

Universal Periodic Review: 3rd Cycle, 29th Session
Summary of recommendations for ROMANIA
By ACCEPT and ECPI

Hate crimes against LGBTI individuals

Implementing properly the hate crime legislation is highly important in countries like Romania where social acceptance of LGBTI people remains problematic. In the FRA 2012 study, 19% of Romanian respondents stated that anti-LGBT assaults are widespread (EU average 8%), while hate-crimes against LGBT remain underreported. In the last five years, in none of the few hate-crimes that were reported did the prosecutor's office file a criminal case in court. This comes as a worrying trend in the context of a 2016 judgment of the European Court of Human Rights finding Romania accountable for ineffective investigation of hate-crime against LGBTI persons.

The lack of data regarding the distinct grounds of discrimination and hate crimes, as well as the lack of systematic training provided at national level to police and the judiciary regarding the identification, investigation of hate crimes and treatment of victims, represent obstacles in front of adoption public policies to prevent and combat hate crimes.

Recommendations:

1. To take the necessary measures to ensure that the systematic collection and publication of statistical data on hate crimes is disaggregated, based on the discriminatory ground/motivation of the perpetrators, including sexual orientation and gender identity.
2. Adopt, as soon as possible, an Action Plan to ensure that extreme forms of discrimination and hate crimes against LGBTI persons as well as other vulnerable categories are properly investigated.
3. Ensure that systematic training is provided to police and the judiciary, regarding the identification, investigation of hate crimes and treatment of victims.

Discrimination based on sexual orientation and gender identity

In Romania, societal discrimination against LGBTI people remain a persistent problem. Existing training programs on anti-discrimination carried out for judges and prosecutors omit the LGBTI group from categories vulnerable to discrimination. Education programmes linked to anti-discrimination are not implemented in schools, with very few exceptions, while authorities are not conducting awareness raising campaigns and failed to adopt a National Strategy for preventing and combating discrimination. In 2015, Accept Association conducted a study on the perception of high-school students towards LGBT people as well as the educational experience of LGBT students in Romanian high schools: 71% of LGBT students in high schools believe that high schools are not safe for LGBT students, and 61% of LGBT students in high schools have been the victim or witness to an attack or aggression towards an LGBT student.

Gender identity is not explicitly included in the list of criteria of non-discrimination and the rights of transgender people remain largely ignored by public authorities. The legal or medical standards in the field are vague or non-existent, as well as the training of the health specialists in this field. The whole jurisprudence is contradictory regarding standards for legal gender recognition, making the judicial procedure largely arbitrary and unpredictable.

Recommendations:

4. To adopt in 2018 the National Strategy on Preventing and Combatting Discrimination, and subsequent annual action plans for its implementation.
5. To adopt medical protocols and implement training for professionals on providing healthcare services for transgender persons who access these services.
6. To amend legislation in order to ensure a clear, predictable administrative procedure for legal gender recognition and access to specialized medical services covered by health insurance.
7. To ensure adequate funding, cooperation and support for initiatives and awareness-raising programmes on sexual orientation and gender identity.

Access to health information and services for LGBTI people

Sexual and reproductive health education in schools is provided on a very limited scale: less than 6% of pupils study in school “Education for Health” as an optional discipline, while Sexuality Education is not a subject in the Romanian public education curricula. No information regarding LGBTI health can be identified in the educational resources available in the public-school field.

The current National HIV Program is not implementing the new approaches on HIV prevention (PREP, PEP, treatment as prevention) and failed entirely to target MSM (men having sex with men), one of the most affected population group. HIV incidence is growing among MSM, and prevention interventions are not supported and funded by authorities – in the context of the lack of a national HIV strategy since 2007 and in the absence of an important policy and coordination actor such as the National AIDS Multi-Sectorial Commission.

Recommendations:

8. To adopt and operationalize the National Strategy on HIV/AIDS and the National Strategy on Sexual and Reproductive Health and Rights.
9. To adopt comprehensive age-appropriate sexuality education in all schools, ensuring that topics such as sexual orientation, gender norms, gender identity are addressed in an accurate and non-discriminatory way.

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Questions to the State

1. What measures did the State take to adopt the National Strategy on Preventing and Combating Discrimination so as to ensure that awareness raising campaigns on equality and non-discrimination, as well as educational and continuous learning programmes for key professional actors in the legal, educational and health field?
2. What measures did the State take to strengthen provisions on hate crimes and promote their effective implementation by building capacity of the law enforcement agencies and the judiciary to tackle hate crimes?
3. What steps did the State take to integrate specialized training on hate crimes into the police and prosecutors training curriculum?

4. What steps did the State take to adopt policies on diversity and non-discrimination training focused on sexual orientation and gender identity training for police, judges and prosecutors?
5. What steps did the State take to adopt the National Strategy on HIV/AIDS and the National Strategy on Sexual and Reproductive Health and Rights?
6. What steps did the State take to simplify and adapt the existent procedures and standards to the legal and medical needs of transgender persons?
7. What measures did the State take to adopt comprehensive age-appropriate sexuality education in schools?