

Speaking points

Prevention in relation to human rights for LGBTI persons = State respects, protects and ensures equal human rights for all, including LGBTI persons.

The question is what shall the State do to prevent human rights violations?

1. The NGOs can only help the State – our contribution is important but the impact is limited without the State ensuring sustainability and multiplying the results.

Examples: ACCEPT can train 20-50 police officers/year out of 50.000 policemen and policewomen. The State must include such trainings in the curricula at the national level. The role of the national equality body is very important in this field.

Boycott campaign at the so-called “Referendum for family 2018”. The State must fund raising awareness campaigns because they educate the general public and you end up having fewer human rights violations.

Law to ban any information about gender and gender identity in schools, universities, vocational training, extracurricular training. NGOs mobilized at the Constitutional Court in support the appeal introduced by the president of Romania.

2. The execution of ECtHR judgments is a form of prevention.

The adoption of general measures in an action plan discussed with the Execution Department within the Council of Europe gives the opportunity of the State to assess the systematic, structural problems that led to human rights violations in the first place and propose long-term coherent policies and changes. These causes persist after an ECtHR judgment – our first judgment on homophobic hate-crime was issued by the Court in 2016 and the case happened in 2006 (*M.C. and A.C. v Romania*). We are in 2021 and there is still no effective investigation in such crimes, no prosecution, only another judgment from the Court in 2021 finding more violations of the Convention (*ACCEPT and Others v Romania*).

National equality bodies should be consulted in the drafting of these action plans because they should have the wider picture of discrimination occurring in the country.