



N° 3238

Geneva, 8 December 2020

Excellences,

I have the honor to answer to your letter of 11 September 2020 regarding the proposed amendments to the Law on the Protection and Promotion of the Rights of the Child no. 272/2004 and the Law on National Education no. 1/2011.

I should point out from the very beginning that the Romanian Government attaches great importance to the work of Special Procedures, an essential mechanism for the protection and promotion of human rights globally.

Regarding the two legislative initiatives you referred to, the current situation is as follows:

1. Amendment to the Law on the Protection and Promotion of the Rights of the Child no. 272/2004

The Constitutional Court rejected the President's claim of unconstitutionality on 29 October 2020. However, on 4 November 2020 the President of Romania sent a request for re-examination to the Parliament. The request is currently under examination by the relevant Senate commissions.

2. Amendment to Law on National Education no. 1/2011

The Constitutional Court postponed the examination of the President's claim of unconstitutionality for 9 December 2020.

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To:

Mr. Koumbou Boly Barry, Special Rapporteur on the right to education;

Ms. Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,

Mr. Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

Mr. Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity;

Ms. Dubravka Simonovic, Special Rapporteur on violence against women, its causes and consequences;

Ms. Elizabeth Broderick, Chair – Rapporteur of the Working Group on discrimination against women and girls;

Rue de Vermont 37-39; 1202 - Genève

Phone/Téléphone : +41-22-752 1090 Fax/Télécopieur: +41-22-752 2976

E-mail/Courriel: mission.romania@romaniaunog.org

Website: <http://mpgeneva.mae.ro>

On the subject of sexual education, I must inform you that a number of relevant modules, such as „Reproductive and family health”, are currently being taught from grade 1 to 12 during the "Health Education" classes, as part of the National Program "Health Education in Romanian schools".

At the same time, Romania has developed a number of policies that focus on the prevention of violence, bullying and discrimination in educational settings, following the principles and values of the international treaties and conventions to which Romania is a party.

The phenomenon of bullying and school violence is addressed in the broader framework of school safety. In this regard, the Ministry of Education and Research has developed a series of strategic documents aimed at preventing and combating juvenile delinquency in schools, ensuring safety, and preventing discrimination and segregation.

Regarding the gender dimension, the Operational Plan for the implementation of the National Strategy on promoting equal opportunities for 2018-2021 includes a number of measures in the field of education:

- introducing notions of gender-based violence and gender equality in the school curriculum;
- integrating the gender perspective in school textbooks, which should instill respect for the principle of non-discrimination regarding race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, age, disability etc.
- eliminating stereotypes, prejudices and all forms of discrimination.

At the same time, the strategic project “Relevant Curriculum. Education Open to All ” of the Ministry of Education and Research has proposed the development of a series of methodological guides for the implementation of school curricula, which will include, among others, explanations, recent theories, examples, good practices on the gender dimension.

In recent years, the collaboration between the Ministry of Education and Research and UNICEF in the field of violence prevention included the implementation of the joint campaign "You are a hero in the schoolyard when you stop verbal violence!". At the same time, the Institute of Education Sciences carried out, with the support of UNICEF, a nationally representative study on school violence. Based on the experience and conclusions of this study, the Institute supported the parliamentary initiative aimed at banning behaviors of psychological violence (bullying) in schools, which became law in 2019, amending and supplementing the National Education Act accordingly. The definition of bullying was thus introduced and its manifestations were banned in all educational institutions. Moreover, information sessions and training courses were introduced as part of the continuous training programs for teachers.

The law on preventing and combating bullying is now complemented by methodological rules, approved by order of the Minister and published in the Official Gazette on June 10, 2020. These are the result of a sustained collaboration for 3 years with all existing stakeholders in Romania, representatives of the state and civil society.

Each school has the obligation to introduce in the Internal Regulations the objective "school with zero tolerance for violence". In addition, in order to support teachers, the Ministry of Education and Research will develop Guides of good practices for educational cycles on how to interact and intervene in situations of psychological violence - bullying.

In higher education, the content of the curriculum is established by each university, in accordance with the principle of university autonomy and with the standards of the Romanian Agency for Quality Assurance in Higher Education (ARACIS), an independent body. Following the norms and evaluation criteria of ARACIS, gender studies have been introduced as part of social sciences, while a number of master's

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programs in gender studies have been accredited in several universities (for example, "Policies, gender and minorities" at the National School of Political and Administrative Studies, and "Policies of equal opportunities in the Romanian and European context" at the University of Bucharest). Several higher education institutions have introduced specific courses that cover all aspects of equal opportunities (for example, the University of Bucharest, Babeş-Bolyai University of Cluj-Napoca, Alexandru Ioan Cuza University of Iasi, the University of Agricultural Sciences and Veterinary Medicine in Bucharest, the Academy of Economic Studies in Bucharest, Aurel Vlaicu University of Arad, the University of Piteşti etc.)

Universities are also under the obligation to implement the legal provisions in the field of prevention of violence, discrimination and bullying.

Lastly, I would like to reiterate Romania's commitment to protect and promote human rights in all fields of life. All forms of discrimination are unacceptable under any circumstances, and pose a real threat to the internal cohesion of societies. Our commitment to the highest human rights standards is therefore double-fold, for reasons of principle and pragmatism.

In conclusion, given Romania's commitments under the relevant international human rights instruments to which Romania is Party, I can assure you that we follow closely the developments regarding the two proposed bills.

Please accept the assurances of my highest consideration.

Adrian Vierita



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