



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

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Thirty-fifth session**

15 May-2 June 2006

**List of issues and questions with regard to the  
consideration of periodic reports**

**Romania**

**Introduction**

1. The pre-session working group examined the sixth periodic report of Romania (CEDAW/C/ROM/6).

**General**

2. Please provide information on the process of preparing the sixth periodic report of Romania. That information should indicate which Government departments and institutions were involved and the nature and extent of their participation; whether consultations were held with non-governmental organizations; and whether the report was adopted by the Government and presented to Parliament.

3. The Committee, in its concluding comments of 2000,<sup>1</sup> called for the development of a holistic and integrated policy for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex) and the achievement of equality between women and men, including a timetable to monitor and evaluate progress in this regard. Please provide information on the steps taken in response to that recommendation.

## **Constitutional, legislative and institutional framework and status of the Convention**

4. The report states that few actions were brought in justice where the parties claimed a right recognized by an international convention and that when this has been done, it was usually in reference to the European Convention on Human Rights.<sup>2</sup> In its previous concluding comments, the Committee invited the Government to provide information in its next report about complaints filed in courts based on the Convention, as well as about any court decisions that referred to the Convention.<sup>3</sup> It also expressed concern about the lack of familiarity among the judiciary about the opportunities for the application of the Convention in domestic judicial decision-making.<sup>4</sup> From the report it is not clear whether any cases utilizing the provisions of the Convention have been filed by women who faced discrimination on the basis of sex. Kindly clarify that question, and also provide information on the measures that are in place to improve the dissemination of the Convention and to raise awareness among lawyers and judges and the public at large.

5. The report indicates that Emergency Ordinance No. 137/2000 on preventing and sanctioning all forms of discrimination was endorsed by the Romanian Parliament by Law No. 48/2002. Please provide information on the nature of those instruments (ordinance or law)<sup>5</sup> and their scope and sanctions in cases of sex discrimination.

6. Please describe the role and functions of the National Council for Combating Discrimination, including its competencies to address discrimination against women (direct and indirect), in line with article 1 of the Convention. Please also provide statistical information on the number of such cases and information on sanctions for such discrimination.

7. The Government adopted, in May 2002, Law No. 202 on equal opportunities and treatment for women and men. Kindly describe the impact of the law, including remedies it provides and any cases where women benefited from the law and its remedies.

## **Violence against women**

8. The report indicates that Law No. 197 of 2000 on domestic violence and child abuse modified and completed the Penal Code regarding domestic violence. It also draws attention to Law No. 217 on preventing and combating domestic violence. Please provide details about those amendments and the new Law. In particular, clarify whether Law No. 217 provides immediate means of redress, protection and prevention from renewed violence to women victims of sexual and domestic violence, such as protection orders, and whether witnesses of domestic violence who testify before a court are offered protection.<sup>6</sup>

9. In her report (E/CN.4/2003/75/Add.1), the Special Rapporteur on violence against women, its causes and consequences noted that the defence of the so-called “reparatory marriage” in the Criminal Code eliminates the criminal liability of a rapist if the rape victim consents to marry him. Please clarify whether that provision remains in force, and if so, specify the steps and timeline envisaged to eliminate it.

10. The Committee, in its previous concluding comments, asked the Government to collect statistical data disaggregated by age on the incidence and type of violence against women, including domestic violence.<sup>7</sup> Please indicate if any steps have been undertaken since then to collect such data.

### **Trafficking, and exploitation of prostitution**

11. The report indicates that specific measures will be taken for stimulating economic agents to employ persons who are at high risk of being trafficked, as well as victims of trafficking who have followed professional training.<sup>8</sup> Please give further information about the types of measures taken and their impact.

12. Article 17 of the law on trafficking provides, upon request, for physical protection for victims of trafficking in human beings during criminal procedures. Kindly provide further information about the kind of protective measures available under that provision. In particular, please clarify if the Government provides victims with protection from potential retaliation or intimidation after investigation and prosecution of perpetrators, including relocation or alternative settlement, the right to apply for asylum in appropriate cases or access to welfare, and the number of cases where such protection was provided.

13. The Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78/Add.2) sees as a paradox the fact that girls and women are considered by Romanian law as victims if they are rescued from international trafficking and as criminals if they are prostitutes in their own country. Have there been any changes or measures adopted for the protection of children, especially girls, and women following the Committee's recommendation that the Government pay due attention to article 6 of the Convention?<sup>9</sup>

### **Stereotypes and education**

14. The report provides no information under article 10. Please indicate whether no new developments have occurred since the consideration of the last report or alternatively, provide an update.

15. In its previous concluding comments, the Committee invited the Government to place priority on the review and revision of teaching materials, textbooks and school curricula, especially for primary- and secondary-level education.<sup>10</sup> Please indicate if the Government has undertaken such an exercise and provide information about the results achieved.

16. Kindly provide information on efforts undertaken by the Government to encourage the media to eliminate traditional gender role stereotypes and promote the value of gender equality.

17. In its previous concluding comments, the Committee expressed its concern at the high rate of illiteracy of women over 50 years of age, at the extremely wide gap in literacy between urban and rural women and at the high dropout rates of girls at the secondary level.<sup>11</sup> What measures has the Government taken to increase the rate of women's literacy and to decrease the proportion of girls dropping out of school, including Roma women and girls? Please provide statistical data in that respect.

## **Participation in political and public life and representation at the international level**

18. In its previous concluding comments, the Committee expressed concern that stereotypical attitudes about the roles of women in the family were reflected in women's low level of representation in decision-making at all levels and in all areas. The Committee called on the Government to increase its efforts at combating stereotypical attitudes and urged the Government to implement temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women in all decision-making posts, including in the Government and the Parliament.<sup>12</sup> Please provide information on whether such measures, including temporary special measures, have been undertaken and if so, with what results.

19. Please provide statistical data on the proportion of women in the judiciary, local government, the educational system and foreign affairs, at all levels.

## **Roma women**

20. The Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health alluded, in his report (E/CN.4/2005/51/Add.4), to the Decade of Roma Inclusion (2005-2015), an initiative adopted by Romania and seven other countries in Central and Southeast Europe to close the gap in welfare and living conditions between the Roma and the non-Roma and to break the cycle of poverty and exclusion. Please provide information about the measures already taken to achieve the goals and targets of the Romania Country-level Action Plan on the Decade of Roma Inclusion, in particular the measures specifically targeted at Roma women.

21. Kindly provide statistical data on the status of Roma women and indicate the measures taken to prevent discrimination against them in areas of education, health, housing, employment, restitution of property and social programmes as well as the measures to protect Roma women against all forms of violence.

22. What programmes exist, or are planned, to address the lack of documents for Roma women, and which are necessary for access to services essential to realizing fundamental civil, political, social and economic rights, such as obtaining birth certificates, identification cards and passports?

## **Employment**

23. Please provide a statistical update and an analysis of trends in women's participation in the labour market.

24. Please give details about the situation in regard to social assistance for persons without pension benefits, such as elderly women in need and women who are stateless, and about the measures taken to address their situation.

## **Health**

25. Please provide detailed information on women's tobacco use and statistics on their alcohol, drug and other substance abuse as requested by the Committee in its last concluding comments.<sup>13</sup>

26. Kindly provide data disaggregated by sex, minority and age on the prevalence of HIV/AIDS in the country as well as on trends in infection rates over time. Please also describe measures taken to prevent and address HIV/AIDS, and indicate whether a gender perspective has been integrated into such measures.

27. The report indicates that maternal mortality rates are still at a "higher level than other European countries".<sup>14</sup> Please indicate the measures taken to decrease maternal mortality rates. Kindly also provide data on rates of anaemia among women and on efforts undertaken to address it.

28. The report indicates that a national strategy has been developed by the Ministry of Health in collaboration with national and international organizations to improve the use of new contraceptive methods.<sup>15</sup> The Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, while acknowledging that this strategy was an important step towards the improvement of sexual and reproductive health, noted with concern that the abortion rate remained high, suggesting that some women may be approaching abortion as though it were a form of family planning (see E/CN.4/2005/51/Add.4, para. 44). Kindly provide information about any barriers women face in gaining access to reproductive health services, in particular vulnerable or marginalized groups, such as rural women or Roma; how those barriers are addressed by the strategy; and the impact of the strategy. Please also provide updated information on the use of contraceptive methods and on abortion rates.

## **Rural women**

29. Please provide updated information of the situation of rural women and indicate the measures carried out by the Government to improve their access to health, education, employment and their participation in decision-making processes at all levels.

## **Marriage and family relations**

30. In its previous concluding comments, the Committee expressed concern at the different ages of marriage established in the Family Code for boys (18 years) and girls (16 years, and exceptionally 15).<sup>16</sup> A similar concern was expressed by the Committee on the Rights of the Child in its previous concluding observations.<sup>17</sup> Have any steps been taken by the Government to raise the minimum age of marriage for girls to 18?

## **Optional Protocol**

31. Please describe measures in place to publicize the Optional Protocol to the Convention and encourage its use.

*Notes*

- <sup>1</sup> See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, part two, para. 300.
- <sup>2</sup> See CEDAW/C/ROM/6, part two, article 2.1.
- <sup>3</sup> See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, part two, para. 305.
- <sup>4</sup> See *Ibid.*, para. 304.
- <sup>5</sup> See CEDAW/C/ROM/6, part two, article 2.3.
- <sup>6</sup> See *Ibid.*, article 12.
- <sup>7</sup> See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, part two, para. 307.
- <sup>8</sup> See CEDAW/C/ROM/6, part two, article 6, “Assistance and protection of victims abroad and after repatriation”.
- <sup>9</sup> See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, para. 309.
- <sup>10</sup> See *Ibid.*, para. 302.
- <sup>11</sup> See *Ibid.*, para. 310.
- <sup>12</sup> See *Ibid.*, paras. 301 and 302.
- <sup>13</sup> See *Ibid.*, para. 315.
- <sup>14</sup> See CEDAW/C/ROM/6, article 12, Program No. 6, “Gender equality — a continuous challenge”.
- <sup>15</sup> *Ibid.*
- <sup>16</sup> See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38 (A/55/38)*, para. 318.
- <sup>17</sup> See CRC/C/15/Add.199, para. 5.
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