



ROMANIA

LGBT+ Business Climate Score

Out Leadership's snapshot of the current state of affairs for LGBT+ people, through the lens of international business.

The business Climate Score rating is out of ten possible points, and is based on ten independently verifiable indicators of the legal, cultural and business context for LGBT+ people.

6.5

0	1	2	3	4	5	6	7	8	9	10
1. Are consensual homosexual acts between adults legal?			1 Yes			6. Is sex reassignment surgery at birth for intersex children prohibited?			0 No	
2. Is marriage or civil unions for same-sex couples available?			0 No relationship recognition			7. Are sexual orientation and gender identity discrimination in employment prohibited?			1 Yes	
3. Is being LGBT+ punishable by death?			1 No			8. Is there a US State Department warning against travel for LGBT+ individuals?			1 No	
4. Are sexual orientation and gender identity discrimination in the provision of goods and services prohibited?			0.5 Discrimination on the basis of sexual orientation is prohibited, but in practice many employees do not seek to enforce their rights due to fear of retaliation			9. Do companies sponsor Pride or other means of promoting LGBT+ visibility?			0.5 Global companies do, but local companies don't	
5. Can transgender people legally change their gender markers?			0.5 Yes, but surgery may be required and it's an administratively difficult process			10. Are there laws prohibiting freedom for assembly or speech for LGBT+ people (i.e. 'Anti-propaganda' laws, media gags, etc)?			1 No	

How to Use This Brief

As a business leader, you have the opportunity to create change for LGBT+ people around the world – both within your organizations and in the countries where you do business. This brief provides valuable information to inform your conversations with:

Internal Staff: Ensure that staff at your company who do business in-country are aware of the laws and other regulations that impact LGBT+ people there, and that they've adopted the appropriate internal policies for their location.

Government Leaders: In your meetings with government leaders, particularly those focused on business expansion or diplomacy, we encourage you to bring up the information shared in this brief in an appropriate way, and help them understand how LGBT+ inclusive policies are part of your company's best practices, and acknowledged as global standards. You are the best person to judge whether you have the ability to have such a conversation with a local leader in an appropriate way. Your Government Affairs officer, Diversity & Inclusion head, or equivalent may be appropriate to include in these conversations.

In-country Business Partners: In conversations with business partners, when appropriate, ask them what they're doing to address LGBT+ inclusion, and help explain why inclusion positively impacts your ability to conduct business there.

Talking Points

"Romania is increasingly viewed as a low-cost alternative for back-offices of other Romance-language countries, such as France, Spain and Italy. Improving Romania's legal protections and equal treatment of LGBT+ individuals would enhance the country's ability to attract and retain foreign direct investment."

"Preemptive conservative religious efforts to amend the constitution to define "family" in a hetero-normative, LGBT+ exclusive way is a huge deterrent to my LGBT+ talent relocating there. Ensuring equal rights for LGBT+ in Romania is much more conducive to global investment of both money and staff."

"Based on conservative estimates that 4-6% of the population identify as LGBT+, there are 780,000 – 1.2 million LGBT+ people in Romania. Enforcing anti-discrimination laws and opposing homophobia will ensure that all Romanians can participate openly and productively in the economy."



Current Legal Status of LGBT+ People

Legal Status of the Lesbian, Gay, and Bisexual Community

Consensual same-sex relations were decriminalized in 2002 as a step toward Romania's goal of joining the European Union. No government efforts were undertaken to engage the public on this step, however, and prevailing cultural views remain generally homophobic.

Same-sex marriage is illegal, and a Pew Research poll from 2017 showed that 74% of Romanians oppose legalizing it. Current law does not allow marriage equality. However, Parliament has approved holding a referendum that would amend the constitution's definition of "family" to describe married couples as one man and one woman rather than as "spouses." Not only would such a constitutional amendment effectively preclude marriage equality from ever passing in Romania, it also could impact negatively the corollary rights of LGBT+ Romanians and their children. There has been talk of combining that referendum with an approval of civil unions.

Although gay people are not barred from serving openly in the military, in practice the right of openly gay military service is rarely – if ever – exercised.

In 2000, Romania enacted broad legislation banning discrimination in employment, housing, and access to goods and services. While plaintiffs have won suits under this law, there is a perception in civil society that anti-LGBT+ discrimination persists due to fear of retaliation.

In June 2018, an EU court ruled that all member nations must offer the same-sex spouses of EU citizens entry and residence even if marriage equality doesn't exist there. The decision was based on a lawsuit filed by a Romanian citizen, Adrian Coman, his American husband Clai Hamilton, and the local LGBT+ group ACCEPT, after Hamilton was denied Romanian residency. Romania's top court upheld the ruling the following month.

Legal Status of the Transgender and Gender-Diverse Communities

It is technically possible for transgender individuals to change their gender on official documents, but the laws are vague and the hurdles can be onerous. Many transgender individuals are required to have gender affirmation surgery to receive a legally recognized gender change, but there are few doctors in Romania willing or able to do the surgery.

Transgender people in Romania who do not carry identification corresponding to their displayed gender often face discrimination in receiving routine services, like banking and healthcare, that require identification.



Current Legal Status of LGBT+ People

Government Statements and Actions

The Social Democratic Party (PSD), the predominant political party in Romania for much of the period since Romania's 1989 revolution, has repeatedly attempted to ban same-sex marriage in Romania and to define "family" in an LGBT+-exclusive way. Local and national officials from the party have made numerous public statements against LGBT+ rights and appear to maintain broad support.

In February 2018, The People's Athenaeum, a public cultural institution in the city of Focșani, refused to hold an event organized by local high school students that featured a transgender speaker on the grounds that a trans person should not be addressing the country's youths.

Socio-cultural Environment of LGBT+ People

Status of LGBT+ Organizing and Community

Bucharest, the capital of Romania, has hosted a gay pride parade since 2005, although some local and national leaders have at various points voiced disapproval. A record 10,000 people marched down the city's main thoroughfare in June 2018. Bucharest's pride parade is sponsored in part by Google and Accenture. Cluj, Romania's second largest city, hosted its first pride parade in 2017, although there were reports of sporadic intimidation against participants by local residents.

There are vocal LGBT+ organizations in the country, including MosaiQ and ACCEPT. The founder of MosaiQ has said that LGBT+ visibility is a crucial strategy they employ toward widening acceptance. LGBT+ events are regularly met with protests organized by rightwing Christian groups.

Cultural Views of the LGBT+ Community

Although Romania, a member state of the European Union, provides broad legal protections for LGBT+ individuals under domestic and European Union law, Romania remains a deeply socially conservative country with strong influence from traditionalist stakeholders, such as the Romanian Orthodox Church.

That church, like the Russian Orthodox Church, is strongly against LGBT+ rights and recognition. In addition, Russian and American religious organizations have provided material support to local religious groups to shape policy. In 2017, the US-based right-wing Christian ministry Liberty Council sent anti-LGBT+ Kentucky clerk Kim Davis on a speaking tour against marriage equality in the country.

In a 2013 survey on discriminatory attitudes, roughly half of Romanian adults said they would not eat dinner with an LGBT+ person.

Anecdotally there is a shift in attitudes toward LGBT+ equality among younger generations. In addition, Bucharest is typically more accepting of the LGBT+ community than other areas of Romania.

Impact of LGBT Discrimination on Business & Talent

1 • NO RISK

2 • LOW RISK

3 • MODERATE RISK

4 • NOTABLE RISK

5 • HIGH RISK

BRAND RISK **NOTABLE**

Romania's pervasive homophobia makes the decision to participate in mainstream marketing there look like an anti-LGBT+ decision to LGBT+ community members and allies.

CLIENT RISK **NOTABLE**

Broad cultural and political homophobia create a moderate to high risk that LGBT+ clients may feel alienated by business conducted in Romania.

TALENT RISK **NOTABLE**

Consensual same-sex relations are legal in Romania, but same-sex marriage is not, and Romanians overwhelmingly oppose it. This may affect recruiting and retention where LGBT+ talent may face discrimination. The recent decision to recognize same-sex partners of EU citizens with spousal benefits can help mitigate the situation in some cases, but it doesn't protect citizens of non-EU nations.

MARKETING RISK **NOTABLE**

While same-sex relations are decriminalized and there are no legal penalties for marketing to LGBT+ individuals, broad cultural stigma against LGBT+ individuals makes marketing more difficult.

Local Leaders Advocating for LGBT Equality

Out Leadership encourages you and your company to engage in safe and cautious discussion with local leaders around LGBT+ equality and to leverage your firm's influence to support their work.

To learn more about how your business can work toward influencing change in Romania for LGBT+ people, we recommend first contacting global organizations including: Human Rights Watch, OutRight Action International, and Amnesty International.

Local organizations working for LGBT+ equality in Romania include:

MosaiQ
Bucharest Pride

Purpose

Multinational companies face operational and reputational risk when they do business in countries where the legal and/or social atmosphere makes it difficult for LGBT+ people to live openly. Discrimination against LGBT+ people creates serious challenges for talent mobility, retention, and development.

Out Leadership's LGBT+ CEO Business Briefs seek to help C-Suite leaders understand and respond to these risks. Secondly, these Briefs seek to inform and empower corporate executives to engage in conversations with trade officials and other local stakeholders about why discrimination against LGBT+ people negatively impacts their ability to do business.



Additional Resources

2016 International Gay and Lesbian Association State Sponsored Homophobia Report

This report contains a country-by-country analysis of anti-LGBT laws and policies around the world.

2016 Human Rights Watch World Report

This report contains a country-by-country analysis of human rights concerns for 2014, and includes specific information pertinent to LGBT issues.

Special Thanks

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