



The EU Mutual Learning Programme in Gender Equality

Preventing sexual harassment

Copenhagen, 22-23 September 2022

Comments paper – Romania



Ein Unternehmen der ÖSB Gruppe.

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This publication is supported by the European Union Citizens, Equality, Rights and Values Programme (2021-2027).

This programme is implemented by the European Commission and shall contribute to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted and protected.

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Sexual harassment – assessment and intervention in Romania

Monica Barbovschi

Romanian Academy, Institute of Sociology

Abstract

Sexual harassment and sexual violence continue to permeate public and institutional spaces; therefore, prevention efforts should be stepped up, measures implemented and followed up by rigorous evaluation. There are several government and civil society initiatives in Romania that have been implemented over the past years in the workplace and education, including a recent law (2018) which finally stipulates and sanctions street sexual harassment. Following the Dutch and Danish examples, more efforts should be placed in clearly operationalising sexual harassment in various contexts, as well as implementing clearer procedures for reporting and ensuing sanctions/ consequences. Furthermore, key professionals that are involved in cases of sexual harassment (e.g. police officers, gendarmes, social workers, legal and medical staff, teachers/ educators) should attend compulsory trainings in order to be able to identify sexual harassment and gender-based violence. Finally, education for respect and consent is instrumental in catalysing sustainable cultural change.

1. Relevant country context and policy debate on preventing sexual harassment

1.1 Brief assessment of the situation in Romania

1.1.1 Brief assessment of legislation in Romania

In EU-27, 41% of people have experience harassment, with sexual harassment being a gendered phenomenon (18% of women versus 6% of men), according to the FRA (2021) survey on violence and harassment.

In Romania, sexual harassment (SH) is sanctioned by Law 202/2002 and is defined as an unwanted behaviour with sexual connotation, expressed physically, verbally or non-verbally, having the object or the effect harming one's dignity and, especially, creating an environment of intimidation, hostility, degradation, humiliating or offensive. Moreover, in the Penal Code, sexual harassment becomes an infraction when the victim is repeatedly placed in a humiliated situation, being defined as "repeatedly requesting for sexual favours in the context of a work relationship or similar, if by this, the victim is placed in an intimidating or humiliating situation" and is punished by 3 months up to one year in prison, or with a fine (Penal Code 2009). In general, harassment is covered also by emergency ordinance OUG 137/2000 where is presented as a form of discrimination which falls under the jurisdiction of the National

Council for Combatting Discrimination (CNCD). Finally, Law no. 167/2020 expressly regulates the phenomenon of moral harassment at work and amends relevant normative acts in the field of non-discrimination and equal opportunities and treatment between men and women.

However, previous legislation did not address street sexual harassment. In 2018, a new law came into effect, the Law 232/2018, popularly known as “the law of street harassment”, to supplement previous legislation which mostly focused on work-place harassment and abuse of power in institutional settings. The law foresaw consistent fines for contraventions, between 3,000 and 10,000 RON, with more aggravated consequences for infractions. Among the contraventions established by the new law, there are mentioned any type of discrimination based on sex but also, newly introduced, any behaviour of harassment, sexual or psychological, which might happen publicly or privately. Among the most common forms of street sexual harassment are: catcalling, whistling, honking, sexual comments or innuendos, non-verbal behaviour with sexual connotation, persistent looks, indiscreet looks, stalking, groping. Moreover, harassment and hate speech against the LGBTQ+ community are on the rise in Romania, along with several cases of violent physical attacks against gay or presumed gay men being registered over the past months¹, as reported by the national NGO MozaiQ².

Finally, online sexual harassment and sexual cyberbullying are among the phenomena that have received attention in the last decade. The latest EU Kids Online survey in 19 countries show that 17% of adolescents 12 to 16 years old have been “asked by someone on the internet for sexual information (words, pictures or videos) about themselves when they did not want to answer such questions” (16% of Romanian adolescents) (Smahel et al., 2020: 86-87) and a rise in the phenomenon has been estimated during the COVID-19 pandemic³. A law incriminating revenge porn (which sometimes is accompanied by harassment of the victim⁴), has been initiated in 2019, has passed the Chamber of the Senate and is awaiting the vote in the Chamber of the Representatives^{5 6}.

Among the reasons⁷ of the low awareness of sexual harassment as a serious problem in Romania are: insufficient awareness and knowledge about what constitutes sexual harassment, the limited number of instruments and methods for evaluating/ assessing

¹<https://www.facebook.com/bogdan.a.miclea/posts/pfbid034xSmXsf93qqKQj6Cn7mgvLzm66DE72zWYHcFLvNMBVSCtToTkVPzJiPcthkWcQNoI>

² <https://www.instagram.com/p/ChKbuRcDLpu/>

³ <https://www.scena9.ro/article/revenge-porn-instagram-telegram-lege>

⁴ <https://centrulfilia.ro/revenge-porn-sau-pornografia-din-razbunare/>

⁵ <https://www.romania-insider.com/romania-incriminate-revenge-porn>

⁶ [Liber la "revenge porn" în România: Care sunt consecințele și cine blochează adoptarea legii care pedepsește vinovații - spotmedia.ro](https://www.romania-insider.com/romania-incriminate-revenge-porn)

⁷ EuroAvocatura.ro, Combaterea hartuirii morale si a hartuirii sexuale la locul de munca, in spatiile publice si in viata politica, Publicare la data de 14 Aug 2019, Coordonator avocat Marius-Catalin Predut, titular MCP Cabinet avocati.

and addressing SH, the low priority given to it by the government, limited scientific evidence and the scarcity related to specific regulations for addressing SH.

Last year, the National Strategy for Preventing and Combatting Sexual Violence "SINERGY" 2021 – 2030, has been adopted through the Government Decision no. 592/2021, supplemented by a Plan of actions to be implemented. The strategy was initiated and elaborated under the supervision of ANES, the National Agency for Equality of Chances for Women and Men⁸.

ANES was founded in 2016 under the umbrella of the Ministry of Labour, Family, Social Protection and the Elderly, with the mission of promoting equal opportunities and treatment of women and men, and combatting domestic violence and violence against women, with the role of proposing normative acts, ensuring the enforcement of normative acts and legislation and implementing EU funded programmes. ANES collaborates with NGOs (e.g. Center FILIA) in EU-funded projects in its area of activity and expertise. The agency collaborates with regional General Directions of Social Assistance and Protection of the Child (DGASPC) in matters concerning the protection of minors. In this regard, it is particularly important the mandate (which includes activities for preventing the phenomenon of harassment at work) of National Commission for Equal Opportunities for Women and Men (CONES) and County Commissions for Equal Opportunities for Women and Men (42 CCEO) which is regulated by laws.

1.1.2 Activities of the government and government agencies

The National Strategy for Preventing and Combatting Sexual Violence "SINERGY" 2021 – 2030 (initiated by ANES) is deemed first of its kind due to its collaborative and synergic aspects. The strategy includes all state agencies and institutions and envisions preventive measures to tackle sexual violence. It targets educating professional in various fields (including professionals from the judiciary field, medical staff, social workers, or police forces). It specifically targets revenge porn and sexual harassment online (including blackmailing with distributing non-consensually nude photos).

The campaign "Moral harassment is illegal! Put an end to dysfunctional work relations!", (organised by ANES in partnership with IRDO – Romanian Institute for Human Rights), 15 September – 15 October 2020, aimed to raise awareness about moral harassment at the work place, but also to publicise the newly adopted Law no. 167/2020 regarding discrimination and workplace discrimination. It constitutes moral harassment in the workplace and is subject to disciplinary, contraventions or criminal sanctions, any behaviour exerted on an employee by another employee, who is hierarchically superior, by a subordinate and/or by a comparable employee, from a hierarchical point of view, in relation to labour relations, which have as their purpose

⁸ [Strategia națională pentru prevenirea și combaterea violenței sexuale "SINERGIE" 2021-2030 și Planul de acțiuni pentru implementarea ei, aprobate de Guvern » Agenția Națională pentru Egalitatea de Șanse între Femei și Bărbați \(gov.ro\)](#)

or effect a deterioration of working conditions, by injuring the rights or dignity of the employee, by affecting his physical or mental health or by compromising his professional future, behaviour manifested in any of the following forms: hostile or inappropriate conduct, offensive verbal comments, derogatory gestures and actions, bullying/intimidation/disrespect, exhaustion and stress, harassment based on gender, race, ethnic origin, age, psychological harassment. According to the legislation in force, the employee who has been subjected to moral harassment at work cannot be sanctioned, fired or discriminated directly or indirectly. Those who commit acts of moral harassment at the workplace are subject to disciplinary action, in accordance with the law and the employer's internal regulations. Disciplinary liability does not remove contravention or criminal liability for the respective acts. However, nowhere in the law sexual harassment at the workplace is explicitly mentioned or addressed.

The National Agency ANES has also implemented an internal anti-harassment policy within its national and regional structures, with a defined area of applicability, a reporting procedure, counselling for victims and a list of sanctions and disciplinary measures against harassment, on the basis of Law no. 167/ 2020.

Finally, ANES has elaborated and implemented a Guide for standardising the plan of action with regards to equal chances and treatment of men and women in public or private entities, which has an obligatory character with regards to discrimination on grounds of sex⁹ (gender) according to Law no. 202/2002 and Government Decision no. 262/2019. The guide mentions explicitly the requirement to include sexual harassment, its definition and examples of unwanted behaviour in the internal regulations of organisations.

1.1.3 Activities of NGOs

Some of the actions and activities of Romanian NGOs and private individual initiatives are relevant for the topic of addressing sexual harassment and sexual violence, such as the activities of the Coalition for Gender Equality, the Center FILIA, Save the Children Romania, Sex vs The Stork (Sexul vs Barza) and several LGBTQAI+ right organisations (see Annex 1 for examples of activities of these NGOs).

2. Good practice examples

2.1 Implementing lasting cultural changes in society

The Romanian experiences with implementing lasting cultural changes in society in collaboration with civil society actors include the following recent actions:

- Hollaback Romania, campaign against street harassment, initiated in 2016 (see video with English translation¹⁰), research on the prevalence of street harassment experienced by women 17-38 years old. The campaign is based on the only

⁹ The Romanian legislation still uses the term “sex” to refer to gender identity.

¹⁰ <https://www.facebook.com/HollabackRomania/videos/1837131623188624>

research on street harassment done in Romania (Simona-Maria Chirchiiu's PhD thesis, published 2020)¹¹

- "Hey, pisi!" (2021) by Elena Bolintiru, was another awareness raising campaign inspired by the "What were you wearing" 2013 exhibition. The exhibition was a cultural intervention project on the topic of street sexual harassment and contributed to busting the myth of the relevance of clothes the victims wear¹².
- The initiative "Who not to date", by Oana-Maria Zaharia, as a Facebook group where women could alert each other of men deemed unsafe for dating, due to their predatory behaviour, including sexual harassment (the project has recently received financial support from the French Embassy in Romania). Oana-Maria has been for long denouncing the activity of pick-up artists (PUA) in Romanian cities (who are harassing women in the streets) and has recently called out the behaviour of the owners and employees of a pizza place in Bucharest, who were rating and catcalling women as they there passing by the restaurant¹³.
- Girl Up Romania (an initiative started by girls in high schools), in partnership with the ANAIS association, is implementing a project called "Catedra de abuz" (Teacher's desk of abuse), to monitor cases of sexual harassment of students by teachers in Romanian schools¹⁴. The project runs between 2022 and 2024 and is financed through the Active Citizens Fund by Island, Liechtenstein and Norway SEE Grants 2014-2021 and aims to address several problems related to the lack of visibility of sexual harassment in schools (e.g. lack of statistical data about the prevalence of the phenomenon, lack of prevention and awareness programmes, lack of support for victims). However, at a recent (June 2022) protest in front of the Bucharest School Inspectorate, the protesters from Girl Up (most of them minors), were hassled and harassed by the local gendarmery, and subjected to sexual harassment by a man, under the indifferent watch of the gendarmes, who cynically said "their activity has ended so they are no longer required to protect them"¹⁵. The participants were issued a warning, although the negotiated conditions were not observed by the Gendarmery (i.e. free sidewalk which instead was blocked by cars, stopping the traffic for the duration of the protest).
- The initiative in several theatres and arts universities across the country to expose the sexual harassment, abuse, misogyny, humiliation and the hostile environment students endure at the hands of their teachers and mentors has been documented by REACTOR Cluj and backed-up by confessions from numerous people (some

¹¹ [Hartuirea in spatiul public in Romania \(Romanian Edition\): Simona-Maria Chirchiiu: 9786067495140: Amazon.com: Books](#)

¹² [Public. Privat. În Corp. / Hey, Pisi x F-SIDES | Facebook](#)

¹³ <https://www.vice.com/ro/article/akevj4/femeie-cere-barbatii-romani-mai-mult-scandal-buhnici?fbclid=IwAR0UololaTtsScc2ho6tfj7r8SqSWRfjGkJnzlHddgdj8c2eZmuUoJVXP9sw>

¹⁴ [Girl Up Romania on Instagram: "@riseproject.ro în parteneriat cu @asociatiaanaais lansează „Catedra de abuz”, un proiect jurnalistic care monitorizează hărțuirea și abuzul..."](#)

¹⁵ [Girl Up Romania \(@girlup.romania\) • Instagram photos and videos](#)

of them wanting to remain anonymous)¹⁶ ¹⁷. Following the allegations, some universities have taken a public stance against sexual abuse and harassment and have pledged to revise their internal regulation documents in order to better address issues related to gender equality and sexual violence and misconduct¹⁸. However, it is still to be seen that the institutions actually care about these issues or are considering these measures as sole PR strategies (e.g. UNATC, the National University of Theatre and Cinematographic Arts Bucharest made no mention of sanctions that will be enforced in the cases of abusive teachers). The Faculty of Theatre and Film from Babes-Bolyai University Cluj has also issued a statement announcing an ethical internal audit¹⁹. The REACTOR material can be watched on YouTube (in Romanian²⁰. Other allegations against theatre directors have been documented in 2020²¹.

2.2 Policies and initiatives to prevent sexual harassment

Relevant good practice examples of policies and initiatives to prevent sexual harassment in Romania (e.g. in the workplace, schools and broader society).

In universities:

- In light of recent events related to exposing sexual harassment in higher education, several universities are revising their ethical codes in order to introduce and define sexual harassment, to give it a clear definition and offer examples, reporting procedures and a template for reporting, including detailed information about the members of the Ethics Committee and their contact details, as well as a list of sanctions and actions (proportionate with the deeds) that shall be undertaken.

In schools and high schools:

- Following the protest initiated by Girl Up Romania to denounce sexual harassment of students by teachers in Romanian schools, the state secretary from the Ministry of Education has met with the NGO to discuss measures to be implemented, such as: a guide developed by the Ministry of Education addressing sexual harassment in schools, further consultations with Girl Up and Center FILIA for developing and implementing the guide, implementing a free hotline for reporting sexual harassment and abuse in schools, modifying the structure of Disciplinary Commissions to include members from outside the school in question, introducing clearer procedures for identifying sexual harassment, for formulating complaints, harsher sanctions for teachers. Further measures should include educating and preparing teachers and counsellors for implementing the guide, introducing obligatory trainings among teachers and school counsellors, involving civil society and key

¹⁶ <https://www.scena9.ro/article/hartuire-sexuala-umilire-viol-studenti-teatru>

¹⁷ „Profa ne-a mușcat pe toți”. Cum se învață actorie în România - Scena 9

¹⁸ UNATC I. L. Caragiale - Posts | Facebook

¹⁹ Abuzul este intolerabil - Facultatea de Teatru si Film (ubbcluj.ro)

²⁰ (39) Episodul 1. Abuzul în universitățile cu profil artistic - perspectivă psihologică - YouTube

²¹ Update. Două actrițe acuză un director de teatru de hărțuire sexuală - Scena 9

experts in preventing sexual abuse for ensuring the implementation of the guide, monitoring the implementation of the guidelines, ensuring transparent collecting of data regarding sexual harassment and abuse, including external specialists (psychologists) in investigating cases, sanctioning schools that fail to report cases of SH²².

3. Transferability aspects and lessons learnt

An assessment of the reviewed Danish and Dutch good practices and of their transferability as a whole or in parts, including possible transferability opportunities but also constraints, reveal the following:

- Centres for Sexual Violence (NL), with a host of specialists, i.e. doctors, nurses, law enforcement officers, social workers, who are trained in the topic of GBV and sexual violence could be implemented in Romania as well. There is a strong need for professionals in Romania who are involved in dealing with sexual harassment and abuse (e.g. police, gendarmery, people in the judiciary system, social workers) to receive such training. Supplementary health centres should include prevention, identification and assessment of sexual violence.
- Prioritising the research on sexual violence and harassment at national level should be implemented also in Romania (NL).
- Better identification of SH by including also cases of unwanted sexual attention (DK), which might actually constitute cases of SH; adding specific questions like in the PROSA (DK) and FH (DK) examples.
- Coordination by one ministry is not a requirement for Romania – there is already a government agency responsible for promoting the gender equality agenda (ANES). However, collaboration with law enforcement agencies and other relevant parties is still underdeveloped.
- Establishing a national dedicated hotline for reporting sexual violence and sexual harassment, with proper accessibility for victims and perpetrators (NL).
- Investing in capacity building for various categories of professionals, so they can identify gender as a source of sexual violence.

Constraints:

- Sex education is still extremely restricted in conservative Romania and the most vulnerable and at-risk categories are the least likely to benefit from it (i.e., sex education or “sanitary education” in Romania (in order to be more palatable) is

²² [Girl Up Romania on Instagram: “Azi, pe 29 iunie, ne-am întâlnit cu doamna Secretar de Stat Antoaneta Bolchiș din cadrul Ministerului Educației pentru a discuta amploarea...”](#)

taught in schools to 8th graders and older, only with the consent of parents²³, which means the children who most need it are the ones most likely to not be able to receive it).

- Misogyny and sexism are deeply ingrained in Romania – concerted efforts should also address widespread mentalities about gender roles and human dignity.
- Cooperation with other institutions (e.g., police, judiciary system, gendarmery) is still lacking, and law enforcement officers and first responders are underprepared for dealing with cases of sexual violence.

Suggestions to the host and co-host countries based on Romania's experience (e.g. any lessons learned in terms of strengths as well as pitfalls to avoid).

- Evaluation is key and more research needed – inclusion of harassment of ethnic minorities (Roma in Romania) and LGBTQIA+ people, online and offline;
- Awareness campaigns should be designed in collaboration with relevant NGOs and avoid victim-blaming (targeting men/boys and bystanders) (similarly to NL);
- Prioritising prevention (NL) should include different categories of professionals and appropriate training in issues of SH and GBV;
- Exchange of good practices between governments (DK and RO) with regards to implementing the plan for combatting SH in the workplace; specific and detailed procedures should be in place to ensure that action plans are thoroughly implemented; actively working with norms within organisations to address gender and power inequalities, following the example of projects such as ASTRAPI-EU (2020).

4. Conclusions and recommendations

Sexual harassment and sexual violence continue to permeate public and institutional spaces, i.e. workplace, education, politics, therefore prevention efforts should be stepped up and followed up by rigorous evaluation. Documents and strategies are useful, especially when clear definitions, examples and strategies for reporting/ follow-up are in place, but actual change can only be implemented by concerted approaches involving multiple stakeholders, especially those affected by SH and GBV. Research collecting evidence on different forms of SH should be given priority at national and EU levels.

Implementing lasting cultural change is a strenuous process, which can only be done by continuing to draw attention to how GBV and SH are detrimental. In this process, grassroots activism is crucial in signalling what still needs to be done to end all forms of gender-based violence. Alliances between government structures, NGOs/ group initiatives, universities and other relevant stakeholders in order to inform

²³ [Este oficial! Legea care prevede introducerea educației sexuale în școli a fost adoptată în Parlament \(cancan.ro\)](https://cancan.ro)

development, implementation and evaluation of efficient policies and legislation are key. Gender mainstreaming should be at the core of all policy development. This entails transforming institutions and practices that perpetuate gender-based power structures, including identifying discrimination, harassment and barriers in the workplace, including hiring practices, in the education (including development and enforcement of internal regulations) to decision-making processes at national and community levels.

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Smahel, D., Machackova, H., Mascheroni, G., Dedkova, L., Staksrud, E., Ólafsson, K., Livingstone, S., and Hasebrink, U. (2020). *EU Kids Online 2020: Survey results from 19 countries*. EU Kids Online. <https://doi.org/10.21953/lse.47fdeqj01of0>

5. Annex 1

Coalition for Gender Equality

The coalition, founded in 2014, gathers 11 Romanian NGOs, with the mission of building NGOs capacity to promote and integrate gender equality principles in all domains of private and public life. Among its lines of activity, the Coalition fights for introducing gender equality topics in school curricula, as well as comprehensive sex education in schools (which addresses also topics like consent, sexual violence, sexual harassment and abuse)^{24 25}.

Center FILIA

Center FILIA, one of the most prominent Romanian NGOs activating in the field of gender equality, has elaborated the guide “Preventing and combatting sexual harassment in universities” (2018) to serve as an informative material for victims or witnesses of sexual harassment, including concrete supportive actions that can be taken²⁶. This was supplemented by an analysis of 85 Ethical Codes of Romanian universities, which showed that only 38 of them mention sexual harassment explicitly

²⁴ <https://ongen.ro/despre-noi/>

²⁵ <https://www.feminism-romania.ro/?fbclid=IwAR2VbqmiDmX6QI0w6nepo2sOeiRNLD1tGGPQArBIWMYwIQ5Voi9f-cukR6c>

²⁶ <https://centrulfilia.ro/new/wp-content/uploads/2021/01/Material-informativ-HSU-FINAL.pdf>

and only 12 of them give an actual definition (but most of them without clarity and examples). Only 2% mention online sexual harassment. Only 6 ethical codes mention an explicitly appointed person to support people victims of sexual harassment. Only one code out of 85 mentions the necessary steps for reporting sexual harassment²⁷.

Salvati Copiii Romania (Save The Children Romania)

Since 2008, Save the Children – the coordinator of the InSafe node in Romania - is coordinating projects related to children’s safety online. In addition to annual quantitative research investigating patterns of digital media use, the NGO coordinated awareness campaigns, provides educational materials and workshops, runs a counselling line for young people, has a direct report line for online abuse, including cyber-harassment. More than 506,000 children, as well as 130,000 parents and teachers have benefited from educational activities, 7,400 children have received direct counselling and over 9,100 reports have been made through the dedicated line²⁸. Another project run by Save the Children, “Education for Health”, advocates for a healthy lifestyle for children and adolescents since 1998. Nowadays, the project includes modules related to sex education and violence prevention and developing healthy relationships (aspects related to emotional health)²⁹.

Sexul vs Barza (Sex vs The Stork)

The first sex education video platform in Romania, aimed at adolescents, which touches subjects related to sexual education, sexual violence (including violence in schools), relationships and dynamics, pornography and media representations of gender and sexuality, revenge porn and image-based sexual abuse, LGBTQIA+ issues³⁰.

LGBTQIA+ organisations

Pride Romania³¹, MozaiQ³² and Accept are some of the most prominent NGOs active in the field of LGBTQIA+ rights in Romania which promote human rights, respect for diversity, protection of vulnerable groups, and fights against discrimination in Romanian civil society. Among the activities, the NGOs organise annual Pride parades in Bucharest and Cluj, film festivals and other events for the community. In addition, Accept also offers free psychological counselling to members of the community and their families.

²⁷ [Raport: În marea lor majoritate, codurile de etică ale universităților nu definesc hărțuirea sexuală - Ecpolitic](#)

²⁸ <https://www.salvaticopiii.ro/ce-facem/protectie/siguranta-pe-internet>

²⁹ <https://www.salvaticopiii.ro/ce-facem/sanatate/educatie-pentru-sanatate>

³⁰ <http://www.sexulvsbarza.ro/#violenta-sexuala>

³¹ <https://prideromania.ro/>

³² <https://www.mozaiqlgbt.ro/>