



Quality in Gender+ Equality Policies

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Report Analysing Intersectionality in Gender Equality Policies for Romania and the EU

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Introduction

Gender equality is both a new and an old field of policy making in Romania. Equality between women and men has been a professed goal of the communist regimes in Romania since the adoption of a new Constitution in 1948 marking the political takeover. Successive communist leaderships created policies and mass programmes for women's employment, introduced quotas for women's political participation, and provided some means of combining work and childcare. At the same time, the same communist leaderships enacted policies that violated the lives of many women and their families. During state socialism, Romania became world famous for having one of the most repressive abortion policies of the 20th century. The legacy of the "state socialist project for women's emancipation" can probably be best characterized as mixed and varied - neither entirely negative, nor entirely positive, and with different ramifications in different areas of social and economic life. Scholars are still debating and evaluating the state socialist project for women's emancipation, and while some consider that "for much of the twentieth century, communist states had the most explicit commitment to promoting women's emancipation"¹, and communist regimes enacted "women-friendly policies", others uncompromisingly describe state socialism as a "state patriarchy".²

Regardless of how scholars may interpret the state socialist project for women's emancipation today, it is clear that both policy-makers and feminist groups that were established after 1989 in Romania were heavily adverse to both communism and communist notions of women's emancipation. Therefore, even if a closer and long-term analysis may note continuities between the state socialist emancipation project and some gender equality policies or proposals today, it seems accurate to characterize the gender equality policies that were developed in Romania after 1995 as a "new field" of policy making. While some initiatives on gender equality emerged on the political and governmental agenda in the immediate aftermath of the Fourth World Conference on Women in Beijing (1995), a specific field of gender equality policies did not consolidate until 2002. In that year, specific gender equality legislation was adopted in Romania, after a first proposal had been formulated in 1998. In 2004, the government approved the creation of a gender equality body, the National Agency on Equal Opportunities between Women and Men.

If the field of gender equality policies is new, attention to intersectionality within this field is even newer. In 2006, the Law no. 202/ 2002 on equal opportunities between women and men was revised to include the concept of multiple discrimination. The inclusion of this concept was a demand of the Romani women's movement, which the agency accepted and the Romanian Parliament adopted. Since then, "multiple discrimination" has featured high on the agenda of the

¹ Maxine Molyneux, *Women's Movements in International Perspective*, (Palgrave Macmillan, 2001), p. 109.

² On the latter two points, see the first issue (2007) of *Aspasia, International Yearbook of Central, Eastern and Southeastern European Women's and Gender History*, where eight contributors offer a wide range of positions on "communist feminism," as they try to answer the question proposed by the editors: *Is Communist Feminism a Contradictio in Terminis?*

National Agency for Equal Opportunities between Women and Men. In its capacity as National Implementing Body for the European Year of Equal Opportunities for All, the agency declared “multiple discrimination” the main theme of the year in Romania.

The present report ventures into the largely uncharted territory of intersectionality in gender equality policies in Romania. It does so by allowing for a broad scope of both notions of gender equality and notions of intersectionality. As defined in QUING, gender equality encompasses not only policies specifically defined as gender equality policies, but also policies developed in other fields that have a gender equality component. In order to map the meanings of gender equality, QUING looks at four main issues: general gender equality, non-employment, intimate citizenship and gender based violence. Furthermore, and also following from the general project definitions, intersectionality is broadly defined as any position on multiple categories of inequality.

Given the broad domain of analysis, as well as the novelty of the issue of intersectionality for gender equality policies in Romania, one of the main purposes of this report is an exploratory one. I am asking how intersectionality is ‘done’ in policy texts in Romania, and what is the meaning and content of intersectionality in these texts. I answer these questions mainly by looking at the coded documents in QUING. The second purpose of the analysis is again exploratory, and asks the same questions, this time at the level of institutions. Thus, the main analysis in this report is devoted to “framing intersectionality” and “institutionalizing equality”. I keep these two sections analytically distinct, although they are obviously interrelated.

While the two main pillars of inquiry are the discursive and the institutional articulation of intersectionality, I also discuss the contribution of civil society organizations and activists to the development of notions of intersectionality. Feminist Romani women activists have been the most outspoken advocates of intersectionality as a critical policy tool and movement strategy. Multiple discrimination and intersectionality, whether construed as interchangeable or distinct, have been rallying points for the Romani women’s movement in Romania and elsewhere.³ This report is not the space to go into details about the struggles of the Romani women’s movement and the views of Romani women activists on intersectionality.⁴ It is important, however, to recognize their contributions to the development of intersectionality in Romania. The few steps that have been taken towards the revision of gender equality policies so that they are more inclusive of the diversity of women in Romania would not have happened without the relentless efforts of a few committed Romani women activists.

Intersectionality is a relatively new topic not only for policy makers in Romania, but also for scholars of gender equality. Since the specific term emerged in Anglo-Saxon literature roughly in 1989, a vast and growing literature has flourished on the topic. These writings contain a wide variety of perspectives on intersectionality. I start the report with a review of these various perspectives, focusing on political intersectionality. Besides mapping some of the

³ See, for example, Debra L. Schultz , “An Intersectional Feminism of Their Own: Creating European Romani Women’s Activism”, *Identities: Journal for Politics, Gender, and Culture*, Vol. 4, No. 8/9. Summer/Winter 2005. Available at: <http://www.identities.org.mk/files/SchultzENG.pdf> Last accessed October 20, 2008.

⁴ This is partly done elsewhere, and partly awaits a dedicated research project.

relevant theoretical debates, the purpose of this review is to focus the discussion on some key questions that are addressed in the main body of the analysis (sections 3 and 4 below). As a background to the main analysis, I also briefly discuss the social context of multiple inequalities in Romania, mainly using secondary sources (section 2 below).

1. Theoretical perspectives on political intersectionality

The concept of intersectionality has emerged in theory, research, policy advocacy, and social justice activism at the global level, the EU level and in numerous local contexts. It is being used by scholars in different disciplines – sociology, legal studies, political science, cultural studies, gender studies, anthropology, history - and by activist groups as diverse as those of Indigenous women in Latin America, and those of Romani women in Central East Europe. The language of intersectionality is spoken with a sense of hope by scholars and activists alike, many of whom feel that intersectionality provides an alternative to the homogenizing identity politics (Crenshaw 1991; Yuval-Davis 2006a), but also an alternative to “assimilationist universalistic politics” (Yuval-Davis 2006a). In other words, intersectionality is neither an essentializing “politics of difference”, nor a “politics of universalism” that assimilates differences within categories patterned on the experiences of privileged groups.

The hope attached to the concept and strategy of intersectionality, as some scholars and activists perceive it (Crenshaw, 1989, 1991; Yuval-Davis, 2006a; Centre for Women’s Global Leadership, Charlotte Bunch, 2002; Romani women activists and scholars, like Alexandra Oprea, 2006), thus comes from its promise to recognize differences and at the same time bridge those differences in common political action or political claims for equality, anti-discrimination or other contextualized goals. Yuval-Davis (2006a) sees the emergence of a “transversal politics” of dialogue and cooperation, in relation to and inspired by intersectional analysis. There are, however, critics. In the Nordic context, scholars have pointed to ways in which “additive” and “competitive” understandings of intersectionality are problematic because they conceive of social categories as either separate, or in a hierarchical relation (Lykke 2005). On the other hand, some observers contend that non-additive, ‘transversal’ approaches to intersectionality usually “fall short of policy tools” (Squires 2008:56).

It is to these potentials and difficulties of using intersectionality for political and policy strategies that I turn to in this review. In the following section, I review current literature on the concept of intersectionality, focusing on political intersectionality; that is, how intersectionality is relevant for political strategies, but also for policy work. Verloo (forthcoming 2008) is right to point out that much of the otherwise flourishing academic literature on intersectionality has been devoted to structural intersectionality; that is, to the ways in which multiple, intersectional inequalities structure social relations and individual experiences. Much less attention has been given to political intersectionality. For this reason, part of the present review is also an attempt to rework some of the theoretical insights on intersectionality into a set of potential approaches to political intersectionality. I also review intersectionality in movement strategies, and policy tools

associated with intersectionality. Finally, I offer a discussion of concepts related to intersectionality and intersectional analysis in Romania.

1.1. Intersectionality: a new concept for old dilemmas?

The articulation of the concept of intersectionality and indeed of the term intersectionality took place in the beginning of the 1990s in Anglo-Saxon academic literature. The articulation of the term intersectionality is most commonly associated with the work of Kimberle Crenshaw (1989, 1991) on discrimination against Black women in the United States, and the exclusionary practices of both the anti-racist and the feminist movements in the US. However, the notion of 'intersections' was already common in the work of Black feminists, or post-colonial feminists in the 1980s (Anthias and Yuval Davis 1983). One may trace genealogies of the idea of intersectionality back to the connections of 19th century women's movements with anti-slavery movements, focusing on gender and race, as well as to 19th and early 20th century socialist women's movements concerned with the intersection of class and gender. Indeed, "conceptualizations of intersectionalities have a long and complicated history in feminist thought" (Lykke 2005; QUING lit review on intersectionality).

Notions of intersectionality developed out of the critical awareness of the limitations of gender as a single analytical category. As sociologist Leslie McCall (2005) defines it, intersectionality means "the relationships among multiple dimensions and modalities of social relations and subject formations". There is now an established body of feminist scholarship (including Crenshaw 1998, 1991; Collins 1998; Lykke 2003, 2005; McCall, 2005; Verloo 2006; Yuval-Davis 2006a and 2006b; Walby 2007; Ferree forthcoming 2008; Verloo and Lombardo, forthcoming 2008) that conceptualizes intersectionality.

Kimberle Crenshaw used the concept of intersectionality "to denote the various ways in which race and gender interacted to shape the multiple dimensions of Black women's experiences" (1989: 139). Intersectional analysis inspired by her work has evolved into an understanding that forms of discrimination interact with each other and these intersections produce specific experiences of discrimination. Crenshaw envisaged intersectionality as a critical intervention into traditional "identity politics" (1991: 179). She distinguished between structural intersectionality and political intersectionality (Crenshaw 1991). Crenshaw argues that intersectional subordination is often invisible with women who experience multiple forms of discrimination, and it is inadequately addressed by either gender equality or anti-racist frameworks.

Intersectional analysis has developed immensely in the past decade and continues to develop very rapidly, especially in the analysis of social life. In her 2005 review, McCall discusses three approaches to intersectionality (2005: 1773): anti-categorical complexity; intracategorical complexity; and intercategorical complexity. Partly building on McCall's categorization, but also on work that developed since 2005,

Walby (2007: 451-452) characterizes the following approaches to intersectionality: (1) criticism of false overgeneralizations; (2) reductionism to a single primary axis of social inequality (a range of social inequalities may be empirically noted, but explained as the outcome of one overarching system of inequality); (3) micro-reductionism or intra-categorical intersectionality (McCall), or identifying and studying neglected intersections, or important intersectional locations (as Crenshaw advocates); (4) rejection of categories or anti-categorical approach; and (5) segregationary reductionist – which identifies a single and separate base for each inequality strand (class is grounded in economy; gender in sexual and biological difference; ethnicity in discourses about exclusion and inclusion from national boundaries). Walby (2007) develops a new approach to intersectionality that sees all categories as systems. In the QUING literature review, Walby claims “it is necessary to analyze intersectionality within each of the domains of economy, polity, violence and civil society, as well as examine the intersections of these domains.”

In a very recent study, Myra Marx Ferree (forthcoming 2008) develops the notion of interactive intersectionality. She adds “an emphasis on discourse as a political process by which [the] co-creation [of categories and domains] occurs” to Walby’s notion of system.

As these mostly sociological works (McCall 2005; Walby 2007; Ferree forthcoming 2008) demonstrate, intersectionality is a creative and sophisticated response to the limitations of single and unitary categories of analysis. However, the concept of intersectionality necessarily also rests on the concepts of gender, ethnicity, or class, along with conceptualisations of other inequalities.

1.1.1. Intersectionality and the conceptualization of categories

The various approaches to and understandings of intersectionality are as much about how categories relate to each other as they are about what the categories exactly are. In other words, to follow Ange-Marie Hancock (2007), various approaches to intersectionality are distinguished by various answers to at least two questions: “What is the relationship posited between categories?” and “How are categories conceptualized?” (Hancock actually proposes a set of six questions for characterizing an “intersectional approach” to categories of difference in comparison with a “multiple approach” and a “unitary approach”).

A central issue for the conceptualization of categories, and implicitly for intersectional analysis, is whether categories are alike or not alike. Some scholars see categories as dissimilar (Verloo 2006; Yuval-Davis 2006) because they have different ontological bases, while others see them as similar because they are similarly produced in social interaction (West and Fenstermaker, *Doing Difference*, 1995). Building on a previous analysis of gender as a social achievement and social ascription (West and Zimmermann, 1987), West and Fenstermaker (1995) contend that “difference” is done in

the same way that gender is done. Working from an ethnomethodological perspective, West and Fenstermaker propose that gender, race, and even class are “ongoing, methodical, and situated accomplishments” (1995: 30). For sociologists West and Fenstermaker, gender, race, and class are produced in similar ways, as part of social interaction, so “despite significant differences in their characteristics and outcomes, gender, race, and class are comparable as mechanisms for producing social inequality” (1995:8).

Charles Tilly holds an adjacent position about the similarity of categories. For Tilly (1998), the major issue is that of inequality, not categories. In a collection of essays published under the title *Durable Inequality*, he states “inequalities by race, gender, ethnicity, class, age, citizenship, educational level, and other apparently contradictory principles of differentiation form through similar social processes and are to an important degree organizationally interchangeable” (Tilly 1998: 9). Not only do categories emerge through similar social processes, but they also “operate in similar ways and can be organizationally combined or substituted within limits set by previously established scripting and local knowledge” (Tilly 1998: 86).

In her recent revision of the concept of system as way of theorizing intersectionality, Sylvia Walby (2007) also comes closer to the position that categories are alike in the sense that “Each of these [class, gender, ethnicity]”, Walby writes, “is a social system.” She further explains the constitution of each category as “a social system with full ontological depth, being constituted in the institutional domains of economy, polity, violence and civil society” (2007: 460).

When she looks, however, at political intersectionality, or “how inequalities and their intersections are relevant to political strategies”, Verloo (2006) finds that “various social categories cannot be treated as linked to inequalities in equivalent ways”. Not only can they not be treated as equivalent, Verloo argues, but “the assumption of the sameness or equivalence of the social categories connected to inequalities and of the mechanisms and processes that constitute them” is “incorrect” and leads to a misguided ‘one size fits all’ approach to multiple discrimination (2006: 223).

The positions outlined above may mirror disciplinary positions (sociology, on one hand, and political science on the other), but they may also point to differences between how categories work to organize social life, on one hand, and how they are appropriated for political strategies and policy work, on the other hand. Before I turn to a discussion of the latter point, a note is in order on the conceptualization of gender for intersectional analysis.

1.1.2. Intersectionality and the conceptualization of gender

In some ways, research about gender has always been about intersectionality, even when the term was not used. McCall (2005) rightfully points out that intersectionality is perhaps the most important theoretical contribution of the field of

women and gender studies. Scholars of gender have long been preoccupied both with divisions within the category 'women', and with the mutual constitution of gender and class, or gender and race. Although the language of intersectionality emerged at the end of the 1980s, it is important to note that feminist theories looked at the intersections of gender with other axes of inequality from the very beginning in the 1970s (QUING literature review). Some feminist analyses actually developed as a critique of Marxist views, which positioned class as the primary form of inequality that determined other forms of social inequality. Feminists criticized Marxist views for their 'class reductionism' (QUING literature review).

The "mutual constitution" of categories has also been discussed in analyses of gender relations, and patterns of cultural ideas about gender inequality. Such analyses have claimed that categories "constitute each other". For example, Leonore Davidoff and Catherine Hall (1992[1987]) showed how the doctrines of femininity in late eighteenth century and beginning of nineteenth century England (1780-1850) were infused with middle-class, as well as Christian, beliefs. As these two gender historians show, constructions of masculinity and femininity were at once about class and about religion. To be a 'proper' woman already implied to be middle class and Christian. More generally, and based on her work on nineteenth century France, Joan Scott also claims that "the concept of class in the nineteenth century relied on gender for its articulation" (p. 1073, *Gender: A Useful Category*). By now, numerous scholars have shown how notions of gender are used to negotiate power positions on various inequality axes, and in various domains (Gal 1994; Gal and Kligman 2000).

Some theories of gender advance the proposal that analysis of gender so easily runs into other categories because "gender is a primary way of signifying power" (Scott 1986). Post-structuralist gender theories stress that gender is also constituted in the sphere of symbolic relations, and at the same time provides an essential mode of articulating the symbolic order. This is what Joan Scott argues in her influential 1986 essay "Gender: A Useful Category of Historical Analysis". Scott proposed a definition of gender with "two parts and several subsets" (1986: 1067). The core of her definition of gender rests on an integral connection between two propositions: gender is a constitutive element of social relationships based on perceived differences between the sexes, and gender is a primary way of signifying relationships of power. As a constitutive element of social relationships, gender involves four interrelated elements: first, culturally available symbols that evoke multiple (and often) contradictory representations [of the sexes]; second, normative concepts that set forth interpretations of the meanings of symbols, that attempt to limit and contain their metaphoric possibilities; third, a notion of politics as well as reference to social institutions and organizations; fourth, subjective identity. Scott cautions that the understanding of gender as a constitutive element of social relationships needs to include "a broader view of how [it] includes not only kinship but also the labor market, education and the polity". "Gender", she argues, "is constructed through kinship, but not exclusively; it is constructed as well in the economy

and the polity, which, in our society at least, now operates largely independently of kinship” (1986: 1067).

For Scott, the social relationship of gender is like any other category or social process (race, class). However, the operation of these categories is not similar at the symbolic level. “Gender”, Scott argues, “is a primary field within which or by means of which power is articulated”. She further explains that, although gender is not the only field by means of which power is articulated, it seems to have been a persistent and recurrent way of enabling the signification of power in the West, in Judeo-Christian as well as Islamic traditions. Attention to gender is “a crucial part of the organization of equality or inequality” (1986: 1073). Scott concludes her 1986 essay urging that “gender must be redefined and restructured [in feminist political strategies] in conjunction with a vision of political and social equality that includes not only sex, but class and race” (1986: 1075).

Almost twenty years later, Lombardo and Verloo (forthcoming 2008) also argue that “[...] because gender inequality and other inequalities are not separate, but interdependent and intersecting phenomena, it is impossible to reach gender equality as long as other inequalities still exist”.

The literature suggests then that there may be differences not only in the way categories work to organize social life compared to how they operate in political/ social movements’ strategies and policy work, but also in the way categories work in the symbolic order, compared to social relations. Poststructuralist theories posit that gender is a primary category in the structuring of the symbolic order. Notions of gender are often used to invoke the natural order, and therefore naturalize (and therefore legitimize) institutions, political regimes, social practices.

1.2. Political intersectionality

1.2.1. Possible approaches to political intersectionality

As the summary of approaches to intersectionality offered above shows, there are by now sophisticated models for understanding social inequalities that use the concept of intersectionality. However, these models say little yet about how these models work in contentious politics - in the interaction of social movements and the actors they challenge, and little still about the policy tools that are needed to incorporate such understandings of social inequalities in specific policies.

Recognizing that most analysis on intersectionality has been about structural intersectionality (Verloo 2006), it is necessary therefore to interrogate how the different approaches to intersectionality may translate into approaches to political intersectionality. This is certainly a theoretical project in itself, which I do not claim to be able to undertake

here. For the purposes of this review, I merely want to sketch what the proposals of different theoretical approaches seem to be in terms of political strategies and policy tools. It is a useful exercise to try to imagine what the different theoretical approaches would prescribe in terms of political strategies. This exercise generates an inventory of approaches to political intersectionality, following from Walby's (2007) inventory of approaches to intersectionality.

This first thing to note is that this is a difficult exercise. The difficulties of sorting out the various political strategies that would follow from the different approaches to intersectionality come from two directions. First, there is the somewhat ambivalent conceptualization of difference that notions of intersectionality have proposed. In some sense, discussions of intersectionality amplify the importance of differences, by calling for the recognition of hitherto silenced multiple inequalities. At the same time, intersectional perspectives downplay these differences by claiming that a politics of multiplicity, rather than singularity, more easily advances common goals of equality and justice for the different groups involved. Although traditional identity politics has been widely challenged and revised, claim-making based on differences is still very much a source of empowerment for marginalized, subordinated groups. As Crenshaw notes, "the struggle over which differences matter and which do not is neither an abstract, nor an insignificant debate among women" (1991: 11). In the revised notion of identity politics that Crenshaw proposes, specifying differences within the movement, and achieving political recognition for these differences, is a crucial precondition for building alliances, coalitions and wider anti-racist, feminist and social justice struggles.

Second, it is difficult to imagine what political strategies are associated with the concept of intersectionality, mainly because political strategies are highly contextualized. Different social movement actors advance their claims in particular contexts, both institutional and discursive, which define particular political opportunities. Political strategies are then decided in response to and in interaction with these both institutional and discursive political opportunities.

Despite these limitations, it is still useful to explore what strategies seem to be suggested by various approaches to intersectionality. *Criticism of false overgeneralizations* would lead to a political strategy of further organizing within a movement. A 'classic' example here would be the emergence of feminist movements within the anti-slavery movements in the 19th century. *Reductionism to a single primary axis of social inequality* would prescribe a political strategy of building broad movements for social change. This seems to be what Nira Yuval Davis calls the "assimilationist universalistic politics of the Left". *Intra-categorical intersectionality / micro-reductionism* is a more difficult position to consider. It seems though that this approach calls for organizing *separate movements* and *formulating specific political claims* for intersectional groups, such as Black women, Roma women, and lesbian women. *Rejection of categories or an anti-categorical approach* calls for politicizing identity formation, rather than take it for granted. Judith Butler argued that "the deconstruction of

identity is not the deconstruction of politics; rather it establishes as political the very terms through which identity is articulated” (1990: 148). In as far as *segregatory reductionism* is a perspective that sees categories as segregated by domains (class in economy, gender in sexual and biological difference), it also prescribes that some struggles would be associated with some groups only. Since this perspective finds little ground for alliance between these groups, for example groups struggling against poverty and groups struggling for gender equality, the main relations of political intersectionality are probably either parallel struggles or outright *competition*.

Finally, there are the intersectionality approaches that are oriented more towards the mutual constitution of categories, as well as embracing a more macro-level approach. These are the conceptualization of intersectionality as *intercategorical complexity* (McCall 2005), the conceptualization of categories as systems, along with a revision of the notion of system (Walby 2007), and Ferree’s (2008) notion of interactive intersectionality. All these approaches would prescribe a politics of feminist alliances oriented towards a wider-ranging social justice struggle.

1.2.2. Intersectionality and (feminist) movement strategies: strategic essentialism, ‘mutually imbricated’ struggles, and transversal politics

The issue of identity formation, negotiating differences, and formulating political claims are central to social movements, and have been central to women’s movements in particular, for differences have been nested in every attempt to politicize the social identity of ‘women’ since the 19th century. As Maxine Molyneux (1998) observes, “from its inception as a social movement, feminism has been engaged in a long and unresolved debate over organization. Two issues have been particularly emotive: that of autonomy and that of what principles should govern internal organization” (1998: 225).

Intersectionality offers a new language for discussing such old dilemmas of feminist movement strategies, such as the issue of separate organization, but it also offers new proposals for doing feminist politics. A new wave of organizing among black and minority women in Europe and the United States in the 1980s reopened the debate about the incapacity of movements or organizations that are constituted along a homogenous identity (women, migrants, workers) to respond to claims from groups whose identities are created at the intersection of different axes (Crenshaw 1989, 1991; Williams 2002: 129). Certainly, these questions are not new; differences within the group ‘women’ and the political conflict between gender and national belonging, or gender and class, were cornerstones of the first wave of women’s movements in Europe also (Boxer and Quataert 1978; Offen 2000; DeHaan, Daskalova and Loutfi 2006). One only has to recall, for example, the extremely difficult undertaking of organizing an International Congress of Women for peace in The Hague in 1915. At the initiative of Dutch feminist, suffragist and pacifist Alleta Jacobs, letters of invitation were sent out to members and

presidents of national organizations of the pre-war International Woman Suffrage Alliance, but many of the replies asserted the women's loyalty to their nations, and thus declined participation (Addams, Balch, Hamilton 2003 [first published 1915] for the larger context; Popa in DeHaan, Daskalova and Loufi 2006 for an example from Romania).

While the dilemmas of social, and particularly women's, movements may be old, a new context of increasingly transnational activism in general (Tarrow 2005), and in the feminist and women's movement (Ferree and McClurg Mueller 2006), the emergence of transnational targets of contention (Tarrow 2005), as well as new configurations of complex inequalities (McCall 2001) and the subversion of identity (Butler 1990), demands new or renewed movement strategies. A diverse literature speaks about three potential strategies: strategic essentialism (Spivak 1988), engaging in "interlocking, but separate struggles" (Sainsbury 2003), and transversal politics (Yuval Davis 2006).

Strategic essentialism / organizing on the basis of intersectional identities

Postcolonial theorist Gayatri Spivak coined the term and the concept of "strategic essentialism," which she describes as a "*strategic* use of positivist essentialism in a scrupulously visible political interest" in order "to retrieve the subaltern consciousness" (1988: 205). Spivak thought that "essentialism" can be used as a strategy, with the emphasis placed on the strategy rather than the process of essentializing identities (Spivak 1993: 35). The notion of strategic essentialism offers the possibility of forging a temporary common group identity, as ethnic groups, minority groups, women, in order to advance political claims. While recognizing and continuing to debates differences, groups may choose to present a common identity for political purposes. However, this is not an essential identity. As Williams (2003) notes in her study of the struggles of black, minority ethnic and migrant women to get their claims on the policy agenda of the European Commission, common identity is "formed *out of* and *across* differences and *within* struggle" (143).

'Mutually imbricated' struggles

Nancy Fraser (1995) argues that recognition claims against cultural injustices are 'mutually imbricated' with redistribution claims. Diane Sainsbury (2003) shows that the unique success for women's suffrage in Oklahoma (in 1913, the state granted full suffrage to women, prior to the federal amendment) can only be understood as the positive effect of "interlocking, but separate struggles of recognition" (p. 180). Other observers, however, caution against the assumption that struggles against cultural and economic injustices are always interlaced (Williams 2003). The pursuit of 'mutually imbricated' struggles is closely aligned with a politics of alliances (Ferree, forthcoming 2008).

Transversal politics

Transversal politics is the response that some have envisaged as a way out of both identity politics and a “politics of universal citizenship where a consensus may merely hide the specific needs of the most marginalized groups” (Williams 2003). Williams (2003) understands transversal politics as “the pursuit of unity in dialogues of difference” (137).

Nira Yuval Davis (2006a) has advocated a “transversal politics” based on her experience of participating in meetings of feminists from Israel and Palestine. For her, transversal politics is “a general politics of dialogue and cooperation” (Yuval Davis 2006a: 281). Transversal politics “follows the principle of the encompassment of difference by equality”. Transversal politics recognizes that differences are important, but “notions of difference should be encompassed by, rather than replace, notions of equality”. Transversal politics is also closely aligned with intersectional analysis in Yuval Davis’s view. She contends that “the struggle against oppression and discrimination might (and mostly does) have a specific categorical focus, but it is never confined just to that category” (2006a: 282).

Finally, transversal politics differs from a ‘mere’ politics of alliances because “transversal politics is not only a dialogue in which two or more partners are negotiating a common political position, but it is a process in which all the participants are mutually reconstructing themselves and the others engaged with them in it” (Yuval Davis 2006a: 286).

While separate organization on the basis of intersectional identities, engaging in “interlocking, but separate struggles” and transversal politics may provide a conceptual repertoire of strategies, I would emphasize Myra Marx Ferree’s insight that “understanding women’s movements demands a perspective that is ‘comparative, historical and transnational’” (Ferree and McClurg Mueller 2006). This is also true for understanding intersectionality in movements’ strategies, and probably for any social movement, not only women’s movements.

1.2.2. Policy tools: new concepts, targeted approaches, mainstreaming

There is yet another step to make in order to grasp how different approaches to intersectionality may translate in policies. There are at least two different dimensions here: one is the level of formulation of policies, where different notions or the targeting of different groups may indicate a certain approach to intersectionality. There is then the level of policy making, where intersectionality is relevant at the level of consultations.

A host of new concepts have emerged both in relation to and independent from intersectional analysis which are all relevant in considering intersectionality. These concepts include: multiple discrimination; intersectional discrimination (Bunch 2002; Satterthwaite 2005); gender mainstreaming; equality mainstreaming; and diversity management (European Commission 2008; Squires 2008).

There are yet other tools which are associated or potentially associated with an intersectional approach, such as the “coordinated integrated response” in policies to address domestic violence, which means the cooperation of all actors involved in addressing domestic violence.

There are other ways in which policies may devote attention to intersectionality. Policies, or for that matter any texts that engage with intersectionality, may do so through an analysis or representation of the relation between categories (“intersection of age and gender”, for example), but may also do so via their conceptualization of gender, race, age or disability. More commonly, policies, policy proposals, or civil society interventions discuss the differences among women; the gender inequalities within a minoritized group, such as Roma or migrants; or the age inequalities among poor women. That is, a language of intersectionality emerges as soon as homogenous categories such as ‘gender’, ‘race’, or ‘class’ are found problematic.

Intersectional discrimination

In the arena of transnational women’s activism, the Beijing Platform for Action (1995) provided a prominent recognition of what we now call ‘intersectionality’ (Bunch 2002). The UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) also provided a forum for articulating notions of intersectional discrimination (Tiberghien 2004; Bunch 2002).

The pressure from the transnational women’s movement led to increased attention to intersectionality at the level of the CEDAW Committee, particularly reflected in the consideration of violence against specific subgroups of women: Roma women, disabled women, elderly women and women from rural areas. For example, the issue of Roma women in East Central Europe and specific forms of violence against them is undoubtedly brought onto the agenda of the Committee by the efforts of transnational advocacy networks, such as the European Roma Rights Centre and their national partners, which produce separate shadow reports to the CEDAW reports on the situation of Roma women in several countries of the region (Krizsan and Popa, Conference paper, 2007).

Intersectionality and the EU

The most prominent concept related to intersectionality at the EU level is that of multiple discrimination (QUING EU Striq Report), which is discussed in reports such as *Tackling Multiple Discrimination: Policies, Practices and Laws* (2007) or the 2004 Green Paper *Equality and Non-Discrimination in an Enlarged European Union*.

Other concepts related to intersectionality at the EU level include multiple vulnerability or multiple disadvantage (see, for example, report on *Gender Inequalities in the Risks of Poverty and Social Exclusion for Disadvantaged Groups in Thirty European Countries*), but also diversity management (see *Training on diversity management* 2008).

Political and policy strategies for advancing gender equality: what lessons for advancing intersectionality?

Mainstreaming as a policy tool for advancing equality first emerged in the field of gender equality (Rees 1998; Quing Review of gender equality policies). Mainstreaming is a policy tool that promises to overcome the “segregationary reductionist” (Walby 2007) approach to intersectionality, because it understands each category as relevant for virtually all domains of public policy.

However, the potential for success of gender mainstreaming as a policy strategy is under debate. Particularly with respect to gender mainstreaming, many scholars have engaged with the question of whether or not mainstreaming is a transformative policy (Krizsan and Zentai, 2006; Lombardo and Meier, 2006; Walby, 2005; Woodward, 2003). At the level of conceptual strength, gender mainstreaming is considered a transformative approach, which engages with the ways gender affects the entirety of our social relations, politics, organization of labour, citizenship and organization of intimate relations. Not least, we should be reminded that the concept of gender mainstreaming stems from demands of the worldwide women’s movements, as they have been voices at the 1995 Fourth World Conference on Women, and recognized in the Beijing Platform for Action. The concept of gender mainstreaming is also considered sufficiently flexible to allow for the adaptation of gender policies to new challenges and new opportunities in social and institutional environments.

However, contestations of the concept of gender mainstreaming have come from the ways in which it has been implemented (or not), and appropriated by policy makers. Some observers (Stratigaki, 2005) argue that gender mainstreaming has actually been “misinterpreted” by EU policymakers as a replacement for positive actions. Maria Stratigaki argues that “the implementation of gender mainstreaming was manipulated against women’s demands for binding positive action measures”. There is certainly a tension between gender mainstreaming and positive action, which has led the European Commission to define a “twin-track” approach to equal opportunities between women and men.

There is some level of consensus at the level of gender experts also on the failures of the implementation of the gender mainstreaming strategy. Experts such as Mary Braithwaite, who has been working with the European Commission on mainstreaming gender into programmes and projects, and particularly on mainstreaming gender into Structural Funds, argue that “without doubt the European Commission is stronger on policy formulation (and legislation), than on developing accompanying arguments, procedures and instruments for translating policy into practice within the framework of programmes and projects, and within specific sectors” (Braithwaite, 2000).

Intersectionality: a promise or a threat for gender equality?

The literature has also engaged with the question of the benefits of an intersectional approach for gender equality policies. Are intersectional policies for gender

equality better than policies for gender equality that do not take other inequalities into account? (QUING Literature review for gender equality policies). Furthermore, what are the implications of integrating intersectionality for the institutional structures that support gender equality?

Ultimately, the success and effectiveness of intersectional concepts, such as ‘multiple discrimination’ or ‘multiple disadvantage’ rests on the openness of the political environment to specify and actively seek situations of multiple discrimination or multiple disadvantage in specific social contexts. The question is whether promissory notions of intersectionality, such as “multiple” or “intersectional” discrimination” can overcome the gender, racial, class, disability, or homophobic biases in the policy making environments. Certainly, generous notions such as ‘intersectional discrimination’ offer an open field of possibilities, if we assume that policy makers will operate with the broadest possible specification of this notion, based on the broadest possible social evidence that can be collected. However, this is not how policy-making operates in most environments and the notion of ‘multiple discrimination’ runs the risk of being left empty, both because of the limited currency of evidence-based policy making, but also because of the still-enduring sexism, racism, and homophobia among policy makers. In a sense, the success of some intersectional approaches depends on the good will of policy makers, which probably does not make for an efficient political strategy. The question is then: How can intersectionality overcome the sexist, racists and homophobic ideologies embedded in policy making?

1.3. Concepts related to intersectionality and intersectional analyses in Romania

Understanding intersectionality demands a perspective that is *comparative*, *historical* and *transnational*. It is important to know the histories of the development of inequality struggles, as these histories in turn configure different discursive frameworks (Ferree, forthcoming 2008). Different histories result in different conceptualizations of the categories of inequality, their relation, their “likeness” or “dissimilarity” as well as different strategies to pursue political claims related to one, two or more inequalities.

The obvious historical dimension of understanding intersectionality in Romania relates to the country’s state socialist past. Simultaneous processes of homogenization and differentiation constantly shaped the political body of socialist societies. Homogenization was inscribed in the project of building a new society, and from the 1970s onwards, “creating a new man”. Differentiation was the result of a parallel process of defining certain groups (women and ethnic minorities in particular) and ascribing them specific characteristics that qualified them for specific roles. The Communist leadership of Romania imagined the political body as both homogenous and fragmented, or rather governments imagined that the political body could function as homogeneous (as a whole – “the socialist society”) because all its ‘fragments’ were disciplined and controlled.

While some scholars claim that before 1989 social differences were “depoliticized” (Gal 1997 in Kaplan, Scott, Keates, *Transitions, Environments, Translations*), there is a growing literature that shows the categories of gender, class, ethnicity remained relevant for the policy making of Communist-led governments (Sonia Szelenyi, *Equality by Design*, 1998; Fodor 2003). Decisions of Communist-led governments employed gender, class, and ethnicity, and thus reproduced gender, ethnic and class differentiations, in spite of a rhetoric of social homogenization. In Romania, specific policies targeted women as a group (such as policies for increasing women’s participation in social, political, and economic life – Decision of the Romanian Communist Party of 18/ 19 June, 1973; decisions about what professions women could be employed in; and, certainly, the better-known example of pro-natalist policies). Other policies or Decisions of the Romanian Communist Party often made references to “youth”, “workers”, “peasants”, and “nations living together with us” (meaning ethnicities), indicating a conceptualization of society as divided into groups rather than as homogenized. The conception of a society divided into social groups working for a common goal (see Fodor 2003 on women as a corporate group) was also mirrored in the affiliated organizations of the Romanian Communist Party, some of which were also part of the state leadership (they were represented in the Executive Committee of the Central Committee of the RCP; or they were represented in the Council of Ministers). The Romanian Communist Party sponsored so-called mass organizations, the largest of which was the Union of Communist Youth. Social organization based on gender was directed by the National Council of Women. Ethnicity-based organizations such as the National Council of Ethnic Hungarian Workers and the National Council of Ethnic German Workers were supposed to streamline the participation of ethnicities into the political project of building the socialist society. The Romanian Communist Party was also practicing a politics of quotas for women, ethnic minorities and social classes (workers, peasants, intellectuals).

It is still difficult to say how the complex political engineering of social differences in state socialist Romania has affected the immediate post-1989 potentials for mobilization. ‘Classic’ categories of political mobilization, particularly class and ethnicity, have been uneasy rallying points in the immediate post-socialist environment. In the early 1990s in Romania, class and ethnicity became synonymous with social conflict, through the clashes between “intellectuals” and “workers” and the rise of ethnic violence, particularly against Roma. At the same time, successful ethnic organizing was taking place though the formation of, for example, the Democratic Alliance of Hungarians in Romania (Uniunea Democrata a Maghiarilor din Romania, UDMR). Meanwhile, gender almost completely disappeared as a basis for social mobilization and political claim-making (Grunberg 2000).

Recently, Romanian feminist scholars, particularly in the field of anthropology and political science, have developed some analyses of the intersections of gender and ethnicity, and gender and disability (State of the Art Report for Romania.)

Eniko Magyari-Vincze (2006) addresses the access of Roma women to reproductive health as a socially, economically and culturally, but also politically, determined phenomenon. Magyari-Vincze (2006) investigates this social process in the context of post-socialist Romania as a problem through which one may gain an understanding of the broader issue of social exclusion as it functions under the circumstances of post-socialist transformations. In theoretical terms, the analysis contributes to debates about the ways in which structural factors, cultural conceptions and agency are working through each other in shaping women's everyday desires, claims and practices related to reproduction and reproductive health.

Dima (2002) documents the systematic exclusion of Roma women from policies to improve the situation of Roma in Romania, from the EU funding mechanisms available to Romania, from Roma projects (governmental and non-governmental), and from research on Roma. She also considers the role of Roma women intellectuals and the difficulties they have to overcome in order to gain a public voice.

Surdu and Surdu (2006) led a community research project on the situation of Romani women in Romania, commissioned by the Open Society Institute Budapest. The research report *Broadening the Agenda* showed that in Romania, Romani women are the ones most likely to suffer from inequalities inside the home, as well as inadequate health care, poor quality of education, and lack of job opportunities.

Alexandra Oprea (2004) discussed the exclusion of Romani women from mainstream feminist and antiracist discourses in Europe. This exclusion is explained through the lens of intersectionality of forms of discrimination and social exclusion and problematic identity politics. It discusses Romani women's invisibility as perpetuated by programmes and reports from non-governmental organizations (NGOs). It explains the absence of Romani women from Romani and feminist discourses, the uncritical view of Romani culture, and the vulnerability of Romanian Romani women to domestic violence. It emphasizes that analyses of social problems must be performed from the bottom up, looking at the experiences of those who are multiply burdened, such as poor Romani women. The paper concludes by discussing the value of recognizing privilege as the foundation for inclusive scholarship and discourse.

The intersection of gender and disability is often an ignored dimension in respect of research concerning persons with disabilities (Gheaus 2006). Gheaus' (2006) report argues, based on data from interviews and consultation with NGO and governmental practitioners, that gender affects the distribution of work and level of work performed within families that have a disabled family member. The research also found a strong connection between disability and the risk of poverty.

More recently, in the context of the European Year of Equal Opportunities (2007), the National Agency for Equal Opportunities between Women and Men commissioned a study on multiple discrimination in Romania. The study was conducted by the *Society for Feminist Analyses "AnA"* and the National Institute for Research on Labour and Social Protection. The study is based on a quantitative research on multiple discrimination,

understood as “additive discrimination” rather than “intersectional” discrimination. The main objective of the research was to identify which groups are perceived as having the highest risk of additive discrimination. The research found that Roma women, poor women and women with disabilities are perceived as having the highest risk of multiple discrimination in public life, in relation to local authorities and in access to education and health. Young men and elderly men have the highest perceived risk of discrimination in employment hiring practices, while young women and elderly women have the highest perceived risk of workplace discrimination.⁵

1.4. Further questions for analysis

Based on the literature review, the following questions will be considered in the analysis of intersectionality in Romanian policy debates:

How is intersectionality ‘done’ in policy texts? What is the meaning of intersectionality and what axes of inequality are included in the meaning of intersectionality? Is intersectionality mainly a revision of the concept of gender?

What policy tools (targeting, mainstreaming, dual track) are associated with the various approaches to intersectionality in the policy debates in Romania? Is there a correspondence between a certain policy tool and certain approaches to intersectionality? In particular, is mainstreaming used as a policy tool to address intersectional inequalities? If yes, how? Should policies aim for the most comprehensive listing of possible relevant intersections, or is there another way of capturing the range of relevant intersections?

What political strategies are associated with intersectional claims among civil society organizations in Romania? In the context of civil society organizing, is intersectionality closer to an affirmation of difference (leading to specific political claims), or is it a means to claim commonality of goals among different groups? What is the feminist response to political claims based on differences among women?

⁵ Society for Feminist Analyses AnA and National Institute for Scientific Research on Labour and Social Protection. *Discriminarea Multipla in Romania [Multiple Discrimination in Romania]*. (Bucharest, 2007).

2. Background on multiple inequalities in Romania

The purpose of this section is to briefly outline the social context of policy texts addressing multiple inequalities which are discussed in the next section. In outlining the social context, I focus almost exclusively on the interaction of multiple inequalities, also with a view to highlighting the potential silences in policy texts with respect to certain multiple inequalities indicated by available, mainly sociological and anthropological, data. However, I do not claim in this section to be able to indicate all situations of multiple inequalities or multiple disadvantages for which there has not yet been an adequate policy response.

In offering the present outline of multiple inequalities in Romania, I rely exclusively on secondary analyses and in particular on one of the two in-depth studies on multiple discrimination that were commissioned by the National Agency for Equal Opportunities for Women as Men as part of their activities for 2007, European Year of Equal Opportunities for All. I focus on this study because it is the first comprehensive research on multiple discrimination and multiple inequalities in Romania.

The study *Multiple Discrimination in Romania*⁶ is a comprehensive analysis of perceptions on multiple discrimination based on four research components: (1) a survey of the entire population of Romania which was conducted on a representative sample of adults (18+); (2) exploratory research on a sample of employers; (3) interviews with experts and representatives of institutions that have a mandate to prevent and combat discrimination and (4) interviews with victims of multiple discrimination. According to the study, the perceived prevalence of multiple discrimination is 10.9%. The number means that 10.9% percent of the respondents from the representative sample declared that their discrimination was based on two or more criteria. The most frequently chosen second criteria was social category, a specific ground defined in the anti-discrimination legislation in Romania which the study operationalized as “poverty”.⁷ By comparison, 16.9% of all respondents felt they had been discriminated against at least once in the past three years.

The analysis of perceptions of discrimination (survey of representative sample of the population of Romania) concluded that “in public spaces, in relation with local authorities, but also in respect of access to education and health, **Romani women, poor women** and **women with disabilities** are perceived as the most discriminated against groups.”⁸ For these groups, the aggregated perception of their discrimination among all respondents was 5.8 on a scale from 1 (lowest) to 10 (highest) for Romani women and

⁶ Society for Feminist Analyses AnA and National Institute for Scientific Research on Labour and Social Protection. *Discriminarea Multipla in Romania* [Multiple Discrimination in Romania]. (Bucharest, 2007).

⁷ *Multiple Discrimination in Romania*, p. 14.

⁸ *Multiple Discrimination in Romania*, p.136. Italics and bold are mine.

women with disabilities, and 5.7 on the same scale for poor women. These represented the highest scores in the sample, compared to all other categories.

The findings related to these sub-groups show that in general gender increases the vulnerability to discrimination. This conclusion provides further evidence for feminist insights into the way gender works as a pervasive and flexible axis of inequality that is able to adapt to widely varied environments, but also to permeate other inequality axes.⁹ In support of this perspective, one key interviewee from Bucharest remarked that “the one ground that most frequently contributes to multiple discrimination is gender, while the combination of grounds that most frequently shape practical situations of discrimination, particularly in employment, is that between gender and age.”¹⁰

The study on *Multiple Discrimination in Romania* also found that, in respect of the specific situation on the labour market, the majority perception is that young men and older men are the groups with the highest risk of being discriminated against when looking for a job, while young women and older women are most vulnerable to discrimination at the workplace. The combined results of the survey, institutional analysis and reports of victims of discrimination, also suggest that there is a high incidence of discrimination against mothers in hiring, access to promotions and professional training.¹¹

Victims of multiple discrimination who shared their experiences in interviews that were conducted for the study *Multiple Discrimination in Romania* pointed to situations of multiple discrimination that involved grounds of **gender, disability, age, ethnicity, and poverty**. The situations of multiple discrimination documented in the study include the case of a young disabled woman from Timis (Western part of Romania) who was not hired for a cleaning position, following changes in the initially announced requirements; the case of a young disabled man also from Timis who was beaten up one evening and died a month later; and the case of a 48-year old woman who was let go from her employment because as a married woman with no children she was not in a difficult social position. In the majority of cases reported by victims of multiple discrimination or their advocates, the person who directly discriminated them was a middle-age Romanian man, usually in a position of authority such as civil servant, employer or workmate, member of medical staff or bodyguard.

The conclusions of the study *Multiple Discrimination in Romania* confirm and deepen the findings contained in other studies that pointed to the existence of certain prominent configurations of multiple inequalities in Romania that merit specific policy attention. Thus, previous research has shown that Romani women, including Romani

⁹ See for example: Cecilia Ridgeway, “Interaction and the Conservation of Gender Inequality: Considering Employment” *American Sociological Review* 62 (2): 218-36. In her book *Drumul catre Autonomie* [The Road to Autonomy], (Bucharest, 2004), Mihaela Miroiu also argues that sex oppression always provides an added dimension of subordination.

¹⁰ *Multiple Discrimination in Romania*, p. 90.

¹¹ *Multiple Discrimination in Romania*, p. 136.

women from Romania face specific barriers related to the compound effects of ethnicity, gender and frequently social class, in all areas of public life, but also in their families and communities.¹² Furthermore, previous research has shown that women above 40 years face increased obstacles in accessing the labour market,¹³ disabled women are confronted with the silencing of their gender-related disadvantages,¹⁴ and single elderly women are overrepresented in poverty in Romania. The World Bank country poverty assessments for Europe and Central Asia, conducted between 1994 and 2001, found that “in many countries (Albania, Bulgaria, Hungary, Latvia, Moldova, Romania) particular groups of women (elderly women, single parents) are at particular risk of falling into poverty.¹⁵ Other studies (Fodor, 2002 and 2006; Popova, 2002; Tarkowska, 2002) confirm and extend these findings by showing qualitative differences in the experience of poverty for men and women. A household survey which was carried out in 2000 by the Center for Comparative Research at the Sociology Department of Yale University addressed the ethnic dimensions of poverty across five countries in Central Europe – Bulgaria, Hungary, Poland, Romania and Slovakia - in a comparative quantitative assessment of the living conditions of Roma.¹⁶ In the context of this larger study, a specific question addressed “the interaction between ethnicity and gender” in poverty and concluded that “the interaction between gender and race created a double disadvantage for Romani women”.¹⁷

¹² Some of the studies that have pointed to the specific obstacles for Romani women, in the context of the exclusion of Roma are: Open Society Institute EU Monitoring and Advocacy Programme, *Equal Access to Quality Education for Roma*, 2007; United Nations Development Programme, Regional Bureau for Europe and the Commonwealth of Independent States, *At Risk: Roma and the Displaced in Southeast Europe*, Bratislava, 2006; Laura Surdu and Mihai Surdu, *Broadening the Agenda: The Status of Romani Women in Romania*, New York, Open Society Institute, 2006; Enikő Magyari-Vincze, *Social Exclusion at the Crossroads of Gender, Ethnicity and Class: A View through Romani Women’s Reproductive Health*, Research paper with policy recommendations, April 2006, Open Society Institute, International Policy Fellowship; Focus Consultancy, European Roma Rights Centre, and European Roma Information Office, *The Situation of Roma in an Enlarged European Union*, 2004, commissioned by the European Commission Directorate-General for Employment and Social Affairs; Revenga, Ringold, and W.M. Tracy, *Poverty and Ethnicity: A Cross –Country Study of Roma Poverty in Central Europe*, Washington, DC: World Bank, 2002; and many others.

¹³ See Marinescu, Valentina și Valentina Pricopie. 2004. Accesul femeilor pe piața muncii. [Women’s access to the labor market]. București: Editor.ro, Centrul Parteneriat pentru Egalitate.

¹⁴ See the study Gheauș, Anca. 2006. *Femeile și dizabilitatea în România* [Women and disability in Romania]. București: Societatea de Analize Feministe AnA.

¹⁵ World Bank. 2002. *Gender in Transition*, p. xiii. The World Bank country poverty assessments are available at <http://wbIn0018.worldbank.org/dg/povertys.nsf/Poverty%20assessment?OpenView&Start=1&Count=1000&Expand=2#2>

¹⁶ Rebecca Jean Emigh and Ivan Szelenyi (eds.) 2001. *Poverty, Ethnicity and Gender in Eastern Europe during the Market Transition*. Greenwood Press and Revenga, A.,D. Ringold, and W.M. Tracy. 2002. *Poverty and Ethnicity: A Cross –Country Study of Roma Poverty in Central Europe*. Washington, DC: World Bank.

¹⁷ Rebecca Jean Emigh, Eva Fodor, and Ivan Szelenyi, “The Racialization and Feminization of Poverty?”, p.22, in Rebecca Jean Emigh and Ivan Szelenyi (eds.) 2001. *Poverty, Ethnicity and Gender in Eastern Europe during the Market Transition*. Greenwood Press.

The study on multiple discrimination in Romania summarized above and previous research shows that multiple inequalities based on **gender and age**, **gender and disability**, **disability and age**, and **gender**, ethnicity, particularly **Roma ethnicity**, and **poverty** are among the most salient multiple inequalities for the social context of Romania. One may immediately note the absence of sexual orientation and religion from the list of multiple intersecting inequalities offered here. Available research shows that sexual orientation is probably the strongest ground of discrimination in Romania. For example, a study conducted by the Institute for Public Policy showed that sexual minorities represented the most rejected group. 40% of respondents from a nationally representative sample did not agree with homosexuals and lesbians living in Romania, while 93% would not accept working with a homosexual or a lesbian.¹⁸ However, there is very little research on the compound effects of sexual orientation interacting with other axes of inequality.

Given the particular salience of gender in situations of multiple discrimination, gender equality policies should be prominent policy areas for articulating policy responses to multiple inequalities and multiple discrimination. The same salience of gender would also prescribe that gender equality concerns be integrated in many other areas of policy making, but in particular anti-discrimination policies and social policies.¹⁹

The section below explores the framing of intersectionality in policy texts in Romania. The main purpose of the analysis is to show how intersectionality is “done” in policy texts, and the debates around issues related to intersectionality in these texts. However, some modest conclusions can also be formulated with respect to the adequacy of policy responses to social problems defined by multiple inequalities, as summarized in the above text. Anticipating the analysis to follow, it may be noted here that the intersections of gender and disability, and gender and sexual orientation are prominently missing from gender equality policies in Romania. In fact, sexual orientation is the least recognized source of inequality and discrimination in policy texts in Romania.

¹⁸ Institutul pentru Politici Publice. *Intoleranță, discriminare și autoritarism în opinia publică* [Intolerance, Discrimination and Authoritarianism in Public Opinion], (București, 2003).

¹⁹ The professed goal and strategy of the National Agency for Equal Opportunities between Women and Men does include a strong gender mainstreaming perspective, which – if systematically applied! – should lead to the consistent inclusion of gender perspectives in social policies and antidiscrimination policies.

3. Intersectionality in policy texts: meanings and uses

The analysis of the meanings and uses of intersectionality in Romania proposed in this section is largely based on the database of coded documents (supertexts) that has been produced in the QUING LARG analysis. Additional insights into the framing of intersectionality in Romania are included from an analysis of the documents and strategy produced as part of the European Year of Equal Opportunities for All, 2007. These documents are especially important for understanding the framing of intersectionality in Romania as the main theme of the year in Romania was multiple discrimination.

The analysis of the meanings, uses and debates on intersectionality in the policy texts focuses attention on the explicit treatment of inequalities in these policy texts, and particularly the intersection of gender with other inequalities. In some sense then, my discussion here is mainly about *intersectionality as inclusion*, that is the ways in which some inequalities and their intersections have been acknowledged in policy texts and the extent to which there has been a policy response, however embryonic, to social problems generated by multiple inequalities. The other, more often explored approach to intersectional analysis is the critical methodology one. That is, intersectional analysis has more often focused on *intersectional exclusions* meaning the absence of attention to inequalities, which leads to the reproduction of (intersectional) privilege, or what Crenshaw, for example, calls “intersectional disempowerment”.²⁰ While I do offer some comments on intersectional exclusions, and point to the clear absence of disability and sexual orientation from gender equality debates, for example, it is not possible to undergo a full critical intersectional analysis of these policy texts based on the available data in QUING. Such an analysis would require a more systematic exploration of social inequalities in Romania, which has not been the purpose at any stage of the data collection. Existing secondary analyses provide a good background on social inequalities in Romania, and I have briefly reviewed some of the most recent research in the previous section. However, the core data more easily accommodates the first question on how multiple inequalities are included in policy documents.

Although my general focus is on *intersectional inclusion*, I acknowledge that intersectionality appears in texts not only as a marker of inclusion, but also as a marker of exclusion. Thus, one of the questions I follow in the analysis is actually to what extent intersectionality is a marker of exclusion, rather than inclusion. Furthermore, I explore whether its particular use as an exclusionary or inclusive discursive practice depends on the voice of the text, more specifically comparing governmental to civil society voices. As obvious as it may sound, it is important to note that when specific groups are named in policy debates, it is not always in order to call for their greater inclusion. In many case, specific groups are named for quite the opposite reasons.

The coding practice in QUING has been to code as intersectionality (dimensions of intersectionality) any mention of specific groups at the intersection, such as, for example, young

²⁰ Kimberle Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Color” *Stanford Law Review* 43 (1991): 1241.

Romani women. This is correct from the point of view of capturing all intersectionality statements, but it warrants significant caution when interpreting findings about the presence of intersectionality. For example, the 2006 National Action Plan for Employment in Romania mentions Romani women, but it does so in the context of a statement about the negative consequences of their high fertility rates. The document states that “Romani women having many children at a young age” is one of the factors contributing to the poverty of Roma communities.²¹ In this example, the effect of mentioning a specific group at the intersection of several categories of inequality (young Roma mothers) further stigmatizes that group, rather than making a statement about their greater inclusion. The 2006 National Action Plan for Employment partly constructs Romani women as contributing to the problem of Roma poverty. Therefore, in the current analysis, when intersectionality is present in the codes, I will be asking whether the statement is integrative or stigmatizing for the groups at the intersection.

The database of coded documents for Romania contains a total of 79 supertexts corresponding to a sample of 54 policy texts.²² These policy texts (laws, policy strategies, parliamentary debates, civil society texts, and other texts, such as research reports from international organizations) cover four issues related to gender equality in Romania: generic gender equality, non-employment, intimate citizenship and gender based violence. The distribution of supertexts in the four issues is as follows: 24 supertexts in the issue of general gender equality, 21 supertexts in the issue of non-employment, 17 supertexts in the issue of intimate citizenship and 18 supertexts in the issue of gender based violence.

Table 1 below shows that overall a fourth of all documents (20 out of 79) in debates related to gender equality in Romania contain attention to intersectionality. Debates in the field of employment are most likely to include attention to intersectionality. As Table 1 shows, almost half of all documents that include attention to intersectionality (9 out of 20) are clustered in the issue of non-employment. Intersectionality is more present in diagnosis than in prognosis in three issues out of four. However, in the issue of intimate citizenship, the very limited attention to intersectionality (only three documents contain intersectional statements) is concentrated in prognosis, rather than diagnosis.

²¹ Government Decision no. 970/ 2006 approving the National Action Plan for Employment 2006, p. 17.

²² For a full sample of policy texts for Romania, see D33: List of documents for coding, pp.262-269.

Table 1: Presence of intersectionality in policy texts, by issues

	Occurrences / No. of docs*		Diagnosis		Prognosis		Total no. of docs
General gender equality	8	4	4	3	4	3	24
Non-employment	18	9	9	7	9	5	21
Intimate citizenship	4	3	2	1	2	2	17
Gender-based violence	15	5	12	4	3	3	18
All issues	44	20	27	15	17	12	79

*A document is a supertext. Note that this is not equal to the number of 'actual texts', since one text may have been coded in up to 10 supertexts.

Some differences in the use of intersectionality can be observed when we compare types of texts. Table 2 below summarizes the use of intersectionality in policy texts by types of texts.

Table 2: Presence of intersectionality in policy texts, by types of texts

	Occurrences / No. of docs		Diagnosis		Prognosis		Total no. of docs
Laws	6	4	3	3	3	3	15
Policy Plans	10	5	5	3	7	3	12
Parliamentary debates	5	4	2	2	3	3	38
Civil Society Texts	12	5	9	5	3	2	10
Other	9	2	8	2	1	1	4
All texts	44	20	27	15	17	12	79

Table 2 shows that attention to intersectionality occurs only slightly more in policy plans than in laws. The most striking finding is the almost complete absence of intersectionality from parliamentary debates. Attention to intersectionality occurs in only five from the 38 documents that cover the parliamentary debates in all four issues. Somewhat expectedly, civil society texts 'do intersectionality' more frequently than laws, policy plans, or parliamentary debates. Half of all civil society texts in the sample (5 out of 10) make some form of intersectional statement, be it

through their advocacy for the use of the concept of multiple discrimination,²³ or through their advocacy for the inclusion of the special or specific interests of certain marginalized groups.²⁴

Table 1 and Table 2 offer a very general picture of the use of intersectionality in policy documents in Romania. Behind this aggregated picture, there is however a rather wide variety of ways in which intersectionality is 'done' (constructed) in policy documents. The definition of actors (active and passive actors, responsible actors or target groups) in policy documents is one of the main ways in which intersectionality is 'achieved' in policy texts.²⁵ Other ways of doing intersectionality include the use of terminologies such as multiple disadvantage, multiple discrimination or multiple inequalities. Another way of doing intersectionality is the use of concepts that already codify an intersectional privilege. In my opinion, the term 'family' may be such a concept if it is used to denote an unrevised notion of the heterosexual, male-dominated family.²⁶ An example of the use of the concept "family" to reinstate patriarchal privilege at the intersection of gender (male), sexual orientation (heterosexual) and age (adult) is the Law no. 217/2003 for preventing and combating violence in the family. The text of the law makes it clear that the purpose of action against violence in the family is the protection of the family and the solidarity among its members. While there are no direct references to gender and age, the concept of 'family' used here is constructed through age and gender in the larger cultural context of the legal text. Furthermore, the statement itself (that action against domestic violence should be aimed at protecting the unity of the family) is infused with the acceptance of gender inequalities. Thus, the use of the concept of 'family' effectively writes intersectional privilege into the domestic violence law.

In the following sections, I explore the various ways of doing intersectionality in policy documents by analyzing the naming of intersectionality, the identification of actors in policy documents, and the use of specific terminologies denoting intersectionality in each of the four QUING issues.

²³ See, for example, Open letter to the National Agency for Equal Opportunities between Women and Men, from a group of Roma activists, on the occasion of debates around changes to the Law on Equal Opportunities between Women and Men, February 8, 2006.

²⁴ See, for example, Shadow Report to Romania's Sixth Periodic Report on the Implementation of CEDAW submitted by Romani Criss and the European Roma Rights Centre, May 2006.

²⁵ The terminology of 'doing intersectionality' or 'achieving intersectionality' borrows the terms proposed by West and Fenstermaker (1995) who contend that "difference" is continuously done in social interaction. This argument in turn follows that of West and Zimmermann (1987) who introduced an analysis of gender as a social achievement and social ascription.

²⁶ For an analysis of silenced privileges contained in the organization of the family see Heidi Hartmann, "The Family as the Locus of Gender, Class and Political Struggle" *Signs* 6(3) (Spring 1981): 366-94.

3. 1. Naming intersectionality in Romania: tackling “multiple discrimination” and “managing diversity”

The Year of Equal Opportunities for All 2007 in Romania – more visibility for “multiple discrimination”

In Romania, the European Year of Equal Opportunities for All (2007) provided visibility to the notion of multiple discrimination, which was the theme chosen for the year by the main implementing body, the National Agency for Equal Opportunities between Women and Men. The *National Strategy and Priorities for 2007 – European Year of Equal Opportunities for All* specified that “actions [would] focus on those vulnerable social categories that suffer discrimination at the intersection of many deprived positions”.²⁷ Following from this decision, the main activities of the Year of Equal Opportunities for All in Romania were dedicated to the theme of multiple discrimination. The activities of the year in Romania included awareness raising and information campaigns, two studies on multiple discrimination (Study on multiple discrimination and Ethnographic research concerning multiple discrimination), and a seminar regarding multiple discrimination on the labour market.

In the context of the Year of Equal Opportunities, “multiple discrimination” was the most prominent term used to describe the experience of discrimination or exclusion because of multiple grounds or inequalities. The *National Strategy and Priorities for 2007 – European Year of Equal Opportunities for All* traces the concept both to European and national legislation. Thus, the strategy explains that the concept “has grown in importance in the European Union with the entry into force of the Amsterdam Treaty and the implementation of the anti-discrimination clause (Article 13)”.²⁸ Further on, the document also makes reference to the revision of the Law on Equal Opportunities for Women and Men (202/2002) in 2006, when the concept of multiple discrimination was introduced in the law.

Most significant for my discussion here is the description of multiple discrimination offered in the national strategy for the European Year of Equal Opportunities for All. The text of the strategy explains:

Raising consciousness about multiple discrimination relies on the recognition that people have multiple identities and – in the same or in different situations/moments – they might be discriminated on the ground of their gender, ethnicity, age, sexual orientation, religion, and other markers of differences. By linking the issue of multiple discrimination to that of gender mainstreaming, we are going to be able to integrate the gender perspective and the gender equality objective into all the policies and actions regarding the elimination of all types of discrimination, including the multiple and intersectional ones.²⁹

²⁷ *National Strategy and Priorities for 2007 – European Year of Equal Opportunities for All*, p. 14.

²⁸ *National Strategy and Priorities for 2007...*, p. 14.

²⁹ *National Strategy and Priorities for 2007...*, p. 14.

Multiple discrimination is understood here as the experience of discrimination generated by more than one ground of discrimination. It is interesting to note that the strategy adds a time component to the understanding of multiple discrimination, by specifying that the combined effects of several grounds can happen in “the same moment” or in “different moments”. The exploration of multiple discrimination from a life-course perspective is at once problematic and worthwhile. It is problematic, because it proposes that multiple discrimination may in fact be just the sequence of a series of discriminations on different grounds, so in this sense, the grounds are still kept separate. At the same time, it is worthwhile, because it adds the individual life-course experience as a key dimension of the notion of multiple discrimination.

The most promising direction that the definition above suggests is, however, the notion of linking multiple discrimination and gender mainstreaming. Policy responses to multiple inequalities could indeed take the form of a revised gender mainstreaming, which expands the scope of “gender equality” to include other relevant inequalities that interact with gender in the specific social context to which the policy responds. Unfortunately, the strategy does not apply its own recommendations. In the scope of the same text, the strategy also offers a definition of gender mainstreaming that does not include any reference to multiple inequalities. Thus, the strategy explains that gender mainstreaming is a set of provisions aimed at “ensuring that the different needs, priorities and experiences of women and men are taken into account” in six intervention areas: legal framework, institutional capacity, economic life, social life, decision making processes and roles and gender stereotypes.

The notion of multiple discrimination was further explored in one of the two studies commissioned by the National Agency for Equal Opportunities between Women and Men as part of the activities for the European Year of Equal Opportunities for All. Based on available literature, as well as EU documents, the study *Multiple Discrimination in Romania* further differentiates between different types of multiple discrimination: multiple discrimination as *one-axis discrimination*, multiple discrimination as *additive discrimination* and multiple discrimination as *intersectional discrimination*.³⁰ The study found no evidence of the use of intersectional discrimination in the collection of discrimination cases that were processed and litigated by the National Council for Combating Discrimination. The detailed conceptualization of multiple discrimination has not yet been incorporated in policy making, or the institutional practices of either the National Council for Combating Discrimination, or the National Agency for Equal Opportunities between Women and Men.

While the notion of multiple discrimination emerged as the main name for intersectionality during the Year of Equal Opportunities for All (2007), other notions were also on the agenda. Among them, diversity management (*managementul diversitatii*) was the name given to intersectional analysis in the report *Managing Diversity in Organizations* prepared by the Centre Partnership for Equality with funding from ANES.³¹ The report, essentially a reference material

³⁰ *Multiple Discrimination in Romania*, pp. 22-35.

³¹ Centre Partnership for Equality (author Alina Chiriac), *Managementul Diversitatii in Organizatii, Beneficii pentru Angajati si Companii* [Managing Diversity in Organizations. Benefits for Employees and Companies], (Bucharest, 2007).

for human resources managers, explains that diversity management is an approach to management that “promotes and encourages the individual needs and abilities of employees, and transforms these in added value for the company, at the level of human capital”.³² The same report defines diversity as “all aspects that distinguish employees”. Further on, the report also specifies that “these aspects include visible personal characteristics, such as gender, age or ethnicity and less visible characteristics, such as qualifications, needs, work style”.³³

3.2. Gender^{+/-} equality policies

The main policy texts on gender equality, which have been included in the QUING database, are Law no. 202/ 2002 (republished) regarding equal opportunities between and equal treatment of women and men, and Government Decision no. 319/ 2006 on the approval of the National Strategy for equal opportunities and treatment of women and men for the period 2006-2009 and the General Plan of Action for implementing the National Strategy of Equal Opportunities between Women and Men for the period 2006-2009. In addition to these two main documents, the QUING database for general gender equality contains eight more texts that specifically discuss gender equality legislation and policies, and the establishment of the gender equality machinery in Romania, including civil society texts. These texts are coded in 24 supertexts.³⁴

The main notion that captures intersectionality in general gender equality policy texts in Romania is “multiple discrimination”. According to Law 202/ 2002 on equality between women and men, “multiple discrimination means any discrimination act that is based on two or more discrimination criteria”. The law does not make any additional provisions on multiple discrimination, and as I mentioned earlier, this is still very much uncharted territory for anti-discrimination litigation.

The law on gender equality does not specify what discrimination grounds should be considered, but the provision can be correlated with the anti-discrimination legislation, Governmental Ordinance no. 137/ 2000 for preventing and sanctioning all forms of discrimination, modified by Law no. 324/ 2006. The anti-discrimination legislation provides the following discrimination criteria: race, nationality, ethnicity, language, religion, social category, beliefs, sex, sexual orientation, age, disability, non-contagious chronic disease, HIV+ status, belonging to an underprivileged category (*categorie defavorizata*), and any other criteria. In comparison to the six criteria specified by Article 13 of the Treaty of Amsterdam, one may notice that the Romanian legislation importantly includes social class (social category and underprivileged category) and HIV status among the grounds on which discrimination is forbidden.

³² *Managementul diversitatii in organizatii*, p. 7.

³³ *Managementul diversitatii in organizatii*, p. 8.

³⁴ See Deliverable D40: Series of LARG Reports – Romania.

A distinct, and more intersectional, intervention in general gender equality debates is the critique coming from Romani women civil society organizations and activists. Thus, the Shadow Report to Romania's Sixth Periodic Report on the Implementation of CEDAW that was submitted by the Bucharest-based NGO Romani Criss and the Budapest-based NGO European Roma Rights Centre states that the law on equal opportunities between women and men does not consider equality of opportunities for women from disadvantaged groups. The same Shadow Report states that women belonging to the Roma minority face multiple discrimination.³⁵

Sustained advocacy from the Romani women's movement is the most important reason why ethnicity is probably the most important dimension of inequality, besides gender, which is seen as part of gender equality policies. In 2006, Romani women's NGOs and activists were successful in determining the inclusion of the concept of "multiple discrimination" in the gender equality law.

Besides the notion of multiple discrimination, another way of doing intersectionality in gender equality texts is the identification of actors. The analysis of actor codes in LARG has shown that intersectionality is marginally used in the identification of active actors (actors that are seen as causing the problem) in the diagnoses of gender equality policy texts. Interestingly however, the marginal use of intersectionality is actually associated with a self-criticism of Romani women activists for not engaging more with gender equality issues. This criticism is formulated in the same Shadow Report to Romania's Sixth Periodic Report on the Implementation of CEDAW submitted by Romani Criss and ERRC. Once again, this finding advises that intersectional statements can occupy a range of positions from inclusive to exclusionary, and positive as well as negative evaluations of specific groups defined. Intersectionality is much more frequently used in the identification of passive actors (actors that are seen as affected by the problems). The most prominent intersection is that of gender and ethnicity (due to the specification of problems affecting Romani women), but other intersections are also used: gender and employment status (employed mothers); or gender and age.

In the prognoses of gender equality policy texts, intersectionality is absent from the construction of responsible actors. Intersectionality is more frequently used in the definition of target groups. Groups at the intersection are mentioned as part of gender equality policy measures, such as the provisions on gender mainstreaming of programmes to prevent and combat marginalization that are made in the National Strategy for equal opportunities and treatment of women and men for the period 2006-2009 and the General Plan of Action for implementing the National Strategy of Equal Opportunities between Women and Men for the period 2006-2009. These measures target elderly women, Romani women and women who lack education. Working mothers, but also working fathers, are other intersectional groups targeted by the strategy on gender equality in Romania. Finally, Romani women are also a distinct target group, but they are less frequently mentioned in prognosis (policy measures) than in diagnosis.

Other ways of doing intersectionality in the definition of actors is the mentioning of open-ended terminologies, such as "groups that do not enjoy equal opportunities" or "persons that do

³⁵ Shadow Report to Romania's Sixth Periodic Report on the Implementation of CEDAW submitted by Romani Criss and the European Roma Rights Centre, May 2006.

not enjoy equal opportunities”. This terminology is used in policy texts regulating the operation of the National Council for Combating Discrimination.³⁶

In sum, intersectionality in gender equality policy texts in Romania is mainly understood as *additive* (different axes of inequality add to each other, but they do not intersect), or *limited* (groups at the intersection of different axes of inequality face specific problems). While the notion of multiple discrimination could be stretched to encompass an intersectional perspective that sees different inequality axes as mutually constitutive, this development has not yet taken place in gender equality policies. The clearest indication of the lack of an approach to intersectionality that centres on the mutual constitution of categories is, in my opinion, the very definition of equal opportunities between women and men in the gender equality law. Thus, Law no. 202/ 2002 republished specifies that equality between women and men means “taking into consideration the different capacities, needs and aspirations of males and females and the equal treatment thereof”. This definition understands gender as solely the differences between women and men, as if women and men were homogenous groups. The definition of equal opportunities in the gender equality law is not one that recognizes the mutual constitution of gender and (at least) ethnicity, class, and sexual orientation. An intersectional understanding of gender equality would mean the recognition of additional disadvantages that women experience because of other inequalities, such as ethnicity, or poverty, and the understanding that achieving gender equality means intervening in other areas of inequality also.

Given the absence of an intersectional perspective in gender equality policies in Romania, the title of the present sub-section (gender + / -) is a play on the QUING notion of “gender⁺”. I would argue that the notion of gender in gender equality policies in Romania is one of “gender^{+/-}”. This means that gender equality policies are somewhat open to a revision of the notion of gender to include other inequalities. The use of the notion of multiple discrimination, as well as the inclusion of Romani women’s issues in gender equality debates, account for this openness. Hence, gender⁺. However, gender equality policies have not developed policy measures and practices that would follow through the notion of multiple discrimination or the inclusion of Romani women’s issues. Hence, gender^{+/-}: the potential of intersectional perspectives is foreclosed. Another reason why the notion of gender in gender equality policies is one of “gender^{+/-}” is the subtle de-gendering of the field through the frequent use of the target group “women and men”, for example, but also by simply not mentioning gender and using the abbreviated notion of “equal opportunities” instead.

³⁶ See Government Decision no. 1194 on November 27, 2001 on the organization and functioning of the National Council to Combat Discrimination; Government Decision no. 1514 on December 18, 2002 on changes and additions to Government Decision no. 1194/ 2001 on the organization and functioning of the National Council to Combat Discrimination; Government Decision no. 1279 on November 4, 2003 on changes and additions to Government Decision no. 1194/ 2001 on the organization and functioning of the National Council to Combat Discrimination.

3.3. Non-employment: additive intersectionality in the definition of actors

The sample of policy texts in the QUING issue of non-employment included laws, policy strategies and civil society texts on the issues of tax and benefit policies, care work, reconciliation of work and family life and the gender pay gap and equal treatment in employment. Specifically, in the first sub-issue (tax and benefit policies) I have coded the regulations and debates on governmental measures supporting families to raise children (2006-2007). In the second sub-issue (care work), I have chosen the debates on the appropriate system of social protection that would provide care for children defined as in need of special protection. Within this particular policy area, the debates with the most significant gender component have taken place around regulations for maternal assistants and regulations of cases when children lack parental care because both parents are working abroad. I have also chosen and coded one unsuccessful legislative proposal to regulate social protection for housewives, which was rejected particularly on grounds of protection offered to women who stay at home as part of the system of family protection and child protection. In the third sub-issue (reconciliation of work and family life), I have coded the specific provisions on reconciliation which have been included in the Law 202/2002 on equal opportunities between women and men, the provisions on flexible, part-time and home-based work that were included in the revision of the Labour Code (2003), and finally the provisions on reconciliation that were included in the National Action Plan for Employment (2006). Finally, in the fourth sub-issue I have included samples of the debate on the reform of pensions that also featured discussions of the relation between the gender wage gap and the gender gap in pensions.

In the issue of non-employment, intersectionality is 'done' mostly through the definition of actors. I have not encountered specific terminologies in my sample that would indicate intersectionality without mentioning specific groups, or specific dimensions of inequality. Since intersectionality mainly comes through the definition of actors, it is not surprising that intersectionality is mainly framed as an *additive* relation. Furthermore, and still perhaps expectedly, the most frequently used axis of inequality in non-employment texts, after gender, is class. Attention to class is included in non-employment texts in various ways.

Firstly, class means poverty. One text is concerned, for example, with the feminization of the group of unpaid family workers, a specific occupational group that comprises persons working in the household. The study observes that "women represent 70% of unpaid family workers".³⁷ Other texts argue that the near-poverty living standards of housewives qualify them

³⁷ 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.

for social assistance.³⁸ Finally, one text finds problematic the fact that single women and young women, because of low incomes, cannot afford to pay for private kindergartens.³⁹

Secondly, class means a specific focus on or concern with the situation of the middle-class. One NGO text, for example, argues that men and women who earn more than the average salary should be able to maintain their living standards after they have children.⁴⁰ This statement was formulated in the context of a 2003 proposal to change parental leave regulations so that all parents receive the same child care allowance, and not a proportion of their income. Another text, authored by a group of scholars affiliated with the National Commission for Population and Development, analyzes demographic trends in Romania and suggests that the low fertility rates of highly educated, middle-class women are a troubling phenomenon.⁴¹

Thirdly, class is coded in the issue of non-employment through the use of terminologies such as “at risk of or in situations of social marginalization”.

Other intersections that are used in the construction of actors in non-employment are gender and age, and gender and ethnicity. Passive actors are sometimes defined at the intersection of gender and marital status (single women); gender and age (young women); age and class (old persons from rural areas; children from rural areas); gender, marital status and employment status (single mothers who are employed; women after retirement); and gender and ethnicity (Romani women). The axes of gender and class; gender and ethnicity; gender and marital status; gender and employment status also intersect in the definition of target groups.

3.4. Intimate citizenship: intersectional exclusions

The policy texts that I have coded in the issue of intimate citizenship contain policy debates on the constitutional definition of the family, and more specifically the (rejected) proposal to codify in the Constitution of Romania that marriage is the union between a man and a woman. I have also coded policy debates on assisted human reproduction, in particular the discussions that started in 2004 at the level of the Parliament and NGO actors on a proposal to regulate assisted human reproduction. At that time, 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.⁴² The proposal was finally rejected in 2006, after a decision from the Constitutional Court had found the text unconstitutional. However, significantly for the main interest in QUING, one of the hotly debated

³⁸ Explanatory note to a Law proposal on the social protection of housewives, 2005.

³⁹ Intervention by Minodora Cliveti at the debate “Population and development – an essential binomial for the future of Romania”, October 2006.

⁴⁰ 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.

⁴¹ *Green Book of Population in Romania*, (Bucharest, 2006).

⁴² Legislative proposal on reproductive health and assisted human reproduction (PL 217/2003), version adopted by the Chamber of Deputies, on 21st November, 2005. E-text, 14 p. (Proposal registered with the Senate as L334/2004) [The proposal was rejected by the Senate in 2006.]

issues was the eligibility of single women, single men, and homosexual couples to access fertility services.

Expectedly, sexuality is much more present in the issue of intimate citizenship than in the other issues, including general gender equality, in which it is almost completely absent. The category gender is less present in the issue of intimate citizenship. When it is present, gender appears mostly in combination with inequality axes other than sexual orientation (marital status, age, class). Thus, for example, the Open letter on the law proposal to regulate reproductive health and assisted human reproduction, which was submitted by three human rights NGOs in Romania to the members of the Judicial Commission of the Chamber of Deputies, explains that the proposal introduced discriminatory provisions.⁴³ The signatories of the open letter - Association ACCEPT (specialized in defending the rights of LGBT persons); Centre for Legal Resources; and Centre Partnership for Equality (specialized in gender equality and women's rights) – argued that the proposal discriminated against single women and women who were not married because they would not have access to assisted human reproduction. At the same time, the letter also argued that surrogate mothers may become victims of exploitation because of their socio-economic status.

The issue of intimate citizenship provides the clearest example of how intersectionality may be used as a marker of exclusion rather than inclusion. In the issue of intimate citizenship, specific groups at the intersection become visible in parliamentary debates because the intention is to exclude those groups (homosexual men) from specific benefits. The parliamentary debates that I have analyzed show that heteronormativity is a widely accepted norm in the Romanian policy environment. The parliamentary debates around assisted human reproduction reveal a consensus among Romanian MPs on the need to explicitly forbid access to assisted human reproduction for same-sex couples.⁴⁴

The issue of intimate citizenship is generally very polarized in Romanian policy debates. The only actors that openly support the LGBT rights and non-discrimination on the basis of sexual orientation are human rights NGOs. This general trend also applies to the use of intersectionality. While the higher visibility of gender/sexuality intersections in parliamentary debates demonstrates an open discriminatory intention, the use of intersectionality by civil society actors advocating LGBT rights and anti-discrimination stems from the opposite intention. Human rights NGOs that participated in debates on assisted human reproduction, but also in the debates on the revision of the Constitution to enshrine the heteronormative definition of the

⁴³ Open letter on the law proposal to regulate reproductive health and assisted human reproduction submitted on November 7, 2005.

⁴⁴ I have coded two parliamentary debates. See: 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> (10p). Especial interventions by MP Adrian Nastase, and MP Mircea Ifrim. See also: 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> (20p)

family, pointed to specific groups at the intersection, such as homosexual men, in order to ask for their non-discriminatory treatment.⁴⁵

3.5. Gender-based violence: additive intersectionality and intersectional privilege

The issue of gender-based violence was defined in QUING to encompass a broad range of types of gender-based violence: *domestic violence, sexual assault, and sexual harassment, forced marriage, female genital mutilation, 'honour' crimes and trafficking for sexual exploitation*. For the context of Romania, I have sampled the following documents on gender-based violence: Under *Gender-based violence/ Domestic violence*, I selected the debates around the adoption of the specific Law for preventing and combating violence in the family (Law 217/ 2003). For the sub-issue of *sexual abuse or assault*, I selected provisions against sexual harassment in the legislation and strategies for gender equality, but also in the National Collective Work Agreement (2007-2010). I have also sampled excerpts from the campaign against sexual harassment that was carried out by the Centre Partnership for Equality in 2007. Finally, I have also coded the regulations, governmental strategy, and parliamentary debates on trafficking in human beings, as well as one research report on the vulnerability of young Romanian women to trafficking produced by the International Organization for Migration.

As in the issue of non-employment, one of the main ways in which intersectionality is 'done' in the issue of gender-based violence is through the definition of actors, that is through the identification of specific groups at the intersection.

In the issue of gender-based violence, intersectionality is more frequently found in the construction of actors in diagnosis, but very rarely in prognosis. I interpret this finding to mean that policy debates on gender based violence in Romania recognize that certain forms of violence affect certain categories of people disproportionately, but the policy response does not yet take these differences into account. Hardly any of the categories of people as active actors that have been identified by statements about problems related to gender based violence in Romania are constructed in an intersectionalized way. There are two exceptions: the active actors of "jobless males" (two occurrences), and "vulnerable young women" (one occurrence). Both categories are identified in the same section on trafficking of the governmental CEDAW Report.⁴⁶

Intersectionality occurs frequently in the construction of categories of people as passive actors in gender based violence problems. The following types of intersections occur in the identification of passive actors: gender and age ("girls", "female population aged 13 to 26", "young women" etc.); gender and family status ("daughters"); gender and development

⁴⁵ Amicus Curiae regarding the proposal to organize a referendum for revising Art. 48 of the Constitution of Romania sent by the LGBT association ACCEPT to the Constitutional Court of Romania.

⁴⁶ See Romania's Sixth Periodic Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N03/660/26/PDF/N0366026.pdf?OpenElement> Last accessed October 20, 2008.

inequalities (“women from disadvantaged areas”); gender and class (“poor women”, “marginalized groups of women”, “vulnerable groups of women”); gender and ethnicity (“Roma women”); and finally gender, age and global development inequalities (“girls mostly coming from Romania, Ukraine, Republic of Moldova, and the Russian Federation”). As one can see from the previous enumeration, gender is the common axis of these intersections. The use of intersectionality in the construction of passive actors in gender based violence problems aggregates a picture of increased vulnerability to gender based violence. The main vulnerability is gender-related; that is, ‘being a woman’ is identified as the main factor that increases vulnerability to gender based violence. Vulnerability is further increased by being young, being poor, growing up in a less developed area and/ or a less developed country. Some variation in the sub-issues (domestic violence, sexual harassment, trafficking) can be noted. Intersectionality is absent from the construction of passive actors in sexual harassment. Intersectionality is present in the construction of passive actors in domestic violence only in the NGO texts. Intersectionality is most frequently used in the definition of passive actors in problems related to trafficking (all types of texts).

As I have just noted, intersectionality is much less frequently used in the prognosis of gender based violence texts. There is no occurrence of responsible actors at the intersection. This happens also because it is mostly institutions that are seen as responsible actors, not people. In general, the categories of people that are identified in prognosis as target groups are not constructed in an intersectionalized way. Some exceptions do occur. The intersection of gender and development inequalities is used to define target groups for actions against trafficking in the law and the governmental CEDAW report. Thus, the latter two texts propose that special measures for labour market integration would be targeted at women from underprivileged areas.

Besides the identification of actors, I argue that intersectionality occurs in the sub-issue of domestic violence also as intersectional privilege. Both the Law for preventing and combating violence in the family and the National Strategy for preventing and combating violence in the family use a patriarchal notion of family, which according to feminist scholars like Heidi Hartmann already codifies masculine privilege at the intersection of gender, age and class. In the national strategy, the value of family is centrally affirmed as “the main cultural model in the education of children”. The rejection of family violence is deeply intertwined with and actually seen as a part of the active promotion of family values. Although the principles of non-discrimination, equal opportunities, the centrality of the person, and the respect for and promotion of the rights of victims of violence in the family are affirmed, they do not translate into concrete objectives and concrete actions. Thus, the Law for preventing and combating violence in the family and the National Strategy effectively assert intersectional privileges embedded in the unreformed cultural model of the family. In this context, it is also telling that the main body overseeing the implementation of the legislation and strategies against domestic violence in Romania is the National Agency for the Protection of the Family. When I interviewed one of the directors of the agency, he shared his enthusiasm for exploring potential links with agencies that protect the family in Poland.

In sum, for the issue of gender-based violence, intersectionality means primarily the identification of specific groups at the intersection of gender with other categories of inequality in order to specify special or increased vulnerabilities to violence. Intersectionality also means, however, the assertion of intersectional privilege by codifying strong support for the institution of the family in the legislation and strategies against domestic violence.

3. 6. Cross-issue comparison of the use of intersectionality

The analysis of the treatment of multiple inequalities in policy texts related to gender equality in Romania can also be usefully summarized by a cross-issue comparison. Tables 3, 4, and 5 below draw comparisons among the four issues on the use of inequality categories in policy texts, the relation of inequality axes in policy texts, and the aspects of inequalities that are integrated in policy formulation. Further on, Table 6 and Table 7 attempt to answer one of the questions indicated earlier: what policy tools are associated with the use of intersectionality?

Table 3: Inequality categories in policy texts related to gender equality in Romania (number of occurrences)

Inequality	GGE	NE	IC	GBV	All issues
Age	1	5	2	19	29
Citizenship status	1	0			2
Class	2	11	2	8	24
Disability	1	2	0	0	4
Ethnicity/ race	3	4	1	3	13
Gender	12	61	16	33	132
Marital status	1	4	4	1	10
Regional	0	3	1	5	8
Religion of belief	1	1	0	0	3
Sexuality	1	0	7	0	8

Table 3 shows that age, class and ethnicity/ race, in this order, are the most salient categories after gender for policy making related to gender equality in Romania.

A correspondence between certain categories and certain domains is clearly shown in Table 3. Thus, class is seen as most relevant for issues related to employment/ non-employment, sexuality is most relevant for issues of intimate citizenship. Age disproportionately occurs in the issue of gender-based violence. At the same time sexuality/ sexual orientation is not seen as a relevant category for debates in non-employment, gender-based violence or even gender equality. General gender equality debates mention sexual orientation only once, in a rather indirect way, by discussing the notion of multiple discrimination. Likewise, class is not seen as a relevant category in debates related to intimate citizenship. The segregation of categories by domains is what Sylvia Walby (2007) calls “segregationary reductionism”. To link this finding to the theoretical discussion of political strategies in the first part of this report (see section 1.2.1. above), I think it also becomes clear that the discursive articulation of intersectionality in Romania is one that encourages parallel or even competing struggles for justice and recognition.

Table 3 further shows that disability and sexual orientation are almost completely absent from policy debates related to gender equality in Romania. It is also striking that gender appears least in debates related to gender equality. I interpret this finding as an indication of the ‘de-gendering’ of the field of gender equality in Romania.

Table 4: Relation of inequality axes in policy texts in Romania (number of occurrences)

Relation of intersectionality ⁴⁷	General gender equality	Non-employment	Intimate citizenship	Gender-based violence	All issues
Separate	0	1	0	3	4
Inarticulate	0	2	0	0	2
Additive	3	12	3	13	31
Mutually constitutive	2	1	1	3	7
Limited	2	3	1	0	6
Competing	0	0	0	0	0
Hierarchical	1	0	0	0	1

⁴⁷ QUING defines the following relations of intersectionality: *separate*: the two groups are mentioned together as facing the same problem, but the groups are not intersecting; *inarticulate*: groups at the intersection of two or more axes are mentioned, but the nature of the intersectionality is not discussed; *additive*: the disadvantages the group suffers from are multiple since the group lies at the junction of various types of inequality; *mutually constitutive*: the two or more axes of inequality intersecting are linked to each other, but one cannot be reduced to the other; *limited*: the problem is only relevant for the group at the intersection, and not to the inequality axes separately; *competing*: the two non-intersecting groups have competing or conflicting claims; *hierarchical*: out of an intersecting category one axis of inequality is given privilege over the other.

Table 4 shows that the overwhelming majority of documents define additive or limited relations of intersectionality. That is, when intersectionality occurs in policy debates in Romania, it is usually in relation to statements about the multiple disadvantages that groups suffer because of their social position at the intersection of multiple inequalities. For example, one NGO report (2004 Annual Report of the National Coalition of NGOs involved in Programmes to Combat Violence against Women) claims that special attention was given to the higher risk of domestic violence faced by women in rural areas, and that educational and violence prevention programmes were targeted at children from disadvantaged families. The same notion of intersectionality, as a multiplication of inequality or disadvantage, is present in limited relations of intersectionality. The understanding of intersectionality as the mutual constitution of inequality axes is very modestly present in the Romanian policy debates related to gender equality.

Table 5 shows that institutions are the most frequently discussed aspect of social inequalities, particularly gender, in policy debates related to gender equality in Romania. Policy texts addressing issues related to gender equality talk about problems of gender inequality or their solutions in relation to social institutions producing or reproducing social differences. These institutions may be the labour market, the education system, media or political institutions. This finding may indicate that the policy making environment in Romania is sensitive to structural intersectionality in the analysis of gender relations. A striking finding is the occurrence of biological notions of gender: 27 occurrences in the sample of documents, with highest frequency in the issues of non-employment and intimate citizenship.

Table 5: Aspect of social inequalities in policy debates in Romania (number of occurrences)

Aspect of social inequality ⁴⁸	General gender equality	Non-employment	Intimate citizenship	Gender-based violence	All issues
Named	9	10	2	24	45
Characteristic or behaviour	12	21	1	5	38
Norms	8	12	15	4	38
Identity	4	0	0	0	4
Biology	1	16	14	0	27
Institution	13	32	12	7	62

⁴⁸ QUING defines the following aspects of social inequality: *named*: the document uses terms or concepts that are gendered or refer to other social inequalities, but without giving further details (e.g. men and women, gays, mothers); *characteristic*: when the document attributes different characteristics to different social groups (women are like this, Muslims are like that), *behaviour*: when the document says that social groups behave differently (e.g. elderly people do this or that more often); *norms*: when the document says that a social group should behave or be like this or that; *identity*: when the document talks about social groups as having a particular group identity, a set of common interests or common goals; *biology*: when the document claims that the characteristic, behaviour or norm is a result of nature or biological function; *institution*: when the document talks about social institutions producing or reproducing social differences.

Table 6 below summarizes strategies for gender equality in gender+ equality policies and their link to intersectionality by issues. The table includes only the texts that include attention to intersectionality and also have a strategy for pursuing gender equality. Out of the 20 documents in the Romanian sample that include attention to intersectionality, little more than half (only 11) also have a strategy for pursuing gender equality.

Table 6 indicates several findings: There are no significant differences in the use of equal treatment and special programmes in texts that include attention to intersectionality in Romania. One may note, however, that transformation is less common than the two other strategies across all issues. Searches in the database also show that in only one instance equal treatment is the sole strategy for a text that incorporates attention to intersectionality. This occurs in a civil society text, the statement from the NGO Centre Partnership for Equality on the pension reforms in Romania which was part of their campaign to raise awareness on the gender impact of the reforms. The statement focuses on the effects on older women, and women after retirement age, and advocates for gender equality in social security. In only one instance, special programmes are the sole strategy for one legislative initiative which focuses on intersectionality of gender and class (Explanatory note to the Law proposal on the social protection of housewives, submitted in 2005 by an MP from the Humanist Party in Romania). Transformation (mainstreaming) is not the sole strategy for any policy proposal relating to gender equality in the Romanian context.

Table 6. Strategies for gender equality in gender+ equality policies and their link to intersectionality, by issues (the numbers show number of documents)⁴⁹

Total no of doc = 11	Equal treatment				Special programmes				Transformation			
	GGE	NE	IC	Total	GGE	NE	IC	Total	GGE	NE	IC	Total
Strategies ⁵⁰												
Intersectionality	4	4	1	9	4	6	1	10	3	3	0	6
Age	3	3	0	6	2	3	0	5	2	3	0	5
Nationality/ migrant status	1	0	0	1	1	0	0	1	0	0	0	0
Class	2	4	1	7	2	6	1	7	2	3	0	5
Disability	2	1	0	3	2	1	0	3	1	1	0	2
Ethnicity / race	4	1	0	5	4	1	0	5	3	1	0	4
Marital status	1	3	0	4	1	3	0	4	1	3	0	4
Religion of belief	2	0	0	2	2	0	0	2	1	0	0	1
Sexuality	1	0	0	1	1	0	0	1	1	0	0	1
Other	1	0	1	2	2	1	1	3	2	0	0	2

Table 7. Strategies for gender equality in gender+ equality policies and their link to intersectionality, by types of texts (numbers show numbers of documents)

Strategies to achieve gender equality	Intersectionality in:				
	Law	Policy plan	Parliamentary debate	Civil society	Other
Equal treatment	1	4	1	3	0
Special Programmes	2	4	1	3	0
Transformation	1	2	1	2	0

⁴⁹ Note that the issue of gender based violence has been taken out from this table because policy debates on gender-based violence in Romania do not feature any strategies to pursue gender equality. As discussed in the section on the range of meanings of gender equality in gender+ equality policies for Romania, gender equality is not a prognostic frame in any texts discussing gender-based violence policies. In other words, there is no policy text, from either state or civil society actors, that proposes actions towards gender equality as a means of combating domestic violence, trafficking in women, or sexual harassment.

⁵⁰ QUING defines the following strategies for gender equality in gender+ equality policies: equal treatment, special programmes and transformation (Rees 1998, 2005 quoted in Walby, D14: Review of the literature on gender equality policies in the EU and its Member States).

Table 7 shows there are no significant differences in the use of the three strategies for gender equality by type of texts either, in those texts that pay some attention to intersectionality.

Tables 6 and 7 combined show that intersectionality may be equally associated with any of the three strategies in policy debates related to gender equality in Romania. Attention to intersectionality does not entail any preference in terms of policy tools used to achieve equality between women and men. I interpret this finding as a critical commentary on the quality of policy texts in Romania. Policy making, particularly throughout the EU accession process, has often hastily incorporated various perspectives without much reflection on the consistency or consequences of these perspectives. A case in point is the Law no. 217/2003 for preventing and combating violence in the family, which blends together a 'women's rights' perspective with one centred on the protection and preservation of the family.

3.7. Conclusions on the meanings and uses of intersectionality in Romania

The present section has answered one of the major exploratory questions posed at the beginning of the analysis: how is intersectionality 'done' (constructed) in policy texts in Romania? What are the meanings and uses of intersectionality in policy texts?

I found that intersectionality is modestly present in policy debates related to gender equality in Romania. A fourth of all texts in the sample for Romania pay some attention to intersectionality. Through an analysis of the intersectionality codes (both the frequencies and the content of the codes), as well as an analysis of the actor codes, I have also found that the meanings of intersectionality significantly vary in the policy texts, and the variation is sometimes significantly related to voice (see the issue of intimate citizenship).

When it is present, the understanding of intersectionality is additive or limited, meaning that intersectionality is linked with the presence on the agenda of specific concerns with the multiple disadvantages (additive) or specific disadvantages (limited) of certain groups, such as women in rural areas, Roma women, or housewives. While concluding that intersectionality in Romania mostly means the identification of specific groups at the intersection, it is important to note that this identification is not always a marker of inclusion. I have found instances in which intersectionality was actually used as an exclusionary discursive practice, such as in parliamentary debates about assisted human reproduction which claimed that homosexual men should not have access to fertility services, or in employment strategies that argued the fertility of young Romani women was contributing to the poverty of their communities.

The understanding of categories as mutually constitutive is almost absent from policy debates in Romania. One consequence of the lack of awareness of the mutual constitution of inequality categories is that the relevance of categories is segregated by domains: class is seen as relevant mostly for debates related to non-employment, sexuality/ sexual orientation is relevant almost exclusively for debates related to intimate citizenship.

Finally, intersectionality also occurs as the codification of intersectional privilege. The provisions for the protection of the family in the legislation and strategies against domestic

violence in Romania represent, in my opinion, the assertion of the culturally-endorsed privileges of majority, heterosexual, adult men.

Quite surprisingly, I also found that the presence of intersectionality in policy documents is not linked to a particular strategy (equal opportunities, special programmes, or mainstreaming/transformation), although one may note that transformation is less frequently used as a policy tool than equal treatment or special programmes.

4. Institutionalizing equality in Romania: the challenge of addressing multiple inequalities

4.1. Single ground institutions and anti-discrimination bodies

The different grounds of inequality are still very much the domain of different institutions in Romania, which often leads to lack of coordination in addressing intersecting inequalities or multiple discrimination. There are specific single-strand institutions for each of the six grounds of discrimination provided by Article 13 of the Treaty of Amsterdam, except for sexual orientation.

Gender: Dedicated national machineries for equality between women and men exist within the executive and legislative branches of the Romanian political regime. The most important institution for advancing gender equality is the *National Agency for Equal Opportunities between Women and Men*; the agency is located within the Ministry of Labour, Family, and Equal Opportunities. The Head of the gender machinery has the rank of state secretary (less than Minister). The *National Agency for Equal Opportunities between Women and Men* is responsible for “promoting the principle of equal opportunities between women and men through the elaboration and implementation of gender policies.”⁵¹

Law no. 202/2002 (republished) regarding equal opportunities between women and men and their equal treatment lays out the main principles of the activity of the *National Agency for Equal Opportunities between Women and Men*. According to the law, the agency coordinates the application of the governmental strategy and policies for gender equality. The National Strategy and General Plan of Action on Equal Opportunities between Women and Men further specify that one of the main objectives of the *National Agency for Equal Opportunities* is gender mainstreaming, including the elaboration of indicators on gender mainstreaming in public policies.⁵² The strategy also specifies that gender mainstreaming should be applied in the following areas: media and culture, programmes to combat marginalization, and programmes for the social protection of families. The agency also implements, coordinates or cooperates to apply the following policy measures: special measures to ensure equal access to the labour market for women, such as professional and job training for women, and life-long learning; education for men to assume responsibilities for child care, as well as care of ailing elders; and measures to prevent trafficking in women, assistance for victims of trafficking, protection for victims of trafficking, and action to disband trafficking networks.

⁵¹ National Strategy and Priorities for 2007 – European Year of Equal Opportunities for All, Romania, p.3. Available at: http://ec.europa.eu/employment_social/eyeq/uploaded_files/documents/RO_070612_Nati_Strategy.pdf Last accessed October 20, 2008.

⁵² See Government Decision no. 319 from March 8, 2006 on the approval of the National Strategy for equal opportunities and treatment of women and men for the period 2006-2009 and the General Plan of Action for implementing the National Strategy of Equal Opportunities between Women and Men for the period 2006-2009.

Age: With respect to ensuring equal opportunities for different age groups, there are specific institutional mechanisms that pursue this goal for elderly people and for young people. The social protection of the elderly is coordinated by the Ministry of Labour, Family, and Equal Opportunities. The *National Council for Elderly People*, created in 2000, promotes social dialogue between the elderly and public authorities. The *National Council for Elderly People* is an autonomous organization partly financed by the Ministry of Labour, Family and Equal Opportunities and comprises 41 county-level councils of elderly people, 6 district-level councils of elderly people in Bucharest, and 9 central organizations representing pensioners and war veterans. The main goals of the *National Council for Elderly People* are improvements in the quality of life of the elderly, ensuring a decent living for the elderly and respect for the personal dignity of the elderly.⁵³

The *National Authority for Youth* was created in 2004 to promote youth and their interests. The National Authority for Youth supports the activities and programmes of youth organizations, creates youth centres, and organizes summer activities for children and young people. The organization and main activities of the National Authority for Youth are regulated by the Government Decision no. 411/ 2004 with the amendments contained in the Government Decisions no. 385/2005, 783/2005 and 297/ 2006.⁵⁴

The *National Agency for the Protection of Children's Rights*, established in January 2005, is the central institution mandated to oversee respect for children's rights in the territory of Romania. The agency designs and implements the national strategy for the protection and promotion of children's rights.⁵⁵

Disability: The *National Authority for People with Disabilities* was created in 2003 as a specialized institution of the public administration to coordinate the activities of special protection and promotion of rights for people with disabilities. The structure and principles of activity of the agency are regulated by Governmental Ordinance no. 14/2003.⁵⁶

Ethnicity: The *Department for Interethnic Relations* is a structure subordinated to the prime minister's office and coordinated by the delegated minister for the coordination of the General Secretariat of the Government. The structure and composition of the Department for Interethnic Relations are stipulated in the Government Decision no. 111/2005. The main

⁵³ More about the National Council for Elderly People, including information about its goals, activities, organization, studies and outputs is available on the official website of the institution: <http://www.cnpv.ro/> Last accessed October 20, 2008.

⁵⁴ More about the National Authority for Youth, including information about its goals, activities, organization, studies and outputs is available on the official website of the institution: <http://www.e-tineret.ro/>. Last accessed October 20, 2008.

⁵⁵ More about the National Agency for the Protection of Children's Rights, including information about its goals, activities, organization, studies and outputs is available on the official website of the institution: <http://www.copii.ro/>. Last accessed October 20, 2008.

⁵⁶ More about the National Authority for People with Disabilities, including information about its goals, activities, organization, studies and outputs is available on the official website of the institution: <http://www.anph.ro/>. Last accessed October 20, 2008.

responsibilities of the *Department for Interethnic Relations* are: the promotion of policies and strategies for preserving, asserting, and developing the ethnic identity of people belonging to national minorities; the improvement of the legal and institutional framework in the field of minority protection; promoting dialogue between the national minorities and the majority and refining common values; and the fight against prejudices and xenophobia.

The Department for Interethnic Relations has 5 territorial representatives who have responsibilities in monitoring the implementation of the legislation guaranteeing the system of minority protection in Romania. The Department for Interethnic Relations has a permanent cooperation with the Council for National Minorities created in 1993. The Council is a consultative body of the Government and consists of nineteen organizations representing national minorities. All organizations represent national minorities in the Parliament.

The National Agency for Roma works to create a framework of cooperation between institutions of the central and local administration, specialized NGOs, and all other actors involved in actions, projects and programmes in support of Roma. The mandate of the National Agency for Roma is to improve the situation of Roma and to close the gap between Roma and the majority society. The Strategy of the *National Agency for Roma* includes gender mainstreaming in all fields of activity (strategy, plan of action, public policies, programmes, campaigns). The *National Agency for Roma* advocates the perspective that gender equality needs to be constantly and systematically promoted, especially regarding the equal participation of Romani women in public and political life.⁵⁷

Religion: The State Secretariat for Cults (religions) was created in 1990 as a specialized organism of the central public administration subordinated to the Government.⁵⁸ This body supports religious activity in Romania, and acts to ensure respect for freedom of religion. The body was autonomous until 2001, when the Ministry of Culture and Cults was created and incorporated the Secretariat. The Ministry of Culture and Cults adheres to the following principle: “religious cults are free, autonomous and equal in front of the authorities”. The Ministry of Culture and Cults also “supports all the religious cults recognized by the law, according to their statutes, in respect of their participation to social and spiritual life of the society and mediates the litigious situations”.⁵⁹ When discriminatory attitudes occur because of religious beliefs, the mandate of the State Secretariat for Cults is to try to mediate the conflict, by informing the district directorate or by sending a counsellor from the respective area. In Romania, there are 17 recognized religious cults and approximately 900 religious associations and foundations. The

⁵⁷ More about the National Agency for Roma, including information about its goals, activities, organization, studies and outputs is available on the official website of the institution: <http://www.anr.gov.ro/>. Last accessed October 20, 2008.

⁵⁸ More about the State Secretariat for Cults, including information about its goals, activities, organization, studies and outputs is available on the official website of the institutions: <http://www.culte.ro/index.aspx> Last accessed October 20, 2008.

⁵⁹ These descriptions of the objectives of the Ministry for Culture and Cults are taken from the *National Strategy for 2007 – European Year of Equal Opportunities for All*, p. 18.

main difference between cults and religious associations consists in the fact that religious associations do not benefit from financial support from the state, while cults do.

Anti-discrimination bodies: While the overarching approach to the institutionalization of equality machineries in Romania is the creation of single-strand institutions, a significant development took place in 2001 with the creation of the *National Council for Combating Discrimination*. The creation of NCCD was a contentious and difficult process. The adoption of Government Decision no. 1194 on November 27, 2001 on the organization and functioning of the National Council to Combat Discrimination was only the beginning of a long process of defining and negotiating the competencies of what is currently the main equality body in Romania. While initially the NCCD was subordinated to the Government, it is now an autonomous institution under the direct control of the Romanian Parliament. The NCCD is the only equality body that can sanction discrimination in Romania. The authority that can take decisions on cases of discrimination is the “Colegiul Director” (Directory College). The Directory College has nine members, who hold the function of state secretary, and are appointed in a common session of the two chambers of the Romanian Parliament. The mandate of each member is 5 years.

Due to a prolonged lack of clarity in defining the competencies of the main antidiscrimination institution, but also due to specific struggles over resources or recognition, the multiple-strand equality machinery, the National Council for Combating Discrimination, sometimes went into open conflict with the single-strand machineries.

A case in point is the conflict between the National Council for Combating Discrimination and the National Agency for Equality between Women and Men over which institution would be the main implementing body for the European Year of Equal Opportunities for All, 2007. In that conflict, the anti-discrimination NGO coalition supported the NCCD by sending a letter to the then Minister of European Integration.⁶⁰ The five human rights NGOs that signed the letter advocated the selection of the anti-discrimination body as the implementing agency for the European Year of Equal Opportunities for All (2007) in Romania, over the National Agency for Equal Opportunities between Women and Men. The reasons for their supporting the anti-discrimination body were: the broader competencies of the anti-discrimination body (sex, ethnicity, religion, age, disability, and sexual orientation) as opposed to single competency of the gender equality body (sex); and the greater capacity of the anti-discrimination body to create social partnership. In addition, they also considered the anti-discrimination body would provide

⁶⁰ See Letter Year of Equal Opportunities, August 24, 2006, signed by five human rights NGOs based in Bucharest: ACCEPT Association, APADOR - Helsinki Committee, Centre for Legal Resources, Institute for Public Policy, and Romani Criss.

more expertise, and ensure better transparency and efficiency in the implementation of the projects of the European Year of Equal Opportunities for All.⁶¹

The *Office of the Ombudsman* (in Romanian, *Avocatul Poporului*) was created in 1991 as part of the then new Constitution (revised in 2003).⁶² The activity of the Ombudsman started, however, only later in 1997 when a specific statutory law was adopted (Law no. 35/1997 on the organization and functioning of the institution of the Ombudsman; the law was revised and republished in 2004). The *Office of the Ombudsman* conducts its activity in four fields: (1) human rights, equal opportunities for women and men, religion, and national minorities; (2) children's rights, family, youth, pensioners and people with disabilities; (3) army, justice system, police and prisons; (4) property, labour, social protection, tax and benefits. The Ombudsman has four deputies, one for each of the specific fields of activity of the institution. The *Office of the Ombudsman* has fourteen territorial offices, each one serving several administrative units (counties) of the country.

The purpose of the Ombudsman is "to protect the rights and freedoms of all citizens in their relation with public authorities" (art. 1 of Law 35/1997). The specific activities and means of intervention of the institution are mediation, notifying supervisory authorities, listening to petitioners, investigating cases of abus, making recommendations and writing special reports.

In 2007, the *Office of the Ombudsman* conducted 18 investigations, none of which concerned gender equality. The topics of investigations were violations of the right to private property (7); violations of the rights of people with disabilities (4); violations of the right to a decent living (6); and violations of the right to petition (1). Not only was gender equality a neglected topic of investigation by the Office of the Ombudsman, but the latest annual report of the institution also shows a severe lack of understanding of gender equality issues at the level of the institution. Thus, the annual report of the institution for 2007 claims that the current system of calculating pensions introduces disadvantages for men, because they are required to have a 30-year contribution period while women are required to have only a 25-year contribution period to qualify for a full pension. Thus, in the opinion of the Ombudsman, "women are eligible for higher pensions than men in identical situations".⁶³ Furthermore, in the opinion of the Ombudsman, the situation perpetuates "unequal treatment of women and men in calculating pensions". In this example, it is clear that the Ombudsman fails to grasp the actual situation of inequality, and does not have a correct understanding of the gender dimension of pension reform. Women are required to contribute less than men because they are not allowed to work as long as men are; the retirement age for women is five years lower than that for men. There are plans underway for a gradual reform of the pension system to increase the retirement age for both women and men, and gradually equalize the two. Currently, the regulations in place, the reality of an ongoing

⁶¹ Letter Year of Equal Opportunities, August 24, 2006, signed by five human rights NGOs based in Bucharest: ACCEPT Association, APADOR - Helsinki Committee, Centre for Legal Resources, Institute for Public Policy, and Romani Criss.

⁶² All information about the *Office of the Ombudsman* is taken from the latest report of the institution, *Raport de activitate pentru anul 2007* (Bucuresti, 2008). The report is available at: <http://www.avp.ro/>

⁶³ *Raport anul de activitate pentru 2007 al Avocatului Poporului* (Bucuresti, 2008), p. 30.

gender wage gap between women and men, and the disproportionate domestic and childcare responsibilities placed on women create a significant gender gap in pensions which is to the disadvantage of women (not men!).⁶⁴

The Office of the Ombudsman also did not address any cases of multiple discrimination.

To sum up the framework of institutions addressing equal opportunities in Romania, I should also note that in 2007 the name of the Ministry of Labour was changed from the Ministry of Labour, Social Solidarity and Family to the Ministry of Labour, Family and Equal Opportunities.

4.2. Specific gender equality bodies

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

Some debates took place over the possible overlaps between the activities and responsibilities of the National Agency for Equal Opportunities between Women and Men and those of the National Council for Combating Discrimination on one hand, and the National Agency for the Protection of the Family of the other. The 2005 Regular Report of the European Commission on Romania's Progress towards Accession noted that the "responsibilities and attributions [of the National Agency for Equal Opportunities between Women and Men] should be clarified as compared to the National Council for Combating Discrimination".⁶⁵

Presently, the situation of overlapping competences has generally been clarified. With respect to the National Agency for Family Protection, the main responsibility of this body is to implement the Law 217/2003 on preventing and combating violence in the family. However, the existence of two institutions leads to a division of the institutional and legislative domains of gender equality and policies against domestic violence.

The National Agency for Equal Opportunities between Women and Men and the National Council for Combating Discrimination currently share some responsibilities. For example, both the National Agency for Equal Opportunities between Women and Men and the National Council

⁶⁴ Some estimates place this gap at around 40%. See, for example, Alina Chiriac si Cristina Chinole, *Egalitatea de gen si reforma pensiilor: Cateva aspect critice pentru Romania* [Gender equality and pension reform: Some critical factors for Romania], (Bucharest, 2007).

⁶⁵ European Commission, *2005 Comprehensive Monitoring Report of Romania*, available at: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/sec1354_cmr_master_ro_college_en.pdf Last accessed October 20, 2008.

for Combating Discrimination can conduct independent surveys concerning discrimination. However, only the National Council for Combating Discrimination can provide independent assistance to victims of discrimination in pursuing their complaints about discrimination.

While the NCCD is an autonomous body that is accountable only to the Romanian Parliament, the National Agency for Equal Opportunities between Women and Men does not enjoy autonomy from government. In fact, it is a structure within the Ministry for Labour, Social Solidarity and Equal Opportunities, and the Head of the gender machinery has the rank of state secretary. The agency does not have sufficient resources. For the first two years of its existence (2005-2007), the Agency did not have any activity funds. The Agency only had administrative funds to finance its daily operation and the salaries of the employees. The NCCD does not have enough resources either, and its activity funds come mostly from external funding rather than from the state budget.

The National Agency for Equal Opportunities between Women and Men can perhaps be described as following a feminist agenda. The body is located in the executive branch of the state power. A feminist agenda is (putatively) inscribed in the documents guiding the functioning of the National Agency for Equal Opportunities between Women and Men (which are the Law on Equal Opportunities between Women and Men in Romania, and the National Strategy and Plan of Action for Equal Opportunities between Women and Men in Romania). Based on these documents, the main policy approach advocated by the Agency is gender mainstreaming, so the vision that seems to best fit the agenda of the gender body is transformation. At the same time, the definition of equal opportunities between women and men (both in the law and in the policy plans) is centred on difference. Thus, the law states: "The present law understands equality of opportunities and treatment between women and men as taking into consideration the different capacities, needs and aspirations of males and females and the equal treatment thereof." However, there is an implementation gap between the law and the policy plans and the actual activities that have been coordinated or supported by the Agency. According to the two available Reports⁶⁶ on the Implementation of the National Plan of Action for Equal Opportunities between Women and Men, the National Agency for Equal Opportunities between Women and Men should have held consultations with civil society representatives, but it is not clear whether those consultations actually take place or not. Some representatives of women's organizations have complained about the way they are included in the consultation process. At the same time, there are success stories of collaboration between the National Agency for Equal Opportunities and representatives of NGOs, such as the cooperation with Romani women activists that led to the adoption of a provision on multiple discrimination in the current Law on Equal Opportunities between Women and Men. As another positive example, the National Agency for Equal Opportunities between Women and Men has contracted a women's organization that is recognized for its feminist profile (Society for Feminist Analyses – ANA) to carry out research on multiple discrimination. The complaints by women's organizations (including the ones with which

⁶⁶ The Report of the National Agency for Equal Opportunities between Women and Men for 2007 is available here: <http://www.anes.ro/> . The Report for the National Agency for Equal Opportunities for Women and Men for 2006/ 2007 is available here: <http://www.anes.ro/>

the Agency has cooperated successfully) are directed more towards the capacity of the Agency to pursue a gender equality and a gender mainstreaming agenda with the Romanian Government.

Other machineries on gender equality include the National Commission in the Field of Equal Opportunities between Women and Men (Comisia nationala in domeniul egalitatii de sanse intre femei si barbati, CONES). At the level of the Romanian Parliament, the Parliamentary Sub-commission for Equal Opportunities between Women and Men was established in September 1997. The Commission was established as a subdivision of the Commission of European Integration from the Romanian Parliament. Following the election of a new Parliament in November 2000, two separate bodies were established at the level of each of the two chambers of the Romanian Parliament: the Commission on Equal Opportunities for Women and Men in the Chamber of Deputies, and Commission on Equal Opportunities for Women and Men in the Senate. In 2000, a Commission for Equal Opportunities was founded within the Economic and Social Council. Women's 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 Commissions for Equal Opportunities at the level of the two chambers of the Parliament have a powerful position within the structure of the Parliament, as they have the same attributions and freedoms as all other Commissions in the Parliament. However, considering the type of political regime in Romania (where the executive is the strongest power), they actually have little influence.

Besides the specific gender machineries, many policy groups carry out activities that are relevant to gender equality. Some of these did sometimes pursue an agenda related to gender equality. Among these institutions/ policy groups are the National Agency for the Protection of the Family – which is implementing the law against violence in the family; the National Commission for the Promotion of Social Inclusion, which is a governmental commission addressing a wide spectrum of issues related to poverty and social inclusion, and feminized poverty has been on the agenda of the commission at various points; and the National Agency for Roma. For four years, the Agency was headed by a woman who held the position of state secretary. Under her leadership, and beyond, the National Agency for Roma has implemented a range of programmes aimed at mainstreaming gender equality into the National Strategy for Improving the Situation of Roma. Arguably, the Agency has also worked for the empowerment of Romani women. Finally, the Labour Inspection (*Inspectia Muncii*) has specialized competencies for deciding on cases of sex discrimination in employment.⁶⁷

⁶⁷ Information based on the description of attributions of this institution at:
<http://www.inspectmun.ro/RELATII%20DE%20MUNCA/Relatii%20de%20Munca.html>

4.3. Equality machineries and multiple discrimination

As already mentioned, there is a specialized gender equality body in Romania (the National Agency for Equal Opportunities between Women and Men). The anti-discrimination and human rights bodies also have competencies and responsibilities related to monitoring and preventing gender discrimination and violations of women's human rights. The National Council for Combating Discrimination is the anti-discrimination body in Romania. The Office of the Ombudsman has specific attributions in the field of women's human rights, but thus far it has not undertaken activities in this field.

Out of the three bodies, it is the gender equality one (National Agency for Equal Opportunities between Women and Men) that has made "multiple discrimination" one of the most important issues on its agenda. As mentioned before, the National Agency for Equal Opportunities adopted and pushed forward the demands of Romani women activists to include the concept of multiple discrimination in the Law on Equal Opportunities between Women and Men. The National Agency for Equal Opportunities has also chosen "multiple discrimination" as the theme of the European Year of Equal Opportunities in Romania. As a result, two studies on multiple discrimination were commissioned by the Agency. One study was a survey-based analysis of multiple discrimination on the labour market, and the other one was an ethnographic study on multiple discrimination.

The National Council for Combating Discrimination is a powerful institution in the field of anti-discrimination and its case work on sanctioning discrimination can provide a significant opportunity for developing the issue of multiple discrimination in Romania. However, the case work of NCCD has not yet incorporated multiple discrimination, although there are some efforts in this direction.⁶⁸ While the National Council for Combating Discrimination has not yet incorporated the issue of multiple discrimination, the development of anti-discrimination legislation provides an interesting case study for the relation between anti-discrimination as a general framework, on one hand and protection afforded to specific grounds, on the other hand.

4.3.1. Development of anti-discrimination legislation

The issue of anti-discrimination and the development of policies for equal opportunities for women and men were intertwined in the Romanian policy context. In 1999⁶⁹, a joint commission, comprised of representatives of the Department for the Protection of National

⁶⁸ I thank Ioana Borza, PhD candidate at the National School for Political Studies and Public Administration, Bucharest Romania, for these points. For a brief analysis of the case work of the National Council for Combating Discrimination see also the study: *Multiple Discrimination in Romania*.

⁶⁹ Timeline for the development of anti-discrimination legislation is reproduced from an unpublished manuscript by Iustina Ionescu, anti-discrimination coordinator, Center for Legal Resources, Bucharest, with kind permission from the author.

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 (LGBT Association), FSD (Foundation for Open Society), and 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 had an essential contribution by eliciting political support for the 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”.⁷⁰

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 on 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 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.

⁷⁰ 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.

In response to a question about the most important actors who 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 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 the 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.

4.3.2. Roma policies and claims from the Romanian Romani women’s movement

Roma policies provided another ground for articulating issues of multiple discrimination in Romania. Roma policies emerged as a specific field of policy-making in Romania around 1999. In 1993, Roma settlements were the targets of racial violence in numerous parts of Romania. The most infamous of such incidences of racial violence 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; and 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."⁷¹ Since then, the assessment has slightly been 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 lobbying 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).

⁷¹ *Broadening the Agenda*, p. 24.

4.3.3. Gender and policies on disability

A brief discussion is in order about the potential treatment of the intersection of gender and disability in Romania. There are no specific policy initiatives to address this intersection, but some steps have been taken by feminist organizations in Romania.

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. 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”. This finding is strengthened by the document analysis in QUING. The analysis found that disability was absent from policy debates related to gender equality in Romania.

4.4. Conclusions on the institutionalization of equality policy in Romania: missing intersectionality

There are both missed opportunities and hopeful developments for intersectionality in the institutionalization of equality policy in Romania. One such hopeful development is the adoption of a strong agenda on multiple discrimination by the National Agency for Equality between Women and Men as part of the European Year of Equal Opportunities for All. Unfortunately, the agency does not have either the power to create a strong policy on multiple discrimination or the mandate to push for the concept through litigation. The latter is the domain of the National

Council for Combating Discrimination. The willingness of this body to pursue cases on multiple discrimination is questionable. So far there has not been any specific action on multiple discrimination; however, the case work of the National Council for Combating Discrimination is an important area to follow in the future as a potential ground for developing the notion of intersectionality in Romania.

The review of institutions mandated to pursue equality policies in Romania has shown that the dominant approach is that of single-strand organization. There are separate institutions devoted to each ground covered by the EU anti-discrimination legislation, except sexual orientation. It should be noted here, however, that the anti-discrimination legislation in Romania has a significantly longer list of grounds than the one agreed at the EU level. HIV/ AIDS status and a rather broad ground defined as “social category” are explicitly named among the discrimination criteria. However, the institutional structure does not mirror the anti-discrimination law in Romania, but rather the EU regulations. As one example, the National Council for the Elderly was created under the specific pressure of the EU as part of the EU accession process. While some efforts are underway to include the notion of multiple discrimination, single-strand perspectives remain dominant within the integrated institution pursuing the legislation and policies against discrimination in Romania, the National Council for Combating Discrimination.

Conclusions: the potentials for an intersectional feminism?

Both the field of gender equality and notions of intersectionality are new to the policy making environment in Romania. However, as this report has shown, multiple discrimination has been integrated to some degree in the field of gender equality, at least at the legislative level. There is some interest and willingness to develop the notion of multiple discrimination also among anti-discrimination practitioners working with the main equality body in Romania, the National Council for Combating Discrimination. However, despite these hopeful developments, anti-discrimination or gender equality policy practices do not reflect attention to intersectionality or the more restricted notion of multiple discrimination.

Given the novelty of the issue in Romania, one of the main purposes of this report was to explore how intersectionality is 'done' and used in policy texts in Romania. Based on an analysis of the document sample in QUING (section 3 above), I found that intersectionality most often means the identification of specific groups, either in the formulation of problems or in the design of policy solutions. It is important to note that intersectional statements can occupy a range of positions from inclusive to exclusionary, and can encompass positive as well as negative evaluations of the specific groups defined.

I also found that there is a clear segregation of the use of inequality categories by policy domains, most notably class in non-employment, and sexuality in intimate citizenship. Beyond these domains, the categories of sexuality and class are not seen as relevant for the domains of gender equality or gender-based violence. Ethnicity is the most prominent category of inequality in specific (general) gender equality policies, besides gender. This is the result of sustained pressure from the Romani women's movement in Romania, which has been a significant actor in the development of gender equality policies, especially in 2006-2007.

A brief examination of the social context of multiple inequalities in Romania (section 2 above) has also shown that gender is a particularly salient category for defining situations of multiple discrimination. In my opinion, these findings support the view that gender equality policies should be a prominent policy area for articulating policy responses to multiple inequalities and multiple discrimination. It became clear that in the Romanian context notions of intersectionality can perhaps be best approached as a revision of the notion of gender and a positive contribution to gender equality policies. Since gender is still "a crucial part of the organization of equality or inequality" in Romania, I dare suggest that gender equality can be a starting place for more inclusive equality struggles. I see a potential for intersectional feminism in Romania that would go a long way beyond merely including gender in a list of inequality categories. The potential of intersectional feminism in Romania is to offer a vision of equality that starts from the most marginalized positions, usually those of women at the intersection (Romani women, poor women or disabled women) and builds a framework for a more just and a more equal society.

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Policy texts – Romania:

The conclusions of the report are based on the full database of QUING policy documents. The full sample of documents for Romania is part of D33: List of documents for coding, pp.262-269.

Annex: Inequalities intersecting with gender in policy texts in Romania

	Document code	Year	Type of document	Ethnicity	Religion	Class	Sexual orientation	Age	Disability	Marital/family status	Nationality/migrant status	Other inequalities
1	RO/ShadowReport_2006_RomaW	2006	Civil society text	Major		Minor				Minor		
2	RO/Gov_WorkFamilyReconciliation	2006	Policy plan	Major		Major		Major	Minor	Minor		
3	RO/EqualOppLaw	2007	Law	Minor	Minor		Minor	Minor	Minor			multiple discrimination
4	RO/GenderEquality_StrategyandPofA	2006	Policy plan	Minor		Minor		Minor				Minor
5	RO/NGO_WorkFamilyReconciliation	2005	Civil society text			Minor				Minor		
6	RO/TaxBenefit_Parl_ClivetiM	2006	Parliamentary debate			Major		Minor		Minor		
7	RO/Gov_SupportfortheFamily	2005	Policy plan			Major						Minor
8	RO/Letter_MultipleDiscrimination	2006	Civil society text	Major	Minor	Minor		Minor	Minor		Minor	
9	RO/TaxBenefit_GovReport_NONEMPL	2006	Policy plan			Major		Major				
10	RO/Parl_CareWork	2005	Law			Major						
11	RO/AntiTrafficking_Law	2001	Law			Minor					Minor	
12	RO/DomViol_NGOREport	2005	Civil society text			Minor		Major				Minor
13	RO/Gov_CEDAWReport_Trafficking	2003	Other			Major					Major	
14	RO/Gov_HousewivesProtection	2004	Policy plan							Minor		
15	RO/NGO_AssistedHumanReproduction	2005	Civil society text			Minor				Major		
16	RO/Parl_Abortion_MIfrim	2004	Parliamentary debate				Major					
17	RO/Parl_HousewivesProtection	2006	Parliamentary debate			Major						
18	RO/Parl_ReviseFamilyDefinition	2006	Parliamentary debate	Major			Major			Major		
19	RO/TaxBenefit_Parl_IliescuVA	2006	Parliamentary debate			Minor		Major				
20	RO/TraffickingReport_IOM	2003	Other	Minor		Minor		Major		Major		