

MEMORANDUM: UN Human Rights Awards 2012

The Human Rights Awards Board 2012 comprises Claude Cahn, Natalia Ghilascu, Ingrid Tersman, Daniela Terzi-Barbarosie, Veaceslav Tofan and Alexandra Yuster. It convened in person on two occasions during October 2012 and carried out additional consultations via email.

In arriving at decisions on awards, the Board heard detailed nominations from, and consulted closely with a Technical Committee of experts comprised of Nadejda Hriptievschi, Petru Macovei, Natalia Porubin, Sergiu Rusanovschi, Ruslan Stinga and Liliana Vitu-Esanu. In proposing nominations to the Board, the Technical Committee had convened their own expertise, as well as relying on a number of nominations received from the public-at-large, following several rounds of open invitation to nominate meritorious persons, groups or institutions.

The Board took the decisions included in this Memorandum by consensus, as follows.

- a. The Board decided that it would dissolve the categories (civil society, media, public officials) of awards and instead make one group of (non-hierarchical) awards, without reference to category.
- b. On the basis of the information brought before it by the Technical Committee, as well as on the basis of its own deliberations and the information independently available to it, the Board took decisions in favor of awards to the persons and groups in the Annex below.
- c. The justifications for each individual award included in the Annex below are the reasons for each given award, and are to be made public as such.

Annex

The following awards are made non-hierarchically and without reference to category.

- 1. Mr. Artiom Zavadovsky, for outstanding bravery in articulating and defending human rights**

Mr. Artiom Zavadovsky is recognized for outstanding bravery in articulating and defending human rights in the Republic of Moldova during 2012. During 2012, Mr. Zavadovsky participated in a number of activities aiming to promote the rights of LGBT community in Moldova. This consisted of activities including TV appearances, contributions to press articles and other public engagements. He is among the only members of the LGBT community in Moldova who openly participates in debates and publically affirms his sexual orientation.

Thus, for example, on 5 November 2011 he was the protagonist in the TV program "Life Goes On" on Jurnal TV, entitled "Being a Homosexual in Moldova". On 7 January 2012, his second appearance on Jurnal TV channel resulted in a face-to-face debate with the Baptist pastor Vasile Filat on the show "The Ministry of Truth". In April-May 2012, Mr. Zavadovsky participated in a video message for the archive of the Theatre group "Spalatorie". He has participated in the organization of a march against homophobia on May 17, the International Day against Homophobia. Mr. Zavadovsky actively participated in the organization of the picket against homophobia on May 23 in front of State Residency on Sfatul Tarii Street, as well as of the picket in front of the Embassy of Ukraine on 2 July 2012 against the draft law on prohibiting "homosexual propaganda" in Ukraine. In July 2012, Mr. Zavadovsky gave an interview to Natalia Ghilascu for the reportage "Homophobia in Moldova Led to Hate Crimes", further broadcast on the national television Moldova 1. Other public appearances include the multimedia project "O Moldova, doua, trei..." at the Theatre "Spalatorie" on 12 October 2012.

Together with the Russian Federation, Moldova ranked tied for worst place in Europe in 2012 for respect for the rights of Lesbian, Gay, Bisexual and Transgender people, according to the International Gay, Lesbian, Bisexual, Trans and Intersex Association (ILGA). Mr. Zavadovsky is one of only a handful of Lesbian, Gay, Bisexual, Homosexual or Queer activists in the Republic of Moldova to consistently risk their own safety to explain issues and defend of the rights of this currently highly stigmatized group in Moldova.

2. Mr. Valeriu Căldăraru, Roma activist and community mediator, member of NGO "Tarna-Rom", for actively defending and promoting Roma rights in Moldova

Mr. Căldăraru has been a Roma activist since 2005, a member of the well-known Roma NGO Tarna Rom. He lives in the village of Mingir, Hincesti raion approximately 100 km away from Chisinau. In recent years, he has been extensively and actively involved in defending and promoting the rights of Roma throughout the Republic of Moldova. Mr. Căldăraru has worked on behalf of a number of individual Romani adults and children – both on his own, as well as with lawyers and civil society organisations – to successfully resolve cases of discrimination or other forms of injustice concerning Roma.

Mr. Căldăraru is an active promoter of Roma rights. He has visited most of the Roma communities (about 30 Roma communities) in circa 15 raions of Moldova while looking to better protect and advance the fundamental rights of poor and disadvantaged Roma. He has delivered a series of trainings in a number of communities in a number of communities in various parts of Moldova. He has trained local teachers, Roma parents and local authorities. Mr. Căldăraru has been a volunteer in a number of instances delivering such trainings for Roma mediators and youth. Mr. Căldăraru regularly organizes the Friendship School in the school in Mingir – his hometown -- and yearly summer schools for Romani and non-Romani children in this locality. He has been involved in the production of several films aimed to draw society's attention to Roma exclusion issues in Moldova.

As one of the most active of a new network of Romani mediators in Moldova, Mr. Căldăraru has helped a number of Roma families access and benefit of existing services. He has been involved in helping excluded Romani families prepare documents for various public bodies such as school, local mayoralty, hospital and social assistance office. Together with the civil society organisation Tarna-Rom, he has organized for several years free after-school classes

for Roma kids and he has offered school supplies for Romani children in Mingir free-of-charge. As a result, the Romani child school dropout rate has diminished significantly. Mr. Căldăraru has also cooperated with Peace Corps's RISE initiative "Roma boots", a project bringing free boots for children in 3 communities of Moldova (Schinoasa, Mingir and Parcani). Mr. Căldăraru has also been an active participant in the process of developing the public institution Roma mediators in Moldova. He participated and brought his expertise to a number of important policy development frameworks and preparatory processes.

3. **The Association of Families with Children with Disabilities (Tiraspol)**

The Association of Families with Children with Disabilities (Tiraspol) is one of the few on the left bank of the Nistru that promotes the rights of children with disabilities and their families. Alternative social care services are almost non-existent in Transnistria, and special boarding schools/hospices are the only resort for the 1500 children with disabilities from the region. Children with physical and intellectual disabilities and adults with mental disabilities are particularly excluded. Children in wheelchairs in many cases have no access to formal education in Transnistria.

In Tiraspol, around a dozen children with disabilities enjoy educational services and socialize thanks to a Centre of Rehabilitation and Training opened by the Association. On the premises of the Centre, children who are not enrolled in ordinary schools enjoy day-services, learn how to read and write, sing songs, and sew. Children learn basic life skills, so that they can ultimately live independently. Perhaps most importantly, these children now have the possibility to communicate and socialize, thus avoiding isolation.

Another positive aspect of the Centre is its impact on families. Parents of children with disabilities can now get a job and improve the financial condition of their families. This is extremely important for single-parent families. Among beneficiaries of the Centre are also children being raised by their grandparents. In recent years, the Association has also been organizing rehabilitation tours to coastal areas by the sea. Its members have been actively collecting funds to support the initiative. The Association also supports requests for wheelchairs – a serious problem since the Bender factory produces only wheelchairs for adults. The Association has also taken action in cases of discrimination against persons with disabilities.

4. **The Balti weekly newspaper *Spros i Predlojenie (SP)*, for a series of investigations and actions against local public authorities that refused release of public information**

The independent weekly newspaper "SP" of the Balti municipality is one of the best local newspapers in the Republic of Moldova, covering, regularly and professionally, human rights topics. "SP" publishes material regularly on the situation of vulnerable, marginalized or excluded persons or groups. These activities were particularly important during the current year, in which Balti experience violence between different groups of extremists, as well as actions by the local counsel at odds with international human rights law.

Throughout this year, the newspaper "SP" publicized the topic of adoption by Balti Municipal Council of the decision "On proclaiming Balti municipality as zone supporting Moldovan Orthodox Church and not allowing the aggressive propaganda of untraditional sexual

orientations in Balti municipality". Materials published by "SP" helped readers understand certain political interests which provided the basis for the adoption of that decision by Balti municipality.

The newspaper "SP" also educates the reader in the spirit of celebrating diversity and combating stereotypes. Thus, under the circumstances when a part of the church and some politicians attempt to manipulate the public opinion, asserting that the Law on Ensuring Equality promotes homosexuality, the newspaper "SP" published the text of this law, and other relevant materials, inviting readers to see that a number of the arguments brought by the Law's opponents were unfounded, and encouraging independent thinking in this regard.

"SP" is also *inter alia* an active promoter of the rights of people with physical disabilities and has repeatedly reported on the problems encountered by such persons. The monitoring report "Disadvantaged People as Mirrored by the Press", produced during November-December 2011 by the Association of Independent Press (API) under a project supported by the Equality and Civic Participation Program of Soros Foundation-Moldova, deemed "SP" one of the few mass-media institutions which have covered a plurality of subjects of concern to minorities.

5. Department of Social Assistance and Family Protection (DSAFP), Ungheni Raion

The Ungheni regional authority (*raion*) is one of the first raions to develop an integrated system of social assistance services in order to implement the child's right to grow in a family environment. The DSAFP was created in 2003. Today it is a well-established structure with a separate section for child and family protection. A section was created in 2012 for providing counselling, legal and psycho-social assistance to families.

The DSAFP has demonstrated an innovative approach to making human rights a reality at local level by focusing on the implementation of the Guidelines for the Alternative Care of Children endorsed by the UN General Assembly in November 2009. Following the principles of the Guidelines, the DSAFP focuses in its work with vulnerable families on two main aspects: i) ensuring that children do not find themselves in alternative care unnecessarily; and ii) where out-of-home care is provided, delivering it under appropriate conditions responding to the child's rights and best interests. This approach enhances the implementation of the UN Convention of the Rights of the Child and leads to creation of a childcare system which does not rely on residential institutions.

The DSAFP has developed a range of services at the community and at the raion level, including:

- Community-based social assistance, this includes 40 social assistants working in communities whose activities are coordinated by one DSAF staff
- 24 Professional Parental Assistants who provide foster care to 50 children
- 2 Family-Type Homes which provide foster care to 11 children
- emergency foster care which was established in 2012 as part of diversification of the Professional Parental Assistance service
- Temporary Placement Center in Cornesti village for "parent-child" couples presently providing services to 3 parents and 6 children in the view of their re-integration into community
- Center CREDO for re-integration of young people from 15 to 25. The center provides temporary placement and day care to orphans, to graduates of residential

institutions, to children from vulnerable families, to victims of trafficking, and to children with mild mental disabilities.

Due to family support and alternative services developed by the DSAFP, the raion has developed the capacity to prevent separation of children from their families. In addition, two residential institutions have been closed in 2011 and the majority of children were re-integrated into family environment and into mainstream schools:

- the Auxiliary school for children with mental disabilities in Sculeni village. At the beginning of the transformation process in 2010, there were 73 children in that school. The building was renovated and is presently used as a temporary placement centre for 16 children. These children attend the mainstream school.
- The General boarding school for vulnerable children in Ungheni. The transformation process started in 2010, at that moment there were 113 children in the institution. Now the building is used as a centre for educational services, subordinated to the raion Department of Education.

One of the DSAFP priority areas is protection of children from abuse, neglect and exploitation. In this respect, a Child's Telephone service was created in 2012 for reporting of cases, as well as for providing information support and counselling to families and children. As a result, in Ungheni raion, children have direct access to social services in times of need, and others who feel a child is in need have a direct way to report it. The DSAFP has a coordination role in the implementation of an inter-sectorial Action Plan on early intervention adopted by the raion Council in 2012, this plan puts an emphasis on prevention measures in child protection. The DSAFP also encourages participation of children in decision-making process through collaboration with the Children's Consultative Council created in the Ungheni raion in 2010.

6. Radio Free Europe/Radio Liberty (RFE/RL), Chisinau office: for treating reforms of law enforcement bodies from the human rights perspective

The respect for human rights is one of the priority directions of the RFE/RL's editorial policy. Besides the fact that RFE/RL has a special weekly column entitled "Your Rights", its journalists address issues related to human rights in other sections as well. The reporters watch closely the decisions made by the European Court of Human Rights. When they reflect upon the human rights violations found by the ECHR, they take an analytic approach and treat the problem thematically and not solely as individual cases.

RFE/RL brings closer the European practices in the field of human rights to the Moldovan audience via the program "The European Dictionary". In this weekly program, the journalists report on the ways in which certain rights such as the right to vote, access to social assistance and freedom of speech are protected in European countries.

In its news items and daily journalistic articles, the RFE/RL reporters watch for decisions taken internationally in terms of guaranteeing human rights and freedoms, such as decisions and declarations by UN, OSCE, Council of Europe and other international forums. These are reviewed and discussed with local and international experts, so that the people of Moldova can easily understand them.

During the programs "Moldova at 7hrs", which airs every working day - morning and evening at 7:00 and 19:00, and the weekend programs "End Point" and "Weekend with Free Europe"

most of the topics cover issues related to the right to a decent life, overcoming poverty, equitable access to justice, the right to vote, to free speech, combating violence and human trafficking, as well as other, similar themes. The journalists of RFE/RL promote the idea that people themselves are the ones who need to know their rights and fight for them. This can be deduced from stories and interviews conducted by Valentina Ursu, Vasile Botnaru, Liliana Barbarosie and Alexandru Cantir in live interviews in RFE/RL morning programs.

The section "Your Rights" addresses weekly an issue related to a certain right, always involving investigative journalism elements. The program is distinguished by a diversity of topics: from the rights of certain minority groups, sometimes even individual cases, to cases which took the proportion of phenomenon and affect a wider range of the population. During the current year within this section topics were discussed that the media is less likely to address on a general basis, such as human trafficking and victims' rights, migration, torture and ill-treatment of HIV positive persons, the rights of road accidents' victims or of the drivers whose vehicles break down because of bad roads. This program is popular among the audience and its content is often taken over by several media channels because it is personalized, original and professional.

Thanks to the station "Radio Free Europe", the people of Moldova have become more active in claiming their rights.

7. The NGO "GenderDoc-M", for its work on combating discrimination in Moldova through litigation, advocacy and awareness-raising activities

The civil society organisation "GenderDoc-M" Information Centre is the only organization in the country defending LGBT rights at the national and international levels. Building on work of previous years, during 2012, GenderDoc-M came into its own as a national human rights voice, as well as a regional human rights leader in the field of the rights of Lesbian, Gay, Bisexual and Transgender people, as well as combating discrimination more broadly.

During 2012, the organization strengthened its profile in undertaking strategic litigation challenging various types of discrimination in Moldova, including cases concerning violent attack motivated by hatred of LGBT persons and groups; incitement to hatred and violence; denial of freedoms of assembly and expression; the rights of transgender people to have their documents changed in line with their new gender identity; discrimination in child custody cases; as well as in other cases. This work became particularly important during 2012 in the context of a major, high-profile mobilization against LGBT persons and groups, involving *inter alia* a number of legal bans at local level. GenderDoc-M's long-term persistent defence of the rights of LGBT persons and groups also bore fruit in 2012 in a victory at the European Court of Human Rights over the banning of the 2005 Chisinau Pride event, a landmark victory.

During 2012, GenderDoc-M has also been actively involved work to strengthen legal protections of all people against discrimination on all grounds, through its work to promote the Law on preventing and combating discrimination (adopted in final version as the Law on ensuring equality). GenderDoc-M's activists participated in the specialized Working Group under the Ministry of Justice pleading to have all the protected grounds inserted into the law. Through joined efforts with the Non-Discrimination Coalition and other civil society representatives a series of press-conferences have been organized in response to the verbal

attacks by the Orthodox Church and affiliated groups. GenderDoc-M representatives proved strategic thinking, flexibility and true dedication to promotion of the law when agreeing to change their planned activities and participate at the respective round table.

GenderDoc-M's representatives participated throughout the year in multiple TV and radio programs, and offered interviews on the necessity to adopt non-discrimination legislation in Moldova, as well as on the problems faced by the LGBT people, the level of tolerance of the political leadership, decision-makers and society towards homosexuality. The organization has a large number of beneficiaries who are encouraged and trained to claim for their rights. Trainings and seminars have been organized for students and professional groups on sexual orientation and gender identity, combating stereotypes and prejudices, promoting non-discrimination and the celebration of all forms of diversity. Various public events have been organized to support fundamental rights and freedoms. GenderDoc-M is continuously monitoring mass-media and promptly reacts to human rights violations when they take place.

Finally, GenderDoc-M is a recognized leader among the growing international movement for LGBT rights, having successfully led a major European project in this area, and participating regularly in European and international events in this area.