

Romania: The Universal Periodic Review

July 2012

R No	Recommendation	Romania – 2011 Mid-term Implementation Assessment	ACCEPT – 2011 Mid-term Implementation Assessment	2012 Notes
8	<p><i>Launch an awareness raising programme on protection of enjoyment of human rights by persons of minority sexual orientation and gender identity for law enforcement personnel as part of a wider comprehensive campaign to prevent and punish any acts of ill-treatment in detention against persons perceived as belonging to these groups.</i></p>	<p>The Romanian Police has increased over the last years the share of human rights training in the framework of the curricula for those studying to become Police agents and for Police agents undertaking professional training activities. The abovementioned curricula include topics such as "Human rights in the international norms", "The European system of human rights protection", "The national system of human rights protection", "The respect of human rights by Police officers", "The legal protection of human rights". Human rights of persons belonging to minorities, including the LGBT, are addressed under these curricula topics.</p>	<p>Romanian authorities did not organized trainings on respecting diversity and LGBT issues for law enforcement personnel. There is a serious lack of basic information and negative prejudices about sexual minorities among police forces. The only training initiative on LGBT issues was organized by ACCEPT, in collaboration with The Danish Institute for Human Rights and it was a workshop on hate crimes: "Tracing and tackling hate crimes against LGBT persons". The workshop had two sessions, that took place between 27-29 September 2010 and 11-12 April 2011 in Bucharest. A total of 25 police officers were selected by Bucharest Police, from police sections where gay clubs and cruising areas are located.</p>	<p>Several anecdotic evidences of harassment and/or lack of reaction from law-enforcement personnel when asked to provide protection to victims of homophobic and transphobic violence.</p>
9	<p><i>Investigate and prosecute those responsible for the attacks on peaceful lesbian and gay activists and ensure that future LGBT gatherings, including the annual GayFests, are both permitted and protected by the Romanian authorities.</i></p>	<p>Regarding the incidents during the Gayfest in 2007, all citizens that violated public order during the parade received fines or were criminally investigated. 65 sanctions were applied on that occasion for disturbances of public order; 11 people were further investigated for minor crimes, 9 of whom were prosecuted. Events involving LGBT participation, including the annual GayFests, are permitted in Romania and protected as well. On the occasion of similar events occurred during the period 2008-2010, the Romanian authorities took special security measures so as to ensure their smooth development.</p>	<p>The gay marches are permitted and protected by the authorities. However, they impose a short and non-visible route which impinges upon freedom of assembly. After 2006's gay march, six of the participants were verbally and physically abused by a group of young people, due to their sexual orientation. A complaint was filed with the police and two of the aggressors were identified. In June 2011, the authorities closed the case due to status of limitations (five years). No measure was undertaken to sanction the perpetrators. After 2011 gay march, one person was assaulted; the police is investigating the case.</p>	<p>In 2012 the march authorization was issued once more for a route that, although on a major boulevard, was <u>completely closed</u> for public access during the march. The city hall needed three months to process the request for pride authorization; last permit necessary was ready only one day before the march and, although all delays were generated by the city hall, ACCEPT had to pay a urgency fee in order to get the authorization in time. In comparison, the counter manifestation organized by an extreme right organization received</p>

		Organisers of the parades collaborated with the Police in the establishment of the route and of the timing of the event.		authorization to march on a route with high visibility based on the argument that there are fewer risks of violent reactions against it.
23	<i>Take additional measures to fight discrimination against minorities, including the Roma population, as well as homosexuals and persons living with HIV-AIDS.</i>	The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination, which is still under implementation, focuses on categories most exposed to discrimination such as Roma, persons with disabilities and people living with HIV/AIDS. For more details, idem as for recommendations [17 and 19].	The authorities do not take preventive measures to fight discrimination against homosexuals. The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination does not have action plans for its implementation and no activities have been carried out so far focusing on discrimination on sexual orientation.	
24	<i>Continue the adoption of measures, including awareness raising programmes, against negative prejudices and discrimination against people living with HIV and sexual minorities.</i>	The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination, which is still under implementation, focuses on categories most exposed to discrimination such as Roma, persons with disabilities and people living with HIV/AIDS. For more details, idem as for recommendations [17 and 19].	The authorities did not initiate awareness raising programs against negative prejudices and discrimination against sexual minorities.	Although Romania has legislation sanctioning discrimination, these regulations are not integrated at policies' level.
25	<i>Take additional measures to fight discrimination against homosexuals and persons living with HIV-AIDS.</i>	The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination, which is still under implementation, focuses on categories most exposed to discrimination such as Roma, persons with disabilities and people living with HIV/AIDS. For more details, idem as for recommendations [17 and 19].	According to the survey "Fenomenul discriminării în România", November 2010, ordered by the National Council for Combating Discrimination, homosexuals are the second most discriminated group (with 55% of the population feeling some discomfort on daily interaction with a homosexual). Yet, no measures to combat discrimination were undertaken by the State. Moreover, legislative measures aimed against same-sex couples were initiated in the Parliament and some of them were adopted. These lead to further stigmatization and discrimination of homosexuals in the society. For example, the new Civil Code, which will come into force in October 2011, introduced a restrictive definition of family - a man and a woman	2011 Survey ¹ : Only 32% of Romanian would agree to eat at the same table with a homosexual. There is no systemic approach aiming to increase awareness on LGBT discrimination; no training initiated by the State and no formal framework requesting public servants to react against discrimination.

¹ Perceptions and attitudes regarding discrimination in Romania, National Council Combating Discrimination.

			<p>united by marriage - compared to the previous definition formulated in gender-neutral terms. Further, it prohibits same-sex marriage and does not recognize same-sex marriages and civil partnerships contracted abroad, by Romanian citizens or by foreigners. There are no programs initiated, trainings organized, codes of conduct drafted within public authorities addressing the issue of discrimination on the ground of sexual orientation. Sexual orientation is not addressed in education system and sexuality education is not taught in schools. A positive development is a decision taken by the 2nd District Court, Bucharest, sanctioning the National Authority of Penitentiaries for not ensuring effective protective measures against discrimination and sexual violence taking place in penitentiaries against LGBT people. The decision is not final. The National Authority of Penitentiaries appealed and persisted in the manifestation of discriminatory attitudes on grounds of sexual orientation in the written motivation of its appeal</p>	
52	<p><i>Apply the recommendation of the Special Rapporteur on the right to health on obstacles to access to health services by marginal populations, and to address this problem through educational programmes on diversity, and to train professionals in the health sectors.</i></p>	<p>As mentioned [in recommendation 11], the Roma Health Mediators and the Community Nurses are mainly tasked to facilitate access of Roma people and other marginal populations (e.g. from rural zones) to health care services. They receive adequate training, which prepares them for responding to the specificities of their job.</p>	<p>The State does not have a policy as to diversity and non-discrimination training for health care professionals and students learning to become healthcare professionals.</p>	<ul style="list-style-type: none"> - “Homosexuality, bisexuality, transvestism and transexuality” are listed under Personality and behavior disorders; in the curriculum of psychiatry department, within the main medicine University of Romania². - A book written by a professor of sexology, published by Romanian Academy presents homosexuality as being an illness.³

² Curriculum listed, in Romanian, on university website: <http://umf.ro/index.php/ro/prezentare/facultati/facultatea-de-medicina/catedredisciplina/421-psihiatrie-sp-clinic-al-obregia.html> (theme number 30)

³ English Contents available here http://vasilenitescu.ro/aparitii_editoriale.php; homosexuality is listed under “Major sexual deviations (sexual perversions)” title.

				- Information regarding transitioning process for trans people is absent in medicine and psychology faculties. ⁴
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Additional information:

- Romanian government has never consulted civil society during the two UPR cycles and there were no debates or discussions prior elaborating and submitting the country report.
- Anti-discriminatory legislation is not integrated at policies level.
- The existence of trans individuals is ignored; legislation pertaining to issuing new identity papers is the only one containing a reference to “sex change”- however even this existing law is not clear. Absence of clear and complete regulations for administrative transitioning, contradictory case law, lack of professional training for medical specialists

Recommendations:

- Romanian Government has to develop policies in order to integrate existing legislation against discrimination at various societal levels in Romania.
- Include systematic and permanent training for personnel working in state institutions, and local and central authorities, focusing on human rights aspects related to sexual orientation and gender identity.
- Include systematic and permanent training on sexual orientation and gender identity issues for various professional categories that have a direct input in combating or perpetuating discrimination.
- Develop and adopt legislation to establish an officially recognised form of same-sex unions and provide same-sex partners with essential marital rights and obligations.
- Elaborate clear and accessible procedures regulating transitioning process for trans people. Initiate consultations with representatives of NGOs and informal groups advocating for trans rights.

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⁴ Situation reported by 30 psychiatrists and endocrinologists from different parts of the country, that participated to a workshop on trans issues organized by ACCEPT in 2010