

TRANSGENDER PRISONERS IN ROMANIAN CONTEXT

MIHAI IOAN MICLE*

“Constantin Rădulescu-Motru” Institute of Philosophy and Psychology

GABRIEL OANCEA

Associate researcher, “Constantin Rădulescu-Motru” Institute of Philosophy and Psychology,
associate lecturer at the Faculty of Sociology and Social work – University of Bucharest

GEORGETA PREDA

“Constantin Rădulescu-Motru” Institute of Philosophy and Psychology

Abstract

The article represents a continuation of a previous article regarding the challenges that transgender detainees pose to the prison system, with a focus on the Romanian prison system. In this respect, starting from the interview of 20 transgender prisoners, two psychologists and a social worker, the research aims to identify their psychosocial characteristics, the existence of consistency between the practices used in the Romanian prison system and the good practices developed in the United Nations level in order to ensure the proper management of transgender prisoners. It was pointed out that the Romanian prison system does not operate with the notion of transgender prisoners, the differentiation of prisoners being based on the criterion of biological sex. Basically, transgender prisoners exist but they are “invisible” to the prison system. The article underlying the importance of training staff in order to ensure a proper intervention in relation to transgender prisoners.

Cuvinte-cheie: gen, transgender, deținuți, penitenciar, România

Keywords: gender, transgender, prisoners, penitentiary, Romania.

INTRODUCTION

One of the events that marked Romania in 1995 and would generate a series of heated debates in the Romanian society was the first gender change operation in Romania. The story of the first patient, Sorina, is somehow relevant to the condition of transgender people. The operation occurred when he was 19 years old in a country too unwilling to accept diversity, which had recently come out of the rigors imposed by Nicolae Ceausescu's totalitarian regime. His obsession with population control and raising birth rates would translate into a series of policies aimed at, among other things, the aggressive promotion of marriage, prohibition of abortion, or outlawing

* “Constantin Rădulescu-Motru” Institute of Philosophy and Psychology of the Romanian Academy, Blvd. 13 September, no. 143, sector 5, 050711, Bucharest, Romania; E-mail: mihai_micle@yahoo.com.

of sexual relations between people of the same gender. Decades of sexual prohibitions and repression would have long had their mark on Romanian society after its removal from power in December 1989. Although abortion was to be liberalized immediately after the events of 1989, successive regimes in power would manifest for at least a decade a lack of openness to accepting diversity in society. A series of changes began to be made in 2000 under the pressure of the imperative of integration into the European Union.

Under these circumstances, Sorina's experience would soon turn from a dream fulfilled into a real nightmare. In the absence of a legal framework to regulate her situation, lacking a minimum of material support to allow her to continue medical treatment, living in a society where prejudices prevailed, she would have to live in a society where prejudices prevailed she was to be marginalized, and at some point even attempted suicide.

Sorina's drama, unfortunately, has no singularity. The interviews conducted within this research would reveal that transgender people in Romania live real dramas, in the context in which their possibilities to assert their gender affiliation are limited, frequently being faced with situations of discrimination that occur and manifest themselves in their family environment, in their social interactions or with state institutions.

As for transgender prisoners, their situation is all the more complex, as they face a "double captivity" during the execution of custodial sentences.

On the one hand is the prison's captivity, and on the other hand the fact that they feel trapped in a body that does not reflect their identity. Moreover, the chances of them being socially accepted are dramatically reduced, given that they weigh on them besides the "stigma" identity and the fact that at some point they were in conflict with the criminal law.

The "marginality" of transgender people in Romania is also reflected in their "invisibility" in the space of scientific concerns, a small number of research being identified to explore their universe. Most studies address the issue of transgender people in the broader context of the problems faced by people in the LGBTQIA+ Community in Romania or sometimes Eastern Europe.

This research focuses on a number of issues such as the obstacles these people have to face in terms of their social acceptance, in the context in which the construction of ethnic identity in Romania has been and still is dominated by the Romanian Orthodox Church (Nachescu, 2005), difficulties encountered in legalizing relations between people of the same gender in Romania (Margarit, 2019) or the problem of discrimination faced by people of the Community (Stanila, Vasilescu, & Militaru, 2020; Takács, Romania). Regarding the specific situation of transgender prisoners, the research we have undertaken is a first for Romania.

The same situation can be seen with regard to the way in which the mainstream media relates to trans people, their reports concerning rather a number of initiatives in other countries (e.g. recent developments in the United States of America) or events involving trans people enjoying international visibility.

A real concern about exploring the problems they face in Romania can be seen in a number of “niche” websites that, most of the time, address an urban, educated audience.

Transgender people – a challenge to the prison system?

For a long time, prisons were true bastions of masculinity. They were designed by men for men, constantly promoting toxic masculinity, predominating relationships of domination, devaluation of women, homophobic attitudes or brutal violence (Kupers, 2005). In practice, this state of affairs translates into segregation between “strong” and “weak” prisoners, the latter not being perceived as “real men” and therefore having to endure a series of humiliations, physical or sexual assaults; a series of humiliating rules for inmates who have a different sexual orientation than heterosexual; abuse of those imprisoned for sexual offenses; not to cooperate with the prison administration in relation to the “exemplary” punishment of those who violate this rule or of those who report the situations of abuse to which they are subject or the promotion of certain sexist values.

This toxic masculinity was to be integrated into the prison codes, and there was already a rich literature that focused on how these informal regulations are likely to lead to the perpetuation of gender stereotypes to maintain in prisons a climate in which the relations of force prevail or to the way in which the rehabilitation process is undermined (Garland & Wilson, 2013; Kupers, 2010; McGuire, p. 2011; Schwaebe, 2005).

Also, a series of research would highlight the fact that these discriminatory values and attitudes are not specific exclusively to prisoners, they can be also found at the level of prison staff. Crawley (2013) surprised the fact that sometimes female officers face a series of sexist attitudes, as the subject of degrading jokes from male staff. Just as with prisoners who do not report abuse situations they experience for fear of further retaliation from abusers, they would declare that they had a reluctance to report to their superiors the humiliating situations to which they were subjected. They were also more likely to be held accountable for their mistakes, in order to emphasize their professional inadequacy to work in a penitentiary.

In close connection with the above, there is also the fact that penitentiaries have shown a relatively weak ability to adapt their policies, but especially their practices to a number of demands regarding the gender of prisoners. An example of this is the situation of female prisoners for whom specific needs would be ignored for a long time, their treatment being almost identical to that of men, the only distinction operated is that on the segregation of prisoners in prison units according to the gender criteria

A number of changes in the situation of women prisoners were to occur in the last decades of the last century as a result of pressure from feminist movements that brought substantial criticism of the way women were treated in the criminal justice system and promoted the imperative of some practices which would have as envisioned the gender specific aspects (gender responsive practice) (Evans, 2017).

Over time, a series of research would highlight the specific needs of detained women such as the need to rethink the positioning of prison units in order to allow them to have easier contact with children or family, the existence of treatment programs, evaluation tools and intervention programs that are individualized according to their specific needs etc. (Covington & Bloom, 2007).

However, in most cases, women's prisons are still far from providing a safe space for detainees such as intervention programs tailored to their specific needs. In 2010, the United Nations issued a set of rules on the treatment of detained women and those serving non-custodial sentences (*the Bangkok rules*).

In these circumstances, increasing the visibility of transgender people in prisons would be a challenge for correctional systems, the first reason being that transgender prisoners question the primary criterion that was the basis of the separation of prisoners in prison facilities, namely, that of the gender.

Secondly, these detainees constitute a vulnerable population in a prison system that was, as I mentioned earlier, the promoter of toxic masculinity. Their vulnerability stems mainly from the fact that their personal history is marked by extreme forms of social abuse, exclusion, and stigmatization (Lenning & Buist, 2013). All these are elements that determine their social marginalization, thus facilitating conflict with the criminal law, which is often based on committing crimes in order to ensure their subsistence. As mentioned (Hughes & Eliason, 2002; Keuroghlian, Shtasel, & Bassuk, 2014; Nuttbrock, 2018), the social marginalization of transgender people translates most into problems such as homelessness, alcohol or drug addiction, mental health problems, sexually transmitted diseases, etc. In these circumstances, in the context of labor market exclusion, trans people are more likely to engage in activities such as drug trafficking, to be victims of human trafficking or to become sex workers. Also, the fact that they do not have a home significantly increases the possibility of being arrested (Grant *et al.*, 2011). Also, the lack of financial resources to enable them to legally obtain the treatments they need leads transgender people to use illicit means (Tangpricha, 2019).

Once in prison, these situations of continued abuse and discrimination – the risk of them being victims of physical abuse or rape are much higher than for the rest of the prison population (Emmer, Lowe, & Marshall, 2011; Erni, 2013). Under these conditions, transgender inmates are more likely to face a range of problems such as depression, fear, isolation (Wolff & Shi, 2009) and the risk of suicide or self-harm (e.g. self-induced castration) is significantly higher (Brown, 2010; Drakeford, 2018). Also, other factors that are likely to aggravate their situation are related to the interruption of hormonal treatments, medical staff in prisons showing restraint in prescribing such treatment (Halbach, 2015) or the denial of the right to proceed to a gender change operation during the execution of their sentence (Van Hout, Marie Claire, 2020, 2021).

Research undertaken in recent decades, initially in the United States and later in other jurisdictions, as well as the transgender emancipation movement, had

taken trans prisoners out of “invisibility” and, correlative, out of “invisibility” to encourage prison administrations to apply a number of measures to improve their situation.

UNODOC would highlight good practices for the management of transgender prisoners, whereby governments were encouraged to adopt a series of measures such as collecting data that accurately highlight the share of these detainees; establishing practices that would allow the self-identification of detainees as trans persons without any additional formalities (medical or psychological examination, legal documents etc.); the use of addressing formulas consistent with the prisoner’s preferred name; the adoption of escort practices that avoid abuse or discrimination; consultation of prisoners as to where to serve their sentence with consideration of the imperative to ensure their safety; implementation of practices aimed at avoiding unnecessary body searches; access to showers and baths in accordance with the gender identity of prisoners, ensuring their safety; facilitating access to clothes and care products that allow gender expression of the prisoner; ensuring or continuing hormonal treatment as well as facilitating gender-affirming surgical interventions; providing medical services and psychological support; implementing effective mechanisms that provide the possibility to report situations of abuse or discrimination; paying special attention to the training of the staff so that they gain an understanding of the special needs of transgender prisoners.

The prison system in Romania

The penitentiary system in Romania is subordinated to the Ministry of Justice, its activity being coordinated by the National Administration of Penitentiaries. We did not notice the existence of systematic research aimed at exploring the problems faced by LGBTQIA+ inmates.

However, a number of identified resources (reports of organizations dealing with the defense of the rights of members of the LGBTQIA+ Community or bodies dealing with monitoring the respect of prisoners’ rights, cases inferred for settlement by the European Court of Human Rights, normative acts regulating the activity of the National Administration of Penitentiaries) allow, however, to outline a general framework of the situation of these detainees.

Prior to presenting these specific issues, it should be noted that the penitentiary system is facing a number of systemic problems such as overcrowding, improper detention conditions, difficulties in providing medical services for detainees, lack of adequate support to support the social reintegration of the conditionally released prisoners (Dâmboeanu, Pricopie, & Thiemann, 2020; Durnescu & Poledna, 2020; Gorunescu, Cliza, & SPATARU-NEGURA, 2017).

Regarding the specific issue of transgender prisoners, although they exist within the Romanian prison system, they constitute an “invisible” category. Thus, the fundamental criterion underlying the separation of prisoners is their biological sex. Relevant from this perspective are the provisions of the Implementing Regulation

of Law no. 254/2013 on the execution of punishments and custodial measures using exclusively the term sex. For example, Article 4 (3) provides that the execution of custodial sentences is organized on the basis of age criteria, the sex or needs of prisoners or article 94 on the separation of young people specifying that gender separation and the established regime of execution are ensured in prisons and youth prisons. It should also be noted that one of the medical procedures prior to imprisonment also concerns genital examination of detainees. In these circumstances, gender identity issues are irrelevant when determining the place where the punishment is to be executed, namely the prison of men or women.

Given that transgender prisoners are a vulnerable category in terms of the existence of a significant risk of being victims of abuse situations, the above mentioned normative act provides for the possibility of separate imprisonment, they can be classified as vulnerable prisoners, on the basis of the criterion referring to „sexual orientation” (article 34(1)). However, it should be made clear that this separation does not operate automatically and that the additional requirement of the need for a threat to the transgender prisoner, other inmates or the safety of the detention facility is imposed. In practice, the state of danger must be proven in advance in order for a separation decision to be made, so that it can be taken, for example, after an abuse situation has occurred.

On the other hand, as has been mentioned in a number of reports (e.g. those of the Committee on the Prevention of Torture), although there are a number of procedures that allow prisoners to report situations where they are victims of abuse, they are often not used, the main reason is fear that prisoners (particularly those who are victims of sexual crimes) will face further repression. No concerns were also raised about investigating the impact of various forms of abuse on inmates.

Two judgments concerning sexual abuse (*L.Z. vs. Romania* and *Ticu v. Romania*) were identified in the ECHR practice, the Court noting in both cases that no consistent steps were taken at the level of the prison administration and judicial bodies to clarify the situations claimed, in both case the Romanian State being condemned by court decisions.

Methodology and ethics of research

The study was carried out within a research project developed within “Constantin Rădulescu Motru” Institute of Philosophy and Psychology of the Romanian Academy, its objective being to explore the condition of transgender prisoners in Romanian prisons. The identification of the subjects of the research was based on the definition of the term transgender by the American psychological Association, namely that of *“umbrella term comprising those whose gender identity or gender roles differ from those commonly associated with the sex assigned at birth”*.

From the point of view of research ethics, the research project was endorsed by the Institute’s Ethics Committee. The participation of the 20 subjects (14 transgender women and 6 transgender men) was voluntary, preliminary to interviews, based on

their informed consent. The interviews with them were semi-structured, the main areas of the evaluation regarding their life story, ways of adapting to the rigors of the prison environment, evaluation of situations of abuse outside and inside prisons etc. The interviews were recorded audio, later being transcribed and analyzed.

In all cases, there was a guard in the room where the interviews took place. Given the fact that, as I mentioned, the distribution of prisoners in prisons in Romania is based on the criterion of the sex assigned at birth, transgender women were serving their sentence in male detention units, while the transgender man served his sentences in a women's detention cell.

There were also three interviews (2 psychologists and one social worker). It was considered to identify the particularities of psychosocial intervention in relation to transgender prisoners, as well as the adequacy of their training. Considering the pioneering nature of this research for Romania and for a better understanding, and the fact that the situation of transgender people in this country has not been the subject of systematic studies, we aimed for the results to be discussed in the context of the information obtained from the discussions with representatives of the association ACCEPT (an organization that aims to defend and promote the rights of the LGBTQIA+ Community), but also those identified by the research team and which concern the situation of transgender people (reports, press articles, etc.) related to the situation in Romania.

Results of the research

1. Data on the family and social environment prior to imprisonment

The characteristic of the investigated lot is that most of the research subjects (20 convicted in several prisons in the country – the costs of the research, for example: traveling by personal car to the prisons in the country, Timișoara, Arad, Gherla, Oradea etc. were supported by researchers) originate in family environments characterised by socio-economic marginalisation. Interviews with them would highlight the lack of a family environment in which they would benefit from adequate material/moral support as well as a minimum concern of the parents regarding the upbringing, education and supervision of the interviewees. Under these conditions, they follow a social evolution characterized by repeated leaving of the house, living in the streets, situations of institutionalization. Sometimes they were taken over for care by some relatives, but their stay in the new context would also be short-lived. It is relevant from the perspective of this instability and gender alterity, with subjects perceiving from an early age (sometimes 5–6 years) that there is no correlation between their biological gender and the one to which they affirm their belonging. In these circumstances, references constantly appear to aspects such as the desire to adopt a dress or a lifestyle specific to the latter genre. The main reaction of parents/members of the extended family is to oppress these manifestations, most often by appealing to acts of physical and/or verbal violence. Abuse is a constant in the lives of those interviewed (including sexual abuse), even in environments

where they should have been protected (see placement centers). The instability faced at an early age by the disorganized lifestyle, social marginalization coupled with the need for subsistence insurance would be reflected in a low educational level, the internalization of antisocial values and, ultimately, the involvement in the Commission of crimes. Regarding the offenses for which they were convicted, these are patrimonial crimes (theft / robbery). Regarding subsistence insurance, most subjects refer to involvement in activities such as prostitution/videochat. No subject was previously involved in specialized psychological counseling services. Also, gender identity is manifested especially at the level of clothing objects, physical postures, etc., the subjects having not the material possibility in the first place to take the necessary steps to perform a gender change surgery. Sometimes, they resort to hormonal treatments, but they are not administered on the basis of a medical prescription or under medical supervision also due to insufficient material resources, lack of medical insurance etc. a number of 6 subjects reported significant periods of time (more than one year) outside of the country (Western European countries).

2. The situation of transgender people within the Romanian prison system (preliminary information)

a. Identification of transgender prisoners

The Romanian prison system continues to operate with the criterion of sex in determining the type of unit in which the punishment is to be executed. The determination is made after a medical visit, which involves examination of the body of the convicted person, identification of the biological sex. Gender-based affiliation is of no relevance from the perspective of the classification of prisoners (*for them I am a man...no matter how I feel and consider myself*).

b. Name and surname

Communication is made using almost exclusively the name and surname of the transgender person that he or she has in his or her identity documents. The fact that it adopted another name in an informal manner that represents belonging to the assumed gender is of no relevance to the prison authorities. Sometimes this name is used by prison staff in an ironic manner rather than as a recognition of gender assumed by the transgender prisoner. This mention is also valid in his relationship with the other prisoners (*here the prisoners and the personnel know me as Adița*).

c. Escort of transgender prisoners

It is done exclusively in relation to the regulations of the national Administration of Penitentiaries. If gender identity is not recognized, the escort is always provided by persons who have the same biological sex as the escorted prisoner. This is likely to cause a number of inconvenience to the latter in view of the preliminary procedures of the escort services involving, inter alia, physical searches.

d. The detention spaces

At the time of the interview, the subjects were either in detention facilities corresponding to the punishment regime or in the hospital as a result of health problems. None of them were in spaces for vulnerable prisoners. In the detention environment they assume gender identity, stating that they are tolerated by other inmates. However, the relationship with them is marked by the observance of some “customs” of the penitentiary system. Being considered “impuri” must avoid any contact with the objects of roommates, adopt a reserved attitude towards them (*I can't eat at the table with the others. Now people know me, I've been here for four years. I chose a bed further and I have to follow the rules of the room. There are a lot of rules. Not to touch their things, not to shake hands with them, not to wear their clothes, not to be smarter than them, not to respond to challenges, there are many things. One gets very marginalized.*) The interviews also showed that sometimes transgender prisoners receive “protection” from other inmates, this protection being based on providing sexual benefits to the “protector” (*When I went to prison, I didn't have a hard life. In the penitentiary when I entered I was hooked up with a comrade who among the thieves had a back. And he was protecting me. And I had friends in the system with whom I had committed crimes outside.*) Sometimes separation from the prisoner induces a sense of insecurity for the transgender prisoner, which is seen in the situation of adopting a series of strategies to be in his or her vicinity (e.g. accumulation of disciplinary sanctions in order to be transferred to a detention facility under the same enforcement regime) (*My relationship in Giurgiu lasted 2 and a half years. He was assigned here in Jilava in semiopen regime, I stayed in Giurgiu, a few months later they assigned me here. He wasn't obedient and made some incident reports and went to jail. I had to make intentional incident reports to get there... I loved him so much that I put my release at stake. We got back to Giurgiu, and he was already back here in Jilava. I stayed there for another year and it was over. He's out there now, and we're still in touch by means of letters exchange.*) Another fact highlighted by our research is that transgender prisoners have a more favorable condition, in relation to other inmates, than those who are homosexual.

e. The assertion of gender alterity in the penitentiary environment

In particular, transgender female prisoners are acutely aware of prison regulations' prohibitions against wearing specific clothes. In these circumstances, I resort to a number of “strategies” for asserting gender belonging such as nail painting, wearing women's underwear, adopting a specific style of speech and physical postures. Also, the use of perfumes is prohibited, the violation of this ban entailing disciplinary sanctions (*perfume no way... I tried to wear some clothes more like this... but I am not allowed to wear women's clothes... what matters is the attitude. I had a popular music contest here in prison, and I made my own woman popular costume*). Although as mentioned in the official communication, all transgender prisoners have a name that is consistent with the assumed gender

identity, which they preferred to use in their interaction with members of the research team (*Everyone knows me here as Adița*).

Regarding the possibility of serving the sentence in places of gender identity specific detention and not of consistency with biological sex, subjects (almost unanimously) they would declare that such an approach would be unlikely to bring about a major qualitative change in living in the prison environment.

f. Searches (n.t. & body searches)

They are carried out by prison staff of the same biological sex as the prisoner's. However, the research subjects stated that this aspect is not an impediment/is not likely to cause them discomfort.

g. Access to specialized medical services/hormonal treatments/gender change operations

Access to current medical services is a problem faced by the majority of prisoners, its chronic character being highlighted in the evaluation reports of the penitentiary system drawn up by the Committee of Torture Prevention in penitentiaries. Under these conditions, hormonal treatments are non-existent, especially since they were not followed before the arrest under medical supervision. They are also not part of the package of medical programs that prisoners can benefit from. The same is true of gender change operations. Unlike other jurisdictions, the initiation of such proceedings during the execution of the sentence has not yet been requested in Romania. However, such an intervention during the execution of the sentence is unlikely to be carried out within the Romanian prison system. From the analysis of the interviews conducted in the community with the representatives of the „Accept Association”, it appears that these medical services/hormonal treatments involve very high costs, but also the carrying out of preliminary procedures (psychological and psychiatric assessments, prior counseling, hormonal treatments etc.) (*The condition can be defined by two words: Very difficult. On the other hand, every trans experience is equally valid but is individual and is practically a lottery. First of all, we do not have any kind of service, medical procedure, specialists to support us in the medical transition. From a legal point of view, changing acts is a difficult, arduous, long-lasting and intrusive and abusive process. On the social side, it is already known that transgenderism is a taboo subject, it is followed by a very big stigma that starts from the family, when you opened this topic in the family and made your coming out. Most of the time you get an attitude of rejection that can be left with giving out of the house, beating. This is reflected in school, and in the workplace, in all aspects of a person's life*).

h. Access to psychological support services

There are no specialized personnel or specialized programs in the Romanian penitentiary system focused on the specific needs of transgender prisoners. The interviews conducted with specialists in the socio-educational field were to highlight the fact that the expertise they had in terms of interaction with this category of

prisoners had been obtained exclusively as a result of a personal interest/approach. The inmates would declare in their interviews that a number of specialized approaches would help them better manage their gender otherness (*It was strictly my strict desire to know this separate category, I found out they had a special room and organized a project with another theme and called some of them who were suffering from anxiety. So I had the opportunity to work with them on the project. I've been working for six months. I crossed paths with 3 transgender*).

i. Access to sexually transmitted diseases/HIV prevention services

Within the national Administration of Penitentiaries there are a number of programs for the prevention and information of sexually transmitted diseases/HIV carried out by prison units or non-governmental organizations in the community. There is also a condom distribution program.

j. Access to abuse reporting mechanisms

Although such mechanisms have been implemented in the practice of prison units, they are relatively rarely used by inmates.

The reasons are multiple, but the most important is the lack of confidence in the purpose of the attempts to bring to the attention of possible abuses. This is as the CPT monitoring reports also reveal a tendency for authorities to “cover up” situations of abuse reported by detainees. Given the fact that the interviews were conducted in the presence of a guard, the subjects of the research clearly had a number of retentions in openly discussing abuses in the detention environment, being evasive in their responses provided. In these circumstances, more information could be obtained following their release from the penitentiary.

k. Access to conjugal visits

Given that conjugal visits are allowed exclusively to married prisoners, none of the subjects could request conjugal visits for their partners from before being incarcerated.

CONCLUSIONS AND FUTURE RESEARCH DIRECTIONS

The research carried out has highlighted the following aspects:

- a. At the level of the National Penitentiary Administration there is still no adequate understanding of the concept of transgender inmate. This fact was to be highlighted by the difficulty of identifying subjects during the research given that the research team was proposed to conduct interviews with detainees who did not fit the rigors of defining a transgender person;
- b. The administration is not yet aware of the importance of training staff on the specific needs of this category of prisoners;
- c. The Romanian prison system continues to operate with the concept of biological sex, which leads to a series of difficulties regarding the search and placement in the detention space;

d. The results of the research highlighted the fact that there are no trained persons in the Romanian penitentiary system specialized in the specifics of the intervention with transgender persons;

e. Given the specific conditions for conducting interviews (in the presence of guards) we consider that the continuation of the project can be considered by interviewing transgender prisoners after the moment of release from the penitentiary;

f. Deepen research by reporting to the United Nations Framework on good practice in relation to transgender prisoners.

Received: 23.08.2022

BIBLIOGRAPHY

1. BROWN, G.R., *Autocastration and autopenectomy as surgical self-treatment in incarcerated persons with gender identity disorder*, International Journal of Transgenderism, **12**, 1, 2010, p. 31–39.
2. COVINGTON, S.S., & BLOOM, B.E., *Gender responsive treatment and services in correctional settings*, Women & Therapy, **29**, 3–4, 2007, p. 9–33.
3. CRAWLEY, E., *Doing prison work*, Routledge, 2013.
4. DÂMBOEANU, C., PRICOPIE, V., & THIEMANN, A., *The path to human rights in Romania: emergent voice (s) of legal mobilization in prisons*, European Journal of Criminology, 2020, 1477370820966575.
5. DRAKEFORD, L., *Correctional policy and attempted suicide among transgender individuals*, Journal of correctional health care, **24**, 2, 2018, p. 171–182.
6. DURNESCU, I., & POLEDNA, S., *Prison leave in Romania and the power of street level bureaucrats*, European Journal on Criminal Policy and Research, **26**, 2, 2020, p. 231–246.
7. EMMER, P., LOWE, A., & MARSHALL, R.B., *This is a prison, glitter is not allowed: experiences of trans and gender variant people in Pennsylvania's prison systems*, Philadelphia, PA: Hearts on a Wire Collective, 2011.
8. ERNI, J.N., *Legitimizing transphobia: The legal disavowal of transgender rights in prison*, Cultural Studies, **27**, 1, 2013, p. 136–159.
9. EVANS, K., *Gender Responsive Justice: A Critical Appraisal*, Taylor & Francis, 2017.
10. GARLAND, B., & WILSON, G., *Prison inmates' views of whether reporting rape is the same as snitching: An exploratory study and research agenda*, Journal of interpersonal violence, **28**, 6, 2013, p. 1201–1222.
11. GORUNESCU, M., CLIZA, C., & SPATARU-NEGURA, L., *The pilot case of Rezmives and the most awaited reform of the Romanian penitentiary system*, Studii Juridice și Administrative, **2**, 17, 2017, p. 27–45.
12. GRANT, J.M., MOTTET, L., TANIS, J.E., HARRISON, J., HERMAN, J., & KEISLING, M., *Injustice at every turn: A report of the national transgender discrimination survey*, National Center for Transgender Equality, 2011.
13. HALBACH, S., *Framing a narrative of discrimination under the Eighth Amendment in the context of transgender prisoner health care*, J. Crim. L. & Criminology, **105**, 2015, p. 463.
14. HUGHES, T. L., & ELIASON, M., *Substance use and abuse in lesbian, gay, bisexual and transgender populations*, Journal of Primary Prevention, **22**, 3, 2002, p. 263–298.
15. KEUROGHLIAN, A.S., SHTASEL, D., & BASSUK, E.L., *Out on the street: a public health and policy agenda for lesbian, gay, bisexual, and transgender youth who are homeless*, American journal of orthopsychiatry, **84**, 1, 2014, p. 66.

16. KUPERS, T.A., *Toxic masculinity as a barrier to mental health treatment in prison*, Journal of clinical psychology, **61**, 6, 2005, p. 713–724.
17. KUPERS, T. A., *Role of misogyny and homophobia in prison sexual abuse*, UCLA Women's LJ, **18**, 2010, p. 107.
18. LENNING, E., & BUIST, C.L., *Social, psychological and economic challenges faced by transgender individuals and their significant others: Gaining insight through personal narratives*, Culture, health & sexuality, **15**, 1, 2013, p. 44–57.
19. MARGARIT, D., *LGBTQ rights, conservative backlash and the constitutional definition of marriage in Romania*, Gender, Place & Culture, **26**, 11, 2019, p. 1570–1587.
20. MCGUIRE, M.D., *Doing the life: An exploration of the connection between the inmate code and violence among female inmates*, JJIS, **11**, 2011, p. 145.
21. NACHESCU, V., *Hierarchies of difference: National identity, gay and lesbian rights, and the church in postcommunist Romania*, Sexuality and gender in postcommunist Eastern Europe and Russia, 2005, p. 57–77.
22. NUTTBROCK, L., *Transgender sex work and society*, Columbia University Press, 2018.
23. SCHWAEBE, C., *Learning to pass: Sex offenders' strategies for establishing a viable identity in the prison general population*, International Journal of Offender Therapy and Comparative Criminology, **49**, 6, 2005, p. 614–625.
24. STĂNILĂ, L., VASILESCU, M.D., & MILITARU, E., *Investigating Labor Market Discrimination in Romania*, Sustainability, **12**, 12, 2020, p. 4983.
25. TAKÁCS, J., *Social exclusion of young lesbian, gay, bisexual and transgender (LGBT) people in Europe*, ILGA Europe Brussels, Belgium, 2006.
26. TANGPRICHA, V., *Transgender Medicine*, An Issue of Endocrinology and Metabolism Clinics of North America Ebook: Elsevier Health Sciences, 2019.
27. Van HOUT, M. CLAIRE, *The 'double punishment' of transgender prisoners: a human rights based commentary on placement and conditions of detention*, International Journal of Prisoner Health, 2021.
28. Van HOUT, MARIE CLAIRE, STEPHANIE KEWLEY, and ALYSON HILLIS, *Contemporary transgender health experience and health situation in prisons: A scoping review of extant published literature (2000–2019)*, International journal of transgender health, **21**, 3, 2020, p. 258–306.
29. WOLFF, N., & SHI, J., *Contextualization of physical and sexual assault in male prisons: Incidents and their aftermath*, Journal of correctional health care, **15**, 1, 2009, p. 58–77.

REZUMAT

Articolul prezent reprezintă continuarea preocupărilor autorilor cercetării în ce privește provocările pe care deținuți transgender le ridică sistemului penitenciar românesc. În acest sens, pornind de la interviuarea a 20 de deținuți transgender, a doi psihologi și a unui asistent social, cercetarea urmărește să identifice caracteristicile psihosociale ale acestora, existența unei concordanțe între practicile utilizate în cadrul sistemului penitenciar din România și bunele practici elaborate la nivelul Națiunilor Unite în scopul asigurării unui management corespunzător a deținuților transgender. S-a reliefat că sistemul penitenciar românesc nu operează cu noțiunea de deținuți transgender, diferențierea deținuților și procedurile care îi vizează având la bază criteriul sexului biologic. Se impune specializarea personalului în ce privește specificul intervenției cu persoanele transgender și implementarea acestora în practica sistemului penitenciar românesc.