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Sexual and Reproductive Health Education: a study in the context of Romania

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Abbreviations

Art(s)	Article(s)
BZgA	Federal Centre for Health Education
CEDAW	Convention on the Elimination of Discrimination against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CRC Committee	Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CRPD Committee	Committee on the Rights of Persons with Disabilities
ECHR	European Convention on Human Rights
ECtHR	European Court on Human Rights
EPA	European priority Areas Project
EU	European Union
GA	General Assembly
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IGO	Intergovernmental Organization
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and More
NGO	Non-governmental Organization

OECD	Organisation for Economic Co-operation and Development
Para(s)	Paragraph(s)
SECS	Societatea de Educatie Contraceptiva si Sexuala
SRH	Sexual and Reproductive Health
SRHE	Sexual and Reproductive Health Education
SRHR	Sexual and Reproductive Health Rights
STD	Sexually Transmitted Diseases
STI	Sexually Transmitted Infections
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations International Children's Emergency Fund
VCLT	Vienna Convention on the Law of Treaties
WHO	World Health Organization

Abstract

Romania currently has the second highest rate for adolescent pregnancies and the highest rate for adolescent abortions in Europe. Numerous times, scholars and scientists advocate for the implementation of comprehensive sexual and reproductive health education as one of the possible solutions for such issues. As such, in light of these worrying statistics, this thesis looks at Romania's legislation on and approach to providing comprehensive sexual and reproductive health education to girls. Romania's legislation will be analysed in terms of its international obligations stemming out of various Conventions and their Treaty Bodies. The thesis will conduct such a study by adopting a gender and feminist lens. Furthermore, the thesis will provide an analysis into the underlying factors for such gruelling statistics, by looking at cultural and traditional views on women's rights and sexual and reproductive health rights, as well as socio-economic factors. The thesis also argues for the implementation of an intersectional sexual education curriculum in Romania.

1. INTRODUCTION

1.1. Contextual and Historic Background

Nowadays teenage girls partake in or are forced to partake in numerous sexual activities, which can have a negative effect on their physical and psychological well-being.¹ Such issues are believed to be exacerbated and, at times, created by a lack of comprehensive sexual and reproductive health education (hereinafter SRHE).² In situations in which teens do not have access to adequate SRHE, they resort to finding information online, often through pornographic content, which can cause more harm than good.³ This is especially prevalent in situations where the adolescents are exposed to abusive and misogynistic content, which normalizes the portrayed behaviours.⁴ Such harmful ideas are then further perpetuated through cyberbullying, which affects girls almost twice as much as boys.⁵ Cyberbullying can cause multiple damaging effects to the mental health of girls and can go as far as constituting sexual harassment.⁶ In light of this, The Committee on the Elimination of Discrimination against Women (hereinafter CEDAW Committee) has specifically called sexual and reproductive health education an “important response to the magnitude of the problem[s]”.⁷

1.2. Problem Statement and Research Question

Numerous studies have shown that Romanian teens engage in various sexual risk behaviours.⁸ The country struggles with a high number of its youth engaging in unprotected sex.⁹ Furthermore, Romania is the country with the second highest rate in teenage pregnancies in the European Union (EU), “three

¹ Caroline Cinq-Mars, John Wright, Mireille Cyr & Pierre McDuff, 'Sexual at-Risk Behaviors of Sexually Abused Adolescent Girls' (2003) 12 J Child Sexual Abuse 1, 2.

² Brittney Herman, 'Sexual Education as a Form of Sexual Assault Prevention: A Survey of Sexual Education among States with the Highest and Lowest Rates of Rape' (2020) 2020 BYU Educ & LJ 121, 122.

³ UNICEF, 'Protection of children from the harmful impacts of pornography' (2022) <<https://www.unicef.org/harmful-content-online>> accessed 9 June 2022.

⁴ *ibid.*

⁵ UN CEDAW Committee 'General Recommendation No. 36 on the Right of Girls and Women to Education' (2017), CEDAW/C/GC/36, para. 70.

⁶ *ibid* paras. 70-71.

⁷ *ibid* para. 68.

⁸ Adrian Neghirla, Iacobina Claudia Rus, Szalai Martin, 'A Study About Adolescents Sexual Education' (2015) Journal of School and University Medicine 2(2) 5, 5.

⁹ Cornelia Rada, 'Sexual behaviour and sexual reproductive health education: cross-sectional study in Romania' (2014) 11(48) Reproductive Health.

times higher than the EU average”.¹⁰ The country, concerning, houses almost a quarter of the minor mothers in the EU.¹¹ Adolescent pregnancies often times lead to early school leaving and unemployment for the young mothers affected.¹² Lastly, Romanian girls face high numbers of sexual exploitation, both within the borders of Romania, and outside.¹³ Romania remains a “country of origin for victims of trafficking in human beings”, as well as a country with high rates of domestic trafficking, especially of minor girls.¹⁴ Although these issues stem from a multitude of reasons, such as socio-economic factors, as well as cultural and religious factors, Gabriela Alexandrescu, president of *Save the Children Romania*, has mentioned that “the problem is the lack of health education, including sex education in schools and communities”.¹⁵ Although adequate SRHE is quickly becoming common parlance amongst academics and advocates, such a support is not always seen from politicians and policy-makers in Romania. The bill on SRHE has been a highly controversial one, and has received backlash from the public, some politicians and religious institutions.¹⁶ After arduous discussions, the bill has been tabled numerous times, and even brought before the Constitutional Court, before being approved.¹⁷ However, some advocates of reproductive rights and SRHE argue that it is incomplete and inadequate.¹⁸ They are worried about the conservative approaches Romania is starting to take towards education; a country which is now in the process of voting on and possibly introducing a bill

¹⁰ Iuliana Nanu and others, ‘Adolescent Pregnancy in Romania’ (UNICEF – SAMAS, 2021) 15.

¹¹ Stirile PRO TV, ‘Romania sta mai prost la educatie sexuala ca Botswana. Suntem, insa campionii UE la mame minore’ (‘Romania ranks worse in sexual education than Botswana, We are, however, champions in the EU at the number of minor mothers’ tr) (Stirile PRO TV, 28 September 2020) 00:00 – 00:04.

¹² Nanu and others (n 10) 2.

¹³ European Commission – Migration and Home Affairs, ‘Romania’ (2021) <https://ec.europa.eu/home-affairs/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/romania_en> accessed 04 June 2022.

¹⁴ *ibid.*

¹⁵ AFP News Agency, ‘Pregnant at 15, the teenage mothers of Romania’ (4 May 2016, 01:11 – 01:17) <<https://www.youtube.com/watch?v=teBNAYboPI>> accessed 07 June 2022.

¹⁶ UNCHR ‘Report of the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and children’ (2020) OL ROU 3/2020, 1.

¹⁷ *ibid.*, 2.

¹⁸ Sorina Ionasc, ‘Legea educatiei sexuale in scoli a fost votata cu scandal: Nu avem nevoie de masturbarea copiilor’ (Pro-TV, 21 June 2022) (‘The law for sexual education in schools was voted after a scandal: We don’t need children masturbating’ tr) <<https://stirileprotv.ro/amp/stiri/politic/legea-educatiei-sexuale-in-scoli-votata-cu-scandal-nu-avem-nevoie-de-masturbarea-copiilor.html>> accessed 24 June 2022.

prohibiting any talk of or discussion on “gender identity theory or opinion” in any educational institution in the country.¹⁹

Thus, this thesis strives to answer the research question ‘to what extent does Romania fulfil its international obligations to provide comprehensive sexual and reproductive health education to girls?’. It will achieve this by also answering the consequent sub-questions:

- i. ‘What is comprehensive sexual and reproductive health education?’
- ii. ‘What are Romania’s international obligations on the matter?’
- iii. ‘What are Romania’s current national policies on and judicial approaches to the matter, and which active steps has Romania taken in order to fulfil their international obligations?’
- iv. ‘Which policies or measures could Romania instil in order to meet its international obligations?’

1.3. Scope

Numerous studies have been done on the benefits of introducing SRHE to adolescents, in general, and especially to girls.²⁰ Such studies have mostly focused on SRHE’s role in preventing “early and unintended pregnancies” and STIs, which can even become causes of death for adolescents globally.²¹ Furthermore, previous research has approached the topic of SRHE and human rights.²² However, these studies mostly focused on SRHE as being included in sexual and reproductive rights, rather than analysing it as a human right in itself.²³ This latter approach remains briefly addressed in policy briefs and recommendations reports created by IGO’s and NGO’s.²⁴ As such, the importance of adequate and

¹⁹ Lege L87/2020 ‘Propunere legislative pentru modificarea si completarea Legii educatiei nationale nr.1/2011’ (Law L87/2020 ‘Legislative proposal for the modification and completion of the Law on national education n.1/2011’ tr).

²⁰ UNESCO, ‘A better sexual and reproductive health education could save adolescent lives’ (UNESCO 2021) <<https://www.un.org/youthenvoy/2017/05/better-sexual-reproductive-health-education-save-adolescent-lives/>> accessed 20 June 2022.

²¹ *ibid.*

²² Federal Centre for Health Education (BZgA), WHO, ‘Sexuality Education: Policy Brief No.1’ (2016) 60596012, 3.

²³ Meghan Campbell, ‘Is there a human right to sex education?’ (University of Birmingham, 20 August 2020)

<<https://www.birmingham.ac.uk/news/2020/is-there-a-human-right-to-sex-education>> accessed 24 June 2022.

²⁴ BZgA, WHO (n 22) 3.

comprehensive SRHE as a girl's right has not been looked at in detail. Possible causes for this lack of extensive research on the matter are the societal assumptions of sex and sexuality as a taboo subject, especially for children, as well as current constructions of gender roles creating barriers for girls to reach sexual and reproductive health independence through education. Lastly, when discussing specifically Romania, some authors have delved into the topic of SRHE and how this might affect teenagers in the country.²⁵ Nevertheless, these studies focused on just the importance of introducing SRHE in schools, rather than on its format.²⁶ As such, a promising line of research relies on the adequacy and appropriateness of SRHE in Romania.

1.4. Methodology

The thesis will conduct an interdisciplinary analysis, combining a legal one and a sociological one. The former will adopt a legal doctrinal research, through which legal doctrines and theories will be formed after studying both international and national primary sources. It is essential to look at such a topic from a legal point of view first, as “the achievement of sexual health is [...] closely associate with the protection of human rights”.²⁷ Gruskin has stated that “human rights provide an international legal framework within which the sexual and reproductive health needs and aspirations of all people can be considered”.²⁸ National laws can have a positive, but also a negative impact on sexual and reproductive health rights (SRHR), such as criminalizing specific sexual behaviours and specific reproductive services.²⁹ As such, it is imperative to analyse such rights through both a national and international legal lens. Thus, the Convention for the Protection of Human Rights and Fundamental Freedoms, also known as the European Convention on Human Rights (ECHR),³⁰ the International Covenant on Economic, Social and Cultural Rights (ICESCR),³¹ the Convention on the Rights of the Child (CRC)³²,

²⁵ See Rada (n 9).

²⁶ *ibid.*

²⁷ WHO, ‘Sexual health, human rights and the law’ (2015) WQ 200, 4.

²⁸ WHO, ‘Sexual and Reproductive Health and Research (SRH)’ (2022) <<https://www.who.int/teams/sexual-and-reproductive-health-and-research/key-areas-of-work/sexual-health/defining-sexual-health>> accessed 14 June 2022.

²⁹ *ibid.*

³⁰ European Convention on Human Rights (adopted 4 November 1950; entered into force 3 September 1953) 67075 (ECHR).

³¹ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966; entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

³² Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)³³ will be used throughout the thesis. Although the latter Convention mentions primarily the rights of women, it is applicable to and important for the wellbeing of youth and girls.³⁴ These treaties will be analysed through the criteria laid down in the Vienna Convention on the Law of Treaties (VCLT).³⁵ The aim of the interpretation is to discover the international obligations with regards to the provision of SRHE, as well as the international legal standards of adequate and comprehensive SRHE. Firstly, Article 31(1) VCLT puts forward that treaties should be objectively interpreted,³⁶ according to the “ordinary meaning” of the terms.³⁷ Further, a subjective or contextual interpretation will follow,³⁸ where the intentions of the parties will be considered.³⁹ This method of interpretation also looks at the preambles and annexes of the treaties, as well as any “subsequent practice” of the State Parties, and any documents and “agreements relating to the treaty”.⁴⁰ Example of such documents are General Comments, General Recommendations and Concluding Observations from International Treaty Bodies.⁴¹ The next method of interpretation will be a teleological one, meaning that the “object and purpose” of the text will be looked at.⁴² Scholar Lo argues that such an interpretation can be carried out through both the text and the preambles of a treaty.⁴³ Lastly, Article 32 VCLT lays down that “supplementary means of interpretation” can be used to interpret a treaty, when the previous methods lead to an ambiguous, obscure, “manifestly absurd or unreasonable” interpretation.⁴⁴ Examples of such supplementary means are preparatory works (*travaux préparatoires*).⁴⁵ Besides treaties, the thesis will also address regulatory laws, such as writings, recommendations and statements of UN Special Rapporteurs in relation to either sexual and reproductive health rights and education, or Romania’s

³³ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW).

³⁴ Pooja Khanna, Zachary Kimmel, Ravi Karkara, ‘Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for Youth’ (UN Women, 2016).

³⁵ Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331 (VCLT), arts 31-33.

³⁶ Paolo Arginelli, *The Interpretation of Multilingual Tax Treaties* (Leiden University Press 2013) 130.

³⁷ VCLT art 31(1).

³⁸ Ulf Linderfalk, *On the Interpretation of Treaties: The Modern International Law as Expressed in the 1969 Vienna Convention on the Law of Treaties* (Springer 2007), 102.

³⁹ VCLT art 31(4).

⁴⁰ *ibid* art 31(2)- 31(3).

⁴¹ Andrea Broderick, *The Long and Winding Road to Equality and Inclusion for Persons with Disabilities : The United Nations Convention on the Rights of Persons with Disabilities* (Intersentia 2015), 11.

⁴² VCLT art 31(1).

⁴³ Chang-fa Lo, *Treaty Interpretation under the Vienna Convention on the Law of Treaties: A New Round of Codification* (Springer, 2017), 185-191.

⁴⁴ VCLT art 32.

⁴⁵ *ibid*.

activities regarding these topics. Furthermore, national laws, policies and case-law will be assessed in detail, in order to establish whether Romania has complied with its international obligations regarding adequate SRHE.

The thesis will also adopt a socio-legal research, where the effect of the laws will be analysed in practice. In light of this, secondary sources, such as academic scholarship, research studies and reports, in both English and Romanian will be analysed. These secondary sources will be based mostly in the fields of political science, public health and gender and intersectionality theory. By adopting a gender lens, the thesis will look at politics, religion, and cultural and traditional assumptions of sexuality and reproductive rights. Thus, policies, their effects and specific social phenomena will be studied from an intersectional point of view, accounting for the needs and experiences of diverse people.

1.5. Limitations to the Research

There are a number of limitations to the thesis. Firstly, there is a general lack of data from the Romanian government on SRHE and adolescent parents.⁴⁶ “There is a lack of funding for studies and research meant to identify the specific needs and expectations of Romanian adolescents and to inform both policies and standards of practice in the field”.⁴⁷ However, whilst being mindful of such lack of essential data, as a desk-based research, the thesis will not adopt an empirical aspect. It will focus on the Romanian government’s approach and policies, while the concrete effectiveness of SRHE in Romania is beyond the scope of the current research. Lastly, numerous studies have proven that individuals tend to have an inherent cognitive bias based on their previous experiences and knowledge, even while conducting research.⁴⁸ In order to try to reduce such a bias, the thesis will provide an interdisciplinary analysis of resources from various domains and organizations, from multiple spectrums of the arguments and in multiple languages.

⁴⁶ Nanu and others (n 10), 5.

⁴⁷ *ibid.*

⁴⁸ Michelle C. Baddeley, Andrew Curtis, and Rachel Wood, ‘An introduction to prior information derived from probabilistic judgements: elicitation of knowledge, cognitive bias and herding’ (2004) 238 Geological Society Special Publications 15, 15.

1.6. Structure of the Thesis

The thesis provides for five main chapters, the first one being the introduction. The introduction provides a short historical and theoretical analysis of the paper's research topic. The second chapter analyses the theory and literature review on sexual and reproductive health education and the topic of reproductive rights. The second chapter will also address gender, feminist and intersectionality theory and how that can be found throughout the thesis. The third chapter will look at the international obligations laid down for Romania with regards to SRHE. It will do so by mainly analysing the right to education, the right to sexual and reproductive health and the entanglement between the two, giving rise to a right to sexual and reproductive health education. Further, the chapter will address what form, according to international instruments and bodies, should such a SRHE take in order to be considered as "comprehensive". Lastly, by looking at the best interest of the child, the thesis will analyse how a lacking SRHE policy or an inadequate one can become harmful practice to girls. The fourth chapter will address the history of Romania's approach to SRHE, as well as the current legislation and approach of the courts on the matter. The chapter will analyse which of its international obligations is Romania meeting or not and to which factors can such lacunae of standards be attributed. This analysis will be followed by an exploration of which future steps Romania could take on the matter. These recommendations will be partly based on the example and good practices of other States and Organizations, and will be mindful of Romanian culture, tradition, economy and state of political affairs. Lastly, the thesis will place forward a conclusion in its fifth chapter.

2. THEORETICAL BACKGROUND

2.1. Sexual and Reproductive Health

Sexual and reproductive health are topics widely discussed and promulgated by academics and activists globally.⁴⁹ However, the definition of the term "sexual and reproductive health" (hereinafter SRH) is, at times, unclear to many and different scholars argue on what should be included under the ambit of the

⁴⁹ Joan C. Chrisler, Jane M. Ussher and Janette Perz, 'Introduction' in Jane M Ussher, Joan C. Chrisler and Janette Perz (eds), *Routledge International Handbook of Women's Sexual and Reproductive Health* (Routledge 1st edn, 2020) 1.

term. In 1994, the Programme of Action of the International Conference on Population and Development included the definition of sexual health under that of reproductive health.⁵⁰ While the mention of sexual health in such an important document was applauded, it was also seen as a potentially dangerous move, which would reduce sexual health only to one's reproductive capabilities.⁵¹ However, because of continuous advocacy and advancement in public health, human rights and the fight toward protection from discrimination and violence, the international community has now accepted a wider definition of the term.⁵² According to the World Health Organization (WHO), sexual health represents “a state of physical, emotional, mental and social well-being in relation to sexuality”.⁵³ Such health is not “merely the absence of disease, dysfunction or infirmity”.⁵⁴ WHO further states that:

“Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected and fulfilled.”⁵⁵

Reproductive health on the other hand, is defined by “concerns [of] the capability to reproduce and the freedom to make informed, free and responsible decisions.”⁵⁶ This definition included notions of family planning, maternal health, sexual health and the prevention of sexually transmitted infections (STIs).⁵⁷ Although the original definition was slightly changed overtime, with sexual health being highlighted as a separate category to be analysed, scholar Rosenfield argues that the original definition was a monumental step in the fight for reproductive rights, calling it a “conceptual shift from population to reproductive health”.⁵⁸ The term does not only refer to a state of physical health, but rather, it also includes services, facilities, goods and information.⁵⁹

⁵⁰ WHO, ‘Sexual health, human rights and the law’ (n 27), 4.

⁵¹ *ibid.*

⁵² *ibid.*

⁵³ *ibid.*, 5.

⁵⁴ *ibid.*, 5.

⁵⁵ *ibid.*, 5.

⁵⁶ UN CESCR ‘General Comment No.22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)’ (2016) E/C.12/GC/22, para 6.

⁵⁷ Allan Rosenfield, ‘Global Women’s Health and Human Rights’ in Padmini Murthy, Clyde Lanford Smith (eds), *Women’s Global Health and Human Rights* (Murthy Smith, 2010), 5.

⁵⁸ *ibid.*, 5.

⁵⁹ UNFPA, ‘Programme of Action of the International Conference on Population and Development’ (1994) (20th Anniversary edn 2014), 59.

SRH, thus, addresses health services, goods and information about the following and more: the reproductive cycle; hormones; family planning; contraceptives; abortion and post-abortion care; fertility treatments; obstetric, pregnancy, pre-natal, birth and post-partum care and health; breastfeeding; female genital mutilation; breast/cervical cancer prevention, screening and care; intimate partner violence; sexuality; and sex reassignment procedures and surgery.⁶⁰ Furthermore, SRH includes both the physical and mental aspects of health.⁶¹

SRH is not only affected by laws and policies, but rather also by the underlying determinants of health, such as safe access to water, adequate housing, health education and information, and protection from discrimination and all forms of violence.⁶² Another factor affecting SRH globally are the “social determinants of health”, such as age, gender, disability, or ethnic origin, factors which, at times, are also at the base for social inequalities.⁶³

2.2. Sexual and Reproductive Health Rights

Sexual and reproductive health rights (SRHR) refer to both sexual health and rights, as well as reproductive health and rights.⁶⁴ Reproductive rights mainly refer to individuals’ and couples’ rights to “decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so”.⁶⁵ Such rights include: the right to contraceptive methods and safe abortions, the right to fertility treatments, the right to the highest attainable standard of reproductive health and reproductive health services and the right to information on the matter.⁶⁶ The right to access healthcare services does not only include a right to seek, find and be provided with those services, but also the right to the knowledge needed in order to identify which services to seek, and the right to have

⁶⁰ Ludovica Anedda and others, ‘Sexual and reproductive health rights and the implication of conscientious objection’ (European Parliament, Policy Department for Citizens’ Rights and Constitutional Affairs 2018), 9.

⁶¹ Rehema Nakato, ‘Mental health and sexual and reproductive health; The surprising link’ (WeAreRestless 6 April 2021) <<https://wearerestless.org/2021/04/06/link-between-mental-and-sexual-health/>> accessed 20 June 2022.

⁶² UN CESCR ‘General Comment No. 22’ (n 56), para 7.

⁶³ *ibid*, para 8.

⁶⁴ Anedda (n 60) 7.

⁶⁵ UNFPA, ‘Programme of Action of the International Conference on Population and Development’ (n 59), 60.

⁶⁶ Carolin Schurr and Elisabeth Militz, ‘Reproductive rights’ in Audrey Kobayashi (ed), *International Encyclopedia of Human geography* (Elsevier 2nd edn 2020).

your healthcare needs fulfilled through those services.⁶⁷ In order for SRHR to be fulfilled, numerous other interconnected rights need to be met by States, such as: the right to equality and non-discrimination, the right to be free from violence and torture, the right to a private and family life and the right to information and education.⁶⁸ Barriers to SRHR appear in numerous forms, whether that be legal, procedural, cultural, or financial.⁶⁹ Furthermore, such barriers are often worsened by the lack of political support for SRH.⁷⁰

Reproductive rights were originally discussed and promulgated mainly by women's rights advocates. Thus, scholars Dempsey and Meier state that the "international legal language of reproductive rights became nearly synonymous with women's civil rights".⁷¹ They further state that "these associated elements have created a paradigm shift, restricting reproductive rights to a negative human rights framework (requiring governments to cease interferences) rather than a comprehensive framework complemented by positive human rights (requiring government intervention)."⁷² Furthermore, they argue that in order for the highest attainable level of reproductive health to be achieved, not only does a State also have positive obligations, but a State should also ensure that a certain level of infrastructure and "economic, social, and cultural conditions" are met.⁷³ This thesis acknowledges such line of argumentation and the fact that reproductive rights are mainly seen for their negative obligations. However, because SRHR and their absence mainly affect women and girls and their reproductive autonomy,⁷⁴ and because the legal frameworks for reproductive rights have developed mainly under women's rights frameworks, the thesis will not address SRHR in a vacuum, but rather as a category of human rights, interlinked with women's rights, giving rise to positive obligations. In light of this, the paper takes the approach that completely de-gendering the study of SRHR can actually become detrimental to women's fight towards a complete access to their SRHR.

⁶⁷ Erin Nelson, 'Autonomy, Equality, and Access to Sexual and Reproductive Health Care' (2017) 54 *Alta L Rev* 707, 707-708.

⁶⁸ WHO, 'Sexual and Reproductive Health and Research (SRH)' (2022) <<https://www.who.int/teams/sexual-and-reproductive-health-and-research/key-areas-of-work/sexual-health/defining-sexual-health>> accessed 14 June 2022.

⁶⁹ Anedda (n 60) 8-9.

⁷⁰ *ibid.*

⁷¹ Reilly Anne Dempsey, Benjamin Mason Meier, 'Going negative: How Reproductive Rights Discourse Has Been Altered from a Positive to a Negative Rights Framework in Support of "Women's Rights"' in Padmini Murthy, Clyde Lanford Smith (eds), *Women's Global Health and Human Rights* (Murthy Smith, 2010), 83.

⁷² *ibid.*, 83.

⁷³ *ibid.*

⁷⁴ Nelson (n 67) 707-708.

2.3. Sexual and Reproductive Health Education

The concept of SRHE changes rapidly, with different “social trends, public health concerns, politics and various controversies” affecting it daily.⁷⁵ Thus, it can be said that SRHE also provides a mirrored image of society’s concerns and approaches to sexual and reproductive health at a given point in time. However, as philosophies and social trends aren’t immediately transcribed in education, the image portrayed by SRHE is, at times, a warped one, rather than an accurate reflection. At times throughout history, it was inconceivable that children would be subjected to teachers or even strangers talking to them about sexuality and their bodies.⁷⁶ In Foucault’s words, this was a world “before sexuality”.⁷⁷ Such topics were either reserved for familial discussions, or were avoided completely.⁷⁸ As time went on, society seemed to become more open to ample discussions of such topics, especially after the sexual liberation movements in the 1960’s.⁷⁹ The first country to provide for a SRHE national policy was Sweden in 1955, putting forward a basic mandatory curriculum of sex and gender education.⁸⁰ However, SRHE at the time mainly provided discussions of unintended pregnancies, HIV and, at times, promoted the practice of abstinence.⁸¹ Furthermore, some early SRHE programs used sexist, classist, racist and eugenicist tones to deal with various “immoral” social issues and movements.⁸² Nonetheless, slow progress arrived in the 1990’s, which brought about the inclusion of discussions of sexual abuse, while the 2000’s advocated for the inclusion of “prevention of sexism, homophobia and online bullying” in SRHE.⁸³ Nowadays, the focus of SRHE advocacy is on the introduction of educational materials on gender identity, gender norms and gender inequality.⁸⁴ Still, tensions arise on the subject in different parts of the world, as different cultures approach the subject from opposing points of view.⁸⁵ Thus, a number of questions arise at the core of these tensions: “should children be taught

⁷⁵ Herman (n 2) 127.

⁷⁶ Faqs, ‘Sex Education’ (Faqs, 2021) <<http://www.faqs.org/childhood/Re-So/Sex-Education.html>> accessed 24 June 2022.

⁷⁷ Véronique Mottier, *Sexuality: A Very Short Introduction* (OUP 2008), 4.

⁷⁸ Faqs (n 76).

⁷⁹ Mottier (n 77) 41.

⁸⁰ Apolitical, ‘International Experts love Sweden’s sex-ed. 96% of students don’t’ (Apolitical, 20 September 2018) <<https://apolitical.co/solution-articles/en/international-experts-love-swedens-sex-ed-96-of-students-dont>> accessed 22 June 2022.

⁸¹ BZgA, WHO (n 22) 1.

⁸² Sex Ed for Social Change (SIECUS), ‘History of Sex Education’ (2013) <https://siecus.org/wp-content/uploads/2021/03/2021-SIECUS-History-of-Sex-Ed_Final.pdf> accessed 24 June 2022.

⁸³ *ibid.*

⁸⁴ *ibid.*

⁸⁵ *ibid.*

SRHE?”, “is it detrimental or beneficial to their development and well-being?”, “should parents be the main providers of such education, or should schools and doctors be the ones responsible?”

Such questions have been studied and researched before, providing scientific answers to both the medical and the social aspects of the matter. To begin with, it is essential that children and teenagers are met with formal education on sexual and reproductive health, as the easily accessible and often dramatized portrayal of sex and sexuality found in the news, media, and on the internet can impact them negatively.⁸⁶ Such influence is especially detrimental to young girls in two main ways.⁸⁷ Firstly, girls’ gendered performances⁸⁸ are affected by the over-sexualization of women and femininity, which can create risk-behaviours.⁸⁹ Furthermore, such portrayal of hyper sexualization results in higher rates of abuse and exploitation of girls conducted by men.⁹⁰ Thus, SRHE holds “a particularly important role in the formation of the concepts of sex, sexuality and gender and in the development of sexual behaviour”.⁹¹ SRHE has been accredited with numerous benefits for girls. Studies show that girls and women who have been provided adequate SRHE had a higher chance of using various contraception methods, including condoms, at first intercourse and beyond, and had a higher chance of using such methods correctly and safely.⁹² On the other hand, those opposing the introduction of mandatory SRHE in schools claim that such programs result in young people engaging in sexual interactions at an earlier age.⁹³ However, SRHE is actually often found to be helpful in deterring early initiation of sexual activity, an at-risk-behaviour which can have detrimental effects on the mental and physical health of teen girls.⁹⁴ Lastly, there are voices claiming that SRHE can deprive children of their “innocence” and can leave them vulnerable towards abuse.⁹⁵ Studies show the opposite.⁹⁶ Where children are taught, according to their age and level of understanding, matters of SRH, they are more likely to understand

⁸⁶ UNESCO, ‘International Technical Guidance on Sexuality Education – an evidence – informed approach for schools, teachers and health educators’ (2009).

⁸⁷ Jaimee Swift and Hannah Gould, ‘Not an Object: On Sexualization and Exploitation of Women and Girls’ (UNICEF, 11 January 2021) <<https://www.unicefusa.org/stories/not-object-sexualization-and-exploitation-women-and-girls/30366>> accessed 22 June 2022.

⁸⁸ Penelope Eckert and Sally McConnell-Ginet, *Language and Gender*, (2nd edn, CUP 2013), 2.

⁸⁹ Swift and Gould (n 87).

⁹⁰ *ibid.*

⁹¹ Rada (n 9) 2.

⁹² Abdul-Aziz Seidu and others, ‘Sexual and reproductive health education and its association with every use of contraception: a cross-sectional study among women in urban slums, Accra’ (2022) 19(1):7 *Reproductive Health*.

⁹³ BZgA, WHO (n 22) 3.

⁹⁴ Rada (n 9) 2.

⁹⁵ BZgA, WHO (n 22) 3.

⁹⁶ *ibid.*

and recognize patterns of abuse and respond to it accordingly.⁹⁷ Thus, adequate and comprehensive SRHE, in schools, should also aim to raise awareness about sexual assault, abuse or violence, and the steps one can take after living through such an experience.⁹⁸

Although the thesis mainly focuses on the advantages that SRHE and education in general provide, the dangers of education are also acknowledged. In its Fact Sheet on Gender and AIDS, UNAIDS reported that girls in Africa are in great danger of harassment and sexual assault by a teacher.⁹⁹ This is a recurring phenomenon also in Romania, where rising cases of sexual harassment by teachers are being reported in schools.¹⁰⁰ Furthermore, girls may also be affected by sexual politics, meaning sexual harassment and sexual overtones they experience at school, as well as during the commute to and from school.¹⁰¹ Seeing as Romania's infrastructure lacks a reliable system of public transportation in-between cities and towns, numerous Romanian girls have to resort to hitchhiking to get to and from school, resulting in an alarming number of cases of sexual assault.¹⁰² "Obviously, these risks do not diminish the critical importance of the education of girls, but rather highlight the need for mitigating girls' vulnerability in all sectors through rights-based approaches."¹⁰³

⁹⁷ *ibid.*

⁹⁸ Peter Gordon, 'Sexuality Education and the Prevention of Sexual Assault' (2011) 13 PROTECTING CHILDREN FROM SEXUAL VIOLENCE-A COMPREHENSIVE APPROACH 175.

⁹⁹ Joia S. Mukherjee, Didi Bertrand Farmer, Paul E. Farmer, 'The AIDS Pandemic and Women's Rights' in Padmini Murthy, Clyde Lanford Smith (eds), *Women's Global Health and Human Rights* (Murthy Smith, 2010), 132.

¹⁰⁰ Ioana Mitrit, 'Tot mai multe cazuri de hartuire sexuala in scoli!' ('More and more cases of sexual harassment in schools!') (Ziarul de Investigatii 23 April 2022) <<https://zin.ro/23/04/2022/administratie/tot-mai-multe-cazuri-de-hartuire-sexuala-in-scoli/>> accessed 16 June 2022.

¹⁰¹ UN CEDAW Committee 'General Recommendation No. 36' (n 5) para. 65.

¹⁰² See Nick Thorpe, 'Alexandra Macesanu: Romanian girl's calls for help released by family' (BBC 1 August 2019) <<https://www.bbc.com/news/world-europe-49195906>> accessed 18 June 2022; and Bianca Sara Gavrilă, 'I-a oferit un drum spre casă, însă a sechestrat-o în locuința sa și a violat-o. Ororile prin care a trecut o copilă de 16 ani' (He offered her a ride home, instead he kept her in his home and raped her. The horrors through which a 16 year old child has lived through) (Adevarul 21 July 2016) <https://adevarul.ro/locale/bistrita/i-a-oferit-drum-casa-insa-sechestrat-o-inlocuinta-violat-ororile-trecut-copila-16-ani-1_5790d0be5ab6550cb8132caf/index.html> accessed 18 June 2022.

¹⁰³ Mukherjee and Farmer (n 99) 132.

Scientists and scholars have established that SRHE should provide information that is medically correct, developmentally appropriate and culturally mindful.¹⁰⁴ SRHE teaches girls information about the human immunodeficiency virus (HIV) and other sexually transmitted diseases (STD), as well as about pregnancy and birth.¹⁰⁵ Scientists, academics and advocates have placed forward numerous criteria for adequate and comprehensive SRHE curricula, as follows:

- Are taught by professional educators trained on the matter;
- Use up-to-date and medically-relevant data and information;
- Involve the learning process of all students;
- Are inclusive, providing information for the personal and medical needs of all students;
- Engage with different members of the community, from parents and extended families, to other “community partners in school programs”;
- Foster positive relationships and behaviours amongst adolescents and beyond;
- Foster independent thinking and critical thinking for dealing with various SRH issues;¹⁰⁶
- Are mandatory for all students;¹⁰⁷
- Are age-and developmentally appropriate;
- Are culturally-mindful and relevant.¹⁰⁸

However, such criteria are not always transcribed in laws and policies. Especially international law on the matter, while trying to put forward criteria universal to everyone, ends up providing vague and, at times, conflicting criteria for adequate SRHE. These criteria will be further analysed in the third chapter of the thesis.

¹⁰⁴ Centers for Disease Control and Prevention, ‘Sexual Health Education’ (CDC’s Division of Adolescent and School Health, 2022) <<https://www.cdc.gov/healthyyouth/whatworks/what-works-sexual-health-education.htm>> accessed 18 June 2022.

¹⁰⁵ *ibid.*

¹⁰⁶ *ibid.*

¹⁰⁷ WHO, ‘Sexual and Reproductive Health and Rights’ (2022) <<https://platform.who.int/data/sexual-and-reproductive-health-and-rights/national-policies/srh/policies-laws-establishing-mandatory-comprehensive-sexuality-education-%28cse%29-as-part-of-the-regular-educational-curriculum-are-available>> accessed 18 June 2022.

¹⁰⁸ United Nations Populations Fund, ‘Comprehensive sexuality education’ (UNFPA 13 September 2021) <<https://www.unfpa.org/comprehensive-sexuality-education#readmore-expand>> accessed 22 June 2022.

2.4. Gender Theory and Feminism

Societal perceptions of sex, sexuality and SRHE have always been impacted by gender. Mottier even states that “the ancients did not make sense of themselves in terms of sexual identities, whereas the policing of gender identity was of central importance to them”.¹⁰⁹

Gender theory has started developing as a subject in the 1960’s as a response to sociology’s lack of acknowledgement of the mistreatment that women faced.¹¹⁰ Focus was shifted onto men and on other gender identities in the 1980’s.¹¹¹ Nowadays, gender studies place their main focus on how gender interacts with and impacts other areas of life and research, and on the question of performance of gender.¹¹² As such, the term “gender” refers to the socially constructed characteristics of men, women and beyond.¹¹³ Gender is very subjective to different cultures, times, and persons and refers to “norms, behaviours and roles” and their interplay, rather than a definite set of criteria.¹¹⁴ As such, gender is a concept different than sex, which looks at the “anatomical, endocrinal and chromosomal features” of individuals and tries to assign a male or female label.¹¹⁵ Even such strict categorization can be subjective, however, as different cultures look at the exceptions to the male and female dichotomy, for example when discussing intersex individuals, differently.¹¹⁶ Thus, it can be seen that not only is gender a matter that heavily relies on subjectivity and cultural relativism, but even the categorization of one’s sex does so as well. As such, it is understandable how gender is defined differently by each person. However, even though gender and gender identities are very specific to each individual, these concepts do not exist in a vacuum. Butler goes as far as saying that “the terms that make up one’s own gender are, from the start, outside oneself, beyond oneself in a sociality that has no single author (and that radically contests the notion of authorship itself)”.¹¹⁷ Thus, everyone’s existence is affected, to an extent, by their gender and the societal expectations associated with that gender.

¹⁰⁹ Mottier (n 77) 4.

¹¹⁰ Jane Pilcher, Imelda Whelehan, *Fifty Key Concepts in Gender Studies* (SAGE 2004), ix.

¹¹¹ *ibid.*, xi.

¹¹² *ibid.*, xii.

¹¹³ WHO, ‘Gender and Health’ (2022) <https://www.who.int/health-topics/gender#tab=tab_1> accessed 25 June 2022.

¹¹⁴ *ibid.*

¹¹⁵ Eckert and McConnell-Ginet (n 88) 2.

¹¹⁶ *ibid.*

¹¹⁷ Judith Butler, *Undoing Gender* (2004 Routledge), 1.

Feminism, on the other hand, is the belief system that all genders should be equal and should have equal social, economic and political opportunities.¹¹⁸ Oftentimes, feminism is linked to the women's rights movement.¹¹⁹ The theoretical connection between feminism and gender studies is met with controversy, as some scholars argue that feminism is included under the umbrella term of gender studies, while others claim that the two subjects are completely separated, approaching gender relations from different points of view.¹²⁰ Nonetheless, the thesis will critically analyse both how gender relations affect the topic of SRHE, and how discriminations and inequalities faced by girls may affect the way they receive essential information and education.

Consequently, shifting away from the theoretical analysis to a practical discussion of these topics, it is essential to analyse how both gender theory and feminism is reflected in and can affect SRHE. Historically, with the increase in the rate of prostitution and venereal diseases, especially amongst white men, sexist, racist and classist fears that society was straying away from the perceived notions of morality were becoming more prominent.¹²¹ These ideas and beliefs were then promulgated through the early forms of SRHE.¹²² Thus, social hygiene programs were commenced, programs which, according to Shah, “bolstered existing stereotypes. [They] normalized white male (middle class) sexuality and pathologized any departures from the white male norm”.¹²³ Decades later, SRHE was still barely directed towards and taught to women, as it was considered that they had very low sex drives, and such discussions could be detrimental to their reputations.¹²⁴ Thus, it can be stated, that modern day SRHE programs stem from ideas which fundamentally make assumptions about and disadvantage girls and women. Although great progress has been achieved with gender equality on the matter, a lot of work is still needed.¹²⁵ Furthermore, not only do some SRHE programs still promote dangerous gender-based

¹¹⁸ Britannica, 'Feminism' (2022) <<https://www.britannica.com/topic/feminism>> accessed 24 June 2022.

¹¹⁹ *ibid.*

¹²⁰ Pilcher, Whelehan (n 110) xiii.

¹²¹ SIECUS (n 82) 9.

¹²² *ibid.*

¹²³ Courtney Q. Shah, *Sex ed, segregated: The quest for sexual knowledge in Progressive-era America* (University of Rochester Press 2015), x.

¹²⁴ SIECUS (n 82) 15.

¹²⁵ SIECUS (n 82) 16 – 41.

stereotypes, but girls can also have less consistent access to any form of SRHE.¹²⁶ Thus, the paper adopts a feminist lens in looking at Romanian girls' access to comprehensive SRHE.

2.5. Intersectionality theory

The term 'intersectionality' was first coined by scholar and lawyer Kimberlé Crenshaw in 1989 to refer to the discrimination endured by women of colour in the United States, and especially how this discrimination was particularly worse than the inequality experienced by either black men or white women.¹²⁷ Nowadays, she describes intersectionality as "a lens, a prism, for seeing the way in which various forms of inequality often operate together and exacerbate each other".¹²⁸ Although different people and movements approach intersectionality differently, Crenshaw's approach is still the main framework being used worldwide.¹²⁹ Thus, intersectionality is mainly addressed in terms of inequality or discrimination. However, some scholars have questioned whether intersectionality can be used as a general theory of identity, to describe the intersection of the multiple characteristics of all people.¹³⁰ Supporters of this line of reasoning argue that broadening the scope and definition of intersectionality,¹³¹ would shift Crenshaw's categorisation of "difference and sameness"¹³² from the norm, into an analysis of "power and powerlessness"¹³³. However, the literature addressing this argument is less consistent, seeing as "power" can also be a misleading term. Numerous times, those privileged do not hold any specific amount of "power" over others. They only benefit from social systems built historically to advantage people with their characteristics. As such, it would be almost impossible to analyse where privilege arises inherently, and where it is fabricated or upheld by specific individuals. Furthermore, seeing as the term "intersectionality" was first coined to describe

¹²⁶ Lorena Garcia, ' "Now Why do you Want to Know about That?": Heteronormativity, Sexism, and Racism in the Sexual (Mis)education of Latina Youth' (2009) 23:4 Sage Journal 520.

¹²⁷ Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) Issue 1 Article 8, University of Chicago Legal Forum 139, 140.

¹²⁸ Katy Steinmetz, Interview with Kimberlé Crenshaw, Professor of Law at UCLA and Columbia School of Law and Civil Rights Activist, "She Coined the Term 'Intersectionality' Over 30 Years Ago. Here's What It Means to Her Today" (New York, 20 February 2020).

¹²⁹ Shreya Atrey, *Intersectional Discrimination* (1st edn, OUP 2019) 34.

¹³⁰ Ben Smith, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' (2016) 16 *The Equal Rights Review* 73, 78.

¹³¹ Jennifer C. Nash, 'Re-Thinking Intersectionality' (2008) 89 *Feminist Review* 1, 10.

¹³² Smith (n 130) 79.

¹³³ Catherine A. MacKinnon, *Feminism Unmodified: Discourse on Life and Law* [1987] Harvard University Press, 123.

discrimination, this latter reinterpretation of the term would invalidate a whole social movement. Thus, the thesis considers intersectionality as a lens for seeing inequality and the complex ways inequality arises and is upheld.

Discussions of intersectionality and intersectional identities are becoming more and more common for scholars and even policy-makers.¹³⁴ However, such ideas are not yet transcribed into law or acknowledged in legislations, treaties and courts.¹³⁵ Out of all of the UN International Treaties, only the Convention on the Rights of Persons with Disabilities (CRPD) clearly mentions intersectional discrimination in its sixth article.¹³⁶ The other Treaty Bodies have mentioned intersectionality as a guiding principle in their work through their General Comments, General Recommendations and Concluding Observations.¹³⁷

When looking at the connection between intersectionality and SRH, specific vulnerable groups of people are more at-risk of not having their sexual and reproductive health rights met, or more at-risk of experiencing discrimination trying to access SRH-related services, goods and information.¹³⁸ Some of these groups are: sex workers, members of the LGBTQI+ community, ethnic minorities, young girls and older women, as well as unmarried and single women.¹³⁹ Furthermore, numerous SRHE programs contain “traditional” ideas of family units and sexuality, which can impact some negatively or exclude them.¹⁴⁰ Thus, seeing as comprehensive SRHE should account for all students’ needs, it is essential that the thesis addresses the required SRHE for those with intersectional identities. In its third chapter, the thesis will analyse what forms SRHE should take in order to account for the needs of girls with disabilities, girls from the LGBTQ+ community, and girls from different ethnic and religious backgrounds.

¹³⁴ Kanchana N. Ruwanpura, ‘Multiple identities, multiple-discrimination: A critical Review’ (2008) 14 *Feminist Economics* 77, 77.

¹³⁵ Meghan Campbell, ‘CEDAW and Women’s Intersecting Identities: A Pioneering New Approach to Intersectional Discrimination’ (2015) 11 *DIREITO GV L Rev* 479, 482.

¹³⁶ Convention on the Rights of Persons with Disabilities and its Optional Protocol (adopted 13 December 2006, entered into force 3 May 2008) A/RES/61/106 (CRPD) art 6.

¹³⁷ See CEDAW Committee ‘General Recommendation No.18: Disabled Women’ (1991) A/46/38.

¹³⁸ Anedda (n 60) 10.

¹³⁹ Anedda (n 60) 9.

¹⁴⁰ SIECUS (n 82) 6.

3. INTERNATIONAL OBLIGATIONS

As described previously, the right to SRHE is a right by itself.¹⁴¹ However, through the indivisibility and interconnectedness of human rights, it is just as interconnected to the right to health and health services, especially sexual and reproductive health, as to the right to education.¹⁴² Thus, it is essential to analyse from where do such rights arise, how they are connected, and what is the foundational basis for the right to SRHE. Nonetheless, this analysis will mostly focus on girls' access to SRHE and what form should comprehensive SRHE take in order to meet the needs of all girls. Seeing the interconnectedness and interdependence of human rights, the right to comprehensive SRHE relies on multiple other rights, and simultaneously, gives rise to numerous other rights. As such, the following analysis shall not be seen as exhaustive, but rather as a study of the most urgent and fundamental obligations for States regarding the matter.

In order to achieve this, the ECHR, the ICESCR, the CRC and the CEDAW will be looked at in detail. However, seeing as the thesis addresses the topic of comprehensive SRHE for girls from a feminist perspective mainly, the ICESCR, CEDAW and CRC will be the primary Conventions used. This is due to the fact that girls receive the most protection when both CEDAW and CRC are used together, as CEDAW is identity-driven, whereas the CRC places forward standards for States regarding the needs at different ages of minors.¹⁴³ On the other hand, the ICESCR will be looked at in detail due to mainly its expansive interpretation on educational rights and obligations in Articles 13 and 14.¹⁴⁴ Further interpretation and support will be provided by the other treaties, and their afferent bodies as needed. These treaties impose obligations on Romania to respect, protect, and fulfil rights, as the State has ratified the ECHR in 1994,¹⁴⁵ and the ICESCR in 1974, CEDAW in 1982 and CRC in 1990.¹⁴⁶ However, when looking at the UN Treaty Bodies, Romania has only accepted individual complaints for

¹⁴¹ UN GA, 'Report of the United Nations Special Rapporteur on the right to education' (2010) A/65/162, para 19.

¹⁴² Dunja Mijatović, 'Comprehensive sexuality education protects children and helps build a safer, inclusive society' (Council of Europe, Commissioner for Human Rights, 21 July 2020) <<https://www.coe.int/en/web/commissioner/-/comprehensive-sexuality-education-protects-children-and-helps-build-a-safer-inclusive-society>> accessed 29 June 2022.

¹⁴³ Darren Rosenblum, 'Unsex Cedaw, or What's wrong with Women's Rights' (2011) 20 Colum J Gender & L 98, 144.

¹⁴⁴ ICESCR arts 13, 14.

¹⁴⁵ ECtHR, 'Romania: Press Country Profile' (2022) <https://www.echr.coe.int/Documents/CP_Romania_Eng.pdf> accessed 25 June 2022.

¹⁴⁶ OHCHR, 'Ratification Status for Romania' (2022)

<https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=143&Lang=EN> accessed 25 June 2022.

the CEDAW Committee,¹⁴⁷ meaning that only in cases of violations of rights within the ambit of CEDAW, can girls make individual claims against the Romanian government.

3.1. Right to Health

To begin with, Article 12 of the ICESCR states that the States Parties shall “recognize the right of everyone to the enjoyment of the highest attainable standard of physical health and mental health”.¹⁴⁸ In light of this, it is recommended that countries take all necessary steps for ensuring to all, conditions for medical services and attention in cases of diseases or sickness.¹⁴⁹ Furthermore, such standard of health and health care services shall be enjoyed without discrimination against women.¹⁵⁰ The same standard is also ensured to children, including girls, through Article 24 of the CRC.¹⁵¹ Thus:

“States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services”.¹⁵²

In order for this right to be fulfilled, States also need to fulfill and promote a number of interconnected rights.¹⁵³ In situations where such rights are not met, they inadvertently affect one’s health.¹⁵⁴ To begin with, States have the obligation to take all necessary steps to prevent any form of physical or psychological violence on children, as well as any injury or abuse, or neglect and exploitation.¹⁵⁵ Furthermore, States have an obligation to ensure “to the maximum extent possible the survival and development of the child”.¹⁵⁶ Lastly, Article 27 of the CRC lays down that States have the obligation to ensure to every child an adequate standard of living for their “physical, mental, spiritual, moral and

¹⁴⁷ *ibid.*

¹⁴⁸ ICESCR art 12(1).

¹⁴⁹ ICESCR art 12(2).

¹⁵⁰ CEDAW art 12(1).

¹⁵¹ CRC art 24(1).

¹⁵² *ibid.*

¹⁵³ UN CESCR ‘General Comment No. 22’ (n 56) para 10.

¹⁵⁴ *ibid.*

¹⁵⁵ CRC art 19(1).

¹⁵⁶ CRC art 6(2)

social development”.¹⁵⁷ Although the CEDAW does not mention gender-based violence specifically, the CEDAW Committee has stated in its 19th General Recommendation, that gender-based violence is a form of discrimination against women,¹⁵⁸ and thus, prohibited under Article 1 of the Convention.¹⁵⁹ The General Recommendation also states that violence against women puts their health at risk, and States should take measures against it.¹⁶⁰

3.2. Right to Sexual and Reproductive Health

Specifically when looking at SRH and the rights surrounding the topic for women, the main authoritative rule lies in Article 12(2) of CEDAW.¹⁶¹ The article states that countries shall provide women with the appropriate services needed to ensure a healthy pregnancy, confinement and post-partum journey.¹⁶² In light of this, State Parties need to ensure the necessary free services, and appropriate nutrition both during pregnancy and lactation.¹⁶³ The CRC summarises such an obligation as ensuring “appropriate pre-natal and post-natal health care for mothers”.¹⁶⁴ The ICESCR further adds that not only do States have the individual obligation of ensuring sexual and reproductive rights to each woman, but rather that they need to take general measures in order to reduce stillbirth and infant mortality rates.¹⁶⁵ The same approach has also been taken by the CRC in its 24th Article.¹⁶⁶ Although these obligations are progressive ones, meaning that States need to continuously work on and improve their policies and practice on the matter, SRHR obligations require that States take steps “to the maximum of their available resources”.¹⁶⁷ Both the CEDAW Committee and the Committee on Economic, Social and Cultural Rights (hereinafter CESCR) have urged Romania to adopt a national

¹⁵⁷ CRC art 27(1).

¹⁵⁸ UN CEDAW Committee, ‘General Recommendation No. 19: Violence against women’ (1992) A/47/38, para 6.

¹⁵⁹ CEDAW art 1.

¹⁶⁰ UN CEDAW Committee, ‘General Recommendation No. 19’ (n 158) para 20.

¹⁶¹ CEDAW art 12(2).

¹⁶² *ibid.*

¹⁶³ *ibid.*

¹⁶⁴ CRC art 24(2)(d)

¹⁶⁵ ICESCR art 12(2)(a).

¹⁶⁶ CRC art 24(2)(a).

¹⁶⁷ UN CESCR ‘General Comment No. 22’ (n 56) para 33.

strategy regarding SRH, and to provide proof on how such a strategy actually ensures women with access to SRH services and information.¹⁶⁸

Furthermore, States have the obligation to take any “appropriate legislative, administrative, social and educational measures” in order to ensure that children do not experience any form of sexual abuse, maltreatment or exploitation.¹⁶⁹ In order to fulfil this obligation, States have to engage in national, bilateral and multilateral measures.¹⁷⁰ Additionally, States to also adopt effective measures in order to prevent gender-based violence which affects women’s SRH.¹⁷¹ Failure to protect individuals from third parties’ sexual violence constitute a violation of the obligation to protect SRHR.¹⁷²

3.3. Right to Sexual and Reproductive Health Education

As previously shown, SRHE, as an interdisciplinary form of education requires legal protection in multiple ways. Not only is it essential that States provide SRH services and information, but rather, it is essential first that states protect the right to education for everyone. The CEDAW Committee’s General Recommendation No. 36 establishes a tripartite framework surrounding educational rights as follows: firstly, the “right of access to education”, secondly, the “rights within education” and lastly, the “rights through education”.¹⁷³ The right of access to education refers to children’s physical, economic and geographic access to education, as well as to the equal opportunities presented to girls and boys to attend school and to continue schooling.¹⁷⁴ The rights within education refer to the rights that students have while attending school.¹⁷⁵ These can vary from the right to not be discriminated up to the rights to a specific type of education, and the quality of teaching, educational materials and facilities.¹⁷⁶ Lastly, rights through education are the rights affected by education, such as quality of life, gender equality,

¹⁶⁸ UN CEDAW Committee, ‘List of issues and questions prior to the submission of the combined seventh and eighth periodic reports of Romania’ (2016) CEDAW/C/ROU/QPR/7-8, para 17.

¹⁶⁹ CRC art 19(1).

¹⁷⁰ CRC art 34.

¹⁷¹ UN CEDAW Committee, ‘General Recommendation No. 19’ (n 158) paras 22-23.

¹⁷² UN CESCR ‘General Comment No. 22’ (n 56) para 59.

¹⁷³ UN CEDAW Committee ‘General Recommendation No. 36’ (n 5) paras 13-17.

¹⁷⁴ *ibid*, para 15.

¹⁷⁵ *ibid*, para 16.

¹⁷⁶ *ibid*.

economic stability.¹⁷⁷ In light of this, the CEDAW Committee states that educational should be transformational in nature.¹⁷⁸ As such, the current section will look at the right to education for girls, and especially the right to sexual and reproductive health education. The following section will analyse the rights girls have within education, such as the right not to be discriminated against, and the right to comprehensive SRHE. Lastly, a final section on the right to education, will analyse the rights arising out of comprehensive SRHE, and States' obligations in light of those rights.

3.3.1. Right to Education

The right of access to education can be mainly found in the ICESCR and the CRC.¹⁷⁹ Firstly, Article 13 lays down that education shall be provided for all, and especially primary education shall be ensured as free and mandatory for everyone.¹⁸⁰ This is an immediate obligation, meaning that it needs to be implemented without delay by States.¹⁸¹ In light of this, Article 14 ICESCR lays down that, in the situation where Parties to the Convention cannot fulfil such an obligation at the time of the ratification of the treaty, they need to provide, within two years, a plan detailing out their work and policies on the matter.¹⁸² The CRC places forward a similar requirement in its text, discussing measures needed for primary, secondary, higher and vocational education.¹⁸³

When discussing the right to access to education, the CEDAW Committee has delimited numerous types of access, such as physical access, technological access, economic access, and social access (addressing cultural barriers to education especially for those with intersectional identities).¹⁸⁴ Thus, when instilling policies on any type of education, States need to assess all these forms of access to education, awarding adequate budgeting and planning for each of them.¹⁸⁵ Specifically regarding physical access, States must ensure that there are enough educational institutions to satisfy the

¹⁷⁷ *ibid*, para 17.

¹⁷⁸ *ibid*.

¹⁷⁹ See ICESCR arts 13, 14; CRC art 28.

¹⁸⁰ ICESCR art 13(1).

¹⁸¹ UN CESCR, 'General Comment No. 13: The Right to Education (Art. 13)' (1999) E/C.12/1999/10, para 43.

¹⁸² ICESCR art 14.

¹⁸³ CRC art 28(1).

¹⁸⁴ UN CEDAW Committee 'General Recommendation No. 36' (n 5), paras 29 – 55.

¹⁸⁵ *ibid*.

educational needs of all children, and that these institutions are physically accessible for girls, meaning that they are close enough to them even in rural areas, and that they are accessible for girls with disabilities.¹⁸⁶ Furthermore, States have the obligation to ensure that schools are safe and sanitary enough in order to make them a welcoming environment for children.¹⁸⁷ Technological accessibility shall be ensured especially in the cases where physical access is not available.¹⁸⁸ Such access can be ensured by both providing the available and modern technologies to schools and children, and also by providing training sessions on technology and its uses to teachers.¹⁸⁹ The requirement of economic accessibility can be defined by affordable education provided for all children, devoid of further financial barriers, whether formal or informal.¹⁹⁰ Furthermore, States shall ensure that no cultural or societal barriers exist to children's access to education.¹⁹¹ Lastly, they need to ensure an adequate infrastructure, which is able to meet the demands of the population and support them, especially in their efforts of accessing schooling.¹⁹²

3.3.1.1. Gender-Based Discrimination as a Barrier to Education

In order for States to fulfil their obligation to provide equal access to education, they must ensure that girls partake in education on an equal basis with boys, and that they do not experience any discrimination in school settings which might deter them from continuing education.¹⁹³ Thus, States need to also take further measures try to reduce drop-out rates from education.¹⁹⁴ The CEDAW goes even further, by acknowledging that such drop-out rates mainly affect girls and women.¹⁹⁵ Thus, countries need to take concrete steps in order to reduce the drop-out rates for female students and to create “programmes for girls and women who have left school prematurely”.¹⁹⁶ This is also why the access to education shall not be in any way affected by any form of discrimination, especially

¹⁸⁶ *ibid*, para 29.

¹⁸⁷ *ibid*, para 30.

¹⁸⁸ *ibid*, para 33.

¹⁸⁹ *ibid*, para 35.

¹⁹⁰ *ibid*, para 36.

¹⁹¹ *ibid*, paras 40–55.

¹⁹² *ibid*, para 29.

¹⁹³ *ibid*, para 28.

¹⁹⁴ CRC art 28(1)(e).

¹⁹⁵ CEDAW art 10(f).

¹⁹⁶ *ibid*.

discrimination based on gender, and States are required to take active steps in order to ensure this.¹⁹⁷

Discrimination against girls is described in CEDAW's first article as:

“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.¹⁹⁸

Thus, education should be accessible for all girls, no matter whether they are part of a marginalized group or not, both in law and in practice.¹⁹⁹ Not only should States take steps to reduce the rate of discrimination girls face in the various aspects of their lives, and not only should girls have access to education without any discriminatory barriers, but the education in itself should ensure the development of children in a peaceful manner, and towards understanding of equality amongst the sexes,²⁰⁰ in order to not create any further stigmas for girls.²⁰¹ This is especially important, as the CEDAW Committee has stated that education is considered to be the pathway towards gender equality.²⁰² Thus, a rights-based approach is needed when States approach the subject of access to education and the actual education curricula.²⁰³

The discriminatory barriers that women and girls face to their equal access to education can be ideological or structural,²⁰⁴ such as early leave from school because of marriage, pregnancy and motherhood;²⁰⁵ having to contribute to the unpaid work in their homes;²⁰⁶ or due to parents' and

¹⁹⁷ See CEDAW art 10; ICESCR art 2(2); ICESCR art 3.

¹⁹⁸ CEDAW art 1.

¹⁹⁹ UN CEDAW Committee 'General Recommendation No. 36' (n 5), para 20.

²⁰⁰ CRC art 29(1)(d).

²⁰¹ UN CEDAW Committee 'General Recommendation No. 36' (n 5), para 30.

²⁰² *ibid*, para 1.

²⁰³ *ibid*, para 3.

²⁰⁴ UN CEDAW Committee 'General Recommendation No. 36' (n 5), para 25.

²⁰⁵ UN CEDAW Committee, 'General Recommendation on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution)' (2013) CEDAW/C/GC/29, para 44.

²⁰⁶ UN CEDAW Committee, 'General Recommendation No. 16: Unpaid women workers in rural and urban family enterprises' (1991).

communities' discriminatory views on girl's supposed life trajectory.²⁰⁷ Some of these barriers are also due to their States.²⁰⁸ As such, State Parties have the explicit obligation to recognize girls' rights to education as legally enforceable and offer girls access to justice in cases where their right has not been upheld.²⁰⁹ Furthermore, they need to provide for temporary special measures for both girls' participation in education, as well as women's participation in the political and educational spheres.²¹⁰

3.3.2. Right to Sexual and Reproductive Health Education

Within a larger right to access to education lies a right to access SRHE. Furthermore, a State's failure to provide such education may even lead to discrimination of women "in all matters relating to marriage and family relations".²¹¹ As such, women should be provided access to "specific educational information to help to ensure the health and well-being of families, including information and advice on family planning".²¹² Not only should programmes of family planning take the best interest of the child into consideration, but the CRC states that any educational program should be aimed at the development to the fullest potential of children's mental and physical abilities.²¹³ Therefore, it can be stated that comprehensive SRHE is an essential right and that it needs to be geared towards the highest attainable level of development for children and youth, and especially girls.

²⁰⁷ UN CEDAW Committee, CRC Committee, 'Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices' (2014), CEDAW/C/GC/31-CRC/C/GC/18, para 15.

²⁰⁸ UN CEDAW Committee 'General Recommendation No. 36' (n 5) para 26.

²⁰⁹ Ibid, para 24(h).

²¹⁰ Ibid, para 31.

²¹¹ CEDAW 16(1)(e).

²¹² CEDAW art 10(h).

²¹³ CRC art 29(1)(a).

3.3.2.1. Third-Party Authorization as a Barrier to Sexual and Reproductive Health Education

In order for SRHE to be accessible and effective, it shall be delivered as mandatory to all.²¹⁴ This has been also acknowledged by International Treaty Bodies.²¹⁵ However, a conflict arises here, as numerous parents do not provide their consent for their child to participate in SRHE classes, on the basis that such classes go against their religion. This “refusal to participate in an activity that an individual considers incompatible with his/her religious, moral or philosophical or ethical beliefs” is called conscientious objection.²¹⁶ This right of parents has been codified in the ICESCR, the CRC and the ECHR.²¹⁷ Firstly, parents’ and legal guardians’ and, at times, a child’s extended family’s wishes and local customs shall be respected, encouraged and guided by the State Parties to the CRC.²¹⁸ According to Article 13(3) ICESCR, parents and legal guardians should have the freedom to choose their children’s schooling, public, private or home-based, as long as it meets the required standards set by the State, in order to adhere to the parents’ religious and moral convictions.²¹⁹ Lastly, according to Article 2 of the ECHR Protocol states that States shall respect parents’ rights in choosing their children’s schooling to appeal to their religious and philosophical beliefs.²²⁰ Everyone has a right to their private and family life and such rights shall not be interfered with by the authorities, unless such derogation is in accordance with the law, has a legitimate aim and is necessary in a democratic society.²²¹ However, this is not an absolute right and States have the obligation to balance this right with their obligation of ensuring people’s access to education and SRHR.²²² Even in situations in which, harmful practices are upheld in order to preserve one’s cultural identity, States are still obliged to take action against any harm brought on girls.²²³ The CESCR specifically states that a main aspect of a State’s obligation is found in the obligation to remove barriers to SRHE, by removing laws requiring

²¹⁴ UN OHCHR, ‘End of Mission Statement of the Working Group on discrimination against women and girls Official visit to Romania 24 February – 6 March 2020’ (OHCHR, 9 March 2020) <https://www.ohchr.org/en/statements/2020/03/end-mission-statement-working-group-discrimination-against-women-and-girls#_ftn1> accessed 29 June 2022.

²¹⁵ Mijatović (n 142).

²¹⁶ Christina Zampas and Ximena Andión-Ibañez, ‘Conscientious Objection to Sexual and Reproductive Health Services: International Human Rights Standards and European Law and Practice’ (2012) 19 *European Journal of Health Law*, 234.

²¹⁷ See ICESCR art 13(3); CRC art 14(2).

²¹⁸ CRC art 5.

²¹⁹ ICESCR art 13(3).

²²⁰ Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 20 March 1952, entered into force 18 May 1954) ETS No. 009, art 2.

²²¹ ECHR art 8.

²²² Anedda (n 60), 7.

²²³ UN CEDAW Committee, CRC Committee ‘Joint General Recommendation No. 31/General Comment No. 18’ (n 207), para 6-18.

third-party authorization before accessing SRH services or information.²²⁴ Furthermore, as an obligation to protect SRHR, State Parties are obliged to provide adolescents with SRHE no matter whether their parents consent to such initiatives or not.²²⁵ “International human rights standards on the right to freedom of religion or belief do not entitle parents to withdraw children from sexuality education classes where relevant information is conveyed in an objective and impartial manner”.²²⁶ This principle has mainly risen out of judgements of the European Court of Human Rights (ECtHR).²²⁷ In the case *Dojan and Others v Germany*, the Court ruled that SRHE based on scientific and educational standards, and which is taught in a neutral and objective way and in a pluralistic manner is an essential aspect of education.²²⁸ Thus, such education does not trigger parents’ rights to pull their children out of the program, due to religious reasons.²²⁹ The Court further based their reasoning on the fact that the parents had no barriers to teaching their children according to their religious beliefs after school.²³⁰ The ECtHR went one step further, in the case *A.R. and L.R. v Switzerland*, by ruling that parents do not have the right to halt their primary school children from attending SRHE classes, if they are conducted in the adequate way and provide a legitimate aim.²³¹ The Court also acknowledged that the beneficial impacts of SRHE on children’s health and development were an important aspect in the ruling.²³² Thus, although the Conventions create protections for parents and their wants for their children’s education, these rights shall not entrench onto their children’s rights to SRHR and SRHE. This is good step, especially in the cases where the parents portray patriarchal and harmful beliefs affecting the health and education of their children, with special regards to girls.

²²⁴ UN CESCR ‘General Comment No. 22’ (n 56), para 41.

²²⁵ *ibid*, para 44.

²²⁶ Mijatović (n 142).

²²⁷ See *A.R. and L.R. v Switzerland* (2017) ECtHR App no. 22338/15.

²²⁸ *Dojan and Others v German* (2011) ECtHR Apps nos. 319/08, 2455/08, 7908/10 et al.

²²⁹ *ibid*.

²³⁰ *ibid*.

²³¹ ECtHR, ‘Decision *A.R. and L.R v Switzerland* – Refusal to exempt primary school pupil from sex education did not breach Convention’ (2018) ECHR 021 <<https://www.strasbourgconsortium.org/common/document.view.php?docId=7501>> accessed 29 June 2022.

²³² Julie Pernet, ‘Ground-breaking ruling by European Court of Human Rights on children’s right to sexual and emotional literacy’ (International Planned Parenthood Federation (IPPF), 2018) <<https://europe.ippf.org/blogs/ground-breaking-ruling-european-court-human-rights-childrens-right-sexual-and-emotional>> accessed 29 June 2022.

3.3.3. General Obligations

Particularly when discussing any form of education and access to education, States shall take on temporary special measures, such as positive action or quotas in order to increase girls' access to education and women's participation in teaching.²³³ Specifically addressing SRHR, the CESCR has stated that temporary special measures are essential when trying to overcome and dismantle harmful stereotypes and “long-standing discrimination” against specific groups of people.²³⁴

State Parties have the obligation to collect gender-disaggregated for various domains and issues and make it available to the public.²³⁵ When addressing issues related to girls' rights and possible harmful practices, it is especially needed to categorize data by “sex, age, geographical location, socioeconomic status, education level and other key factors”.²³⁶ Furthermore, States should increase their efforts towards collecting disaggregated by sex data on various diseases and conditions, especially those affecting the SRH of women.²³⁷ Although such an obligation for States may appear as outside the scope of their obligations regarding comprehensive SRHE, in order for States to be able to provide curricula addressing the needs of all students and girls, such categorized information is needed.

With regards to a State's obligations under the ICESCR, any retrogressive measures are to be avoided.²³⁸ If any such measures are implemented, the State in question has the obligation to prove their necessity.²³⁹ Even where such measures may be inevitable and explainable, they shall only be temporary and they shall not discriminate or impact negatively marginalized groups.²⁴⁰ Some examples

²³³ UN CEDAW Committee, ‘General Recommendation No. 5: Temporary Special Measures’ (1988).

²³⁴ UN CESCR ‘General Comment No. 22’ (n 56), para 36.

²³⁵ UN CEDAW Committee, ‘General Recommendation No. 9: Statistical data concerning the situation of women’ (1989).

²³⁶ UN CEDAW Committee, CRC Committee ‘Joint General Recommendation No. 31/General Comment No. 18’ (n 207), para 37.

²³⁷ UN CEDAW Committee, ‘General Recommendation No. 24: Article 12 of the Convention (women and health)’ (1999), para 9.

²³⁸ UN CESCR ‘General Comment No. 22’ (n 56), para 38.

²³⁹ *ibid.*

²⁴⁰ *ibid.*

of such retrogressive measures when discussing SRHR are laws or policies diminishing the budget for SRH, and creating new barriers to information and education on SRH.²⁴¹

3.4. Rights Within Education

International Treaties and their afferent Bodies do not only lay down the international right to SRHE, but also the format such SRHE should take. This is known as the acceptability of education, which looks at both the form of education and its substance.²⁴² Thus, the acceptability requirement refers to criteria relating to “the school setting, as well as educational content and method”, and available supplies and teachers.²⁴³ Lastly, education may only be deemed acceptable when it provides “an environment characterized by girls and women having opportunities to pursue goals towards their self-determination and self-actualization”.²⁴⁴

As such, to begin with, the CEDAW Committee has stated that adequate SRHE includes “age-appropriate curricula, at all levels of education, on comprehensive sexuality education, including on sexual and reproductive health rights, responsible sexual behaviour, prevention of early pregnancy and prevention of sexually transmitted infections”.²⁴⁵ Specifically, such family education needs to provide a theoretical basis for maternity as a social function,²⁴⁶ and needs to ensure that all segments of society, especially parents and children are properly educated on breastfeeding and children’s healthcare.²⁴⁷ Furthermore, such programmes need to be “evidence-based and scientifically accurate”.²⁴⁸ The CEDAW Committee has also stated that such SRHE should respect the privacy and confidentiality of adolescents.²⁴⁹ Lastly, such education has to be free, in order for it to be accessible.²⁵⁰ These are the components which need to be met by State Parties in order for the “quality” criteria of comprehensive

²⁴¹ *ibid.*

²⁴² UN CEDAW Committee ‘General Recommendation No. 36’ (n 5), para 56.

²⁴³ *ibid.*

²⁴⁴ *ibid.*

²⁴⁵ *ibid.*, para. 68.

²⁴⁶ CEDAW art 5(b).

²⁴⁷ CRC art 24(2)(e).

²⁴⁸ UN CEDAW Committee ‘General Recommendation No. 36’ (n 5) para. 69 (i).

²⁴⁹ UN CEDAW Committee, ‘General Recommendation No. 24’ (n 237) para 18.

²⁵⁰ UN CRC Committee, ‘General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence’ (2016) CRC/C/GC/20, para 59.

SRHE to be met.²⁵¹ The CESCR has specifically stated that providing comprehensive SRHE, which is “non-discriminatory, non-biased, evidence-based, and that [takes] into account the evolving capacities of children and adolescents” is a core obligation.²⁵² Such family education needs to also be mindful of and be conducted towards the best interest of the child,²⁵³ a principle laid down in article 3 CRC.²⁵⁴

3.3.4. The Underlying Principles of Comprehensive Sexual and Reproductive Health Education

Thus, as previously mentioned, International Treaty Bodies have laid down obligations for States regarding the content that should be included in SRHE, as well as which principles shall be highlighted through such forms of education. As such, comprehensive SRHE has to be conducted in a non-discriminatory way and aimed at breaking down gender stereotypes. Furthermore, in order for SRHE to guarantee the highest standard of development, safety and health for girls, the educational programs need to be conducted according to their evolving capacity, and in their best interests.

3.3.4.1. Best Interest of the Child

As previously mentioned, Article 3 of the CRC states that in all initiatives, policies or actions affecting or involving children, the best interests of the child shall not only be measured, but shall be a primary consideration.²⁵⁵ This is a “substantive right, an interpretative legal principle and a rule of procedure”, and as such, it represents a paramount obligation for the States. There are two elements to this principle: the best interests of individual children and the best interests of children as a group, which need to both be taken into consideration.²⁵⁶ However, only the latter is of paramount importance to

²⁵¹ UN CESCR ‘General Comment No. 22’ (n 56) para 21.

²⁵² *ibid*, para 49(f).

²⁵³ CEDAW art 5(b).

²⁵⁴ CRC art 3.

²⁵⁵ CRC art 3.

²⁵⁶ UN CRC Committee, ‘General Comment No. 7 (2005): Implementing child rights in early childhood’ (2005) CRC/C/GC/7/Rev.1, para 13.

States and their practices, the former mainly being considered in individual administrative or juridical decisions regarding each child²⁵⁷ Furthermore, the ECtHR has specifically come to the conclusion that the provision of comprehensive SRHE is in the best interest of the child,²⁵⁸ and thus, shall be ensured by States.

3.3.4.2. According to the Evolving Capacities of the Child

The 2018 UNESCO International Technical Guidance on Sexuality recommends that such educational programs commence at the age 5 and are divided into four main age-groups (5-8 years old, 9-12 years old, 12-15 years old, 15-18+ years old).²⁵⁹ These categories are in line with the CRC Committee's categorization of early childhood, late childhood,²⁶⁰ adolescence, and early adulthood, all categories having different needs and requiring different methods of education.²⁶¹ For example, adolescents have more maturity for and understanding of complex topics, and thus, their opinions should be appropriately heard.²⁶² This approach is complementary to the one taken by the CESCR, which places forward that SRHE can be called "comprehensive" only when it is "developed with adolescents".²⁶³ Nonetheless, the CRC Committee argues that also younger children are able to make decisions for themselves to an extent, and that their opinions should also be heard accordingly.²⁶⁴ This is particularly important in early childhood, where numerous changes and developments happen very quickly.²⁶⁵

3.3.4.3. Gender Equality and Absence of Harmful Practices

²⁵⁷ *ibid.*

²⁵⁸ Pernet (n 232).

²⁵⁹ UNESCO, 'International technical guidance on sexuality education: An evidence-informed approach' (2018, 2nd edn), 34.

²⁶⁰ UN CRC Committee, 'General Comment No. 7' (n 256), para 3.

²⁶¹ UN CRC Committee, 'General Comment No. 20' (n 250), paras 1-6.

²⁶² *ibid.*, para 23.

²⁶³ *ibid.*, para 61.

²⁶⁴ UN CRC Committee, 'General Comment No. 7' (n 256), para 14.

²⁶⁵ *ibid.*, para 17.

SRHE programmes, as well as any other initiative by the government of State Party, shall include talks of equality, and attempt to modify harmful views of gender-roles.²⁶⁶ Additionally, these educational programmes and materials need to acknowledge the equal responsibilities of men and women in the health and development of children.²⁶⁷ Discrimination against girls and women and traditional harmful views are still present and upheld in numerous parts of the world.²⁶⁸ Harmful practices are beliefs deeply rooted in societies and culture, which usually regard girls as inferior to boys, and which promote violence against girls.²⁶⁹ Harmful practices appear in many forms, some including:

“neglect of girls (linked to the preferential care and treatment of boys), extreme dietary restrictions, including during pregnancy (force-feeding, food taboos), virginity testing and related practices, binding, scarring” and other forms of violence, “accusations of witchcraft, infanticide, incest” and “body modifications that are performed for the purpose of beauty or marriageability of girls and women, [...] or in an attempt to protect girls from early pregnancy or from being subjected to sexual harassment and violence”.²⁷⁰

States have the obligation to “take all effective and appropriate measures with a view to abolishing [such] traditional practices prejudicial to the health of children”.²⁷¹ This is a core obligation of an immediate nature under both of the Conventions.²⁷² One horizontal measure that states can instill is the introduction of SRHE addressing the underlying systemic causes for these practices,²⁷³ the harms that such practices bring, and how can girls navigate such situations, and feel empowered.²⁷⁴ In relation to this, States need to make sure that educational materials and teaching methods do not lead to further discrimination, bullying or cyberbullying.²⁷⁵

²⁶⁶ CEDAW art 5(a).

²⁶⁷ CEDAW art 5(b).

²⁶⁸ UN CEDAW Committee, CRC Committee ‘Joint General Recommendation No. 31/General Comment No. 18’ (n 207), para 6.

²⁶⁹ *ibid.*

²⁷⁰ *ibid.*, para 9.

²⁷¹ CRC art 24(3).

²⁷² UN CEDAW Committee, CRC Committee ‘Joint General Recommendation No. 31/General Comment No. 18’ (n 207), paras 14, 31.

²⁷³ *ibid.*, para 17.

²⁷⁴ *ibid.*, paras 34, 55(g), 56, 61 - 81.

²⁷⁵ UN CEDAW Committee ‘General Recommendation No. 36’ (n 5), paras 64 – 75.

3.3.5. Multiple Formats

Some scholars argue that over time, education policies stopped looking at the best forms of and methods for education, and started idealizing the least amount of flaws possible in educational systems.²⁷⁶ Coulson argues that “we cannot allow another generation to be sacrificed to our own complacency and lack of vision”.²⁷⁷ Thus, when analyzing obligations surrounding education and education reform, one must also look at the way in which such education should be delivered. As such, the following chapter will lay down the international human rights obligations for delivering and providing comprehensive SRHE.

Different people and children learn differently, through different formats, and through various different sources.²⁷⁸ In light of this, seeking and receiving information should be conducted through multiple means “orally, in writing or in print, in the form of art, or through any other media of the child’s choice”.²⁷⁹ Furthermore, States Parties shall provide children access to media and information from various national and international sources, with special regards to those sources “aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health”.²⁸⁰ States should also aim to increase access to modern knowledge, technology and teaching methods,²⁸¹ as adolescents should have the right to have access to SRH education and information, available to them both online and in person.²⁸² However, as the internet can also show adolescents dangerous and harmful content, States should take steps towards identifying, addressing and regulating these risks.²⁸³ Such measures could be content and age labelling of websites and materials, and the creation of guidelines for internet service providers and internet-based businesses.²⁸⁴ However, states should refrain from restricting children’s access to the internet,²⁸⁵ and in that case that such restrictions do

²⁷⁶ Andrew J. Coulson, *Delivering Education* (2001), 105.

²⁷⁷ *ibid.*

²⁷⁸ International Bureau of Education, ‘Different teaching methods’ (UNESCO, 2021) <<http://www.ibe.unesco.org/en/geqaf/annexes/technical-notes/different-teaching-methods>> accessed 07 July 2022.

²⁷⁹ CRC art 13.

²⁸⁰ CRC art 17.

²⁸¹ CRC art 28(3).

²⁸² UN CRC Committee, ‘General Comment No. 20’ (n 250), para 59.

²⁸³ UN CRC Committee, ‘General Comment No. 25 (2021) on children’s rights in relation to the digital environment’ (2021) CRC/C/GC/25, para 14.

²⁸⁴ *ibid.*, paras 55-56.

²⁸⁵ *ibid.*, para 44.

happen, they should be in accordance with the law and necessary in order to respect other people's rights, or for the protection of national security, public order, and public health or morals.²⁸⁶ Lastly, in order for such complex aims to be achieved, State Parties shall promote international cooperation where possible, especially in the case of developing countries.²⁸⁷

3.3.6. Trained Educators of Sexual and Reproductive Health Education

These educational sessions should be provided by trained professionals, or should see that school teachers have been specifically trained "for the various levels of age-appropriate delivery".²⁸⁸ It is also advised that in environments where the majority of teachers are male, women teaching staff should be actively trained and recruited to create safer environments in school.²⁸⁹ Thus, it is recommended that whether a general teacher and pedagogical trainings should include also training on SRH, whether that specific educator wishes to further teach SRHE or not.²⁹⁰ In Romania, such training should be mainly based on children's rights and gender issues and identities.²⁹¹

3.3.7. Adequately Resourced

Another obligation placed on States with regards to the quality of education is that educational programmes and institutions need to be adequately resourced.²⁹² By resources, this thesis is addressing funding, materials, trained educators, facilities, technological advancements and administrative support. Furthermore, States need to make sure that all schools are provided with material resources in an equal manner.²⁹³ Specifically addressing SRHE, States shall provide the necessary teaching materials, whether that be books, pamphlets, and technological materials.²⁹⁴

²⁸⁶ CRC art 13(2).

²⁸⁷ CEDAW art 28(3).

²⁸⁸ UN CEDAW Committee 'General Recommendation No. 36' (n 5), para. 68.

²⁸⁹ *ibid.*

²⁹⁰ Mijatović (n 142).

²⁹¹ UN OHCHR, 'End of Mission Statement' (n 214).

²⁹² UN CEDAW Committee 'General Recommendation No. 36' (n 5), para. 60.

²⁹³ *ibid.*

²⁹⁴ *ibid.*, para 27(d),

3.4. Intersectionality in Education

As mentioned before, comprehensive SRHE should respond to the needs of all Students. This is both an underlying principle and a delivering obligation of comprehensive SRHE, seeing as girls from specific marginalized groups face barriers to accessing SRHE, and some do not feel represented by general SRHE curricula. Therefore, States' obligation to provide intersectional education creates both rights to education and rights within education. In light of this, the following chapter will analyze both of these sets of rights together, rather looking at the specific needs of various vulnerable groups of girls.

To begin with, intersectional education “must be provided in a manner consistent with the needs of the individual and the community, taking into consideration, for example, age, gender, language ability, educational level, disability, sexual orientation, gender identity and intersex status”.²⁹⁵ Furthermore, SRHE curricula need to be respectful of different cultures.²⁹⁶ However, this latter obligation may not be used as a justification for not offering SRHE at all to some people, or offering SRHE which is not addressed towards all girls.²⁹⁷ The unequal access to such education and information for specific groups of adolescents amounts to discrimination.²⁹⁸ It is thus, essential to analyze States' obligations regarding specific marginalized groups' access to appropriate SRHE. Girls can be part of multiple of the following groups, further proving how intricate and complex intersectionality issues are. However, the thesis has taken the approach of addressing different groups of girls with intersectional identities, in order to establish concrete steps that States should take for each of these identities.

3.4.1. Girls from the LGBTQI+ Community

²⁹⁵ UN CESCR ‘General Comment No. 22’ (n 56), para 19.

²⁹⁶ *ibid*, para 20.

²⁹⁷ *ibid*.

²⁹⁸ UN CRC Committee, ‘General Comment No. 20’ (n 250), para 59.

Girls from the LGBTQI+ community face a multitude of barriers to their equal right to education, stemming from cultural barriers that both teachers and students internalize.²⁹⁹ Such homophobia is so entrenched in some states, that it lies at the heart of the “renewed resistance to sexuality education”.³⁰⁰ Thus, the Council of Europe (CoE) has specifically stated that children from the LGBTQI+ community deserve SRHE that includes information for them, information about SRH, gender identity and sexuality.³⁰¹

CEDAW does not provide a definition of the term “woman”, however, its definition on discrimination in Article 1 relies on a distinction based on sex, rather than gender.³⁰² Thus, based on an objective interpretation of the term, it would appear that the Convention is solely aimed at the rights of cisgender women. However, since drafting the CEDAW the international community, including the CEDAW Committee, has experienced a move towards more LGBTQI+ inclusion and recognition.³⁰³ This is why, some academics argue that the CEDAW has now expanded its applicability to also protect the rights of transgender women.³⁰⁴ As such, policies for education shall specifically address also the rights and needs of transgender girls.

3.4.2. Girls from Minority Groups

SRHE programs need to be mindful of the different cultures and languages of girls from ethnic minorities.³⁰⁵ They shall be formed with the purpose of respecting and encouraging kids to respect their

²⁹⁹ UN CEDAW Committee ‘General Recommendation No. 36’ (n 5), para 45.

³⁰⁰ Mijatović (n 142).

³⁰¹ *ibid.*

³⁰² CEDAW art 1.

³⁰³ Robina Gallagher, 'Redefining "CEDAW" to Include LGBT Rights: Incorporating Prohibitions against the Discrimination of Sexual Orientation and Gender Identity' (2020) 29 S Cal Interdisc LJ 637, 642.

³⁰⁴ Elise Meyer, 'Designing Women: The Definition of Woman in the Convention on the Elimination of All Forms of Discrimination against Women' (2016) 16 Chi J Int'l L 2 553, 553.

³⁰⁵ UN CEDAW Committee ‘General Recommendation No. 36’ (n 5), para 41.

culture, language and values.³⁰⁶ As such, children from specific minority groups shall in not be denied their own cultural identities, religion or language.³⁰⁷ Not only do State Parties have the obligation to provide culturally-sensitive education, but they also need to encourage the mass media which provides educational materials and information, to give particular attention to children with specific language needs.³⁰⁸ With regards to Romania, International Bodies and Working Groups recommend that initiatives regarding education and SRHE should pay special attention to girls from the Roma community and their needs.³⁰⁹

3.4.3. Girls with Disabilities

Not only do girls and women with disabilities face barriers to education and both direct and indirect forms of discrimination in educational facilities,³¹⁰ but very rarely do SRHE and SRHE programs offer educational materials specifically addressing the needs of girls with disabilities.³¹¹ Education offered to children with disabilities shall be conducted towards those children having equal opportunities towards achieving social integration, as well as their own development.³¹² The rights of girls and women with disabilities are further addressed in the Convention on the Rights of Persons with Disabilities (CRPD),³¹³ which Romania has also ratified in 2011.³¹⁴ Article 6 of the CRPD acknowledges that women with disabilities experience multiple discrimination and lay down the obligations on States to take measures towards tackling such discrimination.³¹⁵ Furthermore, Article 24 of the Convention lays down that State Parties should provide access to inclusive education, which helps girls with disabilities reach their full potential and feel dignified.³¹⁶ Where girls with disabilities need reasonable

³⁰⁶ CRC art 29(1)(c).

³⁰⁷ CRC art 30.

³⁰⁸ CRC art 17(d).

³⁰⁹ UN OHCHR, 'End of Mission Statement' (n 214).

³¹⁰ UN CEDAW Committee 'General Recommendation No. 36' (n 5), para 43.

³¹¹ UN CRPD Committee, 'General Comment No. 3 (2016) on women and girls with disabilities' (2016) CRPD/C/GC/3, paras 2, 17, 23.

³¹² CRC art 23(3).

³¹³ CRPD.

³¹⁴ OHCHR, 'Ratification Status for Romania' (n 146).

³¹⁵ CRPD art 6.

³¹⁶ CRPD art 24(1)(a).

accommodations in education, they shall be provided them immediately.³¹⁷ Lastly, girls with disabilities shall have access to services specifically addressing their disabilities, especially “in the area of sexual and reproductive health and population-based public health programmes”.³¹⁸ Thus, States have the obligation to provide adequate SRHE programs to girls with disabilities, ones which specifically address their needs.

3.4.4. Girls in the Care of the Government

Adolescents in the care of the government usually present lower rates of education for a multitude of reasons.³¹⁹ In situations where a child has been deprived from their family, States have the obligation to be mindful of the child’s culture, and religious beliefs and upbringing regarding any decision about the well-being and the upbringing of the child.³²⁰ Furthermore, States should instill educational measures and initiatives towards the support for independence of such adolescents, and towards addressing the specific sexual and reproductive vulnerabilities they face, once they reach the age of majority, and are asked to leave the institution.³²¹

3.4.5. Migrant, Internally Displaced and Stateless Girls

The Preambles of the CRC place focus on the special needs of children in emergency and armed conflict and recognize that such children require special considerations.³²² Oftentimes, migrant, asylum seeker, internally displaced and undocumented girls live in conditions with limited access to education,³²³ let alone SRHE.³²⁴ State Parties, thus, need to engage with proactive measures and need

³¹⁷ CRPD art 5(3).

³¹⁸ CRPD art 25(a)-(b).

³¹⁹ UN CRC Committee, ‘General Comment No. 20’ (n 250), para 52.

³²⁰ CRC art 20(2).

³²¹ UN CRC Committee, ‘General Comment No. 20’ (n 250), paras 53-54.

³²² CRC preamble (j).

³²³ UN CEDAW Committee ‘General Recommendation No. 36’ (n 5), para 42.

³²⁴ UN CRC Committee, ‘General Comment No. 20’ (n 250), para 79.

to allocate adequate budgeting to ensure that these girls also have access to their educational and SRH rights.³²⁵ Comprehensive SRHE shall be provided even for girls and women who do not legally reside in that country.³²⁶ Moreover, the Commissioner for Human Rights recommends that comprehensive SRHE needs to be provided also to out-of-school girls, for example through online channels.³²⁷

3.5. Rights Through Education

Education is oftentimes seen as the solution to numerous societal problems, and as the source for great positive change towards the full realization of human rights.³²⁸ In light of this, it is essential that the thesis also analyses the obligations laid down on States stemming from individuals' rights through education. Although the three components of the right to education have been looked at separately, they are inherently intertwined due to the interconnectedness and interdependence of human rights. The two most essential outcomes arising out of comprehensive SRHE is a better grasp of and control over one's SRHR, as well as a smaller incidence of sexual assault and violence.

3.5.1. The Highest Standard of Sexual and Reproductive Health and Rights

Concerning SRHE, CEDAW states that women's access to information and education is essential, in order for women to be able to exercise their SRH and reproductive autonomy in an equal manner with men.³²⁹ In cases where States cannot ensure that all educational institutions incorporate comprehensive SRHE into their required curricula, that can be considered as a violation of a Contracting Party's

³²⁵ *ibid*, paras 70-80.

³²⁶ UN CEDAW Committee, 'General Recommendation No. 24' (n 237), para 18.

³²⁷ Mijatović (n 142).

³²⁸ UN CEDAW Committee 'General Recommendation No. 36' (n 5), para. 76.

³²⁹ CEDAW art 16(1)(e).

obligation to fulfil SRH.³³⁰ Furthermore, providing comprehensive SRHE to students helps them make better decisions for themselves and their bodies and leads to higher standards of health.³³¹

3.5.2. The Right not to Experience Sexual Violence

These programs need to go a step further than just discussing the prevention of unintended pregnancies and STIs, by actively involving discussions of violence prevention,³³² through discussions on consent, bodily autonomy and sexual assault.³³³ The CRC commends that States need to take any educational measures in order to ensure that children are protected from any form of violence.³³⁴ Explicitly, Parties to the Convention have the obligation to take any measures needed in order to prevent the coercion of children into any sexual activities, or the exploitation of children through prostitution or pornography.³³⁵ Lastly, children should be protected from any other exploitative actions which may affect their welfare and being.³³⁶ As mentioned in the previous chapter, scholars have found that comprehensive SRHE programs are useful in reducing the rate of sexual abuse, as children are better prepared with identifying the early signs of such abuse.³³⁷ UNESCO has specifically stated “[a] lack of high-quality, age- and developmentally-appropriate sexuality and relationship education may leave children and young people vulnerable to harmful sexual behaviours and sexual exploitation”.³³⁸ Not only is SRHE useful in teaching children how to recognize and avoid instances of sexual violence, but it teaches them subjects on healthy sexuality and relationship, which leads to decreased cases of teen dating violence and beyond.³³⁹ Thus, it can be seen that the introduction of SRHE is an essential obligation on State Parties, when trying to reduce the rates of violence and exploitation of children.

³³⁰ UN CESCR ‘General Comment No. 22’ (n 56), para 63.

³³¹ CEDAW art 12.

³³² UN CRC Committee, ‘General Comment No. 20’ (n 250), para 61.

³³³ UNESCO, ‘International technical guidance on sexuality education’ (n 259), 56.

³³⁴ CRC art 19(1).

³³⁵ CRC art 34.

³³⁶ CRC art 36.

³³⁷ Gordon (n 98).

³³⁸ UNESCO, ‘Why comprehensive sexuality education is important’ (15 February 2018) <<https://en.unesco.org/news/why-comprehensive-sexuality-education-important>> accessed 13 July 2022.

³³⁹ Katia Santiago-Tyler, ‘Comprehensive Sexuality Education Should Be a Public Health Priority’ (2020) 16 J Health & Biomedical L 173, 179.

3.6. Conclusion

To conclude, this chapter has laid down the obligations for States with regards to comprehensive SRHE. As the principles of the right to SRHE stem from the right to SRH and to the right to education, it has been essential to analyse which obligations do those rights also lay down on States. To begin with, States shall take on measures to their maxim availability of resources in order to guarantee the highest attainable standard of health to all. This includes the provision of services, facilities, goods and information. Furthermore, States should pay special attention to and allocate specific budgeting and planning for achieving sexual and reproductive health for all. In order for such rights to be ensured, States need to also guarantee that people are free from any form of violence, or torture, especially forms of sexual violence and assault. Lastly, any measures taken for the health and well-being of people, need to ensure the highest attainable extent for development, whether that be physical, emotional or social. As such, International Treaty Bodies have stated that a measures States can and shall take to address these obligations is the introduction of comprehensive sexual and reproductive health education. Such education shall teach children about various topics of sexual and reproductive health, such as contraceptives, and the prevention of STIs, pregnancy and post-partum care, healthy sexuality and beyond. Such education shall be scientifically accurate and up-to-date, mandatory for all students and free. Additionally, comprehensive SRHE shall be taught by professionals on the matter, or teachers trained specifically for such courses. Where the majority of teachers are male, States shall create temporary special measures to increase the number of trained female educators as well. Such form of SRHE shall be aimed at fulfilling the best interests of the child, and be planned accordingly to the evolving capacities of children. Thus, different age groups should receive different SRHE, appropriate to their group's needs. Such SRHE should be provided in various formats, whether online or in person. However, in order for States to be able to provide such education, they need to ensure some educational standards and rights. States need to provide education to all, free and mandatory at the primary school level. Furthermore, they need to increase efforts to provide quality and free schooling from the secondary level and higher. Seeing as even when such schooling is offered, numerous children and adolescents face various barriers to access education, States need to also increase efforts towards increasing school attendance rates and towards decreasing school-drop out rates. Nevertheless, seeing as many girls drop-out of education because of premature pregnancies and

motherhood obligations, this is a repeating vicious cycle. Thus, States have the obligation to simultaneously improve access to SRHE, as well as access to education in general, whether that be physical, economic, geographical, social or technological access. Furthermore, education, and especially SRHE, should aim to reduce gender-based discrimination, stereotyping, and harmful views, and should try to increase talks of gender equality. Lastly, in order for such education to truly be accessible, it should be intersectional. In order to be able to provide such intersectional education, State Parties need to periodically collect data aggregated by sex, gender, age, disability status, socioeconomic status and more. States should also increase efforts in improving their countries' infrastructure, as this can help increase school attendance and also the quality of education. Lastly, States have the obligation to not instill any retrogressive measures on the matter, such as reducing access to SRHE or banning it all together, or making it even less inclusive than it had been previously.

4. Romanian Legislation, Practices and Approaches

With regards to Romania's approach to international cooperation, although the country has ratified a wide number of treaties, it has accepted the individual complaints procedures from only three of them.³⁴⁰ This shows a reluctance from the country in accepting responsibility over their misdoings. Furthermore, Romania has major delays in its reporting duties, although it has responded positively to the first reporting cycles to the CEDAW Committee.³⁴¹ Romania has still not yet provided the State Party Report under the ninth reporting cycle, which was due on the 31st of July 2021.³⁴² Thus, without the government's concrete responses to the CEDAW Committee's requests, it is also difficult to understand the progress the State has made in the past 5 years. Romania has also been late in their reporting with the CRC Committee, having submitted a State Report to the fifth reporting cycle in 2015, instead of at the expected date, in 2012.³⁴³ The situation becomes even more dire when considering Romania's State Party Reports to the CRC Optional Protocol on the involvement of children in armed conflict, which was submitted with an 18 years delay, or to the CRC Optional Protocol on the sale of children, child prostitution and child pornography, which was never submitted

³⁴⁰ OHCHR, 'Ratification Status for Romania' (n 146).

³⁴¹ See UN CEDAW Committee, 'Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure: Seventh and eighth periodic reports of States parties due in 2017 - Romania' (2017) CEDAW/C/ROU/7-8.

³⁴² OHCHR, 'Reporting Status for Romania' (2022)

<https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=ROU&Lang=EN> accessed 06 July 2022.

³⁴³ *ibid.*

since 2003.³⁴⁴ This shows that Romania has, at times, not been willing to cooperate and show progress to International Bodies or Committees, especially on matters relating to children's SRHR.

4.1. Romania's Legislation on and Approach to Sexual and Reproductive Health Rights

It is essential that Romania's legislation and approach with regards to SRHR is analysed alongside Romania's provision of SRHE for a multitude of reasons. Firstly, it can be argued that the extent to which a State fulfils women's SRHR is an illustration of that State's approach to women's rights and women's health in general, and of that State's willingness to commit to various initiatives, including education, regarding women's SRH.³⁴⁵ Secondly, SRHE can take place in classrooms, but it could also take place in medical centres.³⁴⁶ At times, young women may feel a level of shame in receiving such sensitive information in an educational setting, alongside their peers.³⁴⁷ Furthermore, girls may wish to seek information regarding SRH in a private and confidential manner alongside medical professionals.³⁴⁸ Thus, ensuring that women have access to such centres, services and professionals is essential for women's access to information about their bodies and health.

Article 34 of the Romanian Constitution lays down that all citizens have a right to the protection of their health and that the State is obliged to take on measures to protect the public health.³⁴⁹ The main law providing a right to medical services is Law No. 95/2006, which places special importance on the health of women through the medical social insurance fund.³⁵⁰ The National Programme also takes

³⁴⁴ *ibid.*

³⁴⁵ Heather D. Boonstra, 'Advancing Sexuality Education in Developing Countries: Evidence and Implications' (2011) 14:3 *Guttmacher Institute Policy Review* 17, 19-21.

³⁴⁶ Bixby Centre for Global Reproductive Health, 'Bridging the gap between sex education and clinical services' (UCSF, 2021) <<https://bixbycenter.ucsf.edu/news/bridging-gap-between-sex-education-and-clinical-services>> accessed 14 July 2022.

³⁴⁷ *ibid.*

³⁴⁸ *ibid.*

³⁴⁹ *Constitutia Romaniei (The Romanian Constitution tr)* (2019), art 34.

³⁵⁰ *Lege Nr. 95/2006 Privind reforma in domeniul sanatatii (Law No. 96/2006 Regarding the reform of the health domain tr)*.

specific steps aimed at family planning and SRHR.³⁵¹ Pregnant women have access to such medical services and care no matter their employment status.³⁵² Furthermore, according to Romanian legislation, not only should women have access to health services and information, but they should have such access without any form of discrimination based on sex or gender.³⁵³ Lastly, Romania seems to have taken numerous great steps towards reducing sexual violence of women and children, by amending national laws, setting up awareness programs and centres and programs for victims, as well as phone lines for those affected by any form of sexual violence or trafficking.³⁵⁴

However, *de facto*, Romanian women do not always have access to such services, as informal payments to doctors and nurses are often required and demanded.³⁵⁵ This practice reflects a bigger issue in the country regarding fraud, and highlights the need for the Romanian government to take a stricter stance against it. Furthermore, another barrier to SRHR arises due to the sparsity of medical centres throughout the country.³⁵⁶ This is especially the case for women and girls from rural areas, and Roma women, who tend to live further away from such centres, rendering the services “geographically and financially inaccessible”.³⁵⁷ Another barrier to health services is the discrimination and segregation faced by Roma women, and women with disabilities.³⁵⁸ Overall, SRH care is of lower quality than throughout Europe, resulting in one of the highest maternal and infant mortality rates.³⁵⁹ Lastly, due to inhibiting views on gender and women’s rights, women’s choices regarding their SRHR are not always taken into consideration by medical professionals, a consequence of which is also the pressuring of over 60% of pregnant women into complex C-section births.³⁶⁰

³⁵¹ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), para 93.

³⁵² UN OHCHR, ‘End of Mission Statement’ (n 214).

³⁵³ Lege Nr. 202/2002 Privind egalitatea de sanse si de tratament între femei si barbati (Law No. 202/2002 Regarding equal opportunity and treatment between women and men tr), art 16.

³⁵⁴ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), paras 70 – 78.

³⁵⁵ UN OHCHR, ‘End of Mission Statement’ (n 214).

³⁵⁶ *ibid.*

³⁵⁷ *ibid.*

³⁵⁸ *ibid.*

³⁵⁹ *ibid.*

³⁶⁰ *ibid.*

With these in mind, it can be stated that Romania fulfils its legislative obligations regarding the provision of SRH services and facilities. Furthermore, numerous positive initiatives have been adopted by Romania with the aim of increasing all citizens' access to the highest attainable standard of sexual and reproductive health. However, numerous barriers still exist, and the Romanian government needs to increase measures against corruption and informal financial barriers of any kind. Thus, the thesis recommends that Romania adopts harsher laws against corruption and a stricter stance on the criminal liability of doctors who actively accept and expect bribes.³⁶¹

4.2. Romania's Legislation on Sexual and Reproductive Health Education

4.2.1. Right to Education in Romania

As described in the previous chapter, students' access to SRHE is highly dependent on students' access to education in general. If girls face numerous barriers to reaching education, whether they be financial, societal, technological, or physical, they will not be able to access SRHE classes either. Hence, Romania's obligations to provide comprehensive SRHE to girls also include obligations to provide education to all girls. Therefore, it is essential that the thesis places forward also an analysis regarding Romanian girls' access to education and possible barriers that the State shall address. Such an analysis takes part of the first component in the tripartite structure of analysing education, that being rights to education, rights within education and rights through education.³⁶²

When it comes to education, the Romanian government codifies in its Constitution free primary, secondary and high school education for all.³⁶³ However, schools lack many necessary and useful facilities, such as access to educational materials, internet services, or even safe buildings.³⁶⁴ Such

³⁶¹ C. T. Pop, 'Criminal Liability of Physicians for the Offence of Bribe Taking' (2015) 2015 Conf Int'l Dr 889, 889 -891.

³⁶² UN CEDAW Committee 'General Recommendation No. 36' (n 5) paras 13-17.

³⁶³ Constitutia Romaniei (n 349), art 32.

³⁶⁴ Warsaw Institute, 'Problems of Romanian education' (Romania Monitor, 07 October 2018) <<https://warsawinstitute.org/problems-romanian-education/>> accessed 09 July 2022.

issues appear nationally, in even some of the most renowned public schools.³⁶⁵ Nevertheless, rural areas contain the schools most affected by this.³⁶⁶ Furthermore, the OECD states that “education outcomes are more inequitable in Romania than internationally”, and that Romania’s budgeting of education is comparatively lower than regional and international benchmarks.³⁶⁷ This latter aspect is especially concerning, as despite the recent economic growth in the country, education is majorly under-funded and also concerning as Romania fails to transparently allocate budgets, according to the CRC Committee.³⁶⁸ However, Romanian girls also face structural and economic barriers to their education. To begin with, Romania faces some of the highest rates in Europe for corruption and bribes in educational institutions, acting as financial barriers from equal access to education for some girls.³⁶⁹ There are cases, according to Iulian Cristache, the President of the National Federation of the Associations for Parents, where Romanian parents even considered moving their children to private schools, as the costs associated between the two systems end up being similar.³⁷⁰ Another worrying aspect when discussing education in Romania is the students’ tendency to skip classes and the system’s leniency towards the practice.³⁷¹ As Mallett notes, rarely is skipping school for fun the strongest aspect of truancy.³⁷² As a nationwide phenomenon, truancy shows the prevalence of social problems leading students to not attend school regularly, such as needing to stay home in order to take care of households and families, mental health issues, or a cultural belief that education does not actually help children in the short or long run.³⁷³ Furthermore, it shows that States do not provide adequate time, funding and care to create initiatives to reduce such truancy rates and their underlying determining factors, and to improve the quality of education overall.³⁷⁴

³⁶⁵ Ana Popescu, ‘Colegiile de top din Craiova, in cadere libera. “Nu se mai face carte ca pe vremuri”’ (‘Top highschools from Craiova are free falling. “The quality of education is not what it once was”’) tr (Adevarul, 24 June 2022)

<https://adevarul.ro/locale/craiova/colegiile-top-craiova-cadere-libera-nu-mai-carte-vremuri-1_62b562185163ec4271f18d81/index.amhtml> accessed 13 July 2022.

³⁶⁶ Raluca Besliu, ‘The tragedy of education in rural Romania’ (Open Democracy, 09 June 2014)

<<https://www.opendemocracy.net/en/can-europe-make-it/tragedy-of-education-in-rural-romania/>> accessed 09 July 2022.

³⁶⁷ OECD, ‘Education in Romania’ (2019) <<https://pisabyregion.oecd.org/romania/>> accessed 09 July 2022.

³⁶⁸ UN CRC Committee, ‘Concluding observations on the fifth periodic report of Romania’ (2017) CRC/C/ROU/CO/5, para 9.

³⁶⁹ Ilona Wysmulek, ‘Corruption in the public schools of Europe: A cross-national multilevel analysis of education system characteristics’ (2022) June 2022 International Journal of Comparative Sociology.

³⁷⁰ Adrian Fora, ‘Mita in scoli. Romania, pe primul loc in UE’ (‘Bribe in schools. Romania, on the first place in the EU’) tr (Alesd Online, 29 October 2018) <<https://www.alesdonline.ro/nationale/mita-in-scoli-romania-pe-primul-loc-in-ue/>> accessed 09 July 2022.

³⁷¹ OECD, ‘Education in Romania’ (n 367).

³⁷² Christopher A. Mallett, ‘Truancy: It’s Not About Skipping School’ (2016) 33 Child and Adolescent Social Work Journal 337, 337.

³⁷³ *ibid.*

³⁷⁴ *ibid.*

A positive aspect appears in the fact that Romania has engaged in multiple initiatives of international cooperation, in order to ensure children's rights to education.³⁷⁵ For example, the European Priority Areas Project (EPA), created by UNICEF and the Institute for Educational Sciences, has provided Romania with funds and computers for schools.³⁷⁶ This Project has a particular aim of helping girls access their rights to education.³⁷⁷ Furthermore, Romania implemented multiple projects, such as the "National awareness and public information campaign on domestic violence" and "START – a quality life in safety!" funded by the Norwegian Financial Mechanism 2009-2014 and the European Social Fund 2007 - 2013.³⁷⁸

4.2.1.1. Gender-based Discrimination as a Barrier to Education in Romania

With regards to girls' access to education, discrimination against them oftentimes acts as a barrier to their access to learning.³⁷⁹ In order to overcome this, both access to educational institutions and to educational materials need to be ensured for girls.³⁸⁰ Romanian legislation provides that any form of education should include in its national curriculum, materials and activities regarding equal opportunities between men and women.³⁸¹ Furthermore, through Law No. 202/2002, the Romanian Ministry of Education has vowed to increase their efforts to reduce and remove harmful gendered stereotypes from educational curricula and facilities.³⁸² Additionally for the years 2014-2017, Romania has adopted a National Strategy for the equal opportunities between men and women, which has as a main objective "promoting a gender perspective in the educational process, [and] combating gender

³⁷⁵ Anna Lally, 'Girls' Education in Romania' (The Burgen Project, 2018) <<https://borgenproject.org/girls-education-in-romania/>> accessed 09 July 2022.

³⁷⁶ *ibid.*

³⁷⁷ *ibid.*

³⁷⁸ UN CEDAW Committee, 'Consideration of reports submitted by States parties under article 18 of the Convention' (n 341) para 9.

³⁷⁹ UN CEDAW Committee 'General Recommendation No. 36' (n 5), para 28.

³⁸⁰ *ibid.*

³⁸¹ Lege Nr. 202/2002 (n 353) art 14(2).

³⁸² Lege Nr. 202/2002 (n 353) art 15(2).

stereotypes in the educational system”.³⁸³ Lastly, Romania has been lauded for creating the National Agency for Equal Opportunities between Women and Men (ANES), and for vowing to its aims.³⁸⁴ A further positive step can be seen in the fact that education rates have increased for girls in Romania, at times even faster than boys’ attendance and enrolment rates.³⁸⁵ This is due to Romania’s national strategies on the prevention of early school leaving.³⁸⁶ However, still fewer girls are enrolled into primary and secondary school than boys.³⁸⁷ Furthermore, a smaller percentage of girls enrolled into primary school progress into secondary school, in comparison to boys.³⁸⁸

Thus, regarding access to education, Romania fulfils their most basic obligations *de jure*, but struggles to implement education effectively and to provide it in an equal manner to all children. Access for all children to quality education is a first step towards ensuring access for all children to quality SRHE. It is commendable that where adequate budgeting was not met for education, Romania engaged in international cooperation in order to meet their obligations. However, the lack of transparency and adequate budgeting provisions show that Romania still does not meet its international obligations on the matter. Thus, Romania needs to increase efforts to ensure such access. In order to achieve this, this thesis recommends that, as a first step, Romania should create clearer and more transparent budgeting processes for education, whether that be based on national or foreign funds.³⁸⁹ Providing detailed budgeting schemes would allow the Government and the Ministry of Education to realise in which areas funding should be increased or redistributed. Although this may seem like a recommendation which could be easy to implement, oftentimes, the lack of transparency covers fraudulent practices, as Romania still scores as one of the most corrupt countries in Europe.³⁹⁰ In order for this step to be

³⁸³ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341) para 43(a).

³⁸⁴ UN OHCHR, ‘End of Mission Statement’ (n 214).

³⁸⁵ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341) para 80.

³⁸⁶ UN OHCHR, ‘End of Mission Statement’ (n 214).

³⁸⁷ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341) para 89.

³⁸⁸ Lally (n 375).

³⁸⁹ UN CRC Committee, ‘Concluding observations on the fifth periodic report of Romania’ (n 368), para 10.

³⁹⁰ Simona Fodor, ‘Transparency International: Romania still among EU’s worst performers in Corruption Perceptions Index’ (Romania Insider, 25 January 2022) <<https://www.romania-insider.com/transparency-international-cpi-2021-jan-2022>> accessed 09 July 2022.

completed, Romania has to take a more active stance against corruption and fraud in education, at all organisational levels. It could do so by instilling laws, policies and initiatives to fight corruption in order to fulfil every child's equitable access to education. Another recommendation regarding education is that the Romanian government could adopt temporary special measures, in the form of positive action, and awareness-raising campaigns with the aim of discouraging corruption and increasing the education rates for all girls, especially girls from vulnerable groups.³⁹¹

4.2.2. Romania's Legislation on and Approach to Sexual and Reproductive Health Education

The sexual liberation movement was very powerful throughout history for women, especially in the 1960's in western States, as women would take an active stance against patriarchy and censorship by engaging in sex outside of marriage, sex with multiple partners or just by being more open about their sexualities.³⁹² The advancements in the population's views concerning sexuality, have not gone, however, hand in hand with the population's views on women and their rights.³⁹³ Thus, in turn, nowadays women's rights activists oftentimes advocate for women not to be over-sexualized.³⁹⁴ Badham argues that "what has happened in the intervening decades is that sexual freedom has become another realm of women's experience for patriarchy to conquer. As soon as older feminists had won sexual liberation, patriarchy reframed it as sexual availability for men".³⁹⁵ Cook believes that such a phenomenon happened globally because "if women could enjoy sexual relations while preventing pregnancy and avoiding sexually transmitted diseases, then, many believed, sexual morality and family security would be in jeopardy".³⁹⁶ Thus, it can be argued that where men found sexual liberation, girls were faced with further sexual oppression. Thus, under such a cyclical phenomenon, it is now more

³⁹¹ UN CRC Committee, 'Concluding observations on the fifth periodic report of Romania' (n 368), para 38.

³⁹² Van Badham, 'That's patriarchy: how female sexual liberation led to male sexual entitlement' (Guardian, 02 February 2018) <<https://www.theguardian.com/commentisfree/2018/feb/02/thats-patriarchy-how-female-sexual-liberation-led-to-male-sexual-entitlement>> accessed 10 July 2022.

³⁹³ Alina Costin, 'Parents and Children about Sexual Education' (2021) 26 *Technium Soc Sci J* 359, 359-360.

³⁹⁴ Van Badham, (n 392).

³⁹⁵ *ibid.*

³⁹⁶ Rebecca J. Cook, 'International Human Rights and Women's Reproductive Health' (1993) 24(2) *Studies in Family Planning* 73, 73.

than ever essential that States provide access to comprehensive SRHE, and that such SRHE actively tries to dismantle harmful practices and negative stereotypes held about girls and their sexuality.

Such a sexual liberation movement also happened in Romania, especially after 1990.³⁹⁷ As time went on, and Romanian society became more open to the idea of sexuality and less strict on the idea of marriage as a social structure as well as on the idea of sexual education as the only means for gaining information, Romanian girls have been left to carry the burden of preventing pregnancies and ensuring they have a future to their choosing.³⁹⁸ In light of this, Daniela Draghici, sexual education expert, has stated that Romanian girls' main worry regarding sex is the possibility of becoming pregnant, while Romanian boys' main worry is how they can perform well sexually.³⁹⁹ This mindset is further explained by the fact that Romania has one of the highest numbers of teenage pregnancy rates and abortion rates in the EU.⁴⁰⁰ Furthermore, negative stereotypical beliefs and negative outcomes for girls are also seen in the fact that although abortion is now legal, numerous doctors refuse to perform it under the claim of conscientious objections, leaving still numerous girls with no other choice than to perform unsafe and illegal abortions.⁴⁰¹ Seeing as Romanian society still upholds harmful stereotypical beliefs of girls and women and their sexuality, even where girls had the legal access to contraceptives and safe abortions, societal and familial views still acted as barriers to their SRHR.⁴⁰² With more and more girls dropping out of school, in order to take care of their children, they are stuck in a perpetual cycle of inequality,⁴⁰³ showing the importance of providing SRHE to girls and the knowledge and confidence for taking decisions over their own bodies and health.

³⁹⁷ Mariana Hausleitner, 'Women in Romania: Before and After the Collapse' in Nanette Funk and Magda Mueller (eds), *Gender Politics and Post-Communism: Reflections from Eastern Europe and the Former Soviet Union* (ebook edn, Routledge, 2018).

³⁹⁸ Nanu and others (n 10),

³⁹⁹ Andreea Pietrosel, 'Despre educatie sexuala in scolile din Romania' ('About sexual education in schools in Romania' tr) (RFI, 03 November 2021) <<https://www.rfi.ro/emisiunile-rfi-ro-139397-despre-educatia-sexuala-scolile-din-romania>> accessed 10 July 2022.

⁴⁰⁰ Nanu and others (n 10) 15.

⁴⁰¹ UN CESCR, 'Concluding observations on the combined third to fifth periodic reports of Romania' (2014), E/C.12/ROU/CO/3-5, para 22.

⁴⁰² *ibid.*

⁴⁰³ Nanu and others (n 10), 15.

Adequate SRHE, meaning scientifically correct and up-to-date was first seen in Romania after the collapse of the Communistic Regime in 1990.⁴⁰⁴ Before this time, Romanians had limited access to information and media outside of the country.⁴⁰⁵ All books and publications were heavily monitored and censored by the Communist mass media.⁴⁰⁶ Thus, all mentions of sexuality or SRH were heavily edited or removed.⁴⁰⁷ During the Communist regime, conservative views were held about sexuality, SRH and SRHE, as well as women's reproductive rights.⁴⁰⁸ People were expected to adhere to abstinence before marriage, especially in rural settings.⁴⁰⁹ In 1967, the Regime even went as far as banning any forms of contraception or abortion, resulting in numerous women having to carry unwanted pregnancies to term.⁴¹⁰ Not only was abortion banned (by decree NR 770/1967), but it was also punishable by imprisonment, with very limited exceptions, as presented in Articles 185 to 188 of the Penal Code at the time.⁴¹¹ As one of the main goals of the Regime was the increase of population to the detriment of women's choices, Lišková argues that women's "non-access" turned out to be "emblematic of the state socialism they wanted to do away with".⁴¹² In the 23 years period when such abortion services and contraceptives were banned, out of the two million children born, over 100 000 were abandoned, and over 10 000 women have died because of illegal abortions.⁴¹³ Five days after the overthrow of the Communist regime in 1989, abortions on request were legalized to some extent.⁴¹⁴ Furthermore, in 1992, a National Programme and a Committee for contraception and family planning were created and given the mandates and aims of providing higher protection to Romanian's citizens SRHR.⁴¹⁵ Although the laws have majorly changed since the conservative times under Communism, specific conservative and harmful views are still held, especially by those creating the current laws.⁴¹⁶

⁴⁰⁴ Rada (n 9) 1.

⁴⁰⁵ *ibid*, 2.

⁴⁰⁶ *ibid*, 2.

⁴⁰⁷ *ibid*, 2.

⁴⁰⁸ *ibid*, 2.

⁴⁰⁹ *ibid*, 2.

⁴¹⁰ *ibid*, 2.

⁴¹¹ Liana Pies & Doina Bologna, 'Romanian Legislation concerning Sexual and Reproductive Health and Rights' (1999) 197, 198.

⁴¹² Lou Ferreira, 'Sexual liberation, socialist style': an overlooked women's rights story?' (Open Democracy, 03 October 2018) <<https://www.opendemocracy.net/en/5050/sexual-liberation-socialist-style-overlooked-womens-rights-story/>> accessed 11 July 2022.

⁴¹³ NonGuvernamental, '30 de ani de SECS in Romania' ('30 years of SECS in Romania' tr) (ONG, 04 September 2020) <<https://www.nonguvernamental.org/ong/30-de-ani-de-secs-in-romania/>> accessed 09 July 2022.

⁴¹⁴ Pies and Bologna (n 411), 198.

⁴¹⁵ *ibid*.

⁴¹⁶ See Hausleitner (n 397).

Out of 330 Romanian Deputies, only 14 of them were born after the fall of the Communistic regime.⁴¹⁷ Furthermore, the average age for deputies is 44 for men and 46 for women and for senators, the average age is 48 for men and 50 for women.⁴¹⁸ UN Special rapporteurs on education, health and on violence against women have claimed that Romanian legislators push for specific laws out of misconceptions of sexuality.⁴¹⁹ Current Parliamentary and governmental debates are a perfect example of this, with recent public statements, such as “we need freedom, not ideology, we need the freedom to choose how we raise our children. We don’t need the masturbation of children, gender ideology, teenage abortions, in a word: sexualization”.⁴²⁰

In 2003, Romania adopted for the first time a National Strategy for SRH, as well as a National Programme for family planning.⁴²¹ However, Romania has stopped adopting a national strategy for SRHE in 2006.⁴²² Even while active, the National Programme relied mostly on the provision of contraceptives in order to reduce unintended pregnancies, instead of appropriate education.⁴²³ The same lack of attention on SRHE can also be seen in the National Programme for preventing, monitoring and control of HIV infections, instilled in 2001.⁴²⁴ As such, the National Strategies have decided to not place attention on the importance of SRHE programs, but rather promote awareness campaigns and events, such as

“the European week for cervical cancer prevention; the international month for information regarding breasts cancer; the national month for information regarding the consequences of alcohol

⁴¹⁷ Camera Deputatilor, ‘Lista deputatilor in ordinea varstei’ (The Chamber of Deputies, ‘The List of deputies in the order of their ages’ tr) <<http://www.cdep.ro/pls/parlam/structura2015.de?leg=2020&par=V#>> accessed 10 July 2022.

⁴¹⁸ Politoscop, ‘Sexele si varstele parlamentarilor 2020-2024’ (‘The sexes and ages of parliamentarians 2020-2024’ tr) <https://heinonline-org.mu.idm.oclc.org/HOL/Page?collection=journals&handle=hein.journals/mlv18&id=208&men_tab=srchresults#> accessed 10 July 2022.

⁴¹⁹ UNCHR ‘Report of the Special Rapporteur on the right to education’ (n 16) 2.

⁴²⁰ Maia Van Kline, ‘Romania’s Parliament passes controversial bill that changes “sex education” into “sanitary education”’ (Romania Insider, 22 June 2022) <<https://www.romania-insider.com/romania-parliament-passes-sexual-education-bill>> accessed 09 July 2022.

⁴²¹ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), para 95.

⁴²² Rada (n 9), 1.

⁴²³ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), para 101.

⁴²⁴ *ibid*, para 103.

consuming; the international week for breasts breastfeeding; the international day of contraception; the international day for fighting against HIV/AIDS”.⁴²⁵

Specifically for Romania, the UN Working Group on Discrimination against Women and Girls has noted that it is vital for the State to implement “human rights-based sexuality education in schools”.⁴²⁶ Furthermore, the CEDAW Committee has asked Romania to provide proof and information of their efforts towards integrating age-appropriate SRHE into the curricula for all ages of education.⁴²⁷ On 21st June 2022, the Romanian Parliament has voted in a bill amending the current National legislation on education, in order to include what will now be called as “health education”.⁴²⁸ After years of debating and amendments, the bill was finally adopted with controversy by the Chamber of Deputies with 224 votes in favour, 1 vote against and 49 abstentions.⁴²⁹ The current policy on SRHE has seen numerous changes and has moved back-and-forth between policy makers, civil society, and the Constitutional Court for over 3 years.⁴³⁰ Specifically, the bill was challenged before the Constitutional Court by the Romanian President Klaus Iohannis.⁴³¹ He claimed that the bill was going against children’s rights, however, the Court rejected the claim and the bill was sent for further debates and amendments before the Parliament.⁴³² Furthermore, showing its controversial aspect, the proposal for the bill was tabled more than 30 times.⁴³³ The current bill puts forward that SRHE will only be presented with parents’ written consent, and provided by the available teachers, some without much training.⁴³⁴

⁴²⁵ *ibid*, para 109.

⁴²⁶ UN OHCHR, ‘Romania: Government must take further measures to ensure equality for women and girls – UN experts’ (OHCHR, 6 March 2020) <<https://www.ohchr.org/en/press-releases/2020/03/romania-government-must-take-further-measures-ensure-equality-women-and>> accessed 29 June 2022.

⁴²⁷ UN CEDAW Committee, ‘List of issues and questions prior to the submission of the combined seventh and eighth periodic reports of Romania’ (n 168) para 14(e).

⁴²⁸ Kline (n 420).

⁴²⁹ Dora Vulcan, ‘Vot cu scandal in Parlamentul Romaniei. Educatia sexuala in scoli, doar cu acordul parintilor’ (‘Vote with scandal in the Romanian Parliament. Sexual education in schools, with parents’ consent’ tr) <<https://romania.europalibera.org/amp/legea-educatiei-sexuale/31908279.html>> accessed 10 July 2022.

⁴³⁰ UNCHR ‘Report of the Special Rapporteur on the right to education’ (n 16) 1.

⁴³¹ Kline (n 420).

⁴³² *ibid*.

⁴³³ *ibid*.

⁴³⁴ UNCHR ‘Report of the Special Rapporteur on the right to education’ (n 16) 2.

4.2.2.1. Requirements for the Consent of the Parents as a Barrier to Sexual and Reproductive health Education

As previously mentioned, in order for comprehensive SRHE to be accessible, it must be provided to all children, in a mandatory manner, and should be void of any third-party authorization requirements. The Romanian legislation on SRHE, however, requires that parents provide their written consent in order for their children to participate in SRHE classes.⁴³⁵ This has resulted in only 6% of Romanian children participating in such essential educational classes.⁴³⁶ The requirement for the consent of the parents is the reason which drove the Romanian President to claim the bill goes against children's rights and should be reviewed before the Constitutional Court.⁴³⁷ However, the Court refused to see the case, and thus, the bill was sent back for amendments and further debates, where it was voted in still with the requirement for parental authorization.⁴³⁸

The CESCR has specifically requested that Romania provide mandatory programs on SRHE in schools in its Concluding Observations.⁴³⁹ This is because Romania puts forward an especially important case with regards to the need for SRHE, insofar as many Romanian parents are driven to moving abroad to gain money for the children they leave behind in the country.⁴⁴⁰ Thus, not only are such girls more vulnerable to various forms of abuse and trafficking,⁴⁴¹ but they also are left without those adults who should model healthy sexual behavior and who should provide them with the basics of SRHE. Thus, it is essential that they are, then, provided with SRHE in schools. Hence, it can be stated that Romania has failed to provide girls with mandatory SRHE. Furthermore, by allowing third-party authorizations, the Romanian State has failed to ensure girls' access to various forms of education, exemplified by the very low rate of attendance in SRHE courses. In light of this, it is of the utmost importance that Romania takes the example of other countries and mandates such education to be provided in all

⁴³⁵ Kline (n 420).

⁴³⁶ Pietrosel (n 399).

⁴³⁷ Kline (n 420).

⁴³⁸ Kline (n 420).

⁴³⁹ UN CESCR, 'Concluding observations on the combined third to fifth periodic reports of Romania' (n 401) para 22.

⁴⁴⁰ UN OHCHR, 'End of Mission Statement' (n 214).

⁴⁴¹ *ibid.*

schools and to all children.⁴⁴² However, seeing as the original bill was discussed for over three years, the chances of this recommendation to be fulfilled in due time are minimal. As such, the thesis further recommends that Romania adopts nation-wide national awareness raising campaigns about public health and against the stigmatization of sexuality and SRHE.

4.2.3. Romania's Legislation and Approach Regarding its General Obligations

The CEDAW Committee has particularly stated that Romania should adopt temporary special measures for the educational rights of Roma girls, girls with disabilities and migrant girls in the country.⁴⁴³ The Romanian legislation provides for the possibility of positive action being taken with the aim of reducing inequality between men and women, even in education.⁴⁴⁴ These special measures can especially be introduced in order to protect women's specific characteristics, as well as due to maternity, birth and child rearing.⁴⁴⁵ Furthermore, Romania has taken the positive steps of creating special measures for offering Roma girls and women free higher education.⁴⁴⁶ Thus, the State has fulfilled its obligations regarding providing special temporary measures.

Regarding data collection, Romania lacks in accurate and up-to-date statistical data, disaggregated by different characteristics of children, such as age, gender, sex, disability status, ethnicity and their access to education, and specifically SRHE.⁴⁴⁷ This is an especially important obligation for Romania, as pointed out by the UN Working Group on Discrimination against Women and Girls,⁴⁴⁸ and by the

⁴⁴² Kanishka Singh, 'Sex Education Should be mandatory in Schools' (2020) 2:1 Law Audience Journal.

⁴⁴³ UN CEDAW Committee, 'List of issues and questions prior to the submission of the combined seventh and eighth periodic reports of Romania' (n 168), paras 9-22.

⁴⁴⁴ Lege Nr. 202/2002 (n 353), art 4(e).

⁴⁴⁵ *ibid*, art 6(5).

⁴⁴⁶ UN CEDAW Committee, 'Consideration of reports submitted by States parties under article 18 of the Convention' (n 341), para 47.

⁴⁴⁷ UN CRC Committee, 'List of issues in relation to the fifth periodic report of Romania' (2016) CRC/C/ROU/Q/5, paras 14 – 20.

⁴⁴⁸ UN OHCHR, 'End of Mission Statement' (n 214).

CEDAW Committee.⁴⁴⁹ Furthermore, as previously mentioned, Romania shows major delays in their reporting obligations, furthering the knowledge gap in the situation of and policies addressed to different children.⁴⁵⁰

With regards to Romania's last international obligation on the matter, being that of not introducing any retrogressive measures concerning SRHR and specifically SRHE, this has been failed. Romania has introduced a number of measures which restrict girls' SRHR, or at least create further barrier. To begin with, since 2006, Romania has stopped providing a National Strategy on the matter, originally introduced in 2003.⁴⁵¹ Furthermore, Romania has increased barriers to comprehensive SRHE since 2004, when systematic SRHE started slowly being removed from schools, states Draghici, expert in sexual education in Romania.⁴⁵² She goes on to say that since 2015, SRHE has been virtually inexistent in schools.⁴⁵³ The situation has especially worsened since the beginning of the pandemic, as such classes were not being offered through online education anymore.⁴⁵⁴ It is believed that such retrogressive measures stem from the newfound "backlash against women's rights by conservative cultural, political and religious movements of the recent years".⁴⁵⁵

4.3. Rights within Education in Romania

Romania has a number of obligations regarding girls' rights within education. As explained in the previous chapter, SRHE needs to be acceptable and comprehensive. It needs to be aimed towards and

⁴⁴⁹ UN CEDAW Committee, 'List of issues and questions prior to the submission of the combined seventh and eighth periodic reports of Romania' (n 168), para 1.

⁴⁵⁰ OHCHR, 'Ratification Status for Romania' (n 146).

⁴⁵¹ Rada (n 9).

⁴⁵² Pietrosel (n 399).

⁴⁵³ *ibid.*

⁴⁵⁴ *ibid.*

⁴⁵⁵ UN OHCHR, 'End of Mission Statement' (n 214).

structured according to the best interests of the child, and the evolving capacities of the child. It shall aim to reduce harmful stereotypes against girls and provide materials for the needs of all girls.

Furthermore, representing cultural views and the influence of the Orthodox Church on the bill,⁴⁵⁶ SRHE in Romania can now only be addressed as “health education”, instead of “sexual education”,⁴⁵⁷ creating further stigma around the topic of sexuality and SRH. Furthermore, such “health education” only has as aim the prevention of STDs and of pregnancies for minors.⁴⁵⁸ Thus, it is not clear what other topics could be discussed under the realms of such educational programs, and whether the topics meet the standards set by International Bodies and scientists and academics. However, in the case that such programs only include discussions of STIs and prevention of pregnancy, then Romania would not fulfil the components aspect of its international obligation of providing girls with comprehensive SRHE. Furthermore, Romania has not yet provided clear guidelines as to the sanctions provided in case of non-compliance with the current law.⁴⁵⁹

4.3.1. The Underlying Principles of Romanian Sexual and Reproductive Health Education

4.3.1.1. Best Interests of the Child

Romanian educational policies tend to not take the individual interests of children into consideration.⁴⁶⁰ This failure to consider the best interests of the child in policies and measures has been notified by the CRC Committee and neglected by Romania over the past three reporting cycles.⁴⁶¹ Furthermore, unfortunately, Romanian educational curricula and books tend to provide theoretical basis for specific subjects, with little positive practical impacts on students.⁴⁶² Although this observation was made with regards to education in general, it, of course, also reflects the outcome of SRHE in Romania.

⁴⁵⁶ Romania Insider, ‘Romanian Orthodox Church opposes compulsory sex education in schools’ (28 April 2020) <<https://www.romania-insider.com/bor-sex-education-apr-2020>> accessed 09 July 2022.

⁴⁵⁷ UNCHR ‘Report of the Special Rapporteur on the right to education’ (n 16) 1.

⁴⁵⁸ *ibid.*, 1.

⁴⁵⁹ UNCHR ‘Report of the Special Rapporteur on the right to education’ (n 16) 2.

⁴⁶⁰ Lally (n 375).

⁴⁶¹ UN CRC Committee, ‘Concluding observations on the fifth periodic report of Romania’ (n 368), para 19.

⁴⁶² UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), para 55.

Specifically looking at SRHE, UNICEF states that in order for the best interests of the child to be implemented, children need to have unrestricted access to SRHE, and their parents' moral or religious beliefs should not be a barrier to their education.⁴⁶³ However, as currently, Romania conditions children's participation to SRHE classes based on their parents' or legal guardians' consent,⁴⁶⁴ it can be concluded that this obligation has not been met by the State.

4.3.1.2. According to the Evolving Capacities of the Child

The Romanian law on "health education" states that such education will begin in eighth grade, and will be conducted on a continuous basis.⁴⁶⁵ Thus, girls in Romania will only be provided with SRHE from the ages of 14 onwards. This is not in accordance with the obligations laid down by the International Treaties and Bodies, which state that notions of sexual and reproductive anatomy should start being taught at a way earlier age. This is even more worrying for Romania, seeing the high numbers of sexual-risk behaviours that Romanian girls engage in already by that age, or close to that age. As previously mentioned, Romania is currently the country with the second highest teenage pregnancy rate in the EU, having around 8500 adolescents giving birth each year, "a teen birth rate of 39.4%".⁴⁶⁶ Furthermore, in 2011 Romania even reached the highest rate of girls between 10-14 years old giving birth, approximately 1.4% of all girls.⁴⁶⁷ These worrying numbers show that SRHE is needed from a younger age in Romania, and that such SRHE should be conducted accordingly with the needs of each age group. An earlier draft of the bill proposed that such education be provided starting from fifth

⁴⁶³ WHO, 'Sexual health, human rights and the law' (n 27), 34.

⁴⁶⁴ Kline (n 420).

⁴⁶⁵ Luminita Pirvu, 'Educatia sexuala va fi predata ca educatie sanitara, din clasa a VIII-a/ Disciplina va fi studiata doar cu acordul scris al parintilor – legea merge la promulgare' ('Sexual education will be provided as sanitary education from the 8th grade / The Discipline will be studied only with the written consent of parents – the law goes towards promulgation' tr) (Hot News, 21 June 2022) <<https://www.hotnews.ro/stiri-politic-25634165-camera-deputatilor-scoli-educatia-sexuala-predata-educatie-sanitara-disciplina-studiata-doar-acordul-scris-parintilor.htm/amp>> accessed 10 July 2022.

⁴⁶⁶ Thomas van der Starre, 'Prevalence of adolescent pregnancy in Romania' (2017) 4:42-9 Alban Med J.

⁴⁶⁷ *ibid.*

grade, where girls are, on average, 11 years old.⁴⁶⁸ Thus, Romania should try to amend the current legislation on the matter, by instilling SRHE programs from that age at the latest.

Furthermore, there is no mention as of yet, what such “continuous basis” constitutes of, whether schools will be provided with nation-wide curricula, or whether such curricula should be created by them. In the latter case, inequalities in education might arise, and curricula might be created by non-trained professionals, resulting in children being provided inappropriate information regarding their age and needs. Thus, this paper recommends that Romania puts forward a detailed plan with regards to an organized nation-wide curricula divided into different age groups. It would also be recommended that the country would provide such education from an even earlier age. However, seeing the existing controversies surrounding the bill on health education, it does not seem likely that such a recommendation would be taken on by the State.

4.3.1.3. Gender Equality and the Absence of Harmful Practices

With regards to Romania specifically, the UN Working Group has mentioned that discussions and educational programs on gender stereotypes are necessary.⁴⁶⁹ Additionally, Romania shall increase efforts towards removing gendered stereotypical and harmful views and attitudes from educational materials, curricula and teacher training, including for SRHE.⁴⁷⁰

However, it has been proven, that the situation is different in practice.⁴⁷¹ Educational materials used in schools don't always provide progressive teachings against stereotypes, at times even doing the

⁴⁶⁸ Andreea Ruxanda, ‘Cum vad politicienii introducerea educatiei sexuale in scoli. De la “creiere supersexualizate” la “predarea practicii masturbarii”’ (‘How do politicians see the introduction of sexual education in school. From “creating supersexualization” to “teaching masturbation practices”’ tr) (Ziare, 23 June 2021) <<https://ziare.com/politica/stiri-politice/politicieni-despre-legea-educatiei-sexuale-in-scoli-1686279>> accessed 11 July 2022.

⁴⁶⁹ UN OHCHR (n 203).

⁴⁷⁰ UN CEDAW Committee, ‘List of issues and questions prior to the submission of the combined seventh and eighth periodic reports of Romania’ (n 168), para 14(f).

⁴⁷¹ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), paras 54-59.

opposite, by reinforcing harmful views of femininity and masculinity.⁴⁷² Even in situations where educational materials do provide information on gender and gender equality, rarely do teachers consider it essential to teach and promote those parts.⁴⁷³ Thus, the potential role of all school disciplines in achieving a gender education is low sustained”.⁴⁷⁴ The UN Expert for the Equality of women and girls states that such lack of implementation stems from the continuous persistence of gender stereotyping in Romanian culture and traditions, as well as from the repeated changes in the government and the high level of poverty in the country.⁴⁷⁵ Thus, it comes as no surprise that such a gendered set of rights has been wilfully neglected by Romanian politics, and has even faced further barriers.

Such harmful stereotypical views stem from both culture and religion in Romania.⁴⁷⁶ Orthodox Christian countries score higher on conservative views about gender issues and women’s rights, and Romania is no different, scoring the second highest in traditional views on women’s role in society out of all the Orthodox-majority countries.⁴⁷⁷ Around 81% of Romanian adults agree with the statement “women have a responsibility to society to bear children”.⁴⁷⁸ Furthermore, not only is there a prevalence of more conservative views in Orthodox countries, but rather, in States like Romania, the Orthodox Church is the one pushing such ideals and beliefs on the population.⁴⁷⁹ This has been particularly seen by the Orthodox Church’s constant activism against the introduction of compulsory SRHE in Romanian schools.⁴⁸⁰ Representatives of the Church claimed that such mandatory education has been proven by “studies undertaken in various countries” to reduce the age of children at first intercourse, without providing any further details on these alleged studies.⁴⁸¹ However, as shown in the second chapter of the thesis, studies show the opposite, in that comprehensive SRHE is one of the main

⁴⁷² *ibid.*, paras 54-57.

⁴⁷³ *ibid.*, para 56.

⁴⁷⁴ *ibid.*

⁴⁷⁵ UN OHCHR, ‘Romania: Government must take further measures to ensure equality for women and girls – UN experts’ (n 426).

⁴⁷⁶ Ariana Monique Salazar, Michael Lipka, ‘On gender issues, many Orthodox Christian countries have conservative views’ (Pew Research Centre, 16 May 2017) <<https://www.pewresearch.org/fact-tank/2017/05/16/on-gender-issues-many-in-orthodox-christian-countries-have-conservative-views/>> accessed 13 July 2022.

⁴⁷⁷ *ibid.*

⁴⁷⁸ *ibid.*

⁴⁷⁹ Romania Insider, ‘Romanian Orthodox Church opposes compulsory sex education in schools’ (n 456).

⁴⁸⁰ *ibid.*

⁴⁸¹ *ibid.*

causes for children commencing their sex lives at a later point in life.⁴⁸² Furthermore, the Church claimed that “it is an attack on children’s innocence”, statements which majorly influenced the Romanian Parliament in slamming down the law at that time.⁴⁸³ Nevertheless, there is hope. In light of the recent overturning of *Roe v Wade* by the United States Supreme Court, a debate sparked up in Romania as well on abortion and SRHR.⁴⁸⁴ In turn, Orthodox Church representatives have claimed, on the 15th July 2022, that while abortion “remains a crime, morally speaking before God, just like totalitarian banning of abortion is a crime, civilly and politically unacceptable as well”.⁴⁸⁵ This is the first time, the Orthodox Church in Romania has sent a clear message in favour of secularism when discussing SRHR.⁴⁸⁶ This shows that the Romanian Orthodox Church is taking a step back from interjecting with SRHR in the country, showing a change in approach and nation-wide beliefs, as well as a possibility for creating lasting change without objections and interjections from religious institutions in the country. Thus, it is recommended that Romania create programs and initiatives for awareness raising about various gender issues, SRHR and cultural norms, addressed at the general public, politicians, religious and community leaders, teachers, doctors and parents.⁴⁸⁷ Furthermore, while discussing a curriculum for SRHE, Romania should take into consideration including educational materials on the reduction of harmful views and stereotypes.⁴⁸⁸

4.3.2. Multiple Formats

The bill on SRHE does not yet place forward the formats which will be used for teaching SRHE classes. However, based on previous practice in Romania, such information can be found under few

⁴⁸² Rada (n 9) 2.

⁴⁸³ Orthodoxian News Agency, ‘Romania Bows to Church, Scraps Mandatory Sex Education’ (4 June 2020) <<https://www.orthodoxianewsagency.gr/foreignnews/romania-bows-to-church-scraps-mandatory-sex-education/>> accessed 15 July 2022.

⁴⁸⁴ Radu Dumitrescu, ‘RO Orthodox Church not “irrationally and unrealistically” in favor of banning abortion, spokesman says’ (Romania Insider, 15 July 2022) <<https://www.romania-insider.com/ro-orthodox-church-abortion-jul-2022>> accessed 15 July 2022.

⁴⁸⁵ *ibid.*

⁴⁸⁶ *ibid.*

⁴⁸⁷ UN CEDAW Committee, CRC Committee ‘Joint General Recommendation No. 31/General Comment No. 18’ (n 207) paras 56-59.

⁴⁸⁸ See Asociație Femeilor din România (Women’s Association in Romania tr), ‘Making a Difference to Women Activism: Celebrating 20 years – IWRAW Asia Pacific, CEDAW 67th Session – Report on discrimination and violence in the context of intolerance on the full enjoyment of all human rights by women and girls in Romania’ (2017).

formats, with educational materials on the matter lacking.⁴⁸⁹ Furthermore, there are numerous websites which provide children with accurate SRHE.⁴⁹⁰ Not only is it essential if Romania provides mandatory school curricula concerning SRHE, but also it is essential that the Romanian government supports or places barriers to organisations trying to provide such education. In light of this, numerous NGOs and initiatives can be found in Romania which focus their efforts on providing girls with adequate and comprehensive SRHE. To begin with, SECS (Societatea de Educatie Contraceptiva si Sexuala) was founded with the help of International Planned Parenthood Federation (hereinafter IPPF) and places a focus on teens and vulnerable communities.⁴⁹¹ Not only is it a good source of information, but SECS has been an advocate for adequate national SRHE and has played a role in policy creation.⁴⁹² SECS has also provided educational materials and services to medicine students, as well as school counsellors.⁴⁹³ The organization works under the assumption of four main objectives, such as offering comprehensive SRHE to 10 000 young teens, by cooperating with both the Romanian government, and their partner organizations.⁴⁹⁴ They provide technical assistance as well as advice and consultancy to the Romanian Ministry of Public Health,⁴⁹⁵ thus showing that Romania is willing to cooperate with NGO's where they are not able to meet their international obligations. There are numerous further platforms which provide SRHE in Romania, one being "Sexul vs Barza", this being the first platform on sexual education in video format in Romania.⁴⁹⁶ The name of the platform translates to "Sex vs The Stork" reflecting the old Romanian myth that children are brought to parents by a stork and, thus, the lack of SRHE that some people have. Their Youtube channel has over 100.000 followers and over 12 million views,⁴⁹⁷ showing how much Romanian youth searches for educational materials beyond their schooling. The positive work of civil society in Romania has been also noted by the UN Working Group on discrimination against women and girls. As such, the Working group recommends that

⁴⁸⁹ Pietrosel (n 399).

⁴⁹⁰ Sexul vs Barza, 'Educatie Sexuala' (Sex vs The Stork, 'Sexual Education' tr) <<http://www.sexulvsbarza.ro/>> accessed 10 July 2022.

⁴⁹¹ SECS, 'Societatea de Educatie Contraceptiva si Sexuala' ('The Society for Contraceptive and Sexual Education' tr) (SECS, 2022) <<https://secs.ro/>> accessed 09 July 2022.

⁴⁹² SECS, 'History of SECS' (SECS, 2022) <<https://secs.ro/istoric/>> accessed 01 June 2022.

⁴⁹³ *ibid.*

⁴⁹⁴ SECS, 'Obiective' ('Objectives' tr) (SECS, 2022) <<https://secs.ro/secs/>> accessed 09 July 2022.

⁴⁹⁵ Fondul Global de Lupta Impotriva HIV/SIDA, Tuberculozei si Malariei, 'Societate de Educatie Contraceptiva si Sexuala (SECS)' (The Global Fund for Fighting Against HIV, Tuberculosis and Malaria, 'The Society of Contraceptive and Sexual Education (SECS)' tr) (RAA, 2021) <<http://raa.ro/oldfg/www.fondulglobal.ro/implementatori/hiv/societatea-de-educatie-contraceptiva-si-sexuala-secs.html>> accessed 09 July 2022.

⁴⁹⁶ Sexul vs Barza, (n 490).

⁴⁹⁷ Sexul vs Barza, 'Motive sa ne sustii' (Sex vs The Stork, 'Reasons to support us' tr) <<http://www.sexulvsbarza.ro/sustine/>> accessed 10 July 2022.

Romania continues allowing such organizations and initiatives to conduct their work without any barriers, and that the government “make[s] use of their expertise, support[s] them with adequate funding and infrastructure, and include[s] them in the design, planning and monitoring of all public policies and programmes”.⁴⁹⁸

However, the situation drastically changes when discussing the media’s role and effect on SRHE. “We do not need the masturbation of children”.⁴⁹⁹ “We need freedom, not ideology, we need the freedom to choose how we raise our children”.⁵⁰⁰ These were a Romanian deputy’s words during the last discussion on the current legislation regarding SRHE in schools.⁵⁰¹ These were also the words used by Romanian media and news channels in the titles of their announcements of the promulgation of the law.⁵⁰² In a world, where the average person reads the titles of news sources rather than the whole article,⁵⁰³ a clear message was sent. Nowhere was it discussed that such claims are harmful, based on myth, rather than science, and plain nonsensical.⁵⁰⁴ This shows the Romanian culture’s and media’s predisposition towards the over-dramatization of sexuality to the detriment of girls’ rights to accurate information. In light of this, Santiago-Tyler states that “the importance of providing comprehensive sex ed is not a concept based on progressive ideologies. It is based on improved health outcomes”.⁵⁰⁵ Thus, Romania needs to improve efforts towards changing the population’s mindset by including accurate and scientific information in various campaigns and educational formats.⁵⁰⁶

⁴⁹⁸ UN OHCHR, ‘Romania: Government must take further measures to ensure equality for women and girls – UN experts’ (n 426).

⁴⁹⁹ Ionasc (n 18).

⁵⁰⁰ Kline (n 420).

⁵⁰¹ Ionasc (n 18).

⁵⁰² *ibid.*

⁵⁰³ Lucy Battersby, ‘Too long; didn’t read: The good, and bad, news on attention spans’ (The Sydney Morning Herald, 10 June 2015) <<https://www.smh.com.au/technology/too-long-didnt-read-the-good-and-bad-news-on-attention-spans-20150609-ghjosp.html>> accessed 13 July 2022.

⁵⁰⁴ See Kline (n 420), and Ionasc (n 18).

⁵⁰⁵ Santiago-Tyler (n 339), 177.

⁵⁰⁶ *ibid.*, 184.

4.3.3. Romanian Educators

At the moment, SRHE is organized and provided to girls by local available teachers, such as the “homeroom teacher, biology teacher, school doctor”, who have very limited training on and competencies and skills to provide comprehensive and adequate SRHE.⁵⁰⁷ Thus, UNICEF claims that “the lack of performance standards and the lack of a communication strategy targeted at the opponents of sex education” reach an “unsatisfactory outcome”.⁵⁰⁸ According to revisited Law No. 202/2002, all teachers shall be trained on matters of discrimination and equal opportunities between men and women.⁵⁰⁹ However, that is not always the case, as in reality, many Romanian teachers have not received such training and continue to operate under harmful assumptions for girls.⁵¹⁰ The Romanian government has, following a study carried out by The Romanian Institute for Education and UNICEF, claimed that this is due to “the difficult access to information, the lack of resources (didactic, time, and financial) and the lack of training opportunities”.⁵¹¹ Generally, teachers in Romania participate in smaller numbers in professional development programs, than in other States.⁵¹² In order to tackle such issue, UNICEF has partnered in 2003 with the Romanian Ministry of Education to create the National Programme for Education on Democratic Citizenship, offering inclusivity and inter-cultural approach trainings to 300 teachers.⁵¹³ However, Simion Hancescu, President of the Federation of Free Trade Unions in Education, claims that such an initiative is by no means enough, as Romania is still the only country in the EU where educators are not asked to have completed a specialisation studies degree before starting to teach.⁵¹⁴ One positive aspect comes from Romania’s initiative on increasing training in SRHR and gender-based counselling in medical doctors who can provide education and information

⁵⁰⁷ Nanu and others (n 10), 3.

⁵⁰⁸ *ibid.*

⁵⁰⁹ Lege Nr. 202/2002 (n 353), art 15(1).

⁵¹⁰ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), para 49.

⁵¹¹ *ibid.*

⁵¹² OECD, ‘Education in Romania’ (n 367).

⁵¹³ Lally (n 375).

⁵¹⁴ Warsaw Institute (n 364).

on SRH to girls.⁵¹⁵ This is an essential positive step, particularly as early drafts on the bill on “health education” proposed that SRHE class be provided by medical centres and doctors.⁵¹⁶

4.4. Intersectionality in the Romanian Sexual and Reproductive Health Education

The current Romanian bill does not yet provide for an intersectional approach being taken to SRHE. Not only are Romanian SRHE programs not mandating intersectional education, but Romania is in the process of prohibiting such education from being taught in schools.⁵¹⁷ The Romanian government is discussing a bill proposal which would amend the current education code, in order to ban any mention of gender identity theory.⁵¹⁸ Furthermore, not only would theory be prohibited from being introduced in school curricula, but also personal opinions of educators would be banned as well.⁵¹⁹ In a joint letter, Members of the European Parliament (hereinafter MEPs) urged the Romanian president to intervene and stop the law.⁵²⁰ Romania already ranks as one of the highest rates of LGBTQI+ violence and discrimination in the EU, and thus, the active targeting of gender identity education will only worsen the situation.⁵²¹ The MEPs further claimed that such a law would violate Romania’s obligations under the Istanbul Convention⁵²² and the ECHR.⁵²³ Although the bill is aimed at any form of education, the UN Special Rapporteur on education has stated that it would inadvertently affect also the provision of comprehensive SRHE.⁵²⁴ Thus, if such bill passes, Romania would violate their obligations to fulfil the right of all children and girls to comprehensive SRHE. Particularly, it would also infringe on their

⁵¹⁵ Pies and Bologa (n 411), 198.

⁵¹⁶ Ruxanda (n 468).

⁵¹⁷ UNCHR ‘Report of the Special Rapporteur on the right to education’ (n 16) 2-3.

⁵¹⁸ Lege L87/2020 Propunere legislative pentru modificarea si completarea Legii educatiei nationale nr.1/2011 (Law L87/2020 Legislative proposal for the modification and completion of the Law on national education n.1/2011 tr).

⁵¹⁹ *ibid.*

⁵²⁰ Katarina Barley and others, ‘Request to reject bill L87/2020, “Legislative proposal to modify and complete the Law regarding National Education nr. 1/2011” ‘ (The European Parliament’s LGBTI Intergroup, 24 June 2020) <<http://lgbti-ep.eu/2020/06/24/meps-urge-romanian-president-not-to-promulgate-law-forbidding-discussions-on-gender-and-gender-identity/>> accessed 10 June 2022.

⁵²¹ *ibid.*

⁵²² The Council of Europe Convention on preventing and Combating Violence against Women and Domestic Violence (adopted on 11 May 2011, entered into force 01 August 2014) (Istanbul Convention).

⁵²³ UNCHR ‘Report of the Special Rapporteur on the right to education’ (n 16) 3.

⁵²⁴ *ibid.*

obligations under Article 19(2) of the International Covenant on Civil and Political Rights (hereinafter ICCPR), providing for a right to seek and receive information of any kinds.⁵²⁵ Such a right may only be restricted in accordance with Article 19(3), which lists multiple possible legitimate aims a restriction can pursue, as well as the fact that restrictions shall be provided by law and they must be necessary and proportionate to their end goal.⁵²⁶ Regarding the morality legitimate aim, The Human Rights Committee, the International Body residing over the control and monitoring of the ICCPR, has stated that “this ground should not be used to protect understandings of morality deriving exclusively from a single-social, philosophical or religious tradition and any such restrictions must be understood in the light of the universality of human rights, pluralism and the principle of non-discrimination”.⁵²⁷ Thus, a report of numerous UN Special Rapporteurs concludes that such a law would violate Romania’s international obligations.⁵²⁸ Therefore, in order for Romania to respect its obligation to provide intersectional education, and to provide all girls with comprehensive SRHE, such a law shall not pass further.

In its latest Concluding Observation, the CRC Committee has stated that the main areas of concern for Romania is the State’s lack of protection and equal opportunities for children with intersectional identities, such as Roma children, children deprived of a family environment, and children with disabilities.⁵²⁹ However, Romania has provided for special temporary measures for the equal participation in education of girls with intersectional identities, especially girls with disabilities and Roman girls.⁵³⁰ Furthermore, even when such girls, do have access to education, discrimination against girls is often found, and it is worsened by other characteristics, such as race, class, disability, age.⁵³¹ Such discriminatory and anti-Roma sentiments are found widely in Romania,⁵³² and it would constitute a lot of work from both civil society and the government to be dismantled. As such, this thesis recommends that, as a first step, Romania widens the scope of teacher trainings and educational

⁵²⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art 19(2).

⁵²⁶ ICCPR art 19(3).

⁵²⁷ UN Human Rights Committee, ‘General Comment No. 37 (2020) on the right of peaceful assembly (article 21)’ (2020) CCPR/C/GC/37, para 46.

⁵²⁸ UNCHR ‘Report of the Special Rapporteur on the right to education’ (n 16) 4.

⁵²⁹ UN CRC Committee, ‘Concluding observations on the fifth periodic report of Romania’ (n 368), para 4.

⁵³⁰ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), para 47.

⁵³¹ UN OHCHR, ‘End of Mission Statement’ (n 214).

⁵³² *ibid.*

curricula to ensure that intersectional ideas are taught in schools, and that discrimination starts to be more broadly seen as a negative concept. Secondly, Romania shall increase its efforts in ensuring equal access to education for all children, by allocating further budgeting towards building more schools, through the National Programme for Local Development, “the most important investment instrument in local infrastructure financed by the state budget in Romania”.⁵³³

4.5. Rights through Education in Romania

As the new legislation on SRHE has just been recently introduced, its results and outcomes cannot yet be fully measured. However, Romania is due to submit two reports to the reporting cycle for both the CRC Committee by the end of October 2022 and for the CEDAW Committee, a report which should have already been sent in July 2021.⁵³⁴ Under these reports, Romania will have to provide how the new bill has been implemented and how it has affected girls rights beyond the schools system.

4.5.1.1. Romania’s legislation on sexual violence and sexual violence prevention

Seeing as the aims of the education reforms are health education for the prevention of STDs and underage pregnancies, it can be stated that Romania is not likely to provide girls with SRHE which discusses consent, bodily autonomy and healthy sexuality. Such an assumption is backed up by the fact that in the previous decades, the SRHE which was provided in Romania focused “largely on biological elements alone”, neglecting discussions of mutual consent, gender-based and domestic violence, or human rights and gender roles.⁵³⁵ This is further exemplified by the legislative approach to rape and

⁵³³ UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), paras 113-116.

⁵³⁴ OHCHR, ‘Reporting Status for Romania’ (n 342).

⁵³⁵ Natalie Picken, ‘Sexuality education across the European Union: an overview’ (European Commission, 2020), 7.

sexual assault.⁵³⁶ In Romania, rape is not defined by the lack or presence of consent, but rather by the coercive circumstances that a victim was dealing with.⁵³⁷ Furthermore, the age of an alleged victim is rarely a reason being considered by the Courts when convicting someone of rape.⁵³⁸ As such, there are cases in Romania, where sexual intercourse with young girls (even 11), conducted by multiple perpetrators, was considered as consensual.⁵³⁹ Oftentimes, the lack of consent is defined only by physical resistance, and women and girls tend to be blamed for the sexual harassment that they experience.⁵⁴⁰ Scholar Santiago-Tyler argues for the importance of SRHE, by worriedly stating that “if we continue to focus on solely our response to sexual violence, it is sending a message that we are unwilling to prevent sexual violence in the first place”.⁵⁴¹ However, in a State like Romania, if the judicial branch takes such a neglectful approach, it is not to be expected that Romanian SRHE mandated by the government will include talks of consent. However, although the SRHE programs do not discuss extensively the topic of healthy sexuality and consent, Romania has taken some steps on the matter. They have provided over 5000 women and girls debating and awareness raising campaigns on sexual and domestic violence and the harmful practices that lead to such events.⁵⁴²

Therefore, Romania does not seem to fulfil its obligation to provide comprehensive SRHE, which includes discussions of consent and sexuality, and which further protects girls’ rights. Scholar Herman has conducted a study on US’ States’ approach to sexual education and the link between sexual education and sexual assault rates in those states.⁵⁴³ While still accounting for other factors as well, such as population demographics, she ultimately attributes adequate SRHE as one of the main reasons for lower rates of rapes in some states, such as New Jersey and Connecticut.⁵⁴⁴ Thus, within the same country, in different states with a similar culture, the imposition of adequate SRHE, which includes “teaching of consent, coercion, dating violence, healthy relationships, and refusal skills”, has proven to be a method of “sexual assault prevention”.⁵⁴⁵ Thus, while developing a national strategy on SRHE,

⁵³⁶ UN OHCHR, ‘End of Mission Statement’ (n 214).

⁵³⁷ *ibid.*

⁵³⁸ *ibid.*

⁵³⁹ *ibid.*

⁵⁴⁰ *ibid.*

⁵⁴¹ Santiago-Tyler (n 339), 184.

⁵⁴² UN CEDAW Committee, ‘Consideration of reports submitted by States parties under article 18 of the Convention’ (n 341), paras 68-69.

⁵⁴³ Herman (n 2).

⁵⁴⁴ *ibid.*, 159.

⁵⁴⁵ *ibid.*, 160.

Romania could try to include some of these topics in the curriculum. Discussions of consent and coercion could be added as useful components to the educational materials for each of the two main aims of Romanian SRHE, those of reducing STDs and early pregnancies.

5. Conclusion

Sexual and reproductive health affects everyone in the world. However, women and girls are oftentimes the ones both dealing with the consequences of sexual behaviours, as well as they are the category of the population oftentimes struggling the most to access health care services and information regarding their sexual and reproductive health. Thus, it is crucial that States provide girls with adequate sexual and reproductive health services and rights, especially sexual and reproductive health education. Furthermore, as previously discussed, Romania is a country which struggles with high numbers of teenage pregnancies and abortions, as well as high rates of sexual-risk behaviours that teenagers engage in. As such, the thesis aimed to analyse the extent to which Romania fulfils its international obligations to provide comprehensive sexual and reproductive health education to girls. In order to do so, four further sub-questions were analysed and discussed.

To begin with, the thesis looked at what exactly is comprehensive sexual and reproductive health education. Sexual and reproductive health refers to the state of physical, mental, emotional and social well-being concerning sexuality and reproduction. SRH includes topics such as sexual activity and consent, contraceptive methods and the prevention of STDs and STIs, pregnancy and post-partum care, cervical cancer screening and treatment, sexual violence and many more. States have specific obligations to ensure the highest attainable standard of health to the population, including sexual and reproductive health. As such, States shall offer services, goods and information to try to ensure such standards for all the people. In order for this to be achieved, States need to also ensure a good infrastructure, which can support the population through educational institutions, and medical services. One such service is the provision of sexual and reproductive health education. SRHE, as a concept, changes rapidly, depending on various global health crises and societal issues. However, worldwide, academics and scholars have reached an agreement as to the basis of what SRHE is and what it should

include. SRHE is a form of education which addresses various topics about sexual and reproductive health, as well as relationships, and which strives to equip individuals to make informed decisions about their bodies. SRHE appears in many forms, however, comprehensive SRHE is what States and schools should aim to provide. Comprehensive SRHE is taught by trained professionals, provides modern, relevant and scientifically accurate information, which is not discriminatory, and which does not promote harmful views and stereotypes and sexuality, reproduction and gender norms.

Furthermore, comprehensive SRHE shall be inclusive, by being accessible to all students and by meeting the educational needs of all students. It should be planned and conducted together with various members of the community, including students, parents, teachers, doctors and medical personnel, as well as community leaders. Lastly, it should foster independent thinking in children, and should aim to teach them not only about their health, but also about healthy relationships they can hold throughout their lives. Globally, SRHE is a controversial topic, as various cultures and people disagree with the teachings SRHE places forward. These opposing views rely on beliefs that sexuality should be a taboo subject, which should be covered only by the families and parents of children, and that SRHE is actually a harmful practice, reducing the age of sexual initiation in children, and increasing the risks of sexual-risk behaviours. However, studies show a different view, by demonstrating that where SRHE is properly implemented, children and adolescents engage in fewer sexual risk behaviours, learn more about their bodies and themselves, and start their sexual lives at a later age.

The thesis, then, analysed which international obligations are placed on Romania regarding the provision of comprehensive SRHE to girls. Thus, it was found, that an initial obligation for States is the provision of SRH services and facilities, as mandated by the ICESCR, CEDAW and CRC. This is essential, as ensuring girls' accesses to health care services affects the way they learn about SRH, as well as ensuring girls' access to medical care facilities, can also ensure their access to education conducted by the medical professionals in a private setting. Lastly, a State's approach to SRHR also reflects SRHE curricula and the population's approaches to SRHE, and as such, the former element shall also be studied in detail. When discussing the obligations for States to provide SRHE, those obligations can be mainly found in article 13 from ICESCR, articles 5, 10, 16 from CEDAW and articles 24, 29, and 34 from CRC, as well as the CESCR General Comment 22 on the right to sexual and reproductive health and the Joint General Recommendation 31 and General Comment 18 from CEDAW and CRC Committees on harmful practices. The CEDAW Committee has placed forward a

tripartite structure for analysing States' obligations with regards to education, and, understandably, SRHE, as rights to education, rights within education and rights through education. Rights through education refer to children's right to access education. Such an access can be physical, meaning whether children have educational institutions they can access, especially close to where they live. Furthermore, such access can be financial, creating in turn obligations on States to make primary school free and continuing school affordable. It could also be technical, meaning that States need to provide enough technical assistance and materials in order for education to be conducted and accessible by all kids, especially those requiring online platforms to learn. Lastly, States have to ensure societal access to education, which some children, such as girls, Roma children, and children with disabilities may not have, as they are discriminated against or even segregated. In light of this, State shall instil measures in order to decrease such forms of discrimination and segregation, and any other barriers to education which children may face. Furthermore, States have the obligation to adopt temporary special measures with the aim of increasing participation of girls in schools, and reducing drop-out rates. Specifically looking at SRHE, States have the first and most important obligation of ensuring access to SRHE. International Treaty Bodies go further, by saying that access is not actually guaranteed, until it is guaranteed for everyone. Thus, States shall make such education mandatory and shall not restrict such access by creating any third-party authorization requirements, such as SRHE being conditional on parents' or legal guardians' consent. Lastly, when looking at access to education, States have to ensure a number of general obligations. Firstly, States shall adopt temporary special measures for the equal participation to education of girls, and especially girls with intersectional identity. Furthermore, States have the obligation to collect further data, more disaggregated data by gender, age, disability status, educational level, socioeconomic status, geographical location, socioeconomic status, and more. This is especially important for organizing SRHE policy, as knowing the needs of all students is accounting for the needs of all students. Lastly, States have the obligations of ensuring that they do not take any retrogressive measures with regards to access to education and SRHE.

Furthermore, as previously mentioned, under International Law and norms, girls also have a number of rights within education, meaning rights regarding the format of education, as well as rights which shall be upheld in educational institutions. When discussing States obligations for ensuring girls' rights within education, these mainly refer to the "acceptability" of education. This mean that education shall be adequately organized, funded and supplied (with both materials and educators), and shall be aimed

at creating an environment for the self-determination and self-actualization of girls. Thus, in order to fulfil this, States have the obligation to provide girls with comprehensive SRHE. SRHE shall be provided by trained professionals, shall provide information which is scientifically accurate and up-to-date. Furthermore, it shall provide information which is age-appropriate and which is conducted at all levels of education, especially in a non-discriminatory way. These criteria create the requirement of “quality” education. Furthermore, States shall adopt SRHE policies which fulfil the underlying principles of comprehensive SRHE. These underlying principles are that the education shall be conducted and provided with the best interests of the child in mind, and according to the evolving capacities of the child. In light of the latter, UNESCO and CRC have created various guidelines dividing needs of children by four various age groups. These age groups are 5-8 years old, 9-12 years old, 12-15 years old, and lastly, 15-18 years old. The last underlying principle of comprehensive SRHE is the promotion of gender equality and the absence of harmful practices. Where States do not yet meet this obligation, they need to take numerous policy and administrative-based measures, in their portrayal of SRHE, with the aim of changing societal and cultural norms about gender roles, and sexuality. Harmful views are views and practices, usually deeply rooted in cultures and traditions, which mainly affect girls, by considering them inferior to boys and by promoting actions under these assumptions. Examples of such actions are reducing girls’ access to education, early marriage, forms of gender-based violence and more. As such, SRHE curricula and teaching materials need to put forward that such harmful views are unacceptable and need to attempt to reduce at all educational levels, the discrimination faced by girls. Another aspect of comprehensive SRHE is that such education needs to be taught in multiple formats, both in person, in schools, or online. However, while providing such education online, States need to be mindful of the dangerous materials and platforms which can be found by children. Lastly, with this in mind, States have the obligation to provide adequate budgeting to schools, as well as adequate teaching materials, educators, and administrative support.

At times, girls from various vulnerable groups experience more discrimination than other people. Thus, States have the obligation to take measures in order to ensure the complete realisation of rights for such girls. In order to do so, States have to adopt an intersectional approach. Intersectionality refers to the multitude of characteristics an individual has, which can accumulate and exacerbate the effects and discrimination faced by some individuals. Some examples of intersectional identities are girls with disabilities, girls from the LGBTQI+ Community, Roma girls, migrant and stateless girls, girls who are

in the care of the government for various reasons. In International Treaties, only the CRPD has mentioned that States have a legal obligation to fight against intersectional discrimination in its sixth article. However, the other International Treaty Bodies have mentioned that States have obligations of an intersectional nature in their General Comments and General Recommendations. With regards to education specifically, States shall provide education to all. This means that States both need to ensure that all children have access to education without any discriminatory barriers, and that such education is geared to the needs of all students. As such, States' obligation to adopt intersectionality in education classifies as giving rise to both rights to education and rights within education. Thus, States have specific sets of obligations towards the provision of SRHE to all girls, and their needs. For examples, States need to create the necessary conditions for girls with disabilities to partake in such educational classes on an equal basis with other children. Furthermore, State Parties need to ensure that SRHE curricula do not discriminate against girls from the LGBTQI+ Community. States should also make sure that migrant, internally displaced and stateless girls have access to such quality education, and in the situations where that is not possible, they should ensure that such education can also be found online.

Lastly, States have a number of obligations with regards to the rights rising through education. These are rights which should be achieved based on States' fulfilment of their obligation to provide adequate education. With specific regards to SRHE, the comprehensive SRHE provided in schools and beyond shall help reach the highest standard of sexual and reproductive health and rights. Furthermore, by introducing topics of consent, bodily autonomy, healthy sexuality and relationships, and gender-based and domestic violence, States help reduce rates of violence experienced by girls. This is due to two main reasons, the first one being that such form of education teaches girls how to recognize the early forms of violence and aggression inflicted upon them and escape such violence. Secondly, by fostering healthy relationships and sexuality, comprehensive SRHE leads to adults who understand healthy methods of communication and engaging in relationships.

The third question, the paper has answered is 'what are Romania's current national policies on and judicial approaches to the matter, and which active steps has Romania taken in order to fulfil their

international obligations?'. To begin with, Romania provides for extensive policies of SRH and the provision of medical services for SRH issues, showing the State's willingness to provide assistance on the matter. However, in reality, women face multiple barriers to accessing their SRHR, starting from the bribes some medical professionals expect, to the segregation Roma women face in medical centres. With regards to the provision of education, it is laudable that the Romanian Constitution mandates for free education at the primary, secondary and high school level. However, a legislative mandate on education is not enough, when schools lack in essential materials and facilities, and when schools are very sparse in the country. Furthermore, girls face multiple barriers to education in the form of financial barriers. Although in theory, education is free in Romania, informal "taxes" appear in the form of bribes expected by teachers and even parents, showing the prevalence of the practice in the country. Romania struggles with high rates of corruption, which, as shown, affects multiple areas of the government. Furthermore, schools in Romania receive low budgets, in comparison to other countries in Europe, and such allocation of budgets is not always done in a transparent manner, at times due to corruption. Thus, without addressing the underlying corruptive and fraudulent practices, Romania does not fully provide an access without barriers to education for children. However, Romania has engaged in multiple initiatives to increase school attendance in general, and especially to increase the education rates for girls. Thus, Romania does not fulfil completely their obligations to provide girls with access to education. When analysing girls' access to SRHE, Romania has voted in on the 22nd June 2022, a bill amending the current legislation on national education, to now include SRHE classes. This bill comes after 3 years of discussions and amendments. The provision of SRHE is especially important in Romania, as the country holds the second highest rate of teenage pregnancy in Europe. Furthermore, the bill is seen as vital, due to the fact that Romanian culture still puts forward conservative ideas of sexuality, SRHR and women's rights. Thus, it is commendable that the Romanian Government has finally successfully passed such a law. However, as International Treaty Bodies have stated that access to SRHE is not completely offered, until everyone's access to SRHE is ensured, Romania's conditionality for SRHE, based on parents' or legal guardians' consent does not completely fulfil the obligation of providing SRHE. Furthermore, when looking at the general obligations for Romania, Romania has fulfilled the requirements of the first one, by providing for temporary special measures. Regarding, Romania's obligation to provide updated disaggregated data, this is rendered unfulfilled. Lastly, regarding the obligations on retrogressive measures, Romania has instituted multiple retrogressive measures regarding SRHR and SRHE, thus showing an unfulfillment of the final general obligation.

With regards to whether the SRHE provided in Romania is comprehensive, the State has fulfilled some criteria, while neglecting some of their obligations. In comparison to the wide array of topics to be discussed by SRHE curricula recommended by the International Treaty Bodies, Romanian SRHE has two main aims, those being the prevention of STDs and adolescent pregnancies. It is not yet known what these aims will cover specifically, however, they are essential topics to be addressed, especially in light of the national situation. Furthermore, SRHE in Romania will be called “health education”, a title which President Klaus Iohannis has tried to change, by claiming that it restricts children’s rights and creates further stigmatization of SRHR. As to the underlying principles of SRHE, it is not yet clear to what extent SRHE will consider the best interests of the child. However, by looking at the fact that educational policies do not account for such interests often, it can be assumed that the same thing will happen in this situation as well. With regards to the second underlying principle, Romanian SRHE will commence in eighth grade, at the age of 14, and will be conducted on a continuous basis. This could mean that it will be conducted over a number of years, so as to account for the different needs of growing children, which would fulfil Romania’s obligation on the matter. However, according to international law, such education should still start at a younger age. Lastly, when discussing gender equality and harmful practices in SRHE, this obligation is not fulfilled. Although Romanian law states that educational materials should be free from discriminatory views and that teachers shall be trained against such views, this rarely happens in practice. Cultural attitudes are conservative in Romania, oftentimes pushed by the Orthodox Church. Such beliefs are based on stereotypical gendered attitudes, and the perceived role that women should have in society, that of being mothers. It is because of such beliefs that the Church was very vocal about its opposition to the introduction of mandatory SRHE, an opposition which majorly impacted the adoption of the law. However, the Orthodox Church is now seemingly changing their approach to SRHR and its involvement in policies on the matter. On 15th July 2022, representatives of the Church mentioned that no matter how immoral abortion is seen by the religion, a total legislative ban would be just as immoral, and that the Church’s view on the topic should not interfere with the appropriate legislation. This shows a drift from the previous the approach of the Church, possibly leading to a wider cultural change. With regards to the format taken by SRHE, specific information has not yet been provided, leading to the conclusion that Romania’s obligation on the matter has not been fulfilled. However, in Romania, there are numerous online platforms providing comprehensive SRHE to teenagers and beyond. These platforms have been, at times, even supported by the Government, showing that Romanian teens have access to various formats for education. However,

the internet also raises an issue, as Romanian media oftentimes shows and promotes harmful views about girls' SRHR and sexuality. Lastly, when discussing the quality of education, Romania partly fulfils its obligations to provide SRHE taught by trained professionals on the matter. Legislation provides for the possibility of educators being adequately trained on SRHE and gender issues, however this does not happen often. Furthermore, it has been seen that numerous times, teachers even further promote stereotypical harmful views to students. Lastly, when analysing intersectionality in education, it can be stated that Romania has not met its international obligations on the matter. Furthermore, Romania is in the process of adopting the law banning gender education in schools, further creating discrimination of people from the LGBTQI+ Community. One positive aspect is Romania's adoption of positive measures to increase the rates of education for Roma girls. As such, it can be stated, that with regards to Romania's obligations to girls' rights within education, these have not been fulfilled. Romania has taken some laudable steps, and initiatives, however, these often remain not applied correctly in practice. With regards to the State's obligations regarding girls' rights through education, Romania has been criticised for its legislation and judicial approach to sexual violence and rape. Furthermore, Romania's legislation on SRHE does not yet make any mention of discussions of health sexuality, consent, and sexual violence prevention.

Lastly, the thesis has looked at possible recommendations for policies or measures that Romania could implement in order to meet its international obligations. These have been based on recommendations made by the International Treaty Bodies, and other organizations, as well as by the practices of and studies conducted in other States. Such recommendations have been analysed in the cultural and financial context of Romania, by assessing their feasibility. Thus, seeing as the State has failed to fulfil numerous of their obligations due to deeply rooted cultural and national beliefs and issues, the main recommendation is that Romania mandates awareness raising programs to all corners of society and discriminatory views and the harm they bring. Furthermore, it was recommended that Romania adopt stricter laws in the fight against corruption in both the medical and educational field. As to latter, it is also recommended that Romania increases the budget for education and provides for a more transparent allocation of resources in education. With such funding, it is recommended that better facilities are provided in education. Furthermore, further positive action could be taken by the state in order to increase education rates for all girls and reduce drop-out rates. Another vital recommendation is that

SRHE should be made mandatory, as the attendance rate currently is very low. Lastly, Romania should adopt teacher training programs, educational materials and curricula which all offer comprehensive SRHE in an intersectional manner.

To conclude, Romania has fulfilled some of its obligations, while still not attending to others. Romanian legislation on the matter oftentimes provides a good basis for the provision of SRHE and SRHR. However, rarely, are such good principles conducted in practice. This is mainly due to underlying structural and cultural aspects, which Romania needs to address before wishing to fulfil their other obligations. However, as it was seen, some cultural aspects are beginning to slowly change. Thus, while developing the curricula for the newly adopted SRHE, Romania needs to take further action in order to ensure that such education is provided in an adequate manner to all girls.

Primary Sources

Case-Law

1. A.R. and L.R. v Switzerland (2017) ECtHR App no. 22338/15
2. Dojan and Others v German (2011) ECtHR Apps nos. 319/08, 2455/08, 7908/10 et al

Conventions and Treaties

1. Convention on the Elimination of All Forms of Discrimination Against Women (adopted 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW)

2. Convention on the Rights of Persons with Disabilities and its Optional Protocol (adopted 13 December 2006, entered into force 3 May 2008) A/RES/61/106 (CRPD)
3. Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC)
4. European Convention on Human Rights (adopted 4 November 1950; entered into force 3 September 1953) 67075 (ECHR)
5. International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR)
6. International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966; entered into force 3 January 1976) 993 UNTS 3 (ICESCR)
7. Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 20 March 1952, entered into force 18 May 1954) ETS No. 009
8. The Council of Europe Convention on preventing and Combating Violence against Women and Domestic Violence (adopted on 11 May 2011, entered into force 01 August 2014) (Istanbul Convention)
9. Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331 (VCLT)

National Codes and Legislations

1. Constitutia Romaniei (The Romanian Constitution tr) (2019)
2. Lege L87/2020 ‘Propunere legislative pentru modificarea si completarea Legii educatiei nationale nr.1/2011’ (Law L87/2020 ‘Legislative proposal for the modification and completion of the Law on national education n.1/2011’ tr)
3. Lege L87/2020 Propunere legislative pentru modificarea si completarea Legii educatiei nationale nr.1/2011 (Law L87/2020 Legislative proposal for the modification and completion of the Law on national education n.1/2011 tr)
4. Lege Nr. 202/2002 Privind egalitatea de sanse si de tratament între femei si barbati (Law No. 202/2002 Regarding equal opportunity and treatment between women and men tr)
5. Lege Nr. 95/2006 Privind reforma in domeniul sanatatii (Law No. 96/2006 Regarding the reform of the health domain tr)

Academic Literature and Secondary Sources

Articles

1. Baddeley M C, Curtis A, and Wood R, 'An introduction to prior information derived from probabilistic judgements: elicitation of knowledge, cognitive bias and herding' (2004) 238 Geological Society Special Publications 15
2. Boonstra H D, 'Advancing Sexuality Education in Developing Countries: Evidence and Implications' (2011) 14:3 Guttmacher Institute Policy Review 17
3. Campbell M, 'CEDAW and Women's Intersecting Identities: A Pioneering New Approach to Intersectional Discrimination' (2015) 11 DIREITO GV L Rev 479
4. Cinq-Mars C, Wright J, Cyr M & McDuff P, 'Sexual at-Risk Behaviors of Sexually Abused Adolescent Girls' (2003) 12 J Child Sexual Abuse 1
5. Cook R J, 'International Human Rights and Women's Reproductive Health' (1993) 24(2) Studies in Family Planning 73
6. Costin A, 'Parents and Children about Sexual Education' (2021) 26 Technium Soc Sci J 359
7. Crenshaw K, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) Issue 1 Article 8, University of Chicago Legal Forum 139
8. Gallagher R, 'Redefining "CEDAW" to Include LGBT Rights: Incorporating Prohibitions against the Discrimination of Sexual Orientation and Gender Identity' (2020) 29 S Cal Interdisc LJ 637
9. Garcia L, ' "Now Why do you Want to Know about That?": Heteronormativity, Sexism, and Racism in the Sexual (Mis)education of Latina Youth' (2009) 23:4 Sage Journal 520

10. Herman B, 'Sexual Education as a Form of Sexual Assault Prevention: A Survey of Sexual Education among States with the Highest and Lowest Rates of Rape' (2020)
2020 *BYU Educ & LJ* 121
11. Mallett C A, 'Truancy: It's Not About Skipping School' (2016) 33 *Child and Adolescent Social Work Journal* 337
12. Meyer E, 'Designing Women: The Definition of Woman in the Convention on the Elimination of All Forms of Discrimination against Women' (2016) 16 *Chi J Int'l L* 2 553
13. Nash J C, 'Re-Thinking Intersectionality' (2008) 89 *Feminist Review* 1
14. Neghirla A, Claudia Rus I, Martin S, 'A Study About Adolescents Sexual Education' (2015)
Journal of School and University Medicine 2(2) 5
15. Nelson E, 'Autonomy, Equality, and Access to Sexual and Reproductive Health Care' (2017)
54 *Alta L Rev* 707
16. Picken N, 'Sexuality education across the European Union: an overview' (European Commission, 2020)
17. Pies L & Bologna D, 'Romanian Legislation concerning Sexual and Reproductive Health and Rights' (1999) 197
18. Pop C. T., 'Criminal Liability of Physicians for the Offence of Bribe Taking' (2015)
2015 *Conf Int'l Dr* 889
19. Rada C, 'Sexual behaviour and sexual reproductive health education: cross-sectional study in Romania' (2014) 11(48) *Reproductive Health*
20. Rosenblum D, 'Unsex Cedaw, or What's wrong with Women's Rights' (2011)
20 *Colum J Gender & L* 98
21. Ruwanpura K N, 'Multiple identities, multiple-discrimination: A critical Review' (2008) 14
Feminist Economics 77
22. Santiago-Tyler K, 'Comprehensive Sexuality Education Should Be a Public Health Priority' (2020) 16 *J Health & Biomedical L* 173
23. Singh K, 'Sex Education Should be mandatory in Schools' (2020) 2:1 *Law Audience Journal*
24. Smith B, 'Intersectional Discrimination and Substantive Equality: A Comparative and Theoretical Perspective' (2016) 16 *The Equal Rights Review* 73
25. Van der Starre T, 'Prevalence of adolescent pregnancy in Romania' (2017) 4:42-9 *Alban Med J*

26. Wysmulek I, 'Corruption in the public schools of Europe: A cross-national multilevel analysis of education system characteristics' (2022) June 2022 *International Journal of Comparative Sociology*
27. Zampas C and Andión-Ibañez X, 'Conscientious Objection to Sexual and Reproductive Health Services: International Human Rights Standards and European Law and Practice' (2012) 19 *European Journal of Health Law*

Books

1. Arginelli P, *The Interpretation of Multilingual Tax Treaties* (Leiden University Press 2013)
2. Atrey S, *Intersectional Discrimination* (1st edn, OUP 2019)
3. Broderick A, *The Long and Winding Road to Equality and Inclusion for Persons with Disabilities : The United Nations Convention on the Rights of Persons with Disabilities* (Intersentia 2015)
4. Butler J, *Undoing Gender* (2004 Routledge)
5. Coulson A J, *Delivering Education* (2001)
6. Linderfalk U, *On the Interpretation of Treaties: The Modern International Law as Expressed in the 1969 Vienna Convention on the Law of Treaties* (Springer 2007)
7. Lo C-f, *Treaty Interpretation under the Vienna Convention on the Law of Treaties: A New Round of Codification* (Springer, 2017)
8. MacKinnon C A, *Feminism Unmodified: Discourse on Life and Law* [1987] Harvard University Press
9. Mottier V, *Sexuality: A Very Short Introduction* (OUP 2008)
10. Penelope Eckert and Sally McConnell-Ginet, *Language and Gender*, (2nd edn, CUP 2013)
11. Rosenfield A, 'Global Women's Health and Human Rights' in Padmini Murthy, Clyde Lanford Smith (eds), *Women's Global Health and Human Rights* (Murthy Smith, 2010)
12. Shah C Q, *Sex ed, segregated: The quest for sexual knowledge in Progressive-era America* (University of Rochester Press 2015)

Contributions to edited Books

1. Chrisler J C, Ussher J M and Perz J, 'Introduction' in Jane M Ussher, Joan C. Chrisler and Janette Perz (eds), *Routledge International Handbook of Women's Sexual and Reproductive Health* (Routledge 1st edn, 2020)
2. Dempsey R A, Meier B M, 'Going negative: How Reproductive Rights Discourse Has Been Altered from a Positive to a Negative Rights Framework in Support of "Women's Rights"' in Padmini Murthy, Clyde Lanford Smith (eds), *Women's Global Health and Human Rights* (Murthy Smith, 2010)
3. Hausleitner M, 'Women in Romania: Before and After the Collapse' in Nanette Funk and Magda Mueller (eds), *Gender Politics and Post-Communism: Reflections from Eastern Europe and the Former Soviet Union* (ebook edn, Routledge, 2018)
4. Mukherjee J S, Bertrand Farmer D, Farmer P E, 'The AIDS Pandemic and Women's Rights' in Padmini Murthy, Clyde Lanford Smith (eds), *Women's Global Health and Human Rights* (Murthy Smith, 2010)
5. Schurr C and Militz E, 'Reproductive rights' in Audrey Kobayashi (ed), *International Encyclopedia of Human geography* (Elsevier 2nd edn 2020)

Declarations, Statements and Strategies

1. UN OHCHR, 'End of Mission Statement of the Working Group on discrimination against women and girls Official visit to Romania 24 February – 6 March 2020' (OHCHR, 9 March 2020) <https://www.ohchr.org/en/statements/2020/03/end-mission-statement-working-group-discrimination-against-women-and-girls#_ftn1> accessed 29 June 2022
2. UN OHCHR, 'Romania: Government must take further measures to ensure equality for women and girls – UN experts' (OHCHR, 6 March 2020) <<https://www.ohchr.org/en/press-releases/2020/03/romania-government-must-take-further-measures-ensure-equality-women-and>> accessed 29 June 2022
3. UNFPA, 'Programme of Action of the International Conference on Population and Development' (1994) (20th Anniversary edn 2014)

General Comments/General Recommendations of the Human Rights Treaty Bodies

1. CEDAW Committee ‘General Recommendation No.18: Disabled Women’ (1991) A/46/38
2. UN CEDAW Committee ‘General Recommendation No. 36 on the Right of Girls and Women to Education’ (2017), CEDAW/C/GC/36
3. UN CEDAW Committee, ‘General Recommendation No. 16: Unpaid women workers in rural and urban family enterprises’ (1991)
4. UN CEDAW Committee, ‘General Recommendation No. 19: Violence against women’ (1992) A/47/38
5. UN CEDAW Committee, ‘General Recommendation No. 24: Article 12 of the Convention (women and health)’ (1999)
6. UN CEDAW Committee, ‘General Recommendation No. 5: Temporary Special Measures’ (1988)
7. UN CEDAW Committee, ‘General Recommendation No. 9: Statistical data concerning the situation of women’ (1989)
8. UN CEDAW Committee, ‘General Recommendation on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution)’ (2013) CEDAW/C/GC/29
9. UN CEDAW Committee, CRC Committee, ‘Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on harmful practices’ (2014), CEDAW/C/GC/31-CRC/C/GC/18
10. UN CESCR ‘General Comment No.22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)’ (2016) E/C.12/GC/22
11. UN CESCR, ‘General Comment No. 13: The Right to Education (Art. 13)’ (1999) E/C.12/1999/10
12. UN CRC Committee, ‘General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence’ (2016) CRC/C/GC/20
13. UN CRC Committee, ‘General Comment No. 25 (2021) on children’s rights in relation to the digital environment’ (2021) CRC/C/GC/25
14. UN CRC Committee, ‘General Comment No. 7 (2005): Implementing child rights in early childhood’ (2005) CRC/C/GC/7/Rev.1

15. UN Human Rights Committee, 'General Comment No. 37 (2020) on the right of peaceful assembly (article 21)' (2020) CCPR/C/GC/37

Miscellaneous Sources

1. AFP News Agency, 'Pregnant at 15, the teenage mothers of Romania' (4 May 2016, 01:11 – 01:17) <<https://www.youtube.com/watch?v=teBNAYboPI>> accessed 07 June 2022
2. Steinmetz K, Interview with Kimberlé Crenshaw, Professor of Law at UCLA and Columbia School of Law and Civil Rights Activist, "She Coined the Term 'Intersectionality' Over 30 Years Ago. Here's What It Means to Her Today" (New York, 20 February 2020)
3. Stirile PRO TV, 'Romania sta mai prost la educatie sexuala ca Botswana. Suntem, insa campionii UE la mame minore' ('Romania ranks worse in sexual education than Botswana, We are, however, champions in the EU at the number of minor mothers' tr) (Stirile PRO TV, 28 September 2020)
4. UNCHR 'Report of the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and children' (2020) OL ROU 3/2020

Reports and Policy Briefs

1. Anedda L and others, 'Sexual and reproductive health rights and the implication of conscientious objection' (European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs 2018)
2. Federal Centre for Health Education (BZgA), WHO, 'Sexuality Education: Policy Brief No.1' (2016) 60596012

3. Gordon P, 'Sexuality Education and the Prevention of Sexual Assault' (2011) 13 PROTECTING CHILDREN FROM SEXUAL VIOLENCE-A COMPREHENSIVE APPROACH 175
4. Khanna P, Kimmel Z, Karkara R, 'Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for Youth' (UN Women, 2016)
5. Nanu I and others, 'Adolescent Pregnancy in Romania' (UNICEF – SAMAS, 2021)
6. See Asociație Femeilor din România (Women's Association in Romania tr), 'Making a Difference to Women Activism: Celebrating 20 years – IWRAW Asia Pacific, CEDAW 67th Session – Report on discrimination and violence in the context of intolerance on the full enjoyment of all human rights by women and girls in Romania' (2017)
7. Seidu A A and others, 'Sexual and reproductive health education and its association with every use of contraception: a cross-sectional study among women in urban slums, Accra' (2022) 19(1):7 Reproductive Health
8. UN GA, 'Report of the United Nations Special Rapporteur on the right to education' (2010) A/65/162
9. UNESCO, 'International Technical Guidance on Sexuality Education – an evidence – informed approach for schools, teachers and health educators' (2009)
10. UNESCO, 'International technical guidance on sexuality education: An evidence-informed approach' (2018, 2nd edn)
11. WHO, 'Sexual health, human rights and the law' (2015) WQ 200

State Reporting to and Concluding Observations of the Human Rights Treaty Bodies

1. See UN CEDAW Committee, 'Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure: Seventh and eighth periodic reports of States parties due in 2017 - Romania' (2017) CEDAW/C/ROU/7-8
2. UN CEDAW Committee, 'List of issues and questions prior to the submission of the combined seventh and eighth periodic reports of Romania' (2016) CEDAW/C/ROU/QPR/7-8
3. UN CESCR, 'Concluding observations on the combined third to fifth periodic reports of Romania' (2014), E/C.12/ROU/CO/3-5

4. UN CRC Committee, 'Concluding observations on the fifth periodic report of Romania' (2017) CRC/C/ROU/CO/5
5. UN CRC Committee, 'List of issues in relation to the fifth periodic report of Romania' (2016) CRC/C/ROU/Q/5

Websites

1. Apolitical, 'International Experts love Sweden's sex-ed. 96% of students don't' (Apolitical, 20 September 2018) <<https://apolitical.co/solution-articles/en/international-experts-love-swedens-sex-ed-96-of-students-dont>> accessed 22 June 2022
2. Badham V, 'That's patriarchy: how female sexual liberation led to male sexual entitlement' (Guardian, 02 February 2018) <<https://www.theguardian.com/commentisfree/2018/feb/02/thats-patriarchy-how-female-sexual-liberation-led-to-male-sexual-entitlement>> accessed 10 July 2022
3. Barley K and others, 'Request to reject bill L87/2020, "*Legislative proposal to modify and complete the Law regarding National Education nr. 1/2011*"' (The European Parliament's LGBTI Intergroup, 24 June 2020) <<http://lgbti-ep.eu/2020/06/24/meps-urge-romanian-president-not-to-promulgate-law-forbidding-discussions-on-gender-and-gender-identity/>> accessed 10 June 2022
4. Battersby L, 'Too long; didn't read: The good, and bad, news on attention spans' (The Sydney Morning Herald, 10 June 2015) <<https://www.smh.com.au/technology/too-long-didnt-read-the-good-and-bad-news-on-attention-spans-20150609-ghjosp.html>> accessed 13 July 2022
5. Besliu R, 'The tragedy of education in rural Romania' (Open Democracy, 09 June 2014) <<https://www.opendemocracy.net/en/can-europe-make-it/tragedy-of-education-in-rural-romania/>> accessed 09 July 2022
6. Bixby Centre for Global Reproductive Health, 'Bridging the gap between sex education and clinical services' (UCSF, 2021) <<https://bixbycenter.ucsf.edu/news/bridging-gap-between-sex-education-and-clinical-services>> accessed 14 July 2022
7. Britannica, 'Feminism' (2022) <<https://www.britannica.com/topic/feminism>> accessed 24 June 2022

8. Camera Deputatilor, 'Lista deputatilor in ordinea varstei' (The Chamber of Deputies, 'The List of deputies in the order of their ages' tr)
<<http://www.cdep.ro/pls/parlam/structura2015.de?leg=2020&par=V#>> accessed 10 July 2022
9. Campbell M, 'Is there a human right to sex education?' (University of Birmingham, 20 August 2020) <<https://www.birmingham.ac.uk/news/2020/is-there-a-human-right-to-sex-education>> accessed 24 June 2022
10. Centers for Disease Control and Prevention, 'Sexual Health Education' (CDC's Division of Adolescent and School Health, 2022) <<https://www.cdc.gov/healthyyouth/whatworks/what-works-sexual-health-education.htm>> accessed 18 June 2022
11. Dumitrescu R, 'RO Orthodox Church not "irrationally and unrealistically" in favor of banning abortion, spokesman says' (Romania Insider, 15 July 2022) <<https://www.romania-insider.com/ro-orthodox-church-abortion-jul-2022>> accessed 15 July 2022
12. ECtHR, 'Decision A.R. and L.R v Switzerland – Refusal to exempt primary school pupil from sex education did not breach Convention' (2018) ECHR 021
<<https://www.strasbourgconsortium.org/common/document.view.php?docId=7501>> accessed 29 June 2022
13. ECtHR, 'Romania: Press Country Profile' (2022)
<https://www.echr.coe.int/Documents/CP_Romania_Eng.pdf> accessed 25 June 2022
14. European Commission – Migration and Home Affairs, 'Romania' (2021)
<https://ec.europa.eu/home-affairs/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/romania_en> accessed 04 June 2022
15. Faqs, 'Sex Education' (Faqs, 2021) <<http://www.faqs.org/childhood/Re-So/Sex-Education.html>> accessed 24 June 2022
16. Ferreira L, ' 'Sexual liberation, socialist style': an overlooked women's rights story?' (Open Democracy, 03 October 2018) <<https://www.opendemocracy.net/en/5050/sexual-liberation-socialist-style-overlooked-womens-rights-story/>> accessed 11 July 2022
17. Fodor S, 'Transparency International: Romania still among EU's worst performers in Corruption Perceptions Index' (Romania Insider, 25 January 2022) <<https://www.romania-insider.com/transparency-international-cpi-2021-jan-2022>> accessed 09 July 2022
18. Fondul Global de Lupta Impotriva HIV/SIDA, Tuberculozei si Malariei, 'Societate de Educatie Contraceptiva si Sexuala (SECS)' (The Global Fund for Fighting Against HIV, Tuberculosis

- and Malaria, ‘The Society of Contraceptive and Sexual Education (SECS)’ tr) (RAA, 2021) <<http://raa.ro/oldfg/www.fondulglobal.ro/implementatori/hiv/societatea-de-educatie-contraceptiva-si-sexuala-secs.html>> accessed 09 July 2022
19. Fora A, ‘Mita in scoli. Romania, pe primul loc in UE’ (‘Bribe in schools. Romania, on the first place in the EU’ tr) (Alesd Online, 29 October 2018) <<https://www.alesdonline.ro/nationale/mita-in-scoli-romania-pe-primul-loc-in-ue/>> accessed 09 July 2022
20. Gavrilă B S, ‘I-a oferit un drum spre casă, însă a sechestrat-o în locuința sa și a violat-o. Ororile prin care a trecut o copilă de 16 ani’ (He offered her a ride home, instead he kept her in his home and raped her. The horrors through which a 16 year old child has lived through tr) (Adevarul 21 July 2016) <https://adevarul.ro/locale/bistrita/i-a-oferit-drum-casa-insa-sechestrat-o-inlocuinta-violat-o-ororile-trecut-copila-16-ani-1_5790d0be5ab6550cb8132caf/index.html> accessed 18 June 2022
21. International Bureau of Education, ‘Different teaching methods’ (UNESCO, 2021) <<http://www.ibe.unesco.org/en/geqaf/annexes/technical-notes/different-teaching-methods>> accessed 07 July 2022
22. Ionasc S, ‘Legea educatiei sexuale in scoli a fost votata cu scandal: Nu avem nevoie de masturbarea copiilor’ (Pro-TV, 21 June 2022) (‘The law for sexual education in schools was voted after a scandal: We don’t need children masturbating’ tr) <<https://stirileprotv.ro/amp/stiri/politic/legea-educatiei-sexuale-in-scoli-votata-cu-scandal-nu-avem-nevoie-de-masturbarea-copiilor.html>> accessed 24 June 2022
23. Kline M V, ‘Romania’s Parliament passes controversial bill that changes “sex education” into “sanitary education”’ (Romania Insider, 22 June 2022) <<https://www.romania-insider.com/romania-parliament-passes-sexual-education-bill>> accessed 09 July 2022
24. Lally A, ‘Girls’ Education in Romania’ (The Burgen Project, 2018) <<https://borgenproject.org/girls-education-in-romania/>> accessed 09 July 2022
25. Mijatović D, ‘Comprehensive sexuality education protects children and helps build a safer, inclusive society’ (Council of Europe, Commissioner for Human Rights, 21 July 2020) <<https://www.coe.int/en/web/commissioner/-/comprehensive-sexuality-education-protects-children-and-helps-build-a-safer-inclusive-society>> accessed 29 June 2022
26. Mitrit I, ‘Tot mai multe cazuri de hartuire sexuala in scoli!’ (‘More and more cases of sexual harassment in schools!’ tr) (Ziarul de Investigatii 23 April 2022)

- <<https://zin.ro/23/04/2022/administratie/tot-mai-multe-cazuri-de-hartuire-sexuala-in-scoli/>>
accessed 16 June 2022
27. Nakato R, 'Mental health and sexual and reproductive health; The surprising link' (WeAreRestless 6 April 2021) <<https://wearerestless.org/2021/04/06/link-between-mental-and-sexual-health/>> accessed 20 June 2022
 28. NonGuvernmanetal, '30 de ani de SECS in Romania' ('30 years of SECS in Romania' tr) (ONG, 04 September 2020) <<https://www.nonguvernamental.org/ong/30-de-ani-de-secs-in-romania/>> accessed 09 July 2022
 29. OECD, 'Education in Romania' (2019) <<https://pisabyregion.oecd.org/romania/>> accessed 09 July 2022
 30. OHCHR, 'Ratification Status for Romania' (2022) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=143&Lang=EN> accessed 25 June 2022
 31. OHCHR, 'Reporting Status for Romania' (2022) <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=ROU&Lang=EN> accessed 06 July 2022
 32. Orthodoxian News Agency, 'Romania Bows to Church, Scraps Mandatory Sex Education' (4 June 2020) <<https://www.orthodoxianewsagency.gr/foreignnews/romania-bows-to-church-scraps-mandatory-sex-education/>> accessed 15 July 2022
 33. Pernet J, 'Ground-breaking ruling by European Court of Human Rights on children's right to sexual and emotional literacy' (International Planned Parenthood Federation (IPPF), 2018) <<https://europe.ippf.org/blogs/ground-breaking-ruling-european-court-human-rights-childrens-right-sexual-and-emotional>> accessed 29 June 2022
 34. Pietrosel A, 'Despre educatie sexuala in scolile din Romania' ('About sexual education in schools in Romania' tr) (RFI, 03 November 2021) <<https://www.rfi.ro/emisiunile-rfi-ro-139397-despre-educatia-sexuala-scolile-din-romania>> accessed 10 July 2022
 35. Pirvu L, 'Educatia sexuala va fi predata ca educatie sanitara, din clasa a VIII-a/ Disciplina va fi studziata doar cu acordul scris al parintilor – legea merge la promulgare' ('Sexual education will be provided as sanitary education from the 8th grade / The Discipline will be studied only with the written consent of parents – the law goes towards promulgation' tr) (Hot News, 21 June 2022) <<https://www.hotnews.ro/stiri-politic-25634165-camera-deputatilor-scoli-educatia->

- sexuala-predata-educatie-sanitara-disciplina-studiata-doar-acordul-scris-parintilor.htm/amp>
accessed 10 July 2022
36. Politoscop, 'Sexele si varstele parlamentarilor 2020-2024' ('The sexes and ages of parliamentarians 2020-2024' tr) <https://heinonline-org.mu.idm.oclc.org/HOL/Page?collection=journals&handle=hein.journals/mlv18&id=208&men_tab=srchresults#> accessed 10 July 2022
 37. Popescu A, 'Colegiile de top din Craiova, in cadere libera. "Nu se mai face carte ca pe vremuri"' ('Top highschoools from Craiova are free falling. "The quality of education is not what it once was"' tr) (Adevarul, 24 June 2022) <https://adevarul.ro/locale/craiova/colegiile-top-craiova-cadere-libera-nu-mai-carte-vremuri-1_62b562185163ec4271f18d81/index.amhtml> accessed 13 July 2022
 38. Romania Insider, 'Romanian Orthodox Church opposes compulsory sex education in schools' (28 April 2020) <<https://www.romania-insider.com/bor-sex-education-apr-2020>> accessed 09 July 2022
 39. Ruxanda A, 'Cum vad politicienii introducerea educatiei sexuale in scoli. De la "creiere supersexualizate" la "predarea practicii masturbarii"' ('How do politicians see the introduction of sexual education in school. From "creating supersexualization" to "teaching masturbation practices"' tr) (Ziare, 23 June 2021) <<https://ziare.com/politica/stiri-politice/politicieni-despre-legea-educatiei-sexuale-in-scoli-1686279>> accessed 11 July 2022
 40. Salazar A M, Lipka M, 'On gender issues, many Orthodox Christian countries have conservative views' (Pew Research Centre, 16 May 2017) <<https://www.pewresearch.org/fact-tank/2017/05/16/on-gender-issues-many-in-orthodox-christian-countries-have-conservative-views/>> accessed 13 July 2022
 41. SECS, 'History of SECS' (SECS, 2022) <<https://secs.ro/istoric/>> accessed 01 June 2022
 42. SECS, 'Obiective' ('Objectives' tr) (SECS, 2022) <<https://secs.ro/secs/>> accessed 09 July 2022
 43. SECS, 'Societatea de Educatie Contraceptiva si Sexuala' ('The Society for Contraceptive and Sexual Education' tr) (SECS, 2022) <<https://secs.ro/>> accessed 09 July 2022
 44. Sex Ed for Social Change (SIECUS), 'History of Sex Education' (2013) <https://siecus.org/wp-content/uploads/2021/03/2021-SIECUS-History-of-Sex-Ed_Final.pdf> accessed 24 June 2022
 45. Sexul vs Barza, 'Educatie Sexuala' (Sex vs The Stork, 'Sexual Education' tr) <<http://www.sexulvsbarza.ro/>> accessed 10 July 2022

46. Sexul vs Barza, 'Motive sa ne sustii' (Sex vs The Stork, 'Reasons to support us' tr) <<http://www.sexulvsbarza.ro/sustine/>> accessed 10 July 2022
47. Swift J and Gould H, 'Not an Object: On Sexualization and Exploitation of Women and Girls' (UNICEF, 11 January 2021) <<https://www.unicefusa.org/stories/not-object-sexualization-and-exploitation-women-and-girls/30366>> accessed 22 June 2022
48. Thorpe N, 'Alexandra Macesanu: Romanian girl's calls for help released by family' (BBC 1 August 2019) <<https://www.bbc.com/news/world-europe-49195906>> accessed 18 June 2022
49. UNESCO, 'A better sexual and reproductive health education could save adolescent lives' (UNESCO 2021) <<https://www.un.org/youthenvoy/2017/05/better-sexual-reproductive-health-education-save-adolescent-lives/>> accessed 20 June 2022
50. UNESCO, 'Why comprehensive sexuality education is important' (15 February 2018) <<https://en.unesco.org/news/why-comprehensive-sexuality-education-important>> accessed 13 July 2022
51. UNICEF, 'Protection of children from the harmful impacts of pornography' (2022) <<https://www.unicef.org/harmful-content-online>> accessed 9 June 2022
52. United Nations Populations Fund, 'Comprehensive sexuality education' (UNFPA 13 September 2021) <<https://www.unfpa.org/comprehensive-sexuality-education#readmore-expand>> accessed 22 June 2022
53. Vulcan D, 'Vot cu scandal in Parlamentul Romaniei. Educatia sexuala in scoli, doar cu acordul parintilor' ('Vote with scandal in the Romanian Parliament. Sexual education in schools, with parents' consent' tr) <<https://romania.europalibera.org/amp/legea-educatiei-sexuale/31908279.html>> accessed 10 July 2022
54. Warsaw Institute, 'Problems of Romanian education' (Romania Monitor, 07 October 2018) <<https://warsawinstitute.org/problems-romanian-education/>> accessed 09 July 2022
55. WHO, 'Gender and Health' (2022) <https://www.who.int/health-topics/gender#tab=tab_1> accessed 25 June 2022
56. WHO, 'Sexual and Reproductive Health and Research (SRH)' (2022) <<https://www.who.int/teams/sexual-and-reproductive-health-and-research/key-areas-of-work/sexual-health/defining-sexual-health>> accessed 14 June 2022
57. WHO, 'Sexual and Reproductive Health and Research (SRH)' (2022) <<https://www.who.int/teams/sexual-and-reproductive-health-and-research/key-areas-of-work/sexual-health/defining-sexual-health>> accessed 14 June 2022

58. WHO, “Sexual and Reproductive Health and Rights’ (2022)

<<https://platform.who.int/data/sexual-and-reproductive-health-and-rights/national-policies/srh/policies-laws-establishing-mandatory-comprehensive-sexuality-education-%28cse%29-as-part-of-the-regular-educational-curriculum-are-available>> accessed 18 June 2022