Silenced and Silent
Lesbians in Romania

by Mona Nicoara

L'auteure se penche sur la place des lesbiennes dans la société roumaine actuelle. Des restrictions légales et un manque de soutien communautaire les gardent, pour ainsi dire, dans l'obscurité presque totale.

Public morality and religious beliefs have appeared to be more important to parliamentary factions than human rights standards.

Lesbians are denied their identity in Romania. Surrounded by legal restrictions, oppressed by patriarchal stereotypes and widespread intolerance, obscured by gay men in the public discourse about homosexuality, deprived of an organized community, their existence is acknowledged only too rarely. If the post-communist period has brought about some visibility and attention upon gay men, lesbians have remained silent and silenced.

Romania is one of the few East-European countries that still criminalizes same sex relations between consenting adults in private. Although the penal code of modern Romania has always included provisions criminalizing same sex relations under specific circumstances, it was only as late as 1965 that private homosexual behaviour came to be criminalized irrespective of the circumstances under which it occurred. Currently, Article 200 of the Romanian Penal Code specifies that:

> Same sex relations shall be punished by prison from one to five years. If the deed provided under para.1 is perpetrated upon a minor or upon an individual unable to protect [him/herself] or to express [his/her] will, or by means of force, the punishment shall be prison from two to seven years. If the deed provided in para.2 results in serious physical damage for the victim, the punishment shall be three to ten years in prison; if the deed results in the death or suicide of the victim, the punishment shall be prison from seven to fifteen years. Enticing or luring of a person in the perpetration of the deed provided under para.1 shall be punished by prison from one to five years.

The provisions of Article 200 have been enforced in a number of cases, starting with the 1960s. As of November 1994, official listings of the Ministry of Justice show 56 persons serving terms in prison under this regulation; none of them, however, is a woman.

It was only in 1992, almost three years after the December 1989 Revolution, that the decriminalization of same sex relations became an issue in Romania mainly due to the political pressure imposed by the Council of Europe. Indeed, one of the recommendations made by the Parliamentary Assembly upon Romania's accession to the Council of Europe was that "Romania will shortly change its legislation in such a way that...Article 200 of the Penal Code will no longer consider as a criminal offense homosexual acts in private between consenting adults."[1] However, as of November 1995, a package reform of the Romanian penal system failed to be adopted by the Parliament. Some of the proposed amendments to Article 200 of the Penal Code can hardly be considered a step forward from the current statute: vague language allowing for abusive interpretation has been used to circumscribe the offense, the discriminatory age of consent is maintained,[2] while new limitations upon the rights to freedom of expression and association are proposed in the name of public mores.[3]

Indeed, during the legislative procedure, public morality and religious beliefs have appeared to be more important to parliamentary factions than human rights standards.[4] In a country where religion was banned from the official discourse until very recently, the Christian Orthodox faith, which the wide majority of the voters practice,[5] has during the past five years been used as political tool and served as justification for the failure of the Romanian authorities to decriminalize same sex relations. Moreover, in 1994, a national Christian Orthodox students' organization, supported by the church and other students' unions, started a campaign to collect signatures pressing for a popular legislative initiative to criminalize same sex relations, in case the Parliament would have done otherwise.

The general negative attitude towards lesbians and gay men also stems from the fact that the general public, until recently, has had no access to information on sexuality, generally, and much less on homosexuality. Previous to 1989, sex education was non-existent in Romania. Sexuality was officially viewed only as a means of producing labour force for the country (i.e. the reproductive policy instituted by Nicolae Ceauscscu). Under these circumstances, lesbians themselves had a hard time discovering and developing their identity, much less the general public.

I.B., a lesbian activist and student of journalism, says:

At the time, I did not even know that words such as 'lesbianism' or 'homosexuality' existed. In a closed society like pre-1989 Romania, the issue was more than a taboo: it simply did not exist. But I had been attracted to women from a very early age and was wondering as to what was happening to me. I was lucky enough to get a hold on the black market of a magazine featuring two women making love. I realized then that this was what I wanted, but I knew it was hard to get in a society where you have to pay with your freedom for being attracted to someone of the same sex as you.

"At the time, I did not even know that words such as 'lesbianism' or 'homosexuality' existed. In a closed society like pre-1989 Romania, the issue was more than a taboo."

The absence of information on female homosexuality, however, is most acutely reflected in the representation of lesbians in the Romanian media. As newspapers, radio, and television stations are finding stories about homosexuality more and more saleable, the public is receiving more and more exposure to the issue, bombarded with related negative stereotypes, whether due to bias or ignorance. Indeed, the few educational features on lesbianism show at at best benevolence and no real understanding of the subject. Such educational materials are almost exclusively encountered in the sex education sections of newspapers; most tend to present homosexuality as a mental or genetic affliction, a stance shared by some state authorities, as well.[6] Even of the few media stories dedicated to this subject, many present lesbians as sensational topics, consolidating the negative image the public already seems to have formed. Journalistic ethics are often ignored: for instance, I.B. was "outed" during a television show she had agreed to participate in provided that neither her face nor her name would be disclosed. The producer of the show, however, disregarded this agreement, trading ethics for spectacular effect. Continuing harassment is only one among the many consequences that I.B. is now suffering because of this incident.

There have been few attempts to quantify public attitudes towards lesbians in Romania. The few opinion polls focusing on sexual orientation and the response of the population to homosexuality show equal degrees of intolerance towards lesbians and gay men. A March 1995[7] poll representative only of Romania's capital, Bucharest, which has in past polls appeared to have the highest degree of tolerance towards any minorities, shows that as much as 53 per cent of the interviewed subjects feel that lesbians should not be accepted into society, whereas only 30 per cent are willing to accept them with no reservations. (An additional ten per cent would accept them with some reservations, while seven per cent do not make any kind of appreciation in this respect.) The youth and the more educated layers of the society appear to be most tolerant of lesbians, generally.

Lesbians share these statistical results with gay men, however, the actual perception of a lesbian identity (if any) differs dramatically, in ways that are less quantifiable. For instance, the political and public debate on the criminalization of homosexuality has focused almost entirely on gay men, on "homosexuals." (In Romanian, as in many other languages, "homosexual" is a masculine noun and has come to be almost exclusively associated with gay men, losing its generic meaning.) This male oriented focus is a consequence of the gendered organization of priorities in society, as a whole. Romania is a country where patriarchal values are at the core of social and family structures and men are seen as sole decision-makers, political representation of women being an exotic exception, rather than an accepted rule;[8] domestic violence is not prosecuted, but accepted as a fact of life by families and authorities alike; women's private lives are supposed to be entirely dedicated to family issues, lest they be objectified as products for public consummation. Under these circumstances, it is only natural for homosexuality among men to be more of an issue, as it threatens the gendered order of rule.

Lesbians, on the other hand, have been repeatedly objectified. Indeed, lesbians have been prominent only in pornographic magazines published in Romania, being displayed solely for the benefit of a male viewing audience. The story of M.P. (a lesbian, mother of two, victim of domestic violence and a former prostitute) is relevant along this line: arrested before 1989 for revealing her sexual preferences and refusing to accept propositions made to her by a local male political leader, she took a job as an accountant after 1989, only to find herself fired for having been outspoken about her sexuality and refusing to yield to one of the associates in the company she was working with. She has repeatedly been offered money for having sex with her girlfriend in front of men. Coming out, therefore, is even more of an issue in this environment: the pressure of negative stereotypes is reflected even in milieus that under different circumstances would have been more tolerant towards homosexual women.

The absence of a sense of community also contributed to the lack of visibility of lesbians in Romania. While women's groups and AIDS education organizations that have covertly focused on gay men have left lesbians out altogether, the battle for the decriminalizaiton of same sex relations has been led by independent human rights groups like the Romanian Helsinki Committee or the Independent Society for Human Rights, as well as by reputed international organizations. However, despite efforts to promote lesbian issues, such groups were not

successful in organizing lesbians, even if partial successes have been recorded in the case of the gay community:

> *My experience has been that lesbians are not visible or active, possibly due to fear. Gays are more united and have proven to be able to stand up for their rights better than lesbians so far. During my stay in the Romanian Independent Society for Human Rights I have managed to bring together only a few women; some were feminists, others simply got involved because they had a lot of spare time on their hands. None of them was a lesbian, however, and, despite the fact that we publicized our activity throughout the country, no lesbians contacted our project.* (I.B)

I.B. was "outed" during a TV show she had agreed to participate in provided neither her face nor her name be disclosed. The producer disregarded this agreement, trading ethics for spectacular effect.

A few underground gay and lesbian groups have been known to function for brief periods of time. However, such groups have been forced to remain underground by the current legislation which makes the registration of any such association virtually impossible.

The lesbian cultural scene is no livelier than the organizational history presented above. The only gay and lesbian publication known to date is *Gay '45*, but, apparently due to lack of financial resources and difficulties relating to distribution (few newsstands agreed to carry the magazine), only two issues have been published so far, both in the course of 1993. A gay and lesbian festival with international participation was prevented from taking place by the Romanian authorities in summer of 1994. This, coupled with the fact that there are no safe meeting places for lesbians in Romania, seriously undermines the development of a lesbian community.

Oppressed as women and ostracized as a sexual minority, lesbians remain invisible and silent in Romania. Post-communism has once more proven to be selective when it comes to change and progress.

Mona Nicoara is currently enrolled in a graduate program at Columbia University, New York City. She is also associated with Gender, a Romanian women's studies group, and the Romanian Helsinki Committee for Human Rights.

[1]On the Application by Romania for Membership of the Council of Europe, Op. No. 176, Eur. Parl. Ass., 44th Session, para.7, 1993.

[2]The Penal Code is discriminatory in its specification of ages of consent for heterosexual and homosexual sex (14 and 18 respectively).

[3]One of the amendments proposed by the Romanian Parliament specifies that "same sex relations resulting in a public scandal" are criminalized, thus employing a notion that does not have a fixed definition in the Romanian criminal system and, is consequently open to misinterpretation. Furthermore, the proposed amendment to the last paragraph of Article 200 threatens freedom of expression and association for Romanian homosexuals: "Enticing or luring a person with a view to perpetrate the deeds provided in the above paragraphs, as well as propaganda, association, or any acts of proselytizing carried out to the same effect shall be punished by one to five years in prison."

[4]Article 26 of the Romanian Constitution protects the right to "private, intimate, and family life." Additionally, according to Articles 11 and 20 of the Romanian Constitution international human rights treaties ratified by Romania are part of the domestic law and take precedence over conflicting national legislation. Moreover, in a recent case, the Constitutional Court ruled against the criminalization of same sex relations between consenting adults, in private, and based its decision on the Romanian Constitution and the international human rights instruments Romania is a party to (Decision 81 from July 15, 1994). However, the direct applicability of this decision is still debated among jurists and authorities.

[5]According to the 1992 census, 99.3 per cent of the population declared themselves as religious.

[6]For instance, the position of the Ministry of Interior, quoted in the Report no. XXII/607/1993 of the Legal Affairs Committee of the Senate on the amendments to the Penal Code, is that the decriminalization of same sex relations "jeopardizes public health; those afflicted by this disease are few and there are possibilities to treat them."

[7]The results were kindly provided to the author by the Center for Urban and Regional Sociology in Bucharest.

[8]For instance, the Romanian Parliament has one of the lowest proportion of women representatives—less than four per cent.

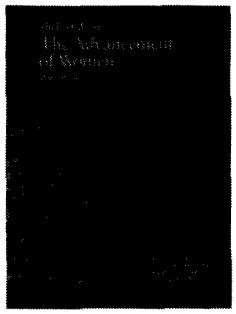
References

I.B. Personal interview. 17 March 1995.
M.P. Personal interview. 19 March 1995.

Expand your library's collection with the most recent publications relating to the just completed 4th World Conference on Women

The United Nations and The Advancement of Women 1945-1995

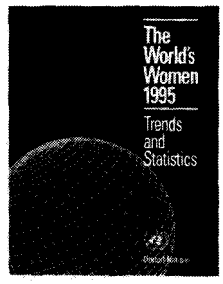
With an introduction by Boutros Boutros-Ghali, Secretary-General of the United



This comprehensive reference work chronicles the ground-breaking efforts of the United Nations in promoting recognition of women's fundamental human rights, codifying those rights in legally binding international agreements and fostering greater understanding of women's central role in peace-building and in economic and social development. The more than 100 conventions, declarations and other key documents reproduced in this volume demonstrate how the Organization's focus has expanded beyond political and family life to include such urgent issues as poverty, violence against women and equal access to education, employment and health care.
This is the sixth volume in the United Nations Blue Books Series.
E.95.I.29 92-1-100567-1 $29.95

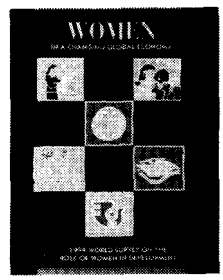
From Nairobi to Beijing

Despite all of the global changes, the advancement of women has recorded far less change than had been envisaged in 1985 when the Nairobi Forward-Looking Strategy was adopted. *From Nairobi to Beijing*, one of three core documents for the Fourth World Conference on Women, assesses the status of women in the light of the goals set forth by the earlier Nairobi Conference.
E.95.IV.5 92-1-130166-1 270pp. $25.00



The World's Women 1995: Trends and Statistics, 2nd Edition

Updated and expanded, this stunning book remains the most complete description to-date of women's conditions and contributions worldwide. Although women's status has improved over the last 20 years, the majority still lag far behind men in power, wealth and opportunity. Using innovative techniques in a form non-specialists can readily understand, this book is a sound blend of fact and interpretation.
E.95.XVII.2 92-1-161372-8
2nd Edition $15.95



Women in A Changing Global Economy: 1994 World Survey on the Role of Women in Development

Using a gender perspective, this Survey, which constitutes an important input to the dialogue about development, analyses three central development issues - poverty, productive employment and economic decision-making. The investigative approach and up-to-date statistics make this readable book - unique.
E.95.IV.1 92-1-130163-7 $29.95

Women: Looking Beyond 2000

The situation of women in many parts of the world has deteriorated since the 1985 adoption of the *Nairobi Forward-looking Strategies for the Advancement of Women.* This new book is published as part of a world-wide educational campaign to increase awareness of the obstacles being encountered by women. Reproductive health, employment, education and violence in the home are among the subjects discussed.
E.95.I.40 92-1-100592-2 180pp. $14.95

Women in Politics and Decision-Making in the Late Twentieth Century

Citing numerous case studies and analysing the similarities and differences between countries, the study examines why there are only a few countries where the influence of women on public policy is comparable with that of men. It also analyses the problem of women not being available for selection or election to public office, and the political, structural, economic and social factors related to participation in decision-making. An extremely readable book.
E.91.IV.3 92-1-130144-0 $30.00

United Nations Publications
Sales and Marketing Section
Room DC2-0853, Dept. 376A
New York, N.Y. 10017
Tel. (800) 253-9646, (212) 963-8302
Fax. (212) 963-3489

Visa, MC and AMEX accepted. Please add 5% of gross ($3.50 minimum) for shipping and handling.

United Nations Publications