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Failure of the rule of law in Moldova, with mob allowed to prevent a lawful demonstration by lesbian, gay, bisexual and transgender persons

Written question No. 548 to the Committee of Ministers
by Mr Mike HANCOCK, United Kingdom, Alliance of Liberals and Democrats for Europe

On 11 May 2008 an attempt to hold a Gay Pride demonstration in Chişinău was frustrated when a hostile and potentially violent crowd of between 200 and 400 people trapped 60 demonstrators in their bus, chanting hate slogans such as "beat them to death" and "don't let them escape". After forty-five minutes the demonstrators were forced to hand over their banners and flags and abandon the demonstration. The police took no action, despite the presence of six police vehicles 100 metres from the event. Nine telephone calls to the police for help went unanswered.

The event's organisers, LGBT human rights organisation GenderDoc-M had, in accordance with Moldova's new Law on Assemblies, notified the local authorities of their intention to hold a demonstration. They had also requested police protection. Despite the fact that the new law does not empower local authorities to ban demonstrations, the Mayor of Chişinău, Dorin Chirtoaca, issued a notice on 8 May prohibiting the demonstration "in order to avoid any tensions in society" and citing "disagreement of religious organisations as well as letters from school students, dwellers of the city of Chişinău, opinions of public associations and of citizens … which accuse sexual minorities of aggressiveness and violation of spiritual and moral values".

The 2008 Pride event was the eighth demonstration (including all four annual Pride events) involving the LGBT community to be banned or otherwise prevented since 2005. None has been permitted.

The rapporteurs for the Monitoring Committee of the Parliamentary Assembly, commenting on the banning of the 2007 Pride event, noted that the Supreme Court of Moldova had declared the ban on the 2006 Pride march to be illegal, it being unjustified and disproportional under Article 11 of the European Convention on Human Rights. They continued: "Nevertheless, the Chişinău authorities banned once again the organisation of some events planned within the framework of the 2007 LGBT Pride festival […] We deplore the fact that after a final ruling by

the Supreme Court of Moldova the Chişinău authorities continue to violate the law and deprive the representatives of the LGBT community of their right to freedom of assembly […] We expect the Moldovan authorities to take all necessary measures to put an end to this practice."

The information provided by the Moldovan authorities to the Committee of Ministers for its reply to Written Question No. 524 on the banning of the 2007 Chişinău Pride event ignored both the aforementioned ruling of the Supreme Court and the comments of the Assembly rapporteurs, stating only that the Chişinău city council had "decided not to allow" the march "for reasons of public safety and the prevention of disorder". It also ignored the banning of a further demonstration in December 2007.

It is clear that there have been serious failures of the rule of law in Moldova. The authorities have ignored the ruling of the Supreme Court, and have acted as though the new Law on Assemblies did not exist. Moreover, there is circumstantial evidence that the police and authorities have colluded with illegal actions amounting to "mob rule".

The events described above and the inadequate information provided by the Moldovan authorities to the Committee of Ministers in response to Written Question No. 524 also suggest a continued unwillingness, at all levels of government within Moldova, to respect the fundamental rights of lesbian, gay, bisexual and transgender persons.

Mr Hancock asks the Committee of Ministers to request the Moldovan authorities to:

– take, as a matter of urgency, all actions necessary to ensure that such failures in the rule of law do not reoccur;

– investigate the failure of the police to provide protection for the demonstrators, prosecuting or otherwise disciplining those responsible as appropriate;

– confirm unequivocally that they recognise the right of the LGBT community to exercise freedom of assembly;

– set out the measures that they will take to put an end to the practice of denying freedom of assembly to LGBT persons, as proposed by the rapporteurs of the Parliamentary Assembly;

– commit to a specific timetable for the introduction of legislation providing protection from discrimination on the grounds of sexual orientation and gender identity and for the implementation of training and awareness-raising programmes throughout government, but particularly among local authorities and the police.

Furthermore, he asks the Committee of Ministers to provide a progress report on its review (announced initially in response to Written Question No. 524) of how to enhance Council of Europe action in support of the human rights of lesbian, gay, bisexual and transgender persons.