



Women’s rights under threat: An analysis of the anti- “gender ideology” legislation in contemporary Romania

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Submitted in partial fulfillment of the requirements for the degree of MA
Erasmus Mundus Human Rights Practice and Policy Masters Programme

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May 21, 2023

Dissertation Module (30 ECT)

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Spring semester 2023

Abstract

Over the last two decades, several countries in Europe have been witnessing the rise of the “anti-gender movement”. In this context, various conservative actors have been advocating against “gender ideology”, a term used to justify initiatives against issues such as gender studies, sex education, marriage equality or reproductive health. Similar to other countries in Central and Eastern Europe, the anti- “gender ideology” movement found support in Romania in recent years and reached the level of political representation. However, by denying “gender” as a concept and other notions related to it, these initiatives have the potential of threatening all the efforts made in the region towards the promotion of women’s rights.

This dissertation aims to analyse how “gender” as a concept is illustrated in the debate surrounding recent legislative proposals in Romania and what is the impact of such representation, if any, on women’s rights and gender equality in the country. To conduct this analysis, this research considers excerpts from legislative proposals, parliamentary debates, and written interventions on the online platform Facebook, mainly from members of the Parliament and the President of Romania. Further, by using the “What’s the problem represented to be” methodology developed by Carol Bacchi and an analysis of discourses, this research will draw on feminism and populism to understand how “gender” is depicted in this debate and if it poses any threat to women’s lived experiences in Romania.

Keywords: gender, gender ideology, gender theory, women’s rights, sex education, populism

Word count: 17963

Acknowledgements

I would like to thank my supervisor, Ann Therese Lotherington, for her constant advice, and feedback and for motivating me to pursue further research in the field. I am also really grateful to my mother, Gabriela Dumitraşcu, for investing in my education and always supporting me with every step I take, and to Rachel Coburn for encouraging me every day to work on this project, despite all the challenges I encountered. My gratitude goes to everyone in the EMHRPP consortium and all the inspiring people in Tromsø who marked my experience at UiT while finalising this project.

Table of Contents

Introduction.....	5
1. Research Aim & Questions.....	5
2. Structure.....	6
3. Delimitations.....	7
Background & Motivation	8
4. Anti-gender legislative initiatives	8
5. Women’s Rights in Romania.....	10
Literature review	12
6. Anti-gender campaigns as a global phenomenon.....	12
7. The anti- “gender ideology” debate in contemporary Romania.....	17
Theoretical Framework.....	21
8. The feminist conceptualisation of “gender”	21
9. Populism and gender.....	23
Methodology	28
10. Empirical Material.....	28
11. The “What’s the problem represented to be?” approach	30
12. Positionality and ethical considerations	34
Findings & Analysis.....	36
13. Findings	36
14. Analysis	37
Question 1: What are the “problems” represented to be in the anti-gender legislative proposals in Romania?.....	37
Question 2: What presuppositions or assumptions underlie this representation of the “problems”?.....	39
Question 4: What is left unproblematic in these problem representations? Where are the silences? Can the “problems” be thought about differently?	44
Question 5: What effects are produced by these representations of the “problems”?.....	48
Conclusions.....	52
Bibliography	55
Appendices.....	67
15. Appendix 1: Amending Articles.....	67
16. Appendix 2: Documents	71
17. Appendix 3: Facebook Posts.....	74
18. Appendix 4: Selected quotes for further research	80

Introduction

In the last two decades, several countries in Europe and beyond have witnessed the rise of the so-called “anti-gender movement”, a phenomenon of conservative initiatives advocating against “gender ideology”. This umbrella term is often used by various actors from different political, social and cultural backgrounds, to legitimise the backlash against the rights of women and the LGBTQ+ community, among others, in the name of protecting traditional values and the natural order. From mass protests against sex education in schools and same-sex marriage in France, Croatia, Italy or Slovenia to introducing the ban on abortion and the “LGBT-free” zones in Poland or prohibiting gender studies in Hungary (Grzebalska *et al.*, 2017), the anti-gender movement is growing.

In this context, similar to other countries in the region, the anti-gender proposals have found considerable support in Romania. Over the last decade, conservative actors have been using a discourse that openly denies the promotion of “gender” as a concept, to advance different anti-gender initiatives and gain political representation. Consequently, legislative proposals and citizens’ initiatives emerged and proved successful, at least in the Parliament, in the name of promoting Romanian traditional values. The redefinition of “family” in the Constitution to prevent same-sex marriages, and the prohibition of gender theory and sex education in schools are among some of the most recent proposals promoted by conservative actors.

Research Aim & Questions

What all of these initiatives have in common is the opposition against the term “gender” and often the association with populist narratives, which have gained visibility in the region. But by depicting the concept of “gender” as an ideology and opposing other related notions, these anti-gender actors have the potential of threatening all the efforts made in the region towards advocating for women’s rights, including those against discrimination and gender-based violence (Krizsan & Roggeband, 2018). The concept of “gender” lies at the foundation of many gender equality or sexual and reproductive health policies, and the recent rise of political mobilisation contesting such domains could reinforce existing unequal power relations. Especially in Romania, a country which is still failing to address the rise of discrimination between women and men, such initiatives promoted by conservative actors could pose a threat to fundamental rights and exacerbate existing

inequalities (Rada, 2014; Băluță, 2020), in the name of protecting traditional values. These threats are not always visible and the research into the discursive strategies used by such actors in Romania is often limited. Moreover, their impact is even more significant when the authors are high-level politicians, responsible for passing laws that could influence the lives of women in the country.

As a young researcher in human rights and a woman, born in Romania, I quickly became interested in the political debates and legislation promoted in the country since the beginning of the Covid-19 pandemic. I was writing a paper on the discrimination against women in the European Union at that time and I was curious to find out if there is any reference to “gender ideology” in these debates, similar to other countries in the region, often covered by the literature. Therefore, this research project aims to analyse the most recent legislative proposals in the country which oppose “gender” as a concept and the discourses surrounding such initiatives belonging to the members of the Parliament of Romania. It mainly attempts to examine how the concept of “gender” is represented in this debate and to determine if there are any threats that the anti-gender rhetoric could pose to women’s rights in the country.

This analysis will not only fill the gap in the literature regarding recent legislative proposals but will also provide more information into the discursive strategy used by high-level politicians, to further identify similar initiatives and their effects, if any, particularly on women. Moreover, it seeks to provide a better understanding of Romania’s position within the wider anti-gender debate in the region, which is yet to be determined by studies in the field.

More specifically, this thesis seeks to answer the following research questions:

- How is the concept of “gender” represented in the discourses surrounding the recent anti-gender legislative initiatives promoted in Romania?
- What are the threats posed, if any, by these anti-gender initiatives and their portrayal of “gender” to the efforts towards advocating for women’s rights in Romania?

Structure

This thesis begins by introducing the main anti-gender initiatives promoted in Romania over the last decade, with a focus on those legislative proposals that are the object of this analysis. Moreover, it provides an overview of women’s rights in the country, to better understand the

Romanian context. Furthermore, it explores the most relevant literature on this topic and the concepts used in this debate, by first considering existing studies on the rise of the anti-gender movement as a global phenomenon, before turning to research on the national context.

Through the following chapters, I establish the theoretical and methodological frameworks used to answer the research questions. This thesis draws on feminist and populist theories and their representation of “gender” as a concept, to better understand how it is used in this debate in Romania. The following chapter introduces the empirical material, Carol Bacchi’s “What’s the problem represented to be” as a methodology, used to further analyse the relevant discourses in this debate. In this chapter, I also address the positionality and ethical aspects that were considered throughout this thesis.

The last chapter presents the process used to conduct this research and its main findings, for each of the three legislative proposals. At this step in the analysis, I focus on identifying the main problem representations within these laws, the presuppositions and assumptions embedded in them, before critically assessing what is missing, and what are the silences and effects. Finally, I reflect on the main conclusions and offer brief recommendations for future research on this topic.

Delimitations

Due to its limited length, this thesis will only focus on analysing the most recent legislative proposals considering “gender” which passed the vote of one or both chambers in the Parliament of Romania, from March 2020 to January 2023. I chose this time frame because it covers the debate surrounding these proposals, from their initiation to adoption in the Parliament or, in some cases, contestation at the Constitutional Court. Moreover, I decided to select these proposals due to the lack of research involving their provisions.

Background & Motivation

There are extensive studies which explore the rise of conservative groups, with an emphasis on politicians' behaviour and their ideological background. However, few of them examine the connection between these actors and the anti-gender movement. Moreover, existing studies rarely mention the phenomenon in Romania. There are even fewer analyses of recent legislative proposals and how the anti-gender discourse transcended borders and gained political representation within the Parliament. At the same time, the impact of their political gains in the country has remained mostly unknown to the public due to a lack of reports on this issue. Even when recent legislative proposals are mentioned, their content is mostly perceived as a threat to the LGBTQ+ community, with little reference to other groups.

As I previously noted, after reviewing some of the works about the anti-gender movement in the region, I became curious in understanding how this phenomenon is explored in Romania. Born in the country, I have always had an interest in women's rights, thus I wanted to understand if this new political debate has any implications towards the use of the term "gender" and women's lived experiences. Therefore, this research project seeks to fill the gap not only at the national level but also within the literature about anti-gender movements in Central and Eastern Europe, focusing on a country that hasn't been covered by these studies. Considering its growing influence in the region, this thesis could also prove useful in examining the impact of the anti-gender movement, if any, on human rights and gender equality. Moving further, this section will explore the anti-gender legislative initiatives under this discussion and the state of women's rights in the country.

Anti-gender legislative initiatives

Compared to other countries in the region, in Romania, the debate around "gender ideology" has been relatively recent in the public sphere. Although conservative actors have always been active in post-communist Romania, it wasn't until the last decade that legislative initiatives promoted by conservative groups, with the support of major political parties, civil society and the Orthodox Church, proved successful in the Parliament (Băluță, 2020). In 2016, Romania ratified the Istanbul Convention without any resistance, after signing it in 2014, in a context where many countries in the region refused to finalise the process. Some conservative civil society actors denounced the

international instrument due to its reference to “gender”, but their influence was minimal (Brodeală and Epure, 2021).

The year 2016 marked also the launch of the first referendum based on a citizens’ initiative to revise art. 48 of the Constitution on the definition of family (Norocel and Băluță, 2021), as an opposition to same-sex marriages. Although the referendum failed due to a low turnout of voters (Mărgărit, 2020; Turp-Balazs, 2020), it was an opportunity for anti-gender conservative actors to gain visibility and political representation. While worth mentioning, this referendum has widely been analysed in the literature as an anti-LGBTQ+ initiative. Thus, this thesis will examine the following anti-gender legislative proposals which received less attention.

At the beginning of 2020, the Parliament adopted the Law for Amending and Completing Art. 7 of the National Education Law No. 1/2011 (L87/2020) which forbids any theory or information stating that “gender” is separate from “biological sex”, in schools, universities or other educational spaces (Pora, 2020). Despite not entering into force and being declared unconstitutional in December 2020, this proposal generated opposite discourses on “gender ideology” which transcended the chambers of the Parliament and influenced public opinion.

One year later, following the submission of 7 deputies of the Democratic Alliance of Hungarians in Romania, another amendment (PLx. No. 243/2022) was tacitly approved by the Senate. This new change of Law No. 272/2004 on the protection and promotion of children’s rights is currently waiting for preliminary reports from multiple Commissions within the Parliament, before being debated and voted in the Chamber of Deputies (Chirciu, 2022). Among its provisions, this proposal introduces new elements regarding children’s identity and bans any materials that promote the deviation from the sex assigned at birth, naming “gender ideology” as the main threat to traditional values and the Christian family.

On June 21, 2022, the Parliament of Romania adopted another legislative proposal aimed at amending Art. 46(3) i) Law No. 272/2004 on the protection and promotion of children's rights. This initiative introduced the written consent of parents and legal representatives in running life educational programmes and replaced the term “sex education” with “health education”, to prevent sexually transmitted diseases and teenage pregnancy (Vulcan, 2022). While its content makes no specific reference to “gender” as a concept, the debate surrounding this proposal indicates the

involvement of anti-gender actors and is connected with sex education, as one of the main targets of the anti-gender movement.

Over the last two years, conservative actors have also reacted against the use of the distinction between “gender” and “sex” in new identity cards, for example, or the introduction of gender equality materials in schools, developed by non-governmental organisations (Şerban, 2022). Similarly, the adoption of the “Matić report” in the European Parliament on the situation of sexual and reproductive health and rights in the European Union, with regards to women’s health, has also sparked reactions from civil society and political actors (Birzoi, 2021). However, these initiatives were mostly part of the public discourse and never reached the level of political representation. Furthermore, the failure of such initiatives and the perseverance of its initiators could indicate that they are only the beginning (Mărgărit, 2020), with more conservative actors and anti-gender proposals to come in the future.

Women’s Rights in Romania

After its accession to the European Union, Romania implemented several measures, created new institutions and put in place strategies for reaching its goals towards gender equality. However, despite its development in legal, policy and institutional framework in this domain, Romania still fails to address discrimination against women and the LGBTQ+ community, and it currently ranks 26th in the European Union on the Gender Equality Index (European Institute for Gender Equality, 2022).

National research projects also show that Romanian society is constantly reproducing gender stereotypes which put women in an inferior position (Băluţă and Tufiş, 2022). Moreover, violence against women represents one of the most widespread human rights violations in Romania. According to the Council of Europe (2022), sexual violence is mostly underreported and the mechanisms for supporting victims are not efficient or adequately distributed across the country. In 2022, for example, 75% of the rape cases considered solved by authorities were closed files, similar to sexual harassment cases, 74%, with 92% of the victims being women and 98% of the perpetrators, being men (Centrul FILIA, 2023). Women are also victims of human trafficking, and Romania remains one of the main countries of origin for victims of such acts, according to the (Council of Europe, 2021). The same report of 2021 states that three out of four victims of

trafficking were women and half of them children, with sexual exploitation as the most common purpose of this crime. Women who are impacted by such crimes are often left without any financial or psychological support and the promotion of gender stereotypes in society sustains a culture of victim blaming.

Lastly, according to UNICEF (Nanu *et al.*, 2021), Romania had the second-highest number of teenage pregnancies in the EU in 2021 and there are few indications that the situation has changed since then. The same report suggests that the lack of national sex education represents the main cause, while activists blame the judicial system's tolerance and society's attitude towards rape. The number of abortions among teenage girls is also high, and contraceptive measures and reproductive rights are often limited, especially in public hospitals (Ofițeru, 2022). Abortion has been legal in Romania since the fall of Communism, but many doctors still refuse to undertake such procedures and particularly during the Covid-19 pandemic, many women had to resort to unsafe measures.

Overall, Romania has adhered to most of the relevant international instruments regarding women's rights in the region. However, some provisions still lack the implementation needed to achieve gender equality in the country and to ensure a safe space where women can enjoy all their basic human rights. As shown in this section, violence against women, human trafficking, teenage pregnancies and limited reproductive health services are among the issues that women are facing. Moreover, these violations of women's rights are often sustained by gender stereotypes which perpetuate inequalities and contribute to a climate of discrimination and social exclusion (Rada, 2014). In this context, the rise of anti-gender initiatives could have an impact on women's rights in the country, an issue explored in the following chapters.

Literature review

In this section, I will provide an overview of the most relevant literature in this field, as an attempt to examine the concepts used in this debate, trace its origins and map the main actors, triggers and strategies used. The studies reviewed in this chapter will also touch upon the possible impact of anti-gender initiatives on gender equality and women's rights. The literature review will first consider prior research on anti-gender initiatives as a global phenomenon, before turning to studies specifically focusing on Romania.

Anti-gender campaigns as a global phenomenon

In the last two decades, we have witnessed an increasing body of literature on the rise of anti-gender campaigns, mainly across Europe and Latin America. Most studies focus on those conservative actors and initiatives that have successfully mobilised people against issues related to the rights of women and the LGBTQ+ community such as same-sex marriage, gender equality, reproductive services, sex education or gender studies (Grzebalska *et al.*, 2017). Their discourse mainly opposes the concept of “gender ideology”, also known in some instances as “gender theory” or, in German-speaking countries, “genderismus”, which functions as a multi-purpose term, able to accommodate the interests of those using it.

In this context, previous research attempts to explore the different approaches towards the use of these terms and their function in the wider anti-gender movement. As Kuhar and Paternotte (2017a) claim in their studies, there has been a lot of research on different countries and for a long time, these mobilisations were considered strictly bound to a national context. However, what many authors have assessed as being specific to a country has proven to be a global phenomenon. For this reason, looking at the concepts and strategies employed by anti-gender initiatives abroad could be relevant to understanding the same movement in Romania.

Kuhar and Paternotte (2017b) are among the authors who started referring to this phenomenon as a transnational movement, by including all the mobilisations against “gender” across Europe since the 1990s. According to these authors, these initiatives across the continent are not a reiteration of previous acts or a reaction to other existing social phenomena. On the contrary, the authors claim that seeing it as a reactionary movement would actually prevent us from understanding this debate

and how discourses are positioned independently from each other (Kuhar and Paternotte, 2017b). Corredor (2019), on the other hand, argues that anti-gender campaigns became a countermovement against the feminist and queer social movements. The purpose of the latter, as shown by the author, is to challenge the current status quo, a practice often seen in the work of anti-gender actors in countries across Europe and Latin America. As a consequence, through their counterstrategy, conservative actors manage to mobilise their resources towards a common goal against previous movements (Corredor, 2019).

Several other studies (Fassin, 2011; Garbagnoli, 2016; Case, 2019) suggest that the anti-gender movement was born as a response to the UN World Conferences in the early 1990s, where feminist and queer activists advanced their human rights agenda. These conferences introduced the term “gender” instead of “sex” to explain how inequality between men and women is not caused by biological but by socially constructed differences. According to the already-mentioned authors, the progressive views on “gender”, “sex” and “sexuality” were seen as a direct threat to the Catholic religion and its view on the traditional family. As a consequence, the Vatican became the first actor to openly oppose “gender” and sexual equality. In time, the triggers and actors of this movement became more varied.

Furthermore, Kováts (2017) states that these movements can easily be reduced to the concept of “conservative backlash”, due to their attacks on the initiatives of advancing the gender equality agenda. However, what others describe as “the patriarchy fighting back” is according to the author even more complex, due to the common strategies used and the coordinated attacks across borders. These movements may not be defined by an anti-feminist ideological background, but their attempts to use “gender ideology” to advance their own political goals make them key actors in this debate (Kováts, 2017).

Other authors mention the character of a conspiracy theory or cultural war to describe the ideas developed to advance women’s rights, especially in the field of gender studies, which have been under attack. Bracke and Paternotte (2016) even insist that the use of the term “ideology” was intentional because it portrays particular beliefs that are far from reality. As a consequence, all the knowledge produced by gender studies is denied when compared to other concepts from natural sciences (Bracke and Paternotte, 2016).

In a previous study which brings together analyses of anti-gender initiatives in different countries across Europe, Kováts & Põim (2015) introduce the term “symbolic glue”. According to the authors, “gender ideology” brings together different actors under the same notion, against similar targets which threaten the natural order. Consequently, the term connects various discourses from different ideological backgrounds (Kováts & Põim, 2015). The literature on this topic has also claimed that “gender ideology” functions as an “empty signifier”. According to Mayer & Sauer (2017), the concept used in this debate can hardly be linked to previous ideological backgrounds and it is mostly employed as a vague association of different issues. The study also stresses the connection between “gender ideology” and different concepts that can adapt and change over time due to what the authors call a misinterpretation of existing feminist and queer theories (Mayer & Sauer, 2017).

In the Central and Eastern European context, “gender ideology” has also been associated with the neo-colonial project and the West’s intention to impose immoral values upon the rest. Graff & Korolczuk (2022) use the anti-colonial frame to explain how anti-gender actors often criticise the Western elites and their attempt to impose their values through feminists, left-wing politicians or transnational actors. They argue that according to the anti-gender movement, Eastern Europe has become “the battleground” in the struggle against gender promoted by the colonisers of the West (Graff and Korolczuk, 2022a, p. 54).

Within this approach, other authors (Toldy and Garraio, 2021; Fábrián, 2022; Kováts and Laczó, 2022) also consider the East/West divide, particularly in the Eastern European context. They analyse how anti-gender groups often portray themselves as the victims of a powerful lobby campaign promoted by foreign agents such as the European Union or the Council of Europe. Contrary to this view, Paternotte and Kuhar (2018) don’t see the relevance of the East/West divide in this debate, although they acknowledge the criticism towards international organisations or private foundations such as the Open Society Foundation or Ford Foundation, which are seen as foreign agents.

Another particular characteristic of the anti-gender movement in the Central and Eastern European context is the link between “gender ideology” and notions such as Socialism, Communism and Marxism which were long defeated in the region. As noted by Anić (2015), attributing “gender ideology” to Marxism has a very different connotation and impact in this part of Europe. This is

mainly due to the recent history of Communism in post-socialist countries, and the fear associated with this regime (Anić, 2015). Kuhar & Zobec (2017) also assume that anti-gender actors use “gender ideology” and its connection to Communism as a tool to “revive unpleasant memories of the former totalitarian regime” (Kuhar & Zobec, 2017, p. 35). Likewise, in a different study, Korolczuk & Graff (2018) acknowledge how the region is aware of the threats posed by totalitarian regimes. As a consequence, “gender” is often depicted as a “leftover from communism” (Korolczuk & Graff, 2018, p. 812).

Other studies explore the connection between “gender” and populism. They claim that the anti-gender movement takes advantage of the rise of right-wing populism in Europe and is often associated with the broader debate of “we” versus “the others” (Kourou, 2020). “Gender ideology”, according to Kourou (2020), has become an important instrument for populists to justify their actions, while the mobilisation against equality is seen as the prerequisite of a broader crisis against liberal democracy. In a recent study, Graff and Korolczuk (2022b) claim that the populist right often redefines the meaning of “gender” and uses it according to their interests. The entire anti-gender debate is seen by these authors as a populist discursive strategy which shifted its focus from opposing solely reproductive and sexual rights to challenging democracy, individualism, human rights and gender equality. But as emphasized by Kováts (2018), “gender” is not the final target of populists and they should not be viewed solely as a mobilisation against equality. The discourse used by the anti-gender movement is often overlapping with the narrative of the right-wing populists. However, not all populists use “gender ideology” to further their political agenda, just as not all the actors involved in this debate are embracing populist views (Kováts, 2018).

The question now is to what extent these theoretical approaches examined in literature are relevant to assessing a possible threat posed to gender equality and women’s rights. In light of this question, Krizsan & Roggeband (2018) are among the few authors who focused their research on the backsliding process of gender equality policies, in the context of the rise of anti-gender initiatives. They mention that most of the acts leading to policy dismantling have an impact on family programmes, reproductive services and gender-based violence, as well as sexual education issues (Krizsan and Roggeband, 2018a). These are all aspects that are affecting women.

In a different study, the same authors state that democracy has a big impact on women’s rights, as they give them the space to advance their gender equality agenda (Krizsan and Roggeband, 2018b).

The discussion is particularly important for the Eastern European context, where women's rights may seem fragile since they did not have the time to properly develop. Further, according to the authors, in this debate, women are expected to comply with their roles as mothers and their reproductive function towards the perpetuation of the nation itself. In this context, not only human rights and gender equality policies could be under attack, but also their defenders, queer and feminist activists, and practitioners in the field of gender studies. These views are reiterated by Verloo & Paternotte (2018) who acknowledge the long process of defining "gender" as a concept and introducing it in the international human rights instruments. Despite the struggle to achieve equality, the authors claim that women have been excluded from this process and their presence at a decision-making level is even more obstructed by this new anti-gender movement (Verloo and Paternotte, 2018).

Antić & Radačić (2020) join the body of literature which claims that women's rights are under threat at the moment due to the rise of such movements. They point out how the transition from "sex" to "gender" has met opposition over the years and that the new anti-gender initiatives have the potential of threatening all the progress registered until now (Antić and Radačić, 2020). The authors also analyse how the term "gender" is instrumental in understanding patriarchy and the impact of sexism and transphobia when used within the anti-gender discourses. Furthermore, Grzebalska and Pető (2018) estimate that the impact of the anti-gender movement on women's rights could be even higher when attempting to influence the legislative process and policies in place. In this context, according to the authors, women are not part of the process, the proposals are often passed without debate or consultations. This indicated process is very similar to the adoption of the legislative proposals under scrutiny, in Romania.

The questions that naturally arise from the overview of the anti-gender movement in this section are mostly related to if and how these conceptualisations of "gender ideology" have any effects on women's rights and existing policies once they reach the realm of political representation. To assess the situation in Romania, we must review which of these concepts are used by the conservative actors, to what purpose and with what consequences.

The anti- “gender ideology” debate in contemporary Romania

Even though anti-gender initiatives can be traced in Romania since the early 2000s, there is not that much literature examining their emergence or impact on women’s rights in the country. Nevertheless, there is a growing interest in analysing the strategies used by different political parties and, among others, “gender” seems to stand out as one of the main issues often instrumentalised by their discourse.

In Romanian literature, many authors tend to analyse the opposition to “gender” within the broader study of gender equality policies. In this regard, Norocel (2016), whose study pursues the process of how new legislation was implemented in post-communist Romania, affirms that two particular issues drew the attention of political parties at that time, namely the position of women and minorities in society and the legacy of the totalitarian regime. As a consequence, new legislative initiatives were adopted towards promoting women’s rights, which slowly attracted opposition as part of a larger trend in the region (Norocel, 2016). Even in this context, the reports required by the accession to the European Union revealed that gender equality was not a priority in the country, as emphasised by Băluță (2020). Consequently, the integration of the *acquis communautaire* translated into new policies and institutions established to achieve the goals set by the accession (Băluță, 2020; Mărgărit, 2019). Furthermore, according to the same authors, the financial and economic crisis offered the fertile ground for democratic backsliding and the rise of new conservative groups able to mobilise against gender equality and the adopted policies. Today’s anti-gender movement isn’t, therefore, a new phenomenon, but actors who manifest themselves at a larger scale compared to the previous two decades (Băluță, 2020).

Vlad Oprica claimed ever since 2008 that Romania represents one of the best examples of “rights on paper, but not in reality” (Oprica, 2008, p. 29), a fact reiterated by Chirițoiu (2019) who reminds us how the country occupies the lowest places in terms of gender equality indicators in Europe. Moreover, the author argues that there is no political representative in Romania who publicly opposes gender equality. On the contrary, their strategy is mainly to abstain from taking any efficient measures, and as a result, many policies remain underdeveloped and require high efforts from civil society to be implemented (Chirițoiu, 2019). This context opens the space for new

conservative groups to oppose concepts and the legislative progress connected to gender equality and women's rights.

A large number of existing studies have focused on exploring the strategies and discursive practices of different conservative actors who eventually became highly involved in the debate surrounding “gender ideology” in the country. Turp-Balazs (2020) explains that Romania distinguishes itself from other countries in the region such as Hungary and Poland due to no ruling party dominating the anti-gender discourse. On the contrary, there is a coalition of different conservative actors, which brings together members across the whole political spectrum, representatives of the Romanian Orthodox church, the Catholic church and many Protestant churches, non-governmental organisations, independent experts and private associations (Turp-Balazs, 2020).

According to Norocel and Băluță (2021), political parties in Romania and other conservative groups import notions such as “gender ideology” or gender as a “neo-Marxist construct” and then use them to gain political representation. In their analysis of different statuses of political parties in Romania, Soare and Tufiş (2019) affirm that the current climate of conservative groups in Romania is resembling “a phoenix” rising from the ashes, due to their ability to reinvent themselves, without bringing any new aspects to their mission.

Voiculescu & Groza (2021) also reflect on the use of “gender ideology” by different political actors during the last decade. They argue that the opposition to “gender” is instrumentalised as a distraction from the acts of corruption and illegal activities of members of the political landscape. Moreover, the Romanian parties are taking advantage of the anti-gender discourse displayed in the region and their narrative usually overlaps or takes major themes from the transnational movement (Voiculescu & Groza, 2021). Another study (Bretter, 2022) argues that many conservative groups use anti-gender rhetoric because they did not possess sufficient means to succeed on their own before.

Some authors have also recognised the influence of populist views among mainstream parties in Romania. Dragoman (2013) and Chiruta (2021) examine in their studies how parties with a long-term influence on the Romanians politics domain started displaying a populist view in their discourse, as they appeal to the “the people” versus “the elites” dichotomy. Moreover, according

to the authors, due to their ideological background and political support towards anti-gender initiatives, they are often perceived as populists.

The main targets of the anti-gender campaigns in Romania are also reported in the literature. Rada (2014), for example, explores how sex education was perceived in the country and claims that sexuality is still a taboo subject in Romanian society. Moreover, while Romania faced one of the most restrictive legislation of the communist bloc regarding abortion, its impact can still be seen today, with almost non-existent sex education hours in schools, few specialists prepared for handling such subjects, and a lack of knowledge and communication with parents, especially in rural areas with a low literacy rate. This situation can have a crucial impact on issues related to reproductive services, gender-based violence and discrimination against women (Rada, 2014). Other authors (Bucur, 2021; Tăriceanu, 2022) explore the development of gender studies as a discipline in Romania and how the newly emerged opposition against it could translate into women's lives. They conclude that despite having multiple studies which show how gender discrimination impacts different sectors of Romanian society, the commitment to gender equality is overall superficial (Bucur, 2021). Moreover, Romania sees gender studies as an auxiliary domain to other disciplines and the traditional way of thinking, dominated by the Orthodox dogma promoting hierarchical gender roles and stereotypes, is easily translated into the educational system (Tăriceanu, 2022).

A more extensive body of literature can be found on the topic of legislative proposals that have been emerging from these actors. As one of the previously cited authors (Băluță, 2020) mentions, the anti-gender initiatives in Romania managed to move beyond discourse and mobilisation, to the extent to which they started proposing legislative initiatives and entering the field of political representation. Several authors (Mărgărit, 2019; Dimulescu, 2020; Gherasim-Proca, 2020; Norocel and Băluță, 2021) examine the process of changing the Constitution, launching citizens' initiatives and organising referendums to redefine the notion of "family" and oppose marriage equality initiatives. Others analyse the anti-gender efforts of amending different bills to ban gender studies and sex education in the name of protecting the child's interest (Turp-Balazs, 2020; Brodeală and Epure, 2021).

These studies focus mainly on the conservative groups behind such initiatives and the final result of their endeavours, with a focus on their anti-LGBTQ+ rhetoric. However, few authors address

in their research the portrayal of “gender” in the discourses employed by these actors and what is the impact of such representation. As Popescu and Vesalon (2022) state, by declaring war on gender equality, including gender studies, reproductive rights, sex education or marriage equality, the anti-gender initiatives in Romania have the potential to irreversibly impact all the progress that has been achieved towards promoting the rights of women and the LGBTQ+ community. Therefore, it is crucial to analyse further all these initiatives, to provide a broader view of the discourse used in these campaigns.

Theoretical Framework

As shown in the literature review, “gender” represents one of the key concepts used by the anti-gender actors in their discourse, with aspects which vary among actors and initiatives, both nationally and transnationally. In this context, it is crucial to establish the theoretical framework necessary for understanding the portrayal of “gender” in Romanian debates. While there is extensive research related to this concept, this thesis will draw on its representation in feminist theory and gender studies, which is at the foundation of the gender equality policies in Romania. Moreover, this thesis will explore populism as an opposing view to feminism and its representation of gender, due to the influence of this political thought on the participants of this debate, shown by the literature.

The feminist conceptualisation of “gender”

Since its inception, the feminist movement has been advocating for women’s rights and for tackling those barriers in society that are challenging them. Whereas many activists and organisations came together under the values promoted by feminism, their purpose was not only to raise awareness about the issues women were facing. They quickly realised that to end women’s oppression, they had to challenge and further change existing structures and ideological foundations. This is the context where the feminist theory was born, as a theoretical attempt to understand the source of the subordination of women in society. Feminist theory and its conceptualisation of gender and sex later became the foundation of a new interdisciplinary field, namely gender studies (Toldy and Garraio, 2021).

As noted by several authors (Disch and Hawkesworth, 2016; Hirudayaraj and Shields, 2019; Kinsella, 2019), there is no unique definition of the feminist theory, just how feminism doesn’t represent a single movement, but a range of political and social initiatives. Nevertheless, all the theoretical approaches developed by feminists under what today we consider feminist theory share the same aim of promoting equality and countering injustice. The feminist theory that is used as a theoretical lens in this paper is understood as the critical and interdisciplinary field which puts women's issues at the centre of its analytical efforts. On a political level, feminists work towards promoting women’s rights and advocating for gender equality. The feminist critical framework,

on the other hand, focuses on the meanings of “gender” and “sex”, in an attempt to identify those norms and behaviours that challenge women’s equal position in society (Lykke, 2010).

According to feminist theory, “gender” is a socially constructed and dynamic concept that develops across time and cultural contexts (Kessler and McKenna, 2006; Johnson and Repta, 2011; Disch and Hawkesworth, 2016). The term “gender” is used by feminists as an analytical lens to make the distinction between biological sex and how roles associated with it are the product of interactions in society. By recognising that “gender” is socially constructed, feminists seek to identify those processes that maintain the patriarchal order, depict women as inferior and contribute to discrimination against them (Harrison, 2006). The development of “gender” as a concept of feminist theory can be linked with many contributions from different disciplines. However, this analysis will mostly consider the representation of this concept by the social constructionists within the feminist theory.

Throughout the history of this movement, some of the first feminist theoretical attempts sought to understand how certain cultural assumptions associated with biological sexes constrain the behaviours of people in a given context. Before this approach, the majority of research focused on exploring the differences between biological sexes, as a well-defined binary system (Biever *et al.*, 1998). Biological determinism argued that individuals belong to two categories based on their sex, namely male and female, while essentialism attributed people’s characteristics to biological features (Scott, 1986). Feminist thought however is not concerned with such distinctions, but with how the social context is shaping men's and women’s behaviour. Without fully rejecting the argument that there are some differences between individuals due to their biological features, feminist theory contests which behaviours and characteristics fall under this category of “natural” differences. They assume that socially constructed attributes and expectations are more easily susceptible to change than biological ones (McElhinny, 2014). These assertions are the foundations of the concept of “gender”, as an instrument to counter those views that attribute inequality to biological features associated with males or females.

According to social constructionists within feminist thought, “gender” is used to explain how an individual’s identity is the product of competing discourses and behaviours associated with one’s sex, and not an inherited trait (Scott, 1986; Bohan, 1993). Discourse becomes constitutive of social reality (Coates, 2012) and contributes to reproducing those cultural assumptions associated with

biological sexes, hence to gender as a socially constructed concept. From the enactment of gender in the daily interactions in society, social constructionists within the feminist theory often focus on analysing the institutionalisation of this concept (West and Zimmerman, 1987). More specifically, while legal norms usually use “gender” and “sex” interchangeably, almost as synonyms (Robcis, 2015), these terms are often reproduced by social institutions that have an increasing influence on society and contribute to propagating values, roles and expectations. Institutionalised gender interacts further with other aspects such as sexual identity, race or class, reinforcing a system of privilege and power inequalities (Johnson and Repta, 2011).

Moving even further, feminist research insists on how policies, as social constructions, contribute to hierarchical power relations that advantage men to the detriment of women. Using “gender” as an analytical tool, feminists examine how norms and policies are subjectively framed, rather than based on ideological concepts that already exist in social realities. Policies become a discursive field where different notions such as “men”, “women”, “gender” or “sex” are used under various meanings and almost simultaneously contribute to re-enacting socially constructed behaviours associated with these concepts (Meier and Lombardo, 2016).

This representation of “gender” employed by the feminist theory and influenced by the social constructionist approach will be the theoretical framework used to analyse the anti-gender debate surrounding recent legislative initiatives. Without overlooking other contributions to feminist theory such as those that challenge the sex/gender binary, this theoretical lens could prove useful in exploring if the meanings deployed in the anti-gender discourses reinforce patriarchal values and gender power relations, thus posing a threat to women’s rights.

Populism and gender

Some studies mentioned in the literature review pointed out that the main actors of the anti-gender movement oppose the concept of “gender” as it is represented in feminist theory and gender studies. Often, opposition occurs within a broader social, cultural and political framework, while the actors involved in a debate may come from various ideological backgrounds. As shown in the literature, populism challenges existing theoretical frameworks involved in social change, such as the feminist approach to “gender”. In this context, the political theory of populism could prove useful in understanding how “gender” as a concept is portrayed in the empirical material. Further,

exploring opposing views could offer a better understanding of the reasoning behind the increasing number of anti-gender initiatives promoted by conservative actors in Romania.

Populism, as a concept and political theory, has been contested over the past two decades, which makes it difficult to define from a theoretical point of view (Löffler, Luyt and Starck, 2020). Despite its interpretations over time, it is still an important analytical approach that could provide more details into the strategy and discourse of populist actors (Brubaker, 2017). Some studies, for example, discuss the rise of left-wing populism, as a solution to the crisis of the democratic process. Rather than adopting a specific ideology, this version of populism tends to oppose a common enemy and unite under different concepts which are further reproduced by discourse (Laclau, 2005), similar to the “empty signifier” or the “symbolic glue” notions mentioned in the literature. According to Ernesto Laclau (2005), populism is born through discursive practices used by leaders to mobilise people as a mechanism for changing the current social order. Others define populism as a “thin-centred ideology” which divides society into two antagonistic groups, “the pure people” and “the corrupt elite”. Visibly influenced by various political ideologies, this definition focuses on right-wing actors who argue that politics should represent the general will of the people (Mudde, 2004; Mudde and Kaltwasser, 2013). This antagonistic structure of society is often associated with anti-gender discourses, a fact proved by several studies analysed in the literature review.

While some authors (Dean and Măigușca, 2020) see these two definitions of populism as mutually exclusive, others believe they are both valuable in analysing different aspects of the ideological grounds and actors involved in the anti-gender movement. Just as Graff and Korolczuk (2022) argue, while Laclau’s conceptualisation provides more insights into the ideological foundation and conceptual framework of populists, Mudde’s definition explores the structural aspects of such political mobilisation. As a consequence, analysing the populist theory would entail understanding how different actors use well-known concepts such as “gender” with the approach of polarising society and according to various ideologies and political ideals (Graff and Korolczuk, 2022a).

There is extensive research on the rise of right-wing radical parties in Europe and how they often act interchangeably, but not always, with populism (Zentai and Fejős, 2021). In this context, it is often difficult to provide a unique definition of populist actors, based on their ideological grounds,

since various forms of populism have emerged both within the right and left political spectrum, with others combining elements from both sides. In Romania, mainstream political actors could display a populist influence when engaging with other anti-gender actors, despite their ideological background. Since political actors rarely call themselves populists, this label is mostly associated with them by others, often with a negative connotation (Mudde and Kaltwasser, 2013).

Furthermore, Mudde and Kaltwasser (2015) remark that such definitions don't even mention "gender". Nonetheless, it would be a mistake to deny the connection between populism and the concept developed by feminist theory. As seen in the literature review, the anti-gender movement has found success in a context where we witness the rise of populism, especially in Central and Eastern Europe. While not all the anti-gender actors embrace populism as an ideological ground and not all the political parties openly reference "gender" in their discourse, the connection still exists and it is widely reproduced by their actions and affiliation. In this broader social, cultural and political context, populists tend to reject existing expertise promoted by feminists, for example, and advance their alternative theoretical framework (Cover, 2022).

Officially, populism is considered a gender-neutral ideology, while gender represents a secondary focus to the main struggle between "the people" and "the elite" (Mudde and Kaltwasser, 2013). Rather than having "gender" as an essential part of their programme, populists use anti-gender initiatives in what Graff and Korolczuk (2022) call an "opportunistic synergy", an idea reiterated by many studies in the literature review. Gender is seen in this context as a political instrument for forging alliances and advancing different agendas. The populists use anti-gender rhetoric as it employs issues that appeal easily to the electorate, while the actors of such initiatives need the mechanism of social polarisation promoted by this political landscape to further disseminate their claims. While most populists are known for being conservative when it comes to gender issues, some actors may be more moderately traditional than others or even adopt a modern approach, which varies across countries and cultures (Spierings and Zaslove, 2015a). Research also reports inconsistencies in terms of populists' positions, as some actors often reject notions related to gender and sexual diversity, but place themselves as supporters of women's rights and equality policies (Spierings and Zaslove, 2015b).

Across their efforts, populists advocate for biologically binary sex differences and reject any idea regarding the socially constructed notion of "gender". They often base their claims on biological

determinism and they see the social constructionist approach of feminism as a threat to the “natural” order and the nation itself. Similarly, they depict feminist theory as a mechanism which belongs to “the elite” and is used against “the people” (Mayer, Šori and Sauer, 2016). This theoretical approach is often reflected in their attempts to preserve traditional values and the existing hierarchical order of the biological sexes, between men and women. One of the central arguments of the populism strategy is that “gender” represents a threat to freedom of opinion, especially by those opposing its introduction in public education (Hajek and Dombrowski, 2022). They see sex education as a violation of parents’ rights and an intrusion by the state authorities into the privacy of the traditional family, which has long been seen as a space for both biological and cultural reproduction (Mayer, Šori and Sauer, 2016). According to the populist actors, the heteronormative nuclear family represents the standard model of social organisation and it is also the space where sexuality should be contained (Dietze, 2021). Furthermore, promoting “gender” as a concept, in schools or anywhere in the public domain, contributes to the manipulation of the common people and their understanding of the world (Hajek and Dombrowski, 2022).

While some claim that opposing “gender” by the populists represents a strategy to reinstate heterosexual masculinity (Norocel and Giorgi, 2022), others emphasise how gendered discourse is often sexist by objectifying women and regulating their bodies (Wodak, 2015). Their rejection of the sexual agency of women, reproductive rights, and sexual or gender diversity, concepts that are central to the feminist theoretical framework, is a common strategy for populists at a transnational level. They mostly see women as mothers and housewives, through their traditional role in the family, while men belong to the public domain (Akkerman, 2015). These roles are particularly relevant in the populist discourse, due to their attempt to preserve national values and ensure the survival of society for both cultural and demographic purposes.

Since populists constantly invoke the biological differences between sexes and reject the notion of gender as promoted by feminist theory, they could contribute to maintaining heteronormative structures within society and reproduce inequalities between men and women. As a consequence, using a gender lens is more than necessary to explore their narratives and the meaning used in this context (Dietze, 2021), to further assess what impact they can have. This thesis will further analyse how “gender” is employed in the debate surrounding several legislative proposals in Romania, taking into consideration the meaning of this concept and the connection with the political theory

of populism. Moving further, it will evaluate the impact of such conceptualisation, using the theoretical approach to gender developed by the feminist theory, previously examined in this section, to understand if the anti-gender debate poses any threats to women's rights in the country.

Methodology

To answer the research questions on how “gender” as a concept is depicted in recent anti-gender legislative proposals and what is the impact of such representation, this study adopts a qualitative research approach. Specifically, I will further analyse the empirical material by using the “What’s the problem represented to be?” methodology developed by Carol Bacchi and an analysis of discourses as a research method, within the same analytical tool. This section explores the reasons for choosing this methodological approach, based on its strengths and weaknesses, with reference to its applicability and how it can help overcome the challenges posed by my positionality and other ethical considerations.

Empirical Material

The empirical material used for this analysis mainly consists of spoken and written interventions belonging to high-level politicians in Romania. Although the anti-gender movement is represented by a variety of conservative actors, I focus on analysing the discourses of the members of the Parliament of Romania and the President. I chose these actors due to the position of power that they were holding during the analysed period and their involvement in the emergence of the legislative proposals in question. Due to the time frame chosen for this analysis (2020-2023), both the 2016-2020 and 2020-2024 legislatures of the Romanian Parliament were considered, namely a total of 563 members of the Chamber of Deputies and 240 members of the Senate, and Klaus Iohannis, as the president of Romania. Among these politicians, 19.1% were women elected in 2016, with a slight decrease to 18.5% during the current legislature (Băluță and Tufiș, 2021). For the purpose of this research project, the material used consists of quotations and excerpts from legislative proposals and their memorandums, speeches in the parliamentary debates, decisions of the Constitutional Court and personal statements available in the form of written “posts” on Facebook.

As presented in the second chapter of this thesis, the following legislative proposals are the main object of this analysis:

- Law No. 87/2020 for Amending and Completing the Art. 7 of the National Education Law No. 1/2011;

- Legislative proposal PLx. No. 243/2022 on amending Law No. 272/2004 on the protection and promotion of children's rights;
- Law No. 191/2022 and the process of changing Art. 46 of Law No. 272/2004 on the protection and promotion of children's rights.

I decided to focus on these proposals due to their reference to “gender ideology” and triggers such as “sex education”, “gender identity” or “gender theory” which are often used by the anti-gender movement in this context, as presented in the literature review. Moreover, since these proposals are mainly amendments of limited aspects within a broader law, the analysis of their content is complemented by statements of initiators, supporters and opponents, to provide a better understanding of the problem representations and their impact.

I collected the statements made by members of the Parliament outside the official parliamentary debates from the online platform Facebook (www.facebook.com). In addition to media outlets, this platform represents the main channel of communication used by politicians in Romania to raise awareness about their position and legislative efforts, which has gained popularity over the last decade among the public. As a consequence, over 90% of the members of the Parliament in Romania and the President have an official page on this platform, which was often used to react towards the legislative proposals in question, with written statements referred to as “posts”. In this context, I included only the original written interventions in the empirical material and excluded linked posts, and visual or video content.

This process was conducted by using qualitative sampling, more specifically purposive sampling (Kantola and Lombardo, 2021), as a method of collecting data, which entails selecting intentionally those statements related to the purpose of this analysis. I used this method of sampling due to the wide range of issues employed in these proposals, as some of them do not refer only to “gender” or the proposals under scrutiny. As a consequence, from the beginning, “gender”, “biological sex”, “gender ideology”, “women’s rights” and “sex education” were set as keywords. I further introduced these concepts in the original language in the search engine developed by Facebook and used them to identify those statements relevant to the discussion. The same process was conducted for the other materials.

Ultimately, to avoid a biased analysis, I selected only those excerpts which made an explicit reference to these concepts and the legislative proposals under scrutiny, stated between February

2020 and January 2023. Due to the requirements of the algorithm on this platform and its terms and conditions, the data collection process was limited to approximately 100 searches daily, which ultimately caused a longer process than predicted. I eventually stored the posts, referenced to the host profile through an external link, and analysed them in the language used at the time of their writing, to ensure the validity of the data used.

Due to the recent development of the analysed proposals and the duration of the legislative process, the number of statements differs from one to another. The incipient phase of PLx. No. 243/2022, for example, translates into fewer reactions from members of the Parliament. Similarly, some actors involved in the debate may use Facebook as a channel more often than others. To ensure the reliability of the data, I used only statements and transcripts from the Parliament's website and the official Facebook pages of the members of the Parliament and the Presidency. The material was gathered regardless of the political party or ideological background of those involved, to maintain a high level of objectivity and bring competing discourses into this discussion. Finally, I analysed it using Carol Bacchi's "What's the problem represented to be?" approach.

The "What's the problem represented to be?" approach

In 1999, Carol Bacchi introduced the "What's the problem represented to be?" approach (referred to as the "WPR approach" in this paper), as a methodological tool to understand how public policy contributed to women's inequality and what were the implications towards feminist theoretical frameworks. Given that this paper intends to analyse the meaning of "gender" in the most recent policies adopted in Romania, this approach could prove useful in conducting this research. Moreover, it provides the tools to assess the impact, if any, on women's daily lives and their rights.

According to Bacchi and Eveline (2010), social problems don't exist independently in the world, waiting to be solved by policymakers. They are often created by the same policies that seek to address them, as they identify an issue in society and work towards finding solutions. This is what Bacchi (1999) often calls "problem representation", through which we understand how an issue is described and what is the influence of such meaning. This approach does not only involve identifying different representations of problems but is intended to evaluate them, to understand the language used, and the assumptions and ideologies in the problematisation process. A problem

in this context is not seen as something wrong in society, but as a change that is aspired through a policy proposal (Bacchi, 2009).

It is often assumed that policies are adopted to solve existing social issues. The WPR approach seeks to challenge this assumption and to prove that the same legal norms refer to representations of these issues, hence creating them (Bacchi, 2012). As a consequence, public policies eventually construct and reproduce the same issues that they claim they are meant to address. This is often achieved through discourse. Rather than focusing on the content and linguistic aspects of a particular text, discourse in Bacchi's WPR approach refers to how language and knowledge in a wider sense contribute to representing different issues and influencing the way we see the world (Bacchi, 2005). Therefore, this methodology relies on applying analysis of discourses as a research method (Bacchi, 2012). In this context, Bacchi draws on Foucault's definition of discourse which identifies it as a social practice contributing to shaping the object it often refers to. Knowledge becomes socially constructed and objects are constituted through discourse, as practices with embedded consequences (Bacchi, 1999). Furthermore, the power of discourse is different when employed in legislation, because as Bacchi (2010) argues, it has a higher chance in this context to influence social, cultural and political norms. This method is slightly different from discourse analysis, which focuses on the content and linguistic aspects of a particular text. Regardless, such a method is also employed during one of the steps of the analysis, to identify relevant concepts and binaries, as explained below.

In addition to Foucault's poststructuralism, the WPR approach draws upon different theoretical foundations. Similar to social constructionists, Bacchi (2009) states that reality as we know it cannot exist independently of our interpretation. In this sense, the author approaches policy issues with a focus on the discursive construction of these problems within norms and the statements surrounding them. By arguing that public policies are influencing how problems are shaped, this approach also displays similarities with the constructionists within feminist theory. As shown in the previous theoretical framework chapter, "gender" is seen by feminists as a social construct. Moreover, recognising the power of policies to produce representations of social issues can also impact hierarchal societal relations and reproduce gender stereotypes (Meier and Lombardo, 2016). In her approach, Bacchi (1999) focuses on using a feminist lens for policy analysis, by enclosing some of the key concepts developed by social constructionists.

Bacchi (2009) introduces a practical tool within this methodology to conduct the evaluation, namely a set of six questions that can be applied to a policy:

1. What's the "problem" represented to be in a specific policy?
2. What presuppositions or assumptions underlie this representation of the "problem"?
3. How has this representation of the "problem" come about?
4. What is left unproblematic in this problem representation? Where are the silences? Can the "problem" be thought about differently?
5. What effects are produced by this representation of the "problem"?
6. How/where has this representation of the "problem" been produced, disseminated and defended? How could it be questioned, disrupted and replaced?

Through this set of questions, the WPR approach starts by identifying the problem representation within a policy or the multiple issues described, when that is the case (Question 1). Furthermore, it considers the presuppositions or assumptions embedded in this problem representation (Question 2). With this step, this methodological approach looks into the meanings and concepts that are at the foundation of the policies in the discussion, the specific binaries and the socially constructed notions used in them. Further, the WPR approach examines the historical, cultural and political development of policies, and the conditions that led to the problem representation analysed (Question 3). Through the following question (Question 4), this approach encourages the researcher to critically analyse what is missing, what this problem representation fails to address and what issues are silenced through it, to reveal who participates in these discursive practices and who is left behind, to the detriment of disadvantaged groups within society.

The next step (Question 5) focuses on the effects of the problem representation, the impact that was maybe not taken into consideration when drafting the policy. According to the author, three different types of effects can result from such analysis. The first category, namely the discursive consequences, refers to the limitations that the problem representation can impose on discourse, on what can and cannot be said, which can also be connected with the silences revealed in the previous question. The second type is represented by subjectification effects which reflect how particular subjects and subjectivities are constituted through discourse and often posed one against the other. Lastly, the lived effects of the problem representation look into the material impact that policies have on the daily lives of people (Bacchi, 2009). The last question (Question 6) within

this process seeks to understand how the problem representation analysed became the dominant one and how it was disseminated further while encouraging finding possible ways of challenging or replacing it.

Bacchi's approach differs from other methodologies used in policy analysis because it conducts the process backwards. Instead of examining the statistical aspects and the impact of a policy or a law on solving an issue in society, the WPR approach analyses how these social problems are constructed and represented in norms and public programmes. Moreover, its purpose is to reveal what is the impact of these representations of problems on the lives of those often "targeted" by such policies. Rather than examining the specific results sought through public policies, what is essential to Bacchi's approach is its inquiry into the more subtle consequences generated by these norms (Meier and Lombardo, 2016).

These aspects are the main rationales behind choosing this methodology. The strengths of this methodology lie in its useful analytical tool which moves beyond the traditional view of examining policies as a "problem-solving" instrument and looks at its representations, silences and effects, among others. Moreover, through its set of questions, the WPR approach serves the purpose of this thesis as it offers a practical tool for structuring the research process and understanding the representation of "gender" as a concept through an analysis of the discourses within the existing material. The same methodological approach also assists in exploring the Romanian context and the impact of such representation, if any, on the daily lives of women.

Regarding the weaknesses of such methodology, when selecting documents and other discursive practices surrounding their initiation, one must be aware that their content can reference other interconnected texts. Moreover, the same legislative proposal could contain multiple problem representations, which indicates the need for more complex and lengthy analysis. These aspects are often encountered in proposals of the anti-gender movement, since, as shown in the literature review, their targets are various and the use of "gender" as a concept is associated with multiple issues such as education, reproductive rights, marriage equality or children's rights. Given the purpose of this thesis, some of the issues represented in these proposals might not be so relevant to this discussion. Without undermining the importance of the norm, I used the WPR approach in this paper mainly for those provisions and problem representations that involve "gender" as a concept, to overcome this challenge. Additionally, as suggested by Bacchi (2009), I analysed the

parliamentary debates, and statements written on Facebook, to provide a bigger picture of the problem representations under discussion.

Secondly, applying the entire set of questions could prove challenging, especially for a research project of a length similar to this thesis. Bacchi (2009) herself acknowledges that scholars might not apply all the questions and choose only those which fit the purpose and limitations of their research. As a consequence, this analysis only addresses Questions 1,2,4 and 5, mostly because Questions 3 and 6 require a more in-depth analysis. While these are important aspects of the anti-gender movement and its proposals in Romania, this paper is primarily interested in how “gender” is represented as a concept and its consequences, if any, on women’s rights. Nevertheless, the use of the WPR approach does not lead to a close-ended analysis but provides the analytical tool for conducting a first study of the problem represented in policies, which can further lead to a more in-depth inquiry into their development, dissemination and implementation.

Lastly, since this methodology has its theoretical foundations in feminism, among others, one should also be cautious when applying a gender lens to the analysis. The author is fully involved in the process and must be careful during the selection of the discourses, due to previous theoretical background and attitudes towards the subject. The following section explains also how I overcame this challenge throughout this research, with regard to my position as an author and ethical considerations.

Positionality and ethical considerations

Within the WPR approach, examined earlier in this chapter, Bacchi later provided another step in the process. This additional phase insists on considering the relationship between the researcher’s positionality and the policies analysed. She, therefore, proposed applying the set of six questions to any re-problematisation forwarded by the researcher (Bacchi and Goodwin, 2016) to avoid generating other problematic assumptions.

As mentioned in the introduction and motivation of this thesis, I am a woman, born in Romania, and my research background is strongly linked to feminism and advocating for women’s rights. Given my personal and professional background, the theoretical framework chosen and the method used for the empirical material, this seventh step in Bacchi’s approach offers a response to the

challenge posed by positionality. In this context, throughout the analysis, a process of critical self-reflection was carried out to avoid compromising the findings of this project. Particularly, I applied the set of six questions proposed by Bacchi's WPR approach to my problem representations to challenge any assumptions that might have resulted during this process.

Moreover, it is important to note that while I am a woman and a feminist, this project did not start with the intention to criticise or silence the anti-gender movement in Romania. Its purpose, throughout the entire process, is to understand the representations of the concept of "gender" in recent policies. Furthermore, it attempts to assess the impact of the anti-gender proposals, if any, whether positive or negative, on human rights, based on empirical material that was collected, regardless of my positionality. Further, I interpret the results based on the political and cultural context reflected in the literature review and the theoretical aspects associated with both feminism and populism. Ultimately, the WPR approach offers the practical tool to review the assumptions associated with the representations of "gender" in the policies analysed and their impact, to further maintain a level of objectivity and avoid presenting the results in a biased way. No other ethical aspects were considered in this thesis, due to the method used and the lack of any sensitive information.

Findings & Analysis

Findings

As previously presented, the empirical material of this thesis consists of excerpts from three legislative proposals and their memorandums (Appendix 1), promoted between January 2020 to January 2023 in the Parliament of Romania. Additionally, the transcripts of parliamentary debates, two notifications of the President of the Constitutional Court and two decisions of the latter were considered relevant to this discussion and referenced in Appendix 2.

From analysing the Facebook pages of members of the Parliament, I found and selected 127 posts, all written in Romanian, due to their reference to the legislative proposals under scrutiny. Out of these posts, 29 belong to women in the Parliament. The most active discursive practices within this debate were identified among the members of the current legislature (2020-2026), due to an increase in the use of these communication channels for expressing their opinions and connecting with the electorate. Moreover, most of the proponents and supporters of these proposals belong to the Alliance for the Union of Romanians (AUR), the People's Movement Party (PMP) and the Social Democratic Party (PSD), with isolated cases among the National Liberal Party (PNL). On the other side, those strongly opposing these proposals are members of the latter, the President of Romania, Save Romania Union (USR), Freedom, Unity and Solidarity Party (PLUS) and the Renewing Romania's European Project (REPER). All these posts are dated, linked and referenced in Appendix 3, categorised based on each proposal, with additional quotes which are listed in Appendix 4 and reflect different aspects considered in this analysis.

Furthermore, I identified common themes which are further mentioned in this thesis, regardless of the ideological background of the participants in this discourse. The interventions of those supporting these proposals were used in identifying the problem representations, presuppositions and assumptions underlying them, while the opposing discourses indicated what is missing, the silences and effects. The WPR approach was applied considering a general overview of these aspects, without referencing individual politicians, and only providing relevant quotes when necessary, which were further translated into English. Consequently, I was not particularly interested in the individuals' assumptions and political views, but rather in how their interventions provided a wider understanding of the use of "gender" and helped answer the research questions.

Analysis

To further conduct the analysis, I applied four (Questions 1, 2, 4 & 5) of the six questions developed by Carol Bacchi within the WPR approach to each of the legislative proposals under scrutiny. Additionally, the empirical material was critically examined by referring to the concepts mentioned in the literature review and theoretical framework related to the anti-gender movement, feminism and populism. When relevant, a comparison between aspects related to the problem representations from each proposal was made, to point out their position within the wider anti-gender debate.

Question 1: What are the “problems” represented to be in the anti-gender legislative proposals in Romania?

Carol Bacchi’s WPR approach often begins by identifying the main changes proposed by a policy document, in this case, proposals amending existing legislation. Furthermore, it suggests looking at the process backwards, to understand how such changes reveal the representation of issues constituted as problems within the document analysed.

In the case of the first legislative proposal, namely Law No. 87/2020 for Amending and Completing the Art. 7 of the National Education Law No. 1/2011, the amendment introduced in art. 7(1) e) prohibits in schools and any other spaces dedicated to educational programmes:

“the activities aimed at spreading the theory or opinion of gender identity, understood as the theory or opinion that gender is a concept different from biological sex and that the two are not always the same” (Law No. 87/2020, Appendix 1. I)

Corroborating with the theoretical concepts previously analysed in Chapter 4 of this thesis, the amendment proposes the prohibition of any activities within the education system which promote the concept of “gender” as developed by feminist theory and associated by the proponents with “gender theory”.

According to the initiators, previously to this proposal, Art. 3 of Law No. 1/2011 listed the principle of independence from ideologies, and political and religious dogmas among those

governing the education system in Romania. However, the law in question did not consider independence from ideologies when enumerating the forbidden activities within the educational space. Therefore, the problem constituted through this amendment is that under the current legislation and in the absence of a provision that prohibits proselytism based on sex and gender in Art. 7 of the National Education law, “gender ideology” can enter the educational system and promote the theory of “gender” as a different concept than “biological sex”. As a consequence, the proponents claim that such activities which advance the “gender theory” have the potential of creating confusion and affecting children’s integrity.

Moving forward, the legislative proposal PLx. No. 243/2022 on amending Law No. 272/2004 introduces the elements of children’s identity which should be listed at birth, including “biological sex”, and the right to keep them throughout life. New provisions are added to the existing Art. 9 (3) of the same law which states that the sex of children should be set by the doctor at birth and cannot be other than “male” or “female”. Relevant to this discussion, this amending law also proposes adding parents’ possibility to withdraw their children from sex education classes in schools, as a change to Art. 46 of the law at that time, and the prohibition of the dissemination of information regarding the deviation of sex assigned at birth or the promotion of sex change or homosexuality, in Art. 89 (1). As the law introduces multiple changes, different problem representations could occur. Therefore, each proposed article is worth analysing to further understand the issues constituted within their content. However, considering that Law No. 191/2022, also analysed in this thesis, introduced similar changes to Art. 46 in 2022 which eventually came into force, by the time PLx. No. 243/2022 will be debated in the Parliament, this provision will most probably be declared null. Hence, I decided to mainly explore the changes proposed for this article under Law No. 191/2022, as the problematisation process is relatively similar.

Regarding the first change in Art. 9 of the law on the protection and promotion of children's rights, the deputies claim that the existing legislation does not stipulate what constitutes children’s identity. Additionally, they depict children as the most vulnerable category when exposed to information about new ideologies and “gender theory”. Consequently, the proponents want to introduce a more accurate definition of the identity of children at birth and the right to be preserved until they reach 18 years old. In other words, under the current legislation, children would be able

to change them under the influence of what the proponents call “harmful propaganda” of new ideologies. Therefore, the problem constituted in this article is that children could change their sex and choose one other than “male” or “female”, after being exposed to information about what they call the “gender theory”.

The change proposed for Art. 89 (1) of the same law is strongly linked to this problem representation. More specifically, the proponents claim that under the current law, there are no provisions limiting or prohibiting the dissemination of information related to sex change and what they call “the promotion of homosexuality”. Their proposal is the prohibition of disseminating by any means information regarding the change of the sex assigned at birth, similar to the measures taken towards the protection against abuse, violence, pornography or human trafficking, stipulated in the same article. Thus, the problem constituted here is that new ideologies and “gender theory” influence children to change their sex assigned at birth or sexual orientation, which can be harmful to their development.

The third legislative proposal under discussion, namely Law No. 191/2022, contains a similar provision as PLx. No. 243/2022, since it aims at amending Art. 46(3) i) of the same Law No. 272/2004. Through this proposal, its supporters intended to replace the concept of “sex education” with “health education”, and introduce written parental consent when running such programmes, to prevent contracting sexually transmitted diseases and adolescent pregnancies. Previously to this change, according to the proponents of this amendment, children had to attend sex education classes and their parents had no involvement in deciding whether such programmes are suitable for them or not. As a consequence, they were exposed to information which represents a danger to their integrity. Therefore, the main issue constituted in this proposal is that running “sex education” programmes without parents’ involvement in this process represents what the proponents call “sexual propaganda” and leads to harming children’s innocence.

Question 2: What presuppositions or assumptions underlie this representation of the “problems”?

After determining the problem constituted within these proposals, it is important to explore the presuppositions or assumptions which underpin the representations in question. During this step, discourse analysis proves useful as it implies identifying relevant keywords, categories, concepts

and binaries employed in the empirical material. As previously mentioned, the WPR approach is interested in analysing the “conceptual logics” and how the meaning of specific words and expressions become crucial in constituting the problem represented in these proposals. In this step, I seek to identify what meanings needed to be in place to further explain or justify the problem representations.

What all the problem representations have in common is the assumption that the new “gender ideology” and “gender theory” are dangerous to children. Hence, they need to be protected and the state, through these amendments, aims to act in the best interest of children, especially those who do not have the legal age and capacity to decide for themselves. The proponents also claim that children are innocent, and, consequently, vulnerable to information which could be harmful to their integrity, as shown in the following excerpt:

“Given the increased access to information through the Internet and social networks, facilitated by the digital revolution of the last decade, we believe that children are the most vulnerable category to the influences of these new ideologies.” (Zakarias Zoltán et. al., 03.02.2022, Memorandum, Appendix 2. II)

The concepts of “gender ideology” and “gender theory” are referenced in all the proposals, under different aspects, which ultimately indicates the connection with the broader anti-gender debate, as presented in the literature review. It is important to note that the participants of this debate use the terms “gender ideology” and “gender theory” both separately and interchangeably. The majority of discourses surrounding all the proposals mention the emergence of a new “gender ideology”. The term mostly depicts a propagandistic phenomenon and it is characterised as a “neo-Marxist” or “sexo-Marxist” construct:

“These days, a new way of being of the Communism is brewing - neo-Marxism, progressivism! This ideology is based on sodomic orientations (...)” (Rodica Boancă, 23.05.2021, Appendix 3. I)

As shown in the literature review, this association is not arbitrary within the anti-gender movement, rather it provides a negative connotation due to the recent history of Communism and Marxism in the country. Using this association, it portrays “gender” as an ideological tool of the

left side of the political spectrum, which in the views of those participating in the debate, is used to manipulate people into obtaining political gains.

In the discourses surrounding the first proposal, this new ideology is considered responsible for spreading the so-called “gender theory”, as a theoretical approach that views “gender” as distinct from “biological sex”. More specifically, the main criticism of this theory is that the biological sex given at birth does not represent the ultimate criterion in defining a person as “male” or “female”. As previously shown in the theoretical framework of this thesis, politicians under the influence of populism often advocate for biologically binary sex differences and reject the socially constructed feminist approach towards gender. To further deny its theoretical foundations, they present “gender theory” as unscientific and is even associated with similar controversial theories such as the “Flat-Earth” view. Most of the supporters of these proposals claim that “gender theory” is relatively recent within the research and academic field and it is deemed controversial, due to no empirical proof of its foundations. While one can determine “biological sex” by the examination of genital organs, the multiple genders introduced by “gender theory” have no scientific evidence and are mostly a product of imagination.

In the memorandum of the second legislative proposal, “gender ideology” and “gender theory” seem to be used with the same meaning:

“In the societies of Western European countries, we are currently witnessing an onslaught of new ideologies, such as gender theory, which endanger traditional values, based on Christianity, and the very basic core of society, the Christian family.”
(Zakarias Zoltán et al., 03.02.2022, Memorandum, Appendix 2. II)

Consequently, these politicians use both “theory” and “ideology”, when referring to “gender”, as the same concept. However, when analysing the integrity of the document, it is clear that they see the new ideology as a broader phenomenon, responsible for the dissemination of what others call the “gender theory” and the deviation from the sex assigned at birth.

Lastly, the reference to both “gender theory” and “gender ideology” is subtler within the debate surrounding Law No. 191/2022. Although the proposal focuses on “sex education”, some of the existing discourses attribute these programmes to an ideology, without naming it. The connection to “gender ideology” however is unmistakable when multiple supporters of this proposal state that

the previous legislation and the introduction of “sex education” in schools was adopted by a neo-Marxist governing coalition, under a Marxist influence, as in the following excerpt:

“I don't want my babies to have such a neo-Marxist ‘education’ shoved down their throats, which, in the name of a new ‘progressive’ world order, mutilates their innocence.” (Mihai-Viorel Fifor, 23.06.2021, Appendix 3. III)

Moreover, as I have shown in the literature review, “sex education” programmes are one of the main triggers of the anti-gender transnational movement. Consequently, this could lead to the conclusion that even without naming it, the supporters of the third proposal often assume that “gender ideology” is responsible for “sex education” and all the danger posed by it.

As for the second amendment law, its proponents stress from the beginning that “gender theory” and the new ideology emerging in Western Europe are used as propaganda tools. Similarly, to the previous law, through the change for Art. 89 (1), its advocates claim that “gender theory” incites children to undertake sex change procedures or to change their sexual orientation, promoting homosexuality and the deviation from the sex assigned at birth. Following this claim, another assumption that underlies the problem representation is the view that sex reassignment procedures, through which a person chooses to deviate from the biological sex at birth, are harmful to children. Similarly, they assume that promoting different types of sexual orientations, especially the ones towards the same sex, as described by the proponents under the term “homosexuality”, is dangerous for children’s development.

The third legislative proposal under scrutiny also indicates a series of assumptions in place at the time of its adoption. Firstly, by introducing the unique term “health education”, the proponents of this amendment assume that such a concept is a more appropriate notion than “sex education” for developing programmes aimed at preventing the spread of sexually transmitted diseases and underage pregnancies. They often state that the purpose of “health education” is to teach youth how to be more responsible before and when engaging in sexual intercourse. They also introduce other notions such as hygiene or physical and mental wellness in relation to “health education”. Following this interpretation, it is relevant to understand also what they consider to be “sex education” and how it is seen as problematic. Thus, the main underlying assumption of the problem representation is that through sex education classes, children are exposed to pornography, sexual

proselytism, how to perform sexual intercourse or masturbation and other so-called “deviant behaviours”, from an early age. Furthermore, there is an assumption that running sex education programmes will incite youth to become sexually active from an early age. The proponents also state that sex education would cause an increased abortion rate, sexually transmitted diseases or high exposure to child pornography or prostitution, similar to the following excerpt:

“It is unacceptable for the innocent minds of our children to be polluted and inclined towards promiscuity, abortion, pornography, sexual confusion and sexual irresponsibility, rather than abstinence or sexual responsibility. The programs that will be taught have absolutely nothing in common with Christian or biblical values regarding human sexuality (...).” (Laura-Mihaela Fulgeanu-Moagher, 03.02.2021, Appendix 3. III)

Regarding the same problem represented in the third legislative proposal, its supporters strongly advocate for introducing written parental consent in Art. 46(3) i) as they assume that parents are the ones entitled to decide their children’s education. This assumption comes in a context where many politicians claim that parents should be able to control what and who is teaching their children. Following this judgement, many also assume that without immediate parental control, external actors, mostly referenced as non-governmental organisations, would have access to schools and indoctrinate children with ideas such as “gender theory”. Similarly, there is also an assumption that most of these non-governmental actors represent the rights of sexual minorities and would propagate in schools what some politicians call “LGBT propaganda”.

Two additional keywords stand out from this debate, mainly “normality” and “morality”. While none of the politicians using them indicated any definition, they are mostly stating that “sex education” is opposing both of these terms and inevitably they are referenced in a binary relationship with other concepts such as “gender theory” or “gender” itself. Interestingly enough, many politicians involved in this debate present themselves as supporters of measures necessary to talk about sexuality, preventing sexually transmitted diseases or unwanted pregnancies. Nevertheless, they state that such conversations should be carried out within the “private sphere” and, as previously pointed out by the populist theory, sex education is seen as an intrusion of the state into the privacy of the family.

The latter, according to the same populist theoretical foundations, has always been seen as an educational space, which further explains the strong support for introducing parental written consent in Romania. Related to this “private space”, it is worth mentioning that in this debate, the notion of “family” is often associated with Christian values and is depicted from a heteronormative point of view as the core of society. There is an assumption that the new ideology and its teachings, especially through sex education, pose a threat to the traditional family in Romania. Judged also by previous initiatives, briefly mentioned in the background chapter of this paper, “family” in Romania is seen as a union between a man and a woman, founded on Christian and conservative values. However, compared to other anti-gender initiatives in the region analysed in the literature, this concept is not that often referenced within these discourses.

Question 4: What is left unproblematic in these problem representations? Where are the silences? Can the “problems” be thought about differently?

The discourse analysis conducted under the previous question is not only useful in identifying the presuppositions or assumptions which underlie the problems represented in these proposals. It also shows what is left unproblematic, what are the silences of such representations, and assesses if these “problems” could be thought about differently. I will therefore look into particular issues related to each proposal, before pointing out what is missing from the initiatives as a whole.

By forbidding any activities which present “gender” as a different concept from “biological sex”, Law No. 87/2020 has multiple implications which were not considered at the time of its adoption. Firstly, as stated by many politicians in this debate who were against the legislative proposals, “gender” as a concept lies at the foundation of gender equality policies, both in Romania and internationally. As a consequence, denying the distinction between “biological sex” and “gender” and the feminist view that the latter is socially constructed, is leading to a rejection of the instruments adopted towards achieving gender equality. Romania is currently part of most of the international instruments related to gender equality and is officially embracing within its policy strategy the measures taken at the European Union’s level. Eliminating any reference to “gender” as a concept would not only have implications in education. It will also reconsider Romania’s position towards gender equality and its compliance with international law, which has normative priority in the country. These particular issues were rarely mentioned in the debate surrounding

this proposal, especially when looking at the discourses of their supporters. The opposition however has pointed out these issues several times:

“(…) We are seriously violating the anti-discrimination legislation (including on the criterion of sexual orientation, concerning LGBT people) and the gender equality legislation, both of which are legal obligations of Romania upon joining the European Union.” (Vlad Alexandrescu, 16.06.2020, Appendix 3. I)

Moreover, the first proposal and its problem representation fail to include those students who are actually interested in learning about ideas promoted by “gender ideology” and its “gender theory”. They often claim that it is in the best interest of children for their innocence to be protected against such ideas which are deemed unscientific and propagandistic. However, this proposal comes in a context where feminist social constructionism and gender studies are an integral part of many universities’ curricula, including Master’s programmes. By forbidding any reference to “gender” and the intrusion of “gender ideology” in schools, this proposal automatically denies the right to education to those who are interested in these topics. The President, for example, referenced this issue in his notification towards the Constitutional Court:

“We believe that by imposing a condition for the prohibition, in educational institutions, of the activity aimed at spreading the theory or opinion of gender identity (...) is likely to determine the exclusion from the scope of the beneficiaries of the right to education of those who would like to study the theory/opinion of gender identity, circumstantial, however, subjectively, by the legislator, depending on the way in which this is understood.” (Klaus Iohannis, 10.07.2020, Notice of unconstitutionality, Appendix 2. I)

The second proposal (PLx. No. 243/2022) fails to consider the experience of those young people who already went through a gender affirmation surgery. The case is similar to those children who do not personally identify with the sex assigned at birth or have a different sexual orientation. This often includes members of the LGBTQ, especially transgender and intersex communities which do exist in Romania and according to the amended law, enjoy the same rights as any other child. Consequently, this proposal fails to provide a solution for those in this situation and it also silences them.

Moving further, one could argue that the third legislative proposal does not consider the current social and cultural climate of Romanian society. More specifically, sex education and any conversation about sexuality, including sexually transmitted diseases, sexual intercourse or pregnancy, are currently considered a “taboo” in the Romanian culture. As shown in the literature review, the restrictive abortion policy during the Communist regime, a low level of literacy and the lack of sex education classes often limit the knowledge that parents themselves have on these topics. Therefore, by limiting the exposure of children to this information in schools, and increasing the influence of parental consent, the proposal fails to address what happens when parents do not have the capacity to educate on these matters. This could occur because they lack the knowledge or feel too ashamed to talk about such issues.

Moreover, while this issue has been multiple times raised by the opposition, the supporters of this proposal do not often consider those children without parents. They indeed introduced the written consent of “legal representatives”. Regardless, the social reality in Romania shows that many children have their parents working abroad and they are often left in the care of grandparents, neighbours or distant relatives. These legal representatives do not have the capacity or relationship necessary to discuss issues related to sexuality, often attributed to a high level of intimacy, further pointed out in the following example from this debate:

“For the PSD PNL initiators of the amendment, only parents can do health education (...). In disadvantaged environments, the question legitimately arises: Which parents??? Those working across Europe? Many of these parents do not have the time or pedagogical skills to explain to their own children information related to personal hygiene and elements of education to prevent sexual diseases, accidental pregnancies, child trafficking. (...)” (Cristina-Ionela Iurişniţi, 28.05.2020, Appendix 3. III)

Lastly, the third proposal often indicates the need to run “health education” programmes to prevent sexually transmitted diseases and underage pregnancies. As a matter of fact, in most of the discourses, such issues are strongly mentioned, supported by statistics about Romania’s high level of teenage pregnancies, abortion and sexual violence. Nevertheless, in this context, what is strongly missing is the reference to boys and men. More specifically, the supporters and opposers of this proposal often stress the need to inform girls to avoid pregnancies at early ages or become victims of sexual violence or sex trafficking. Only one politician actually mentions how sex

education could inform boys from an early age, in a context where most of the perpetrators of violence against women are men, as shown by the background chapter. Therefore, the final purpose of this amending article could also consider boys in the conversation surrounding the need for “health education”.

Overall, when looking at all the proposals, one of the biggest silences is related to women. As mentioned, girls are indeed considered when debating the issue of “sex education” and the third proposal, mostly on aspects related to statistics on underage pregnancies. However, girls and women are missing from any other references in relation to the prohibition of the social constructionist view on “gender” as a concept different from “sex”, and the emergence of “gender ideology”. The impact on women’s lives is almost inexistent in this conversation, and banning gender studies, sex education in schools or the so-called “gender ideology” does not consider their experiences throughout this process. The literature review has shown that the anti-gender movement in the region mainly opposes issues concerning the rights of women and the LGBTQ+ community. However, most of the previous studies and discourses in this analysis indicate that the recent anti-gender legislative proposals in Romania are part of a public anti-LGBTQ+ narrative. More specifically, the opposition and international community see these laws as an attack on those with a different sexual identity or orientation.

Nevertheless, according to feminist theory, “gender” as a socially constructed concept, distinct from biological sex, represents a crucial element in identifying what maintains the patriarchal order and leads to discrimination against women. The feminist theory uses “gender” in its analysis of power relations and societal processes to counter the views that inequality is attributed to biological features of the male and female sex. Moreover, as I already presented in the theoretical framework of this thesis, “gender” is an analytical tool that reveals what roles and stereotypes are often reproduced through policies and discourse, contributing to women’s oppression within society. Therefore, “gender” as a concept is strongly linked to women’s fate, their rights and advancing gender equality. Considering that the legislative proposals under scrutiny reference “gender” and “gender ideology”, with other aspects such as gender studies, sex education or gender identity, women should be considered in this debate. The supporters of this legislation fail to include them in the conversation and take account of the implications of banning “gender” on women’s lives, an aspect that I will analyse in the next section.

Question 5: What effects are produced by these representations of the “problems”?

During the final step of the WPR approach, rather than measuring the overall success of policies, I continue to examine the problem representations by looking into their impact. At this point in the analysis, as already explored in the Methodology chapter, I am interested in revealing the subtler effects of such representations. This impact, if applicable, was maybe not considered before, especially when referring to one group of people to the detriment of another.

The first category of discursive effects is strongly linked with the assumptions underlying problems from Question 3 and the silences exposed in Question 4. As this section has already shown, banning “gender” as a socially constructed concept different from “biological sex” limits the understanding of multiple issues connected to such terms. In the absence of this socially constructed notion, such issues would be left out of the conversation. In particular, the Constitutional Court, in Decision no 907 referenced in Appendix 2, stated that:

“(…) the notion of ‘gender’ has a wider scope than that of ‘sex’/sexuality in a strictly biological sense, as it incorporates complex elements of a psychosocial nature. Thus, if the notion of ‘sex’ is circumscribed to the biological characters that mark the differences between men and women, the notion of ‘gender’ refers to a set of psychological and sociocultural traits.” (Constitutional Court of Romania, 21.01.2021, Decision no. 907, Appendix 2. I)

Similarly, notions such as “gender equality”, “gender-based stereotypes” or “gender identity” would also be excluded. Particularly looking at the promotion of stereotypes, the notion of “gender” itself reveals certain characteristics that are associated with biological sexes, which are further reinforced by institutions in place and discursive practices. As previously indicated by the feminist theory and literature in the field, notions such as “traditional family”, “Romanian Christian values” or the “male/female” binary, often deployed in the anti-gender discourse, contribute to reproducing conservative views that associate women with a reproductive role and the private sphere, and men as decision-makers and breadwinners. When such aspects are institutionalised in policies, according to feminists, they contribute to discrimination and sustaining unequal power relations, to the detriment of women.

The debate surrounding “sex education” and the “gender ideology” propaganda of the last two legislative proposals are also relevant regarding their discursive effects. By presenting this domain as a form of sexualising children and inciting them to homosexuality, these problem representations limit the discourse and exclude notions such as self-perceived identity, body autonomy, consent, contraception, menstruation, victim blaming or sexual harassment which are integral parts of “sex education”. These are all issues that affect both women and men, who are often left out of the conversation surrounding sexually transmitted diseases or underage pregnancies. Altogether, these problem representations impose a certain level of censorship and limitations on the freedom of expression.

The second category of effects is related to subjectification, namely what subjects are constituted through the anti-gender discourse and how this debate influences the way they perceive themselves. Judging by the problem representations in these proposals, most of them indicate children as the main beneficiaries of these changes. In this context, however, they portray children as a vulnerable category which needs protection from parents and the state. Hence, they are considered unable to think for themselves when exposed to such issues and susceptible to external influences such as what they call “gender ideology” and “harmful propaganda”. The silences analysed in the previous question revealed that these proposals would also deny access to information related to “gender” to those students who are attending university, and who are interested in these topics. This could impose limits on their freedom of conscience, thought and opinion and silence their voices. It could also deny access to information on how they can protect themselves or understand the change in their emotions, bodies and issues related to self-identity. Similarly, women are either missing from these discourses or are presented as victims and a vulnerable group in need of protection. Their role and reproductive function within the traditional family portray them in a specific way which ultimately translates into an inferior position within society. This could pose crucial barriers to women’s access to decision-making and oppress those who challenge traditional views.

Lastly, the subjectification effects of these problem representations also pose the authors of these discourses against each other. Mainly, the supporters of these legislative proposals present themselves as the protectors of the Romanian identity, and moral and Christian values, against the neo-Marxist and extreme left governing coalition or non-governmental organisations representing

sexual minorities and feminists. The supporters of these proposals accuse the others of being responsible for the problems represented, namely the emergence of “gender ideology” in schools, the harmful effects of “gender theory” and the dissemination of information which could affect children’s innocence. This representation of two antagonistic groups, “the people” and “the elite”, is often encountered in the theory of populism chosen as a theoretical framework of this analysis, which could indicate its influence on politicians in Romania. On the other side of the political spectrum, the opposition sees the supporters of these proposals as representatives of outdated, associated with other illiberal democracies in the region such as Hungary, Poland or Russia.

The lived effects of these problem representations are strongly linked with the impact of human rights and fundamental freedoms. As previously noted in this section and the discourses of the opposition, “gender” as a concept lies at the foundation of international instruments and national policies advocating for gender equality, women’s rights and the eradication of discrimination against the LGBTQ+ community. Therefore, the elimination of this concept could result in a lack of compliance with these instruments. Concerning obligations arising from these legal instruments, I argue that Romania would violate important provisions from the Convention on the Elimination of All Forms of Discrimination against Women, or the Istanbul Convention on the Prevention and Combating of Violence against Women and Domestic Violence. Violations of the legislation adopted at the European level would also occur since it is transposed into national legislation. It will ultimately contribute to taking a step back in the mission towards tackling gender-based discrimination. Furthermore, this will translate into a lack of protection of women’s rights. Many discourses opposing these proposals indicate that in the absence of “gender”, girls would be encouraged to take upon a subordinate role in society, as stated by one politician:

“What will this new law bring? Any reference to the concept of gender other than natural sex will be prohibited in all schools and educational spaces. Girls will be encouraged to play with dolls, knit and accept boys’ insistence. Boys will only play with cars, and football in the schoolyard and tease girls. At the limit, it is in the nature of the ‘weaker sex’ to allow itself to be dominated by the ‘stronger sex’(...)” (Vlad Alexandrescu, 16.06.2020, Appendix 3. I)

Moreover, gender studies and sex education, by referencing the concept of “gender itself”, are often an important instrument to eliminate violence against women, sexual harassment and

discrimination. These arguments were referenced in numerous studies analysed in the literature and reports of international organisations on women's rights in Romania. In this context, due to the lack of information on prevention, consent and what constitutes domestic violence or sexual abuse, many women become victims of violence and discrimination. Society already sees them as victims and a vulnerable group in this debate, as previously remarked on the subjectification effects. Hence, I believe that the lack of comprehensive education which could reference issues specific to their biological sex, social role and stereotypes associated with them, increases this vulnerability.

As previously shown, high rates of rape and sexual assault cases, underage pregnancies and human trafficking are encountered in Romania. In this context, women become even more vulnerable and are at risk of poverty, dropping school, contracting sexually transmitted diseases, becoming victims of domestic violence or performing unsafe abortion procedures. The amending laws and discursive practices under scrutiny, which do not recognise the socially constructed roles of women and men, put the former in a vulnerable position in society and contribute to their discrimination. Furthermore, it leads to the rejection of international and national policies which reference "gender" as a concept and which ultimately protect women and others such as children and the LGBTQ+ community against violations of their rights and fundamental freedom.

Conclusions

With the emergence of the anti-gender movement in Central and Eastern Europe, this thesis sought to analyse the recent legislative proposals adopted by the Parliament which oppose “gender ideology”. More specifically, it aimed to understand how “gender” as a concept is depicted in these amending laws and the discourses surrounding them, and if such representation poses any threat to women’s rights in the country. This research project used concepts developed by the previous literature on the topic of the anti-gender movement and feminist and populist views on “gender” to analyse excerpts from the legislative proposals, complementary documents and posts on Facebook from members of the Parliament and the President of Romania.

After using the “What’s the problem represented to be” methodology and an analysis of discourses, several conclusions can be drawn from this research. Firstly, the problem representations within these proposals are mostly related to the emergence of “gender ideology” and its instruments such as “gender theory” and “sex education”. Within these concepts, “gender” either poses a threat to the educational system, is harmful to children’s integrity or further influences them to deviate from the biological sex assigned at birth and change their sexual orientation. What the supporters of these laws oppose is the feminist view that “gender” as a concept is distinct from “biological sex”.

Secondly, the assumptions and presuppositions underlying these problem representations view “gender ideology” and “gender theory” as a danger to children. Either used distinctly or interchangeably, the proponents associate these concepts with deviant behaviours and propagandistic tools which contravene the Christian, moral and cultural values of Romanian society. Furthermore, the analysed discourses identify women and children as vulnerable categories in need of protection, while they consider the opposition neo-Marxist and the LGBTQ+ community abnormal. They rarely reference women in these discourses, and the proposals fail to address their lived experiences or the issues affecting transgender and intersex people, children with no parents and those interested in information promoted by the so-called “gender ideology”.

Lastly, throughout the analysis of the effects of these problem representations, I argue that rejecting the socially constructed notion of “gender” also denies concepts such as “gender equality”, “gender-based stereotypes” or “gender identity”. These are ultimately relevant to ensuring the fulfilment of women’s rights and the elimination of gender-based discrimination. In

their absence, compliance with relevant international instruments and their implementation in Romania could suffer. Consequently, they would also contribute to taking a step back in the mission of achieving equal opportunities between men and women.

Therefore, I conclude that the representation of “gender” in this debate which denies its theoretical foundations developed by feminists does pose a threat to women’s rights in Romania and the implementation of international instruments and national policies on gender equality. The proposals under scrutiny not only reject fundamental concepts which are at the basis of gender equality policies, but they also reproduce stereotypes often associated with men and women. Under the pretext of protecting the traditional and moral values of the Romanian identity, they renounce domains such as gender studies and sex education. As proved by previous research, theoretical approaches and opposing discursive practices, these domains are crucial in challenging the violations of women’s rights in Romania. More specifically, they are relevant in combatting issues such as domestic violence, human trafficking, unsafe abortions, and reproducing gender-based stereotypes which sustain heteronormative norms. Since more similar initiatives are currently under discussion and would soon be part of the official agenda of the Romanian Parliament, one must be aware of the impact of such representation. It is, therefore, crucial to analyse how depicting “gender” as a concept in existing laws could impact the application of existing legislation, Romania’s compliance with international instruments, and their beneficiaries.

Through this research project, I attempt to fill the gap in the literature regarding recent legislative proposals against the so-called “gender ideology” and their impact, particularly on women. I also seek to position Romania within the broader anti-gender debate in the region. This thesis revealed how members of the Parliament of Romania and President Klaus Iohannis, mostly involved in the legislative process, see “gender” as a concept. Moreover, it investigates the implications of denying or supporting the social constructionist approach within feminist theory. Using the lens provided by the populist theory, I find their reference to “gender” proof of the influence of this political thought among Romania’s politicians. It provides an understanding of their ideological background and opens up the conversation to what is the impact of such representation.

In the future, similar projects could explore the comparison between the anti-gender initiatives in Romania and other countries in the region, to further understand the deep-seated concepts used in this debate and how they influenced each other transnationally. Inquiring into the meaning of

“gender” in this context and the impact of such representation on women’s rights opens the space for a better understanding of the concepts employed. This research could be further used in policy-making, especially when drafting legislation within the Parliament of Romania which could impact women’s rights. Moreover, future studies should examine in-depth the ideological background of politicians in this debate and how their interventions relate, if that is the case, to the rise of populism and gender. It could examine the particular position of women politicians involved in this debate and their understanding of “gender” while providing the basis for future analysis of similar anti-gender initiatives and their implications on human rights.

Bibliography

Akkerman, T. (2015) 'Gender and the radical right in Western Europe: a comparative analysis of policy agendas', *Patterns of prejudice*, 49(1–2), pp. 37–60. Available at: <https://doi.org/10.1080/0031322X.2015.1023655>.

Anić, J.R. (2015) 'Gender, Gender “Ideology” and Cultural War: Local Consequences of a Global Idea – Croatian Example', *Feminist theology*, 24(1), pp. 7–22. Available at: <https://doi.org/10.1177/0966735015593434>.

Antić, M. and Radačić, I. (2020) 'The evolving understanding of gender in international law and “gender ideology” pushback 25 years since the Beijing conference on women', *Women's Studies International Forum*, 83, p. 102421. Available at: <https://doi.org/10.1016/j.wsif.2020.102421>.

Bacchi, C. (1999) *Women, Policy and Politics: The Construction of Policy Problems*. London: SAGE Publications, Limited, p. x+242-x+242. Available at: <https://doi.org/10.4135/9781446217887>.

Bacchi, C. (2005) 'Discourse, Discourse Everywhere: Subject “Agency” in Feminist Discourse Methodology', *NORA : Nordic journal of women's studies*, 13(3), pp. 198–209. Available at: <https://doi.org/10.1080/08038740600600407>.

Bacchi, C. (2009) *Analysing policy: what's the problem represented to be?* Frenchs Forest, N.S.W: Pearson Australia.

Bacchi, C. (2010) 'Poststructuralism, Discourse and Problematization: Implications for gender mainstreaming', *Kvinder, Køn & Forskning* [Preprint], (4). Available at: <https://doi.org/10.7146/kkf.v0i4.28005>.

Bacchi, C. (2012) 'Introducing the “What's the Problem Represented to be?” approach', in *Engaging with Carol Bacchi*, pp. 21–24. Available at: <https://doi.org/10.1017/UPO9780987171856.003>.

Bacchi, C. and Eveline, J. (2010) 'Approaches to gender mainstreaming: What's the problem represented to be?', in *Mainstreaming Politics*. Adelaide: University of Adelaide Press, pp. 111–138. Available at: <https://doi.org/10.1017/UPO9780980672381.009>.

Bacchi, C. and Goodwin, S. (2016) *Poststructural Policy Analysis: A Guide to Practice*. New York: Palgrave Macmillan US. Available at: <https://doi.org/10.1057/978-1-137-52546-8>.

Băluță, I. and Tufiș, C. (2021) *Political Representation of Women in Romania*. Bucharest: Friedrich-Ebert-Stiftung Romania, p. 24.

Băluță, I. and Tufiș, C. (2022) *Barometrul violenței de gen 2022 : violența împotriva femeilor în România : reprezentări, percepții*. Cluj-Napoca: Presa Universitară Clujeană : Dota. Available at: <https://centrulfilia.ro/new/wp-content/uploads/2022/12/Barometrul-Violenta-de-Gen.-Romania-2022.pdf> (Accessed: 3 June 2023).

Băluță, O. (2020) ‘Egalitatea de gen. Politici publice sau un câmp de luptă discursiv și politico-religios?’, *Gender Equality. Public Policies or Political and Religious Discursive Battlefield*, (11–12), pp. 18–33. Available at: <https://doi.org/10.51391/trva.2020.12.03>.

Biever, J.L. *et al.* (1998) ‘The social construction of gender: A comparison of feminist and postmodern approaches’, *Counselling Psychology Quarterly*, 11(2), pp. 163–179. Available at: <https://doi.org/10.1080/09515079808254052>.

Birzoi, I. (2021) ‘Fake-news-ul distribuit masiv in Romania: “Ciolos a votat pentru ca barbatii sa poata naste”’. Ce s-a intamplat de fapt in Parlamentul European’, *Ziare.com*, 25 June. Available at: <https://ziare.com/dacian-ciolos/stiri-dacian-ciolos/ciolas-barbatii-pot-naste-fake-news-raportul-matic-parlamentul-european-1686941> (Accessed: 11 January 2023).

Bohan, J.S. (1993) ‘Regarding Gender: Essentialism, Constructionism, and Feminist Psychology’, *Psychology of Women Quarterly*, 17(1), pp. 5–21. Available at: <https://doi.org/10.1111/j.1471-6402.1993.tb00673.x>.

Bracke, S. and Paternotte, D. (2016) ‘Unpacking the Sin of Gender’, *Religion & gender (Utrecht)*, 2016, 6(2), pp. 143–154. Available at: <https://doi.org/10.18352/rg.10167>.

Bretter, Z. (2022) ‘Comparative populism: Romania and Hungary’, *Eastern Journal of European Studies*, 13(Special issue), pp. 183–206. Available at: <https://doi.org/10.47743/ejes-2022-SII10>.

Brodeală, E. and Epure, G. (2021) ‘Nature versus Nurture: “Sex” and “Gender” before the Romanian Constitutional Court: A Critical Analysis of Decision 907/2020 on the

Unconstitutionality of Banning Gender Perspectives in Education and Research’, *European Constitutional Law Review*, 17(4), pp. 724–752. Available at: <https://doi.org/10.1017/S1574019622000013>.

Brubaker, R. (2017) ‘Why populism?’, *Theory and society*, 46(5), pp. 357–385. Available at: <https://doi.org/10.1007/s11186-017-9301-7>.

Bucur, M. (2021) ‘Gender Analysis and Gender Ideology: Gender Studies in Romania’, *Studia Politica. Romanian Political Science Review*, 21(2), pp. 385–407.

Case, M.A. (2019) ‘Trans Formations in the Vatican’s War on “Gender Ideology”’, *Signs: Journal of Women in Culture and Society*, 44(3), pp. 639–664. Available at: <https://doi.org/10.1086/701498>.

Centrul FILIA (2023) ‘Date statistice la nivelul parchetelor pentru anul 2022 privind unele infracțiuni contra libertății și integrității sexuale’, 8 February. Available at: <https://centrulfilia.ro/date-statistice-la-nivelul-parchetelor-pentru-anul-2022-privind-unele-infracțiuni-contra-libertății-si-integrității-sexuale/> (Accessed: 6 March 2023).

Chirciu, S. (2022) ‘ONG-urile care apără drepturile persoanelor LGBT cer parlamentarilor „să nu transforme România într-o nouă Ungarie și să respingă orice ideologii venite pe filieră ideologică ruso-ungară”’, *Mediafax*, 26 July. Available at: <https://www.mediafax.ro/social/ong-urile-care-apara-drepturile-persoanelor-lgbt-cer-parlamentarilor-sa-nu-transforme-romania-intr-o-noua-ungarie-si-sa-respinga-orice-ideologii-venite-pe-filiera-ideologica-ruso-ungara-21034653> (Accessed: 11 January 2023).

Chirțoiu, A. (2019) ‘The Convoluting Gender Policy Processes in Romania: Institutional Disarray and Activist Resilience’, in A. Krizsán and C. Roggeband (eds) *Gendering Democratic Backsliding in Central and Eastern Europe: A comparative agenda*. Budapest: Center for Policy Studies, Central European University, pp. 161–199.

Chiruta, I. (2021) ‘Challenging the Rule of Law in Romania: The Metamorphosis of Political Discourse Towards Populism’, *Problems of Post-Communism*, 0(0), pp. 1–18. Available at: <https://doi.org/10.1080/10758216.2021.1958690>.

Coates, J. (2012) ‘Gender and discourse analysis’, in M. Handford and J.P. Gee (eds) *The Routledge Handbook of Discourse Analysis*. London, United Kingdom: Taylor & Francis Group, pp. 90–103. Available at: <http://ebookcentral.proquest.com/lib/tromsoub-ebooks/detail.action?docID=957494> (Accessed: 13 March 2023).

Corredor, E.S. (2019) ‘Unpacking “Gender Ideology” and the Global Right’s Antigender Countermovement’, *Signs: Journal of Women in Culture and Society*, 44(3), pp. 613–638. Available at: <https://doi.org/10.1086/701171>.

Council of Europe (2021) *Evaluation Report on Romania: Access to justice and effective remedies for victims of trafficking in human beings*. 09. Strasbourg, France: Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA and Committee of the Parties), Council of Europe, pp. 1–77. Available at: <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-romania> (Accessed: 6 March 2023).

Council of Europe (2022) *GREVIO’s (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*. Strasbourg, France: Expert Group on Action against Violence against Women and Domestic Violence (GREVIO), Council of Europe, pp. 1–101. Available at: <https://www.coe.int/en/web/istanbul-convention/-/grevio-publishes-its-report-on-romania> (Accessed: 6 March 2023).

Cover, R. (2022) ‘Populist contestations: Cultural change and the competing languages of sexual and gender identity’, *Sexualities*, 25(5–6), pp. 660–675. Available at: <https://doi.org/10.1177/1363460720982924>.

Dean, J. and Maignashca, B. (2020) ‘Did somebody say populism? Towards a renewal and reorientation of populism studies’, *Journal of Political Ideologies*, 25(1), pp. 11–27. Available at: <https://doi.org/10.1080/13569317.2020.1699712>.

Dietze, G. (2021) ‘Right-Wing Populism and Gender’, in M. Oswald (ed.) *The Palgrave Handbook of Populism*. Cham: Palgrave Macmillan, pp. 277–290. Available at: https://doi.org/10.1007/978-3-030-80803-7_16.

Dimulescu, V. (2020) ‘Ne speriem de cuvântul „gen” și toate aceste frici sunt manipulate politic’, *Scena 9*, 17 June. Available at: <https://www.scena9.ro/article/legea-educatiei-interzicere-identitate-de-gen> (Accessed: 1 March 2023).

Disch, L. and Hawkesworth, M. (2016) *The Oxford Handbook of Feminist Theory*. 1st edn. New York: Oxford University Press (Oxford Handbooks). Available at: <https://doi.org/10.1093/oxfordhb/9780199328581.001.0001>.

Dragoman, D. (2013) ‘Post-Accession Backsliding: Non-ideological Populism and Democratic Setbacks in Romania’, *South-East European Journal of Political Science*, 1(3), pp. 27–46.

European Institute for Gender Equality (2022) *Gender Equality Index 2022: The COVID-19 pandemic and care*. Vilnius, Lithuania: European Institute for Gender Equality, p. 126. Available at: <https://eige.europa.eu/gender-equality-index/2022/country/RO> (Accessed: 6 March 2023).

Fábián, K. (2022) ‘Three central triggers for the emergence of Central and Eastern European anti-gender alliances’, *New Perspectives*, 30(3), pp. 293–310. Available at: <https://doi.org/10.1177/2336825X221113257>.

Fassin, É. (2011) ‘A Double-Edged Sword: Sexual Democracy, Gender Norms, and Racialized Rhetoric’, in J. Butler and E. Weed (eds) *Question of Gender: Joan W. Scott’s Critical Feminism*. Bloomington, UNITED STATES: Indiana University Press, pp. 143–60. Available at: <http://ebookcentral.proquest.com/lib/tromsoub-ebooks/detail.action?docID=713687> (Accessed: 25 January 2023).

Garbagnoli, S. (2016) ‘Against the Heresy of Immanence: Vatican’s “Gender” as a New Rhetorical Device Against the Denaturalization of the Sexual Order’, *Religion & gender (Utrecht)*, 2016, 6(2), pp. 187–204. Available at: <https://doi.org/10.18352/rg.10156>.

Gherasim-Proca, O. (2020) ‘Referendumul pentru modificarea articolului 48 din Constituția României și revirimentul militantismului politic conservator (Emanuel Copilaș, coord.)’, in, pp. 409–435.

Graff, A. and Korolczuk, E. (2022a) *Anti-Gender Politics in the Populist Moment*. Abingdon, Oxon: Taylor & Francis (Routledge studies in gender, sexuality and politics).

Graff, A. and Korolczuk, E. (2022b) ‘Worse than communism and Nazism put together: Poland’s anti-gender campaigns in a comparative perspective’, in *Anti-Gender Politics in the Populist Moment*. 1st edn. Routledge, pp. 67–91. Available at: <https://doi.org/10.4324/9781003133520-4>.

Grzebalska, W. *et al.* (2017) ‘Gender as symbolic glue: how “gender” became an umbrella term for the rejection of the (neo)liberal order – Political Critique [DISCONTINUED]’, *Political Critique*, 13 January. Available at: <https://politicalcritique.org/long-read/2017/gender-as-symbolic-glue-how-gender-became-an-umbrella-term-for-the-rejection-of-the-neoliberal-order/> (Accessed: 10 January 2023).

Grzebalska, W. and Pető, A. (2018) ‘The gendered modus operandi of the illiberal transformation in Hungary and Poland’, *Women’s Studies International Forum*, 68, pp. 164–172. Available at: <https://doi.org/10.1016/j.wsif.2017.12.001>.

Hajek, K. and Dombrowski, V. (2022) ‘Contesting the meaning of gender: Right-wing populism and gender in Germany’, *Women’s Studies International Forum*, 95, p. 102633. Available at: <https://doi.org/10.1016/j.wsif.2022.102633>.

Harrison, W.C. (2006) ‘The Shadow and the Substance: The Sex/Gender Debate’, in Davis, K., Evans, M. S., and Lorber, J., *Handbook of Gender and Womens Studies*. United Kingdom: SAGE Publications, Limited, pp. 35–52. Available at: <https://doi.org/10.4135/9781848608023.n3>.

Hirudayaraj, M. and Shields, L. (2019) ‘Feminist Theory: A Research Agenda for HRD’, *Advances in Developing Human Resources*, 21(3), pp. 319–334. Available at: <https://doi.org/10.1177/1523422319851286>.

Johnson, J.L. and Repta, R. (2011) ‘Sex and Gender: Beyond the Binaries’, in Oliffe, J. and Greaves, L. J., *Designing and Conducting Gender, Sex, and Health Research*. Thousand Oaks: SAGE Publications, Incorporated, pp. 17–34. Available at: <https://doi.org/10.4135/9781452230610>.

Kantola, J. and Lombardo, E. (2021) ‘Strategies of right populists in opposing gender equality in a polarized European Parliament’, *International Political Science Review*, 42(5), pp. 565–579. Available at: <https://doi.org/10.1177/0192512120963953>.

Kessler, S.J. and McKenna, W. (2006) 'Toward a Theory of Gender', in *The Transgender Studies Reader*. Routledge.

Kinsella, H.M. (2019) 'Feminism', in J. Baylis, S. Smith, and P. Owens (eds) *The Globalization of World Politics. An Introduction to International Relations*. 8th edn. New York: Oxford University Press, pp. 145–160.

Korolczuk, E. and Graff, A. (2018) 'Gender as "Ebola from Brussels": The Anticolonial Frame and the Rise of Illiberal Populism', *Signs: Journal of Women in Culture and Society*, 43(4), pp. 797–821. Available at: <https://doi.org/10.1086/696691>.

Kourou, N.S. (2020) 'Right-Wing Populism and Anti-Gender Movements: The same coin with different faces'. Global Political Trends Center, Istanbul Kültür University. Available at: <https://www-jstor-org.ezproxy.ub.gu.se/stable/resrep25189> (Accessed: 21 October 2022).

Kováts, E. (2017) 'The Emergence of Powerful Anti-Gender Movements in Europe and the Crisis of Liberal Democracy', in M. Köttig, R. Bitzan, and A. Petö (eds) *Gender and Far Right Politics in Europe*. Cham: Springer International Publishing (Gender and Politics), pp. 175–189. Available at: https://doi.org/10.1007/978-3-319-43533-6_12.

Kováts, E. (2018) 'Questioning Consensuses: Right-Wing Populism, Anti-Populism, and the Threat of "Gender Ideology"', *Sociological Research Online*, 23(2), pp. 528–538. Available at: <https://doi.org/10.1177/1360780418764735>.

Kováts, E. and Laczó, F. (2022) 'What Does Right-Wing Anti-Gender Mobilization Have to Do with Progressive Gender Trends? Eszter Kováts Investigates the Politics of Fidesz and AfD'. Available at: <https://revdem.ceu.edu/2022/09/17/what-does-right-wing-anti-gender-mobilization-have-to-do-with-progressive-gender-trends-eszter-kovats-investigates-the-politics-of-fidesz-and-afd/> (Accessed: 10 January 2023).

Kováts, E. and Põim, M. (2015) *Gender as Symbolic Glue: The Position and Role of Conservative and Far-right Parties in the Anti-gender Mobilizations in Europe*. Foundation for European Progressive Studies.

Krizsan, A. and Roggeband, C. (2018a) ‘Reversing gender policy progress: patterns of backsliding in Central and Eastern European new democracies in: European Journal of Politics and Gender Volume 1 Issue 3 (2018)’, *European Journal of Gender and Politics*, 1(3), pp. 367–385. Available at: <https://doi.org/10.1332/251510818X15311219732356>.

Krizsan, A. and Roggeband, C. (2018b) ‘Towards a Conceptual Framework for Struggles over Democracy in Backsliding States: Gender Equality Policy in Central Eastern Europe’, *Politics and Governance*, 6(3), pp. 90–100. Available at: <https://doi.org/10.17645/pag.v6i3.1414>.

Kuhar, R. and Paternotte, D. (2017a) “‘Gender ideology’ in movement: Introduction”, in *Anti-gender campaigns in Europe: mobilizing against equality*. 1st ed. London: Rowman & Littlefield International, pp. 1–22.

Kuhar, R. and Paternotte, D. (2017b) ‘The anti-gender movement in comparative perspective’, in *Anti-gender campaigns in Europe: mobilizing against equality*. London ; New York: Rowman & Littlefield International, Ltd., pp. 253–276.

Kuhar, R. and Zobec, A. (2017) ‘The anti-gender movement in Europe and the educational process in public schools’, *CEPS journal*, 7(2), pp. 29–46. Available at: <https://doi.org/10.26529/cepsj.168>.

Laclau, E. (2005) ‘Populism: What’s in a Name?’, in B. Aretxaga et al. (eds) *Empire & Terror: Nationalism/Postnationalism in the New Millennium*. Reno: Center for Basque Studies, University of Nevada (Center for Basque Studies Conference Papers Series, no. 1), pp. 103–114.

Löffler, M., Luyt, R. and Starck, K. (2020) ‘Political masculinities and populism’, *NORMA*, 15(1), pp. 1–9. Available at: <https://doi.org/10.1080/18902138.2020.1721154>.

Lykke, N. (2010) *Feminist Studies: A Guide to Intersectional Theory, Methodology and Writing*. London: Routledge (Routledge advances in feminist studies and intersectionality). Available at: <https://doi.org/10.4324/9780203852774>.

Mărgărit, D. (2019) ‘LGBTQ rights, conservative backlash and the constitutional definition of marriage in Romania’, *Gender, Place & Culture*, 26(11), pp. 1570–1587. Available at: <https://doi.org/10.1080/0966369X.2019.1567472>.

- Mărgărit, D. (2020) ‘Insurgent conservatism in Romania’. Friedrich-Ebert-Stiftung. Available at: <https://polit-x.de/en/documents/3849627/federal-level/stiftungen/friedrich-ebert-stiftung/publikationen-2020-06-26-insurgent-conservatism-in-romania-diana-margarit> (Accessed: 28 February 2023).
- Mayer, S. and Sauer, B. (2017) “‘Gender ideology’ in Austria: Coalitions around an empty signifier’, in Roman Kuhar and David Paternotte (eds) *Anti-Gender Campaigns in Europe: Mobilizing Against Equality*. London: Rowman & Littlefield Publishers, pp. 23–40. Available at: <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1591829&site=ehost-live> (Accessed: 26 January 2023).
- Mayer, S., Šori, I. and Sauer, B. (2016) ‘Gendering “the people”: Heteronormativity and “ethno-masochism” in populist imaginary’, in *Populism, Media and Education*. Routledge.
- McElhinny, B. (2014) ‘Theorizing Gender in Sociolinguistics and Linguistic Anthropology’, in S. Ehrlich, M. Meyerhoff, and J. Holmes (eds) *The handbook of language, gender, and sexuality, second edition*. 2nd ed. Wiley, pp. 21–42. Available at: <https://doi.org/10.1002/9781118584248>.
- Meier, P. and Lombardo, E. (2016) ‘Policy’, in Disch, L. and Hawkesworth, M., *The Oxford Handbook of Feminist Theory*. 1st edn. New York: Oxford University Press (Oxford Handbooks), pp. 610–631. Available at: <https://doi.org/10.1093/oxfordhb/9780199328581.001.0001>.
- Mudde, C. (2004) ‘The Populist Zeitgeist’, *Government and opposition (London)*, 39(4), pp. 541–563. Available at: <https://doi.org/10.1111/j.1477-7053.2004.00135.x>.
- Mudde, C. and Kaltwasser, C.R. (2013) ‘Populism’, in M. Freeden and M. Stears (eds) *The Oxford Handbook of Political Ideologies*. Oxford University Press, p. 0. Available at: <https://doi.org/10.1093/oxfordhb/9780199585977.013.0026>.
- Nanu, M.I. et al. (2021) *Adolescent Pregnancy in Romania*. Bucharest, Romania: UNICEF, p. 81. Available at: <https://www.unicef.org/romania/reports/adolescent-pregnancy-romania> (Accessed: 6 March 2023).

Norocel, O.C. (2016) ‘Disciplinary intersections of gender and ethnicity in populist radical right media in Romania’, *Identities (Yverdon, Switzerland)*, 23(2), pp. 247–264. Available at: <https://doi.org/10.1080/1070289X.2015.1054394>.

Norocel, O.C. and Băluță, I. (2021) ‘Retrogressive Mobilization in the 2018 “Referendum for Family” in Romania’, *Problems of Post-Communism*, 0(0), pp. 1–10. Available at: <https://doi.org/10.1080/10758216.2021.1987270>.

Norocel, O.C. and Giorgi, A. (2022) ‘Disentangling radical right populism, gender, and religion: an introduction’, *Identities*, 29(4), pp. 417–428. Available at: <https://doi.org/10.1080/1070289X.2022.2079307>.

Ofițeru, A. (2022) ‘#10Întrebări | Andrada Cilibiu, Filia: „Orice îngrădire a accesului la avort este o încălcare a dreptului la sănătate”’, *Europa Liberă România*, 16 December. Available at: <https://romania.europalibera.org/a/interviu-10-intrebari-andrada-cilibiu-avort-romania/32177914.html> (Accessed: 13 April 2023).

Oprica, V. (2008) ‘Gender Equality and Conflicting Attitudes Toward Women in Post-Communist Romania’, *Human rights review (Piscataway, N.J.)*, 9(1), pp. 29–40. Available at: <https://doi.org/10.1007/s12142-007-0027-1>.

Paternotte, D. and Kuhar, R. (2018) ‘Disentangling and Locating the “Global Right”: Anti-Gender Campaigns in Europe’, *Politics and Governance*, 6(3), pp. 6–19. Available at: <https://doi.org/10.17645/pag.v6i3.1557>.

Popescu, L. and Vesalon, L. (2022) ““They all are the red plague”: anti-communism and the Romanian radical right populists’, *East European Politics*, 0(0), pp. 1–20. Available at: <https://doi.org/10.1080/21599165.2022.2086862>.

Pora, A. (2020) ‘Parlamentul interzice teoriile despre identitatea de gen. Reacții: de la ”poliția gândirii” la ”e ca în Evul Mediu”’, *Europa Liberă România*, 17 June. Available at: <https://romania.europalibera.org/a/parlamentul-interzice-teoriile-despre-identitatea-de-gen-reacții-de-la-poliția-gândirii-la-e-ca-în-evul-mediu-/30675861.html> (Accessed: 11 January 2023).

Rada, C. (2014) 'Sexual behaviour and sexual and reproductive health education: a cross-sectional study in Romania', *Reproductive Health*, 11(1), p. 48. Available at: <https://doi.org/10.1186/1742-4755-11-48>.

Robcis, C. (2015) 'Catholics, the "Theory of Gender," and the Turn to the Human in France: A New Dreyfus Affair?', *The Journal of modern history*, 87(4), pp. 892–923. Available at: <https://doi.org/10.1086/683599>.

Scott, J.W. (1986) 'Gender: A Useful Category of Historical Analysis', *The American historical review*, 91(5), pp. 1053–1075. Available at: <https://doi.org/10.1086/ahr/91.5.1053>.

Șerban, A. (2022) 'Zeci de ONG-uri conservatoare cer Ministerului Educației să retragă manualul pentru egalitatea de gen. Cartea a ajuns la profesori, cu aprobarea autorităților', *Libertatea*, 11 May. Available at: <https://www.libertatea.ro/stiri/zeci-de-ong-uri-conservatoare-cer-ministerului-educatiei-sa-retraga-manualul-pentru-egalitatea-de-gen-carta-a-ajuns-la-profesori-cu-aprobarea-autoritatilor-4336459> (Accessed: 11 January 2023).

Soare, S. and Tufiș, C.D. (2019) 'Phoenix Populism', *Problems of Post-Communism*, 66(1), pp. 8–20. Available at: <https://doi.org/10.1080/10758216.2018.1460158>.

Spierings, N. and Zaslove, A. (2015a) 'Conclusion: dividing the populist radical right between "liberal nativism" and traditional conceptions of gender', *Patterns of Prejudice*, 49(1–2), pp. 163–173. Available at: <https://doi.org/10.1080/0031322X.2015.1024466>.

Spierings, N. and Zaslove, A. (2015b) 'Gendering the vote for populist radical-right parties', *Patterns of Prejudice*, 49(1–2), pp. 135–162. Available at: <https://doi.org/10.1080/0031322X.2015.1024404>.

Tăriceanu, A. (2022) 'Promoting Gender Studies in Romania – Working in a Difficult Context', in A. Wroblewski and R. Palmén (eds) *Overcoming the Challenge of Structural Change in Research Organisations*. 1st edn. Bingley, United Kingdom: Emerald Publishing Limited, pp. 125–142.

Toldy, T. and Garraio, J. (2021) ‘Gender Ideology: A Discourse That Threatens Gender Equality’, in W. Leal Filho et al. (eds) *Gender Equality*. Cham: Springer International Publishing, pp. 543–554. Available at: https://doi.org/10.1007/978-3-319-95687-9_86.

Turp-Balazs, C. (2020) ‘Romania’s conservatives take an axe to gender equality and sex education’, *Emerging Europe*, 23 June. Available at: <https://emerging-europe.com/news/romantias-conservatives-take-an-axe-to-gender-equality-and-sex-education/> (Accessed: 1 March 2023).

Verloo, M. and Paternotte, D. (2018) ‘The Feminist Project under Threat in Europe’, *Politics and Governance*, 6(3), pp. 1–5. Available at: <https://doi-org.ezproxy.ub.gu.se/10.17645/pag.v6i3.1736>.

Voiculescu, S. and Groza, O. (2021) ‘Legislating political space for LGBT families: The 2018 referendum on the definition of family in Romania’, *Area (London 1969)*, 53(4), pp. 679–690. Available at: <https://doi.org/10.1111/area.12729>.

Vulcan, D. (2022) ‘Vot cu scandal în Parlamentul României. Educația sexuală în școli, doar cu acordul părinților’, *Europa Liberă România*, 21 June. Available at: <https://romania.europalibera.org/a/legea-educației-sexuale/31908279.html> (Accessed: 28 January 2023).

West, C. and Zimmerman, D.H. (1987) ‘Doing Gender’, *Gender & society*, 1(2), pp. 125–151. Available at: <https://doi.org/10.1177/0891243287001002002>.

Wodak, R. (2015) *The politics of fear: what right-wing populist discourses mean*. London: SAGE. Available at: <http://ezproxy.ub.gu.se/login?url=http://ebookcentral.proquest.com/lib/GU/detail.action?docID=4697535> (Accessed: 27 January 2023).

Zentai, V. and Fejős, A. (eds) (2021) ‘Anti-Gender Hate Speech in Populist Right-Wing Social Media Communication’. GENHA project. Available at: <http://genha.eu/publications-reports>.

Appendices

Appendix 1: Amending Articles

I. Law No. 87/2020 for Amending and Completing the Art. 7 of the National Education Law No. 1/2011

„Art. 7- (1) În unitățile, în instituțiile de învățământ și în toate spațiile destinate educației și formării profesionale sunt interzise (...)

e) activitățile în vederea răspândirii teoriei sau opiniei identității de gen, înțeleasă că teoria sau opinia că genul este un concept diferit de sexul biologic și că cele două nu sunt întotdeauna aceleași; ”

Translation

„Art. 7- (1) In units, in educational institutions and in all spaces intended for education and professional training, are prohibited (...)

e) the activities aimed at spreading the theory or opinion of gender identity, understood as the theory or opinion that gender is a concept different from biological sex and that the two are not always the same;”

II. Legislative proposal PLx. No. 243/2022 on amending Law No. 272/2004 on the protection and promotion of children's rights

„Art. 9- (1) Copilul are dreptul la stabilirea identității sale la naștere”

„Art. 9- (1¹) Identitatea la naștere este compusă din următoarele elemente: a) numele b) sexul c) cetățenia d) naționalitatea

(1²) Copilul are dreptul păstrarea identității sale stabilită la naștere.”

„Art. 9- (2) Copilul este înregistrat imediat după naștere și are de la această dată dreptul la un nume, dreptul la un sex, dreptul de a dobândi o cetățenie, dreptul de a dobândi o naționalitate și, dacă este posibil, de a-și cunoaște părinții și de a fi îngrijit, crescut și educat de aceștia”

„Art. 9- (3¹) Sexul copilului este stabilit de către medicul care a asistat sau a constatat nașterea.

(3²) Sexul copilului nu poate fi altul, decât cel feminin sau cel masculin.

(3³) Părinții declară naționalitatea copilului”

„Art. 9- (4) Copilul are dreptul de a-și păstra cetățenia, naționalitatea, sexul, numele și relațiile de familie, în condițiile prevăzute de lege, fără nicio ingerință.”

“Art. 46- (3) Organele de specialitate ale administrației publice centrale, autoritățile administrației publice locale, precum și orice alte instituții publice sau private cu atribuții în domeniul sănătății și în domeniul educației sunt obligate să adopte, în condițiile legii, toate măsurile necesare pentru (...)

i) derularea sistematică în unitățile școlare, cel puțin o dată pe semestru, de programe de educație pentru viață, inclusiv educație de sănătate sexuală pentru copii, în vederea prevenirii contactării bolilor cu transmitere sexuală și a gravidității minorelor, având opțiunea părinților sau a reprezentanților legali ai copiilor de a solicita în scris unității școlare scutirea copiilor de la asemenea programe de educație.”

„Art. 89- (1) Copilul are dreptul de a fi protejat împotriva abuzului, neglijării, exploatării, traficului, migrației ilegale, răpirii, violenței, pornografiei prin internet, difuzării prin orice mijloace de conținuturi privind devierea de la sexul stabilit la naștere sau popularizarea schimbării de sex sau a homosexualității, precum și a oricăror forme de violență, indiferent de mediul în care acesta se află: familie, instituții de învățământ, medicale, de protecție, medii de cercetare a infracțiunilor și de reabilitare/detenție, internet, mass-media, locuri de muncă, medii sportive, comunitate etc.”

Translation

“Art. 9- (1) The child has the right to establish his identity at birth”

“Art. 9- (1¹) Identity at birth is composed of the following elements: a) name b) gender c) citizenship d) nationality

(1²) The child has the right to preserve his identity established at birth.”

"Art. 9- (2) The child is registered immediately after birth and from this date has the right to a name, the right to a sex, the right to acquire a citizenship, the right to acquire a nationality and, if possible, to know the parents and to be cared for, raised and educated by them"

“Art. 9- (3¹) The sex of the child is determined by the doctor who assisted or observed the birth.

(3²) The sex of the child cannot be other than female or male.

(3³) Parents declare the child’s nationality”

“Art. 9- (4) The child has the right to keep his citizenship, nationality, sex, name and family relations, under the conditions provided by law, without any interference.”

“Art. 46- (3) The specialized bodies of the central public administration, the authorities of the local public administration, as well as any other public or private institutions with attributions in the field of health and in the field of education are obliged to adopt, in accordance with the law, all the necessary measures for (...)

i) the systematic running in school units, at least once a semester, of life education programs, including sexual health education for children, in order to prevent contact with sexually transmitted diseases and pregnancy of minors, having the option of parents or legal representatives of the children to request in writing to the school unit the exemption of the children from such education programs.”

“Art. 89- (1) The child has the right to be protected against abuse, neglect, exploitation, trafficking, illegal migration, kidnapping, violence, Internet pornography, the dissemination by any means of contents regarding the deviation from the sex assigned at birth or the popularization of the change of gender sex or homosexuality, as well as any form of violence, regardless of the environment in which it is located: family, educational, medical, protective, crime investigation and rehabilitation/detention environments, internet, mass media, jobs, sports environments, community, etc.”

III. Law No. 191/2022 and the process of changing Art. 46 of Law No. 272/2004 on the protection and promotion of children's rights.

“Art. 46- (3) Organele de specialitate ale administrației publice centrale, autoritățile administrației publice locale, precum și orice alte instituții publice sau private cu atribuții în domeniul sănătății și în domeniul educației sunt obligate să adopte, în condițiile legii, toate măsurile necesare pentru (...)

i) derularea sistematică în unitățile școlare, începând cu clasa a VIII-a, cu acordul scris al părinților sau al reprezentanților legali ai copiilor, de programe de educație pentru sănătate, în vederea prevenirii contractării bolilor cu transmitere sexuală și a gravidității minorelor”

Translation

“Art. 46- (3) The specialized bodies of the central public administration, the authorities of the local public administration, as well as any other public or private institutions with attributions in the field of health and in the field of education are obliged to adopt, in accordance with the law, all the necessary measures for (...)

i) the systematic running of health education programs in school units, starting from the 8th grade, with the written consent of the parents or legal representatives of the children, in order to prevent the contracting of sexually transmitted diseases and the pregnancy of minors”

Appendix 2: Documents

I. Law No. 87/2020 for Amending and Completing the Art. 7 of the National Education Law No. 1/2011

Document	Author	Publication Date
Expunerea de motive la inițiativa legislativă Pl-x nr. 617/2019 [Memorandum for the legislative initiative Pl-x no. 617/2019]	Vasile Cristian Lungu	04.11.2019
Lege pentru modificarea și completarea art. 7 din Legea educației naționale nr. 1/2011 [Law for amending and completing Art. 7 of the National Education Law no. 1/2011]	Parliament of Romania	16.06.2020
Sesizare de neconstituționalitate asupra Legii pentru modificarea și completarea art. 7 din Legea educației naționale nr. 1/2011 [Notice of unconstitutionality on the Law for amending and completing Art. 7 of the National Education Law no. 1/2011]	President of Romania	10.07.2020
Decizia nr.907 din 16 decembrie 2020 asupra obiecției de neconstituționalitate a dispozițiilor art.7 alin.(1) lit.e), introduse prin articolul unic al Legii pentru modificarea art.7 din Legea educației naționale nr.1/2011 [Decision No. 907 of December 16, 2020, on the objection of unconstitutionality of the provisions of art. 7 (1) e), introduced by the single article of the Law for amending art. 7 of the National Education Law no. 1/2011]	Constitutional Court of Romania	21.01.2021
Parliamentary Debates		
Parliamentary Debate Transcript	Senate, Parliament of Romania	16.06.2020

II. Legislative proposal PLx. No. 243/2022 on amending Law No. 272/2004 on the protection and promotion of children's rights

Document	Author	Publication Date
Proiect de Lege pentru modificarea și completarea Legii nr.272/2004 privind protecția și promovarea drepturilor copilului [Draft Law for amending and completing Law no. 272/2004 on the protection and promotion of children's rights]	Parliament of Romania	02.05.2022
Expunerea de motive la inițiativa legislativă nr.bpi 778/2021 /01/02/2022 [Memorandum for the legislative initiative no. bpi 778/2021 /01/02/2022]	Zakarias Zoltán, Kulcsár-Terza, József-György	03.02.2022

III. Law No. 191/2022 and the process of changing Art. 46 of Law No. 272/2004 on the protection and promotion of children's rights

Document	Author	Publication Date
Proiectul de Lege pentru modificarea și completarea Legii nr. 272/2004 privind protecția și promovarea drepturilor copilului (PL-x 457/2019) (adoptat - trimis spre promulgare) [The Draft Law for amending and completing Law No. 272/2004 on the protection and promotion of children's rights (PL-x 457/2019) (adopted - sent for promulgation)]	Parliament of Romania	03.06.2020

Sesizare de neconstituționalitate asupra Legii pentru
modificarea și completarea Legii nr. 272/2004 privind
protecția și promovarea drepturilor copilului
[Notice of unconstitutionality on the Law for amending
and completing Law no. 272/2004 on the protection and
promotion of children's rights]

President of Romania 24.06.2020

Decizia nr. 644 din 24 septembrie 2020
referitoare la obiecția de neconstituționalitate a Legii
pentru modificarea și completarea Legii nr. 272/2004
privind protecția și promovarea drepturilor copilului
[Decision No. 644 of September 24, 2020
regarding the objection of unconstitutionality of the Law
for amending and completing Law no. 272/2004 on the
protection and promotion of children's rights]

Constitutional Court
of Romania 24.10.2020

Parliamentary Debates

Parliamentary Debate Transcript

Chamber of Deputies,
Parliament of
Romania 03.06.2020

Parliamentary Debate Transcript

Chamber of Deputies,
Parliament of
Romania 21.06.2021

Appendix 3: Facebook Posts

I. Law No. 87/2020 for Amending and Completing the Art. 7 of the National Education Law No. 1/2011

Author	Publication Date & Link
	<u>16.06.2020</u>
	<u>16.06.2020</u>
	<u>17.06.2020</u>
Vasile Cristian Lungu (PMP)	<u>18.06.2020</u>
	<u>19.06.2020</u>
	<u>23.06.2020</u>
	<u>01.10.2020</u>
Emil-Marius Pașcan	<u>17.06.2020</u>
	<u>10.07.2020</u>
Rodica Boancă (AUR)	<u>23.05.2021</u>
Mara-Daniela Calista (PNL)	<u>16.06.2020</u>
Marilen-Gabriel Pirtea (PNL)	<u>17.06.2020</u>
Emil-Marius Pașcan (PMP)	<u>11.11.2020</u>
Ovidiu Raetchi (PNL)	<u>21.08.2021</u>
	<u>16.06.2020</u>
	<u>17.06.2020</u>
Vlad Alexandrescu (USR)	<u>20.06.2020</u>
	<u>10.07.2020</u>
Florina-Raluca Presadă (USR)	<u>19.06.2020</u>
Mihai Goțiu (USR)	<u>18.06.2020</u>

Daniel-Florin Ghiță (PSD)	28.10.2020
Cristina-Ionela Iurișniți (USR)	22.06.2020
Daniel Gheorghe (PNL)	18.06.2020

II. Legislative proposal PLx. No. 243/2022 on amending Law No. 272/2004 on the protection and promotion of children's rights

Author	Publication Date & Link
Oana-Alexandra Cambera (REPER)	29.07.2021
	15.10.2022

III. Law No. 191/2022 and the process of changing Art. 46 of Law No. 272/2004 on the protection and promotion of children's rights

Author	Publication Date & Link
Călin-Gheorghe Matieș (PSD)	10.06.2021
	11.06.2021
Ioan Deneș (PSD)	12.02.2021
Ambrozie-Irineu Darău (USR)	14.06.2021
	16.06.2021

Lucian Romaşcanu (PSD)	<u>18.06.2021</u>
Titus Corlăţean (PSD)	<u>12.02.2021</u>
Rodica Boancă (AUR)	<u>03.02.2021</u>
Dan Ivan (USR)	<u>04.06.2020</u>
Sorin Vlaşin (PSD)	<u>11.02.2021</u>
	<u>09.06.2021</u>
Laura-Mihaela Fulgeanu-Moagher (PSD)	<u>03.02.2021</u>
Alina-Ştefania Gorghiu (PNL)	<u>23.06.2021</u>
Raoul-Adrian Trifan (USR)	<u>21.02.2021</u>
Gabriela Firea (PSD)	<u>20.02.2021</u>
	<u>09.06.2020</u>
	<u>09.06.2021</u>
	<u>10.06.2021</u>
Ştefan Pălărie (PLUS)	<u>17.06.2021</u>
	<u>19.06.2021</u>
	<u>21.06.2021</u>
	<u>22.06.2021</u>
	<u>09.07.2021</u>
Silviu Nicu Macovei (PSD)	<u>22.06.2022</u>
Marius-Eugen Ostaficiuc (PSD)	<u>18.06.2021</u>
Oana-Alexandra Cambera (REPER)	<u>11.06.2021</u>
Daniel-Florin Ghiţă (PSD)	<u>04.11.2020</u>
Dan Tanasă (AUR)	<u>01.07.2021</u>
Iulian Bulai (USR)	<u>03.06.2020</u>
	<u>22.07.2021</u>
Mara-Daniela Calista (PNL)	<u>02.06.2020</u>

	<u>21.06.2022</u>
Dumitrina Mitrea (AUR)	<u>25.05.2022</u>
Andrei-Răzvan Lupu (REPER)	<u>17.06.2021</u>
Mircea Roșca (PNL)	<u>22.06.2022</u>
Radu-Mihai Cristescu (PSD)	<u>23.06.2021</u>
Radu Panait (USR)	<u>14.06.2021</u>
	<u>03.06.2020</u>
Ilie Dan Barna (USR)	<u>25.06.2020</u>
	<u>22.06.2021</u>
Ben-Oni Ardelean (PNL)	<u>22.06.2022</u>
	<u>22.06.2021</u>
Daniel-Liviu Toda (REPER)	<u>22.06.2022</u>
	<u>04.06.2020</u>
Mihai-Cătălin Botez (USR)	<u>06.07.2021</u>
Denisa-Elena Neagu (USR)	<u>04.06.2020</u>
	<u>14.11.2022</u>
Dragoș-Cătălin Teniță (REPER)	<u>21.06.2022</u>
	<u>28.04.2020</u>
	<u>28.05.2020</u>
	<u>30.05.2020</u>
Cristina-Ionela Iurișniți (USR)	<u>02.06.2020</u>
	<u>03.06.2020</u>
	<u>09.06.2020</u>
	<u>21.07.2020</u>
Florica Cherecheș (PNL)	<u>02.06.2020</u>

Petru Movilă (PMP)	<u>03.06.2020</u>
	<u>27.05.2020</u>
Daniel Gheorghe (PNL)	<u>29.05.2020</u>
	<u>16.06.2021</u>
	<u>23.06.2021</u>
	<u>03.06.2020</u>
Emil-Marius Pașcan (PMP)	<u>18.06.2020</u>
	<u>25.06.2020</u>
	<u>22.07.2021</u>
Vasile Cristian Lungu (PMP)	<u>03.06.2020</u>
Bianca-Miruna Gavriliță (PSD)	<u>06.07.2021</u>
Oana-Mioara Bîzgan-Gayral (USR)	<u>05.06.2020</u>
Matei-Adrian Dobrovie (USR)	<u>30.04.2020</u>
	<u>27.05.2020</u>
	<u>22.06.2021</u>
Ovidiu Raetchi (PNL)	<u>23.06.2021</u>
	<u>22.07.2021</u>
Ionela-Cristina Breahnă-Pravăț (PSD)	<u>20.02.2021</u>
Mihai-Viorel Fifor (PSD)	<u>23.06.2021</u>
Adrian Wiener (USR)	<u>14.06.2021</u>
	<u>05.06.2020</u>
Vlad Alexandrescu (USR)	<u>14.07.2020</u>
Eugen Teodorovici (PSD)	<u>30.06.2021</u>
Cristian Paul Ichim (REPER)	<u>17.06.2021</u>
	<u>27.04.2020</u>
Silviu Dehelean (USR)	<u>02.06.2020</u>

	<u>03.06.2020</u>
	<u>21.06.2022</u>
Mihai Ioan Lasca (AUR)	<u>10.07.2021</u>
	<u>22.06.2022</u>
Robert-Ionatan Sighiartău (PNL)	<u>23.06.2021</u>
	<u>11.06.2022</u>
Marius-Andrei Miftode (USR)	<u>23.06.2022</u>
Ana-Loredana Predescu (PPU-SL)	<u>23.06.2021</u>
Emanuel-Dumitru Ungureanu (USR)	<u>19.06.2021</u>
Ilie-Alin Coleșa (AUR)	<u>30.08.2021</u>
Dumitru Viorel Foça (AUR)	<u>21.01.2022</u>
Lilian Scripnic (AUR)	<u>31.05.2022</u>
	<u>04.01.2022</u>
Radu-Dinel Miruță (USR)	<u>22.06.2022</u>
Monica-Elena Berescu (PLUS)	<u>04.06.2020</u>
Cosette-Paula Chichirău (USR)	<u>29.05.2020</u>
	<u>12.03.2021</u>
Filip Havârneanu (USR)	<u>13.06.2021</u>
	<u>23.06.2021</u>
	<u>29.06.2021</u>

Appendix 4: Selected quotes for further research

This appendix will further introduce a series of quotes, with an English translation, belonging to members of the Parliament of Romania and the President, Klaus Iohannis. As shown in the literature review and the conclusions that were drawn from this thesis, the representation of “gender” in the debate surrounding recent legislative proposals and their impact on women’s rights is under-researched and could be explored further by analysing different aspects of these discourses. Due to the limited length and scope of this dissertation, the entire empirical material could not be incorporated into the Analysis, especially since it is in another language. In this context, this appendix could support such research by making excerpts from the discourses in this debate more accessible to non-Romanian speakers.

I. Law No. 87/2020 for Amending and Completing the Art. 7 of the National Education Law No. 1/2011

“(…) în ultimii ani, a apărut o nouă ideologie de gen. Conform acesteia, sexul biologic nu ar trebui să eticheteze persoanele drept ‘femeie’ sau ‘bărbat’, ci fiecare dintre oameni poate alege din zecile de tipuri de gen pe cel pe care îl preferă. O dată cu apariția ideologiei de gen, fenomenul prozelitismului, atât pe baza criteriului de sex cât și a celui de gen, a devenit un pericol real în sistemul de învățământ. În consecință, propunerea legislativă completează enumerarea interdicțiilor cu interdicțiile prozelitismului pe baza criteriului de sex și a prozelitismului pe baza criteriului de gen.”

Translation

“(…) in recent years, a new gender ideology has emerged. According to it, biological sex should not label people as ‘woman’ or ‘man’, but each of the people can choose from dozens of types of gender the one they prefer. With the emergence of gender ideology, the phenomenon of proselytism, based on both sex and gender criteria, became a real danger in the education system. Accordingly, the legislative proposal completes the list of prohibitions with prohibitions of proselytizing on the basis of the criterion of sex and proselytizing on the basis of the criterion of gender.”

- Vasile Cristian Lungu (PMP) | 04.11.2019 | Memorandum

“Ca senator, am protejat copiii noștri în școli de ideologia de gen sexo-marxistă, ideologie votată doar de USR și UDMR (PNL s-a abținut). Conform acestei teorii/ideologii, genul unei persoane este un concept diferit de sexul biologic și cele două nu sunt întotdeauna aceleași. Deci, sexul biologic dobândit la naștere nu ar trebui să eticheteze persoanele drept ‘femeie’ sau ‘bărbat’, ci fiecare dintre copii ar trebui să își aleagă dintre cele peste 114 genuri inventate de susținătorii acestei teorii în funcție de preferința personală (de exemplu: astralgender, agender, demigender, heliogender etc.). Ideologia de gen clamează, așadar, că ‘genul’ unui copil nu trebuie să corespundă neapărat sexului biologic.”

Translation

“As a senator, I protected our children in schools from sexo-Marxist gender ideology, an ideology voted for only by USR and UDMR (PNL abstained). According to this theory/ideology, a person’s gender is a distinct concept from biological sex, and the two are not always the same. So, the biological sex acquired at birth should not label people as ‘female’ or ‘male’, but each child should choose from the more than 114 genders invented by the proponents of this theory according to personal preference (for example: astralgender, agender, demigender, heliogender, etc.). Gender ideology claims, therefore, that the ‘gender’ of a child does not necessarily correspond to the biological sex”

- Vasile Cristian Lungu (PMP) | 16.06.2020 | Facebook

“Toată această mascaradă pornește de la prevederile Convenției de la Istanbul (2011), care definește genul ca fiind ‘rolurile, comportamentele, activitățile și atributele construite social, pe care o societate dată le consideră adecvate pentru femei și bărbați’.”

Translation

“All this masquerade starts from the provisions of the Istanbul Convention (2011), which defines gender as ‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men’.”

- Emil-Marius Pașcan | 17.06.2020 | Facebook

“Ideologia de gen nu există de fapt în școlile din România! E multă manipulare și politicizare excesivă pe orice subiect! (...) Nu e normal să nu existe în unitățile noastre de învățământ o educație

pentru egalitate între cele două genuri, feminin și masculin, ca să nu mai avem prejudecăți. Vedem din media cum sunt tratate fetele și femeile privind violența domestică, violența din mediul online, există niște statistici îngrijorătoare care ne arată această mentalitate de a privi adolescentele și femeile ca niște obiecte sexuale în societate.”

Translation

“Gender ideology does not actually exist in schools in Romania! There is a lot of manipulation and excessive politicization on any subject! (...) It is not normal that there is no education for equality between the two genders, female and male, in our educational institutions, so that we no longer have prejudices. We see from the media how girls and women are treated regarding domestic violence, online violence, there are some worrying statistics that show us this mentality of looking at teenage girls and women as sexual objects in society.”

- Cristina-Ionela Iurișniți (USR) | 22.06.2020 | Facebook

“(…) Curtea reține că noțiunea de „gen” are o sferă mai largă decât cea de ‘sex’/sexualitate în sens strict biologic, întrucât încorporează elemente complexe de natură psihosocială. Astfel, dacă noțiunea de ‘sex’ este circumscrisă caracterelor biologice care marchează deosebirile dintre bărbați și femei, noțiunea de ‘gen’ se referă la un ansamblu de trăsături psihologice și socioculturale. Această din urmă noțiune cuprinde elemente de identitate socială a individului, evolutive în corelație cu evoluția societății și reevaluarea continuă a interpretării principiului egalității și nediscriminării pe criteriul sexului. Identitatea de gen implica și rolurile sociale asigurate cutumiar și discriminările bazate pe criteriul sexului/genului. (...) Statul român a consacrat legislativ această viziune/abordare, asumându-și obligații ce vizează, în esență, combaterea stereotipiilor de gen și realizarea efectivă a principiului egalității și nediscriminării.”

Translation

“(…) The Court notes that the notion of ‘gender’ has a wider scope than that of ‘sex’/sexuality in a strictly biological sense, as it incorporates complex elements of a psychosocial nature. Thus, if the notion of ‘sex’ is circumscribed to the biological characters that mark the differences between men and women, the notion of ‘gender’ refers to a set of psychological and sociocultural traits. The latter notion includes elements of the social identity of the individual, evolving in correlation with the evolution of society and the continuous reevaluation of the interpretation of the principle of equality and non-discrimination on the basis of gender. Gender identity also involves

customarily assigned social roles and discrimination based on sex/gender. (...) The Romanian state has legislated this vision/approach, assuming obligations aimed, in essence, at combating gender stereotypes and effectively achieving the principle of equality and non-discrimination.”

- Constitutional Court of Romania | 21.01.2021 | Decision No. 907

II. Legislative proposal PLx. No. 243/2022 on amending Law No. 272/2004 on the protection and promotion of children's rights

“În acest context, și în contextul în care România a aderat nu doar la spațiul UE, ci și la principiile și valorile pe care le promovează, consider complet deplasat și retrograd anunțul dlui deputat UDMR Zakaris Zoltan că va depune un proiect de lege asemănător cu cel introdus de guvernul lui Viktor Orbán din Ungaria (...).

Deși cei ce susțin acest demers consideră că aceste acțiuni sunt menite să protejeze copiii de propaganda LGBT, nu există niciun fel de date care să susțină că numărul homosexualilor crește dacă le sunt recunoscute drepturile și sunt acceptate în societate.”

Translation

“In this context, and in the context in which Romania joined not only the EU, but also to the principles and values it promotes, I consider the announcement of Mr. Zakaris Zoltan that he will submit a bill similar to the introduced by Viktor Orbán's government in Hungary (...).

Although those who support this approach believe that these actions are intended to protect children from LGBT propaganda, there is no data to support that the number of homosexuals increases if their rights are recognized and accepted in society.”

- Oana-Alexandra Cambera (REPER) | 29.07.2021 | Facebook

III. Law No. 191/2022 and the process of changing Art. 46 of Law No. 272/2004 on the protection and promotion of children's rights

“Astăzi în Senatul României s-a dat un nou asalt asupra educației copiilor noștri.(...) Practic, vor să transforme educația sanitară în educație sexuală și să elimine acordul părinților din lege! Sub masca intențiilor nobile se ascund interese meschine și nocive.(...) Copiii noștri nu sunt materie primă pentru diverse ONG-uri care urmăresc îndoctrinarea lor cu idei fără suport științific, precum teoria de gen.”

Translation

“Today in the Romanian Senate there was a new assault on the education of our children. (...) Basically, they want to transform health education into sex education and remove parental consent from the law! Beneath the mask of noble intentions hide petty and harmful interests.(...) Our children are not raw material for various NGOs that seek to indoctrinate them with ideas without scientific support, such as gender theory.”

- Rodica Boancă (AUR) | 03.02.2021 | Facebook

“Ceea ce îi deranjează pe cei din coaliția de guvernare este faptul că, formula lor neomarxistă, care introduce educația sexuală în școli, fără ca părinții să aibă un cuvânt de spus, a fost modificată de Parlament, care a reintrodus acordul părinților și a înlocuit ‘educația sexuală’ cu variante mai echilibrate ‘educație sanitară’, ‘educație pentru viață’, pentru că ne dorim ca tinerii și copiii să devină responsabili, nu experți în sex sau pornografie, de la vârste fragede.”

Translation

“What bothers those in the governing coalition is that their neo-Marxist formula, which introduces sex education in schools without parents having a say, has been changed by Parliament, which has reintroduced parental consent and replaced ‘sexual education’ with more balanced variants ‘health education’, ‘education for life’, because we want young people and children to become responsible, not experts in sex or pornography, from an early age.”

- Sorin Vlașin (PSD) | 11.02.2021 | Facebook

“Curentul populist-conservator l-am simțit în ultimii ani chiar și pe dreapta politică. Nu putem modela personalitatea tinerilor noștri în funcție de ideologii. Trebuie să ne asigurăm că le oferim tinerilor noștri, acasă și la școală, un set de informații corecte, care să îi ajute în viață.”

Translation

“I have felt the populist-conservative current in recent years even on the political right. We cannot shape the personality of our youth according to ideologies. We need to ensure that we provide our young people, at home and at school, with the right set of information to help them in life.”

- Alina-Ștefania Gorghiu (PNL) | 23.06.2021 | Facebook

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“Contrar celor susținute de persoanele care se opun educației sexuale, cercetările efectuate la nivel național și internațional au demonstrat beneficiile unei educații sexuale cuprinzătoare, inclusiv: întârzierea debutului activității sexuale, reducerea asumării de riscuri, creșterea utilizării mijloacelor de contracepție și atitudini îmbunătățite în ceea ce privește sănătatea sexuală și reproductivă.”

Translation

“Contrary to the claims of those opposed to sex education, national and international research has demonstrated the benefits of comprehensive sex education, including: delayed start of sexual activity, reduced risk-taking, increased use of contraception and improved attitudes towards sexual and reproductive health.”

- Andrei-Răzvan Lupu (REPER) | 17.06.2021 | Facebook

“Partidul Mișcarea Populară susține educația pentru sănătate, nu și educația sexuală cuplată, eventual, și cu teoria identității de gen. Da, tinerii trebuie să știe să se protejeze, e necesar să scădem numărul uriaș al sarcinilor minorelor, dar nu putem îngădui ca, încă din fragedă pruncie, copiii să fie învățați că pot face sex oricând băiat cu băiat, fată cu fată și, eventual, că e în regulă să-și aleagă singuri genul, adică dimineața, să poată alege să fie băiat, la prânz, fată și, pe înserat, să devină ceva fluid, bisexual, transexual, asexuat sau vreo bizarerie dintre cele peste o sută de variante inventate ca posibile de ideologii ‘transgenderismului’.”

Translation

“The Popular Movement Party supports health education, not sex education coupled, possibly, with the theory of gender identity. Yes, young people must know how to protect themselves, it is necessary to reduce the huge number of underage pregnancies, but we cannot allow that, from an early age, children are taught that they can have sex anytime boy with boy, girl with girl and possibly, that it's okay to choose their own gender, that is, in the morning, to be able to choose to be a boy, at lunchtime, a girl and, in the evening, to become something fluid, bisexual, transsexual, asexual or some oddity among over a hundred variants invented as possible by ‘transgenderism’ ideologies.”

- Emil-Marius Pașcan (PMP) | 25.06.2020 | Facebook

“Sunt îngrozit cum noi, ca societate, nu dăm doi bani pe viața fetițelor și a femeilor. Sunt tată de fete și mă interesează ca ele să se dezvolte sănătos, cu cunoaștere și cu grijă pentru propriul lor corp. Să fim sinceri, toată argumentația fascistoidă etalată azi în Parlament de PSD, PNL, AUR, UDMR împotriva educației sexuale se referă la corpul femeilor. Înalții reprezentanți ai statului român nu vor ca fetele noastre să fie pregătite pentru viață, să știe despre menstruație, sexualitate, sarcină și tot ce le așteaptă ca femei adulte.

De fapt, toate aceste partide se contopesc într-unul singur **PARTIDUL CARE URĂȘTE FEMEILE** și care a votat împotriva amendamentului **USR** care facilita orele pentru educație pentru sănătate, prezente și astăzi în școli.”

Translation

“I am appalled at how we as a society don't give a damn about the lives of girls and women. I am a father of girls and I am interested in them developing healthily, with knowledge and care for their own bodies. Let's be honest, all the fascist argument displayed today in Parliament by PSD, PNL, AUR, UDMR against sex education refers to women's bodies. The high representatives of the Romanian state do not want our girls to be prepared for life, to know about menstruation, sexuality, pregnancy and everything that awaits them as adult women.

In fact, all these parties merge into one **PARTY THAT HATES WOMEN** and voted against the **USR** amendment that facilitated the health education classes still present in schools today.”

- Silviu Dehelean (USR) | 21.06.2022 | Facebook