



GENDERDOC-M

Cases of discrimination against people from LGBT community registered by the Information Centre GenderDoc-M during the 2010

This report reflects all reported cases of discrimination and violation of LGBT rights during the 2010. This period is marked by high activity during preparation and holding of the Festival “Rainbow over the Dniester”, by high publicity of Festival activities in the media, by holding several public events and flashmob actions. This year, as well as during previous years, GenderDoc-M has faced great opposition from religious and extremist organizations, some public and political figures. For the first time, LGBT community has been openly supported by the Ombudsman of the Republic of Moldova, who issued an appeal to the Government to prevent and stop hate speeches and incitements to violence.

A very important step was the establishment of cooperation with several human rights NGOs, which supported us during our protests and sent petitions in our support addressed to the mayor of Chisinau.

Like in previous years, we appealed to the mayor with the notice of intention to hold a peaceful rally in support of Anti-discrimination Legislation adoption at the Great National Assembly Square on 2 May 2010. Mayor of Chisinau called upon the Appeal Court to ban our peaceful demonstration. The hearing was held on 28 April 2010. The basic reasons for the ban were as follows: a large number of petitions and letters submitted to the City Hall demanding banning of the demonstration; the second reason was expressed in the fact that Moldova is the Christian Orthodox country where 95% of population are Orthodox Christians who are deeply offended by the mere intention to hold a gay parade at the Great National Assembly Square, which is considered a holy place for the citizens of Moldova, especially considering that the central cathedral is situated in the close proximity to the place of intended manifestation holding.

Despite this, City Hall authorized the protest with the title “For Normality, Against Homosexuality” at the same place and at the same time where GenderDoc-M had planned its action, although “GenderDoc-M” had filed the notice a month before the counter-demonstrators did. GenderDoc-M’s lawyer, Doina Ioana Straisteanu, has stated that such differential treatment constitutes discrimination on the basis of the fact that one group is denied the right to freedom of assembly only on the grounds of sexual orientation of those it represents. The Appeal Court has rendered the following decision, “To not allow Information Centre GenderDoc-M to hold the peaceful demonstration at the Great National Assembly Square on 2 May 2010. Relocate this manifestation to the territory of the Green Theatre located in the closed zone “.

On May 3, Information Centre GenderDoc-M appealed to the Supreme Court of Justice to recognise the decision invalid and discriminatory.

On May 13, the hearing at Supreme Court of Justice took place. The Supreme Court of Justice has decided to invalidate the Appeal Court’s decision and to withdraw City Hall’s statement of claim from consideration. The Supreme Court has not recognized the fact of discrimination and has not bound the mayor to avoid similar situations in the future.

Information Centre GenderDoc-M has prepared a lawsuit to file to the European Court of Human Rights.

On September 13, 2010 the Information Center GENDERDOC-M submitted a file to the European Court for Human Rights. Nr. of registration is 60377/10.



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During the Festival “Rainbow over the Dniester” there have occurred other cases registered as cases of discrimination, incitement to violence, threats and hate speeches.

On March 22, **JurnalTV**, a Moldovan TV channel, broadcast a talk show called “Repere ortodoxe” (Fundamentals of Orthodoxy) with the theme “Homosexuality is a sin”.

Guests of the show were priest of the Holy Trinity Church, Iulian Rata, and vice-chairman of the association “Pro Familia” (For the family), Vitalie Marian, and the moderator, Virginia Spita.

Vitalie Marian, vice-chairman of the association “Pro Familia”, while commenting on the Anti-Discrimination Legislation, made the following conclusion, “In case of the law’s adoption, the person who is persecuting a homosexual will be punished. So homosexuals will be protected by law and free to hold parades”.

From the beginning, the moderator’s position pointed at her poor knowledge of the topic under discussion. She stated, “Homosexuality is an illness about which we hear more often in the modern world. Representatives of the Church have an appeal to the people who are kept in the net of homosexuality”.

The same allegations were made by the Catholic pastor, Eugen Matei, regarding the nature of the phenomenon, “Homosexuality can be acquired from the bad examples and abnormal sexual development. This is the issue of pathology”.

Speaking about organization of public actions by homosexuals, priest Julian Rata mentioned that he was perplexed by the desire of homosexuals to hold public rallies, and that “homosexuals wanted to come out to the square to confuse others”.

In this broadcast there were made several allegations against homosexuals, such as: “You know what kind of children will grow up in the family of two homosexuals. A child adopted by a couple of homosexuals will be 90% homosexual. Leaving children in homosexual families we leave them in the hands of sin and suffering”; “There is known a high level of promiscuity among gay men: they are always hungry to satisfy bodily desires. They are aimed at children and therefore want to go to school and adopt children”.

On 13 April 2010, “**Monitorul Civic**” published an open letter to the mayor of Chisinau concerning the parade of homosexuals in Chisinau. The letter was composed by the association “Pro Familia”, a non-governmental organization whose purpose is to promote and protect family values in the Republic of Moldova. In this letter, there were used the following statements: “To spite those big problems there are forces which are shamelessly trying to undermine the root of the family concept. I mean organizations that promote homosexuality as a lifestyle”. “We believe that public display of immoral lifestyles is nothing but a direct and deliberate attack against the younger generation and family. It is easy to understand that the homosexual lifestyle cannot lead to procreation and has no benefit for society”. “In this sense, the association “Pro Familia” asks you not to issue under any pretext authorisation to GenderDoc-M to hold a public rally in any of capital’s places”.

“**Jurnal.md**” posted the following: “The request to Mr. Chirtoaca to “ban the devilish demonstration”. The request included the following phrases: “Please ban this diabolical demonstration. The Law on Freedom of Assembly provides the right to prohibit a demonstration if it is contrary to morality”.



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On April 19, “**Moldova Noastra**” and “**Unimedia**” published the article titled “300,000 Euros Aid for Homosexuals in Moldova”. The material states the following: “Liberasts’ gay.md webpage informs us that homosexuals of the Republic of Moldova have received grants amounting 300,000 Euros from six donor organizations (apparently, European ones)”.

On April 15, leader of the Christian Democratic Party, Iurie Rosca, called upon authorities to ban the peaceful manifestation of gays and lesbians.

“**Moldova Crestina**” published the article that the draft Anti-discrimination Law pushes children and adolescents in schools to perversion and immorality.

A group called “Stop Gay!” was created in the popular social network **Facebook**. <http://www.facebook.com/group.php?gid=110183285687591&v=wall&ref=mf> (no longer exists) Much of the information published in this group is false and aggressive towards homosexuality. Individuals call to violence, incite to hatred and intolerance towards sexual minorities in Moldova.

The creator of this group is Oleg Burca, description of the group is as follows: “Representatives of sexual minorities in Moldova are to hold their parade on May 2 in downtown Chisinau, neglecting morality and conscience, which is a real mockery of our national age-old values. Under the names of “tolerance” and “diversity”, there is imposed on us the most shameless, degrading and depraved form of insult. If you value your people and do not want this lack of discipline to take place, be ready to go out to the square to protect your values! Moldova is not Sodom!” In discussions, there have repeatedly been declared calls to violence and hatred. For example, Alex Subdanateanu said, “We must violently beat those mentally ill in the same way they had been beaten before when they tried to hold their sick parades on the streets of Belgrade, Moscow, Sarajevo, Zagreb and other cities. Only in this way you can get rid of them, and then they would never dare to come to Chisinau”.

The message was published on 21 April 2010 and there wasn’t taken any single attempt to prevent or remove this message calling to violence. You could also read the following appeals, jokes and sarcastic remarks:

Andrei Vrabie: “Brothers, do not let them infect brains of our children and youth with these ideas! Stop gays in the Republic of Moldova!”

Ion Munteanu: “No homosexuals in the Republic of Moldova. They all must be ousted!”

Ion Tcaci: “Their intention to lay flowers at the monument of Stefan the Great can end with laying flowers after 3 days in another place. Let them go and lay flowers at the menorah, let's see how will react those who preach tolerance”.

Information Centre GenderDoc-M has filed a complaint to the Prosecutor General’s Office and the Police General Commissariat asking these bodies to intervene and take action against the “Stop Gay!” group created in the popular social network Facebook. Prosecutor’s Office responded that they could not institute legal proceedings because of the lack of corpus delicti. The answer provided by the police constituted the fact that the Moldovan society was not ready to show tolerance towards LGBT community.

On 28 April 2010, at Chisinau airport (flight Moscow-Chisinau, S7 airline, flight number 157) two guests of the Festival “Rainbow over the Dniester” arrived. They were to take part in the conference on transgender issues. Both of them being transgender citizens of Kazakhstan, A. Y.



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and T. S. possessed documents with their names given at birth, E. Y. and M. S. The guests also had, in addition to documents certifying their identity, certificates confirming their transgender status.

In the zone of passport control upon presentation of the documents, they were not allowed to pass the zone on the grounds that their documents were either fake or did not belong to them. Alongside this, their passports were taken, and the two men were asked to wait behind the red line. According to them, the passport checker on duty was very rude and made fun of their appearance. Not only was he looking at their documents with a grin on his face, but he also gathered all checkpoint personnel. They were pointing their fingers at the young men, loudly discussing them and laughing.

Citizens of other countries, who were passing the checkpoint, were suggested to physically identify who the transguys were – men or women. After the checkpoint chief, Octavian Troscenco, had come, the interrogation began. The young people, trying to explain the situation, presented certificates confirming their Transsexualism F64.0 diagnosis to the checkpoint staff, as well as an extract from the stationary reference confirming that they had undergone first stage of sex reassignment surgery. However, the checkpoint chief was not convinced by all these.

A. Y. and T. S. were told to undress to the waist first, then to their underpants. They refused to undress further and only after this they were allowed to pass the checkpoint. Apologies were brought to them only after the young men had written down name of the checkpoint chief.

The organization GENDERDOC-M addressed the letter to the Border Guard Service of the Republic of Moldova, informing the respective court about certain happenings and requesting the investigation of certain cases and that corresponding measures be taken in order to prevent similar cases in the future. The Border Guards Bureau, in a response letter, assured the organization that its representatives took action in accordance with their job requirements.

Keeping account of the social-cultural evolution of modern societies and the need to improve the methods and possibilities to interact with civil society, the Border Office is open to proposals as it refers to organizing seminars based on the topic “sexual minorities.”

GenderDoc-M’s volunteer, O.P., took part in a protest organized by the Centre in front of the Chisinau City Hall. After the report from this action was broadcast by all Moldovan television channels, O.P. was summoned to the dean of her university. The dean asked her why she had participated in the rally like that, what she had been doing there, etc. She was warned that she might have troubles later because of participating in such things.

On 18 November 2009 V.C., a gay man, was beaten and left unconscious in cold nighttime period having been robbed by a young man named Eduard, who he had met via online dating site. As Eduard confessed during the investigation, he had beaten V.C. because he wanted to punish the latter for his sexual orientation.

On April 7, the first hearing took place in the Court of Riscani Sector of Chisinau, where alongside V.C. a GenderDoc-M’s representative went to monitor and document the case. The judge was Ms. Stratu, prosecutor was Ms. A. Kordaniuc and the advocate of the accused was Mr. Ion Virlan.

Prior to the hearing, advocate of the accused approached V.C. and offered him to discuss the possibility of compensating him without commencing the proceedings. V.C. refused to discuss this topic. The advocate of the accused threatened V.C. that if the trial would go, his homosexuality would be announced and he could be sentenced for this. At this point GenderDoc-



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M's representative joined the conversation and said that homosexuality had been decriminalized long ago in Moldova. Then the prosecutor entered the conversation, and began to explain how profitable that decision was for V.C. because Eduard was inhabitant of Transnistria, and after the trial he might never be forced to repair the damage. When GenderDoc-M's representative told V.C. that he could speak openly about his homosexuality in court because it could not be prosecuted, the prosecutor made a remark that GenderDoc-M's representative was putting pressure on the victim. During the conversation between V.C. and the prosecutor, advocate of the accused approached them and said that he did not want peaceful agreement any longer and that everything would go according to the judicial procedure.

The lawyer, who represents V.C.'s interests in court, demands recognition of the crime as a hate crime.

Throughout the court case, the prosecutor tries to put pressure on V.C., asks him disadvantageous questions which can be regarded as defense of the accused. V.C.'s lawyer was forced to write a memo to the Prosecutor General's Office with the complaint against prosecutor's actions.

On 29 December 2009, Ministry of Foreign Affairs of Moldova issued a clarification regarding the information that had appeared in the press saying that the Government of Moldova, allegedly, had instructed the Moldovan delegation to the UN "to vote for legalization of homosexuality". Trying to explain the real situation, Ministry of Foreign Affairs of Moldova said that they were noting with regret the continued campaign of "denigration of the Moldovan foreign policy", but "were remaining open to dialogue with civil society on various aspects of foreign policy".

GenderDoc-M believes that using the word "denigration" is homophobic and insulting towards LGBT community.

This year, there have been trained six volunteers to inform LGBT community about their rights, to interview LGBT individuals and report cases of discrimination and other human rights violations. As a result, we have begun to identify cases occurred with community members.

A.R. said that on 24 November 2009, at about 19:30, he drove his car from work to Ciocana Sector of Chisinau. On the way, he picked up a young man named R.N., who he had arranged the meeting with in advance. At Ciocana, the car parked on the side of a deserted road. After some time some strangers approached the car and shone a flashlight inside the passenger compartment and went away from the car. As it turned out, those were two policemen dressed in uniform. A.R. showed all necessary documents and said that the car belonged to him. Having noticed there was another guy sitting in the car, policemen perked up and began to interrogate both guys about what they had been doing in there, implying that they knew what sort of relationships the two guys had been maintaining. None of the police officers presented or showed his identification card. According to the guys, the policemen behaved rudely, gave derogatory comments and sexually harassed R.N. The police officers began to threaten young men with a large fine and detention. The young men were frightened and offered a bribe. The policemen took a large sum of money, copied all data from A.R.'s ID documents and said that if within three days nothing happened then all the data "would be flushed in the toilet".

On June 4, V.D. was at his friend's birthday celebration in the countryside. In the evening he went out and walked toward the house. A company of drunken people was passing by, and one of them called V.D. gay. V.D. asked why he had been called so. It was dark and no one could even



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see him properly. The man, who had called him gay, came closer and hit V.D. saying, “You think I don’t see what gay clothes you’re wearing?” V.D. did not respond to that. He turned around and walked away.

There were no attempts to contact the police. V.D. does not want to do so.

On June 1-2, after visiting the Museum of Regional History, A.I. was going to go home, but suddenly wanted to use the toilet. Not far from this place is a gay cruising area in the park. Next to this place there is a public toilet. Having used the toilet, A.I. went to the door but he was approached by a man of above average height whom he saw for the first time. The man heavily smelled with alcohol. He grabbed A.I.’s hand and offered him oral sex. A.I. pulled his hand and said that he had come to the toilet for other reason and started to leave; however, the man shouted insulting words, claiming he knew what A.I. had come in there for.

A.I. decided that the best thing was to escape from there. He has made no appeals to the police.

On 7 June 2010, managers of “Alibi” night club, where gay discos had been held, called GenderDoc-M and announced that the club was closed down, and that discos would be no longer organized in there.

On 14 June 2010, manager of “50/50” night club, Dmitry, called GenderDoc-M’s chairman, Alexei Marcicov, proposing to arrange gay discos at their club. That same evening, GenderDoc-M’s three employees and one volunteer went to this club and discussed all working conditions, found a compromise and agreed to hold the disco the following week, on June 23.

On June 16, some members of LGBT community came to this club and were well received.

On June 23, the first disco was organized in “50/50” night club by GenderDoc-M. Terms and attitudes of the staff were excellent. At 3 a.m., Lena, as the organizer of the disco, approached the club manager for final calculations. Manager, Dmitry, told Lena that the next Thursday they would not be able to give the venue to hold another disco. Lena asked whether it could not happen only on the next Thursday or at all. Dmitry replied that it could not happen at all because when the club owner found out what kind of people had been entertaining in his club, he issued a written order to stop such parties. Dmitry said that he was very sorry such thing happened, but nothing depended on him.

In June 2010, a group of 6 women (including 2 employees of Information Center GenderDoc-M, Anastasia Danilova and Frolov Angela) filed a lawsuit to the court of Central sector of Chisinau, regarding the advertising used by the furniture showroom «Evelin di Costacurta», which they considered sexist, immoral and discriminatory. On November 10-th, 2010, during a court hearing, a representative of the furniture showroom «Evelin di Costacurta», Yanuc Alexey gave a feedback on the petition filed by the plaintiffs.

In the feedback was stated: “As the defendant found out from the website LGBT.md – a server for gay, lesbian, bisexual and transgender people in Moldova, some of the plaintiffs relate to the non-governmental organization Gender Doc-M. The defendant in any case does not condemn or comment on the professional activities of Anastasia Danilova, but admits that the system of moral values of the plaintiff and the defendant may be different, without any discussions on which of these systems are better or worse”.

Representatives of GENDERDOC-M intend, during the next hearing, to ask for an explanation and recognition, on the part of the court, of this statement as being one of discrimination and invasion into the private lives of the plaintiffs.



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In September 2010, have been registered a new series of blackmail cases from the part of law enforcement officers in gay venues. Gay men were blackmailed, at first taken away to hidden places by the police officers with the purpose to engage in sexual acts, afterwards they were forced to pay large sums of money in exchange for silence and non-disclosure of their private lives at work or at home. Two members of the gay community appealed to the Information Centre GenderDoc-M for assistance. Employees of the center wrote a letter to the Ministry of Interior and the Central Police Commissariat with the requirement to work with the police and stop blackmailing gay men in the venues of their meetings. These places are the only points of access to the MsM for outreach work on HIV / AIDS prevention.

On November 20, the General Police Commissioner notified GENDERDOC-M that, because of the lack of evidence against the police officers, their guilt could not be proven. Hence, their detainment would not be possible. Moreover, the organization was warned, by force, to respect the obligations of the law.

14.11.2010 at a bar in the city of Chisinau 3 young men of homosexual orientation were enjoying their time. The three got acquainted with three other men who understood that they are dealing with homosexuals and began to demand free drinks, further beating one of them (A.D.) and taking against his will his mobile phone. A.D. called the police, but the police officers finding out that the victims are gay, started to joke and mock at them, inviting them to go and have fun in the sauna. During the presence of the police officers the threats and insults from the offenders continued but the police officers took no actions to cease them. The employee of the bar did not let A.D. in, calling him a pederast and saying that homosexuals have no place in that bar. The next day, A.D. appealed to the Information Centre GenderDoc-M for assistance. An employee of the organization went together with A.D. to the Central Police Commissariat and wrote a complaint addressed to the General Commissioner of Police, Sergei Cociorva. At the hospital, where A.D. went two days later, he was diagnosed with a cerebral concussion. On December 16, A.D. was called to the police station in the Buiucani sector in order to present witnesses. He was humiliated and offended by the police officers. In addition to that, he was threatened with a ticket if he did not withdraw the complaint. In this particular situation a complaint was drawn by the General Prosecutor. On January 10, 2011 A.D. was invited by the prosecutor in order to present the witnesses once again.

On the evening of December 6, at Death Valley park, two police officers apprehended two homosexual youths. Veaceslav, a "GENDERDOC-M" employee who was present at the occurrence, approached the officers to find out their motive for detaining the youths. One of the police officers presented himself as Sergiu Gaina. The other, who was unarmed, did not introduce himself. The policemen used uncensored language in their expressions and asked questions in reference to "GENDERDOC-M" activity, inquiring why the organization "maintains relations" with these type of people. The police officers spoke with the president of the organization, Alexander Marcicov, who asked that the legislative norms be respected and that the youths be immediately released. The officers expressed very negative views of the moral aspect of homosexual relations and requested all of the contact information of the two gay men, including their place of work and permanent address. Only upon the completion of this procedure were the



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two men released and allowed to go home. Later on that evening, Veaceslav tried to call Ion (one of the detained young men) in order to ensure that everything was alright, but the young man did not answer the phone. The following morning, Veaceslav received a phone call from a colleague who told him that Ion committed suicide the evening before. In his last words, addressed to his mother, Ion confessed his homosexuality and asked to be forgiven.

The commissioner in the Ciocani sector began an investigation of the suicide case. Employees of GENDERDOC-M and Alexei Marcicov were invited to present witnesses in this case. The organization organized a press conference, stating, "After a discussion with two police officers one of the members of the LGBT community committed suicide." The event was reflected in the press and sparked a wave of fury towards the actions of the police on the part of civil society and international organizations.

In line with the project "Human Rights on the Small Screen," supported by the German Embassy in the Republic of Moldova, four films were created to be broadcast on the Moldova 1 channel. The subjects of the films were the following: "Civil Society"; "Police and Justice"; "Sexual Minorities"; and "People with Disabilities." On December 18, 2010 a group of around 20 participants - members of the organization "Profamilia" - organized a protest at Teleradio Moldova with the request to forbid the broadcast of the film about sexual minorities. The protestors had a billboard developed with the inscription "No promotion of homosexuality." "Homosexuality constitutes a threat to the institution of family and to public morals," expressed Vitalii Marian, a participant in the protest. "We came out to say NO homosexuality and immorality which is promoted at Moldova 1. We would like the entire country and, especially, children and youth to see the immorality proliferated by homosexuals," affirmed another protestor. On December 22, a meeting of the Council of observers at Teleradio took place. Representatives of the Coalition of Non-discrimination participated, presenting a petition in support of the film's broadcast. Opponents were also present at the meeting: Vitalie Giletzchi, deputy of the Democratic Liberal Party of Moldova, Vasile Ciobanu, orthodox priest, Ilie Vancea, representative of the Council of Experts, and Mihai Lascu, president of the military union.

Mihai Lascu read fascist slogans and called the representative of GENDERDOC-M "sick." During the meeting, the decision was made based on a vote (2 votes against, 1 abstained, and 4 votes support) to not inhibit the showing of the film on the television channel Moldova 1.

On behalf of LGBT community in Moldova, GederDoc-M continues to document and report cases of discrimination to national authorities and international organizations.