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DEVELOPMENT OF GENERAL (GENDER) EQUALITY POLICIES

I. POLICIES AND LEGISLATION: 1995-2007

I.1. Constitutional treatment of gender equality

The Romanian Constitution has asserted the principle of equality between men and women, including the principle of equal pay, since the 1948 Constitution that marked the communist takeover of the country.¹ Under communist leadership, Romania was among the first countries to sign the CEDAW in 1981, and to ratify the Convention in January 1982. In accordance with Article 18 of CEDAW, Romania's first periodic report was submitted in 1987.²

Subsequent revisions of the Constitution strengthened affirmation of the principle of equality between women and men. The 1989 political change from a regime led by the Communist Party to one based on elections and party politics led to the adoption of a new Constitution in 1991. The 1991 Constitution introduced the principle of non-discrimination (Art. 4, paragraph 2) and reiterated the principle of equal pay (Art. 38, paragraph 4). It is also relevant for the subsequent evolution of gender equality policies, and indicative of the previous treatment of women under the Ceausescu regime, that the first document approved by the provisional government of Romania in December 1989 was one that, among other decisions, legalized abortions³ and thus repealed Decree no. 770/1966.

In 2003, the Constitution was once again revised in view of the EU accession. (Romania became a member of the European Union on January 2007.) The Law revising the Constitution⁴ was approved through referendum and it became effective on October 29, 2003. The principle of equality between women and men was strengthened in the new Constitution by including a paragraph guaranteeing equality of opportunities between women and men in access to public, civil and military positions. Article 16, paragraph 3 of the 2003 Constitution (in effect) stipulates: "Access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian state shall guarantee equal opportunities for men and women to occupy such positions and dignities."

¹ Although the principle of equality between women and men was enshrined in the 1948 Constitution, and remained a cornerstone of policies on women throughout the state socialist period in Romania, many historians and sociologists have written at length about the contradictions between the reality of women's everyday lives and such legal and ideological pronouncements. The contradictions became more and more severe after 1965, when Nicolae Ceausescu became the Secretary General of the Romanian Communist Party.

² The combined second and third periodic reports were submitted as a single document in November 1992 and considered by the CEDAW Committee in January 1993; the combined fourth and fifth periodic reports were submitted in March 1999; the sixth periodic report was submitted in December 2003, and considered by CEDAW Committee in June 2006. Romania signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women in 2000.

³ Decret-Lege nr.1 din 26 decembrie 1989. [Decree-Law no. 1 from 26 December, 1989.]

⁴ Legea de revizuire a Constituției României nr. 429/2003. [Constitutional Revision Law no. 429/2003.]

I.2. Policies of equal opportunities for women and men

The issue of equal opportunities for men and women became part of the political and governmental policy agendas only in 1995. The Fourth World Conference of Women in Beijing (1995) had a significant impact on initiating governmental action in Romania in support of gender equality and the advancement of women's status. In the Sixth period report on the implementation of CEDAW, the Romanian Government recognizes the importance of the Beijing Conference for initiating national action towards the implementation of gender equality in Romania. The Report states that "following the event [Beijing World Conference on Women, 1995], the Romanian Government decided to nationally apply the provisions of the World Conference final documents [...]. Moreover, *Romanian decision making agents became more aware of the importance of acting in line with the relevant international conventions in the field.*"⁵

On 12th-14th of September 1996, the sub-regional conference of senior government experts from Central and Western Europe on the implementation of the Beijing Platform for Action took place in Bucharest, Romania.⁶ On the occasion of this event, the Romanian Government presented the National Plan for Action for the Implementation of the Main Objectives provided for by the Final Documents of the Beijing Fourth Conference on Women.⁷ However, later on, in the Programme and Strategy of the government elected in November 1996, there was no mention of a strategy or measures for promoting equal opportunities, although the Programme of Government affirmed the principles of justice and social cohesion as the basis for governmental action.

The concept of gender mainstreaming was also introduced in the National Action Plan presented by the Romanian Government in the framework of the Sub-regional Conference of High Governmental Experts on the implementation of the Beijing Platform for Action (Bucharest, 1996).

In May 1998, a draft law on Equal Opportunities for Women and Men was submitted to the Parliament by the Ministry of Labour and Social Protection, containing specific provisions on equal opportunities in employment and work, and on sexual harassment.⁸ The law was drafted by the Department for Strategies for Promoting Women's Rights and Family Policies (*Departamentul pentru coordonarea strategiilor privind drepturile femeii și de elaborare a politicilor familiale*) that was set up within the Ministry of Labour and Social Welfare, in 1995. This first Draft Law on Equal Opportunities for Women and Men entered legislative procedures in June 1998, first registered with the Senate. In February 2001, the proposal

⁵ Government of Romania. Sixth Periodic Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/6, 15 December 2003, p.3 [Italics mine.]

⁶ Government of Romania. Combined Fourth and Fifth Periodic Reports of Romania under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/4-5, 15 March 1999.

⁷ Romanian Government. National Plan for Action of the Implementation of the Main Objectives provided for by the final documents of the Beijing Fourth Conference on Women. <http://www.un.org/esa/gopher-data/conf/fwcw/natrep/NatActPlans/romania.txt>

⁸ "Romania" in Weber, Renate and Nicole Watson, eds. 2000. *Women 2000: An investigation into the status of women's rights in Central and Southeastern Europe and the New Independent States*. Vienna: International Helsinki Foundation for Human Rights.

was finally withdrawn upon request from the Romanian Government. Another legislative proposal was submitted by the Romanian Government that same year; the new proposal was eventually successful.

Starting in 1997, under pressure of the EU accession monitoring criteria, efforts were made to incorporate the principle of equal opportunities between women and men into other policy areas, particularly parental leave provisions. In July 1997, the Parliament adopted Law no. 120/ 1997 on paid parental leave for taking care of children up to the age of two, subsequently repealed by Law no. 19/ 2000 on the Public System of Pensions and other Social Security Rights. Law no. 120/1997 entitled either parent, at his or her option, to take a break from working life in order to be involved fully in taking care of the child. In 1998, the Department for Strategies for Promoting Women's Rights and Family Policies drafted a legislative proposal for regulating paternal (fathers') leave. The proposal was drafted with a view to incorporating the principles of partnership in family life and sharing between the two parents responsibilities connected with the development and upbringing of children. The proposal also aimed at encouraging fathers to take responsibility for the care and upbringing of their children, by making fathers eligible for five days of paid leave after the birth of the child, to which ten additional days could be added if he father graduated from a certified course on child-raising. The proposal was approved by Parliament in 1999, and became Law no. 210/1999 on paternal leave, still in effect.

The year **2000** gave new momentum to the analysis and evaluation of actions to promote gender equality. A review was carried out on a global level, Beijing +5 and presented at the extraordinary session of the UN General Assembly, "Women in 2000. Gender equality, development and peace for the XXI century". Each member state presented reports on their Governments' steps to implement the Beijing Platform for Action. The Romanian Report, "The Status of Women in Romania during 1995-2000" was submitted by the Direction for Equal Opportunities, within the Department for Co-ordination of the Labour Market and Wage Policy at the Ministry of Labour and Social Protection.

A National Action Plan on Equal Opportunities between Women and Men was adopted in 2000, by Government Decision no. 1273/ 2000. Almost four years after the Plan was adopted, an implementation plan was also designed and adopted through Government Decision no. 285/ 2004 on the Application of the National Action Plan on Equal Opportunities between Women and Men. However, the institution responsible for policy making and policy coordination in the field of equal opportunities between women and men was created only in 2005. In the aftermath of setting up the National Agency for Equal Opportunities between Women and Men, the National Strategy for Equal Opportunities between Women and Men 2006-2009 was adopted, and subsequent action plans on the implementation of the strategy were designed.

International and regional bodies, other than the European Union, also played a significant role in developing programmes towards gender equality in Romania. The programmes financed by foreign donors, such as international inter-governmental organizations (UN agencies, the World Bank), international development programmes of foreign governments

like those of the United States, the Netherlands, or Canada, regional organizations (the Council of Europe), or international non-governmental organizations (Open Society Institute) encompassed a wide range of gender issues from women's participation in politics and gender mainstreaming to programmes against domestic violence and the development of women's entrepreneurial skills. Romanian authorities for example, together with the Council of Europe, developed a project on *Promoting balanced representation of women and men in political and administrative decision – making bodies in Romania, 2000-2001*. Through its *Integrated Approach to Gender Balanced Political Empowerment and Participation* programme, the UNDP offered training, specialization and information to the central and local governmental authorities working on gender equality. The UNDP and UNIFEM worked together with NGO partners to develop a programme for "Economic Empowerment of Rural Women". The National Agency for the Protection of the Family, within the Ministry of Labour collaborated with UNFPA and UNICEF and developed partnership programmes focused on women's health care, and the elimination of violence against women and children. The Open Society Institute supported research and advocacy on women's rights and gender equality.

In September 2000, one important development was the adoption by government ordinance of new legislation prohibiting *discrimination* by public employees, individuals, private companies and economic operators on the grounds of nationality, race, ethnicity, age, sex, or sexual orientation. Governmental Ordinance 137/2000 included provisions that explicitly prohibited sex-based discrimination.

A new Parliament was elected in November 2000, and the winning Party of Social Democracy in Romania (*Partidul Democratiei Sociale din Romania*) formed a minority government. The new Government identified equal opportunities between men and women as one of its main objectives in its Government Programme, 2001-2004. Among the measures that the Government Programme committed to were: measures to adopt and speed up the application of the National Action Plan on equal opportunities for women and men; modifying the bill on equal opportunities and submitting it again to Parliament; applying the principle of equal treatment for men and women with respect to employment, professional training and promotion, and work conditions; setting up the National Agency for Equal Opportunities, an independent body designed to promote equal treatment for men and women and to monitor the application of EU directives; and drafting a bill on the protection of motherhood.

In 2001, the Romanian Government drafted a new proposal for a Law on equal opportunities between women and men. The General Secretariat of the Government sent the proposal to the Senate on August 30, 2001. The proposal entered legislative procedures on September 14, 2001. Parliamentary debates on the draft law focused on reversing the burden of proof in cases of discrimination or sexual harassment. Most of the MPs were against such provision considering that it "infringed on the presumption of innocence". A compromise solution was reached to accept the reversal of the burden of proof only in working relationships.

The proposal was adopted in March 2002 and became Law no. 202/2002 on equal opportunities between women and men. The adoption of Law no. 202/2002 regarding equal

opportunities between women and men did not lead to the actual implementation of the National Action Plan for Equal Opportunities between Women and Men, already adopted in 2000, as the law did not specify the creation of any institution for promoting and guaranteeing equal opportunities. The creation of such an institution was regulated only later, through Governmental Ordinance no. 84/2004. The Government Ordinance 84/ 2004, amending and completing the Law on equal opportunities (including issues such as direct and indirect discrimination and sexual harassment), was approved in August 2004. The Ordinance also stipulated the setting up of the National Agency for Equal Opportunities by January 2005. In doing so, it complied with Directive 2002/ 73/ EC, which introduced the obligation for member states to “designate and make the necessary arrangements for a body or bodies for the promotion, analysis, monitoring, and support of equal treatment of all persons without discrimination on the grounds of sex.”

A major revision of the Labour Code, which was finalized in 2003, brought employment regulations in closer compliance with the principle of equal opportunities between women and men. The Government engaged its responsibility for the adoption of the new Labour Code; therefore the draft law did not follow regular but expedite parliamentary procedures. Before entering Parliament, the draft for the New Labour Code was debated for two years, both in the Economic and Social Council and on the web page of the Ministry of Labour. The influence of trade unions on the final draft was decisive.⁹ The proposal was adopted by Parliament on December 9, 2002, and it became Law no. 53/ 2003, the Labour Code. The new Labour Code introduced some important regulations related to gender equality and/ or combating gender discrimination: the reversal of the burden of proof in work conflicts (although Art. 287 introducing the provision did not make direct reference to gender discrimination); the right to take a few days of extraordinary paid leave in cases of special family events; part time work (Chapter VIII of the new Labour Code); flexible work programmes (article 108 of the Labour Code), and work from home (Chapter IX of the Labour Code). In particular, the introduction of the part time work and home-based work regulations could have impact on the ability of parents to reconcile family and work responsibilities. However, part time work and home-based work are still associated with precarious employment in Romania. These are low-paid jobs that offer no opportunities for career development. Furthermore, parents on parental leave are not allowed to make use of the regulations on home-based work, as they are not entitled to any additional income during the period when they receive the child care allowance. The functioning of the Romanian Labour market has yet to incorporate the new types of work provided for by the 2003 Labour Code.¹⁰

Since it became operational in 2005, the National Agency for Equal Opportunities between Women and Men has also attempted to take part in legislative initiatives. An initiative to revise the Law no. 202/2002 in the beginning of 2006 was successful, becoming Law no. 340/ 2006. One of the novelties of the law was the introduction of the concept of “multiple discrimination”. The Agency also attempted (unsuccessfully) to lobby for revisions of the

⁹ See Romanian report at <http://www.qub.ac.uk/egg/>

¹⁰ Personal interview with Cristina Mocanu, Researcher at the National Scientific Research Institute for Labour and Social Protection.

Electoral Laws in order to introduce a quota system for women that would apply to electoral party lists.

A proposal for revising the Family Code is currently under parliamentary debate. The proposal aims to bring the Family Code into closer compliance with the principle of equality between women and men. One of the proposals is to equalize the legal marriage age for women and men at 18 years old.

The principle of equal opportunities between women and men was incorporated, either as a horizontal objective or as a specific area of intervention, in policies of economic and social development (starting in 2004), in employment policies (since 2002) and in policies of social inclusion. In the absence of a gender mainstreaming strategy, one can detect different approaches to gender issues and their relevance in the policy processes that took place in the three large fields of development, employment and social inclusion, after roughly 2002.

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

The National Development Plan 2004-2006 affirmed the principle of equal opportunities between women and men as a horizontal objective (understood, however, as the absence of discrimination and thus nothing more than the requirement to comply with the Romanian anti-discrimination legislation) and reviewed the application of the principle of equal opportunities between women and men in employment. Thus, the National Development Plan 2004-2006 identified the need for action to redress gender inequalities only in the area of employment.

As part of the process of aligning Romania's policy for economic and social development with the EU Regional Policy, and specifically the coordination of structural instruments, new sets of programmatic documents were drafted in 2006 which endorsed the horizontal objective of equal opportunities between women and men. 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 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.

Under the heading "compliance with community policies", the National Strategic Reference Framework states:

Equal opportunities will be promoted by interventions under all the Operational Programmes. This will ensure the equitable participation of women and men in the operations and benefits that accrue from the implementation of the operations. Equality of opportunities will also focus on vulnerable groups, young people, ethnic minorities, especially Roma, disabled people and people with learning difficulties.

National Agency for Equal Opportunities will assist the MAs and the OP Monitoring Committees in properly addressing this key horizontal policy. (p. 170)

Sectoral Operational Programmes reiterate the commitment of Structural Funds to equal opportunities between women and men. "Equal opportunities" is affirmed as a horizontal principle in all Operational Programmes for 2007-2013, and compliance with the principle is required at all stages of programming and implementing the Programmes. The equal opportunities principle also functions as a criterion for selecting projects, meaning that potential beneficiaries have to show how their proposed projects comply with the principle.

Equal opportunities between women and men in employment policies:

Employment policies provide another area for policy interventions towards greater gender equality - in this case, in relation to the labour market. Attention to gender issues and the adoption of strategies and plans for action to promote gender equality on the labour market were a direct result of the pressure to align the policies of the Romanian government with the European Employment Strategy and the Lisbon agenda.

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".

In the period 2002-2007, the Romanian Government approved three National Action Plans for Employment. The first National Action Plan for Employment (2002-2003) was developed with PHARE assistance and was approved by Government Decision 759/ 2002. Subsequently, two other plans were developed: the National Action Plan for Employment 2004-2005, approved by Government Decision 588/ 2004; and the National Action Plan for Employment 2006, approved by Government Decision 970/ 2006. The National Action Plan for Employment 2007 is currently under the procedure for approval.

"Ensuring equal opportunities between women and men" was one of the four major pillars of the first National Action Plan for Employment (2002-2003). The first National Action Plan for Employment (NAPF) was drafted and adopted in the period 2001-2004, when the social-democrat Romanian Government had made a priority of promoting equal opportunities between women and men. The Plan outlined a dual approach to promoting gender equality: (1) a gender mainstreaming strategy that would apply to the other three pillars of the strategy (Pillar I: "Improving the employment capacity"; Pillar II: "Developing entrepreneurial skills and creation of more jobs"; Pillar III: "Promoting the adaptability of enterprises and their employees"); and 2) targeted strategies for the following objectives: reducing gender inequalities on the labour market, including gender inequalities in unemployment, occupational segregation by gender and the gender pay gap; and the reconciliation of work and family life.

The affirmation of the commitment to promoting gender equality became weaker and less visible in the ensuing documents. The NAPF 2004-2005 reviewed the progress made with the implementation of measures provided for in the NAPF 2002-2003 and reasserted the goals of reducing gender inequalities on the labour market and promoting the reconciliation of work and family life. The NAPF 2004-2005 sent a stronger message about the need to support the creation of institutions responsible for promoting gender equality policies. (At the

time when the Plan was drafted, the National Agency for Equal Opportunities between Women and Men had not been created.)

The National Action Plan for Employment 2006 termed equal opportunities for women and men a “horizontal initiative”. The Plan emphasized 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 Programme for developing women’s entrepreneurial culture, 2005-2008. The programme was (and still is) financed from the state budget and has been repeatedly assessed as a success story by national and international evaluators.

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

During the time when Romania was drawing closer to the EU accession date, the EU countries extended their Open Method of Coordination (OMC) to eradicate poverty and exclusion by 2010, following the decisions of the Lisbon Council in March 2000. In convergence with these decisions, in 2003 all accession countries as well as Romania and Bulgaria concluded 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”. This 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”.

I.3. Anti-discrimination work (competition of gender with other inequalities)

The issue of anti-discrimination was placed on the political and policy agenda at around the same time as the issue of equal opportunities for women and men

In 1999¹¹, a joint commission, comprised of representatives of the Department for the Protection of National Minorities (DPNM) and leaders of nongovernmental organizations (NGOs) was set up to draft a proposal for an Anti-discrimination law. Among the NGOs that were part of the consultations were ACCEPT (LBGT Association), FSD (Foundation for Open Society), APADOR – CH (The Helsinki Committee in Romania). At that time, the Department of Interethnic Relations, of which the Department for the Protection of National Minorities was a part, was led by Marko Atilla, a leader of the Democratic Alliance of Hungarians in Romania (UDMR). UDMR made an essential contribution by eliciting political support for the

¹¹ Timeline for the development of anti-discrimination legislation is reproduced from an unpublished manuscript by Iustina Ionescu, anti-discrimination coordinator, Centre for Legal Resources, Bucharest, with kind permission from the author.

anti-discrimination proposal, in the context of their continuous preoccupation with securing the rights of national minorities in Romania. “At that point”, declares anti-discrimination expert Iustina Ionescu, “a compromise decision was taken to first proceed with the anti-discrimination legislation and only afterwards start to develop legislation for specific groups”.¹²

On August 31, 2000, the proposal was adopted by the Romanian Government as Government Ordinance no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination. Ordinance 137/2000 incorporated provisions against sex-based discrimination. The ordinance also implemented the provisions of Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of their Racial and Ethnic Origin, as well as the recommendations of the European Commission against Racism and Intolerance.

Government Ordinance 137/ 2000 entered parliamentary procedures as a legislative proposal in March 2001. On May 30, 2001, during a common meeting, the Human Rights Commission and the Judicial Commission approved the text of the Ordinance with an amendment consisting in the elimination of “sexual orientation” from the grounds of discrimination. The amendment was proposed by a deputy from the then government party (Social Democrat Party), M. Cornel Bădoiu, who argued that: “There is nothing wrong in not hiring someone because he is homosexual” (See Adevărul, May 31, 2001). On October 4 and 9, 2001, the Chamber of Deputies adopted Government Ordinance no. 137/2000, eliminating sexual orientation from the list of grounds of discrimination. Other amendments that were raised during debates referred to discrimination based on ethnic grounds.

Since the texts adopted by the two chambers differed, a mediation commission was established. The mediation commission reintroduced sexual orientation to the list of discrimination grounds in the text of the proposal, which was subsequently adopted on December 2001 and became Law 48/2002 for the approval of Government Ordinance no. 137/2000.

Subsequent revisions of the Ordinance 137/2000 enlarged the scope of protection against sex-based discrimination to include concepts of ‘indirect discrimination’, ‘harassment’, ‘victimization’ and ‘disposition to discriminate’. During one of the processes that led to changes in the anti-discrimination legislation (in 2003/ 2004), the National Council for Combating Discrimination proposed that the term ‘gender’ replaced the term “sex” as a criterion for discrimination. The proposal was not accepted by the Parliament.

In response to a question about most important actors that contributed to the success of the anti-discrimination initiatives, Iustina Ionescu, anti-discrimination coordinator at the Centre for Legal Resources declared in our interview on April 23, 2007 that “the approval of Ordinance 137/2000, the elimination of Art. 200 from the Penal Code (an article that made homosexuality punishable with prison), and the adoption of Law 202/2002 on equal opportunities between women and men were all the result of pressure from the European

¹² Statement from a personal interview, on April 23, 2007. A note is in order here that UDMR also sponsored various drafts of a Law on National Minorities, which were never successful.

Commission that repeatedly urged the Romanian Government to take action in these directions.” “Maybe this is the reason”, she continued, “why the law is not well-known even today, and more importantly it has not been internalized by people. It is still perceived as a ‘foreign body’.”

In the opinion of the same expert, the issue of equal opportunities for women and men and anti-discrimination work seem to have followed divergent policy-making paths.

“It is interesting that, or at least my perception is that that two fields [gender equality and anti-discrimination] did not support each other; quite the contrary, they seem to have competed with each other from a certain point onwards. The creation of two institutions with overlapping competences – the National Agency for Equal Opportunities between Women and Men and the National Council for Combating Discrimination- led to a situation of competition. Furthermore, each field enjoyed political support from a different political camp, which strengthened the feeling that they were competing with each other.”

The success of the anti-discrimination legislative initiative had an important contribution to the abolition of Article 200 of the Penal Code, criminalizing homosexuality. However, even with the adoption of Ordinance 137/ 2000 regarding the prevention and sanctioning of all forms of discrimination, it still took another year for the respective article in the Penal Code to be eliminated, by Law no.61/2002 approving Government Emergency Ordinance no. 89/2001.

An Emergency Ordinance, adopted in March 2002, banned fascist, racist or xenophobic organizations as well as symbols relating to individuals guilty of crimes against humanity.

I.4. Intersectional issues: Roma policies and claims from the Romanian Romani women’s movement

Also around 1999, Roma policies emerged as a specific field of policy-making in Romania. In 1993, Roma settlements were the targets of racial violence in numerous parts of Romania. The most prominent of such incidences took place in Hadareni, a village in the multi-ethnic Mures county, where numerous Roma houses were burned down and Roma were murdered. Roma advocates, the international community and the European Union pursued the effective observance of Roma rights in Romania, both within the context of the rights of minorities in Romania, but also as a separate issue.

An Inter-ministerial Committee for National Minorities was set up by a government decision in August 1998, and a sub-committee responsible for the elaboration of a strategy for the integration of the Roma met for the first time in September 1998. In 1999, representatives of the Roma community set up a Working Group of Roma Associations including elected representatives from the community, thus facilitating liaison with public authorities. The Working Group of Roma Associations nominated 8 Roma experts as members of a sub-committee of the Committee for National Minorities. In 1999, an agreement on the

elaboration of a strategy for the protection of the Roma minority was signed between the Department for the Protection of National Minorities and the Working Group. A political memorandum was prepared by the Department for the Protection of Minorities in conjunction with Roma representatives – but despite being submitted in March 2000 it has not been approved by the government.

A National Strategy for Improving the Condition of Roma was adopted in April 2001, by Government Decision 430/2001. It was subsequently revised and extended, in the context of the Decade of Roma Inclusion. Revisions and additions were approved through Government Decision no. 522/ 2006. A National Action Plan for the Decade for Roma Inclusion was also developed by the Government of Romania, following the political commitment it made to the Decade.

The main governmental institution for elaborating, implementing, and coordinating programmes and strategies for Roma inclusion is the National Agency for Roma, established in October 2004. The agency deals specifically with Romani women in the areas of medical assistance, family planning, and child and family protection services.

The Romani women's associations and Romani women's advocates, such as the Association of Roma Women in Bucharest; the Association of Gypsy Women in Timisoara; RomaniCRISS in Bucharest; the Agency for Community Development "Together" in Bucharest; or the Joint Romani Women Initiative at the Open Society Institute in Budapest have repeatedly emphasized the exclusion of Romani women from both Roma policies and gender equality policies. In a 2006 report, independent experts commissioned by the Open Society Institute in Budapest concluded that "Romani women are invisible as a specific target group for policies."¹³ Since then, the assessment has been slightly contested by the inclusion of several references to Romani women in the National Action Plan for the Decade for Roma Inclusion (on maternity care, and Romani girls' education), and in the National Strategy for Equal Opportunities between Women and Men, 2006-2009 (on employment).

Such references are largely the result of sustained advocacy by the Romani women's movement in Romania. Romani women advocates are among the forefront promoters of the concept of "multiple discrimination" in Romania. It was due to the lobby of Roma women's organizations that a special mentioning of "multiple discrimination" was added to the Law on equal opportunities between women and men. (The proposal for the revision of the law was approved by Law no. 340/ 2006 for changes and additions to the Law no. 202/2002 regarding equal opportunities between women and men.)

I.5. Intersectional issues: Gender and policies on disability

Only a few policy developments connected with disability can be noted in Romania in the QUING period 1995-2005 (or before, for that matter).

¹³ *Broadening the Agenda*, p. 24.

The first policy-making initiative in the field of disability was taken by the Government in 1999, when Government Ordinance 102/1999 regarding the special protection and inclusion in employment of persons with disabilities was adopted. Law no. 519/2002 approved the Ordinance.

In the same year (2002), a National Strategy for the special protection and social integration of disabled persons was approved by Government Decision 1215/2002.

Government Ordinance 137/2000, for the prevention and sanctioning of all forms of discrimination, provided an important legal ground for fighting discrimination based on disability. A few representatives of NGOs working on disability issues were part of a larger group of NGOs that over the years lobbied for the adoption and revisions of the legislation in the field of anti-discrimination.

In the framework of the European Year of Disability (2003), a National Country Report on Disability (Handicap) in Romania was released jointly by the European Forum of Disability and the Working Group for the Creation of a National Council for Disability in Romania. In 2004, a National Authority for Disabled Persons was set up.

Legislation for the protection of the rights of persons with disabilities was revised in 2006, when a new law came into effect - Law no. 448/ 2006 on the protection and promotion of the rights of persons with handicaps. Law 448/2006 abolished the provisions of Law 519/2002 regarding the special protection and inclusion in employment of persons with disabilities.

There are very few initiatives that specifically focus on gender and disability. The National Authority for Persons with Handicaps implemented a project called “Women for Women” that tried to identify the causes of double discrimination that women with disabilities are facing in Romania. Another initiative was taken by *AnA – Society for Feminist Analyses*, that implemented a policy research project on “Women and Disabilities in Romania”, in 2006. One of the main conclusions of the research that was carried out as part of the project is that “gender is an ignored dimension for persons with disabilities”.

II. Institutional mechanisms for advancing gender equality

Building institutions in the field of gender equality started in 1995. Structures with responsibility for the advancement of and respect for the rights of women were established in Romania in October 1995.

Under the Ministry of Labour and Social Welfare, a Department for Strategies for Promoting Women’s Rights and Family Policies was created, by Government Decision 816/ October 1995. The Department was initially composed of two directorates: the General Directorate for the Coordination of Strategies on Women’s Rights and the Directorate for Family Policies.¹⁴ Initially, the Department for Strategies for Promoting Women’s Rights and Family Policies functioned as a State Secretariat, was able to hire 11 employees and was headed by a State

¹⁴ Muga, Maria. 2003. “Romania” In *South Eastern European Women’s Legal Initiative. National Machineres, Country Reports*. B.a.B.e: Zagreb.

Secretary, who was a woman. In 1998, the position of the Department was lowered to that of a General Directorate (Direction) for Equal Opportunities. Following the restructuring of the Ministry for Labour and Social Protection at the beginning of 1999, the number of employees in the Ministry decreased and the Department for Strategies for Promoting Women's Rights and Family Policies was replaced by a Division for Equal Opportunities.¹⁵ The division coordinated the activities of two centres: the Pilot Centre for Assistance and Protection of Victims of Family Violence (established in October 1996) and the Centre for Information and Consultancy for the Family (established in December 1998). With the restructuring of ministries after the 2000 elections, the Division was further split into two institutions, within two different ministries. A simple Directorate was created within the Ministry of Labour and Social Solidarity to oversee responsibilities in the field of equal opportunities between women and men on the labour market. Responsibilities in the field of family policies were transferred to the Ministry of Health and Family, at the same level of a simple directorate. In 2003, through the reorganization of the Ministry of Labour, and Social Solidarity, the Directorate for Equal Opportunities was removed from the ministry's structure (through Government Decision No. 737 of 2003 on the Reorganization and Functioning of the Ministry of Labour, Social Solidarity and Family, published in the *Monitorul Oficial* 483 of July 7, 2003.)

The Parliamentary Sub-commission for Equal Opportunities between Women and Men was established in September 1997, by Parliament's Decision no. 8/ June 1997. The Commission was established as a subdivision of the Commission of European Integration from the Romanian Parliament, at least partially due to the efforts of individual women MPs. The Sub-commission gathered both MPs and independent experts. Some of the outcomes of the activity of the Sub-commission were contributions to the Draft law of equal opportunities between women and men (1998), Law on parental leave (1999), and the Draft law on legalizing prostitution. The sub-commission functioned until 2000.

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 Deputy Chamber Commission on Equal Opportunities for Women and Men and the Senate Commission on Equal Opportunities for Women and Men.

In July 1997, the institution of the People's Advocate was created to fulfil the functions of an Ombudsperson, as provided for in articles 55 to 57 of the 1991 Constitution. Within the Ombudsperson institution, a Department for Child, Woman and Family Policies was created in February 1998. In 1999, the European Commission noted in its Regular Report that "the Office of the Ombudsman [had] consolidated its activities and [was] fully operational with a staff of 70 persons." However, the same Report notes that "its role was not fully clear to the public yet". The institution established three regional offices in 2003 (in Alba, Bacau and Dolj counties). The amendment of the Constitution in October 2003 gave the Ombudsperson the possibility of commenting on the constitutionality of legislation prior to its entry into force.

In 1999, the Consultative Inter-ministerial Commission for Equal Opportunities between Women and Men (CODES) was organized as a governmental body to overview the

¹⁵ Humnic, Adelina. 2002. Institutionalizarea politicii de egalitate de sanse. In *Gen si Integrate*.

mainstreaming of equal opportunities between women and men in all governmental activities (see Government Decision 967/ 1999). Since 1999, NGOs were invited to take part in the quarterly reunions of CODES, and they are invited to express their points of view on specific policy-making initiatives or legislative proposals. However, in the case of gender-related Government Decisions, the NGOs invited to participate in the meetings of the CODES were only formally consulted, and their comments were often not included in the documents adopted.¹⁶ With the removal of the Directorate for Equal Opportunities from the Ministry of Labour and Social Solidarity in 2003, the Inter-Ministerial Consultative Commission on Equal Opportunities for Women and Men remained the only 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, as envisaged by Government Ordinance no. 84/ 2004.

In 2000, a Commission for Equal Opportunities was founded within the Economic and Social Council. Women's organizations 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.

The National Council for Combating Discrimination was set up by the Government Decision no. 1194 of November 27th 2001. The National Council for Combating Discrimination (NCCD) became operational in 2002. Initially, according to Government Decision 1194/ 2001, the NCCD was a "specialized body of the central public administration, subordinated to the Government". Government Decision 1514/2002 modified and added new provisions to Government Decision 1194/ 2001, essentially expanding the remit of the NCCD and making it the central body for the implementation of the governmental anti-discrimination policy. According to Government Decision 1514/ 2002: "The National Council for Combating Discrimination is responsible for the application of the governmental anti-discrimination policy." From the onset, the National Council for Combating Discrimination did not have a focus on gender discrimination, although it did elaborate a micro-strategy on discrimination against women, as part of the development of a National Plan to Combat Discrimination.¹⁷ A further (perceived) obstacle to developing strategies and action on gender discrimination at the level of the National Council for Combating Discrimination emerged with the adoption of Ordinance 84/ 2004 laying out the establishment of the National Agency for Equal Opportunities for Women and Men. The attributions and responsibilities of the newly emerging Agency were partly overlapping with those of the NCCD, to the extent that 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 also be clarified as compared to the National Council for Combating Discrimination". Presently, the situation of overlapping

¹⁶ See Romanian report at <http://www.qub.ac.uk/egg/>

¹⁷ Besides the micro-strategy on women, seven other micro-strategies were elaborated in 2003, targeting the following vulnerable groups: national minorities, religious minorities, persons with disabilities, sexual minorities, HIV-positive persons and persons suffering from AIDS, youth and the elderly.

competences has still not been fully clarified, and as a consequence the NCCD is not actively engaged in pursuing cases of discrimination based on sex, for example through strategic litigation in such cases.

The Central institutional framework for promoting women's rights and gender equality further expanded in 2003, when the **National Agency for Family Protection** was established, with the role of implementing the Law 217/2003 on preventing and combating violence in the family. From its inception, the National Agency for Family Protection assumed the coordination of the two already existing Centres: The Pilot Centre for the Protection and Assistance to Victims of Domestic Violence (existing since October 1996) and the Family Information and Consulting Centre (existing since December 1998).

The establishment of the National Agency for Equal Opportunities between Women and Men was provided for in Governmental Ordinance 84/ 2004. The creation of the Agency was the result of both pressure and support from the European Commission. Pressure was exercised as part of accession negotiation and support was offered through a PHARE Twinning-programme that offered financial assistance and expertise. The institutional and human resources development for the Agency were the object of the PHARE Romania–Spain Twinning Project “Setting up the National Agency on Equal Opportunities between Women and Men” (PHARE RO 02/IB/SO–01 assisted).¹⁸ The twinning partner in the project was the Spanish “Instituto de la Mujer” (<http://www.mtas.es/mujer/>), which offered training for the personnel of the National Agency for Equal Opportunities between Women and Men and assisted the Agency in developing the Strategy on Equal Opportunities between Women and Men. Since January 2007, the Agency has also been organized on a local (county) level.

III. Women's NGOs

Women's NGOs and feminist civil society were slowly developing in the early 1990s. Approximately forty organizations working to address women's issues were already registered in 1993.¹⁹ Among them was *AnA: Society for Feminist Analyses* in Bucharest, probably the only self-identified feminist organization, but which has currently nearly ceased its activities. Foreign aid had a significant role in the development of women's organizations in Romania or, rather, of a civil sector working on women's issues. Among the most important donors in the 1990s for women's organizations and/ or programmes dealing with issues such as women's entrepreneurial skills, sexual education, or domestic violence were: PHARE, the Soros Foundation, the British Know-How Fund, World Learning, UNDP, the Foundation for the Development of Civil Society, that was managing PHARE funds, and the Centre for Development and Population Activities (CEDPA) that gave a total of \$5 million to the Society for Contraceptive Education (SECS), the organization Youth for Youth and the family planning movement Vrancea.

¹⁸ More information at: http://ec.europa.eu/enlargement/fiche_projet/document/2002-000-586.04.05%20Social%20and%20employment%20acquis.pdf

¹⁹ Grünberg, 2000: 313.

It is important to note that women's organizations did not focus on policy-making and political action in the 1990s. As part of a burgeoning civil society, women's organizations in Romania endorsed the prevalent "anti-politics" approach of former dissidents, intellectuals and civic leaders. The approach views formal politics as essentially corrupt and working against citizens' best interests. Such thinking also professed that any kind of (positive) social change would happen outside the realm of politics.²⁰ It was only after 2000 that women's organizations also began to target the policy-making process and to engage in specific lobbying of politicians or governmental institutions.

While modestly engaged with policy changes in Romania during the 1990s, women's organizations from Romania did gain some international visibility. For example, Romanian women's NGOs participated in the Beijing Fourth World Conference on Women, the five years review of the Beijing Platform for Action (Beijing +5), and the ten years review of governments' compliance with the Beijing Platform for Action (Beijing+10).

After 2000, women's NGOs assumed a more prominent role in policy debates around issues of violence against women and gender equality (particularly gender mainstreaming). More than thirty three NGOs formed the National Coalition of NGOs working to End Violence against Women in order to lobby for a special law against domestic violence. The Centre Partnership for Equality today has a leading role in initiatives on gender mainstreaming. Roma women's organizations and Roma women activists have also emerged as significant actors in policy debates on gender equality.

²⁰ See Laura Grünberg, Joanna Goven, Peggy Watson.

IV. List of relevant documents:

1996: Romanian Government. National Plan for Action of the Implementation of the Main Objectives provided for by the final documents of the Beijing Fourth Conference on Women

1998: Ministry of Labour and Social Protection (initiator). Draft Law on equality of opportunity between women and men. Registered with the Romanian Senate as Proiect de Lege privind egalitatea de șanse între femei și bărbați, PL nr. L147/1998 (Legislative proposal on equal opportunities between women and men, PL no. L147/1998). The Government withdrew the proposal in January 2001.

1998-2006: European Commission Regular Reports on Romania's Progress Towards Accession (yearly).

1999: Romanian National Report on Institutional Mechanisms for the Advancement of Women (since Beijing Conference), *AnA – the Romanian Society for Feminist Analyses*, Bucharest, April 1999. (In the framework of a KARAT coalition programme)

1999: Government of Romania. Combined Fourth and Fifth Periodic Reports of Romania under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/4-5, 15 March 1999 E-text. 48 p.
<http://daccessdds.un.org/doc/UNDOC/GEN/N00/225/34/PDF/N0022534.pdf?OpenElement>

2000. The Governmental Programme for 2001-2004. E-text, 182 p.
http://www.cdep.ro/pdfs/prog_guv.pdf

2000: HG nr. 1273/ 7 dec 2000 privind aprobarea Planului National de actiune pentru egalitatea de sanse intre femei si barbati, Monitorul Oficial al Romaniei, nr. 659/ 15.12.2000 [Government Decision no. 1273/ December 2000 for approving the National Action Plan on equality of opportunities between women and men]

2000 : The Ministry of Labour and Social Protection, The Department for Co-ordination of the Labour Market and Wage Policy, The Direction for Equal Opportunities. The Status of Women in Romania during 1995-2000. National Report to serve for the preparation of the Extraordinary Session of the UN General Assembly on Women beyond 2000: Gender Equality, Development and Peace for the XXIth Century. Bucharest: 1999. E-text, 76 p.
<http://www.un.org/womenwatch/daw/followup/responses/Romania.pdf>

2000: Women's Status in Romania: A Shadow Report to the 23rd CEDAW Session June 2000 (made within the framework of the "From Global to Local" Programme, coordinated and implemented by IWRAW Asia & Pacific and UNIFEM, IWRAW Asia & Pacific (for the overall project: November 1999 – June 2000), The Open Society Foundation Romania – Women's Programme (for the Romanian NGOs meeting, Sinaia, April 2000), November 1999 – June 2000)

2000: CEDAW Committee. Twenty-third session. Concluding comments of the Committee on the Elimination of Discrimination against Women. Romania. CEDAW/C/ROM/CO/4-5 E-text, 8 p.

<http://www.un.org/womenwatch/daw/cedaw/cedaw23/Romania%20as%20adopted.html>

2001: Government of Romania. HOTĂRÂRE nr.430 din 25 aprilie 2001 privind aprobarea Strategiei Guvernului României de îmbunătățire a situației romilor [Government Decision 430/2001 approving the National Strategy for Improving the Condition of Roma]. E-text. 16 p. http://www.anr.gov.ro/docs/Politici/Hotarare_nr_430.pdf

2001: Governmental Decision on submitting for approval the Draft law on equal opportunities between women and men (nr.E297/06-11-2001) [HG privind supunerea spre adoptare a proiectului de Lege] and Draft law on equal opportunities between women and men submitted by Government, 17p.

2001: Romanian Government. Expunere de motive [Reasons for submitting the proposal of a Draft law on equal opportunities between women and men], 7p. E-text.

2001: Raportul comisiei sesizate în fond asupra Proiectului de Lege privind egalitatea de șanse între femei și bărbați. [The Report of the Commission that examined the substance of the proposal for a Draft Law in equal opportunities between women and men] (contains amendments by various MPs and parliamentary groups), 14p. E-text.

2001: 20 December 2001. Minutes of Parliamentary debate on the draft Law on equal opportunities between women and men, 21 p. E-text.

2002: LEGE nr.202 din 19 aprilie 2002 privind egalitatea de șanse între femei și bărbați [Law no. 202/2002 on equal opportunities between women and men]

2002. Hotararea Guvernului nr. 759/ 18 iulie 2002 pentru aprobarea Planului National de Actiune pentru ocuparea fortei de munca. Pilonul IV – Asigurarea egalitatii de sanse intre femei si barbati. [Government Decision no. 759/ 18 July 2002 for approving the National Action Plan for Employment. Pillar IV – Ensuring equality of opportunities between women and men.], pp. 164-178, 14 p.

2002: Romanian Government. Expunere de motive. Propunere Codul Muncii. [Reasons for submitting the proposal of a New Labour Code]. E-text

2003: National Council for Combating Discrimination. Micro-strategies for groups at risk of being discriminated against. [Particularly the micro-strategy on women].

2003: Government of Romania. Sixth Periodic Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/6, 15 December 2003. E-text, 39 p.

<http://daccessdds.un.org/doc/UNDOC/GEN/N03/660/26/PDF/N0366026.pdf?OpenElement>

2004: National Council for Combating Discrimination. Planul National pentru Combaterea Discriminarii. [National Plan for Combating Discrimination].

2004: Hotărârea Guvernului nr. 285 din 4 martie 2004 privind aplicarea Planului național de acțiune pentru egalitatea de șanse între femei și bărbați Publicata in Monitorul Oficial, nr. 236/ 17 martie 2004 [Government Decision no. 285/ 2004 for the implementation of the National Action Plan on equality of opportunities between Women and Men], 3p.

2004: Government Decision no. 1386/ 2004 for approving the National Strategy on Employment 2004-2010. E-text. 58 p. (with a chapter on "Policies for equal opportunities between women and men", pp. 47-48)

http://www.mmssf.ro/website/ro/legi/ocupare/hg1386_2004.pdf

2004: Hotararea Guvernului nr. 588/ 2004 pentru aprobarea Planului National de Actiune pentru Ocuparea Fortei de Munca, Linia directoare 6 – Egalitatea de gen. [Government Decision no. 588/ 2004 for approving the National Action Plan for Employment, Guideline 6 – Gender equality], pp. 24-27, 3p.

2005: National Agency for Equality of Opportunities between Women and Men [ANES]. National Strategy for Equal Opportunities between Women and Men, 2006-2009.

2005: Programme of government, 2005-2008:

<http://www.guv.ro/objective/afis-index-diversedoc-o-pg.php?idrubrica=1>

2005: Memorandumul Comun in Domeniul Incluziunii Sociale. Sectiunea V: Diferentele de gen si politicile pentru egalitatea de sanse intre femei si barbati in cadrul incluziunii sociale [Joint Inclusion Memorandum, Section V: Gender differences and policies for equal opportunities between women and men in social inclusion], pp 58-61, E-text, 3p.

<http://www.caspis.ro/downloads/JIM.pdf>

2006: CEDAW Committee. Thirty-fifth session, 15 May – 2 June, 2006. Concluding comments of the Committee on the Elimination of Discrimination against Women. Romania. CEDAW/C/ROM/CO/6 E-text. 7 p.

2006: "Shadow Report", ERRC and Romani CRISS, United Nations Convention on the Elimination of All Forms of Discrimination Against Women the 35th Session, (15 May to 2 Jun., 2006). E-text, 13 p.

<http://www.errc.org/cikk.php?cikk=2136>

2006: Government of Romania: [Hotararea Guvernului nr.522/2006 pentru modificarea si completarea Hotararii Guvernului nr. 430/2001 privind adoptarea Strategiei Guvernului de imbunatatire a situatiei romilor](#). [Government Decision no. 522/ 2006 on changes and additions to Government Decision 430/2001 for adopting the Governmental Strategy for

Improving the Situation of Roma]. E-text. 16 p. http://www.anr.gov.ro/docs/Politici/0371-28_noua_strategie_522.pdf

2006: February 2006. Open Letter to the National Agency for Equal Opportunities between Women and Men by a Group of Roma Women (makes proposals for revisions of the Law no. 202/2002 on equal opportunities between women and men). 2p.

2006: Hotararea Guvernului nr. 970/ 2006 privind aprobarea Planului National de Actiune in Domeniul Ocuparii, Capitolul VIII, Initiative transversale – Egalitatea de Sanse intre Femei si Barbati [Government Decision no. 970/ 2006 approving the National Action Plan for Employment, Chapter VIII, Horizontal initiatives – Equal Opportunities for Women and Men], pp.24-25, 2p.

2007: May 2007. Government of Romania. National Strategic Reference Framework 2007-2013. E-text. 197 p.

http://anaf.mfinante.ro/wps/PA_1_1_15H/static/amcsc/fond_structural/fonduri_structurale/fonduri_Romania/Revised_NSRF_officialproposal_23May07.pdf

2007: June 2007: Government of Romania. Ministry of Labour, Family and Equal Opportunities. Sectoral Operational Programme Human Resources Development 2007-2013. E-text. 191p.

<http://www.mmssf.ro/website/ro/autoritate/150607posdruEN.pdf>

NON-EMPLOYMENT

1. Introduction of relative relevance and presence of sub-issues

The present timeline considers the following sub-issues:

1. Reconciliation of work and family life
2. Care work and Informal work
3. Equal pay/ gender pay gap
4. Tax-benefit policies (including pensions)
5. Access to the labour market

The most important policy measures that have been adopted in the Romanian context, and have a significant impact *on the reconciliation of work and family life* are: child and family allowances assisting parents in covering some of the costs of raising children, maternity leave, paternity leave and parental leave.²¹ The new Labour Code (Law no. 53/ 2003) also regulates flexible work arrangements - part-time work, and home-based work – but the Romanian economy has not yet generated real employment opportunities for such regulations to have a significant impact on the balance of work and family life.

Thus, in respect of *reconciliation of work and family life*, the following seem to be the major shifts:

- In 1999, paternity leave was introduced, specifically regulating the right of a father to take leave to care for a newborn child.
- In 2003, the regulations of maternity and parental leave were revised to introduce a new, uniform payment of 85% of the national average salary used to calculate the budget of the social security scheme, as compared to 85% of the individual average gross salary that was granted before 2003. Data from 2005 showed that the number of fathers actually taking parental leave increased to around 11%.²²
- A new Labour Code was adopted in 2003, regulating flexible work arrangements.
- In 2006, a debate started on the demographic decline of the population of Romania, the declining birth rates and the aging of the population. The debate features proposals for encouraging “reconciliation of work and family life” (UNFPA), but also some accusations that women prioritize career over children (reactions in the media).

²¹ A lengthier discussion of these benefits, from a gender perspective is provided in: Preda, Marian, Luana Miruna Pop and Florentina Bocioc. 2006. The gender dimensions of social security reform in Romania, in Fultz, Ellaine, ed. 2006. *The Gender Dimensions of Social Security Reform: Volume 2: Case Studies of Romania and Slovenia*, pp.11-92. Budapest: ILO.

²² Data quoted in Cristina Mocanu. “Rolurile barbatilor si tatiilor in familie si la locul de munca”, [Reconciliation of family and work for fathers and men] Presentation at the seminar of the Democratic Labour Union Confederation, 2006. As Mocanu also notes, the data do not reflect, however, the number of fathers who are involved in childrearing, but rather the number of fathers whose income is lower than the childcare allowance to which they are entitled to.

In the field of *care work*, the main characteristic of the QUING period (as compared mostly to the pre-1989 situation) has been reductions in support for parents and children. Childcare benefits are almost entirely attached to employment, which effectively excludes most women living in rural areas, for example. Faced with the declining birth rate (continuous decline over the past seventeen years), the government attempted some measures to support families with children, starting in 2003. The measures consisted of financial incentives only. However, the capacity of families to provide care for their children is seriously undermined by the scarcity of childcare services in Romania, both nurseries and kindergartens.

At the same time as the declining support for parents and the decline in the public provision of childcare services, policies in other fields of “care” have aimed at re-directing care work back to families or family-type environments. Thus, a policy for reforming child protection started in earnest in 2001, when child welfare became a governmental priority. The main approach of child protection policies was to move from “institutional” to “family” care: hundreds of large institutions were closed down and alternative services were set up. The new profession of “maternal assistant” was created, as one alternative to institutionalized care.

As marginal recognition of the increasing demands for care in the household, a proposal to recognize and remunerate women’s unpaid work in the home emerged in the Parliament in 1997, 2000 and 2005 from the same woman MP. However, the proposal was never successful.

In the field of *tax and benefit regulations* (social security), the first half of the QUING period (roughly until 2000) was characterized by investments mostly in unemployment benefits and compensations for workers who lost their jobs as part of the restructuring policies of the Romanian economic transition. Due to pressures from the labour unions, the policy agenda was entirely dominated by such concerns. Although numerous assessments and academic research²³ recognized the feminization of poverty in Romania during the country’s first decade of transition and the social vulnerability and increased risk of poverty for single mothers, old women and Roma women, very few policies have been designed to address the social protection needs of these groups.

After 2000, debates and consistent policy initiatives emerged that aimed at reforming social security. An assessment conducted in 2001 by the UN Development Programme (UNDP) and the Institute for Research on the Quality of Life (IRQF) found that during the first ten years of transition (1990-2000) “Romania was an exception to the general pattern [in Central and Eastern Europe]: it did not choose to make an enhanced effort for social protection, but allowed protection to stagnate or decline in the face of increased need”. The consequences of this policy were aggravated by the economic crisis of 1999. It was only in 2001/2002, after a new government was elected, that measures to improve social protection were taken. The same UNDP/IRQF study concluded in 2001 that “Romania’s accession to the EU would

²³ As examples, see Preda, 1999; or Nandor et al., 2001.

require an additional effort in both the level and the quality of social protection”.²⁴ Indeed, between 2004 and 2007, the Romanian Government has taken significant additional steps to design, promote and implement a policy of social inclusion as part of Romania’s EU accession process.

As part of the reform of social security after 2000, social security benefits policies followed a tendency to “replace categorical benefits that were available to all those who had certain characteristics with benefits targeted on low-income segments of the population” (ILO Gender and Social Security Reform, 2006: 31). Additionally, a requirement to work for a certain number of hours per week for the local city hall was introduced for recipients of certain social security benefits, such as the guaranteed minimum income. In the opinion of one of the initiators of the Law no. 416/2000 on guaranteed minimum income, the requirement marked a shift in the social security regime, from ‘welfare’ to ‘workfare’.

A process of reforming the pensions system started in 2000, and is ongoing at the moment. A coalition of NGOs and representatives of labour unions are raising awareness of the differential effects of the reform of the pensions system on men and women.

Several gender debates have taken place in the field of *access to the labour market*. In the context of Romania’s alignment with the EU social inclusion and employment policies, active measures for promoting women’s employment have been included in the National Action Plans for Employment, starting from 2002.

2. Actors

The most significant actor in the development of policies of *reconciliation of work and family life*, as well as policies on child protection (care work) in Romania has been the European Commission, through its involvement in the EU accession process. NGO actors - such as the Centre Partnership for Equality, or organizations working in the field of children’s rights, such as *Federatia ONG-urilor pentru Protectia Copilului* (Federation of NGOs working for Child Protection), *Fundatia Internationala pentru Copil si Familiei* (International Foundation for Children and the Family), *Fundatia Hope* (Hope Foundation) – have only added to the pressures by the European Commission.

In the field of *tax and benefit policies* (social security), political parties and labour unions have been the main actors. While labour unions were a very strong pressure group until 2000, their agenda was mainly directed toward gaining benefits for workers employed in (or dismissed from) male-dominated industries, such as mining, and the heavy industries.²⁵ Women’s organizations in the labour unions only developed after 2000. Thus, although

²⁴ “Anti-poverty policies.” In UNDP and the Institute for Research on the Quality of Life. Poverty in Romania (coordinator Catalin Zamfir). 2001.

²⁵ See a discussion of the gender aspects of macro-economic restructuring in Miroiu, Mihaela. 2004. Bărbații statului, femeile pieței. Efectele conservatorismului de stânga asupra politicilor de gen în tranziția românească [State men, market women. The effects of left conservatism on gender policies in Romanian transition]. In *Drumul către autonomie. Teorii politice feministe* [The road to autonomy. Feminist political theories], 245-280. Iași: Polirom.

labour unions have been an extremely significant actor in policy processes in Romania, the Labour unions remain probably the strongest male-dominated organizations (even more than political parties) and this explains why women's organizations from labour unions have not had a significant presence in gender issues in employment.

Other actors have been present in specific advocacy initiatives, such as those related to raising awareness on the situation of Roma in employment and social inclusion policies. A visible movement of Roma advocates, both at the national and international levels, has impacted on the development of Roma-targeted measures in employment and social inclusion. The European Commission has also been a major ally and source of pressure on Roma issues.

3. Timeline of policy debates and decision making on issues related to non-employment, 1995-2007

1995

Reconciliation of work and family life:

The first National Action Plan for Child Protection included a brief section of "the role of women in society and for improving the quality of children's lives". Several requirements were laid out in that section for measures to "promote the balanced participation of women and men in family life".

Primary source:

- Governmental Decision no. 972/ 1995 for approving the National Action Plan in Favour of the Child. E-text, 5p.

Tax-benefit policies

A birth benefit was introduced and awarded to families for every newborn, starting with the second child. In 2002, a newborn allowance replaced the birth benefit. The newborn allowance was awarded for every child, irrespective of parental income or order of birth.

1997

Care work and informal work

A woman MP (Daniela Popa) initiated a proposal to grant recognition of the social usefulness of women's unpaid work in the home, but the initiative was abandoned due to lack of support. The same MP reiterated her proposal in 2000 and 2005. None of the proposals were successful. In 2005, however, she was able to elicit the support of twenty other MPs from the Conservative Party. The preamble to the 2005 proposal stated that the proposal aimed to recognize "the equal worth of work performed in a family with children and work performed under an employment contract".

While the titles of the proposals refer to recognizing the work of “housewives”, the texts of the proposals introduce the additional requirement for the ‘housewife’ to have at least one child in her full-time care.

Primary sources:

- Legislative proposal regarding the special status of a woman who works exclusively in the personal household [Propunere legislativă privind statutul special al femeii care muncește, exclusiv în gospodăria personală, PI no. 104/1997]
- Legislative proposal regarding the social protection of housewives [Propunere legislativă privind protecția socială a femeilor casnice, PI no. 99/2000]
- Legislative proposal regarding the social protection of housewives [Propunere legislativă privind protecția socială a femeilor casnice, PI-x no. 226/2005]

Tax-benefit policies

Parental leave regulations

Law No. 120/1997 on paid leave to take care of children up to the age of two was adopted. The law increased the maximum duration of paid leave to two years, or three in the case of a disabled child, as compared to a maximum of one year in previous regulations. The paid leave to take care of a child was provided as an option, after the maternity and post-natal leave. The law also applied to women who adopted one or more children, to those who were appointed guardians or to whom children were entrusted. The particular innovation of the law was that its provisions applied to both parents, making it possible for both mother and father to take a break from working life in order to involve him or herself fully in taking care of the child.

The introduction of a two year paid parental leave was coupled with a steady decline in the services serving pre-school children, nurseries and kindergartens.

Primary source:

- Law no. 120/1997 on paid leave to take care of children up to the age of two (Lege nr.120 din 9 iulie 1997 privind concediul platit pentru îngrijirea copiilor in varsta de pana la 2 ani)

A new decision on child allowance introduced a condition on the family for granting the benefit: all children over age seven should be in school.

Primary source:

- Changes to child allowance benefit: Government Decision 165/ 5 May 1997 on amending Government Decision no. 591/ 1993 providing measures for implementing Law no. 61/ 1993 referring to the management of funds, the level and payment of the child allowance.

Law no. 119/ 1997 introduced a monthly benefit awarded to every family with two or more children, regardless of income but according to the number of children in the family. As in the case of the child allowance, the amount of the additional family allowance was too small to make a difference in the lives of families and their children. In 2003, the benefit was converted to complementary benefit, awarded to low income families only, and income support allowance for single parent families with incomes below a minimum threshold of approximately 38 EUR.

Primary sources:

- Law no. 119/ 1997 on supplementary allowances for families with two or more children (Lege nr.119 din 9 iulie 1997 privind alocația suplimentară pentru familiile cu copii)
- Emergency Ordinance no. 105/ 2003 on supplementary allowances and the allowance for the support of single parent families (Ordonanța de urgență nr.105 din 24 octombrie 2003 privind alocația familială complementară și alocația de susținere pentru familia monoparentală)
- Law no. 41/ 2004 approving Emergency Ordinance no. 105/ 2003 on supplementary allowances and the allowance for the support of single parent families (LEGE nr.41 din 11 martie 2004 pentru aprobarea Ordonanței de urgență a Guvernului nr. 105/2003 privind alocația familială complementară și alocația de susținere pentru familia monoparentală)

Unemployment benefits

Starting in 1997 a “shock therapy” policy was implemented which led to massive unemployment. Important resources were consequently allocated to support the unemployment of large groups of people working in sectors undergoing economic restructuring (cuts), primarily mining. Most of those who became unemployed as a consequence of policies of cuts in the heavy industry sector were men. In 1997, a system of compensatory payments was introduced for those who were laid off during enterprise restructuring. These measures offered a passive protection through cash benefits, and very few training or re-training courses were offered, with very little success.

Within the context of economic restructuring, an emergency ordinance was issued for the protection of families with children, providing that in the event of mass dismissals: "Only in the last resort may the labour contract be terminated when the worker is a woman taking care of children, a man taking care of children, or the sole financial support of a family."

Sources:

- Government Emergency Ordinance no. 9/1997 providing protection measures for persons whose individual work contracts would be terminated as a result of mass dismissals in connection with economic restructuring, and privatization (Ordonanța de urgență nr.9 din 14 aprilie 1997 cu privire la unele măsuri de protecție pentru persoanele ale caror contracte individuale de muncă vor fi desfacute ca urmare a concedierilor colective prin aplicarea programelor de restructurare, privatizare, lichidare)

1998

Care work and informal work

The European Commission started to issue its regular reports on Romania's progress towards accession from this year. One of the first issues that the reports prioritized was the need for a reform of the child protection system. Immediately after 1989, images of Romania's orphanages had shocked the international community. These images were only

the most horrifying expression of a system of institutionalization that had to be restructured entirely.

The European Commission, in its first Regular Report on Romania's progress towards accession noted:

“It is now of crucial importance that the Government, as it has been repeatedly requested by the Commission, gives top priority to child protection and accepts that it has primary responsibility for the well-being of all children in care. It must secure sufficient financial provision to maintain acceptable standards of care (covering food medical provision, clothing, heating, normal operating expenditure and adequate staff) for all children in all different types of child-care institutions.”

In the context of moving from institutionalization to family-type care services for children, Governmental Decision no. 217/1998 introduced the profession of maternal assistant. According to the decision, the professional maternal assistant was a person who, having met the necessary requirements for being certified as a maternal assistant, was “working at home to provide care, nurturing and education in order to ensure the harmonious development of a foster child”. The new provision was seen not only as a measure of social protection for the child, but also as “a measure that provided new avenues for employment for unemployed or socially disadvantaged women.” (Stefan, 2006: 83) An example of promoting the profession of maternal assistant as a measure for redressing long-term unemployment is the PHARE-funded project “Professional parent” that was implemented by the Bacau municipality.

The regulation was amended in 2003, and became Government Decision no. 679/ 2003 regulating the status of professional maternal assistant, the conditions for receiving the certificate of professional maternal assistant, and the procedures of accreditation.

Primary sources:

- Government Decision no. 217/1998 regulating the status of professional maternal assistant, the conditions for receiving the certificate of professional maternal assistant, and the procedures of accreditation (Hotarare nr.217 din 9 aprilie 1998 cu privire la condițiile de obtinere a atestatului, procedurile de atestare și statutul asistentului maternal profesionist)
- Government Decision no. 679/ 2003 regulating the status of professional maternal assistant, the conditions for receiving the certificate of professional maternal assistant, and the procedures of accreditation (Hotărâre nr. 679 din 12/06/2003 privind condițiile de obținere a atestatului, procedurile de atestare și statutul asistentului maternal profesionist)
- “Professional parent”, a PHARE-funded project implemented by the Bacau municipality, <http://www.parintedeprofesie.ro/index.php>

Secondary sources:

- Cristina Stefan. 2006. Familia monoparentala [Single parent families]. Iasi: Polirom.
- Personal interview on July 10, 2007 with Gabriella Tonk, Sub-secretary of State, National Authority for the Protection of the Rights of Children.

Tax-benefit policies

New regulations (Law no. 261/ 1998) extended the benefit of child allowances to children over age 18 who attended some form of pre-university education.

Primary source:

- Law no. 261/ 31 December 1998 on amending Law no. 61/ 1993 regarding state-funded child allowance

Access to the labour market

Law no. 145/ 1998 created the National Agency for Employment and Professional Training, which later, in 2000, changed its name to the National Agency for Employment.

Primary source:

- Law no. 145/ 1998 for the creation, organization and functioning of the National Agency for Employment and Professional Training (Lege nr.145 din 9 iulie 1998 privind înființarea, organizarea și funcționarea Agenției Naționale pentru Ocupare și Formare Profesională)

1999

Reconciliation of work and family life

Law no. 210/1999 regulated for the first time the right of fathers to take leave for taking care of their newborn child. According to the law, the father was entitled to five days of paid leave after the birth of the child. An additional ten days could be added to the initial five, if the father attended a certified course on child rearing. The law also gave fathers the possibility to request paid leave for up to eight weeks after the birth of the child, while they received remuneration equal to their regular salary.

Primary source:

- Law no. 210/ 1999 on paternal leave (Lege nr.210 din 31 decembrie 1999 Legea concediului paternal)

Access to the labour market

Programmes and schemes were introduced to promote the social rehabilitation of unemployed women. Romanian authorities also promoted a draft law on the creation of the "Guarantee Fund for Women-Owned Small and Medium-Sized Enterprises".

Secondary source:

- Government of Romania. Combined Fourth and Fifth Periodic Reports of Romania under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/4-5, 15 March 1999

A Special Solidarity Fund for Disabled Persons was created in 1999. An emergency ordinance on special protection and work conditions for disabled persons expanded the possibilities of tax exemptions for economic units that hire disabled persons.

- Government Ordinance no. 102/1999 on the special protection and labour integration of persons with disability (Ordonanța de urgență a Guvernului nr.102/1999 privind protecția specială și încadrarea în muncă a persoanelor cu handicap)

2000

Reconciliation of work and family life

Regulations related to *parental leave* were introduced this year. According to Law no. 19/ 2000 on the Public System of Pensions and Other Social Security Rights, the duration of maternity leave was 126 days; 63 days prior to birth and 63 days following the birth of the child. Disabled women were to take maternity leave from the sixth month of pregnancy. During maternity leave, women were entitled to 85 percent of the individual average monthly income they had received in the six months before the leave. However, the amount could not exceed three times the national gross monthly income.

After the expiry of maternity leave, either parent could 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. The parental leave benefit amounted to 85 percent of the average monthly salary of the parent over the preceding six months.

The law also provided for the right to paid medical leave for the care of a sick child until the age of seven (or the age of 18 if the child was disabled) for a maximum of 14 days per year.

Primary source:

- Law no. 19/ 2000 on the Public System of Pensions and Other Social Security Rights (Lege nr.19 din 17 martie 2000 privind sistemul public de pensii și alte drepturi de asigurări sociale)

The National Action Plan on Equal Opportunities for Men and Women 2000 provided for the development of flexible work and part-time programmes, for both women and men. One of the stated goals of the Action Plan was the “reconciliation of professional and family life by encouraging men to participate more in family responsibilities”.

Primary source:

- HG nr. 1273/ 7 dec 2000 privind aprobarea Planului National de actiune pentru egalitatea de sanse intre femei si barbati, Monitorul Oficial al Romaniei, nr. 659/ 15.12.2000 [Government Decision no. 1273/ December 2000 for approving the National Action Plan on equality of opportunities between women and men]

Secondary sources:

- Teșiu, Roxana and Florentina Bocioc. 2005. Equal opportunities for women and men in Romania. In *Equal opportunities for women and men: Monitoring law and practice in new member states and accession countries of the European Union*. New York: Open Society Institute.
<http://www.cpe.ro/romana/images/stories/continuturi/eowm-report-romania.pdf>

Care work and informal work

The government established a National Agency for the Protection of Children's Rights that took over policy responsibilities for institutionalized children from the Department for Child Protection, the Ministry of Education, the Ministry of Health, and from the Secretary of State for the Handicapped. The Agency was directly subordinated to the Prime Minister and was responsible, at the national level, for the elaboration, co-ordination and monitoring of reform policies. The Agency was placed in charge of ensuring that agreed standards and levels of care were implemented.

In May 2000, a National Strategy on the Reform of the Childcare System set out policy guidelines for the reform of the existing system. The basic goals of the strategy were to substantially decrease the number of institutionalized children and the number of children at risk of being institutionalized.

A National Council for the Elderly was established and social assistance measures were adopted to support the elderly poor. The government defined priorities for provision of care for the elderly as well as norms for home-care services. Local authorities had the responsibility for the provision of these services. The government also took a number of decisions concerning evaluation of the needs of the elderly, criteria for identifying degrees of dependency, and definition of the type of services to be supplied to dependant persons.

Source:

- 2000 Regular Report from the Commission on Romania's Progress Towards Accession
- Law no. 16/2000 for the creation, organization and functioning of the National Council of Elderly (Legea nr.16 din 6 martie 2000 privind înființarea, organizarea și funcționarea Consiliului Național al Persoanelor Vârstnice)

Tax-benefit policies

Following an agreement with the major trade union confederations, the Government amended the law on public pensions. The pension system introduced by the new law added two pillars to the previous system of public pensions: an investment-based compulsory insurance and an optional private insurance. One of the main changes was lower retirement ages. Survivors' pensions continued to be granted to the widow or children, if the deceased man was retired or met the conditions to obtain an old-age pension. A surviving husband would not enjoy survivor's rights on the death of his wife.

Primary source:

- Law no. 19/ 2000 on the Public System of Pensions and Other Social Security Rights (Lege nr.19 din 17 martie 2000 privind sistemul public de pensii și alte drepturi de asigurări sociale)

Access to the labour market:

Following elections and the coming to power of the Party of Social Democracy (Partidul Democratiei Sociale din Romania), the fight against poverty, unemployment and social exclusion was defined as one of the priorities of the new Government.

Primary source:

- The Programme of Government for 2001-2004

2001

Reconciliation of work and family life

The National Collective Work Agreement for 2001–2002 provided that, whenever possible, employers and trade unions should establish flexible work schedules and the conditions for their implementation. Moreover, employees who waived their right to maternity leave benefited from reduced working hours by two hours a day, without affecting their reference salary or seniority.

Care work and informal work

In 2001, child welfare became a government priority. The main emphasis in the reforms was changing the priority from “institutional” to “family” care: hundreds of large institutions were closed down and alternative services were set up. The new services included: Pre natal care services to prevent child abandonment, Counselling and family planning services, Mother and baby centres, Day care centres for children, Maternal assistants (professional foster carers), Centres to support re-integration into biological families, Family type placement units, Old type institutions which were modulated (i.e. divided into apartments), Emergency services for children with behaviour disorders, Support centres for youth over 18, Treatment centres for abused children, Day care centres for disabled children, and Shelters for street children.

The placement of children in extended or foster families became the priority when deciding on what measures to take for children who had been separated from their natural families. The main principles of the new reform were to protect the child within its family; to decentralize social services and to review the adoption legislation.

Secondary source:

- Brochure “Child welfare in Romania – the story of reform process”. Available at: http://www.copii.ro/Files/NAPCR_brochure_200744184931.pdf

Research supported by the National Commission for Fighting Poverty and Promoting Social Inclusion emphasized the rise in the informal economy in Romania. The study did not make any gender assessment, but other studies found that women participated in the informal economy more often than men.

The absence of a legal definition of the term ‘self-employed’ in Romania may be noted; only a statistical definition exists as “a person who conducts his/her activity at his/her own home or runs an individual business without employing other persons, with the possibility of assistance from unpaid family members.” This category includes self-employed entrepreneurs, day labourers, persons employed part-time by state or private companies based on daily payment agreements, holders of management lease or concession agreements, or farmers who work individually or in farming associations.

Sources:

- UNDP and the Research Institute on the Quality of Life. 2001. Informal Sector in Romania. Available at: <http://www.caspis.ro/pagini/ro/studii.php>
- Cătălin Ghinăru, *O altfel de economie, o altfel de piață a muncii* [Another kind of economy, another kind of labour market], 2003, INCSMPS

A female member (deputy Constanta Popa) of the extreme right wing party, the Greater Romania Party (Partidul Romania Mare), registered a proposal for legalizing prostitution in order to control the spread of sexually transmitted diseases and AIDS. The proposal was to create specific places for sex work that would function under strictly regulated conditions and would be called “Eros Place” (“Eros Loc”). The proposal was not successful.

Tax-benefit policies

Law no. 416/ 2001 created a family-based system of social assistance on the principle of “the guaranteed minimum income”. The Guaranteed Minimum Income (GMI) is still in force and

represents a means-tested social assistance benefit for families in need. It is awarded according to the family income to all those below the established GMI threshold, on the basis of a social inquiry undertaken by social workers to assess the welfare status of the household. The family is defined as consisting of: a husband and wife; or a husband, wife and their unmarried children; or an unmarried man and woman and their children or the children of either of the two, who share the same household. The term 'child' defines children of married couples, children of either spouse, adopted children, foster children entrusted to one or both spouses or for whom guardianship is established under the law.

This particular social benefit is disbursed upon requirement that the recipient perform a minimum of work hours per week, for the city hall.

Primary source:

- Law no. 416/ 8 October 2001 on the guaranteed minimum income.

Secondary source:

- Ministry of Labour and Birks Sinclair & Associates Ltd. 2006. Evaluation of the Implementation of the Minimum Income Guarantee (Law 416/2001). Available at: <http://www.caspis.ro/downloads/FinalReport.doc>

Access to the labour market

On 27-28 November, 2001 a conference took place in Sibiu on "Labour Unions and Equality of Opportunities".

Secondary source:

- Popescu, Liliana. 2004. *Politica sexelor* [The politics of sexes]. Bucureşti: Maiko, p. 93.

2002

Reconciliation of work and family life

The 2002 National Action Plan for Employment supported the reconciliation of professional and family life, by setting out as its objectives: the equitable distribution of family responsibilities regarding childcare and household tasks; the development of flexible and part-time work programmes; the development of childcare and other services; and professional reintegration after childcare leave.

Source:

- Government Decision no. 759/ 2002 approving the National Action Plan for Employment (Hotarare nr.759 din 18 iulie 2002 pentru aprobarea Planului național de acțiune pentru ocuparea forței de muncă)

The results of the 2002 census emphasized a demographic decline of the population of Romania of almost 1 million people compared to the previous census (1992). The analysis of the results concluded that the decline was due to negative population growth (the number of deaths exceeded the number of births) and negative migration balance (the number of people who left and gave up their residence in Romania exceeded the number of people who came to the country).

Primary source:

- The National Institute of Statistics. Preliminary results analysis of the 2002 census data. Available at: <http://www.recensamant.ro/>

Equal pay:

The National Action Plan for Employment 2002-2003 formulated as one of its objectives “to act toward reducing the pay gap between women and men, for work of equal worth, in the private sector”.

- Hotararea Guvernului nr. 759/ 18 iulie 2002 pentru aprobarea Planului National de Actiune pentru ocuparea fortei de munca. Pilonul IV – Asigurarea egalitatii de sanse intre femei si barbati. [Government Decision no. 759/ 18 July 2002 for approving the National Action Plan for Employment. Pillar IV – Ensuring equality of opportunities between women and men.], pp. 164-178, 14 p.

Tax-benefit policies

New provisions on social security for the unemployed were adopted as part of the Law no. 76/ 2002. Law 76/ 2002 placed emphasis on active measures for increasing employment.

Source :

- Law no. 76/ 2002 regarding the unemployment social security system and encouraging employment (Legea nr. 76/2002 privind sistemul asigurarilor pentru somaj si stimularea ocuparii fortei de munca).

Access to the labour market

Since 2002, the National Agency for Employment has drafted, and the Romanian Government has approved, annual Action Plans for Employment.

In August 2002, the Government approved the first National Action Plan for Employment. One of the objectives of the Action Plan was to “stimulate the employment of women”. Among the active measures designed to target women was the organization of a special jobs fair for women at the national level.

Primary source:

- Government Decision no. 759/ 2002 for approving the National Action Plan for Employment (Hotarare nr.759 din 18 iulie 2002 pentru aprobarea Planului național de acțiune pentru ocuparea forței de muncă).

The National Plan for Poverty Prevention and the Promotion of Social Inclusion was finalized in April 2002 and a law on Preventing and Combating Social Exclusion was adopted as one of the first instruments to implement this Plan.

Source:

- Law no. 116/ 2002 on preventing and combating social marginalization (Lege nr.116 din 15 martie 2002 privind prevenirea și combaterea marginalizării sociale)

A National Strategy for the Protection and Reintegration of Disabled Persons in Romania was approved in November 2002. Key objectives of the strategy included the prevention of institutionalization, development of alternative forms of assistance, and social reintegration.

In the following year, the National Authority for Persons with Handicaps implemented a project called “Women for Women” that tried to identify the causes of double discrimination that women with disabilities faced in Romania.

Source:

- State Secretariat for Persons with Handicaps. National Strategy for the special protection and social integration of persons with handicaps, 2002-2005 (Strategia Națională privind protecția specială și integrarea socială a persoanelor cu handicap, 2002-2005)
- AnA, Society for Feminist Analyses. 2006. Policy Paper on Women and Disability (written by Anca Gheaus).

2003

Reconciliation of work and family life

In 2003, a new Labour Code was adopted (Law no. 53/2003). Chapter VIII of the Labour Code regulates part time work. According to Article 101 of the Labour Code a part time work contract allows employers to hire people to work not less than two hours per day, and not less than ten hours per week. Part-time employees have the same rights as full-time employees. Articles 108 to 116 of the Labour Code regulate the application of flexible work programmes.

Primary source:

- Law no. 53/ 2003, the Labour Code

Care work and informal work

New regulations for the protection of children cared for by specialized public services pass this year.

Primary source:

- Legea nr.111 din 7 aprilie 2004 pentru modificarea Legii nr. 326/2003 privind drepturile de care beneficiază copiii și tinerii ocrotiți de serviciile publice specializate pentru protecția copilului, mamele protejate în centre maternale, precum și copiii încredințați sau dați în plasament la asistenți maternali profesioniști [Law 111/ 2004 approving changes to the Law 326/ 2003 regarding the rights of children and young people who are protected by the specialized public services for child protection, the rights of mothers who are given assistance in maternal centres, and the rights of children who are placed in foster care, with professional maternal assistants]

Another initiative to legalize prostitution was registered with the Senate in 2003, and supported by a group of senators mainly from the Social Democrat Party, which additionally and paradoxically included two members of the extreme right wing party, the Greater Romania Party, and a member of the Democratic Alliance of Hungarians in Romania (UDMR). The proposal was withdrawn by the initiators.

Tax-benefit policies

According to the new Law no. 577/ 2003, the amount of parental leave benefit was settled at “85 percent of the average gross salary.” This provision came into force at the beginning of 2004, and the parental leave benefit for 2004 was estimated at 6,000,000 ROL (Romanian Leis) per month (46 Euros per month). Previously, women or men who decided to stay home to take care of the child received 85% of their average income over six months prior to the birth of the child. An additional change concerning the provisions on parental leave was an

extension from six months to ten months of the compulsory minimum length of social security coverage.

At the beginning of 2003, the topic of parental leave was covered widely by the media, largely due to pressure from NGOs (e.g. the Centre Partnership for Equality in Bucharest) that put pressure on the government not to change the legislation on parental leave. Although the media supported the civil society actions, the advocacy initiative was not successful. The protest document of the Centre Partnership for Equality, supported by sixty other NGOs, argued that the new regulations discouraged fathers from taking parental leave and discriminated against women who earned above-average salaries.

Sources:

- Law no. 577/2003 approving Government Ordinance no. 9/2003 for amending provisions in the Law no. 19/2000 on the Public System of Pensions and Other Social Security Rights (LEGE nr.577 din 22 decembrie 2003 privind aprobarea Ordonanței de urgență a Guvernului nr. 9/2003 pentru modificarea și completarea Legii nr. 19/2000 privind sistemul public de pensii și alte drepturi de asigurări sociale)
- Centre Partnership for Equality. Public Campaign against “Mother’s Ordinance”, 2003. Information at:
http://www.cpe.ro/romana/index.php?option=com_content&task=view&id=51&Itemid=53

2004

Reconciliation of work and family life

The National Institute of Statistics started publishing a regular series entitled “Women and Men: Work and Life Partnership”. Two issues have been published to date (one in 2004, and one in 2006). In 2005, the National Institute of Statistics issued a lengthier publication entitled “The Reconciliation of Work and Family Life”.

Equal pay:

The National Action Plan for Employment 2006 envisaged it would elaborate indicators on the main factors related to the gender pay gap. The measure was part of the gender equality guidelines established by the Plan.

Primary source:

- Hotararea Guvernului nr. 588/ 2004 pentru aprobarea Planului National de Actiune pentru Ocuparea Fortei de Munca, Linia directoare 6 – Egalitatea de gen. [Government Decision no. 588/ 2004 for approving the National Action Plan for Employment, Guideline 6 – Gender equality], pp. 24-27, 3p.

Tax-benefit policies

A new law introduces the system of privately administered pensions, which had been provided for in Law no. 19/ 2000. The law is estimated to come into force in 2008. The privately administered pension could be considered a type of “compulsory saving”, based on an individual compulsory contribution.

In 2006, the Centre Partnership for Equality (a Bucharest-based NGO working to promote women’s rights and gender mainstreaming), in cooperation with the International Labour

Organization, started an advocacy campaign on the differential effects of the pensions reform on women and men.

Source:

- Law no. 411/ 2004 on the privately administered pension funds. (LEGE nr.411 din 18 octombrie 2004 privind fondurile de pensii administrate privat).
- Advocacy campaign on the gendered effects of the pension reform: <http://www.reforma-pensiilor.ro/>

Access to the labour market

National Action Plan for Employment 2004-2005 set as a horizontal objective the equality of opportunities between women and men. It also outlined a programme for active measures on the labour market for the following categories considered socially vulnerable: Roma, persons with disabilities, women, young people with no work experience, unemployed people, and people over 45.

Primary source:

- Government Decision no. 1386/ 2004 for approving the National Strategy on Employment 2004-2010. E-text. 58 p. (with a chapter on “Policies for equal opportunities between women and men”, pp. 47-48)
Available at: http://www.mmssf.ro/website/ro/legi/ocupare/hg1386_2004.pdf

As part of the process of preparing for their membership of the Union, all candidate countries were invited to draft in co-operation with the European Commission a Joint Inclusion Memorandum (JIM). The JIM identified and outlined the principal challenges which the candidate country faced in tackling poverty and social exclusion. It assessed the strengths and weaknesses of existing policies and identified challenges and policy priorities. It also analysed how to mainstream and co-ordinate concerns about poverty and social exclusion across all relevant policy fields. The Joint Inclusion Memorandum identified the need to increase Roma participation in the formal economy by launching a programme for vocational training on a large scale. Romania signed the JIM in June 2005.

Primary Source:

- Joint Memorandum of Social Inclusion of Romania. Section V: Gender Differences and the Politics of Equal Opportunities for Women and Men within Social Inclusion, 68-70. E-text, 3p.

2005

Reconciliation of work and family life

The National Strategy for Equal Opportunities between Women and Men set clear objectives related to the reconciliation of family and professional life. Thus, the Strategy, still in effect, aims to: encourage the sharing of domestic responsibilities between partners, particularly by facilitating access to paternity leave and encouraging fathers to participate in domestic decision making; the development of flexible work schemes, to be equally accessed by women and men; raising and diversifying the range of social benefits for children and the elderly; and diversifying the range of public and private domestic services.

Primary source:

- National Agency for Equality of Opportunities between Women and Men [ANES]. 2005. National Strategy for Equal Opportunities between Women and Men, 2006-2009

Tax-benefit policies

A governmental emergency ordinance modified the eligibility criteria for parental leave. Under the new provisions (still in effect), only recipients of taxable income over the twelve months prior to the birth or adoption of the child are eligible for childcare allowance. Besides, an extra child raising allowance of 600 RON is granted to employed parents. In comparison, a child raising allowance of 200 RON is granted to every parent irrespective of employment status. The latter provision also represents a substantial rise in the amount of the child allowance paid for children until the age of two, or three for a disabled child. The ordinance further provides benefits for parents who want to return to their workplace before the child is two years old. Thus, these parents receive an extra minimum salary (in addition to their normal salary), for the whole period during which they would have been eligible for parental leave.

Primary source:

- Government Ordinance no. 148/ 2005 for supporting the family to raise children (ORDONANȚĂ DE URGENȚĂ nr.148 din 3 noiembrie 2005 privind susținerea familiei în vederea creșterii copilului)

Access to the labour market

The Action Plan for applying the National Strategy for Equal Opportunities between Women and Men identifies as one of its objectives the collaboration with the National Agency for Employment for promoting active measures on the labour market for women and particularly for Roma women.

Primary source:

- National Agency for Equality of Opportunities between Women and Men [ANES]. 2005. National Strategy for Equal Opportunities between Women and Men, 2006-2009

The National Agency for Small and Medium Enterprises approved a Multiyear National Programme 2005-2008 for developing entrepreneurial culture among women managers in the SME sector. The programme was designed by Mihaela Cristea. The programme provides training and counselling to women who want to start their own businesses and it has a specific component related to the participation of minority women.

Primary source:

- Presentation of the Multiyear National Programme 2005-2008 for developing entrepreneurial culture among women managers in the SME sector.
Available at: http://www.animmc.ro/programe/antreprenori_femei2007/0

2006

Reconciliation of work and family life

The National Commission for Population and Development (established in 2005), in cooperation with the United Nations Population Fund (UNFPA), released the Green Book of

Population in Romania. The Green Book outlined the main demographic trends in Romania, notably the population decrease due to low birth rates and migration. The study emphasizes that the population of Romania is not only numerically decreasing but it is also ageing, the latter being of particular concern given the possibility of demographic disequilibrium between the active population and the population that needs to be cared for (children and the elderly). The study concludes that policy action is necessary to reverse the demographic decline and population ageing. It recommends three sets of measures: reforms in the social security system to target the elderly population; various ways of increasing the birth rate; and a policy of attracting an immigrant work force from “culturally compatible countries”.

Among the measures that the Commission for Population and Development suggests for stimulating birth rates are: flexible work schedules for parents with young children; the possibility of fast reintegration to the labour market for women who recently gave birth; specific policies for encouraging families to have a second child; and diversifying the range of benefits and services for raising children.

Source:

- National Commission for Population and Development. 2006. The Green Book of Population in Romania [Cartea Verde a Populatiei in Romania].

A study signed by famous demographer Vasile Ghetau, the Director of the Population Research Centre of the Romanian Academy, showed that the majority of women who gave birth between 2003 and 2005 were employed women, mostly due to the lengthy financial benefits for raising children that were available only to employed women/ parents. In many cases, the paid maternity and parental leave was higher than the actual salary of the employed woman. However, the article generated a host of reactions in the media essentially blaming women and their choice of a professional career for the decline of the birth rate in Romania.

- Vasile Ghetau si Laurian Traian Arghisan. Ce se află în spatele surprinzătoarei stabilități a fertilității în România? (Behind the surprising stability of the Romanian fertility) In „Entre Nous” – Revistă europeană pentru Sănătatea Reproduserii și Sexualității [European Journal for Reproductive and Sexual Health] 63/2006, edited by UNFPA and WHO. Available at: <http://www.euro.who.int/document/ens/en63.pdf>
- Speech of Minodora Cliveti, President of the Commission for Equal Opportunities between Women and Men in the Chamber of Deputies, at the Debate on “Population and Development”, organized on October 26, 2006.

On October 26, 2006 a debate was organized by the Chamber of Deputies and the United Nations Population Fund (UNFPA) on the topic of “Population and Development”. The debate was an advocacy initiative by UNFPA to stimulate the formulation of national and specific policies that take into consideration the demographic dynamic of Romania and its gendered aspects.

- Report of the Debate “Population and Development” organized by the Chamber of Deputies and UNFPA, October 26, 2006. 42 p. Available at: ftp://ftp.unfpa.ro/UNFPA/Raport_Dezbateri_Parlament.pdf

Care work and informal work

The National Agency for Protecting the Rights of Children adopted a special decision on intervention in cases when children lack parental care because their parents are working abroad. The Decision introduced a system of temporary social assistance for children whose parents work abroad.

- Agenția Națională pentru Protecția Drepturilor Copilului. Ordin nr. 219/ 2006 privind activitățile de identificare, intervenție și monitorizare a copiilor care sunt lipsiți de îngrijirea părinților pe perioada în care aceștia se află la muncă în străinătate. [National Agency for the Protection of the Rights of Children. Order no. 219/ 2006 regarding the identification, monitoring and intervention in cases when children lack parental care because their parents are working abroad]

Equal pay

The National Action Plan for Employment 2006 stated that one of the main objectives related to equal opportunities between women and men in employment was “reducing the pay gap, for work of equal worth, between women and men working in the private sector” and “evaluating the impact of the wage policies on the pay gap”.

Primary source:

- Hotararea Guvernului nr. 970/ 2006 privind aprobarea Planului National de Actiune in Domeniul Ocuparii, Capitolul VIII, Initiative transversale – Egalitatea de Sanse intre Femei si Barbati [Government Decision no. 970/ 2006 approving the National Action Plan for Employment, Chapter VIII, Horizontal initiatives – Equal Opportunities for Women and Men], pp.24-25, 2p.

Tax-benefit policies

Law no. 204/ 2006 regulates the system of optional private pensions. The law is estimated to come into force in 2007. The pensions regulated by the law are based on a system of voluntary savings, based on a voluntary individual contribution. In 2006, the National Trade Union Confederation Meridian (Confederatia Sindicala Nationala Meridian) joined the project of the Centre Partnership for Equality on raising women’s awareness of the gender dimension of pension reform in Romania.

Primary sources:

- Law no. 204/ 2006 on optional private pensions (Law nr.204 din 22 mai 2006 privind pensiile facultative)
- Centre Partnership for Equality. 16 November 2006. Open letter in reaction to the Legislative proposal no. 411/2004 regarding the system of private pensions. (Scrisoare de sesizare referitoare la Proiectul de Lege de modificare și completare a Legii Nr. 411/2004 privind fondurile de pensii administrate privat)

Access to the labour market

The National Action Plan for Employment 2006 contains four main aspects, which include improving employability, creating new jobs and entrepreneurial opportunities, encouraging flexibility, and improving equal opportunities for women and men. The implementing government body is the Ministry for Labour, Social Solidarity and Family which, with respect to the four pillars, seeks to increase the number of women in the workforce, assess gender

pay disparities, provide education on equal opportunity laws, improve communication between employer associations, trade unions and the Advisory Commission, support the sharing of household responsibilities, and assist women in returning to the workforce following maternity leave.

Primary source:

- Hotararea Guvernului nr. 970/ 2006 privind aprobarea Planului National de Actiune in Domeniul Ocuparii, Capitolul VIII, Initiative transversale – Egalitatea de Sanse intre Femei si Barbati [Government Decision no. 970/ 2006 approving the National Action Plan for Employment, Chapter VIII, Horizontal initiatives – Equal Opportunities for Women and Men], pp.24-25, 2p.

2007

Reconciliation of work and family life

The National Development Plan 2007-2013 endorses the “reconciliation of work and family life”, under its horizontal objective “equal opportunities between women and men”.

Primary source:

- May 2007. Government of Romania. National Strategic Reference Framework 2007-2013. E-text. 197 p.

Available at:

http://anaf.mfinante.ro/wps/PA_1_1_15H/static/amcsc/fond_structural/fonduri_structurale/fonduri_Romania/Revised_NSRF_officialproposal_23May07.pdf

Sectoral Operational Programme Human Resources Development 2007-2013, on the basis of which the responsible National Managing Authority will coordinate the allocation of the European Social Fund, endorses the objective of contributing to “reconciliation of work and family life” as part of its horizontal objective “equal opportunities between women and men”.

Primary sources:

- June 2007: Government of Romania. Ministry of Labour, Family and Equal Opportunities. Sectoral Operational Programme Human Resources Development 2007-2013. E-text. 191p.

<http://www.mmssf.ro/website/ro/autoritate/150607posdruEN.pdf>

The National Authority for the Protection of the Rights of Children supported a campaign to encourage fathers to become more involved in childcare. The slogan of the campaign was “You also can become a better parent!”

Secondary source:

- Personal interview on July 10, 2007 with Gabriella Tonk, Sub-secretary of State, National Authority for the Protection of the Rights of Children.

The reconciliation of work and family life is affected not only by employment regulations, but also by the availability of child care services. Nurseries and kindergartens in Romania are chronically insufficient, as the crisis of places in the kindergartens has shown.

- UNFPA Analysis: “The crisis of kindergartens – first symptom of demographic collapse”, 28 March, 2007. E-text, 2p.

- Personal interview with Cristina Mocanu, Senior Researcher at the National Scientific Research Institute for Labour and Social Protection

Care work and informal work

The National Authority for the Protection of the Rights of Children developed the national interest programme “Development of specialized social services for children whose parents are working abroad”. The objective of the programme is “to prevent the neglect of the child whose parents are working abroad and to preserve the relations of the children with their families”.

The NGO “Social Alternatives” and the Institute for Criminal Research and the Prevention of Criminality launched a social services scheme for children who are living alone because their parents are working abroad.

A discourse of blaming mothers who leave their children to go to work abroad is emerging in public debates. In an interview on a national television channel on 6 June 2007, a representative from the Association “Social Alternatives” stressed that parents and especially mothers should think of their children when they go abroad. The UNICEF representative Pierre Poupard declared that workers also migrate from other countries, such as Morocco or Tunisia, but there “at least” women stay home to take care of the children.

Primary source:

- Description of the initiative “Social services for children who are home alone”.

Available at:

http://www.alternativesociale.ro/sections/servicii/homealone/HAservicii/?t_id=0p1p7p0

Secondary source:

- Personal interview on July 10, 2007 with Gabriella Tonk, Sub-secretary of State, National Authority for the Protection of the Rights of Children.

Tax-benefit policies

The advocacy campaign on the differential effects of the pension reform on men and women continues.

Primary source:

- Centre Partnership for Equality. 2007. Egalitatea de gen si reforma pensiilor: Cateva aspecte critice pentru Romania [Gender equality and the pension reform: Some critical aspects for Romania]. 42 p. Available at:

<http://www.reforma-pensiilor.ro/uploaddocs/Cateva%20aspecte%20critice%20pentru%20Romania.pdf>

The first assessments of the economic incentives for mothers and families to have children introduced by Government Emergency Ordinance 9/ 2003 show that the measures have indeed stimulated births among urban employed women with secondary education (below university). However, the same assessments also estimate that the increase in birth rates is not sustainable in the long-term because families that have used the increased child allowance will not be able to support their children financially after the two years of parental leave. UNFPA argues that other measures are important to ensure that economic incentives work in the long run, including: flexible programmes for parents with small children;

measures to increase reintegration into the labour market for women who return from maternity leave; strengthening the labour market position of parents who take time off to care for children; specific policies for encouraging families to have a second child; increasing the quality and accessibility of social services and healthcare; and reproductive health policies.

Primary sources:

- UNFPA analysis: “Birth rates, between economic incentives and the absence of childcare services.” 14 June, 2007. E-text, 2p.
Available at: http://www.unfpa.ro/presa/com_presa/natalitatea/
- Vasile Ghetau. 2007. “Redresarea natalitatii – singura cale de evitare a iminentului derapaj demographic” [Improving birth rates – the only way to avoid the imminent demographic collapse] In Declinul demographic si viitorul populatiei Romanian [Demographic decline and the future of population in Romania]. Bucharest: Centre for Demographic Research, National Institute for Economic Research of the Romanian Academy.

Access to the labour market

The National Action Plan for Employment 2007 continues to mention “equality of opportunities between women and men” as a horizontal objective, and one of the four major pillars of the NAPE, but the National Employment Programme does not target women specifically. The categories that are especially targeted for measures to promote labour market integration are: Roma, disabled people, young people over 18 who have been previously taken care of in specialized institutions, persons at risk of being trafficked, immigrants, refugees, and foreigners.

Primary source:

- National Employment Programme, available at: www.anofm.ro

A comparative study conducted by the Berliner Institut für Vergleichende Sozialforschung found that “past and present programmes aiming at the improvement of the Roma population in Romania are too general and a special focus on Roma women could not be identified. Some references to the participation of Roma women can be found in the PHARE Project “Access to Education for Disadvantaged Groups with Focus on Roma”, or the “Governmental Strategy for Improving the Status of Roma”, where the participation of Roma women was encouraged within grant schemes in the fields of health, vocational training, income generating activities, small infrastructure and social housing. Some references to the situation of Roma women can also be found in the Joint Inclusion Memorandum and National Development Plan 2007/2013.”

Secondary source:

- Berliner Institut für Vergleichende Sozialforschung. Report “Economic aspects of the condition of Roma Women” Project number: IP/C/FEMM/2005-09

INTIMATE CITIZENSHIP

1. Introduction of relative relevance and presence of sub-issues

The timeline below presents debates around the following sub-issues:

1. Divorce, separation, marriage
2. Civil partnerships and gay marriage (including definitions of family), and discrimination on the basis of sexual orientation
3. Reproductive rights, and reproductive assistance

In the Romanian context, one can detect roughly three periods in the development of the policy agenda on issues related to intimate citizenship. In the period 1995-2002, the most prominent issue related to debates about intimate citizenship in Romania was the decriminalization of homosexuality. Debates around the treatment of homosexuality in Romania involved the Romanian Parliament, the Government, the European Commission, international human rights organizations, local LGBT associations, and the Romanian Orthodox Church. Advocates of the decriminalization of homosexuality used a human rights approach, while opponents used the Church orthodoxy and appealed to traditional ideas about family, nation and sexual reproduction.

The period 2000-2004 was dominated by concerns with reproductive rights, partly motivated by statistics that showed the rate of abortions was extremely high among Romanian women (more abortions than live births). The high rate of abortions was also related to high maternal mortality rates. In this context, two national programmes were designed to promote reproductive health education and access to contraceptives. The national programme for providing free contraceptives to vulnerable groups was launched in 2000. Two years later, in 2002, a broad programme for health education in Romanian schools was started. Both programmes were designed and implemented by the Ministry of Health in partnership with other Ministries, international organizations (such as UNFPA, USAID, WHO and UNICEF), and NGOs. Current research shows that the programme for distributing free contraceptives to vulnerable groups of women may have been used by certain medical practitioners to induce temporary infertility among Romani women.

After 2004, the policy agenda on issues related to intimate citizenship became more diverse. However, the diversity of issues was dominated by concerns with the demographic future of Romania, as well as the future of the family.

In 2004, a debate around assisted human reproduction emerged at the level of the Parliament and NGO actors. The debate was triggered by a proposal to regulate assisted human reproduction. One of the hotly debated issues was the question of who should be eligible to access fertility services: would single women and single men be eligible? Would same-sex couples be eligible? The draft law went through numerous revisions and is currently registered with the Senate for the third time.

In the same year, a group of demographers at the Centre for Demographic Research of the Romanian Academy released a study authored by prominent scholar Vasile Ghetau warning that Romania was heading towards demographic collapse by 2050. The United Nations

Population Fund (UNFPA) started a campaign to raise awareness on the need for population and development policies in Romania. The policy process around a strategy on population in Romania has only started recently, with the publication of the Green Book of Population in 2006. The Green Book is currently under public consultation.

Extensive debates about the definition of family emerged in 2006. A group of citizens supported by the Romanian Orthodox Church began an initiative to change Art. 48 of the Romanian Constitution ("The Family") so as to specify that marriage is permitted only between a man and a woman. The group succeeded in collecting 650,000 signatures which brought the proposal into parliamentary debates. The proposal is currently being examined by the Constitutional Court.

2. Actors

Some issues connected to intimate citizenship in Romania have tended to be a source of public antagonisms and even violent conflict, while others have been confined to expert discussions and/ or parliamentary disputes.

The decriminalization of homosexuality stimulated by far the strongest public display of various passions. While homosexuality is no longer a crime, social acceptance of gays and lesbians is still not the norm in Romanian society. The antagonistic positions on the issue of homosexuality have been held on one side by human rights advocates, Romanian and international human rights and LGBT associations (ACCEPT in Bucharest, Human Rights Watch, ILGA Europe), and on the other side, faith-based groups and the Romanian Orthodox Church. The position of political parties has not been consistent on the issue of decriminalizing homosexuality and/ or on the issue of gay rights. Some political parties, such as the Greater Romania Party or the New Generation Party are notoriously homophobic. Others, such as the Democrat Party, have occasionally (mostly during electoral campaigns) pursued a gay-friendly agenda. The European Commission and the Council of Europe have exerted strong pressure on the issue of decriminalizing homosexuality as part of the EU accession process and their human rights agenda. As a result of pressures from the European Commission, the Romanian Government has been the main driving force in decriminalizing homosexuality in Romania.

Faith based groups have recently assumed an active role on family issues. The Romanian Orthodox Church and faith based groups are promoting a return to family values and the traditional model of family. Romani women's groups and the Roma Party have occasionally been actors in debates around regulations of family relations, particularly because of specific situations in Roma communities such as the high incidence of couples who are not legally married and the continuing practice of early marriages. Political parties in Romania have not had a consistent or coherent agenda on family issues.

The Ministry of Health, international organizations and specialized NGOs were the main actors in reproductive rights debates and policy processes. International organizations such as United Nations Population Fund (UNFPA), World Health Organization (WHO), but also local NGOs like SECS (Society for Contraceptive and Sexual Education) were very important actors in promoting reproductive rights. Other NGOs that had an impact on reproductive health policies were: the East European Reproductive Health Institute (in Targu Mures);

ARAS; the feminist group AnA, Society for Feminist Analysis; the Centre for Reproductive Law and Policy; and Romani women's groups.

Debates around population policies have been so far confined to a narrow academic circle around the Centre for Demographic Research at the Romanian Academy, supported by the United Nations Population Fund (UNFPA).

3. Timeline of policy debates and decision making related to intimate citizenship: 1995-2004

General regulations, adopted before 1995, and unchanged during the QUING period

Divorce, separation, marriage

In Romania, all family matters and relations continue to be regulated by the 1953 Family Code. The Family Code was adopted in 1953 and published on January 4th, 1954. One of the fundamental principles of the Family Code as stated in Art. 1 is the equality of rights between spouses in all marriage relations and in relation to their children. At the same time, the text of the law refers to the married couple as "the man and the woman", thus enshrining a conception of the family as inherently heterosexual.

The Family Code and the Code of Civil Procedure note three possible options with regard to the names of the spouses after marriage: each spouse can keep his/her own name; the spouses can agree to bear as a common name one of their family names; or they can agree to bear both their family names as a common name.

Marriage age

The minimum age for marriage and the registration of marriages are regulated in the Family Code and in Law No. 119/1996 covering records of civil status.

Under these laws, "marriageable age" is the age of entering maturity (18) for men, and the age of 16 for women. In certain exceptional cases marriage may be approved for a woman aged 15. Approval is granted by judicial process on the basis of the opinion of an official doctor. The different ages are justified by legal doctrine as being related to "biological and puberty reasons: future husbands must have the physical aptitude for marriage and procreation". [*Family Law*, Ion P. Filipescu, Bucharest 1993, p. 17].

Marriage and mental disability

Persons with mental disabilities are not permitted to marry under the Romanian Family Code.

Divorce

Changes in the Family Code were introduced in 1993 (Law 59/1993) to allow couples to end marriages based on mutual consent (Art. 38 of the Family Code, modified through Law. 59/1993).

Marriage and citizenship

The regulations for granting Romanian citizenship are laid out in Law no. 21/ 1991. Two principles function for granting Romanian citizenship. The first principle is that of *jus sanguini* meaning that a person can become a Romanian citizenship if he or she has at least one parent who is a Romanian citizen. The second principle allows for a person to become a citizen of Romania if he or she can prove a strong link to the country. Citizenship can be obtained by marriage, but only after the couple has lived in Romania for at least five years. The person asking for Romanian citizenship is required to know the language Romanian.

The citizenship law – Law no. 21/ 1991 establishes that women and men have equal rights to the citizenship of their children. In the case of a child who is an alien or stateless and who is adopted by a couple in which only one partner possesses Romanian citizenship, the citizenship of the child will be decided by agreement between the adoptive parents. Under Article 6 of the law, when there is disagreement between the adopting parents it is the responsibility of the competent court to pronounce on the citizenship of the minor child, taking the child's interests into account. The consent of a child aged 14 and over is also necessary for the final decision.

Similar provisions are in place for cases involving repatriation of the parents. While children are still minors (under 14 years old), the decision about their citizenship is the responsibility of the parents who are repatriating themselves. Should the parents disagree, the court of the place of residence of the child is empowered to pronounce a decision on the child's citizenship.

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

Civil partnerships

Romanian law does not specifically recognize civil partnership and unmarried couples do not have similar rights as married couples (i.e. domestic work and child rearing are not recognized as a contribution to common assets).

Children born out of wedlock enjoy the same rights as those born in marriage and have the same legal status, with the exception of the paternity presumption. Paternal affiliation may be established through the father's action in recognizing the child or through court proceedings.

Secondary source:

- "Romania" In Weber, Renate and Nicole Watson, eds. 2000. Women 2000: An investigation into the status of women's rights in Central and South eastern Europe and the New Independent States. Vienna: International Helsinki Foundation for Human Rights.

Gay marriage

Same-sex partnership is not recognized by the Romanian legislation.

1995

Discrimination on the basis of sexual orientation

Three Christian-Orthodox associations signed an Appeal to Members of the Parliament in which they warned that homosexuality was "a deadly sin, a crime, a vice and a social danger". That same year, the Patriarch of the Romanian Orthodox Church sent a letter to the

President of Romania (Ion Iliescu) in which he warned that homosexuality was a danger to normal life and to the reproductive health of the nation.

Secondary source:

- Popescu, Liliana. 2004. *Politica sexelor* [The politics of sexes]. București: Maiko.

1998

Discrimination on the basis of sexual orientation²⁶

In March 1998, ACCEPT submitted to the Ministry of Justice a draft Bill for the abolition of Art. 200 of the Penal Code (under which homosexual acts were punishable with prison), and for the modification of other articles of the chapter "Sex-related criminal offences" so that the punishment for rape, sexual relations with minors and sexual molestation would no longer depend on the sexual orientation of the offender.

Secondary source:

- ILGA [Euroletter](#) 59, April 1998.

In April 1998, exactly one year after the Parliamentary Assembly of the Council of Europe had given Romania one year to comply with a number of specific requests aimed at addressing outstanding concerns for human rights, Amnesty International stated that it was "greatly concerned" about lack of progress. It pronounced that it was too early for bodies like the Council of Europe to relax their scrutiny of Romania's human rights record and that it was time for the Council to take effective measures to ensure that there was real respect for commitments made by Romania upon its admission to the Council.

Source:

- Amnesty International Press Conference Statement, 21 April, 1998.

In May 1998, the Romanian Government initiated a draft law for amending the Penal Code. The explanatory text stated:

"[...] According to the draft law, the provisions that regulate same sex relations shall be repealed; similarly to instances of sexual relations with a woman, deeds perpetrated under duress or if the victims are children under 14 or persons unable to defend themselves or to express their will shall continue to be incriminated. In order to ensure equal legal treatment for the deeds stipulated under Article 197 [heterosexual rape] and Article 200, a unique regulation was instituted, all these deeds being punished the same, from one to seven years in prison, if perpetrated under duress[.]."

Primary sources:

- Legislative proposal for amending the Penal Code and the Code of Penal Procedure; registration number with the Chamber of Deputies: no. 132/ 1998 (PL nr. 132/1998 Proiect de Lege pentru modificarea și completarea Codului penal și a Codului de procedură penală).

On June 30, 1998, the bill is rejected by the Chamber of Deputies.

Secondary sources:

²⁶ Timeline for the decriminalization of homosexuality is based on an unpublished manuscript by Iustina Ionescu, anti-discrimination coordinator at the Centre for Legal Resources, Bucharest. Information is reproduced with kind permission from the author.

- ILGA-Europe, *EuroLetter* 60, June 1998.

In June 1998, about 200 persons participated in a demonstration in front of the Romanian Senate (Piata Revolutiei) against “homosexuality, freemasons, and Satanists.” ACCEPT Romania declared in a press statement: “We are happy to see such a small number of participants, which shows that the Bucharest people are now paying a lot less attention to the issue of homosexuality, compared to the 1995 demonstrations with thousands of participants. Even the media paid less attention than usual.”

Primary source:

- ACCEPT Press Release, June 18, 1998.

In June 1998 the Parliamentary Assembly of the Council of Europe voted not to resume the monitoring procedure on the understanding that the new law reforms would be passed. However, the Romanian Parliament took that vote as a signal that the pressure to enact legal reform had ended. Within five days of the CoE’s Parliamentary Assembly’s decision, the Romanian Parliament rejected proposals to eliminate Article 200 (by a margin of just five votes). The existing text of the Criminal Code remained in place.

In September 1998, the Council of Europe did not respond to requests by ILGA-Europe that monitoring be reintroduced. The Secretary of the Monitoring Committee of the Parliamentary Assembly told ILGA-Europe representatives that the issue of lesbian and gay rights was not sufficient, in itself, for monitoring to be re-started.

Secondary source:

- ILGA-Europe, *EuroLetter* 63-65, September-November 1998. Issues available at:

1999

Discrimination on the basis of sexual orientation

In October 1999, the Regular Report from the Commission on Romania’s Progress towards Accession noted that “The Romanian penal code [had] still to be brought in line with European standards on issues such as *homosexuality*, libel, insult, offence to authorities, verbal outrage, domestic violence and abuse.” [Italics added]

On October 1, 1999, another draft law to repeal Article 200 from the Penal Code was submitted by the Government to the Parliament. The Chamber of Deputies adopted the proposal on June 28, 2000 and the proposal was sent to the Senate, where the Human Rights Commission approved the draft on February 28, 2001. The Judicial Commission was expected to vote on the draft at the end of March 2001. The bill was rejected in February 2003, on the basis that it was covered by other legislation adopted in 2001.

In December 1999, the Ministry of Justice presented a new package of draft laws on justice reform to the government. The package included yet again a proposal for repealing Art. 200 of the Penal Code to decriminalize homosexuality.

Primary source:

- Minutes of the debate of the Chamber of Deputies on the draft Law on amendments to the Penal Code, 13 February 2003. Available at:
<http://www.cdep.ro/pls/steno/steno.stenograma?ids=5383&idm=7>

Reproductive rights, including abortion, reproductive assistance

Since 1999, the Ministry of Health has commissioned annual reports on Reproductive Health. Primary source:

- Ministry of Health. Studiul sănătății reproducerii [Study on Reproductive Health]. 2004

2000

Discrimination on the basis of sexual orientation

On June 8 2000 another draft law for repealing Article 200, introduced in the Senate by the UDMR Senator Gyorgy Frunda, was submitted for approval to the Human Rights Committee of the Senate. It received approval on February 6, 2001 and went to the Judicial Commission. In August 31, 2001, the draft was joined with the draft law of the Government for the approval of the Government Emergency Ordinance no. 89/2001.

Primary source:

- Legislative project for approving Government Emergency Ordinance no. 89/2001 for amending the Penal Code on certain provisions related to sexual life. (Proiect de Lege pentru aprobarea Ordonanței de urgență a Guvernului nr. 89/2001 pentru modificarea și completarea unor dispoziții din Codul penal referitoare la infracțiuni privind viața sexuală)

ACCEPT, a leading organization in Bucharest defending LGBT rights, had frequent dialogue with the President of Romania during the mandate of President Emil Constantinescu (the dialogue covered the period November 1996 – November 2000). However, ACCEPT got no response when it tried to obtain his honorary patronage for the Bucharest conference of ILGA-Europe held in October 2000.

In November 2000, elections were won by the Social Democrat Party. Prime Minister Adrian Năstase had not made public any policy regarding gay people and Article 200 of the Penal Code. However, on December 21 2000, the Minister of Justice Rodica Stănoiu declared herself in favour of a referendum on the elimination or maintenance of criminal charges for homosexuals (Rodica Stănoiu, Romania's Minister of Justice, on article 200 in the context of the Penal Code revision - Pro FM Radio, December 21, 2000, Bucharest [translation from Romanian by ACCEPT]).

Reproductive rights, including abortion, reproductive assistance

Access to contraception

In the context of Romania's reporting to the CEDAW Committee, the Centre for Reproductive Law and Policy and AnA– Society for Feminist Analysis produced a shadow report on reproductive health in Romania. The report showed that laws and policies in Romania do not require spousal consent to obtain an abortion or use contraceptive methods. However, the report noted research which showed that partner preference was one of the major reasons Romanian women preferred traditional contraceptive methods over modern methods (condoms and contraceptive pills).

Primary source:

- Centre for Reproductive Law and Policy. Women's Reproductive Rights in Romania: A Shadow Report.
http://www.reproductiverights.org/pdf/sr_rom_0600_eng.pdf

Provision of free contraceptives

In August 2000, the Romanian government approved, for the first time, public sector funding for contraceptives and the provision of free commodities to vulnerable population groups (including poor women). The programme was developed in partnership with and with financial contribution from international organizations, particularly UNFPA and USAID, through John Snow Inc.

Some research shows that these programmes have been used by certain doctors to control the fertility of Romani women (e.g. by making it compulsory for Romani women to use injected contraceptives).

Secondary sources:

- Revista 22 PLUS, no. 150, February 4th, 2003, Supplementary issue on “Care for reproductive health”
- Eniko Magyari Vincze. 2006. Social Exclusion at the Crossroads of Gender, Ethnicity and Class. A View through Roma Women’s Reproductive Health. Available at: www.policy.hu/vincze

2001

Divorce, separation, marriage

The Governmental Programme for 2001-2004 set clear goals towards the policy regarding the family. The policy regarding the family focused on three main areas: families with small children, marriage and family relations, and the balance between work and family.

Primary source:

- Programme of Government, 2001-2004.

Discrimination on the basis of sexual orientation

In February 2001, President Iliescu responded to a letter from MEP Joke Swiebel and assured the MEP that “the problem of those provisions which represent a discrimination on the grounds of sexual orientation would be carefully examined by the competent Romanian institutions” and that he himself “as President of Romania would closely follow the developments in this field”.

In March 2001, Hildegard Puwak (Minister for European Integration) said that the PDSR government would implement all requirements for accession. She asked the Parliament to “eliminate any discrimination”, including that based on sexual orientation, in order to align Romania’s legislation with EU standards.

During Parliamentary debates on May 30, 2001 over the adoption of Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination, the Human Rights Commission and the Judicial Commission approved the text during a common meeting with an amendment consisting in the elimination of “sexual orientation” from the grounds of discrimination. The amendment was proposed by a deputy from the then government party (Social Democrat Party), M. Cornel Bădoiu, arguing that: “There is nothing wrong in not hiring someone because he is homosexual” (See *Adevărul*, May 31, 2001). October 4 and 9, 2001, the Chamber of Deputies adopted Government Ordinance no. 137/2000, eliminating

sexual orientation from the list of discrimination grounds. Since the texts adopted by the two chambers differed a mediation commission was established. The mediation commission reintroduced sexual orientation to the list.

On June 21, 2001, Romanian Government adopted Government Emergency Ordinance no. 89/2001, repealing Article 200 and harmonizing the texts of the Penal Code regarding sexual life infringements to eliminate any discrimination based on sexual orientation. (See <http://80.97.216.132/senat.proiect.asp?cod=3575&pos=2>)

On September 6, 2001, the Senate adopted the text of the Emergency Ordinance no. 89/2001 with 83 votes in favour and 32 votes against (the majority belonging to the Great Romania Party – the extremist right wing party). 6 members of the Senate abstained from the vote. On October 15, 2001, the Chamber of Deputies also approved an amended version of the Government Emergency Ordinance no. 89/2001. Since the texts differed, a mediation commission was established to negotiate the final text. On December 18, 2001, the Chamber of Deputies adopted the final text, which became Law no. 61/ 2002, approving Government Emergency Ordinance no. 89/2001.

Primary source:

- Personal interview with Iustina Ionescu, Anti-discrimination Programme Coordinator, Centre for Legal Resource, Bucharest. April 23, 2007.

Reproductive rights, including abortion, reproductive assistance

The Ministry of Health in a broad partnership with six other Ministries (Ministry of Education, Ministry of Youth and Sports, Defence Ministry, Ministry of Interior, Ministry of Justice and Ministry of Labour), NGOs (some of which were SECS, Youth for Youth, and ARAS) and international institutions (UNICEF, UNFPA, USAID) designed the programme *Education for Health in Romanian Schools* (Educatia pentru Sanatate in Scoala Romaneasca). The programme included a strong dimension on education for sexual and reproductive health.

One of the outcomes of the programme was the development of school curricula for teaching health education to children from grades I to XII (all children enrolled in compulsory education).

Primary source:

- Press release of the Ministry of Education, Research and Youth – “One year since the launching of the programme ‘Education for Health in Romanian Schools’”, December 9, 2002.

2002

Divorce, separation, marriage

Proposals for changes in the Family Code

A comprehensive proposal for changing the Family Code was initiated by Paula Ivanescu, an MP from the Democrat Party. The proposal aimed to strengthen measures for protecting victims of violence in the family, but also to safeguard the family in case of an action for divorce from one of the spouses, and to reject attempts to legally recognize civil partnership. The proposal was rejected by the Chamber of Deputies.

Primary source:

- Expunere de motive la Propunerea Legislativa nr. 450/ 2002 privind reglementarea relatiilor de familie – Codul Familiei [Arguments in support of Legislative Proposal no. 450/ 2002 on the regulation of family relations – the Family Code]. E-text, 2p.

Available at: <http://www.cdep.ro/proiecte/2002/400/50/0/em450.pdf>

A similar proposal was initiated by three MPs from the Social Democrat Party (including two women MPs) and one MP from the Democratic Union of Hungarians in Romania. The proposal also aimed at discouraging easy divorces and creating facilities for couple who live in a partnership to become legally married. The proposal was also rejected by the Chamber of Deputies.

Primary source:

- Expunere de motive la Propunerea Legislativa nr. 570/ 2002 pentru modificarea si completarea Legii Codului familiei nr. 4/ 1953 [Arguments in support of Legislative Proposal no. 570/ 2002 for amending Law no. 4/ 1953 – the Family Code]. E-text, 4 p.

Available at: <http://www.cdep.ro/proiecte/2002/500/70/0/em570.pdf>

Initiative to protect the family

During debates about legalizing prostitution, a group of professionals affiliated with Christian Orthodox associations and the Romanian Patriarchy established the Initiative Group for Protecting the Family (Grupul de Initiativa pentru Apararea Familiei) and published a brochure entitled “The Hidden Face of Legalized Prostitution” (Fata ascunsa a prostitutiei legalizate).

Primary source:

- “Asaltul impotriva familiei” [An assault against the family] In Grupul de Initiativa pentru Apararea Familiei [The Initiative in Defence the Family]. 2002. “Fata ascunsa a prostitutiei legalizate” (**The Hidden Face of Legalized Prostitution**), available at: <http://www.antiprotitutie.ro/>

Civil partnerships

A proposal was registered with the Parliament in 2002 for legally recognizing consensual unions. The proposal was initiated by a deputy from the Roma Party (Nicolae Paun). In the preamble to the proposal, the initiator gave a lengthy introduction about changes in the family model in Romania.

- “Reasons” to the Legislative proposal no. 158/ 2002 for legally recognizing consensual unions. Available at:

<http://www.cdep.ro/proiecte/2002/100/50/8/em158.pdf>

2003

Divorce, separation, marriage

Early marriages

In the summer of 2003, a media event was created around the marriage of Ana Maria Cioaba, a Romani girl thought to be between 12 and 14 years old and Mihai Biritu, a Romani boy of 15 years old. Media attention was brought to the case also by the fact that Ana Maria Cioaba was the daughter of Florin Cioaba, the self-proclaimed King of Romanian Gypsies.

The situation was aggrandized by the interventions of several EU officials, including Baroness Nicholson of Winterbourne, the Special Rapporteur of the European Parliament for Romania's EU Accession, who firmly condemned the practice and associated it with Roma culture. Romani leaders and Roma rights activists publicly protested the way the debate was ethnicized to claim that "Roma culture is oppressive to women".

The debate featured some interventions from Romani leaders in defence of a traditional model of Roma family, which spoke about cultural differences in understanding 'family'.

Primary source:

- Media statements by Delia Grigore. For her study on the traditional Roma family see: Grigore, Delia, Romanipen-ul (rromani dharma) si mistica familieii. Familia traditionala in comunitatile de romi din arealul romanesc (The Romanipen (rromani dharma) and Family Mystique. Traditional Family in Roma Community from Romanian Region)

Reproductive rights, including abortion, reproductive assistance

Abortion

A legislative proposal was introduced to establish compulsory counselling in cases where a woman requests an abortion. The initiator of the proposal, a deputy from the Social Democrat Party, Ovidiu Branzan, who later became the Ministry of Health for a while, believed the law was necessary because "Romania had a very high rate of abortions and a low birth rate". Therefore, "it was necessary to reduce the rate of abortions in order to increase the number of births". The legislative proposal was attempting also to limit access to abortion by young women under 18 and high financial sanctions were formulated against doctors who failed to provide the necessary counselling.

Primary source:

- Legislative proposal 217/ 2003 requesting compulsory counseling for abortions (PI nr. 217/2003 Propunere legislativă privind consilierea obligatorie în cazul întreruperii de sarcină)

The proposal was debated in the Chamber of Deputies in June 2003, but the Commission for Health and Family requested an extension of its time to work on the proposal. While under review by the Commission, the draft law was completely modified to become a Draft Law on reproductive health and assisted human reproduction. The latter proposal was drafted by the same MP from the Social Democrat Party in cooperation with an MP from the Greater Romania Party (Partidul Romania Mare). See debates on the proposal to regulate assisted human reproduction below.

Reproductive health education

The programme *Education for Health in Romanian Schools* became a national programme, after it was piloted in the school year 2002/ 2003.

Secondary source:

- Revista 22 PLUS, no. 150, February 4th, 2003, Supplementary issue on "Care for reproductive health"

2004

Reproductive rights, including abortion, reproductive assistance

Reproductive assistance

The Commission for Health and Family modified a proposal for a law on compulsory counselling in abortion cases into a proposal to regulate reproductive health and assisted human reproduction.

Primary source:

- Report of the Commission for Health and Family to the Chamber of Deputies on the draft law on compulsory counselling in abortion cases. Available at:
http://www.cdep.ro/comisii/sanatate/pdf/2004/rp217_03.pdf

During debates in the Chamber of Deputies about the new proposal to regulate assisted human reproduction, the issue of who should be eligible to access fertility services was hotly debated. Deputy Iulia Pataki showed that the reference in the law to a “couple” was excluding single women and single men. One of the initiators of the law, deputy Mircea Ifrim from the Greater Romania Party defended the text arguing that the term “couple” is necessary, because the term “persons”, for example, would allow also homosexual partners to access fertility services. The initiators also emphasised that the proposal is aimed at introducing measures to increase birth rates in Romania.

The debates in the parliament also addressed issues related to the rights of surrogate mothers.

Primary source:

- Minutes of the debate in Chamber of Deputies, March 2, 2004 on the proposal to regulate assisted human reproduction. Available at:
<http://www.cdep.ro/pls/steno/steno.stenograma?ids=5622&idm=9>

The Centre for Legal Resources and ACCEPT Romania conducted a lobby campaign against the draft law on reproductive health and assisted human reproduction. The protest was formulated mainly in relation to the requirements for accessing fertility services and the exclusion of single women and gay men and women.

Primary source:

- ACCEPT and Centre for Legal Resources. Open letter of protest to the members of the Judicial Commission of the Chamber of Deputies, referring to the project of a Law on Reproductive Health and Assisted Human Reproduction. November 7, 2005

The law proposal was adopted by the Chamber of Deputies and the Senate at the end of 2004, but was returned by the President who asked for a re-examination of the law to check its consistency with human rights principles.

Reproductive rights

An academic study on demographic trends in Romania released a ‘warning call’ about population decline and the threat of ‘demographic collapse’. The United Nations Population Fund (UNFPA) in Romania decided to act upon the available data and started a campaign on the need for population and development policies in Romania.

Primary source:

- Vasile Ghetau. 2004. *2050: Will Romanian population fall below 16 million?* Bucharest: National Institute for Economic Research. Centre for Demographic Research. [In Romanian]. 44p

Secondary source:

- Personal interview with Stela Serghiuta, Programme Coordinator for Youth/ Gender/ Communication, UNFPA, June 21, 2007.

2005

Reproductive rights, including abortion, reproductive assistance

Reproductive assistance

After re-examination, at the request of the President, the proposed law on Reproductive Health and Assisted Human Reproduction was again adopted by the Chamber of Deputies and the Senate. Debates in the Senate around the adoption of the law emphasized again that access to fertility services should be allowed only for heterosexual couples. The specific intention of the initiators was to exclude homosexual couples and single persons.

Source:

- Minutes of the Debate of the Chamber of Deputies on the draft proposal to regulated assisted human reproduction. February 21, 2005. Available at: <http://www.cdep.ro/pls/steno/steno.stenograma?ids=5806&idm=8>

The President submitted an objection to the Constitutional Court that the draft law on reproductive health and assisted human reproduction was violating the Constitution. The Constitutional Court decided in favour of the objections of unconstitutionality. The Court decided that the provisions in the draft law on assisted human reproduction that only allowed couples to access fertility services was discriminatory on grounds of gender and the status of a single woman. Some human rights activists consider the decision of the Constitutional Court “brave”.

Source:

- Constitutional Court Decision (D.C.C. no. 418/ 2005) accepting the unconstitutionality objections (Curtea Constitutională decide: (D.C.C. nr.418/2005) accepta obiecțiunile de neconstituționalitate)

The law was revised following the objections of the Constitutional Court. The revised version of the law grants access to fertility services to any person who belongs to a reproductive couple (defined as a heterosexual couple) or to any woman or man who suffers from a form of sterility that cannot be treated with conventional therapy. Thus, a single woman or a single man can access fertility services, without any discrimination based on sexual orientation, ethnicity, religion, disability status (according to the anti-discrimination legislation). However, same-sex partners are not eligible for fertility services as a couple, because the reproductive couple is defined as “a heterosexual couple”. The law is currently registered with the Senate.

Primary source:

- Legislative proposals on reproductive health and assisted human reproduction, version adopted by the Chamber of Deputies, on 21st November, 2005. E-text, 14 p. Available at: http://www.cdep.ro/proiecte/2003/200/10/7/cd217_03-2.pdf

Reproductive rights

In July 2005, a Committee for Population and Development was established at the level of the Romanian Government.

Primary source:

- Government Decision no 648/ 2005 on the creation of a National Commission for Population and Development (Hotarare nr.648 din 7 iulie 2005 privind înființarea, organizarea și funcționarea Comisiei Naționale pentru Populație și Dezvoltare)

2006

Divorce, separation, marriage

Citizens' initiative for revising the constitutional definition of family

A Citizens' Committee established in Arad, a county in the Northwest of Romania, started an initiative to support a project for the revision of the Romanian Constitution. The proposal is to revise art. 48 of the Constitution ("The Family") by including a new paragraph stating:

"Polygamy is forbidden in Romania and marriage is permitted only between a man and a woman."

In June 2006, the Legislative Council approved the proposal, but specified that the provisions would be superfluous given that marriage is clearly regulated in the Family Code. The initiative was published in the Official Bulletin (*Monitorul Oficial*) on June 21, 2006.

The proposal elicited the support of the Romanian Orthodox Church, as well as representatives of the Catholic Church, the Greek-Catholic Church, the Baptist Union, and the Pentecostal Church. Numerous other faith-based associations from Romania, the United States and Canada joined and supported the initiative. The initiators and their supporters were able to gather 650,000 signatures, significantly more than the minimum 500,000 required by the Romanian Constitution for legislative initiatives proposed by groups of citizens.

On 21st December 2006 lists containing the 650,000 signatures in support of the initiative were registered with the Parliament.

Primary sources:

- Expunere de motive la Propunerea legislativă pentru revizuirea art. 48 din Constituția României în vederea ocrotirii căsătoriei și familiei în România [Reasons for submitting the Legislative proposal for revising art. 48 of the Romanian Constitution in order to protect marriage and the family in Romania], registered with the Senate, no. b757/2006. E-text, 6p, available at: <http://webapp.senat.ro/pdf/06b757EM.pdf>

Secondary source:

- Informative brochure by Romanița Iordache, President of ACCEPT Romania. Available at: http://www.accept-romania.ro/images/stories/intrebari_cu_verdana_2.pdf

Repealing regulations on adultery

Until 2006, the Romanian Penal code punished adultery. Article 304 of the Penal Code read: "A spouse who has sexual intercourse outside of marriage shall be punished by imprisonment from one to six months or a fine. Criminal proceedings shall start following the preliminary complaint of the innocent spouse. The innocent spouse may demand at any time the cessation of criminal proceedings or of the criminal action and, after the court ruling has

been declared definitive, may demand the cessation of the fulfilment of the punishment. Proof of adultery can be administered only through the report of the *flagrante delicto* or through letters retrieved from the guilty spouse. [...]"

Art. 304 was repealed in 2006. The initiators of the proposal to eliminate art. 304 from the Penal Code (the proposal was part of a larger process of amending the Penal Code) argued that the provisions of the article had become "obsolete" in a modern society.

Primary source:

- "Expunere de motive" [Reasons] to Law no. 278/ 2006 amending the Penal Code (Lege nr.278 din 4 iulie 2006 pentru modificarea și completarea Codului penal, precum și pentru modificarea și completarea altor legi)

Reproductive rights, including abortion, reproductive assistance

In 2006, the National Commission for Population and Development (established in 2005) in cooperation with the United Nations Population Fund (UNFPA), released the Green Book of Population in Romania. The Green Book promotes a concept of family based on partnership.

Primary source:

- National Commission for Population and Development. 2006. The Green Book of Population in Romania [Cartea Verde a Populatiei in Romania].

On October 26, 2006 a debate was organized by the Chamber of Deputies and the United Nations Population Fund (UNFPA) on the topic of "Population and Development". The debate was an advocacy initiative by UNFPA to stimulate the formulation of national and specific policies that take into consideration the demographic dynamic of Romania and its gendered aspects.

- Report of the Debate "Population and Development" organized by the Chamber of Deputies and UNFPA, October 26, 2006. 42 p. Available at: ftp://ftp.unfpa.ro/UNFPA/Raport_Dezbateru_Parlament.pdf

2007

Divorce, separation, marriage

Citizens' initiative for revising the constitutional definition of family

On February 9 2007, the legislative proposal initiated by a group of citizens for revising art. 48 of the Constitution in order to protect family and marriage in Romania was registered for approval with the Constitutional Court.

The leading LGBT Association in Romania, ACCEPT (based in Bucharest) sent a memorandum to the Constitutional Court asking the Court to reject the proposal. The memorandum argues that the intention of the initiators was to re-affirm and perpetuate discrimination based on sexual orientation rather than to protect the family.

Manifestations in support of the initiative to enshrine greater protection for marriage and the family in the Constitution have been organized throughout the country, mostly with the support of faith-based groups.

Primary sources:

- ACCEPT Romania. Amicus Curiae regarding the proposal to organize a referendum for revising Art. 48 of the Constitution of Romania. E-text, 8 p., available at: http://www.accept-romania.ro/images/stories/memoriu_cc_7_martie_07.pdf

- “Pro-family measures throughout the country”, Article by Petre Costea, posted June 10, 2007, on www.protejarea-familiei.com

Proposal for equalizing the marriage age of women and men

A proposal for revising the Family Code is currently under parliamentary debate. The proposal aims to bring the Family Code into closer compliance with the principle of equality between women and men. One of the proposals is to equalize the legal marriage age for women and men at 18 years old. Romani women activists have protested against the ways in which debates around the envisioned changes to the Family Code have been ethnicized. The measure to equalize the legal marriage age has been explicitly presented as a way of combating the phenomenon of early marriages in Roma communities.

Primary sources:

- Expunere de motive pentru Proiectul de Lege nr. 149/ 2007 pentru modificarea si completarea Legii nr. 4/ 1953, Codul Familiei – republicata [Arguments for the Legislative Proposal no. 149/ 2007 for amending Law no. 4/ 1953, the Family Code – republished]. E-text, 2 p.
Available at: <http://www.cdep.ro/proiecte/2007/100/40/9/em149.pdf>
- Open letter to Members of the Chamber of Deputies regarding debates about changes to the Family Code. The letter was signed by prominent Romani women activists. April 2007

Reproductive rights, including abortion, reproductive assistance

The Green Book of Population in Romania is currently under public consultation. A questionnaire was sent all Ministries, to the Commission of both the Senate and the Chamber of Deputies, to experts from the academic world and to local authorities across the country. A brief version of the questionnaire is also available on the UNFPA website and can be used by anybody who would like to contribute his/ her opinion.

Based on the answers to the questionnaire, UNFPA will compile a report which is going to be disseminated and discussed during a conference on population and development, to be held at the end of September, 2007. The aim of the conference is to spearhead the elaboration of a strategy for population and development in Romania that would be endorsed by the high decision-making level of the Romanian Government.

Secondary source:

- Personal interview with Stela Sergiuta. Programme Coordinator for Youth/ Gender/ Communication, UNFPA Romania, June 21, 2007.

GENDER BASED VIOLENCE

1. Introduction of relative relevance and presence of sub-issues

The present timeline considers the following sub-issues:

1. Domestic violence
2. Sexual violence/ abuse (including issues of rape, and prostitution)
3. Trafficking in women
4. Sexual harassment
5. Violence against Romani women, including arranged marriages

There is no single comprehensive legislation in Romania that would address violence against women which covers gender based violence specifically as such. Various aspects of violence against women – domestic violence, sexual assault, trafficking in women - are addressed in a range of normative acts and policy measures. Almost all legislation and policy measures against violence against women have been developed in Romania during the QUING period. Previously, only acts of rape were criminalized. Under the state socialist Family Code, domestic violence was a cause for divorce, but only if violence had been life-threatening.

Three periods can be discerned in the policy and legislative developments in the area of *domestic violence*: before 2000; between 2000 and 2003, when a specific law against domestic violence was debated and ultimately adopted; and after 2003, when state-sponsored mechanisms for responding to domestic violence were developed. Debates around the specific law featured efforts by NGOs working to promote women's rights to include a gender-sensitive, women-centred approach in the law. However, the prevailing vision, even among NGOs, was the family-centred one. Consequently, the legislation currently speaks of "violence in the family".

New regulations on *sexual violence, including rape*, emerged in the QUING period as part of the revisions of the Romanian Penal Code that were adopted in 2000. The 2000 revisions of the Penal Code introduced new provisions that recognized the crimes of marital rape, domestic violence and sexual harassment, and offered more effective protection to the victims of such crimes. Policy measures on sexual abuse have also been developed after 2000. However, such policies focused on children, in response to the focus of European Union accession monitoring bodies on the rights of children in Romania.

As a policy problem, *trafficking in women* is exclusively merged under the heading "trafficking in human beings". Only a handful of isolated and temporary initiatives have focused specifically on women as victims of trafficking. A study on "Enlargement, Gender and Governance" concluded about Romania that: "The Romanian Government received significant international support in formulating the normative acts, creating the new institutional structures and implementing the related policies. *Gender issues are invisible in the debates around these legislative projects, as the accent is placed on the fight against*

organized crime. Moreover, these bills were discussed under the emergency procedure; hence there was practically no parliamentary debate. They were unanimously adopted, almost in the same form as had been proposed by the Government.”²⁷

Sexual harassment at work is sanctioned under current Romanian legislation, either as a contravention (on the basis of Law no. 202/ 2002 on equal opportunities between women and men), or as a criminal offence, under the Criminal Code, in more severe cases involving sexual assault. No other forms of sexual harassment are regulated. Provisions against sexual harassment at work were introduced in Romanian legislation as a direct response to the pressures of harmonization with the *acquis communautaire* as part of the EU accession process.

Finally, I would like to consider “*violence against Romani women*” as a special case of gender-based violence in the Romanian context, because Romani women are often the target of state-sponsored violence (from police and medical personnel), a type of violence that does not affect other women to the same extent. From this point of view “*violence against Romani women*” is a specific manifestation of violence based on gender and ethnicity in the Romanian context.

2. Actors:

The most prominent actors on *domestic violence* have been: women’s NGOs; UN agencies and the Committee on the Elimination of Discrimination against Women via the CEDAW review process; several MPs who visibly supported and advocated for specific legislation against domestic violence; the media; to some extent health practitioners; and, more recently, private foundations supported by private businesses as part of their corporate social responsibility policies. The EU accession process did not have an impact on the development of legislation and policies in the field of domestic violence.

Women’s NGOs supported, and still support grass-roots initiatives offering protection and assistance to victims of domestic violence. The NGOs Association for the Promotion of Women in Timisoara, and the Centre for Mediation and Community Security in Iasi were the primary initiators of legislative proposals for a special law against violence in the family. In 2003, a National Coalition of NGOs working to End Violence against Women was created.

The United Nations Population Fund (UNFPA) supported and actively disseminated the findings of a 1999 Reproductive Health Survey that offered the first data on the incidence of domestic violence in Romania on a national level. The Ministry of Health continued to commission the collection of data on domestic violence as part of the Reproductive Health Survey, thus keeping the issue on the public health agenda. Other health practitioners were involved especially in the early stages of establishing centres for victims of domestic violence.

²⁷ Georgeta Ghebrea, Marina Tataram, Ioana Cretoiu. Gender Mainstreaming Case Studies: Romania. Work package 6 of **Enlargement, Gender and Governance (EGG)**, EU Framework 5, Project No: HPSE-CT-2002-00115. [Italics mine]. Available at: <http://www.qub.ac.uk/egg/> .

The media assumed a prominent role in awareness-raising on the issue of domestic violence, especially in the period 2000-2003. Visible and influential women politicians also made a significant contribution to the success of the legislative initiative(s) to respond to the phenomenon of domestic violence. For example, Mona Musca, an MP from the National Liberal Party, was adamant in supporting the legislative proposal for a special law against domestic violence while it was debated in the Parliament (2002/2003).

More recently, after 2004, private foundations, such as Foundation Sensiblu, supported by the network of pharmacies Sensiblu have become visible in actions to end domestic violence against women.

In 2004, the National Agency for the Protection of the Family was created. The Agency should be the main actor in policy making and policy coordination on the issue of domestic violence.

The EU accession process had a much more significant impact on the development of legislation and policies for the other issues of gender-based violence: sexual violence, trafficking in women, and sexual harassment at work. In fact, one can conclude that the emergence of the issues of trafficking in women and sexual harassment on the policy agenda were strictly an *affair* of EU accession. However, other actors have been involved in policy-making on these issues as well. On the issue of sexual violence, the CEDAW review process and the shadow reports that were submitted by women's NGOs such as the Centre for Reproductive Law and Policy and AnA – Society for Feminist Analyses had a significant impact. On the issue of trafficking in women, the Ministry of Interior was the central actor. The International Organization for Migration and UNDP were involved in research and advocacy with police personnel. NGOs, such as the Centre for Legal Resources were also involved, but mostly in consultation processes. In 2001-2002, before the specific provisions on sexual harassment were approved as part of the Law on equal opportunities between women and men (202/ 2002), the women's organization of the Democratic Confederation of Labour Unions was able to influence the drafting of the Collective Work Contract to include regulations against sexual harassment. On the issue of sexual harassment at work, the Centre Partnership for Equality in Bucharest is currently a leading actor, working in partnership with the National Labour Unions Bloc.

3. Timeline of policy debates and decision making on issues related to gender-based violence, 1995-2007

1995

Domestic violence

A report on domestic violence in Romania, prepared by the Minnesota Advocates for Human Rights was the subject of intense discussion at the Fourth World Conference on Women in Beijing.²⁸

Primary source:

- Lifting the Last Curtain, A Report on Domestic Violence in Romania, February 1995. <http://www.mnadvocates.org/sites/608a3887-dd53-4796-8904-997a0131ca54/uploads/D.V. in Romania 1995.pdf>

1996

Domestic violence

In 1996, Government Decision no.852/1996 established the Pilot Centre for Supporting Victims of Violence against Women (*Centrul Pilot pentru Ajutarea Victimelor Violentei impotriva Femeilor*). The Pilot Centre was created in Bucharest, as part of the Ministry for Labour and Social Affairs, and was hosted by a clinic of the Research Institute for Psychiatric Diagnosis and Treatment. The Pilot Centre was offering an emergency phone line and was able to accommodate only two persons at a time. However, the emergency phone line provided important evidence of the existence of domestic violence in the capital Bucharest. Over the years, various memorandums were produced by the Pilot Centre documenting the profiles of the women who were calling the emergency line.

The Pilot Centre continues to operate today, under the name Pilot Centre for Supporting the Victims of Violence in the Family. A representative of the National Agency for Family Protection declared in April 2007: "Since we used abbreviations, we were able later on to change the mentioning of "women" in the title of the Centre with a mentioning of "family".²⁹ Today we read the name of the centre as: Pilot Centre for Supporting the Victims of Violence in the Family."

Primary sources:

- Government Decision 852/ 23 September 1996 to establish the Pilot Centre for Assisting and Protection the Victims of Violence in the Family (Hotărâre nr. 852 din 23 septembrie 1996 privind înființarea Centrului Pilot de Asistență și Protecție a Victimelor Violentei în Familie).

Secondary source:

- Personal interview with Corneliu Gavaliugov, Director of the Programmes and Coordination Department, National Agency for Family Protection, April 25, 2007.

²⁸ Information from Laura Grunberg, 2000, "Women's NGOs in Romania".

²⁹ The word for family (*familie*) and the word for women (*femei*) start with the same letter, in Romanian.

1997

Sexual assault and rape

Data collected by the Institute for Researching and Preventing Criminality at the Inspectorate-General of Police showed an increased risk of sexual abuse or assault (particularly rape and incest) against girls between 15 and 18 years old brought up in the urban environment of the South and South-East of the country.

Secondary source:

- “Romania” in Weber, Renate and Nicole Watson, eds. 2000. Women 2000: An investigation into the status of women’s rights in Central and South eastern Europe and the New Independent States. Vienna: International Helsinki Foundation for Human Rights.

Sexual harassment

Research began to document the phenomenon of sexual harassment, which emerged as a topic of debate within various sectors of society.

Primary source:

- Government of Romania. Combined Fourth and Fifth Periodic Reports of Romania under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women.
CEDAW/C/ROM/4-5, 15 March 1999 E-text. 48 p.
<http://daccessdds.un.org/doc/UNDOC/GEN/N00/225/34/PDF/N0022534.pdf?OpenElement>

1998

Domestic violence

In 1998, a second centre for victims of domestic violence was established in Bucharest by Government Decision 938/1998 - the Centre for Information and Family Counselling. The Centre was coordinated by the Ministry of Health and financed by the Ministry of Labour and Social Affairs.

In May 1998, three senators, two from the Social Democrat Party and one from the National Liberal Party, registered a proposal to amend the Penal Code to introduce changes in regulations referring to violence in the family and sexual violence (rape, sex with a minor, and sexual perversions). The proposed changes envisaged increases in the punishments for acts of violence if the victim was a member of the perpetrator’s family. The legislative proposal also introduced changes in the procedure for starting criminal investigations in cases of family violence. Thus, in the proposal, the requirement for a complaint from the victim was repealed to allow police forces to start investigations *ex officio*.

The proposal for amending the Penal Code was sent for comments and review to the Ministry to Justice, the Prosecutor Office of the Supreme Court of Justice, the Ministry of Interior, and the Supreme Court of Justice.

Primary sources:

- Government Decision 938/1998 on establishing the Centre for Information and Family Counselling (Hotărâre nr. 938 din 23 decembrie 1998 privind înființarea Centrului de Informare și Consultanță pentru Familie).

- The Initiators (Three senators). Legislative Proposal L110/ 1998 for amending the Penal Code, registered with the Senate on May 7, 1998.

Secondary sources:

- Personal interview with Corneliu Gavaliugov, Director of the Programmes and Coordination Department, National Agency for Family Protection, April 25, 2007.

Trafficking

Romania accepted the Constitution of the International Organization for Migration and was admitted as full member in November 1998.

Sexual harassment

In May 1998, the Ministry of Labour and Social Protection submitted to the Parliament a draft law on Equal Opportunities for Women and Men formulating specific provisions on sexual harassment at work. The legislative proposal was not successful.

Primary source:

- Ministry of Labour and Social Protection (initiator). Draft Law on equality of opportunity between women and men. Registered with the Romanian Senate as Proiect de Lege privind egalitatea de șanse între femei și bărbați, PL nr. L147/1998 (Legislative proposal on equal opportunities between women and men, PL no. L147/1998). The Government withdrew the proposal in January 2001.

1999

Domestic violence

A survey on reproductive health in Romania provided for the first time data on the incidence of domestic violence. The study was commissioned by the Ministry of Health, conducted by the Centre for Disease Control and Prevention at the Department for Health and Human Services in Atlanta, US and financed by a number of international organizations, including UNFPA and the World Bank. The first-ever nationally representative data on domestic violence in Romania showed that one in three women were victims of domestic violence, and that the incidence of physical abuse reported by women was higher than in other Eastern European countries. In an interview on June 21, 2007, UNFPA Programme Coordinator Stela Serghiuta declared that she believed the study had a strong impact on mobilizing political will for adopting measures against domestic violence in Romania. In her opinion, the availability of data was crucial also for inspiring a spirit of cooperation among NGOs. Faced with the magnitude of the phenomenon, organizations working on women's issues became more convinced of the need to act together.

Primary sources:

- Serbanescu, Florina, Leo Morris, Jay Friedman, „Studiul Sanatatii Reproducerii Romania, 1999. Raport Final”, CDC, ARSPMS, 2001

Secondary sources:

- Personal interview with Stela Serghiuta, Programme Coordinator for Youth/ Gender/ Communication, UNFPA, June 21, 2007.

- “Romania: Tackling Domestic Violence from Many Angles” in UNFPA. 2007. *Programming to address violence against women. 10 case studies*. Available at: http://www.unfpa.org/upload/lib_pub_file/678_filename_vaw.pdf

Progress was made in the revision of the Penal Code towards introducing more severe penalties for crimes of violence in the family. In May 1999, the Juridical Commission of the Senate decided on a favourable report on the legislative proposal for amending the Penal Code that had been initiated in 1998. The report took into consideration comments and proposals from the Ministry of Justice, the Supreme Court of Justice and the Prosecutor Office of the Supreme Court of Justice. The proposal was adopted by the Senate and sent to the Chamber of Deputies. It was registered with the Chamber of Deputies in December 1999, as Legislative Proposal no. 525/ 1999.

The European Commission 1999 Regular Report on Romania's Progress towards Accession noted that “The Romanian Penal Code [had] still to be brought in line with European standards on issues such as homosexuality, libel, insult, offence to authorities, verbal outrage, *domestic violence and abuse*.” [Italics added]

Primary sources:

- Government of Romania (initiator). Legislative proposal no. L388/ 1999 for harmonizing certain provisions of the Penal Code and the Code of Penal Procedure with Resolution 1123 (1997) of the Council of Europe. (PL nr. L388/1999 Proiect de Lege pentru armonizarea unor dispoziții din Codul penal și Codul de procedură penală cu Rezoluția 1123(1997) a Consiliului Europei)
- Report of the Juridical Commission of the Senate on the Legislative proposal L110/ 1998 for amending the Penal Code, adopted on May 6, 1999. E-text, 17 p.
- Two Senators (Initiators). Legislative proposal no. 525/1999 for amending the Penal Code, registered with the Chamber of Deputies on December 30, 1999. (PL nr. 525/1999 Proiect de Lege pentru modificarea și completarea unor dispoziții din Codul penal.)

The Combined Fourth and Fifth Periodic Reports of Romania under Article 18 of CEDAW also noted there was “virtually no longer any doubt that the phenomenon of violence against women [was] a threat to fundamental rights which demand[ed] an urgent solution.” The Reports also stated: “The current absence of adequate legal protection allowing effective action against the phenomenon calls for concrete measures to be put forward to prevent and monitor acts of aggression perpetrated against women and children.”

At the same time, efforts of non-governmental organizations, international organizations and partnerships with governmental authorities for addressing violence against women intensified in this period. The Inspectorate-General of Police partnered with NGOs such as “ARIADNA”, The Association of Romanian Women Journalists, to support discussions which targeted groups of women with a view to counselling them on their rights and on ways of improving the prevention of acts of violence. The Inspectorate-General of Police also partnered with AIDROM, the ecumenical association of churches of Romania, in a programme that aimed at preventing violence against women.

The United Nations Population Fund (UNFPA) allocated US \$700,000 over a period of two years (2000-2002) for the improvement of reproductive health in Romania. Violence against women was a specific component of the programme.

Primary sources:

- Government of Romania. Combined Fourth and Fifth Periodic Reports of Romania under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/4-5, 15 March 1999 E-text. 48 p. <http://daccessdds.un.org/doc/UNDOC/GEN/N00/225/34/PDF/N0022534.pdf?OpenElement>
- 1999 Regular Report from the Commission on Romania's Progress towards Accession.

Trafficking, prostitution

The report submitted by the Romanian Government to the CEDAW Committee linked the phenomena of trafficking and prostitution, stating: "Another form of exploitation of women, with ramifications in countries such as Turkey, Greece, Cyprus, Austria, Hungary, Italy and Germany, consists of trafficking of women to foreign procurers or to brothel-keepers, and this phenomenon is amplified by the exploitation of women for the production of pornographic material."

Primary source:

- Government of Romania. Combined Fourth and Fifth Periodic Reports of Romania under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/4-5, 15 March 1999 E-text. 48 p. <http://daccessdds.un.org/doc/UNDOC/GEN/N00/225/34/PDF/N0022534.pdf?OpenElement>

The combined Fourth and Fifth periodic reports of Romania under Article 18 of the CEDAW Convention stated that the initiative to legalize prostitution would be a means for the state "to take appropriate action in the interests of public health". There was no mentioning of the rights of women who work as prostitutes and especially their right to a life free of violence.

Primary source:

- Government of Romania. Combined Fourth and Fifth Periodic Reports of Romania under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/4-5, 15 March 1999 E-text. 48 p. <http://daccessdds.un.org/doc/UNDOC/GEN/N00/225/34/PDF/N0022534.pdf?OpenElement>

Sexual harassment

A survey conducted by the UN Interregional Crime and Justice Research Institute in Central and Eastern Europe found that the rate for employed women in Romania who are victims of assault and sexual incidents is 108 sexual incidents per 1,000 women (more than 10%), and 41 assaults per 1,000 women.

Secondary source:

- *Women in Transition*, UNICEF Report, Regional Monitoring Report, No.6/1999.

2000

Domestic violence and violence in partnerships (marital rape)

In June 2000, the Chamber of Deputies adopted the legislative proposal for amending the Penal Code toward greater protection for victims of violence in the family and sexual abuse that had been registered with the Senate on May 1998. Because the version adopted by the Chamber of Deputies differed from the one adopted by the Senate, the mediation procedure was initiated. The major point of contention between the two versions was related to regulations on sexual acts involving same-sex partners. The mediation report was finalized and approved by the Senate in September 2000. The Government of Romania contested the legislative proposal on grounds of unconstitutionality. The Government of Romania argued that the provisions in the proposal related to sexual acts involving a minor were introducing a sex-based discrimination. The Constitutional Court did not accept the objections.

In the summer of 2000, USAID organized a conference on the topic of women and democracy and developing women's leadership. Almost three hundred women attended the conference; they were representing all regions of Romania, and all actors: business, NGOs, politicians, and labour unions. On that occasion, two hundred signatures were collected in support of the provisions of the project to amend the Penal Code in order to introduce higher penalties for acts of violence in the family and to recognize marital rape.

On November 13, 2000, the legislative proposal was adopted and became Law no. 197/2000. For the first time, specific provisions related to the sanctioning of acts of violence against family members were legally available. The new provisions of the Penal Code introduced aggravated penalties in cases of violence against family members, and the interdiction for the aggressor to seek reinsertion in the family, after being convicted and sentenced to prison for domestic violence, and upon the request of the victim.

Primary sources:

- Report of the mediation Commission on the different versions of the legislative proposal to amend the Penal Code, adopted on September 21, 2000. E-text, 3p.
- Government of Romania. Objection regarding the unconstitutionality of the legislative provision for amending the Penal Code. E-text, 5p.
- Decision no. 211/ November 1, 2000 of the Constitutional Court regarding the provisions of the Law for amending the Penal Code – rejects the objections formulated by the Government. E-text, 3p.
- Law no. 197/2000 for amending the Penal Code

Secondary source:

- Popescu, Liliana. 2004. *Politica sexelor* [The politics of sexes]. București: Maiko, p. 194.

Women's NGOs continued to offer protection and assistance to victims of domestic violence at the grassroots level and continued to express dissatisfaction with state responses to the phenomenon.

Among the NGOs working to end violence against women some of the most prominent were: ARTEMIS – Association of Women against Violence in Cluj and Baia-Mare; ȘEF – Foundation for Equal Chances for Women, in Iasi; APoWeR, Association for the Promotion of Women in Romania, from Timisoara; and the Centre for Mediation and Community Security in Iasi.

A scandal broke out around the publication of an article entitled “How to Beat Your Wife without Leaving Marks” in the April 2000 issue of *Playboy* magazine. Romanian NGOs held a demonstration in protest in Bucharest.

During its 23rd session, June 12-13, 2000, the UN Committee on the Elimination of Discrimination examined the Combined Fourth and Fifth Periodic Report of Romania. In its concluding comments, the Committee called on the Government “to place highest priority on the adoption of the proposed legislation on equal opportunities and on domestic violence and trafficking in women.”

The National Action Plan on equality of opportunities between women and men, 2001-2004 was adopted in December 2000. The Action Plan called for specific measures to combat domestic violence against women. Art. 8, Paragraph 5, letter e called for “extending the measures for preventing and combating the phenomenon of violence in the family, diversifying the range of services offered to victims, and a more balanced distribution of available services on a national level”. However, an implementation programme for the National Action Plan was only adopted in 2004.

Primary sources:

- HG nr. 1273/ 7 dec 2000 privind aprobarea Planului National de actiune pentru egalitatea de sanse intre femei si barbati, Monitorul Oficial al Romaniei, nr. 659/ 15.12.2000 [Government Decision no. 1273/ December 2000 for approving the National Action Plan on equality of opportunities between women and men]
- Centre for Reproductive Law and Policy. Women’s Reproductive Rights in Romania: A Shadow Report. E-text:
http://www.reproductiverights.org/pdf/sr_rom_0600_eng.pdf
- Women’s Status in Romania: A Shadow Report to the 23rd CEDAW Session June 2000 (made within the framework of the "From Global to Local" Programme, coordinated and implemented by IWRAW Asia & Pacific and UNIFEM, IWRAW Asia & Pacific (for the overall project: November 1999 – June 2000), The Open Society Foundation Romania – Women’s Programme (for the Romanian NGOs meeting, Sinaia, April 2000), November 1999 – June 2000)
- Committee on the Elimination of Discrimination against Women. Concluding Comments on the Combined Fourth and Fifth Periodic Report of Romania, Twenty-third session, 12-13 June, 2000. E-text, 8p.

Secondary sources:

- Laura Grünberg. 2000. Women’s NGOs in Romania. In *Reproducing gender: Politics, publics, and everyday life after socialism*, ed. Susan Gal and Gail Kligman, 307-336. Princeton: Princeton University Press.

Sexual assault and rape

The Romanian Parliament adopted Law no. 197 from November 13, 2000, for the amendment of some provisions of the Penal Code. The new provisions raised the penalties for violence in the family and sexual abuse of minors.

Law no. 197/ 2000 also marked a significant gain in the field of rape regulations. Thus, the legal wording that previously specified the victim could only be a woman was changed to the gender-neutral “person”. Higher penalties were introduced for cases of rape when “the victim is a member of the family”. The latter provision also implicitly recognized marital rape. The

previous provisions for 'reparatory marriage', which eliminated criminal liability of a rapist if the rape victim consented to marry him (para. 5 or Art. 197) were repealed.

Primary source:

- Law no. 197/2000 for amending the Penal Code

Trafficking

The 2000 Regular Report from the European Commission on Romania's Progress Towards Accession noted that trafficking in women and girls for the purpose of forced prostitution was a growing problem and that the Romanian Government had not made any progress in addressing the issues. In response to these assessments, in October 2000, the Ministry of the Interior launched a programme for the protection of women and children against trafficking.

The Romanian Penal Code retained trafficking only in connection to prostitution and the text referred only to "trafficking in human beings".

After examining the Combined Fourth and Fifth Periodic Report of Romania, the UN Committee on the Elimination of Discrimination against Women urged the Romania government "to place highest priority on the adoption of the proposed legislation on [...] trafficking in women." (The proposed Law for preventing and combating trafficking in human beings).

Primary sources:

- 2000 Regular Report from the Commission on Romania's Progress Towards Accession.
- Committee on the Elimination of Discrimination against Women. Concluding Comments on the Combined Fourth and Fifth Periodic Report of Romania, Twenty-third session, 12-13 June, 2000. E-text, 8p.

Secondary sources:

- "Romania" in Weber, Renate and Nicole Watson, eds. 2000. Women 2000: An investigation into the status of women's rights in Central and South eastern Europe and the New Independent States. Vienna: International Helsinki Foundation for Human Rights.

2001

Domestic violence

Romanian NGOs intensified their efforts towards combating domestic violence following their participation in the Beijing+5 review of the implementation of the Beijing Platform for Action. The United Nations General Assembly Special Session "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century", New York, June 5-9, 2000 reasserted that "domestic violence, especially wife battering, is perhaps the most widespread form of violence against women."

In November 2001, a legislative proposal on domestic violence was drafted by the NGO Association for the Promotion of Women in Romania in Timisoara (Asociatia pentru Promovarea Femeilor din Romania), eliciting the political support of one MP from the Social Democrat Party (Ovidiu Branzan). A group of nine members of the Chamber of Deputies, all from the Social Democrat Party, registered the legislative proposal in November 2001.

Other NGO advocacy campaigns were taking place at the same time. The Centre for Mediation and Community Security (Centrul de Mediere si Securitate Comunitara) in Iasi supported three awareness-raising campaigns focused on domestic violence against children and women. The first campaign took place in 2001 and focused on the effects of abuse on children. The main product of the campaign was the TV clip "The Batterer" (Batatorul), 2001, which was broadcasted during primetime on five major national TV channels.

Primary sources:

- The Initiators (nine MPs from the Social Democrat Party). Propunere Legislativa privind violenta in familie no. 671/2001, Expunere de motive [Reasons for submitting the legislative proposal on violence in the family no. 671/2001], 8p. E-text

Secondary sources:

- Personal interview with Roxana Tesiu, Executive Director, Centre Partnership for Equality, June 14, 2007.
- Weber, Renate and Nicole Watson, eds. 2000. Women 2000: An investigation into the status of women's rights in Central and Southeastern Europe and the New Independent States. Vienna: International Helsinki Foundation for Human Rights.

Trafficking, prostitution

On 21 May 2001, Romania hosted the *Regional Conference on Fighting against Trafficking in Human Beings and Illegal Immigration*, organized by the OSCE Romanian Chairmanship-in-Office at that time, in collaboration with the South-Eastern Cooperation Initiative Centre.

The Centre for Legal Resources (*Centrul pentru Resurse Juridice*), a Bucharest-based human rights NGO, worked together with the Ministry of Justice, Ministry for Domestic Affairs and the Ministry of Labour, Social Solidarity and the Family to draft Law no. 678/ 2001 regarding the prevention and combating of trafficking in persons. Other NGOs active in the same field have been consulted in the process of elaborating the bill. The media also played an important role in drawing the attention of the general public to the phenomenon. Trafficking thus gained considerable visibility.

In October 2001, Romania ratified the optional Protocol to the United Nations Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.

A National Action Plan against Trafficking in Human Beings was adopted in November 2001.

Primary sources:

- The Law no. 678/2001 on preventing and combating trafficking in human beings
- Government Decision no. 1216/ 2001 adopting the National Action Plan for Combating Trafficking in Human Beings

Secondary sources:

- Georgeta Ghebrea, Marina Tataram, Ioana Cretoiu. Gender Mainstreaming Case Studies: Romania. Work package 6 of Enlargement, Gender and Governance (EGG), EU Framework 5, Project No: HPSE-CT-2002-00115. Available at: <http://www.qub.ac.uk/egg/>

A female member (deputy Constanta Popa) of the extreme right wing party, the Greater Romania Party (Partidul Romania Mare), registered a proposal for legalizing **prostitution** in order to control the spread of sexually transmitted diseases and AIDS. The proposal was to

create specific places for sex work that would function under strictly regulated conditions and would be called “Eros Place” (“Eros Loc”). The proposal was not successful.

Another initiative to legalize prostitution was registered with the Senate in 2003, supported by a group of senators mainly from the Social Democrat Party, which additionally and paradoxically included two members of the extreme right wing party, the Greater Romania Party, and a member of the Democratic Alliance of Hungarians in Romania (UDMR). The proposal was withdrawn by the initiators.

A group of professionals affiliated with Christian Orthodox associations and the Romanian Patriarchy established the Initiative Group for Protecting the Family (Grupul de Inițiativa pentru Apararea Familiei) and published a brochure entitled “The Hidden Face of Legalized Prostitution” (Fata ascunsă a prostituției legalizate). The brochure includes a section on prostitution as violence against women.

Primary sources:

- Legislative proposal on controlling the spread of sexually transmitted diseases and AIDS (PI nr. 588/2001 Propunere legislativă privind controlul bolilor cu transmitere sexuală (BTS) și SIDA).
- “Legalizarea bordelurilor nu elimină violența, ci doar legitimează abuzurile la care sunt supuse femeile” [Legalizing brothels does not eliminate violence against women, but simply legitimates violence against them] In Grupul de Inițiativa pentru Apararea Familiei. 2002. “Fata ascunsă a prostituției legalizate” (The Hidden Face of Legalized Prostitution), available at: <http://www.antiprostiutie.ro/>
- Legislative proposal on the legal status of prostitution (PI nr. L259/2003 Propunere legislativă privind regimul juridic al prostituției).

Sexual harassment

In response to the pressure exerted by the EU requirements to harmonize Romanian legislation with the *acquis communautaire*, the Romanian Government adopted an Emergency Ordinance that, among other provisions, repealed the infamous Art 200 of the Penal Code that had previously made sexual acts between same-sex partners a criminal offence. The Ordinance was registered for approval with the Romanian Senate in June 2001, as legislative proposal 249/ 2001. During debates in the Juridical Commission of the Senate, a new article was added to the legislative proposal regulating penalties for acts of sexual harassment at the workplace. The amendment was introduced by a senator from the National Liberal Party. The amendment passed through both the Senate and the Chamber of Deputies without further debate.

In November 2001, the Emergency Ordinance was adopted by Parliament and became Law no. 61/ 2002. The law introduced article 203 in the Penal Code, stipulating:

“The harassment of a person by threat or constraint, with the purpose of gaining satisfactions of a sexual nature, committed by a person who abuses their workplace authority and influence is punishable with imprisonment from 3 months to 2 years or with a fine.”

That same year, the women’s organization of the Democratic Confederation of Labour Union in Romania was able to influence the drafting of the Collective Work Contract to include regulations against sexual harassment. Their initiative preceded the adoption of specific provisions against sexual harassment (as a contravention, not crime) that were later (2002) introduced in the Law no. 202/ 2002 on equal opportunities between women and men.

Primary sources:

- Report of the Juridical Commission of the Senate on the legislative proposal to approve Government Emergency Ordinance no. 89/ 2001. E-text, 13 p.
- Law no. 61/2002 approving Governmental Emergency Ordinance no. 89/2001 on the amendment of some provisions of the Penal Code related to offences connected to sexual life.

2002

Domestic violence

The Centre for Mediation and Community Security (Centrul de Mediere si Securitate Comunitara) in Iasi supported the second awareness-raising campaign on the effects of abuse on children; the TV clip “Shadows” (Umbrele), 2002, was broadcasted during primetime on five major national TV channels.

As a result of the advocacy efforts of the Centre for Mediation and Community Security, two other legislative proposals on violence in the family were registered with the Chamber of Deputies. One came from a group of five MPs, three of whom were members of the National Liberal Party, and the other proposal came from two members of the Democrat Party (Simona Marinescu and Petre Roman).

Thus, in 2002, three different legislative proposals were registered with the Parliament: Legislative proposal 671/2001 on violence in the family; Legislative proposal 118/2002 for the protection of victims of violence in the family; and Legislative proposal 154/2002 for preventing and combating violence in the family. The latter proposal eventually incorporated the previous two.

Primary sources:

- The Initiators (five MPs from the National Liberal Party, the Democrat Party and the Social Democrat Party). Propunere Legislativa privind protecția victimelor violenței în familie 118/2002, Expunere de motive [Reasons for submitting the legislative proposal on protection of victims of family violence no. 118/2002], 6p. E-text
- The Initiators (two MPs from the Democrat Party). Proiect de lege 154/2002 pentru prevenirea si combaterea violentei in familie, Expunere de motive. [Legislative proposal no. 154/2002 on preventing and combating violence in the family.] E-text.

Secondary sources:

- Personal interview with Corneliu Gavaliugov, Director of the Programmes and Coordination Department, National Agency for Family Protection, April 25, 2007.
- Personal interview with Roxana Tesiu, Executive Director, Centre Partnership for Equality, June 14, 2007.

Sexual assault and rape

Specific policy responses to the problem of sexual abuse of children emerged as a result of the EU focus on the rights of children as part of Romania's accession negotiations. The language of the ordinance is gender-blind, making no specific reference to the special vulnerability to sexual abuse of the girl child.

Primary source:

- Emergency Ordinance no. 143/2002 for amending the Penal Code and some special laws, in order to offer better protection for minors against sexual abuse (Ordonanta de urgenta nr.143 din 24 octombrie 2002 pentru modificarea și completarea unor dispoziții din Codul penal și unele legi speciale, în vederea ocrotirii minorilor împotriva abuzurilor sexuale)

Trafficking

Following the approval of the National Action Plan against Trafficking in Human Beings, a Centre for Victims of Trafficking was opened in Bucharest.

In March 2002, the Service for Combating Human Trafficking was created within the General Direction for Combating Organized Crime and Drug Trafficking of the Romanian Police.

In October 2002 the National Refugee Office started to provide direct assistance to trafficked women.

In November 2002, Romania signed the 2000 UN International Convention against Transnational Organized Crime (Palermo Convention) and its additional Protocols on trafficking of persons and smuggling of migrants.

Sexual harassment

The concept of “sexual harassment” is stipulated in Law 202/2002 regarding equal opportunities between women and men.

Primary source:

- LEGE nr.202 din 19 aprilie 2002 privind egalitatea de șanse între femei și bărbați [Law no. 202/2002 on equal opportunities between women and men]

2003

Domestic violence

The Centre for Mediation and Community Security (Centrul de Mediere si Securitate Comunitara) in Iasi supported an awareness-raising campaign against violence against women; the TV clip “The Street” (Strada), 2003, was broadcast during primetime on five major national TV channels.

With three different legislative proposals on domestic violence sitting in the Parliament, organizations of the civil society had a crucial role in bringing the initiators of the three different proposals together and brokering consensus among them for supporting a single initiative. On February 1 2003, more than thirty women’s NGOs created the National Coalition of NGOs working to End Violence against Women. The event took place as part of the Conference for Preventing and Combating Domestic Violence, organized by the Centre Partnership for Equality (CPE) and the Initiative for the Health of the Family in Romania, with financial support from USAID.³⁰ A minority of the members of the Coalition advocated a women-centred approach in the law against domestic violence, as opposed to the prevalent family-centred vision.

³⁰ More information on the creation and activities of the coalition is available at: <http://www.nuviolenta.ro/index.php>

As a result of the sustained lobbying of the coalition, the legislative proposal regulating measures to respond to domestic violence was adopted in May 2003. The family-centred approach was ultimately endorsed in the final version of the law, hence the title: Law no. 217/2003 on preventing and combating violence in the family.

The legislative process on measures to combat domestic violence continued after the adoption of the law. One of the problems that the newly adopted law raised was the lack of clarity about the creation of an institution responsible for the implementation of the law. The law on preventing and combating domestic violence was amended at the end of 2003 in order to establish the National Agency for Family Protection, a specialized body under the Ministry of Labour, Social Solidarity and Family.

In December 2003, the Centre Partnership for Equality released the first nationally representative survey on violence in the family and at the workplace.

Primary sources:

- Sedinta Camerei Deputatilor din 18 martie 2003. Dezbaterea Proiectului de Lege pentru prevenirea și combaterea violenței în familie; Propunerii legislative privind violența în familie și Propunerii legislative privind protecția victimelor violenței în familie (amânarea votului final). [Minutes of the meeting of the Chamber of Deputies that debated the Draft Law on preventing and combating violence in the family], 21 p.
- Speech by MP Monica Octavia Musca, on the occasion of the final vote on the Legislative Proposal for preventing and combating violence in the family, March 25, 2003
- Government of Romania. Sixth Periodic Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/6, 15 December 2003. E-text, 39 p.
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/660/26/PDF/N0366026.pdf?OpenElement>
- Documents of the National Coalition of NGOs against violence against women: www.nuviolenta.ro

Secondary sources:

- Personal interview with Corneliu Gavaliugov, Director of the Programmes and Coordination Department, National Agency for Family Protection, April 25, 2007.
- Personal interview with Roxana Tesiu, Executive Director, Centre Partnership for Equality, June 14, 2007
- Centrul pentru Resurse Juridice și Institutul pentru Cercetarea și Prevenirea Criminalității. *Prevenirea și intervenția eficientă în violența domestică* [Prevention and effective intervention in cases of domestic violence], 2003.
- Centre Partnership for Equality. National Research on Violence in the Family and at the Workplace, July-August 2003. Released in December 2003.

Trafficking

Between 2001 and 2003, the Ministry of Education and Research, in collaboration with the International Organization for Migration's Office in Bucharest, ran a number of educational programmes on trafficking that took place in schools using videotapes and an Anti-trafficking manual. The Anti-trafficking manual was the result of two years of intensive cooperation

between USAID/Romania, the UN Development Programme (UNDP), and Romania's Ministry of Administration and Interior.

The Romanian Ministry of the Interior, in cooperation with IOM's Office in Bucharest and USAID, launched a public awareness campaign on human trafficking that ran between 2000 and 2003.

The Ministry of Labour, Social Solidarity and Family and The National Agency for Employment elaborated and enforced special measures for labour market integration of persons with high risk of being trafficked, especially targeted to women coming from disadvantaged areas and toward socially disadvantaged persons.

Primary sources:

- UNDP. 2003. Law Enforcement Manual for Fighting against Trafficking in Human Beings. Available at:
http://www.undp.ro/governance/Best%20Practice%20Manuals/user_manual/01_manual.html
- Government of Romania. Sixth Periodic Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/ROM/6, 15 December 2003. E-text, 39 p.
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/660/26/PDF/N0366026.pdf?OpenElement>
- International Organization of Migration (prepared by Sebastian Lazaroiu and Monica Alexandru). 2003. Who is the next victim? Vulnerability of young Romanian women to trafficking in human beings. Bucharest: IOM Mission in Romania.

Sexual harassment

The Centre Partnership for Equality, an NGO working to advance women's rights and gender mainstreaming, published nationally representative research on domestic violence and violence at the work place.

Secondary source:

- Centre Partnership for Equality. National Research on Violence in the Family and at the Workplace, July-August 2003. Released in December 2003.

Forced marriages

In the summer of 2003, a media event was created around the marriage of Ana Maria Cioaba, a Romani girl thought to be between 12 and 14 years old and Mihai Biritu, a Romani boy of 15 years old. Media attention was brought to the case also by the fact that Ana Maria Cioaba was the daughter of Florin Cioaba, the self-proclaimed King of Romanian Gypsies. The situation was aggrandized by the interventions of several EU officials, including Baroness Nicholson of Winterbourne, the Special Rapporteur of the European Parliament for Romania's EU Accession, who firmly condemned the practice and associated it with Roma culture. Romani leaders and Roma rights activists publicly protested the way the debate was ethnicized to claim that "Roma culture is oppressive to women".

The Child Protection Service in Sibiu, Romania, investigated whether Ana Maria Cioaba was the victim of statutory rape. It ultimately decided to separate the two children and requested that they be sent to school and attend special counselling sessions.

Primary sources:

- “ERRC Statement Concerning Recent Events Surrounding Romanian Romani Wedding”. October 7, 2003 [Press Release]. Available at: <http://www.errc.org/cikk.php?cikk=328>
- “Gypsy Child Bride a Rape Victim?” *CBS News*, October 1, 2003. Available at: <http://www.cbsnews.com/stories/2003/09/30/world/main575953.shtml>

Secondary sources:

- Alexandra Oprea. The Arranged Marriage of Ana Maria Cioaba, Intra-Community Oppression and Romani Feminist Ideals: Transcending the ‘Primitive Culture’ Argument. *European Journal of Women's Studies* 2005 12: 133-148

2004

Domestic violence

In 2004, the National Agency for the Protection of the Family was created and during 2004 and 2005 the Agency developed a national strategy to combat domestic violence. The PHARE Programme 2001 “Social Services: Institutional Building and Social Services in Romania” gave the first impetus for the creation of the National Agency for Protection of the Family. The PHARE programme was implemented in partnership with the Institute of Woman [Instituto de la Mujer] in Spain. The PHARE Programme and the assistance from the Spanish Institute targeted two objectives: one was the creation of the National Agency for the Protection of the Family, and the other was the creation of the National Agency for Equal Opportunities between Women and Men. The PHARE programme mainly financed training for the employees of the National Agency for Family Protection.

In March 2004, a consultative meeting took place in Sinaia on the elaboration of a National Strategy for Preventing, Monitoring and Combating the Phenomenon of Domestic Violence. The meeting brought together representatives of the central administration (Ministries), local authorities and civil society. Most civil society representatives were members of the National Coalition of NGOs against Violence against Women. The meeting resulted in the creation of a working group for the elaboration of the strategy that produced a draft of the strategy over a period of one year.

In June 2004, a new Penal Code was adopted. The New Penal Code (Law no. 301/2004) introduced the restraining order, i.e. “the interdiction to return to the family residence at the request of the injured party, this measure being taken temporarily during penal procedures or trial” (Art. 134). The new Penal Code is scheduled, however, not to be implemented until 1st of September, 2008.

A National Strategy for Preventing Criminality was adopted in November 2004, with specific provisions for measures for preventing and combating domestic violence to be implemented over a three year period, 2005-2007.

The Ministry of Health released a fourth Reproductive Health Survey, continuing to provide data on the incidence of violence against women in the family. The 2004 Survey found that more than a quarter of married or divorced women (29%) have been victims of verbal, physical or sexual abuse.

The year 2004 also made visible the involvement of the private business sector in actions to combat domestic violence against women, as part of a movement of corporate social responsibility. From 2004 onwards, through its foundation (Foundation Sensiblu), the private

company Sensiblu (specialized in pharmaceuticals and cosmetics) has assumed a prominent role in campaigning against domestic violence. Their campaign clearly emphasizes the gender-based aspects of domestic violence. The Foundation Sensiblu was also part of the campaign for adopting the restraining order in cases of domestic violence.

Primary sources:

- Working Group for the Elaboration of a National Strategy on Preventing and Combating Domestic Violence. 2004. Draft Strategy (document provided by the National Agency for Family Protection).
- 2004 Annual Report of the National Coalition of NGOs Working against Violence against Women. E-text, 30 p
- Government Decision no. 2.074/ 2004 for approving the National Strategy for Preventing Criminality, 2005-2007 (Hotarare nr.2.074 din 24 noiembrie 2004 privind aprobarea Strategiei naționale de prevenire a criminalității pe perioada 2005-2007)

Secondary sources:

- Personal interview with Mihaela Tanase, Interim Director of the Monitoring and Evaluation Department, National Agency for the Protection of the Family, April 25, 2007

Sexual assault and rape

A National Action Plan for preventing and combating sexual abuse and the sexual exploitation of children was approved. The language of the Action Plan is gender-blind, making no specific reference to the special vulnerability to trafficking and sexual exploitation of the girl child.

Source:

- Government Decision no. 1504/ 2004 approving the National Action Plan for preventing and Combating sexual abuse, the sexual exploitation of children for commercial purposes, 2004-2007 (Planul Național de Acțiune pentru prevenirea și combaterea abuzului sexual și exploatării sexuale a copiilor în scopuri comerciale, 2004-2007) (Hotărârea Guvernului nr.1.504/2004 publicată în Monitorul Oficial nr.878/2004)

2005

Domestic violence

A second meeting of stakeholders in the elaboration of the National Strategy for Preventing, Monitoring and Combating the Phenomenon of Domestic Violence was organized in June 2005, and the Strategy was adopted in July 2005. Corneliu Gavaliugov, Director of Programmes and Coordination in the National Agency for the Protection of the Family, declared that the group “did not face many obstacles in the elaboration of the Strategy.” “One point of tension developed, however,” he added, “between the reality of our social services and the absence of support for gender equality, on one hand; and ‘outsider’ solutions that we imported from our European partners.”

Primary sources:

- Governmental Decision no. 686/2005 for approving the National Strategy for preventing and combating violence in the family and the Plan of measures for implementing the National Strategy for the period 2005-2007 (Strategia națională în domeniul prevenirii și combaterii fenomenului violenței în familie și Planul de măsuri pentru implementarea strategiei naționale în domeniul prevenirii și combaterii fenomenului violenței în familie pe perioada 2005-2007) (Hotărârea Guvernului nr.686/2005 publicată în Monitorul Oficial nr.678/2005).

Secondary sources:

- Personal interview with Mihaela Tanase, Interim Director of the Monitoring and Evaluation Department, National Agency for the Protection of the Family, April 25, 2007

Trafficking

The creation of the National Agency for Preventing Trafficking in Human Beings and Monitoring Assistance to Victims of Trafficking was provided for by Government Decision no. 1584/ 2005. The Agency became operational in January 2006.

Primary sources:

- Government Decision no. 1584/ 2005 for the creation, organization and functioning of a National Agency for Preventing Trafficking in Human Beings (Hotarare nr.1.584 din 8 decembrie 2005 pentru înființarea, organizarea și funcționarea Agenției Naționale de Prevenire a Traficului de Persoane și Monitorizare a Asistenței Acordate Victimelor Traficului de Persoane)
- National Agency for Preventing Trafficking in Human Beings: <http://anitp.mai.gov.ro/ro/?zone=legislatie>

2006

Domestic violence

On November 27, 2006, the Council of Europe launched its Campaign against Violence against Women, including Domestic Violence. A National Action Plan was developed for each participant country, including Romania.

During its 35th session, the CEDAW Committee revised the Sixth periodic report of Romania. In its Concluding Comments, the Committee recommended that “the State party enhance[d] its action beyond domestic violence to all forms of violence against women”. The Committee also expressed concern with state violence against Romani women (see below).

Primary sources:

- CEDAW Committee. Thirty-fifth session, 15 May – 2 June, 2006. Concluding comments of the Committee on the Elimination of Discrimination against Women. Romania. CEDAW/C/ROM/CO/6 E-text. 7 p. <http://daccessdds.un.org/doc/UNDOC/GEN/N06/383/79/PDF/N0638379.pdf?OpenElement>
- Documents of the Council of Europe Campaign against Violence against Women, including domestic violence at: http://www.coe.int/t/dg2/equality/domesticviolencecampaign/default_en.asp

Violence against Romani women

So far, no policy initiatives have been taken to address the specific issue of violence against Romani women.

Preliminary steps towards documenting violence against Romani women in Romania have been taken only recently, by Romani NGOs and independent academic researchers.

A Shadow report submitted by the European Roma Rights Centre in Budapest and Romani Criss in Bucharest emphasized that Romani women are the targets of gender-based violence from police and medical personnel. The report quoted a case of forced sterilization of a Romani woman in Constanta.

Independent research conducted in 2005-2006 found that the national policies of providing free contraceptives based on social need were used by the medical personnel responsible for their distribution as a way of controlling the fertility of Romani women without their consent.

- "Shadow Report", ERRC and Romani CRISS, United Nations Convention on the Elimination of All Forms of Discrimination Against Women the 35th Session, (15 May to 2 Jun., 2006). E-text, 13 p.
<http://www.errc.org/cikk.php?cikk=2136>
- Eniko Magyari Vincze. Social Exclusion at the Crossroads of Gender, Ethnicity and Class. A View Through Roma Women's Reproductive Health. Available at: www.policy.hu/vincze

Trafficking

In August 2006, a new National Strategy and a new Action Plan for Preventing and Combating Trafficking in Human Beings, 2006-2010 were approved.

Primary sources:

- Government Decision no. 1654/ 2006 for approving the National Strategy against Trafficking in Human Beings, 2006-2010 (Hotarare nr.1.654 din 22 noiembrie 2006 privind aprobarea Strategiei naționale împotriva traficului de persoane pentru perioada 2006-2010)
- Government Decision no. 1720/2006 for approving the National Action Plan 2006-2007 for Implementing the National Strategy against Trafficking in Human Beings, 2006-2010 (Hotarare nr.1.720 din 6 decembrie 2006 privind aprobarea Planului național de acțiune 2006-2007 în vederea implementării Strategiei naționale împotriva traficului de persoane pentru perioada 2006-2010)
- National Strategy against Trafficking in Human Beings, 2006-2010 (Strategia națională împotriva traficului de persoane pentru perioada 2006-2010), 15 p. E-text : http://anitp.mai.gov.ro/ro/docs/STRATEGIE_finala.pdf

2007

Domestic violence

The Romanian office of ABA CEELI, a public service project of the American Bar Association, released a report on the application in courts of the legal framework to combat violence in the family. The report came out of a project that also provided judicial seminars – a pilot training module for judges, in collaboration with the National Institute of Magistrates.

Primary source:

- American Bar Association - Central European and Eurasian Law Initiative. 2007. *Domestic violence in Romania: the law, the court system*. E-text, 106 p.

Trafficking

The National Authority for the Protection of the Rights of Children is currently working on a National Strategy for 2007-2013 that includes guidelines on the prevention of sexual abuse, which are correlated with the guidelines on education against gender stereotypes.

Secondary source:

- Personal interview with Gabriella Tonk, Sub-secretary of State of the National Authority for the Protection of the Rights of Children, July 10, 2007.

Sexual harassment

The Centre Partnership for Equality released the results of new research from a nationally representative survey on sexual harassment at the workplace. According to the research, 55% of the population is aware that sexual harassment is unlawful. However, no decision has yet been formulated in favour of plaintiffs, although several complaints against both public and private employers were filed with responsible institutions or courts.

Primary source:

- Centre Partnership for Equality. 2007. Hartuirea sexuala la locul de munca [**Workplace Sexual Harassment**], a PHARE-funded project.
<http://www.cpe.ro/romana/images/stories/materiale/hartuirea%20sexuala%20la%20locul%20de%20munca.doc>
- Centre Partnership for Equality. 2007. Campaign against Sexual Harassment at the Workplace:
<http://www.hartuiresexuala.ro/home.html>

CONCLUSIONS

Significant transformations have taken place in the regime of gender relations in Romania over the past seventeen years, and over the QUING period (1995-2007). The organization of gender has been affected by changes in the political system, the economy, the law and the possibilities for civil society organizing and has in turn interacted with the transformation of all these domains. The state socialist gender regime, although not uniform or unchanging over the forty years of Communist Party rule in Romania, was nevertheless characterized by the “emancipation through work” project for women, and for other groups, such as ethnic minorities or youth. Women’s employment was very high during state socialism and remained high even during the transition when women were expected to drop out of the labour market. The Romanian communist state provided more childcare support than that available after 1989, but it was still insufficient – kindergartens and nurseries were overcrowded and the quality of services was very poor. The lack of adequate child care support combined with the requirement (rather than the right) to work led to double or triple shifts for women. More importantly for the configuration of the state socialist gender regime in Romania, and elsewhere, the state or the Party never became involved in measures to transform gender relations at home. Issues such as men’s involvement in childcare or domestic violence were never on the agenda of the Executive Committee (Politburo) of the Romanian Communist Party.

The political and economic transition (roughly 1990 – 2004) brought significant changes to the Romanian gender regime, but did not alter the norm of women’s employment. The Romanian gender regime is still based on high employment rates for women. However, women are employed in many precarious occupations (such as the textile industry or agriculture) and as a consequence live lives of poverty. Romania is one of the Central and Eastern European countries where poverty was and continues to be feminized.

Pressures toward re-traditionalization, such as the affirmation of women’s mothering role, their strong attachment to the family and weak attachment to the labour market, have not (yet) had a significant impact on the Romanian policy process. It is possible that the lack of a gendered discourse of re-traditionalization may be explained by the high profile of debates about homosexuality and the fact that it was gay men, rather than working women, who were perceived as a threat to the traditional family and the health of the nation.) A movement for the affirmation of family values has emerged only recently, during 2006/2007.

Considering the issues selected for QUING analysis, the following conclusions can be drawn from the examination of policy debates in the period 1995-2007.

Comparing the relative importance of the topics in the three issues between Romania and the QUING generic

Generic gender equality policies

The issue of equal opportunities for men and women became part of the political and governmental policy agendas in 1995, following the Fourth World Conference of Women in Beijing.

While it was the Beijing process that brought the issue to the agenda, the EU accession process was crucial in actually institutionalizing gender equality policies as a domain on its own. Gender equality became a governmental policy when the Agency for Equal Opportunities between Women and Men was established in 2004, after the Law on equal opportunities between women and men was passed in 2002.

Gender equality did not mobilize strong public debates or contestation. In the QUING period, the issue developed 'top-down', a situation which some scholars define as *room-service feminism* (Miroiu, 2004).

Non-employment

Childcare benefits and services seem to be the most prominent sub-issue in the field of non-employment in Romania. As compared to the QUING generic, one can witness a lack of debate and pressure on the issue of equal pay, beyond that taking place in a narrow circle of international agencies (such as UNDP) and governmental employment experts. The reconciliation of work and family life has emerged as an issue especially in recent debates, but it is again mostly connected to regulations on parental leave. Women's access to the labour market is not perceived as a priority for action, as women's employment rates are still relatively high (e.g. if compared with EU15). Thus, debates around the problems of access to jobs are not gendered, although they are certainly very visible in the public agenda. Only certain groups of women, such as Roma women, disabled women, and victims of trafficking are perceived as vulnerable in respect of their relation to the labour market.

Intimate-citizenship

Debates around intimate citizenship in Romania mainly focused on the issue of decriminalizing homosexuality. Homosexuality as an issue also remained an area of public debate after the provisions of the Penal Code that criminalized it were repealed. Debates around the meaning of family, and attempts to regulate reproductive behaviour, have emerged more prominently since 2004. There is still very high reticence at the level of both public opinion and policy-making to the idea of regulating reproductive behaviour, due to the traumatic and still vivid memory of abortion politics in Ceausescu's Romania.

Gender based violence

Domestic violence dominated the landscape of debates in the field of gender-based violence in Romania. The issue of domestic violence was dominant both in intensity and in duration, gaining strong momentum in 2000-2003. According to some gender advocates in Romania, that momentum has now been lost and the issue has fallen from the public agenda. Brief gender debates occurred around the issue of sexual violence, and to some extent sexual harassment, particularly in 'expert' circles. The issue of trafficking in human beings was very high on the public agenda in Romania during the second half of the QUING period (2000-2007), but debates were focused mostly on the vulnerability of children and the 'organized crime' aspect of trafficking. Trafficking in human beings has not yet become a 'gender issue'.

Major changes in gender+ equality policies, generally and in the three issues

Generic gender equality policies

The Beijing process that started with the Fourth UN Conference on Women in Beijing brought the issue of gender equality to the Romanian political and policy agenda. However, policies of equal opportunities between women and men were institutionalized as part of the EU accession process. At the intersection of the Beijing process and the EU accession process, and since 2004 (when the Agency for Equal Opportunities between Women and Men was created), a weak gender mainstreaming approach has emerged in policy making in Romania.

Non-employment

In the field of *care work*, the main characteristic of the QUING period (as compared mostly to the pre-1989 situation) has been the declining level of support for parents and children, both in respect of financial benefits and at the level of public provision of childcare services.

In the field of *tax and benefit regulations* (social security), the first half of the QUING period (roughly until 2000) was characterized by investments mostly in unemployment benefits and compensation for workers who lost their jobs as part of the restructuring policies during the Romanian economic transition. An assessment conducted in 2001 by the UN Development Programme (UNDP) and the Institute for Research on the Quality of Life (IRQF) found that during the first ten years of transition “Romania was an exception to the general pattern [in Central and Eastern Europe]: it did not choose to make an enhanced effort for social protection, but allowed protection to stagnate or decline in the face of increased need”.

After 2000, debates and consistent policy initiatives emerged that aimed at reforming social security. The social security benefits policies followed a tendency to “replace categorical benefits that were available to all those who had certain characteristics with benefits targeted on low-income segments of the population” (ILO Gender and Social Security Reform, 2006: 31).

In the context of Romania’s alignment with the EU social inclusion and employment policies, active measures for promoting women’s employment have been included in the National Action Plans for Employment, starting in 2002.

Intimate-citizenship

In the Romanian context, one can detect roughly three periods in the development of the policy agenda on issues related to intimate citizenship. In the period 1995-2002, the most prominent issue related to debates about intimate citizenship in Romania was the decriminalization of homosexuality. The period 2000-2004 was dominated by concerns with reproductive rights, partly motivated by statistics that showed the rate of abortions was extremely high among Romanian women (more abortions than live births). After 2004, the policy agenda on issues related to intimate citizenship became more diverse. However, the diversity of issues was dominated by concerns with the demographic future of Romania, as well as the future of the family.

Gender based violence

The most significant development in the field of gender based violence is the building-up of a momentum for action to combat violence against women during 2000 – 2003. Action against domestic violence spearheaded this momentum, but other violence issues were also addressed in this period, particularly sexual violence (rape and sexual harassment). After 2003, one can witness a loss of momentum for advocacy against gender based violence.

Civil society and political forces

Important civil society mobilizing occurred around the issues of domestic violence (2000 – 2003); decriminalizing homosexuality (1995-2000, but the mobilizing was especially at the level of faith-based groups and the Church against legalizing homosexual relations); changes in parental leave regulations (2003); and the crisis of the kindergartens (2007).

Massive mobilizations of labour unions occurred around the policies of mass dismissal of 1995-1999, and around unemployment and employment benefits. Such mobilizing never had a gender dimension. On the contrary, several analysts argue that labour union politics contributed (indirectly and on a macro-level) to greater gender inequality, by pressuring the state to continue its support for male-dominated, heavy industries (Pasti, 2003 and Miroiu, 2004).

Impact of the EU

The EU accession had a significant and often decisive impact on the regulations affecting the gender regime. Romanian legislation has been harmonized with the EU *acquis*, including the EU Employment Directive and Directive on Gender Equality.

Generic gender equality policies

Gender equality has emerged as a distinct policy domain due to pressures from the European Commission, as part of the EU accession process.

Non-employment

The European Commission was a decisive actor in employment and social inclusion policies in Romania.

Intimate-citizenship

The EU had a strong influence on decriminalizing homosexuality in Romania.

Gender based violence

The EU accession process had no direct impact on the policy process in the field of domestic violence.

The EU accession process had a much more significant impact on the development of legislation and policies for the other issues of gender-based violence: sexual violence, trafficking in women, and sexual harassment at work. In fact, one can conclude that the emergence of the issues of trafficking in women and sexual harassment in particular on the policy agenda were almost exclusively an *affair* of EU accession.

Impact of other international bodies

UN agencies have been deeply involved in policy processes in Romania.

The Committee on the Elimination of Discrimination against Women had a strong impact on the development of legislation on violence against women through the CEDAW review process.

The United Nations Population Fund (UNFPA) has also supported the domestic violence agenda, but also the policies on reproductive health, and recently population policies.

Other UN actors that were visible and significant policy actors on gender issues in Romania were: UNDP, UNICEF, and WHO.

The involvement of development agencies of foreign governments, particularly USAID, was also particularly important for advancing the 'gender agenda' with Romanian politicians and policy makers.

International non-governmental organizations, such as OSI and NDI, were prominent advocates of gender equality and women's issues.