



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-fifth session

Summary record of the 735th meeting

Held at Headquarters, New York, on Friday, 26 May 2006, at 10 a.m.

Chairperson: Ms. Manalo

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Sixth periodic report of Romania
(CEDAW/C/ROM/6; CEDAW/C/ROM/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Romania took places at the Committee table.*

2. **Ms. Mota** (Romania), introducing the sixth periodic report of Romania (CEDAW/C/ROM/6), said that, between 1999 and 2006, a comprehensive package of legislation had been adopted with a view to promoting and protecting women's rights. For example, Emergency Ordinance No. 137/2000 defined various forms of discrimination and provided for equal treatment in a number of areas, and the National Council for Combating Discrimination had been established in 2003 to monitor implementation of the Ordinance, investigate allegations of discrimination and impose penalties. Law No. 202/2002 on equal opportunities and treatment for women and men had been adopted in 2002, and, in 2005, the National Agency for Equal Opportunities between Women and Men had been established as the body responsible for developing specific policies on gender equality and gender mainstreaming.

3. With regard to violence against women, Law No. 217/2003 provided for both the protection of victims and the prosecution of perpetrators, and the National Agency for Family Protection had been set up in 2004. Three important laws on human trafficking, dealing with prevention and witness and victim protection, respectively, had also been adopted during the reporting period.

4. The Constitution, the Penal Code and the legislative framework governing the health-care system had all been amended in order to further promote women's rights, and, with a view to raising awareness of those rights among the judiciary, the National Institute for Magistracy had incorporated classes on combating discrimination into the basic training for judges and prosecutors.

5. During the reporting period, the Romanian Government had adopted a number of specific policies

designed to promote gender equality and eliminate discrimination, including the National Strategy for Equal Opportunities between Women and Men and the National Strategy for Preventing and Combating Domestic Violence and their corresponding action plans. Furthermore, in line with the Committee's recommendations, it had begun to collect gender- and age-disaggregated statistics in respect of cases of domestic violence.

6. In order to protect trafficking victims, the Ministry of Administration and Interior, together with the NGO community, had set up seven assistance centres. The Ministry of Labour, Social Solidarity and Family Affairs had also adopted a set of measures specifically designed to combat trafficking and sexual exploitation by improving the economic and social status of individuals at risk. In that connection, the Government had concluded a number of agreements with other European countries in order to regulate the flow of Romanian workers abroad.

7. Romania had stepped up its efforts to eliminate gender-based stereotypes and to increase women's participation in political and public life. The number of female parliamentarians had doubled since the submission of the previous report, and there were now three female ministers. Women accounted for 61.4 per cent of the judiciary.

8. All children were entitled to ten years of compulsory education, and a human rights perspective had been incorporated into teaching materials, textbooks and curricula. In July 2003, the Ministry of Education and Research had enacted legislation that gave all Romanian citizens, including women and girls, the opportunity to complete their primary and secondary education.

9. Female unemployment was generally lower than male unemployment in Romania and the wage gap, whose continued existence was due to women's tendency to choose traditional, less well-paid professions in the teaching and health-care sectors, was gradually decreasing. In order to build on the progress made, the Government had developed a number of policies and plans, including the National Strategy for Employment and its related action plan and the National Plan to Combat Poverty and Promote Social Inclusion. The amended Labour Code and various other pieces of legislation provided for the protection of pregnant employees and working mothers.

10. As far as health care was concerned, a number of national strategies designed to promote breastfeeding, control HIV/AIDS and prevent sexually transmitted diseases had been developed. In addition, the Ministry of Health had launched a national programme devoted to women's health, which focused on improving the quality and efficiency of reproductive health services and anaemia treatments. There had been a significant decrease in the number of abortions between 2003 and 2004. Within the framework of the National Health Programme, particular emphasis had been placed on providing services to the Roma community and, to that end, Roma health mediators were employed to act as an interface between their communities and medical service providers.

11. Lastly, turning to the situation of Roma women, she said that the National Agency for Roma, which had been established pursuant to Law No. 7/2005, was responsible for taking a series of measures to improve the situation of the Roma population and, to that end, had drawn up a plan of action for 2006-2008 and was cooperating actively at both the central and local levels with the National Agency for Equal Opportunities and the National Council for Combating Discrimination. Moreover, Romania currently held the Presidency of the Decade of Roma Inclusion.

Articles 1 to 6

12. **Ms. Šimonović** noted that the report was a little outdated and that it did not contain sufficient data disaggregated by sex or ethnicity. She urged the State party to address those shortcomings in future reports. She would like to know whether NGOs had been involved in the preparation of the report and whether they had been consulted during the formulation of the National Strategy for Equal Opportunities for 2006-2009.

13. In its concluding comments on the combined fourth and fifth periodic report of Romania, the Committee had called on the Government to make gender equality a priority and to develop a holistic and integrated policy for the implementation of the Convention and the achievement of equality between women and men, including a timetable to monitor and evaluate progress in that regard. The State party should indicate the measures it had taken to follow up that recommendation and, in particular, specify whether the National Strategy for Equal Opportunities was based on the Convention.

14. The Romanian Government had significantly amended and enhanced its legislative framework for the advancement of women in order to incorporate the relevant European standards. However, the scope of the Convention was much broader than those standards and, accordingly, it should be the primary source of inspiration for legislative and other activities in the field of women's rights. Given that Romanian judges did not seem to invoke the Convention in their rulings, she enquired whether training courses on its provisions and those of the Optional Protocol had been provided for members of the judiciary and the Ombudsman.

15. Gender-based discrimination was prohibited by Law No. 27/2004. She would be grateful to know whether the definition of discrimination contained in that Law was in line with the definition given in article 1 of the Convention and whether the Law applied to direct and indirect discrimination by both natural and legal persons. She also wished to know whether any cases of gender-based discrimination had been referred to the Ombudsman.

16. Turning to the issue of violence against women, she drew the State party's attention to general recommendation No. 19 and enquired whether Law No. 217/2003 on domestic violence included preventive, punitive and protective measures. Had any other measures, such as social and psychological assistance programmes, been introduced to assist the victims of violence? She would like to know more about the role of the National Agency for Family Protection in that regard. The State party should also indicate whether marital rape was criminalized by the Penal Code.

17. **Ms. Tavares da Silva** commended the Romanian Government on its efforts to promote the advancement of women. Under article 3 of the Convention, States parties were obliged to take all appropriate measures in all fields to ensure women's full development, and she was pleased to see that the enactment of the new legislation on equal opportunities had served to broaden the previously limited scope of Romania's activities in that regard.

18. With regard to the national machinery, she asked whether the National Agency for Equal Opportunities was affiliated with a particular ministry and whether it had adequate human and financial resources. She requested additional information about the Agency's mandate and functions and enquired whether its role was merely advisory or whether it had the authority to

make legislative proposals. She would also be grateful to know whether the members of the National Commission for Equal Opportunities between Women and Men were senior officials with decision-making powers.

19. Neither the report nor the responses to the list of issues and questions contained sufficient information on the measures taken by the State party to eliminate gender-based stereotypes and modify discriminatory cultural patterns. If the media portrayed stereotypical images of women, were penalties imposed, and had any awareness-raising activities been carried out in that context? She would be particularly interested to know whether any specific steps had been taken to address stereotypical attitudes towards Roma women.

20. She enquired whether the National Strategy for Preventing and Combating Domestic Violence contained comprehensive measures designed to prevent such violence, prosecute perpetrators and protect victims and whether it addressed the specific issue of violence against Roma women. Lastly, she had received reports of increased levels of violence in schools in Romania and would like to hear more about that phenomenon.

21. **Ms. Mota** (Romania) said that the report had been prepared with the full participation of civil society, including NGOs that were actively engaged in issues relating to women. The formulation and adoption of the national action plan on equal opportunities for men and women had involved a number of meetings which had included extensive and fruitful consultations with civil society. She informed the Committee that the National Commission for Equal Opportunities between Women and Men had been created as an inter-ministerial body in 2005, and was comprised of representatives from all ministries and specialized bodies of the central administration, civil society, trade unions and employers' organizations. The corresponding county councils at the territorial level had a similar composition. There was excellent cooperation between the National Commission and the National Agency for Equal Opportunities and the president of the National Agency also presided over the National Commission. Romania was satisfied that it had made significant progress and that the operations of the National Commission had yielded tangible results.

22. As far as the implementation of the Convention in Romania was concerned, she said that not only was

progress in the area of equal opportunity monitored within the framework of the National Strategy for Equal Opportunities, but the Strategy also incorporated the provisions and policies promoted by the Convention into domestic legislation.

23. **Ms. Grosu** (Romania) said that a previous national census had established that the Roma population was 1.5 million. However, apart from data on the access of Roma men and women to the labour market and the education system, no official gender-disaggregated statistics were available on the Roma community. At the time of that census, an estimated 27 per cent of Roma had held steady employment.

24. With regard to gender stereotyping, she said that the National Agency for Roma had implemented a strategy focusing on education, health, equal employment opportunities and media affairs, as areas for priority action in the light of the situation of Roma.

25. **Ms. Mota** (Romania) said that the definition of discrimination was governed by Law No. 202/2002 on equal opportunities and Emergency Ordinance No. 137/2000 on preventing and sanctioning all forms of discrimination.

26. **Mr. Bunoaica** (Romania) said that the definition of discrimination in Romania's domestic legislation was fully in accordance with the provisions of the Convention. All forms of discrimination practised by individuals or by institutions, including the mass media, were punishable, and the Convention was cited in the courts of law. Under the Constitution, all provisions of international treaties were taken into account in the elaboration of domestic law. In terms of implementation of the Convention, the National Council for Combating Discrimination integrated the provisions relating to the sensitization of law enforcement bodies into its policies, and had carried out extensive training programmes for the judiciary.

27. **Mr. Pastrascu** (Romania), referring to the query regarding marital rape, said that extensive reforms to the Penal Code had introduced more stringent provisions and harsher sanctions for the perpetrators of marital rape.

28. **Ms. Ratu** (Romania) explained that, upon request, victims of domestic violence could receive free legal assistance, shelter and counselling, and that law enforcement officials had an obligation to inform victims of the availability, and the procedures for

securing, protective care, legal aid and financial assistance.

29. **Mr. Verma** (Romania) said that domestic violence was currently under the jurisdiction of the Ministry of Labour, Social Solidarity and Family, having previously been the responsibility of the Ministry of Health. The National Agency for Family Protection, consisting of members of civil society and government bodies and representatives of Parliament, had been established under Law No. 217/2003 on preventing and combating domestic violence. The Agency formulated measures for preventing such violence, and provided effective support and protection in terms of assuring the social reintegration and financial independence of victims. A pilot programme had been launched for the training of domestic violence specialists, including medical personnel, social workers and law enforcement officers.

30. **Ms. Preoteasa** (Romania) said that the mass media had highlighted the problem of violence in schools over the previous year by reporting on a number of relevant cases. The Ministry of Education and Research attached great importance to tackling the phenomenon through the enactment of special legislation, and especially through preventive measures. A comprehensive study conducted in cooperation with the United Nations Children's Fund (UNICEF) had shown that less than 2 per cent of violence in schools consisted of actual physical attacks, and that the majority of incidents related to psychological pressure or forms of bullying.

31. **Ms. Grosu** (Romania) said there were no specific data on domestic violence among Roma. Although domestic violence transcended ethnicity, disadvantaged groups living in poverty were more at risk in that regard. With that in mind, the Government, with the cooperation of the National Council for Combating Discrimination and the National Agency for Equal Opportunities, had launched appropriate awareness-raising campaigns on issues pertaining to domestic violence.

32. **Ms. Mota** (Romania) detailed the responsibilities of the National Council and the National Agency, as outlined in the periodic report and her Government's responses to the list of issues and questions (CEDAW/C/ROM/Q/6/Add.1), and drew particular attention to their role in implementing the comprehensive strategies formulated in their respective fields.

33. **Ms. Gaspard** requested further information about the ministries listed in the State party's response to question 1 as having been consulted during the preparation of its report. She asked whether there existed, in each one of them, a focal point or specific unit with responsibility for issues relating to discrimination against women that would collect and analyse sex-disaggregated data and ensure follow-up to the Convention. It would also be interesting to know whether gender-budgeting was practised in the ministries concerned. She enquired whether there existed in Romania a national advisory commission on human rights; if so, she wished to know what its gender composition was and whether it included a unit on gender equality, with particular responsibility for following up the Convention. In the same response it was stated that the Parliament had not been required to endorse the report. Since the Parliament was necessarily involved in the ratification and implementation of the Convention, it would be useful for it to be apprised of the report, and equally of the Committee's conclusions, since they could call for changes in legislation. She wondered whether there was a parliamentary human rights commission and recalled that the Inter-Parliamentary Union, of which Romania was a member, had issued a brochure on the role that Parliaments could play in advancing the Convention. She urged that the brochure be studied and widely disseminated. The State party's report revealed a misunderstanding of the temporary special measures referred to in article 4 (1) of the Convention; they were not to be confused with legal and political measures. She recommended a close reading of the Committee's general recommendation No. 25.

34. **Ms. Arocha Domínguez** regretted the absence in the State party's report of clear information about the phenomenon of stereotyping. She expressed concern about the apparent lack of changes in school textbooks and noted that no legislation had been adopted to regulate advertising and the mass media. She stressed the usefulness of measures to sensitize teachers, writers and creative artists to the issue. While a considerable amount of information had been provided about trafficking of persons and sexual exploitation, both in the report and at the current meeting, in addition to that already produced by international agencies and United Nations Special Rapporteurs, the statistics did not appear consistent. There was a need for disaggregated data on trafficking in girls and women both inside and outside the country. Since female minors belonging to

dysfunctional families were particularly at risk of sexual exploitation, she wished to know what measures were being taken to help such families. There seemed to be some tolerance of the phenomenon of prostitution, which had increased sharply in Bucharest, including the enjoyment of impunity by procurers. She enquired about the structure and resources, both financial and human, of the National Agency for Prevention of Trafficking in Human Beings. She asked how effectively it performed, to which body it was accountable and what was the frequency of its reports.

35. **Ms. Mota** (Romania) said that both the Houses of Parliament had equal opportunities commissions, each headed by a woman.

36. **Ms. Preoteasa** (Romania) said that, since the report had been prepared, there had been important developments. Significant changes had been made in curricula for all students, with the introduction of human rights, gender equality and equality of opportunity as specific subjects of study. Curricula had to be approved by the Ministry of Education and Research, with due regard for issues of discrimination and gender equality. The problem lay in school textbooks, which also required the Ministry's approval. Previously, textbook evaluators had lacked training and had therefore approved material that had since been found to discriminate against girls. A revision of textbooks and curricula was currently under way. Extensive teacher training on matters covered by the Convention had been organized for each of the 42 counties in the country and subsequently in schools at local level. Specific materials had been developed dealing with trafficking. In addition, the Ministry of Education and Research had issued special instructions to sensitize students in grades eight to ten to the issue.

37. **Mr. Licsandru** (Romania) stressed how surprised the Government had been by the scale assumed in the 1990s by the phenomenon of human trafficking, which it had made a priority concern. It had improved its policies and established an institutional and legal framework to combat trafficking, including a border police structure. Throughout the country there were prosecutors and a network of some 56 judges specializing in trafficking issues. He cited data showing that women had accounted for 78 per cent of the victims of human trafficking in 2005 and that trafficking had mostly been at international level. In the same year, 1,600 cases had been brought before the courts, the vast majority concerning Romanian

citizens. The Government was cooperating with specialized international bodies to combat the phenomenon and, where appropriate, to repatriate the victims. He emphasized that there were no recorded cases of prostitution among children and that, under Law No. 678/2001, minors under the age of legal consent committing sexual offences were not punished but treated as victims. Those who profited from their exploitation were prosecuted. The Government's policies, elaborated with input from civil society, were proving effective, since in 2005 the proportion of children in the total number of victims of trafficking had dropped to 1 per cent and in 2006 to even less. The National Authority for Child Protection had set up special shelters for victims of trafficking; where possible, however, it ensured that minors were returned to their families and reintegrated into the community. The Government regularly conducted surveys on trafficking in women, in collaboration with NGOs and international organizations, and it had made an assessment of its first action plan, with financial support from UNICEF. The National Agency for Prevention of Trafficking in Human Beings had been established in 2005; it served as a focal point, developing national standards and coordinating and monitoring all action in the field nationally. The Agency came under the Ministry of the Interior and was financed from its budget.

38. **Ms. Schöpp-Schilling** said that she was impressed by the various legal and institution-building measures taken but wondered what was being done to raise public awareness. In a very short space of time Romania had established machinery that other European countries had taken some 40 or 50 years to put in place. She asked what campaigns were being conducted, in schools and in the mass media, to inform the public at large of the issues involved, including the new standards introduced.

39. **Ms. Pimentel** requested more information about the number of NGOs and their involvement in the work of the National Agency for Equal Opportunities, particularly in regard to their contribution to the preparation of the periodic report. She acknowledged that domestic violence was a complex issue and asked how the fight against such violence incorporated a gender perspective. She would also welcome information on measures taken in both formal and non-formal education to combat violence against women.

40. **The Chairperson**, speaking in her capacity as an expert, said that the measures described to combat stereotyping seemed to be limited to the field of education; information would be appreciated about action beyond the school. She requested further information about the capacities and budget of the National Agency for Prevention of Trafficking in Human Beings. The annulment of the provision in the Penal Code that had exonerated rapists upon their marrying their victims was welcome news, but that had nothing to do with marital rape. She asked whether the law contained any definition of marital rape and provided for any penalty.

41. **Ms. Mota** (Romania) acknowledged the challenges involved in educating society. The National Agency for Equal Opportunities had undertaken specific awareness-raising campaigns in cooperation with the Ministry of Education and Research; it had a special web page on the subject and had promoted a video for the purpose, which was broadcast by local and national television networks. Representatives of a number of NGOs concerned with women's rights had been consulted during the preparation of the report, under a protocol with the Agency.

42. **Mr. Verman** (Romania) said that 95 per cent of the victims of domestic violence were women. All the national bodies involved in efforts to combat such violence, whether governmental or non-governmental, had indeed adopted a gender perspective focused specifically on women; the assistance provided, including shelters, was intended to serve women by addressing their material, emotional and medical needs. Where appropriate, husbands who abused their wives were barred from the home; however, that could victimize the women concerned a second time.

43. **Mr. Licsandru** (Romania) said that the National Agency for Prevention of Trafficking in Human Beings had a staff of 50. It had begun work two months earlier and did not yet have its own budget.

44. **Mr. Pastrascu** (Romania) stated that if a rape victim was a member of the abuser's family, the abuser was subject to more severe penalties. Given that a wife was a family member, marital rape was a punishable offence.

Articles 7 to 9

45. **Ms. Tavares da Silva** noted that the report made mention of measures to improve the low participation

of women in politics, but that those measures were not described. It was taking a long time to increase female representation in political bodies at all levels of government. Temporary special measures were called for. Since women were well represented in the judiciary and in diplomacy, why was that not the case in political bodies such as the Parliament and local councils?

46. **Ms. Belmihoub-Zerdani** remarked that, since Romania had ratified the Convention and no longer had any reservations to it, the Convention was binding and must be applied. Was the low number of women in politics due to lack of will, or to the persistence of gender stereotypes? Parties which did not present slates containing 30 per cent women candidates should not be subsidized. They should be sanctioned.

47. **Ms. Mota** (Romania) said that there were many qualified women in Romania. However, their political participation was hindered by the widespread feeling that women's place was not in politics and by financial problems. The national action plan contained an item whose purpose was to enhance women's participation in politics. The law stated that local and central authorities must support women seeking to go into public life and decision-making positions, but there were no sanctions for violations of that law.

48. **Ms. Schöpp-Schilling** expressed her dissatisfaction with that response. The attitude towards increasing women's participation was too passive.

49. **Ms. Saiga** asked how politicians and political parties viewed the issue of women's political participation. What did their platforms say on the subject?

50. **Ms. Mota** (Romania) said that women's organizations within political parties played an important role. They should fight harder inside the party framework to increase women's participation in politics.

Article 10

51. **Ms. Šimonović** expressed surprise at the absence of data in the report regarding the gender gap in education. It was important to gather data, especially on the Roma and other ethnic minorities. The illiteracy rate among women over the age of 50 was high. There was a disparity in illiteracy between urban and rural women. Dropout rates for girls were high. Roma girls

were in a particularly difficult situation, exposed simultaneously to racism and sexism. Did the relevant Government agencies cooperate on those issues?

52. **Ms. Belmihoub-Zerdani** asked what the main goals of the 2005-2015 Decade of Roma Inclusion were in the areas of education and health, and whether there was a gender-based aspect to the programme. She wondered how the Government balanced the issue of the linguistic and cultural identity of the Roma with avoiding segregation and helping them to integrate into society. She requested statistics on illiteracy among women aged over 50.

Article 11

53. **Ms. Arocha Domínguez** asked what measures were being taken to encourage women's participation in the labour market and to raise income in traditionally female occupations. The information provided was inadequate to assess the implementation of article 11. She would like to know more about the numbers of Roma women, and of urban and rural women, in the labour market. She requested data by sex and region on the issuance of agricultural loans disaggregated. What was the likelihood of women in general and Roma women in particular receiving such loans?

Article 12

54. **Ms. Šimonović** said that additional information on reproductive health education in schools would be appreciated. Maternal mortality rates had declined, but were still high. What was the Government doing in that area? Roma were segregated in separate hospital rooms. She would welcome more information on how the Government was addressing the issue and how and by whom complaints on the matter were handled.

The meeting rose at 1 p.m.