated further consultations. Prime Minister Vlad Filat affirmed necessity of discussing the draft law in government: “Content of the law will remain unchanged with introduction of some explications. We do not want to step away from certain principles. We need to overcome misunderstanding. We wish not to have complaints from civil society representatives, anti-government protests and rallies”.

Nevertheless, leaders of the most parliamentary political parties assumed homophobic discourse when commenting draft law.

Here are several of them:

Valeriu Ghilechi, Liberal Democratic Party, Member of Parliament: “I became very saddened when I heard of Government’s decision to forward the draft Law on Preventing and Combating Discrimination to Parliament... Without any doubt, this law presents potential danger for the integrity of family and church’s freedom of expression with regard to morality issues... if taking out the term ‘sexual orientation’, then the law per se doesn’t present any danger for society... I believe the best decision would be declination of the law in general.”

<http://valeriughilechi.org/2011/03/proiectul-de-lege-privind-combaterea-discriminari/>

Eduard Musuc, Communist Party, Member of Parliament: “These issues aren’t even a subject for discussing. This We are being at the time of the Great Fast. Behavior of these individuals, who frantically try to promote such kind of things, should be somehow tempered. They must calm down because there also exists another practice, applied in the Soviet Union, – a penalty for such things. If they keep being so impudent insisting on those things, I am afraid that the civilized part of society, consisting of 99%, will seek revenge...”

<http://radubusila.md/?p=1502>

http://www.youtube.com/watch?v=IWIOzwSMz40&feature=player_embedded#at=13

Valdimir Voronin, Communist Party Chief, Member of Parliament: “We live in the animal world, and in the animal world such thing does not exist. We will not vote [for the law]. Our party doesn’t even discuss such issues.”

<http://www.protv.md/#!/stiri/politic/protest-anti-homosexual-in-fata-parlamentului-deputatii-se-intrunesc.html>



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Igor Dodon, Socialist Party (Communist Party then), Member of Parliament, a Chisinau city mayor candidate in 2011 elections: “One of the steps to strengthen birth rate is to strengthen our healthy Moldovan traditions, especially those of the family cult. Divorce statistics is alarming in the Republic of Moldova. And more alarming are all sorts of smutty initiatives which suggest legalization and promotion of sexual relations which exceed normality and traditional Moldovan common sense.”

<http://unimedia.md/?mod=news&id=31336>

Mihai Ghimpu, Liberal Party Chief, Member of Parliament (on decriminalization of homosexuality): “There were homosexuals among members of parliament in the Republic of Moldova. It’s better to love a woman than a man, but I voted for decriminalization of homosexuality because it was one the conditions to join Council of Europe. I saw how the eyes of several MPs were shining when it happened. I thought, “Lord! How can I vote for this?” He said: “We are liberals, but we are healthy and we want to have healthy families. This is a deregulation, nature is nature, but we don’t have to put them in the frontline. We don’t take patients from psychiatric institutions and bring them to our main square. With all respect for them, I will not vote for this law!”

<http://www.protv.md/#!/stiri/politic/protest-anti-homosexual-in-fata-parlamentului-deputatii-se-intrunesc.html>

Dorin Chirtoaca, Liberal Party, Chisinau City Mayor: “We are liberals and our party said that homosexuals should stay at home. I think it’s better for a boy to be with a girl and for a girl to be with a boy. They can also give birth to children. Everyone has rights, but in my opinion, private life should remain private.”

http://www.publika.md/emisiuni/las-ca-i-ghini_421.html

Marian Lupu, Democratic Party Chief, speaker of Parliament: On gay parades: “Why heterosexual people do not organize parades but homosexuals want to hold gay parades? We must tell the truth, antidiscrimination law is only a beginning. After, those homosexuals will ask for other rights - “give them a finger, and they will bite the hand”. The law must stipulate that it does not provide same-sex marriage and children adoptions.”

http://www.youtube.com/watch?feature=player_embedded&v=S6F1EIZktFc

Vladimir Plahotniuc, Democratic Party, ex-vice speaker of Parliament: “Including the term ‘sexual orientation’ as a non-discriminatory criterion in the law [on Preventing and Combating Discrimination] runs counter to our Orthodox society’s age-old traditions according to which homosexual practices are condemned and considered amoral. Personally, I will oppose any attempts to legalize these practices; respectively, I will not support this draft law if the term ‘sexual orientation’ is not excluded from the list of non-discriminatory criteria.”

<http://www.flux.md/articole/11537/>

In March 2011, sitting of the Parliamentary Human Rights Committee on the draft Law on Preventing and Combating Discrimination took place. Representative of the Nondiscrimination Coalition Iulia Marcinschi attended the meeting. According to her, Committee members hadn’t made any openly homophobic remarks, but the Committee Chair Vadim Misin said the



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following: “We must consider different opinions. I personally went to Synod (Orthodox Church governing body) and asked for their opinion about the law. They dismembered it article by article – destroyed all arguments”.

A year earlier, on 26 January 2010, the GENDERDOC-M Information Centre representative, Anastasia Danilova, and the ILGA-Europe staffer, Beth Fernandez, met with Ana Gutu, member of the Liberal Party and head of Moldovan delegation to the Parliamentary Assembly of the Council of Europe, in Strasbourg. Ana Gutu was asked when, in her opinion, the draft Law on Preventing and Combating Discrimination would be adopted and how the process could have been accelerated. Among Ana Gutu’s statements there was the following: “You should understand that in Moldova God is above law. Moldovan society is not ready for such laws.”

The Assembly’s Monitoring Committee Rapporteurs visited Moldova in March of 2011. Their subsequent Information Note discussed the circumstances surrounding the introduction of the proposed legislation and commented as follows:

“The submission of the draft law however has given rise to considerable controversy in the country. In particular some NGOs, members of the clergy, and the five Orthodox churches and prominent politicians have expressed their hostility and opposition to the inclusion of the term ‘sexual orientation’ in the draft. We deplore the use of homophobic language, which is unacceptable.”

Concerned by these developments, a member of the Assembly, Mr Mogens Jensen, tabled a Written Declaration during the April part of session entitled “Homophobic speech by members of Moldova’s parliament and intimidation of LGBT human rights defenders”. This had two objectives:

- To remind parliamentarians, particularly those holding important public office, of their particular responsibility, as set out in Recommendation No. R(97) 20 of the Committee of Ministers, to refrain from statements which are likely to produce the effect of legitimizing, spreading or promoting discrimination or hatred based on intolerance.
- To emphasize that such statements can contribute to creating a climate of hostility which endangers the safety and well-being of others.

Later in the session, the head of Moldovan delegation to the Assembly, Ms Ana Gutu, tabled a counter declaration, entitled “Unjustified damage to the image of the Moldovan Parliament”. It stated that “there have been no homophobic speeches by any member of Moldovan Parliament, a fact easily attested by all the documentary evidence, such as video recordings, minutes of parliamentary discussions and media coverage... It is regrettable that Assembly members had been misled into signing a baseless declaration, thus becoming accomplices in spreading lies which damage unjustifiably the image of a member state of the Council of Europe.”

The report on homophobic speech by members of Moldova’s parliament contains links to videos and mass media articles which can serve as a documentary proof to the fact that statements indicated in the report were made in real.

Homophobic comments spread in mass media were accompanied by acts of intimidation by representatives of general public and were committed against the human rights defenders who publicly backed LGBT rights.

Below are described several of those acts:



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- After her public statements in favor of the draft law, our partner lawyer Doina Ioana Straisteanu found obscene writings addressed to gay people on her car. On 8 March 2011, on exiting her apartment block, she found both mirrors on her car had been destroyed. Doina doesn't have any proof that the mirrors were broken on the ground of homophobia – this is her assumption. She didn't go to police; neither did she make a public statement on this.
- On 9 March 2011 at 19:00, Alexei Marcicov, GENDERDOC-M chair, who had pled for adoption of the law on numerous occasions, was taking a ride on a minibus on his way back to home. Two passengers, a young man and girl were chatting with each other and staring at Alexei Marcicov all the time. When getting off, the young man pushed Mr Marcicov in the back so strongly that the latter fell down. Upon getting up on his feet, Mr Marcicov made an observation to the man but heard indecent words about his sexual orientation right back and following phrase from him: "If you don't like it here, get out to Europe". Alexei Marcicov didn't respond to this and headed to his home but he instantly was hit in his arm by a rock that had been thrown at him. Offenders disappeared immediately. Alexei Marcicov didn't attempt to go to police.

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 youth 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, the 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.

- The journalist Oleg Brega was insulted in the privesc.eu moderated chat with open and free access to on-line streamed public events and press conferences. In February 2011, during the live streaming of the press conference held by GENDERDOC-M Information Centre, moderator and other visitors of chat allowed insults of LGBT people. Oleg Brega, on entering the chat, tried to explain what goals of the project under discussion had been and draw moderator's attention to the hostility and hateful discourse against LGBT people. As a result, Oleg Brega was insulted himself for supporting LGBT initiatives. The chat's participants and moderator himself perceived Oleg Brega as homosexual and began threatening and calling him names.



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Oleg Brega, with legal support by GENDERDOC-M Information Centre's partner lawyer, submitted a civil claim against privesc.eu website demanding public apologies and compensation of moral damages for allowed insults.

On 2 November 2011, a court hearing with debates on the case subject took place; parties defended their positions and made it clear for court that they wanted to create a court precedent regarding limitation of freedom of expression. On 23 November 2011, Riscani District Court fully justified Oleg Brega's claim and issued a decision in claimant's favor. On 14 December 2011, the decision was finally issued and is available on www.dis.md. The judge said decision had been appealed by privesc.eu.

First hearing at the Chisinau Court of Appeals is set for 22 February 2012.

- On 17 March 2011, three GENDERDOC-M Information Centre's staffers called a taxi cab to go home from work. On their way, they were discussing issue of the anti-discrimination law. Within a short period of time, the taxi driver intervened in discussion and asked if they were discussing the law for 'faggots'. He received answer that the law was meant to protect all citizens of Moldova from discrimination, including gays. The driver instantly pointed: "You say 'gays' – such nice words for these people, while they are mere faggots". He added: "I would take a bat myself and killed them all. I would crush their heads." The GENDERDOC-M staffers asked if he knew personally at least single homosexual to be saying things like these. He said: "I didn't want to either know or hear anything about them. They aren't human." Then the driver was told that the taxi company he worked for was partner of the organization protecting rights of gays and lesbians. Driver was becoming more and more aggressive. "How can you advocate for them? They Они are sodomites. It's one of ten deadly sins. I know – I have seriously studied the question. They are perverts. They aren't human – animals! They don't deserve to be called men. I would kill them!"

- On 30 March 2011, GENDERDOC-M and Angela Frolov submitted a civil claim against the religious extremist Vitalie Marian for incitement to discrimination and hate speeches against LGBT people. Vitalie Marian had previously published a list of public persons, who had openly advocating for equality and non-discrimination of LGBT people or had been noticed attending various events held by GENDERDOC-M, on his personal blog condemning them.

http://marianvitalie.eu/?page_id=999

The 'black list' currently includes ombudsman Tudor Lazar, executive director of a human rights organization and members of the TeleRadio Moldova Council of Observers. Besides the 'black list', Vitalie Marian spreads information through his personal blog and other web pages calling homosexuality a disease and comparing it pedophilia. On 3 March 2011, at a JurnalFM radio program Vitalie Marian said: "I call on all citizens of the Republic of Moldova to discriminate against homosexuals' lifestyle".

On 1 August 2011, judge issued a case ensuring order which prohibits defendant to publicly spread and comment statements which he is being charged for. The decision was appealed in the Court of Appeals on 8 December 2011 but it was declined, and the case returned to Riscani District Court. Despite judge's decision, Vitalie Marian went on spreading hate speeches concerning homosexuality and accusations of persecution by GENDERDOC-M.

On 4 November 2011, two denunciations were submitted to a police commissariat where GENDERDOC-M's lawyer demanded drawing of report based on Article 318 of Moldova's Civil Code for failure to comply with the court decision from 1 August 2011 by Vitalie Marian and his



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lawyer Radu Busila. The district police officer held a discussion with the defendant and explained him the report was drawn and what term 'case ensuring order' was. On 9 December 2011, Buiucani District Police Commissariat communicated that a report on failure to comply with the court decision from 1 August 2011 was drawn against Vitalie Marian and it was dispatched to court for final decision.

- The website "Moldova Noastra" (<http://mnd.md>) re-posted Vitalie Marian's 'black list' and on its owner/administrator's initiative a new number of civil society representatives and civic activists advocating for equality of LGBT people in Moldova was added to the already existing list. A collective claim by 8 persons from the 'black list' was submitted. First court hearing is set for 17 February 2012.

- On 15 September 2011, former head of Information and Security Service Anatol Plugaru held a press conference where he made homophobic statements and called for discrimination against gay people. Anatol Plugaru equalized homosexuals with pedophiles, zoophytes and necrophiles naming homosexuals persons with psycho-pathological deviations.

<http://www.privesc.eu/Arhiva/6368/Conferinta-de-presa-cu-tema--Cerinte-si-recomandari-antistatale-si-antinationale-ai-unor-experti-din-Uniunea-Europeana-si-ONU>

A claim against Anatol Plugaru demanding apologies to LGBT people and further abstention from such statements inciting to hate was submitted. The judge issued a case ensuring order which prohibits the defendant to spread and publicly comment statements he is being charged for. The first court hearing was set for 25 January 2012 but due to defendant's absence, it was postponed until 2 May 2012.

- On 8 November 2011, on ProTV channel's website, under the previously broadcast reportage entitled "They sexually exploited underage boys! Four pedophiles detained! And ex-policeman among them", there was indicated the reference "Other news about: pedophiles, traffic in children, homosexuals", thus equalizing homosexuals with pedophiles and traffickers of children. Under the reportage, there had been left offensive comments, incitement to hatred, discrimination and violence against gay people.

<http://www.protv.md/#!/stiri/social/au-creat-un-site-pentru-pedofili-patru-barbati-au-fost-retinuti.html>

On 11 November, there was dispatched a preliminary statement to ProTV based on the Law # 64 on Freedom of Expression. In the statement, we requested the word 'homosexual' under the heading "Other news about:..." to be erased and replaced, for example, with the phrase "Other cases of pedophilia targeted by law-enforcement bodies" or/and "heterosexual pedophiles"; humiliating and defamatory comments against gay people to be erased and comments left on ProTV web pages to be moderated in general.

Without a written notice, ProTV fulfilled all our requirements enlisted in the preliminary statement, though. For the time being, we have not received any official answer from ProTV.

- On 9 November 2011, a group of citizens, presenting themselves veterans of Transdnestrian War, led by Valeriu Ciobanu, held a press conference entitled "Against the communist ideology, Islam and homosexuality". Within the press conference, Valeriu Ciobanu and Veaceslav Virilan insulted and threatened several categories of citizens with physical violence according to their political affiliation, religious beliefs and sexual orientation. What regards



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public demonstrations organized by LGBT people, the veterans said following: “We were ready, let’s say, with 40-50 guys to come out and beat them at that moment like they did in other Christian countries. Beat them until blood spills...”

<http://www.eurotv.md/stire-cruciada-veteranilor>

<http://arena.md/?go=news&n=9259&t=news17>

On 11 November, GENDERDOC-M submitted a denunciation to Prosecutor General’s Office and Principal Police Commissariat demanding criminal accountability for felons and application of necessary measures to prevent their threats from happening. In their response, Prosecutor General’s Office admits unlawfulness of those statements but did not confirm presence of body of a crime in them.

Basing on this response, GENDERDOC-M submitted an application to Prosecutor General’s Office demanding examination of the denunciation within criminal procedure and issuing of a motivated decision.

On 18 January 2012, a complaint was submitted to Riscani District Court demanding issuing of a decision obliging the prosecutor to correct mistakes made during denunciation’s examination and cancel the decision on not initiating criminal case on incitement to hostility and national and religious discord.

- With support from the German Embassy in Moldova, director Marin Turea produced four documentary films on human rights one of which reflected human rights of LGBT people in our country. Three of his films were broadcast by the national television channel except the fourth one. The decision to broadcast the documentary on LGBT rights was countered in court by the Orthodox Church of Moldova and Civic Association “Fericită Maica Matroana”. Later both cases were merged together.

On 15 December 2011, there took place court hearing where GENDERDOC-M and Marin Turea were accepted as third interested parties after separate cases by “Fericită Maica Matroana” and Orthodox Church had been merged together. On a preliminary basis, the opposite party had submitted a request of judge’s withdrawal and its hearing was set for 21 December 2011. As a result, the request was accepted, the judge was withdrawn and Grigore Zubatii was assigned the judge in charge of both cases.

Due to the fact that this judge had already issued a conclusion for a part of the case, we are planning to submit a request for his withdrawal. A complaint for unlawful actions by the judge Grigore Zubatii has been sent to the Supreme Magistrate Council.

<http://www.azi.md/en/story/18461>

- On 12 January 2012, leader of the Civic Organization “Moldova Mea” Fiodor Ghelici held a press conference where he expressed his opinion about gay people using hate speeches and death threats, inciting to hatred, violence and discrimination against them: “Legalization of homosexualists’ rights in our country! I am going to be the first who will drown them. We have port in the south, there are some rusty ships. Shut them in трюмы and [take them] to the middle of the sea. I am sorry, if we keep on borrowing these super-cultural ideas from the west today, our parliament will become filled with fags... Or this one sitting on PublikaTV and saying “Mr. Ghelici we know you, we’re keeping an eye on you, and we know all of you, Mr. Ghelici”. This little faggot is trying to teach me something? I will tear off their balls without a twinge of conscience. One stupid gal says: “What can I do with myself if I’m riding a mini-bus, suddenly see a girl and I instantly fell in love with her and passed the station I had to get off.” What is this?



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What's going on with our people? This is ridiculous, no? But it becomes terrifying already!"

<http://libertatea.tv/2012/01/13/ghelici-incita-la-ura-fata-de-lgbt/>

On 18 January 2012, a preliminary statement was drawn and dispatched to Fiodor Ghelici demanding his apologies to LGBT people who he had threatened with death ("I am going to be the first who will drown them"), grave bodily harm (I will tear off their balls without a twinge of conscience.), as well as for having named them 'fags', 'stupid gal' and, thus, publicly calling for hatred, violence and discrimination.

As responding to the preliminary statement, Fiodor Ghelici said following: "Dear faggots of the Republic of Moldova, I will never let you go out to the square and jiggle your organs for I wasn't unable to answer my grandchildren's question "Who are they?" If I become president of the Republic of Moldova, I will deport you to Siberia. I won't be drowning you – I will leave you on an island, and until you, macho men, get pregnant, I won't take out from there. Is it clear? So, take it however you want it – as a statement, a viewpoint – long live the court! Let's see in court. I am ashamed that we are in our country, beautiful people. We have got a phase. What are we talking about?"

<http://nit.md/index.php?action=programs&id=13>

The GENDERDOC-M Information Centre's lawyer has submitted a claim to court.

HATE CRIMES

The GENDERDOC-M Information Centre 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.

- On 19 November 2009, C.V. was beaten and left unconscious. The man who had attacked him declared during investigation that he had beaten C.V because he wanted to punish him for his homosexual orientation. The prosecutor did his work ineffectively making it impossible to recognize the case as a hate crime.

On 15 December 2011, there was issued the court decision recognizing felon's guilt for robbery in particularly grave circumstances and sentencing him to 5 years of imprisonment which were replaced with 3 years of probation. The court decision did not say a word about the crime reason and victim's sexual orientation.



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ACCESS TO MEDICAL SERVICES

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 direct 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.

Ministry of Health published in "Monitorul Oficial" a list of rules which excludes from voluntary blood donation many categories of citizens. The list includes men who have sex with men or anybody else "whose sexual behavior may lead to transmission of serious infectious diseases". These rules discriminate against homosexual and bisexual men depriving them of the right to voluntarily donate their blood.

Homosexual people prefer not to turn to such specialists as proctologists, dermatovenerologists, urologists, andrologists and gynecologists because these doctors ask the questions with regard to their sexual life and often express inadequate reaction when learn about patients' sexual orientation.

- At the beginning of July 2011, within testing activity, A. P., GENDERDOC-M Information Centre's volunteer visited the gynecologist doctor Caraman at the Clinic #1. The material tape-recorded on hidden camera is available on Youtube:

<http://www.youtube.com/watch?v=e-OHhzcgwkg>

Asking the question concerning her intimate life, A. P. said she had sexual relations with women exclusively. The doctor responded: "And you think it's better with women than with men – what nature has invented, - don't you? I think it's not the orientation, it's the folly in your head, I believe so. A man and a woman – this is what the nature invented, no? Two male dogs loving each other, so it's sort of more civilized in the animal world". After this, doctor diagnosed A. P. with a serious illness and directed her to go through expensive medical tests. The diagnosis was later refuted by two other doctors.

GENDERDOC-M Information Centre drew and submitted a claim to the Ministry of Health asking to clarify the situation and why two different diagnoses were put by two different medical institutions. On 3 November 2011, Ministry's Health Department contacted organization and invited its representatives to discuss the claim submitted on 4 October 2011. At the meeting, there were provided explanations, given apologies and offered a possibility of collaboration for raising doctors' awareness about sexual orientation and gender identity. Hidden camera material recorded during that testing activity was used in the journalist Natalia Ghilascu's documentary "Homosexuals avoid medical services". It was broadcast on nation television Moldova1 on 8 August 2011.

<http://voxreport.unimedia.md/2011/08/23/homosexualii-fug-de-asistenta-medicilor/>

All other following testing activities at gynecologists did not give expected results (discriminatory attitude) despite that volunteers visited those doctors who had been previously detected ill-treating patients due to their sexual orientation. Allegedly, after the aforementioned documentary had been broadcast, doctors were instructed on how to behave with gay visitors. We could not find any other explanation of the change in their behavior.

RIGHT TO IDENTITY



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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.

- Several GENDERDOC-M's transgender beneficiaries faced certain difficulties when decided to change identification documents in correspondence to their preferred gender. Mainly, cases of G.O. and C.A. were initiated and are in the process of documentation and litigation. It is planned to begin a SPECIAL PROCEDURE for determination of sex reassignment as a fact of legal value.

On 16 January 2012, first court hearing of C.A.'s case took place. The hearing was led behind closed doors on claimant's request. It was proposed merging two cases due to their similarity. On 30 January 2012, the court hearing where two cases were merged as one took place and the following date for court debates was set.

RIGHT TO EDUCATION

In the education system, the issue of sexual orientation and gender identity is neither covered in schools and lyceums nor in higher education institutions. Each time the topic is brought up it is negatively perceived and condemned. Despite the fact that in summer 2011 all student books saying that homosexuality is a disease were replaced with new ones at Medical University, some professors go on teaching that homosexuality is a disease, a deviation from norm and perversion. This is what GENDERDOC-M Information Centre's volunteers, who study at Nicolae Testemitanu State Medical and Pharmacological University and Ion Creanga Pedagogical University, told us. Thus, citizens of Moldova do not have access to reliable information about this phenomenon.

RIGHT TO PROTECTION OF LAW

One's sexual orientation may become an obstacle when turning to police or court seeking help in cases when he or she has become victim of a violation or crime.

- On 27 November 2010, A.R. was subject to attack with purpose of robbery. His bag with personal belongings was stolen. Andrei submitted an application to police and the police officer Lucin was assigned to investigate the case. When testifying, A.R. was subject to inquiries irrelevant to the case such as "Why was he returning home so late? Where did he spend the night? Who was the person he spent the night with?" Police officers allowed all sorts of jokes which A.R. deemed mockery of his sexual orientation.



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In May 2011, the apartment A.R. lived in was robbed by unknown persons – his laptop computer was stolen. Police officer Andrei Balanescu was in charge of the case. The same developments took place again; victim was subject to inquiries concerning his personal life. Moreover, the police officer telephoned the man. had spent time with the night robbery happened asking questions about A.R.'s sexual orientation.

Andrei addressed to the police several times asking for results of investigation. He also submitted a complaint to Prosecutor General's Office but did not receive any response.

On 7 September 2011, GENDERDOC-M Information Centre drew a letter for Ministry of Internal Affairs, Principal Police Commissariat and Prosecutor General's Office. The case was taken by the major Grigore Gorea who later invited A.R. to give testimony. A.R. submitted a complaint on both cases and received a response that the first case had been already closed while the second one had been going on. The complaint contained description of police officers' attitude as well, but no other response has been given with regard to this issue yet.

DOMESTIC VIOLENCE, DISCRMINATION

- **D.** – Chisinau, married, has 1 child together with husband aggressor, employed, case was taken over in September 2011. The beneficiary has requested legal aid for the domestic violence directed against her on the ground of her sexual orientation. The underage child has become witness of acts of violence and a tool of beneficiary's emotional blackmail by the husband.

The lawyer Doina Ioana Straisteanu from our partner law firm prepared and submitted a request for protection warrant for D. The protection warrant was later dispatched for execution to police and Department of Children's Rights Protection. There was submitted a divorce application and a request for assigning underage child's custody to mother. Due to police's declination of jurisdiction in the dispute resolving (we believe this is due to victim's sexual orientation), an appeal to the Ministry of Interior Affairs has been submitted.

The divorce case hearing is set for 16 February 2012.

ACCESS TO PUBLIC VENUES

- On 5 September 2011, within the project "Making Protection from Discrimination Real" financed by UNDP Moldova, there was conducted a series of tests on access of LGBT people to public venues. Test participants were both volunteers and staff of GENDERDOC-M Information Centre. They visited a café-bar belonging to the company "Rozmarita Mega", which is situated on 37 Banulescu-Bodoni Street.

Two volunteers acted as a gay couple, 2 volunteers acted as a straight couple and 2 staffers were observes. Waiters' attitude towards the gay couple was expressed by giggles and humiliating comments, however, not in the face but further from the table two men were sitting at. At the same time, they kept on waiting them like any other clients of the bar. On the terrace belonging to the bar there was sitting a small company of young men who were expressing their disrespectful attitude towards the gay couple for they had understood the two were together.

After the testing gay couple had left venue and headed to the bus station, two men from the company rushed after them allegedly to attack them. Physical violence was stopped by the testing team that everything was being tape-recorded.

Immediately after this, a police officer (Lieutenant Igor Pocris) was alerted. The two aggressors were taken to the police station. Victims and four witnesses were also invited to the same station for submitting explanations in writing. The police officer acted quite professionally and did not change his attitude towards victims when he learned the reason of attack. There was



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drawn a report and a letter, saying that offenders had been detected and charged with a fine for hooliganism, was sent to GENDERDOC-M.

- On 13 September 2011, another identical test was conducted in the bar “Sunrise” (firm “BAC-CREȚU”) situated on 13 Dokucaev Street. At one of the tables, there was sitting a visitor who was discussing the gay couple with several waiters using indecent language and laughing at them. Later, the alleged manager of the bar joined the visitor and they began to chat. Among others, observers sitting at a table next to them heard how the visitor said: “Get them out of here!” Manager did not find courage to openly oust the gay couple; however, he sent a waiter with the bill to them. When the waiter brought the bill, one from testing couple asked why the bill had been brought to them if they had not asked for it. Waiter apologized and took away the bill. In spite of their animosity to openly gay people, personnel did not refuse to provide services to them. However, the mere fact that the bill was brought before it was asked for, as well as waiters were gathering in close proximity, staring and discussing the couple, may be estimated as psychological pressure and an attempt to force clients to leave the venue.

RESULTS OF SURVEY AMONG LGBT COMMUNITY MEMBERS IN MOLDOVA

Within the project “Facing Existing of Discrimination’ sponsored by ILGA-Europe (June 2010 – May 2011), LGBT community members were inquired with regard to human rights violations, hate crimes, discrimination, and ill-treatment they had experienced in their lives.

Questionnaires were filled in by volunteers during face-to-face interviews with community members. Interviews took place in gay cruising areas, at discos organized by GENDERDOC-M, in organization’s office, at events held by Centre and through personal connections. This survey also covered that part of community which is difficult to reach and comes to special gay men cruising areas in Chisinau. That’s why level of their awareness about their right is low. In total, 220 people were inquired.

The analysis of reported violations against LGBT showed that 57% of the interviewed had faced problems related to their sexual orientation. Out of the rest 43% of those who had never faced such problems: 37 persons said they hadn’t disclosed their sexual orientation to anybody; 22 persons had come out only to friends; 35 persons had come out to family and friends. This leads to a conclusion that respondents didn’t face any problems related to their sexual orientation because they hadn’t disclosed it to anybody.

The percentage of people who faced problems related to their sexual orientation is higher among gays (65%) than lesbians (49%). The comparison by age categories doesn’t show much difference; however, percentage of those who said they had faced such problems in the past is higher among respondents of 36 and older.

Most often LGBT persons face: open insults (39%); harassment (22%); ignoring and intimidation (20%); problems with the police (17%); persecution (16%); physical violence (15%); problems at work (12%); damage of property (11%); were ousted from public venues (7%);

During interviews there were detected following infringements that had occurred in past years: open name-calling (85 persons out of all respondents); received threats of physical violence (44 persons); one’s property was damaged (23); were thrown things at (18); were spit at (24); were beaten, pushed, hit or kicked (32); were wounded by cold arms (1); were sexually persecuted (33); were sexually harassed (49); were raped (10); were persecuted by the police



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(37); were beaten or insulted by police representatives (30); were ousted from public venues because of their sexual orientation (16).

Usually LGBT people face problems related to their sexual orientation in the following places: on streets (60 respondents); at work (32); in cruising areas (25); on the telephone, in the Internet (25); in clubs/bars/restaurants/hotels (23); at schools (22); in the family (14).

Out of all who face problems related to their sexual orientations, only 16% turned to state bodies and non-governmental organizations to resolve the problem. 14 persons turned to GENDERDOC-M Information Centre and 7 went to police (one person turned both to GENDERDOC-M and police). This shows that LGBT community members have more trust in organization than in law-enforcement bodies.

Answering why they didn't turn to anyone: 5 respondents didn't know where to go; 44 didn't think it necessary; 4 were ashamed; 7 didn't trust anyone; 1 believed it was his/her fault; 34 told only their friends/relatives.

On request to characterize general population's attitude to LGBT people, answers were as follows: intolerant - 60%; indifferent - 15%; understanding - 4,5%; mediocre - 12%; it depends on the person - 5.5%, couldn't give an answer - 3%.

<http://www.lgbt.md/files/opros.pdf>