



**REPORT ON HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES AND  
INCIDENTS IN MOLDOVA 2013**

**Submitted by GENDERDOC-M Information Centre**

## 1. Introduction

The present report is the result of the work that was done by the GENDERDOC-M Information Centre within the framework of the grant of ILGA-Europe's *Documentation and Advocacy Fund* aimed at monitoring and reporting homophobic and transphobic hate crimes which have occurred in the Republic of Moldova in 2013. The methodology of data collection is comprised of an online reporting form (set up by means of the survey website SurveyMonkey), face-to-face interviews of victims and witnesses, and proven mass media accounts. The authenticity and accuracy of the data received through the online reporting form was checked by GENDERDOC-M employees involved in the project implementation. The data collected online that could not be tracked due to victims' or witnesses' reluctance to leave contacts for more detailed face-to-face or phone interviews were later disregarded.

The exact target group of GENDERDOC-M monitoring included the lesbian, gay, bisexual and transgender population. The challenges faced by the project implementation team during the reporting period included poor access to the wider LGBT population who are outside the usual beneficiaries of the GENDERDOC-M Information Centre, as well as the unwillingness of some hate crime victims to report the incident to the organisation. Some of these challenges were overcome by means of reaching out to the target groups by placing links to the on-line reporting form on dating websites, the organisation's website and social media, and flyers containing information on the collection of data on homophobic and transphobic violence, distributed in places frequently visited by LGBT people. The only challenge that remained unsurmounted is the fact that no data on transphobic hate crime were found, as no transgender individuals reported any incidence of bias-motivated violence on the grounds of gender identity.

The present report covers bias-motivated crimes and incidents on the sole ground of sexual orientation that occurred within the territory of the Republic of Moldova between 1 January and 31 December 2013 and that were tracked and documented by GENDERDOC-M. The report does not aim to provide statistical data analysis due to the low number of documented cases and the small size of the country and its population in general; instead, it aspires to provide a qualitative analysis of the situation of bias-motivated crimes and incidents committed against LGBT people in the Republic of Moldova in 2013 based on information collected and processed by the GENDERDOC-M Information Centre. All presented data should be interpreted within the aforementioned limitations and compared with previous reports drawn up by organisation within the same area.

The present report is an outcome of *Step up reporting on homophobic and transphobic violence*, a project supported by ILGA-Europe, the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association. The objective of the project was to empower European LGBTI civil society organisations to more consistently monitor and report homophobic and transphobic hate crimes and incidents.

To prepare this work, ILGA-Europe developed a harmonised data collection methodology in 2012. The methodology builds on international standards and on the expertise gained in different past activities, such as the elaboration of European-wide submissions to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in view of its Annual Report on

Hate Crime<sup>1</sup>, or ILGA-Europe's participation to the *Facing Facts! Making hate crime visible* project.<sup>2</sup>

*Step up reporting on homophobic and transphobic violence* was launched in 2013. ILGA-Europe's Documentation and Advocacy Fund, with the support of the Government of the Netherlands, provided dedicated resources to 12 national and local NGOs in Bosnia and Herzegovina, Greece, Ireland, Italy, Latvia, Lithuania, Moldova, Poland, Portugal, Spain, Turkey and Ukraine. These NGOs were trained on the methodology previously developed by ILGA-Europe, and committed to apply it in order to produce comparable data.

Data collection and publication is expected to be developed on a more sustainable and professional basis in the future, thanks to the capacity building aspect of the current project. Following this pilot initiative, ILGA-Europe's methodology will be made available to more European LGBTI civil society organisations.

## 2. Key findings

In 2013, GENDERDOC-M documented 17 cases of bias motivated crimes on the grounds of sexual orientation. The vast majority of homophobic violence was perpetrated against gay and bisexual males. The data collected, documented and available in the present report is based on the analysis of a relatively limited number of incidents, thus the report cannot be taken as a statistical representation of the situation of hate crime in the whole Moldovan LGBT community.

For a number of years, GENDERDOC-M Information has been and remains the only organisation in the Republic Moldova collecting and documenting data on homophobic and transphobic violence. If compared to the 2012 data, in 2013 the number of documented hate crime incidents increased owing to the organisation's better outreach towards the wider Moldovan LGBT population, particularly in addressing violations of LGBT people's rights, resulting in an increase of trust towards GENDERDOC-M among the LGBT community.

It was noticed that the rate of recurrence of incidents of extreme physical violence and assault against homosexual and bisexual men by homophobes increased. Most of the crimes still occur in the capital city of Chişinău. The age of the victims varies from 16 to 50. In the majority of cases, victims did not know the perpetrators or had gotten acquainted with them only recently through social media or dating websites. In particular cases, perpetrators are military servicemen or work for state entities maintaining public order. The majority of victims turn to GENDERDOC-M for legal assistance and advice; however, there are cases where victims refused to file formal complaints to the police or other law enforcement authorities.

It was also found that the existing legal environment plays against victims of bias-motivated crimes on the grounds of sexual orientation because current Moldovan legislation does not recognise sexual orientation or gender identity as aggravating circumstances in a crime. Thus, police and other law enforcement authorities do not take into consideration the victims' sexual orientation when investigating incidents of homophobic violence classifying cases as ordinary crimes or administrative offenses such as hooliganism.

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1<http://www.osce.org/odihr/108395>

2<http://www.ceji.org/facingfacts/>

## Bias-motivated violence against LGBT

### 3.1. The legal situation of homophobic and transphobic hate crime

The Criminal Code of the Republic of Moldova contains a number of provisions relating to hatred- or bias-motivated crimes. While this approach would be welcome, unfortunately, very often it is not applied properly in practice due to the lack of clarity of those provisions, the lack of knowledge, or the unwillingness to take into account bias as a motive when qualifying an offence where the evidence indicates the bias exists.

On 26 December 2012, new amendments were introduced to the Criminal Code to harmonise domestic legislation after the adoption of the Law on Ensuring Equality. The amendments became effective on 8 February 2013. The Criminal Code was completed with Article 176 titled "Violation of Citizens' Equality." Paragraph 1 of the article includes in its scope: "Any distinction, exclusion, restriction or preference in rights and freedoms of a person or a group of people, any support for discriminatory behaviour in political, economic, social, cultural and other spheres of life on the grounds of race, nationality, ethnicity, language, religion or beliefs, sex, age, disability, opinion, political affiliation, and on any other criterion."<sup>3</sup> It means that Article 176 of the Criminal Code punishes any violation of human rights and freedoms on the aforementioned grounds and other criterion. The extensive list of grounds contained in the Article 176, without the wording "any other similar criterion", would be more appropriately mentioned in the Article 77 (d) of the Criminal Code titled "Aggravating circumstances".

Article 77 (d) already stipulates that the motivation of criminal offences by social, national, racial or religious hatred constitutes an aggravating circumstance and, once proven in court, allows the judiciary to apply the maximum penalty provided for the respective offence. There are other provisions that require increased penalties for cases in which specific crimes (premeditated murder (Article 145), intentional infliction of serious bodily injury or other serious bodily harm (Article 151), intentional infliction of medium bodily injury or other medium bodily harm (Article 152), deliberate destruction or damage to property (Article 197), or desecration of graves (Article 222)) were committed on grounds of social, racial, national or religious hatred. These specific provisions represent the *lex specialis* that require no special reference to the Article 77 of the Criminal Code.

The wording of Article 77 also suggests that Criminal Law obliges the prosecutor and the judiciary to take into account any evidence that demonstrates, beyond any reasonable data, that, *inter alia*, there was a preconceived motivation in committing the offence. Currently, Article 77 (d) includes only four criteria: social status, nationality, race and religion. However, none of these is accompanied by a definition to clarify the meaning. For example, it is unclear whether the term "social status" refers to the stability of one's income (rich/poor), social origin, social behaviour or the set of criteria which gives the person a certain status in society. Neither does the term include such criteria as sexual orientation or gender identity.

Although, still being imperfect, the fact that the Criminal Code of Moldova treats bias-motivated crimes as serious criminal offences shows the state's clear understanding of these offences' special character and the necessity to differentiate them from others. It is important to note that, on the contrary, police, other law enforcement authorities such as the Prosecutor's Office, and the judiciary are reluctant to consider sexual orientation or gender identity as aggravating circumstances for offences that are already enlisted in the current Criminal Code of Moldova.

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<sup>3</sup>Criminal Code <http://lex.justice.md/index.php?action=view&view=doc&id=331268>

Article 346 of the Criminal Code prohibits “deliberate actions, public exhortations, including through the mass media, in written and electronic form aimed at inciting to the national enmity or discord, racial or religious hatred, at humiliating national honour and dignity, as well as at directly or indirectly limiting rights or determining direct or indirect benefits of citizens on the grounds of their nationality, race or religion.” However, the wording of the Article 346 also contains unclear terminology, e.g. “humiliation of national honour and dignity”, “direct or indirect limitation of rights” or “determination of direct and indirect benefits of citizens”. Article 346 criminalises hate speech; however, this provision does not provide sanctions for hate speech towards people on grounds of sexual orientation or gender identity. In 2012 and 2013, all GENDERDOC-M’s formal complaints to the Prosecutor’s Offices regarding public hate speech towards the LGBT population were rejected due to the absence of a discernible crime since sexual orientation or gender identity are not mentioned in the Criminal Code as grounds protected from such offences.

Neither Article 176 nor Article 346 represent hate crimes provisions, nor are they applied by the police and law enforcement authorities in instances of bias motivated crimes and incidents committed against LGBT people in Moldova. The only legal provision applied in protection of LGBT individuals and groups from hate speech is mentioned in the Article 3 (5) of the Law on Freedom of Expression<sup>4</sup>, stating that the “guarantees of freedom of expression do not extend over speeches that incite to hatred and violence.” The penalty for perpetrators of homophobic and transphobic speeches is usually disproportionate to the gravity of offence and are often sanctioned with the minimum penalty, e.g. small fines and formal apology to plaintiffs.

In its report titled *Towards Equality. Discrimination in Moldova* (2012), Amnesty International Moldova drew particular attention to the situation of the hate crime legislation in the country and impunity for such offences committed against LGBT people<sup>5</sup>. According to the findings made by Amnesty International Moldova, current Moldovan legislation covering hate crimes has a lot of shortcomings and Moldovan authorities must introduce amendments to the Criminal Code to ensure that all categories of the population are protected from bias-motivated crimes.

### *3.2. Homophobic and transphobic hate crimes and hate incidents*

The present chapter provides a summary on the hate crimes and incidents that were documented in the Republic of Moldova within the data collection period from 1 January until 31 December 2013. This part of the report is structured according to the categories of hate crimes and incidents as follows:

#### *a. Extreme physical violence*

In 2013, GENDERDOC-M managed to collect data on two cases that can be classified as extreme physical violence. One of these cases, in fact, was part of the general trend that developed in Russia and other countries in 2012 and earlier where gay and bisexual men were hunted by homophobes on dating websites, entrapped, and later beaten or even murdered; in most cases, they were also robbed by perpetrators. This trend saw its extension over the territory of Moldova in 2013. Most of the crimes committed by different perpetrators, either alone or in a group, seemed to be unrelated to each other. In the majority of instances victims were

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4 Law on Freedom of Expression <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=335145&lang=1>

5 *Towards Equality. Discrimination in Moldova*

<http://www.amnesty.org/ar/library/asset/EUR59/006/2012/en/14a5fe82-1f7d-46ff-8be1-9f033c2dc09e/eur590062012ro.pdf>

assaulted and suffered minor or medium bodily injuries, and that is why they were classified under the category “Assault.”

However, in the case of extreme physical assault, a 35-year-old gay man got acquainted with another man through a dating website for people of different sexual orientations on 30 May 2013<sup>6</sup>. Having agreed to meet the same day, he went on a date with that man. The two met at around 18 o'clock and went to a café. Then they decided to take a walk in a secluded park on the outskirts of Chişinău, the scene of the hate crime. The 35-year-old man was beaten up by the man he had met not long ago because of his homosexual orientation. He was robbed and his lower jaw was broken. The victim confessed that had he not escaped the place of incident he might have been injured even more severely as he had seen perpetrator's ill intentions. The perpetrator used homophobic slurs while beating the victim. The victim sought support, including legal aid, from GENDERDOC-M Information Centre and filed a formal complaint to the police.

In another case, a 32-year-old man was hospitalised with a head injury after having been assaulted by several young men for allegedly wearing “gay” swimwear on the beach of Vadul-lui-Vodă, a recreational town on the Dniester River. The crime occurred on 6 July during the daytime<sup>7</sup>. This hate crime became known due to a report broadcast by PRO TV channel on 7 July 2013. The victim and a couple of his friends had come to spend some time on the bank of the Dniester River. Originally, the victim comes from Călăraşi District of Moldova. According to his testimony, a friend of his went to a shop. In the meantime, a group of young men approached him and began asking questions with regard to his appearance. Namely, they referred to his swimwear, calling it “gay.” The victim stated he had been beaten for about 30 minutes. To prevent the victim from reporting them to the police, the assailants tried to drown the man in the river.

According to the victim, hearing his screams, some passers-by called the police. In the TV report, the victim testified that one of the perpetrators promised him 1000 Euros if he didn't report the case to the police; another assailant threatened him with death if he denounced them to the police. The victim said that the perpetrators were detained by the police while he was hospitalised in the neurosurgery department of Vadul-lui-Vodă hospital. Doctors told reporters that the victim suffered head trauma of moderate gravity. The police refused to provide any comments to the PRO TV channel reporters. Contacted by GENDERDOC-M and offered free legal aid, the victim turned down the offer. It became later known that victim had withdrawn his complaint from the police. It is still unknown whether victim was, in fact, gay, bisexual or heterosexual.

#### b. *Assault*

In 2013, GENDERDOC-M documented six cases of assault. In four of them, perpetrators used a similar *modus operandi* as in the first case mentioned above. They deliberately sought out homosexual men through dating websites in order to later on meet, beat and, in some cases, rob them. In one of the cases, where two men assaulted a 34-year-old gay man in the late evening, they told the victim that they belonged to a neo-Nazi group<sup>8</sup>. When identified by the police and later charged with hooliganism, the two perpetrators denied this fact. It might be

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6 Annex 5.2 Case 1

7 Annex 5.2 Case 2

8 Annex 5.2 Case 4

assumed that perpetrators had been inspired by the current trend of similar attacks on gay men taking place in Russia and propagated predominantly by neo-Nazi or ultra right groups.

In another case, victims were GENDERDOC-M representatives and the observer from the Office of the UN High Commissioner for Human Rights Alina Grigoraş were subject to verbal and physical violence by a group of religious attendees of a court hearing during the trial “GENDERDOC-M vs. City Council of Bălţi” that took place on 11 February 2013 in the city of Bălţi<sup>9</sup>. This incident was, in fact, a continuation of another one that took place three weeks earlier in the same court. Besides threats and psychological violence to which GENDERDOC-M representatives were subjected on both occasions, the second time psychological violence grew into a physical attack on Alina Grigoraş, who was taking pictures of the perpetrators outside the court building.

Despite the case described above (where the victims were three women, two of whom identify themselves as heterosexual and the third one being lesbian), it is predominantly homosexual and bisexual men who are subjected to homophobic violence. On 20 December, two gay friends, who were quite open about their sexuality, were physically assaulted by three young men next to a supermarket where they were shopping at around 00:35 o'clock<sup>10</sup>. The perpetrators deliberately waited outside the supermarket for the gay men to come out after having spotted them inside. Upon exiting the supermarket, two friends were approached by the three men from the supermarket who asked them questions about their sexual orientation. Suddenly the three men attacked the victims, punching them in the face and head. While the two gay men were being beaten, one of the perpetrators left the scene and after some time returned in a taxi cab with two more individuals who joined in the assault. While the two gay men were being beaten, the taxi cab driver was sitting and waiting in the vehicle. Victims managed to call the police which made the perpetrators disappear from the scene by taking the same taxi cab. The police arrived at the scene a full 45 minutes after the call.

It should be noted that in all cases of physical assault perpetrators knew or believed that victims belonged to the LGBT community, or that they actively advocated for the rights of LGBT people, and this fact served as a premise for verbal and physical assault.

### *c. Threats and psychological violence*

Threats and psychological violence comprised the biggest number of cases tracked and documented by GENDERDOC-M in 2013 making it them in total. Four instances of them deal with verbal insults and threats towards three GENDERDOC-M employees. Two of the cases occurred in the area of the organisation’s headquarters<sup>11</sup>, and in the other two cases the Lobby and Advocacy Program Coordinator Angela Frolov, who is a spokesperson of organisation, was subjected to homophobic verbal abuse once while performing her duties<sup>12</sup> and then again in the area of her home<sup>13</sup>.

There were also two documented cases of hate crimes committed by immediate and former family members. In one instance, in January 2013, a 16-year-old gay man from the town of Ungheni was allegedly subjected to psychological violence by his parents who had accidentally

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9 Annex 5.2 Case 3

10 Annex 5.2 Case 8

11 Annex 5.2 Case 13 and Case 17

12 Annex 5.2 Case 12

13 Annex 5.2 Case 16

learnt about his sexual orientation from reading his personal journal<sup>14</sup>. His biological mother and step father deprived the teenager of access to the Internet and his personal mobile phone until “he was fixed.” The victim fell into depression and tried to convince his parents to go to a counsellor with him, but they refused. His parents threatened to send him to a monastery if he did not change. On 27-29 January 2013, using his classmates’ mobile phones, the victim contacted an acquaintance of his, a gay man from Chişinău, seeking assistance. On 29 January, the gay man from Chişinău was contacted by the victim’s step father who threatened the man with physical violence and jail accusing him of having sexual relation with the 16-year-old victim.

Following threats of violence from the victim’s step father, the gay man from Chişinău filed a formal complaint to the police. The police initiated an investigation into the incident as well as into the circumstances of the psychological violence the 16-year-old man from Ungheni was subjected to by his parents. According to the police official response from 4 February 2013, it was determined that the minor had not been subjected to psychological violence by his parents, nor did the step father intend to apply physical violence against the gay man from Chişinău. According to the police, the complaint had no grounds. However, according to that gay man, who reported the incident to the police and GENDERDOC-M, the boy’s parents ceased their oppression and let him use his mobile phone and Internet connection again. There has been no other news since the incident.

In another case, a lesbian woman in a same-sex relationship, over the course of the month of February, was repeatedly threatened and insulted by her former husband who had been granted custody of their common child<sup>15</sup>. In 2011, the woman named D. came out to her husband as lesbian and initiated the process of divorce. Since then, the man had been threatening and insulting D. on almost any occasion. The situation was difficult because they had a daughter. In 2012, D. was officially divorced from her former husband, who was granted custody of their child by court. D. continued the legal battle for custody of her daughter. On 6, 13, 14 and 18 February she was subjected to unprecedented psychological violence, including threats and insults, mainly by phone, by her former husband. The man explicitly referred to her sexual orientation and her female partner with derogatory terms and threatened her with physical violence if D. did not stop fighting for the custody of her daughter. In March 2013, D. filed a court claim against her former husband’s actions on the basis of Law on Ensuring Equality. On 17 May 2013, Botanica District Court of Chişinău, court of the first instance, admitted that D. had been subjected to harassment and victimisation by her former husband and obliged him to abstain from harassing and victimising her in the future.

In an unprecedented case, on 26 July, at around 18:00, a gay man called A. was walking through the Valea Morilor Park of Chişinău. He had just visited GENDERDOC-M office where he benefited from the Health Activities Program services receiving condoms and lubricants. Suddenly, he was approached by two carabinieri who told A. to show his ID. The carabinieri refused to present their own in turn. They copied the data from A.’s ID card and checked his bag where they found condoms and lubricants, asking if he was gay. Having received an affirmative answer they called him “fag.” The carabinieri took A.’s mobile phone and asked him if he was gay. His answer was affirmative, and then one of them took out a gun and pointed it at A.’s head saying: “Look in my face and say your final word!” In A.’s phone’s list of contacts carabinieri found the number of A.’s employer, a director of a kindergarten in Chişinău, where

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14 Annex 5.2. Case 9

15 Annex 5.2 Case 14

A. worked as a watchman. While holding a gun at A.'s head, the carabinieri made him call his employer and tell her: "I had sex with a man and I sucked him." Then they called A.'s director from their own phone and asked her: "Do you know your employee is fag? You'll be troubled if you don't fire him." Instantly, A.'s director called and told him to come and submit a resignation notice. After this, the two carabinieri made holes in all condoms and squeezed and poured out lubricants on the ground. They took two unspoilt condoms and one tube of lubricant with them, as well as 50 lei from A.'s wallet. Once he was let go, A. reported the incident to GENDERDOC-M. The Lobby and Advocacy Program coordinator escorted him to the police station where A. filed a formal complaint.

In a different case in July, a gay man, who had just gotten acquainted with another man (a radio host in disguise) on a dating website for people with different sexual orientations, was called and engaged in a sex-themed conversation without knowing that the entire conversation was broadcast live on the JurnalFM radio<sup>16</sup>. The radio host, Anatol Melnic, pretending he wanted to experiment with gay sex, called the gay man and engaged him in a sexually explicit conversation, meanwhile revealing his name and area of living in the city of Chişinău. The victim of the radio prank was completely unaware of the fact that the conversation was on air. In the end, the perpetrator revealed his identity as the radio host and humiliated the victim, reprimanding him for his sexual orientation. The next day, the recording was uploaded on the YouTube channel of the radio program where people started leaving hateful comments towards the victim. The victim reported the incident to GENDERDOC-M but refused to file a formal complaint to the police or court.

It should be noted that the instances of threats and psychological violence towards gay, lesbian and bisexual individuals take place under different circumstances. Most of the victims subjected to such bias-motivated crimes are known to be gay, lesbian or bisexual by the perpetrators. In particular situations, this type of crimes happens online<sup>17</sup> and most cases remain under-reported, even to GENDERDOC-M, because victims are afraid to disclose their identity or do not believe the problem might be solved.

#### *d. Other incidents with a bias motivation*

In 2013 GENDERDOC-M documented fewer instances of public homophobic and transphobic hate speeches; instead, the organisation registered increase in the number of direct discrimination either against LGBT individuals or the LGBT population as a whole. The perpetrators of discrimination in most cases were state officials, Members of Moldovan Parliament and the authorities of the Autonomous Territorial Unit of Gagauzia.

In May the Mayor of Chişinău, Dorin Chirtoacă, discriminated against GENDERDOC-M Information Centre in their attempt to exercise the right to freedom of assembly<sup>18</sup>. On 15 May he filed a lawsuit, and subsequently won it, against GENDERDOC-M's intention to hold the LGBT pride march in the city centre on 19 May 2013. The Mayor Dorin Chirtoacă demanded relocation of the march from the city centre to a remote secluded park zone due to possible altercations with counterdemonstrators and public order disturbance. Relocating GENDERDOC-M's march to a different part of city, Mayor Dorin Chirtoacă did not prosecute counterdemonstrators who expressed their intention to hold a homophobic rally in the same place and consequently succeeded in carrying it out.

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<sup>16</sup> Annex 5.2 Case 11

<sup>17</sup> Annex 5.2 Case 15

<sup>18</sup> Annex 5.2 Case 18

Moldovan national and regional lawmakers made successful attempts in outlawing so-called “propaganda of non-traditional relations” among minors. On 23 May 2013, the Parliament of the Republic of Moldova adopted the Law Nr. 117 on Completing the Contravention Code amending it with Article 90<sup>1</sup> “Public activities with negative impact on minors”, which was signed into law by the President on 5 July and entered in force on 12 July 2013. According to Paragraph 2, the Article 90<sup>1</sup> imposed a monetary fine from 100 to 120 conventional units<sup>19</sup> on an individual, a fine from 200 to 300 conventional units on an official and a fine from 300 to 400 conventional units on a legal person with or without deprivation, in all cases, of the right to exercise a particular activity for the term from three months to one year “for distribution of public information with/without commission of acts aimed at the propagation of prostitution, paedophilia, pornography or of any other relations than those related to marriage or family in accordance with the Constitution and the Family Code”<sup>20</sup>. Eventually, after the pressure and serious concerns expressed by Moldova’s international partners and political structures, such as the Council of Europe and European Parliament, the Parliament repealed that discriminatory provision.

The People’s Assembly of Gagauzia was bolder and more explicit in legalising homophobia and transphobia on the territory of Gagauz, an autonomous region in the south of Moldova<sup>21</sup>. On 30 April, following two readings, the People’s Assembly of the Autonomous Territorial Unit of Gagauzia adopted the Law on Ensuring Principles of Equality, Equity and Objectivity which was immediately signed into law by the Governor of ATU Gagauzia, Mihail Formuzal. The law overtly prohibits propaganda of sodomy, lesbianism, bisexuality, transgenderism, same-sex marriage and child adoption by same-sex couples on the territory of Gagauzia.

In a different attempt to abrogate the anti-discrimination legislation, officially titled the Law on Ensuring Equality and adopted in 2012, the Party of Socialists of Moldova submitted a draft law regarding the abrogation of the Law on Ensuring Equality from 25 May 2012 to the Permanent Bureau of the Parliament. The supporting note stated clearly that the only reason for the abrogating the Law on Ensuring Equality was the presence of the “sexual orientation” clause in its text. The note read as follows: “Liberalisation of the homosexual practices in the Republic of Moldova through the adoption of the Law on Ensuring Equality is a direct defiance of the moral values accumulated by the nation throughout the centuries and cultivated by each citizen in the family [...] Until now there is no precedent of discrimination on sexual orientation grounds (except some provocations, which should not be taken into account). Respectively, prohibition of discrimination on sexual orientation ground is an attempt to combat some phenomena that do not exist. The futility of these norms is confirmed by the very small number of persons that belong to the category of sexual minorities”.

Despite the court victories obtained by GENDERDOC-M in 2012 and 2013 in cases regarding public anti-LGBT hate speeches by means of civil court procedure, the situation remains the same with regards to the gravity of such speeches. Moldovan law enforcement authorities continue turning a blind on hate speeches that target LGBT population<sup>22</sup>. The continuous practice of Moldova’s criminal prosecution authorities, namely the Prosecutor’s Offices, to

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<sup>19</sup> According to the Moldovan legislation, the amount of a monetary penalty imposed for administrative or criminal offences is determined by conventional units. One conventional unit equals MDL 20 (approx. EUR 1.10)

<sup>20</sup> Annex 5.2 Case 20

<sup>21</sup> Annex 5.2 Case 19

<sup>22</sup> Annex 5.2 Case 26

investigate instances of anti-LGBT hate speeches and penalise perpetrators shows that the state disregards homophobic and transphobic bias in public discourses as a criminal offence despite the fact that the Criminal Code of Moldova contains sufficient provisions that can be used to persecute perpetrators of hate speeches that incite to discrimination, violence and extermination.

### 3. Police and other law enforcement authorities

In 2013, all hate crimes and bias motivated incidents that were formally reported by victims and GENDERDOC-M to the police, Prosecutor's Office and courts were disregarded as not motivated by bias. Some of them were rejected due to the absence of body of crime; others were investigated as ordinary offences either under the provisions of the Contraventions Code or the Criminal Code depending on the gravity of committed crimes.

In the case where a 35-year-old gay man was entrapped, beaten up until his lower jaw was broken and then robbed by the perpetrator in May in the capital Chişinău, the perpetrator was charged with the sentence of seven years in prison and ordered to pay 10000 lei (aprox. 555 Euros) in moral damages<sup>23</sup>. The victim's sexual orientation was not taken into account as an aggravating circumstance, despite the victim's perception and that victim's lawyer had drawn particular attention to the perpetrator's bias lying in the motive of the crime both during the investigation by the prosecutor and during the examination in court. However, the reason why the perpetrator was handed such a long prison sentence is due to his previous criminal record and not because of his homophobia. The prosecutor defended his position by trying to put the burden of proof on the victim and his lawyer, demanding that they prove that "homosexual people fall under the provision of "social hatred" mentioned in the Article 77 (d) of the Criminal Code titled "Aggravating circumstances."

The reluctance of the police and prosecutors to address homophobic violence with harsher penalties even under the existing vague legal provisions demonstrates the necessity for the inclusion of sexual orientation and gender identity explicitly as aggravating circumstances in the Criminal Code.

In another case, where a 31-year-old gay man was entrapped and physically assaulted for his sexual orientation by the perpetrator, the police received the formal complaint from the victim the same day when the crime occurred in June<sup>24</sup>. They sent the victim to the medic-legal expertise to determine the gravity of caused injuries. Despite the fact that the victim had provided police with personal data of the perpetrator such as pictures, address of residence, phone number and others, it took the police almost four weeks to summon, interrogate and charge the perpetrator with an administrative offence. Like in other cases, the police did not take into consideration the homophobic bias behind the perpetrator's motive to commit the crime. He was charged with deliberate cause of physical injuries and insult according to Article 78 and Article 69 of the Contraventions Code.

In a similar case, which happened to a 50-year-old gay man, who was entrapped, beaten up and robbed because of his sexual orientation by two military servicemen in September, the police were reluctant to take the victim's call, which he placed at the scene immediately after the crime<sup>25</sup>. When they finally arrived at the scene of the crime after some time, police officers had to follow formal procedures and make a record. At the same time, since the two perpetrators

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23 Appendix 5.2 Case 1

24 Appendix 5.2 Case 5

25 Appendix 5.2 Case 6

were on active military service at the time of committing the crime, the case was taken over and investigated by the Military Prosecutor's Office. The perpetrators were brought before a court-martial. On 14 January 2014, the court-martial of Moldova released a judgment sentencing one of the perpetrators to one year in prison conditionally. The other perpetrator was summoned as a witness in the case. It seems that the Military Prosecutor's Office had deliberately made accusations against only one of the perpetrators and made the other one go as the witness in the case in order to reduce the gravity of their crime, because the Criminal Code of Moldova provides harsher penalties for crimes committed by a group of two or more individuals. The court-martial dismissed the victim's claim for compensation of moral damages. Had both perpetrators been charged with the cause of bodily injuries and robbery, their sentence might have been real and not conditional.

When a gay man named R. was hunted, beaten and robbed because of his sexual orientation by four unknown men in October, he filed a formal complaint to the police Buiucani Police Commissariat of Chişinău<sup>26</sup>. While giving testimonies in the police commissariat, R. was subjected to secondary victimization by the police officers who attempted to convince him not to file a complaint against assailants by telling him that the entire investigation would cause him emotional and other distress. The GENDERDOC-M representative, who accompanied the victim to the police commissariat, told the police officers to perform their duties according to their mandate without discriminating against the victim on the grounds of his sexual orientation.

There are cases when neither the police nor the judges are willing to prevent homophobic crimes and incidents that are taking place in their presence<sup>27</sup>. In January, GENDERDOC-M staff member Angela Frolov, who works as the Lobby and Advocacy Program Coordinator, was subjected to homophobic slurs by a group of religious attendees of a court hearing of the trial "GENDERDOC-M vs. City Council of Bălţi." The incident took place in the presence of judge, who didn't pay any attention to it. The incident was reported by the lawyer and it was included in the minutes of the hearing. It was also denounced to the Prosecutor's Office. However, the perpetrators were not held accountable. Neither the organisation's lawyer Doina Ioana Străisteanu nor GENDERDOC-M has yet been officially informed about the results of the investigation.

Three weeks later, in February, the situation in the Court of Appeals of Bălţi escalated. At that time, GENDERDOC-M representatives and the observer from the Office of the UN High Commissioner for Human Rights, Alina Grigoraş, were subjected not only to verbal but also physical violence by a group of religious attendees of another court hearing of the trial "GENDERDOC-M vs. City Council of Bălţi"<sup>28</sup>. Greater in number and having been encouraged by the impunity for their verbal homophobic violence three weeks earlier, the religious attendees of the court trial physically assaulted Alina Grigoraş outside the court building when she intended to take pictures of all the aggressors upon the conclusion of the hearing. Several assailants tried to damage the camera; they hit her over the spine and head with an umbrella, pushed her down the stairs, called her names, and pointed at their own genitalia telling her to take picture of those. All of this was followed by other obscene gestures and expressions. Victims had to dial the police at 902 to stop the aggression of those individuals because the police officer present in court had not intervened to stop the violence. The police hung up the phone three times and picked up the receiver only on the fourth time to register the complaint.

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26 Appendix 5.2 Case 7

27 Appendix 5.2 Case 12

28 Appendix 5.2 Case 3

Within minutes, a police officer arrived at the scene and detained the most aggressive individuals. Several complaints were lodged to the Bălți City Police Department. The aggressors were detained for identification and interrogation procedures. All victims involved filed a formal complaint to the police. In March, the Police Department of Bălți issued an official response stating that the investigation had been terminated due to the absence of a discernible crime.

The aforementioned cases attest the general reluctance of police and law enforcement authorities to look into the biased nature of crimes and incidents committed against LGBT people in Moldova and to recognise them as offences motivated by homophobia and transphobia. These authorities manifest prejudice towards LGBT victims, thus subjecting them to secondary victimisation, as well as towards those who are perceived as LGBT, which allows them to diminish the gravity of crime, gloss over perpetrators and charge them with the minimum penalty provided by law.

#### 4. Annex

##### 4.1. Types of LGBTI-phobic hate incidents and bias indicators

###### 1. Types of hate incidents

We are aware that the criminal law differs between countries in Europe. As explained in the guidelines, the definition of hate crime used in this project comprises two distinct elements:

- It is an act that constitutes an offence under criminal law, irrespective of the perpetrator's motivation; and
- In committing the crime, the perpetrator acts on the basis of prejudice or bias.

This definition is based on the OSCE's definition of hate crime<sup>29</sup>.

As a result, other hate incidents that do not constitute a criminal offence irrespective of the perpetrator's motivation will not be considered as 'hate crime' for the purpose of this project.

For the purpose of classifying your collected data we therefore propose two main broad groups of hate incidents:

- Group I: Actions that are "crimes" according to the national criminal law in most European countries (categories 1-6);
- Group II: Incidents that may not qualify as crimes irrespective of the perpetrator's motivation, but that are elements of a LGBTI-phobic context and therefore are important to be monitored (category 7).

The different types of incidents ('homicide', 'extreme physical violence', 'assaults', etc.) can take place in a range of settings including in public, in someone's home (domestic violence) and in institutions (for example hospitals).

Please note that OSCE definitions do not cover **incidents perpetrated by public authorities' agents** (e.g. police officers). However for the purpose of this project you are invited to record the following types of incidents:

- Incidents actively perpetrated by public officials should be recorded according to the same standards as all other incidents and can be classified in any relevant category of crimes or incidents (all categories from 1 to 7).
- Cases where public authorities abstain from fulfilling their duties as public agents (e.g. protection of individuals or pride marches against aggressions, or providing adequate safety measures, etc.) should be classified under category 7 (other incidents with bias motivation).

###### Group I: Actions that are crimes according to the national criminal law in most European countries

Category	Subcategory	Description
1. Homicide		<ul style="list-style-type: none"> <li>• Any attack on a person that causes loss of life.</li> </ul>
2. Extreme physical violence		<ul style="list-style-type: none"> <li>• Any attack on a person that potentially causes serious physical harm.</li> <li>• Any attack on property, for example by arson or petrol bombs, where there is the potential for people in the property to be killed, for instance if the building is inhabited or occupied at the time of the attack.</li> </ul>

<sup>29</sup> <http://www.osce.org/odihr/66388>

		<ul style="list-style-type: none"> <li>• Bombs, including letter bombs. This includes any viable device that either detonates or is defused, and therefore was life threatening. It also includes any device which is assessed to have been intended by its sender to be viable, even if after analysis it is found that it was incorrectly constructed and therefore would not have gone off.</li> <li>• Kidnapping.</li> <li>• Shooting.</li> <li>• Attack by weapon or any other object that can be used to harm.</li> </ul>
	Sexual assault	<p>An act of sexual violence can be committed by the victim's partner (married or not), previous partner, family member or co-habitant.</p> <ul style="list-style-type: none"> <li>• Rape<sup>30</sup>.</li> <li>• Sexual assault<sup>31</sup>.</li> <li>• Sexual exploitation by a helping professional, i.e. sexual contact of any kind between a helping professional (doctor, therapist, carers, teacher, priest, professor, police officer, lawyer, etc.) and a client/patient.</li> </ul> <p>Sexual harassment, including unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature.</p>
<b>3. Assault</b>		<ul style="list-style-type: none"> <li>• Any physical attack against a person or people, which does not pose a threat to their life and is not serious. This would include lower level assaults.</li> <li>• Attempted assault which fails, due to self-defence, or if the victim runs away.</li> <li>• Throwing of objects at a person or people, including where the object misses its target.</li> </ul>
<b>4. Damage of property</b>		<ul style="list-style-type: none"> <li>• Any physical attack directed against property, which is not life-threatening. This includes also the daubing of abusive slogans or symbols, or placing stickers or posters on property, including graffiti, or damage caused to property, where it appears that the property has been specifically targeted because of the fact that there is a perceived connection between the owner and the LGBTI communities.</li> <li>• Damage to cars or other personal property belonging to members of LGBTI communities, where it is apparent that they have been targeted for this reason.</li> </ul>
<b>5. Arson</b>		<ul style="list-style-type: none"> <li>• Arson attacks on property where there is no threat to life, for instance if the building is uninhabited at the time of the attack.</li> <li>• Failed attempts, for instance attempted arson where the fire fails to catch or the arsonist is disturbed</li> </ul>

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<sup>30</sup> Rape can be defined as forced sexual intercourse, including vaginal, anal, or oral penetration. Penetration may be by a body part or an object. Rape victims may be forced through threats or physical means. Anyone may be a victim of rape: women, men or children, straight or gay.

<sup>31</sup> Sexual assaults can be defined as unwanted sexual contact that stops short of rape or attempted rape. This includes sexual touching and fondling.

<b>6. Threats and psychological violence</b>		<ul style="list-style-type: none"> <li>• Any clear and specific threat, whether verbal or written. If the threat is not clear and specific then the incident should be recorded as Abusive Behaviour.</li> <li>• Any 'bomb' which is assessed to be a hoax. This would include something that was designed to look like a real device but not intended to be viable, for instance if it does not contain any explosive material.</li> <li>• Stalking, including repeated undesired contact (phone calls, emails, letters, show up unexpectedly, etc.), following or laying in wait for the individual, making threats to the individual or her/his family.</li> <li>• Blackmailing to divulge publicly, or to family members or at work, that a person belongs to the LGBTI community.</li> <li>• Restriction of freedom (e.g. locking up a person).</li> <li>• Defamation, such as outing the LGBTI identity.</li> <li>• Bullying (e.g. at school, at work place).</li> </ul>
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**Group II: Other incidents with a bias motivation (category 7)**

These incidents may or may not qualify as crimes under national law. They are elements of a LGBTI-phobic context and therefore are important to be monitored.

<b>Abusive behaviour</b>	<b>Hate speech</b>	<ul style="list-style-type: none"> <li>• <u>Individually targeted verbal abuse</u>, whether face-to-face or via telephone or answer phone messages. This includes abuse that is mistakenly directed at, or overheard by, people who are not members of the LGBTI communities.</li> <li>• <u>Individually targeted written abuse</u> (including emails, mobile phone text messages, and social media (facebook, twitter, etc.) as well as targeted letters (that is, those written for and sent to or about a specific individual). This includes written abusive comments about LGBTI communities or persons that are sent to individual people, regardless if they are members of the LGBTI communities. This is different from a mass mailing of abusive leaflets, emails or other publications, which is dealt with by the separate Literature category.</li> <li>• <u>Not individually targeted</u> verbal or written abuse (e.g. general homophobic and transphobic comments not addressed to anyone in particular), including those channelled via the internet and social media.</li> <li>• Public hate speech e.g. by politicians.</li> </ul>
	<b>Literature and Music</b>	<ul style="list-style-type: none"> <li>• Mass-produced abusive literature or music that is sent to more than one recipient. This covers mass mailings rather than individual cases of hate mail, which would come under the category of Abusive Behaviour or Threats (depending on content).</li> <li>• Literature that is abusive in itself, irrespective of whether or not the recipient is from the LGBTI communities.</li> </ul>
<b>Discriminatory incidents</b>		<ul style="list-style-type: none"> <li>• Any form of discriminatory incidents which is not considered a crime.</li> </ul>

**2. Bias indicators**

Bias indicators are objective facts that should be considered in determining whether a crime can be said to be homophobic or transphobic. They do not, in themselves, confirm that any incident was a hate offence. However, a bias indicator provides an indication that further investigation with a view to establishing the motive may be required. It is vital to record this information in order to evidence the possibility that an incident was bias motivated. Without this information, investigators are unlikely to take the allegation seriously and international organisations will not report it. This is also important for the purpose of data classification.

The following preliminary remarks are important to understand and use the proposed list of bias indicators correctly:

- While it is very important to take a victim's perception of the incident into account, NGOs must be aware that the victim may not recognise the incident as having been motivated by hate. Equally, it is not essential to determine whether the victim is actually a member of the LGBTI communities when identifying bias indicators. The issue of concern is the offender's motive based on his or her perception of who the victim is. Therefore it is important to look for evidence of bias, as opposed to evidence of the characteristics of the victim that s/he belongs to the LGBTI communities. Simply stating that the victim belonged to the LGBTI communities is not sufficient for an incident to be classified as a bias crime.
- Hostile expressions against members of the LGBTI communities may change over time. Also, the nature of hate crime intelligence may not be as obvious as that concerning certain areas of criminality (such as burglary or robbery), and the danger comes when indicators are misconstrued or not interpreted properly. Therefore, it is important for NGOs to remain in close consultation with possibly LGBTI communities to equip NGOs with an understanding of how LGBTI communities can be targeted. This includes remaining familiar with the language that is currently being used to express hostility and prejudice against LGBTI communities. Listening to and acting upon all sources of information is also vital to ensure the proper interpretation of hate crime/bias indicators.
- It is also important to underline that the perpetrator may also belong to the public authority, e.g. police force, law enforcement agent, etc.

For all these reasons, the proposed list of bias indicators has to be understood as an open/ indicative list.

<b>Bias indicators</b>	<b>Questions that can help determine if a bias indicator is present</b>
Victim perception	Does the victim perceive that the incident was motivated by bias? Keep in mind that the victim does not always understand that s/he may have been victimized in a bias-motivated attack. Victims often search for other reasons to explain an attack because their sexual orientation, gender identity or gender expression represents an aspect of themselves that is not generally possible to change.
Witness Perception	Does the witness perceive that the incident was motivated by bias? Victim perception and witness perception may be different. Both need to be considered.
Difference between suspect and victim in terms of racial, religious ethnic/national origin, gender, sexual orientation, etc.	Do the suspect and victim differ in terms of sexual orientation, gender identity or gender expression? Has the victim recently moved to the area in which the incident took place? Was the victim engaged in activities of LGBTI communities at the time of the incident? Is the victim, although not a member of LGBTI communities, is a member of an advocacy group that supports members of the LGBTI communities, or was the victim in the company of a member of LGBTI communities? Is the victim associated to a member of the LGBTI communities (e.g. married, or a family member)? Is the victim's sexual orientation, gender identity publicly known?
Location and/or timing	Was the victim in or near an area or place commonly associated with or frequented by members of the LGBTI communities (e.g. an LGBT bar, venue)? Did the incident happen near locations related to the perpetrator's group (e.g. headquarters of extremist organizations) or any hot spots for hate crimes? Did the incident occur on a date of particular significance for the LGBTI communities (e.g. day of LGBT pride march)?
Language and word used, including written statements, gestures, graffiti, visible signs of the suspect	Did the suspect make comments, written statements or gestures regarding the victim's background? Were drawings, markings, symbols or graffiti left at the scene of the incident? Did/does the suspect wear any visible sign (tattoo, clothes, haircut) to deduce his/her membership to a specific group opposed to LGBTI communities?
Organised hate groups	Were objects or items left at the scene that suggests the crime was the work of paramilitary or extreme nationalist organisations? Is there evidence of such a group being active in the neighbourhood? Did any organized hate group claim responsibility for the crime?
History of previous bias crimes/ incidents	Is there a history of similar incidents in the same area? Has the victim received harassing mails or phone calls or experienced verbal abuse based on his/her sexual orientation, gender identity or gender expression? Has the victim been blackmailed that his/her sexual orientation, gender identity or

	gender expression will be made public (e.g. the victim's identity as LGBTI)?
In case of attacks against property	Is the attacked/damaged property in a structure or location that belongs to LGBTI communities (e.g. LGBTI venue/bar)?
Offender Characteristics	Does the offender have a history of previous incidents/crimes with a similar modus operandi and involving other victims of the same race, religion, ethnicity/national origin, disability or sexual orientation? Does the offender have a prior history involving hate motivated conduct? Is the offender a member of, or associates with members of, an organized/less organized hate group? Does the perpetrator, in post-arrest statements or in the commission of the crime, recognize the victim to be a member of LGBTI communities?
Degree of violence	Was the degree of violence used against the victim particularly intense?

#### 4.2. Detailed account of bias motivated crimes and incidents in Moldova 2013

Extreme physical violence
<p><b>1) Case 1: Extreme physical violence towards a gay man</b></p> <p><b>What happened:</b> A 35-year-old gay man was entrapped, beaten until his lower jaw was broken and robbed  <b>Date, time and location of the incident:</b> 30 May 2013, at around 20:00, Chişinău  <b>Source of information:</b> victim  <b>Victim(s) involved:</b> a 35-year-old gay man  <b>Type of the crime(s):</b> extreme physical violence  <b>Perpetrator(s):</b> a 34-year-old man  <b>Brief description of incident with bias indicators:</b> On 30 May 2013, G. (35) got acquainted with a 34-year-old man through a dating website for people of different sexual orientations. Having agreed to meet the same day, he went on a date with that man. The two met at around 18:00 and went to a café. Then they decided to take a walk in a secluded park on the outskirts of Chişinău, the scene of the incident. G. was beaten up by the man he had just met because of his homosexual orientation. He was robbed and his lower jaw was broken. G. confessed that had he not escaped the place of incident he might have been injured even more severely as he saw perpetrator's intentions.  <b>Status of the case:</b> The case is being examined by court within criminal procedure.  <b>Response of local authorities:</b> The same night, 30 May 2013, G. filed a formal complaint against the perpetrator. Police identified the perpetrator. The Prosecutor's Office, who took over the case, opened a criminal investigation into the robbery with aggravating circumstances; however, the prosecution disregarded the victim's sexual orientation as a motive for this crime. The first court hearing took place on the 4 December 2013. The defendant wished to pay back the moral and material damages he had caused by having committed the crime, saying he would confess into the crime. The victim agreed because the current Criminal Code and criminal procedure say that when the defendant confesses into a crime, the prosecutor examines the case in a simple procedure where the victim has no active role. G. agreed to receive the compensation of damages and was satisfied with oral apologies as well. The judgment finding the perpetrator liable for the crime was delivered on 26 December 2013. The perpetrator was sentenced to seven years in prison and ordered to pay 10000 lei (approx. 555 Euros) in moral damages. The victim's sexual orientation wasn't taken into account as an aggravating circumstance. The reason why the perpetrator was given such a lengthy sentence in prison is due to his previous criminal record.  <b>Impact on the victim(s) and the community:</b> Victim suffered medium bodily and grave psychological injuries. He had to undergo costly medical treatment.  <b>Evidence:</b> Victim's formal complaint to the police; medico-legal expertise; police and prosecutor investigation materials</p>
<p><b>2) Case 2: A man beaten for wearing "gay" swimwear on the beach</b></p> <p><b>What happened:</b> A man, P.P. (32), was hospitalized with a head injury after having been assaulted by several young men for wearing "gay" swimwear on the beach of Vadul-lui-Vodă, a recreational town on the Dniester River.  <b>Date, time and location of the incident:</b> 6 July 2013, daytime, town of Vadul-lui-Vodă  <b>Source of information:</b> PRO TV channel report  <b>Victim(s) involved:</b> a man, aged 32  <b>Type of the crime(s):</b> Extreme physical violence  <b>Perpetrator(s):</b> a group of young men  <b>Brief description of incident with bias indicators:</b> According to the report broadcast by PRO TV channel on 7 July</p>

2013, a man, P.P., was hospitalized with a head injury after having been assaulted by several young men for wearing “gay” swimwear on the beach of Vadul-lui-Vodă, a recreational town on the Dniester River. He and a couple of his friends had come to spend some time on the bank of the Dniester River. Originally, the victim comes from the Călărași District of Moldova. According to his testimonies, a friend of his went to a shop. In the meantime, a group of young men approached him and began asking questions with regard to his appearance. Namely, they referred to his swimwear, calling it “gay”. The victim stated he had been beaten for about 30 minutes. In order that the victim would not report them to the police, the assailants tried to drown the man in the river.

According to the victim, hearing his screams some passers-by called the police. In the TV report, P.P. testified that one of the assailants promised him 1000 Euros if he didn’t report the case to the police; another assailant threatened him with death if he denounced them to the police. P.P. said that perpetrators were detained by the police while he was hospitalized in the neurosurgery department of Vadul-lui-Vodă hospital. Doctors told reporters that the victim suffered head trauma of moderate gravity. The police refused to provide any comments to PRO TV channel reporters.

Contacted by GENDERDOC-M and offered free legal aid, P.P. turned down the offer.

**Status of the case:** The case was investigated by the police. However, it is unknown how it ended. It is unlikely the police classified this as a bias-motivated crime.

**Response of local authorities:** The case was investigated by the police but no details were provided.

**Impact on the victim(s) and the community:** The case received wide coverage by the media and was extensively discussed on social networks. The case evidenced the high level of homophobia in Moldovan society and showed that people can be subjected to homophobia-based crimes by association.

**Evidence:** copy of the PRO TV channel report

### Assault

#### 1) Case 3: Verbal homophobic abuse and physical assault towards representatives of GENDERDOC-M and OHCHR

**What happened:** The GENDERDOC-M representatives and the observer from the Office of the UN High Commissioner for Human Rights Alina Grigoraș were subject to verbal and physical violence by a group of religious attendees at a court hearing of the trial “GENDERDOC-M vs. City Council of Bălți”.

**Date, time and location of the incident:** 11 February 2013, Court of Appeals, town of Bălți

**Source of information:** Angela Frolov, Lobby and Advocacy Program Coordinator at GENDERDOC-M

**Victim(s) involved:** Angela Frolov; staff member of the Office of the UN High Commissioner for Human Rights in Moldova Alina Grigoraș; lawyer Doina Ioana Străisteanu

**Type of the crime(s):** threats and psychological violence and physical assault

**Perpetrator(s):** 15 men and women, parishioners of Moldovan Orthodox Church, attendees of court hearing; 6 of them engaged in physical assault

**Brief description of incident with bias indicators:** On 11 February 2013, more than 15 residents of Bălți came to assist at the court hearing, including some of the aggressors who had attended the previous hearing on 22 January. The GENDERDOC-M Information Centre representatives and the observer from the Office of the UN High Commissioner for Human Rights Alina Grigoraș were subjected to verbal and physical violence. Like the previous time, during the break announced by the judge to deliver a technical decision, opponents started to make hateful statements against the plaintiff’s representatives. The court registrar made an observation of them; however, the Bishop of Bălți and Fălești Markel, accessory intervener in the lawsuit, encouraged them to go on by saying: “Let the people express themselves!” Having been encouraged, they spoke even more boldly and derogatorily. When the hearing concluded, the first to exit the court premise was Alina Grigoraș. She intended to take pictures of all the aggressors. Instantly, she was attacked by several of them. They tried to damage the camera; they hit her over the spine and head with an umbrella, pushed her down the stairs, called her names, and pointed at their own genitalia, telling her to take picture of them. All of this was followed by other obscene gestures and expressions.

**Status of the case:** The case was terminated by the police due to the absence of a discernible crime.

**Response of local authorities:** Victims had to dial the police at 902 to stop the aggression of those individuals because the police officer present at court hadn’t intervened at all. The police hung up the phone three times and picked up the receiver only on the fourth time, registering the complaint. Within minutes, a police officer arrived to the scene and detained the most aggressive individuals. Several complaints were lodged to the Bălți City Police Department. The aggressors were detained for identification and interrogation procedures. All victims involved filed a formal complaint to the police. On 19 March 2013, the Police Department of Bălți issued an official response stating that the investigation had been terminated due to the absence of a discernible crime.

**Impact on the victim(s) and the community:** GENDERDOC-M was very concerned about the safety of LGBT rights defenders because the incident had occurred again in the same court room three weeks after a similar one. The incident indicated the serious consequences of the homophobic ordinances adopted by a number of city and district councils in spring 2012, when the respective jurisdictions were proclaimed as “zones free of homosexual propaganda”. Local police were ineffective and reluctant to ensure the safety of participants and bring assailants to

accountability for their illegal actions. It became clear that police were unable to protect people from violence.

**Evidence:** Audio recording made during the court hearing by lawyer Doina Ioana Străisteanu; complaints to the Police Department of Bălți submitted by Alina Grigoraș, Angela Frolov and lawyer Doina Ioana Străisteanu

## 2) Case 4: A gay man entrapped and assaulted for his sexual orientation

**What happened:** A gay man named O.P. (34) was entrapped by a group of men, who had got acquainted with him via a general dating website for men and women of different sexual orientations, and assaulted him for his sexual orientation.

**Date, time and location of the incident:** 5 April 2013, 23:30 o'clock, Chișinău

**Source of information:** victim

**Victim(s) involved:** a gay man, aged 34

**Type of the crime(s):** physical assault

**Perpetrator(s):** two men in their 20s

**Brief description of incident with bias indicators:** On 5 April 2013, O.P., who maintains a personal account on a dating website for men and women of different sexual orientations, received a message from another man, allegedly 29 years old, offering O.P. a sexual encounter. They agreed to meet the same evening. At around 23:30 o'clock, O.P. arrived at the place of the meeting, next to a 24-hour bar in one of the residential areas of Chișinău. The man looked different from the picture on the website. O.P. said he was going to leave for he had been deceived. The man insisted that O.P. stayed by telling O.P. s tragic story of his life and inviting O.P. to smoke a cigarette with him. The two men stepped a bit behind the bar to smoke. Suddenly, O.P. saw a different male figure approaching them from the bar's side. Unexpectedly for O.P., the two men clasped his arms behind his back and said: "Now you're caught, faggot! You've fucked up! We are neo-Nazis." O.P. managed to extricate himself from the assailants. One of them threatened O.P. with violence. Hearing the screams outside, two security guards of the bar went outside and intervened. They let O.P. come inside the bar and didn't allow the assailants to enter. The perpetrators kept shouting homophobic slurs towards O.P. and filming him with their smartphones' camera. Seeing a taxi cab outside the bar, O.P. ran out of the venue and got in the car, which drove him home.

O.P. didn't report the incident to the police. The next day he received new messages with insults to his account on the dating website. About eight weeks later, O.P.'s friend told him that he had been asked out by a man via the same dating website. Having checked the phone number, O.P. realised it was the same person who had attacked him earlier. On June 5 2013, O.P. received a phone call from an unknown number. A man named Andrei told O.P. they had got acquainted two weeks earlier, he was from Tiraspol and asked O.P. out for a drink in Chișinău. O.P. said he couldn't recall Andrei and asked him to show his face picture on that dating website. To his surprise, he received a message from the same account the assailant had used in April. The message contained homophobic insults.

**Status of the case:** The case was investigated by the police. They identified perpetrators and charged them with hooliganism. One of the perpetrators was fined with 800 lei and the other was fine with 300 lei according to the gravity of offence. The incident wasn't recognised as a bias-motivated crime. The victim refused to sue the perpetrators in court and seek compensation of pecuniary damages.

**Response of local authorities:** On 8 June 2013, O.P. denounced the incident to the police by sending a formal complaint via mail. The police invited him to make his testimony and began the investigation. They identified the perpetrators, both of whom were 27 years old, married and unemployed. During interrogation, the perpetrators stated that they wanted "to teach the victim a lesson" for being gay. Police charged the perpetrators with hooliganism and fined both of them with 800 and 300 lei respectively. No further legal actions were taken against the perpetrators.

**Impact on the victim(s) and the community:** The victim didn't want to file a formal complaint to the police right after the incident because he didn't want his sexual orientation to be disclosed. He chose to forget about the incident, since he had managed to escape from the perpetrators with almost no damage. After he had been contacted by the perpetrators for the second time eight weeks after the first incident, the victim decided to report the incident because he realised his privacy was under threat. He was frightened by the possible disclosure of his identity at work and the possible consequences of this outing.

**Evidence:** The victim's formal complaint to GENDERDOC-m and the police with screen shots of correspondence between the perpetrators and himself; copies of police reports charging the perpetrators with hooliganism and applying the fine

## 3) Case 5: A 31-year-old gay man physically assaulted for his sexual orientation

**What happened:** A 31-year-old gay man was entrapped and physically assaulted for his sexual orientation by another man.

**Date, time and location of the incident:** 16 June 2013, morning, Chișinău

**Source of information:** victim

**Victim(s) involved:** a 31-year-old gay man

**Type of the crime(s):** physical assault with light bodily injuries

**Perpetrator(s):** a man in his 20s

**Brief description of incident with bias indicators:** On 16 June 2013, a 31-year-old gay man got acquainted with another man, who identified himself as bisexual, through a dating website for people with different sexual orientations. Soon after, they set up a meeting. They met outside the residential block where the perpetrator lived. The perpetrator invited the victim to smoke a cigarette and have a chat on the top floor of the residential building. Upon learning that the victim identified himself as gay and not even bisexual, the perpetrator hit him in the face with a fist. The victim's mouth began bleeding. The perpetrator called the victim "fag" and other derogatory words. The victim left the building without being persecuted. He immediately contacted a lawyer, went to hospital where his upper lip was stitched and then filed a formal complaint to the police.

**Status of the case:** On 10 July 2013, victim received official response from police informing him of the fact that the perpetrator had been identified and summoned to the police. The perpetrator was charged with deliberate cause of physical injuries and insult according to Article 78 and Article 69 of the Contraventions Code. The homophobic nature of crime wasn't taken into account by the police.

**Response of local authorities:** The victim filed a formal complaint to the police who sent him to the medico-legal expertise. He presented personal data, including pictures of the perpetrator. The police identified the perpetrator and charged him with causing deliberate light bodily injuries and insults. The perpetrator was fined an insignificant amount of money. Police didn't recognise the victim's sexual orientation as the principal motive of the crime.

**Impact on the victim(s) and the community:** The victim suffered physical as well as psychological trauma which caused him distress and to withdraw him from work for several days – the time needed to undergo necessary medical treatment and recovery.

**Evidence:** the victim's formal complaint to the police; medico-legal expertise; official response by the police

#### 4) Case 6: A 50-year-old man entrapped, beaten up and robbed for his sexual orientation

**What happened:** A 50-year-old man was entrapped, beaten up and robbed for his sexual orientation by two military servicemen

**Date, time and location of the incident:** 25 September 2013, around 16 o'clock

**Source of information:** victim

**Victim(s) involved:** a 50-year-old man

**Type of the crime(s):** physical assault and robbery

**Perpetrator(s):** two military servicemen in their 20s

**Brief description of incident with bias indicators:** On 25 September 2013, an unknown person called the 50-year-old gay man named L. with the suggestion of meeting up. He had called L. previously several times but they couldn't manage the meeting. They set up to meet at Valea Morilor Park in Chişinău at around 16:00. To L.'s surprise, there came two persons instead of one to the meeting. They bought some beer and decided to drink it somewhere in the park.

During the conversation, the two men asked L. where he worked. He said he worked at GENDERDOC-M (L. is contracted as peer-to-peer outreach worker by GENDERDOC-M within Health Activities Program). The two men asked L. what the organization was about, and he answered it worked for gays and lesbians. Once they heard the answer, the two men called L. "fag" and "cocksucker" and began beating him. Having finished with the violence, they took L.'s bag with personal belongings and ran away.

**Status of the case:** The case was investigated by the Military Prosecutor's Office since the two perpetrators were on active military service at the time of committing the crime. The perpetrators were later identified and brought before court. On 14 January 2014, the court-martial of Moldova released a judgment which sentenced one of the perpetrators to one year in prison conditionally. The other perpetrator was summoned as a witness in the case. It seems that the Military Prosecutor's Office had deliberately accused only of the perpetrators and made the other one go as the witness in the case to reduce from the gravity of their crime, because the Criminal Code of Moldova provides harsher penalties for crimes committed by a group of two or more individuals. The court-martial dismissed the victim's claim for compensation of moral damages.

**Response of local authorities:** L. immediately called the police, but they were reluctant to respond. Having finally registered the call, two of their representatives arrived at the scene of the crime and wrote a report. The police quickly identified the perpetrators by the phone number from which one of them had called L. Several days later, perpetrators called L. offering him compensation of material and moral damages in the amounts of 5000 lei (approx. 295 Euros) for each. The case was taken over by the Military Prosecutor's Office since both perpetrators were on active military service at the time of committing the crime.

**Impact on the victim(s) and the community:** The victim suffered both physically and psychologically.

**Evidence:** the victim's formal complaint to the police; investigation documents by the Military Prosecutor's Office

#### 5) Case 7: A gay man entrapped and beaten up for his sexual orientation

**What happened:** A gay man named R. was hunted, beaten and robbed because of his sexual orientation in Chişinău

**Date, time and location of the incident:** 29 October 2013, around 21:00 o'clock, Chişinău

**Source of information:** victim

**Victim(s) involved:** a gay man called R.

**Type of the crime(s):** physical assault and robbery

**Perpetrator(s):** four men

**Brief description of incident with bias indicators:** A gay man, R., placed an announcement that he wanted to meet another man on a general announcement website, [www.999.md](http://www.999.md). In the text of announcement he left his mobile phone number. On 29 October 2013, at around 21:00, R. received a phone call from a man who asked him out. Soon after, R. arrived at the designated location, next to the Flacăra Cinema. When he reached the man who waiting for him, suddenly, three other male figures approached them. Altogether, the four men started beating R. shouting "Give me back my 3000 lei (175 Euros)!" to distract the attention of passers-by from the real reason behind the violence. Thus, no passers-by interfered. R. managed to escape into one of the residential blocks' courtyards but the assailants caught him and continued beating him saying: "There are too many people like you. You all should be killed one by one!" Then they took his mobile phone, eyeglasses and about 400 lei (23 Euros) from his pockets.

**Status of the case:** On 30 October 2013, R. turned to GENDERDOC-M for assistance. The Lobby and Advocacy Program Coordinator accompanied him to a police commissariat where he filed a formal complaint.

**Response of local authorities:** R. filed a formal complaint to the Buiucani Police Commissariat of Chişinău. While in the police commissariat, police officers attempted to convince R. not to file a complaint against assailants, telling him that the entire investigation would cause him emotional and other discomfort. The GENDERDOC-M representative, present at the scene, told the police officers to perform their duties according to their mandate without discriminating against the victim on the grounds of his sexual orientation. R. did file the formal complaint. An investigation is underway and no results have been announced so far.

**Impact on the victim(s) and the community:**

**Evidence:** The victim's formal complaint to the police, saved phone numbers which the perpetrators had made calls from, certificate of medico-legal expertise

## 6) Case 8: Two gay men beaten up for their sexual orientation

**What happened:** Two gay men, friends A. and E., were assaulted and beaten by three young men outside a Chişinău supermarket for their sexual orientation

**Date, time and location of the incident:** 20 December 2013, around 00:35, Chişinău

**Source of information:** victim

**Victim(s) involved:** two gay men aged 25 and 26

**Type of the crime(s):** physical assault

**Perpetrator(s):** three young men

**Brief description of incident with bias indicators:** On 20 December 2013, while shopping at the supermarket Fidesco 3 in Ciocana District of Chişinău, after the midnight, three young men noticed two young men, A. and E., who happened to be gay. The three men began discussing the perceived sexual orientation of A. and E. Upon exiting the supermarket, A. and E. were approached by the three men from the supermarket who asked them questions about their sexual orientation. Suddenly the three men attacked A. and E. punching them in the face and head. While A. and E. were being beaten, one of the perpetrators left the scene and after some time returned in a taxi cab with two more individuals, who joined in the assault. While the two gay men were being beaten, the taxi cab driver was sitting and waiting in the vehicle. A. and E. managed to call the police, which made the perpetrators disappear from the scene by taking the same taxi cab. The police arrived at the scene a full 45 minutes after the call. They questioned the victims, wrote a report, and directed them to the medico-legal expertise. A. and E. also said that they had been beaten by a rock, then subsequently thrown down on the floor and kicked all over their bodies. One of the victims refused to pursue the medico-legal expertise.

**Status of the case:** On 21 December 2013, E. turned to GENDERDOC-M for assistance. The formal police investigation is also underway.

**Response of local authorities:** A. and E. filed a formal complaint to the Ciocana Police Commissariat of Chişinău and E. underwent formal medico-legal expertise that stated he had received light bodily injures as result of the assault. Police are investigating the incident.

**Impact on the victim(s) and the community:**

**Evidence:** The victim's formal complaint to the police, certificate of medico-legal expertise

## Threats and psychological violence

### 1) Case 9: A 16-year-old gay man psychologically abused by parents

**What happened:** In January 2013, a 16-year-old gay man was allegedly subjected to psychological violence by his

parents who had accidentally learnt from his personal journal about his sexual orientation.

**Date, time and location of the incident:** January 2013, town of Ungheni, victim's apartment

**Source of information:** third party (the victim's acquaintance from Chişinău)

**Victim(s) involved:** a 16-year-old gay man

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** parents of the victim

**Brief description of incident with bias indicators:** In January 2013, a 16-year-old gay man was allegedly subjected to psychological violence by his parents, who had accidentally learnt from his personal journal about his sexual orientation. His biological mother and step father deprived the teenager of access to the Internet and his personal mobile phone until "he was fixed." The victim fell into depression and tried to convince his parents to go to a counsellor with him, but they refused. The parents threatened to send him off to a monastery if he didn't change. On 27-29 January 2013, from his classmates' mobile phones, the victim contacted an acquaintance of his, a gay man living in Chişinău, seeking assistance. On 29 January, the gay man from Chişinău was contacted by the victim's step father, who threatened the man with physical violence and jail, accusing him of having sexual relation with the 16-year-old victim.

**Status of the case:**

**Response of local authorities:** Following threats of violence from victim's step father, the gay man from Chişinău filed a formal complaint to the police. The police initiated an investigation into the incident as well as into the circumstances of the psychological violence to which the 16-year-old man from Ungheni was subjected by his parents. According to the official response from 4 February 2013 by the police, it was found that the minor hadn't been subjected to psychological violence by his parents and that the step father never intended to apply physical violence against the gay man from Chişinău. Thus, the complaint had no grounds.

**Impact on the victim(s) and the community:** The 16-year-old gay man suffered from the psychological violence to which he was subjected by his parents due to his sexual orientation. Besides him, another gay man from Chişinău, an acquaintance of his who tried to help him, was insulted and threatened by the victim's step father. However, according to that gay man, who reported the incident to the police and GENDERDOC-M, the parents of the boy ceased their oppression and let him use his mobile phone and Internet connection again. There has been no other news following the incident.

**Evidence:** Formal complaints of the gay man from Chişinău to the police and GENDERDOC-M; official response on the results of investigation by the police

## 2) Case 10: A gay man threatened at gunpoint and robbed by two carabinieri

**What happened:** A gay man in his 30s was stopped and checked by two carabinieri (special troops of the Ministry of Interior Affairs maintaining public order) in Valea Morilor Park in Chişinău, insulted, threatened with a gun and robbed.

**Date, time and location of the incident:** 26 July 2013, 18:00, Chişinău

**Source of information:** victim

**Victim(s) involved:** a gay man in his 30s

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** two carabinieri (special troops of Ministry of Interior Affairs maintaining public order)

**Brief description of incident with bias indicators:** On 26 July 2013, at around 18:00, a gay man called A. was walking through the Valea Morilor Park of Chişinău. He had just visited GENDERDOC-M office where he benefited from the Health Activities Program services receiving condoms and lubricants. Suddenly, he was approached by two carabinieri who told A. to show his ID. The carabinieri refused to present their own in turn. They copied the data from A.'s ID card and checked his bag where they found condoms and lubricants, asking if he was gay. Having received an affirmative answer they called him "fag." The carabinieri took A.'s mobile phone and asked him if he was gay. His answer was affirmative, and then one of them took out a gun and pointed it at A.'s head saying: "Look in my face and say your final word!" In A.'s phone's list of contacts carabinieri found the number of A.'s employer, a director of a kindergarten in Chişinău, where A. worked as a watchman. While holding a gun at A.'s head, the carabinieri made him call his employer and tell her: "I had sex with a man and I sucked him." Then they called A.'s director from their own phone and asked her: "Do you know your employee is fag? You'll be troubled if you don't fire him." Instantly, A.'s director called and told him to come and submit a resignation notice. After this, the two carabinieri made holes in all condoms and squeezed and poured out lubricants on the ground. They took two unspoilt condoms and one tube of lubricant with them, as well as 50 lei from A.'s wallet. Once he was let go, A. reported the incident to GENDERDOC-M. The Lobby and Advocacy Program coordinator escorted him to the police station where A. filed a formal complaint.

**Status of the case:** The case is being investigated by the Prosecutor's Office.

**Response of local authorities:** A. filed a formal complaint to the police the same day. The perpetrators were identified by the phone number via which they had contacted A.'s employer earlier. They were immediately summoned to the police, where A. recognized them. The perpetrators began offering a payoff and assistance in

employment to A. if he withdrew his complaint. A. turned down the offer. The case was taken over by the Prosecutor's Office and investigated as robbery and use of service weapons. Neither the police nor the prosecutor is considering the victim's sexual orientation as the principal motive for the crime.

**Impact on the victim(s) and the community:**

**Evidence:** the victim's formal complaint to the police; investigation documents by the police and Prosecutor's Office

### 3) Case 11: A gay man subjected to a degrading homophobic prank by a radio host

**What happened:** A gay man, who had just gotten acquainted with another man (a radio host in disguise) on a dating website for people with different sexual orientations, was called and engaged in a sex-themed conversation without knowing that the entire conversation was broadcast live on the radio.

**Date, time and location of the incident:** 29 July 2013, at around 23:30, JurnalFM radio

**Source of information:** victim

**Victim(s) involved:** a gay man in his 30s

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** JurnalFM radio host Anatol Melnic

**Brief description of incident with bias indicators:** On 29 July 2013, at around 23:30, JurnalFM radio broadcast a prank where a gay man was entrapped by a radio host into a gay-sex-themed conversation. The DJ, host of the program "X Te lubește," had gotten acquainted with a gay man on a dating website for people with different sexual orientations, and they exchanged phone numbers. The radio host, pretending he wanted to experiment with gay sex, called the gay man and engaged him in a sexually explicit conversation, meanwhile revealing the man's name and area of living in the city of Chișinău. The victim of the prank was completely unaware of the fact that the conversation was on air. In the end, the perpetrator revealed his identity as a radio host and humiliated the victim, reprimanding him for his sexual orientation. The next day, the recording was uploaded on the YouTube channel of the radio program, where people started leaving hateful comments towards the victim. The victim reported the incident to GENDERDOC-M but refused to file a formal complaint to the police or court.

**Status of the case:** The case wasn't investigated by the police or the Prosecutor's Office

**Response of local authorities:** GENDERDOC-M, on behalf of the victim, filed a formal complaint to the Council of Press, a self-regulatory body of mass media outlets in Moldova. In August, the Council of Press condemned the JurnalFM radio and its host Anatol Melnic for violating principles of the Code of Journalist Ethics of Moldova. On 26 September 2013, the Coordinating Council of Audiovisual, a state mass media regulation body, issued a warning to the JurnalFM radio for violating the victim's right to a private life, for disclosure of personal data and incitement to violence and discrimination. On 3 December 2013, after analyzing content of other issues of the program "X Te lubește", where other individuals had been subjected to degrading treatment, the Coordinating Council of Audiovisual charged JurnalFM with the highest fine.

**Impact on the victim(s) and the community:**

**Evidence:** recording of the radio prank; screenshots of homophobic comments under the audio file on YouTube; GENDERDOC-M's formal complaint to the Council of Press; decisions by the Council of Press and the Coordinating Council of Audiovisual

### 4) Case 12: Verbal homophobic abuse towards staff member of GENDERDOC-M Information Centre in court

**What happened:** The GENDERDOC-M staff member Angela Frolov, who works as the Lobby and Advocacy Program Coordinator, was subjected to homophobic slurs by a group of religious attendees during a court hearing of the trial "GENDERDOC-M vs. City Council of Bălți".

**Date, time and location of the incident:** 22 January 2013, Court of Appeals, town of Bălți

**Source of information:** Angela Frolov, Lobby and Advocacy Program Coordinator at GENDERDOC-M

**Victim(s) involved:** Angela Frolov, Lobby and Advocacy Program Coordinator at GENDERDOC-M and lawyer Doina Ioana Străisteanu

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** 8 men and women, parishioners of the Moldovan Orthodox Church, attendees of the court hearing

**Brief description of incident with bias indicators:** On 22 January 2013, another hearing concerning the case "GENDERDOC-M vs. City Council of Bălți" took place at Bălți Court of Appeals. Besides the plaintiffs, the defendants and three accessory interveners (Ombudsman's representative, Bishop of Bălți and Fălești Markel, and Mr. Mircea Rotari), eight other individuals were present, having decided to attend the public hearing. From the way they were conversing with the Bishop Markel, it was obvious that they had been invited by the clergyman himself. Having entered the court room, the GENDERDOC-M representative was instantly insulted by some of these attendees who said: "Dirty person! Don't sit next to her – isolate her!" During the break announced by the judge to deliver a technical decision, some of those eight persons continued uttering derogatory statements and threats against the plaintiffs, their lawyer and all LGBT people in the Republic of Moldova. Upon the conclusion of hearing, those eight individuals attempted to stop the lawyer and ask her questions, attempting to intimidate her. After the lawyer refused to engage

them, one of the men spat in the direction of the human rights defenders.

**Status of the case:** The incident took place in the presence of a judge, who paid it attention. The incident was reported by the lawyer and it was included in the minutes of hearing. It was also denounced to the Prosecutor's Office. However, the perpetrators weren't held accountable.

**Response of local authorities:** Following the request of the GENDERDOC-M lawyer based on Article 11 of the Civil Procedure Code, which requires courts to ensure the safety of those who take part in a trial, the judge established the identities of all people present in the room and their personal data were included in the minutes of the hearing. No legal measures against the perpetrators were taken. On 24 January, lawyer Doina Ioana Străisteanu denounced the incident to the Prosecutor's Office of Bălți. On 24 April 2013, the Prosecutor of Bălți issued an official refusal to initiate a criminal investigation into the case. On 22 May 2013, lawyer Doina Ioana Străisteanu filed an official complaint with the Prosecutor General of Moldova against the refusal of the Prosecutor of Bălți to initiate said criminal investigation. On 19 June 2013, the Interim Prosecutor of Bălți, to whom the complaint had been referred by the Prosecutor General's Office, issued an official ordinance on the resumption of the criminal investigation into the case. Neither lawyer Doina Ioana Străisteanu nor GENDERDOC-M has been officially informed about the results of the investigation yet.

**Impact on the victim(s) and the community:** GENDERDOC-M was very concerned about the safety of LGBT rights defenders because the incident had occurred within the court room, a presumably safe space for everyone. The incident indicated the serious consequences of the homophobic ordinances adopted by a number of city and district councils in the spring of 2012, when the respective jurisdictions were proclaimed as "zones free of homosexual propaganda."

**Evidence:** Audio recording made during the court hearing by lawyer Doina Ioana Străisteanu; complaint to the Prosecutor's Office submitted by lawyer Doina Ioana Străisteanu

#### 5) Case 13: Verbal homophobic abuse towards GENDERDOC-M representatives

**What happened:** The openly gay staff member of GENDERDOC-M Information Centre, Artiom Zavadvoschi (26), who works as Lobby and Advocacy Program Assistant, was verbally abused due to his sexual orientation and the fact that he works for an LGBT organisation.

**Date, time and location of the incident:** 4 February 2013, 21:00, in the area of GENDERDOC-M Office, Chişinău

**Source of information:** Victim

**Victim(s) involved:** Staff member of GENDERDOC-M Information Centre

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** An unknown man, allegedly single

**Brief description of incident with bias indicators:** The openly gay staff member of GENDERDOC-M Information Centre, Artiom Zavadvoschi, who works as the Lobby and Advocacy Program Assistant, left his workplace at around 21:00. He headed towards the public transport station to take a bus home. Since the GENDERDOC-M office is situated in a residential area of private mansions, he had to walk a long distance towards the bus station. One block away from the office, he was crossing the street when he saw a white automobile driving his way. He let the car pass him and crossed the street. Suddenly, he heard that car door open and a man shout "Fag!" behind him. He turned around and saw the automobile start moving forward, in the opposite direction.

It was the second case of the same nature which happened to Artiom Zavadvoschi. On 23 September 2012, he left the GENDERDOC-M office at 18:00. A taxi cab was rushing down the street where GENDERDOC-M office is situated. A second prior to passing him, a backdoor window slide down and a male voice shouted from the inside "Fag!" Artiom didn't see how many individuals there were besides the driver, neither did he notice the license plate number of the taxi cab. He didn't report the case to the police.

**Status of the case:** The victim didn't call the police as he hadn't seen the license plate number due to the dark time of the day.

**Response of local authorities:** N/A

**Impact on the victim(s) and the community:** In both cases, the victim was psychologically damaged and didn't feel secure for some time after the incidents.

**Evidence:** Victims complaint to the GENDERDOC-M Information Centre

#### 6) Case 14: A lesbian woman repeatedly threatened and insulted by her former husband

**What happened:** A lesbian woman, currently in a same-sex relationship, was repeatedly threatened and insulted by her former husband who had been granted custody of their common child

**Date, time and location of the incident:** 6, 13, 14 and 18 February 2013, over phone, Chişinău

**Source of information:** victim

**Victim(s) involved:** a lesbian woman

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** victim's former husband

**Brief description of incident with bias indicators:** In 2011, a lesbian woman named D. came out to her husband as lesbian and initiated the process of divorce. Since then, the man had been threatening and insulting D. on almost any occasion. The situation was difficult because they had a daughter. In 2012, D. was officially divorced from her former husband, who was granted custody of their child by court. D. continued the legal battle for custody of her daughter. On 6, 13, 14 and 18 February she was subjected to unprecedented psychological violence, including threats and insults, mainly by phone, by her former husband. The man explicitly referred to her sexual orientation and her female partner with derogatory terms and threatened her with physical violence if D. did not stop fighting for the custody of her daughter. In March 2013, D. filed a court claim against her former husband's actions on the basis of Law on Ensuring Equality.

**Status of the case:** On 17 May 2013, Botanica District Court of Chişinău, court of the first instance, admitted that D. had been subjected to harassment and victimisation by her former husband and obliged him to abstain from harassing and victimising her in the future.

**Response of local authorities:** On 1 March 2013, D. filed a court claim against her former husband's actions under the Law on Ensuring Equality, namely on the basis of provisions regarding harassment and victimisation. On 17 May 2013, Botanica District Court of Chişinău, a court of the first instance, admitted that D. had been subjected to harassment and victimisation by her former husband and obliged him to abstain from harassing and victimising her in the future.

**Impact on the victim(s) and the community:**

**Evidence:** audio recordings of telephone conversation between the victim and perpetrator; the victim's claim to court; court judgment

#### 7) Case 15: On-line verbal homophobic abuse and threats towards a gay man

**What happened:** A gay man, A. (26), was subjected to verbal homophobic abuse and threats on a dating website

**Date, time and location of the incident:** 22 February 2013, dating website for men and women of different sexual orientations

**Source of information:** victim

**Victim(s) involved:** a gay man named A., aged 26

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** a man aged 31, from Tiraspol, Transdnestrian region of Moldova

**Brief description of incident with bias indicators:** A. maintained a personal account on a dating website for both men and women of different sexual orientations. In his profile, he explicitly indicated that he was interested in dating men. On 22 February 2013, one man sent him a message with derogatory homophobic slurs. A. responded to it saying that it was inappropriate for him to write such a humiliating message to him. The man went on insulting A. and threatened him with physical violence. For instance, he said he would castrate A. when he met him.

Earlier, on 6 February 2013, A. was verbally abused by two men for his obvious gay identity walking in the city centre of Chişinău at approximately 14:00.

In November 2012, A. was ousted from a night club for kissing with another man while other heterosexual couples, who were kissing in the club at the same time, weren't punished by the club administration. A. filed a formal complaint to the police. The police didn't find any discrimination or other human rights violations in the actions of club owners and closed the case.

**Status of the case:** A. intended to file a formal complaint with the police but didn't follow through.

**Response of local authorities:** N/A

**Impact on the victim(s) and the community:** These incidents weren't the only ones experienced by A. in his life. He had been previously faced verbal abuse for his sexual orientation on numerous occasions on streets and other public places. In April 2013, A. left Moldova for Belgium where he applied for asylum. In September 2013, he was granted asylum in Belgium on ground of his sexual orientation.

**Evidence:** A.'s complaints to GENDERDOC-M, screen shots of A's correspondence with the perpetrator and pictures of the perpetrator

#### 8) Case 16: Verbal homophobic abuse towards GENDERDOC-M staff member

**What happened:** GENDERDOC-M Lobby and Advocacy Program coordinator, Angela Frolov, and her partner were subjected to verbal homophobic abuse by their neighbours

**Date, time and location of the incident:** 11 August 2013, area of victims' abode, Chişinău

**Source of information:** victim

**Victim(s) involved:** GENDERDOC-M staff member Angela Frolov, aged 39

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** two male neighbours in their 20s

**Brief description of incident with bias indicators:** On the morning of 11 August, during her summer vacation, GENDERDOC-M staff member Angela Frolov and her partner parked their private automobile in the area of their multi-story residential building, under the windows of their apartment. They were approached by two men who also live in the area and who told them not to park their car on the same spot anymore because it was designated for residents of another apartment building. The fact is that there are no specially designated parking zones around apartment buildings in this area since they were constructed decades ago when most people didn't own private vehicles. Angela Frolov objected, saying that it was a public area where anyone could park car. The two men uttered homophobic insults towards Angela and her partner. The women called the police and filed a formal complaint. The perpetrators continued insulting victims even in presence of the police.

**Status of the case:**

**Response of local authorities:** Following the call, the police arrived at the scene of incidents and drew a report. On 13 August 2013, Angela Frolov received an official response from the police informing her that one of the perpetrators had been charged with hooliganism according to the Article 354 of the Contravention Code. The homophobic nature of the perpetrator's insults wasn't taken into account by the police.

**Impact on the victim(s) and the community:** Angela Frolov is one of the spokespeople of GENDERDOC-M Information Centre and thus frequently appears in the media. Her neighbours are aware of this fact and that she is in a relationship with another woman. This bias-motivated incident was the third act of verbal violence committed towards Angela Frolov in 2013 due to her LGBT rights activism.

**Evidence:** the victim's formal complaint to the police; official response from the police

### 9) Case 17: Verbal homophobic abuse and incitement to violence towards GENDERDOC-M staff member

**What happened:** A staff member of GENDERDOC-M, Veaceslav Mulear (32), was subject to verbal homophobic abuse and incitement to violence by an officer of the State Protection and Guard Service

**Date, time and location of the incident:** 8 October 2013, at around 20:00, in the area of the victim's house and in close proximity to the GENDERDOC-M office

**Source of information:** Victim

**Victim(s) involved:** GENDERDOC-M staff member, Veaceslav Mulear, 32 years old

**Type of the crime(s):** threats and psychological violence

**Perpetrator(s):** An officer of the State Protection and Guard Service

**Brief description of incident with bias indicators:** Veaceslav Mulear, Health Activities Coordinator at GENDERDOC-M, lives on the same street where the organisation's office is situated. To get to work or home he has to pass the private residence of Moldova's former prime minister and chairperson of the Liberal Democratic Party (PLDM) Vlad Filat, which is guarded by officers of the State Protection and Guard Service (SPPS). On 8 October 2013, at around 20:00, when Veaceslav was walking home, one of the SPPS officers started casting homophobic slurs at him while other passers-by were around. The officer asked derogatory questions aimed at humiliating Veaceslav in front of other people. Veaceslav made an observation and attempted to stop the abuse. The SPPS officer didn't stop insulting Veaceslav. Moreover, he implicated violence towards Veaceslav, saying: "Had this homosexual been in Russia or in another post-Soviet country, he'd have needed a good thrashing so that he forgot this nonsense and changed his sexual orientation."

**Status of the case:** On 9 October 2013, Veaceslav reported the incident to GENDERDOC-M Information Centre.

**Response of local authorities:** GENDERDOC-M filed a formal complaint to the State Protection and Guard Service denouncing the actions of their employee. On 6 November 2013, the SPPS issued an official response stating that a formal internal investigation into the incident had been carried out and Veaceslav Mulear had been informed of its results. Several days prior to this, Veaceslav Mulear was summoned to the State Protection and Guard Service's headquarters where he was informed that the perpetrator had been dismissed from work for having violated principles of the SPPS employees' code of conduct. The SPPS representatives refused to tell him the name of the perpetrator referring to the confidentiality of personal data of their employees. Veaceslav Mulear's case was the final reason for the perpetrator's dismissal, however not the principal one.

**Impact on the victim(s) and the community:**

**Evidence:** the victim's complaint to GENDERDOC-M, GENDERDOC-M formal complaint to SPPS and their response

### Other incidents with a bias motivation

#### Discrimination

### 1) Case 18: Mayor of Chişinău, Dorin Chirtoacă, discriminated against GENDERDOC-M Information Centre

**What happened:** Mayor of Chişinău, Dorin Chirtoacă, discriminated against GENDERDOC-M Information Centre in their attempt to exercise the right to freedom of assembly. On 15 May he filed a lawsuit, and subsequently won it,

against GENDERDOC-M's intention to hold the LGBT pride march in the city centre on 19 May 2013. The Mayor Dorin Chirtoacă demanded relocation of the march from the city centre to a remote secluded park zone due to possible altercations with counterdemonstrators and public order disturbance. Relocating GENDERDOC-M's march to a different part of city, Mayor Dorin Chirtoacă did not prosecute counterdemonstrators who expressed intention to hold a homophobic rally in the same place and consequently managed to carry it out.

**Date, time and location of the incident:** 15-18 May 2013, Centru District Court of Chişinău

**Source of information:** Court documents

**Victim(s) involved:** GENDERDOC-M Information Centre

**Type of the crime(s):** direct discrimination

**Perpetrator(s):** Mayor of Chişinău

**Brief description of incident with bias indicators:**

On 15 May 2013, the Mayor of Chişinău filed a claim to the Centru District Court of Chişinău against GENDERDOC-M to move their march to a different location. The same day, 15 May, the organisation AOBCVIRA notified the City Hall of Chişinău of their intention to hold a protest rally against the "faulty values of family promoted by GENDERDOC-M" in the same location, i.e. the city centre, and on the same day, 19 May. The same day, 15 May, another organisation, "Moldova Mea Association", submitted a different notification of their intention to hold a protest rally "Propaganda of homosexuality: Counterdemonstration" in the same location and on the same day, 19 May. Both organisations held their rallies on 19 May in the city centre without any opposition from the local authorities or law-enforcement bodies.

On 18 May 2013, the hearing on the case "Mayor of Chişinău vs. GENDERDOC-M" in the Centru District Court of Chişinău took place. The claim of Mayor of Chişinău was satisfied.

The claim asked for relocation of the LGBT march to the Green Theatre, a fenced open-air facility in a remote and secluded park of Chişinău. In his claim, the Mayor of Chişinău referred to the fact that a large number of petitions against the LGBT march had been received by the City Hall chancellery. He also attached a claim by Moldovan Orthodox Church demanding complete prohibition of the LGBT march.

The court judgment refers to the main arguments of the Mayor of Chişinău and states that "due to the fact that a number of counter-protesters are going to be present at the scene of planned LGBT march and generate serious conflicts and altercations" the must be prohibited from taking place on the announced route.

The proposed location – the Green Theatre – is located in a remote and secluded park far from the city centre and governmental buildings. Besides this, the proposed location is a zone surrounded by a fence and represents a theatre facility with a stage and benches. That's why carrying out of a march per se in this location is merely impossible. From the security point of view, the location causes apprehension because it is equipped with a single entrance. This is what the representatives of the Ministry of Interior Affairs in charge of ensuring security for march participants paid a particular attention to during the meeting with the event organisers at GENDERDOC-M office on the eve of event.

**Status of the case:** On 12 July 2013, GENDERDOC-M filed a claim against the Mayor of Chişinău accusing him of discrimination on the ground of sexual orientation basing on the Law on Ensuring Equality. The first hearing took place only on 4 December 2013.

**Response of local authorities:** The Government of Moldova has not responded to the discrimination against Moldova's only LGBT organisation by the Mayor of Chişinău yet. This is Dorin Chirtoacă's second claim submitted to the national court against GENDERDOC-M's intention to hold LGBT rallies in the city centre during the annual Pride Festival.

**Impact on the victim(s) and the community:** In 2012, after GENDERDOC-M win in the European Court of Human Rights against Moldova, the Mayor of Chişinău stated to the media that he would have preferred losing as many similar cases in court as possible but not to allow LGBT groups to march in the city centre.

**Evidence:** Court trial documents

## **2) Case 19: Autonomous Territorial Unit of Gagauzia adopted an anti-discrimination law prohibiting propaganda of sodomy, lesbianism, bisexuality, transgenderism, same-sex marriage and child adoption by same-sex couples**

**What happened:** On 30 April, following two readings, the People's Assembly of the Autonomous Territorial Unit of Gagauzia adopted the Law on Ensuring Principles of Equality, Equity and Objectivity which was immediately signed into law by the Governor of ATU Gagauzia, Mihail Formuzal. The law overtly prohibits propaganda of sodomy, lesbianism, bisexuality, transgenderism, same-sex marriage and child adoption by same-sex couples on the territory of Gagauzia.

**Date, time and location of the incident:** 30 April 2013, People's Assembly of Gagauzia

**Source of information:** mass media

**Victim(s) involved:** LGBT people in Gagauzia

**Type of the crime(s):** direct discrimination

**Perpetrator(s):** People's Assembly and the Governor of Gagauzia

**Brief description of incident with bias indicators:** The Gagauz Law on Ensuring Principles of Equality, Equity and Objectivity represents a literatim replica of the main content of the national Law on Ensuring Equality, however, with contextual additions and explanations, as well as new provisions and articles aimed to institutionalise and legalise discriminatory treatment of people on the ground of their sexual orientation. In Article 1 titled “Aims and sphere of application of the law”, besides the list of protected grounds and notions of discrimination, as well as affirmative action and reasonable adaptation, Gagauz lawmakers added the notion of propaganda: “*Propaganda is the dissemination of ideas, doctrines, and attitudes with the purpose to gain supporters*”. In Article 7 titled “Prohibition of discrimination in employment”, also replicated from the national Law on Ensuring Equality, sexual orientation as a ground protected from discrimination in employment was excluded. Instead, Gagauz lawmakers added an additional provision (7) that reads as follows: “*The refusal to employ a person if s/he flaunts his/her non-traditional sexual orientation does not constitute discrimination in employment or occupation*”. The document also mentions new articles and provisions aimed to prohibit discrimination against the majority by minority groups, ban LGBT propaganda and same-sex marriage. The Article 11 titled “Prohibition of same-sex marriage” has the following provisions: (4) The ban on registration of same-sex marriage within the territory of Gagauzia implemented in order to protect the identity, national foundations, traditions, customs, culture, morality, health, rights and legitimate interests of the Gagauz people, as well as of the foundations of the constitutional order in the area of their habitation, does not constitute discrimination. (5) In the territory of Gagauzia the registration of same-sex marriages, as well as the adoption of children by homosexual couples, is forbidden in order to protect the moral and spiritual development of minors given the fact that the child adoption is carried out in the interests of the minors themselves and not in the interest of persons wishing to adopt them.

**Status of the case:** Since the claim by Ombudsman Tudor Lazăr had been filed earlier, Comrat Territorial Office of the State Chancellery asked for the suspension of their claim’s examination until the Ombudsman’s claim had received final judgment. In a telephone conversation between a GENDERDOC-M representative and Olga Cîrma in December 2013, the latter stated that the examination of the Comrat Territorial Office of the State Chancellery’s claim would be resumed in the Comrat Administrative Court if the Ombudsman’s claim were to be dismissed by the Comrat Court of Appeals. In the same telephone conversation, Olga Cîrma said that the adopted law had not been applied in practice yet. In her opinion, the debate over its adoption and the adoption itself represented an act of pure populism and dissent against the national government’s policies aimed at European Union integration. Final examination of the Ombudsman’s claim in the Comrat Court of Appeal is scheduled to take place in February 2014.

**Response of local authorities:** On 16 May, the State Chancellery dispatched an official answer to GENDERDOC-M’s previous complaint informing the organisation that its inquiry had been redirected to the Comrat Territorial Office of the State Chancellery in charge of Gagauzia for further examination. Contacted by GENDERDOC-M, the head of Comrat Territorial Office of the State Chancellery, Olga Cîrma, stated her institution was about to file a lawsuit demanding the annulment of discriminatory provisions in the Gagauz law. It later became known that on 27 May 2013, Ombudsman Tudor Lazăr filed a lawsuit to the Comrat Administrative Court against the Gagauz People’s Assembly and Executive Committee of Gagauzia demanding the annulment of paragraph (7) from Article 7, Article 10 in its entirety, and paragraphs (2) and (5) from Article 11 of the Gagauzia’s Law nr.89 from 30 April 2013 approved by the Governor of Gagauzia on 30 April 2013. On 20 June 2013, the college of justices of Comrat Administrative Court issued a judgment where it partially satisfied the claims by Ombudsman Tudor Lazăr, namely it annulled, as unlawfully adopted, paragraph (7) from Article 7, Article 10, as well as the phrase “and the same-sex unions (lesbianism and homosexualism) are defined as a sin and unnatural condition that destroys the traditional lifestyle of the Gagauz people” in paragraph (2) from Article 11 of the present law.

**Impact on the victim(s) and the community:** In a telephone conversation, Olga Cîrma said that the adopted law had not been applied in practice yet. In her opinion, the debate over its adoption and the adoption itself represented an act of pure populism and dissent against the national government’s policies aimed at European Union integration. Nevertheless, the discussion around and adoption of the law itself have fuelled the ubiquitous homophobia and transphobia up and increased the level of social hatred towards LGBT people in Moldova.

**Evidence:** Text of the law; official correspondence between GENDERDOC-M, Ombudsman Office and the State Chancellery; court documents

### **3) Case 20: Moldovan Parliament adopted a law on amending the Contravention Code with an article outlawing “propaganda of any other relations than those related to marriage or family”**

**What happened:** On 23 May 2013, the Parliament of the Republic of Moldova adopted the Law Nr. 117 on Completing the Contravention Code amending it with Article 90<sup>1</sup> “Public activities with negative impact on minors”, which was signed into law by the President on 5 July and entered in force on 12 July 2013. According to Paragraph 2, the Article 90<sup>1</sup> imposed a monetary fine from EUR 100 to 120 conventional units on an individual, a fine from EUR 200 to 300 conventional units on an official and a fine from EUR 300 to 400 conventional units on a legal person with or without deprivation, in all cases, of the right to exercise a particular activity for the term from three months to one year “for distribution of public information with/without commission of acts aimed at the propagation of prostitution, paedophilia, pornography or of any other relations than those related to marriage or family in accordance with the

Constitution and the Family Code”.

**Date, time and location of the incident:** 23 May 2013, Parliament of the Republic of Moldova

**Source of information:** mass media

**Victim(s) involved:** LGBT people, human rights activists and organisations

**Type of the crime(s):** direct discrimination

**Perpetrator(s):** Members of Moldovan Parliament, President of Moldova

**Brief description of incident with bias indicators:** Having lacked decisional transparency and having not been subjected to the public debate, the law was adopted upon suggestion of MPs Sergiu Sîrbu, Ghenadie Ciobanu (Liberal Democratic Party) and Valeriu Ghilețchi (Liberal Democratic Party). Had it been applied, Article 90<sup>1</sup> might have seriously violated the rights to freedoms of expression and assembly of anyone who would have publicly equated same-sex relations and families with heterosexual ones.

**Status of the case:** These discriminatory provisions were repealed by the Parliament of Moldova on 11 October 2013.

**Response of local authorities:** In July 2013, GENDERDOC-M in a coalition with other human rights organisations in Moldova, sent official letter to the Government of Moldova asking to respond to the discriminatory adopted by the Parliament. The Ombudsman created an ad-hoc Working Group with the participation of the Ministry of Interior Affairs and Ministry of Justice. The aim of this Group was to draft a recommendation on the implementation of Article 90<sup>1</sup> of the amended Contravention Code, in line with the Constitution and other related laws. On 26 July 2013, the Ministry of Interior Affairs issued the Recommendation on Correct and Uniform Application of Article 90<sup>1</sup> “Public activities with negative impact on minors” of the Contravention Code to all administrative authorities and institutions under the Ministry of Interior Affairs.

**Impact on the victim(s) and the community:**

**Evidence:** Text of the law; official correspondence between GENDERDOC-M and state institutions; mass media reports

#### **4) Case 21: State TV channel ‘Moldova 1’ continues refusing to broadcast a TV documentary on LGBT rights in Moldova following the court lift after the temporary broadcast suspension**

**What happened:** The State TV channel ‘Moldova 1’ continues refusing to broadcast a TV documentary on LGBT rights in Moldova titled “Human Rights on Screen. Rights of Sexual Minorities” after lifted the temporary suspension of its broadcast in 2012.

**Date, time and location of the incident:** 27 February 2013, Chișinău

**Source of information:** GENDERDOC-M

**Victim(s) involved:** GENDERDOC-M

**Type of the crime(s):** direct discrimination

**Perpetrator(s):** state TV channel ‘Moldova 1’

**Brief description of incident with bias indicators:** In December 2012, GENDERDOC-M dispatched an official letter to the administration of the state TV channel ‘Moldova 1’ inquiring about the date when the TV documentary on LGBT rights Moldova would be broadcast given that court had lifted the temporary suspension of its broadcast earlier that year. On 23 February, GENDERDOC-M received a formal response from the TV channel administration stating that the documentary had been broadcast in July 2012. GENDERDOC-M obtained evidence of the opposite. Although the broadcast of the documentary had been formally announced, it was not broadcast. Moreover, three other documentaries on the rights of people with disabilities, justice and police, and civil society had been broadcast in 2010 in the prime time, the last episode, focusing on LGBT rights, became the subject of a two-year court trial. On 12 April 2013, GENDERDOC-M filed a lawsuit against the state broadcaster, demanding penalisation of the Moldova 1 TV channel administration for discrimination against GENDERDOC-M on the ground of sexual orientation and asking for the broadcast of the documentary in the prime time.

**Status of the case:** The first court hearing took place on 4 November 2013. The trial continues.

**Response of local authorities:** There have been no responses from any authorities.

**Impact on the victim(s) and the community:**

**Evidence:** Official correspondence between GENDERDOC-M and TV channel administration; court documents

#### **5) Case 22: Party of Socialists proposed a legislative initiative to abrogate the Law on Ensuring Equality in Moldova**

**What happened:** On 7 March 2013, two MPs, Igor Dodon and Ion Ceban, members of the Party of Socialists of the Republic of Moldova submitted a draft law regarding the abrogation of the Law on Ensuring Equality from 25 May 2012 to the Permanent Bureau of the Parliament.

**Date, time and location of the incident:** 7 March 2013, Parliament of the Republic of Moldova

**Source of information:** the Legal Resources Centre of Moldova

**Victim(s) involved:** gay, lesbian and bisexual population

**Type of the crime(s):** direct discrimination

**Perpetrator(s):** the Party of Socialists of Moldova

**Brief description of incident with bias indicators:** On 7 March 2013, two MPs, Igor Dodon and Ion Ceban, members of the Party of Socialists of the Republic of Moldova submitted a draft law regarding the abrogation of the Law on Ensuring Equality from 25 May 2012 to the Permanent Bureau of the Parliament. The supporting note stated clearly that the only reason for the abrogating the Law on Ensuring Equality was the presence of the “sexual orientation” clause in its text. The note read as follows: “Liberalisation of the homosexual practices in the Republic of Moldova through the adoption of the Law on Ensuring Equality is a direct defiance of the moral values accumulated by the nation throughout the centuries and cultivated by each citizen in the family [...] Until now there is no precedent of discrimination on sexual orientation grounds (except some provocations, which should not be taken into account). Respectively, prohibition of discrimination on sexual orientation ground is an attempt to combat some phenomena that do not exist. The futility of these norms is confirmed by the very small number of persons that belong to the category of sexual minorities”.

**Status of the case:** Eventually, the draft law was not included on the Parliament agenda for the examination in the plenary.

**Response of local authorities:** On 10 June, Igor Dodon, Member of Parliament and chairman of the Party of Socialists, submitted a claim demanding the constitutionality control some of the provisions in the Law on Ensuring Equality to the Constitutional Court of Moldova. On 8 October, Constitutional Court issued a judgment dismissing the claim.

**Impact on the victim(s) and the community:** The submission of both the draft law to the Parliament and the claim to the Constitutional Court by the Party of Socialists represents the act of pure populism aimed at gaining political capital speculating on and perpetuating homophobia in the society. Given the low popularity and marginalised position of the Party of Socialists in Moldova, the impact on the LGBT community was not that detrimental.

**Evidence:** Text of the draft law; claim submitted to the Constitutional Court by the Party of Socialists; judgment of the Constitutional Court

#### 6) Case 23: Two gay men ousted from the taxi cab by the driver for kissing

**What happened:** Two gay men were ousted from the taxi cab by the taxi driver because they were kissing on the back seat during the ride.

**Date, time and location of the incident:** 2 October 2013, Rîșcani District of Chișinău, morning

**Source of information:** victim

**Victim(s) involved:** two gay men

**Type of the crime(s):** direct discrimination

**Perpetrator(s):** a taxi cab driver

**Brief description of incident with bias indicators:** In the morning of 2 October 2010, two gay men were going home after a party, which they had attended the previous night. While riding the taxi cab, they began kissing on the back seat. When the cab driver noticed them kissed, he stopped the car and ousted the men while saying homophobic slurs in their address. Victims noted the licence plate number of the cab and called the police. One of the victims filed a formal complaint to the police for direct discrimination. He did not ask for a copy of his claim, which later became the subject of a different case.

**Status of the case:** It became known that the owner of that taxi cab service used to be employed in the law enforcement authorities. Thus, it can be assumed that the case hasn't been resolved yet to the corruption and solidarity between the police and their former colleague. The case is pending.

**Response of local authorities:** Having been counselled by the GENDERDOC-M partner lawyer, on 7 October 2013 the victim submitted a formal request to the Police Commissariat of Rîșcani District soliciting for the results of the police investigation and all related materials to be dispatched directly to the Council on Prevention and Elimination of Discrimination and Ensuring Equality. In December, victim received an official response from the police stating they had never received a complaint from him regarding the incident of 2 October 2013. In January 2014, victim submitted a formal request to the 902 dial service of the police asking for the issuance of the official transcript of the call he made on 2 October 2013 from his personal telephone number.

**Impact on the victim(s) and the community:** Victims endured psychological discomfort. One of the victims was subjected to physical violence on the ground of his sexual orientation in December.

**Evidence:** Victim's complaints and formal requests to the police; official response of the police

#### 7) Case 24: Web design and IT company 'WhiteSpace.md' discriminated against gay people in the field of goods and services

**What happened:** A private web design and IT company 'WhiteSpace.md' announced on its website that it would not provide services to the alcohol and tobacco products distributors, religious organisations, gays, Al-Qaeda and Stas Mikhaylov (Russian singer) fans.

**Date, time and location of the incident:** Throughout 2013, Moldova

**Source of information:** GENDERDOC-M

**Victim(s) involved:** GENDERDOC-M employees

**Type of the crime(s):** direct discrimination

**Perpetrator(s):** web design and IT company 'WhiteSpace.md'

**Brief description of incident with bias indicators:** On 2 December 2013, the Executive Director of GENDERDOC-M, Anastasia Danilova, and the Lobby and Advocacy Coordinator, Angela Frolov, filed a formal complaint to the newly established Council on Prevention and Elimination of Discrimination and Ensuring Equality, a state extra judiciary anti-discrimination body, asking for the penalisation of the web design company for discrimination on the ground of sexual orientation.

**Status of the case:** The case was examined by the Council on Prevention and Elimination of Discrimination and Ensuring Equality which found the web design company liable for discrimination and is currently prosecuting it through the civil court procedure.

**Response of local authorities:** On 30 December 2013, the Council on Prevention and Elimination of Discrimination and Ensuring Equality heard both parties involved in the case. On 22 January 2013, the anti-discrimination body delivered a decision where it found the perpetrator liable for the continuous and grave discrimination on grounds of religion, sexual orientation and nationality in accessing web design services. It obliged the perpetrator to delete the discriminatory text from its company's website within following 10 day. As of today, the text has been amended but still discriminates against LGBT groups. The anti-discrimination authority filed a lawsuit against the company and is seeking its penalisation by putting a heavy monetary fine on it.

**Impact on the victim(s) and the community:** The case represents a form of continuous discrimination against LGBT groups and organisations in the accessing goods and services. The mere attitude of the company representatives during the hearing by the anti-discrimination authority demonstrated what insensitive and biased attitude they had towards LGBT and other minority groups and how deliberately they didn't want to provide services to them. Such situation creates a dangerous environment in society and perpetuates already existing discriminatory attitudes towards LGBT people in Moldova, thus legitimising them.

**Evidence:** Screenshots of discriminatory texts; complaint to the anti-discrimination body and its decision

#### Hate speech

### 1) Case 25: Homophobic discourse by a group of religious fundamentalists in a press conference

**What happened:** A group of the Christian Orthodox fundamentalists, including the notorious homophobic priest Ghenadie\_Valuță and homophobic activists from Gagauzia, held a press conference where they demanded withdrawal of the second volume of the Larousse Family Medical Encyclopaedia titled "Sexual life" from Moldova's school libraries because it talked about sexuality and homosexuality as a norm in particular.

**Date, time and location of the incident:** 12 March 2013, Info-Prim Neo news agency, 11 o'clock

**Source of information:** mass media

**Victim(s) involved:** LGBT population

**Type of the crime(s):** hate speech

**Perpetrator(s):** Orthodox priest Ghenadie\_Valuță and other homophobic activists

**Brief description of incident with bias indicators:** The press conference participants advocated for the establishment of a special commission on the evaluation of the book's content that would also include representatives of the Orthodox Church. The participants' entire discourse was built on homophobic statements and incitement to discrimination against LGBT people. This press conference generated other similar media appearances of different parent associations and Orthodox priests that took place in March and April 2013.

**Status of the case:**

**Response of local authorities:** The Minister of Education Maia Sandu, who was the main target of this homophobic campaign, made an official statement saying that the encyclopaedia did not represent a mandatory material for teaching or learning, neither was it a school manual. She condemned the speculations around the book and stated that it would be up to school librarians to decide who to loan the book to.

**Impact on the victim(s) and the community:** This incident is part of the series of other similar instances of the Orthodox priest Ghenadie\_Valuță's homophobic discourses and incitements to discrimination against Moldova's LGBT population.

**Evidence:** video record of the press conference; mass media materials

### 2) Case 26: Incidents of continuous anti-LGBT hate speech on the news and analytical portal AVA.MD

**What happened:** In the course of February and March 2013, the news and analytical portal AVA.MD published a number of editorials and news materials containing explicit homophobic speech, which accumulated tens of hateful comments inciting to discrimination, violence and extermination of LGBT population.

**Date, time and location of the incident:** 23 February and 1 March 2013, website AVA.MD

**Source of information:** GENDERDOC-M

**Victim(s) involved:** LGBT population, Lobby and Advocacy Program Coordinator at GENDERDOC-M

**Type of the crime(s):** hate speech

**Perpetrator(s):** authors, moderators and commentators of AVA.MD website

**Brief description of incident with bias indicators:** In the course of February and March 2013, the news and analytical portal AVA.MD published a number of editorials and news materials containing explicit homophobic speech, which accumulated tens of hateful comments inciting to discrimination, violence and extermination of LGBT population. On 27 February, GENDERDOC-M submitted a formal complaint to the Prosecutor's General Office asking for criminal prosecution of the perpetrators involved in spreading hate speech in the comments under the article titled "Shocking scientific facts about homosexual families published on AVA.MD. On 5 March, the Lobby and Advocacy Program Coordinator at GENDERDOC-M contacted via email the owner of AVA.MD, political analyst Vitali Andrievski, asking him to erase hateful comments left by other people on his website. Vitali Andrievski answered that he was not able to do it himself, but he would be happy to let a professional hired by GENDERDOC-M do it. In the biased editorial titled "Whose sexuality is Minister Sandu promoting?" signed by Nina Dimoglo and published on 1 March 2013, there were left tens of hateful comments inciting to discrimination, violence and extermination of LGBT people. On 19 March 2013, GENDERDOC-M's lawyer submitted a formal complaint to the Prosecutor's Office of Chişinău requesting initiation of the criminal investigation into the homophobic speeches on the AVA.MD website.

**Status of the case:** The case was closed due to the unwillingness of the criminal prosecution authorities to charge perpetrators for anti-LGBT hate speeches.

**Response of local authorities:** On 17 April 2014, the Prosecutor Office of the Rîşcani District of Chişinău issued an official response to the GENDERDOC-M's complaint from 27 February 2013 refusing the criminal prosecution of perpetrators due to the absence of the body of crime. On 3 May 2013, the GENDERDOC-M Lobby and Advocacy Program Coordinator at was invited to the General Commissariat of Police for the official statement regarding the second complaint submitted to the Prosecutor's Office of Chişinău on 19 March 2013. In June 2013, the General Commissariat of Police issued an official response to the GENDERDOC-M complaint informing the organisation that they had stopped the criminal investigation due to the absence of the body of crime.

**Impact on the victim(s) and the community:** The continuous practice of Moldova's criminal prosecution authorities, namely the Prosecutor's Offices, to investigate instances of anti-LGBT hate speeches and penalise perpetrators shows that the state disregards homophobic and transphobic bias in public discourses as a criminal offence despite the fact that the Criminal Code of Moldova contains sufficient provisions that can be used to persecute perpetrators of hate speeches that incite to discrimination, violence and extermination.

**Evidence:** copies of articles; screenshots of comments; official correspondence with Prosecutor's Offices and the police