

## **ACCEPT Report 2005-2006**

ACCEPT, association officially registered in 1996, is still the only Romanian organization that defends and promotes the rights of LGBT (lesbian, gay, bisexual and transgender) at national level.

The mission of ACCEPT is to create a better society for the LGBT persons in Romania.

Objectives:

- Defending by all legal means the persons whose fundamental rights and freedoms, as specified in the Romanian legislation and the international treaties ratified by Romanian state, were infringed upon;
- Educating society and media with regard to LGBT
- Organizing activities to promote the rights and freedoms of LGBT people
- Enhancing group solidarity among the LGBT community members
- Developing services that address the specific needs of the LGBT in Romania.

Main fields of activity:

- Advocacy, information collaboration: advocating equal rights for LGBT, edit and deliver information by different means of communication (magazine, website, hub, e-bulletin etc), administrating the first and only LGBT library in Romania, collaborating with other NGOs and institutions to attain the social inclusion of LGBT
- Enhancing the LGBT association movement: providing sustained training and specialization in organizational management and community development; technical assistance to LGBT local groups in Romania and other countries in the region
- Social activities and services: legal counseling for discriminated people, psychological and medical counseling, pre- and post HIV test counseling, meeting and debates on issues relevant to LGBT, cultural and social activities designed to strengthen self-confidence and a sense of belonging to the LGBT community.

### **The functioning of the ACCEPT' s board, staff and constituency**

#### ***Constituency, organizational governance***

Diversity and inclusion are the main principles of ACCEPT. Since its beginning, ACCEPT was meant to be a place where people would not be judged and/or discriminated for what they are, whether their difference consisted in their sexual orientation, race, and ethnic or gender identity. Therefore, ACCEPT is proud to create a secure and open place for members who are Roma,

Hungarian and Jewish, gay and straight, transgender, young and elders, persons with disabilities. They are responsible for taking the major decision in terms of medium and long-term strategies and policies of ACCEPT, electing the members of the board, organizing social and cultural activities. A vast majority of ACCEPT's members are also beneficiaries of organizational programs and activities.

ACCEPT is a grass-roots organization. The decision-making body of ACCEPT is the *General Assembly* who meets once a year, consisting of the active members who have the right of vote.

In the staff of ACCEPT, there are 17 employees (9 women and 8 men), age varying from 20 to 38.

The Executive Director, together with the *staff and volunteers*, are in charge of the everyday work of ACCEPT.

ACCEPT's board of directors has five members (3 women and 2 men), age varying from 23 to 56, part of them – representatives of our constituency. The board is responsible for the policy making of the organization within the frame conferred by the statute of ACCEPT and the decisions of the General Assembly. Board members are not paid for their work. All of them are professionals (lobby, advocacy, PR) relevant to organization's mission. The board appoints an *Executive Director* who is responsible for the policy implementation within a frame conferred by the Strategic Plan of ACCEPT and the decisions of the board. The Executive Director cannot be a member of the board at the same time.

## ***Operational activities of ACCEPT***

### **1. Co-managing the Romanian Antidiscrimination Network**

The antidiscrimination national network is an open and non-formalised structure, consisting of ACCEPT (specialised in sexual orientation), Center for Legal Resources (running a broad antidiscrimination program), Partnership for Equality Center (specialised in gender equality), UNOPA (specialised in combating discrimination base on HIV/AIDS status, Estuar Foundation (expert in services which are directed toward people with mental disabilities, Romani Criss (expert in Roma issues), The Romanian Helsinki Committee (expert in the antidiscrimination field based on ethnic status and religious beliefs), plus a number of antidiscrimination experts from National Council for Combating Discrimination and UNICEF-Romania. Several times, other organisations have been requested to participated to meetings in which sectorial expertise was

requested (like umbrella-organisations specialised in physical disabilities, mental disabilities, HIV/AIDS, religion, etc).

Due to this status, the network has been requested by National Council for Combating Discrimination (NCCD) to get involved in drafting the new antidiscrimination legislation – an unprecedented case, taking into consideration that for years NCCD perceived the member organisations as hostile and too demanding (these organisations were ready to sue the Romanian Government in 2001 for the failure of establishing a specialised, independent body in combating discrimination; also, these organisations requested constantly and publicly the CVs and the proof of expertise in the case on NCCD board members, underlying the lack of procedures and standards within NCCD, the lack of interest for the victims of discrimination, the shortcomings of the law, etc.). Even more, the representatives of the network and NCCD lobbied together members of the Parliament and the Ministry of Justice for passing the legislative proposal concerning prevention and combating discrimination. In the same time, the network and NCCD organised in common a press conference in order to explain and motivate the legislative changes and their importance for the Romanian society and the access to justice of its citizens.

The network is co-managed by ACCEPT and Centre for Legal Resources, which encouraged the links and partnerships with various umbrella NGOs. A lack of this current structure is the missing of a very important component represented by labour unions – pretty weak in Romania and without a particular interest in the antidiscrimination network. However, from the perspective of the victims of discrimination interested, the organisation members of the network are currently offer legal and judicial assistance – which contribute essentially to the access to justice. Several times, they offered in partnership legal advice and assistance to victims of discrimination in sensitive areas such as sexual orientation, mental disabilities and ethnic background.

## **2. Antidiscrimination resource web-site**

Starting with preliminary announcements and activities of preparation in December 2004, ACCEPT and Center for Legal Resources, in partnership with other organizations specialized in combating discrimination (Romani Criss, Partnership for Equality Center, Association for Physical Disabled People) launched an antidiscrimination resource center [www.antidiscriminare.ro](http://www.antidiscriminare.ro) in January 2005. The web-site is a collaborative effort of the national antidiscrimination network, and is structured in the following way:

- 1) Reports, public campaigns and news regarding human rights issues concerning Romania;
- 2) About us: a list about the most relevant NGOs in the field of preventing and combating discrimination;
- 3) Antidiscrimination legislation and how it works: legislation, jurisprudence, procedure;
- 4) Archive: reports, new releases, appeals;
- 5) Resources and links

The web-site is managed and updated constantly by ACCEPT for the whole time period of ACCESS To Justice project

### **3. Gay Fest, May 2005**

Between 23-29 of May, ACCEPT have organized its first public festival aiming for creating visibility to the almost invisible minority of lesbian, gay, bisexual and transgender (LGBT) people.

Among other public events, it should be mentioned the debate "Antidiscrimination legislation and Mass Media", due to the importance of the media role in shaping attitudes and influencing public mentalities toward vulnerable groups like sexual minorities and disable people. The debate was organized on May 25 at La Scena club, a known place where media representatives are gathering informally. The debate was moderated by the executive director of ACCEPT and the vice president of the National Society of Political Science, Liliana Popescu and attracted more than 15 journalists. At that meeting the head of the National Council for Combating Discrimination who delivered to participants practical cases from NCCD jurisprudence in which journalists received administrative fines due to discriminatory articles or reports toward LGBT, disable and elderly people (Mircea Mihaiescu case). It can be considered a truly necessary exchange on information regarding antidiscrimination legislation and best practices in media between media representatives, NGOs active in preventing and combating discrimination and public authorities. 5 major newspapers and radios (BBC, Gindul, Evenimentul Zilei, Radio Romania, Radio Total) covered the event.

### **4. Launching the antidiscrimination legislative draft**

On June 2, the National Council for Combating Discrimination in partnership with ACCEPT, Center for Legal Resources, Pro Europe League, Romani Criss and UNICEF Romania have organized a press conference at headquarter of the Group for Social Dialogue, one of the most significant Romanian think tank. Each of the participants explained the importance of the new proposed legislation in compliance with the EU antidiscrimination standards and the benefits of the successful partnership between the civil society and NCCD. It is expected that this partnership will be continued for passing the legal draft in the Parliament in the new legislative session.

## **5. The first national antidiscrimination seminar, June 2005**

ACCEPT and Center for Legal resources started to prepare the national seminar at the end of February, 2005. The agenda of the course was agreed between these 2 institutions, and shared with the partner-organizations of the national antidiscrimination network, as followed:

### **11 June**

#### ***Instruments for a free and efficient access to justice:***

##### ***a. Law:***

- *Presentation of the two European Directives 43&78. (Including a presentation of the context of adopting the two European Directives 43&78.)*
- *Their transposition in the Romanian legislation – positive developments, lack of transposition.*

##### ***b. Procedure:***

- *Presentation of the national mechanism of protection against discrimination – the procedure before the NCCD – steps to be taken before this authority.*

##### ***c. Jurisprudential line:***

- *Presentation of its jurisprudence on the three grounds of discrimination.*
- *Presentation of the European Court of Justice jurisprudence in the field of discrimination.*

### **12 June**

#### ***The role of the NGOs in ensuring a free and efficient access to justice:***

##### ***a. Understanding the problem:***

*Discussions on topics like homophobia, disability, and structural discrimination in general. The most frequent cases of discrimination on grounds of sexual orientation, age, and disability.*

##### ***b. Steps to be taken in the casework:***

*preliminary discussions, establishing the contractual framework of relations with the person exposed to discrimination - legal assistance, standing on behalf of the victim, standing on its own -, collecting information about the circumstances of the case, choosing the strategy – legal mechanisms to be addressed, people to work in the case, the role of the media, mediation – implementing the strategy, monitoring its implementation, best ways of using the results either negative or positive.*

***c. Examples of good practices in relation with the National Council for Combating Discrimination:***

*legal cases (G.P. case on discrimination at workplace in the religious framework), advocacy, lobby (the new antidiscrimination bill)*

At the beginning of April we agreed on the list of NGOs which should be invited in order to cover the grounds of discrimination relevant for the project: sexual orientation, age and disability. On the 14<sup>th</sup> of April 2005, ACCEPT sent invitation to those selected participants (16 people) directly and by its own infosheet distributed electronically to partners and members. In May, the last organizing preparations were finalised.

The national seminar took place in Constanța between 11-12 June 2005. There had been 2 presentations of the Romanian and European anti-discrimination legislation held by Florin Buhuceanu, executive director of ACCEPT and Iulian Seler, the legal counselor of ACCEPT. The presentations were accompanied by series of practical oriented questions and answers, with a practical input regarding the mechanism of combating discrimination existing at this time in Romania.

The evaluation forms which were filled-in by the participants shows that the way the national seminar was structured it is of significant help for the practical work in assisting or counseling the victims of discrimination by the participant-organizations. The overall organization of the seminar was perceived as being good or even very good. The role of NGOs and their working relation with public authorities such as National Council for Combating Discrimination was clarified and was considered to be a strong point among the selected topics of the seminar. Some of the participants found useful the debates and the examples provided by ACCEPT and CLR on networking and the way of taking a decision within the antidiscrimination coalition.

## **6. Meeting with the Minister of Justice**

On June 21, representatives of ACCEPT, Center for Legal Resources and NCCD met the Minister of Justice, Ms. Monica Macovei. The meeting was placed in the framework of the Penal Code reform, an opportunity for the representatives of the antidiscrimination network to require anti-hate provisions covering all the grounds mentioned in the current antidiscrimination legislation. Minister Macovei agreed to introduce aggravating circumstances to those hate crimes who are motivated by intolerant and discriminatory beliefs. These aggravating circumstances are to be expected to be approved by the Romanian Government in the first part of September 2005.

## **7. Assessment meetings**

Two meetings focused on the assessment of the antidiscrimination legislation have had on July 14 and August 18 with representatives of the Romanian Desk from the DG Enlargement of the European Commission and the Ministry of Justice from the Netherlands. 3 representatives of the antidiscrimination network, ACCEPT, CLR and Romani Criss have expressed their view on the recent changes proposed to be introduced in the Romanian antidiscrimination legislative framework, and also about the strong and weak points in relation to NCCD in the case of defending the victims of discrimination (lack of procedures at the level of NCCD, significant delays in obtaining a para-judiciary decision, the lack of NCCD personnel in investigation, etc.).

Accept, in cooperation with PSI Romania, took over and adapted the BCC POL model. This BCC model is about delimitating communities where the members of the target group have social interactions and selecting and training of minimum 10% from the most popular persons in that community. The POL persons act, after training, as safe sex promoters within their community.

## **8. Training and Documentation in Health Services**

ACCEPT organized the seminar "Gay Community of Romania" which took place between 1-3 June 2005, at its headquarters. The session objectives were, on one hand, to identify the health needs of Romanian gay community and, on the other hand, to collect information of interest for the LGBT community (such as gay friendly medical and social services, all over the country). All collected information will be of relevance for the help line's operators; the information on gay community were published within the ACCEPT free supplement in July number of the gay magazine INKLUSIV. On total, 54 people attended this seminar, from 20 localities of Romania.

A training course for outreach workers – Summer Campaign 2005 took place between 11-12 June, in Constanta. The aim of the training course was to train ACCEPT's outreach workers for the summer campaign 2005. The objectives



were the presentation of the summer campaign (indicators to be achieved, monitoring forms, type of activities), clarification of aspects regarding STIs transmission among LGBT population, information on rights and responsibilities of LGBT people in public spaces, in relation with policemen and gendarmes. 16 people attended this training course.

Between 29 June -1 July 2005, ACCEPT has organized at Amara, in partnership with the National Authority for Penitentiaries (ANP) an informative session addressed to psychologists and social workers working in penitentiaries. We have presented theoretical aspects related to LGBT population (sexual behavior vs. sexual orientation and identity), issues related to psychological counseling of gay men and lesbian women, preliminary results of LGBT health survey conducted by ACCEPT; there were also analyzed the informational needs of specialists working in prison system and potential future way of cooperation between ACCEPT and ANP. 27 participants attended this training course, the first one ever organized for professionals within ANP.

Between 30 Sep- 1 Oct 2005, ACCEPT has organized a training course for outreach workers, in Cluj, on the topic "Communication – safer sex promoting messages". The aim of the training course was to improve participants communication skills in promoting safer sex messages to LGBT people; the objectives were: (1) to increase the information level on STIs, (2) to improve communication techniques for face to face and by phone interaction, (3) to improve listening skills and (4) to make participants familiar with harm reduction principles.

There were 32 participants at the training course (of Bucharest, Cluj and other localities). According to collected evaluation forms, the achieved results are:

- better knowledge of STIs characteristics
- better understanding of personal risk for HIV transmission
- improvement of para-verbal language
- development of listening skills
- increase awareness on importance of assertive communication
- team building within the volunteers group

The BCC model we intend to implement in the following period of time is the POL – involving of Popular Opinion Leaders in promoting safer sex messages. This model requires clear delimitation of communities (groups of people linked by social relations) within the LGBT community, followed by recruitment and training of the POL of each group to at least 10% of total number of members of that community. This model, developed in the USA for the first time, has been successfully implemented by the Bulgarian NGO HESED, targeting Roma and LGBT groups. Three members of ACCEPT took part in a TOT course



organized by PSI Romania between 11-14 September 2005, in Bucharest, with HESED trainers and curricula.

The POL model started to be implemented firstly in Bucharest by PSI Romania and ACCEPT in October, after adapting the model, producing the activity plan and the mapping process (at the beginning for the Bucharest LGBT community).

ACCEPT and Nursing Association of Romania (ANR) have signed a new partnership contract in order to develop informative activities in high schools where the ANR is already developing health programs. During the reported period ACCEPT has joined three informative sessions on STI prevention, that took place at Dacia High School, Sector 4.

We have identified a clear need of information, the pupils lacking basic information on HIV and STIs issues; the participants have also expressed the need of individual/confidential sessions.

## **9. Developing a Clearinghouse on LGBT health issues**

During reported period the activities related to library were perturbed due to the delays registered in finalizing refurbishing of the office space. The library was officially opened on 20<sup>th</sup> of June.

The archiving process of LGBT health literature has been started with articles available in electronic format – so far in the database have been included 264 titles.

Starting with December 2005 the online catalogue of ACCEPT's library has become functional: <http://www.accept-romania.ro/index2ro.asp?page=educRO1.htm&menu=vert&id=4> . Visitors can search using key words, titles or authors to find publications that are available in the library.

## **10. Establishing the approach to, and contents of, Guide on LGBT health**

Printing the Guide in 3.000 copies in May, ACCEPT distributed it during June-September 2005 to the health specialists, health organizations with whom we have had written contracts of collaboration (more that 30 NGOs and institutions, including the Ministry of Health).

Teachers delivering courses of sexual education received also almost 1 000 copies of the Guide, due to the agreement and logistical support offered by the Ministry of Education. It is important to mention in this context that the Ministry of Education agreed to support this distribution only in the moment

when ACCEPT sued the Ministry (based on the Law of accessing public information) for its refuse to offer information about the content of the Education for Health discipline. In November, ACCEPT won the case in the administrative court and obtained the symbolic compensation requested of 1 Rol (less than 1 USD).

The content of the Guide include topics as they apply to LGBT persons in the Romanian context, including the following:

- Sexual orientation, identity and behaviour
- Stereotypes affecting LGBTs (gender roles)
- Theories on homosexuality
- The Coming-out process
- Homosexual relationships
- Society, culture and sexuality
- Sexual health for LGBTs
- Romanian legislation related to homosexuality and anti-discrimination procedures

## **11. Advocacy for appropriate health care to LGBT beneficiaries**

### ***Establish collaborative agreements with health NGOs and key departments within the Ministry of Health and Ministry of Education.***

One of the objectives of this project is to increase MSM access to adequate health and social services. Any form of discrimination on sexual orientation has a poor influence on access to public services. ACCEPT is monitoring discriminative actions and procedures appearing within the health system. One example of discrimination is the question men are currently asked in centers for blood donation "have you ever had sexual relationships with a man?"

This type of question presumes that homosexual sex means necessarily riskier behavior, like unprotected sex or multiple partners. We consider that this type of questionnaire should contain only enquiries about sexual behavior, no matter the sexual orientation of the respondent.

Based on the law of access to information of public interest, ACCEPT has requested the Ministry of Health to provide information regarding regular procedures in this respect.

ACCEPT have also asked the support of the National Council for Combating Discrimination to issue recommendations toward Ministry of Health in order to stop discrimination in the centers for blood donation. In December 2005, NCCD have agreed that the information and evidences documented and presented by ACCEPT on this particular issue represent clear indicators of a typical case

of discrimination based on sexual orientation, and is expected for the beginning of February 2006 to issue a formal request toward the Ministry of Health to revise its strategy on blood donations. ACCEPT will continue to monitor the case in 2006.

### ***SURVEY: Social barriers in the life of LGBT people***

This survey is the result of cooperation between ACCEPT and International Lesbian and Gay Association – Europe (ILGA), Genderdoc-Moldova and Habeas Corpus – Hungary. The aim of this survey was to register indicators of LGBT health and access of this population to health services. The survey was funded by Global Fund Against TB, Malaria and HIV and by Open Society Institute.

During the reported period within this project, ACCEPT has organized together with other NGOs two press conferences aiming to disseminate the results of this survey. The first press conference took place in Brasov, on Thursday, the 20<sup>th</sup> of October, in partnership with Resource Centre SALTO of Brussels and Youth County Federation of Brasov. The information on LGBT health issues was presented within the wider context of general youth health issues.

The second press conference took place in Bucharest on Monday, 12 of December, in cooperation with the Centre for Legal Resources and Romanian Helsinki Committee, in the context of International Day for Human Rights.

### ***Lobbying the Parliament***

Starting in May 2005, ACCEPT in partnership with Centre for Legal Resources and Partnership for Equality Center initiated a list of recommendations for the improvement of the Artificial insemination law bill. The NGOs proposals was submitted to the members of the Health Commission and Human Rights Commission within the both chambers of the Parliament, underlying obvious violations of human rights (just the couples are allowed to benefit from the artificial insemination procedures: gay and lesbian couples are directly denied in accessing this type of health services, also the lesbian individuals; the rights of the surrogate mother are not respected, the confidentiality of information is not fully assured, etc.).

After meeting with the legal counselor of the Romanian President, the legal draft was sent to the Constitutional Court which decided that more than 2/3 of the proposed law is unconstitutional. Almost all the NGOs remarks and proposals have been incorporated in the Constitutional Court decision which was issued in November 2005. Returned to the Parliament, the bill is now under debate within the Legal Commission of the Senate. After meetings with the head of the Commission in December, Mr. Eckstein, it is expected that the Commission will give a negative report on this legislative draft in February 2006. More advocacy efforts are necessary to block this bill in the plenary of the Romanian Senate for the period March-May 2006.

## **12. Consolidate professional network relationships with the NGO's sector and other relevant institutions**

Between 28-29 June, 2005, ACCEPT has attended the conference "Second Generation Surveillance for HIV" within the EU project "Restructuring of the Romanian Network of HIV/AIDS Regional Centers" implemented by the Ministry of Health. 2 ACCEPT representatives have presented the health activities undertaken by ACCEPT and a number of recommendations for the improvement of LGBT access at public health services. One of the results of the conference was the agreement on a future cooperation between ACCEPT and DSP ( a health regional authority) of Timis for 2006.

The Gender and Development Committee of Peace Corps Romania and ACCEPT have organized in Sighisoara, between 7-8 December 2005, the workshop "LGBT Gender Sensitivity Training". There were 25 participants - psychologists, social workers, nurses and medics - who are currently working with disadvantaged groups. The workshop was organized by Peace Corps, ACCEPT being involved in the selection of participants, designing and delivering the workshop focused on the psychological and social components of the LGBT identities and how to work with LGBT beneficiaries.

On 15<sup>th</sup> of September ACCEPT has organized in Bucharest an informative session on transgender issues, session held by Pauline Park, President of Niagra organization of New York - an advocacy organization focused on transgender rights. The session was divided in two parts: one - of general interest, introducing the terms and a second one, dedicated to psychologists and social workers. The materials presented during that session will be published in the INKLUSIVE magazine in a special number dedicated transgender rights in March 2006.

15 participants (10 psychologists and social workers) attended, including staff members of ACCEPT who wanted to get more knowledge transgender issues necessary in their work with transgender clients.

## **13. Strengthen the operational capacity of ACCEPT on advocacy**

### ***Strategic planning of ACCEPT***

Between 25-28 August, ACCEPT representatives met in Neptun for designing the strategic plan of organization till 2009 necessary to strengthen the operational capacity of the organisation. Prior to this moment, for 2 weeks an external consultant specialized in organizational management have met a number of respondents involved in this process (staff, board members, volunteers, beneficiaries, partner organizations, stakeholders and donors). The results of this process is presented below:

## **Strategic vision of ACCEPT**

ACCEPT is the national Romanian organization that defends and promotes the rights of lesbians, gays, bisexuals and transgender. By its activity, ACCEPT uses the experience accumulated till now at national and regional level and supports the impartial development of the gay community and culture.

## **Strategic directions**

There had been identified four strategic directions to be followed from 2006 till 2009.

**These are :**

- I. Development of the organizational capacity**
- II. Development of the lobby and advocacy activity**
- III. Development of services that respond to the LGBT needs**
- IV. Development of gay community and culture**

### **I. Development of the organizational capacity**

The strategic aim of this direction is for Accept to be a stabile and sustainable organization.

To reach this strategic purpose, ACCEPT proposes the following operational objectives:

- 1.** creating an efficient management of human resources
- 2.** improving the internal and external communication (including to the LGBT community, partner organizations and the rest of the society)
- 3.** diversifying the funding resources, stressing on economical or productive activities (cafe, making the magazine more profitable)

### **II. Development of the lobby and advocacy activity**

The strategic purpose of this direction is to continue the lobby and advocacy activities for an equal treatment for the LGBT community.

To reach this strategic purpose, ACCEPT proposes the following operational objectives:

1. identifying the responsible persons who should select and train a professional team for lobby
2. initiating and promoting legal bills on partnership/marriage between same sex partners
3. initiating and promoting passing of legal bills on prostitution
4. modifying Penal Code by introducing aggravating circumstances for offences that are motivated by homophobia
5. improving the antidiscrimination law
6. improving the draft bill of artificial insemination
7. initiating and adopting the legal regulations for transgender persons
8. adopting antidiscriminatory standards and procedures in education, health, justice and internal affairs
9. obtaining moral and material repair for persons arrested on the antigay legislation

### **III. Development of services that respond the LGBT needs**

The strategic purpose of this direction is to provide quality, accessible, correct services to LGBT community.

To reach this strategic purpose, ACCEPT proposes the following operational objectives:

1. improving the direct services provided by ACCEPT (library, psychological counseling, health, legal advices )
2. creating networks of specialists (doctors, psychologists, law advisors) able to offer quality services to the local gay communities
3. developing of programs targeting youth
4. creating support groups for LGBT marginalized persons as transgender, LGBT HIV+ persons, lesbians, senior LGBT persons )
5. creating a regional consultancy center on LGBT and antidiscrimination for Eastern Europe

### **IV. Development of gay community and culture**

The strategic purpose of this direction is to create a cultural and social space more comfortable for LGBT community. To reach this strategic purpose, ACCEPT proposes the following operational objectives:

1. developing and improving Gay Fest
2. making the magazine more profitable (adapting to the cultural and marketing requirements )
3. supporting ten cultural gay events for a year (concerts, book launching, movies, theater, expositions )

Following this process, a distinctive team formed by board and staff representatives have been designated by the General Assembly to work for producing a calendar of activities on advocacy actions for 2006. The priorities for this specific work consist of same partnership/marriage bill which should be drafted by ACCEPT and finalized till March 2006; introducing anti-hate legal provisions in the Penal Code (already achieved at the end of 2005), improving the draft bill of artificial insemination (2006), and legal regulations and standards for transgender persons (till August 2006).

#### **14. The transgender legal group**

This group is a recent accomplishment at the level of ACCEPT build upon the previous work accomplished in this advocacy health oriented project supported by OSI – an initiative which comes in recognition of the lack of norms applicable and of the arbitrary practices of the judiciary and of the special commission created within the Institute of Forensics (IoF).

After assessing various judicial decisions in relevant cases and mapping the legislation that will require amendments to adjust to the needs of transgender people in the period October 2005 – February 2006, the working group designed an advocacy strategy to induce these changes. Our strategy is to prepare and advocate for two different documents:

The first document will target the Ministry of Health (MoH). The future order of the MoH will include the following aspects: the expert commission in IoF works on permanent basis; the profile of the members of the commission, with clear requirements and suggestions; the deadlines and the timeframe, the criteria and the methodological work of the expert commission, including appeal and remedies. This document needs to be as specific as possible given its administrative nature but also to prevent further arbitrary measures and harassment at the level of IoF.

The Order of the MoH will also include clear directions for surgeons and doctors involved in gender reassignment surgery. As the current practice is for these doctors to ask their patients to ask for a judicial decision before the surgery takes place, even if no Romanian piece of legislation mention this process, the MoH order will clarify this issue: the expert commission in IoF has to be the only institution with a mandate to decide over the need for gender reassignment surgery. The premise of our advocacy work is that we have to pass the current practice of seeking a judicial decision prior to conducting the surgery. Our arguments rest to the right to privacy and on the fact that a judge is no way able to decide on the medical condition of a transgender person and this extra-step before going to the medical commission at IoF is merely an unjustified delay in the whole transformative process.



The second document will target the Ministry of Justice and will seek to amend the methodological norms for the application of Law 119 concerning the name changes. Currently the judiciary must decide any gender or name changes. While keeping this procedure, as it will help in dealing with the Ministry of Internal Affairs during the registration for IDs, we intend to simplify these procedures and limit the role of the judge to mere recognition of the changes, thus avoiding arbitrary interpretation.

Both documents will be proposed for a public debate after September 2006..

## **15. Combating homophobia**

Organized yearly by ACCEPT, GayFest is a festival of freedom of expression and communication in between communities of varied backgrounds and lifestyles.

GayFest aims to celebrate our common values and our diversity. It represents an occasion for Romanian LGBT (gays, lesbians, bisexuals and transgender) to express their dignity and freedom against judgement and negative stereotypes and to share their culture with the public at large. Due to its capacity to attract visibility on LGBT issues, Gayfest is considered one of the most efficient instruments in combating homophobia in terms of mentalities and attitudes.

GayFest reached its third edition and will consist of various human rights, cultural, and educational events:

- The LGBT film festival
- Art exhibitions
- Open debates on the gay marriage/partnership, and the future of the Romanian antidiscrimination legislation
- *Adam Geist* theater play directed by Radu Afrim

### Equality march

This year the whole event will be focused on gay marriage and partnership in order to support ACCEPT's actions of advocacy by creating a platform of public support among NGOs and opinion leaders.

### Instruments for combating discrimination:

ACCEPT and Center for Legal Resources are involved in an international antidiscrimination network working together to better understand discrimination based on sexual orientation, age and disability and to influence equality and anti-discrimination work at a national and EU level. Together the Steering Group has produced this general toolkit.

In the reported period, ACCEPT and CLR is elaborating and adapting a toolkit called "Equal at work" designed to the victims of discrimination in partnership with its international partners. This toolkit outlines the EU

Employment Directive's provisions in general and can be used by NGO's, Trade Unions and others interested in anti-discrimination issues. The purpose of this toolkit is to:

- Raise awareness of discrimination on grounds of sexual orientation, age and disability;
- Raise awareness of anti-discrimination measures provided under the EU Equal Treatment Directive;
- Provide tools to help victims and their agents recognize and take action in instances when discrimination has occurred.

A first draft of the toolkit will be finalized in May 2006, and will be tested during GayFest 2006 by local LGBT NGOs and groups.

Course at the National Institute of Magistrates

On 27 March, ACCEPT has delivered a course focused on cases of discrimination based on sexual orientation to more than 70 students of National Institute of Magistrates. It was presented the jurisprudence in relation to the National Council for Combating Discrimination, relevant cases of the European Court of Human Rights, the mandate and role of the NGOs in assisting cases of discrimination in court. At the end of meeting, ACCEPT representatives distributed copies of the most relevant pieces of legislation and discrimination cases assisted.

## **16. Legal counseling and support**

### **1. S v. The National Authority for Persons with Disabilities (NAPD)**

Facts: Mr. S lives with HIV and his medical diagnosis is HIV type C2 and he also suffers from a number of the opportunistic diseases listed in Order 726/2002 as qualifications for the first degree of disability. He tried to get his degree of disability recognized and he applied to the NAPD. His application was rejected and the NAPD commission changed his medical diagnosis in B2. This seems to be a practice of NAPD meant to discourage persons with disabilities to seek this kind of support. Mr. S appealed the decision before the NAPD and lost. Subsequently Mr. S went to court and he won before the first court of appeal. The decision was appealed by the NAPD. When ACCEPT intervened, Mr. S was due before the Supreme Court in his last chance for justice.

Legal background: The Emergency Ordinance 102 from 1999 and subsequent legislation on measures of special protection established the right of the HIV/AIDS affected persons to be awarded a disability pension. The medical

diagnosis helps a medical expertise commission in qualifying the degree of disability.<sup>1</sup> Those qualifying for the most severe degree of disability are entitled to social protection in the form of a personal assistant. The complex commission for adults with disabilities should strictly see if the medical diagnosis fits the criteria mentioned in Order of the MOH – 726/ 2002, which establishes strict criteria to qualify for each degree.

Nature of intervention: ACCEPT drafted the memo filed by Mr. S with the Supreme Court underlining the legal provisions applicable and the fact that the evaluation commission of the NAPD does not have the competency to change the medical diagnosis issued by the infectionist unit of Bals Institute. We also prepared our client for an oral statement before the Court. ACCEPT also wrote a letter of support explaining the needs and difficulties of persons living with HIV/AIDS, the importance of the personal assistant for monitoring the situation of the patient and the fact that this type of supervision prevents repeated hospitalizations, hence increased costs.

Results: Mr.S won his case and the Supreme Court ordered the NAPD to issue his disability certificate recognizing the first degree of disability and the entitlement to a personal assistant.

Potential for further strategic action: From discussions with other PLAHIV/AIDS it seems that this is a current practice of the NAPD. We should coordinate with other NGOs and raise this issue before the National AIDS Commission.

A side note: in ALL official correspondence (certificates, administrative documents, court orders, sub poenas) the medical diagnosis of Mr. S is mentioned in conflict with the provisions of the HIV/AIDS Law and of the Criminal Code.

## 2. T. v. The National Administration of Penitentiaries

Facts: Mr. T was imprisoned between August 2004-September 2005 in various prisons, penitentiary hospitals and detention facilities under the MoJ and the MAI. In some of these locations Mr. T had been repeatedly sexually abused and raped and his attempts of notifying the prison guards were ignored. Mr. T does not want to sue the long list of perpetrators and considers that the MoJ and the MIA failed to protect his physical integrity.

Legal background: During his detention Mr. T was in the custody of the state and the prison officials were under a duty to protect him from ill-treatment and sexual abuse. We seek reparatory damages under Art. 998, 999 Civil Code.

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<sup>1</sup> Art. 2, Lege 519 din 12 Iulie 2002 pentru aprobarea Ordonanței de urgență a Guvernului nr. 102/1999 privind protecția specială și încadrarea în muncă a persoanelor cu handicap, Law No. 519/2002 of July 12, 2002 on approving the Emergency Ordinance 102/1999 on special protection and the employment of persons with disabilities, Official Bulletin No.555 from July 29, 2002.

Nature of intervention: ACCEPT started the correspondence with the MAI and the MoJ to gather information and plans to sue the National Administration of Penitentiaries on behalf of Mr. T and seek civil damages. Avoiding the trauma of another criminal case was the choice of Mr. T.

Potential for strategic action: Mr. T is just one of the many gay men who are abused in the penitentiary system without redress. Our court action should be merely the beginning of a targeted intervention. We still have to monitor these abuses and encourage the victims to speak up and we have to present our findings to the authorities and suggest clear recommendations to improve the treatment of vulnerable persons in the penitentiary regime.

## **17. LGBT Youth Exchanges**

19 – 25 Octombrie 2005: SALTO TC Rainbow seminar, Brașov, organized by SALTO Youth, participant Ioana Conțu

14 – 19 January, 2006: “Dealing with Diversity” seminar, Amsterdam, The Netherlands, participant Ioana Conțu

8 – 15 June, 2006: Youth against Homophobia, Warsaw, organized by Campaign Against Homophobia, participants: Ioana Conțu, Roxana Sarbu, Octav Popescu

18 – 25 June, 2006: Youth against heterosexism, Paris, organized by MAG - Jeunes Gais et lesbiennes; participants: Ioana Conțu, Claudiu Marin, Octav Popescu

23 – 26 June: preparatory visit for the LGBT OUT! Youth project, participant Ioana Conțu

01 – 03 July: preparatory visit for a youth exchange on LGBT rights, Amsterdam, organized by DWARS, The Netherlands; participant: Octav Popescu.

## **LGBT Health in figures for the period January-June 2006:**

Informational STI sessions: 11 sessions, 87 participants

Number of psychological sessions: 222 sessions, 113 beneficiaries

Number of condoms distributed: 124 875

Outreach activities in Bucharest, Timisoara, and Cluj: 238

Number of beneficiaries targeted by outreach actions: 12 776