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Moldova: The situation regarding gay men and lesbians, including the laws on homosexuality, the treatment of gay men and lesbians, protection offered by the State and the existence of support services (2008 - June 2010)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Legislation

In 1995, homosexuality was decriminalized in Moldova (ILGA May 2010, 49; Julien May 2009, Sec. 4). However, in Transnistria, a self-proclaimed autonomous republic (L'aménagement linguistique dans le monde 18 Jan. 2010), "homosexuality is illegal" (Freedom House 2010; US 11 Mar. 2010, Sec. 6).

Under the Criminal Code of Moldova, "the commission of a crime due to social, national, racial or religious hatred" is deemed to constitute aggravating circumstances (Moldova 2002, Art. 77(l)(d); see also Julien May 2009, Sec. 4). According to a researcher with the Centre for the Study of Political Life (Centre d'étude de la vie politique, CEVIPOL) at the Free University of Brussels (Université libre de Bruxelles, ULB), GenderDoc-M, a non-governmental organization (NGO) that advocates for the rights of gay, lesbian, bisexual and transgendered (LGBT) persons, wants the government to establish [translation] "a clearer and more inclusive law" for the LGBT community (Julien May 2009, Sec. 4). In 2008, the Moldovan government drafted a bill aimed to prevent and fight against discrimination, especially when based on sexual orientation and identity (Council of Europe 23 Jan. 2010, 3; *Le Courrier des Balkans* 9 Oct. 2008; AI 2009). The Moldovan government submitted the draft bill for public debate (*Le Courrier des Balkans* 9 Oct. 2008; AI 2009). Further details on the draft legislation could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Treatment of gay men and lesbians

In an October 2009 report drafted by several organizations and presented to the United Nations (UN) Human Rights Committee, the authors state that "[m]embers of the LGBT community are often discriminated against in society due to their sexual orientation or gender identity" (GenderDoc-M et al Oct. 2009, 9). The report indicates that the Moldovan government has discriminated against members of the LGBT community (ibid.). An article published in the 6 May 2010 edition of the *Bay Area Reporter (BAR)*, a San Francisco weekly newspaper aimed at the LGBT community, reports that in 2009 the president of the Swedish

Federation for Lesbian, Gay, Bisexual and Transgender Rights (Riksförbundet för homosexuellas, bisexuellas och transpersoners rättigheter, RFSL), was reportedly taken to a police station after admitting to police officers that he was gay and that he had come to Chisinau for the Gay Pride Parade. According to the RFSL spokesperson, when the president of the RFSL left the police station, he was beaten by policemen in civilian clothing or by people who knew when he was scheduled to be released (*BAR* 6 May 2010). Additional information on the incident could not be found among the sources consulted by the Research Directorate.

Over the past several years, Moldovan politicians have spoken out against "homosexual behaviour" (US 11 March 2010, Sec. 6; GenderDoc-M et al. Oct. 2009, 10). In May 2008, the Speaker of the Moldovan Parliament spoke out against public homosexual events, saying that they [translation] "are not possible in Moldova" (Julien May 2009, Sec. 4; GenderDoc-M et al. Oct. 2009, 10). He also suggested that if one of the conditions for accession to the European Union (EU) included legalizing gay pride parades, Moldova may not "play along" (*ibid.*; Julien May 2009, Sec. 4). He indicated that [translation] "all Moldovan politicians share this unanimous attitude because it reflects the mentality and moral values of the Moldovan society" (*ibid.*; GenderDoc-M et al. Oct. 2009, 10).

Country Reports on Human Rights Practices for 2009, published by the United States (US) Department of State, indicates that after the Deputy Speaker of the Moldovan Parliament expressed his opposition to "public events" of homosexual behaviour, he later said in a speech to Parliament that "citizens should respect personal privacy and the freedom to choose sexual orientation" (US 11 Mar. 2010, Sec. 6).

Various sources consulted by the Research Directorate state that demonstrations of gay pride in Moldova have been banned on several occasions since 2005 (*BAR* 6 May 2010; Council of Europe 23 Jan. 2010, 1; ILGA-Europe *et al* 28 Apr. 2010). Sources report that officials in Chisinau, the capital of Moldova, obtained a court order prohibiting a march that LGBT rights activists had planned for 2 May 2010 in support of the anti-discrimination bill (AI 28 Apr. 2010; ILGA-Europe n.d.; *BAR* 6 May 2010). According to Amnesty International (AI), the authorities reportedly filed this application with the court of appeal in response to disapproval expressed by various religious organizations and [English version] "anti-LGBT groups" (AI 28 Apr. 2010). AI adds that, although the appeal court prohibited the LGBT rights activists from meeting in the square in front of the National Assembly, it apparently allowed them to gather in a park some distance from the city centre (*ibid.*). AI also reports that the organizers of the march filed an appeal to the Supreme Court (*ibid.*). Additional information on this incident, or information regarding the outcome of this matter, could not be found among the sources consulted by the Research Directorate. According to *BAR*, in 2010, other activities, apart from the march, unfolded with no problems (6 May 2010).

Another demonstration planned for 11 May 2008 in Chisinau in support of the anti-discrimination legislation was banned by authorities for the same reasons (AI 2009; *Swissgay* 15 May 2008; Council of Europe 23 Jan. 2010, 1). That demonstration was banned, despite the Moldovan law on gatherings (AI 2009; *Swissgay* 15 May 2008; Council of Europe 23 Jan. 2010, 1) that reportedly does not authorize local authorities to prohibit demonstrations (*ibid.*). Reportedly, only the courts have that jurisdiction (AI 2009). On that date, enforcement officers did not intervene when 200-400 anti-protest demonstrators intercepted the bus carrying some 60 demonstrators and prevented them from leaving the

bus for 45 minutes (Council of Europe 23 Jan. 2010, 1; Swissgay 15 May 2008). According to the alternative report presented to the UN Human Rights Committee by various organizations, the Supreme Court reportedly upheld the city's decision regarding prohibition of the demonstration (GenderDoc-M et al. Oct. 2009, 9). Additional information on this incident could not be found among the sources consulted by the Research Directorate.

Support services

The GenderDoc-M information centre organizes various events for the LGBT community (GenderDoc-M n.d.), including gay pride marches (AI 28 Apr. 2010; *BAR* 6 May 2010; Council of Europe 23 Jan. 2010, 1). In order to facilitate relations between specialists and their patients in the LGBT community, GenderDoc-M has held various workshops for psychologists, social workers and family physicians (ibid.). According to the GenderDoc-M website, there is a group of gay men and lesbians offering various services at no cost in Balti, specifically psychological and medical assistance, as well as social services (GenderDoc-M n.d.).

According to the article in *Le Courrier des Balkans*, approximately a dozen NGOs have formed a coalition against discrimination in order to support the passage of the anti-discrimination bill (*Le Courrier des Balkans* 9 Oct. 2008). In addition to the [translation] "Promotion of non-discriminatory policies in the Moldovan Republic" project, which is intended to analyze the proposed Moldovan anti-discrimination legislation and to inform individuals of their rights, the coalition against discrimination has set up a telephone help line to assist victims of discrimination (ibid.).

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 sources consulted in researching this Information Request.

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