

Moldova

Asylum

Persecution on the following grounds is explicitly recognised in asylum law	sexual orientation ●	gender identity
---	----------------------	-----------------

Bias motivated speech/violence

Bias motivated speech/violence on the following grounds is recognised in criminal law	sexual orientation	gender identity
Bias motivated speech/violence law explicitly refers to intersex people		

Equality and non-discrimination

The Constitution explicitly prohibits discrimination on the following grounds	sexual orientation	gender identity
Discrimination in employment is explicitly prohibited by law on the following grounds		
Discrimination in access to goods and services is explicitly prohibited by law on the following grounds		
Discrimination in other spheres of life is explicitly prohibited by law on the following grounds		
Equality body/National human rights institution is legally mandated to tackle discrimination on the following grounds		
National equality action plan contains measures tackling discrimination on the following grounds		
National anti-discrimination law explicitly refers to intersex people		

Family

	marriage	registered partnership	cohabitation
Forms of legal recognition of same-sex partnerships			
	joint adoption	second parent adoption (adoption of one another's child)	fertility treatment (medically assisted insemination)
Same-sex couples are entitled to			
Trans people can legally marry a person of the other gender			

Freedoms of Assembly and Association (during the last 5 years)

	no obstruction	obstruction
LGBTI public events held with authorisation/without obstruction by the State		●
LGBTI organisations officially registered/function without obstruction by the State	●	

Legal gender recognition

Existence of legal/administrative procedures for change of name and legal gender	*
Possibility to change one's name to match the gender identity	
Possibility to change one's gender on official documents to match the gender identity	
No <i>Gender Identity Disorder</i> diagnosis or medical/psychological opinion needed	
No compulsory medical/surgical intervention required	
No compulsory divorce (or single status) required	
No sterilisation (or proof of infertility) required	

*changes on documents did happen *ad hoc* without legal clarity

Access to goods and services

- In September, as part of an investigation into access to services LGBT organisation GENDERDOC-M Information Centre undertook a variety of tests where they sent people into bars either as same-sex couples, straight couples or observers. In one case the bar staff served the two gay men without much overt discrimination although they made insulting comments and laughed at them when out of earshot. A group of men who were also in the bar realised the men were a couple and were visibly unhappy about their presence. Two of the men followed the couple out of the bar and wanted to attack them but were stopped by the research team who were recording everything. A police officer was called and the two men were arrested and both victims and witnesses interviewed. The police officer showed no change in attitude once he knew the reason behind the attack. The offenders were charged and fined for hooliganism.
- In another test, in a bar, a client made derogating comments about the gay couple and asked the manager to throw them out. The manager did not do so directly but sent a waiter over with the bill which had not been asked for. When the couple asked why they had been given the bill the waiter apologised, and the couple continued to be served, but waiters hovered near the couple staring at them.

Bias motivated speech

- In February, the government approved a draft *Law on Preventing and Combating Discrimination*, which included a prohibition of discrimination on the grounds of sexual orientation, and forwarded it to parliamentary committees for consideration. However, the government withdrew it in March claiming it needed further consultation and amendment. The discussion on the law had involved a high level of homophobic comments, including from leaders of most of the parliamentary parties. During the debate a number of erratic statements were made. These included suggestions that inclusion of the ground of sexual orientation presented a danger to society, that those insisting on inclusion would be subject to acts of revenge by the 99% of the population who

constituted the civilised part of society, that homosexuality is not present in the animal kingdom, and that such sexual relations are abnormal and against traditional Moldovan common sense. For a variety of reasons from amorality to fears for the family, political leaders said they would not support the law if sexual orientation remained a prohibited ground of discrimination.

- A civil case for incitement to discrimination and hate speech against LGBT people was brought against Vitalie Marian, a religious blogger who had published a 'black list' condemning those named on it for openly advocating for equality for LGBT people; he also circulated information calling homosexuality a disease and comparing it to paedophilia and calling on people to discriminate against "homosexuals." Marian was ordered by the Court not to spread or comment on the statements for which he was being tried, as long as the case was before the Court. He appealed this order to the Court of Appeal but the decision was upheld. He did not comply with the ruling so the complainants made a request to the police for a report for failure to comply with a court order. The police spoke to Marian, and subsequently issued the report for failure to comply and submitted it to the court for final approval. Because the 'black list' has been circulated by another website and new names have been added, a new case was filed and both cases were awaiting trial at the end of 2011.
- At a press conference in September, the former Head of the Security Services made homophobic statements and incited people to discriminate against "homosexuals." A complaint of incitement to hatred was filed and the defendant was ordered to cease all communication of the type made in the claim against him whilst the case was pending; a hearing was scheduled for 2012.
- In November, a group of citizens claiming to be veterans of the Transnistrian War held a press conference during which they insulted different groups and minorities. In relation to public demonstrations organised by LGBT people, they claimed to be ready to come out and beat the demonstrators until they bleed. A complaint was made to the Prosecutor General and the

Principal Police Commissariat demanding that criminal charges be laid against them. The Prosecutor's Office admitted that the statements broke the law but denied the existence of a crime. The complaining body intends to appeal to the court to overturn the Prosecutor's decision not to initiate a criminal case.

- In December, Riscani District Court found in favour of a journalist who had complained about threats and abuse towards him based on his perceived sexual orientation as that of a gay man during a moderated online chat session taking place during the live streaming of a press conference by GENDERDOC-M. He had drawn the moderator's attention to the issue of the hostility and hateful discourse towards the LGBT community before he was attacked by the moderator and participants. The journalist sued the website. The website appealed the decision and the case was listed to be heard in 2012.

Bias motivated violence

Those supporting the inclusion of sexual orientation in the legislation on *Preventing and Combating Discrimination* were intimidated and in some cases subjected to violence. In March, the chair of GENDERDOC-M was assaulted by two people who insulted his sexual orientation and told him to go to Europe if he did not like it in Moldova. Also in March, GENDERDOC-M's lawyer, who made public statements in favour of the draft law, found homophobic graffiti on her car. The mirrors on her car were also broken presumably because of her position on the law.

Equality and non-discrimination

- Moldova was reviewed during the UN Universal Periodic Review process in 2011, and final report of the review will be adopted in 2012. It received recommendations to intensify efforts to address discrimination against LGBT people; to investigate and prosecute crimes against LGBT community members; to take action to build broad support for LGBT rights in the context of the new anti-discrimination law; to allow members of LGBT community to enjoy the rights to freedom of expression and assembly; to ensure that public events planned by LGBT, religious and other rights

groups are permitted and receive adequate police protection; and to continue efforts to adopt and implement the legislative framework to prevent, punish and eliminate all forms of discrimination with special attention to gender equality and discrimination based on sexual orientation and disability. The government was also recommended to commit internationally to the rights of the LGBT community by signing the Joint Statement on LGBT human rights from the March 2011 session of the UN Human Rights Council.

- In November, Navi Pillay, UN High Commissioner for Human Rights visited Moldova. At the end of her visit she commented on the positive nature of her meetings and the engagement of the government to contemplating human rights reforms but also drew attention to a variety of areas in which members of different groups, including the LGBT community, were discriminated against and where the authorities failed to take action. She stated: "I heard troubling accounts of hate speech against LGBT persons and groups, including by politicians and public officials. I cannot understand why it has been impossible to guarantee the right of peaceful public assembly for LGBT groups, nor why the state television station has been barred from broadcasting a film on the rights of sexual minorities." In her view, the "legal system in practice remains inert in redressing discrimination and violent acts motivated by intolerance". She emphasised the need for a truly comprehensive law banning discrimination on all grounds.

Health

- As part of an investigation into the way medical practitioners treat LGBT people, GENDERDOC-M secretly filmed a variety of consultations with doctors. During a consultation with a gynaecologist, a woman presented herself as only having sexual relations with women and the doctor told her that her preference was not a question of orientation but "mental folly", diagnosed her with a serious illness and instructed her to go through a number of expensive medical tests. The diagnosis was rejected by two other doctors. The Ministry of Health was asked to clarify how this behaviour was possible and why the

different diagnoses were given. The Ministry met with the organisation, provided explanations, offered apologies and suggested future options for collaboration in educating doctors on sexual orientation and gender identity.

- The video footage was also used in a documentary exploring the avoidance of medical services by LGB people. After it was aired, no gynaecologists who were visited by volunteers, and who had previously been identified as ill-treating patients based on their sexual orientation, displayed discriminatory attitudes.

Police and law enforcement

A man, who was robbed in November 2010, and then burgled in May, was on both occasions subjected to irrelevant questions about his sexual orientation and subjected to mockery at the police station. In the second case, the person he had been with on the night of the burglary was asked questions about the victim's sexual orientation. Despite asking about progress on the investigation and submitting a complaint to the Prosecutor General's Office, the victim was given no information. GENDERDOC-M wrote to the Ministry of Internal Affairs, the Principal Police Commissariat and the Prosecutor General's Office in September, and an officer interviewed the victim who again complained about both cases and the conduct of the officers. He was informed that the robbery case had been closed but that the burglary file was still open, although he received no information on the complaint he had made against the police officers.

Member organisations of ILGA-Europe

GENDERDOC-M Information Centre
www.lgbt.md