

## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

35th Session (New York, 15 May to 2 June 2006)

Reports of States

### Romania (6th periodic report<sup>1</sup>)

#### *Information submitted to the Committee*

Romania presented its 6<sup>th</sup> periodic report to the Committee, noting significant legal and social advancements in the realisation of gender equality. The report, presented by an impressively large gathering of governmental officials, included both legal reform and implementation procedures, although its discussion of legal provisions proved more thorough than areas of implementation reform. The report highlighted Ordinance No. 137/2000<sup>2</sup>, a national law focused on preventing and sanctioning all forms of discrimination.

Additionally, the report outlined the duties of the National Council for Combating Discrimination (NCCD), a governmental body that provides access to legal protection against discrimination. However, a parallel report<sup>3</sup> indicated some problems with regard to NCCD, noting that it has "no local structures" and has reported only 54 cases of discrimination against women in the past three years.<sup>4</sup>

A significant portion of the report addressed the status of Roma women; specifically it provided concrete measures being taken by the State to improve Roma status in the labour market. For the first time, the National Program for Increasing the Employment Rate had identified the Roma population as a target group and implemented specific measures, such as professional reorientation and training services to increase their status in the workforce.

Domestic violence was only briefly mentioned in the report, perhaps due to the absence of any statistical data on the phenomena<sup>5</sup>. The Parliament only recently adopted a criminal code regulation: Law no. 197, which now specifically penalizes violence against family members, including women who are not legally married to men. In the area of human trafficking, the Government has taken significant steps to combat the illicit practice. In 2001, the Parliament approved Law no. 678 which prevents and combats the trafficking of human beings. It also created the National Action Plan against trafficking in human beings. Despite the positive movement of anti-discrimination legalisation and a move towards gender equality, women still only represent 10 percent of the members of parliament and are also under-represented in positions of political decisions at local levels, according to a parallel report<sup>6</sup>.

#### *Themes and issues discussed*

The Committee presented questions in four sections; the first section covered questions relating to the first six articles of the Convention. The Committee expressed concern with the general implementation of the Convention, and urged Romania to use the Convention as a centrepiece in its development of a legal framework to promote gender equality. One expert questioned whether legislation defines discrimination as required under Article 1. For example, Law no. 202 on Equal Opportunities and Treatment for Women and Men<sup>7</sup> aims to eliminate direct and indirect discrimination on the basis of gender, however the Committee questioned whether the legal definition of discrimination complies with the Convention's definition. The delegation provided additional information, not included in its report, which illustrated that the law includes a definition fully in line with Article 1 of the Convention. Also, the Committee noted that the Convention does not appear to be directly utilised in courts. The delegation informed the Committee that its national framework is already inclusive of the provisions of the Convention, and judges have used provisions from the Convention in their final opinions. In response to expert concerns on the training of judiciary, it was explained that the NCCD has integrated the Convention's articles into its training classes taken by judges and other Government officials. The Committee requested more information concerning

<sup>1</sup> CEDAW/C/ROM/6, <http://daccessdds.un.org/doc/UNDOC/GEN/N03/660/26/PDF/N0366026.pdf?OpenElement>.

<sup>2</sup> CEDAW/C/ROM/6, 8, <http://daccessdds.un.org/doc/UNDOC/GEN/N03/660/26/PDF/N0366026.pdf?OpenElement>.

<sup>3</sup> Women's Association of Romania, 1, [http://www.iwraw-ap.org/resources/pdf/Romania\(1\)\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Romania(1)_SR.pdf).

<sup>4</sup> Women's Association of Romania, 1, [http://www.iwraw-ap.org/resources/pdf/Romania\(1\)\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Romania(1)_SR.pdf).

<sup>5</sup> CEDAW/C/ROM/6, 27, <http://daccessdds.un.org/doc/UNDOC/GEN/N03/660/26/PDF/N0366026.pdf?OpenElement>.

<sup>6</sup> Women's Association of Romania, 3, [http://www.iwraw-ap.org/resources/pdf/Romania\(1\)\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Romania(1)_SR.pdf).

<sup>7</sup> CEDAW/C/ROM/6, 10, <http://daccessdds.un.org/doc/UNDOC/GEN/N03/660/26/PDF/N0366026.pdf?OpenElement>.

the effective powers and mandates of the NCCD and the National Agency for Equal Opportunities (NAEO).

Romania has taken significant steps in combating human trafficking, according to answers given the extensive dialogue between experts and members of the delegation who work in the anti-trafficking unit. The State party's legal framework has instituted structures at Government, police, and judiciary levels. Judges and specialists have been trained on how to identify trafficked persons, and assistance is provided to victims.

In Part II, the Committee presented questions on Articles 7 through 9 of the Convention. Concerned with the low number of women represented in political life, the Committee questioned whether any temporary special measures are in place to increase female participation at both a local and decision making level. The delegation frankly admitted that many times the social and financial status of women status do not allow them to participate at a political level and suggested more needs to be done in this area.

Part III of the discussion focused on questions relating to Articles 10 through 14 of the Convention. In this part of the constructive dialogue, many of the experts focused on the role of Roma women in society, especially with regard to access to education, labour market, and health care. The delegation noted its efforts and cooperation with NGOs and within the Government sector to increase the number of Roma girls attending school and Roma women's access to the labour market through the use of special programs to facilitate such goals. Such programs are also promoted in rural areas, where women are more vulnerable to poverty and discriminatory practices.

Last, during Part IV the Committee addressed Articles 15 and 16 of the Convention. In reference to Article 15, an expert noted how the lack of documentation for Roma women has resulted in discriminatory practices. As of August 2005, the Ministry for Roma people, along with NGOs, has focused on directing Roma citizens on how to obtain necessary identification papers. Each territory has been informed to raise awareness among the Roma people on how to obtain appropriate identification documentation. Article 16 raised the discussion of a current Romanian law that requires males to be 18 years of age before marriage while females may be just 15 years of age. An expert noted this law is in flagrant violation of the Convention and that Romania must align the ages for marriage, regardless of sex. According to the delegation, Parliament is presently working on repealing that law and instituted a new law, which will align the age for both females and males. This law is expected to soon be put into force soon.

### *Conclusions and next steps*

In its Concluding Comments<sup>8</sup>, the Committee commended Romania for its impressive delegation, which included both male and female representatives from ministries with the power to implement provisions of the Convention. Although the delegation presented information on various areas of implementation, the Committee urged the Government to further expand and detail such areas of implementation in its next report. Also, the Committee expressed concern regarding the limited availability of sex disaggregated data, as well as data disaggregated by ethnicity, age, and urban and rural areas. The lack of such data made it difficult to assess Romania's progress in achieving gender equality. While the delegation presented significantly positive reforms in the area of combating discrimination against Roma women, the Committee encouraged the delegation to accelerate such reforms by coordinating the work of all agencies within the various ministries with the goal of achieving de facto equality. The Committee also urged the various agencies to increase implementation of various laws that provide for the equal opportunities for women in the labour market, healthcare (especially rural women) and in obtaining political positions at a decision making level. In concluding, the Committee seemed very pleased with Romania's progress and urged the delegation to continue implementing its impressive reforms and further detail such implementation in its next periodic report.

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<sup>8</sup> CEDAW/C/ROM/CO/6, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/383/79/PDF/N0638379.pdf?OpenElement>.