

Romania

BIAS-MOTIVATED SPEECH

A fake news video featuring a group of men pretending to be trans women and wearing shirts with symbols of the Save Romania Union liberal political party, was shared online in August. The video shows residents of Voluntari, a Bucharest suburb, booing the group in a close-to-lynching atmosphere. The video was shared over 200,000 times on social media. Local LGBTI organisation ACCEPT filed a criminal complaint for incitement to hatred and discrimination, which is criminalised in Romania, on behalf of several trans people.

EDUCATION

On 16 June, the Senate approved a bill banning any discussions in schools and universities on “gender theory” and its “promotion”, including definitions of gender identity as potentially different from sex assigned at birth. The bill was tabled by the centre-right Popular Movement Party and passed with the support of the Romanian Socialists, PES members. Representatives of the orthodox church publicly supported the proposed ban.

This bill sparked protests by universities, professors, and students; statements by universities; petitions and joint civil society statements; flashmobs; appeals by academics worldwide; and criticism by the EU LGBTI Intergroup and UN mechanisms.

Trans people, and particularly trans youth have come forward publicly to speak about the devastating effects the law could have on them personally, and the trans community as a whole.

On 10 July, President Klaus Iohannis appealed to the Constitutional Court requesting it assess the proposed legislation’s constitutionality. On 16 December, the Constitutional Court ruled that the ban was unconstitutional - a judgment welcomed by civil society.

FAMILY

On 21 September, the Council of Europe Commissioner for Human Rights, Duna Mijatović published her third party intervention in the Florin Buhuceanu and Victor Ciobotaru v. Romania and 20 other cases pending at the European Court of Human Rights concerning the lack of family recognition. The Commissioner affirmed that same-sex families are part of the diversity of families in Europe, and that states must ensure legal recognition to same-sex couples in a non-discriminatory manner, whether through marriage, civil unions, or registered partnership. Local organisation ACCEPT filed the cases last year, making this the largest coordinated group effort against a State at the level of the European Court for the recognition of rainbow families.

On 28 October, the European Commission started a pre-infringement procedure against Romania, following a complaint submitted by ACCEPT Association in light of the lack of implementation of the Coman judgement. The complaint was filed in 2019 and concerns the ongoing case of a Romanian citizen returning with their Serbian spouse, following living and working in Germany. Romania continues to bar same-sex spouses in exercising their freedom of movement, and has refused to grant a residency permit for the Serbian spouse.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Antonella Lerca, a Roma trans sex worker, became the first-ever trans person to try running for office as part of the September municipal elections. Lerca collected 300 signatures during her campaign, not reaching the necessary threshold that would have put her on the ballot.

SEXUAL AND REPRODUCTIVE RIGHTS

In June, parliament adopted a bill erasing “sanitary education” from the law on the rights of the child, which was the only reference of its kind in Romanian legislation. The law was adopted in 2004. In the same year, the government introduced the optional subject “education for health”, which contains some lessons on sexuality but has been very poorly implemented. Only 6% of schools have introduced this class in their curriculum, while the rate of pregnancies and STIs among youth are among the highest in Europe. The President sent the bill to the Constitutional Court for review. In September, the Constitutional Court ruled that the bill was constitutional. The bill is now being reexamined by parliament.



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