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The case of M.C. and A.C. v. Romania – Combating homophobic hate crimes

Written question No. 741 to the Committee of Ministers
by Mr Christophe LACROIX, Belgium, Socialists, Democrats and Greens Group

M.C. and A.C. v. Romania (12060/12) concerns a homophobic attack against a group of individuals on their way home from the annual Gay Pride march in Bucharest in 2006.

In 2016, the European Court of Human Rights found that the authorities had failed to investigate the attacks properly and to take into account possible homophobic motives (violation of Article 3 in conjunction with Article 14). The Court noted that the authorities did not appear to have made use in any significant way of the evidence presented by the applicants, specifically statements, photographs and the identification of some individuals in the group of attackers. Furthermore, in protracting the investigation, the authorities had allowed the statute of limitation to come into play.

The judgment became final in July 2016 yet, according to a recent submission by the Romanian NGO ACCEPT to the Committee of Ministers, it would seem that over the past three years, the authorities have taken few practical steps to implement it. ACCEPT also gave examples of cases in which it seems that the authorities are still failing to properly investigate homophobic and transphobic hate crimes. ACCEPTS likewise cites disturbing examples of remarks made by prominent figures inciting intolerance against LGBTI persons in the context of the October 2018 referendum on restricting the constitutional definition of family in Romania.

The execution of the judgment is currently subject to standard supervision. It would seem, however, that more intensive scrutiny by the Committee of Ministers is now needed.

Mr Lacroix,

To ask the Committee of Ministers,

Is the Committee of Ministers planning to transfer the case of M.C. and A.C. v. Romania from standard to enhanced supervision?