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NEWS REPORT

Country:	Romania
Title:	Draft bill amending the Education Law prohibits covering the face in educational institutions
Date:	24 January 2018
Expert:	Iordache, Romanița
<u>Context</u>	
Issue at stake:	Ban on covering the face in educational institutions without providing for a religious exemption
Ground of discrimination:	Religion/belief, gender
Source:	Legislation – bill PLX 580/2017 on amending the Education Law
Field:	Education
Applicable law:	Education Law 1/2011 and Anti-discrimination Law Governmental Ordinance 137/2000

Content

Law: A draft bill to amend the Romanian Education Law was filed by 26 MPs on 2 December 2017 and received a positive advisory opinion from the Economic and Social Council on 9 January 2018. The bill proposes the following additions to Art. 7 of the Education Law: "(1¹) with the purpose of facilitating identification of persons, in educational units, institutions and all spaces used for education and professional training, it is prohibited the covering of the face with any materials which impede in recognizing the face, with the exception of medical situations. (1²) The infringement of these provisions amounts to a reason for denying access in the perimeter of the educational units, institutions and spaces for education and professional training." The sanction for covering the face is introduced as an amendment to Art. 360(1) of the Education Law as a fine from RON 5000 to 50000 (approx. EUR 1100 to 11000), to be applied by the police.

The bill still needs to be reviewed by the Legislative Council and by the Government before entering the legislative process. The Chamber of Deputies is the first chamber in charge with the assessment. No legislative calendar is listed so far.

The explanatory note supporting the proposed bill does not mention any case of violent incidents generated by persons hiding their faces and fails to mention if there are any pupils or students covering their faces for religious reasons in Romanian educational institutions. The note however mentions violence in schools in general, the risk of terrorism and the need to be pro-active in taking such security measures.

Key points of analysis: While the proposed prohibition of covering the face seems prima facie neutral, the language of the explanatory note clarifies the actual intent of the initiators – the ban of burqa in educational institutions. This is problematic because there

were no reported cases of women wearing burqa who were engaged in any wrong doing in schools or in public in general, nor any incidents of violence involving persons who covered their faces. Instead, the impact of this measure disproportionately affects the Muslim community and sends a signal of stigmatization – Muslim women covering their faces are considered potential terrorists. The sanctions proposed – refusal of allowing access which leads to expelling the pupil or student from the school and the huge fines – are also disproportionate. If indeed, the authorities would be able to show that there is a social need of ensuring identification of pupils and students, this can be done without severely limiting the religious freedom and denying the right to education of students who might want to wear the burqa.

Internet link source: Legislative history of the bill can be followed in Romanian at: http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=16761.