



**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 482nd meeting**

Held at Headquarters, New York, on Friday, 23 June 2000, at 3 p.m.

*Chairperson:* Ms. González

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Convention (*continued*)

*Combined fourth and fifth periodic reports of Romania (continued)*

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*The meeting was called to order at 3.05 p.m.*

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

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

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

2. **Ms. Aouij** said that the planned legislative changes described in the report showed that the Government was determined to move forward in the area of gender equity; however, more specific goals and deadlines were needed. The delegation should clarify whether the national plan for women had already been adopted and what were its main points. The country should have a strong, effective mechanism to coordinate Government actions, ensure accountability, promote public awareness of women's rights and identify those areas where efforts needed to be intensified. Romania could not become fully integrated into the mainstream of European nations until women enjoyed the same rights and opportunities as they did elsewhere in Europe.

3. As for the issue of laws against domestic violence, she said that any legislative text could be changed, provided the Government had the necessary political will.

4. **Ms. Abaka** said that the reporting State should consider introducing positive discrimination, since that could help close the gender gap quickly and effectively. It was also important to ensure that measures to encourage foreign investment did not create serious disadvantages for local business people; the Government should be aware that foreign investors who were already present might decide to pull out because of problems such as violence.

5. Unsafe abortions remained one of the primary causes of maternal mortality in Romania, and it seemed that there was no coherent strategy to effectively promote family planning and to inform and educate the entire population in that regard. There was also a problem with the supply of contraceptives, particularly in rural areas. She wondered whether any data were

available on the average number of abortions per woman of childbearing age; what role was played by private medical practitioners in the provision of family planning services, particularly in rural areas; and whether the Government had an occupational and environmental health policy.

6. She asked whether information was available regarding the incidence of tuberculosis, particularly among patients infected with HIV/AIDS. That information could, if necessary, be provided in the next report. Also, she strongly recommended that the Government should produce updated statistics on smoking among women, particularly those of reproductive age, and take action to improve awareness of the consequences of smoking.

7. **Ms. Nicolai** (Romania), continuing the replies to questions asked by members of the Committee at the previous meeting, said that there was only one Government-funded women's shelter for victims of domestic violence; the five others were entirely funded by non-governmental organizations. The commission on equal opportunities, which came under the authority of the Romanian Economic and Social Council — a tripartite public interest body — had been established to monitor and promote the inclusion of gender provisions in collective agreements negotiated between trade unions and employers.

8. Regarding trafficking in women, Romania was both a country of transit and a country of origin. Legislative provisions had been enacted to protect people working abroad, but it was regrettably true that there was a criminal network whose business was to provide human beings for purposes of prostitution in Western Europe.

9. Turning to the questions asked during the current meeting, she said that it was important to involve civil society and academia in women's issues. Unfortunately, all basic research on gender-related subjects was currently being carried out by non-governmental organizations. Following the Fourth World Conference on Women, measures had been taken to promote the role of women in political decision-making, to ensure equal access to education, health and employment, and to tackle the problem of violence against women through the introduction of more severe penalties. Her Government was, indeed, in favour of measures of positive discrimination; there had been a

misunderstanding because her delegation preferred the expression “positive action” or “positive measures”.

10. Romania had made real progress in recent years towards democratic political structures and a strong economy. Unfortunately, globalization was having a somewhat negative impact on women, especially in developing countries and economies in transition. However, with technical help from the European Union, plans of action had been developed to try to deal with the country’s serious environmental problems and to improve the employment situation of women.

11. Her Government was taking steps to reduce the use of abortion as a means of controlling fertility. However, she emphasized the importance of women’s right to freedom of choice, and recalled that Romania had been involved in drafting a statement which had been presented by Portugal on behalf of the European Union at the recent special session of the General Assembly. Some difficulties had arisen regarding the formulation of that statement owing to the opposition of certain European countries to abortion, but her Government had shown its commitment to the wording of article 12 of the Convention.

12. **Ms. Crăciun** (Romania) said that measures taken to combat trafficking in women included the strengthening of border controls and closer cooperation with the customs authorities. Checks had also been carried out to verify that firms involved in cross-border commercial activities were not involved in trafficking. Developments in criminality had forced the authorities to make numerous changes, in response to the increasing concern felt by the population, and the police were endeavouring to adapt as necessary in order to prevent and fight crime. A partnership had also been established between the Government and non-governmental organizations in an attempt to prevent crime, particularly violent offences, through education, community involvement and police training programmes. Local counselling programmes and centres had been set up, with the help of non-governmental organizations and the police, to help the victims of violent crime, particularly women and children.

13. **Ms. Popescu** (Romania) said that the Ministry of Health had developed a five-year strategy in the area of reproductive health, with a strong educational dimension. Its objectives were: to control AIDS, to reduce the number of abortions and to ensure the

availability of contraceptives. Family practitioners were involved in all facets of patient care, including reproductive health. At the initiative of the Ministry of Labour and Social Welfare, an inter-ministerial commission had been established for the purpose of exchanging information, coordinating and identifying critical areas of concern and launching inter-ministerial cooperative projects in such areas as reproductive health. The Government would forward relevant data to the Committee at a later date. Regrettably, the increased incidence of tuberculosis in Romania was associated with poverty, poor nutrition, and a decline in the standard of living.

14. Regarding smoking, as far as she was aware, no anti-smoking campaigns had been conducted in Romania, although advertisements carried the usual health warning.

15. **Ms. Lăudatu** (Romania) said that there had been a sharp drop in maternal and infant mortality rates in recent years, although they remained high relative to those of the developed countries. The abortion rate had also diminished by 75 per cent in the previous decade. In 1996, there were 5,000 persons in Romania who were HIV-positive, of whom 70 per cent were children. With assistance from international organizations and local non-governmental organizations, the problem had been studied and strategies identified. The single-use disposable syringe had been introduced into hospitals and clinics. In addition, UNICEF had launched a broad information campaign in cooperation with local organizations. Current problems included the access of such children to schools and social services, and support for poor families, some of whose members were HIV-positive. Since many HIV-positive children had been found abandoned, non-governmental organizations had organized family-style shelters for them.

16. In addition, the Ministry of Health was sponsoring a national prevention and education programme and a national programme for the development of family planning services. A national agency on the rights of the child had established a care programme for all children abandoned in hospitals. Recently, a group of physicians and experts had reviewed the results of studies conducted by UNICEF and WHO on the health of women and children; the delegation would forward that data to the Committee at a later date.

17. Unfortunately, the offices of the People's Advocate had been reduced in recent years, from eight departments to four. The People's Advocate regularly received and examined complaints regarding the rights of children, women and families. Although 30 per cent of the complaints were submitted by women, most were lodged by other people, such as a child, a husband, or other relative. Many complaints were received from single mothers who had unsuccessfully requested assistance from the public authorities; generally speaking, when the People's Advocate made a recommendation, the authorities took positive action.

18. **Ms. Goonesekere**, noting that the draft law on equality of opportunity stipulated that accountability was an aspect of public authority, asked whether those provisions also covered the private sector and non-State actors. The law also stated that any woman who was denied promotion because of her gender was eligible for three months' salary as compensation; it would be useful to know if she was also granted her promotion.

19. The Constitution stated that all persons had the right to file a complaint with the courts and enjoyed unrestricted access to justice: she would like to know, in that regard, by what means women had access to the courts. She was also interested to know whether the Government had established any programmes to mainstream gender, and how the issue of gender was dealt with in matters involving children's rights — in particular so as not to provoke conflict between children's and women's rights.

20. In her view, the criminal law should set societal standards with regard to the question of violence; cultural relativism must not be used as an excuse for the denial of rights. Sexual crimes, and in particular rape, must not be considered an issue to be resolved between aggressor and victim, but as a serious crime per se. Obliging the rapist to marry his victim was not an acceptable legal remedy. Similarly, wife-battering was not a family problem but a significant offence against a woman's right to bodily security: the Government should consider introducing such mechanisms as protection orders, for instance. It should also reflect on the implications of the decriminalization of prostitution, in particular since prostitutes were trafficked internationally, a contemporary form of slavery.

21. It had been suggested that Romanian women resorted to abortion as a means of birth control because men did not like them to use contraceptives. It would be useful to know if the Government had any plans to engage the participation of the male population in the realization of women's rights.

22. In addition, a study should be conducted of child maintenance responsibilities in Romania. The Government should review its legislation on family rights and responsibilities, in view of the fact that the number of marriages was declining.

23. **Ms. Kim Yung-Chung** said that, according to independent sources, the curricula, textbooks and teaching methods used in Romania remained very conservative. Noting the progress made at the university level, she inquired what measures, if any, had been taken to revise textbooks and curricula at the primary and secondary levels. Although many women were engaged in the teaching profession, few held positions of responsibility: measures should be taken to redress that problem. The vast discrepancy in school enrolment of girls between rural and urban areas was a significant cause of concern, as was the illiteracy rate among women over age 50. It would be useful to know if there were any adult education programmes. She would also like to know whether, as part of its equal opportunity policies, the Romanian Government was taking measures to improve the status of women in industry and business.

24. In addition, she would like to know how many children benefited from the monthly allowance for children up to the age of 16, what was the amount of that assistance per child in US dollars, and what percentage of an average income such a sum represented. It would also be interesting to know whether the placement of children in foster homes amounted to domestic adoption, whether persons responsible for their care were women of child-raising age, whether and how such persons were employed, in particular whether they were Government employees, and whether they were trained social workers or had other professional qualifications.

25. Finally, she would like further information on the paternity leave system, in particular, whether the new law adopted in 1999 significantly altered the former law, how many Romanian men had chosen to take paternity leave, and whether any significant change had

taken place in the apportionment of childcare responsibilities between men and women in Romania.

26. **Ms. Taya** enquired about the downgrading of the department for the promotion of the rights of women and for coordination of policies on the family to a division within the Ministry of Labour and Social Welfare. She also sought assurances that the emphasis placed on non-governmental organizations by the Inter-Ministerial Consultative Commission on equal opportunities for women and men (CODES) was not an effort to compensate for weak, vague and bureaucratic government policies. She urged the State party to strengthen its cooperation with non-governmental organizations, but, at the same time, to formulate clear, transparent policies accompanied by fixed timetables and regular evaluations.

27. **Ms. Schöpp-Schilling** asked whether the large and ever-increasing number of female family labourers in the agricultural sector received direct health and retirement benefits, and whether farms brought in sufficient cash income to ensure the pensions of those who were covered by their husbands.

28. Referring to the “subtle discrimination” mentioned in the State party’s response to the Committee’s question no. 31 of the list of issues, she wondered whether the People’s Advocate, who had very broad responsibilities, had time to focus on specific questions of discrimination in employment and promotion. The establishment of a separate ombudsperson for equal opportunities would give greater visibility to the issue and encourage more women to come forward and lodge complaints. An ombudsperson for equal opportunities could also address the problem of lower wages in female-dominated sectors of the labour market, which constituted a form of indirect discrimination. The Government might even call for higher wage raises in those sectors than in others in order to equalize the situation.

29. **Ms. Popescu** (Romania), replying to concerns about the national machinery, said that the only governmental machinery was within the Ministry of Labour and Social Welfare; the other entities which promoted women’s rights and status were not governmental. For budgetary reasons, the department for the promotion of the rights of women and for coordination of policies on the family had indeed been downgraded to a division, but it had been placed under

a female Minister. A number of political parties had put forward proposals to remedy the situation, for example, by making the department directly accountable to the Prime Minister. The Inter-Ministerial Commission was indeed a consultative commission whose recommendations were not legally binding. Thus far, it had held only two meetings; hence, its effectiveness was yet to be determined. The members of the Inter-Ministerial Commission, including herself, had recommended the establishment of a special mechanism within the Commission to enhance cooperation with non-governmental organizations. She welcomed the proposal to establish an ombudsperson for equal opportunities and noted that the establishment of a Human Rights Ombudsman, with a very balanced staff consisting of an equal number of men and women, was a step in the right direction.

30. **Ms. Lăudatu** (Romania), responding to questions concerning paternity leave, described a 1997 law granting two years’ leave to either parent to care for a newborn child and a 1999 law granting the father five days’ paid paternity leave after the birth of a child, or, in the event of the mother’s death, the full period of maternity leave. There was no standard or organized training for prospective foster families; rather, training was provided on an ad hoc basis by the governmental department concerned. Foster care was provided either by “maternal assistants”, both male and female, on a salaried basis, or by families whose income derived from other jobs. Foster families received a monthly allowance of 400,000 Romanian lei (approximately \$20) from the Government. Families were entitled to adopt foster children; however, maternal assistants were not.

31. The Government granted monthly family allowances of 65,000 lei (approximately \$3) and supplementary allowances of 50,000 lei (approximately \$2.50 per month) to families with two children and approximately \$4 to families with three children.

32. The Ministry of Justice had proposed a number of amendments to the Penal Code. She acknowledged that there was currently a huge debate in Romania concerning the legislation on “compensatory marriage”, whereby a rapist could be absolved if his victim consented to marriage. The People’s Advocate handled complaints of discrimination against women employed in the public sector; however, the only recourse for women working in the private sector was to institute court proceedings. Women working in the

public sector who wished to take advantage of the services of the People's Advocate must file a complaint prior to taking any court action.

33. Women working in the agricultural sector currently received no family allowance. The Ministry of Labour and Social Welfare had proposed the establishment of a national solidarity fund to replace the ineffective system of providing support to needy rural women at the local level.

34. While the children of unmarried couples were not discriminated against, unmarried mothers did not necessarily receive assistance if their partner died; it all depended on the outcome of the complaint they filed with the People's Advocate. A woman who could prove that she had lived with her partner for at least 10 years was entitled to a small pension.

35. As for the question concerning literacy programmes for elderly women, she could only say with certainty that such programmes were offered to prisoners. Additional information would be provided to the Committee as soon as possible. A number of non-governmental organizations in Romania had proposed adult literacy projects and projects to combat gender stereotypes through education and changes in school curricula and textbooks.

36. **Ms. Popescu** (Romania) said that an education reform programme had been launched three years previously in an attempt to change the old mentality in Romania. Under that programme, textbooks were being revised and alternative textbooks were being made available. The decision as to whether to use the alternative texts lay with parents, teachers and the students themselves. Every effort was also being made to encourage more creativity within the educational system.

37. Old stereotypes of women's role in society were being tackled through public awareness campaigns and the inclusion of gender-sensitivity training in the curricula of schools and universities. Unfortunately, the mass media in Romania continued to portray women as sex symbols and not as successful professionals. A project was currently under way to educate the media about the need to eschew material that was offensive to the dignity of women.

38. No special measures were in place to increase the participation of women in political life. Indeed, some women opposed the introduction of a quota system on

the grounds that such a system would be too mechanical and not truly reflective of the inherent value of women. Ironically, it would have been easier to impose a quota system under the previous authoritarian regime. The answer to the problem lay in education and increased public awareness.

39. The gap in educational levels between rural and urban dwellers was particularly pronounced at the secondary level and was exacerbated by the migratory flows from rural to urban areas.

40. On the question of the earnings gap between men and women, the Ministry of Labour and Social Welfare was aware that lower average earnings for women was a form of indirect discrimination. Lower average earnings did not necessarily mean, however, that women did not receive equal pay for equal work. Since the problem was due in large measure to the fact that many women worked in low-paying jobs, it could be addressed by placing greater social value on certain types of jobs which were performed mainly by women. The Government had recently ratified the revised European Social Charter, one of only five States to have done so, although she suspected that Romanian Government officials might not be fully aware of the true implications of the Charter's provisions in the field of employment.

41. **Ms. Crăciun** (Romania) said that the age at which persons could legally contract marriage was 18 years. Women, however, were allowed to marry at the age of 16 years and, in exceptional circumstances at the age of 15 years. Exceptional circumstances were required to be certified as such by the prefect of the department.

42. **Ms. Popescu** (Romania) said that a vigorous national debate on whether to legalize prostitution was currently taking place. Advocates of legalization saw the issue as one of public health and not of moral values, while non-governmental organizations were in the forefront of those who opposed legalization. Since the Fourth World Conference on Women, the problem had come to be viewed as a gender issue and not merely a women's issue and greater efforts were being made to promote contraceptive use among men.

43. **The Chairperson** said that it was clear from the dialogue that had just taken place that the Government wanted to implement the Convention fully. The Committee had expressed its continuing concern at such issues as the incorporation of human rights

provisions into domestic law, health, employment for women, wage equality, the devaluation of certain jobs and the problem of HIV/AIDS and efforts to combat it.

44. The Committee was particularly concerned at the high abortion rates in Romania and their impact on the physical and mental health of women. It welcomed the Government's declared support for family planning. Special emphasis should be placed on teaching young males to exercise their sexuality in a responsible manner.

45. On the question of violence against women, it was important not only to punish the perpetrators but also to recognize that such violence was a violation of women's human rights and a matter that concerned society as a whole.

46. Lastly, the Committee welcomed Romania's efforts to combat trafficking in women. The conclusion of cooperation agreements between sending, transit and recipient countries to combat trafficking by organized crime rings could make an important contribution to those efforts.

*The meeting rose at 5.20 p.m.*