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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1419th meeting (December 2021) (DH)

Communication from the authorities on the general measures (02/11/2021) concerning the case of M.C. and A.C. v. Romania (Application No. 12060/12).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1419^e réunion (décembre 2021) (DH)

Communication des autorités sur les mesures générales (02/11/2021) relative à l'affaire M.C. et A.C. c. Roumanie (requête n° 12060/12) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

Information Note

on general measures adopted in the case of *M. C. and A. C. v. Romania* (application no. 12060/12, judgment of 12 April 2016, final on 12 July 2016)

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4072 R/AG/ 154

1st November 2021

I. Introduction

The abovementioned case concerns the failure of the authorities to conduct an effective investigation, including into possible homophobic motives, of a physical and verbal attack on the applicants, which occurred after they had left a police-protected LGBTI rally in 2006. Thus, the Court found that national authorities violated the provisions of Article 3 in conjunction with Article 14 of the Convention. Below, the Government would like to provide information on a number of measures further adopted by national authorities in view of executing the Court's judgment in *M. C. and A. C. v. Romania*.

II. General Measures

The present information note contains additional information and clarifications with regard to the elements presented in document no. DH-DD (2021)1033, which was sent by the Government on 12 October 2021.

As such, according to the Prosecutor's Office attached to the HCCJ (the PO-HCCJ), the project proposal titled "Partnership for equality for LGBTI persons – implementation of ECHR case law on sexual orientation and gender identity" has been submitted in the call for projects "Human Rights – national implementation", launched by the Romanian Fund for Social Development no. 5, within the "Local Development" program, funded through SEE and Norway Grants for the period between 2014 – 2021.

In October 2021, the project "Partnership for equality for LGBTI persons – implementation of ECHR case law on sexual orientation and gender identity" was selected for financing and the financing contract is expected to be signed soon.

The project's promotor is the ACCEPT Association, and the PO-HCCJ plays the role of partner in its implementation, particularly with regard to the training activities. More details on the concrete activities proposed within this program and their timeline of implementation shall become available after the signature of the funding contract.

On the subject of using the courses prepared by the Human Rights Education for Legal Professionals (HELP) Programme for the training of prosecutors, namely "Fight against racism, xenophobia, homophobia, transphobia" and "Hate crime/Hate speech", the PO-HCCJ informs that, by implementing said courses, it is envisaged to train 17 prosecutors. The courses shall be launched on 10 and 11 November 2021 respectively, are expected to last two months and will take place online, under the supervision of a national tutor.

The PO-HCCJ also informed that the two thematic controls, dealing with violations of article 369 (incitement to hatred or discrimination) of the Criminal Code and with violations of the Government's Emergency Ordinance no. 31/2002, **did not include the cases where, in order to qualify the acts, the aggravating circumstance provided by art. 77 h) of the Criminal Code was retained.**

The Alexandru Ioan Cuza Police Academy (the PA) informed that the discipline on the subject of preventing and combating hate crimes through the means of criminal law was introduced in the teaching plan for the continuous training and formation postgraduate program "Human Rights in public law and order institutions" in 2019 and is one of the mandatory disciplines of the program.

The PA adds that the program "Human Rights in public law and order institutions" is aimed at the personnel of the Romanian Ministry of Internal Affairs, members of the military, as well as to other personnel categories in the national defence system, public administration and civil society dealing with human rights issues.

Furthermore, the discipline "Criminology" is mandatory for the students of the PA and includes a module dedicated to hate crimes.

The Committee of Ministers shall be kept informed on relevant developments related to the execution of the execution of the Court's ruling in the case of *M. C. and A. C. v. Romania*.