



REPORT ON THE LGBT RIGHTS SITUATION IN THE REPUBLIC OF MOLDOVA IN 2015

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This report reflects the situation of LGBT people in Moldova, as well as the political and social influence that reflects societal homophobia and transphobia, and positive changes for the LGBT people in the Republic of Moldova.

Moldova remains a country with a high level of homophobia and transphobia, which is maintained and used by a large part of politicians, the government and some representatives of the Orthodox Church. Although the situation with the homophobic discourse by public figures has improved owing to the critiques received at the European level, as well as thanks to the court judgments in cases initiated by the GENDERDOC-M Information Centre where several public figures were found liable for the hate speech, there are still instances when homophobia is used for political purposes.

During 2015, the Ministry of Justice together with representatives of international organisations (UN and ABA ROLI) and local experts worked on elaborating amendments to the Criminal Code and Code of Administrative Offences regarding hate crimes. The draft law has been dispatched to the Parliamentary Committees.

In 2015, the Council on the Prevention and Elimination of Discrimination and Ensuring Equality and the Office of the United Nations High Commissioner for Human Rights (OHCHR) published the *Study on Equality Perceptions and Attitudes in the Republic of Moldova*¹. The study reveals a number of important elements of the public perception related to the problem of equality and non-discrimination in the Republic of Moldova. One of the first findings of the study is that discrimination of certain groups of persons is not perceived by citizens as one of the most stringent problems in the RM, followed by the fact that the same citizens show a high level of intolerance to persons from vulnerable and marginalized groups. Besides the modest level of development and living, which have an impact on intolerance, the situation is amplified by a low level of confidence manifested by citizens for state institutions, other social stakeholders, and even lack of confidence for other people.

The Moldovan society seems to be very categorical in relation to the perceptions and attitudes to persons from the LGBT group. The negative qualifications prevail over the positive and neutral ones, both as number and quantity. Hence over 40% of answers have cumulated such qualifications as *immoral, abnormal, foolery*; 33.4% of answers qualified them as *sick person*;

¹ *Study on Equality Perceptions and Attitudes in the Republic Of Moldova* (2015)

http://md.one.un.org/content/dam/unct/moldova/docs/pub/ENG-Studiu%20Perceptii%202015_FINAL_2016_Imprimat.pdf

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about 16-18% of answers registered such qualifications as *prostitution, dangerous, pedophiles, perverse, not understood*, and all the other 13 qualifications account for less than 4%. The share of answers with positive perceptions (none of them) is very small and does not exceed 2% and only about 10% of respondents mentioned positive associations.

Regarding the question *Which of the following groups of statements characterizes the best the homosexuals/lesbians (LGBT)?* – a share of 67.4% of respondents opted for the group of statements with negative connotation, including a positive, neutral, and negative affirmation (*trustful, not understood, immoral*), while the group of absolutely positive affirmations (*neat, ambitious, tolerant*) were mentioned only by 6.7% respondents; the neutral statement (*loyal, hard-working, abnormal*) – was mentioned by 16.8%. The respondents with higher education and high social-economic status are more tolerant and they registered the biggest shares of almost 11% for each group of absolutely positive statements and almost 20% for the group with neutral connotation. The persons with medium social-economic status, representatives of minority 30 ethnic groups, and those with secondary education, lyceum are less tolerant, opting for overt 70% for the group considered to be of negative connotation².

The opinions expressed during the group discussions confirm that the LGBT group is rejected by the majority of the population. The participants of the focus groups manifest an aggressive and revolting attitude to the LGBT people. Both group discussions had respondents who associated LGBTs with adoption of the Law on Ensuring Equality, condemning the conditioning of the EU accession with the acceptance of this law, perceived in a wrong way as the “law of sexual minorities”. The majority of participants in the group discussions are categorically against accepting the LGBT people in the society. They consider that this thing contravenes the principles of the [Orthodox] religion, the institution of family, the psycho-emotional and behavioural status of children.

Some respondents associated the LGBT persons with the sexually deflative groups, such as “zoophiles” and “paedophiles”. They are revolted that the society does not get involved more to counteract “this phenomenon”. It should be noted that the respondents’ knowledge about the LGBT persons is reduced, and adequate information may diminish the aggression towards this group.

The homosexual relations are perceived by 52.5% of respondents as an offence, they consider *that homosexual relations should be punished*. Almost half of respondents (49.5%) consider that when the Republic of Moldova *joins the EU the number of LGBT persons will increase substantially*. The opinion that the *LGBT persons are frequently carriers of HIV/AIDS* is shared by 44.5% respondents³.

1. JUSTICE AND FAIR TRIAL

- 1.1. On 30 September 2013, the Bishop of Bălți and Fălești Markel made a statement inciting to discrimination gay people because allegedly 92% of them had AIDS. GENDERDOC-M Information Centre filed lodged a lawsuit accusing Bishop Marchel of defamation and incitement to discrimination on grounds of sexual orientation and HIV status. On 16 September, the Supreme Court of Justice of Moldova issued the decision on the case “GENDERDOC-M against Bishop of Bălți and Fălești Markel” annulling the previous judgment issued by two lower court instances where Bishop

² *Ibidem*, p. 29

³ *Ibidem*, p. 31-33

Markel of Moldova's Orthodox Church had been found liable for hate speech and incitement to discrimination against homosexuals. The Supreme Court of Justice decision contains a number of arguments that are of homophobic nature and irrelevant to the subject of GENDERDOC-M's initial claim submitted to Bălți Court of first instance in 2012. For instance, the College of Justice presided by Justice Iulia Sîrcu and comprised of Justices Galina Stratulat, Iurie Diaconu, Ion Corolevschi, and Iuliana Oprea argues: "The College [of Justice] ascertains that the Diocesan of Bălți and Fălești Diocese of the Orthodox Church of Moldova, Bishop Markel, on the date when he made the discourse, held the position of Diocesan with the obligation to preach the Word of God. However, holding this position, he propagates complex ideas, principles and religious teachings in which he firmly believes and exercises religious activity in view of promoting religious education. <...> "Given the role that the appellant occupies and has in the society based, in its absolute majority, on the Orthodox Christian teachings, the College believes that Bishop Markel was right and had the right to express such an opinion, speak publicly about homosexuality as a sin, criticize homosexuality, and take actions in support of his position and of the institution the represents – actions performed within the Law on Freedom of Expression. At the same time, the College considers that the conclusions regarding [his] discourse as false drawn by [lower] courts are erroneous. <...> "Proceeding from the above, the College critically assesses the position of [lower] courts regarding the obligation to make an apology, i.e. it does not fall within the requirements of the Law on Freedom of Expression but, actually, represents an attempt to limit and discourage all those who, for various reasons, either religious or of a civic attitude, disagree with the policies promoted by the GENDERDOC-M Information Centre and to establish a judicial precedent."

- 1.2. In autumn 2015, the judge Victor Orândaș, who in 2013 issued a decision prohibiting the Pride March for Equality organised by the GENDERDOC-M, was dismissed from his post. As a result of his dismissal, he made a statement in which he declared the following: "The Chairman [of Chișinău Centru Court] Ion Țurcanu invited me to his office and told me in a threatening tone but in an informal language that the GENDERDOC-M Information Centre cannot be allowed to hold their march where they wanted to, and that I had to relocate the march exactly there where Mayor [of Chișinău] Dorin Chirtoacă wanted it to take place. He drew my attention to the fact that the case was under the supervision of the State Information and Security Service and the leadership of Supreme Court of Justice. During this discussion, as well as during other talks, with the Chairman Ion Țurcanu, he would make clear references to certain catastrophic consequences for my career if I didn't execute his orders."

2. POLICE AND LAW ENFORCEMENT AUTHORITIES

- 2.1. In mid-September, a young gay man from Tiraspol (Transdnestrian territory of Moldova) opened an account on the dating website mamba.ru where he got acquainted a 25 year-old man, also from Tiraspol. They agreed to meet offline. When he arrived at the meeting point, he was approached by a policeman in civilian clothes who asked him to show his ID because, according to the policeman, he looked like someone wanted by the Transdnestrian police. The young man didn't have ID with him and was asked to go to the Zapadnyi District police station for the identification procedure. Once he entered the police station, he was verbally assaulted and called names such as "sodomite" and "paedophile". He was told to give them contacts of all gays he was acquainted with because "all gays are paedophiles and should be monitored". The young man was

photographed and told that if he did not cooperate with the police, his photos would be broadcast on the criminal chronicles TV show “Territoriya 102” (“Территория 102”). The victim is afraid to seek legal assistance.

- 2.2. D.M. is an 18-year-old gay man with appearance of a 15-year-old adolescent, who lives in Tiraspol (Transdnistrian territory of Moldova). D.M. got acquainted with another man on a social networking website. They agreed to meet offline. At the meeting, 24 October 2015, the man came with a colleague of his and presented themselves as policemen. They told D.M. to follow them to the police station saying that he looked like someone wanted by the police. D.M. followed them to the Central Police Station, where he was left locked in a room for 30 minutes. After 30 minutes, those two policemen entered the room, called him humiliating names, because of his homosexuality, and put him a condition to cooperate with them in order to catch gays “who are paedophiles”. The young man refused. Then the policemen took his mobile phone and copied his entire contact list from it. After this incident, these two policemen invited D.M. to the police station again via Viber application, but the young man was unable to find any of them there. After his several visits, they texted him that it was just a matter of control and that they wanted to check whether he would be tailed by anybody. Following a GENDERDOC-M volunteer’s advice, D.M. addressed to the so-called Ministry of Interior Affairs from Tiraspol and filed an official complaint. The institution treated the young man respectfully, his complaint was admitted and he was told that he would be informed about the measures taken against these police policemen.

3. BIAS-MOTIVATED VIOLENCE

- 3.1. E.G. is an elderly gay man who was involved in the production of a theatre play by *teatru-spălătorie* as a non-professional actor where he talked about his life as a gay man. The performance was showcased several times at the theatre, and some video footage of it was uploaded online⁴. On 17 January 2015, E.G. was waiting for a trolleybus at one of the central trolleybus stations in Chişinău when he noticed a somewhat 40-year-old man was staring at him for a long time. Following E.G., the man boarded the trolleybus, began cursing him by calling him names such as “sodomite” and hit him below the ribs. After E.G. had tried to defend himself verbally, the assailant punched him in the left jaw. Another passenger, a young man, intervened in the situation and ousted the assailant from the transport at one of the next stations. The aggressor entered the trolleybus from another door and was shouting loudly, “You are playing in the theatre performance? Showing that there are sodomites in Chişinău and like this is something normal?”, and continued insulting the victim. E.G. got off the trolleybus at the following station being followed by the aggressor, who approached him again and punched in the shoulder. E.G. didn’t go to the police believing that the assailant wouldn’t be found anyway.
- 3.2. On February 6, S.C. was beaten by an unknown young man of approximately 25 years of age, who looked like an athlete and who told S.C. that he didn’t have any respect towards people like him, i.e. sodomites. After S.C. had replied that he respected homosexuals, he was punched in the face. After the punch in the face, he fell on the ground and covered his head with his hands because the aggressor continued kicking

⁴ <http://curaj.tv/reportaj/cultural/draga-moldova-putem-sa-ne-pupam-putin-de-tot/>

him all over the body. Other young people, who were present there, noticed the incident and stopped the aggressor.

- 3.3. I.T. is a 35-year-old lesbian who is frequently harassed by her male neighbour. On 3 July 2015, she was approached by that neighbour in front of her apartment building's staircase who told her that he had been living in that building for years and that people like her, to whom he referred as "it", should not live there and should not live at all. Then he told her that she was "it" and that he could beat her and would not be charged for it. The assailant instantly hit her four times in the face, two times in the belly and kicked her in the groin. I.T. told him she would call the police, but the assailant said that it wouldn't happen because police wouldn't charge him for anything; and, generally, people like her should be beaten. The victim went to the police station to file a formal complaint. In the beginning the police officer didn't want to admit the complaint; he only put down her contact details and told her to go back home. After the GENDERDOC-M's lawyer had intervened in the situation by having called the chief officer of the police station, the policeman admitted victim's complaint and called the ambulance. Doctors took her to the emergency hospital, conducted some examination and redirected her to the forensic examination. When she returned home, the assailant physically attacked her again and took her mobile phone. I.T. called the police again, and when the police arrived, the assailant continued threatening and ridiculing her in front of the police officers. The assailant was detained, and the victim went to the police station to file another complaint. The case reached the court, and the assailant was found liable for hooliganism and obliged to pay pecuniary and non-pecuniary damage.
- 3.4. In 2014, M.B., a gay man, was the victim of the extremist gang "Occupy Paedophilia". The gang members beat him, videotaped the entire process and uploaded the footage indicating his sexual orientation on multiple social networks. Although the gang leader was under arrest and criminally prosecuted at that time, the video footage is still accessible online. On 25 March 2015, M.B. was walking down Ștefan cel Mare Boulevard in Chișinău when he was approached by two young men, one being 22-23 years of age and the other one being a bit taller and 26-27 years of age with his head covered by a hood (specific look of an Occupy Paedophilia gang member). The younger looking man told M.B. that he had seen him in an Occupy Paedophilia video. M.B. replied that it was a staged action and went away. They followed M.B. and upon reaching him, the younger looking man asked him, "What's wrong with your face? Have you been beaten for harassment?" (M.B. happened to be having herpes on his lips). The older looking man added that if there hadn't been many people around, they would've beaten him. M.B. tried to escape the aggressors but they continued following him. They got into the crowd, and the taller man took M.B. by the hand and began to shout "He is gay!" M.B. was shouting, "Leave me alone!" The aggressor shouted back, "Why are you screaming like a girl?" M.B. called the police and said he was being followed by two young men who wanted to beat him. The aggressors heard him call the police and fled. When the police arrived, the harassers were no longer to be found.
- 3.5. S.Ș. is a 31-year-old transsexual woman. On 27 July 2015, together with her husband went to her home village to visit a friend of hers on the occasion of her birthday. At around midnight, S.Ș.'s friend was visited by a local man with the reputation of a thug who was accompanied by seven other men. They started insulting S.Ș. and her husband calling her a "fag" and questioning whether she was a man or woman. The assailant asked S.Ș. why she hadn't informed him of her visit to the

village, and told her that she shouldn't have come there in the first place, because she was an embarrassment for the entire village. When she told him to leave her alone, the assailant hit her several times over the body and head. When her husband tried to defend her from violence, he was named "fag" because they were together and beaten, too. The case is currently being examined at court.

- 3.6. In April 2015, two GENDERDOC-M representatives participated in a public event within the Non-Discrimination Week organised by the Tiraspol-based (Transdnestrian region) Apriori Center, which took place in the Civic Club "№19". It was an open discussion on the LGBT issues. After this event, the LGBT issues were discussed within other public activities carried out by the Apriori Center followed by an article published in a local newspaper in July 2015. After that the church began lectures for parents to watch their children, not to go to this organization, because it propagates sex between two men, homosexual mores, European values when homosexual couples will take their children. "On August 1 this NGO director's son was beaten and insulted in the street "hairy cock, pederast, like your parents." The attackers were strangers who approached from behind hit him with something in his head and then beat him with his feet. As a result he had fractured hand and several hematomas. The boy (who reached shed majority) refused to go to the police. But though he and his father had to leave the country. After that, local churches started to preach that parents kept an eye on their children and did not let them visit Club "№19" because this organisation "promoted sex between men, homosexual mores, and European values when homosexual couples would take their children away". On 1 August 2015, the 18-year-old son of Apriori Center's director was beaten on the street and named "shaggy rooster and sodomite just like his parents" (*rooster* is a Russian slang equivalent for the word "fag"). The assailants were unknown persons who approached him from behind, hit his head with some object and then kicked him multiple times. As a result, his arm was fractured and he had multiple hematomas. The victim refused to go to the police. However, later he left the Republic of Moldova together with his father and younger sister.

4. BIAS-MOTIVATED INCIDENTS

- 4.1. There were several bias-motivated incidents that occurred during the annual LGBT Pride Festival "Rainbow over Dniester". On 14 May 2015, between 16h and 18h, the Jolly Alon Hotel in Chişinău was hosting an activity within the annual LGBT Pride Festival – the press club "Homosexuality and Christianity". At 16.20h, a middle-aged woman signed up in the participants list under the name of Rodica Mândru, representing the Kishinyovskiye Novosti newspaper (Кишиневские новости). She entered the conference hall with a gift bag and took a seat at the end of the room. After a while she left the room looking for the bathroom and never returned. Shortly, the conference hall started filling with strong sewage smells. A GENDERDOC-M representative went to the back of the room to see where the smell was coming from, looked down and saw that gift bag with human faeces scattered on the floor. On the pile of the faeces there was left a typewritten note in a picture frame sized 20x30 cm. The contained the following message, "From a journalist to a journalist: This is how the final product of mass media outpoured on the mind of our people will look like. P.S. [These are] the consequences of this conference". The activity was suspended for 30 minutes for the room to be cleaned. Some participants felt unwell and left the event. The hotel surveillance cameras had captured the woman's image and a screenshot was saved for the police. GENDERDOC-M filed a formal complaint to the police but the perpetrator

was never found.

4.2. On 15 May 2015 (the annual LGBT Pride Festival period), at 10:40h, the executive director of GEBDERDOC-M Information Centre Anastasia Danilova called a taxi cab service. The cab with the licence plate number CQU042 arrived. While in the cab, she was talking on the phone about the upcoming LGBT March for Equality, to what the taxi driver said, “Why are you so angry? You’re angry on TV; you’re being angry now, too. Are you all [in the organisation] so angry?” Anastasia replied, “No, it’s just me, because I’m the executive director”. The taxi driver replied, “Next time you call the taxi cab service, let them know in advance from which organisation you come, because I am sick of driving you. I will not accept your orders. And see you soon”. Anastasia asked him, “So when we will see each other if you are not going to accept our orders?” The driver replied, “Sunday, at your march. I come there every year as a crowbar”. As soon as she got off the taxi, Anastasia phoned the 14222 taxi cab service and insisted that the service management reacted to these threats. The next day, the taxi cab service management called her and said that they had fined the driver and suspended from work for two days. Later, GENDERDOC-M was informed that the driver had been dismissed from work.

4.3. On 15 May 2015, two GENDERDOC M staffers Angela Frolov and Artiom Zavadovschi received threats via the social network vk.com from a person with the name Duku on his profile. Messages were written in Russian and read as follows:

To Angela Frolov on 15 May: “Hey, ugly creature. Tell me where and when are you going to march tomorrow? Crud, answer me. When and where do you want to get beaten? Is it true that it’s more comfortable for us to catch you on Renaşterii [Boulevard] when you’ll be ascending the Komsomol Monument?”	To Angela Frolov on 17 May: „)) How was the walking? You know what I’ve noticed?... I can’t find any pictures with your mugs. So, when you, crums, will be able to march without the triple police protection, you’ll be able to feel your victory. But for now, beware. And tell Danilova [Anastasia Danilova, executive director of GENDERDOC-M]: if I see that creature with leaflets again, I’ll spit in her face for sure.
To Artiom Zavadovschi on 15 May: “God forbid I meet you on my way, animal. Your phenotypic quality as a “male” allows me to punch you in the nose without any remorse. I will do it with pleasue on the first occasion, crud. At what time are marching down Renaşterii [Boulevard]?”	

4.4. On 27 September 2015, the GENDERDOC-M staffer Artiom Zavadovschi, an openly gay man, was waiting for the public transport at the Bariera Sculeni Street trolleybus station in Chişinău. A young, obviously drunk man passed by and said something to him. Because Artiom had headphones in his ears, he took them off and asked the man to repeat what he had just said. He said, “You are a fag, aren’t you? You’re a fag!” Then he went away.

4.5. C. A. is a 22-year-old asylum seeker from Ukraine. His mother is a Moldovan national. He was born in Ukraine and lived there ever since. He is an androgynous model. Sometimes he wears extravagant clothes and jewelry designed for women. He is subjected to frequent harassment and verbal violence (at least once a week) on streets of

Chişinău due to his feminine looks and clothes and is often named “sodomite”. People on street often question his gender by asking if he is a boy or a girl or tell him to pull down his pants so they can see his genitals. Sometimes unknown people take pictures of him without asking for his consent. On the street where he temporarily resides, a 13-year-old girl calls him a “fag” every time he passes by. In March 2015, he was subjected to degrading and humiliating treatment from a female doctor he had gone to see for a refugee medical certificate due to his feminine gender expression. When he took off his shirt and the doctor saw his pierced naval, she called him a “hermaphrodite” and asked if he had male genitals. Upon receiving an affirmative answer, she said, “It’s good that you haven’t cut them off”.

4.6. On 21 May 2015, C.A., the same 22-year-old self-identified androgynous person from Ukraine was physically assaulted by an unknown man on the way to a university in Chişinău, where he attended evening Romanian-language courses. Standing at the bus station waiting for the bus, he felt someone pulling at the right shoulder of his shirt. He was forcefully turned around by a seemingly drunk man in his late 20s, who grabbed the chest of his shirt. The assailant was much taller and stronger than the victim. He was shouting in Romanian, but the victim could hardly understand him because he was unfamiliar with the perpetrator’s dialect. The only words he understood were “you are a fag” and “sodomy in our country”. The assailant tore the cap off the victim’s head and started to pull him to the side over the flowerbed. Male passers-by did not react at all, while female passers-by tried to intervene. The assailant tried to punch C.A. in the face, but the young man managed to avoid being hit and then broke free from the assailant and ran away. The victim did not call the police, because he had previously signed some papers at the Migration and Asylum Bureau obliging him “not to enter into conflict with the local population”. The young asylum seeker had not been informed of his rights by the bureau, and especially the right to not be subjected to violence by anyone, including representatives of the “local population”. It should be noted that this incident occurred just four days after the 3rd LGBT Pride March for Equality in Chişinău.

4.7. On 24 November 2015, C.A. the same 22-year-old androgenous person was assaulted by his neighbour at the refugee placement centre, Muhammed Reshad. The neighbour is of Afghani origin and hates C.A. because of his bisexual orientation and feminine gender expression. He tried to physically attack C.A. in the hallway of the refugee placement centre. C.A. managed to get into his room and lock the door. The assailant tried to break the door and C.A. called the police. When the police arrived, the assailant was insulting C.A. and saying that people like him, who have sex with other men, should be killed. The police officers told the assailant that he was in Moldova where every person is equal before the law and must respect laws of this state, and that C.A.’s personal life is only his business. Police drew a report and fined Muhammed Reshad with 200 MDL according to Article 354 (hooliganism) of the Code of Administrative Offences.

4.8. In 2013, the extremist gang called “Occupy Pedophilia” began to hunt down gay and bisexual men in Moldova. Members of the gang claimed they were fighting pedophiles when actually they were looking for their victims on dating websites for gay and bisexual men. They would create fake accounts on those websites, engage in discussions with gay and bisexual men and then invite them to meet offline. At the meeting point, victims are encountered by a number of young men, members of the gang (some of them are minors). Then they humiliate, assault,

sexually harass, and torture victims while videotaping the entire process on camera. Afterwards the video footage is uploaded to social networks where the gang has pages or accounts open. At least seven videos of this kind were shot in the Republic of Moldova. Three victims of this gang turned to GENDERDOC-M for legal assistance. On 28 April 2015, on the social network vk.com appeared a message of threat towards four LGBT rights activists and advocates: Alexei Marcicov, Angela Frolov, Doina Ioana Străisteanu, and Oleg Brega. The threat was published on the personal account of the Occupy Pedophilia gang leader in Moldova, Stanislav Ghibadulin, reads as follows (translated from Russian): „*O.Brega; A. Marcicov; A. Frolov; D.I. Străisteanu, Welcome! Today is going to be an interesting day. Namely today you are going to feel a cold sweat on your skin, perhaps, even fear. The main thing is yet to come ... The game is just beginning. You do not value life and are bound by one sin. Your hands have brought suffering to many people. Therefore, I am going to prove you that it's not up to you to decide for their fate. Be careful, your life is in my hands now*”. The threat was followed by a soundtrack from the “Saw” horror film. Several complaints were filed to the police without any results.

- 4.9. A number of incidents perpetrated by the Occupy Pedophilia gang occurred during the annual LGBT Pride Festival “Rainbow over Dniester” that took place in Chişinău on 13 – 17 May 2015. One of the festival activities was the photo exhibition “Because I Live Here: Snapshots of LGBT Lives in Moldova by Annika Keller”. The exhibition was hosted by B.P. Hasdeu Municipal Library in Chişinău and its opening was held on 13 May at 19:00h. At around 19:30h, a group of minors, whom GENDERDOC-M representatives identified as the Occupy Pedophilia gang members, tried to enter the library premises and visit the exhibition. The minors were being rowdy and rude. The private security guard hired by GENDERDOC-M did not allow them entry to the exhibition. Then they went outside and began to show exhibition visitors indecent gestures through the library windows.
- 4.10. On 17 May 2015, the GoldBar Night Club hosted the Safer Sex Promotion Party, an event held within the annual LGBT Pride Festival in Moldova. Several guests were harassed by a group of about 10 young men, seemingly minors, who were saying nothing, just standing on their way, close to them, and looking them in the eye. They were saying something in Romanian (the guests, who happened to be foreigners, were unable to understand what exactly) with an aggressive tone. The night club security guards noticed the incident and immediately approached minors and chased them away. The festival guests were accompanied to the club. In another case, the same minors surrounded the taxi cab with two festival guests who had just arrived and tried to open the doors, but the taxi driver blocked them. They were forced to leave by taxi back to the hotel. The police were called and two complaints on harassment were filed without any results.
- 4.11. On 18 July 2015, the rainbow flag was stolen from from the flagpole installed in front courtyard of GENDERDOC-M Information Centre. The video footage from the office surveillance camera showed that on 17 July, at 23:30h, four young men dressed in sport suits and wearing hoods on their heads, allegedly members of the Occupy Pedophilia gang. They were discussing something for 15 minutes. Then one of them climbed over the fence and stole the rainbow flag. Then all together they ran down Valeriu Cupcea Street in the direction of the Turkish Embassy. An official complaint was filed to the police. Several weeks after, the Occpu Pedophilia gang leader Stanislav

Gibadulin sent a message to the GENDERDOC-M staffer Angela Frolov on the social network Facebook. The message contained insults towards Angela and the flag, which confirmed the fact that the flag had been stolen by the Occupy Pedophilia gang members. A screenshot copy of those insults was attached to the flag disappearance file by the police. The prosecutor's office refused to open a criminal investigation on the grounds that the amount of damage was insignificant.

- 4.12. On 6 December 2015, at 00:13h, the second rainbow flag was stolen from the flagpole installed in the front courtyard of the GENDERDOC-M office. An unknown man with a hood on his head and medical mask on his face trespassed the territory of GENDERDOC-M office having climbed over the fence through the neighbors' courtyard and took the rainbow flag from the flagpole. Then he put the flag in his pockets, climbed over the fence again and left. The next day the police were called. They drew a report and called the police task force. The results of investigation have been not communicated to GENDERDOC-M yet.
- 4.13. I.L., a gay man from Tiraspol (Transdnistrian region of Moldova), got acquainted with an 18-year-old man named Daniil (the age was indicated in the profile) on the dating website mamba.ru. They agreed to meet. On 6 August 2015 they met next to a café. They went for a walk and they approached some building, six young men (seemingly minors) with medical masks on their faces and a video camera in the hands of one appeared in front of them. They began to tell I.L. that the boy he had just met was met was only 15 years old and that I.L. was a pedophile. They punched I.L. in the face and ribs. He fell on the ground and they started to kick him. He managed to get up and flee from them. He went to the road lane and stopped a public minibus. When he got in, the assailants opened the minibus door and shouted that he was a pedophile. The driver started the car and I.L. managed to escape from the assailants. The minors were acting according to the same scenario as the Occupy Pedophilia gang in Chişinău.
- 4.14. On 22 July 2015, a group of prankers called Prank MD carried out and videotaped a social experiment in Chişinău. A young man with the poster "I'm gay and it's normal" stood in front of the Central Post Office for one hour. During this time, he was physically and verbally assaulted. Even at the beginning of the experiment, another young man, who was passing by, snatched a piece of the poster from the pranker's hand. Later, another young man pushed him firmly in the chest. Several passers-by told him to leave. Dozens of people were filming, photographing and laughing at him. Some threatened him with violence; someone threw an empty plastic bottle at him. Two passing by women cursed him⁵.

5. HATE SPEECH, INCITEMENT TO HATRED AND DISCRIMINATION

- 5.1. On 28 May 2015, a GENDERDOC-M beneficiary got a newspaper from a person in the street. It was the May 2015 issue of the newspaper called "Socialiştii" (official newspaper of the Party of Socialists of Moldova). On the last page of the newspaper in the bottom left corner was paragraph called "About gay parades" with the following text: "We are categorically against gay parades. Something like this must be out of Chişinău. We have our own values. We want to see a young and healthy generation. I must remind you that several years ago [the Party of] Socialists registered two draft

⁵ <https://www.youtube.com/watch?v=2Xdt4xSRyav>

laws in the Parliament – on banning homosexual parades and prohibiting any type of agitation with regard to non-traditional sexual orientations, as well as prohibition of homosexual propaganda among children”. The text was written by Igor Dodon, Chairman of the Party of Socialists.

- 5.2. On 14 June 2015, local elections took part across Moldova, including for the Mayor and City Council of Chişinău. The Party of Socialists of Moldova nominated Zinaida Greceanîi for Mayor of Chişinău. The Party of Socialists released a political advertising video spot produced in Romanian and Russian. There, the Chairman of the Party of Socialists Igor Dodon accuses the current Government of “destroying our traditional values and Christian morality” while in the background appears video footage from the LGBT March for Equality held by the GENDERDOC-M Information Centre on 17 May in the centre of Chişinău. The footage featured five GENDERDOC-M staffers.
- 5.3. Between 14 and 28 June 2015, unidentified people distributed leaflets in front of a number of churches on behalf of the Moldovan Christian Orthodox Movement. The leaflet was titled “Why we cannot vote for Dorin Chirtoacă as the Mayor”. The first argument read as follows: “[Because] He allows shameful parades and events of homosexuals. Thus, he threatens our children’s moral security. What is going to happen in a few years?” The last paragraph stated: “Let’s not vote for a political PRO-sodomite mayor. Let’s vote for a traditional housewife, with a soul of a mother who has a family and children, to get to the City Hall. Now it depends on your vote whether Chişinău will be a neat household or the CHAOS and HOMOSEXUALS will be marching through it”.
- 5.4. A priest of the Moldovan Orthodox Church, Vitali Şîncari, posted on his Facebook page a homophobic message (taken from the book by a Russian writer Viktor Pelevin) without indicating that it was a quote from a literary text. The message contained indignant words and compared gays with the flies which were imposing their naughty sexual acts on society; however, “unlike the flies “sodomites” do it consciously”. This post was commented by many people with hatred and incitement to violence. The priest did not make a single attempt to stop those instigations.
- 5.5. On 30 November 2015, Bogdan Țîrdea, a Member of Parliament from the Party of Socialists made the following statement: “This minority adopts the Nondiscrimination Law which protects the gays. However, in Moldova, there only two gays and both are part of the governing Alliance [of parties at power]. And they are so well protected. You understand that two gays are granted protection from the state”.

6. EQUALITY AND NON-DISCRIMINATION

According to Moldovan legislation, a foreign citizen can reside on the territory of Moldova without registration only three months. Then s/he must leave the country for another three months. Many gay couples, where one partner is not a citizen of the Republic of Moldova, are forced to separate every three months for another three months. For these couples this way of living is a torture. If they were not people of the same sex, they would be able to marry, which would allow them to request a residence permit for the spouse, who is a foreign national, for 12 months with the possibility of extension and even request citizenship of Moldova after five years of living in the country. The residence permit also provides the right to work. Since same-sex marriage is prohibited in Moldova same-sex couples have no legal ground to be together in

the country. The only opportunity for them is to go to a foreign country where same-sex marriage is allowed. This option, however, is possible only for some couples. The Council of Europe says that legalisation of same-sex marriage is at the sole discretion of each member state. We, however, consider this being enormous discrimination, which causes human suffering and serious violations of people's rights.

6.1. In April 2015, GENDERDOC-M began production of social advertising video spots with the information campaign "Because I Live Here", which was launched during the annual LGBT Pride Festival "Rainbow over Dniester". To broadcast these video spots GENDERDOC-M contacted several television companies, who calculated the price of distribution, elaborated a media plan, and sent the invoice and contracts for signing. One of those television companies was JurnalTV. On 5 May GENDERDOC-M transferred the agreed amount of money to the JurnalTV's bank account and went to their offices to sign the contract. According to media plan, the video spots were to be broadcast from 8 May. On 7 May, the PR consultant of GENDERDOC-M, who was involved in the elaboration of the information campaign and led negotiations with all mass media representatives, received a phone call from a JurnalTV representative who announced her that JurnalTV was unable to broadcast those video spots due to political reasons. The decision was made by the leadership of JurnalTV and was motivated by the fear of the TV channel being attacked for broadcasting such video spots, especially after the anti-governmental rally that took place on 3 May. On 4 May another transfer was made to the bank account of the Telelradio-Moldova (the state TV and radio company) according to the previously received invoice. On 8 May, the day when the video spots were to begin running, the director of Teleradio-Moldova, Mircea Surdu, requested a meeting with the representatives of GENDERDOC-M. At the face-to-face meeting he asked for the broadcasting to be postponed until September 2015, because there were risks of provoking public protests due to the broadcasting of these video spots on the eve of local elections. GENDERDOC-M decided it would be more productive to move the date of broadcasting in order to maintain positive relations with Teleradio-Moldova. On 2 September 2015, GENDERDOC-M returned to the subject and asked Teleradio-Moldova to prepare a new media plan. However, Teleradio-Moldova representatives made it clear that the video spots would not be broadcast and asked for an official letter from GENDERDOC-M with a request to transfer the money back to organisation's account. Following this, two lawsuits on discrimination were lodged.

6.2. V. and E. are a lesbian couple. In April 2015, E. had some health issues which required urgent medical assistance. Her partner V. dialed 903 for emergency medical help. Over the phone, she was asked in what way she was related to E. V. responded that they were a couple and the emergency medical help line replied that they had registered the call. After 30 minutes of waiting there were no doctors and E.'s health condition was worsening. V. called the emergency medical service again and was told there were no cars available. V. called her mother, a doctor in the Transdnistrian region of Moldova, who in her turn called the emergency medical service in Chişinău and made a scandal. Shortly after this the emergency service, a male doctor with a female assistant, arrived. When V. opened the door they immediately began to haul over the coals asking her why she had done so much fuss and why she had called the service so often. Then he asked V. why it had taken them so long to open the door and what they had they been busy with adding, "You'd better lead a normal life!" The doctor entered the room where E. was lying on the bed and asked her why she was "whining"

and if she was pregnant. She replied that she couldn't be pregnant because she was in a relationship with a woman and not with a man. The doctor said, "Of course, with such a lifestyle like yours it's normal to have pain. For a woman to be healthy she needs to be in a relationship with the man". He continued asking her questions about personal life which had no relevance. The doctor spoke to her with an irritated tone and breaking her off. He told E. and V. that he was a military doctor and had been at war but he had never met people like them. Eventually, E. was taken to hospital. At the hospital, the doctor told employees at the registration desk that the two women together. While waiting for E. to be directed to another doctor, V. was hugging and warming up E. and the hospital workers at the registration desk were staring and laughing at them.

- 6.3. J.P. is 15-year-old transgender girl. She has long hair, wears makeup regularly and looks feminine. For this she is constantly harassed at school. In 2015, she was transferred to the theatre lyceum where the situation is slightly better; however, nobody wants to either be friends or even interact with her. To avoid discriminatory treatment J.P. doesn't allow herself to who she really is at school. She wears boys' clothes and permanently controls her behavior. For she cannot be the way she wants to be at school, she wants to drop out. Every time her biological father, who lives separately, sees her he sermonises about how a man should look like and forces her to cut her hair.

A number of discriminatory incidents occurred during the annual LGBT Pride Festival "Rainbow over Dniester", which took place on 13 – 17 May 2015:

- 6.4. On 11 May, in solidarity with the LGBT Pride Festival "Rainbow over Dniester" the local office of Civil Rights Defenders organisation hung the rainbow flag from the balcony of their office situated on the 3rd floor of the Zepter building on 67 Şciusev Street in Chişinău. On 12 May, the Brand Manager of Zepter Jana Vizitiu Civil Rights Defenders with the question, "Why have you put out the rainbow flag on the balcony of our building? This is the symbol of sexual minorities. Passers by enter the building and others call us asking if we have LGBT people in the building". After Civil Rights Defenders had refused to remove the flag, Jana Vizitiu addressed to the building owner, Alexandra Stropşa. The building owner approached the situation very negatively and arrived in the office in 10 minutes insisting that the flag was removed from the balcony. She argued that she was aware of the fact that aggressors throw stones at LGBT people during marches and that she had a very negative attitude towards subjecting the building to a potential risk of material and moral damage. MsThe building owner tried to scare Civil Rights Defenders staff with the possibility of calling the police or other authorities who would come and remove the flag from the balcony, stating that Civil Rights Defenders had violated the tenancy agreement by having placed the LGBT flag without her consent.
- 6.5. The LGBT march for Equality "Because I Live Here" was scheduled to take place on 17 May. For security reasons, all people interested in participating in the march were advised to come the GENDERDOC-M office from, where, in an organised manner, they would be taken to the starting point of the public activity by four minibuses. The hired minibuses from the transport company "Denival Trans LLC" had to be at the GENDERDOC-M office at 10:00h. At 10:00h, the GENDERDOC-M accountant received a phone call from the transport company director, Constantin, who informed

her about an unexpected problem. The minibuses that he had hired from another company refused to come because one day before that company had been contacted by some individuals who introduced themselves as police officers and representatives of the Anticorruption Prosecutor's Office. The transport company was warned that if they came to GENDERDOC-M, they would have big problems. Representatives of GENDERDOC-M had to urgently seek other transport under the high risk of not being able to organise the march eventually.

- 6.6. M.C. is a transsexual woman. In 2013, based on the court judgment she managed to have her ID changed, which reflects her preferred name female gender identity. After she had started transitioning she did not change her place of work at a governmental agency, this is being the reason why she is subjected to humiliating and discriminatory treatment from colleagues and administration. On 26 May 2015, together with all agency employees she was sent to the annual medical check-up in the state clinic "Constructorul" in Chişinău. There she was given her medical history report with the new name and gender marker according to the new ID, which she had obtained a year before. However, the medical history report contained information about her previous medical check-ups which she had undergone when she still had documents issued on the male name. The medical history report had been sent to the clinic from her work, and thus she was outed to the medical workers in the clinic. She revolted and asked the clinic staff to issue her a new medical history report form and for the old one to be eliminated. In the clinic, she was told that her medical history report would be preserved in the clinic's archives, and that it was up to the doctor's at her work to issue her a new medical history report form. Nevertheless, she was given a blank check-up form and sent for check-up at different doctors, the last one in the list being gynaecologist. She went through the check-up with all doctors except the gynaecologist. When returned to work, she asked the doctor why her old medical history report had been sent to the clinic without her consent, thus her transgender identity having been disclosed. She also requested issuance of a new medical history report and elimination of the old one. Doctor manifested aggressive behaviour and even insulted M.C. She was told her old medical history report would be replaced once it came back from the clinic. Nevertheless, she was still forced to go through the gynaecological check-up. She was told that if she hadn't gone through it, she would have been dismissed from work.
- 6.7. A.G. is a gay man. He and his gay friends used to spend evenings at the karaoke bar "To4ka" in Chişinău. On 29 August 2015, A.G.'s friends visited this venue and they were told that they were banned from entering it again because they had allegedly behaved inappropriately, i.e. they kissed and danced together (two men). On 8 September evening, A.G. and a gay friend of his made an attempt to enter the karaoke bar again. They talked with the bar owner, who said that because of them he was losing clientele and that he didn't allow them in his venue anymore. A.G. filed a formal complaint to the police. The police sent the case to the Council on Prevention and Elimination of Discrimination and Ensuring Equality. On 9 November, Council held a public hearing where it recognised discrimination on the ground of sexual orientation in accessing goods and services⁶.

⁶ Decision of 20 November 2015, Case no. 329/15 (A.G. and. P. G. vs V.B., administrator LLC "Avilux-Service" [Venue "To4ka"]) on discrimination on the ground of sexual orientation in access to goods and services available to the public http://egalitate.md/media/files/files/decizie_329_15_depensionalizat_8041531.pdf

6.8. D.M. is a 17-year-old gay man. In November 2015, he was unofficially employed as a janitor by the bar “CoffeeMolka” in Chişinău. The bar personelle often addressed him questions about his personal life such as “Who do you like boys or girls?” On 25 December, D.M. was thrown out of work with the words “We do not need such goodies like you! Go around the corner, there are those just like you” (referring to the Spălătorie Bar which hosts LGBT parties). D.M. could not lodge any complaint because he hadn’t been employed legally being underage and having no proof that he had worked in that place.

7. FREEDOM OF ASSEMBLY

7.1. Between 13 and 17 May 2015 the LGBT Pride Festival “Rainbow over the Dniester” under the slogan “Because I Live Here” took place in Chişinău. On 17 May, the LGBT March for Equality under the same slogan was held in the centre of Chişinău. The march began at 11:00h on the intersection of Albişoara Street and Grigore Vieru Boulevard and finished 20 minutes later on the intersection of Ierusalim Street and Grigore Vieru Boulevard, where minibuses were for participants. Despite the fact that the place and time of the march had been held in secret and this information only known by the GENDERDOC-M staff and police, at 11:00h a group of 20 counterdemonstrators appeared at the starting point of the march but were walking along the March for Equality on the sidewalk. Counterdemonstrators were separated from the March for Equality participants by a broad road lane and two lines of police. They were carrying banners with a rooster placed in the no sign (*rooster* refers to the Russian slang equivalent of “fag” inside the prohibition sign) and shouting different homophobic slurs such as: “One, two, Sodom away!”, “Down with the Antichrist law!”, “Down with sodomy!”, “Shame!”, “Abomination”. The counterdemonstrators threw rotten eggs (at least three eggs were thrown at the participants in the march none of which hit any participants). An egg landed right at his feet of the US Ambassador James D. Pettit while he was making a speech. After the march ended, a group of minors from the Occupy Pedophilia went to the GENDERDOC-M office but they were stopped by the police not far from the office. A group of priests headed by the religious extremist Ghenadie Văluţă went to the place where the march had happened sprinkled holy water over it to “clean the uncleanness and infamy”.

7.2. To test how well the Law on Freedom of Assembly is applied, on 14 July, GENDERDOC-M held a protest march against hate crimes in Bălţi. On 8 July, organisers sent a notification letter to Bălţi City Hall requesting ensurance of police protection for participants. The march was planned for 12:00h, with the starting point in front of the City Hall and Prosecutor’s Office (located in the same building) and the ending point in front of Bălţi Police Inspectorate (about 200 meters away from the City Hall). On July 13, the GENDERDOC-M representative Angela Frolov received a phone call from the representatives of the Patrol Police Inspectorate in Chişinău who informed her that that they would ensure protection of participants because “you can enjoy the right to freedom of assembly anywhere in Moldova”. However, the representatives of police tried to negotiate the following: 1) They asked participants not to carry the rainbow flag as to not incite provocations; 2) They asked not to march from the City Hall to the Police Inspectorate and only have a protest rally in front of Bălţi Police Inspectorate; 3) They asked not to stand right in front of the City Hall because there was a Ştefan cel Mare monument installed right in front of it (the “national symbol” as they referred to it). “It would be better if you moved a hundred meters away from it”, they

said. The GENDERDOC-M representatives refused to comply with these requests and marched with the rainbow flag down the route determined in advance. During the march, some passers-by were shouting words of hatred demanding prohibition of the public activity⁷. Several people who happened to be around were shouting slurs such as “Go away, you fags! Here are my children; they are watching you”, “Go away from the city!”, “Your place is not here!”, “Educate the children the right way!”, “Why do they have the right to express their opinion? Tell me, please, why such a thing is allowed?”, “They disturb me and the entire city. Look, the whole city is standing and watching as the police sits and does nothing. Get them out of here! Where is Usatî (Mayor of Bălți, Renato Usatî)?”, “God gave us a normal family, made up of a man and a woman, and what are they demonstrating?”, “Something like this must not be demonstrated in the city. Something like this should be destroyed!” etc. The police reacted in most extreme cases. They would approach aggressors and say something after which those would stop shouting slurs. Journalists would then approach them and take interviews.

⁷ <http://www.europalibera.org/content/article/27127376.html>