

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

Country: Romania

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1. INTRODUCTION

Romania's latest ranking in the Gender Equality Index, on the 26th position in the European Union (European Institute for Gender Equality 2020), offers a good reference for ascertaining the general climate in which the particular issue of GBV in universities or RPOs is developing. Currently, there are no institutional initiatives to understand or combat the phenomenon. As suggested by a journalistic investigation on sexual harassment in universities (Oncioiu 2017), there is much resistance in the academic environment to addressing the issue through mechanisms of prevention, protection, disciplinary action against perpetrators or support for victims.

While the quoted journalistic investigation revealed only 3 cases of sexual harassment which have passed through the internal grievance procedures of public universities between 2005-2015, the 2021 findings of an exploratory study on sexual harassment in universities by the Initiative Act for Safety in Universities and FILIA Centre suggest a much greater scale of the phenomenon (Inițiativa Acțiunăm pentru siguranță în universități and Centrul FILIA 2021). The publication of the study received abundant national media coverage. Despite the momentary spike in the media visibility of GBV in universities that the study occasioned, there were no explicit institutional reactions from policymakers or academic institutions. Other occasional public or media visibility of particular cases of sexual harassment (in 2017) did not trigger an institutional response and did not engage institutional actors in the debate.

Despite the Law of National Education requiring universities to have a Code of Ethics, it does not require provisions against GBV to be included. An analysis conducted on the Codes of Ethics of the 55 public universities in Romania (Rusu and Samoilă 2018) found that only 29% of the documents mention sexual harassment, only 16.3% define the phenomenon and only 4.5% mention specific procedures to address it.

2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

Romania has no legal framework or policies addressing GBV in universities and RPOs. There are laws, policies or strategies on education, research or gender equality that could be amended or further developed to include specific references to the issue.

The legislation addresses gender equality in education as part of Law 202/2002 on Equal Opportunities and Equal Treatment for Women and Men, while GBV would fall under provisions of the Penal Code on harassment and sexual harassment, as well as of Governmental Ordinance 137/2000 on the Prevention and Sanctioning of All Forms of Discrimination, Law 174/2018 on the Prevention and Combat of Domestic Violence, and Law 30/2016 for the Ratification of the



Council Of Europe's Convention Regarding the Prevention and Combat of Violence Directed against Women as well as Domestic Violence.

The Penal Code defines sexual harassment as the repeated demand of sexual favours occurring in the context of a work relation if the victim was intimidated or humiliated in the process (article 223).

Law 202/2002 on Equal Opportunities and Equal Treatment for Women and Men provides a more detailed definition of sexual harassment as an unwanted sexual behaviour manifested, either physically, verbally or non-verbally, with the result or aim to affect the dignity of the person and to create an intimidating, hostile, degrading or offensive environment. The same law also defines gender and gender violence, as well as direct and indirect discrimination, multiple discrimination, psychological and indirect violence, harassment, psychological harassment. Under the law, the scope of gender violence includes domestic violence, sexual violence, female genital mutilation, forced marriage, forced abortion and sterilisation, sexual harassment, human trafficking and forced prostitution (article 4). Articles 14 and 15 regulate equal opportunities and equal treatment in the field of education. It nominates the Ministry of Education as the institution responsible for:

- the training, preparation and information of all teaching staff at any level of education on the topic of equal opportunities between women and men;
- the issuing of recommendations for the inclusion in university curricula of issues such as sex-based discrimination and negative behavioural stereotypes regarding gender roles;
- the monitoring, in collaboration with higher education institutions, of the implementation of equal opportunities and equal treatment between women and men in the day-to-day activity of the teaching institutions.

Governmental Ordinance 137/2000 on the Prevention and Sanctioning of All Forms of Discrimination classifies gender-based discrimination as well as gender-based harassment as contraventions (article 2). The Ordinance details the meaning of and sanctions for moral workplace harassment (article 2), defined as any behaviour of an employee against another employee which affects the rights and dignity of the employee, affecting his or her physical or mental health or compromising their professional prospects. Hostile or unwanted behaviour, verbal comments, actions and gestures qualify as forms of moral workplace harassment. The Ordinance also guarantees gender equality in access to education (article 11).

The legal framework on ethics and proper conduct in research and higher education does not include specific provisions on GBV. The Law of National Education no 1/2011 includes sections addressing ethics in universities. In order to ensure ethics in teaching and in research, the Law demands that universities have a Code of Ethics and University Deontology included in the University Charter (Article 130), the formal basis for the sanctioning of GBV at the university level. The law specifies three categories of provisions that need to be included by all universities in their Codes: conflicts of interest and incompatibilities; professional relations between spouses and relatives, as well as measures to guarantee the originality of works. The legislators specified no legal obligation for universities to include provisions against GBV in their Charters, likely because of poor awareness among lawmakers of gender-specific needs in higher education, of the prevalence of issues such as sexual harassment at the university level and, more generally, because of an overall lack of gender-sensitive legislation to be taken as a frame of reference. The Law specifies sanctions for the violation of university ethics and for improper conduct in



research and requires universities to designate committees of ethics to oversee this process. Cases that are classified as violations of proper conduct in research must be examined by the National Council of Ethics in Scientific Research, Technological Development and Innovation. Ethics in research is further addressed by Law no 206/2004 on the Proper Conduct in Scientific Research, Technological Development and Innovation, but with no mention of GBV either.

The objectives of the National Strategy for the Promotion of Equal Opportunities and Equal Treatment of Women and Men and for the Prevention and Combat of Domestic Violence 2018-2021, together with the Operational Plan, include the introduction of gender mainstreaming in education as well as in national policies and the improvement of women's situation on the labour market, but the envisaged measures are rather vague and do not include realistic and specific references to institutional partners or resources. The previous National Strategy for the Promotion of Equal Opportunities and Equal Treatment of Women and Men and for the Prevention and Combat of Domestic Violence 2014-2017 engaged in combating gender violence through fighting against harassment and sexual harassment in the workplace, but neither mention GBV in educational or research institutions.

The National Strategy for Research and Development and Innovation 2014-2020 mentions the allocation of a significant part of activities to addressing "societal problems" among specific objectives. Gender equality or gender violence are not included among the issues addressed by the objective. The National Plan for Research and Development and Innovation 2015-2020, the main instrument for the implementation of the above-mentioned Strategy, includes no provision on gender whatsoever.

The National Strategy for the Occupation of Labour Force 2014-2020 acknowledges the vulnerable position of women on the labour market and aims to close the gender gap in regard to participation, but does not identify among the roots of the problem factors from the sphere of GBV in the workplace (access to education, maternity leaves, lack of caregiving facilities and discriminatory attitudes of employers towards women are mentioned as underlying causes).

There is no dedicated institution for combatting GBV in universities, but there are several institutions that should assume attributions on GBV in universities and RPOs. The main policy-makers are the Ministry of Education, the Ministry of Research, Innovation and Digitisation, the Ministry of Labour and Social Protection together with its subordinated National Agency for Equal Opportunities between Women and Men (which coordinates the implementation of the Istanbul Convention as well as draft and implement the National Strategy for the Equal Treatment of Women).

Other potentially relevant institutional stakeholders, with no contributions so far to addressing GBV, could be the Romanian Agency for Quality Assurance in Higher Education (ARACIS), an autonomous public institution responsible for the implementation of quality assurance, or the Executive Unit for the Financing of Higher Education, Research, Development and Innovation (UEFISCDI).

When it comes to ingraining a vision that could set the tone for institutional change in research and higher education, the National Council of Rectors or the Romanian Academy could become key stakeholders, but these institutions have not shown an interest in gender issues in the past. Student representative bodies such as the Romanian National Alliance of Student Organisations could also contribute to advancing the topic on the public agenda.



Advancements on the topic of GBV in universities are more likely to be expected as a result of pressures from civil society organisations, such as the Romanian Network for Prevention and Combating Violence against Women, the Coalition for Gender Equality, the Network “Break the Silence on Sexual Violence”, as well as the individual NGOs which constitute their membership. Of particular interest is the activity of FILIA Centre (feminist NGO), initiator of a campaign entitled “Stop sexual harassment in universities” in 2016 and of the Gender Barometer in 2018 (Grünberg 2019), as well as of a guide for the prevention and combat of sexual harassment in universities (Rusu and Samoilă 2018).

There is no presence of GBV in HEIs’ curricula in fields such as medicine, police or the army. There are two MA programmes focused on gender studies: the Master of Arts in Policies, Gender and Minorities – founded in 1998 at the National University of Political Studies and Public Administration, Bucharest and the Master of Arts in the Politics of Equal Opportunities in Romanian and European Context, organised by the University of Bucharest.

3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

The global #MeToo movement and its momentum in Romania, triggered by testimonies from the local celebrity scene, aroused media interest in a 2017 testimony of GBV in universities.

The public Facebook post of a former student who had been sexually harassed by a professor in one of the prominent Romanian universities became a piece of news published by the main media outlets. Some publications documented the case further and found that the professor had also received a formal complaint from a different student and, as a result, he was not dismissed but transferred to a non-teaching position in the university. The event had a strong reflection in the national and local media, both television and the written press, but there was no visible effect aside from the public awareness regarding the occurrence of sexual harassment in the academic environment. All media reports accounts were generally neutral in tone and successfully avoided victim-blaming. Many of the articles made the victim's identity public, and it is unclear whether they reached her for comments. No follow-up article beyond the first report could be identified in the media.

Initiatives echoing the #MeToo movement are mainly grassroots student initiatives. The Initiative Act for Safety in Universities was created in 2016 by students from the National University of Political Studies and Public Administration to advocate for the creation of institutional mechanisms for reporting, investigating and sanctioning sexual harassment in universities. In 2017 the group drafted a university policy proposal and campaigned for its adoption in the university, and initiated the first prevalence study of sexual harassment in universities. A second initiative from a student group to address GBV in universities belongs to the Association of the Students at the University of Arts in Bucharest: the #amzisNU [I said no] campaign against sexual harassment, started in March 2021. It includes suggestions for the improvement of the University’s Code of Ethics, as well as offering support for the victims.

Romania signed the Istanbul Convention in 2014 and ratified it in 2016 with 100 votes in favour, one vote against and one abstention in the Romanian Senate (the decisional chamber). The ratification was rather uneventful and received very little reflection in the media. One of the ratification’s effects was the legitimization of gender as a social and legal reality. This development was linked to a campaign initiated in 2015 by the Coalition for Family (a group of NGOs including Orthodox, right-wing and anti-abortion associations) to request a national referendum for the modification of the constitutional definition of the family. The referendum failed due to



insufficient turnout, proposed the changing of the gender-neutral language (“spouses”) of the constitutional article to explicitly define family as the result of the marriage between a man and a woman. It represented one of the Coalition’s legal battles to prohibit same-sex marriage and to fight against the so-called “gender ideology”.

Perhaps the most remarkable recent public debate referencing the provisions of the Istanbul Convention and its ratification was triggered by the adoption by the Romanian Senate in June 2020 of an amendment to the Law of Education to forbid activities “to disseminate the theory or opinion about gender identity, understood as the theory or opinion that gender is a concept different from biological sex” in educational institutions. The law project was eventually declared unconstitutional and rejected by the Constitutional Court as a result of a Presidential appeal, paired with an outcry from the academic community and from the civil society. Notably, a detailed appeal to the Constitutional court was filed by a group of universities, research institutions and academic associations coordinated by the National University of Political Studies and Public Administration and signed by over 800 professors and researchers. The academics’ appeal claimed that the law project constituted an infringement on academic freedom, as well as clashing with the national legislation and the international treaties signed by Romania, including the Istanbul Convention.

The National Council of Rectors issued a statement against the amendment invoking academic freedom but avoided using any references to gender. The Romanian National Alliance of Student Organisations also issued public statements criticising the amendment.

4. PUBLIC OPINION ON GBV

The 2021 findings of an exploratory study on sexual harassment in universities by the Initiative Act for Safety in Universities and FILIA Centre suggest that there is a significant prevalence of the experience of sexual harassment in universities, as well as its perceived presence. The online survey collected 368 responses from students, graduate students and alumni of over 10 public and private universities in the autumn of 2020. It found that over 30% of respondents declare to have been subjected to various forms of sexual harassment in a university context, over 37% witnessed instances of sexual harassment, and 70% believe that the phenomenon is present in their university (Inițiativa Acțiunăm pentru siguranță în universități and Centrul FILIA 2021).

Another relevant survey is the Gender Barometer 2018, a national public opinion survey commissioned by Centrul FILIA (Grünberg 2019). Aside from domestic violence, in the area of GBV, the survey investigates the experience and the perception of harassment in the public space (most indicators of this category refer to sexual harassment). From a multi-stage and multi-stratified sample of 1140 adults, over 50% of respondents declared themselves bothered by each type of street harassment. Over 10% of female respondents reported direct experience of comments on the physical aspect, insistent stares, catcalling, winking or touching by unknown persons on the street. While women aged 18-29 were more likely to experience harassment, they were less likely than women over 60 y.o. to find these behaviours upsetting.

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

No impact of COVID-19 on discussions about GBV in universities and research organisations could be documented.



6. CONCLUSION

In recent years there have been some slow improvements in the policies and measures against GBV in general in Romania, mainly addressing domestic violence. At the level of universities and RPOs, pioneer actions were recorded in the direction of awareness-raising, research and advocacy, but were limited to grassroots level initiatives (student groups) or to initiatives by feminist NGOs.

There is a reason for optimism due to the constant institutionalisation of the study of gender and gender issues in the local academic curricula (at the moment, mainly in the social sciences). This advancement is likely to further consolidate an already existing body of scholarship and expertise. This could potentially increase the legitimacy of gender expertise among academic qualifications and advance the integration of these experts among the human resources of policy-makers. At the moment, there is a strong disconnect between the activity and expertise of civil society in the field of gender equality and the authorities in the field of education, research or labour, which have attributions in combatting GBV in universities and research organisations. There is a lack of human and financial resources, which prevents advancements on the topic. The fields of education and research are systematically underfunded: the budget of the Ministry of Education is typically under 3% of the GDP, while the institutionalisation of the Ministry of Research is impeded by its repeated repositioning as a department within the Ministry of Education. At the level of the Ministries of Education and Research, respectively, there is a lack of awareness on the scale of the problem due to lack of data collection and a lack of vision for building comprehensive policies to respond to GBV in a structured manner. Both issues could be addressed through better partnering with relevant actors, which could range from the networks of civil society organisations to the Agency for Equal Opportunities between Women and Men and student associations. The responsibilities for institutional gender mainstreaming, advancing gender budgeting, and creating public awareness on gender issues fall among the attributions of the National Agency for Equal Opportunities between Women and Men. The Agency's potential is severely limited by underfunding, understaffing and politicisation. The implementation of the Istanbul Convention and the impact of the Strategies and Plans for gender equality is still very limited.

There is further cause for concern due to the lack of progress in introducing gender issues in the school curricula, the lack of sexual education and reproductive health education in schools, the general regional climate of backlash against women's rights, gender identities and gender equality.

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