



GENDERDOC-M

REPORT ON THE STATE OF LGBT PEOPLE'S RIGHTS IN MOLDOVA

Report submitted: Angela Frolov, Lobby and Advocacy Program Coordinator, GENDERDOC-M Information Centre, e-mail: frolova_anjelika@yahoo.com, phone: +373 022 288 861

I. VIOLATION OF RIGHTS OF LGBT PEOPLE BY POLITICIANS AND REPRESENTATIVES OF GOVERNMENT AND STATE STRUCTURES

To date, the situation of LGBT community in the Republic of Moldova remains unstable. There is no confidence in protection by the state. Societal hostility towards LGBT people is often used in political purposes to smear political opponents. This conclusion can be drawn from the several statements made by leaders of certain political parties (Party of Communists, Party of Socialists and Social Democratic Party) and their supporters from the Moldovan Orthodox Church (which is subordinate to the Russian Orthodox Church).

1) Adoption of homophobic ordinances by a number of city and village councils and city halls which are controlled by the Communist majority.

What happened: A number of cities and other localities adopted ordinances on inadmissibility of aggressive propaganda of non-traditional sexual orientations.

Date, time and location of incident: 23 February 2012, Bălți

In the course of March-May 2012, similar ordinances were adopted in such towns as Rîșcani, Căușeni, Glodeni, Soroca, Drochia, Cimișlia, Ceadr-Lunga, Cahul; in districts of Anenii Noi and Basarabasca; and in villages of Bocani, Pîrlița, Hiliuți, Chetriș, Pervomaisc, Moscovei, Alexanderfeld and Lopățica. The majority of ordinances were later repealed by the local councils and some of them were repealed by court judgments. The court did not repeal the ordinance by Căușeni City Council due to incorrectly submitted claim.

Source of information: Official data from city halls' websites and mass media

Type of the violation: ban on freedoms of assembly and expressions

Perpetrators: City and District Councils of Bălți, Rîșcani, Căușeni, Glodeni, Soroca, Drochia, Cimișlia, Basarabasca, Anenii Noi, Ceadr-Lunga, Cahul, and villages of Bocani, Pîrlița, Hiliuți, Chetriș, Pervomaisc, Moscovei, Alexanderfeld and Lopățica.

Brief description of incident: The City Council of Bălți adopted the ordinance on *Proclamation of Bălți a zone of particular support of Moldovan Orthodox Church and inadmissibility of aggressive propaganda of non-traditional sexual orientation*. The ordinance was adopted by 23 votes in favour out of 35 Council Members. The draft of ordinance was proposed by the Party of Communists that holds majority of seats in the Council. The decision's preamble says, "*considering particular importance and historic role of the Moldovan Orthodox Church as a state-establishing institute of the Republic of Moldova; considering traditional values of Moldovan society; incompatibility with modern democratic standards of aggressive intrusion of*



GENDERDOC-M

sexual behavior forms on the majority, which are characteristic for the most insignificant part of population; bearing responsibility for security (including ethical and moral one) of Bălți city residents”.

In the third paragraph, it is proposed to *“prohibit aggressive propaganda of non-traditional sexual orientation in any of its manifestation, which is imposed by central authorities of the Republic of Moldova, within the city of Bălți”.*

The City Council of Bălți was the first local council that adopted this homophobic ordinance. Adoption of similar ordinances in other localities of Moldova instantly followed the lead.

Undertaken measures: On 30 March 2012, GENDERDOC-M filed a civil claim against this ordinance for discrimination on the ground of sexual orientation, violation of freedoms of assembly and expression. During the following 10 months court hadn't begun consideration of the case on merits due to the fact that the parties involved in the trial postponed hearings. Two individuals became accessory interveners in the case one after another. They are the Bishop of Bălți and Fălești Markel and the resident of Bălți Mircea Rotari. The accessory interveners do utmost to protect the trial.

Response of public authorities: The State Chancellery of Moldovan Government send appeals demanding nullification of all ordinances to local councils. Most of the ordinances were repealed. In some cases, State Chancellery filed lawsuits against local councils to courts.

The official response of Moldovan Government was announced at the UN Human Rights Council by the Deputy Minister of Justice of the Republic of Moldova, Vladimir Grosu, on 16 March 2012:

“In regard to recent decisions of the local public authorities regarding LGBT issue, we would like emphasize that the abovementioned decisions are administrative acts. From this perspective, any person who believes that an administrative act by local public authority infringes his or her rights can initiate court proceedings. Only courts are entitled to decide over the legality of the local councils' decisions... At the same time, the national human rights institution has condemned the decisions adopted by a few local councils declaring that they are derogating from the legal framework. In this context, the Moldovan authorities will continue to pay special attention to that particular issue and to promote the democratic dialogue within the society”.

The Center for Human Rights of Moldova (Ombudsman Office) joined the case “GENDERDOC-M vs. City Council of Bălți” as an accessory intervener from the plaintiff's side.

Impact on the victim(s) and the community: escalation of homophobia in society, growth of hate speeches against LGBT people.

Evidence: written responses from the State Chancellery, court case against City Council of Bălți.



GENDERDOC-M

In March 2011, Moldovan Government approved the draft law on combating discrimination. Inclusion of sexual orientation as a ground protected from discrimination met strong opposition from some non-governmental organisations, religious groups and politicians. The draft law was later withdrawn for further revision by the Government. During the public debate over the draft law homophobic statements made by the opponents of the bill were widely covered by mass media.

In March 2011, two co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) visited Moldova. Their information note recounted the circumstances around introduction of the proposed legislation and it contained the following comment:

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

Homophobic statements covered by mass media were accompanied by threats from particular citizens towards human rights defenders who publicly backed equality for LGBT people. Despite the aforementioned observations, representatives of ruling political parties continue their homophobic attacks on LGBT population.

2) Homophobic statement made by the Speaker of Parliament

What happened: Homophobic and derogatory statement made by the Speaker of Moldovan Parliament and Chairman of the Democratic Party, Mr. Marian Lupu

Date, time and location of the incident: 21 May 2012, 20:00 o'clock, talk show ‘În PROfunzime’ on ProTV Channel.

Source of information: Mass media <http://www.inprofunzime.md/stiri/politic/lupu-e-gata-sa-voteze-legea-antidiscriminare-nu-voi-accepta-sa.html>

Type of the crime(s): hate speech, incitement to discrimination

Perpetrator(s): Speaker of Moldovan Parliament and Chairman of the Democratic Party, Mr. Marian Lupu

Brief description of incident: During the talk show “În PROfunzime” on ProTV Channel, when asked to comment on the draft Law on Ensuring Equality, Mr. Lupu implied that homosexuals are inferior to heterosexuals like himself unworthy of equal rights:

“They are not like us. Don't get offended! They are people, but not like us. At least I'm speaking on my behalf in this regard. I deny only the right to marry, to form a family, to adopt children, and the right to all sorts of public demonstrations and so on”.

Then Mr Lupu made a direct humiliating comparison between homosexuality and lust:



GENDERDOC-M

“I treat these things as lechery. This is my stance. And being sufficiently well-educated, I'd like to tell you I know that the super-developed civilisations collapsed due to the lack of morality, its loss and establishment of the norms of lechery. The Roman Empire [for example], this was exactly one of the reasons why this empire collapsed”.

The Speaker of Moldovan Parliament denied gay people the right to family life and to bringing up children:

“I don't want and won't accept, according to my personal convictions, homosexual families [in our country]... I categorically do not want to have a change in this regard – [when] you do not know who the mother is and who the father is. A child should be brought up by a “he” father and by a “she” mother”.

At the end of his outrageous discourse, Mr Lupu depreciated importance and urgency of the issues regarding violation of human rights of gay people and discrimination they face daily in Moldova.

Undertaken measures: Marian Lupu is a Member of Moldovan Parliament protected by parliamentary immunity. It was impossible to undertake any legal actions against him. A media release on the incident was written and widely distributed. GENDERDOC-M staff members picketed Speaker Marian Lupu's office.

Response of local authorities: There was no response

Evidence: Video record of the talk show, copies of appeals to Marian Lupu.

3) Homophobic statement made by a Member of Parliament

What happened: Chairman of the Party of Communists of Moldova made hate discourse against LGBT people on the Great National Assembly Square.

Date, time and location of the incident: 25 February 2012, during a protest rally held by the Party of Communists of Moldova (PCRM) on the Great National Assembly Square in Chişinău.

Source of information: Mass media

Type of the crime(s): hate speech, incitement to hatred and discrimination

Perpetrator(s): Chairman of the Party of Communist of Moldova and third President of the Republic of Moldova, Mr. Vladimir Voronin

Brief description of incident: During the protest rally held by the Party of Communists of Moldova (PCRM) on the Great National Assembly Square, the Member of Parliament and former President of the Republic of Moldova, Mr. Vladimir Voronin, made the following statement:

“On Monday, the Great Lent begins prior to the Holy Easter. No, they need to promote the decision [draft Law on Preventing and Combating Discrimination] and vote it in the parliament. There is already the decision by the Government from this building. Now they



GENDERDOC-M

need to solve the problem in the parliament and allow homosexuals different stuff of this kind so they get all rights equal with all Christians in our country. Just imagine the country of 97% of Christianity within our society. We have acquired this Christianity through the Baptism, from the history of our people, and not for they bring their traditions here – I don't know where they have taken all these abominations of homosexuals and likes from to implant them here in our Moldova. And look what the devil is doing! They are promoting and deciding on this thing exactly when the Great Lent prior to the Holy Easter begins.

We shall say a categoric “No!” to all this nonsense and shan't allow them to do it in any circumstance. I know this [message] will be transmitted to all residents of the city of Bălți and all city councillors – those 22 councillors – who, at the City Council meeting, voted for the city of Bălți to become the city free of these homosexuals and all this stuff... this nonsense. And we, with all of you, shall implement this activity in the entire country – every locality shall proclaim itself independent from and free of this nonsense which is being brought to us from Europe... I don't even know where they take it from and impose on our people”.

Undertaken measures: Vladimir Voronin is a Member of Moldovan Parliament protected by parliamentary immunity. It was impossible to undertake any legal actions against him. A media release on the incident was written and widely distributed.

Response of local authorities: There was no response

Evidence: Video record, transcript of the discourse

4) Homophobic statement made by a Member of Parliament

What happened: Member of Parliament from the Liberal Democratic Party of Moldova, Mr. Piotr Vlah, made a homophobic statement for mass media.

Date, time and location of the incident: 14 April 2012a, headquarters of the Liberal Democratic Party of Moldova in Chişinău

Source of information: Mass media <http://moldnews.md/rus/news/46967>

Type of the crime(s): Hate speech

Perpetrator(s): Member of Parliament from the Liberal Democratic Party of Moldova, Mr. Piotr Vlah

Brief description of incident: Member of Parliament from the Liberal Democratic Party of Moldova, Mr. Piotr Vlah, state that the scandal around the draft anti-discrimination law is far-fetched and it might not be adopted. Mr. Vlah said the following in the interview:

“...We don't accept gay and lesbians in our party [as members]. Since normal guys become members, first we check whether they are sexually normal or abnormal. In case



GENDERDOC-M

they are abnormal, they remain in the Party of Communists... We check them by asking their girlfriends. I'll offer you going out to a bar to check them, too".

Undertaken measures: GENDERDOC-M Information Centre sent an official letter to the leadership of Liberal Democratic Party requesting confirmation of party's official stance on this issue. There was no response.

Response of local authorities: There was no response

Evidence: Video record, copy of the official letter

During the past three years GENDERDOC-M has established cooperation with the Center for Human Rights of Moldova (Ombudsman Office). Two Ombudsmen have made several statements supporting equality of LGBT people's rights and condemning public homophobic discourses on various occasions.

Despite the fact that the Ombudsman Office cooperates with and supports GENDERDOC-M activity in general, its particular representatives allow themselves actions and statements that contravene their direct duties:

5) Homophobic statement made by an Ombudswoman

What happened: Ombudswoman Aurelia Grigoriu made a homophobic statement during a TV talk show.

Date, time and location of the incident: 26 March 2012 on MIR TV Channel.

Source of information: Mass media <http://www.mirtv.ru/programms/72536/episode/4809482>

Type of the crime(s): Hate speech

Perpetrator(s): Ombudswoman Aurelia Grigoriu

Brief description of incident: The Ombudswoman Aurelia Grigoriu made several homophobic statements during the talk show "Slovo za Slovo: Propaganda of Prohibition: Will Themis Help?" broadcast on MIR TV Channel. Speaking about equality of people before law, Ms. Grogoriu mentioned that "Moldova is a Christian Orthodox country with her orthodox traditions". She used this argument as a premise for limitation of the right to freedom of assembly for LGBT population. She called public demonstrations of LGBT community "propaganda of a lifestyle and of themselves" having added that "propaganda is a very strong mover of influence on the minds of youth".

Undertaken measures: GENDERDOC-M Information Centre sent a letter of suggestion to pay more attention to the quality training of Moldovan Ombudpeople before they take the floor with regard to this particular issue; to maintain professional approach corresponding to the position of the Ombudsperson; to use only human rights terminology and appeal to reliable facts. GENDERDOC-M also expressed its willingness to share any information on LGBT issues and to



GENDERDOC-M

carry out information seminars on sexual orientation and gender identity for all staff members of the Center for Human Rights of Moldova.

Response of local authorities: Director of the Center for Human Rights of Moldova, Mr. Anatolie Munteanu, replied that actions and activity of each Ombudsperson might not necessarily coincide with the opinion of institution, and that the director cannot influence his colleagues in expression of their opinions.

Evidence: Video record, copies of official letters

6) Abuse of authority of homophobic nature by an Ombudswoman

What happened: The Ombudswoman for the Rights of the Child, Ms. Tamara Plămădeală, held a public consultation on introduction to the Criminal Code of prohibition of “propaganda and exposure of a homosexual lifestyle, other manifestations of sexual deviations and perversions in places accessible to minors”.

Date, time and location of the incident: 5 June 2012, Office of the Center for Human Rights of Moldova, Chişinău

Source of information: Invitation from the press officer of The Ombudswoman for the Rights of the Child sent to mass media representatives.

Type of the crime(s): Abuse of authority, escalation of homophobia

Perpetrator(s): The Ombudswoman for the Rights of the Child, Ms. Tamara Plămădeală

Brief description of incident: The Ombudswoman for the Rights of the Child, Ms. Tamara Plămădeală, held a so-called public consultation on introduction of amendments to the Criminal Code. The proposal came from the Conservative Movement and the Alliance of Christian Orthodox Students of Romania (ASCOR), some of whose members have been noticed participating in activities organized by the Nazi movement “Noua Dreaptă” (The New Right), where they spread hatred and extremist ideas against homosexuals and other marginalized groups. These amendments provided for introduction of a new article into the Criminal Code that would prohibit “propaganda and exposure of a homosexual lifestyle, other manifestations of sexual deviations and perversions in places accessible to minors”.

In the first paragraph of the article the phrase “[prohibitions of] sexual relations before the legal age” followed the line “manifestations of sexual deviations and perversions”.

This consultation was organized in a non-transparent manner without invitation of mass media and civil society, as well as without announcement of Ms. Plămădeală’s fellow Ombudspeople, which constitutes a series breach of procedure.

Undertaken measures: GENDERDOC-M Information Centre representatives attended the meeting and expressed their concern about the legality of the organized consultation. Also,



GENDERDOC-M

GENDERDOC-M sent a letter to the Center for Human Rights of Moldova requesting explanation of the actions by the Ombudswoman for the Rights of the Child.

Response of local authorities: The Director of the Center for Human Rights of Moldova, Mr. Anatolie Munteanu, responded that the actions and activity of each Ombudsperson might not necessarily coincide with the opinion of institution, and that the director cannot influence his colleagues in expression of their opinions.

Evidence: Invitation to the public consultation, copies of official letters.

II. FREEDOM OF ASSEMBLY FOR LGBT COMMUNITY

On 12 June 2012, the European Court of Human Rights found the Republic of Moldova liable for discrimination on the ground of sexual orientation and violation of the right to the freedom of assembly for LGBT people according to Article 11 (Freedom of Assembly), Article 13 (Right to an Effective Remedy) and Article 14 (Prohibition of Discrimination) of the European Convention on Human Rights. The judgment was delivered following the claim submitted by GENDERDOC-M in 2006 after the City Hall of Chişinău had banned GENDERDOC-M's peaceful demonstration in 2005.

1) Homophobic statement with incitement to discrimination made by the Mayor of Chişinău

What happened: Mayor of Chişinău and member of the Liberal Party, Mr. Dorin Chirtoacă, made a homophobic discriminatory statement in an interview.

Date, time and location of incident: 26 June 2012, City Hall of Chişinău

Source of information: discriminare.md website

Type of the crime(s): Incitement to discrimination

Perpetrator(s): Mayor of Chişinău Dorin Chirtoacă

Brief description of incident: On 26 June, in an interview recorded by journalist Natalia Ghilaşcu for discriminare.md website, the Mayor of Chişinău and member of the Liberal Party of Moldova, Mr. Dorin Chirtoacă, stated that he “would prefer paying big fines of thousands of Euros instead of being accused of incapability of maintaining public order and escalation of tension in society”. This statement was made as a feedback to the delivery of the aforementioned judgment by the European Court of Human Rights.

Response of local authorities: There was no response

Evidence: video interview discriminare.md website



GENDERDOC-M

On 13 May 2012, it was planned to carry out the March for Equality in support of adoption of anti-discrimination legislation within the annual LGBT Pride Festival “Rainbow over the Dniester”. The March was supposed to be backed by a number of NGOs, members of the Non-discrimination Coalition and other human rights organizations. Several days prior to the planned event several human rights NGOs – members of the Non-discrimination Coalition – refused to participate in the March saying that Coalition shouldn’t support this LGBT public event. The reason behind this opinion was that the March might have negatively affected the vote on the draft Law on Ensuring Equality in Parliament.

On 5 May 2012, GENDERDOC-M was invited to a meeting with the Minister of Justice to discuss details of the March for Equality planned for 13 May. Minister Oleg Efrim informed us that Moldovan Government was going to launch a wide-spread communication campaign designated to establishment of a positive image of the draft anti-discrimination law in society. According to Government’s most optimistic plans, the draft law was supposed to have been adopted in two weeks in the second reading. Due to this reason, Minister Oleg Efrim offered us holding of a round table on adoption of anti-discrimination law with participation of Government representatives, local human rights NGOs and our festival guests instead of the March for Equality. It was also planned to invite mass media representatives.

This event was supposed to become an excellent alternative because exactly an open dialogue with Government was seen as the ultimate goal of the planned March.

The round table took place on 13 May at 11:00 o’clock. Two days prior to the event it became known that the criterion “sexual orientation” had been excluded from the first article of draft law and had been mentioned only in the article regulating employment and occupation.

The Minister of Justice was the only Government representative who participated in the round table. A constructive dialogue failed. Many of our questions remained unanswered. We had impression that the event was organized just to prevent us from marching for equality.

III. CASES OF DISCRIMINATION, INCITEMENT TO DISCRIMINATION ON THE GROUND OF SEXUAL ORIENTATION AND GENDERDER IDENTITY:

On 25 May 2012, Parliament of the Republic of Moldova adopted the Law on Ensuring Equality. This is the third title of the draft Law on Preventing and Combating Discrimination. GENDERDOC-M believes this law requires urgent amendments to prevent growth of discrimination faced by lesbians, gays, bisexuals and transgender people (LGBT). The intentional exclusion of LGBT population from the list of protected social groups included in the Law on Ensuring Equality and the lack of the term “hate crime” in the Criminal Code, which currently interprets biased-motivated incidents committed towards LGBT people as hooliganism, only reinforces negative social attitude towards this group of people. A worse thing is that it prevents victims of such crimes from receiving compensation for incurred damages.

1) State TV channel did not broadcast a documentary on LGBT rights



GENDERDOC-M

What happened: The state TV channel refuses to broadcast a documentary on LGBT rights while three other documentaries within the same series “Human Rights on Screen” have been broadcast.

Day, time and location of the incident: 26 June 2012

Source of information: Mass media monitoring by GENDERDOC-M

Type of crime(s): discrimination on the ground of sexual orientation

Perpetrator(s): The state TV channel Moldova-1

Brief description of incident: On 26 Chişinău Court of Appeals upheld the judgment recognizing groundlessness of the claim submitted by representatives of Moldovan Orthodox Church who demanded prohibition to broadcast one of the four documentaries on human rights, namely the fourth film “Human Rights on Screen: Rights of Sexual Minorities”, on the state-owned TV channel Moldova-1. GENDERDOC-M sent a letter to the Moldova-1 TV channel management asking about the exact date and time the documentary would be broadcast. The TV channel management replied that the film had been already broadcast on 16 June 2012 at 00:40 o’clock. GENDERDOC-M obtained testimonies from people confirming that the broadcast of this documentary was included in the TV program for that day. However, a different documentary on caves was shown instead. The discriminatory factor constitutes the fact that the time for broadcast was set at 00:40 o’clock, while the three previous films were shown at 20:10 (“Police and Justice”) and 22:40 (“Civil Society” and “People with Disabilities”).

Undertaken measures: GENDERDOC-M is preparing a court claim accusing the state TV channel of discrimination.

Response of local authorities: There is no response

Evidence: Court judgment, correspondence with the TV channel management

2) National Library refused hosting of an LGBT event in its premise

What happened: The National Library refused to rent out a room to GENDERDOC-M to hold the Human Library activity within the annual LGBT Pride Festival

Day, time and location of the incident: 6 March 2012, Chişinău

Source of information: staff members of GENDERDOC-M Information Centre

Type of the crime(s): Discrimination on the ground of sexual orientation.

Perpetrator(s): National Library of the Republic of Moldova

Brief description of incident: In February 2012, GENDERDOC-M contemplated carrying out of the Human Library activity where LGBT persons and their family members would represent books available for “reading” by anybody. The Human Library was planned to take place on 10



GENDERDOC-M

May 2012 in the National Library which rents out rooms for public events. GENDERDOC-M sent a request for permission to hold this event in the National Library and received a refusal from the institution's management through an email saying there were planned reparation works in the building during the indicated period. Later, the National Library's official answer sent by post informed us that there were planned other activities dedicated to Europe Day and organized by the Ministry of Culture for the indicated period. Nevertheless, on 9 May 2012, GENDERDOC-M representatives attended the Film Festival "Amatorul" which was held in the room requested by organization. No reparation work was being done during in the building.

Undertaken measures: Due to the lack of anti-discrimination law at the time, we were unable to undertake any legal actions.

Evidence: Letter sent to the National Library, its official response and pictures from the Film Festival "Amatorul".

3) Unauthorized exposure of a traffic sign with homophobic content

What happened: A resident of Chişinău hung an unauthorized traffic sign with homophobic content prohibiting parking in front of his house.

Day, time and location of the incident: 8 June 2012, 22 Şciusev Street, Chişinău

Source of information: Representative of Amnesty International Moldova, mass media <http://discriminare.md/discriminarea-in-moldova/panoul-rutier-homofob-a-reparut-in-spatiul-public/>

Type of the crime(s): Discrimination on the ground of sexual orientation

Perpetrator(s): Resident of Chişinău named Ghenadii living at the aforementioned address.

Brief description of incident: A representative of Amnesty International Moldova noticed a prohibition traffic sign with the following content: "Attention! Entrance to courtyard! Parking behind the tree! Even for 5 minutes! Even for gays and buggers!" The sign hung on a tree in front of the entrance to the private courtyard at the aforementioned address.

On 20 June 2012, journalist Natalia Ghilaşcu produced a news report where she interviewed Ghenadii. In the video, the sign had been removed from the tree and hung on the wall of a private house. Ghenadii declared that he had hung the sign on his fence because the Law on Advertising didn't prohibit him doing this. When asked why the sign emphasizes prohibition for "gays and buggers", Ghenadii answered that sexual minorities were more privileged which was mentioned in the anti-discrimination law.

On 25 June the sign was also noticed by two GENDERDOC-M staff members.

Undertaken measures: Representatives of Amnesty International Moldova submitted a denunciation to Centru Police Commissariat requesting the police to undertake measures and remove the discriminatory sign.



GENDERDOC-M

On 26 June 2012, GENDERDOC-M Information Centre submitted a second denunciation to the same police commissariat. This time, the denunciation mentioned Article 335 on Arbitrariness from the Contravention Code.

Response of local authorities: In the first case, a police record on violation of Article 69 from the Contravention Code for insult of a group of citizens was drawn. Ghenadii was identified as the resident of that house and offender. He was sentenced to a fine of 220 Moldovan lei (14 Euros).

In the second case, two GENDERDOC-M staff members were summoned to the Centru Police Station for testimonies. They haven't been informed about the undertaken measures by the police whatsoever.

On 8 June 2012, Ombudsman Tudor Lazăr issued a statement condemning the incident and calling it discriminatory. <http://www.ombudsman.md/md/news/1211/1/5655/>

Evidence: Video record, copies of denunciations to the police, letters

4) Discrimination against two gay men in public place

What happened: Two gay men were ousted from a night club because of their sexual orientation.

Date, time and location of the incident: 10 November 2012, Déjà Vu Night Club, 67 București Street, Chișinău

Source of information: Victims

Involved victim(s): Two gay men, one of them GENDERDOC-M beneficiary (personal code: AN0786VA1)

Type of the crime(s): Discrimination on the ground of sexual orientation when accessing goods and services, discrimination by the police.

Perpetrator(s): Staff members of Déjà Vu Night Club and the police

Brief description of incident: AN0786VA1 and his friend went out to a night to spend their leisure time. The night club guards noticed them kiss and approached them regularly to say that their behavior was amoral and that it was not allowed to kiss in the venue. They also asked AN0786VA1 to not dance so provocatively because he attracted attention of other club attendees. At the same time, some heterosexual women were dancing proactively, too, but no guards approached them to make an observation. AN0786VA1's friend came to the guards asking what was wrong in their actions if those were so disturbed. At some point, the two men were approached by the guards and asked to leave the club for indecent behavior and for openly kissing in a public place.

Undertaken measures: The two men went outside and called the police. The police arrived within 20 minutes. AN0786VA1 recounted the incident to them and asked for help. The police



GENDERDOC-M

didn't want to go inside the club. AN0786VA1 was accompanied by the police to the Centru Police Station to submit a complaint and answer questions. AN0786VA1 told he was gay and that he was ousted with his boyfriend from the night club for kissing mentioning that there were heterosexual couples kissing as well. However, those weren't harassed by the guards.

Response of local authorities: At the station, the police tried to convince the victim that he and his friend had been ousted not because of their sexual orientation but, perhaps, for other reasons. The police told the victim they would investigate the incident and inform of the results as soon as possible.

On 27 December 2012, AN0786VA1 received a letter from Centru Police Commissariat informing him that the incident had been out of their competency because it constituted a civil court case and that AN0786VA1 should submit a personal claim against the night club to court. However, police promised to keep an eye on that night club in order to prevent similar incidents in the future.

Impact on the victim(s) and the community: Victims suffered moral damage

Evidence: AN0786VA1 complaint to GENDERDOC-M, copies of letters to the police and the State Agency for Consumers' Rights, and responses from the police.

IV. VIOLATION OF RIGHTS OF LGBT PEOPLE BY MOLDOVAN ORTHODOX CHURCH AND OTHER RELIGIOUS GROUPS:

Despite the fact that the criterion "sexual orientation" is mentioned only in the Article on Prohibition of Discrimination in Employment and Occupation of the newly adopted Law on Ensuring Equality, representatives of Moldovan Orthodox Church disagree even with this state of matter.

1) Homophobic statement with incitement to discrimination made by a senior clergyman

What happened: Metropolitan of Chişinău and All Moldova Vladimir made a homophobic statement

Date, time and location of the incident: 4 January 2012 and 24 February 2012 года

Source of information: Mass media

http://www.publika.md/mitropolitul-vladimir-impotriva-minoritatilor-sexuale--ue-imprumutabani-moldovei-in-schimbul-aprobarii-anumitor-legi_643701.html

http://www.publika.md/mitropolitul-vladimir-impotriva-minoritatilor-sexuale--ue-imprumutabani-moldovei-in-schimbul-aprobarii-anumitor-legi_643701.html

Type of the crime(s): Hate speech, incitement to discrimination



GENDERDOC-M

Perpetrator(s): Metropolitan of Chişinău and All Moldova Vladimir (head of Moldovan Orthodox Church)

Brief description of incident: On 4 January 2012, Metropolitan of Chişinău and All Moldova Vladimir made the following official statement: “Sexual minorities cannot claim equality with people who live on this soil, for whom Church is saint, for whom faith in God is a part of their life”. On 24 February, he made another declaration: “Of, from the side of the Church, we welcome their decision [of the City Council of Bălţi banning public demonstrations for homosexuals in the town] because homosexual cannot be a good Christian”.

Evidence: Video record, screenshots saved from various mass media pages

2) Homophobic statement with incitement to discrimination made by a senior clergyman

What happened: Senior representative of Moldovan Orthodox Church made a statement inciting to discrimination against LGBT.

Date, time and location of the incident: 30 September 2012, Bălţi

Source of information: Mass media, http://www.publika.md/preotii-cer-interzicerea-angajarii-homosexualilor-in-scoli--spitale-si-in-domeniul-alimentatiei-publice_1055681.html

Type of the crime(s): Incitement to discrimination, hate speech

Perpetrator(s): Bishop of Bălţi and Făleşti Markel

Brief description of incident: Bishop of Bălţi and Făleşti Markel declared that homosexuals shouldn't be employed in hospitals, schools and public catering sphere.

“The law on equal opportunities has widely opened gates of heaven homosexuals. We demand that they are stopped for a while, that they are not allowed to be employed in educational, healthcare and public catering institutions. Just imagine that homosexuals, 92% of whom are AIDS carriers are employed at a blood transfusion center. It would be a disaster”.

Undertaken measures: On 15 October 2012, GENDERDOC-M Information Centre sent a preliminary statement to the Bishop of Bălţi and Făleşti Markel demanding his apologies to LGBT community for the aforementioned declaration calling on discrimination against homosexuals; demanding refutation of false information that “92% of homosexuals are AIDS carriers”; demanding compensation of moral damages to LGBT community members, namely homosexuals, against whom he incites discrimination. Bishop Markel ignored the preliminary statement, and GENDERDOC-M filed a claim against him to Bălţi Court of Appeals.

Response of local authorities: There is no information on any response of local authorities.

Evidence: Video record, court claim

V. HATE-MOTIVATED CRIMES:

Adresa: MD 2021, Chisinau, Republica Moldova
Tel: +37322 - 288861, 288863 Fax: 37322 - 288859
E-mail: info@lgbt.md
WWW.LGBT.MD



GENDERDOC-M

Currently, the Criminal Code of Moldova does not provide definition of a hate crime. However, in the Article 77(d), it considers social, national, racial or religious hatred an aggravating circumstance in a crime committed against an individual. It should be noted that in 2012 GENDERDOC-M tried to invoke this article, namely 'social hatred' criterion, when it reported hate crimes and incidents based on homophobia to the Prosecutor General's Office or in court. Neither prosecutors nor judges considered those crimes and incidents as the ones motivated by social hatred. As a result, crimes committed against gay people because of their sexual orientation were considered 'Intentional infliction of bodily injuries or other harm' or simple 'robbery'.

On 26 December 2012, new amendments were introduced in the Criminal Code of Moldova to harmonize domestic legislation after adoption of the Law on Ensuring Equality. The amendments will enter in force on 8 February 2013. The Criminal Code was completed with the Article 176 'Violation of Citizens' Equality': (1) Any distinction, exclusion, restriction or preference in rights and freedoms of a person or a group of people, any support for discriminatory behavior 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.

1) Premeditated robbery and attempted murder of a gay person

What happened: A gay man was robbed and beaten almost to death in his apartment by two male individuals who had got acquainted with in the Internet. The perpetrators were aware of the victim's sexual orientation and decided to rob him because the victim wouldn't have allegedly dared to report the incident. Examples of similar incidents are more frequent in Russia.

Date, time and location of the incident: 15 March 2012, at 21.00 o'clock, in the victim's apartment.

Source of information: the victim

Victim(s) involved: gay man (personal code: VE0682VL1), beneficiary of GENDERDOC-M Information Centre

Type of the crime(s): Extreme physical violence, attempted murder and robbery

Perpetrator(s): two men (31 and 30 years old, respectively)

Brief description of incident: The victim had got acquainted with the two perpetrators men on an on-line dating website for gay men a couple of days prior to the incident. Then the victim invited them to visit his apartment under the pretext of sexual relationship. When arrived to his home, perpetrators bound victim's hands and legs with an electric wire and beat him with their fists and feet over his head. They also threatened him with the kitchen knife. One of the perpetrators thought of stabbing the victim but was dissuaded by the other perpetrator. When the victim lost consciousness, they stole a laptop, mobile phone, wallet with money, and a backpack (with victim's ID, international passport, and medical insurance). Overall damage to the victim's material goods constituted around 11400 Moldovan lei (around 700 Euros).



GENDERDOC-M

Undertaken measures: The victim reported the incident to the police.

Response of local authorities: An official criminal investigation was initiated. The General Prosecutor's Office led criminal investigation and transferred the case to court. A criminal investigation was initiated by the General Prosecutor's Office. After perpetrators were identified and detained, the case was transferred to court. The perpetrators were found guilty of robbery committed by two or more persons with the use of weapons or other objects with causing a considerable damage. They were sentenced to eight (8) years in prison and compensation of material damage to the victim. Although the crime was motivated by perpetrators' homophobia, in the conclusion of the judgment the case is not viewed under the aspect of the hate crime.

Impact on the victim(s) and the community: Victim was caused psychological, physical and material damage.

Evidence: Victim's complaint to the police, pictures of bodily injuries, forensic medical examination and court judgment.

2) Assault against two gay men followed by ill-treatment by law-enforcement bodies

What happened: Two gay men were beaten by two military servicemen next to a military unit. The police didn't meet their obligations.

Date, time and location of the incident: 27 June 2012, at half past midnight. In front of the military unit on Vasile Lupu Street, Chişinău.

Источник информации: The victims

Victim(s) involved: two gay men (their personal codes: LE1062NI1 and AN1173VA1), beneficiaries of GENDERDOC-M Information Centre

Type of the crime(s): assault and discrimination by police and Prosecutor's Office, insults and degrading treatment, refusal to investigate the incident.

Perpetrator(s): two servicemen, both around 20 years old.

Brief description of incident: One of the servicemen had proposed the two gay men, who were passing by the military unit, to engage in sexual intercourse in exchange of a food set, beer and cigarettes. After having forcefully taken away the purchased items from the two men, servicemen beat the two men insulting them for their sexual orientation. As a result of the attack, LE1062NI1's upper lip was torn, and AN1173VA1 endured minor bodily injuries.

Undertaken measures: The case was reported to the police immediately. Victims called the police, but their complaint was rejected. After a GENDERDOC-M representative had called the police and insisted on the call's registration, an on-duty police crew was sent to the crime scene. Having arrived to the scene, the policemen approached the soldiers asking them questions about the incident and ignored the victims. They laughed at derogatory words which the two servicemen said to the victims. The GENDERDOC-M representative had to interfere via a phone



GENDERDOC-M

call again and insisted that the police perform their duties and call an ambulance for LE1062NI1. After this phone conversation, the policemen changed their attitude, called an ambulance for LE1062NI1 and took AN1173VA1 to the police department for testimonies.

Response of local authorities: The reported case fell under the competence of the Military Prosecutor's Office. Both victims were summoned to the Military Prosecutor's Office for testimonies. AN1173VA1 was summoned on 16 August 2012; LE1062NI1 was summoned on 20 August 2012, respectively. The prosecutor was very rude and acted discourteously. He asked personal questions regarding victims' sexual preferences and stated, using an obscene language, that if he had been in soldiers' shoes, he would have also beat the men for their sexual orientation. The military prosecutor refused initiation of criminal investigation. In a talk with victims' lawyer, the military prosecutor stated he "was not going to punish kids [servicemen] because of the faggots". It was decided that the victims would submit a civil case to court against the perpetrators and GENDERDOC-M would file an official complaint against the prosecutor's office to the UN Human Rights Committee.

Impact on the victim(s) and the community: The assault affected victims psychologically and inflicted physical injuries.

Evidence: Victims' complaints to the police, official letters from the Military Prosecutor's Office, victims' psychological examination.

3) Domestic violence based on homophobia

What happened: A 17-year-old gay man was subject to psychological violence and threats by his parents because of his sexual orientation.

Date, time and location of the incident: January 2012, in the victim's home

Source of information: letter from the victim received by Lobby and Advocacy Program Coordinator through e-mail.

Victim(s) involved: 17-year-old gay man

Type of the crime(s): Threats and psychological violence (restriction of freedom).

Perpetrator(s): Victim's parents

Brief description of incident: When victim's parents learned about his sexual orientation, they began persecuting him. They threatened their son that they would tie and beat him if he didn't change. They also threatened victim's 29-year-old boyfriend that they would accuse him of pedophilia (the age of consent in Moldova is 16) and he would go to jail. Victim's parents took away his ID, mobile phone and were watching him. They even threatened him with death if he wouldn't change.

Undertaken measures: GENDERDOC-M maintained contact with the victim only via e-mail. The Lobby and Advocacy Coordinator appointed a meeting with him to discuss further actions



GENDERDOC-M

and provide legal aid. The victim never came to the meeting and didn't reply to the subsequent letter. There was no possibility to get in touch with the victim; there were no accurate data on his residence or full name.

Response of local authorities: No information on involvement of local authorities.

Impact on the victim(s) and the community: The victim reported he was terrified, afraid of going home from school because parents would immediately lock him in the house. The victim contemplated suicide.

Evidence: Letter dispatched to the email frolova_anjelika@yahoo.com

VI. HOMOPHOBIC INCIDENTS:

1) Verbal abuse targeted at a gay man

What happened: A gay man was subject to degrading treatment by two guards of a foreign state diplomatic residence.

Date, time and location of the incident: 15 July 2012 года, diplomatic residence of Azerbaijan in Chişinău

Source of information: the victim

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

Type of crime(s): Abusive behavior (hate speech, individually targeted verbal abuse)

Perpetrator(s): two guards of Azerbaijan diplomatic residence.

Brief description of the incident: The victim was passing by the diplomatic residence of Azerbaijan in Chişinău. The guards realized victim was gay due to his mannerisms and expressive features. They stopped him and asked him to dance. One of the guards used homophobic slurs against the victim, laughed at and humiliated him.

Undertaken measures: The victim submitted a complaint to police

Response of local authorities: Results are unknown

Impact on the victim(s) and the community: The victim suffered psychological trauma

Evidence: A copy of victim's complaint to police

2) Verbal abuse targeted at two gay men

What happened: Two young gay men were verbally abused by two military servicemen when they were passing by the military unit. Police refused to register a complaint.



GENDERDOC-M

Date, time and location of the incident: June 2012, Bălți

Source of information: the victims called Lobby and Advocacy Program Coordinator on the phone.

Victim(s) involved: two gay men, residents of Bălți

Type of crime(s): Abusive behavior (hate speech, individually targeted verbal abuse)

Perpetrator(s): two servicemen and the police.

Brief description of incident: One of the victims reported that his friend and he were insulted by two servicemen while passing by a military unit. Both victims turned to the police with intention to file a complaint. Police officers refused to register it threatening them with causing them complication if they will keep on insisting. The victims gave up the idea eventually.

Undertaken measures: Two victims attempted to submit a complaint to the police and were refused this right.

Response of local authorities: Police refused to register the complaint and threatened the victims with problems had they insisted on submission of complaint.

Impact on the victim(s) and the community: The victims were caused psychological trauma.

VII. HATE SPEECH, INCITEMENT TO HATRED, DISCRIMINATION AND VIOLENCE

Threats and incitement to violence towards LGBT people in verbal statements, as well as on the Internet, leads to the growth of hatred and homophobia, especially among youth who are frequent visitors of various web pages and forums. The situation worsens by the lack of reliable information on sexuality and LGBT rights in educational institutions. All knowledge about homosexuality, bisexuality and transgender issues in Moldova is founded on stereotypes and prejudices perpetuated in Moldovan society. In such conditions hatred towards gays, lesbians, bisexuals and transgender people can be easily provoked.

GENDERDOC-M's complaints and denunciations sent to the Prosecutor General's Office of Moldova requesting to take measures to stop incitement to hatred and violence present in mass media, on the Internet and social networks haven't achieved positive results. The Prosecutor General's Office has not found any corpus delicti and sufficient evidence in all reported incidents.

Currently, the only way to fight this phenomenon is filing civil claims to court referring to the Law #64 on Freedom of Expression which prohibits hate speech and incitement to violence (Article 3, Paragraph 5).

1) Distribution of booklets with homophobic content titled "The Homosexual Manifesto"



GENDERDOC-M

What happened: Shipment of homophobic booklets inciting to hatred for further dissemination.

Date, time location of the incident: 2 April 2012, Bălți

Source of information: Mass media [http://www.protv.md/stiri/politic/secretarul-general-al-psd-sergiu-Coropceanu-retinut-de-politie.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ProTv-ToateStirile+\(Pro+Tv++Toate+Stirile\)](http://www.protv.md/stiri/politic/secretarul-general-al-psd-sergiu-Coropceanu-retinut-de-politie.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ProTv-ToateStirile+(Pro+Tv++Toate+Stirile))

Type of the crime(s): incitement to hatred, dissemination of defamatory information.

Perpetrator(s): Member of the Social Democratic Party Sergiu Coropceanu

Brief description of incident: In Sergiu Coropceanu's personal automobile police found 1300 copies of booklets titled "The Homosexual Manifesto" which promote homophobia and call on to social disobedience. The printed text didn't go through a special control or obtain an authorization. The booklets were printed out on behalf of the gay community and said that gays wanted to molest children and heterosexual men, to destroy families and seize the power. The publication didn't contain any data on the amount of circulation, author, and printing house where it was published. These details had to be identified during the police investigation. A part of booklets had been already disseminated in Bălți and some Christian Orthodox churches in Moldova. Besides messages directed against homosexuals, the last chapter of publication targeted members of the Liberal Democratic Party who, according to the text, were promoting sodomy for European money. The booklet mentions Prime Minister Valdimir Filat, Minister of Foreign Affairs Iurie Leancă, Chief Justice of the Constitutional Court Alexandru Tănase and Minister of Justice Oleg Efrim.

Response of local authorities: Social Democrat Sergiu Coropceanu was detained by police who later conducted search in the party's headquarters. The law enforcement body suspects politician of incitement to national disunity. A criminal investigation was initiated against Sergiu Coropceanu on the basis of Article 346 from the Criminal Code on "Deliberate actions aimed at inciting national enmity and disunity, including the exploitation of religious feelings".

In spite of quick and decisive actions taken by the Prosecutor General's Office, GENDERDOC-M believes that it was not due to the homophobic content of the booklet but rather due to the attacks on one of the governing parties.

The police managed to obtain about 40 copies of "The Homosexual Manifesto" in churches. Bălți police conducted обыск in two town's churches but didn't find a copy of the booklet. We are not aware of the criminal investigation results.

Impact on the victim(s) and community: Publication and dissemination of such booklets damages image of LGBT community reinforcing prejudices and stereotypes in society.

Evidence: A copy of booklet received in one of Chișinău churches.



GENDERDOC-M

2) Publication and distribution of booklets with homophobic content

What happened: The homophobic booklet “The Homosexual Manifesto” was distributed among audience during the lecture held by U.S. pseudoscientist Paul Cameron,

Date, time and location of the incident: 25 October, 17:00 o’clock, Patria Lukoil Cinema, Chişinău

Source of information: Volunteers of GENDERDOC-M Information Centre

Type of the crime(s): Incitement to hatred and discrimination

Perpetrator(s): Owner of Patria Lukoil Cinema and Chairman of Social Democratic Party Victor Şelin

Brief description of incident: The Family Salvation Alliance of Moldova, an informal gathering of a Baptist anti-gay religious group, invited pseudoscientist Paul Cameron to hold a lecture “The Effect of Sexual Diversity on Development of Society”. The lecture took place in several towns of Moldova such as Bălţi, Soroca, Anenii Noi, Drochia, Cahul and Chişinău. At all these lectures booklet “The Homosexual Manifesto” was distributed among audience. In Chişinău the lecture was held in Patria Lukoil Cinema where its owner and Chairman of the Social Democratic Party Victor Şelin had a welcoming speech. He stated: “I, as a leader of Social Democrats, have clandestinely published about 100 000 of green booklets (he showed “The Homosexual Manifesto”). We weren’t the authors. Authors were other people who represent a decent part of our city, who are united in a closed club “For Normality”, right? They have composed the text. Texts here have been collected from official resources. All these have been earlier published somewhere. We have just gathered it and issued such a booklet in the amount of 100 000 copies and we have been distributing it among the general public. It’s odd that many heads of parishes and even unions of parishes refused to take them in hands under the pressure from authorities, the Alliance for European Integration, although it is their duty to protect morality, to protect religious foundations and, generally, foundations of our society. And only few parishes have agreed to disseminate the booklet. And you heard of the scandalous incident where the Secretary General of the Social Democratic Party Sergiu Coropceanu was arrested and a criminal case was initiated against him because they found thousands of these booklets in his automobile as a result of a special operation...”

Undertaken measures: GENDERDOC-M sent a denunciation to the Prosecutor General’s Office on the basis of Articles 274 and 346 from the Criminal Code on “Actions aimed at the incitement of social hatred”.

Response of local authorities: On 4 December 2012, a Chişinău District Prosecutor’s Office delivered an official answer saying it refused initiation of criminal investigation due to the absence of corpus delicti. On 22 December, GENDERDOC-M lawyer contested this refusal in court. The claim was accepted and Prosecutor’s Office was order to initiate investigation.

Evidence: Video record from the lecture, copy of denunciation to the Prosecutor’s Office, response from Prosecutor’s Office, and court judgment.



GENDERDOC-M

3) Series of homophobic statements inciting to violence

What happened: Chairman of a public association Fiodor Ghelici made a series of statements containing threats and incitement to violence against LGBT.

Date, time and location of the incident: 12 January 2012 at a press conference and 22 January 2012 during a talk show on NIT TV channel.

Source of information: Mass media

<http://libertatea.tv/2012/01/13/ghelici-incita-la-ura-fata-de-lgbt/>
<http://nit.md/index.php?action=programs&id=13>

Type of the crime(s): hate speech, threats and incitement to violence

Perpetrator(s): Chairman of Moldova Mea Association Fiodor Ghelici

Brief description of incident: Fiodor Ghelici held a press conference on political situation in Moldova where he stated the following:

“Legalization of homosexuals’ rights in our country? I will be the first one who’ll drown them. We have a [river] port in the south, there are some rusty ships. Get [them] in holds of ship and [bring them] to the middle of the sea. Excuse me, but if are going to keep on borrowing such super cultural ideas from West, we’ll a parliament full of faggots”.

“This little fag is trying to teach me something. I’ll tear off his balls without remorse!”

After having received a preliminary statement from GENDERDOC-M demanding public apologies, Fiodor Ghelici went to the talk show on NIT TV channel where he said:

“If thy want to bring this European values to the central square, Stefan cel Mare (medieval king of Moldova) will come to life and will cut off with this sword everything that is hanging between their legs”.

“If I get such a chance and right, I will collect them in the southern port, take them on ship, put in holds and quietly bring it to the middle of the sea for they didn’t shame us and our Christian morals”.

“Dear faggots of the Republic of Moldova, I will never let you go out to the square and jiggle your organs for I wasn’t unable to answer my grandchildren’s question “Who are they?” If I become president of the Republic of Moldova, I will deport you to Siberia. I won’t be drowning you – I will leave you on an island, and until you, macho men, get pregnant, I won’t take out from there”.

Undertaken measures: GENDERDOC-M Information Centre filed a court claim against Fiodor Ghelici demanding sanctions for homophobic hate speech and incitement to discrimination and



GENDERDOC-M

violence towards gay people, as well as ordering the defendant to make public apologies to LGBT community and to compensate moral damage and court expenses.

Response of local authorities: The case is pending

Evidence: Video record, screenshots of news reports, court documentation.

4) Homophobic statements on television

What happened: Chairman of the Congress of Russian Communities Valerii Klimenko made a homophobic statement during a TV talk show.

Date, time and location of the incident: 23 May 2012, talk show “Deni za Dnem” (“Day by Day”) on PublikaTV

Source of information: talk show “Deni za Dnem” (“Day by Day”)

http://ru.publika.md/editie/791_792171.html (minute 19:10)

Type of the crime(s): Hate speech

Perpetrator(s): Chairman of the Congress of Russian Communities Valerii Klimenko

Brief description of incident: Participating in the talk show “Deni za Dnem” Valerii Klimenko, Chairman of the Congress of Russian Communities, shared his opinion about a protest rally held by GENDERDOC-M and its allies against Speaker of Parliament Marian Lupu’s homophobic discourse:

“We have drug addicts, unfortunately, and murderers in the country, right? This is something that cannot be perceived by our society due to the [received] education. Should we apologize to them for they have killed somebody? If someone said that you are a murderer or a drug addict, i.e. called a spade a spade... This is what our society has reached. We are trying to turn someone, who cannot be perceived by society, who shames our country and making it a laughing stock in the world, to white and fluffy sheep. That’s why I believe Marian Lupu was absolutely right when he gave estimates of such kind. 99% of citizens have in mind what Marian Lupu articulates”.

Undertaken measures: GENDERDOC-M Information Centre sent a denunciation to the Prosecutor general’s Office requesting their response to this discourse.

Response of local authorities: On 6 July 2012 GENDERDOC-M received a letter from Prosecutor General’s Office saying that the reported discourse was Valerii Klimenko’s expression of opinion.

5) Press conference with homophobic content

What happened: The so-called Anti-Gay Coalition held a press conference where participants made a number of homophobic statements.



GENDERDOC-M

Date, time and location of the incident: 22 February 2012, Moldpress Agency, Chişinău

Source of information Mass media

<http://curaj.tv/reportaj/extern/diversiune-cu-4-pansionari-senili-si-obsedati/>

Type of the crime(s): Hate speech, incitement to hatred, incitement to discrimination, recognition in the concealment of a hate crime.

Perpetrator(s): The Anti-Gay Coalition: Head of Association “Moldova Mea” Fiodor Ghelici; Member of the Committee on Protection of Constitution and Democracy Anatolie Plugaru; Coordinator of the Federation of Doctors’ and Sociologists’ NGOs in Moldova and Director of the Centre “Against Violence” Igor Pugaciov; representative of the Independent Union of Reserve Officers Nicolai Corcevschi.

Brief description of incident: GENDERDOC-M staff members were in the room where the press conference organized by the Anti-Gay Coalition was held. Its topic was constituted the draft Law on Preventing and Combating Discrimination, dangers of this law and danger of “homosexual lifestyle propaganda”.

Here are some statements made by the press conference participants:

Anatolie Plugaru: “...In my view, these are disorders, psychiatric deviations. They are sick people, though there are other opinions. It might be, why not? These people need help but we shouldn’t let them go over the top. Their values don’t coincide with our values. Their values are against them – they destroy them, reduce to zero... These people tend to commit treason. And usually they are used by those who direct [the process] from outside of our republic. We won’t allow faggatization of this country and destruction of this people. They cannot be equal in rights...”

Fiodor Ghelici: “I am declaring it publicly, as a citizen of this country who loves it. Only if a single faggot approaches my grandson and will be seducing him, I’ll bury him alive in the asphalt... and no parades, no publicity. You shall excuse me, but do I have to give birth to children and bring them up while these faggots live for themselves like parasites?.. Let me make a short announcement for you not to think that we stand against only these sexual minorities. Our association has opened a laboratory on 141/1 Uzinelor Street to help transsexuals. We have employed two retired doctors – a man and a woman – and we help men who want to become women to change their sex. Surgery is very simple and it costs only 100 Euros. So anyone who wants to become a woman, please, one surgeon cuts off and the other sews on... I have a suggestion. Let’s process the room with chlorine and leave”.

Nicolai Corcevschi: “Indeed, there was a case in the army when four soldiers raped another soldier in a very perverse way. They were arrested, as usually – criminal investigation, court and prison, and that’s it... This is something that would expect them. I had to work hard on this case, first of all, with the so-called “victim”. I put this word in inverted commas. After all psychological tests, I found out that he was a passive homosexual. And passive homosexuals, Mr. Pugaciov will later confirm, have a tendency to provoke aggressive attitude and behavior towards



GENDERDOC-M

them – victim’s behavior. As a result of my actions in the capacity of military psychologist, those four fellows (they also had some problems) nevertheless remained free”.

Undertaken measures: Two separate court claims have been already filed against Fiodor Ghelici and Anatol Plugaru for homophobic hate speeches made previously.

Response of local authorities: GENDERDOC-M is not aware of any response from local authorities.

Evidence: Video record of press conference, screenshots of news reports about the conference in other mass media.

The Internet and mass media often serve as a platform for dissemination of hate speech, threats, and incitement to hatred, discrimination and violence. The problem, when hateful comments left under articles and news reports are not filtered through moderated, still prevails. However, on-line mass media have begun positively responding to GENDERDOC-M’s requests to erase such comments more frequently. GENDERDOC-M has established cooperation with the Press Council, a media self-regulatory mechanism that aims at making every media outlet follow a series of overall accepted values (ethical principles), that provides various mass media outlets recommendations on inadmissibility of certain statements and images which humiliate dignity of representatives different minorities.

Assessing the overall situation, it is possible to say that the quality of news reports and articles on LGBT issues has improved within the past year. The material has become more neutral and impartial. When covering an LGBT event or piece of news, mass media use less stereotypes and prejudices about this social group.

6) Homophobic statements in the Internet

What happened: One of the Moldova civic activists and candidate to the Council on Preventing and Combating Discrimination and Ensuring Equality published homophobic hate speech on her blog.

Date, time and location of the incident: 9 April 2012

Source of information: <http://liubaceban.wordpress.com>

Type of the crime(s): Hate speech, incitement to discrimination

Perpetrator(s): Candidate to the Council on Preventing and Combating Discrimination and Ensuring Equality Liuba Ceban

Brief description of incident: In her personal blog, Liuba Ceban posted the following:

“I cannot be one of those who defend sexual minorities due to the following reasons: because they are violent, insensitive, and try to humiliate the Church by any means. I cannot agree with the promoting of and informing about homosexuality... there should be restrictions, especially in case of the abuse coming from homosexuals... I want only one



GENDERDOC-M

thing that manifestations of homosexuality didn't invade the public space. I don't need them. They don't give anything to me but the feeling of disgust. I don't want to see them. But I don't want this and such stupidity in public places.... You can call me a homophobe, and I will laugh in your face and at your impudent arguments. You cannot stand against my experience and intentions that I have had".

Undertaken measures: An official letter to the parliamentary committee on selecting members of the Council on Preventing and Combating Discrimination and Ensuring Equality asking for disqualification of Liuba Ceban's candidature.

Response of local authorities: There has been no response so far.

Evidence: Screenshots of the blog article, letter to the special parliamentary selection committee.

7) Homophobic statements in the Internet

What happened: A blogger published an article full of hate speech and incitement to violence against LGBT community

Date, time and location of the incident: 25 May 2012

<http://blog.galbur.md/2012/05/legea-homosexualilor-fost-aprobata-ce.html>

Source of information: Monitoring of mass media by GENDERDOC-M Information Centre

Type of the crime(s): Hate speech, incitement to violence and discrimination

Perpetrator(s): Blogger Dragoş Galbur

Brief description of incident: Blogger Dragoş Galbur posted an article on his personal blog titled "The homosexuals' law has been adopted. What will follow?". In the article, he made the following statement:

"If gays and lesbians, because it is of more interest for us, will try to hold parades in Moldova, they will be simply clobbered, perhaps even killed. Bash, bash and again bash all fags who'll try to promote lechery on the streets of Chişinău or in another locality of the Republic of Moldova. Let even one million of police protect them, rocks and Molotov cocktails fly far away if you know how to throw them. Would I throw them, too? Of course".

Undertaken measures: GENDERDOC-M Information Centre sent a denunciation to the Prosecutor General's Office requesting bringing the perpetrator to accountability for incitement to violence.

Response of local authorities: On 6 July 2012, GENDERDOC-M received a response from the Prosecutor's Office saying that the incident didn't fall under the provisions of Criminal Code or Contravention Code. As a result, this declaration didn't become subject of criminal or administrative investigation.



GENDERDOC-M

VIII. PROBLEMS FACED BY TRANSGENDER PEOPLE IN THE REPUBLIC OF MOLDOVA:

Currently, Moldova lacks a legal mechanism that would regulate change of identification documents for transgender individuals issued by the state. Transitioning from one gender to another (including through hormone therapy), these people obtain a new physical appearance corresponding to their desired gender but they still have identification documents indicating their biological sex at birth. The lack of documents corresponding to one's de facto physical appearance and identity constitutes a real obstacle on the way to employment, border crossing, voting and other spheres where presentation of documents is required. Customs and border control services are not aware about existence of transgender individuals, and they lack any guidance or instructions on how to proceed when a transgender individuals, crossing the border, presents documents that do not correspond to his or her appearance. This often leads to a degrading treatment and humiliating procedures of personal check before the person is allowed to cross the border.

GENDERDOC-M Information Centre provides legal assistance to transgender individuals in court litigations when they claim permission to change their identification documents. On 24 May 2012, Chisinau Court of Appeals recognized the need of documents change for these individuals and ordered the State Registry Office (in charge of document change for population) to implement the court judgment. On 21 June 2012, this judgment was cancelled due to the absence of copies of plaintiff's birth certificates in the file despite the fact that the file had contained copies of their IDs. Previously, the judge hadn't requested addition of other documents to the file during hearings.

During a meeting with the Deputy Minister of Justice, Mr. Vladimir Grosu, GENDERDOC-M representatives asked him why the Ministry of Justice (maintains the activity of State Registry Office) didn't agree with the Court of Appeals' ruling, Mr. Grosu said that such court judgment should lead to a legislative change which would be debated and adopted by the Parliament of Moldova. During these debated in the Parliament, Ministry of Justice should demonstrate to Members of Parliament that it has done everything possible to exhaust all legal premises to not allow [change of documents for transgender individuals].