



The Violations of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in MOLDOVA

A Shadow Report

Submitted to the Human Rights Committee by:

GenderDoc-M

Global Rights

ILGA-Europe

International Human Rights Clinic, Human Rights Program, Harvard Law
School

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Introduction

This shadow report is collaborative effort created and submitted by GenderDoc-M,¹ Global Rights, ILGA-Europe, and the International Human Rights Clinic, Human Rights Program at Harvard Law School.²

The Republic of Moldova declared independence from the USSR on August 27, 1991, and was admitted to the UN in March 1992. Moldova acceded to the ICCPR on January 26, 1993. Private sexual activity between same-sex consenting adults has been legal in Moldova since 1995 and the age of consent is the same for sex acts performed between persons of the same or the opposite sex. However, there is no legal recognition of same-sex unions.

Despite a Council of Europe Parliamentary Assembly Resolution recommending that Moldova “ensure the fundamental rights of sexual minorities,”³ including members of the LGBT community, even the Moldovan authorities acknowledge in their State Report before this Committee that “the reality is that the behaviour of authorities and the entire society is far from being in compliance with the international standards” in observing the rights of sexual minorities.⁴ The fundamental source of much of the discrimination and homophobic acts in Moldova is the general antipathy toward members of the LGBT community that pervades Moldovan society. Many individuals of the LGBT community who face discrimination, threats, or violence on account of their sexual orientation or gender identity do not file charges or report incidents to LGBT-rights organizations or the police, fearing that their friends and family will learn of their sexual orientation or gender identity. Thus, acts of discrimination are likely even more prevalent than those documented in this report.

¹ GenderDoc-M is an LGBT advocacy group in Moldova. Information about this organization is available at www.gay.md/eng/.

² This report was drafted by Lee Baker (J.D. candidate) and Sheila Myung (J.D. candidate), under the supervision of Mindy Jane Roseman (J.D., Ph.D. HLS) with significant assistance from Alexei Petrovich Marcicov and Boris Balanetkii of GenderDoc-M and Beth Fernandez from ILGA-Europe; special thanks to Stefano Fabeni (J.D., LL.M.); and those who contributed on condition of anonymity.

³ Eur. Parl. Ass., *Functioning of democratic institutions in Moldova*, Res. No. 1465, § 14.4 (2005).

⁴ Republic of Moldova State Report to the UN Human Rights Committee, ¶632 (2007).

Substantive Violations of the ICCPR

Article 9 (Right to Liberty and Security of the person)

Police intimidation

Members of the LGBT community are often subject to increased scrutiny by the police, and are often harassed because of their sexual orientation or gender identity.

As indicated by the Special Representative of the Secretary General on the situation of human rights defenders “Since the establishment of the mandate, the Special Representative has acted on 36 cases of alleged attacks and threats against defenders of LGBTI rights in all regions. Communications have been sent to Belarus, the Holy See, Latvia, *Moldova*, Poland, Russia, Turkey, Nigeria, Uganda, India, Nepal, Argentina, Chile, Ecuador, Honduras, Jamaica and Iran. Defenders have been threatened, had their houses and offices raided, they have been attacked, tortured, sexually abused, tormented by regular death threats and even killed. A major concern in this regard is an almost complete lack of seriousness with which such cases are treated by the concerned authorities.”⁵ (italic added)

In 2006, police stopped a group of people involved in the 5th annual Gay Pride event for placing posters in unauthorized locations. This would normally result in a fine being assessed on location. However, once the officers noticed the nature of the event being promoted, the group was brought to the police station and placed in a cell for three hours, before being released and fined. During their detention, they were mocked and threatened because of their involvement with the LGBT community. One police officer threatened to reveal a group member’s presumed sexual orientation to his parents and the university he attended. Given the high social stigma associated with being a member of the LGBT community in Moldova, such a revelation would have been devastating to the individual in question.

Police have also singled out members of the LGBT community for discretionary identification checks. If individuals are unable to present appropriate identification, they are often harassed and threatened. On February 19 and 20, 2007, police officers demanded identification from young men in a park known to be a popular meeting place for members of the gay community. When these young men were unable to present their identification, they were taken to the police station, where they were searched and interrogated about their sexual orientation. The police also confiscated any money they had on their person, and some of the men were threatened with physical harm. A complaint filed by GenderDoc-M⁶ with the Police Commissariat of Chisinau municipality did lead to punishment for those involved.

⁵ Report of the Special Representative of the Secretary-General on the situation of human rights defenders, A/HRC/4/37, January 24, 2007.

⁶ GenderDoc-M is an LGBT advocacy group in Moldova. Information about this organization is available at www.gay.md/eng/.

Article 14 (Right to fair trial)

Refusal of permission to speak and delayed judgment

In March of 2006, Chisinau City Hall rejected an application by GenderDoc-M to hold a demonstration for Gay Pride, citing the possibility of public disorder based on letters it had received, from community and religious organizations, in opposition to the Pride. GenderDoc-M challenged this ruling in the Appeals Court⁷, and presented Alexei Marcicov, president of the organization, as a witness. When he asked to comment on the letters sent to City Hall in opposition to the Pride, however, he was refused permission to speak. No explanation was given as to why Mr. Marcicov was not permitted to speak. Furthermore, the Appeals Court judgment, which supported City Hall, was not released for five months following the hearing, despite a rule requiring judgments to be delivered within seven days.⁸ The Supreme Court reversed the decision of the Appeals Court on Dec. 20, 2006.

Article 17 (Right to privacy)

Police pressure

As noted earlier, Moldovan police often unjustifiably single out members of the LGBT community for heightened scrutiny. In April 2006, Nastea, a member of the LGBT community and a foreign national, was brought in to a police station and asked to sign a document that would prohibit her from meeting with one of her female friends. This was prompted by a letter written by the friend's husband, accusing Nastea of trying to negatively influence his wife and young daughter. This accusatory letter explicitly mentioned Nastea's sexual orientation. Although this letter was written in Romanian, a language with which Nastea was unfamiliar, the police refused to provide a translation. Despite the fact that Nastea's friend, who was also brought to the police station, denied her husband's accusations, Nastea was coerced into signing the document for fear of losing her passport, which was being held by the police. The police also demanded that Nastea write a declaration with information about her private life, her relationship with her partner, and her relationship with her friend and her friend's daughter, all in violation of her right to privacy under the ICCPR.

Denial of medical information to a transgender individual

Transgender individuals in Moldova often have difficulty finding information regarding sex reassignment and other medical procedures. Inquiries to the Moldovan Ministry of Health on transgender issues often go unanswered, and transgender individuals may face prejudice when seeking advice from Ministry staff.

In January 2006, a 19-year-old male-to-female transgender individual approached Alexandra Rusnac, the Chief Sexopathologist at the Ministry of Health and director of the Mental Health Community Center, to obtain information regarding sex reassignment. In

⁷ GenderDoc-M v. Chisinau City Hall

⁸ Republic of Moldova Civil Code Art. 259.

the ensuing discussion, Ms. Rusnac insisted on addressing the individual using the male name listed on her passport instead of her chosen female name, called the male-to-female sex reassignment process “stupidity,” insisted that the individual disclose her gender identity to her parents without inquiring as to whether she was ready to do so, suggested she undergo psychotherapy “to help” her “get rid of this tendency,” and suggested that she wait until the age of 24 or 25 to “see if this tendency would disappear.”

Distressed, the transgender individual contacted GenderDoc-M, which sent a letter to the Ministry of Health on March 14, 2006, to demand an explanation for Ms. Rusnac’s behavior. The Ministry responded that the patient was a minor and could not act without her parents’ consent, and that Ms. Rusnac was no longer Chief Sexopathologist. Although the law requires that inquiries to the Ministry of Health be answered within one month,⁹ almost three months elapsed before GenderDoc-M received the Ministry’s response. During this period, two phone calls were placed to the Ministry, requesting that a response be sent. Each time, Liviu Vovc, Head of the General Health Department, responded that “the letter was lost.”

No reply was ever received to a further letter sent by GenderDoc-M on September 29, 2006, requesting answers to a series of questions regarding transgender issues. On October 3, 2006, GenderDoc-M sent the Ministry another letter, explaining that transgender individuals faced problems in finding adequate medical assistance relating to hormone therapy and mental health issues, and seeking information regarding sex reassignment procedures in Moldova. Although GenderDoc-M received a letter from the Ministry on October 25, 2006, it did not respond to the specific questions raised by GenderDoc-M’s prior letters. The organization is still awaiting a reply to its queries.

The obligation of Moldovan authorities to ensure healthcare assistance related to gender reassignment derives, among others, from the judgment of the European Court of Human Rights in the case of *Van Kück v. Germany*,¹⁰ where the judges asserted that the failure of a member state to ensure an effective judicial remedy to the refusal of an insurance company to cover the healthcare costs related to gender reassignment violated the right to private life of article 8 of the European Convention. The judges highlighted that “gender identity is one of the most intimate areas of a person’s private life”¹¹, as also emerged in *Goodwin v. United Kingdom*,¹² where the Court established that the refusal of a member state to allow the rectification of the birth certificate of a post-operative transsexual individual constitutes a violation of article 8 of the Convention.

Article 19 (Right to freedom of expression)

Refusal of recognition

⁹ Law About the Submission of Petitions, No. 190-XII, art. 8 (July 19, 1994); Law About Administrative Court, No. 793-XIV, art. 14 (Feb. 10, 2000).

¹⁰ Application no. 35968/97, 12 June 2003.

¹¹ *Van Kück v. Germany*, para. 56.

¹² Application no. 28957/95, 11 July 2002.

All Different/All Equal (ADAE) is a “Campaign for Diversity, Human Rights and Participation” initiated by the Council of Europe that ran from June 2006 through September 2007.¹³ As part of the campaign, NGOs worked with National Campaign Committees in each participating nation to organize events that furthered the goals of ADAE.

In 2006, GenderDoc-M and other NGOs organized a festival in Causeni as part of ADAE, bringing together representatives from minority groups and the disabled and Roma communities, among others. The festival included a roundtable discussion, a film showing, an open-air concert, and a reception. Despite the presence of religious protesters throughout the festival, the police maintained order and there were no major incidents.

Under pressure from religious organizations, however, the Ministry of Education and Youth removed all mention of GenderDoc-M from the Moldovan ADAE website. Upon meeting with Ion Ceban, a Ministry official, representatives from GenderDoc-M were informed that they could still be considered a partner in the ADAE program, but that there would be no public reference to their involvement with the program. Mr. Ceban also informed GenderDoc-M representatives that if they created a public issue of the matter, any remaining activities they had planned for the program would be cancelled. Making the right to participate in a Council of Europe program contingent upon self-censorship is a violation of GenderDoc-M’s right to freedom of expression, guaranteed under Article 19 of the ICCPR. Such a violation is especially egregious when the reason for suppressing the group’s expression is on the basis of their involvement with the promotion of LGBT rights.

Article 21 (Right to freedom of assembly)

Refusal to authorize demonstrations

Moldovan authorities have repeatedly refused to authorize peaceful demonstrations by members of the LGBT community.

The Special Representative of the Secretary General on the situation of human rights defenders reported to have sent an allegation letter concerning the denial of authorization of peaceful demonstrations organized by GenderDoc M in 2005 and 2006 (as extensively described below).¹⁴

Chisinau City Hall repeatedly barred attempts by GenderDoc-M to hold Gay Pride events. In 2008, an amendment to the legislation on freedom of assembly removed the requirement for prior approval from City Hall to stage peaceful demonstrations.¹⁵ However, other means have also been used to effectively prevent demonstrations in which GenderDoc-M was a participant, or which implicated the rights of the LGBT community. These include the banning of previously-authorized demonstrations at the

¹³ Information about All Different/All Equal may be found at <http://alldifferent-allequal.info/>.

¹⁴ Report of the Special Representative of the Secretary-General on the situation of human rights defenders, A/HRC/4/37/Add.1, March 27, 2007.

¹⁵ Law About Freedom of Assembly No. 26 (adopted Apr. 22, 2008).

last minute and the failure of police forces to adequately protect demonstrators from violent counter-demonstrators.

In March 2006, Chisinau City Hall refused to authorize a Gay Pride demonstration, citing the possibility of public disorder. On July 18, it also banned a youth march planned as part of the Council of Europe's All Different/All Equal campaign, a day before it was to be held, without providing any justification. Religious organizations claimed that the march had been banned at their request, due to their opposition to the participation of members of the LGBT community. Chisinau City Hall also refused to authorize a demonstration by GenderDoc-M scheduled to coincide with Human Rights Day on December 10, 2006.¹⁶ Again, City Hall cited the threat of public disorder, on the basis of letters opposing the demonstration, as grounds for refusal. It was also claimed that a number of other events were organized on the same date, and that police forces were inadequate to cover them all. GenderDoc-M was denied copies of the letters that formed the basis of City Hall's refusal to authorize their demonstration. Furthermore, when Amnesty International Moldova sought authorization for a demonstration on that day, approval was given only on the condition that GenderDoc-M would not participate in any official capacity.

In 2007, applications to Chisinau City Hall for peaceful demonstrations were denied three times: for events on April 27 as part of All Different, All Equal; on May 17, to commemorate International Day Against Homophobia; and on December 10, to commemorate Human Rights Day. The reasons given for denying authorization were that society was not ready to tolerate such "sights," the population would not accept "people like you," and that City Hall had received letters from "indignant citizens" opposing the demonstrations. Despite these claims, authorization for these demonstrations was likely withheld largely due to the personal animus against homosexuality held by members of the Municipal Council Commission. GenderDoc-M filed suit in response to City Hall's actions, and the Supreme Court of Justice overturned one of City Hall's denials of authorization.¹⁷ However, the Commission Chairman, Mrs. Stratulat, has stated that the decision of the Supreme Court of Justice does not impose any obligations on the Municipal Commission.

Even when authorization is not withheld, government officials often withdraw authorization at the last minute. For example, despite prior authorization for the demonstration, the Minister of Industry cancelled an event entitled "Towards a Future Without AIDS," planned for November 17, 2007 in Tiraspol city. The government's refusal to authorize peaceful demonstrations because of the involvement of an organization that promotes the rights of the LGBT community is a violation of the right to freedom of assembly protected under the ICCPR.

These actions not only violate article 21 of the Covenant, but also articles 11 (right of assembly), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the European Convention of Human Rights, as established in 2007 by the European Court of

¹⁶ The necessary forms were registered on November 23, 2006, and given the number 06-115/9376

¹⁷ GenderDoc-M v. Chisinau City Hall, No. 3-1021/2008 (2008).

Human Rights in *Bączkowski and Others v Poland*.¹⁸ In their decision, the judges established that the refusal by the Mayor of Warsaw to an LGBT group to allow a march for LGBT rights was unlawful, and highlighted how the rationale of the notion of right to freedom of assembly is precisely to ensure pluralism and democracy, “[f]or pluralism is also built on the genuine recognition of, and respect for, diversity and the dynamics of cultural traditions, ethnic and cultural identities, religious beliefs, artistic, literary and socio-economic ideas and concepts. The harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion”.¹⁹ The court made clear that decisions involving the right to freedom of assembly based on the applicants’ sexual orientation was not acceptable arguing that “[t]his difference of treatment had not pursued a legitimate aim, the more so as the Mayor and his collaborators had made it plain to the public that they would ban the demonstrations because of the homosexual orientation of the organisers, regardless of any legal grounds.”²⁰

Failure of police to protect peaceful demonstrators from harm

Even when demonstrations involving LGBT groups have been authorized, police have often refused to protect demonstrators from the coercive and violent behavior of other groups. The right to free assembly is meaningless without protection from those who might threaten harm or physically impede peaceful demonstrations. In other cases, the police themselves have prevented the free assembly of those involved in the LGBT community. For example, on April 27, 2007, police officers blocked GenderDoc-M staff and others from laying flowers at the Monument to Victims of Repression as part of the “Rainbow Over the Nistru” festival. In response to GenderDoc-M’s request for an explanation, Chisinau City Hall stated that “the police have exceeded their authority,” but did not hold anyone accountable for the police action. No apology from the police or any other governmental organization was ever received.

On August 31, 2006, GenderDoc-M participated in a demonstration organized by Amnesty International concerning violence against women.²¹ Chisinau City Hall had granted authorization for the demonstration but during the event, police officers objected to the presence of GenderDoc-M’s flag, which was displayed alongside those of other participating organizations, and demanded that it be removed. When event organizers refused to comply, the police, who had been maintaining order at the event, departed. Although no altercations ensued, the police department’s refusal to maintain order and protect an authorized, peaceful event because of the involvement of an LGBT group is highly disconcerting. Neither City Hall nor the Ministry of Internal Affairs has replied to letters of protest lodged by Amnesty International.

On April 21, 2008, GenderDoc-M filed a request with the Chisinau Mayor’s Office to hold a peaceful demonstration on May 11, 2008.²² When Dana Cotici, policy officer for GenderDoc-M, called the Mayor’s Office on April 26 to determine the status of their

¹⁸ Application no. 1543/06, 3 May 2007.

¹⁹ *Bączkowski and Others v Poland*, para. 62.

²⁰ *Ibid.*, para 90.

²¹ More information about the organization may be found at <http://www.amnesty.org/>.

²² This request was filed under No. 02-115/2830.

request, she was informed that, in accordance with the amended legislation on freedom of assembly, prior authorization was no longer required. On May 6, GenderDoc-M filed a letter with the Ministry of Internal Affairs, informing them of the proposed “Rainbow over the Dniester” festival to be held from May 8-11, and requesting necessary protection for the peaceful demonstration scheduled for May 11.²³ A further call to the Mayor’s Office on May 7 confirmed that there were no other requests for demonstrations at the same time and place, and that GenderDoc-M’s peaceful demonstration could therefore go forward. Despite prior assurances from the Mayor’s Office that the demonstration would be allowed to proceed unimpeded, on May 8, two officers of the Prostitution Combating Directorate delivered a letter to Alexei Marcicov, president of GenderDoc-M, informing him that the Mayor’s Office had banned the demonstration. Mr. Marcicov signed the letter, acknowledging that he had been informed that the demonstration was banned, but noted his intention to hold the demonstration regardless, and demanded adequate protection.²⁴

On May 11, demonstration participants, including GenderDoc-M staff, community members, and foreign guests, gathered at GenderDoc-M’s headquarters and boarded a bus to Licurici Theatre on August St., where the demonstration was to begin. Soon after arriving, a group of counter-demonstrators gathered, blocked the bus, and threatened its occupants with physical harm. After approximately 45 minutes, two men from the crowd boarded the bus and confiscated flags, banners, posters, and other demonstration paraphernalia, at which point the crowd unblocked the bus, allowing it to return to GenderDoc-M’s headquarters. Throughout this episode, police officers remained at a distance of approximately 100 meters from the bus, and did nothing to control the crowd of counter-demonstrators.

The bus was followed back to GenderDoc-M by cars containing counter-demonstrators, as well as a large crowd of counter-demonstrators on foot. Although some demonstrators were able to leave upon reaching GenderDoc-M headquarters, others were trapped inside the office for several hours by the crowd, who began throwing eggs at the office and posting abusive leaflets. Again, police on the scene kept their distance and did nothing to stop the crowd. In response to a complaint letter filed by GenderDoc-M, the Ministry of Internal Affairs and the General Police Commissariat stated that the counter-demonstrators had complied with the law on assembly, and that GenderDoc-M had violated the law by holding the demonstration despite the ban from the Mayor’s Office. On March 18, 2009, the Supreme Court upheld the decision by the Mayor’s Office to ban the demonstration.²⁵

Article 2 & 26 (Non-discrimination)

Members of the LGBT community are often discriminated against in society due to their sexual orientation or gender identity. The Moldovan government itself, however, is also guilty of discrimination against members of the LGBT community. Such discrimination

²³ This letter was filed under No. M-1542/08.

²⁴ This letter was filed under No. 321-d.

²⁵ GenderDoc-M v. Chisinau City Hall, No. 3r-140/09 (Mar. 18, 2009).

has resulted in the loss of government employment for openly gay or transgender individuals, public homophobic statements by politicians and other government agents, and a lack of attention paid by police to attacks against LGBT targets.

In 2007, a male-to-female transgender individual named Nadine, who had worked for 14 years as a high-school teacher of Romanian language and literature, began to undergo hormone therapy and wear more feminine attire. In response, the high school administration pressured her into quitting her job. Similarly, in 2008, a bisexual teacher at Moldova State University was questioned by the dean about her sexuality and her relationship with her husband after she had been seen kissing a woman. She was told that she was not suited for a job at the university, and resigned before she was fired.

A homophobic article entitled “The Many Colors of San Francisco,” was published in the July-August edition of “Open Skies,” the on-board magazine of Air Moldova, the government-owned national carrier. After GenderDoc-M filed suit²⁶ against Air Moldova, the airline apologized and published a disclaimer that was placed in all of its planes. The decision to distribute an article with such inflammatory material on a government-owned airline, however, is indicative of government-sponsored discrimination against members of the LGBT community.

Members of the Moldovan Parliament have also engaged in discriminatory speech against members of the LGBT community. On May 15, 2008, Iurie Rosca, Chairman of the Christian-Democratic People’s Party and Deputy Speaker of Parliament, gave a speech to other members of parliament, accusing homosexuals of “encroaching on the moral principles of society,” declaring that “homosexuality is a moral and existential mistake,” and supporting the aggressive actions of counter-demonstrators against the “Rainbow over the Dniester” demonstration.²⁷ Similarly, while meeting with teachers and students of the Balti State University Alecu Russo on May 26, 2008, Marian Lupu, Speaker of Parliament, declared that “public events of homosexuals are inadmissible.” He also stated that “if tomorrow Brussels declares that one of the conditions for the EU accession is to legalize prides of sexual minorities, it does not mean that Moldova will play along,” emphasizing that “all Moldovan politicians share this unanimous attitude because it reflects the mentality and moral values of the Moldovan society.” Such explicitly homophobic speech by members of the Moldovan government demonstrates a discriminatory attitude toward members of the LGBT community that conflicts with the spirit of the ICCPR.

Finally, police inaction in response to a string of attacks on the offices of GenderDoc-M demonstrates a lack of commitment to non-discrimination by the Moldovan authorities. On March 14, 2008, two youths were seen taking pictures of the GenderDoc-M office. When confronted by GenderDoc-M staff, the youths retreated. Five days later, GenderDoc-M received a call, allegedly from a police officer named Igor Jalba, asking whether GenderDoc-M was planning any public actions for the near future. Upon calling the police commissariat, however, GenderDoc-M staffers were informed that there was

²⁶ GenderDoc-M v. Magazine “Open Skies,” No. 222 (Nov. 2, 2007)

²⁷ This episode was described under Article 21, *supra*.

no officer by that name. On March 24, GenderDoc-M staffers arrived in the morning to find that the office's windows had been smashed with rocks sometime during the previous night. Veaceslav Paun, the police officer who responded to their call, drew up a report. On May 3, the office manager of GenderDoc-M arrived to discover a two-liter bottle of gasoline with a fuse on the office window-sill. Apparently, the fuse had been lit, but was extinguished by a street cleaner before the flames could reach the bottle of gasoline. Although police were informed and arrived at the scene, they refused to file a report. On May 9, the president of GenderDoc-M arrived at the office in the morning to find it plastered with homophobic leaflets, signed by an extremist religious organization by the name of Noua Dreapta. Although the Central Sector Police Commissariat were notified about each of these attacks, GenderDoc-M has not received any updates on the status of any investigations. Members of the organization doubt that any investigations have taken place, and believe that the attacks even took place with the knowledge and consent of the authorities.

Concluding Notes

In violation of ICCPR Articles 2, 9, 14, 17, 19, 21 and 26, the practices and policies herein described deprive Moldova's lesbian, gay, bisexual, and transgendered citizens of a range of rights, including the right to be free from discrimination based on their sexual orientation or status; the right to liberty and security of their person; the right to be treated equally by the courts; the right to protection of the law against unlawful interference with their privacy; the right to freedom of expression; and the right to peaceful assembly.

Although private sexual activity between same-sex consenting adults is technically legal in Moldova, the government has failed to protect the rights of LGBT individuals in practice. In fact, acts of discrimination by state actors themselves, along with their failure to protect LGBT individuals and groups from violent and hateful expressions of discrimination, serve to perpetuate the firmly entrenched prejudices of the general Moldovan society.

In addition, there is no legal recognition of same-sex marriages or civil unions. This, along with recent examples that the government will not take steps to protect and uphold the rights of LGBT individuals, indicates a clear and continuing refusal of the government to fulfill its obligations under the ICCPR.

- Police in Moldova regularly stop members of the LGBT community with little or no cause, sometimes detaining them at police stations for minor infractions such as placing posters in unauthorized locations or being unable to present proper identification. During such detention, harassment and threats are common.
- Prejudice against members of the LGBT community is also present within the judiciary. On at least one occasion, the president of an LGBT-rights organization, acting as a witness, was refused permission to speak. Delays in handing down judgment in cases centered around LGBT issues are common.
- Moldovan police routinely violate individuals' right to privacy by interrogating and taunting suspected or known members of the LGBT community about their sexual orientation or gender identity. Transgender individuals seeking information about sex reassignment and other medical procedures are ridiculed by public health officials and are often not given the information they seek.
- On at least one occasion, the Ministry of Education and Youth refused to recognize contributions made by GenderDoc-M, a Moldovan LGBT-rights organization, to a Council of Europe campaign for diversity and human rights. It restricted the organization's right to freedom of expression by threatening to cancel all future events if the organization made a public issue of the matter.
- Chisinau City Hall has repeatedly refused to grant authorization for peaceful demonstrations to groups affiliated with the LGBT community. Even when

authorization is granted, the authorities have rescinded authorization at the last minute on numerous occasions. Police have also refused to maintain order and protect demonstrators against aggression by other groups when organizations representing the LGBT community are involved in the demonstration.

- Transgender individuals employed in the public education system have been fired or pressured to resign due to their gender identity. Discriminatory and homophobic speech has been promoted by members of parliament and a publication distributed on the national airline. Police have refused or been slow to investigate attacks against the offices of GenderDoc-M, including an attempted arson..

RECOMMENDATIONS

The Moldovan Government should:

1. Enact legislation to outlaw discrimination based on sexual orientation and gender identity.
2. Adopt legislation to counteract hate crimes and other violence against LGBT persons and to provide them with legal redress in the case of discrimination or abuse, even (and particularly) when committed by state actors.
3. Ensure that the Law About Freedom of Assembly No. 26 is enforced and the right to assembly is protected.
4. Enact legislation to legally recognize same-sex unions.
5. Provide equality and human rights training for teachers and staff in schools, governmental officials at all levels, and law enforcement officers. Enact an accountability system whereby individual officials, staff or law enforcement officers can be warned, disciplined or fired for discriminatory behavior.
6. Conduct community outreach workshops to address longstanding and prevailing social and cultural beliefs and attitudes towards LGBT persons.
7. Ensure that public health officials, in particular, are given sensitivity training. Ensure that information regarding same sex reassignment procedures and other health issues relevant to the LGBT community are made available to the general public.

PROPOSED QUESTIONS FOR THE GOVERNMENT OF MOLDOVA

1. What measures does the government intend to take to make sure that peaceful demonstration organized by LGBT groups are not systematically denied by local authorities in violation of the right to freedom of assembly?
2. What is the government doing to ensure that state actors, particularly the police and public officials, are being educated, trained and sensitized to issues of LGBT rights? What are specific accountability mechanisms in place to ensure that violations do not occur?
3. What measures are being taken to address the specific instances of abuse and the violations described in this report as well as the general measures being taken to fight stigma and *de facto* discrimination against LGBT individuals?
4. What steps are being taken to ensure equal access for LGBT persons to HIV/AIDS awareness, testing, and treatment programs, and other public health related issues?