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Moldova: The treatment and public perception of homosexuals in Moldova, the availability of state protection, and the existence of state programs to protect their human rights (2001 - 2005)

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Legislation

Homosexuality was decriminalized in Moldova in 1995 (IGLHRC Mar. 2004; *Gay Times* 20 July 2005). However, in Transnistria (Transdnistria), a region of Moldova with "quasi-independence" (*Factiva* 18 Oct. 2005), homosexuality remains illegal (*Country Reports 2004* 28 Feb. 2005, Sec. 5).

Moldova's 2002 Penal Code punishes individuals for discrimination based on "race, gender, language, religion, political and other beliefs, and national and social origin," a legislative measure that could be considered favourable for gays and lesbians (*Gay Times* 20 July 2005). The code also provides punishment for "violation of right to private life," which could be used to protect the rights of sexual minorities as well (*ibid.*).

According to the Information Centre Genderdoc-M, the "only organization in Moldova to promote LGBT [lesbian, gay, bisexual and transgender] rights" (Genderdoc-M 18 Mar. 2005), gays and lesbians continue to be discriminated against in family law (Genderdoc-M 2003).

The legal age of consent in Moldova is the same for both homosexual and heterosexual activity (Writenet Oct. 2004, 8). According to a Writenet research paper, the legal age of consent for both homosexual and heterosexual activity is fourteen years, which makes Moldova's legislation comparable to that of such countries as Germany, Spain, and the Netherlands (Oct. 2004, 8). However, Interpol's Website reports that the legal age of consent for sexual activity is sixteen years (7 Jan. 2003).

The government of Moldova, through its 2005 National Human Rights Action Plan, has committed to establishing and implementing legislation to protect the rights of sexual minorities (Genderdoc-M 18 Mar. 2005). The action plan also calls for the implementation of anti-discrimination legislation to protect members of the gay, lesbian, and bisexual community (*ibid.*).

Treatment and Public Perception of Homosexuals

Although legislation has been implemented to protect the rights of sexual minorities in Moldova and a "small gay scene" has started to develop, the country's society is still "very homophobic" (Gay Times 20 July 2005). The International Gay and Lesbian Association (ILGA) describes the country's sexual minorities as "one of the most excluded groups of Moldovan society, suffering from discrimination and violence from public authorities, police and often relatives" (ILGA 12 Nov. 2004).

According to the Information Center Genderdoc-M, "[m]embers of [the] Moldovan lesbian and gay community face discrimination and violence on [a] permanent basis" (Genderdoc-M 9 Nov. 2004). There are reports of members of the LGBT community experiencing violence and being blackmailed and fired as a result of their sexual orientation (Genderdoc-M 2003; *ibid.* 9 Nov. 2004). A 2003 Genderdoc-M article reported that ten individuals had died during the previous twelve years as a result of their sexual orientation (Genderdoc-M 2003).

According to the International Helsinki Federation for Human Rights (IHF), the country's police officers have stopped homosexuals and threatened to reveal their sexual orientation to colleagues and relatives unless the individuals pay a bribe (23 April 2004; Genderdoc-M 9 Nov. 2004). According to one report, "people are afraid to go to the police and ask for protection" (*ibid.*).

Public reaction to homosexual-related issues remains "disdainful and hostile" (Genderdoc-M 2003). In a 2002 poll of Moldovans, 86 per cent of those surveyed said they would not like to have a gay or lesbian neighbour (*ibid.*; European Forum for Democracy and Solidarity 2 Feb. 2005).

Moldovan politicians have made "virulent homophobic statements" in public (Gay Times 20 July 2005). In a 2001 interview with one of the country's local newspapers, a Moldovan Member of Parliament stated that

"[t]o be a homosexual doesn't only mean you are no longer mother or father, it means you are no longer a human being. Homosexuals are slaves of their own infatuations, directed by instincts. Homosexuality doesn't have an equivalent in [the] animal world, and this is the most clear proof, that its origin is in the heads and souls of people, fallen in the face of God and the society in general" (Gay.ru 19 July 2001; AI 13 July 2001).

In 2005, a representative of Moldova's Ministry of Internal Affairs participating in a seminar for police workers declared that "[t]he main law for me is ... God's Law, according to which homosexuality is a sin, and the one who commits it shall die" (Genderdoc-M 8 Dec. 2005).

Representatives of the country's Orthodox Church have also made "insulting and discriminatory" statements about the gay and lesbian community (Genderdoc-M 2003).

In 2005, local authorities in Chisinau refused to authorize a peaceful demonstration that was organized by the Information Center Genderdoc-M in support of anti-discrimination legislation for the LGBT community (ILGA 16 May 2005; Genderdoc-M 26 Sept. 2005). The city's mayor denied authorization, claiming there was no point to the demonstration since Moldova "has already a law on national minorities" (ILGA 16 May 2005; Genderdoc-M 27 May 2005). During the same period of time, police and local authorities of the city "provoked"

incidents at the fourth annual gay pride parade: organizers of the parade were "closely watched" and "constantly summoned" by the police for information regarding the event's guests (ibid.).

In the region of Gagauzia in 2003, the postal service refused to deliver Genderdoc-M's news magazine because of its "gay-themed" content (*Country Reports 2004* 28 Feb. 2005, Sec. 5).

Initiatives and Programs to Protect the Rights of Gays and Lesbians

Several programs and initiatives to protect the rights of gays and lesbians have started up in Moldova through the work of the Information Center Genderdoc-M (Gay.ru 30 Oct. 2001; ILGA 12 Nov. 2004; Genderdoc-M 4 Mar. 2004; ibid. 25 Mar. 2004). In 2001, the organization started a three-year project entitled "Moldovan Gay and Lesbian Empowerment" in partnership with COC (Cultuur en Ontspannings-Centrum, or Centre for Culture and Leisure), Netherlands, a Dutch gay and lesbian organization (Gay.ru 30 Oct. 2001). The project included sub-projects involving awareness-raising campaigns, organizational development, the creation of a safe environment (ibid.), and legal assistance for sexual minorities (ibid.; Genderdoc-M 21 Oct. 2002).

In 2002, Genderdoc-M launched its Internet site as part of the project "Moldovan Pink Rights on the Internet" (Genderdoc-M 1 Sept. 2002). The purpose of the project was to "break the information vacuum for the gay and lesbian community of Moldova by way of the Internet" (ibid.).

In 2004, Genderdoc-M, in conjunction with Cordaid, a Dutch foundation, launched the "Social Integration of LGBT in Moldova" project (ILGA 12 Nov. 2004). The key objective of the project was to promote the social integration of LGBT individuals in Moldovan society through the "publication and distribution of informational materials, creation of professional networks for tolerance, work in the regions of Moldova outside Chisinau and HIV/AIDS prevention" (ibid.).

Genderdoc-M has organized various training sessions for psychologists, social assistants, and representatives from non-governmental organizations (NGOs) (Genderdoc-M 4 Mar. 2004; ibid. 25 Mar. 2004). The aim of the sessions was to improve the skills of these workers in providing assistance to socially excluded groups of people, including sexual minorities (Genderdoc-M 4 Mar. 2004; ibid. 25 Mar. 2004).

Training has also been provided to Moldovan police officers through the "Human Rights for Police Workers" project of the Helsinki Committee (ibid.). Part of the training involved providing information to police officers regarding Moldovan legislation and the rights of sexual minorities (ibid. 9 Jan. 2004).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Freedom House; Human Rights Watch; Queer Resources Directory; Rex Wockner's home page.

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