



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

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## **Context Study Romania**

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## DATA TO BE COLLECTED

### DEFICIENCIES, DEVIATIONS AND INCONSISTENCIES IN EU AND MEMBER STATE'S GENDER+ EQUALITY POLICIES

#### 1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

##### 1.1 Gender+ equality legislation

Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit (or equivalent governmental body) name as (gender+) equality legislation. If important legislation seem to have been omitted by the authority, please comment on this.

<u>Legislation</u>	<u>Year</u>	<u>Main provision(s)</u>
Paternal leave	1999	Regulates the five-day leave for fathers to participate in child care
Anti-discrimination Government Emergency Ordinance (now law)	2000	Equal treatment, elimination of all forms of discrimination
Law on equal opportunities between women and men	2002	Regulates measures for promoting equal opportunities between women and men in all spheres of life
Law of the audio-visual	2002	Regulates measures to ensure non-discrimination and equal opportunities and equal treatment for women and men in all audio and visual programs.
Constitution of Romania	2003	Principle of non-discrimination on sex criteria Article 16 guarantees equality of opportunities between women and men in access to public, civil and military positions
Law on Maternity Protection at the Work Place	2003	Regulates all measures to protect maternity at the work place (breastfeeding breaks, leave to attend medical examinations, maternity leave allowances)
Government Decision on the gender balance of experts sent on mission to the European Commission	2004	Sets a quota of 40% of the underrepresented sex in all teams that represent Romania to the European Commission.

Important legislation has been omitted from the list of laws and regulations compiled by the gender equality unit. For example, the Law against Violence in the Family is not listed among gender equality legislations. This is due to the division of institutional responsibilities at governmental level between an Agency for Equal Opportunities between Women and Men (in charge of implementing the gender equality legislation and policies) and an Agency for the Protection of the Family (in charge of implementing the legislation and policies against domestic violence/ violence in the family). The entire legislation regulating parental leave is also missing, including, but not limited to, Law on public pensions and other social insurance rights (2000), and Law for supporting the families to raise children (2007).

##### 1.2 EU Policy and Member State Law: Comparisons and Struggles <sup>1</sup>

**Have there been disputes in your country over significant parts of EU Directives on gender?**  
Are there significant parts of EU Directives on gender equality that have not been implemented into national law? If some aspects are not transposed, what are they? Have there been disputes (1995-

<sup>1</sup> Directives: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/legalacts\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/legalacts_en.html).

ECJ cases: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/case\\_law\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/case_law_en.html); More info on transposition: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/policy/aneval/legnet\\_en.htm#comp](http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#comp).

2007) between the EU and the country over transposition? Or within the country over this process? Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute (e.g. intervention by Commission, Court of Justice; national court)? What was the outcome?

All these questions are very difficult to answer exactly, because the transposition process is so complex. EU Directives are transposed into member state legislation in very different ways using different procedures and different terminology and legal frames too. The aim is to collect all the information that is available already for your country in the table below, using secondary literature.

**Please fill in one table for each significant issue.**

**Please consider the following examples: include if relevant; omit if not; add any others that are relevant in your country. Examples:** equal pay & equal treatment; sexual harassment & discrimination; equality bodies; civil society involvement; parental leave and the organisation of working time (example provided).<sup>2</sup>

According to the Regular Reports on Romania’s Progress towards EU accession, which have been issued each year between 1998 and 2006<sup>3</sup>, Romania has transposed all Directives below.

**1.2.1 EU Directives to Consider**  
**1 Equal pay/equal treatment**

- **Equal pay & equal treatment in employment (1970/1976)** Transposed; Legislation transposing Directive:
  - Anti-discrimination Law (2002) – The Governmental Ordinance was adopted in 2000 (137/ 2000)
  - Government Ordinance no. 55/ 2006 for amending the Labour Code
- **equal treatment irrespective of racial or ethnic origin (Directive 2000/43/EC)** Transposed; Legislation transposing Directive: Anti-discrimination Law (2002)
- **equal treatment on grounds of religion or belief, disability, age or sexual orientation Directive 2000/78/EC)** Transposed; Legislation transposing Directive: Anti-discrimination Law (2002)
- **employers to systematically take equal treatment measures (Equal Treatment 2002 transposed by October 2005)**
- **equal treatment between men and women extended to goods and services (The Gender Directive - Goods and Services, 2004, to be transposed by Dec 2007)** Transposed. Legislation transposing Directive: Law on Equal Opportunities between Women and Men (2002)
- **requirement for gender mainstreaming extended to Goods & Services (2006 Recast Directive, to be transposed by 2009)**

Issue	Equal pay/ equal treatment
<b>Has law been passed or changed prior to the Directive</b>	The 1965 Constitution of the Socialist Republic of Romania stated: Art. 18: “For equal work, pay must be equal.” The 1965 Constitution was abolished in 1991, but the clause on equal pay for equal work for women and men was kept in the new Constitution.

<sup>2</sup> Other gender+ equality related directives you might want to consider include: Directive 75/117/EEC on the principle of equal pay for men and women; Directive 79/7/EEC on the principle of equal treatment for men and women in social security; Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes; Directive 86/613/EEC on equal treatment between self employed men and women; Directive 92/85/EEC on the safety and health at work of pregnant workers and workers; Directive 97/80/EC on the burden of proof in cases of discrimination based on sex; Directive 2000/78 on equal treatment in employment and occupation.

<sup>3</sup> Two reports were issued in 2006. Regular Reports on Romania’s Progress towards EU Accession are available at: [http://ec.europa.eu/enlargement/archives/romania/key\\_documents\\_en.htm](http://ec.europa.eu/enlargement/archives/romania/key_documents_en.htm)

<b>Legislation transposing Directive 2000/43/EC and Directive 2000/78/EC</b>	Governmental Ordinance 137/ 2000 for preventing and sanctioning all forms of discrimination Anti-discrimination Law no. 48/ 2002 The following laws have introduced amendments to Governmental Ordinance 137/ 2000: Governmental Ordinance 77/ 2003; Law no. 27/2004; Law no. 324/2006. Law on Equal Opportunities and Treatment for Women and Men 202/ 2002
<b>Does the country claim to have transposed Directive 2000/43/EC and Directive 2000/78/EC?</b>	YES. For example, a 2004 study commissioned by the European Institute in Romania on “the harmonization of the Romanian legislation with the <i>aquis communautaire</i> ” claimed that in the field of “equal treatment of women and men” (under the chapter “Social Policy and Employment”), Romania had transposed the EU <i>aquis</i> 100%. The study is available at: <a href="http://www.infoeuropa.ro/ieweb/imgupload/studiul1.pdf">http://www.infoeuropa.ro/ieweb/imgupload/studiul1.pdf</a>
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	Provisions on “social advantages”. <sup>4</sup>
<b>Important differences between law and Directive now?</b>	-
<b>What is claimed to be better in law and since when?</b>	-
<b>Content of dispute(s) + date</b>	Sexual orientation discrimination (2000)
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	Sexual orientation
<b>Parties to the dispute</b>	Numerous institutions, organisations of civil society, as well as international inter-governmental organisations, and international NGOs were part to disputes related to sexual orientation discrimination in Romania. Among the more significant were: ACCEPT Romania International NGOs, such as Human Rights Watch Christian-Orthodox associations Patriarch of the Romanian Orthodox Church Council of Europe Amnesty International European Commission (through the monitoring procedure in view of the EU Accession) US Embassy, as part of Department of State’s monitoring of Romania’s compliance with human rights norms
<b>Location or arena</b>	Parliament, Presidency, media, European Commission (DG Enlargement), European Delegation to Romania

<sup>4</sup> Aileen McColgan, Jan Niessen, Fiona Palmer. Comparative analysis on national measures to combat discrimination outside employment and occupation. Available at:  
[http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/pubst/stud/mapstrand1\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/mapstrand1_en.pdf)

<b>Outcome of the dispute</b>	Sexual orientation discrimination was prohibited in Romania in 2000, but provisions criminalising same-sex relations were abolished in 2001.
<b>Civil society engagement</b>	ACCEPT Romania – lobbies for legal provisions against sexual orientation discrimination, and equal treatment provisions in general International NGOs, such as Human Rights Watch - lobby for legal provisions against sexual orientation discrimination, and equal treatment provisions in general Christian-Orthodox associations – lobby against legal provisions against sexual orientation discrimination Patriarch of the Romanian Orthodox Church - lobbies against legal provisions against sexual orientation discrimination Amnesty International - lobbies for legal provisions against sexual orientation discrimination
<b>Other notes</b>	

## 2 Sexual harassment and discrimination

- strengthening of sexual harassment policy: employers required to prevent sexual harassment (regarded as sex discrimination) (Equal Treatment 2002, transposed by October 2005)  
Transposed; Legislation transposing Directive: Law on Equal Opportunities between Women and Men (202/ 2002)

<b>Issue</b>	<b>Sexual harassment and discrimination</b>
<b>Has law been passed or changed prior to the Directive</b>	No.
<b>Legislation transposing Directive</b>	Law on Equal Opportunities between Women and Men (202/ 2002) (Note that sexual harassment is also sanctioned as a criminal offence, under the Criminal Code, in more severe cases involving sexual assault.)
<b>Does the country claim to have transposed the Directive?</b>	Yes.
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	-
<b>Important differences between law and Directive now?</b>	-
<b>What is claimed to be better in law and since when?</b>	-
<b>Content of dispute(s) + date</b>	Reversal of the burden of proof (2002) Note that there is no litigation yet on sexual harassment in Romania.
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	-

<b>Parties to the dispute</b>	NGOs working for gender equality (such as Centre Partnership for Equality) MPs involved in debating the draft Law on Equal Opportunities between Women and Men Women's organisations from trade unions, such as the Democratic Confederation of Labour Unions
<b>Location or arena</b>	EU Accession process
<b>Outcome of the dispute</b>	Sexual harassment at work is prohibited in Romanian legislation.
<b>Civil society engagement</b>	Centre Partnership for Equality – active involvement in drafting and pushing for the Law on Equal Opportunities between Women and Men Women's organisations from trade unions – active in pushing for regulations against sexual harassment in work relations
<b>Other notes</b>	

### 3 Equality bodies

- governments required to establish equal opportunity body to enforce EU legislation within employment and to promote, analyse, monitor and support equal treatment (Equal Treatment 2002 transposed by October 2005)  
Transposed  
Legislation transposing Directive: Government Ordinance 137/ 2000, which inter alia also established the National Council for Combating Discrimination. (The attributions of the Council were specified first in Government Decision 1194/ 2001.)  
Governmental Ordinance 84/ 2004 on amending Law on Equal Opportunities between Women and Men – The Ordinance established the National Agency on Equal Opportunities between Women and Men
- Duty of governmental body to promote, analyse, monitor and support equal treatment extended to goods & services (The Gender Directive - G&S - 2004, to be transposed by Dec 2007)  
Transposed.  
Legislation transposing Directive:
  - Governmental Ordinance 84/ 2004 on amending Law on Equal Opportunities between Women and Men – The Ordinance established the National Agency on Equal Opportunities between Women and Men
  - Law on Equal Opportunities between Women and Men republished (2007)

<b>Issue</b>	<b>Equality bodies</b>
<b>Has law been passed or changed prior to the Directive</b>	Yes. Government Ordinance 137/ 2000 established the National Council for Combating Discrimination. The 2003 Regular Report on Romania's Progress towards EU Accession noted Romania was the first among the EU accession and candidate country to have a "functioning equality body". <sup>5</sup>
<b>Legislation transposing Directive</b>	Governmental Ordinance 137/ 2000 for preventing and sanctioning all forms of discrimination. Anti-discrimination Law no. 48/ 2002. The following legislation has introduced amendments to Governmental Ordinance 137/ 2000: Governmental Ordinance 77/ 2003; Law no. 27/2004; Law no. 324/2006. Law on Equal Opportunities between Women and Men republished (2007).

<sup>5</sup> 2003 Regular Report on Romania's Progress towards EU accession, p. 79. The Report is available at: [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2003/rr\\_ro\\_final\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_ro_final_en.pdf)

<b>Does the country claim to have transposed the Directive?</b>	YES
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	-
<b>Important differences between law and Directive now?</b>	-
<b>What is claimed to be better in law and since when?</b>	-
<b>Content of dispute(s) + date</b>	Autonomy of the National Council for Combating Discrimination.
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	Sexual orientation
<b>Parties to the dispute</b>	NCCD Human rights NGOs Gender equality NGOs EU Commission – DG Enlargement (as part of EU Accession process for Romania) EU Delegation to Romania
<b>Location or arena</b>	EU Accession process
<b>Outcome of the dispute</b>	In 2006, the NCCD was transferred from the control of the government to the control of the Parliament.
<b>Civil society engagement</b>	Human rights NGOs, including Roma NGOs, and LGBT NGOs Gender equality NGOs (All these organisations were active in supporting the establishment of equality bodies, and in support of the autonomy of the National Council for Combating Discrimination. They also monitored the activities of the equality bodies.)
<b>Other notes</b>	

#### 4 NGO/civil society dialogue

- governments to encourage dialogue with non-governmental organisations (Equal Treatment 2002 transposed by October 2005) Transposed. Legislation transposing Directive: Law on Equal Opportunities between Women and Men (2002)

<b>Issue</b>	<b>NGO/ civil society dialogue</b>
<b>Has law been passed or changed prior to the Directive</b>	No. Note: I am focusing specifically on dialogue with civil society here (Article 8c of Directive 2002/73/EC), and not on social dialogue (Article 8b), that takes place in frame of the Economic and Social Council, for example.

<b>Legislation transposing Directive</b>	Law on Equal Opportunities between Women and Men 202/ 2002
<b>Does the country claim to have transposed the Directive?</b>	Yes.
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	-
<b>Important differences between law and Directive now?</b>	-
<b>What is claimed to be better in law and since when?</b>	-
<b>Content of dispute(s) + date</b>	After 2000, coalitions of human rights and gender equality NGOs constantly expressed their discontent regarding the way they were consulted by the National Council for Combating Discrimination and, since 2004, the National Agency for Equal Opportunities between Women and Men. The relation between NGOs and the National Council for Combating Discrimination has changed over time, and the fact that this body is now more responsive to civil society is also the result of sustained NGO advocacy.
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	
<b>Parties to the dispute</b>	
<b>Location or arena</b>	
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	Centre for Legal Resources, ACCEPT, Romani Criss, Centre Partnership for Equality, and the Institute for Public Policy were part of a coalition on anti-discrimination. Part of their activities was to monitor the work of the National Council for Combating Discrimination, but also to initiate cooperation with the governmental anti-discrimination body.
<b>Other notes</b>	

## 5 Parental leave

- parents have the right to 3 months individual non-transferable unpaid parental leave (Parental Leave Directive 1996, transposed by 1999) Transposed. Legislation transposing the Directive:
  - Law no. 120/1997 on paid leave to take care of children up to the age of two – repealed
  - Law no. 210/1999 on paternal leave – in effect
  - Law no. 19/ 2000 on the system of public pensions and other social security rights (repealed Law no. 120/ 1997)
  - Law no. 7/ 2007 for supporting families to raise children.



Issue	Parental Leave
<b>Has law been passed or changed prior to the Directive</b>	During state socialism, relatively generous benefits were available for working women. <sup>6</sup> Since most women were working in Romania, this meant that the eligibility was almost universal. However, these benefits were only available for mothers and not for fathers.
<b>Legislation transposing Directive 96/34/EC</b>	Law no. 120/1997 on paid leave to take care of children up to the age of two – repealed. Law no. 210/ 1999 on paternal leave introduced the right of a father to take leave to care for a newborn child – in effect. Law no. 19/ 2000 on the system of public pensions and other social security rights – in effect. Law no. 7/ 2007 for supporting families to raise children – in effect.
<b>Does the country claim to have transposed the Directive?</b>	Yes.
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	-
<b>What is claimed to be better in law and since when?</b>	Parental leave debates in Romania have generally not been framed in relation to the EU Directive. The general regulation of parental leave in Romania comprises the following: <ul style="list-style-type: none"> <li>• Parental leave is paid, and its length is up to two years for the first three children. Starting with the fourth child, parental leave is unpaid and the length is up to three months.</li> <li>• Women are entitled to maternity leave for the duration of 126 days; 63 days prior to birth and 63 days following the birth of the child. Maternity leave is paid. Amount of pay has varied over time.</li> <li>• After the expiration of maternity leave, either parent can be granted paid leave to raise the child until the age of two or, in the case of disabled child, up to the age of three. During the duration of the parental leave, eligible parents receive an allowance called “child raising allowance” (<i>indemnizatia pentru cresterea copilului</i>). Amount of pay has varied over time.</li> </ul>
<b>Content of dispute(s) + date</b>	In 2003, a debate took place on the amount of the “child raising allowance” ( <i>indemnizatia pentru cresterea copilului</i> ). By Governmental Decision, the amount became uniform (that meant all beneficiaries were entitled to the same amount).
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	The debates around the child raising allowance have featured disputes around differences in education and income among the potential beneficiaries of the allowance. In 2003, some women’s NGOs argued the uniform allowance was unfair for women with income above average. In 2006, in the context of a wider debate about birth rates in Romania, some demographers, supported by UNFPA argued that the uniform allowance was not stimulating the ‘right kind’ of birth rates. The argument was that mostly low-income and less educated women were taking advantage of the uniform allowance, while the ‘right kind’

<sup>6</sup> The state socialist welfare regimes are discussed for example in: Lynne Haney.2002. *Inventing the Needy: Gender and the Politics of Welfare in Hungary*. Berkeley: University of California Press; Gillian Pascal and Anna Kwak. 2005. *Gender Regimes in Transition in Central and Eastern Europe*. Bristol: Policy Press; information on benefits available to mothers for raising children in Romania is also available in: Gail Kligman. 1998. *The Politics of Duplicity: Controlling Reproduction in Ceausescu’s Romania*. Berkeley: University of California Press.

	of birth rate would be sustained mostly by higher-income, more educated women. <sup>7</sup>
<b>Parties to the dispute</b>	Women's NGOs (such as The Centre Partnership for Equality – <i>Centrul Parteneriat pentru Egalitate</i> ). United Nations Population Fund (UNFPA) Centre for Demographic Research, National Institute for Economic Research of the Romanian Academy
<b>Location or arena</b>	Romanian media Consultations on a Strategy for Population and Development
<b>Outcome of the dispute</b>	Governmental Decision on the uniform allowance for child raising has not been revised.
<b>Civil society engagement</b>	Centre Partnership for Equality
<b>Other notes</b>	It is important perhaps to note that the regulations around parental leave are not construed as part of the gender equality agenda, and they are not framed in the "reconciliation of work and family" language that characterises Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC. See also the list of regulations that the National Agency for Equal Opportunities between Women and Men in Romania places under 'gender equality law' (Section 1.1 above). Note that parental leave regulations are not on that list!

## 6 Organisation of working time

- limited weekly working to 48 hours (Working Time Directive 1993)
- elimination of discrimination against part-time workers and assist the development of opportunities for working part-time (Part-time Work Directive 1997) Transposed. Legislation transposing the Directive: Law no. 53/ 2003 - the Labour Code

### 1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law?

	EU			ROMANIA		
	Provision	Year	Notes	Provision	Year	Notes
<b>Maternity</b>	14 weeks	1996	Pay must not be less than wage during sickness leave.	126 days	2000 2003	Paid. 85% of salary Fixed amount for all eligible parents at 800 RON (around 220 Euros)
<b>Paternity</b>	Optional	1995		5 days	1999	It is possible for fathers to receive an additional 10 days of paid leave, if they undergo a special training in childcare.
<b>Parental</b>	3 months	1996	Unpaid	2 years	1997 2000	Paid. Only for the first three children.
<b>Duty on all public bodies to promote GE</b>	No	2004	Mainstreaming required by 2006	No		
<b>Equalities body (employment)</b>	Yes	2002		Yes	2000	

<sup>7</sup> See, for example: Vasile Ghetau. 2007. *Declinul demografic si viitorul populatiei Romanian* [Demographic decline and the future or population in Romania]. Bucharest: Center for Demographic Research, National Institute for Economic Research of the Romanian Academy.

Equalities body (goods & services)	Yes	2004		Yes	2000	
Equalities body for promotion of GE	Yes	2002		Yes	2004	
Gender pay audits	No		Not specified	No		
Gender Equality plan (employment)	Yes	2002 /2006		Yes	2006/2009	
Requires NGO dialogue	No	2002	Dialogue encouraged	Yes	2002	
Positive action measures	Yes/no	1975	Allowed, not required	Yes / no	2002	Not required.
Other:						
Public bodies to promote racial equality	NO			No		
If there are no sanctions for violating the law, please state this						

#### 1.4 Equality law on intersecting inequalities

- Is discrimination on the grounds of ethnicity/'race' illegal YES
  - When was this law introduced? 2000
  - Is this restricted to employment related issues? NO
  - Does it include the sale and supply of services? YES
  - What disputes if any took place during its introduction?

The anti-discrimination legislation as a whole was highly disputed. One of the contentious issues was sexual orientation discrimination.

With specific reference to discrimination on the grounds of ethnicity, the political project of introducing the anti-discrimination law competed for a short while with the project of introducing a specific law on the rights of national minorities. In 1999, a compromise decision was taken to first proceed with the anti-discrimination legislation and only afterwards start to develop legislation for specific groups.<sup>8</sup> Legislation for "specific groups" was never developed afterwards. Several attempts to introduce a Law on National Minorities failed.

- Is discrimination on the grounds of religion illegal YES
  - when was this law introduced? 2000
  - Is this restricted to employment related issues? NO

<sup>8</sup> Statement from a personal interview with anti-discrimination expert Iustina Ionescu, on April 23, 2007. A note is in order here that the Democratic Alliance of Hungarians in Romania (UDMR) also sponsored various drafts of a Law on National Minorities, which have not yet been successful.

- Does it include the sale and supply of services? YES
- What disputes if any took place present during its introduction? -
- Is discrimination on the grounds of sexual orientation illegal YES
  - when was this law introduced? 2000
  - Is this restricted to employment related issues? NO
  - Does it include the sale and supply of services? YES
  - What disputes if any took place during introduction of these laws?

The introduction of provisions forbidding discrimination on grounds of sexual orientation was the most contentious issue of the anti-discrimination legislation. During the period the anti-discrimination law was introduced, homosexual relations were still criminalised by the Criminal Code. The adoption of the anti-discrimination legislation was going to make those provisions illegal, so the initiators of the anti-discrimination law had to face powerful organised pressure against the adoption of the law and the ensuing amendments to the Penal Code. The Romanian Orthodox Church and various faith-based associations were among the strong groups advocating against the de-criminalisation of homosexual relations. In fact, for about one year, after the Governmental Ordinance 137/ 2000 was adopted, completely opposing regulations coexisted in the Romania legislation. On one hand GO 137/ 2000 adopted in August 2000 prohibited discrimination on the basis of sexual orientation, while at the same time Art. 200 of the Criminal Code punished consensual adult same-sex relations with imprisonment from two to seven years. Art. 200 was repealed only in June 2001.

While provisions against sexual orientation discrimination are in place now, numerous subsequent bills in fact tried to introduce provisions that would discriminate on the basis of sexual orientation - for example, a proposal to modify the Romanian Constitution to specify that "family is based on the freely consented marriage between a man and a woman" (2007), but also a law proposal on assisted human reproduction (2004). More recently (February 2008), a Member of the Romanian Senate declared his intention to sponsor a comprehensive revision of the Family Code (unchanged since 1950) that would introduce civil rights for same-sex couples.

- Is discrimination on the grounds of disability illegal YES
  - when was this law introduced? 2000
  - Is this restricted to employment related issues? NO
  - Does it include the sale and supply of services? YES
  - What disputes if any took place during introduction of these laws?
- Is discrimination on the grounds of age illegal YES
  - when was this law introduced? 2000
  - Is this restricted to employment related issues? NO
  - Does it include the sale and supply of services? YES
  - What disputes if any took place during introduction of these laws?
- Is discrimination on the grounds of marital status illegal? NO
  - when was this law introduced?
  - Is this restricted to employment related issues?
  - Does it include the sale and supply of services?
  - What disputes if any took place during introduction of these laws?
- Are there further legal issues, especially disputed legal issues, concerning the intersection of equalities with gender that are relevant?

## 2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country. (Please include not only if they are called 'national gender equality plans', but also if they are just a sub-section of a larger national development plan.) The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State.

## 2.1 National gender equality plans

2.1.1 Is there a national gender equality plan? Or a gender equality component of a national development plan.

- o If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?).

The current gender equality strategy and plan of action was approved by the Government in 2006. (Government Decision no. 319 from March 8, 2006 on the approval of the National Strategy for equal opportunities and treatment of women and men for the period 2006-2009 and the General Plan of Action for implementing the National Strategy of Equal Opportunities between Women and Men for the period 2006-2009).

The National Strategy for Equal Opportunities and Treatment of Women and Men provides a comprehensive overview of areas of intervention to promote gender equality: equal access for women and men to the labour market; equal opportunities in access to education; equal opportunities in access to jobs; equal opportunities for creating a family; equal opportunities for participating in public decision making; equal opportunities for participating in political decision making; equal opportunities between women and men in culture; equal opportunities between women and men in mass media.

The National Strategy also provides measures for enabling "reconciliation of work and family life". Although men are named as beneficiaries of such measures, the most significant target group is that of working mothers. The National Strategy for gender equality also incorporates the fight against gender based violence. The specific goals of the Strategy in this area are: preventing and combating trafficking in women and preventing sexual harassment. (Note that domestic violence is not addressed specifically, as the area is covered by a different policy.)

The National Strategy for gender equality espouses a mix of visions. The definition of equal opportunities centres on sexual difference. According to the Strategy, equal opportunities means "attention to the different capacities, needs and aspirations of men and women, and the equal treatment thereof". At the same time, the main strategy proposed is gender mainstreaming, which rests on a vision of transformation. Finally, the most concrete measures aim to implement the principle of non-discrimination, which is linked to a vision of equality as sameness.

The National Strategy makes reference to the specific position of certain groups of women: women from rural areas, Roma women, elderly women and women who lack education.

- o Is the focus restricted to non-discrimination?

NO. The National Strategy declares "gender mainstreaming" as one of its main objectives.

- o Is there reference to gender mainstreaming?

YES. Extensive reference. Gender mainstreaming is one of the objectives of the Strategy. Several governmental bodies, including the National Agency for Equal Opportunities between Women and Men, are named as responsible for elaborating indicators to enable gender mainstreaming in public policies. The Strategy also specifies that gender mainstreaming should be applied in the following areas: media and culture, programs to combat marginalisation, and programs for social protection of families.

- o Are there named policy instruments and/ institutions, if so what?

The Strategy and Plan of Action for Equal Opportunities between Women and Men specify the following policy measures and responsible institutions:

Policy measures	Responsible institutions
Special measures to ensure equal access to the labour market for women, such as: professional and job training for women, life-long learning.	Institutions responsible for these measures are: National Agency for Equal Opportunities between Women and Men, National Council for Adult Learning, National Agency for Employment. Ministry of Labour, Social Solidarity and the Family. According to the Strategy, the National Agency for Equal Opportunities should also promote flexible working time.

Special measures to ensure more balanced gender participation in decision-making and politics: training for women for decision making positions, train women for politics, train women for entrepreneurship, sensitising campaigns for women in rural areas.	
Intervention through knowledge and education to change sexist attitudes, change sexist behaviour, change sexist life styles, change sexist institutions.	The Ministry of Education should overview initiatives to change the school curricula to introduce education for gender equality, and to change sexist models in textbooks.
Development of gender statistics.	Responsible institution: National Institute for Statistics.
Education for men to assume responsibilities for child-care, as well as care of ailing elders.	The National Agency for Equal Opportunities between Women and Men and the Ministry of Labour, Social Solidarity and the Family should encourage fathers to take parental leave. The Ministry of Education and Research and the National Agency for Equal Opportunities between Women and Men should promote fathers' involvement in children's education.
Measures to prevent trafficking in women, assistance for victims of trafficking, protection for victims of trafficking, action to disband trafficking networks.	Responsible institutions: Ministry of Education and Research, National Agency for Equal Opportunities between Women and Men, Ministry of Administration and Interior.
Gender mainstreaming generally, and in the specific areas of programs for social protection of families, programs to combat marginalisation, and media and culture.	Responsible institutions: National Agency for Equal Opportunities between Women and Men, Ministries that have the right to initiate legislation, public institutions that have the right to initiate legislation, and the National Institute for Statistics.
Gender training for policy makers.	
Gender training for teachers and professors.	

o Are there indicators and statistics to evaluate the policies?

The National Strategy or the Plan of Action for gender equality do not introduce specific indicators, but the Strategy sets as objectives to create benchmarks on gender equality, to develop indicators that enable gender mainstreaming of public policies, as well as to develop gender statistics.

- o Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)

YES. Need to reach Lisbon target of 60% female employment.

2.1.2 Is gender equality integrated with other equalities in a national plan?

If yes please name and describe very briefly the range of issues that it covers, in particular, how far beyond employment does it go? Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)? If so, please specify.

*Equal opportunities for women and men in policies for economic and social development:*

*National Development Plan 2004-2006* affirmed the principle of equal opportunities between women and men as a horizontal objective. However, the *National Development Plan 2004-2006* identified the need for action to redress gender inequalities only in the area of employment.

The principle of equal opportunities between women and men is mainstreamed in the *National Development Plan 2007-2013*, with consideration given to the application of the principle under each national development priority. The national development priorities are:

- 1) Increasing economic competitiveness and development of the knowledge-based economy.
- 2) Development and modernisation of the transportation infrastructure.
- 3) Protection of environment and improvement of the quality of environment.
- 4) Developing human resources, promoting employment and social inclusion, and strengthening administrative capacity.
- 5) Development of the rural economy and increasing agricultural productivity.
- 6) Diminishing development gaps among regions of the country.

The *National Strategic Reference Framework (May 2007)* endorses the horizontal goal of equal opportunities between women and men, emphasises the role of the National Agency for Equal Opportunities between Women and Men, and specifically outlines two areas of intervention in the field of equal opportunities between men and women on the labour market: women's unemployment and the gender pay gap. Furthermore, "equal opportunities" is affirmed as a horizontal principle in *all seven Operational Programs for 2007-2013* (OP for Increasing Economic Competitiveness, OP Transport, OP Environment, OP Regional, OP Human Resources, OP Capacity Building for Administration, and OP Technical Assistance) and compliance with the principle is required at all stages of programming and implementing the Programs.

*Equal opportunities for women and men in employment policies:*

The *National Strategy for Employment 2004-2010* mentions gender equality as a strategic objective and area of action. A special, brief section in the strategy outlines the objectives of the policies for equal opportunities between women and men in employment and defines timelines for implementing these objectives. The general goal of policies for gender equality in employment, as defined by the Strategy is: "to combat inequalities of treatment on the labour market between women and men employees that are perpetuated by the mentalities and behaviour of employers and representatives of public administration".

The National Strategy for Employment is further specified in yearly National Action Plans for Employment. The *National Action Plan for Employment 2006* termed equal opportunities for women and men a "horizontal initiative". The Plan emphasised a commitment to women's entrepreneurship from the institutions responsible for implementing the employment strategy and the strategy for equal opportunities between women and men. Particularly, the Plan quoted the example of the Multiyear National Program for developing women's entrepreneurial culture, 2005-2008. The latter program was (and still is) financed by the state budget and has repeatedly been assessed as a success story by national and international evaluators.

*Equal opportunities for women and men in policies for social inclusion:*

In 2003, all accession countries, including Romania and Bulgaria, concluded the Individual Joint Inclusion Memoranda with the EU and prepared their National Action Plans for Inclusion.

The *Romanian Joint Inclusion Memorandum*, which was signed with the EU in 2006, contains a section on "Gender differences and policies for equal opportunities between women and men in social inclusion". The Joint Inclusion Memorandum, in that section, reviewed the potential areas of gender inequalities in Romania and concluded that there were reasons for concern with respect to women's participation in the labour market; the sharing between men and women of domestic work and responsibilities, including childcare; the access of Roma women to healthcare; the poverty of single parent families (mostly headed by women); and trafficking in women.

The Joint Inclusion Memorandum also stated that "the main objective of current policies [was] to promote women's participation on the labour market".

2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence. YES. Not a comprehensive plan, but two plans: one on violence in the family and one against trafficking.

a) If yes please name the plan. *National Strategy for preventing and combating violence in the family (July 2005, Government)*

Does it cover:

- o Domestic violence and violence in partnerships YES
- o Sexual assault/violence and rape NO
- o Sexual harassment and stalking NO
- o Trafficking and prostitution NO
- o Forced marriage, honour crimes and FGM NO

Does the plan include:

- o named policy instruments and/or institutions, if so what;

The main actions outlined by the Strategy and the Plan of Action for preventing and combating violence in the family are: (1) the creation of a system of social services for preventing and combating violence in the family at the local level, which includes shelters for victims of violence in the family; rehabilitation centres for victims of violence in the family; barterers' centres. (2) generating community response to violence in the family, by increasing the sense of responsibility for violence in the family at the level of a large network of actors, including NGOs, social partners, faith-based organisations, community organisations etc. It is planned that the functioning of the social services for preventing and combating violence in the family will be supported by educational activities that will provide the necessary professional training for specialised personnel working on violence in the family (family assistants) and for other professionals that are likely to encounter victims of violence in the family in their activities, particularly medical personnel and the police.

- o indicators and statistics to evaluate the policies, if so which?

NO.

b) If yes please name the plan. *National Strategy against Trafficking in Human Beings for the period 2006-2010 (2005, Government)*

Does it cover:

- o Domestic violence and violence in partnerships: A few references to domestic violence as one of the factors present in family environments that are conducive to trafficking.
- o Sexual assault/violence and rape: One reference to experiences of sexual assault as one of the factors present in family environments that are conducive to trafficking.
- o Sexual harassment and stalking NO
- o Trafficking and prostitution YES
- o Forced marriage, honour crimes and FGM NO

Does the plan include:

- o named policy instruments and/or institutions, if so what;

The policy actions are clustered in four sets of actions: prevention of trafficking, combating trafficking, assistance to victims of trafficking, and monitoring assistance to victims of trafficking. The Strategy names responsible institutions for each set of actions. The following institutions have responsibilities in the prevention of trafficking: Ministry of Administration and Interior (National Agency against Trafficking in Human Beings, National Police Inspectorate, National Institute for Researching and Preventing Criminality), Ministry of Public Health (Authorities for Public Health), Ministry of Education and Research (County School Inspectorates, House of Teaching Personnel, Centres for Information and Documentation), Ministry of Labour, Social Solidarity and Family<sup>9</sup> (General Direction for Social Assistance and Child Protection), National Authority for the Protection of Children's Rights, National Agency for Employment, National Agency for Equal Opportunities between Women and Men, NGOs, and International organisations.

The following institutions have responsibilities in combating trafficking: Ministry of Administration and Interior (General Police Inspectorate of Romania, General Border Police Inspectorate), Public Ministry (Direction for Investigating Organised Crime and Terrorism), Ministry of Justice (National Network of Judges).

The following institutions have responsibilities in providing assistance to victims of trafficking: Ministry of Public Health (Public Health Authorities), Ministry of Education and Research (County School Inspectorates), Ministry of Labour, Family, and Equal Opportunities (National Authority for the Protection of Children Rights, National Agency for Employment, General Direction for Social Assistance and Child Protection), Ministry of Justice (probationary services), Ministry of Foreign Affairs, NGOs and International organisations.

The following institutions have responsibilities in monitoring assistance to victims of trafficking: National Agency against Trafficking in Human Beings, National Authority for the Protection of Children Rights.

- o indicators and statistics to evaluate the policies, if so which?

Reference to difficulties in collecting statistics on the number of victims and their situation and background, because of lack of unified referral system among different institutions that offer

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<sup>9</sup> Now Ministry of Labour, Family, and Equal Opportunities.



assistance to trafficking victims, as well as lack of agreed methodology for establishing that someone is a trafficking victim.

Document indicates that evaluation of policies would be possible only within a minimum of one year after the start of their implementation. Among the indicators that may be used, the Strategy suggests: quantitative indicators, such as evolution of number of trafficked persons during 2006/2007 compared to previous periods, evolution of number of traffickers who have been prosecuted and sentenced, and qualitative indicators, such as degree of societal sensitivity to the phenomenon of trafficking in human beings and decrease in the level of risk as a result of lower vulnerability of target groups.

## **2.2 EU required National Reform Programme (National Action Plan) for Employment**

- Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) include a significant set of actions concerning gender equality? If so, what are these?

Member state reports 2006: [http://ec.europa.eu/growthandjobs/key/nrp2006\\_en.htm](http://ec.europa.eu/growthandjobs/key/nrp2006_en.htm))

The latest National Action Plan for Employment in Romania is dated 2006. The *National Action Plan for Employment 2006* terms equal opportunities for women and men a “horizontal initiative”. The National Action Plan for Employment lists specific actions to achieve gender equality in employment, such as: information campaigns on employment opportunities for women at risk of social marginalisation, information campaigns on measures to protect maternity at the work place, promoting women’s access to professions where they are underrepresented, promoting access to “work from home” for women who cannot leave theirs, encourage programs to develop care social services at the community level, programs for professional re-qualification for women, as well as training programs on entrepreneurial skills and opportunities, also for women.

Gender mainstreaming is also mentioned as a task of the National Agency for Equal Opportunities between Women and Men, which should be carried out with respect to employment policies. (Recently, the National Agency for Employment and the National Agency for Equal Opportunities between Women and Men signed a protocol of cooperation.)

Although the latest National Action Plan for Employment is dated 2006, there is a National Strategy for Employment that covers the period 2004-2010. The National Strategy for Employment 2004-2010 proposes to increase the employment rate for women, increase the participation rate for women in new occupations, implement measures for reconciliation of work and family life, and finally implement ‘women-friendly’ employment policies.

- Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state’s programme? If so, what are these?

EGGSIE 2005 report see:

[http://ec.europa.eu/employment\\_social/gender\\_equality/docs/2006/final\\_nrp\\_synthesis\\_2005\\_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/2006/final_nrp_synthesis_2005_en.pdf)

Currently, Romania has a member in the EU Network of Experts on Gender and Employment and Social Inclusion (she is a sociologist named Elena Zamfir). However, at the time the National Action Plan for Employment 2006 was approved, Romania was not an EU member, and I have not found an official opinion that the expert would have given on the National Action Plan for Employment.

- Did the EU Commission’s response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these?

EC response: [http://ec.europa.eu/growthandjobs/annual-report-1206\\_en.htm](http://ec.europa.eu/growthandjobs/annual-report-1206_en.htm))

The latest National Action Plan for Employment was adopted at a time when Romania was not yet an EU member.

In 2006, Romania was monitored by the European Commission on its fulfilment of accession criteria. The May 2006 Monitoring Report<sup>10</sup> found that harmonisation with the *acquis communautaire* was lagging behind in the field of equal treatment between women and men in social policies and employment. Thus, the report found that Romania had not fully transposed the *acquis* with respect to the equal treatment of women and men in occupational social insurance schemes. In addition, the Report also found that several inadequacies had to be corrected in order to ensure the full transposition of EU Directives on equal pay, equal treatment in hiring, parental leave and maternity protection.

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<sup>10</sup> The full text of the Report, in Romanian is available at:  
[http://www.mie.ro/\\_documente/dialog\\_Ro\\_UE/2006/raport\\_monitorizare\\_mai2006.pdf](http://www.mie.ro/_documente/dialog_Ro_UE/2006/raport_monitorizare_mai2006.pdf)

The September 2006 Report<sup>11</sup> reiterated some of these observations. In particular, regarding the chapter on “Social policy and employment” of the *acquis*, the EU monitoring report observed: “[L]egal alignment still needs to be completed swiftly in the areas of labour law and equal treatment of women and men. Particular attention needs to be paid to completing transposition in the field of public health, such as communicable diseases, tobacco advertising and blood and tissues. Efforts need to be maintained to achieve full implementation and enforcement of the legislation and to further strengthen the administrative capacity in these areas.” (p. 49)

### **2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion**

- Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these?

Member state reports: [http://ec.europa.eu/employment\\_social/social\\_inclusion/naps\\_en.htm](http://ec.europa.eu/employment_social/social_inclusion/naps_en.htm)

*National Strategic Report Concerning Social Protection and Social Inclusion* (Ministry of Labour, Social Solidarity and Family, 2006) includes some actions to promote gender equality in employment. The overall gender-equality related goal of policies of social inclusion and social protection is to “ensure equal opportunities for women through the development of coordinated measures in the area of social protection and social inclusion” (p. 9). The main specific provisions relate to the reform of the pension system in Romania, as well as to the gender sensitive implementation of policies to improve the situation of Roma. Thus, the document suggests that the standard retirement age should be raised from 57 to 60 years old for women, and from 62 to 65 years old for men, in a gradual approach until 2014. The report also states that policies to improve the situation of the Roma would also “stimulate Roma women’s participation in information and sensitising campaigns for the improvement of access to public services”. There is no reference to gender mainstreaming in the document. There are no provisions on gender-based violence.

- Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these?

EGGSIE Synthesis report (2006)

[http://ec.europa.eu/employment\\_social/publications/2006/ke7606201\\_en.pdf](http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf)

The report does not make specific comments on the effectiveness or otherwise on the national policies to combat social exclusion and promote social protection. The EGGSIE Synthesis report (2006) is an assessment of the current social realities of gender inequalities in the risks of poverty and social exclusion, with a consistent and specific reference to the Roma population.

- Did the EU Commission’s response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these?

EC report: [http://ec.europa.eu/employment\\_social/social\\_inclusion/jrep\\_en.htm](http://ec.europa.eu/employment_social/social_inclusion/jrep_en.htm)

YES. The EU Commission’s response<sup>12</sup> affirmed that policies for social inclusion and social protection would benefit from “greater clarity of references to reconciliation of professional and family life for women, the lack of services in this area, the serious problems that affect certain categories of women (for example: trafficking in women, domestic violence, scarcity and inefficiency of family planning services and others). The same country profile states that within policies to improve the situation of the Roma “special attention should be given to measures targeted at Roma women”. With reference to the reform of the pension system, the EU Commission’s response emphasises that special attention should be given to the situation of women and to those that provide care services in order to ensure that the pension system does not sanction these categories because of their caring roles.

Finally, old women and single parent families (of which women head a majority) should be priority target groups in policies to alleviate poverty.

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<sup>11</sup> The full text of the Report, in English is available at:

[http://ec.europa.eu/enlargement/pdf/key\\_documents/2006/sept/report\\_bg\\_ro\\_2006\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2006/sept/report_bg_ro_2006_en.pdf)

<sup>12</sup> I am using the 2007 Country profile for Romania, part of the Joint Report on Social Protection and Social Inclusion 2007, available at:

[http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/2007/joint\\_report/ro\\_ro.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2007/joint_report/ro_ro.pdf)

## 2.4 EU funding

- o Does the EU provide funding in your country that has / has had a significant gender impact?<sup>13</sup> Structural funds to consider include the European Social Fund<sup>14</sup> and the European Regional Development Funds<sup>15</sup>,

The question of what gender impact the EU provided funding has had in Romania is very difficult to answer. There are no systematic gender impact assessments of the different types of funding that the EU has provided to Romania either through its accession assistance (PHARE) or the much more recent financial assistance through the structural funds (since 2007). One should note here that calls for proposals for the various Operational Programs that guide the allocation of Structural Funds have just been opened in Romania.

There are no systematic studies on the gender impact of PHARE funding. An NGO study on mechanisms of women's empowerment in Europe examined the EU pre-accession aid (PHARE) and found that:

"Despite the legal obligation included in the budget to earmark funds for gender, the implementation of this cannot be tracked because the EU does not adequately use the OECD Gender Equality Marker which would allow the measurement of resources allocated to gender mainstreaming. Thus, the only way to establish whether any EC assistance under PHARE mainstreams gender in an adequate way is to screen every project individually." The same study acknowledges that "some tentative research on projects in Romania suggests that various projects, not recorded as mainstreaming gender or as having women as a specific target group, do indeed promote gender equality". However, "no comprehensive conclusions can be drawn from this."<sup>16</sup>

Although the legal regulations for PHARE assistance include obligations to mainstream gender, the issue is almost completely unknown to civil servants that are in charge of PHARE implementation in Romania. The Unit for Program Implementation, at the General Secretariat of the Romanian Government, which is in charge of implementing PHARE assistance for Roma projects declared that "the limited size of the personnel at the Unit for Program Implementation (only seven people) does not allow for hiring specialists for each subfield or theme; therefore, gender cannot be integrated yet in the work of the Unit." However, she also contended that there was one case when special attention was given to gender issues. During the implementation of a PHARE programme that trained health mediators, she explained, one Roma man graduated from the training, but could not be hired because the position was opened to women only.<sup>17</sup>

One particular example of a PHARE-funded Roma project in Romania, which one may argue has a dimension of empowerment of women in its implementation is that of the health mediator. The program was initiated by the Ministry of Health in Romania, in cooperation with Romani CRISS, a Roma NGO. The program decided that, in order to address the specific health needs of the Roma communities, those nominated as mediators must be women (according to Ordinance No. 619/ 2002 of the Ministry of Health). However, an OSI conducted evaluation of the work of health mediators in Finland, Romania and Bulgaria found that:

In its current manifestations, Romani health mediation does not adequately address the need of doubly marginalised groups, such as Romani women, Romani persons with mental or physical disabilities, Romani drug users, and Romani sexual minorities. Some Romanian RHMs have expressed an interest in learning how to address domestic violence, a major unaddressed health concern for Romani women.<sup>18</sup>

- o If yes, how much and over what period of time?

There is no aggregated data on the amount of EU funding available for gender equality interventions. The general EU funding available for Romania was/ is the following:

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<sup>13</sup> The following link may serve as a useful starting point (see drop-down menus along the top of the page and links on the left hand side): [http://ec.europa.eu/regional\\_policy/policy/history/index\\_en.htm](http://ec.europa.eu/regional_policy/policy/history/index_en.htm)

<sup>14</sup> [http://ec.europa.eu/regional\\_policy/funds/fse/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/fse/index_en.htm)

<sup>15</sup> [http://ec.europa.eu/regional\\_policy/funds/feder/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/feder/index_en.htm)

<sup>16</sup> Van Reisen, Mirjam. 2005. *To the Farthest Frontiers: Women's Empowerment in an Expanding Europe*. Brussels: Eurostep & Social Watch.

<sup>17</sup> Discussion with one representative of the Unit for Programme Implementation, at the Unit for Public Policy, General Secretariat of the Romanian Government.

<sup>18</sup> Open Society Network Public Health Program. 2005. *Mediating Romani Health. Policy and Program Opportunities*. New York: Open Society Institute, p. 50

#### PHARE funding (1991 – 2006; implementation still ongoing):<sup>19</sup>

The European Union supports Romania through the PHARE programme since 1991 and it has allocated approximately 1,7 billion Euros as grants.

Since 2001, Romania received the following assistance:

**2001** National PHARE Programme and the Programme for cross-border cooperation Romania-Bulgaria and Romania-Hungary: 261, 89 million Euros

**2002** National PHARE Programme: 265,5 million Euro and 13 million Euros for cross-border cooperation with Hungary and Bulgaria and 0,5 million Euros for horizontal PHARE Programme for Nuclear security.

**2004:** 405,3 million Euros.

Several NGOs working on human rights and gender equality have received grants from the Programme for Consolidation of Civil Society in Romania PHARE 2003/2005 - 551.01.05. The programme had a budget of 7.836.110 Euros.

#### Structural Funds (only since 2007):

According to the country fact sheet on cohesion policy 2007-2013: "For the 2007-13 period, Romania has been allocated approximately €19.2 billion under the Convergence objective and €455 million under the European Territorial Cooperation objective. Romania's contribution (including private sources) to complement the EU investments will amount to at least €5.5 billion, bringing the total investments in structural and cohesion policy to approximately €25.2 billion over the next seven years."<sup>20</sup>

In particular, the European Social Fund in Romania has a 3,684,147,618 Euros allocation from community funding.<sup>21</sup> The allocation of the European Social Fund is guided by the Operational Programme for Human Resources.

#### Daphne funding (since 2000):

More consolidated data on funding for gender programmes can be provided for the Daphne program to prevent violence against women and children.<sup>22</sup>

Funding through Daphne has been open for East and Central European applicant countries since 2000. Evaluation based on the 2004 final report for the years 2000-2003 shows that roughly one fourth of the projects targeted women specifically and another 35% targeted women in combination with children and youth.<sup>23</sup> Mid cycle data on project partners shows that even though organisations from candidate countries could not coordinate projects under Daphne they still got funding from Daphne as partners. Organisations from Romania were funded in 6 projects<sup>24</sup>.

No systematic data is available on funding from Daphne to Romania, Bulgaria and Croatia after 2001.

- o If yes, comment upon the extent to which gender was mainstreamed in associated plans and programmes (e.g. the National Development Plans for 2000-2006)?

The allocation of Structural Funds in Romania is guided by a general strategy derived from the National Development Plan, and entitled the *National Strategic Reference Framework*. The specific allocation of funds is guided by the seven *Operational Programs*. The *National Strategic Reference Framework (May 2007)* endorses the horizontal goal of equal opportunities between women and men, emphasizes the role of the National Agency for Equal Opportunities between Women and Men, and specifically outlines two areas of intervention in the field of equal opportunities between men and women on the labour market: women's unemployment and the gender pay gap. Furthermore, "equal opportunities" is affirmed as a horizontal principle in *all seven Operational Programs for 2007-2013* (OP for Increasing Economic Competitiveness, OP Transport, OP Environment, OP Regional, OP

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<sup>19</sup> Info available:

<sup>20</sup> Country fact sheet available at: [http://ec.europa.eu/regional\\_policy/atlas2007/romania/index\\_en.htm](http://ec.europa.eu/regional_policy/atlas2007/romania/index_en.htm)

<sup>21</sup> "Romania" available at: [http://ec.europa.eu/employment\\_social/esf/members/ro\\_en.htm](http://ec.europa.eu/employment_social/esf/members/ro_en.htm) Last accessed June 23, 2008.

<sup>22</sup> The information is based on Krizsan, Andrea and Raluca Popa, "A Success for Women's Movement? Putting Domestic Violence on the Policy Agenda of Countries in East Central Europe", a paper presented at the 2007 ECPR Standing Group on Women and Politics, Pisa.

<sup>23</sup> [http://ec.europa.eu/justice\\_home/funding/2004\\_2007/daphne/doc/daphne\\_final\\_report01\\_2004\\_en.pdf](http://ec.europa.eu/justice_home/funding/2004_2007/daphne/doc/daphne_final_report01_2004_en.pdf)

<sup>24</sup> There is no data in the final evaluation about countries of origin for the supported organisations and their partners. The midterm report covers data for 200 and 2001. EC *Midterm Report on the Daphne Project*. 2002

Human Resources, OP Capacity Building for Administration, and OP Technical Assistance) and compliance with the principle is required at all stages of programming and implementing the Programs.

### 3. Governmental Machinery For Equality

Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery (e.g. proposed mergers). (Approx. 250 words)

Institutional building in the field of gender equality started in 1995. At the governmental level, a Department for Strategies for Promoting Women's Rights and Family Policies was created, under the Ministry of Labour and Social Welfare (October 1995). The size, resources and attributions of the Department were gradually diminished until it was fully disbanded in 2003. Since 1999, an Inter-Ministerial Consultative Commission on Equal Opportunities for Women and Men was also operational as a structure responsible for dealing with gender equality in the governmental sector. The Commission ceased to exist in April 2005, when the National Agency for Equal Opportunities between Women and Men was established. The National Agency for Equal Opportunities between Women and Men is currently the main body in charge with coordinating gender equality policies.

Some debates have taken place over the possible overlaps between the activities and responsibilities of the National Agency for Equal Opportunities between Women and Men and those of the National Council for Combating Discrimination on one hand, and the National Agency for the Protection of the Family of the other. The 2005 Regular Report of the European Commission on Romania's Progress towards Accession noted that the "responsibilities and attributions [of the National Agency for Equal Opportunities between Women and Men] should be clarified as compared to the National Council for Combating Discrimination". Presently, the situation of overlapping competences has still not been fully clarified. The main responsibility of the National Agency for Family Protection is to implement the Law 217/2003 on preventing and combating violence in the family. However, the existence of the two institutions leads to a division of the institutional and legislative domains of gender equality and policies against domestic violence.

Do any or all of these forms of gender machinery exist in the country, and if so what are they called (fill in their name in original language and translated to English?)

- o governmental (civil servants and ministers in central government);

National Agency for Equal Opportunities between Women and Men (Agentia Nationala pentru Egalitatea de Sanse intre Femei si Barbati) (ANES) . The Agency was created in 2005.

National Commission in the Field of Equal Opportunities between Women and Men (Comisia nationala in domeniul egalitatii de sanse intre femei si barbati) (CONES).

County Commissions in the field of equal opportunities between women and men (Comisiile judetene, respectiv a municipiului Bucuresti, in domeniul egalitatii de sanse intre femei si barbati) (COJES).

- o enforcement and/or monitoring agency (e.g. equality authority, ombudsperson);

People's Advocate (Avocatul Poporului) .

The institution of the People's Advocate was created in July 1997.

- o special legal apparatus (e.g. special courts, mediation or arbitration bodies for employment or domestic violence);

Labour Inspection has attributions for deciding in cases of sex-discrimination at work.

- o body for consultation / dialogue with women's NGOs, or with NGOs representing other axes of inequality

The National Agency for Equal Opportunities between Women and Men, and the National Council for Combating Discrimination have a policy of regular consultations with NGOs (including women's NGOs).

Furthermore, representatives of NGOs sit in the National Commission for Equal Opportunities between Women and Men, as well as in the county-level Commissions for Equal Opportunities between Women and Men.

- o Other, for example, Parliamentary Committees

At the level of the Romanian Parliament, the Parliamentary Sub-commission for Equal Opportunities between Women and Men was established in September 1997. The Commission was established as

a subdivision of the Commission of European Integration from the Romanian Parliament. Following the election of a new Parliament in November 2000, two separate bodies were established at the level of each of the two chambers of the Romanian Parliament: the Commission on Equal Opportunities for Women and Men in the Chamber of Deputies, and Commission on Equal Opportunities for Women and Men in the Senate.

In 2000, a Commission for Equal Opportunities was founded within the Economic and Social Council. Women's organisations were also set up within trade union confederations. Over time, they developed into departments for equal opportunities. Their activity is primarily focused on the promotion of equal rights for women and men at work, and within the industrial relations field.

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

#### *The nature of the institution*

- Is there gender machinery that meets the minimum legal requirements of the EU? YES
  - A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex: YES
  - providing independent assistance to victims of discrimination in pursuing their complaints about discrimination; YES
  - conducting independent surveys concerning discrimination; YES
  - publishing independent reports YES and
  - making recommendations on any issue relating to such discrimination. YES

The National Agency for Equal Opportunities between Women and Men and the National Council for Combating Discrimination share some of these responsibilities. For example, both the National Agency for Equal Opportunities between Women and Men and the National Council for Combating Discrimination can conduct independent surveys concerning discrimination. The National Council for Combating Discrimination can provide independent assistance to victims of discrimination in pursuing their complaints about discrimination.

- Is there gender machinery that meets the 'Paris Principles'? NO
  - independence guaranteed by a constitutional or legislative framework, autonomy from government, YES for the National Council for Combating Discrimination; NO for the National Agency for Equal Opportunities between Women and Men
  - pluralism including pluralism of composition, NO for both institutions
  - a broad mandate, YES for both institutions
  - adequate powers of investigation, Partially (Y/N) for both institutions
  - sufficient resources NO

The National Agency for Equal Opportunities between Women and Men, which is the gender machinery in Romania, does not meet all of the Paris Principles. It does not enjoy autonomy from the government (in fact, it is a structure within the Ministry for Labour, Social Solidarity and Equal Opportunities). It does not have sufficient resources. For the first two years of its existence (2005-2007), the Agency did not have any activity funds. The Agency only had administrative funds to finance its daily operation and the salaries of the employees.

The National Council for Combating Discrimination enjoys autonomy from the government. The NCCD is an independent structure under parliamentary control. However, the NCCD is not specialised gender machinery. The NCCD does not have enough resources either, and its activity funds come mostly from external funding, and not from the state budget.

- Is there gender machinery that meets the further requirements of the UN Platform for Action?
  - responsibility vested at the level of a Cabinet minister.
  - Develop indicators and statistics to monitor policy

NO. However, the methodology for data collection by the National Statistical Institute (NSI) was changed (around year 2000), so that the NSI now collects data disaggregated by sex, and produces gender disaggregated statistics.

- How close to the centre of power (e.g. Prime Minister or other) is the governmental machinery located?
  - centre of power/ PM's office
  - Other powerful department.
  - Other department

The specialised gender machinery (National Agency for Equal Opportunities between Women and Men) is located within the Ministry of Labour, Family, and Equal Opportunities. The Head of the gender machinery has the rank of state secretary (lower than Minister).

The Commissions for Equal Opportunities at the level of the two chambers of the Parliament have a powerful position within the structure of the Parliament, as they have the same attributions and freedoms as all other Commissions in the Parliament. However, considering the type of political regime in Romania (where the executive is the strongest power), they actually have little influence.

- Would any of the bodies be described as following a 'feminist' agenda?
  - Briefly explain the reasoning behind your answer.
  - If yes, then indicate which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation) fits best.

The National Agency for Equal Opportunities between Women and Men can perhaps be described as following a feminist agenda. The body is located in the executive branch of the state power. A feminist agenda is (putatively) inscribed in the documents guiding the functioning of the National Agency for Equal Opportunities between Women and Men (which are the Law on Equal Opportunities between Women and Men in Romania, and the National Strategy and Plan of Action for Equal Opportunities between Women and Men in Romania). Based on these documents, the main policy approach advocated by the Agency is gender mainstreaming, so the vision that seems to best fit the agenda of the gender body is transformation. At the same time, the definition of equal opportunities between women and men (both in the law and in the policy plans) is centred on difference. Thus, the law states: "The present law understands equality of opportunities and treatment between women and men as taking into consideration the different capacities, needs and aspirations of males and females and the equal treatment thereof."

However, there is an implementation gap between the law and the policy plans and the actual activities that have been coordinated or supported by the Agency. According to the two available Reports<sup>25</sup> on the Implementation of the National Plan of Action for Equal Opportunities between Women and Men, the National Agency for Equal Opportunities between Women and Men should have held consultations with civil society representatives, but it is not clear whether those consultations took place or not. Some representatives of women's organisations have complained about the way they are included in the consultation process. At the same time, there are success stories of collaboration between the National Agency for Equal Opportunities and representatives of NGOs, such as the cooperation with Romani women activists that led to the adoption of a provision on multiple discrimination in the current Law on Equal Opportunities between Women and Men. As another positive example, the National Agency for Equal Opportunities between Women and Men has contracted a women's organisation that is recognised for its feminist profile (Society for Feminist Analyses – ANA) to carry out research on the discrimination of women's in the labour market.

The complaints by women's organisations (including the ones with which the Agency has cooperated successfully) are directed towards the capacity of the Agency to pursue the gender equality (and gender mainstreaming!) agenda with the Romanian Government.

- Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?

Yes, potentially there are many policy groups that are relevant to gender equality, and that in the past actually pursued an agenda related to gender equality.

Examples of such groups are:

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<sup>25</sup> The Report of the National Agency for Equal Opportunities between Women and Men for 2007 is available here: <http://www.anes.ro/>. The Report for the National Agency for Equal Opportunities for Women and Men for 2006/ 2007 is available here: <http://www.anes.ro/#>

- National Agency for the Protection of the Family – which is implementing the Law against violence in the family
- National Commission against Poverty and for the Promotion of Social Inclusion – a governmental commission addressing a wide spectrum of issues related to poverty and social inclusion; feminized poverty has been on the agenda of the commission at various points.
- National Agency for Roma – for four years, the Agency was headed by a woman, which held the position of state secretary. Under her leadership, and beyond, the National Agency for Roma has implemented a range of programs aimed at mainstreaming gender equality in the National Strategy for Improving the Situation of Roma. Arguably, the Agency has also placed the issue of the empowerment of Romani women on its agenda.

- Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts?

The Labour Inspection (*Inspectia Muncii*) has specialised competencies for deciding on cases of sex discrimination in employment.<sup>26</sup>

#### *Dedicated to gender or integrated with other equalities?*

- Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights? If yes,
  - When did this happen?
  - Was the change controversial (who fought whom, allied to whom)?
  - Is the division of responsibilities by function or by strand?
  - Is there a separate mechanism for consulting civil society by strand, including women?
  - Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account.

The specialised gender equality body (the National Agency for Equal Opportunities between Women and Men) is not integrated with the machinery for other equalities. However, the anti-discrimination and human rights bodies have competencies and responsibilities related to monitoring and preventing gender discrimination and/ or violations of women's human rights. The National Council for Combating Discrimination is the anti-discrimination body in Romania. The Office of the Ombudsperson (in Romanian, *Avocatul Poporului*, literally the People's Advocate) has attributions in the field of women's human rights.

- If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies.

YES. The gender equality body (National Agency for Equal Opportunities between Women and Men) has made "multiple discrimination" one of the most important issues on its agenda. As mentioned before, the National Agency for Equal Opportunities adopted and pushed forward the demands of Romani women activists that the concept of multiple discrimination be included in the Law on Equal Opportunities between Women and Men.

The National Agency for Equal Opportunities has also chosen "multiple discrimination" as the theme of the European Year of Equal Opportunities in Romania. As a result, two studies on multiple discrimination were commissioned by the Agency. One study was a survey-based analysis of multiple discrimination in the labour market, and the other one was an ethnographic study on multiple discrimination.

<sup>26</sup> Info based on the description of attributions of this institution at: <http://www.inspectmun.ro/RELATII%20DE%20MUNCA/Relatii%20de%20Munca.html>



### Relationship of machinery with civil society

- Are there procedures for the consultation of women's groups in civil society by the gender or equalities machinery?

YES. Both the National Agency for Equal Opportunities between Women and Men and the National Council for Combating Discrimination are consulting with women's groups in civil society. In addition, the National Agency for Equal Opportunities also coordinates a large forum for consultation, which is the National Commission on Equal Opportunities that meets four times a year.

- If so, are they routinised or occasional?

As mentioned before, the consultation processes are institutionalised in the operation of the National Commission for Equal Opportunities, and the county-level Commissions for Equal Opportunities. However, it is not clear from the activity reports of the National Agency for Equal Opportunities between Women and Men to what extent these consultations actually take place and what influence they have on shaping the agenda of the gender equality body.

## 4. Policy summary questions

### 4.1 Non-employment

#### Is the tax system household based or individualised?

The personal income tax is based on individual income. However, the persons who have dependents (wife/husband, children, other members of the family) are entitled to a (significant) reduction of their tax base.

#### Is the benefit system household based or individualised?<sup>27</sup>

Some benefits are individualised (in particular, maternity benefits, and childcare benefits are granted to parents who fulfil certain eligibility criteria; child allowance, and new born allowance are universal benefits that are granted to every child); other benefits are based on the family income (in particular, supplementary allowances for families with two or more children; complementary allowance for families with children; income support allowance for single parent families; and the guaranteed minimum income).

#### How long is it legitimate for lone parents not to be in paid work? (i.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops).<sup>28</sup>

There are no specific benefits for lone parents attached to their employment. There is a childcare benefit (called childcare allowance – *indemnizatia de crestere a copilului*) paid to parents during official leave from work. This benefit is available to either father or mother through age two of the child. Note that eligibility is also conditioned by the birth rank of the child. Parents are eligible for paid leave only for their first three children.

A specific benefit is granted to single parent families. This benefit is paid to single-parent families with incomes below 40 Euros per month (2004).<sup>29</sup>

#### Are there active labour market programmes (i.e. programmes to help people who are out of labour market back into paid employment, includes training and job placement schemes) for lone parents?

Based on the National Strategy for Employment 2004-2010 (Government Decision no. 1386/2004), the following active labour market programmes are in place for lone parents: state subsidies for employers who offer jobs to "registered unemployed who are the only breadwinners of the family". Lone parents may also fall into other categories that are target groups for active labour market programmes. (See below.)

#### Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market?

The group of "women who are returning to employment after lengthy period of time" is not so specifically defined as a target group for active measures on the labour market.<sup>30</sup> However,

<sup>27</sup> The answer to this question is given based on information available in: Preda, Marian, Luana Miruna Pop and Florentina Bocioc. 2006. The gender dimensions of social security reform in Romania. In *The gender dimensions of social security reform: Volume 2: Case studies of Romania and Slovenia*, ed. Ellaine Fultz, 11-92. Budapest: ILO.

<sup>28</sup> Idem.

<sup>29</sup> Idem.

<sup>30</sup> According to the National Employment Strategy, available at: [http://www.mmssf.ro/website/ro/legi/ocupare/hq1386\\_2004.pdf](http://www.mmssf.ro/website/ro/legi/ocupare/hq1386_2004.pdf)

this group falls at the intersection of other target groups for active measures, as defined by the National Employment Strategy 2004-2010, namely women, and the long-term unemployed. The National Employment Strategy does not specify what the active measures would be for these specific groups, but in practice they may mean special job fairs for women (at they have been organised by the National Employment Agency), or more frequently professional training, or training for gaining new professional skills.

**Are there active labour market programmes for any other category of citizens, and if so which categories?**

Yes. The National Strategy for Employment 2004-2010 provides that active labour market programmes become available for the Roma, young people who leave the state institutions for residential care, young graduates, persons with disabilities, and persons over 45 years who are unemployed.

In addition, the National Strategy for Preventing and Combating Trafficking in Human Beings also provides that active measures for labour integration should be taken in the case of victims of trafficking.

**What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)**

- Childcare: care (under 3 years)
- Childcare: pre-primary education (3 yrs- school age)

In 2007, the National Agency for the Protection of the Rights of the Child<sup>31</sup> carried out an assessment that found “there were no coherent policies to support educational and day care services for children”. The fragmentation is due to the fact that childcare belongs to the policy field of social policy and pre-school education belongs to the policy field of education. The same assessment found that kindergartens were the main childcare services for children aged 3-6; the enrolment rate in kindergartens was 87% (2007).

The same assessment found that childcare for children under 3 years were mainly provided through informal care arrangements. Public services for children under 3 years (nurseries) cover a very small percentage of children in this age group. Policies conceive such services as “care services”; there is no education policy for children under 3 years.

In response to this situation, the Ministry of Labour, Family, and Equal Opportunities developed a law proposal on “the establishment, organisation and functioning of educational and day-care services for children” that was published on the website of the Ministry, for public consultation on February 14, 2008.

**What is the predominant form of childcare provision? i.e. public, private or mixed.**

Under 3 years – mainly private.

3 yrs – school age – mainly public

**How is childcare financed (e.g. by public funds, privately or mixed)?**

Public educational and day care services are financed through public funds.

**Is the pension age the same for women and men? If so, since when?**

NO. Currently, the legal age for retirement for women and men is under reform. It is projected that the legal age for women will be 60 years in 2014, while for men it will be 65 years.

## **4.2 Intimate citizenship**

**Is abortion legal? If so, in what year did this happen?**

Yes, abortion is legal since December 1989. The de-criminalisation of abortion was on the first list of decisions that the provisional government took in December 1989, when the rule of Ceausescu ended.

**Up to which week of pregnancy is abortion legal?**

Up to the fourteenth week.

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<sup>31</sup> Info from <http://www.copii.ro/content.aspx?id=132>

Are there any other conditions? If so, what are these (e.g. consent of doctor/s, counselling)?

Further conditions: that abortion take place in an authorised medical institutions or medical cabinet; that abortion be carried out by a specialised physician; consent of the pregnant woman, except in cases when it is impossible for her to express her will.

Generally “cases when it is impossible for the pregnant woman to express her will” are considered those cases of medical emergency, when the pregnant woman may be unconscious or in any other medical condition in which she is unable to express her will.

However, the issue of “impossibility to express will” has come under debate. The formulation “cases when it is impossible for her to express her will” was one of the disputed issues with the Romanian Parliament (Chamber of Deputies) when a proposal to modify the regulations on abortion was introduced in 2003. Legislative proposal 217/ 2003 requesting compulsory counselling for abortions was not successful in the Parliament, but during the debates one woman MP suggested that the language of the law should be clearer about what are the cases when it is impossible for pregnant women to express their will.

How many abortions are carried out per year (select most recent year where data available. If illegal, approximately how many women travel to access abortion services in another country)?

150246 abortions or approximately 70 (68.46) 68.46 per 1000 live-births. The data is for 2006 and it is available from the Ministry of Health.

Are there any restrictions on abortion for certain categories of people? (e.g. age, nationality) **NO**.

Is a marriage a state based contract, religious contract or both? **BOTH**

Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)? Divorce is legal. The court can pronounce the divorce if the court finds that relations between spouses have been severely damaged and it has become impossible for them to remain married. Marriage can be dissolved based on the mutual consent of the spouses if they were married for more than a year and there are no children as a consequence of the marriage. Divorce can be granted to any of the spouses if due to a health condition the spouse can no longer participate in marriage.

If divorce is not legal, what are the conditions for separation or annulment? Divorce is legal.

Are there any restrictions to marriage other than the sex of the partners (e.g. nationality, country of origin)? Persons with mental disabilities are not allowed to marry. Relatives until fourth degree are not allowed to marry. Persons who are already married are not allowed to marry; in other words, polygamy is forbidden.

Are civil partnerships/civil unions/gay marriage legal and if so, are the legal rights the same as for heterosexual marriage? Consider the following (Yes/no+year when introduced): **Civil partnership of same sex persons is not legal.**

Does it extend to:

- survivors' benefits in pensions?
- adoption rights?
- parental leave?
- assisted reproduction?
- Family reunification – have partners the right to settle and be employed in the country where their partners live?

Number of registered civil partnerships, annually and in total?

#### 4.3 Gender-based violence

Has there been a national survey on gender based violence? When was the most recent one carried out? Yes, 2003.

Does it include:

- Domestic violence and violence in partnerships? YES
- Sexual assault/violence and rape? Marital rape is included. Questions about safety on the street are also included.
- Sexual harassment and stalking? Sexual harassment at the work place is included.
- Trafficking NO

- Prostitution? NO
- Forced marriage? NO
- Honour crimes? NO
- FGM? NO

#### 4.3.1 Domestic violence

What legal devices are available to prevent domestic violence? Do they target perpetrators and/or victims? (Yes/no +year when introduced). Devices could for instance include:

- restraining orders NO. Some provisions in the Criminal law could be relevant to restraining order. These are "safety measures" and "preventive measures".
- non-molestation orders NO
- occupation orders NO
- state funded perpetrator programs YES
- other devices? Family assistance, mediation

The provisions on domestic violence in Romania are quite complicated, there is a legal overlap and sometimes contradictions between provisions of the Criminal Code, and the Law 217/ 2003 for preventing and combating violence in the family. For a good report on the legal ambiguities and the difficulties for domestic violence victims to find adequate remedy, and especially the lack of immediate safety measures, see: ABA CEELI. 2007. *Domestic Violence in Romania: the Law, the Court System*, available at:

[http://www.abanet.org/rol/publications/ee\\_romania\\_domestic\\_violence\\_final\\_report\\_0407.pdf](http://www.abanet.org/rol/publications/ee_romania_domestic_violence_final_report_0407.pdf)

What is the prevalence of domestic violence against women, in one year? (from the survey)

The nationally representative survey (2003) found that over the last 12 months prior to when the questionnaire was administered 800.000 women suffered from repeated domestic violence in various forms.

The survey found a prevalence of 9.1% of domestic violence against women in one year.

What is the life time prevalence of domestic violence against women? (from the survey)

17.8% of all women in a nationally representative survey declared that they were victims of one type of domestic violence in their lifetime.

What is the number of incidents of domestic violence against women, in one year (from the survey)

The National Agency for Family Protection, which is the body collecting statistics on domestic violence, reports that the number of women who were victims of domestic violence in 2006 was 5160, and in 2007 was 5794.

The nationally representative survey (2003) found that over the last 12 month prior to when the questionnaire was administered 800.000 women suffered from repeated domestic violence in various forms.

What is the number of incidents of domestic violence reported to the police (annual)? (If not available, say so)

Information about the relation of the perpetrator to the victim is not available for those crimes (attack, physical harm, and battery) that are listed as connected to violence in the family in the Law for preventing and combating violence in the family. The public statistics that the General Police Inspectorate reports do not contain information about violence in the family. Information may be available on request.

However, the General Police Inspectorate is one of the institutions that have a duty to report cases of violence in the family to the National Agency for Family Protection. Data is available on the website of the National Agency for Family Protection ([www.anpf.ro](http://www.anpf.ro)) starting with 2004. The numbers are summarised in the table below. Note that the numbers are not broken down by gender or age.

Year	Number of incidents of violence in the family reported by the General Police Inspectorate
2004	4099
2005	2852
2006	3306
2007	1641

What is the number of domestic violence convictions in the courts? (If not available say so)

Courts are not among the institutions that report data to the National Agency for Family Protection.

There is no specific crime of domestic violence in the Criminal Code, so Courts would not have that specific data. One would have to search for the relation of perpetrator and victim in all crimes related to violence in the family that are specified in the Criminal Code.

What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? (if not available say so)

Information not available.

If there is any information on the previous questions broken down by age, class, sexual orientation, race/ethnicity etc, give it here too.

Based on the 2003 survey, the rate of reported violence (over a lifetime) is significantly lower for women over 60 years (12.8% for 60+ compared to 19.1% for women 18-59). The same report found there were no significant differences by place of residence, education, religion, or socio-professional status.

There were significant differences in the rates of domestic violence by marital status and family status (whether the family had children or not).

#### 4.3.2 Rape & Sexual assault

When was marital rape criminalized? 2000 (I consider that marital rape was criminalised by the provisions of Law no. 197/ 2000 that provides enhanced rape sentence, if the victim is a member of the family. This provision gave recognition to marital rape. However, there is no specific crime in the Criminal Code entitled 'marital rape'.)

What is the number of annually reported incidents to the police? The General Police Inspectorate reports 1.048 cases of rape in 2007. No statistics are available on marital rape.

What is the attrition rate for rape in the criminal justice system (convictions as % of reports to police)? (if not available say so) Information not available at the moment.

What is required for an act to be considered to be rape, e.g.:

- lack of consent (since when)
- physical resistance? (since when)
- Other? "victim should be constrained or unable to defend herself or express her will" (note the victims of rape can be of either sex, since 2001)

Is any characteristic of victim or perpetrator considered relevant (e.g. age, sex), and if so which characteristic? The Criminal Code considers the age of the victim is relevant for establishing the length of the rape sentence. The relation of the victim and the perpetrator is also relevant for establishing the length of the rape sentence (the sentence is enhanced if the victim is a family member, or if the perpetrator should care for, educate, guard or treat the victim).

#### 4.3.3 Trafficking for sexual exploitation

Has the government signed and ratified the EU convention on human trafficking? YES. The Convention was ratified in 2006 (by Law 300/ 2006).

Is trafficking primarily seen as a problem of the sending or the receiving country? BOTH

Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long? (date) Yes. Since 2005 (Governmental Emergency Ordinance no. 113/ 2005). For six months, and it is possible to extend it.

#### 4.3.4 Intersections

Have specialised policies and practices on gender based violence that address gender as intersecting with race/ethnicity, class, sexual orientation been developed by:

- Police NO
- NGOs Very limited. Roma NGOs have addressed the specific forms of gender based violence that affect Roma women.
- Local Authorities / government NO
- Other NO

#### 4.3.5 Service provision

Are there refuges and/or sexual assault centres? YES.

How many are there? According to the National Agency for the Protection of Family, there are 49 shelters for victims of violence in the family that can accommodate up to 400 persons.

When was the first set up? 1997

Are they state funded, to what extent? Although I cannot provide concrete data, my understanding is that many shelters are not funded by the state, but by various international donors (such as the World Bank, or UNFPA). The state administers these funds, and coordinates the activity of the shelters.

## CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

### 5. Political system

#### 5.1 Is the state unitary or federal?

If federal, are key gender+ equality decisions made at national or provincial/local level?

As stipulated in the Romanian Constitution, the Romanian state is a unitary state.

#### 5.2 To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

Are there legally binding decision making processes similar to the EU framework agreements (e.g. as the Parental Leave Directive)?

There is a system of collective bargaining in Romania that is regulated by Law no. 130/ 1996 on the collective work contract. The system of collective bargaining has different coverage in different sectors. In agriculture, for example, collective bargaining covered 77% of all workers in that sector, while in telecommunications, it covers 100%.<sup>32</sup>

Would the political system be possible to describe as corporatist or neocorporatist, where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?

Hierarchically ordered trade unions and employer organisations participate in the policy making process in the domain of employment.

Tripartite social dialogue takes place in Romania in the framework of the Economic and Social Council. The Economic and Social Council has a consultative role in economic and social policy making, but also in the peaceful resolution of work conflicts, and in the promotion and development of social dialogue and social solidarity.<sup>33</sup>

What is the gender composition in the decision making process of agreements made by the social partners (if there are any such agreements)?

Women are absent from the social dialogue bodies in Romania.<sup>34</sup>

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<sup>32</sup> Data available at: <http://www.eurofound.europa.eu/eiro/>, in particular the following reports: "Representativeness of the social partners: Telecommunications"; "Representativeness of the social partners: Gas sector"; "Representativeness of the social partners: Agricultural sector".

<sup>33</sup> More info about the Economic and Social Council at: <http://www.ces.ro/>

<sup>34</sup> Information on the representation of women in social dialogue bodies (including those in Romania) available in: [Paper 16: Women's participation in social dialogue institutions at the national level](#), by Tracy Breneman-Pennas, Marleen Rueda Catry (2008). Paper is available at: <http://www.ilo.org/public/english/dialogue/ifpdial/downloads/papers/womenpart.pdf>

### 5.3 In which policy environment (ministry) is a decision on the issue predominantly made (for each area: general gender equality policies; non-employment; intimate citizenship; gender-based violence)?

This is a difficult question to answer, since these issues encompass various policy domains and consequently they are discussed in various policy environments.

However, most frequently, the following ministries are the predominant location for decisions on the following issues:

General gender equality: Romanian Government; Ministry of Labour, Family, and Equal Opportunities; National Agency for Equal Opportunities between Women and Men (part of the Ministry of Labour, Family and Equal Opportunities)

Non-employment: Romanian Government; Ministry of Labour, Family and Equal Opportunities  
Intimate citizenship: family policies (Ministry of Labour, Family and Equal Opportunities); health policies (Ministry of Health); anti-discrimination policies (independent institution of the National Council for Combating Discrimination and governmental National Agency for Equal Opportunities between Women and Men)

Gender-based violence: family policies (Ministry of Labour, Family and Equal Opportunities, and particularly National Agency for the Protection of the Family). To a lesser extent health (Ministry of Health)

### 5.4 Political cleavages

Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

Ethnic differentiation is important for policy making in Romania. The major ethnicities that shape the definition of policy issues in Romania are Romanians (majority population in the entire state), Hungarian-Romanians (majority population in several regions of Romania), and Romanian Roma. However, I do not think that the Romanian state can be described as consociational, because there are few guarantees of power sharing with minorities in Romania.

What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

Nationality and language.

There is a constitutional system of minority protection that also includes requirements for the political representation of minorities. The Hungarian-Romanians are the only minority ethnic group that were able to gain significant political representation. Representatives of the Democratic Alliance of Hungarians in Romania) have been part of every government since 1996.

### 5.5 International obligations and links

When, if at all, was CEDAW signed?<sup>35</sup>

September 4, 1980.

When did the country join the EU?

January 1, 2007.

## 6. Political Representation

### 6.1 The development of women's political representation, including:

- Date of female suffrage<sup>36</sup>
- Note any caveats, e.g. age, property qualification, ethnicity, and when removed.

Universal female suffrage: 1946.

Women's suffrage extended to the general elections, under the authoritarian rule of King Charles II, but elections were never held: 1939

Female suffrage conditional on property and education, and only in local elections: 1929.

- Date of male suffrage

Universal male suffrage was granted in 1946.

The history of male suffrage is even more complicated for Romania, because the territory of Romania has changed in the 19<sup>th</sup> century, when voting rights were gradually granted.

For example:

<sup>35</sup> See <http://www.un.org/womenwatch/daw/cedaw/states.htm>

<sup>36</sup> See Inter-Parliamentary union (IPU) website: <http://www.ipu.org/wmn-e/world.htm>

“Romania” did not exist before 1859. The territory of contemporary Romania was the Principality of Wallachia, under Ottoman rule; the territory of contemporary eastern Romania was the Principality of Moldova, under Ottoman rule; and the territory of contemporary Transylvania was part of the Austro-Hungarian Monarchy.

Voting rights for men based on a “cens” (sum of money that had to be paid) were granted in the Romanian Principalities after 1848.

The 1866 Constitution of the United Principalities established Romania as a constitutional monarchy, and instituted the electoral colleges. Electoral colleges were based on property. Membership in an electoral college was defined with respect to the amount of taxes paid by one individual. Individuals that made no tax contributions were not allowed to vote.

Voting rights for men were granted in 1923, based on property and education qualifications.

- Use of quotas<sup>37</sup>
  - When introduced
  - What form e.g. party, electoral, constitutional

There are no constitutional quota or electoral quota. Some parties (Social Democrat Party of Romania; Conservative Party – in 2004 local elections; Democrat Party – now Democrat-Liberal Party) adopted quotas in the past.

There were initiatives to introduce electoral quota (in the electoral laws), such as in 2003, but these initiatives were not adopted by Parliament.

The National Strategy for Equal Opportunities between Women and Men 2004-2010 mentions the need for changes in electoral laws to introduce quotas for women (or “the underrepresented sex”).

- What is the numerical representation of women in parliament? (over QUING period)

Year <sup>38</sup>	Percentage representation of women in Chamber of Deputies	Percentage representation of women in Romanian Senate
<b>1992-1996 (elect: 1992)</b>	7% (absolute no. = 23)	2.1% (absolute no. = 3)
<b>1996-2000 (elect: Nov1996)</b>	7.3% (absolute no. = 25)	1.4% (absolute no. = 2)
<b>2000-2004 (elect : Nov2000)</b>	10.7 % (absolute no. = 37)	5.7% (absolute no. = 8)
<b>2004-2008 (elect: Sep2004)</b>	11.4% (absolute no. = 38)	9.5% (absolute no. = 13)

- Was the increase in women’s representation a gradual increase since suffrage, or were there any key turning points? E.g. quotas, 1989.

1989 was a clear turning point. The state socialist Grand People’s Assembly had a near 50% women’s representation. However, the representative body had almost no decision making power. After 1989, the highest representation of women in parliament was 11%. (See table above.)

- Other important developments.

## 6.2 Political representation for intersecting inequalities:

- Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament)

Male suffrage based on ‘cens’ (sum of money that had to be paid): 1848 (Romania is under Ottoman rule, and the Principalities are not united.)

Male suffrage based on electoral colleges: 1866 (Membership in electoral colleges is defined by property or income; Romania is a Constitutional monarchy; the territory of Romania consists of the two former Principalities, Moldova and Wallachia).

Male suffrage based on property/ income and educational qualifications: 1923.

Note that all these regulations meant that ‘peasants’, which made up about 80% of the Romanian population were not able to cast a direct vote under any of these regulations.

Universal male suffrage (with no property, income or education qualifications): 1946.

Currently, there are no qualifications related to the candidates’ income or education in the electoral laws.

<sup>37</sup> See IDEA: <http://www.idea.int/gender/index.cfm>

<sup>38</sup> All data is taken from: IDEA: <http://www.ipu.org/wmn-e/world.htm>



It is difficult to judge the 'class' composition of the Romanian Parliament. The overwhelming majority of members of Parliament have graduated university. Members of Parliament are also required to submit declarations of income, but no official statistics are available on the content of these declarations.

- ethnicity/religion (what exclusions and when; numerical representation in parliament)

All Constitutions of Romania, since 1866, granted the right to vote to all Romanian citizens, irrespective of language, nationality, or religion, with the class and gender qualifications noted above. However, no Jews were 'naturalised' before 1878. In 1878, after Romania's independence from the Ottoman Empire, only 2000 Jews were 'naturalised' (became citizens).

The 1923 Constitution gave the right to vote to the Jewish minority, which in 1930 amounted to about 750,000 people. (Note that there are less than 6,000 Jews in Romania today!)

Representatives of national minorities are part of the second chamber of the Parliament (Chamber of Deputies). According to the electoral law, each national minority is entitled to one representative in the Romanian Parliament. Currently, there are 18 representatives of national minorities in the Chamber of Deputies.

As a result of the mobilization of Hungarian-Romanian voters around the Democratic Alliance of Hungarians in Romania (UDMR), the Hungarian minority has secured a much larger representation, than other minorities. The UDMR has obtained a constant average 7% in general elections since 1992. The second largest minority in Romania, according to the official census data, is the Roma. However, according to unofficial data, the Roma are the largest minority. While there is a Roma party, the Roma only have one political representative in the Parliament, who is part of the Group of National Minorities. There is no data available on how many Roma are members of the Parliament.

- Other important intersecting inequalities, any quotas

-

### 6.3 Political parties and gender

- Does women's political representation vary by Party;
  - if so, do these Parties tend to represent different class, ethnic, religious or other interests?

In the current legislature, women represent 11.4% of MPs in the Chamber of Deputies (which means 38 women MPs), and 9.5% of MPs in the Senate (13). Actually, this was the situation right after the elections in 2004. In 2008, there were 31 women MPs in the Chamber of Deputies (since some of them have interrupted their mandate before completion<sup>39</sup>). There are 14 women MPs in the Senate (2008).

The situation of women's representation by Party is summarised below:

#### Chamber of Deputies<sup>40</sup>

Party	Number of women representatives	Number of men representatives
Liberal Party	1	55
Democrat-Liberal Party	6	67
Social Democrat Party	12	90
Conservative Party	3	14
Greater Romania Party	3	22
Minorities	2	16
Independents	4	11
Democrat Alliance of Hungarians in Romania	0	22

<sup>39</sup> One of the women MPs, from the Liberal Party (Monica Musca) resigned under charges of having collaborated with the Secrete Police, before 1989. When the charge was disclosed, a wide media campaign started against her that featured gendered accusations, such as her being 'morally dirty'.

<sup>40</sup> Data is compiled from the official website of the Chamber of Deputies: [www.cdep.ro](http://www.cdep.ro)

## Senate<sup>41</sup>

Party	Number of women representatives	Number of men representatives
Liberal Party	2	23
Democrat-Liberal Party	3	23
Social Democrat Party	3	38
Conservative Party	2	8
Greater Romania Party	3	13
Democrat Alliance of Hungarians in Romania	1	2
Independents	0	3

Perhaps surprisingly, the very conservative parties - that is the Greater Romania Party, and the Conservative Party - both have several female MPs in the current legislature.

- **What is the current Party / Parties in Government:**

The National Liberal Party (Partidul National Liberal); Democrat-Liberal Party (a Party that was established after the 2004 parliamentary elections, from the merger of the Democrat Party with a faction of the Liberal Party – some ministries withdrew from their positions after the merger); and the Democratic Alliance of Hungarians in Romania.

- **With which European Parliament political group is this Party / Parties affiliated?<sup>42</sup>**

National Liberal Party – member of European Liberal Democrats

Democrat-Liberal Party – affiliated to the European People's Party

Democratic Alliance of Hungarians in Romania – affiliated to the European People's Party

- **What political party / parties have held office during 1995-2007?**

Many political parties have held office during 1995-2007. In fact, I believe the only party that never held a ministerial position is the Greater Romania Party. To make the picture a little more complicated, many parties have split, changed their names or merged with other parties. Also, governmental coalitions changed within the same mandate. The following table attempts to capture these changes:

Legislative mandate	Type of government	Parties in office
1992-1996	One Party that has majority in Parliament	Social Democrat Party (PDSR)
1996-2000	Coalition governments	<p><u>Dec 1996 - Apr 1998:</u> Democratic Convention (composed of National Peasants' Party, and National Liberal Party) Democratic Party Democratic Alliance of Hungarians in Romania</p> <p><u>Apr 1998 - Dec 1999:</u> Same parties</p> <p><u>Dec 1999 – Dec 2000:</u> Same parties</p>

<sup>41</sup> Data is compiled from

<sup>42</sup> See list of EP political groups: [http://www.europarl.europa.eu/groups/default\\_en.htm](http://www.europarl.europa.eu/groups/default_en.htm)

2000-2004	One Party that does not have majority in Parliament	Social Democrat Party (PDSR)
2004-2008	Coalition	<p><u>2004 – March 2007:</u> National Liberal party Democrat Party Democratic Alliance of Hungarians in Romania Romanian Humanist Party</p> <p><u>From March 2007:</u> National Liberal Party Democratic Alliance of Hungarians in Romania</p>

[Main European Political Parties \(each footnote provides a link to party's website where you can find their national political party members\)](#)

European People's Party (EPP): Centre right Christian democrats and conservatives. The largest group in the European Parliament with 277 members.<sup>43</sup>

Party of European Socialists (PES): Social democrats, democratic socialists. With 218 members the PES's socialist group is the second largest group in the.<sup>44</sup>

European Liberal Democrat and Reform Party (ELDR): Liberal democrats and centrist, the ELDR is the third-largest political party represented.<sup>45</sup>

European Free Alliance (EFA): Pro devolutionists, independence<sup>46</sup>

European Green Party: Greens, ecologists, environmentalists<sup>47</sup>

#### 6.4 Representation in government

- o What percentage of government Ministers are female?<sup>48</sup>  
There is NO woman in the current government!
- o To which Ministries do female ministers belong?

### 7. Civil Society

#### 7.1 Gender

Is there one (or more than one) national organisation that coordinates feminist and women's organisations. In Romania, a coordinating structure for the European Women's Lobby was established in September 2007. Several women's organisations that were present at the meeting to establish the Romanian Women's Lobby signed a protocol and elected Dina Loghin, President of the Equal Opportunities for Women Foundation as coordinator of the Romanian Women's Lobby. Since this is such a new structure, it is difficult to claim that it achieves the coordination of feminist and women's organisations in Romania.

The largest network of women's organisations in Romania is the Network GEN (Gender, Equality and Non-discrimination, in Romanian: Gen, Egalitate, Nediscriminare!). Their official website is: [www.gendernet.ro](http://www.gendernet.ro) The Centre Partnership for Equality provides the Secretariat of the Network. The GEN Network has 29 members. The Network GEN is an informal network and does not have its own budget.

If so,

- o is this the same as the body which is affiliated to the European Women's Lobby?  
There is no such coordinating body.
- o when was it established? -
- o how many organisations are affiliated to the national body? -

<sup>43</sup> [www.epp.org](http://www.epp.org)

<sup>44</sup> [www.pes.org](http://www.pes.org)

<sup>45</sup> <http://www.eldr.org/>

<sup>46</sup> <http://www.e-f-a.org/>

<sup>47</sup> [www.europeangreens.org](http://www.europeangreens.org)

<sup>48</sup> See IPU: <http://www.ipu.org/wmn-e/world.htm>

- how many women are so coordinated? -
- How many staff work for the organisation (how many paid, how many unpaid)?\* -
- What is its budget? -
- What is its range of activities (are these in an annual report)? -
- Does the national body engage with all or only some of our 3 issues -
- Are there national coordinating organisations for feminist/women's activities in: employment/non-employment; gender based violence; and intimate citizenship (if so name them)? There is a National Coalition of NGOs Involved in Programmes against Violence against Women. The Coalition was established in 2003 and it has 33 members.

### List the key women's / feminist civil society organisations and their main methods / activities<sup>49</sup>

#### Equal Opportunities for Women Foundation (Iasi)

- Building autonomous institutions YES
- Public protest e.g. demonstrations NO
- Campaigning YES
- lobbying state YES
- service provision Limited
- research YES
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? They are only active in one city of Romania, Iasi.

#### Association for the Promotion of Women in Romania (APOWER), in Timisoara

- Building autonomous institutions NO
- Public protest e.g. demonstrations NO
- Campaigning YES
- lobbying state YES
- service provision Limited
- research YES
  - Are they important or marginal to national politics? They have been very important in the initial process of pushing for a law against domestic violence.
  - Are they centralised or dispersed? They are only active in one city of Romania, Timisoara.

#### Centre Partnership for Equality, in Bucharest

- Building autonomous institutions NO
- Public protest e.g. demonstrations NO
- Campaigning YES
- lobbying state YES
- service provision NO
- research YES
  - Are they important or marginal to national politics? They have been important in several initiatives on gender equality, domestic violence, employment policies.
  - Are they centralised or dispersed? They are only active in the capital city of Romania.

#### Foundation PRO WOMEN (Iasi)

- Building autonomous institutions YES
- Public protest e.g. demonstrations YES
- Campaigning YES
- lobbying state YES
- service provision YES.
- research YES
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? They are mainly active on a local level, in the city Iasi.

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<sup>49</sup> This list is based on the Regional Women's Directory Database, and the author's knowledge of feminist organisations. The Directory is available at: <http://www.rewindnet.org/asp/IndocHomeW.htm>

**Artemis – Counselling Centre on Domestic Violence (Cluj)**

- Building autonomous institutions NO
- Public protest e.g. demonstrations NO
- Campaigning NO
- lobbying state NO
- service provision YES
- research YES
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? They are only active in one of Romania, Cluj.

**Ana – Romanian Society for Feminist Analyses (in Bucharest)**

- Building autonomous institutions YES
- Public protest e.g. demonstrations YES
- Campaigning YES
- lobbying state VERY LIMITED
- service provision YES, if maintaining a library can be considered a service
- research YES
  - Are they important or marginal to national politics? MARGINAL
  - Are they centralised or dispersed? They are only active in the capital city of Romania.

**Centre for Curricula Development and Gender Studies - Filia (Bucharest)**

- Building autonomous institutions YES
- Public protest e.g. demonstrations YES
- Campaigning YES
- lobbying state YES
- service provision YES, if maintaining a library is considered a service
- research YES
  - Are they important or marginal to national politics? MARGINAL
  - Are they centralised or dispersed? They are only active in the capital city of Romania.

**Roma Women's Association in Romania (Bucharest)**

- Building autonomous institutions YES
- Public protest e.g. demonstrations NO
- Campaigning YES
- lobbying state YES
- service provision YES, a strong component.
- research NO
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? They are only active in the capital city of Romania.

**Association of Gypsy Women “For Our Children”, in Timisoara**

- Building autonomous institutions NO
- Public protest e.g. demonstrations NO
- Campaigning NO
- lobbying state NO
- service provision YES, a very strong component.
- Research Limited
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? They are only active in one city of Romania, Timisoara.

**ACCEPT Association (Bucharest) – an LGBT organisation with a feminist agenda also**

- Building autonomous institutions YES
- Public protest e.g. demonstrations YES
- Campaigning YES
- lobbying state YES
- service provision LIBRARY
- research YES

- Are they important or marginal to national politics? They have been important for certain debates on anti-discrimination, for example.
- Are they centralised or dispersed? They are only active in the capital city of Romania.

### List the key anti-feminist organisations and their main methods/ activities?

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
- research
  - Are they important or marginal to national politics?
  - Are they centralised or dispersed?

I am not sure whether any association in Romania can be specifically defined as “anti-feminist”, in the sense that their main agenda would be to combat feminist activity in Romania.

However, there is a recently established **Alliance of Families in Romania** that “promotes the values of traditional families”.

Various faith-based organisations, such as Association of Christian Orthodox Students (ASCOR) are against some feminist claims. However, one should also note here that there are women’s faith-based organisations that have supported feminist projects. For example, the Ecumenical Forum of Christian Women has supported a very impressive project on women’s history in Romania.

### Are there any men’s groups / organisations that are supportive of women’s / feminist organisations?

According to my knowledge, no.

### Women’s / feminist organisations in civil society

- What are the major distinctions in civil society between different types of organisations/projects e.g. feminist, pro-family etc.?  
Ideology/ belief: faith-based/ secular.  
Family orientation: traditional families/ “alternative” families  
Ethnic make-up: Roma in particular  
Others may be added here.
- Do women’s organisations actively engage with other intersecting inequalities (in each area?)  
Yes, women’s organisation do engage with other intersecting inequalities, particularly gender and sexual orientation, gender and ethnicity (the situation of Roma women), and gender and disability.
- Do they have good alliances with those representing other inequalities or not? (in each area)  
There is very good alliance between women’s groups and LGBT groups. Roma women activists also have a good alliance with majority women’s groups, although some tensions do exist. I am not aware of any other strong alliances.
- Are there alliances between women’s / feminist organisations and men’s groups (if these exist in your country)?  
NO.
- Are there many organisations of minoritised women? (in each area)  
Romani women’s activism is a visible force of civil society in Romania.
- What links are there with international? / EU level / bilateral bodies? (in each area)  
General – European Women’s Lobby  
Non-employment – Social Watch; Social Platform of NGOs  
Intimate citizenship – ILGA Europe  
Gender based violence – Stop VAW (Advocates for Human Rights); WAVE

- Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example, is it invited to report to consultations; does it take money from the state; is it commissioned by the state to undertake specific tasks?
  - Does this vary between issue areas?
  - Has this changed over time?
  - When engaging with the state is a coalition form of organising common or not?

Organised feminism is very much engaged with the state in Romania to the extent that some feminist groups can be more adequately described as advocacy groups (for ex. Centre Partnership for Equality). There does not seem to be variation between issue areas.

Coalition forming is common when engaging with the state. For example, a large coalition was built in 2003 in order to lobby more effectively for the adoption of a law against domestic violence in Romania.

- Does it make sense to talk of a 'women's movement' or not?
  - Briefly explain your answer.

Probably not, if we refer to a society-wide feminism. I think it makes more sense to speak of academic feminism in Romania. There is significant gender-sensitive scholarship in Romania (including new feminist historiography), and gender studies programmes or departments have been established at four large universities in Romania.

In her 2004 book "Drumul catre autonomie" (The Road to Autonomy), leading feminist scholar Mihaela Miroiu argues that Romania is witnessing a "room service feminism", because it has adopted EU – driven legislation and policies on gender equality without having a women's movement.

- Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?

Some organisations favour difference (AnA – Society for Feminist Analyses), while other favour transformation (Centre Partnership for Equality).

- Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?

Feminist organisations would probably lean towards public regime (and mostly state provision). I will have to research further in order to confirm this.

- How closely aligned is feminism with social democracy?

Not very closely. Actually, quite the contrary, the Bucharest-based feminist organisations that are the most visible in lobbying the state lean more towards liberalism, and one also self-identifies as liberal feminist (Centre for Curricula Development and Gender Studies – Filia).

- Notes on the history of the development of gendered or feminist civil society organisations:
  - Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate?
    - Does this vary by 4 areas (general, employment, intimate citizenship, gender based violence)?
  - Is there a history of divisions as to: socialist, radical, liberal?
    - Does this vary by 4 areas?
  - Is there a history of changing engagement with class, ethnic and religious forces?
    - Does this vary by 4 areas?

The history of development of gendered or feminist civil society organisations in Romania started in the second half of the 19<sup>th</sup> century, with significant feminist activity in the beginning of the 20<sup>th</sup> century (and especially the 1920s). After WWII, the landscape of women's organisations in Romania has radically changed. The Union of Democrat Women was established in 1945, and by 1948 it was the only women's organisation left in Romania. The organisation became the National Women's Council in 1957, a Party-sponsored structure for advancing women's position that survived until 1989. The question of whether or not "feminism" existed under state socialism in Romania is still an open question of feminist historiography. The National Women's Council definitely pursued gendered claims, but it is highly debatable whether any of these were feminist or not.

New women's organisations emerged in the aftermath of 1989. The very first one (such as the Association of Women in Romania) was quite clearly socialist and socially-oriented, and in very interesting ways resembled the previous National Women's Council in their orientation to international activities and the social unity of women.

Liberal feminist organisations emerged starting with the second half of the 1990s. Roma activism emerged at about the same time, and Romani women activists were already trying to push a gender

equality agenda in the Romani movement as early as 1994. Romani women's associations were formed somewhat later, and even now the Romani women's movement has a stronger informal organisation than a formal one.

I believe no radical feminist organisations exist in Romania. Some radical groups became visible around movements such as the LADY FEST festival, which has taken place twice in Romania (2005 and 2007). *The festival* "aims to both showcase the artistic expression and social involvement of women and girls and share ideas through music, spoken word, performance, film and video, exhibitions, presentations, workshops, open discussion, and actions."<sup>50</sup>

o Is feminist research organised in Universities and research institutes?

YES

o Are there named centres?

YES:

Masters of Gender and European Policies, at the National School of Political Studies and Public Administration, in Bucharest.

Masters of Gender Studies, at the Faculty of Political Science, Babes-Bolyai University, Cluj.

Interdisciplinary Centre for Gender Studies, West University, Timisoara

Master in Feminist and Gender Studies, Faculty of Philosophy, "Alexandru Ioan Cuza" University, Iasi.

▪ If yes, are they important?

YES. They are the main producer of feminist scholarship in Romania. Feminist NGOs also have a strong contribution to producing feminist scholarship.

▪ If not, is important feminist research primarily dispersed or mainstreamed?

o Are there specific positions, funds or journals within the country (or region e.g. Nordic)?

There are no positions in "gender studies". Professors in the programs in gender studies are primarily affiliated with a disciplinary department.(i.e., there are no professorships in gender studies in Romania) There is an irregular journal: ANALIZE: Journal of Feminist Studies.

o Is there a national association for women's studies/gender studies?

NO.

o Are there feminist lawyers' organisations?

NO.

o Are there radical lawyers' organisations that support justice claims for one or more of the inequalities?

Not in Romania. However, the European Roma Rights Centre in Budapest, for example, is supporting justice claims on violations of the rights of Roma in Romania (including cases on gender-based violence against Romani women).

## 7.2 Class

o A short history of the development of organisations representing class interests.

The development of organisations representing class interests started in the 19<sup>th</sup> century. The General Association of Workers was established in 1872.<sup>51</sup>

In the 20<sup>th</sup> century, there were some attempts to organise women workers<sup>52</sup>, but in general women were not included in trade unions.

After WWII, Romania became a so called "workers' state". The relationship between trade unions and the communist regime in Romania is an exciting topic in historiography, but I believe it is still an open question. "Women's committees" existed at the level of factories and other economic units during state socialism, as well as within union. The extent to which these committees worked for the betterment of women's working conditions is a matter of debate, and there is actually no research done on this topic yet.

The development of organisations representing class interests after 1989 is also under-researched.

The obvious development that took place in the aftermath of 1989 was that more organisations emerged in place of the single General Union of Trade Unions in Romania (Uniunea Generala a Sindicatelor din Romania, UGSR).

The legal framework for the development of organisations representing class interests was defined when the Trade Unions Law was introduced in 1991 (Law No. 54/1991). Scholars are not in

<sup>50</sup> More about the LADYFEST festival at: [http://ladyfest-ro.pimienta.org/weblog/?page\\_id=34](http://ladyfest-ro.pimienta.org/weblog/?page_id=34)

<sup>51</sup> "The Development and Current Situation of Trade Unions in Romania", available at:

<http://www.eurofound.europa.eu/eiro/2003/07/feature/ro0307101f.htm>

<sup>52</sup> Such as the Socialist Circle, see more in Mihailescu, S. 2002. Din istoria feminismului romanesc. Iasi: Polirom.



agreement about the development of trade unions in the 1990s. Some scholars argue that the decision making in the Romanian state was dominated by trade unions, especially by the heavy industry ones, and even more particular the mining trade unions. Two so called “*minerade*” (miners’ storming) occurred in the 1990s; it meant that large groups of miners came to the capital, Bucharest and put pressure on the government, and on the reform processes. Other scholars (Kideckel, 2002) argue that labour witnessed a marked decline in the aftermath of 1989 that was sustained by a new ideology of neo-capitalism that constructs workers as “others”.

The present stage of labour organising seems to be marked, according to some observers, by something of a crisis in the trade union movement, especially when compared to its previous patterns. This involves a decline in union membership.<sup>53</sup>

Trade unions remain heavily male-dominated institutions. While many trade unions have established “equal opportunities” departments, committees or representative, their activity is very modest and the women that usually head these departments have very little decision making power. Some hopeful examples do exist: the leader of the women’s organisation of the Confederation of Democratic Unions in Romania was able to influence the negotiation of the Collective Work Agreement 2001-2002, and introduce special regulations against sexual harassment (Popescu, 2004, p.109)

- **How strong are trade unions? Use the following four measures of trade union strength (Data: European Industrial Relations Observatory Online, national sources)**
  - **density (proportion of workers that are organised)**, According to the results of a project coordinated by the International Labour Organisation (ILO), in partnership with four representative union confederations – CNSLR-Frăția, BNS, Cartel Alfa and CSDR – the Romanian unionisation rate in 2002 stood at only 44%, compared with 80% at the beginning of the 1990s (these findings are based on a survey conducted among 1,293 people in December 2001-February 2002).
  - **coverage (what proportion of workers are covered by collective bargaining agreements)**, No reasonable estimates of collective bargaining coverage.<sup>54</sup>
  - **centralisation of collective bargaining**,
    - **is there are national body of trade unions;**  
At present, there are five trade union confederations at the national level. These are:
      - National Confederation of Free Trade Unions of Romania 'Brotherhood' (Confederația Națională a Sindicatelor Libere din România Frăția, CNSLR Frăția)
      - National Trade Unions Bloc (Blocul Național Sindical, BNS);
      - Democratic Trade Union Confederation of Romania (Confederația Sindicatelor Democratice din România, CSDR)
      - Cartel Alfa; and
      - Meridian.
    - **what proportion of TU members and unions are affiliated?**
      - National Confederation of Free Trade Unions of Romania 'Brotherhood' (Confederația Națională a Sindicatelor Libere din România Frăția, CNSLR Frăția) (800,000 members in 2003)
      - National Trade Unions Bloc (Blocul Național Sindical, BNS); (about 375,000 members, in 2003)
      - Democratic Trade Union Confederation of Romania (Confederația Sindicatelor Democratice din România, CSDR) (about 345,000, in 2003)
      - Cartel Alfa (about 325,000 members in 2003); and
      - Meridian.
- **coordination of collective bargaining.** No national body of trade unions. Each confederation is represented in collective bargaining.
  - **Does the national body of trade unions negotiate on behalf of trade unions**
  - **Can it coerce or discipline member unions to enforce agreement?**

<sup>53</sup> “The Development and Current Situation of Trade Unions in Romania”, available at: <http://www.eurofound.europa.eu/eiro/2003/07/feature/ro0307101f.htm>

<sup>54</sup> L. Fulton: Worker representation in Europe. Labour Research Department and ETUI-REHS: 2007.

- Women and trade unions:
  - What percentage of *total* trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female? N.a. yet. (Use national Labour Force Survey. Website providing links to country LFS available from International Labour Organisation: <http://www.ilo.org/dyn/lfsurvey/lfsurvey.home> )
  - How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)? Women's organisations exist in several national confederations of trade unions.
  - What proportion of women are in the executive of (major) trade unions? Very few women, if any.
  - Is gender equality high or low on the bargaining agenda? Low.
  - Is it seen as an issue for women, or for all trade unionists? I would say as an issue for women.
  
- How well organised are employers? The Alliance of Employers' Confederations of Romania (Alianta Confederatiilor Patronale din Romania, ACPR) has 11 member organisations, all of which are national employers' organisations.  
The Union of Romanian Employers (Uniunea Nationala a Patronatului Roman, UNPR) has 21 member organisations, each of which is a national or regional employers' organisation.
  - Do they have a single (or more) national organisation? At least two organisations fulfil the function of national representation of employers' organisations in Romania: The Alliance of Employers' Confederations of Romania (Alianta Confederatiilor Patronale din Romania, ACPR)  
The Union of Romanian Employers (Uniunea Nationala a Patronatului Roman, UNPR)
    - Is it powerful or not? E.g. can it control its members? The attributions of the two organisations are mainly representation, assistance, and consultancy and capacity development on specific issues for member organisations. They do not have special competencies of decision over the conduct of action of member organisations.
  
  - Are they indifferent or hostile to gender equality in the workplace? Some organisations are indifferent. However, the Textile Industry Employers Federation, which is headed by a woman (Maria Grapini) has had several interventions on gender equality in the public agenda.
  
  - Do they oppose the development of gender machinery, gender equality policies and gender equality laws? NO
  - Do they support 'diversity management'? (e.g. policies that emphasise the gains associated with the promotion of diversity in the organisation, in contrast to an emphasis on equality / equal opportunities). Not sure.
  - Did they lobby for a merged rather than separate equalities bodies? They did not participate in those debates..
  
- Are there tri-partite or corporatist bodies including employers, trade unions and government that make important national decisions?  
Tripartite social dialogue takes place in Romania in the framework of the Economic and Social Council.  
The Economic and Social Council has a consultative role in economic and social policy making, but also in the peaceful resolution of work conflicts, and in the promotion and development of social dialogue and social solidarity.<sup>55</sup>
  - Are women represented in such bodies?  
Women are absent from the social dialogue bodies in Romania.<sup>56</sup>

<sup>55</sup> More info about the Economic and Social Council at: <http://www.ces.ro/>

- Are there EU, bilateral or other international level links for either trade union or employer organisations?
  - Are these links important (e.g. in lobbying government at national level)

### 7.3 Other intersecting social inequalities

#### 7.3.1 Ethnicised / racialised groupings

- What is the composition of the national population by ethnicity?

According to the last census (2002), the following is the composition of Romanian population by ethnicity:

	ROMANIA	Percentage
Total population	21698181	100
Romanians	19409400	89,5
Hungarians	1434377	6,6
Roma <sup>57</sup>	535250	2,5
Germans	60088	0,3
Ukrainians	61091	0,3
Serbs	22518	0,1
Turks	32596	0,2
Tatars	24137	0,1
Slovaks	17199	0,1
Jews	5870	*
Russians	36397	0,2
Bulgarians	8092	*
Czech	3938	*
Croatians	6786	*
Greeks	6513	*
Polish	3671	*
Armenians	1780	*
Slovenians	175	*
"Ruten"	262	*
"Caraovean"	207	*
Italians	3331	*
Chinese	2249	*
Albanian	520	*
"Gagauz"	45	*
Slavic Macedonians	731	*
"Ceangai"	1370	*
Other ethnicity	13653	0,1
Did not declare	5935	*

- What are considered to be the most important ethnicised, racialised, and linguistic divisions politically (e.g. Roma/non-Roma, Black/White, citizen/migrant, language communities)?  
Hungarian-Romanians are a traditionally ethnicised minority in Romania.  
Roma are both ethnicised and racialised.  
Recently, Chinese and Arabs have entered a process of "othering".
- Is ethnicity considered to be intersected by religion (e.g. Islamic/non-Islamic)?  
NO. Except perhaps for the Jewish population. As the table above shows, the Jewish population is now very small in Romania, and aging. Surveys also show that intolerance towards the Jewish population is much lower than towards other social groups.<sup>58</sup>

<sup>56</sup> Information on the representation of women in social dialogue bodies (including those in Romania) available in: [Paper 16: Women's participation in social dialogue institutions at the national level](#), by Tracy Breneman-Pennas, Marleen Rueda Catry (2008). Paper is available at: <http://www.ilo.org/public/english/dialogue/ifpdial/downloads/papers/womenpart.pdf>

<sup>57</sup> Note that the number of Roma is contested by civil society voices that show there is a phenomenon of significant under-declaration of Roma ethnicity. More realistic estimation place the number of Roma at around 1,5 millions.

<sup>58</sup> See Intoleranta, Discriminare si Autoritarism in Opinia Publica, IPP, 2003.

- Prioritise the ones that have been the most important in the development of gender+ equality policies.  
Romani women’s activism has pushed the intersection of gender and ethnicity of the gender equality agenda.
- What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)?  
The Roma face numerous barriers to citizenship, including access to social services, access to employment and access to health and education.
- In what way are ethnicised and racialised groups organised? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)  
The Democrat Alliance of Hungarians in Romania is a strong political organisation (but it functions as a civic organisations also).  
There is a strong civic movement of Roma in Romania, but the Roma have not been as successful in gaining political representation and participation in government as the Hungarian minority.
  - In what way are women engaged in these organisations?  
As mentioned above, the Democrat Alliance of Hungarians in Romania is a male-dominated organisation.  
Romani women are visible and active in the Roma movement in Romania.
  - Do minoritised women organise separately within or outside of such organisations?  
Mostly not.
  - Are there any groups organised against certain ethnic groups?  
There are political parties that have had a very strong agenda against ethnic groups. Most prominent among these is the Greater Romania Party that until recently has sustained a very strong anti-Hungarian, anti-Jewish and anti-Gypsy rhetoric. However, one should note that a nationalist message has been common to mainstream parties as well.  
The organisations “the New Right” is a neo-fascist organisation that promotes a hate message against Roma.

### 7.3.2 Religion/belief/faith

- What is the composition of the national population by religion / faith

According to the last census in Romania (2002), this is the composition of the population by religion:

	ROMANIA	Percentage
Total population	21698181	100
Christian orthodox	18806428	86,7
Roman Catholic	1028401	4,7
Greek Catholic	195481	0,9
Reformed	698550	3,2
Augustan Evangelical	11203	0,1
Lutheran Evangelical	26194	0,1
Unitarian	66846	0,3
Armenian	775	*
Christian of Old Rite	39485	0,2
Baptist	129937	0,6
Pentecostal	330486	1,5
Seventh Day Adventism	97041	0,4
Evangelical Christian	46029	0,2
Evangelical	18758	0,1
Muslim	67566	0,3
Jewish (Mosaic)	6179	*
Other religion	87225	0,4
Without religion	13834	0,1
Atheist	9271	*
Did not declare their religion	18492	0,1

- What proportion of the population are practising members of an organised religion?

In 2004, an opinions survey conducted by the Soros Foundation found that:

1% of the population was attending Church daily.

19% of the population was going to Church once a week.

The highest percentage of the respondents (37%) was going to Church on Easter, Christmas and other holy days.

- What are the main religious organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research) The main religious organisation is the Romanian Orthodox Church.
  - How are women represented or not within them? Women do not have access to positions in the leadership of the Romanian Orthodox Church.
  - Do they oppose gender equality in general and in our three issues? YES. Highest opposition is to male homosexuality.
  - What is their preferred model of womanhood? The Romanian Orthodox Church teaches that “the man is the head of the family” and that “the woman (wife) must follow her man (husband)”.
  - Do they support or oppose the other equalities issues? Romanian Orthodox Church is also a nationalist voice (it supports the national unity of the state).
  - Are they in alliance with any other inequalities or not?
  - Are there any groups organised against certain religious groups?

### 7.3.3 Sexual orientation

- Are there gay/lesbian/trans/bisexual/queer organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research) YES.

#### **ACCEPT**

Building autonomous institutions YES (cafes, for example)

Public protest e.g. demonstrations YES (in association with Gay prides)

Campaigning YES

lobbying state YES

service provision YES

research YES

- Do they have a national organisation? NO. But ACCEPT is mostly widely recognized as the advocacy organisation for the rights of LGBT people.
- In what way are women engaged in and represented in these organisations? The President of ACCEPT is a woman now.
- Do they work in alliance with other inequalities or not? Yes, especially with women's groups, and groups that advocate for the rights of HIV positive people.
- Are there any groups organised against gay / lesbian / trans-people? The Romanian Orthodox Church has the most influential message against gay people, especially gay men.

### 7.3.4 Disability

- Are there disability organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research) YES. Their number is probably close to 100.

The national organisation for people with disabilities is the National Organisation of Persons with Disabilities in Romania that has 28 member organisations that bring together 75 associations and foundations, with an estimated membership of more than 150,000.<sup>59</sup>

- In what way are women engaged in and represented in these organisations? The National Organisation of Persons with Disabilities in Romania has a special chapter on women that addresses “the specific problems of women with disabilities”.

<sup>59</sup> The website of the organisation: <http://www.integration.ro/?id=246>

### 7.3.5 Age

- Are there organisations of / for older people? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)  
Organisations such as the Federation of Pensioners' Labor Unions (*Federatia Sindicatelor Pensionarilor*), the Association of Pensioners in Romania (*Asociatia Pensionarilor din Romania*) represent elders in public debates and policy making. They mostly organise protests, demonstrations.
- How are women engaged in and represented in these organisations?

In each case, are there EU, bilateral or other international links.

### 7.4 Hotspots and Alliances

Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others (if so, which)? For example is gender/religion or sexuality/religion a regular source of controversy? Is this hostility best described as endemic or constant, or as occasional and issue based?

Sexuality/ religion is a regular source of controversy. The hostility can best be described as endemic and constant. The Romanian Orthodox Church was the strongest actor advocating for keeping the provisions of the Criminal code that sentenced to prison individuals that engaged in homosexual relations. Recently (2008), the Alliance of Families in Romania, a group that claims to find its resources in "Christian morality" is again supporting an initiative to introduce a provision in the Romanian Constitutions restricting marriage to the "union between a man and a woman for the purpose of establishing a family". The initiative was almost successful last year.

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

Feminism and gay/ lesbian groups often form alliance with each other. For several years, a group that included feminist and gay/ lesbian groups, but also human rights NGOs specialised in litigation on violation of the rights of Roma has been very active in advocating for anti-discrimination legislation, and the de-criminalisation of homosexuality.

## WIDER SOCIAL INSTITUTIONS

### 8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

#### *Population, economic development, economic inequality and state welfare*

	Country	EU-27
<b>GDP per capita PPP (Purchasing Power Parity) 2005</b>	35,5	100
<b>Population size 2005 (Eurostat 2006) – in millions</b>	21,7	-
<b>% of workforce in agriculture 2005</b>	-	-
<b>Longevity 2005</b>	71,7	-
<b>Gini (measure of economic inequality) 2005 (Eurostat 2007)</b>	31	-
<b>% GDP/gov. expenditure on social expenditure 2005 (Eurostat)</b>	14,2	27,2
<b>% GDP/gov. expenditure on active labour market policies 2003 (OECD 2007)</b>	-	-
<b>% GDP/government expenditure on childcare (forthcoming OECD)</b>	-	-
<b>% GDP/Government expenditure on military (World Bank 2005)</b>	2,108	

#### *Gender Regime*

		Female	Male
<b>Employment rate (2005, Eurostat)</b>	57,6	51.5	63,7
<b>Unemployment rate (2005, Eurostat)</b>	7,2	6,4	
<b>Share of women in adult labour force % (2004, UN)</b>	45		
<b>Women's share of part-time employment % (2004, 2005, 2005)</b>	54	9.8 <sup>60</sup>	9.5 <sup>61</sup>

<sup>60</sup> Part time employment as percentage of total female employment.

Gender pay gap, unadjusted (gap= difference between average gross hourly earnings of male and female employees given as % of average gross hourly earnings of male paid employees, unadjusted form 2006 Eurostat)	10		
School enrolment tertiary % gross (2004, World Development Indicators)	40,2	45	35,6
Women in Parliament % of parliamentary seats in single or lower chamber occupied by women (UN 2007)	11,2		
Women's share of legislators and managers % (UN 2005)	29		
% one parent families (dependent children)	-	-	-
Mean age at first marriage (Eurostat, 2003)		24,6	27,7
Marriage rate (2003, UN) <sup>62</sup>	6,56		
Divorce rate (2003, UN) <sup>63</sup>	1,5		
Fertility rate (2005 , World Development Indicators)	1,3		

## 9. SUMMARY

### 9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

	Fully transposed <sup>64</sup>	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references <sup>65</sup>
<b>Issues</b>						
<b>1 Equal pay/equal treatment</b>	Yes	Before After	1965 2000	Equal to EU	No	Yes
<b>2 Sexual harassment and discrimination</b>	Yes	After	2002	Equal to EU	No	Yes
<b>3 Equality bodies</b>	Yes	Before After	2000 2004	Equal to EU	No	Yes
<b>4 NGO/civil society dialogue</b>	Yes	After	2002	Equal to EU	No	Yes
<b>5 Parental leave</b>	Yes <sup>66</sup>	After	1997 2000	Beyond	No	Yes
<b>6 Organisation of working time</b>	Yes	After	2003	Equal to EU	No	Yes
<b>Gender Machinery</b>						
National Agency for Equal Opportunities between Women and Men	Yes	After	2004	Equal to EU	No	Yes
National Council for Combating all Forms of Discrimination	No	Before	2000	Equal to EU	No	Yes

<sup>61</sup> Part time employment as percentage of total male employment.

<sup>62</sup> Marriage rate, table 23: <http://unstats.un.org/unsd/demographic/products/dyb/dybsets/2003%20DYB.pdf>

<sup>63</sup> Divorce rate:

<http://unstats.un.org/unsd/demographic/products/dyb/DYB2003/Table25.pdf>

<sup>64</sup> The 'full transposition' of Directives is a claim made by the government.

<sup>65</sup> EU References were generally part of the EU accession process.

<sup>66</sup> Note that in the Romanian legislation, regulations related to parental leave are not framed in the language of reconciliation of work and family life.

## 9.2 Plans and programmes

<b>National general gender equality plan (current)</b>	Yes			
Reference to Lisbon targets	<b>YES</b>			
Reference to Barcelona targets	<b>NO</b>			
Targets and indicators	None	Weak X	Moderate	Strong

<b>National plan: Gender-based violence (current)</b>	Yes			
Targets and indicators	None	Weak	Moderate	Strong

<b>Focus on gender</b>	<b>No</b>	<b>Yes:</b>	<b>Weak</b>	<b>Moderate</b>	<b>Strong</b>
<b>Employment plan</b> (general assessment)		X		X	
<b>Social protection and social inclusion plan</b> (general assessment)		X			
Reference to gender based violence	<b>NO</b>				

## 9.3 Gender machineries

<b>National gender machineries</b>	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister			X	
Independent equality body (research, monitoring, and enforcement)	2005			
National consultative / representative body linking state and women's NGOs	2002			
Any other body / bodies (e.g. parliamentary committees) Please name: 1. Commission on Equal Opportunities between Women and Men in both Chambers of the Parliament 2. Commission for Equal Opportunities within the Economic and Social Council	2000  2000			



### 9.4 Policy

	No -Not at all	Yes / Low	Yes / Moderate	Yes / High
<b>General</b> To what extent is gender mainstreamed throughout policies?		X		
<b>Non-employment (4.1)</b>			X	
Extent to which mothers can be legitimately non- employed			X	
<b>Intimate citizenship (4.2)</b>				
Extent to which women have access to abortion (in country of residence)				X
Extent to which state policies are highly heteronormative				X
<b>Gender-based violence (4.3)</b>				
Extent to which policies on GBV go beyond domestic violence				X
Strength, resources and co-ordination of GBV policies		X		

### 9.5 Civil society and state interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)	X			
Extent to which the women's NGOs participate in policy making		X		
Extent to which women's NGOs are close to state			X	
Extent to which women's NGOs engage with intersecting inequalities			X	
Extent to which women's NGOs are state funded		X		
Extent of influence of trade union body on policy making				X
Extent of power of women within trade union body	X			