

Combined fourth and fifth periodic reports

Romania

(23rd session)

278. The Committee considered the combined fourth and fifth periodic reports of Romania (CEDAW/C/ROM/4-5) at its 481st and 482nd meetings, on 23 June 2000 (see CEDAW/C/SR.481 and 482).

Introduction by the State party

279. Introducing the report, the representative of Romania informed the Committee that the Government adhered to all major international human rights instruments and reporting procedures, and had withdrawn its reservation to article 29 of the Convention ratified in 1981. Specific institutional and legislative steps for the promotion of the human rights of women and equal opportunities for men and women had been made following the adoption of the Beijing Declaration and Platform for Action. She also noted that in addition to the positive aspects of the democratic transformation of Romania since 1989, the economic and social costs of the transformation had created some difficulties in the full implementation of the Convention.

280. The representative informed the Committee that efforts were being made to harmonize national legislation with international norms, and that the constitution and existing laws in Romania contained provisions providing equal rights irrespective of gender, including in the areas of marriage, social life and employment, as well as stipulations for paternity leave. Amendments to the Criminal Code to introduce penalties for domestic violence were also being prepared.

281. The representative informed the Committee that institutional structures had been created to promote policies for women in areas such as employment, human rights, social status, family, domestic violence, gender equality and gender mainstreaming. She noted that improved coordination among all public authorities responsible for women's issues were still needed to ensure equal opportunities for women and men, but that an Office of the Advocate of the People, with a Human Rights Ombudsman had been created.

282. The representative informed the Committee that although a high percentage of party members were women, women were not yet equally represented in the higher levels of political decision-making. She noted that only 5.3 per cent of the Members of Parliament were women, and that a draft law regarding equal participation of women at high levels of political parties had been rejected by the Parliament and that measures were still necessary to promote the political participation of women.

283. The representative informed the Committee that domestic violence was an area of special concern, and that although there were no specific legal provisions regarding domestic violence, such offences were covered under several articles of the Criminal Code and under Law No. 61/1991. Other measures to combat domestic violence had included the creation of centres for family counselling and assistance to victims and a study on domestic violence. Further actions would include studies on the causes and effects of violence against women, legislative improvements to include criminal, civil and administrative penalties for domestic violence and protection of victims, training programmes for police and lawyers and support for civil society in preventing domestic violence.

284. The representative drew attention to the problems of prostitution and international trafficking in women and girls, indicating that although there were no specific legal provisions addressing trafficking in women, proposals to amend the Criminal Code had been submitted to Parliament. Romania was also cooperating with other countries to combat the problem of trafficking in women, and a Regional Centre for Preventing and Combating Transboundary Crime had been set up in Bucharest.

285. The representative informed the Committee that many women were involved in the education system, both as students and teachers, and noted that the enrolment rate of women in higher education had increased. However, few women held top management and administrative positions in education, and the female illiteracy rate was still high: 4.6 per cent in 1997 (compared to 5.0 per cent in 1992). To raise awareness of gender issues, Romania had introduced gender training programmes in the curricula of various universities.

286. The representative informed the Committee that the ongoing economic reforms had had an adverse impact on women because of a rise in unemployment and a reduction in social security. Between 1998 and 1999, the female unemployment rate had increased from 10.5 per cent to 11.4 per cent, and as of April 2000, it was 11.2 per cent. The main areas of employment for women, such as health care, social assistance,

education, agriculture and trading, were often lower paid than other sectors. Positive developments had occurred in the private sector, in which an increased number of women were employed. Women were increasingly involved in sectors such as financial, banking and insurance services, which were better paid. The representative indicated that in 1999, women held only one third of the top administrative and business positions and the Ministry of Labour and Social Welfare had taken steps to improve the employment conditions of women, including the promotion of equal opportunities for women, support for unemployed women, reintegration into the labour market and assistance for the diversification of women's economic activities.

287. The representative informed the Committee that the life expectancy of women was higher than that of men, but that heart disease and cancer were the most common causes of death among women. The maternal mortality rate had dropped since the legalization of abortion in 1989, although the increased number of abortions constituted a concern. The Ministry of Health had established a national family planning programme in 1992 and a National Strategy for the Promotion of Reproductive Health to inform the population about modern birth control methods and healthy sexual practices. From 1997, the health care system had undergone reforms, and a number of mother and child protection measures had been adopted. In addition, a National Multi-Sectoral Anti-AIDS Commission had been created to find solutions to HIV-associated problems and an action plan on women's rights to health and reproductive health was to be implemented in cooperation with trade unions. A legal guide on the protection of pregnant employees at the workplace was also being prepared.

288. To protect children, including the girl child, Romania had adopted a strategy on child welfare for 2000-2003, establishing general principles as well as concrete objectives and activities for protecting the child. The representative also informed the Committee that a National Agency for the Protection of Children's Rights had been established.

289. The representative informed the Committee that there was an increased number of non-governmental organizations, including women's organizations, in Romania, and stressed the importance of collaboration between the Government and civil society in promoting the advancement of women and gender equality. The representative reaffirmed the Government's commitment to the full implementation of the Convention, and indicated that it had been inspired by the new initiatives for the advancement of women adopted at the twenty-third special session of the General Assembly held in June 2000. She also informed the Committee that Romania had started the domestic procedures for the signature and ratification of the Optional Protocol to the Convention.

Concluding comments of the Committee

Introduction

290. The Committee expresses its appreciation to the Government of Romania for submitting its combined fourth and fifth periodic reports. It commends the Government for the comprehensive written replies to the Committee's questions, which also included data disaggregated by sex, and its oral presentation, both of which provided additional information on the current situation of the implementation of the Convention. It appreciates the manner in which the State party identified areas requiring further progress.

291. The Committee commends the Government of Romania for having sent a high-level delegation, headed by the Secretary of State, Ministry of Labour and Social Welfare, including officials from several branches of Government and representatives of non-governmental organizations. The Committee appreciates the open, frank and sincere dialogue that took place between the delegation and the members of the Committee.

292. The Committee welcomes the Government's statement that the domestic procedures for the signature and ratification of the Optional Protocol to the Convention have already started, and looks forward to the early completion of these procedures by the State party.

Positive aspects

293. The Committee commends the Government for the efforts undertaken, in particular since the 1995 Fourth World Conference on Women, to implement the Convention and to harmonize Romanian law and policy on gender equality and women's equal opportunities with the provisions of the Convention.

294. The Committee welcomes the entry into force, in December 1999, of the law on paternal leave aimed at strengthening the principle of sharing of responsibilities in the family and society.

295. The Committee expresses its appreciation for efforts under way to reform the Romanian legislative framework with a view to eliminating remaining legislative gaps and discriminatory provisions and achieving equality between women and men. It welcomes in particular the Government's efforts to prepare a law on equal opportunities for women and men, and to seek amendments to the Criminal Code with regard to domestic violence and trafficking in women.

296. The Committee welcomes the establishment, in 1998, of the Office of the Advocate of the People with the functions of human rights ombudsman, empowered to protect the human rights of women and children including in the family.

297. The Committee welcomes the Government's open and cooperative attitudes towards the ever-increasing number of non-governmental organizations and the joint efforts undertaken between the Government and actors of civil society to promote implementation of the Convention.

Factors and difficulties affecting the implementation of the Convention

298. The Committee notes that the political and economic transformations which Romania has been undergoing since 1989 continue to pose major challenges to the full implementation of the Convention, especially in the areas of employment and health.

Principal areas of concern and recommendations

299. The Committee, while noting the reforms and plans already in place, is concerned at the overall pace of legislative and policy change in the State party since the consideration of the third periodic report in 1993.

300. The Committee calls on the Government to recognize the urgency of the needed legislative and policy changes, and to place the highest priority on the adoption of the proposed legislation on equal opportunities and on domestic violence and trafficking in women. It also calls 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 this regard. It urges the Government to consider the adequacy and funding of the national machinery for the advancement of women in leading this effort, including coordination within the Government and with organizations of civil society, awareness-raising and mobilization of public opinion in favour of equality measures and elimination of stereotypes.

301. The Committee is concerned that stereotypical attitudes about the roles of women and men in the family and society are reflected in women's low level of representation in decision-making at all levels and in all areas.

302. The Committee calls on the Government to increase its efforts at combating stereotypical attitudes. It urges 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 Government and Parliament. It invites the Government to place priority on the review and revision of teaching materials, textbooks and curricula, especially for primary- and secondary-level education.

303. The Committee is concerned at the continuing stereotypical and sexist portrayal of women in the media, especially in advertising. The Committee calls on the Government to encourage the media to contribute to the societal effort at overcoming such attitudes, to create opportunities for a positive, non-traditional portrayal of women and encourage and facilitate the use of self-regulatory mechanisms in the media to reduce discriminatory and stereotypical portrayals of women.

304. The Committee, while welcoming the fact that in accordance with article 20 of the Constitution, the Convention is integrated into domestic legislation and takes precedence over such legislation, is concerned that there is a lack of familiarity among the judiciary about the opportunities created by article 20 of the Constitution for the application of the Convention in domestic decision-making.

305. The Committee encourages the Government to ensure that law school curricula and continuing judicial education include the Convention and its applicability at the domestic level. It invites 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.

306. The Committee, while noting the Government's recognition of the problem, expresses its concern about the increase in violence against women. It is concerned about the absence of legislation criminalizing domestic violence, including marital rape, and the recognition of the defence of a so-called "reparatory

marriage” in the Criminal Code, which eliminates criminal liability of a rapist if the rape victim consents to marry him. It is also concerned that there is no legislation concerning sexual harassment.

307. The Committee calls on the Government to make violence against women in all its forms and in the light of the Committee’s general recommendation 19 on violence against women a crime adequately punishable by law. In particular, the Committee urges the Government to collect statistical data disaggregated by age on the incidence and type of such violence, including domestic violence. It recommends legislation and measures to ensure that women victims of domestic violence have immediate means of redress and protection. It also calls on the Government to expand its zero-tolerance campaign on violence against women so as to make such violence socially and morally unacceptable. It also recommends that measures be taken to ensure that law enforcement officials, the judiciary and health-care providers are aware that violence against women, including domestic violence, constitutes an infringement of the human rights of women under the Convention that must be prosecuted with the seriousness and speed it deserves.

308. The Committee, while appreciating the Government’s efforts at combating trafficking in women, notes with concern that trafficking has expanded in Romania as a country both of origin and of transit.

309. The Committee recommends that urgent further steps be taken by the State party to prevent and eliminate trafficking in women, especially through a firm anchoring of this crime in legislation. This should include increased cross-border and international cooperation, especially with recipient countries, to eliminate the incidence of trafficking and to prosecute traffickers. It also recommends that the State party focus on the causes of trafficking through measures aimed at poverty alleviation and women’s economic empowerment. It encourages the Government to assist victims through counselling and reintegration. It also recommends that the Government pay due attention to article 6 of the Convention in the ongoing debate about the legislative approach to prostitution.

310. The Committee expresses its concern at the high rate of illiteracy of women over 50 years of age and the extremely wide gap in illiteracy between the urban and rural population, as well as the high dropout rates for girls at secondary level. The Committee is also concerned that, while the number of women working in the education sector is high, the percentage of women in administrative and decision-making positions in this sector is low.

311. The Committee recommends that measures be taken to increase the literacy levels of older women, and to reduce the literacy gap between urban and rural women. Efforts should also be made to ensure that education, including continuing education and adult literacy programmes, are targeted to women and include training in new information and communications technologies to provide women and girls with the skills required in a knowledge-based economy.

312. The Committee is concerned about the situation of women in the labour market, especially women’s higher unemployment rates, the decrease in women’s share in the economically active population and the concentration of women particularly in low-paid occupational areas and sectors. The Committee is also concerned about the high percentage of women working as unpaid family workers, especially in rural areas.

313. The Committee recommends that the Government’s labour market and employment policies explicitly address the situation of women workers in order to ensure that women do not carry a disproportionate share of the burden of the transition to a market-based economy. It recommends that urgent targeted measures be put in place to facilitate women’s entry into new growth sectors of the economy, including women’s entrepreneurship, and to ensure that women’s health and retirement benefits are protected. It also encourages the Government to ensure that women can take full advantage of jobs created by foreign investment, ensuring non-discriminatory protection of their rights. It recommends that the Government seek the adoption, as a matter of priority, of a forward-looking equal opportunities law that extends to the private sector and includes the creation of a specific office of ombudsman for equal opportunities for women, with powers to receive complaints of violations of the laws on equal opportunities and to investigate discriminatory situations experienced by women.

314. The Committee expresses its concern about the health situation of women, especially women’s reproductive health. While appreciating recent declines in maternal and child mortality rates, these indicators are still high compared to other countries in the region. It is especially concerned about the abortion rates and the use of abortion as a means of fertility control. It is also concerned about the increase in HIV/AIDS infection rates and in sexually transmitted diseases. The Committee expresses its concern about the situation of the environment, including industrial accidents and their impact on women’s health.

315. The Committee, while commending the Government for maintaining a system of universal free health care, recommends that increased efforts be placed on improving women’s reproductive health. In particular, it calls on the Government to improve the availability, acceptability and use of modern means of birth

control to avoid the use of abortion as a method of family planning. It encourages the Government to include sex education systematically in schools, including vocational training schools. It also urges the Government to target high risk groups for HIV/AIDS prevention strategies and strategies to prevent the spread of sexually transmitted diseases. It encourages the Government to increase its cooperation with non-governmental organizations and international organizations in order to improve the general health situation of Romanian women and girls. It also requests that the Government provide in its next report detailed information on women's tobacco use and statistics on their alcohol, drug and other substance abuse.

316. The Committee is concerned about the growing number of elderly women living in poverty.

317. The Committee, while appreciating the adoption of the law on pensions and the law on assistance for the elderly, calls upon the Government to seek, without delay, the adoption of the proposed Social Security Code, which will include social assistance for persons without pension benefits, mostly elderly women in need.

318. The Committee is concerned at the different age of marriage established in the Family Code for boys and girls, and that marriages of girl children can be legalized in contravention of article 16 of the Convention. The Committee is also concerned that despite the decrease in marriages and a growing incidence of cohabitation, the rights of women in cohabitation are not protected by the legal system.

319. The Committee recommends that the Government take action to bring its legislation on the marriage age for women and men into full conformity with the Convention, taking into consideration the Committee's general recommendation 21. The Committee invites the Government to consider how women's rights, including with regard to alimony and child custody, can be protected following dissolution of domestic partnerships.

320. The Committee encourages the Government to accept the amendment to article 20, paragraph 1, of the Convention concerning the time of meetings of the Committee.

321. The Committee requests that the Government respond in its next periodic report to the specific issues raised in these concluding comments. It further requests the Government to provide in its next report an assessment of the impact of measures taken to implement the Convention.

322. The Committee requests the wide dissemination in Romania of the present concluding comments, in order to make the people of Romania, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first century".