



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 June 2008

10736/08

LIMITE

PE-QE 448

PRELIMINARY DRAFT REPLY TO WRITTEN QUESTION

E-3162/08 put by by Marco Cappato (ALDE) and Sophia in 't Veld (ALDE)

from : General Secretariat of the Council

to : Permanent Representations of the Member States

Subject : **" Ban of the Gay Pride March in Moldova, lack of police protection, violation of human rights "**

1. Delegations will find attached:

- the text of the above Written Question;
- a preliminary draft reply prepared by the General Secretariat.

2. If no comments have been received from delegations **by 17.00 on 3 July 2008**, this preliminary draft reply will be submitted to the Permanent Representatives Committee (Part 1) and to the Council for approval.

Any comments received will be examined by the Working Party on General Affairs.

WRITTEN QUESTION E-3162/08

by Marco Cappato (ALDE) and Sophia in 't Veld (ALDE)
to the Council

Subject: Ban of the Gay Pride March in Moldova, lack of police protection, violation of human rights

The 7th Gay Pride March of Moldova took place in Chisnau on 11 May. The Mayor of Chisnau, Dorin Chirtoaca, decided on the eve of the march to ban it, although the event was peaceful and organised in support of anti-discrimination legislation and tolerance. During the march, participants were precluded from peacefully marching, as the police did not guarantee the right to freedom of assembly and the safety of participants, who were deliberately left in the hands of counter-demonstrators. Large aggressive coordinated groups, including extremist religious groups, members of the neo-fascist movement 'New Right', and legionnaires – according to observers from 200 to 400 people – surrounded a bus containing about 60 demonstrators for over 45 minutes, tried to force the door open, violently hit the windows, and attempted to remove the engine, while shouting “Let's get them out and beat them up”. Some six traffic police cars stood approximately 100 metres away without taking any action. Several hundred people surrounded the office of the LGBT organisation GenderDoc-M, threatening Gay Pride participants and shouting at them to exit the office. Two police cars and one ambulance observed the events from a distance. The office remained blockaded for several hours, without any public authority intervening to provide protection. GenderDoc-M is the only NGO whose public events have repeatedly been banned since the new Mayor took office. Human rights organisations have denounced the serious violence tolerated by the Moldovan authorities. Furthermore, information received from independent observers also indicates that all the counter-demonstrations were prepared and coordinated by the special security service of Moldova. Participants in them were brought to Chisinau by minibus from different parts of Moldova.

Does not the Council agree that banning a Gay Pride March is contrary to the case law of the ECHR ('Baczkowski and Others v. Poland') and that consequently Moldova is in breach of Council of Europe human rights instruments? What practical measures will the Council take to ensure the implementation of the provisions of the EU-Moldova Action Plan containing an obligation for Moldova to enact the National Human Rights Action Plan - which includes a chapter on sexual minority rights – and to enact anti-discrimination and minorities' protection legislation in line with European standards, including protection from discrimination based on sexual orientation? What practical measures will the Council take to raise these violations of human rights – free expression and assembly, security, non-discrimination – and EU agreements at the highest level with the Moldovan authorities and put pressure on the Moldovan Government to implement its own laws without discrimination and its international human rights commitments as well as the EU-Moldova Action Plan?

REPLY

to Written Question E-3162/08

put by by Marco Cappato (ALDE) and Sophia in 't Veld (ALDE)

Respect for human rights and fundamental freedoms is one of the key issues in EU relations with the Republic of Moldova, as reflected in the Action Plan. It is regularly raised by representatives of the Council at meetings with the authorities from the Republic of Moldova, including at the highest level.

The need to ensure the implementation of reforms to strengthen democracy, the rule of law, and respect for human rights and fundamental freedoms was a key message of the EU to the delegation from the Republic of Moldova, chaired by President Voronin, at the Cooperation Council held on 27 May 2008. The same message was highlighted by HR Solana at his bilateral meeting with President Voronin the same day. It has also been actively raised by the EU Special Representative for the Republic of Moldova Mr Mizsei at his frequent meetings with the authorities from that country.

The Council will continue to follow closely developments in Moldova in this field.
