

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1310th meeting (March 2018) (DH)

Communication from NGOs (12/03/2018) in the case of GENDERDOC-M v. Republic of Moldova
(Application No. 9106/06)

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1310^e réunion (mars 2018) (DH)

Communication d'ONG (12/03/2018) dans l'affaire GENDERDOC-M c. République de Moldova (Requête n° 9106/06) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

27 FEV. 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

**Joint Submission by GENDERDOC-M and ILGA-Europe¹ to the
Committee of Ministers of the Council of Europe
in the case GENDERDOC-M v Moldova no. 9106/06, judgment of 12 June 2012**

The case concerns the banning of a demonstration by GENDERDOC-M in Chisinau in May 2005 (violation of Article 11), lack of effective remedy (Article 13 in conjunction with Article 11), and discrimination (Article 14 in conjunction with Article 11).

In its Decision of 24 September 2015 the Committee of Ministers

"invited further the Moldovan authorities to provide information on the number of notifications for holding events similar to the one in the present judgment, preferably submitted between 1 June 2008 and 1 June 2015, and the number of court disputes between the local authorities and the organisers in such cases, as well as their outcome,.....;"

In its revised action report of 9 January 2017 the Moldovan government replied:

"Statistics concerning events organised by the LGBT community

11. As concerns the number of notifications for holding events similar to the one in the present judgment, according to the information provided by the Chisinau City Hall, in 2012-2016 there were 17 notifications submitted by the LGBT community and related organisations on holding pride demonstrations as well as other type of public events. For details please see the Annex."

The attachment to this communication presents an analysis of these events. It will be seen that, of the 17 listed, 11 were not "similar to the one in the present judgment". Of these, 10 were neither to do with LGBT rights, nor organised by an LGBT organisation, while one (no 10) only involved two LGBT activists, so that no prior notification was required. That leaves six which were, arguably, "similar events", in respect of which the following analysis is relevant:

Outcome	No of cases	Reference to attachment
Notification rejected	1	no 7, 2013
Notification accepted, but subsequently failure of the authorities to uphold fully the right to freedom of assembly	3	nos 9 (2014), 13 (2015), 17 (2016)
Notification accepted - no subsequent issues	2	nos 8, (2014), 12 (2015)
Total	6	

It should be noted that the two events in the "application accepted - no subsequent issues" category were different in kind from the other four events. They were static events, rather than marches. So far as marches are concerned (and taking account of the 2017 Pride march²), Moldova's LGBT community continues to be denied full enjoyment of the right to freedom of assembly, as documented in previous communications (see Attachment for references).

27 February 2018

¹GENDERDOC-M is an NGO working for the rights of LGBT people in Moldova. ILGA-Europe is the European Region of the International Lesbian, Gay, Bisexual Trans and Intersex Association.

² See Communication from a NGO (27/07/2017) in the case of GENDERDOC-M v. the Republic of Moldova for details.

Attachment

GENDERDOC-M v. Moldova

**Comments on the Annex to the Republic of Moldova's Action Report (09/01/2017) entitled
"Information of the Chisinau City Hall on the notifications submitted in 2012-2016 by the LGBT community and related organisations on public events
organized in Chisinau"**

Events as listed in Action Report Annex	Was event a "similar event" organised by LGBT community?	Was event permitted? If not, on what grounds was it refused? If notification not required because fewer than 50 persons, state approximate number of participants.	If not permitted, was the refusal appealed in the courts? If appeal rejected, on what grounds?
1. 17-31 August - An open-air cinema screening;	Not a "similar event". Not organised by the LGBT community.	Not applicable	Not applicable
2013			
2. 17 February - Event on the promotion and development of ethnic European traditions and traditions from around the world;	"Not a "similar event". Not organised by the LGBT community.	Not applicable	Not applicable
3. 7-12 May - Live music event;	"Not a "similar event". Not organised by the LGBT community.	Not applicable	Not applicable
4. 31 May - Cultural event with a concert;	"Not a "similar event". Not organised by the LGBT community.	Not applicable	Not applicable

Events as listed in Action Report Annex	Was event a “similar event” organised by LGBT community?	Was event permitted? If not, on what grounds was it refused? If notification not required because fewer than 50 persons, state approximate number of participants.	If not permitted, was the refusal appealed in the courts? If appeal rejected, on what grounds?
5. 1 June - Open-air concert with participation of young musicians;	“Not a “similar event”. Not organised by the LGBT community.	Not applicable	Not applicable
6. 16-23 September - Events to promote young musicians and inform the public on the SPACES cultural program;	“Not a “similar event”. Not organised by the LGBT community.	Not applicable	Not applicable
7. 19 May - Pride March "LGBT for the traditional values";	“Similar event”, organised by LGBT community.	Refused – For details see Communication from NGOs (GENDERMOC-M and ILGA Europe) (09/05/2014)	Rejected – For details see Communication from NGOs (GENDERMOC-M and ILGA Europe) (09/05/2014)
2014			
8. 16 May- Open-air event "Art against Homophobia and Transphobia";	Organised by LGBT community; but unclear whether “similar event”, since a static event, rather than a march.	Permitted. GENDERDOC-M sent a written notification about the event to the City Hall of Chişinău and requested police protection.	
9. 17 May - Pride March "Equality March";	“Similar event”, organised by LGBT community.	Permitted. But other freedom of assembly -related concerns – see Communication from NGOs (GENDERDOC-M and ILGA Europe) (21/08/2015) in the case of GENDERDOC-M against the Republic of Moldova.	
10. 6 September- Protest at the Embassy of the Russian Federation in the	Not “similar event”, as no prior notification required.	The two LGBT activists who held the protest didn’t ask for permission since the domestic legislation on assemblies	

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Republic of Moldova against the adoption of the homophobic legislation by Russian Duma;		allows up to 50 people to hold peaceful assemblies without prior notification of local authorities.	
2015			
11. 8 March - March "Feminism Loves You";	“Not a “similar event”. Not organised by the LGBT community.	Not applicable	Not applicable
12. 16 May - Open-air event "Art against Homophobia and Transphobia";	Organised by LGBT community; but unclear whether “similar event”, since a static event, rather than a march.	Permitted. GENDERDOC-M sent a written notification about the event to the City Hall of Chişinău and requested police protection.	
13. 17 May - Pride March ""Because I Live Here";	“Similar event”, organised by LGBT community.	Permitted. But other freedom of assembly -related concerns – see Communication from NGOs (GENDERDOC-M and ILGA Europe) (21/08/2015) in the case of GENDERDOC-M against the Republic of Moldova	
14. 22 May - Open-air electronic music event with participation of young musicians;	“Not a “similar event”. Not organised by the LGBT community.	Not applicable	Not applicable
15. 19 October - March for solidarity with the victims of street harassment;	“Not a “similar event”. Not organised by the LGBT community.	Not applicable	Not applicable
2016			

Events as listed in Action Report Annex	Was event a “similar event” organised by LGBT community?	Was event permitted? If not, on what grounds was it refused? If notification not required because fewer than 50 persons, state approximate number of participants.	If not permitted, was the refusal appealed in the courts? If appeal rejected, on what grounds?
16. 8 March- March for equality and disapproval of sexism;	“Not a “similar event”. Not organised by the LGBT community.	Not applicable	Not applicable
17. 22 May- Pride March "Without Fear".	“Similar event”, organised by LGBT community.	Permitted, but other freedom of assembly related concerns – see Communication from a NGO (27/07/2017) in the case of GENDERDOC-M v. the Republic of Moldova	