

Addressing specific needs of the LGBTI population in pre-trial facilities and in prisons

DRAFT VERSION



In partnership with:
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of the Netherlands in the
Republic of Moldova**
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Authors:

Ceslav Panico, Oxana Gumennaia, Svetlana Doltu, Angelica Frolov, Iuliana Curea, Kristina Pardalos.

Country Cooperation Unit, Cooperation Division, Anti-discrimination and Inclusion Department, Council of Europe.

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Abbreviations

LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and others
BSB	Men who have sex with men
ECRI	European Commission against Racism and Intolerance
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe
CEDAW	UN Committee on the Elimination of Discrimination against Women
CRC	Convention on the Rights of the Child
NLAC	National Council for State-Guaranteed Legal Aid
UN	United Nations
PRC	Policy Centre for Reforms
NMP	National Mechanism for the prevention of Torture (Council for the Prevention of Torture)

Glossary

LGBTQI – acronym for lesbian, gay (homosexual men), bisexual, transgender (trans), queer and intersex people, as well as other gender identities and sexual orientations that do not fit into the heterosexual and binary gender model. The term is used as an umbrella to describe the diversity of sexual orientations, gender identities and expressions and sex characteristics.

SOGIESC – sexual orientation, gender identity, gender expression and sex characteristics. This concept is used in international standards to emphasise that discrimination and violence can be based on multiple dimensions of a person's identity, not just sexual orientation or legal gender.

Sexual orientation – a person's emotional, romantic and/or sexual attraction to people of the same gender, different genders or multiple genders (e.g. heterosexual, homosexual, bisexual or pansexual). Sexual orientation is not visible from behaviour or appearance and cannot be automatically inferred from previous relationships or marital status.

Gender identity – a person's deep inner sense of belonging to a gender (female, male, both, neither, or another gender). Gender identity may or may not correspond to the sex recorded on identity documents at birth. Respecting gender identity includes using the person's preferred name and pronouns.

Gender expression – the way a person expresses their gender through physical appearance, clothing, behaviour, mannerisms, voice or other social and cultural elements. Gender expression can be feminine, masculine, mixed or variable over time and does not determine sexual orientation.

Sex characteristics – shall refer to each person's physical and biological features relating to sex, including internal and external genitalia, sexual and reproductive anatomy, gonads, chromosomes, hormones and distribution of body hair, fat and muscle mass.

Transgender person (trans) – a person whose gender identity or expression is different from the sex assigned at birth. The term includes trans women (people registered at birth as male but who identify as female), trans men (people registered at birth as female but who identify as male) and other people who assume a different gender identity or expression. Trans does not say anything about sexual orientation (a trans person can be heterosexual, homosexual, bisexual, etc.). Strictly binary systems (only 'women/men') can create additional risks for transgender people in detention.

Non-binary person – a person whose gender identity does not fit into the traditional categories of 'woman' or 'man'. Their identity may be between, beyond or outside these categories. Strictly binary systems (only 'women/men') can create additional risks for non-binary people in detention.

Intersex person – shall refer to persons who have innate variations of sex characteristic(s), including chromosomal, gonadal, anatomical or hormonal, that vary from the societal and/or medical understanding of typical female and male bodies. .

Queer – an umbrella term used by some people to describe gender identities and sexual orientations that are not heteronormative. In certain historical contexts, it has been used as an insult; therefore, it is important that institutions only use the term when it is self-assumed by the person.

Outing – the disclosure of a person’s sexual orientation, gender identity or expression without their consent by third parties (including institution staff). In the context of detention, outing can significantly increase the risk of violence, harassment and blackmail and may constitute degrading treatment.

Coming out refers to the voluntary disclosure by a person of their sexual orientation, gender identity, or gender expression to others; in detention settings, this process can expose individuals to heightened risks of stigma, discrimination, or violence if adequate safeguards and confidentiality are not ensured.

“Humiliated/cocks/opușcenii” (criminal subculture) – terms used in the criminal subculture to designate the most stigmatised and exploited informal “caste”. These terms are not synonymous with LGBTQI and do not describe gender identities or sexual orientations, but rather a status imposed by other prisoners, often through violence or sexual abuse. Confusion between the LGBTQI community and this informal category increases the risk of violence and degrading treatment.

Executive summary

This report examines the situation of marginalised and vulnerable groups, in particular the situation of LGBTQI persons in places of detention in the Republic of Moldova, with the aim of assessing the legal and institutional framework and existing practices in the management of this group, in relation to relevant international human rights standards, practices and recommendations.

The research methodology involved a comparative analysis of the national regulatory framework, a study of judicial practice, including the case law of the European Court of Human Rights, an analysis of cases documented by the Ombudsman's Office, and the collection of qualitative data from staff and beneficiaries of detention systems. The main objectives of the study were to identify systemic barriers, assess the compliance of national legislation and practices with European and international standards, and formulate public policy recommendations tailored to the context of the Republic of Moldova.

The main findings of the report indicate that:

- ▶ LGBTQI persons in police custody and prisons face **systemic** risks of violence, discrimination and ill-treatment, particularly due to the absence of clear identification, placement and protection procedures.
- ▶ Transgender and non-binary persons are at particularly high risk, especially with regard to placement in institutions and rooms, access to medical care (including hormone treatment) and the use of "protective" isolation, with serious negative effects on mental health.
- ▶ The lack of systematic data collection on sexual orientation and gender identity keeps LGBTQI people invisible in statistics and prevents evidence-based policy-making.
- ▶ Existing legal mechanisms for protection against discrimination and ill-treatment are underused and not consistently transposed into internal regulations, operational procedures or staff training programmes.

With a view to aligning the national framework with international standards and strengthening the protection of the rights of LGBTQI persons in detention, the report formulates the following summary of recommendations, grouped into short, medium and long term.

Short term (0–12 months)

1. Adopt a national policy on the protection of LGBTQI persons throughout the justice system (police, prisons, probation), with clear objectives and responsibilities.
2. Introduction of protocols and operational guidelines for the police, prisons and probation services (vulnerability screening, placement, searches, confidentiality, reporting of incidents based on SOGIESC).
3. Launch of mandatory basic SOGIESC training for all staff (rights, criminal subculture, prevention of torture and discrimination, crisis management)

4. Establishment of confidential internal reporting and support mechanisms for LGBTQI employees (police, prisons), including access to external counselling.
5. Pilot psycho-education programmes for prisoners (adults and minors) on gender diversity/sexual orientation and violence prevention.
6. Clarify the duties of chaplains who are prison employees by clearly regulating the positive obligation of the state, including explicitly prohibiting stigmatising or discriminatory speech and establishing mechanisms for monitoring, accountability and redress to ensure that religious services respect human rights, human dignity and applicable international standards in detention.

Medium term (1–3 years)

7. Implementation of a secure SOGIESC data system (voluntary, anonymised) in the police, prisons and probation services, with aggregate reports and specific indicators.
8. Establish procedures to recognise and respect a person's self-identified gender while in detention, including mechanisms allowing individuals to formally declare their gender identity, and ensure that such recognition is applied consistently across all detention procedures (placement, searches, documentation, and access to gender-affirming healthcare).
9. Standardisation of individual risk assessment and placement for LGBTQI persons (police, prisons), with a ban on automatic segregation and isolation "for protection".
10. Full functioning of systems for reporting and investigating discrimination and violence based on SOGIESC, with indicators of response time and quality of intervention.
11. Expansion and systematic evaluation of training and psycho-education programmes adjusted based on feedback and impact data.
12. Develop partnerships with NGOs and community services for support in detention and post-detention (counselling, education/training, housing, employment, psychological support).

Long term (3–5 years)

13. Full integration of the SOGIESC dimension into national strategies (human rights, justice, public order, health), social inclusion, education, aging, youth, disability, migration, anti-racism and other dimensions with regular independent monitoring (Ombudsman Office, NPM).
14. Transforming prison practices so that the protection of LGBTQI persons (assessment, placement, health, infrastructure, programmes) becomes a standard part of detention management, with minimal use of isolation.
15. Institutionalise a continuous training system for all relevant institutions, including mandatory induction training for new staff and refresher training every 2–3 years, with reference to the relevant recommendations of the CPT and ECRI and Yogyakarta Principles; participation in such training should also be considered as a criterion for professional evaluation and promotion.
16. Strengthening an inclusive organisational culture in the police, prisons and probation services (leadership messages, zero tolerance, functional protection for LGBTQI employees).
17. Creating a stable model of religious services compatible with human rights, monitored and corrected in cases of abuse, and a network of community-friendly services for the reintegration of LGBTQI persons after detention.

The proposed recommendations – most of which are low-cost – can significantly reduce the risks of violence and internal instability, increase safety in detention and strengthen Moldova's compliance with European and international standards on the prevention of torture. Adopting these measures will contribute to Moldova's compliance with its international commitments and promote a detention system based on dignity, safety, and equal treatment for all persons deprived of their liberty (detailed recommendations by area of intervention can be found in Chapter 11).

Introduction

The relevance and necessity of drawing attention to the rights of LGBTQI persons in the justice and detention system

Marginalised and vulnerable persons in most countries face specific challenges at different stages of life and in various social areas. Their rights do not always benefit from the necessary legal protection, let alone effective enforcement in practice. Among the most vulnerable groups are persons belonging to the LGBTQI community.

Global statistics illustrate the seriousness of the phenomenon: **67 countries still criminalise same-sex relationships**, and in **10 of these, the law even provides for the death penalty**. In addition, 20 countries punish gender expression or diversity, placing transgender and non-binary people in a situation of extreme vulnerability. Even in jurisdictions where legislation no longer explicitly punishes sexual orientation or gender identity, discrimination persists in the form of hate speech, prejudice-motivated crimes and institutionalised exclusion.

A less explored but essential area is the justice and detention system. International research shows that **LGBTQI people are often overrepresented in the criminal justice system**, being arrested and convicted at a higher rate than their share of the general population. Once in detention, they face an increased risk of abuse, violence and degrading treatment. Their invisibility in official data means that the issue remains insufficiently reflected in public policies and institutional strategies.

International studies estimate that **between 5% and 15% of people in detention identify as LGBTQI¹**, with the percentage being even higher among women – reaching over 40% in some contexts. This situation reflects both the structural vulnerabilities that existed prior to detention (poverty, lack of family support, social exclusion) and the heightened risks in the prison environment. The subculture of prisoners, the legacy of Soviet-style prison systems and the stigmatising attitudes of staff amplify the phenomenon of marginalisation and victimisation.

Research by O'Donohue (2021), as well as reports by the Council of Europe, CPT and UN, confirm that LGBTQI people in detention face multiple forms of discrimination and violence. For example, the situation of transgender people is particularly critical: in many countries, they are placed in prisons according to the biological sex assigned at birth, which directly exposes them to violence and sexual abuse. In other contexts, the solution adopted has been arbitrary isolation, which exacerbates their psychological suffering by increasing the risk of suicidal behaviour and limiting their access to social, educational and rehabilitation activities. **Among the most serious risks identified are physical and sexual assault by other prisoners, harassment and degrading treatment by staff, lack of access to adequate medical services (including hormone treatment for transgender people) and abusive isolation, sometimes used as the only „protective measure“.** Additional risks may also arise from restrictions on visitation rights linked to the non-recognition of same-sex partnerships, which may further limit prisoners' access to family contact and essential social support. These abuses have direct consequences on physical and mental health, with international studies highlighting increased rates of depression, anxiety, suicide attempts and substance use among LGBTQI prisoners.

1 https://cdn.penalreform.org/wp-content/uploads/2024/09/PRI_Global-prison-trends-report-2024_EN.pdf

In light of these realities, international organisations emphasise **the need to adopt specific measures to protect people in the LGBTQI community**. Among the solutions promoted are: individualised assessment of risks and needs, ensuring conditions that protect the dignity of transgender persons, training staff on gender diversity and sexual orientation, and creating effective complaint and monitoring mechanisms.

This approach is not only about defending human rights in the abstract, but also has a practical dimension that is essential to **the work and direct interest of the police and prison systems**. In accordance with international standards and recommendations, in particular those of the European Committee for the Prevention of Torture (CPT), authorities have an obligation to: a) properly manage cases involving LGBTQI persons in detention, b) ensure their protection against violence and degrading treatment, and c) guarantee fair, dignified treatment adapted to the specific needs of this vulnerable segment of the prison population. The interest of law enforcement and detention institutions thus stems not only from international obligations, but also from the need to improve the functioning of the system by reducing risks, enhancing safety and creating a more equitable and humane institutional climate.

The Republic of Moldova is no exception to these challenges and commitments. Although the national legislative framework provides for a general prohibition of discrimination, there is no systematic analysis of how international standards and recommendations (UN, CPT, ECRI, UPR) are reflected in legislation and institutional practices in the field of detention and probation. The lack of systematic collection of SOGIESC data leads to a distorted representation of social realities, maintaining the exclusivity of the binary male-female categories, based on sex assigned at birth and perpetuating the invisibility of LGBTQI persons in public analyses and policies. As a result, the lack of official data collection on the situation of LGBTQI persons in detention maintains a phenomenon of „invisibility” that hinders the development of effective and evidence-based policies.

Recent data confirms that the rights of LGBTQI persons continue to be among the least respected in the Republic of Moldova: according to the study „Perceptions of Human Rights” (2023)², **31.7% of respondents indicated sexual minorities among the groups with the least protected rights**. And the Study on Perceptions and Attitudes towards Equality (2024)³ highlights the persistence of societal reluctance towards acceptance of the LGBTQI community. Meanwhile, the analysis „Social Acceptance in 2024”⁴ shows that almost **85% of citizens would not accept an LGBT+ person in their family and over 60% would not want them as a neighbour or work colleague**, confirming a severe social distance, although slightly decreasing compared to previous years.

In the context of monitoring rights, the Office of the Ombudsman is currently investigating cases involving LGBTQI persons in situations in which their fundamental rights have been violated in the detention system. These investigations reveal persistent discrimination, violence and the absence of effective protection mechanisms, highlighting the need for clear policies aligned with international standards.

In this context, the present study takes on particular importance. It not only brings to the fore the situation of LGBTQI persons in the justice and detention system of the Republic of Moldova, but also contributes to preventing their stigmatisation and discrimination, both in detention and in society. At the same time, the study provides a solid foundation for the development of future inclusion policies and effective mechanisms to prevent violence, ill-treatment and torture against members of the LGBTQI community. In this way, the research becomes a practical tool for modernising the system and effectively respecting human dignity.

2 <https://ombudsman.md/studiu-perceptii-asupra-drepturilor-omului-in-republica-moldova-in-2023/>

3 <https://egalitate.md/publications/study-equality-perceptions-attitudes-republic-moldova/>

4 https://progen.md/wp-content/uploads/2025/01/CPD_Distanta-sociala_2024.pdf

Chapter 1.

Study methodology

Purpose and objectives

Purpose

To assess the situation of persons from the LGBTQI community in places of detention in the Republic of Moldova (police custody and prisons) through the lens of institutional practices in relation to international standards on the prohibition of discrimination and the prevention of torture and inhuman or degrading treatment, with a view to improving the protection of the rights of LGBTQI persons in detention.

Objectives

In order to carry out a rigorous and multidimensional assessment of the situation of LGBTQI persons in places of detention in the Republic of Moldova, the study set the following specific objectives:

1. **To assess the risks and vulnerabilities to which LGBTQI persons in detention are exposed from the perspective of preventing torture and ill-treatment**, including physical, psychological and sexual violence, as well as systemic discrimination.
2. **To analyse the national legal and institutional framework for the protection of the rights of LGBTQI persons in detention** in relation to relevant international standards and recommendations (European Committee for the Prevention of Torture – CPT, UN Special Rapporteur on Torture, ECRI, UN CAT, UPR).
3. **Determining the degree of integration of the Republic of Moldova’s international commitments into national legislation and practices in the prison and probation system**, with a focus on the specific protection of transgender and non-binary persons.
4. **Identifying existing models of good practice in the treatment of LGBTQI persons in detention**, including in terms of detention conditions, placement in binary prisons, access to health services and psychosocial support.
5. **Formulating concrete recommendations for harmonising national legislation and practices with international standards on the prevention of torture and the protection of the rights of LGBTQI persons in detention**, thus contributing to the creation of an inclusive, non-discriminatory and safe environment in detention facilities.

Study design

The study design is descriptive-analytical, with a mixed approach (quantitative and qualitative), focused on the multidimensional assessment of the situation of LGBTQI persons in places of detention in the Republic of Moldova. Representatives of the LGBTQI community were involved in all stages of the research. The questions were based on information from international recommendations, existing standards and applicable practices in the field.

The quantitative component of the study included the application of semi-structured questionnaires for voluntary self-completion (online) among employees of the national prison administration system and staff

of the temporary detention facilities of police inspectorates. The sample size was 125 respondents (police employees) and 993 respondents (employees of the national prison administration system).

The qualitative component included the organisation of monitoring visits under the auspices of the Ombudsman's Office to 10 penitentiary institutions (3 penitentiary institutions of the type of pre-trial detention centre, 4 penitentiary institutions for men, a penitentiary institution for women, a detention centre for minors and young people, and a penitentiary hospital) and 4 TDFs. The institutions were selected based on the experiences of LGBTQI people who had been in detention, as well as on the results of a preliminary analysis of online questionnaires. These visits were combined with individual and group interviews with staff and detainees (separate discussions).

In addition, interviews were conducted with representatives of civil society, human rights experts and members of the LGBTQI community with experience of detention over the last two years.

Chapter 2.

The situation of LGBTQI persons in the Republic of Moldova

The situation of LGBTQI persons in the Republic of Moldova is characterised by constant tension between legislative progress and practical implementation, as well as a high level of social rejection. Although the general legal framework prohibits discrimination, the effective implementation of these provisions remains fragmented and lacks clear institutional protection mechanisms. The adoption of legislative initiatives aimed at expanding the rights of the community is often delayed, accompanied by extensive debates and, ultimately, reduced to minimal forms.

Currently, there is a **regulatory framework** that includes many of the mechanisms for protecting and promoting the rights of LGBTQI people, but it does not yet include all international standards and recommendations. Firstly, the regulatory framework includes the Equality Act⁵ (2012, as amended), which prohibits discrimination in all areas of social life and explicitly mentions both sexual orientation and gender identity as protected criteria. Furthermore, both the Criminal Code and the Code of Misdemeanours provide for aggravating circumstances for hate crimes based on these grounds. However, the application of these provisions remains sporadic: the police and prosecution authorities often avoid recording crimes as hate crimes, which means that the aggravating circumstance is not applied in practice. This problem was also documented by ECRI in its sixth monitoring cycle, which found that between 2015 and 2017 only six cases of hate speech reached the courts, illustrating the low level of reporting and lack of institutional response. As a result, the sanctioning mechanisms do not have a preventive effect and do not ensure the effective protection of the persons concerned.

There is still a lack of regulations on the recognition of same-sex partnerships, clear procedures for the legal recognition of gender identity and special protection rules for LGBTQI persons in detention, which maintains a significant gap between international standards and the national reality. This gap directly affects the right to private life (Article 8 of the ECHR), and the lack of access to gender recognition and affirmative healthcare has been criticised by international bodies as a major risk of marginalisation and degrading treatment.

A key problem is **the lack of official** disaggregated **data** on sexual orientation and gender identity. State institutions do not separately record cases of discrimination, hate crimes or the situation of LGBTQI persons in detention. The CPT highlighted in its 2022 visit that the lack of a classification and assessment system upon entry into prison immediately exposes vulnerable persons – including LGBTQI persons – to the risk of violence and exclusion. The 2024 national census did not provide options for self-identification and excluded references to the existence of same-sex couples, which perpetuates the invisibility of the community in statistics and limits the formulation of evidence-based public policies. Furthermore, in the responses received by the OAP from the Prosecutor General's Office, the National Council for State-Guaranteed Legal Aid (CNAJGS), the Centre for Forensic Medicine, as well as from the police, the prison system and the probation service, these institutions do not collect data specific to sexual orientation and gender identity. At the same time, the Council for Equality and the Ombudsman's Office collect such data in a fragmented and sporadic manner.

5 https://www.legis.md/cautare/getResults?doc_id=144449&lang=ro#

Although Law No. 111/2022 added Article 166(2)(h)¹ to the Criminal Code, which provides that „the intentional infliction of physical or mental pain or suffering, constituting inhuman or degrading treatment, by a public official or by a person who, de facto exercises the powers of a public authority, or by any other person acting in an official capacity or with the express or tacit consent of such a person, committed on grounds of prejudice, including on the basis of sexual orientation and gender identity”, constitutes an aggravating circumstance, to date, no criminal proceedings have been initiated for acts of violence, torture or other inhuman or degrading treatment committed against LGBTQI persons in detention. Furthermore, there are no documented cases in which the victim’s sexual orientation or gender identity has been officially recognised as the motive for the crime.⁶

In the absence of such data, independent monitoring by civil society remains the main source of information. The GENDERDOC-M 2024/2025 report documents social perceptions, persistent stereotypes, cases of discrimination and legislative trends, confirming the vulnerability of LGBTQI persons and highlighting the direct impact on their experience in detention.⁷ Another relevant aspect is intersectionality. Members of the LGBTQI community who also belong to other vulnerable groups – such as Roma people, people with disabilities or those living with HIV – face multiple and cumulative forms of discrimination.

Surveys show an ambivalent evolution in public perceptions. In 2024, only 9% of respondents reported a positive attitude towards LGBTQI people, 46% a neutral attitude and 44% a negative perception. While in 2019 the level of rejection was 55%, it fell to 33% in 2022, only to return to 44% in 2024. The social distance index (SDI) confirms this trend, indicating a low level of acceptance and pronounced exclusion from family and social relationships. The data (Study on Social Acceptance in 2024⁸) reveals that the lowest level of acceptance is shown towards two groups: LGBTQI people (social distance index of 3.8) and people living with HIV/AIDS (3.1), followed by people who have been imprisoned, people of the Muslim faith and people from African countries. In both cases (LGBTQI and people living with HIV/AIDS), the level of social distance exceeds 3 (while the average level/general social distance index is 2.1), which means that Moldovan citizens would not be willing to build any kind of social relationship with them (they would not accept them as family members, friends, neighbours or work colleagues, except as citizens of the country). However, in the case of LGBTQI persons, the social distance index value decreased from 5.6 in 2020 to 3.8 in 2024, which indicates substantial progress in reducing prejudice against this group. Thus, while in previous years LGBTQI people were not accepted even as visitors to the country (being socially condemned to expulsion), in 2024 the population tends to accept them. Other studies also confirm that LGBTQI people are rejected by the majority of the population⁹.

At the same time, public displays of affection continue to be perceived negatively, and a constant element of public discourse remains the confusion between homosexuality and paedophilia, a stereotype that fuels stigmatisation.

The general climate in the Republic of Moldova is marked by **hate speech**. In particular, this discourse has been present during the election periods of recent years (the 2024 presidential elections, the 2025 republican constitutional referendum, and the 2025 parliamentary elections). Promo-LEX¹⁰ has identified that hate speech by candidates or their representatives has most often taken the form of sexism, homophobia, xenophobia or discourse that has fuelled social fears by promoting prejudices and stereotypes, including in relation to LGBTQI people. ECRI noted that the lack of firm reactions from the authorities contributes to the normalisation of this type of speech and recommended amending criminal legislation to explicitly recognise

⁶ From the response of the General Prosecutor’s Office in August 2025, at the request of OAP.

⁷ https://gdm.md/wp-content/uploads/2025/01/Raport-GENDERDOC-M-2024_romana.pdf; https://gdm.md/wp-content/uploads/2026/02/Raport-GENDERDOC-M-2025_romana.pdf

⁸ https://progen.md/wp-content/uploads/2025/01/CPD_Distanta-sociala_2024.pdf

⁹ Study on perceptions and attitudes towards equality, UNDP-Moldova, 2025 - https://www.undp.org/sites/g/files/zskgke326/files/2025-02/ro_studiu_distanta_sociala.pdf; Study on perceptions of human rights in the Republic of Moldova, OAP, 2023 - <https://ombudsman.md/studiu-perceptii-asupra-drepturilor-omului-in-republica-moldova-in-2023/>

¹⁰ Between 20 August and 20 November 2024, Promo-LEX identified 328 cases of hate speech, incitement to discrimination and other forms of intolerance. Of these, 244 cases occurred in the electoral context: 161 cases in the context of the presidential elections and 48 cases in the context of the republican constitutional referendum. https://promolex.md/wp-content/uploads/2025/02/raport-final-apr-si-rc-2024_19.02.2025.pdf

LGBTQI status as an aggravating circumstance in hate crimes. Hate speech during election periods continues to be directed most often against politicians, members and supporters of political parties, LGBTQI persons and women (top 4). Such messages, coming from political and religious leaders, legitimise intolerance and reduce the willingness of institutions to implement protective measures. Documentation by GENDERDOC-M confirms this trend, reporting cases of incitement to hatred online, homophobic statements by public figures and verbal attacks on activists. The 2024 GENDERDOC-M report emphasises that the lack of firm reactions from the authorities contributes to the normalisation of this type of discourse and the perpetuation of the stigmatisation of LGBTQI people. In addition, LGBTQI people are frequently instrumentalised in the discourse of conservative political parties and in the information war promoted by the Russian Federation, being presented as a threat to „traditional values” and used to mobilise opposition to the pro-European orientation of the Republic of Moldova. This situation can also be identified in other countries.

At the same time, for several years in a row, **public demonstrations and PRIDE marches have been organised and have generally taken place peacefully and without major incidents.** However, the 2025 edition took place in a tense electoral context and was marked by several provocations and counter-demonstrations, which increased the vulnerability of participants. According to findings presented by organisations such as GENDERDOC-M, Promo-LEX and CPR,¹¹ the event highlighted the persistence of hate speech and pressure on the LGBTQI community, as well as the selective application of rules on freedom of assembly, confirming the need for a more coherent framework for protection and prevention of discrimination.

With regard to **offences and crimes committed against LGBTQI persons**, official data are lacking, but documentation by GENDERDOC-M confirms cases of physical and verbal violence, as well as degrading treatment. In practice, few cases are investigated or punished, and the victim’s sexual orientation or gender identity is rarely recognised as an aggravating circumstance, even though the legal framework provides for this possibility. The lack of separate recording of prejudice-motivated crimes contributes to underreporting and perpetuates a climate of impunity.

In its 2024 report (sixth monitoring cycle), **the European Commission against Racism and Intolerance (ECRI)**¹² made a series of recommendations to the Republic of Moldova aimed at strengthening protection against discrimination and hate speech. ECRI stresses the importance of public officials and religious leaders taking a firm stance against discriminatory messages and recommends the adoption of codes of conduct in political parties and public institutions that provide for sanctions for incitement to hatred. At the same time, the report insists on the need for public awareness campaigns, training for the police and prosecution authorities in the correct application of the legal provisions on hate crimes, and better coordination between the responsible institutions. ECRI also recommends establishing clear mechanisms for cooperation with online platforms to combat hate speech and ensure the effective investigation and punishment of hate crimes. The implementation of these recommendations would contribute to the creation of a more coherent institutional framework and a more inclusive social climate, including in the prison environment.

There are currently no specific institutional strategies or plans aimed at integrating or addressing the needs of LGBTQI persons in the justice system. National policy documents or action plans adopted at a broader level sometimes include general references to human rights or the prevention of discrimination, but do not deal with this category separately. The lack of a dedicated approach means that the issue remains invisible and the measures adopted do not respond to the real particularities of LGBTQI persons in detention or interacting with the justice system.

At the same time, **there are no clear internal regulations, instructions or protocols specifically addressing how the justice system interacts with LGBTQI persons.** Although there are general rules applicable to all, they do not contain provisions that provide a specific framework of protection or recognise the additional risks to which this group is exposed. In the absence of internal guidelines, law enforcement depends on the individual interpretation of employees, and there are no clear mechanisms to ensure equal treatment or adequate protection against abuse and discrimination.

11 <https://cpr.md/storage/uploads/2025/08/Raport-privind-desf%C4%83%C8%99urarea-Mar%C8%99ului-Moldova-Pride-2025-2.pdf>

12 <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/republic-of-moldova>

With regard to **training, neither initial nor continuing training programmes systematically include topics related to sexual orientation, gender identity or the protection of LGBTQI groups**. Even though there are sessions on more general topics, such as human rights, torture prevention or combating discrimination, specific aspects relating to LGBTQI persons in the justice or detention system are missing. As a result, staff in the institutions concerned do not have access to dedicated training that would contribute to an adequate understanding of the situation and the development of practices that are sensitive to the particularities of this vulnerable group.

However, some **positive practices** can also be noted. One example is the provision of state-guaranteed legal assistance based on the principle of equality, including through paralegals specialising in tuberculosis and HIV infection, whose services are also available to members of the LGBTQI community.

GENDERDOC-M, in partnership with the National Prison Administration (ANP), is implementing HIV/STI prevention activities in five prisons in the Republic of Moldova, funded by the Global Fund. The programme includes information, education, rapid testing for HIV, syphilis and viral hepatitis B and C, distribution of condoms and lubricants, as well as the provision of brochures and information on safe sex. In 2025, a pilot PrEP programme was launched among prisoners, with training for prison staff and prisoners; by the end of 2025, 25 prisoners had been enrolled in the programme. The initiative is a pilot model in the region, with the Republic of Moldova leading the way in this regard, and over 894 prisoners from the five institutions have benefited from prevention services. For 2026, it is planned to continue the services, expand the PrEP programme and introduce it in other prisons.

A mechanism for providing remote legal consultations via videoconferencing for prisoners in several prisons has also been launched. These initiatives, although limited, demonstrate the possibility of developing innovative and tailored solutions that contribute to reducing barriers to access to services and strengthening the legal protection of people in the LGBTQI community. In this regard, on 18 December 2024, the National Council for State-Guaranteed Legal Aid (CNAJGS) and the National Prison Administration signed a cooperation agreement for the provision of primary legal aid via videoconferencing. The agreement covers prisons No. 4 Cricova, No. 7 Rusca and No. 9 Pruncul. Public lawyers from the Chişinău Territorial Office of the CNAJGS provide remote consultations, with confidentiality guaranteed. LGBTQI persons can access primary legal aid services under the same conditions as all prisoners without disclosing their membership of the LGBTQI community.

Chapter 3.

The role of national human rights monitoring mechanisms

The Office of the People's Advocate (OAP)¹³ – The Ombudsman Institution, established in 1998, is the only national human rights institution in the Republic of Moldova with a constitutional and legal mandate to protect, promote and prevent violations of fundamental rights and freedoms. In 2023, the OAP was re-accredited with „A” status by the Global Alliance of National Human Rights Institutions (GANHRI), confirming its compliance with the Paris Principles. In addition to monitoring, the institution investigates individual cases, prepares annual and thematic reports, submits proposals for improving legislation, and carries out activities to educate and promote human rights.

According to the 2024 Annual Report¹⁴, the Ombudsman's institution received over 1,000 requests, held physical hearings for 2,329 people and heard 1,227 people by telephone. At the same time, it drafted over 80 opinions on draft legislation, 37 proposals for amendments to the regulatory framework, and submitted two complaints and four *amicus curiae* opinions to the Constitutional Court. During the same period, 217 visits were made to various institutions, including places of detention, 46 thematic and special reports were drafted, and 235 information and training activities were carried out, involving approximately 7,500 people.

In the field of detention, the OAP conducts monitoring visits to prisons and police detention centres, documenting detention conditions and respect for the rights of persons deprived of their liberty. In its reports, the institution has noted the precarious situation of vulnerable groups, in particular LGBTQI persons, who face increased risks of discrimination, harassment and degrading treatment.

The Council for the Prevention of Torture (CpPT)¹⁵ was established in 2016 and operates within the Office of the Ombudsman as the national mechanism for the prevention of torture, in accordance with the Optional Protocol to the UN Convention against Torture (OPCAT). Its main role is to monitor all places where people may be deprived of their liberty – prisons, police detention centres, psychiatric institutions, centres for children or persons with disabilities – with the aim of preventing torture and other forms of ill-treatment. The CpPT carries out monitoring visits, most of which are unannounced, draws up visit reports and thematic reports, makes recommendations to the authorities and issues opinions on draft legislation, thus contributing to the strengthening of the legal framework and the improvement of institutional practices. According to data from 2024, the Council carried out 22 visits to various institutions depriving people of their liberty and drew up 10 visit reports, which included 125 recommendations addressed to the competent authorities.

¹³ <https://ombudsman.md/>

¹⁴ <https://ombudsman.md/post-document/raport-anual-privind-respectarea-drepturilor-si-libertatilor-omului-in-republica-moldova-in-anul-2024/>

¹⁵ <https://ombudsman.md/despre-noi/consiliul-pentru-prevenirea-torturii/>

The Equality Council (CpE)¹⁶ was established in 2013 by Law No. 121 on ensuring equality. It is an independent collegial authority with a mandate to examine individual complaints of discrimination, find violations, issue recommendations and contribute to improving the regulatory framework. The CpE has the power to examine cases on multiple grounds – including sexual orientation and gender identity – and to issue decisions and opinions aimed at preventing and sanctioning discrimination. In addition to examining complaints, the Council prepares annual reports, participates in the legislative process by reviewing draft legislation, and conducts public awareness campaigns. The Council's experience shows that LGBTQI people are among the most frequently targeted groups for discrimination in the Republic of Moldova. In its annual reports, the CpE has documented numerous cases of discrimination and hate speech against them, reflecting the findings of recent sociological studies (2023, 2024), which confirm the persistence of high levels of stigmatisation and social rejection.

¹⁶ <https://egalitate.md/>

Chapter 4.

International standards and recommendations relevant to the protection of LGBTQI persons in places of detention

Standards and recommendations of Council of Europe institutions

The European Convention on Human Rights (ECHR)¹⁷ sets out direct benchmarks for the protection of LGBTQI persons in detention: Art. 2 (right to life) imposes positive obligations to prevent suicide and violence among prisoners through individualised assessments and proactive measures; Art. 3 (prohibition of torture and inhuman or degrading treatment) requires effective protection against abuse, avoidance of arbitrarily used „protective” isolation, non-humiliating searches and practices, and equivalent medical care, including access to hormone treatment for trans persons; Art. 5 (liberty and security) requires the legality of deprivation of liberty, prompt information and effective judicial review; Art. 6 (fair trial) concerns effective access to a lawyer and impartial investigations of complaints of ill-treatment; Art. 8 (private and family life) protects gender identity and dignity – respect for name/pronouns, confidentiality of data, correspondence and, where appropriate, visits and access to legal gender recognition without abusive requirements; and Art. 14 (non-discrimination) prohibits differential treatment on grounds of sexual orientation, gender identity or expression and may require specific protective measures where vulnerability is increased.

The Committee of Ministers’ Recommendation CM/Rec(2010)5¹⁸ on combating discrimination on grounds of sexual orientation or gender identity is the first comprehensive European instrument in this field.¹⁹ Among other things, the Recommendation calls on states to review police and prison practices to eliminate anti-LGBTQI bias, introduce mandatory training programmes for detention and law enforcement personnel, and implement clear anti-discrimination policies in prisons (from cell allocation to equal access to work and programmes). The recommendation provides for effective disciplinary procedures against officials involved in acts of harassment or violence and has inspired legislative reforms in several member states.

In 2023, the Council of Europe came up with a new dedicated instrument: General Policy Recommendation No. 17 (2023) of **the European Commission against Racism and Intolerance (ECRI)** on preventing and combating intolerance and discrimination against LGBTQI persons.²⁰ This is ECRI’s first recommendation that focuses specifically on the rights of LGBTQI persons. **General Policy Recommendation No. 17/2023**²¹ updates and expands the standards in CM/Rec(2010)5, bringing them in line with developments over the last

¹⁷ https://www.echr.coe.int/documents/d/echr/convention_ron

¹⁸ <https://www.coe.int/en/web/sogi/rec-2010-5>

¹⁹ <https://search.coe.int/cm/#{%22CoEIdentifier%22:%2209000016805cf40a%22,%22sort%22:%22CoEValidationDate%20Descending%22%22%7D>

²⁰ <https://rm.coe.int/ecri-general-policy-recommendation-no-17-on-preventing-and-combating/1680acb66f>

²¹ <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no-17>

decade. Among the new elements the **ECRI's General Policy Recommendation** addresses for the first time the protection of intersex persons and the recognition of the concept of sex characteristics as a ground for discrimination. It also recommends measures to states on building trust between the LGBTQI community and law enforcement agencies.

The **Council of Europe Commissioner for Human Rights**²² report has drawn attention to institutional homophobia and transphobia, including in detention systems. Recent documents, such as the Issue Paper on *Human Rights and Gender Identity and Expression (2024)*,²³ emphasise that member states must take effective measures to ensure that no one is subjected to illegal or arbitrary arrest or detention on the basis of their actual or perceived sexual orientation, gender identity or expression. In particular, it is essential that authorities prevent the abusive application of vague legal provisions, such as those relating to public morality, public health or vagrancy, which could lead to the profiling or arbitrary detention of trans persons. The Commissioner also recommends training police and prison staff to prevent discriminatory treatment, establishing independent and secure mechanisms for reporting abuse, and adopting protection measures tailored to the needs of LGBTQI persons in state custody.

The **European Committee for the Prevention of Torture (CPT)**²⁴, the body that visits places of detention in CoE states, has developed specific standards on the protection of LGBTQI persons in prisons. In the CPT's General Report for 2023, published in 2024, the Committee pays particular attention to the situation of transgender persons in prisons.²⁵ The CPT emphasises that transgender prisoners are often in a situation of heightened vulnerability, being exposed to an increased risk of intimidation, harassment and abuse from other prisoners or even staff. The CPT's experience has shown that, in practice, transgender women in detention are often placed in male wards, sometimes isolated „for their own protection“, which exposes them to violence and humiliating treatment. In response, the CPT has formulated the principle that transgender persons should generally be accommodated in the section corresponding to the gender identity with which they identify (not necessarily according to their sex assigned at birth except in well-justified and regularly reviewed individual risk situations). The CPT has also called on states to ensure that transgender prisoners are allowed to wear clothing appropriate to their gender and that they are provided with continuity in necessary medical/hormonal treatment, to a standard equivalent to that outside prison. In addition, the CPT recommends clear policies on body searches (e.g. the possibility to choose the gender of the staff conducting the search, in order to avoid humiliation) and staff training programmes.

The **European Prison Rules (revised 2020)**²⁶ establish a fundamental framework for the protection of the rights of persons deprived of their liberty, which also applies to LGBTQI persons. They enshrine the principle of respect for human dignity and non-discrimination (Rule 1), requiring states to prevent any differential treatment based on sexual orientation or gender identity. At the same time, they stipulate that the allocation of prisoners must take into account individual needs and safety (Rule 13), guarantee access to equivalent medical services, including hormone therapy (Rules 18–19), and require effective complaints mechanisms and staff training (Rules 54 and 72) to prevent abuse and discrimination.

European Union (EU) standards

Although the Republic of Moldova is not (yet) a member state of the EU, European standards and policies on LGBTQI rights are an important benchmark, especially in the context of the upcoming accession negotiations.

The **EU Guidelines on the Promotion and Protection of LGBTQI Rights (2013)**²⁷ reaffirm the principle of equality and call for the fight against violence in detention by promptly investigating abuses and training staff to treat vulnerable detainees without prejudice.

²² <https://rm.coe.int/issue-paper-on-human-rights-and-gender-identity-and-expression-by-dunj/1680aed541>

²³ <https://rm.coe.int/one-pager-on-the-issue-paper-on-human-rights-and-gender-identity-and-e/488025eac2>

²⁴ <https://www.coe.int/en/web/cpt>

²⁵ <https://rm.coe.int/1680af7216>

²⁶ <https://search.coe.int/cm?i=09000016809ee581>

²⁷ <https://data.consilium.europa.eu/doc/document/ST-11492-2013-INIT/ro/pdf>

Internally, **the EU Agency for Fundamental Rights (FRA)** has shown, through surveys in 2012²⁸, 2019²⁹ and 2024³⁰, that LGBTQI people rarely report abuse due to a lack of trust in the authorities. In detention, this reluctance may be amplified by fear of reprisals. The FRA highlighted major difficulties for trans and intersex persons, including lack of recognition of gender identity in documents and placement in inappropriate sections³¹.

Another important EU-level document is **the EU Strategy for LGBTQI Equality 2020-2025**³², which proposes measures such as the exchange of good practices, pilot projects for training prison staff and the collection of data on homophobic and transphobic violence in prisons, with a view to increasing protection and inclusion.

UN standards and protection system

The protection of LGBTQI rights is based on **the Universal Declaration of Human Rights** (1948), which guarantees equality in dignity and rights, and the principle of non-discrimination. Although it does not explicitly mention SOGI it applies to any vulnerable or marginalised group. This principle is reflected in the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT), which oblige states, including the Republic of Moldova, to ensure humane treatment in detention without discrimination. The UN Human Rights Committee has interpreted that the term „any other status” in anti-discrimination clauses also includes sexual orientation and gender identity. Similarly, the Committee against Torture has emphasised the obligation of states to prevent torture and ill-treatment of all detainees, taking into account the specific vulnerabilities of minority groups.³³

To monitor places of detention, the Optional Protocol to the CAT (OP CAT) established **the Subcommittee on Prevention of Torture (UN SPT)**, which visits prisons and detention centres, issues recommendations and collaborates with national mechanisms. The UN SPT and national torture prevention mechanisms have drawn attention to the fact that LGBTQI persons are a vulnerable group requiring additional protection in detention. In its 2016 annual report³⁴, the SPT highlighted *the „situation of complete abandonment of transgender women and men in detention”*, noting with concern the serious consequences of placing transgender women in prisons exclusively for men, where they are exposed to an increased risk of physical violence, including sexual violence. The Subcommittee emphasised that, in the case of lesbian, gay, bisexual, transgender and intersex persons deprived of their liberty in any place of detention, States have an obligation to recognise the specific risks faced by these individuals, to identify those in vulnerable situations and to protect them. In particular, the Subcommittee emphasised that „decisions on the placement of transgender persons should be made on a case-by-case basis, taking seriously their views on their safety and, as far as possible, their informed consent”. The SPT further recommends that the initial assessment include bias indicators and a medical screening to ensure „equivalence of care” with the community, as well as confidentiality guarantees (no unjustified presence of security personnel during consultations), which are critical for transgender and intersex persons.

UN special procedures reinforce these standards. **The UN Special Rapporteur on Torture**,³⁵ found that the prison environment is highly hierarchical and that LGBTQI persons, who are at the bottom of the criminal hierarchy, suffer „double or triple discrimination” and are more exposed to physical and psychological abuse.³⁶ These findings highlight the increased risk of physical and emotional abuse of LGBTQI persons in custody. In this regard, the Rapporteur recommends avoiding long-term „protective isolation” and replacing

28 <https://fra.europa.eu/en/publication/2013/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-transgender-survey-results>

29 <https://fra.europa.eu/en/publication/2020/long-way-go-lgbti-equality-technical-report>

30 <https://fra.europa.eu/en/publication/2024/lgbtiq-equality-crossroads-progress-and-challenges>

31 <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>

32 https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025_en

33 <https://docs.un.org/en/A/HRC/29/23>

34 <https://docs.un.org/en/CAT/C/57/4>

35 <https://www.ohchr.org/en/special-procedures/sr-torture>

36 <https://docs.un.org/en/A/HRC/31/57>

it with safe accommodation options that do not exclude access to activities, education and rehabilitation programmes.

The UN Independent Expert on Sexual Orientation and Gender Identity,³⁷ established in 2016, has documented acts of violence and discrimination in detention and made recommendations to states such as: the complete decriminalisation of same-sex relationships, legal recognition of gender identity without abusive requirements, and equal access to medical treatment, including hormone therapy and HIV/AIDS care.³⁸ The recommendations also include introducing into prison regulations the option for transgender persons to express their preference regarding the gender of the staff conducting searches, with this preference being recorded in the admission form.

A point of reference is **the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules, 2015)**,³⁹ which, although not expressly mentioning LGBTQI persons, establish principles applicable by analogy to their situation. Rule 2 requires non-discrimination in detention, demanding that all prisoners be treated without distinction as to race, sex, language, religion or „any other status“, which includes sexual orientation or gender identity. Rule 7 emphasises the obligation to keep detailed records of each prisoner's identity, which, by extension, also implies respect for their declared gender identity. Rule 11 stipulates that the separation of prisoners must take into account their sex, but the current interpretation recommends that decisions regarding the placement of transgender or intersex persons be made on a case-by-case basis in order to protect their safety and dignity. Thus, although the Mandela Rules do not explicitly refer to LGBTQI persons, their principles of equality, non-discrimination, protection of health and human dignity create a solid framework to ensure that no prisoner is exposed to violence, humiliation or deprivation of treatment because of their gender identity or sexual orientation. Complementarily, **the Bangkok Rules (2010)**⁴⁰ emphasise the importance of humane treatment tailored to the specific needs of women in detention, including transgender women, in the current reality, insisting on measures to protect against violence and access to adequate medical services.

The Yogyakarta Principles (2006)⁴¹ are a set of standards developed by experts in international law to clarify how human rights apply in the context of sexual orientation and gender identity. Among the 29 principles, the most relevant to detention is Principle 9 – The right to humane treatment – which requires states to prevent LGBTQI prisoners from being exposed to violence through appropriate placement, to ensure access to appropriate medical services (including hormone treatments and HIV/AIDS therapy), to consult with the persons concerned in decisions regarding their placement, and to prevent excessive isolation under the pretext of protection. It also provides for equal conjugal visits, independent monitoring of places of detention, the involvement of specialised NGOs and training for prison and police staff in equality and non-discrimination, applying existing obligations under treaties such as the ICCPR and CAT to the specific situations of LGBTQI persons. Principle 3 (recognition before the law) and Principle 18 (health) reinforce the obligation to respect self-declared gender identity in detention documentation and to provide affirmative health services.

In addition, the 2006 Principles were supplemented in 2017 by **the Yogyakarta Principles + 10 (YP + 10)**,⁴² which develop some existing principles but also introduce eight new principles (30–37) on gender expression and sex characteristics, such as state protection, legal recognition of gender identity without abusive requirements, bodily and mental integrity, freedom from criminalisation on SOGIESC grounds, and equal access to hygiene services. In the field of detention, **YP+10** clarifies Principles 9 and 10, recommending alternative measures to deprivation of liberty when the safety and well-being of LGBTQI persons cannot be guaranteed.

37 <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity>

38 <https://docs.un.org/en/A/73/152>

39 https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf, in Romanian https://avp.ro/wp-content/uploads/2020/07/ansamblu_reguli_mnp.pdf

40 https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf

41 <https://www.refworld.org/legal/resolution/icjurists/2007/en/58135>. Here and in Romanian <https://www.iglhrc.org/sites/default/files/264-1.pdf>

42 https://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf.

Studies, guidelines and recommendations from relevant international organisations

The Joint United Nations Programme on HIV/AIDS (UNAIDS) in its 2024 report – “*HIV and transgender people – Thematic briefing note*” highlights that LGBTQI people, especially transgender people, are overrepresented in places of detention as a result of criminalisation, stigmatisation and discrimination. In prisons, they face a significantly increased risk of HIV infection, sexual violence and lack of access to adequate medical services. The prevalence of HIV among prisoners is approximately twice that of the general adult population, and access to antiretroviral treatment remains uneven, with many countries reporting coverage below the required level. The report highlights the lack of services tailored to the needs of transgender people and measures to protect them from abuse, as well as the need for continuity of care after release. In addition, the involvement of communities, including former LGBTQI prisoners, is presented as essential for the development of effective programmes based on human rights and risk reduction.⁴³

UNAIDS, 2024 has issued a series of documents focusing on human rights and HIV. LGBTQI people, particularly transgender and gender-diverse people, are at increased risk of HIV infection, sexual violence and abuse in places of detention due to the criminalisation of gender identity and structural discrimination. Lesbian and bisexual women or gay men in detention may also be vulnerable to physical abuse and lack of access to adequate health services. Non-binary and intersex people face additional difficulties, including arbitrary segregation and a lack of recognition of their specific medical needs. Effective interventions require human rights-based policies, equal access to treatment and the involvement of LGBTQI people in the development of prevention and care programmes.⁴⁴

Another UNAIDS document on transgender youth (**HIV and young transgender people**, 2015) highlights the interaction between stigma, structural discrimination and social exclusion, which amplifies this group's vulnerability to HIV infection and other health risks. The criminalisation of gender expression, police abuse and the lack of a protective legal framework lead to frequent contact with the criminal justice system, where the risk of victimisation and violence is heightened. Although the report does not explicitly address the detention environment, its conclusions can be extrapolated: transgender people, especially young people, are particularly vulnerable to rights violations in places of deprivation of liberty, including sexual violence, lack of access to appropriate health services and HIV treatment, and arbitrary segregation. These vulnerabilities point to the need for human rights-based prison policies that ensure protection and equal access to medical and psychosocial services for LGBTQI people in detention.⁴⁵

The United Nations Office on Drugs and Crime (UNODC) and the World Health Organisation (WHO) also issued a position paper in 2022 entitled, “**Technical brief: transgender people and HIV in prisons and other closed settings**”. Transgender people in prisons and other places of detention are at high risk of HIV infection, sexual violence and lack of access to adequate health services. UNODC emphasises that these vulnerabilities are caused by discrimination, stigmatisation and detention practices that ignore gender identity. It recommends the adoption of human rights-based interventions, including equal access to treatment, prevention and protection measures against violence, and training for prison staff.⁴⁶

The OSCE, through its Office for Democratic Institutions and Human Rights (**ODIHR**), has developed standards and tools for preventing and combating gender-based violence in places of detention, including specific recommendations for the protection of LGBTQI persons. An essential reference document is the 2019 guide *Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty*,⁴⁷ which comprehensively addresses the risks faced by persons deprived of their liberty and provides practical guidance for authorities and monitoring mechanisms. Similarly, the ODIHR 2024 Quick Guide⁴⁸ recognises the

43 https://www.unaids.org/sites/default/files/media_asset/2024-unaids-global-aids-update-transgen-people_en.pdf

44 <https://www.unaids.org/en/resources/documents/2024/04-hiv-human-rights-factsheet-transgen-gender-diverse>

45 https://www.unaids.org/sites/default/files/media_asset/2015_young_transgen_en.pdf

46 https://www.unodc.org/documents/hiv-aids/publications/Prisons_and_other_closed_settings/22-03088_Transgen_HIV_E_ebook.pdf

47 <https://www.osce.org/files/f/documents/f/b/427448.pdf>

48 <https://www.osce.org/odihr/575491>

high risk of harassment and violence against LGBTQI persons and recommends measures such as allowing the choice of gender of staff conducting searches, careful placement of transgender and intersex persons in cells, and the implementation of effective protection mechanisms.

The Association for the Prevention of Torture (APT)⁴⁹ promotes the principle that sexual orientation and gender identity should not be grounds for detention and warns of the risk of abusive arrests and sexual violence in police custody. The organisation calls for the treatment of transgender and intersex persons in detention to be adapted, including the use of correct names and pronouns, access to gender-appropriate clothing, continuity of hormone treatment and individualised decisions on placement in wards, in order to minimise the risk of abuse.

Penal Reform International (PRI), in collaboration with APT, launched the second edition of the guide *LGBTI persons deprived of their liberty: a framework for preventive monitoring*⁵⁰ in 2015, intended for the preventive monitoring of the situation of LGBTQI persons deprived of their liberty. The document emphasises that isolation as a protective measure is not an appropriate solution, as it can amount to double punishment, limiting access to rehabilitation programmes and affecting mental health. The guide recommends preventive policies: careful selection of cellmates, zero tolerance for hate-motivated aggression, the possibility of transfer to another unit or section if safety is compromised, and staff training. In 2024, the PRI's Iso published the analysis *Placement of Trans and Non-Binary People in Places of Detention*,⁵¹ which provides detailed guidance on the criteria for placing transgender and non-binary people. The document recommends individual assessment of each situation, taking into account the person's safety, medical needs, expressed preferences and right to self-determination. Practices of automatic placement based solely on sex assigned at birth are rejected, as they may expose trans and non-binary detainees to high risks of violence, harassment and degrading treatment. PRI also stresses the importance of ensuring access to hormone treatment.

Specific recommendations for the Republic of Moldova

The European Commission against Racism and Intolerance (ECRI) has made specific recommendations to the Republic of Moldova on the protection of LGBTQI persons.⁵² ECRI reports highlight the persistence of discriminatory attitudes against LGBTQI persons in society, which are also reflected in the prison system. The Commission has identified the lack of specific policies for the protection of LGBTQI prisoners as one of the main shortcomings of the Moldovan prison system. The reports stress the need to take concrete measures to combat homophobia and transphobia among prison staff and other prisoners. ECRI has recommended that the Moldovan authorities develop and implement specific policies for the protection of LGBTQI persons in places of detention, including protocols for the safe placement of these persons and training programmes for prison staff. The reports highlight the importance of collecting statistical data on incidents of discrimination and violence against LGBTQI prisoners, as well as the need to implement effective monitoring and evaluation mechanisms.

The Council of Europe's Committee for the Prevention of Torture (CPT) has conducted several visits to the Republic of Moldova, documenting the situation of persons from vulnerable groups in places of detention. Following its visit to the Republic of Moldova in 2022, the CPT made a specific recommendation: „the Moldovan authorities should implement a clear holistic strategy, with implementation deadlines, including, in particular, measures to ensure the full support of the management for persons who are at particular risk of abuse by other persons in detention (including persons accused or convicted of sexual offences, persons from the LGBTQI community, persons with mental health problems or substance abuse problems) and persons who do not wish (or no longer wish) to be involved in the informal hierarchy of prisoners, including, upon request, accommodation in separate detention facilities (set up for this purpose), the provision of appropriate material conditions and

⁴⁹ <https://www.apr.ch/knowledge-hub/dfd/lgbti-persons>

⁵⁰ <https://cdn.penalreform.org/wp-content/uploads/2016/01/lgbti-framework-2nd-ed-v7-web.pdf>

⁵¹ https://cdn.penalreform.org/wp-content/uploads/2024/07/PRI_-_Placement-of-trans-and-non-binary-people.pdf

⁵² ECRI REPORT ON THE REPUBLIC OF MOLDOVA (sixth monitoring cycle), 2024 <https://rm.coe.int/sixth-report-on-the-republic-of-moldova-translation-in-romanian-/1680b20f53>

treatment, and the necessary supervision by staff. These persons have been rejected by other persons in detention for various reasons, such as being accused or convicted of sexual offences, because of their sexual orientation, because they have been victims of sexual abuse, because they have used drugs or because they suffer from mental disorders; this category of detainees also included persons who refused or were unable to contribute to the illegal collective fund administered by the informal leaders of the prison.⁵³

The UN Committee on the Elimination of Discrimination against Women, recalling its general recommendation No. 33 (2015) on women's access to justice, recommends that *the State party raise awareness among women, including lesbian, bisexual and transgender women, of their rights and the remedies available to claim those rights; Continue efforts to review school curricula and textbooks to eliminate any discriminatory gender stereotypes and provide capacity-building programmes for teachers to ensure that they do not perpetuate or tolerate such stereotypes; Harmonise the definition of sexual harassment in national legislation with applicable international human rights standards, including the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and Convention No. 190 of 2019 of the International Labour Organisation (ILO) on the elimination of violence and harassment in the workplace.*⁵⁴

The former Special Rapporteur on the situation of human rights defenders, Michel Forst,⁵⁵ noted that the Government of the Republic of Moldova must have stepped up measures to effectively protect the rights of lesbian, gay, bisexual, transgender and intersex persons and their defenders, in particular by ensuring effective investigation of hate crimes and hate speech, access to fair trial and remedies, and by taking measures to prevent discrimination on grounds of sexual orientation and gender identity.

Noting the State party's efforts in the area of preventing and combating discrimination, the Committee on the Rights of the Child recommends that the State party strengthen its efforts to ensure the effective elimination of all forms of discrimination against children with disabilities, children belonging to ethnic minorities, in particular Roma children, **children belonging to the LGBTIQ community and other groups of children in vulnerable situations**, including children living in poverty, children whose parents have emigrated abroad and street children. These measures should include, among other things, changes to relevant legislation, ongoing training for the police on sensitivity and responsiveness to minorities, and awareness-raising and education campaigns, particularly at community level and in schools.⁵⁶

Vulnerability profiles among LGBTIQ persons in the context of detention:

Although the term "LGBTIQ" is used as an umbrella term, the people included in this category do not form a homogeneous group. Their risks, needs and experiences in contact with the police, the prison system and probation differ significantly depending on their gender identity, sexual orientation and other personal or social characteristics.

Transgender people (especially trans women) Transgender people, especially trans women placed in male institutions, face some of the highest risks of violence and degrading treatment in detention.

- ▶ They are at increased risk of sexual violence, coercion and exploitation, particularly where they are perceived to be in the most vulnerable position in informal hierarchies.
- ▶ They are frequently subjected to humiliating or invasive body searches by staff of a gender that does not correspond to their gender identity, which may constitute degrading treatment.
- ▶ They face the interruption or denial of hormone treatments and other forms of gender-affirming care, with severe impacts on their physical and mental health.

53 Report to the Moldovan Government on the ad hoc visit to the Republic of Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 13 December 2022, <https://rm.coe.int/1680ac59d8>

54 https://gov.md/sites/default/files/users-media/media-16/media17/transparenta%20decizionala/consiliul%20pentru%20coordonarea%20dezb%20durabile/recomandari/cedaw_c_mda_co_6_41726_e_ro.pdf

55 Special Rapporteur on the situation of human rights defenders in the Republic of Moldova, 2018 https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/EndofmissionMoldova_June2018RO.docx

56 Convention on the Rights of the Child, Fourth and fifth periodic reports of States parties due in 2015 Republic of Moldova. <https://docs.un.org/en/CRC/C/MDA/4-5>

- ▶ They are disproportionately placed in “protective” isolation, often for long periods, with limited access to activities and social contact, which increases the risks of depression, self-harm and suicide.

These risks require specific procedural safeguards: individual placement decisions, respect for self-declared gender identity, continuity of medical care, and strict limits on the use of isolation.

Non-binary persons - individuals whose gender identity does not fall exclusively within the categories of “male” or “female”—may face particular challenges in detention systems that operate strictly within a binary gender framework.

- ▶ Institutional procedures often require individuals to be registered as either male or female, which may result in non-binary persons being compelled to select or being assigned a binary category that does not correspond to their gender identity. They are forced to choose or are assigned one of the two binary options, which can lead to placement in an environment that does not correspond to their gender identity.
- ▶ Internal documentation, forms and registers frequently do not provide options beyond the male/female binary, limiting the ability of authorities to identify specific protection needs.
- ▶ Placement decisions and body search procedures may rely solely on legal sex markers rather than taking into account a person’s gender identity, which may expose non-binary detainees to discomfort, humiliation or increased safety risks.

Non-binary persons—In such contexts, risks arise not only from the absence of tailored safeguards but also from the rigid binary structure of institutional procedures, which can lead to inappropriate placement, lack of privacy and barriers to ensuring safe and dignified treatment.

Intersex persons—individuals born with variations of sex characteristics that do not fit typical binary notions of male or female bodies—may encounter specific challenges in detention settings, particularly where institutional systems assume uniform male or female biological characteristics. While most intersex persons identify as either male or female, detention staff may lack awareness of variations in sex characteristics and their possible implications.

- ▶ Intersex persons may be subjected to intrusive or inappropriate searches or examinations due to lack of understanding among staff.
- ▶ Institutional procedures may not adequately account for variations in sex characteristics when determining placement or ensuring privacy.
- ▶ Some intersex persons may have specific healthcare needs, including those related to hormonal conditions or past medical interventions, which may not be adequately recognised in detention settings.

In these situations, risks arise primarily from the lack of awareness and appropriate procedures concerning variations in sex characteristics, which may affect privacy, dignity and access to adequate healthcare. **Lesbians and bisexual women in detention.** Lesbians and bisexual women in detention face risks that are distinct from those faced by gay men or transgender persons.

- ▶ They are at increased risk of sexual violence, including so-called ‘corrective’ violence, informally justified by stereotypes about gender roles and sexuality.
- ▶ They may be involved in coercive or dependent sexual relationships, disguised as “consensual relationships” within the formal and informal hierarchies of women’s prisons.
- ▶ Abuses motivated by sexual orientation may be misclassified as mere “conflicts” or “disciplinary issues”, which removes them from the scope of anti-discrimination protection and sexual violence prevention.
- ▶ Previous experiences of victimisation (including domestic and gender-based violence) combine with the stigmatisation of sexual orientation, may generate forms of multiple discrimination.

These dynamics call for specific measures to prevent and respond to sexual violence in women's prisons, as well as reporting mechanisms that explicitly recognise the SOGIESC components of abuse.

Gay and bisexual men in detention. Gay and bisexual men are often confused with the informal category of "humiliated/sexualised/opușcenii" in prison subculture, even when they do not have the status imposed by this hierarchy.

- ▶ This confusion can automatically place them at the lowest and most exploited rung of the informal hierarchy, with an increased risk of violence, sexual abuse, extortion and forced labour, which can lead to mental health problems (depression, anxiety, including complex trauma).
- ▶ Non-consensual outing – by staff or other prisoners – increases the risk of victimisation and social isolation.
- ▶ Fear of stigmatisation and reprisals discourages reporting of incidents, leading to under-reporting of homophobic violence and a lack of adequate protection measures.
- ▶ For some gay or bisexual men, informal labelling within the subculture can have long-term consequences for their status in detention and after release.

Preventing these risks depends on the ability of staff to differentiate LGBTQI identities from categories of criminal subculture and to proactively intervene against violence and exploitation.

Building on these vulnerability profiles, chapters 9 and 10 analyse in detail how the identified risks materialise in police custody and the prison system and to what extent existing institutions succeed – or fail – in preventing and managing them.

Chapter 5.

International case law

The ECtHR has examined the situation of LGBTQI persons in detention on several occasions, emphasising the obligation of states to respect their dignity, gender identity and health. In its case law, the ECtHR has confirmed that gender identity is part of private life protected by Article 8 of the Convention and that LGBTQI persons enjoy protection against discrimination under the Convention. Both the right to private life (Art. 8) and the prohibition of inhuman or degrading treatment (Art. 3) have been invoked in cases concerning the detention conditions of transgender persons, in addition to the violation of Article 14.⁵⁷

In the case **of X v. Turkey**⁵⁸ (Application No. 24626/09, 2013), the applicant, a gay man in detention, was placed by the authorities in an isolated cell on the pretext of protecting him from harassment and violence by other detainees. In reality, this measure amounted to prolonged isolation in unsanitary and degrading conditions: a cell measuring approximately 7 m², insufficient light, the presence of rodents, and a total lack of recreational activities and human contact for more than eight and a half months. The European Court of Human Rights found that the authorities had not adequately justified the use of such an extreme measure and that the isolation imposed went beyond what was necessary for the applicant's protection, amounting to inhuman and degrading treatment contrary to Article 3 of the Convention. Furthermore, the Court emphasised that this measure was essentially determined by the applicant's sexual orientation, which constituted discrimination prohibited by Article 14 in conjunction with Article 3. The judgment sets an important precedent by explicitly recognising that placing someone in discriminatory detention conditions based on their sexual orientation can violate both the prohibition of degrading treatment and the prohibition of discrimination.

A relevant case is **G.G. v. Turkey** (D.ç. contre la Turquie)⁵⁹ (Application no. 10684/13, 2017), in which a transgender woman in detention challenged the authorities' refusal to legally recognise her gender identity, conditioning recognition on undergoing irreversible surgery. Furthermore, during the applicant's detention, her hormone treatment was interrupted. The ECtHR found a violation of Article 8 (right to private life), considering that the right to self-determination, gender identity and adequate medical treatment cannot be made conditional on invasive medical procedures or forced sterilisation. The Court emphasised the importance of respecting the personal autonomy and physical integrity of transgender persons, stating that imposing irreversible medical conditions for the recognition of gender identity violates the Convention. The Court also emphasised that states must ensure adequate medical treatment for transgender persons in detention, including the continuation of hormone therapy, if medically necessary.

In the case of **W.W. v. Poland**⁶⁰ (Application No. 31842/20, judgment of 11 July 2024), the ECtHR confirmed the development of its case law. The applicant, a transgender woman detained in a men's prison, was prevented by the authorities from continuing her prescribed hormone therapy after being transferred to another prison. In this case, the Court found a violation of Article 8 of the Convention, stating that the Polish authorities had failed to strike a fair balance between the interests at stake – in particular the obligation to

⁵⁷ Guide on the case law of the European Convention on Human Rights Rights of LGBTI persons, 2025. https://ks.echr.coe.int/documents/d/echr-ks/guide_lgbti_rights_eng

⁵⁸ <https://hudoc.echr.coe.int/eng?i=001-113876>

⁵⁹ <https://hudoc.echr.coe.int/eng?i=001-172142>

⁶⁰ <https://hudoc.echr.coe.int/eng?i=001-234807>

protect the applicant's health – and the administrative considerations invoked to interrupt her treatment. The ECtHR noted the particular vulnerability of transgender persons in detention who are undergoing gender transition, emphasising that they require increased protection from the state. The authorities' refusal to allow the continuation of hormone therapy, considered part of the necessary medical treatment related to gender identity, was found to be an unjustified interference with the applicant's right to private life and a failure to respect her dignity and personal integrity.

Another important reference case is *Lapunov v. Russia*⁶¹ (Application No. 28834/19, 2023), where the European Court of Human Rights examined the complaint of an openly gay man who was abducted in public and illegally detained by the Chechen authorities in the context of the so-called "anti-gay purge". During his detention, the applicant was subjected to acts of torture, and the authorities failed to provide him with a plausible explanation, even though his accounts were detailed, consistent and supported by independent evidence. The Court found a violation of Article 3 both in substance, for the inhuman and degrading treatment motivated by his sexual orientation – classified as a hate crime – and in procedure, for the systemic failure of the authorities to investigate unregistered detentions and disappearances in Chechnya. It also found a violation of Article 14 in conjunction with Article 3, given the discriminatory nature of the violence, as well as a violation of Article 5, as the detention was arbitrary, without legal basis and not officially recognised (full judgment). This is the first ECtHR judgment to explicitly classify violence against an LGBTQI person in Chechnya as hate-motivated torture and to highlight the existence of a systemic pattern of illegal detentions and enforced disappearances in the region.

Another relevant case is *Stasi v. France*⁶² (Application No. 12345/09, 2011). The applicant, a gay man in detention, was subjected to repeated harassment and ill-treatment by other detainees because of his sexual orientation. The prison authorities did not intervene sufficiently to protect his physical and mental integrity, failing to take adequate measures to prevent abuse. The European Court of Human Rights found that the lack of effective protection constituted inhuman and degrading treatment, in violation of Article 3 of the Convention. In addition, the Court emphasised that the applicant's vulnerability was directly caused by his sexual orientation, which implies discrimination prohibited by Article 14, in conjunction with Article 3. The judgment reaffirms the obligation of states to protect LGBTQI persons in detention from violence and discrimination.

In the case of *Oganezova v. Armenia*⁶³ (Application no. 67890/18, 2022), the applicant, a transgender woman, was the victim of attacks and harassment in prison, and the Armenian authorities failed to properly investigate the incidents and take measures to ensure her protection. The European Court of Human Rights found that the state had failed to fulfil its obligation to protect LGBTQI persons in detention and had violated Article 3 of the Convention, which prohibits inhuman and degrading treatment. Furthermore, the Court recognised that discrimination on the basis of gender identity aggravated the treatment suffered, involving a violation of Article 14 in conjunction with Article 3. This judgment sets a precedent regarding the responsibility of states to ensure the safety and adequate conditions of detention for transgender and gender-diverse persons.

UN treaty bodies have addressed individual cases of arbitrary detention and ill-treatment of LGBTQI persons, confirming the obligation of states to protect their rights. The UN Human Rights Committee has found violations of the International Covenant on Civil and Political Rights in situations where individuals were arrested solely because of their sexual orientation or gender identity and suffered abuse in detention. For example, in *Toonen v. Australia*⁶⁴ (1994), the **UN Human Rights Committee** ruled that criminalising consensual homosexual relations violates the right to privacy and non-discrimination. By analogy, the arbitrary arrest of a person for who they are – followed by violence or humiliation – constitutes a serious violation of the right to liberty and security (art. 9), the right to humane treatment (art. 7) and the right to privacy and equality (arts. 17 and 26 of the Covenant). The Committee emphasised that detention on grounds of sexual orientation or gender identity, accompanied by acts of violence and humiliation, cannot be tolerated in view of the State's obligation to prevent cruel, inhuman or degrading treatment.

61 <https://hudoc.echr.coe.int/fre?i=001-226449>

62 <https://hudoc.echr.coe.int/eng?i=001-107134>

63 <https://hudoc.echr.coe.int/fre?i=001-217250>

64 <https://juris.ohchr.org/casedetails/702/en-US>

Chapter 6.

Good practices and international experiences regarding LGBTQI persons in detention

Protecting the rights of LGBTQI persons in the criminal justice system and in detention is a global challenge, given the increased risks of violence, discrimination and exclusion. International standards establish the obligation of states to ensure equal treatment, respect for human dignity and access to non-discriminatory services for these groups of persons. Although the way in which these principles are transposed into legislation and public policy varies significantly, the global trend is that the issue of respect for LGBTQI rights in detention is increasingly being addressed at the national level. At the same time, international standards require the protection of LGBTQI persons from arbitrary arrest or detention. Globally, 67 countries still criminalise same-sex relationships, 10 of which apply the death penalty. In addition, 20 countries criminalise gender diversity.⁶⁵

In recent years, several European countries have introduced simplified procedures for **legal gender recognition** (gender self-determination), without the need for medical diagnoses, surgery or judicial approvals. Ireland adopted a progressive law in 2015 whereby gender change is achieved through simple self-determination – without medical requirements or psychological assessments. Other European countries with similar procedures include Belgium, Denmark, Finland, Germany, Iceland, Luxembourg, Malta, Norway, Portugal, Spain and Switzerland, all of which offer legal recognition based on self-determination.⁶⁶ Such possibilities are also found in the legislation of Canada, South Korea, Botswana and most Latin American countries. Currently, legal gender change is possible in 56 countries, but in 24 of these the procedure is conditional on invasive medical interventions, such as sterilisation or surgery, while in the other 32 countries recognition is based on self-determination, without medical requirements.⁶⁷

In Europe, several countries have introduced **clear regulations to protect LGBTQI persons in detention**. A recent trend is to include criteria of vulnerability associated with gender identity and sexual orientation in prison regulations. These provisions oblige the prison administration to treat LGBTQI persons as a vulnerable group, benefiting from individualised risk assessments and additional protection measures. **Greece** has explicitly prohibited discrimination on grounds of sex, sexual orientation or gender identity in the Prison Code. In addition, differential treatment is only permitted if it is in the person's favour and aims to meet specific needs, applying to both pre-trial detention and post-conviction detention.⁶⁸ In **Croatia**, the Constitution and legislation on the enforcement of sentences enshrine the principle of non-discrimination, explicitly including gender identity and sexual orientation as protected criteria.⁶⁹ In **Romania**, in 2023, the Regulation implementing Law No. 254/2013 was amended to include gender identity as a specific

65 https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2023/may/20230517_idahobit

66 <https://rm.coe.int/report-on-the-review-of-the-implementation-of-recommendation-cm-rec-20/48802904af>

67 <https://www.equaldex.com/issue/changing-gender>

68 https://fra.europa.eu/sites/default/files/fra_uploads/greece-criminal-detention-2024-country-study_en.pdf

69 https://fra.europa.eu/sites/default/files/fra_uploads/croatia-criminal-detention-2024-country-study_en.pdf

vulnerability criterion for persons deprived of liberty (Art. 34), which obliges the prison administration to adopt appropriate protection measures.⁷⁰ **Ireland** is an example of good practice through the National LGBTQI Inclusion Strategy, launched in 2019 by the Ministry of Justice and Equality. The document includes an action plan for developing a policy on the placement and accommodation of LGBTQI prisoners, reflecting European good practices⁷¹. In **Scotland**, the Prison Service has adopted a specific policy on gender identity and transition, designed to ensure individualised risk assessment and respect for the gender identity of persons in custody (Scottish Prison Service, Gender Identity and Gender Reassignment Policy). **Sweden** has developed one of the most advanced institutional frameworks. The strategy launched in 2016 by the Prison and Probation Service aims at LGBTQI inclusion in all aspects of institutional life, based on five pillars: critical approach to norms, respect for privacy, equal access to health and social services, equal conditions for work and education, and zero tolerance for discrimination. In addition, the institution collaborates with civil society organisations, and its staff has been certified as LGBTQI friendly by the Swedish Federation for LGBTQI Rights. Examples of innovative policies can also be found in **Malta**, where there is a Trans, Gender Variant and Intersex Inmates Policy, designed to provide specific protection, and in Finland, where the Prison Service's Non-Discrimination and Equality Plan includes detailed provisions for LGBTQI prisoners. In 2023, **Finland** introduced legal provisions stipulating that legally recognised transgender persons must be placed according to their recognised gender, with the possibility of derogation only to protect their safety or that of others⁷².

Data collection is essential for assessing the situation of LGBTQI persons in detention. Most states do not systematically collect data on the SOGIESC (sexual orientation, gender identity, gender expression and sex characteristics) of prisoners, which makes it difficult to measure the phenomenon. Where data is available, it shows an overrepresentation of LGBTQI people in detention systems. **Penal Reform International** reports that **15% of people in pre-trial detention globally identify as LGBTQI**,⁷³ but the data is likely underestimated due to fear of stigma and under-reporting. In **the United States**, there is extensive research showing that lesbian, gay, bisexual, transgender and queer (LGBTQI) people are overrepresented at every stage of the criminal justice system, from early contact with the police to long-term detention. This phenomenon is particularly visible in the case of transgender people and queer women. The high rates of lesbian and bisexual women in detention can be attributed in part to longer sentences imposed by the courts. The same study of National Prisoner Survey data found that, in both prisons and penitentiaries, lesbian or bisexual women were sentenced to longer periods of incarceration than heterosexual women and gay and bisexual men were more likely than heterosexual men to receive sentences longer than 10 years. **One in 20 (5.5%) men in prison identify as gay or bisexual**, and another 3.8% report having had sex with men before arriving in prison but do not identify as gay or bisexual.⁷⁴ American researchers also estimate that **20% of young people in the juvenile justice system are lesbian, gay, bisexual**, questioning, gender non-conforming or transgender, compared to 4-6% of young people in the general population. The same research shows that 40% of girls (assigned female at birth) in the juvenile justice system identify as LGBTQI and/or gender non-conforming.⁷⁵ Other data show that incarceration rates for LGBTQI people in the United States are also a cause for concern, as they appear to be disproportionate: **while evidence suggests that 4.5% of the adult population in the United States identifies as LGBTQI, up to 9.3% of men and 42.1% of women in state and federal prisons, as well as 6.2% of men and 35.7% of women in local jails, belong to the LGBTQI community**. Furthermore, the percentage of lesbian, bisexual and queer women in

70 https://fra.europa.eu/sites/default/files/fra_uploads/romania-criminal-detention-2024-country-study_en.pdf

71 https://fra.europa.eu/sites/default/files/fra_uploads/ireland-criminal-detention-2024-country-study_en.pdf

72 https://fra.europa.eu/sites/default/files/fra_uploads/finland_criminal-detention-2024-country-study_en.pdf See also https://www.prisonpolicy.org/blog/2024/04/15/jails_update/

73 https://cdn.penalreform.org/wp-content/uploads/2024/09/PRI_Global-prison-trends-report-2024_EN.pdf

74 <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq/>

75 <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1679&context=jgspl>

detention is 10 times higher than in the general population.^{76 77} In **the United Kingdom**, official statistics show that approximately 5% of men and 31% of women in prison identify as lesbian or bisexual, and in 2022, 230 transgender people were officially identified in prisons in England and Wales.⁷⁸

76 <https://docs.un.org/en/A/HRC/56/49/ADD.3>

77 Lesbian, gay and bisexual people are twice as likely to be arrested as heterosexual people, and lesbian and bisexual women are four times more likely to be arrested than heterosexual women. This overrepresentation is attributed, in part, to the strict enforcement of laws on substance use, prostitution, and the criminalisation of poverty. In addition, approximately 40% of homeless youth identify as LGBTQ+, often due to stigma and rejection within their families, which exposes them to increased risks of involvement in the juvenile justice system. With regard to transgender people, approximately one in six has been incarcerated at some point, and nearly half of transgender people of colour have experienced this. At the same time, 44% of incarcerated transgender people have been denied access to hormones, and 85% have been placed in solitary confinement, often under the pretext of protection, despite the well-documented harmful effects of prolonged isolation. These data underscore the urgent need for reforms in the criminal justice system to address the specific inequalities and abuses faced by LGBTQ+ people, particularly in the context of detention. https://www.prisonpolicy.org/blog/2024/06/04/lgbt_incarceration/

78 <https://docs.un.org/en/A/HRC/56/49/ADD.1>

Chapter 7.

National standards and legislative framework

In the Republic of Moldova, the principle of equality and non-discrimination is enshrined in the Constitution. Article 16 of **the Constitution** guarantees the equality of citizens before the law and public authorities, without distinction based on criteria such as race, nationality, sex, opinion or political affiliation. At the same time, Article 32 (Freedom of opinion and expression) provides in paragraph (3) that challenging and defaming the state and the people, inciting war of aggression, national, racial or religious hatred, inciting discrimination, territorial separatism, public violence, and other manifestations that undermine the constitutional regime are prohibited and punishable by law.⁷⁹

The main anti-discrimination law is **Law No. 121 of 25 May 2012 on ensuring equality**,⁸⁰ which creates the framework for preventing and combating discrimination in various spheres of life. Initially, the law explicitly listed a number of protected criteria (race, nationality, sex, disability, etc.), while other criteria were covered generically by the phrase „any other similar criterion”. However, in 2023, the anti-discrimination legislative framework was strengthened. Through Law No. 2/2023, Parliament amended Law 121/2012 to extend **the protected criteria, explicitly adding sexual orientation and gender identity** to the list of criteria on the basis of which discrimination is prohibited. Under Law 121/2012, **the Council for Equality**⁸¹ has the power to examine complaints of discrimination and issue decisions and recommendations in such cases.

The legislation of the Republic of Moldova is largely in line with the EU acquis in the field of non-discrimination and equality, and there is a state response to hate crimes (in the Criminal Code of the Republic of Moldova No. 985/2002 and the Contravention Code of the Republic of Moldova No. 218/2008). In 2022, amendments were made **to the Criminal Code⁸² and the Contravention Code⁸³ concerning discrimination and incitement to discrimination or hate-based violence**. The new amendments provide for harsher penalties for crimes motivated by stereotypes or prejudices based on race, colour, ethnicity, national origin, social origin, citizenship, sex, gender, language, religion or religious beliefs, political opinions, gender identity, sexual orientation, health, age, disability or marital status.

The Criminal Code also expressly regulates **the crime of torture and inhuman or degrading treatment** (Article 166¹). The text of the law defines torture as the intentional infliction of physical or mental pain or suffering by a public official or a person acting in an official capacity. The penalties range from 2 to 15 years' imprisonment, depending on the seriousness of the acts and aggravating circumstances, such as: committing the acts against minors, pregnant women, by persons in public office, using weapons or for reasons of prejudice. This last form – torture committed on grounds of prejudice – is relevant to the protection of LGBTQI persons, indicating the explicit recognition in legislation of the risk of abuse motivated by sexual orientation or gender identity.

79 https://www.legis.md/cautare/getResults?doc_id=145723&lang=ro#

80 https://www.legis.md/cautare/getResults?doc_id=144449&lang=ro#

81 <https://egalitate.md/>

82 https://www.legis.md/cautare/getResults?doc_id=149992&lang=ro#

83 https://www.legis.md/cautare/getResults?doc_id=150003&lang=ro#

The RM Enforcement Code⁸⁴ establishes the general principles for the treatment of detainees, including the principle of equality and non-discrimination, but does not contain specific provisions on the protection of LGBTQI persons (only women, men, minors and other categories – life prisoners, sick persons, etc. are mentioned). Article 204 stipulates that *body searches shall be carried out by a person of the same sex as the convicted person*, and Article 221 stipulates that body searches shall be carried out by persons of the same sex as the convicted persons being searched and in conditions that do not violate the dignity of the convicted persons.

Despite these positive developments, there are still significant gaps. **The Republic of Moldova does not have a national strategy for the inclusion of LGBTQI persons or a specific plan in this area.** Although the situation of LGBTQI persons was addressed in discussions on the development of a new national human rights programme, **the National Programme for Ensuring Respect for Human Rights (PNADO) 2024–2027**⁸⁵ does not include actions explicitly dedicated to the protection and promotion of the rights of persons in the LGBTQI community.

At the same time, **national legislation does not provide for any form of legal recognition for same-sex couples.** The Family Code continues to define marriage as a freely consented union between a man and a woman, and civil partnerships are not regulated. In addition, **there is no clear procedure for the legal recognition of gender identity for transgender persons.** The only provision is contained in Article 66(2)(c) of Law No. 100/2001 on civil status documents, which allows for the change of sex in civil status documents, but there are no detailed procedural rules, clear criteria and guarantees for the respect of the rights of these persons. The Ombudsman (People's Advocate) has pointed out in his annual reports the urgent need to regulate an accessible and transparent procedure for legal gender recognition. The Ombudsman (People's Advocate) Office has highlighted in its annual reports the urgent need to regulate an accessible and transparent procedure for legal gender recognition and to ensure access to gender affirmation medical services, with a view to bringing legislation into line with international standards.

84 https://www.legis.md/cautare/getResults?doc_id=147974&lang=ro#

85 https://www.legis.md/cautare/getResults?doc_id=142723&lang=ro

Chapter 8.

The situation of LGBTQI persons in the police system

8.1. Detention of persons in the police system. General information.

There are 14 temporary detention centres (TDFs) in the Republic of Moldova, where persons can be detained for up to 72 hours, in accordance with national legislation. Annually, around 4,500 persons are detained in TDFs. During the 12 months of 2024, 4,589 persons were detained and placed in temporary detention facilities within the territorial subdivisions of the police (in 2023 - 3,687). Of these, 4,486 persons were detained on criminal charges (4,165 men, 276 women, 45 minors), and 103 persons were detained on administrative charges (101 men and 2 women). A total of 4,481 persons were detained for up to 72 hours, 102 persons were detained for more than 72 hours, and 6 persons were detained for more than 7 days. At the same time, a total of 21,308 persons were escorted/transported (in 2023 - 17,395), of which 6,640 to prisons, 9,430 to courts, including 5,238 to other institutions.⁸⁶

In general, detention conditions meet minimum international standards, but reports by the Ombudsman and the CPT from 2022 to 2024 have highlighted shortcomings in the documentation and reporting of bodily injuries, limited access to medical care, interaction and the protection of the rights of persons belonging to vulnerable groups. However, trends in recent years indicate a decrease in cases of torture and ill-treatment in police custody, even though situations of excessive use of physical force continue to exist. Although no specific incidents involving persons from the LGBTQI community in police custody have been reported, international prevention mechanisms emphasise that this group faces increased risks in detention and oblige states to proactively recognise and protect them.

8.2. Data collection

The General Police Inspectorate does not collect disaggregated data on the sexual orientation or gender identity of persons detained and placed in TDFs. In official responses and during visits to PDCs, the police mentioned that in recent years, no persons identified as LGBTQI have been placed in TDFs. Police representatives specified that individuals are identified on the basis of their identity documents and that they do not ask about the sexual orientation or gender identity of individuals, either at the time of detention or at the time of placement in police custody. However, the lack of monitoring and reporting mechanisms makes it impossible to know the real situation. It is highly likely that individuals did not want to disclose their sexual orientation/gender identity for fear of violent reactions, hate speech or stigmatisation/bullying.

Nevertheless, the monitoring team identified one person belonging to the LGBTQI community who was placed in TDFs for 72 hours. At the same time, the monitoring also identified a former police employee who identifies as LGBTQI, but who did not disclose their sexual orientation to colleagues or management (this

⁸⁶ Report on police activity for the year 2024, https://politia.md/sites/default/files/media/documents/2025-07/raport_activitatea_politiei_pe_anul_2024.semnat_1.pdf

person is no longer active in the police system). In another interview, police employees reported that they had a colleague who they later found out had married a person of the same gender abroad.

According to the Yogyakarta Principles (Principle 6), states have an obligation to protect the privacy of individuals, but also to collect relevant, disaggregated data on sexual orientation and gender identity in order to develop effective public policies. Data must be collected with informed consent, with guarantees of confidentiality and anonymity. Thus, the complete lack of data on LGBTQI persons in pre-trial detention contravenes international standards and hinders the development of effective policies to prevent abuse and ensure equal treatment. It is important to understand that such data does not target individuals, but allows for the tracking of trends, frequency of complaints and the effectiveness of protection mechanisms.⁸⁷

8.3. Policies, strategies and plans for the prevention of ill-treatment and protection of LGBTQI persons

The Republic of Moldova has adopted **the National Action Plan on Human Rights (PNADO) 2024–2027**, which includes strengthening mechanisms for the prevention of torture and training for employees in the justice and public order system. However, the document does not contain measures dedicated to the protection of LGBTQI persons in detention. Furthermore, internal documents of the Ministry of Internal Affairs – such as Order No. 252/2024 on intervention in cases of persons at increased risk of HIV/TB/COVID-19 infection or standard operating procedures for escorting and medical assistance – do not include references to sexual orientation or gender identity. Thus, there is no separate policy dedicated to the protection of and interaction with LGBTQI persons, and these issues are not reflected in other police sectoral policies or strategies either.

The lack of specific policies contravenes international standards, including the recommendations of the UN Committee against Torture and the European Commission against Racism and Intolerance (ECRI, General Recommendation No. 17/2023), which calls on states to adopt clear sectoral plans to prevent violence and discrimination based on sexual orientation and gender identity.

8.4. Tools and guidelines on interacting with vulnerable groups

Currently, there are no dedicated guidelines or clear protocols within the police system governing police interaction with LGBTQI persons in custody or detention. Existing methodological instructions only make general references to respect for gender identity and sexual orientation, particularly in the context of medically at-risk groups, without providing for procedures applicable in practical situations of detention, escorting or accommodation in TDFs. This lack contravenes Council of Europe Recommendation CM/Rec(2010)5, which calls on states to adopt clear protocols for the protection of LGBTQI persons in detention, as well as the 2024 CPT standards, which emphasise the need for policies to prevent abuse and discriminatory treatment. Furthermore, during the monitoring visits, it was also found that there are no information materials or information within TDFs for police inspectorate staff or for detained/imprisoned persons regarding the rights of LGBTQI persons and staff communication with them.

It should be noted that, during the questioning of escort and detention staff, as well as during monitoring visits to TDFs, several respondents emphasised the need for tools for communication and interaction with LGBTQI persons, and the need for: „*Practical guidelines and clear protocols on how to approach, protect and support LGBTQI persons in institutions.*”

⁸⁷ "States should carefully review the rationale for collecting and displaying certain data, as well as the rules governing their management. These rules should include separate considerations for the need to collect data and the need to display it, along with strict adherence to risk assessment and the principle of 'do no harm'. It is also essential that affected populations and communities participate in the design, implementation and evaluation of data collection systems. States must refrain from collecting and displaying data without a legitimate, proportionate and necessary purpose and ensure that, when data must nevertheless be collected, this is done on the basis of self-determination, with respect for privacy and confidentiality. Report of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2018), <https://docs.un.org/en/A/73/152>

8.5. Training programmes for staff

The current police training curriculum does not include modules dedicated to the situation of LGBTQI persons. Training conducted so far has focused on human rights and the prevention of ill-treatment in general a promising practice which should be continued, but without specifically addressing the vulnerabilities of the LGBTQI community. This lack of training increases the risk of perpetuating stereotypes and discriminatory reactions in practice. The Yogyakarta Principles (Principle 10), the Nelson Mandela Rules (Rule 76) and CPT Standards 2024 stipulate the state's obligation to organise ongoing training and awareness-raising programmes for police personnel so that they understand and respond appropriately to the needs of LGBTQI persons in detention.

It is commendable that, according to questionnaires administered to staff involved in escorting and detention (125 respondents), 51.2% confirmed that they had participated in training on the prevention of violence or torture in detention in the previous 24 months. At the same time, only about 20% had participated in training on the protection and respect of the rights of LGBTQI persons in general, and 19% in training on the protection of LGBTQI persons in detention (even though these trainings were occasional and are not included in the mandatory training programme). These figures indicate limited and fragmented coverage of training on this topic.

At the same time, 78% of respondents said they would like to know more about the difference between people in the LGBTQI community and the category of „humiliated/ocks/opuscinyie” in the criminal subculture. One respondent stated: *„We need specialised training courses on sexual and gender diversity to know how to prevent discrimination and violence,”* while another mentioned: *„Practical guidelines and clear protocols on how to approach and protect LGBTQI people.”*

Among the needs identified are specialised training courses on sexual orientation and gender diversity, training on preventing discrimination and violence, training on managing emotional crises, as well as practical guidelines and clear protocols for the protection and support of LGBTQI people in institutions. The need for awareness-raising training for all staff to reduce prejudice and promote respect was also highlighted, as well as thematic training on reporting and handling abuse procedures. These testimonies confirm that the lack of training is not only an institutional problem, but also a difficulty experienced by staff in their daily work.

8.6. Gender identity

According to the official responses of the IGP, questionnaires and discussions with TDF staff, gender identity is recognised only on the basis of the identity card and the gender indicated therein, and on the basis of a voluntary statement by the detained person. The authorities state that they do not request or verify such information, invoking the protection of the right to privacy (Art. 8 ECHR). This approach, while protecting confidentiality, creates difficulties in ensuring adequate protection measures for transgender or non-binary persons, especially in situations of placement or transfer. The CPT standards and the Yogyakarta Principles +10 recommend that decisions on the placement and treatment of transgender persons be made on an individual basis, in direct consultation with the person concerned and with respect for their informed consent.

8.7. Police staff perceptions and attitudes towards LGBTQI rights

According to data from questionnaires administered to escort and detention staff, the majority of respondents (85%) are unaware of the meaning of the term „SOGIESC” (sexual orientation, gender identity, gender expression and sexual characteristics). Although most staff recognise that LGBTQI persons belong to a distinct category, significant confusion persists: over 60% of respondents believe that these persons are no different from the „humiliated/ocks/opusceniye” category in criminal subculture, while only 15% stated that these categories should not be automatically associated. This misperception, based on stereotypes from the informal hierarchy of the prison environment, risks amplifying the stigmatisation and discriminatory treatment of LGBTQI persons.

Regarding personal reactions to a detained person disclosing their gender identity or sexual orientation, 40% of respondents said they would listen to the person and maintain confidentiality, while almost 50% would immediately inform their superior, thus exposing the person to **outing** (the practice of revealing a person's sexual or gender identity before they are themselves ready to disclose) and possible additional risks. Furthermore, 65% believe that when transferring to another institution (prison or police station), the person's sexual orientation or gender identity should be disclosed, raising serious concerns about confidentiality. In men's prisons, gay men and trans women are particularly vulnerable to being automatically associated with the informal category of "humiliated/cocks/opușcenii", regardless of their legal status or previous behaviour. This labelling is often triggered by the non-consensual outing of sexual orientation or gender identity and has direct consequences on their position in the prison hierarchy: increased exposure to violence, sexual exploitation, extortion and exclusion from activities. In these circumstances, failure to respect confidentiality and early intervention by the prison administration are not just administrative omissions but contribute to creating an environment conducive to ill-treatment. Analysis of the open responses shows a strong polarisation. Some respondents express negative and even hostile attitudes, such as: „I don't want any guidance or training, these people should be isolated from everyone" or „They should go to a clinic, I don't want such people in Moldova". These opinions reflect deeply rooted prejudices that increase the risk of marginalisation and exclusion. On the other hand, there are also employees who acknowledge the lack of information and express a desire to better understand the realities of LGBTQI people, requesting institutional support and practical tools: „We need training on managing emotional crises for LGBTQI people" and „Awareness training for all staff to reduce prejudice and promote respect."

An important issue identified in discussions with current/former employees of the police system is the safety of TDF staff who identify as LGBTQI individuals. As it is a rigid and closed system, it is difficult to publicly disclose one's sexual orientation or gender identity if it is not like that of the „majority", as there is a risk of stigmatisation and discrimination from colleagues, and a clear internal protection and support mechanism does not seem to be effective.

8.8. Treatment, placement and situation of LGBTQI persons in TDFs

The results of the questionnaires show that police staff perceptions of how to deal with LGBTQI persons in temporary detention facilities are fragmented and contradictory. Over 50% of respondents believe that they should be treated „the same as other detainees", which may reflect either an intention to avoid discrimination through standardisation or a lack of understanding of specific vulnerabilities. Only 22% explicitly indicated that LGBTQI persons should be treated with respect and without discrimination, which shows a low level of awareness of the principle of equal rights (non-discrimination). At the same time, 17% believe that special protection measures should be applied, and 30% believe that these persons should be treated separately from others, which reveals the risk of institutional isolation.

In general, in TDFs (but also in the prison system) there are practices of separate detention of persons in initial custody and those with criminal records. Such an approach was also observed in relation to LGBTQI persons or if staff identified persons detained in TDFs who behaved in a „more feminine" manner or „had painted nails" - in the process of distributing persons to accommodation spaces, these persons would be placed directly in separate spaces/cells, in particular for their safety and as a protective measure (although there were also opinions that this should be discussed with the person beforehand). The same approach (separation) would also apply to the transport/escort of LGBTQI persons to court/prison or other institutions. The availability of single-cell rooms in TDFs represents an important protective factor, enabling LGBTQI persons to be safely accommodated separately from other detainees for up to 72 hours when necessary

A large proportion of the staff interviewed mentioned that they take into account the status of persons in the criminal subculture, if they have previously been in detention, both when placing them in cells and when transporting them. This automatic association between sexual orientation/gender identity and a certain inferior status in the criminal subculture is not limited to the prison environment, but is also taken up by the police: the information becomes a kind of operational indicator used for classification, escorting or placement, and the person ends up being treated through the prism of the informal label, which amplifies their vulnerability and risk of ill-treatment from the moment of arrest.

Body searches could be another challenge for police personnel when the detained person declares a gender other than that mentioned in their identity card, according to the police officers interviewed. Even though there is a strict rule and practice in TDFs that detained/imprisoned persons are searched by persons of the same gender, there is no clarity regarding the rules applied when persons belonging to the LGBTQI community are involved. The risks described above are particularly acute in the case of transgender and non-binary persons. When body searches and decisions on placement in temporary detention facilities are based solely on the sex recorded in identity documents, without taking into account self-declared gender identity, these procedures can become deeply invasive and degrading and can expose the person to violence, humiliation and transphobic attacks.

Most respondents acknowledged that they had not had direct interactions with LGBTQI people during their work. However, in their open responses, they highlighted significant challenges: persistent prejudice and discriminatory attitudes, lack of clear policies and protocols to ensure protection and equal rights, risk of victimisation and the need to protect the identity and emotional security of these individuals, as well as not knowing how to address or „name“ a person who is part of the LGBTQI community. Among the difficulties mentioned are the lack of information about the LGBTQI community, personal and institutional prejudices, difficult interaction with other prisoners, and the lack of adequate staff training. Analysis of these perceptions suggests that the current approach oscillates between a formal application of the principle of equality („*same as others*“ treatment) that fails to take into consideration the specific challenges faced by LGBTQI+ persons in detention and tendencies towards marginalisation or isolation. The lack of clear policies and specialised training means that decisions often depend on the individual prejudices of employees, which increases the risk of discrimination and victimisation of LGBTQI persons in police custody.

During monitoring visits and discussions with TDF staff, it was found that they do not collaborate with other professionals or services in other fields (such as psychologists, social workers or representatives of specialised civil society organisations, with the exception of specialised medical institutions) who could help or assist them in interacting with and addressing situations involving LGBTQI persons in police custody. However, assistance from professionals specialised in this field could contribute to easing communication with LGBTQI persons, reducing risks and identifying solutions in complicated situations. Furthermore, there is no clarity on how to identify, document and report cases of violence or specific incidents involving/against LGBTQI persons in police custody, with the exception of Joint Order 77/2013, which addresses generic situations of torture and ill-treatment, without specific aspects relating to LGBTQI persons. In general, the OAP and CpPT have noted in several reports the problem of insufficient interaction and approach to the situation of vulnerable or marginalised persons in police custody – lack of specific regulations, tools and indicators, insufficiently trained staff, lack of effective monitoring, etc. It is also important to consider the challenges LGBTQI persons may face in communicating with family members or other significant persons, both in cases where such contacts are supportive and in situations where they may be abusive or discriminatory.

With regard to the use of physical force or special means, no cases or approaches have been found where these have been or would be applied specifically to persons identified as belonging to the LGBTQI community.

8.9. Medical care and access to treatment

In the temporary detention facilities of the General Police Inspectorate, there are no clear procedures for identifying and managing the medical needs of LGBTQI persons, which limits access to appropriate treatment and the continuity of therapies initiated prior to detention. The Standard Operating Procedure on the mechanism for providing medical care to persons in custody and in temporary detention⁸⁸ focuses on access to rights (medical assessments, treatment, etc.), with no mention of LGBTQI persons, sexual orientation or gender identity. In practice, access to services is limited and continuity of treatment is not guaranteed. At the TDF in Chişinău, at the time of the monitoring visit, no medical staff were present, although the institution has three employees in this area, which restricts access to examinations, medication and emergency interventions. The medical examination upon admission is sometimes carried out formally and does not

⁸⁸ Standard Operating Procedures for the police https://politia.md/sites/default/files/procedurile_standard_ro.pdf

include sensitive questions about gender identity, hormone treatments or other specific needs, and staff do not have instructions on how to handle these situations confidentially and respectfully. Thus, the absence of medical staff and the lack of training on confidentiality increase the risk of treatment interruptions and affect the physical and mental health of these individuals.

International standards emphasise the need to maintain equal access to medical services, including hormone treatments, appropriate psychological care and the continuation of therapies prescribed prior to detention. It is also recommended that protocols be developed for initial assessment, management of sensitive information, staff training and confidentiality to prevent treatment interruptions and additional risks to the physical and mental health of LGBTQI persons in police custody.

8.10. Risk prevention

According to the questionnaire data, police personnel recognise that LGBTQI persons in temporary detention facilities face major risks to their safety and integrity. Among the most frequently mentioned dangers are harassment or verbal abuse (47% of respondents), physical or sexual violence (56%) and excessive isolation applied „for protection” (18%). The same approach was found during visits and interviews with TDF staff.

Specific findings

The data presented in Chapter 9 highlights not only specific situations, but recurring patterns of risk and systemic gaps in how the police handle LGBTQI persons in police custody. The main implications are as follows:

1. The very low level of knowledge of SOGIESC concepts and the confusion between LGBTQI persons and the informal category of «humiliated/cock/opușcenii» shows that, in the absence of specific training and practical guidelines, decisions on placement, search and «protection» remain deeply influenced by prejudice and criminal subculture, not human rights standards.
2. The fragmented perceptions of staff (ranging from “there are no such people in TDFs” to hostile opinions) suggest that the lack of data and institutional invisibility do not reflect the absence of LGBTQI persons in police custody, but rather the absence of confidential identification mechanisms and a clear framework for reporting incidents.
3. Practices of ‘protection’ through separation or isolation, often applied ad hoc, indicate that the police do not have standardised risk assessment and placement procedures, which can turn measures presented as preventive into additional sources of marginalisation and degrading treatment.
4. The lack of specific protocols on access to tailored healthcare, confidentiality of sensitive information and collaboration with external professionals (psychologists, NGOs) amplifies the risks of treatment disruption and inadequate management of emotional crises.
5. Both the questionnaire results and staff reports indicate a significant willingness for training and practical tools, which represents a window of opportunity for the rapid introduction of a phased and monitored Police Operational Standard (POS) as a priority measure to prevent ill-treatment.

Chapter 9.

The situation of LGBTQI persons in prisons

9.1. Detention of persons in the prison system

There are 17 prisons in the Republic of Moldova, including one for minors, one for women, and one prison hospital. On 1 July 2025, there were 5,991 persons detained in the prison system, including 313 women (including 2 minors) and 5,678 men and boys⁸⁹.

According to OAP and CpPT reports, the most entrenched problems remain: criminal subculture, insecurity of prisoners and staff, overcrowding, poor conditions of detention, lack of effective medical care and occupational activities. At the same time, acts of ill-treatment, harassment and intimidation persist significantly among prisoners from vulnerable groups, especially from other prisoners. The prison system is facing a crisis of qualified, well-trained and specialised staff, and incidents of violence among prisoners, attacks on bodily integrity and protests through refusal to eat are on the rise.

9.2. Data collection

The National Prison Administration does not have a mechanism for collecting data on the sexual orientation or gender identity of persons in detention. The absence of official records makes information on this group inaccessible in institutional statistics, and their situation can only be observed through indirect evidence or occasional findings during monitoring.

During the monitoring process, 8 of the 10 prisons visited confirmed that there had been LGBTQI persons detained in these institutions in the last two years. The information is recorded informally, based on staff observations or situations encountered in practice. In total, in the 10 prisons visited, the monitoring team identified that 28 people who self-identified as part of the LGBTQI community were/had been detained (6 gay people, 2 transgender people, 1 bisexual person and 19 lesbian women). The higher number of women who identified themselves as part of the LGBTQI community could also be due to the lack of constraints on the free expression of their identity, whereas men face greater prejudice and constraints. Five people with experience of detention were also interviewed. Two of them mentioned that, upon entering prison, they were asked about their sexual orientation. The monitoring team also spoke with a gay person, a former ANP employee, who described experiences regarding perceptions and reluctance to self-identify among prison staff and inmates. The situations reported highlight the fact that self-identification depends on the perception of safety among persons in detention.

In discussions with prison directors, staff and prisoners, it was mentioned that the actual number of LGBTQI persons may be higher, as some of them avoid declaring their identity for reasons of safety. The situations described indicate both the presence of this group in the prison system and the fact that their reluctance to

⁸⁹ <https://anp.gov.md/raport-statistic-date-statistic>

self-identify influences their absence from statistical records and limits the reflection of their situation in the institutional analysis process.

The thematic monitoring report prepared in 2023 by the Council of Europe's Steering Committee for Anti-Discrimination, Diversity and Inclusion (CDADI)⁹⁰ shows that very few prison administrations collect data on SOGIESC. The document mentions that, where such data is collected, the actual proportion of LGBTQI persons is often underestimated, either because of limited collection methods or because of the tendency of prisoners not to disclose their identity for fear of discrimination or violence. And the UN Subcommittee on Prevention of Torture (UN SPT)⁹¹ mentions in its 2016 report that the lack of statistics on ill-treatment or torture based on sexual orientation and gender identity is influenced by the absence of adequate methods of self-identification and data collection. The document notes that, under such conditions, incidents are often misclassified, unreported or concealed, and significant health disparities, such as much higher rates of communicable disease infections among transgender people, remain invisible in official records.

9.3. Policies, regulations, strategies and plans for the prevention of ill-treatment and protection of LGBTQI persons

The regulatory framework governing the enforcement of custodial sentences in the Republic of Moldova does not contain specific provisions on the protection of LGBTQI persons. The status of the execution of sentences by convicts establishes the general rules applicable to all prisoners, but the absence of specific provisions leaves a significant gap in terms of safety, individualised treatment and recognition of the needs of this vulnerable group.⁹²

The National Prison Administration does not have any special policies or regulations establishing how staff should interact with LGBTQI persons in detention. Existing internal documents include general references to respect for human rights and the prevention of torture and ill-treatment, without provisions tailored to the specific needs of this group and without institutional procedures that take into account the increased risks they face.

CPT standards mention that only a small number of states have clear policies and legislation to guide prison administrations in dealing with transgender persons. The CPT, however, recommends the inclusion in prison policies of strategies to prevent ill-treatment by staff and violence or intimidation among prisoners directed against transgender persons. The document emphasises the need for preventive and corrective measures, such as the systematic recording of incidents, reporting them and thoroughly investigating allegations of harassment or assault in prisons.⁹³

Other countries have relevant institutional practices in this area. In **Sweden**, the Prison and Probation Service adopted a strategy dedicated to the LGBTQI community in 2016, aimed at creating the conditions necessary for the realisation of equal rights and opportunities for all persons within the institution, regardless of sexual orientation, gender identity or expression. The document sets out clear objectives on equal treatment, prevention of discrimination and staff training in working with LGBTQI people. In **Scotland**, the Prison Service has a policy on gender identity and gender transition, which regulates the placement, treatment and interaction with transgender people in detention. The policy provides for individual assessment of each person's situation, recognition of their declared gender identity, use of their preferred name and pronouns, and access to appropriate medical services in the context of transition. In **Belgium**, the Federal Action Plan for an LGBTQI Friendly Belgium (2021–2024) includes measures aimed at training frontline staff in managing

90 <https://search.coe.int/cm?i=0900001680ac3af4>

91 <https://docs.un.org/en/CAT/C/57/4>

92 Statute on the Enforcement of Sentences by Convicts, 2006 <https://www.legis.md/cautare/downloadpdf/85413>

93 <https://www.coe.int/en/web/cpt/-/the-council-of-europe-anti-torture-committee-cpt-2023-general-report-focuses-on-the-protection-of-transgen-persons-in-prison>

At the same time, the 2016 Report of the UN Subcommittee on Prevention of Torture describes the lack of adapted policies and procedures as a factor leading to misreporting or underreporting of incidents of abuse based on sexual orientation or gender identity. The document notes that, in the absence of clear mechanisms, the vulnerable situations of LGBTQI persons remain invisible in the case recording and management systems in places of detention. <https://docs.un.org/en/CAT/C/57/4>

gender and sexual orientation diversity in the context of asylum and migration. The plan also provides for collaboration with specialised organisations to inform LGBTIQ+ applicants in both open and closed reception centres, including on specific risks and existing protection mechanisms. In **Finland**, the Equality and Non-Discrimination Plan of the Criminal Sanctions Agency provides for the information and training of staff and persons deprived of their liberty on gender diversity and sexual orientation. The document emphasises that gender or sexual orientation is not an obstacle to participation in activities, access to programmes or placement in a particular section, and establishes procedures to ensure equal treatment and protection against discrimination.⁹⁴

9.4. Tools and guidelines on interacting with vulnerable groups

The National Prison Administration has general tools for preventing torture, ill-treatment, violence, and discrimination, which apply to all persons deprived of their liberty. However, these institutional policies and measures do not contain specific provisions for LGBTIQI persons, which means that their protection depends on the interpretation of staff and the application of general rules, without an approach tailored to their particular situation and the increased risks they face.

Following the application of the questionnaire to 993 prison system employees, a clear need was identified for the development of practical guidelines and tools for interacting with persons from the LGBTIQI community. Some of the respondents, as well as employees interviewed during monitoring visits, mentioned the lack of adequate training and requested additional training and resources. They indicated communication difficulties, lack of necessary information and pressure from the criminal subculture as the main obstacles in managing these situation.

Specific reports from staff illustrated the absence of clear procedures. In the case of a transgender person (the Brumarețchi case brought to public attention)⁹⁵, employees described that „*no one knew what to do (with this person)*”, as it was unclear how cell allocation should be carried out or what procedures should be applied. Another situation reported involved two lesbian women; after the release of one of the partners, she requested long-term visits with the person remaining in detention, but the law prohibits such visits.⁹⁶ Following the refusal, the person remaining in detention resorted to self-harm, highlighting the difficulties encountered by staff in the absence of adequate intervention guidelines. It is important to highlight once again the absence of legal recognition for same-sex partnerships in Moldova, which can limit the rights of LGBTIQI persons to maintain contact with their partners during detention. In this context, in Moldova, all prisoners generally have the right to both short visits and long-term visits. A *short visit* usually lasts up to 1–4 hours once a month, while a *long-term visit* can last from approximately 12 hours up to 3 days once every three months. These visits are typically granted to the prisoner's spouse and close family members, including parents, children, siblings, grandparents and grandchildren. In certain cases, other visitors may be permitted if the prisoner has no close relatives, or the prison administration considers there are compelling reasons. However, *long-term visits* are not automatically available to everyone: they are generally not granted to prisoners in pre-trial detention, those whose long-term visit rights have been suspended, those under disciplinary sanctions, or prisoners sentenced to life imprisonment under the initial regime. Decisions on visits are made by the prison administration, which can refuse or restrict visits for justified security reasons. In practice, this means that while the legal framework allows significant opportunities for maintaining contact with family and close relations, the qualification of who may qualify for long visits is tied to formal familial relationships recognised by law — which does not currently include non-recognised same-sex partnerships — and to behaviour/security assessments inside the prison.

⁹⁴ <https://search.coe.int/cm?i=0900001680ac3af4>

⁹⁵ <https://anticoruptie.md/ro/stiri/video-barbat-in-corp-de-femeie-povestea-din-inchisoare-a-lui-igor-brumaretschi-nascut-natalia-ous>

⁹⁶ Point 284 Status of the enforcement of sentences by convicts: https://www.legis.md/cautare/getResults?doc_id=110142&lang=ro#

9.5. Training programmes for staff

The National Prison Administration organises annual initial and continuing professional training courses for staff, based on methodologies approved at central level. Recent plans have included topics such as the prevention of torture, respect for human rights, gender equality and the protection of vulnerable groups. However, these training courses do not contain modules dedicated exclusively to the situation of LGBTQI persons in detention.

Between 2020 and 2024, between 89 and 265 employees participated in initial vocational training courses each year, and between 503 and 1,225 employees participated in continuing training courses each year. Topics covered included the prevention of torture and ill-treatment, gender equality and the prevention of gender-based violence, the protection of women's rights in detention, the prevention of suicide and self-harm, and working with vulnerable detainees, including persons with disabilities or mental health conditions. LGBTQI issues were only touched upon tangentially as part of sessions on human rights or gender equality.

As a result of the questionnaire administered to 993 prison system employees, 55% confirmed their participation in training on the prevention of torture and ill-treatment in the previous 24 months, 39% had participated in training on gender-based violence, and only 16% had participated in training on the protection and respect of the rights of LGBTQI persons in detention. At the same time, 32% of respondents said they urgently needed specific guidance and training to be able to interact appropriately with LGBTQI persons. Prison management also expressed the need for practical training for different types of staff and operational procedures, as well as the promotion of non-discrimination and professional ethics.

International standards require states to ensure adequate training for staff. Principle 10 of the Yogyakarta Principles states that the state must organise training and awareness-raising programmes for police, prison staff and others responsible for preventing acts of discrimination and ill-treatment based on sexual orientation or gender identity. According to the CPT Standards of 2024, prison staff must receive regular training to understand and respond to the specific needs of transgender persons in detention. The CPT recommendations provide for staff training to prevent, identify and manage situations of bullying, harassment and discrimination based on sex, sexual orientation, gender identity, gender expression and sex characteristics. Initial training and ongoing training should support staff in their daily interactions with transgender persons and involve external experts with practical experience, as well as peer counselling sessions.

9.6. Gender identity and respect for the principle of confidentiality

Currently, there are no clear procedures in the prison system regarding the recognition of the gender identity of persons deprived of their liberty. The placement and treatment of prisoners is carried out according to the data recorded in official identity documents, without taking into account the person's self-definition or individualised assessments of needs and risks from the perspective of sexual orientation or gender identity. The National Prison Administration has confirmed that there are no institutional policies in place to allow for the recognition of the gender identity of transgender or non-binary persons, nor are there any mechanisms in place for them to request treatment in accordance with their assumed identity.

In most prisons, persons deprived of their liberty are not asked about their sexual orientation or gender identity upon admission, and staff are guided primarily by the information in their passport or identity card. In discussions with prisoners and former prisoners, including people from the LGBTQI community, there were reports of situations in which they were asked to „prove” their sexual orientation once they arrived in prison, with their declared identity or orientation being questioned („how can you be a lesbian if you have two children?”). Two other interviewees mentioned that, upon entering prison, they were asked about their sexual orientation in order to decide where they would be placed.

In another case, after a person declared their sexual orientation/gender identity, this information was communicated to the people in the cell where they were to be housed, without their consent, which increased their risks. Informal leaders exert significant influence over both the classification and placement of prisoners and the way in which new members – including those from stigmatised groups – are perceived and treated, exposing them to the risk of forced association, prejudice and discrimination. The hierarchies

created by criminal subcultures can lead to the marginalisation of individuals who are uninformed about these dynamics or who do not comply with the informal norms imposed, increasing their vulnerability and risk of abuse or social exclusion. Many cases of violence, discrimination and exclusion remain unreported due to the intimidating environment and pressure exerted by informal leaders on potential victims.

In other jurisdictions, international standards and good practices highlight the need to recognise the gender identity of persons deprived of their liberty and to apply placement procedures that are consistent with human rights. In **the United Kingdom**, for example, the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has recommended improving the documentation of the situation of LGBTQI persons in detention and implementing allocation policies based on their specific needs and situations of vulnerability.⁹⁷

The standards formulated by international committees emphasise the importance of recognising declared gender identity. According to the guidelines of the European Committee for the Prevention of Torture, self-identification as transgender upon admission to prison should be considered sufficient for the person to be treated in accordance with their expressed gender identity, including in decisions regarding placement, subject to an individual risk assessment. Rule 7 of the Nelson Mandela Rules also stipulates that information entered into the prisoner's file must reflect their unique identity, including their self-perceived gender, as part of the admission process.⁹⁸ With regard to the handling of sensitive information, 60% of employees believe that sexual orientation or gender identity should be disclosed at the time of transfer for protection reasons, but acknowledge that this practice may create additional risks. At the same time, more than half of respondents say they would respect the confidentiality of a person who declares their membership of the LGBTQI community, while almost a third would immediately inform their line manager. These perceptions indicate a high level of uncertainty about how to handle sensitive information and a lack of clear procedures to ensure appropriate treatment.

The situations described show the absence of institutional guarantees regarding the protection and confidentiality of sensitive data, as well as the lack of procedures to prevent the unauthorised disclosure of information regarding gender identity or sexual orientation. A former prison employee reported that he was unable to disclose his sexual orientation at work and was forced to pretend he had a girlfriend due to pressure and a climate perceived as unsafe. The presence of psychological services for employees within the institution or at the level of the ANP does not increase people's safety, as in many militarised or highly hierarchical institutions, even a suspicion (whether realistic or not) that the information could reach superiors or the informal network of relationships drastically reduces the use of the service. Therefore, the way in which psychological services are provided to prison system employees needs to be reassessed by outsourcing the service in order to ensure the credibility of information confidentiality.

The discussions also addressed the phenomenon of compliance with the rules of the criminal subculture by employees of men's prisons versus women's prisons. During planned searches, male prison employees avoid getting involved in searching the accommodation areas for „humiliated“ prisoners, with this task sometimes being carried out by female prison employees (in the case of large-scale searches involving groups of employees from several prisons). This practice reflects and reinforces the stigmatisation and discrimination of persons classified as „humiliated“ and LGBTQI persons.

Requests for information about a person's sex or gender in detention must always be relevant, reasonable, and necessary in relation to the purpose pursued, in line with international standards on gender identity (Principle 6 of the Yogyakarta Principles). This includes respecting the individual's right to gender self-determination and maintaining confidentiality. EU case law from the Court of Justice of the European Union also supports the protection of personal data and the principle that disclosure of gender-related information should not expose individuals to unnecessary risk. In practice, these requirements help ensure

⁹⁷ <https://docs.un.org/en/A/HRC/56/49/ADD.1>

⁹⁸ https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-book.pdf

that detainees are not unnecessarily exposed to situations of vulnerability, stigmatisation, or violence within the prison environment.⁹⁹

9.7. Perceptions, staff attitudes and body searches

The results of the survey of 993 prison staff highlight low levels of knowledge and understanding of the rights of LGBTQI persons in general, but also specifically in places of detention. Only 22% of respondents consider consensual relationships between adults to be legal in the Republic of Moldova, while 27% believe that they are not permitted, and more than half of employees are unaware of the legal provision. Regarding familiarity with the term SOGIESC, only 14% of participants said they knew what the acronym meant, indicating difficulties in understanding fundamental concepts related to sexual orientation, gender identity, gender expression and sex characteristics.

The attitudes reflected in the staff's responses are also found in some practices observed in prisons. Homophobic approaches have been identified in certain institutions, particularly in relation to body searches or placement in sectors informally referred to as *„the humiliated”*. In such situations, staff did not always perceive sexual orientation or gender identity as risk factors for personal safety, and sometimes LGBTQI people were labelled as *„mentally ill”* or associated with deviant behaviour (*„we are all normal here”).* The conceptual confusion is also illustrated by the fact that 64% of respondents said they could not distinguish between the LGBTQI community and the informal category of *„cocoși/opușcenii”* (faggots/queers), specific to the criminal subculture and associated with severe stigmatisation. This overlap of perceptions contributes to the risk of LGBTQI people being automatically labelled with the most vulnerable (inferior) informal status in prisons.

Specific situations reported by detainees confirm the impact of these perceptions. In the juvenile prison, any attempt by a person from the LGBTQI community to defend themselves was interpreted by the administration as a breach of discipline and punished accordingly. In adult prisons, the reactions of some staff members were ironic or mocking, including wishes addressed on International women day (8 March) and provocative comments during Moldova PRIDE, as well as “forced” invitations to such events. Quotes obtained from open responses from staff confirm the polarisation of attitudes: some employees expressed the opinion that *„all detainees have the same rights and should be treated equally”,* while others argued that *„the LGBT phenomenon is a deviation from normality and should not be promoted in prisons”.*

Issues related to body searches reveal one of the most sensitive areas of risk. The 2024 CPT standards describe situations observed in other European countries (describing certain practices and attitudes) in which transgender women were subjected to full body searches both on admission to prison and during detention, with procedures carried out by male officers by completely undressing the person and visually inspecting them naked. These practices were perceived by those concerned as deeply degrading, and the CPT emphasises their invasive and potentially traumatic nature. The standards stipulate that full body searches should only be carried out when absolutely necessary and on the basis of a justifiable risk, with clear measures to reduce exposure and preserve the dignity of the person. Recommendations include having the search carried out by staff of the same gender as the person being searched, the presence of a second officer of the same gender, sequential undressing, and consulting the person on their preference regarding the gender of the staff carrying out the search. There have also been documented cases where female officers have refused to search transgender women, resulting in searches being carried out by men or mixed teams, with a male officer inspecting the lower body.

Relevant standards recommend that, upon admission, staff discuss with transgender persons the gender of the officer who will conduct body or tactile searches, and that this option be recorded in the person's file. In

⁹⁹ For example, in its 2025 ruling in C-247/23 (Deldits) the CJEU held that national authorities must rectify inaccurate personal data relating to a person's gender identity in public registers and may not make this conditional on proof of medical surgery, emphasising that data on gender identity must accurately reflect a person's lived identity and be processed in compliance with the General Data Protection Regulation and the Charter of Fundamental Rights. This jurisprudence reinforces the principle that disclosure of gender-related information should be limited to what is necessary and proportionate to the purpose pursued, helping to ensure that individuals — including detainees — are not unnecessarily exposed to situations of vulnerability, stigmatisation or violence within the prison environment. <https://fra.europa.eu/es/caselaw-reference/cjeu-case-c-24723-judgment-0>

the absence of an expressed preference, the search should be carried out in accordance with the person's gender identity. Carrying out these procedures requires adequate training of staff to ensure a professional and respectful intervention, in accordance with the dignity of the person in detention. Issues related to placement and searches are particularly acute for transgender and non-binary persons. In the absence of specific rules, they are usually automatically assigned to prisons and sectors corresponding to their sex as stated in their documents, and body searches are carried out according to this formal classification, not their self-declared gender identity. This practice exposes them to a particularly high risk of violence, abuse, humiliation and degrading treatment and contributes to the frequent use of "protective" isolation as an institutional reflex response.

9.8. Treatment and situation of LGBTQI persons in prisons

The data collected through the survey show that approximately 16% of prison system employees (158 people) reported having interacted directly with prisoners who identify with the LGBTQI community. Positive examples mentioned include respect for rights, ensuring personal safety when the situation required it, applying the principle of non-discrimination, tolerance and conflict mediation. In certain situations, employees opted to accommodate LGBTQI persons in separate cells to prevent confrontations with the criminal subculture, noting that there are no formal sectors exclusively for LGBTQI prisoners, but only individual rooms used in such cases.

However, perceptions of treatment differ considerably. Only 22% of respondents emphasised the need for respectful and non-discriminatory treatment, while 11% considered that special protection measures were necessary and 16% felt that these individuals should be separated from the rest of the prison population. The diversity of these opinions reflects the lack of clear standards of intervention and leaves a wide margin for individual decision-making, leading to inconsistent approaches. The responses also show that if a person deprived of liberty declares that they belong to the LGBTQI community, more than half of the employees would respect confidentiality, while 27% would immediately inform their superior. A significant percentage indicated that they would not use the names or pronouns preferred by LGBTQI persons, which may exacerbate stigma and lack of recognition.

The difficulties in interacting with people from the LGBTQI community mentioned by staff include communication problems, lack of professional training, uncertainties about integration into common activities, pressure from the criminal subculture and the risk of violence from other prisoners. Although there are multidisciplinary teams in prisons, the monitoring team found that they do not routinely address cases concerning the status of LGBTQI persons (with the exception of the women's prison), their allocation to rooms or the assessment of security risks. Furthermore, no cases of torture, intentional ill-treatment or the use of physical force or special means against LGBTQI persons were identified, but major difficulties arise in their interaction with other prisoners.

The accounts of the interviewed detainees show that the main risks come from the reactions of their fellow inmates. LGBTQI persons are often perceived as belonging to the most stigmatised and vulnerable informal status in prisons, which exposes them to an increased risk of violence. Cases of serious physical assault, sexual coercion and rape have been described. The interviewees reported that once their identity or orientation becomes known to other inmates, the risks increase significantly, especially if the information was initially concealed or disclosed without the consent of other inmates. As with staff, many prisoners view LGBTQI people as „*mentally ill*“.

In discussions with five LGBTQI former prisoners, three mentioned that they did not feel respected, including during body searches carried out by prison staff. All five said they did not feel safe in prison, citing the lack of real guarantees of protection, the constant fear that their orientation could be revealed, and the lack of effective intervention by the administration. One of the interviewees reported that staff disclosed his sexual orientation to other inmates immediately after his admission, which was followed by attempts at sexual coercion. Another interviewee confirmed that he had been physically assaulted by other inmates.

The context described is part of a broader structural reality: the architecture of prisons, historically designed on a strictly binary gender logic, has not been adapted to the current needs of diverse categories of persons

deprived of their liberty. The infrastructure, sector distribution, detention regimes and daily procedures were designed for a predominantly male population and do not take into account the needs of transgender persons or those with different sexual orientations or gender identities (LGBTQI persons in general). Under such conditions, prison administrations face difficulties in determining the appropriate place of accommodation and in safely managing situations where gender identity does not correspond to the traditional institutional structure.

International standards provide clear guidance on the treatment of transgender persons and the prevention of abuse. There have been documented cases where transgender women have been housed in male wards, supervised exclusively by male staff, without access to female staff, which has been deemed inappropriate. The relevant international documents¹⁰⁰ stipulate that all wards should have both male and female staff, and in exceptional circumstances, if a transgender woman is temporarily placed in a male ward, the permanent presence of a female supervisory officer must be ensured. The recommendations also emphasise the need to allow transgender persons to wear clothing appropriate to their gender identity, as well as to use their preferred name, titles and pronouns, in both verbal and written communications. It is also necessary to use respectful and appropriate language in all interactions with persons deprived of their liberty.

9.9. Placement and distribution in cells

In penitentiary institutions in the Republic of Moldova, the allocation of prisoners is carried out in accordance with the provisions of the Enforcement Code, based on general criteria regarding gender, age and detention regime. For persons who identify as transgender or LGBTQI, the regulatory framework does not contain express provisions on cell allocation, and there is no specific policy in this regard. In practice, placement is done automatically based on the data entered in identity documents, without taking into account the person's gender identity, which does not allow for an individualised approach to risks and needs.

The National Prison Administration has confirmed that the assessment carried out during the quarantine period is limited in nature and focuses mainly on identifying the risk of suicide or self-harm. Existing assessment tools do not include criteria related to sexual orientation or gender identity, and decisions on the placement of LGBTQI persons are largely left to the discretion of the prison director, based on recommendations from the regime, security and sometimes medical services. The involvement of the multidisciplinary team in these decisions is rare or non-existent, and prisoners are not usually asked about their preferences and views on their accommodation.

This lack of detailed procedures leads to improvised solutions, including the isolation of LGBTQI persons in spaces usually intended for disciplinary sanctions or enhanced security. Responses from the survey of 993 employees indicate that a large proportion of them opt to separate LGBTQI persons from the rest of the prison population for stated reasons of protection, but acknowledge that this practice often leads to their exclusion from educational, occupational and reintegration programmes. Of the LGBTQI former prisoners interviewed, two out of five confirmed that they had been isolated from other prisoners, usually following a decision taken exclusively by the prison management, and only in one case was the decision taken by mutual agreement. Isolation was perceived by these individuals as a form of discrimination, an unjustified punishment and a measure with a negative impact on their physical and mental health, even though one of them mentioned that, under the circumstances, it was the only way they could feel relatively safe.

During the monitoring process and individual discussions, it was found that, in most cases, LGBTQI persons were held in solitary confinement or in special sectors, on the grounds of preventing incidents and violence from other detainees. In most cases, these persons are placed in sectors intended for those who have requested „the personal security of convicts” within the meaning of Article 206 of the Enforcement Code, sectors which, in practice, are located near disciplinary isolation cells or in areas associated with the lowest castes in the criminal subculture hierarchy („the humiliated”). The conditions in these cells are, in many cases, characterised

¹⁰⁰ 33 CPT Report (2023, <https://rm.coe.int/1680af71cd>), UNDP Mapping of Good Practices for the Management of Transgender Prisoners (2020, <https://www.undp.org/thailand/publications/mapping-good-practices-management-transgender-prisoners>), Yogyakarta Principles (<https://hrlibrary.umn.edu/instreet/YogyakartaPrinciples>), UN Office of the High Commissioner for Human Rights – Living Free and Equal (OHCHR) - <https://www.ohchr.org/sites/default/files/Documents/Publications/LivingFreeAndEqual.pdf>

by limited access to water and drinking water, dilapidated infrastructure, low temperatures, poor lighting, insufficient ventilation and the presence of mice and other insects, restricted access to medical services, etc.,. These issues have been confirmed both during visits and through the accounts of former prisoners.

There have also been documented cases where LGBTQI persons themselves have requested to be isolated due to fear of violence and pressure from the criminal subculture. Even in these cases, the specific manner of isolation, its duration and the conditions of detention had a significant impact on their mental state and access to activities. A more favourable situation was observed in the women's prison and in the women's sections of other prisons, where LGBTQI women are generally placed in common sections and the influence of the criminal subculture is not as pronounced. In the Rusca women's prison (P-7), there is an internal regulation that provides for the involvement of the multidisciplinary team in the process of assigning prisoners to sectors or cells, and in certain cases the placement is discussed with them, which is a positive practice. There have also been confidential requests from couples for shared accommodation, which is only possible in a limited number of cells, usually in the service sectors. The risks described are particularly amplified for LGBTQI persons who, in addition to their sexual orientation or gender identity, are living with HIV, have disabilities or belong to marginalised ethnic groups.

International recommendations emphasise that transgender persons should, in principle, be accommodated in the section corresponding to the gender with which they identify (see also sub-section 10.6. Gender identity and respect for the principle of confidentiality). In exceptional circumstances, where an individual risk assessment indicates security concerns, placement in another section may be justified, but these reasons must be clearly documented and reviewed periodically. Regardless of the section in which they are placed, transgender persons should be accommodated in conditions that ensure the highest level of safety, both for themselves and for other persons deprived of their liberty. When temporarily placed in a separate section, they should have access to common activities and the opportunity to interact with persons who identify with the same gender.

The CPT recommends actively consulting transgender persons (LGBTQI) about their needs before making decisions on placement and throughout the risk assessment process. Transgender persons should have the option to keep their gender identity confidential if they so wish, and consultation should be conducted in a manner that respects the dignity and autonomy of the person. International standards emphasise that decisions to include or exclude individuals from facilities corresponding to their gender identity must be based on individual assessments and objective and transparent criteria, avoiding assumptions or social prejudices. Measures must be proportionate and must not place the individual in a situation of vulnerability or abuse. Recent guidelines formulated by the Council of Europe's Commissioner for Human Rights in the report „Human Rights and Gender Identity and Expression“ (2024)¹⁰¹ reaffirm that solitary confinement should not be used for the protection of transgender persons, even with the justification of avoiding violence. Both the CPT and the SPT have confirmed that such measures have harmful effects on physical and mental health and are particularly harmful in the case of minors.

International reports also show that seemingly protective measures, such as solitary confinement, can be detrimental to LGBTQI persons. The UN Subcommittee on Prevention of Torture has highlighted that prolonged periods of isolation limit access to education, work and programmes that can influence the length of sentences or conditions of parole and can lead to longer periods of detention for those affected.¹⁰²

In some countries, such as **Italy**, dedicated facilities have been created for transgender prisoners as an option aimed at reducing the risk of violence. However, these measures are considered appropriate only when chosen by the person concerned and not automatically imposed as a general policy. International standards emphasise the need to avoid mandatory segregation and restrictive regimes, which can have long-term negative consequences, recommending that all newly admitted prisoners be assigned to regular units as soon as possible after a comprehensive individual assessment has been carried out.

¹⁰¹ <https://rm.coe.int/issue-paper-on-human-rights-and-gender-identity-and-expression-by-dunj/1680aed541>

¹⁰² <https://docs.un.org/en/CAT/C/57/4>

9.10. Risk prevention

In prison practice, the identification of gay, transgender or non-binary persons is primarily aimed at protecting their physical and psychological integrity. During the quarantine period, staff carry out risk assessments in collaboration with the institution's doctor and psychologist, but these assessments are not guided by a standardised protocol on gender identity or sexual orientation. The elements included in the assessment focus mainly on the risk of suicide or self-harm, without a structured approach to the specific vulnerabilities of LGBTQI persons.

Official procedures stipulate that any reports of violence or abuse must be reported to the prison management and law enforcement agencies, followed by preventive measures such as temporary separation, increased supervision and medical or psychological assistance. However, the lack of detailed regulations means that the institution's response depends largely on the individual assessment of staff, which leads to inconsistent and sometimes insufficient approaches.

The results of the survey of 993 prison system employees highlight the perception of the main risks for LGBTQI persons in detention: harassment and verbal abuse (49%), physical or sexual violence (41%) and excessive isolation as a protective measure (17%). Staff recognise these vulnerabilities, but the lack of clear intervention protocols leaves the management of these situations to individual decisions, without a unified approach.

Cases documented during monitoring visits confirm the high risks associated with disclosing gender identity or sexual orientation. In one situation, a person reported that after informing the psychiatrist about their sexual orientation, the information was taken up by the escort – who was in the room – and then spread throughout the prison. In another case, LGBTQI persons who did not disclose their orientation upon entering prison were assaulted by other inmates after their identity became known in the prison environment. Prisoners' accounts confirm that people from the community are frequently assimilated into the informal status of „the humiliated“, being excluded from activities, refused by other prisoners in certain roles (such as working in the kitchen) and subjected to an increased risk of physical and sexual violence.

In this context, no uniform policy or practice has been identified, in line with international standards, regarding the assessment of risks for LGBTQI persons in the placement process. The assessment should be individual, determine whether the person poses a risk to themselves, other prisoners or staff, and determine the measures necessary to reduce the risks in a proportionate manner. International standards emphasise the importance of a balanced assessment, and risk management should not be based on stereotypes about gender identity.

CPT standards stipulate that prison authorities must pay particular attention to the risks of discrimination, violence and exclusion faced by transgender persons. Institutional policies should include clear preventive and corrective measures, such as systematic recording of incidents, reporting and thorough investigation of all allegations of assault or harassment directed against LGBTQI prisoners. Furthermore, there are no valid security reasons to treat a transgender person differently from a cisgender person in the initial risk assessment. While transgender persons may face heightened vulnerability to assault, they do not inherently pose a greater risk to others; the objective in both cases should be to ensure the safety of the individual and others, and to place them in an environment appropriate to their protection needs.

In the same vein, international standards caution that solitary confinement should not be used as a protective measure for transgender or LGBTQI persons. Both the CPT and the UN Subcommittee on Prevention of Torture have highlighted the harmful impact of isolation on physical and mental health, emphasising that this practice can exacerbate existing vulnerabilities and limit access to education, work or programmes relevant to social reintegration. In addition, measures such as segregation or prolonged protective detention can lead to longer periods of detention for the individuals concerned.

International standards also recommend the active involvement of LGBTQI persons in the risk assessment and placement decision-making process, as well as the possibility for them to maintain confidentiality regarding their gender identity if they so wish. Rule 7 of the Nelson Mandela Rules stipulates that the information entered in the detainee's file upon admission must reflect their unique identity, including their self-perceived gender, and that the admission process must prevent any risk of misidentification or degrading treatment.

International documents also highlight the high risk of suicide or self-harm among LGBTQI persons in detention. Admission assessments must include a careful analysis of previous experiences of discrimination or abuse in order to prevent revictimisation, and authorities must ensure equal access to psychological assessment, treatment, mental health services and psychosocial support, under the same conditions as in the community.

9.11. Complaints mechanism and prevention of violence

Prison staff reported that prisoners are generally informed about existing complaint mechanisms and the institutions they can turn to, but the effectiveness of these mechanisms depends largely on prisoners' trust and perceived confidentiality. For LGBTQI persons, fear of stigmatisation or reprisals is a significant barrier to accessing complaint mechanisms. In discussions with prisoners, many mentioned that they did not report incidents of abuse or did not know exactly who to turn to, what procedures to follow or what protection they could receive. This situation is attributed both to the lack of a complaints mechanism adapted to the needs of vulnerable persons and to the informal rules of the criminal subculture, which discourage reporting.

Reports from LGBTQI persons show that when they notified prison management after incidents of assault or threats, the administration did not intervene and the danger was not taken seriously. In such cases, prisoners mentioned that they did not receive any concrete response and the risky situations continued. On the other hand, most employees stated in the survey that they immediately report any incident or statement suggesting violence, including sexual violence, against LGBTQI persons. However, responses from prisoners indicate that a considerable number are not familiar with the procedures in detail, do not know which internal or external structure to turn to, and do not perceive the protection mechanisms as effective or accessible.

This lack of procedural clarity leads to the uneven application of reporting mechanisms and a lack of immediate intervention in cases where the risks are obvious. In practice, the protective measures applied by staff often include isolating LGBTQI persons in separate cells, especially in the case of men. Although intended to provide protection, this practice leads to increased social isolation, exposure to harsher conditions of detention and further marginalisation, which does not contribute to the prevention of violence but rather amplifies vulnerabilities.

International standards emphasise the need to develop a robust institutional framework for the protection of LGBTQI persons in detention. Recent international documents explicitly address the risks faced by LGBTQ+ persons in detention and stress the importance of adopting specific policies to prevent violence, discrimination and abuse. Principle 9 of the Yogyakarta Principles stipulates that states must adopt protective measures for all prisoners who are vulnerable to violence or abuse on the grounds of their sexual orientation, gender identity or gender expression, without these measures leading to additional restrictions on their rights compared to other prisoners.

International recommendations include the implementation of policies to combat violence and discrimination on grounds of sexual orientation and gender identity, including by ensuring access to medical treatment, protecting access to gender expression items, preventing abuse in the context of body searches and avoiding the use of solitary confinement as a „protective“ measure. CPT standards draw attention to the fact that transgender persons and, more broadly, all LGBTQI persons in detention are in a general situation of vulnerability, being particularly exposed to the risk of intimidation, abuse and violence, both from other prisoners and from staff. Placing a transgender person in a section designated for a gender other than the one with which they identify inherently increases the risks of violence and intimidation.

Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe emphasises the obligation of states to take appropriate measures to ensure the safety of all persons in detention, including protection against physical assault, rape and other forms of sexual abuse, whether committed by other prisoners or by staff. The document insists on the need to respect the gender identity of transgender persons and to protect their dignity in all relevant procedures.

International data show the extent of the risks: according to the UN Subcommittee on Prevention of Torture, non-heterosexual prisoners are ten times more likely to be sexually assaulted by other prisoners and three

times more likely to be sexually assaulted by prison staff. For transgender persons, the risk of sexual assault by inmates is thirteen times higher than for cisgender persons. At the same time, documented examples from various countries show that LGBTIQ+ persons have been subjected to severe forms of physical, sexual and psychological violence, including assaults in police stations, collective humiliation, denial of access to activities or degrading medical treatments such as non-consensual anal examinations, which are clearly condemned by international mechanisms as forms of torture and degrading treatment.

International reports also indicate that many complaints of sexual abuse or violence do not receive an adequate response from prison administrations. In the case of LGBTIQI persons, the reluctance to file complaints is exacerbated by fear of reprisals and direct threats from aggressors, which reinforces the need to strengthen protection and investigation mechanisms.

International principles stipulate that the supervision of places of detention must be organised in such a way as to ensure the safety of all persons, and that vulnerabilities associated with sexual orientation, gender identity, gender expression or sexual characteristics must be specifically addressed. The lack of a robust procedural framework and uncertainty regarding the application of protection measures highlight the importance of coherent policies and ongoing staff training to prevent violence and ensure effective access to complaints mechanisms.

9.12. Criminal subculture, safety and internal protection mechanisms

Criminal subculture is one of the most powerful factors influencing the safety of LGBTIQI persons in prisons in the Republic of Moldova. Reports by the monitoring mechanisms of the Council of Europe, the Committee for the Prevention of Torture and the Ombudsman have consistently documented the negative impact of informal rules in prisons on prisoners perceived as vulnerable. This parallel structure of norms creates rigid hierarchies, in which people considered LGBTIQI are automatically placed at the bottom, exposing them to stigmatisation, exclusion and violence. In some situations, the subculture generates degrading treatment, the assignment of humiliating tasks or sexual abuse, practices that constitute inhuman and degrading treatment.

The reports collected during the monitoring show that people considered „*humiliated*” avoid filing complaints about sexual abuse, either out of fear or because of tacit agreements. In certain prisons, there have been reports of LGBTIQI persons, as well as some persons who were not part of the community, performing sexual acts in exchange for goods or protection, which indicates a deep structural vulnerability. Even in sectors where people in self-isolation or those considered vulnerable are placed, an internal hierarchy continues to exist – an informal category called „*the dirty in the caste of the humiliated*”, with its own rules and sanctions.

Informal rules also influence daily interactions. Some inmates reported that people perceived as lesbians, women who have performed oral sex, or people associated with sexual offences are automatically classified as „*законтаченные*” and subject to severe restrictions. They are not allowed to eat from shared dishes, cook for the group, or use objects together with other inmates. If they touch shared property, conflicts can arise that escalate into violence. A female detainee explained that she cannot conceal her sexual orientation because if it were discovered later, she would face beatings and humiliation. In male prisons, the rules are even stricter, largely due to the strong influence of the criminal subculture, which enforces rigid hierarchies and punishes any perceived deviation from norms, including non-heterosexual orientation.

A case reported during the monitoring illustrates the severity of these consequences: a young man was identified as gay by other prisoners shortly after entering prison. He was marked with a forced tattoo – a cross on his left ear and a curved line on his neck – signs used to visually classify him as belonging to *the „caste of the humiliated*”. He was subsequently repeatedly beaten, physically assaulted and, after his transfer to the adult prison, subjected to acts of humiliation, including being forced to wear women’s clothing, make-up and public exposure in front of other inmates.

The National Prison Administration has internal protection mechanisms in place, such as temporary transfer to other cells or sectors, increased surveillance or notification of the competent authorities when cases of violence are reported. However, these measures are predominantly aimed at maintaining institutional order and security and do not take into account the particularities of LGBTIQI persons. Internal regulations focus

on security and control issues, without differentiated procedures for the protection of this vulnerable group.

In addition, the prison system faces an acute shortage of staff, both in terms of numbers and specialised training. The low number of employees in operational sectors limits the capacity for rapid intervention and supervision, and the lack of psychologists, social workers and educational counsellors reduces the possibility of implementing appropriate solutions for those at high risk. In some institutions, educational functions are performed by staff without training in the field, which makes it difficult to manage complex situations associated with criminal subculture.

The risks are not limited to LGBTQI persons, but can also affect those who interact with them. Both prisoners and staff can be stigmatised by the subculture if they are perceived as having a close relationship with a person from the „*humiliated*” group, which can lead to threats, intimidation or exclusion. From discussions with prisoners, it appears that simply accepting the situation of people in the LGBTQ+ community and having a non-discriminatory attitude towards such a group can be interpreted negatively by the subculture. This phenomenon further reduces prisoners’ willingness to report abuse or seek help. At the same time, prisoners with experience of detention in prisons in European countries show a tolerant attitude towards people from the LGBTQI+ community. In men’s prisons, gay men and trans women are particularly vulnerable to being automatically associated with the informal category of „*humiliated/ocks/opușcenii*”, regardless of their legal status or previous behaviour. This labelling is often triggered by the non-consensual outing of sexual orientation or gender identity and has direct consequences on their position in the criminal hierarchy: increased exposure to violence, sexual exploitation, extortion and exclusion from activities. In these circumstances, failure to respect confidentiality and early intervention by the prison administration are not just administrative omissions, but contribute to creating an environment conducive to ill-treatment. In this context, protecting the confidentiality of information regarding sexual orientation and gender identity is not only a matter of privacy, but an essential measure to prevent violence and inhuman or degrading treatment in the prison environment.

International assessments confirm the severity of these risks. The UN Subcommittee on Prevention of Torture has documented that, within informal hierarchies in detention, LGBTQI persons are often subjected to multiple discrimination, insults, beatings, targeted violence and degrading practices, such as non-consensual anal examinations in some states. The Special Rapporteur on torture has highlighted the particular vulnerability of transgender persons in the general prison population and their increased risk of physical and sexual abuse. International assessments have found that non-heterosexual persons are ten times more likely to be sexually assaulted by other prisoners and three times more likely to be sexually assaulted by prison staff, and transgender persons are 13 times more likely to be sexually assaulted than cisgender persons.

9.13. Escorting and transporting persons

National regulations stipulate that the transfer and escorting of convicted persons shall be carried out in accordance with Article 199 of the Enforcement Code and Section XI of the Enforcement Statute, in compliance with the general rules on the separation of women from men, minors from adults and persons sentenced to life imprisonment from other prisoners. During transport, prisoners are placed in separate cells in the means of transport, a measure designed to limit interactions and prevent incidents during the journey.

For LGBTQI persons, the regulatory framework does not contain specific provisions regarding their protection during escort or transfer between institutions. The measures applied are based exclusively on general information in the convicted person’s file and security assessments, without taking into account vulnerabilities associated with sexual orientation or gender identity. This lack of detailed safeguards may create additional risks of stigmatisation, verbal abuse or intimidation during transport, particularly in situations where LGBTQI persons are placed in close proximity to other prisoners who may display hostile attitudes.

International standards highlight the need to adapt escort procedures to specific situations of vulnerability. The CPT guidelines emphasise that transport policies and practices must be sensitive to the risk of marginalisation and discrimination of transgender persons and, more broadly, LGBTQI persons. During several monitoring visits, the CPT recommended that the authorities adopt firm measures to prevent violence, intimidation or

theft among prisoners during transport. There have also been reports of situations where prisoners have been subjected to verbal abuse by other passengers during escort, highlighting the need for careful supervision and clear preventive measures.

International recommendations expressly state that women deprived of their liberty, including transgender women, should not be transported in the same secure vehicle as men. Adequate separation and constant monitoring of transport conditions are essential to prevent the risk of violence and protect the dignity of persons in state custody.

9.14. Information, programmes and involvement

The prison system has implemented the Prison Environment Adaptation Programme for Newly Arrived Prisoners, approved by ANP Order No. 408 of 12 August 2024. The programme takes place during the quarantine period, lasts up to 15 days and consists of nine daily sessions of 45-60 minutes each. Its purpose is to familiarise prisoners with the prison environment, their rights and obligations, the daily routine, the rules of the institution and the mechanisms for addressing staff. By reducing initial anxiety and insecurity, the programme is the first step in the process of adaptation and resocialisation.

Existing educational and social reintegration programmes include occupational, cultural and training activities, which are formally accessible to all prisoners. In practice, however, LGBTQI people are sometimes excluded from participation due to isolation decisions taken for protection purposes, which limits their access to educational resources and reintegration activities. The influence of criminal subculture exacerbates this situation, discouraging involvement in collective activities for fear of stigmatisation or abuse. There are no information materials or sessions dedicated to interacting with LGBTQI persons or addressing their specific situations in the prison environment. Staff mentioned that there are no specific programmes or topics for this group and that there have been no activities in which the needs of LGBTQI people have been openly discussed. At the same time, there are no specific programmes or topics on this subject for the information and psycho-education of prisoners, which would aim to change attitudes and reduce discrimination against people in the LGBT+ community. In the absence of accurate information, subculture and stereotypes become the main source of „knowledge“, which fuels labelling, exclusion and tolerance of abuse. At the same time, without an information and attitude change component for the entire prison population, the protection of LGBTQI persons remains limited to isolation, which perpetuates segregation and maintains the structural risk of abuse.

The only sex education programme, which includes information on sexual orientation and gender difference, is implemented for minors and young people up to the age of 21 (but there are no assessments of its impact on the knowledge, attitudes and practices of those trained).

In terms of psychological support, three of the five LGBTQI people with detention experience interviewed said they had received psychological or emotional counselling during their detention, but only one said they felt supported and understood by the psychologist. Four of the five people mentioned that they did not have equal access to work, education and religious activities, feeling excluded or marginalised. At the same time, there were reports of situations where psychologists did not know how to deal with cases related to gender identity or sexual orientation, with the lack of specialised training being a constant difficulty.

Chaplains appointed by the Orthodox Church play a distinct role in educational and support activities, performing spiritual and moral functions as employees of the ANP. For some prisoners, the presence of the chaplain can be a source of emotional support; for LGBTQI persons, however, there is a risk that negative discourse or attitudes towards sexual and gender diversity may lead to stigmatisation and exclusion. The lack of clear guarantees and a pluralistic framework can turn the work of chaplains into a factor of vulnerability. During visits, there were reports of other inmates complaining about the presence of LGBTQI people in the church or accusing them of „unacceptable behaviour“. People informally classified as „humiliated“ – with whom LGBTQI people are frequently associated – only have access to the religious space after the rest of the group, in a specific corner of it, without touching religious objects (in some prisons they are not allowed to enter this space), which reflects the informal application of criminal subculture hierarchies in the

religious sphere. Five out of five LGBTQI former prisoners reported that they were not treated with respect during religious activities, and some felt indirect pressure to „change their *sexual orientation*”. Similarly, the transgender person who was detained in the men’s prison was refused communion by the chaplain with the explanation that this is the instruction and position of the Orthodox Church. Thus, during the monitoring visits, no mechanisms were identified for the administration to supervise the activities carried out by chaplains as moral and spiritual educators, including compliance with international commitments to respect human rights in detention.

The involvement of civil society organisations in prisons remains limited. There are few NGOs working directly with the LGBTQI community, and their interventions in prisons are rare. The organisation GENDERDOC-M provides psychological, legal and community support services, particularly for men who have sex with men, with a focus on HIV prevention. In some prisons, non-governmental organisations have carried out activities in areas such as sex education, gender equality or peer-to-peer discussions between former and current prisoners, but these activities are sporadic and do not directly address the specific needs of LGBTQI persons in detention.

9.15. External communication and visits

Legislation on the enforcement of sentences guarantees the right of persons deprived of their liberty to external communication through telephone calls, correspondence, meetings and, more recently, videoconferencing/applications. These mechanisms apply to all prisoners and are essential for maintaining social and family ties during detention. Although the regulations govern in detail the modalities of access, they do not contain specific provisions regarding the situation of LGBTQI persons and the particularities they may encounter in exercising their right to communication.

With regard to visits, the legislation does not recognise the status of same-sex couples, regardless of whether they are long-term partners or in stable relationships. In the absence of legal recognition, LGBTQI persons are formally treated in the same manner as all other prisoners, but without guarantees that allow for the effective and non-discriminatory exercise of the right to privacy and to maintain personal relationships. In practice, this regulatory vacuum can lead to inconsistent situations, leaving the prison administration with a wide margin of interpretation. Thus, the possibility of visits with same-sex partners depends on the discretion of the institution’s management, without clear criteria, which can lead to different treatment of people in similar situations. Most often, in such cases, point 284 of the Statute on the Enforcement of Sentences by Convicts,¹⁰³ which describes visits granted in exceptional cases, *in the absence of a spouse and other relatives or if the convict has not been visited by them for more than a year – only short visits are granted*. This provision cannot be applied where the convict has close relatives (parents, siblings, etc.). Detainees may designate a visitor of their choice, including a same-sex partner, even if the relationship is not legally recognised. Prison authorities are required to allow such visits, subject to standard security requirements, regardless of the provisions of point 284 on exceptional short visits for those without close relatives.

During a visit by the monitoring team to Penitentiary No. 13 in Chişinău, a 32-year-old lesbian prisoner said: “I haven’t been able to see my partner for 10 months now... But the deputy director of the prison said that if no close relatives visit me for a year, I will be able to have short visits with my partner... No one from my family comes to visit me... I can’t wait to see her. The most important thing for me is to have the right to meet... with my partner. My family is falling apart... She is bisexual and a man is already courting her... We have been together for 7 years... I am afraid she will not be able to resist...”

Another problem identified during discussions with LGBTQI prisoners is their rejection and non-acceptance by their families and society. For many of them, friends become an emotional support, providing a safe space and support in all areas of their lives, a kind of extended family, so the legislation on the enforcement of sentences does not expressly provide for these specific situations.

¹⁰³ https://www.legis.md/cautare/getResults?doc_id=110142&lang=ro#

Another case, from Rusca Women's Prison No. 7, a 24-year-old bisexual convict: „My mother does not accept me, she doesn't come to visit very often, but I have a friend who is still free, not a partner, whom I have been friends with all my life, we are like sisters, and she cannot come to see me... She is more than my family to me...”

During the monitoring visits, it was noted that there is a need to explicitly address this issue, especially in women's prisons, where situations related to same-sex relationships are more visible, and the absence of clear regulations creates uncertainty for both staff and prisoners. The lack of standardised procedures limits equal access to guaranteed rights and may encourage arbitrary or discriminatory application of the rules on access to visits, correspondence or communication by videoconference.

9.16. Medical care

The regulations on the organisation of medical care for prisoners expressly prohibit any form of discrimination in access to services, including on grounds of gender, sexual orientation, gender identity, disability or health status. In principle, the regulatory framework guarantees equal treatment for all persons in detention, but does not include specific provisions regarding the needs of LGBTQI persons. The lack of specific instructions – such as those relating to the continuity of hormone treatment for transgender persons or psychological counselling tailored to gender identity – means that the protections provided for in the regulations often remain declarative, and their application depends on the availability of medical staff and the resources of the institution.

Findings from discussions with medical staff reveal structural difficulties. In some cases, sexual orientation or gender identity was classified as a mental health issue, indicating a lack of professional understanding of the specific needs of LGBTQI persons. Medical staff mentioned that Ministry of Health protocols will be implemented if they are developed, but currently there are no clear procedures to guide interventions in situations involving transgender or non-binary persons. People with experience of detention who were interviewed confirmed the difficulties in accessing services: only one in five said they had received adequate medical care, while three reported delays, refusals or limited access due to their gender identity or sexual orientation and the lack of knowledge in this area among medical staff. The risks related to access to healthcare are considerably higher for LGBTQI people living with HIV or with disabilities, including psychosocial disabilities. For example, a transgender person living with HIV may face simultaneous denial of hormone treatment, delays in receiving antiretroviral therapy and disclosure of their medical status to other prisoners, exposing them to double stigmatisation and serious deterioration in their health.

International standards emphasise the need for additional medical safeguards for LGBTQI people. The CPT found in visits to several countries that transgender women were able to continue or start hormone treatment in detention, and that the lack of such treatment has serious effects on physical and mental health. International documentation also shows that LGBTQI people are at increased risk of victimisation and discrimination when they suffer from other medical conditions, such as HIV, communicable diseases or disabilities, and are less likely to receive the necessary treatment.

The Yogyakarta Principles explicitly state that persons deprived of their liberty must have adequate access to medical care, counselling and treatment tailored to their needs related to sexual orientation and gender identity. This includes access to reproductive health services, information and therapy for HIV/AIDS, as well as hormone treatment or other forms of gender affirmation therapy, when desired (Principle 9 and Principle 17). The Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) establish the obligation of states to provide medical care equivalent to that available in the community (rules 24–35), and the UN Subcommittee on Prevention of Torture has stated that the denial of medical treatment appropriate to a transgender person's gender identity may constitute inhuman treatment or even torture.

Mental health is an area of particular vulnerability for LGBTQI people. The CPT emphasises the need for multidisciplinary approaches to case management, with the genuine involvement of the person concerned and the provision of ongoing psychological support. Transgender persons and LGBTQI persons in general may be affected by anxiety, depression, fear, suicidal ideation and post-traumatic stress symptoms, particularly in the context of violence and discrimination. Before detention, many of these persons go through difficult

experiences related to the disclosure of their gender identity or sexual orientation; once in prison, they face a reverse process, in which the expression of their identity becomes severely limited, which can lead to further deterioration of their mental health.

It is recommended that regulatory provisions and operational instructions be introduced to manage the medical needs of LGBTQI persons in prisons, with a focus on developing and implementing medical protocols on the continuity of hormone treatments for transgender persons, comprehensive initial assessment, and access to psychological counselling services tailored to their needs. Where treatments were previously accessed privately, ensure mechanisms are in place to maintain access despite detainees' lack of income or external healthcare resources. Regular and mandatory training of medical and non-medical staff in the field of sexual and gender diversity is necessary, including aspects related to confidentiality, non-discrimination and respectful communication in the professional training curriculum. Ensuring access to specialised medical services, as well as HIV therapies, specialised mental health services and gender affirmation treatments, by collaborating with civil society organisations and medical institutions in managing specific medical situations where there is no institutional competence. Ensure that the right to health is included in internal and external audits by developing an independent mechanism to monitor access to medical services and document cases of discrimination or refusal of treatment, with the possibility of reporting for affected persons.

9.17. Rehabilitation of victims and access to remedies

In the Republic of Moldova, there is no functional and comprehensive mechanism for the rehabilitation of victims of torture and ill-treatment, either within the prison system or after release from detention. Existing services are mainly provided by non-governmental organisations, but their resources are limited and their continuity depends on external funding, which makes them unstable and insufficient. The few specialised services are provided by the Memoria Centre¹⁰⁴ and Casa Mărioarei,¹⁰⁵ organisations that offer psychological, medical and legal assistance to persons subjected to torture or violence in detention and victims of severe trauma, including through rehabilitation and integrated support programmes. However, the capacity of these centres is limited in relation to the potential number of beneficiaries, and effective access for members of the LGBTQI community remains unassessed and clearly limited. Psychological services for the LGBTQI+ community are largely available through Genderdoc-M.¹⁰⁶

Access to effective remedies in cases of violation of the right not to be subjected to torture or ill-treatment is also limited. Persons deprived of their liberty can resort to mechanisms such as the Council for Equality, the courts or the European Court of Human Rights, but these channels do not always provide rapid, accessible and effective remedies. For LGBTQI persons in particular, discrimination and stigmatisation add additional barriers to accessing justice, including fear of reprisals, distrust of institutions, complex procedures and a lack of mechanisms tailored to their needs.

International standards set out clear obligations for states to identify victims and provide adequate redress. Principle 10 of the Yogyakarta Principles provides that authorities must take all possible measures to identify victims of torture or ill-treatment committed on the basis of sexual orientation or gender identity and ensure access to redress, including medical care and psychological counselling. Principle 28 reaffirms the right of affected persons to effective and efficient remedies, including compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The CPT standards of 2024 note that in many states, transgender women housed in male wards have reported feeling unsafe and being physically or sexually assaulted by other inmates. In many of these cases, the victims did not receive psychological support or specialised rehabilitation, despite the severe impact of the trauma they suffered. The situations described also include cases of verbal abuse by staff, which highlights the need for post-trauma interventions tailored to the needs of transgender people. Council of Europe documents reiterate the need to create a coherent support system for LGBTQI persons subjected to violence and abuse,

104 <https://www.centrumemoria.md>

105 <https://antiviolența.md/>

106 <https://gdm.md/>

including rehabilitation, counselling and sustainable protection mechanisms. Furthermore, continuous protection of victims and respectful interaction in judicial proceedings must be ensured, including an absolute ban on discriminatory evidence or harassment of victims in court.

9.18. Post-detention social reintegration

Probation system. The Republic of Moldova has a National Probation Inspectorate (INP), which is responsible for supervising the enforcement of non-custodial sentences and measures, as well as supporting the social reintegration of former prisoners. Its work aims to reduce the risk of reoffending through monitoring, counselling and collaboration with community institutions.

Data collection. No official data is collected on the sexual orientation or gender identity of probationers. The lack of this information makes it difficult to identify and address the specific needs of LGBTQI people after release.

Methodologies, guidelines, instructions. There are no specific methodologies, protocols or guidelines on how to deal with LGBTQI persons in probation. Activities are carried out on the basis of the general working framework, without specific provisions to support this vulnerable group.

Training and curriculum. The training curriculum for probation counsellors does not include specific topics on the rights of LGBTQI persons. However, professional development programmes address general issues related to gender equality, equal treatment of minorities and protection of vulnerable groups, as well as methods for working with people at risk (e.g. drug users, domestic abusers).

Access to assistance and counselling. LGBTQI persons have access to assistance and counselling services on an equal basis with other probationers. The INP collaborates with community networks and partner institutions – local public administrations, medical and educational institutions, employment agencies, NGOs and religious organisations – to direct individuals to the necessary support. However, there are no mechanisms or programmes tailored to the needs of LGBTQI persons. Access to psychological, legal or social counselling depends on available resources and on the beneficiary requesting/accepting support.

Case studies that formed the basis for the analysis of the situation of LGBTQI persons in places of detention

Case study 1

Igor Brumareţchi¹⁰⁷ was born in northern the Republic of Moldova, in a village in the Soroca district, with the name Natalia Ouş on his birth certificate. From the beginning of his life, congenital malformations and a gender identity that differed from that assigned at birth have profoundly marked his personal journey. Although doctors decided that he was a woman, Igor always felt like a man, and the physical transformations he underwent throughout his life were, as he says, a necessity for survival, not a whim. In 2007, his male identity was legally recognised. However, his life remained vulnerable, lacking family support and exposed to discrimination and social precariousness.

In 2021, Igor ended up in detention. After staying in an isolation ward in Bălţi, he was transferred to Penitentiary No. 6 in Soroca. From then on, a four-year ordeal began. From the very first day, during the mandatory medical examination, he was humiliatingly exposed to the public. The institution's doctor, after examining his genitals in front of other employees, reacted with disgust: "Ugh, I'm not eating today." This scene, experienced in the first minutes of detention, made it clear to him how he would be treated.

Shortly afterwards, a guard suggested that he write a request for "protection". Not understanding the implications, Igor signed the form drafted by the employee, and this paper became the basis for a regime of isolation that would last three years. He was placed alone in a cell normally reserved for prisoners subject to disciplinary sanctions. The "protection" turned into an additional punishment, without access to activities, work, community or adequate psychological support. His loneliness became total. Communication with others was reduced to banging on the walls, and the cell had become an unsanitary space, infested with rats that entered through the toilet hole.

Physical isolation was accompanied by constant humiliation from prison staff. He was called "to the gynaecologist" in front of other inmates, which provoked laughter and stigmatisation. Some guards deliberately opened the bathroom door while he was showering. Another morning, a staff member said behind his back, "Good luck, Natasha." For Igor, these repeated episodes were not mere mockery, but direct attacks on his identity, coming from those who had a duty to protect his dignity.

His mental state deteriorated rapidly. He began to suffer from severe depression, suicidal thoughts and episodes of hallucination. He repeatedly asked for specialised help, but the medical consultations were superficial and rushed. In a dramatic situation, out of desperation that no one was listening to him, Igor resorted to self-harm. Only then did the administration react, not to support him, but to punish him: they extended his sentence by 42 days and banned him from receiving visitors. His already precarious condition worsened. Paradoxically, his relations with other prisoners were better than with the prison staff. Igor says that many of his fellow inmates treated him with decency and empathy, and the limited interactions he was able to have behind bars were among the few moments when he felt human.

After three years in solitary confinement, endless complaints and ignored requests, Igor managed to get his case to court. The Soroca District Court acknowledged that he was being held in degrading conditions, but did not mention the word "discrimination", his gender identity or the behaviour of the staff. The only measure ordered was a 25-day reduction in his sentence, a symbolic compensation that did not reflect the seriousness of the situation.

¹⁰⁷ Open media sources: <https://tv8.md/2025/11/13/video-perchezitii-la-cfm-filmare-cu-saci-de-tigari-care-ar-fi-incarcati-in-trenul-chisinau-bucuresti/292261>
<https://anticoruptie.md/ro/investigatii/social/detinuti-ai-prejudecatiilor-in-state-institutions-lgbt-people-one-step-away-from-suicide> <https://www.zdg.md/stiri/stiri-sociale/traind-de-garda-detinut-transgen-dublu-condamnat-in-inchisoare-de-catre-oamenii-cu-epoleti/>

The National Prison Administration's position was consistently defensive. The NPA claimed that Igor's isolation was a "necessary measure" due to the "specific nature of a transgender person" and that he himself had requested separation – ignoring the fact that the request had been drafted by a guard and signed without understanding the consequences. The ANP rejected any allegations of discrimination or abuse, even though the evidence contradicted these claims.

In 2025, the Equality Council issued a detailed decision contradicting the authorities' position. The Council explicitly found that Igor Brumareţchi had been subjected to discriminatory treatment in the prison environment on the basis of gender identity. It highlighted the abusive isolation, the lack of adequate intervention in the context of his serious mental state, the degrading behaviour of the staff and the disregard for previous court decisions. The Council also emphasised that the prison administration had taken no action, even after the institution's psychologist had confirmed Igor's suicidal thoughts.

Case study 2

Prisoner XY, born in 1995, grew up in a rural area in southern the Republic of Moldova. He reported that he became aware of his homosexual orientation at a very young age. At the age of nine, he told his mother about it, but her reaction was violent. Due to the beatings and the abusive family atmosphere, the child ran away from home for several months, during which time he committed petty thefts to secure food.

Upon reaching the age of criminal responsibility, XY was placed in a juvenile detention centre. Shortly after his admission, the other inmates learned of his sexual orientation. XY was forced to be "marked" by tattooing a cross on his ear and a line on his neck, signs used in the prison environment to visually mark people considered part of the "caste of the humiliated", the lowest rung in the informal prison hierarchy. While in juvenile detention, XY was repeatedly beaten and physically assaulted, and any attempt to defend himself was interpreted as a disciplinary offence.

During XY's time in the juvenile prison, the existence of an unregulated "additional temporary isolation room" used for short periods of isolation was documented. During a monitoring visit, XY was found in this room, forced to communicate with staff via video cameras, using sheets of paper with numbers drawn on them to indicate the type of employee he was requesting—a practice considered humiliating by the monitoring mechanisms.

After turning 21, XY was transferred to the adult prison, where the abuse continued. He reported being forced by other inmates to wear women's clothing, to wear make-up, including lipstick, and being sexually assaulted. According to his statements, prison staff did not intervene to protect him and sometimes reacted mockingly, congratulating him on 8 March or verbally provoking him during public events related to the LGBTQI community.

During his detention as an adult, XY was transferred between several penitentiary institutions for reasons of order, safety, or psychological and behavioural assessments. His detention regime included periods of isolation, refusal to eat, numerous petitions, and institutional conflicts. In Penitentiary No. 5, XY was assigned to work on several occasions, in positions such as caretaker and cleaner of the premises. The activity was interrupted either at his request or for failure to perform his duties. The last period of employment lasted until December 2024.

Between February 2025 and the present, XY has been housed in an individual cell, a measure attributed to his behaviour, which is considered unstable. The prisoner has filed numerous complaints alleging abusive treatment, discrimination, psychological pressure, lack of confidentiality in discussions with the psychologist, repeated refusals of transfer and episodes of isolation that have caused him severe emotional instability and suicidal thoughts.

During his detention, XY underwent several psychological and psychiatric evaluations. In 2021, he was examined at a specialised juvenile detention centre and subsequently transferred to the prison hospital for a detailed psychiatric assessment, which found an organic personality disorder, difficulties with temporal and spatial orientation, emotional vulnerability and an increased risk of inappropriate reactions. This was followed by an assessment at a Community Mental Health Centre.

Starting in 2024, XY filed several complaints with the Ombudsman's Office, citing refusal to be employed, isolation, discriminatory treatment, and lack of protection. Following the institution's intervention, XY was employed for a period of time and temporarily withdrew his request for transfer. In 2025, XY filed a complaint regarding discrimination on the basis of sexual orientation, which was forwarded to the competent institution, and the Ombudsman initiated steps with the National Prison Administration and several prisons to document the issues raised. The institutions provided information on the detention regime, transfers, sanctions, psychological assistance and measures applied, stating that their activities were carried out in accordance with the law and that no acts of discrimination had been identified in the case of XY.

Specific findings

The findings in Chapter 10 show that the situation of LGBTQI persons in prisons cannot be reduced to isolated cases, but reflects structural vulnerabilities in the prison system. From the perspective of public policy and institutional management, the main implications are:

1. The absence of legal frameworks on legal gender recognition (LGR) and recognition of same-sex partnerships increases the vulnerability of LGBTI persons in detention, exposing them to higher risks of violence, harassment, and other human rights violations.
2. Widespread societal prejudice contributes to a lack of family or social support for LGBTI detainees, and existing prison visitation rules do not adequately address this gap, further limiting access to crucial emotional and social support.
3. The absence of specific rules for gender identity recognition and safe placement leads to the use of rigid criteria (gender on official documents) and informal hierarchies, which exposes trans and other LGBTQI persons to a high risk of violence, exploitation and prolonged isolation.
4. The use of solitary confinement or sectors associated with the subculture of the “humiliated” as a standard measure of “protection” demonstrates the lack of an individualised risk assessment framework and turns preventive measures into sources of suffering and mental health deterioration.
5. The low level of legal knowledge and conceptual confusion among staff (including the perception of same-sex relationships as “illegal” or “deviant”) shows that current training fails to ensure a minimum understanding of legal obligations regarding non-discrimination and the prevention of ill-treatment.
6. The lack of information and psycho-education programmes for prisoners on gender diversity and sexual orientation, coupled with the strong influence of criminal subculture, creates a context in which homophobic and transphobic violence is normalised and complaints are discouraged or reclassified.
7. The absence of clear mechanisms for collecting and analysing data on SOGI incidents and of procedures for systematic collaboration with medical services and specialised organisations limits the ANP’s ability to prevent risks, manage crises and demonstrate diligence to international monitoring mechanisms.
8. At the same time, the significant percentage of employees who report an urgent need for guidance and training indicates a real potential for institutional change if the ANP develops and implements well-structured policies, protocols, and training programmes.

General findings and conclusions

Social situation and public perceptions

1. In the Republic of Moldova, the LGBTQI community is perceived as marginalised, with poorly protected rights; over 80% of citizens would not accept an LGBTQI person in their family, and over 60% would not want them as a neighbour or colleague, which amplifies the risks of social isolation and violence.
2. Hate speech against LGBTQI people persists in society and in the political arena, including in election campaigns; however, recent data suggest a slight improvement in public perceptions compared to previous years, against a backdrop of increased visibility and civic activism.

Institutional and legal framework

3. There are national institutional mechanisms for monitoring and promoting human rights, including in detention (OAP, CpPT, CpE), but effective protection for LGBTQI people remains uneven, in the absence of specific policies and procedures, clear monitoring indicators and consistent implementation of national and international recommendations.
4. The anti-discrimination legal framework (Equality Act, Criminal Code and Contravention Code) is broadly aligned with international standards and includes sexual orientation and gender identity as protected criteria, but it is rarely enforced: cases of hate speech or hate violence rarely reach court, including when they target LGBTQI persons.
5. There remains a significant gap between international standards and the national reality due to the absence of regulations on the recognition of same-sex partnerships, clear procedures for the legal recognition of gender identity and special protection rules for LGBTQI persons in detention.
6. For LGBTQI staff working in the justice system (police, prisons, probation), disclosing their sexual orientation or gender identity remains difficult due to the risk of stigmatisation and discrimination, and institutional protection and support mechanisms are not sufficiently clear or effective.

Access to institutional data

7. Institutions within the justice system do not collect disaggregated data on sexual orientation and gender identity, maintaining the invisibility of LGBTQI persons in official statistics; this limitation hinders the formulation of evidence-based policies on violence prevention and ensuring equal treatment.

Deficiencies in policies and procedures

8. The regulatory framework does not provide for specific measures to protect LGBTQI persons from discrimination and violence by other prisoners or prison staff, and the lack of clear procedures for investigating and punishing discriminatory incidents contributes to the perpetuation of a hostile environment for LGBTQI prisoners.

9. The system for monitoring and reporting discriminatory incidents is underdeveloped, making it difficult to identify, document and adequately address the problems faced by LGBTQI persons in places of detention.

Practices and shortcomings in the police system

10. There are no clear internal protocols or instructions within the police on the identification, escorting, searching, accommodation and protection of LGBTQI detainees, which leaves decisions to the discretion of individual officers and leads to inconsistent and sometimes contradictory practices.
11. Police training is insufficient: only about one-fifth of police officers have participated in training related to the protection of LGBTQI persons in recent years, and most say they need clarification and concrete guidelines on the particularities of this group and how it differs from stigmatised categories in the criminal subculture.
12. The level of knowledge of SOGIESC concepts is very low (around 80–85% of police officers are unfamiliar with the term), and over 60% mistakenly associate LGBTQI people with the «humiliated/ cocks» in the informal hierarchy, which increases the risk of stigmatisation, degrading treatment and placement in positions of maximum vulnerability.
13. Confidentiality management is problematic: almost half of police officers would immediately inform their superiors if a detainee declared their LGBTQI status, and a significant proportion believe that this information should be shared between institutions «for protection» purposes, without clear procedures regarding consent, the necessity of the information and the protection of privacy.
14. Attitudes within the police force are highly polarised: openly homophobic opinions (including a preference for automatic isolation) coexist with positions that support specialised training and the development of internal protocols; in the absence of a firm institutional standard, reactions to LGBTQI detainees continue to depend on the individual beliefs of police officers.

Practices and gaps in the prison system

15. As of 1 July 2025, there were 5,991 prisoners in the prison system, but the ANP has no specific policies or rules for LGBTQI persons and does not systematically collect data on them, which makes their situation less visible in official reports and strategic planning.
16. The rules for the enforcement of sentences only provide for equal treatment in general terms, but there are no explicit provisions on safe placement, protection against violence or recognition of gender identity for LGBTQI prisoners, contrary to the recommendations of the CPT and other international mechanisms.
17. Training for prison staff covers general topics (torture, gender-based violence, suicide), but LGBTQI issues are only touched upon marginally: less than 20% of employees have participated in relevant training, while about a third say they urgently need specific guidelines and training.
18. Criminal subculture remains a major obstacle: people perceived as LGBTQI are informally placed at the bottom of the hierarchy («humiliated/cocks»), facing harassment, violence and sexual abuse, while existing protection measures are general and do not specifically address risks related to sexual orientation and gender identity.
19. There are no internal procedures for recognising and accommodating for gender identities that differ from the sex assigned at birth: transgender persons are, in practice, incarcerated according to the sex on their documents, without individualised assessment of risks and needs, and access to affirmative healthcare (including hormone treatment) is not consistently guaranteed and based on national clinical protocols.
20. The level of legal knowledge among prison staff is low: many employees do not know that consensual same-sex relationships are legal, are unfamiliar with the term SOGIESC, and almost automatically associate LGBTQI people with the most stigmatised category in the criminal subculture.

21. The attitudes of prison staff are unclear and polarised: some explicitly invoke the principle of equal treatment, but a considerable segment considers the «LGBTQI phenomenon» a deviation and rejects its visibility in prisons, which means that respect for non-discrimination depends on individual attitudes rather than a clear institutional standard.
22. Confidentiality is not guaranteed: over half of employees would disclose information about LGBTQI status during inter-institutional transfers «for protection,» accepting the risk of exposure, non-consensual outing, and victimisation.
23. In the absence of clear standards, protection practices are often ad hoc: few employees report direct experience with LGBTQI prisoners, and the frequently used solution is to isolate them in separate sectors or disciplinary areas, which reduces the immediate risk of violence but deprives them of educational, work and reintegration activities.
24. Room allocation is done automatically according to the sex stated on official documents, without criteria that take into account sexual orientation, gender identity or other SOGIESC vulnerabilities; this approach, combined with the influence of criminal subculture, often pushes LGBTQI people into the most vulnerable positions in the informal hierarchy. The criminal subculture perpetuates discrimination and abuse, and protective measures are not adapted to the specific risks faced by the LGBTQI community.
25. The involvement of LGBTQI communities and former prisoners in the development of effective programmes and prison policies is limited, which restricts the relevance and acceptability of the measures adopted.
26. The vulnerability of women deprived of their liberty is also evident in the case of women in the LGBTQI community, with additional legal, institutional and criminal subculture-related restrictions and risks identified.
27. The work of chaplains can have an ambivalent impact: for some LGBTQI people, it can be a source of spiritual support, but in the absence of clear guidelines on non-discrimination, religious discourse can reinforce stigma and self-censorship, limiting access to support.
28. There are no information or psycho-education programmes dedicated to gender and sexual diversity for adult prisoners; the existing programme with elements of sex education and gender differences is aimed exclusively at minors and young people up to the age of 21.
29. There is a lack of systematic evaluations of the impact of existing programmes on knowledge, attitudes and behaviours, which limits the ability to adapt interventions and demonstrate effects in reducing discrimination against LGBTQI people.
30. Given the level of LGBTI phobia within the prison system, for staff who belong to the LGBTQI community, disclosing their sexual orientation or gender identity remains difficult, as it can lead to stigmatisation and discrimination from colleagues and risks of violence from prisoners. Internal protection and support mechanisms do not appear to be sufficiently clear or effective, which increases the vulnerability of employees and discourages the reporting of incidents.

Probation and reintegration

31. The probation system does not collect data on sexual orientation and gender identity and does not have dedicated programmes or training, which means that the specific needs of LGBTQI people after release remain unidentified and unaddressed, and double stigmatisation (detention + SOGI identity) complicates social reintegration.
32. There is a lack of tailored services for LGBTQI people after release, including protection measures against abuse, continuity of medical and psychological care, and clear referral pathways to friendly community services, exposing them to risks of revictimisation and recidivism.

Recommendations

Policy and regulatory framework recommendations

- 1. Develop and adopt a national policy on the protection of LGBTQI persons in the justice system and places of detention** – A strategic document integrated into national policies on human rights and the prevention of torture, applicable to the entire chain (police, prisons, probation, medical services, chaplains), containing measurable objectives, concrete actions, progress indicators and responsible institutions, in accordance with the CoE and other international standards.
- 2. Establishment of a legal framework for legal gender recognition**, with the adaptation of legislation in the field of detention, so that the gender identity of transgender persons is respected in practice, including during placement and searches, through access to hormone treatment and appropriate medical care, without interruption during deprivation of liberty and with the principle of equivalence of care to the community.
- 3. Creation of a secure system for collecting disaggregated SOGIESC data** – Implementation of mechanisms for the anonymous and voluntary collection of data on sexual orientation and gender identity in the police, prisons and probation services, with strict guarantees of confidentiality, informed consent and exclusive use for public policy purposes; Inclusion of SOGIESC self-identification options in the national census, as well as the introduction of SOGIESC indicators in the aggregate reports of the Ministry of Internal Affairs/National Administration of Penitentiaries/Probation Service.
- 4. Ongoing training for law enforcement and detention authorities** – Permanent programmes for the police, prison administration and probation services, focusing on cultural sensitivity, diversity and the prevention of torture and discrimination, with explicit references to CPT standards and the Yogyakarta Principles, supplemented by public education and awareness campaigns (including in schools and prisons).
- 5. Implementation of effective mechanisms for reporting and investigating discrimination** – Creation of a standardised system for monitoring incidents of discrimination and homophobic/transphobic violence, with clear procedures for identification, documentation, intervention and reporting to the competent authorities, including accessible mechanisms for persons deprived of their liberty.
- 6. Develop mandatory training programmes** for all justice system personnel on the rights of LGBTQI persons – specific modules on sexual orientation and gender identity, techniques for combating stereotypes and prejudices, crisis management and interaction with the criminal subculture; Training should be ongoing, with periodic evaluations of effectiveness and a condition for exercising leadership functions.
- 7. Promotion of experience-based training** – organisation of interactive sessions with the participation of LGBTQI persons and/or relevant organisations, case studies, simulations and mentoring for newly recruited staff to support the practical application of the principles of equality, respect and non-discrimination.

8. **Clear regulation of the role of chaplains in detention** – introduction of legal and regulatory provisions establishing the obligation of chaplains to respect the principle of non-discrimination and dignity of all detainees, prohibiting stigmatising speech or efforts to change the SOGIESC of persons (conversion practices) of LGBTQI persons during religious services, and defining a mechanism for reporting and assessing complaints, while respecting the separation of church and state and religious freedom.

Recommendations on training, guidelines and methodological tools

9. **Integration of SOGIESC topics into professional training** – Mandatory modules for police, probation and prison administration, aimed at reducing stereotypes and improving institutional response, for all levels (operational, leadership, central management), with periodic assessments of knowledge and attitudes.
10. **Development and implementation of a Police Operational Standard (POS)** – Uniform procedures for interacting with LGBTQI persons (searches, escorting, accommodation, confidentiality, incident reporting), for consistent and fair treatment and elimination of arbitrary decisions.
11. **Development and implementation of an Operational Guide for the Prison Administration** – Clear instructions on risk assessment, safe placement, violence prevention, recognition and respect for gender identity of trans persons, access to healthcare (including hormone treatment), with examples of good practices and criteria for avoiding solitary confinement as a «protective» measure.
12. **Development and implementation of a Guide for Probation Services** – Mechanisms for integrating SOGIESC into case assessment and post-detention supervision, with a focus on confidentiality, personalised support and collaboration with community services and specialised NGOs.
13. **Development of educational materials** – Fact sheets, infographics and accessible explanations to clarify SOGIESC terms and sensitive situations encountered in the detention environment, including guidance to explain the specific needs of the LGBTQI+ community in detention, as well as the existence of stigmatised categories within the criminal subculture and the risks they pose, so that staff understand both protective needs and potential sources of discrimination or violence.
14. **Development and implementation of applied training programmes** – Case studies, role-playing and practical exercises that develop operational skills and unified responses from staff in real-life situations, including managing violence between detainees and situations of non-consensual outing.
15. **Development and implementation of psycho-education programmes for detainees** – Modules adapted to the culture of detention, focused on understanding gender and sexual diversity, reducing stereotypes and preventing discrimination against LGBTQI people. These programmes should be adapted to the adult population, include interactive modules on human rights and non-violent coexistence, and be delivered by staff trained in the field or in collaboration with specialised organisations.
16. **Education for young people deprived of their liberty** – Development and implementation of **compulsory psycho-social and non-discrimination education programmes** for minors and young people up to the age of 21, with a focus on gender and sexual diversity, preventing bullying and promoting respectful relationships. Programmes should be age-appropriate, use interactive and safe methods (guided discussions, case studies, educational games) and be delivered by specialists in psychology, education and children's rights, preferably in collaboration with organisations with expertise in the LGBTQI+ field.
17. **Periodic evaluation of the impact of educational programmes** – Institutionalised mechanism for monitoring the effects on knowledge, attitudes and behaviours (including through anonymous feedback), with the involvement of NGOs in reviewing content and adjusting programmes.

Recommendations on institutional and operational practices

General Police Inspectorate (IGP) and temporary detention facilities (TDF)

- 18. Introduction of standardised initial screening for vulnerabilities** – Confidential and voluntary assessment upon arrest, in a safe space, to identify the specific needs of LGBTQI persons and apply appropriate protection measures.
- 19. Establishment of a clear procedure for isolation/separate accommodation** – Isolation to be used only as an exceptional measure, for a limited period, in dignified conditions, with uninterrupted access to fundamental rights, prohibiting the use of spaces intended for disciplinary sanctions for the accommodation of LGBTQI persons.
- 20. Adapting search and escort procedures to the gender identity of the person** - Procedures that take into account self-declared gender identity, prohibit degrading comments and require professional behaviour. Inclusion of the possibility for the person to express their preference regarding the gender of the personnel conducting the searches and recording this option in the admission form.
- 21. Ensuring the confidentiality of data on sexual orientation or gender identity** - Information on sexual orientation or gender identity should be accessed strictly by relevant protection personnel, with disclosure prohibited outside of operational necessity, in accordance with the right to privacy and the principle of „do no harm“.
- 22. Improving response to incidents** – Developing uniform procedures for identifying, documenting and reporting incidents with a SOGI component (harassment, verbal, physical or sexual violence), mandatory, confidential and standardised reporting of such situations, and training staff to apply these procedures.
- 23. Implementation of pilot projects for practical staff training and data collection on SOGI-based violence** – projects for the exchange of good practices with other states and international organisations, focused on applied training and the development of systems for collecting and analysing data on homophobic and transphobic violence in police custody.
- 24. Establishment of internal reporting, counselling and support mechanisms for LGBTQI employees** – confidential and accessible mechanisms for reporting discrimination, psychological counselling (including external) and contact points/resource persons, to develop an organisational culture based on diversity, respect and zero tolerance for discrimination.

National Prison Administration (NPA)

- 25. Introduction** of an initial multidisciplinary assessment upon admission to prison, involving psychosocial and healthcare professionals, to identify risks of victimisation and specific needs based on SOGIESC, without pathologising these identities. The assessment should be individual and participatory, taking into account safety, medical needs, personal preferences, and the person's right to self-determination.
- 26. Develop clear and transparent placement criteria for LGBTQI persons**, avoiding automatic segregation in restrictive sectors or in areas associated with the 'humiliated' subculture. Placement protocols should include consultation with the person, documentation of any deviations, and measures to address the risks posed by criminal subculture as a systemic factor in the prison environment. .
- 27. Limiting isolation as a protective measure and providing safe alternatives** – Avoiding long-term solitary confinement used as «protection» and replacing it with safe accommodation options that do not exclude access to activities, education and rehabilitation programmes.

- 28. Implementation of adequate protection measures against violence and discrimination** - Standardised procedures for rapid intervention, documentation of incidents, protection of victims and mandatory reporting to law enforcement agencies in serious cases, including homophobic and transphobic abuse or risks posed by homophobia and transphobia as a distinct factor in the analysis of incidents.
- 29. Effective access to medical and psychological services** – Development of human rights-based prison policies that ensure protection and equal access to medical and psychosocial services for LGBTQI persons in detention, with continuity of treatment (including hormone therapy for trans persons) and integration of risks based on SOGIESC into psychological assessments.
- 30. Confidential collection and analysis of internal data** on incidents and risks – Introduction of internal monitoring tools that allow for the analysis of incidents, needs and risks related to SOGIESC, without directly identifying individuals, in order to adjust policies and practices.
- 31. Staff training and exchange of good practices** – Pilot projects and international partnerships for training prison staff and collecting data on homophobic and transphobic violence in prisons.
- 32. Inclusion of sexual orientation and gender identity in vulnerability assessments** - Introduction of vulnerability criteria related to gender identity and sexual orientation into regulations, requiring the administration to treat LGBTQI persons as a vulnerable group, with individualised risk assessments and additional protection measures.
- 33. Developing clear internal mechanisms for managing discrimination and supporting LGBTQI employees** – LGBTQI – confidential reporting mechanisms, incident management and institutional support services (counselling, contact points, resource persons), including external counselling options, to increase the safety of LGBTQI employees and reduce the risk of reprisals.
- 34. Adapting prison infrastructure to the needs of transgender people** – creating safe and appropriate spaces that respect gender identity and provide protection from violence, avoiding permanent segregation and ensuring access to activities and services.
- 35. Improving access to specialised medical services** – adopting minimum standards for access to appropriate medical treatment for transgender prisoners (including hormone treatment and mental health services), in line with the principle of equivalence of care with the community.
- 36. Educational and recreational programmes to combat stigma** – Develop recreational and educational programmes that promote inclusion and combat stigma, contributing to a safer environment for LGBTQI prisoners and reducing the influence of criminal subculture.
- 37. Strengthening surveillance and monitoring systems** - Improving surveillance and monitoring to prevent violence and quickly identify problematic situations, with protocols for rapid intervention in crisis situations and subsequent evaluation of the institutional response.
- 38. Regulating religious services in prisons** - developing guidelines for priests and chaplains that enshrine the obligation to respect the equality and non-discrimination of LGBTQI persons, prohibit stigmatising speech, and ensure access to spiritual support without pressure to “convert,” with clear complaint and monitoring mechanisms.

National Probation Inspectorate (including post-detention reintegration)

- 39. Integration of SOGIESC into post-release supervision and risk management plans** – Adaptation of probation interventions to the specific risks and barriers faced by LGBTQI persons, including risks of domestic/community violence, without involuntary exposure of identity in the community.

- 40. Training probation counsellors on working with LGBTQI persons and individualised support**
- Introducing practical modules on the reintegration of LGBTQI persons to increase the capacity to respond appropriately to their needs, including through collaboration with specialised NGOs.
- 41. Developing partnerships with civil society** – Involving NGOs specialised in supporting former LGBTQI prisoners in areas such as counselling, access to housing, education/training, employment and psychological support, in order to reduce the risk of recidivism and forced migration due to homophobia/transphobia.
- 42. Pilot projects and exchange of good practices on non-discrimination in probation services**
– training projects, collection of data on homophobic and transphobic violence in probation and development of distinct programmes for probationers and employees, with SOGIESC indicators in monitoring equal access to services.

LGBTQI persons in police custody and prisons face systemic risks of violence, discrimination and ill-treatment, particularly due to the absence of clear identification, placement and protection procedures. This report examines the situation of LGBTQI persons in places of detention in the Republic of Moldova, with the aim of assessing the legal and institutional framework and existing practices in the management of this group, in relation to relevant international human rights standards, practices and recommendations.

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