



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

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**Committee on the Elimination of Discrimination
against Women**
Twenty-third session

Summary record of the 481st meeting

Held at Headquarters, New York, on Friday, 23 June 2000, at 10.30 a.m.

Chairperson: Ms. Gonzalez

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The meeting was called to order at 10.55 a.m.

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

Combined fourth and fifth periodic reports of Romania (CEDAW/C/ROM/4-5, CEDAW/PSWG/2000/II/CRP.1/Add.4 and CRP.2/Add.3)

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

2. **Ms. Nicolai** (Romania) said that the written report submitted to the Committee covered significant developments for the advancement of women between 1992 and 1998. Her oral presentation would provide an update on developments since 1998. Romania had been among the first 20 countries to ratify the Convention, and had withdrawn the reservation that it had made to article 29. The democratic transformation which had taken place in the country since 1989 had given fresh impetus to its efforts to promote all human rights, and it had acceded to all the major international human rights instruments and committed itself to international reporting procedures. International human rights instruments had the force of law in Romania under the Constitution.

3. There was a growing awareness that strengthening human rights and promoting gender equality was closely related to the strengthening of democracy, good governance and the rule of law. Thus, one of the priorities of the Government's programme for 2001-2004 was ensuring social justice and cohesion, in particular through equal opportunities for men and women. Specific institutional and legislative steps had also been taken to implement the Beijing Declaration and Platform for Action.

4. One of the priorities of the Government was to harmonize national legislation with European and international norms, in keeping with its National Plan of Accession to the European Union. Among recent legislation to promote equal opportunity and reconcile family and professional life, two deserved special mention. The first, the Law on Paternal Leave strengthened the principle of sharing of responsibilities in family and society; the second, a draft law on equal opportunities for men and women, guaranteeing equal treatment in all areas and establishing an obligation to protect that right, was under debate in the Parliament.

5. Following the Beijing Conference, a national mechanism for the advancement of women was set up in 1995 in the Ministry of Labour and Social Welfare: the Department for the Promotion and Protection of Women's Rights. In 1998, it had been replaced by the Directorate for Equal Opportunity, which had been under the direct supervision of the Minister of Labour and Social Welfare since March 2000. The main tasks of the Directorate were to ensure de facto non-discrimination in access to the labour market and improve working conditions, propose improvements to the legal framework for the enjoyment of women's human rights, and assess the social status of women and formulate action-oriented proposals. The national institutional framework had expanded gradually, but improved coordination and coherence among all mechanisms was needed for the successful implementation of policies and measures in the field.

6. The establishment of the Office of the Advocate of the People represented an important achievement in the consolidation and protection of human rights, including women's human rights. The Office was an independent institution which fulfilled most of the functions traditionally assigned to an ombudsman for human rights. One of its four departments dealt with the protection of children, women and family rights. The Advocate had received 4,380 complaints in 1999, about 30 per cent of which were from women. Only a few of the complaints related to cases of discrimination against women.

7. Turning to women's participation in political life, she said that in practice, women were not yet represented in high-level political decision-making positions. Despite high numbers of women party members, most were involved in lobbying and organizing activities and lacked real opportunities to advance towards the top of the political structures. A bill calling for balanced participation of women in political party structures and promoting their participation in Parliament had, unfortunately, been rejected. However, at the local level, the number of women elected in the June 2000 municipal elections had increased. Increased dialogue and cooperation between Government and non-governmental organizations, research centres and the media should contribute to a greater awareness of the important role and potential of women in the decision-making process.

8. An area of special concern was the phenomenon of domestic violence, which was difficult to prevent, and which could be exacerbated by poverty, falling standards of living and unemployment. Although no specific provisions in Romanian law made domestic violence a separate offence, violence, assault, rape and sexual assault were all sanctioned under the Criminal Code. The Government had undertaken a number of measures to prevent and eliminate domestic violence and provide assistance and protection to its victims.

9. Prostitution and international trafficking in women and girls had also expanded in recent years and were a cause for alarm. Penalties were provided under the Criminal Code for prostitution and procurement. Although there were no specific laws against trafficking in women, proposals to amend the Code to that effect were before Parliament. The Ministry of the Interior was deeply concerned about preventing and combating that phenomenon and had entered into a series of bilateral cooperation agreements with 19 countries. It was also involved in efforts to educate the public and raise awareness of the dangers of that scourge.

10. In Romania, women enjoyed free access to education, and there were no major gender disparities in school enrolment rates. Women's enrolment in higher education had also increased in recent years. Women accounted for 71 per cent of the teaching staff in all educational institutions, yet few held top administrative and management positions. Some gender disparity could be seen in the different enrolment rates in rural and urban areas, however. Although it had dropped since the early 1990s, the female illiteracy rate was high: 4.6 per cent in 1997. Women over the age of 50 accounted for 85 per cent of illiterate women. Gender studies programmes had recently been incorporated into the curricula of four universities, and a degree programme in gender studies had been available since 1998. In cooperation with non-governmental organizations and UNDP, the Ministry of National Education was conducting studies on the gender dimension in primary school textbooks.

11. Economic reform had produced a rise in unemployment and a reduction in social security, with an increasingly negative impact on women. In April 2000, unemployment among women had stood at 11.2 per cent. Gender and wage disparities persisted with women workers in the lower-paying job categories. In 1999, women held only one third of the total number of

positions at the highest levels of administration and business. However, the expansion of the private sector and the high percentage of women working in the private sector had been positive developments.

12. Women had become very competitive in a number of sectors including banking, journalism and the justice system. Simultaneously, women had also become increasingly engaged in part-time activities and unpaid family work, thereby incurring the risk of inadequate social security coverage. The Ministry of Labour and Social Welfare had therefore taken a number of steps to improve employment conditions for women, such as the implementation of programmes promoting equal opportunities, support for unemployed and disadvantaged women, as well as helping women to diversify their economic activities, encourage their entrepreneurial initiative and assist their reintegration into the labour market.

13. Recent statistics had shown that life expectancy was highest among the female population, particularly those living in rural areas and that, at the same time, the birth rate had fallen by 21.4 per cent. Indicators for infant mortality were high, while the abortion rate, following the legalization of abortion, was alarmingly so. The Ministry of Health had developed a national family planning programme establishing an urban family planning network. However, there was need for strengthened public information efforts targeting rural populations on modern birth-control methods.

14. She outlined measures taken toward reforming the health-care system, including the passage of new legislation, the development of a strategy on reproductive health, and inter-sectoral consultations on HIV/AIDS. In addition, effective steps had been taken towards achieving the health objectives of the Beijing Platform for Action. In the area of child welfare, there was need for comprehensive and coordinated action through the cooperation between the Government, local authorities, non-governmental organizations and international partners. Furthermore, institutional coherence and adequate and effectively managed resources allocated for the protection of children were crucial for the full realization of the rights of all children. To that end, Romania had adopted the Strategy concerning child welfare (2000-2003) setting up general principles and firm objectives to be reached within a precise time framework.

15. Her Government recognized that the goals concerning the advancement of women and gender equality could be achieved only through joint efforts with civil society. Non-governmental organizations had worked effectively in fundamental areas such as raising awareness of women's issues, the development of business opportunities, health care, reproductive rights and fighting violence against women. Romania highly valued cooperation with United Nations bodies, the European institutions and its bilateral partners in Central and Eastern-European countries. Lastly, she reiterated her Government's commitment to the full implementation of the Convention and informed the Committee that Romania had already begun the procedure for signing and ratifying the Optional Protocol to the Convention.

16. **The Chairperson** thanked the representative of Romania and, noting the high level of expertise of the members of the delegation, welcomed the announcement of the Government's intention to accede to the Optional Protocol.

17. **Ms. Corti** praised the delegation for the candour of its oral presentation and said that she particularly appreciated the efforts undertaken by the Government to harmonize existing legislation with European Union directives and the implementation of the Convention. Highlighting a number of positive aspects of the developments in Romania, she was, however, curious to know whether there might be a fragmentation of responsibility between the numerous ministerial bodies dealing with child welfare and women's issues. She wondered whether it would be more advantageous to have a clearer separation between the two sets of issues at the level of implementation.

18. In view of the urgent and growing problems facing women, such as domestic violence and prostitution, the Government must take quick action on the many draft laws that were awaiting discussion. Stronger machinery was needed to deal with women's issues in a coordinated manner. Also, more effective action should be taken to address and eliminate the patriarchal culture in Romania.

19. Violence against women, especially domestic violence, was a growing and serious problem. Therefore, the current legislation should be amended to characterize such violence not only as a crime against women, but also against public order. Similarly, every effort must be made to quickly adopt the draft law

against sexual harassment; in that regard, the adoption of the draft law on equal opportunities was the basis of a policy designed to achieve gender equality.

20. She was extremely concerned about the extent of trafficking in women for sexual exploitation and wondered how the Government intended to deal with that problem. She would appreciate information about the status of discussions concerning the legalization of prostitution. The reporting State should indicate how the Government was going to handle the high rate of unemployment among women. Noting that women who did not find jobs tried to create their own businesses, she wondered what the Government was doing to facilitate women's access to credit. The private sector, which was dominated by foreign enterprises, tended not to respect existing laws, paid low wages, and hired women on very short-term contracts. The Committee wished to know how the Government intended to protect its citizens from such employers.

21. Turning to the question of women's health, she noted that the provisions of article 12 of the Convention were not respected, nor was CEDAW general recommendation No. 24 on health. In view of the large number of abortions, including clandestine abortions, the high rate of maternal mortality and the growing number of HIV/AIDS infections, she wanted to know what action the Ministry of Health was taking in that regard. She was particularly concerned about the high rate of HIV infections among children in Romania and expressed alarm at the fact that the existing centres did not have enough funds to continue operating properly.

22. Information should be provided on the health budget. She welcomed the fact that the Romanian Government now put great emphasis on health care for elderly women. The reporting State should provide information on the new law on pensions and retirement and explain why the proposal to set the marriageable age for boys and girls at 18 had been rejected by Parliament. Lastly, she expressed the hope that the Optional Protocol would be quickly ratified.

23. **Ms. Gabr** said that, while she welcomed the additional information and details provided by the Romanian delegation in its oral introduction, she regretted the fact that the report had failed to provide details and statistics concerning women's programmes and mechanisms. The Committee welcomed the Government's attempts to bring national legislation

into line with the provisions of both the Convention and other international human rights instruments to which Romania had acceded. She welcomed the progress made with respect to the social protection regime in areas such as maternity leave and wages. The reporting State should provide details on the way in which the report had been drafted and on the status of international conventions under Romanian law.

24. **Ms. Feng Cui** said that the report as well as the replies by the delegation had mentioned amendments to some laws without giving any details. The reporting State should explain how domestic violence was defined and indicate whether the Ministry of Labour had been involved in drafting that definition. She wondered whether the Pilot Center for Protection and Assistance to Victims of Domestic Violence and the Family Information and Consulting Centre had branches in other parts of the country and whether there were hotlines or shelters for victims of domestic violence.

25. The Committee would like to know whether there was any cooperation between the Directorate for Equal Opportunities and the Ministry of Labour and Social Welfare. Noting that the Directorate had established a network for exchanging information between seven centres, and that five of the centres had been established by non-governmental organizations and two by the Ministry of Labour, she wondered whether the five centres run by non-governmental organizations were supported by the Government.

26. **Ms. Nicolai** (Romania) said that efforts to promote the gender perspective and the advancement of women had only truly begun following the Beijing Conference. Given Romania's very different social and political history, there were many challenges to be faced in overcoming cultural and traditional attitudes, including those of the Communist era. Legal machinery had been created, beginning with the State Secretariat on Gender Policy and, more recently, the Directorate for Equality of Chances (DEC), which was working to promote greater understanding of women's issues in the labour market. The Directorate was financed by the Government although funding was low because of the poor economic climate. Fortunately, many projects had been undertaken in cooperation with international organizations.

27. The parliamentary Subcommittee on Equal Opportunities and the People's Advocate

(Ombudsman) were more directly involved in monitoring gender policy. A major priority for the Government had been to harmonize its legislation with international and especially European norms as a prelude to entry into the European Union. Romania, even during the Communist era, had acceded to many international conventions but, as Ms. Corti had pointed out, the law was often not applied in reality. She felt, however, that gender policy had to reflect lifestyle, culture and education and achieve real equality by involving all of civil society in order to truly change attitudes. To that end, the Government subsidized gender-related projects developed by non-governmental organizations.

28. With regard to the labour market, there was no real policy to promote women's rights. Women's unemployment levels were approximately the same as those of men, with especially high rates of unemployment for those over the age of 50. Owing to a lack of resources, especially material resources such as computers, it was difficult to retrain such persons for the modern communications-based society. In fact, many women, when faced with the need to juggle or reconcile a private and a working life, chose to stay home. It was difficult to organize and retrain them so that they might return to the labour market. Many women also took early retirement; and both men and women could currently retire at age 65. A law had nevertheless been passed two years before to encourage entrepreneurship and job creation, especially for women, whereby the Government would pay 70 per cent of the salary of new employees.

29. A microcredit programme had also been created for women in order to encourage entrepreneurship and ownership of private property. Unfortunately, Romanian culture, in general, and the various State Governments did not have a well developed entrepreneurial tradition. Other steps had also been taken, with varying degrees of success, to promote the new role of women in the labour market and reduce discrimination, often in cooperation with international organizations. A law had been passed to encourage foreign investment and investors seemed interested in Romania because of its generally well-qualified workers. Political uncertainty, however, tended to discourage investment. The current Government was a minority Government made up of a coalition of different parties and, with elections in November, there

was no guarantee that the 1999 law on foreign investment would remain in effect.

30. **Ms. Popescu** (Romania) said that the drafting of the periodic reports had been a collective effort on the part of several ministries, in particular the Ministry of Labour and Social Welfare, which was responsible for government machinery involved in the advancement of women. She noted that each section of the report mentioned the work of non-governmental organizations and pointed out that those organizations were often active in areas where the Government had been unable to act. Romania's non-governmental organizations, though still in their infancy, relatively speaking, were increasingly involved in activities to promote women's social and economic rights in general and increase awareness of those issues and prevent specific violations such as violence against women.

31. The Constitution of Romania gave international instruments precedence over national legislation and provided for expedited implementation of human rights instruments in particular. Recognizing differences in the de jure and de facto situations, she said that much remained to be done to increase awareness of human rights instruments such as the CEDAW Convention within the administration and the judicial system in order to ensure that gender issues were taken into account.

32. In response to a concern raised with regard to the many bodies which had been established in the area of women's rights, she hoped that, by their very number, they would have a positive effect and increase the visibility of women's issues. The Office of the Human Rights Ombudsman, for example, in its one and a half years of existence, had already dealt with many cases involving women, the family and children. Most of those complaints had been submitted by women and often dealt not only with women's issues but also other issues affecting the family.

33. **Ms. Nicolai** (Romania) said, with regard to the prevention of violence within the family, that the Romanian Penal Code had been modelled on European codes, such as those in France and Italy. It was, however, difficult to change cultural and traditional attitudes in conservative countries like Romania in a short time. There had been discussions in Parliament on equality of opportunity but it had been very difficult to find an acceptable definition of discrimination. Definitions such as those used in the Nordic countries

or elsewhere in Europe or at the international level did not seem especially relevant to Romanian society. In addition, there were few women in the Senate, and it was difficult to enlist the support of the various parties, and to lobby, network and present a common front, with the result that no law had, as yet, been promulgated.

34. There had been some discussion of quotas for women's political participation but unfortunately even women politicians did not seem extremely motivated. Only two parties had made any attempt to set quotas for women on their lists of candidates. With regard to prostitution, she noted that Romania had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. She was, however, personally opposed to any attempt to legalize or regulate prostitution since such a step would pose a serious long-term threat to the social and moral health of the country.

The meeting rose at 1.05 p.m.