



I G L H R C

International Gay and Lesbian Human Rights Commission
80 Maiden Lane, Suite 1505, New York, NY 10038
Website: www.iglhrc.org



rue de la Charité 17
Brussels B-1210
Belgium
Website: www.ilga-europe.org

Mr. Vladimir Voronin, President of the Republic of Moldova
Fax +373 22 245-526
Ms. Zinaida Greceanii, Prime Minister of the Republic of Moldova
Fax: +373 22 242-696
Mr. Valentin Mejjinschi, Minister of Internal Affairs, Republic of Moldova
Fax: +373 22 222-723
Ms. Raisa Apolschii, Director, Center for Human Rights in Moldova
Fax: +373 22 225-442
Mr. Marian Lupu, Speaker, Parliament of the Republic of Moldova
Fax: +373 22 233 210
Mr. Stefan Secareanu, Chair of the Human Rights Committee, Parliament of the
Republic of Moldova, Fax: +373 22 233-210

May 14, 2008

Re: Violations of the right to free expression, assembly, and association in Moldova

Your Excellencies,

In the interest of protecting the human rights of all people in Moldova, we are writing to ask that you publicly denounce violent threats against the lesbian, gay, bisexual, and transgender (LGBT) community in Moldova. We also request that the relevant government bodies order a thorough investigation of the violent events in Chisinau on May 11, 2008, especially the lack of police intervention.

“Gay Pride” events are organized by LGBT people in many parts of the world as a means to claim their space in civil society and to draw attention to the human rights violations they regularly confront. This exercise of free expression, assembly, and association has become a core vehicle for social change for LGBT people. For seven years now, the LGBT community in Moldova, together with its supporters, has organized Gay Pride events in Moldova. However, the Chisinau local authorities have refused to authorize a public LGBT march for four years. Hence Gay Pride events in Moldova have been required to take place indoors and LGBT people and their supporters have been prevented from exercising their rights to free expression, assembly, and association.

On May 11, 2008, the Moldovan NGO GenderDoc-M attempted to organize a peaceful public demonstration in support of tolerance and non-discrimination for LGBT people.

They reported that organized groups of several hundred people aggressively blocked a bus ridden by about 60 GenderDoc-M supporters, and confiscated their materials (including EU, Moldovan, and rainbow flags). GenderDoc-M reported that the aggressors also pursued their bus to the GenderDoc-M office in Chisinau, blocking the office for several hours and demanding that GenderDoc-M supporters leave the building. The police observed the blockade of both the bus and the office without intervening. At the same time, Moldovan press reported that authorities permitted an anti-LGBT demonstration to take place in the Great National Assembly Square in Chisinau, effectively discriminating against LGBT people and their supporters by allowing their opponents to exercise the exact same rights denied to them.

LGBT people and their supporters were denied these rights as a consequence of a May 8, 2008 decision by Dorin Chirtoaca, Mayor of Chisinau, who cited “disagreement from religious organizations” and the need to “avoid tension in society” among his reasons for banning the LGBT march, which GenderDoc-M had announced for May 11, 2008.

This decision violates local laws and international human rights law, and contravenes a 2007 decision by the Supreme Court of Moldova, finding that previous bans of LGBT marches were unlawful. This decision is also detrimental to the Republic of Moldova’s aspiration to join a European community of states in which the rights to free assembly, association, and expression are respected, protected, and fulfilled by the state.

With regard to local law, Mayor Dorin Chirtoaca’s decision to ban the march runs contrary not only to the Supreme Court decision mentioned above, but also to recent modifications of the law on public assembly, according to which local public authorities are only notified regarding the organization of a public event, as opposed to being asked to authorize it.

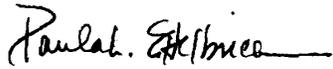
With regard to international law, as a member of the Council of Europe, Moldova needs to implement the European Convention of Human Rights, including the decision of the European Court of Human Rights in *Bączkowski and Others v. Poland* (2007). The Court found Poland in violation of the European Convention because the Mayor of Warsaw did not authorize a LGBT march (violations of Art. 11 on freedom of association and assembly, Art. 13 on the right to an effective remedy, and Art. 14 on non-discrimination). In *Plattform Ärzte für das Leben v. Austria* (1985), the Court explicitly stated its principled position that: “A demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however, be able to hold the demonstration without having to fear that they will be subjected to physical violence by their opponents; such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community. In a democracy, the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate.”

Moldova’s aspiration of joining the European Union should also prompt the government to observe the letter and spirit of EU regulations; the Copenhagen political criteria for EU enlargement include the respect for human rights and the protection of minorities.

Beyond formal legislative commitments, Moldova should also embrace the values of the European Union, including respect for human diversity as reflected by different sexual orientations and gender identities.

It is the state's obligation to ensure that LGBT people and their supporters can exercise their rights to free expression, assembly, and association in an environment not dominated by fear, violence, and discrimination.

We ask that you publicly denounce violent threats against the LGBT community in Moldova in order to send a message of tolerance and non-discrimination to Moldovan society from the highest level of government. We also request that the relevant government bodies order a thorough investigation of the violent events in Chisinau on May 11, 2008, and the lack of intervention by police in particular. The government should ensure that the police adopt policies for continued monitoring of and response to homophobic attacks that are likely to follow public, legal gatherings of LGBT people, and that police staff are properly trained to implement such policies.



Paula Ettlbrick
Executive Director
IGLHRC



Patricia Prendiville
Executive Director
ILGA-Europe

- cc Mr. Dorin Chirtoaca, Mayor of Chisinau
Fax: +373 22 223 145
Mr. Cesare de Montis, Head of the Delegation of the European Commission to
Moldova, Fax: +373 22 27 26 22
Mr. Thomas Hammarberg, Commissioner for Human Rights, Council of Europe,
Fax: +33 3 90 21 50 53
Mr. Michael D. Kirby, Ambassador of the United States to Moldova,
Fax: +373 22 233-044
Ambassador Christian Strohal, Director, Office for Democratic Institutions and
Human Rights, Organization for Cooperation and Security in Europe,
Fax: +48 22 520 0605

IGLHRC works to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based nonprofit, nongovernmental organization, IGLHRC effects this mission through advocacy, documentation, coalition building, public education, and technical assistance.

ILGA-Europe is the European Region of the International Lesbian and Gay Association, a nongovernmental umbrella organization which represents over 220 member organizations at the European level. ILGA-Europe works towards a world in which the human rights of all people are respected and everyone can live in equality and free from discrimination on the grounds of sexual orientation, gender identity or expression.