



WOMEN AGAINST VIOLENCE EUROPE

WAVE Network and European Info Centre against Violence

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Vienna, 22 June 2020

To: President of Romania, Mr. Klaus Werner Iohannis

Concerning the Draft Law L87/2020 for amending the National Education Law nr.1/2011, initiated by senator PMP Vasile Cristian Lungu, and adopted on the 16th of June 2020, by the Romanian Senate.

Women against Violence Europe (WAVE) Network is a European network, working towards abolishing violence against women and domestic violence in 46 European countries. The WAVE Network was established in 1994 and aims to promote and strengthen the human rights of women and children in general and prevent violence against women and children in particular. It aims at establishing gender equality by eliminating all forms of violence against women. WAVE is the only European network focusing solely on the elimination of violence against women and children. The Network comprises women's organisations fighting violence against women and children in Europe and experts in the field. This includes over 150 Members (network organisations, single organisations and individual members) supported by WAVE, which work on the national level in 46 European countries. Members of WAVE serve as experts and a source of information about violence against women and children in their respective countries.

With this letter the WAVE Network **urges** you **not to endorse** the Draft Law L87/2020 amending the National Education Law nr. 1/2011, as it is in **breach of international human rights principles**, such as the ones established in the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (ratified by Romania in March 2016)**, also known as the Istanbul Convention, and the **European Convention on Human Rights (ratified in 1994)**.

The Draft Law L87/2020 forbids any distinction between sex and gender being made in schools and universities, including informal educational settings. Such amendments violate the **principle of non-discrimination** established in the Istanbul Convention in **Article 4 (Fundamental Rights, equality and non-discrimination)** and in the European Convention on Human Rights in **Article 14 (Non-discrimination)** and **Protocol No. 12**. The non-discrimination principle highlights the duty of states to implement human rights standards *without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status*. Furthermore, promoting such amendments is in breach of **Article 14 – Education**, of the Istanbul Convention, which highlights that *parties shall take the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relations, gender-based violence against women and the right to personal integrity*.



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By prohibiting any distinction between sex and gender being made in schools and universities, including educational settings, Romania will not address an important aspect enshrined in the Istanbul Convention, preventing violence against women. **Prevention** is an important aspect of the fight against violence against women, and education plays an important role here. By prohibiting any distinction between sex and gender, violence against women and domestic violence cannot be addressed holistically. The Istanbul Convention speaks about the 'gendered' nature of violence against women or of '**gender-based violence**' because it **addresses forms of violence that are directed against women because they are women** and/or affect women disproportionately.

Article 3.c of the Convention defines **gender** as '**socially constructed roles, behaviours, activities and attributes** that a given society considers appropriate for women and men'. **Research has shown that certain roles and stereotypes reproduce unwanted and harmful practices and contribute to making violence against women acceptable.** According to the results of the Eurobarometer (2016), 55 % of the Romanians interviewed¹ think that rape can be justified in certain circumstances. Such attitudes can only be changed through education - and tackling these subjects in schools/universities is a crucial step towards preventing violence against women and domestic violence. Therefore, Article 12.1 of the Istanbul Convention addresses the eradication of prejudices, customs, traditions, and other practices which are based on the idea of the inferiority of women or on stereotyped gender roles, as key tools in preventing violence. In turn, understanding the influence of such prejudice, customs and traditions enables governments to adopt a '**gendered understanding**' of violence as required by the Convention.

Moreover, it is important to emphasize that the Istanbul Convention does not set new standards in relation to gender identity and sexual orientation. The principle of non-discrimination on grounds of gender identity or sexual orientation builds on legal obligations that originate in other legal instruments, first and foremost the European Convention on Human Rights (Article 14 and Protocol no. 12) and the case law of the European Court of Human Rights (for example *Oliari vs. Italy*, 2015), as well as the Council of Europe Recommendation CM/Rec(2010)5 on measures to combat discrimination on the grounds of sexual orientation or gender identity.

By adopting the amendments of the proposed law, Romania violates the rights of sexual minorities, such as the LGBTQ communities. LGBTQ communities are already highly vulnerable to bullying and other forms of abuse, and such law would only contribute to increased violence and intolerance directed towards them. Protection and support for all victims of violence should be ensured irrespective of any characteristics victims of violence might have.

¹ Eurobarometru special 449, *Gender-based Violence*, 2016, p. 65. Can be found here: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/75837>



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Consequently, support for the adoption of the Draft Law L87/2020, will be in breach of the Istanbul Convention and the European Convention on Human Rights, as it does not fulfil its positive obligation to prohibit discrimination and its preventative measures do not take the needs of vulnerable persons into account.

As the Explanatory Report of the Istanbul Convention highlights **‘preventing violence against women and domestic violence requires far-reaching changes in attitude of the public at large, overcoming gender stereotypes and raising awareness’**. Attitudes, convictions, behavioural patterns deeply enshrined in society can only be changed through education, therefore it is critical that educational establishments promote gender equality, mutual respect in interpersonal relationships and non-violence, as early as possible and throughout all layers of education.

Considering all the above mentioned reasons, we urge you to defend the laws, policies and practices that support gender equality and human rights principles in education, in order to contribute towards changing traditional norms that generate tolerance for violence against women and other vulnerable groups, such as the LGBTQ communities.



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