

Gender Policies in Romania: from Infrastructure to Action¹

Abstract

In the first decade post-1989 no gender policies with clear objectives and specific instruments existed in Romania. The gender mainstreaming was first stated in the two National Action Plans for Equal Opportunities between Women and Men (1996 and 2000). Still, the attention of the various Romanian Governments, concerning women's issues, was focused especially on labour relationships and on related domains, such as social security and health insurance. Other fields, such as education, political participation, family and civil rights, were underdeveloped, as regards the consideration of women's needs and interests. The legislation and institutions that implement and monitor the observance of equality take no special interest in women's discrimination, as women are treated together with other discriminated categories (the disabled, Roma, homosexuals).

1. Objectives and Methods of Research

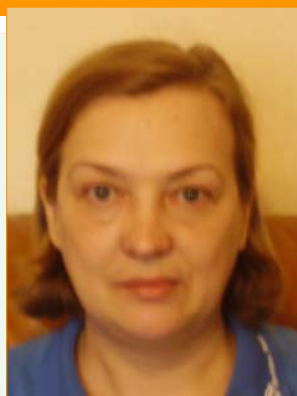
The present study proposes to examine the existing Romanian situation regarding the constitution of the necessary infrastructure for the implementation of gender mainstreaming principles.

To achieve this objective we have used published research reports, statistical data analysis and the analysis of official documents. We also relied on in-depth interviews with women in positions that are relevant to our study. The composition of our sample can be found in Appendix.

The in-depth interview is a semi-structured research instrument, based on an interview guideline. The guideline is used as a checklist of topics to be covered, although the order in which they are discussed is not pre-ordained. The questions asked vary depending on the particular expertise of the respondent. The answers are not quantified. There needs to be a willingness to redefine the objectives and the scope of the project in terms of the material obtained from the interviews. However, within the interview, a delicate balance has to be maintained between, on the one hand, covering the ground the researcher thinks is important and, on the other hand, allowing the respondent to open

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Key words:

gender policies, Romania, gender mainstreaming, equal opportunities, European Union

up new areas without going off on irrelevant tangents². Probing played an important role in interviewing. The team research used three types of probe: continuation probes, clarification probes and completion probes.

Each interview discussion has lasted about 60 minutes. The field work duration was October - November 2004. Telephone, e-mail, and letters, were used in order to recruit the participants in the project. The interviews were tape-recorded and then transcribed. The notes taken by the research team during the interviews were also used.

2. The Concept of Gender Mainstreaming

The concept of *gender mainstreaming* is relatively new in the specialized literature on gender and gender policies. In Romania it is even less known. Hence we deem it necessary to begin the present report with a presentation of this innovative concept.

Several complementary definitions exist; however, the first feature of the concept of *gender mainstreaming* is its quasi non-translatability. In Romanian, an exact translation would only fit in a whole line of text: "the integration of a gendered perspective in all policies, programmes and institutions".

The need for this concept follows from the premise that our society is dominated by men, that it functions without equally taking into account the needs, interests and viewpoints of both sexes. Therefore, *gender mainstreaming* does not aim to constitute a matricentric or matriarchal society, but merely to take into account of both genders in the functioning of society.

As compared with other approaches based on the idea of *gender equality*, that is, on the idea that all genders should be treated equally, the concept of *gender mainstreaming* insists precisely on the specificity of the gendered needs. The difference between gender equality policy and gender mainstreaming policy is very well synthesised in the following excerpt: "Equal treatment is rooted in the idea that women and men should be treated the same as each other. However, in effect, this often meant women were treated the same as men. In other words, men are taken as the norm. Treating women and men the same is not the same as treating women and men equally"³.

The concept of *gender mainstreaming* presupposes affirmative action, assuming not only the similarities but also the differences between women and men. This is why positive discrimination measures are often implied. Nevertheless, *gender mainstreaming* is more than affirmative action per se, because it focuses not only on women's rights but also on the mechanisms and structures that produce and reproduce inequality and discrimination. *Gender mainstreaming* moves for dismantling of such mechanisms and structures, and for replacing them with others that are based on gender-neutral principles and mentalities.

The concept of *gender mainstreaming* is inspired by the new "post-modern" views on social policies, grouped under the label of "anti-oppressive policies" (AOP). These policies are concentrated on excluded and marginalised groups, including, along with movements for the rights of ethnic and racial minorities, feminist movements, movements of the sexual minorities, as well as third-world currents and movements in development thinking (the so-called "courants tiers-mondistes").

On the "official" level of policies and institutions, the concept appears clearly at the UN Conference on Women, Beijing 1995.

The Platform for Action, commonly identified as the international agreement launching gender mainstreaming, was produced at the Fourth World Conference on

Women, in Beijing, in 1995. It has since been adopted by the European Commission, and by all member states of the European Union⁴.

The European Union has taken up the concept since 1996, later integrating it in the Amsterdam Treaty, together with other six dimensions of equality: sex, race and ethnic origin, disability, age, sexual orientation, political and religious beliefs.

The Council of Europe, OECD and the International Labour Organisation (ILO) are other international organisms who have since adhered to the concept of mainstreaming⁵.

Still, several studies and documents clearly show the insufficient participation of women in the EU countries⁶. Ever since it was “merely” the Common Market, in the '70s, this European organisation considered the issue of inequality between women and men. Its perspective was strongly influenced by the leftist ideologies and by the trade unionism of the ILO. The first directives that constituted the equality *acquis* date from this period. In all, there are ten directives on this topic:

- Equal pay for equal workloads (75/117/EEC)
- Equal treatment at the workplace (76/207/EEC)
- Equal treatment with regard to statutory social security schemes (79/7/EEC)
- Equal treatment regarding the occupational social security schemes (86/378/EEC)
- Equal treatment for self-employed workers and their spouses (86/613/EEC)
- Maternity leaves (92/85/EEC)
- Organising one's working hours (93/104/EC)
- Parental leave (96/34/EC)
- Reversing the burden of proof in sexual discrimination cases
- The framework accord regarding part-time work (97/81/EC)

Although continuity remains conspicuous, the EU has recently been trying to radically reformulate its gender policies, giving priority to the Beijing Conference and to the *gender mainstreaming* type of approaches, which go beyond the classical equal opportunity policies.

In 1997 the Amsterdam Treaty - in its social chapter - clearly incorporated the gender mainstreaming principles. Nevertheless, since these were first mentioned in the fundamental official documents of the EU and up to the effective implementation of these principles, the road has not been yet entirely travelled.

The situation is considerably more tenuous in the candidate countries, as the Romanian case testifies. Here the European directives on the equality between women and men have been transposed in the national legislation, but there are many problems regarding awareness and implementation of these provisions⁷.

In general, the candidate countries were more determined to adopt non-discriminatory laws and policies, and less interested in the gender mainstreaming principles, which had not been included in the mandatory documents. The accent was placed on policies connected with the labour market and equality, which are more easily monitored, but this led to “affording a secondary importance to gender equality in the enlargement process”⁸.

Lately, however, the European Commission has been trying to focus more on integrating the gender perspective in the enlargement process. For instance, the European Commission Strategy Paper, published on November 13, 2001, states that, outside the political and economic criteria, the candidate countries must make more efforts to ensure gender equality and to combat human trafficking and other forms of discrimination⁹.

The word *mainstreaming* has no simple Romanian translation, but it can be explained as the “process of filtering and conceiving each public policy through the prism of the equal opportunity principle”¹⁰. The Romanian NGOs became familiar with this concept while participating in the “Gender in Development” UNDP programme (1994-1998 Women in Development and Partners for Change) and in the seminars organised in 1997 by Project Parity, UK, aiming at encouraging gender mainstreaming and gender balance in politics.

The concept was first officially mentioned in the *National Action Plan* presented by the Romanian Government in the frame of the Sub-regional Conference of High Governmental Experts on the implementation of the Beijing Platform for Action (Bucharest, 1996), which also moved for the implementation of gender mainstreaming at all social, cultural educational levels.

The concept is also used in the Governmental Decision no. 967/1999 regarding the creation and functioning of the Inter-ministerial Consultative Commission in the field of Equality between Women and Men, in art.2, which defines the attributions of this organism, respectively, those of “dissemination the concept of integrated approach in the central public administration, in the sense of incorporating the principle of social equality between women and men and eliminating gender disparities and sex-based discrimination cases in the elaborating and implementing of sectoral policies”¹¹.

The achievement of mainstreaming represents a major objective of national policies, according to the national report on “The Status of Women in Romania during 1995-2000”, prepared by the Ministry of Labour and Social Protection in view of participation in the extraordinary session of the Beijing+5 UN General Assembly, New York, 2000.

Governmental Ordinance no. 84/2004 specifies the fact that the National Agency for Equal Opportunities between Women and Men (ANES) “ensures the integration of a gender perspective in all the policies and national plans”¹².

In the future, raising awareness and fostering the implementation of the mainstreaming concept not only call for concerted efforts on the part of public institutions, Parliament and NGOs, but also for a higher degree of civic involvement on the part of Romanian women for the fulfilment of their own interests, as changes in the parental roles, in the existing structural stereotypes, in the basic family structure, and in institutional practices are more than imperative.

Gender Mainstreaming Infrastructure in Romania

The objective of this part of the paper is to provide a review of the mainstreaming infrastructure within Romania. The focus is on government infrastructure. This means looking at all government departments, seeing if they have a gender mainstreaming unit/section, and assessing its activities in each case.

We are trying to look deeper into what commitments governments have made to bring women’s views into all aspects of policy making, and what infrastructure they have provided for this commitment to become a reality. Gender focal points within ministries may also be important, but the key thing to remember is whether they are given the role of contributing to policy (or monitoring policymaking in other departments) – e.g. economic policy, social policy – in a way that reflects women’s understandings of the world. So, rather than mapping every single gender equality organisation, we will try to focus very directly on government commitment to gender mainstreaming, and on the government implementation of that commitment.

3.1. Legislation

In the first decade post-1989, Romania had no gender policies that might be qualified by their clear objectives or the use of specific instruments. Vladimir Pasti¹³ identifies three causes for this situation: the underdevelopment of the feminist movement, the lack of support from the part of the population for whom this problematic appears more exotic than domestically relevant, and the “Socialist heritage”, which had managed to expunge the social differences between women and men nevertheless without modifying the balance of power. Consequently, gender politics were excluded from the governments’ political agenda.

Some reparatory measures were taken – including the decriminalising of abortion and the liberalization of contraceptive measures, simplifying divorce, introducing parental leave – but these were isolated provisions, outside any strategic approach. Some measures – such as women’s health programmes, allowances for families with many children, social-cultural expenditures in general – even decreased, due to the withdrawing of subventions and to the state of budgetary austerity. The transition was a process dominated by male influence on initiatives and excluding women from the greatest changes: democratisation, privatisation, and European integration. Women had to make room for themselves – in the economic, social, cultural and especially in the political arena – by the efforts of several powerful women professionals, and not as the result of adequate policies. In fact, statistical data shows the collapse of the rates of women’s participation and representation after 1989¹⁴.

Gender policies became an issue in Romania following the Beijing Conference, and especially due to the accession process to the EU. Hence, the domestic legislation and institutional infrastructure have known essential changes after 2000, as we shall show in the following section.

Romania has signed the Beijing documents adopted at the Fourth World Conference of Women (1995). Consequently, the first *National Action Plan* was presented in the context of the Sub-regional Conference of High Governmental Experts on the Implementation of the Platform for Action, Bucharest, 1996. The major objectives, as defined by the *National Action Plan*, are:

- to create and develop institutional mechanisms to co-ordinate the promotion of women’s rights and equal opportunities for women and men;
- to improve the fair access of women to public decision-making positions;
- to improve the economic situation of women, to provide equal access to the labour market, to the control and to the use of economic resources;
- to improve women’s health conditions;
- to prevent and reduce domestic violence, particularly against women and children;
- to stimulate women’s participation in environmental protection and in the alleviation of environmental pollution;
- to implement gender mainstreaming at all social, cultural, educational levels, and, in this respect, to enhance the role of the media;
- to collaborate with national non-governmental organisations and international bodies in the process of implementing the National Action Plan for Equal Opportunities.

In view of participating in the Beijing+5 extraordinary session of the UN General Assembly (New York, 2000), on the topic “Women Beyond 2000: Gender Equality, Development and Peace for the 21st Century, the Ministry for Labour and Social

Protection prepared the “Women’s Status in Romania – 1995-2000” national report reiterating and underpinning the objectives and directions for action presented in 1996: “A major objective of national policies is the integration of the gender equality principle in all components of social life, and the achievement of mainstreaming”¹⁵.

In 1999, by its Decision no. 967/1999¹⁶, the Romanian Government decided to establish the Inter-ministerial Consultative Commission for Equal Opportunities between Women and Men, to ensure a permanent exchange of information, to issue recommendations to the central administration on the formulation and implementation of sectoral policies to promote equal opportunities and equal treatment. The Commission is made up of the representatives of 22 central institutions (14 ministries, 5 Departments, 1 State Secretariat, one national agency and the National Statistics Commission), its Secretariat being secured by the Ministry for Labour and Social Protection.

The second *National Action Plan for Equal Opportunities between Women and Men* was set up by Governmental Decision no. 1273/2000, published in *Monitorul Oficial* no. 659/15.12.2000. The Plan establishes the general and operational objectives of policies in the field, which are to become actual by the elaboration and formulation of normative acts, specific national programmes within an inter-ministerial framework, methodologies and standards. The main flaw of this framework document was the generality of the obligations to enact the stipulated operational objectives without having listed the control mechanisms, the operational structure, the financial and institutional resources, the specific responsibilities and distribution of tasks. One does not specify any concrete mechanisms of implementation, such as a national agency with profuse local representation. The mention of resources is also vague: for instance, the budgetary resources will be allotted according to the attributions of each department and depending on the extra-budgetary resources.

In 2004, Governmental Decision no. 285 regarding the implementation of the National Action Plan for the Equality between Women and Men¹⁷, reiterates the idea that the provisions for the implementation of the National Plan constitute an obligation for all the state institutions and authorities; it then designates the Inter-Ministerial Consultative Commission for Equal Opportunities between Women and Men to monitor the progress made on this general issue, as well as in the founding of specific structures by the authorities of the central public administration who are represented in the Commission and in the de-centralized public services. 25 central authorities participate in the Commission: 14 Ministries, 3 National Authorities, 4 National Agencies, Labour Inspection, the National House for Pensions and other Social Insurance Benefits, The National Council for Adult Professional, the National Institute for Statistics), while the Secretariat is provided by the Ministry of Labour. The budgets and positions of this institution cannot be supplemented, as its activities should draw exclusively on existing budgets and posts.

Recently, by Governmental Ordinance no. 84 of August 19, 2004¹⁸, for the modification and completion of Law no. 202/2002¹⁹, the National Agency for equal opportunities between women and men (ANES) was set up as an independent administrative structure, in view of promoting, analyzing and monitoring practices of equal treatment and also with the goal of encouraging the involvement of social actors and civil society in the fulfillment of these objectives.

In the following, we shall try to determine whether these documents are merely formal statements or they are efficiently implemented:

1. The “Status of Women in Romania during 1995-2000” national Report was produced in view of participating in the Beijing+5 extraordinary session of the UN General Assembly; indeed, Mrs. Paula Ivănescu, vice-president of the Chamber of Representatives in the Romanian Parliament, considers that “the Romanian report on the progress made since 1999, post-Beijing, was a make-over of the shady reality”²⁰.

2. Certain actions in the realm of equality between women and men were considered only in the Governing Programme of the Social Democratic Party (2001-2004)²¹, and subsequently bizarrely transferred to the Ministry of Health and Family, an institution responsible for the sole domain of family health.

3. The Romanian Government returns after four years (in 2004) on its decision to approve the implementation measures for the National Action Plan for equal opportunities between women and men, despite the fact that the ratification of the plan itself dates since 2000. The supplementary provisions added to the normative act of 2004 are not more conducive to its implementation, due to an operation structure that is far too general and diffuse, in the absence of any control mechanism and due to the faulty identification of the necessary financial and human resources.

4. The National Agency or Equal Opportunities between Women and Men (ANES) has been hardly set up in March 2005.

Consequently, one is entitled to claim that to this date, the governmental documents referring to equal opportunities between women and men were not effectively put in practice due to the very general character of the provisions, to the lack of identification of the necessary resources, to the lack of respect to the implementation calendar and to the inconsideration of solutions suggested by other social partners.

Still, the Romanian legislation does not contain gender discrimination measures. By analysing the stage of harmonising the national legislation with the *acquis communautaire* on equality between women and men, the Romanian legislation covers all the major statements in the European legislation, as the corresponding regulations are largely transposed into the national legislation by normative acts allowing respect to human rights. The Romanian Governments proposed and sustained national legal provisions according to the gender equality legislation: the Romanian Constitution, the Labour Code – Law no. 54/2003, Law no. 202/2002 on Equal Opportunities for Women and Men, the Government Ordinance no. 137/2000 on Preventing and Punishing all Forms of Discrimination, Law no. 19/2000 on the Public System of Pensions and Other Security Rights, Law no. 210/1999 on Parental Leave, the Criminal Code, modified by Law no. 61/2002, containing new articles for the punishing of sexual harassment, Law no. 217/2003 on Preventing and Combating Domestic Violence. Romania has signed the UN Convention for the combating of human trafficking and exploitation (on February 15, 1955), yet only recently transposed it into national legislation.

In conclusion, Romania has, generally, incorporated all the equality directives of the European legislation (except for the burden of proof principle, which was only adopted in the context of work relations).

3.2. Government departments conducting gender mainstreaming

Following the adoption of specific legislation, the government has begun to build the corresponding institutional framework. This exercise is far from over at present, a confirmation that gender mainstreaming is not a governmental priority.

The history of the main institutions responsible for gender equality correlates not only with the agenda of international events, but also with the harmonisation of Romanian institutional and legislative structures with the European Union norms. Sufficient evidence stems from the fact that Romania had absolutely no institution with responsibilities in this field prior to the Beijing Conference (1995).

Law no. 202/2002 on equal opportunities between women and men has provisions regarding the attributions of the central public administration and the tasks falling to those that are under their subordination, in order to ensure the implementation of this law; yet it mentions a complex but confused institutional structure.

Almost all the ministries and tripartite institutions have attributions in the domain of gender mainstreaming, but the manner whereby these attributions are concretely implemented is not clear. The National Agency for Equal Opportunities should preside over this entire institutional construction.

All these institutional elements were created following the Beijing Conference. They have scarcely the capacity to tackle and manage equal opportunities policies, given the low number of their personnel, the lack of a dedicated budget, the lack of structures in the territory, their reduced capacity for communication and networking. Hence, The *National Action Plan* remains on paper only, because the special departments that should exist at the ministerial level and at the local level as well have not yet been fully created. In fact, the only organism dealing with gender-related issues in the proper sense is the Ministry of Labour, Social Solidarity and Family. Quite naturally however, its area of interest is limited to problems connected with the labour market and the implementation of the EU *acquis* in the workplace, and the other domains that should be redefined considering women's needs remain underdeveloped.

In the following, we shall attempt to draw a most systematic inventory of the different departments conducting gender mainstreaming; subsequently, we shall evaluate the degree and manner whereby the projection and implementation of the different policies within these departments use the concept of gender mainstreaming.

The National Agency for Equal Opportunities between Women and Men

The Ministry of Labour, Social Solidarity and Family, through the Direction for Equal Opportunities, advanced the main normative acts, and, since December 2003, launched the Phare RO02/IBSO-01 twinning project between Romania and Spain. This initiative included the establishment of a National Agency for Equal Opportunities between Women and Men, aiming to raise the capacity of the administration in order to integrate the principle of equal opportunities into the national policies, to train civil servants, and to disseminate information. This body will ensure the monitoring of the law implementation in the field, while harmonising the national legislation with the community *acquis* and elaborating national reports according to international requests addressed to Romania, as well as documents for implementing good practices in equality field. The following results are expected:

- a functioning national mechanism for promoting gender equality will be co-ordinated by the National Agency;
- 220 persons will be trained in EU regulations and in equal opportunities issues for Romania;

- a database network and a EQUALITY website will be set up, as well as a periodical newsletter and publications with information on gender equality.

Ordinance no. 84 of August 19, 2004 is the normative act that stipulates that a National Agency for Equal Opportunities between Women and Men (ANES) should be a specialised organ of the central public administration, having legal personality, and functioning in the subordination of the Ministry of Labour, Social Solidarity and the Family, with financing from the budget of the same Ministry. The Agency is meant to fulfil the following functions:

- a strategic function, whereby it ensures the fundamentals, the elaboration and the implementation of the governmental strategy and policies in the field of equal opportunities and equal treatment between women and men;
- a function of harmonisation of the national legislative framework with the EU regulations for its field of interest;
- a function of representation on the domestic and external level;
- a function of state authority, whereby one ensures the active and visible integration of the gender perspectives in all the national policies and programmes, the control of the implementation and observance of the regulations in its main field of activity and the functioning of the organisms under its subordination and co-ordination.

The agency would be led by a president who is to be appointed by the Minister for Labour, Social Solidarity and the Family and has 30 posts of public servants and contracted personnel ensured by the redistribution of posts in the subordination of the Ministry for Labour, Social Solidarity and the Family. In the territory, the Agency coordinates the specific structures for equal opportunities within the decentralised structures of the Ministry.

It remains to be seen whether in the coming period ANES would succeed to ensure an efficient framework for the protection and advancement of equal opportunities. One must mention the fact the several NGOs recommended since 2002 an independent framework for organisation and functioning, with a budget that should be approved annually by the Parliament, with sufficient human and material resources to ensure the efficient course of activities according to its mandate, and with a clear profile of the specialised personnel²². The functioning of the Agency as subordinated to the Ministry for Labour, Social Solidarity and the Family via the redistribution of positions from among the existing hired manpower (sic) of the Ministry does not hence satisfy the demands of these NGOs.

The Ministry of Labour, Social Solidarity and Family has responsibilities related to the observance and control of the implementation of the law provisions in its field of activity.

- the elaboration of policies, programmes and national plans in the field of equal opportunities on the labour market, by its collaboration with Ministries and other central organs with attributions and tasks regarding the labour market, and control of their implementation by the Employment Agency (ANOFM) and the National Council of Adult Professional Training;
- the elaboration and rendering of opinion on draft laws in the field of equal opportunities on the labour market;
- the advancement of programmes, the initiation of proposals for accords, the implementation of international co-operation projects in the field of equal opportunities on the labour market and the attraction of sources for the financing of these initiatives.

The *National Commission in the field of Equal Opportunities between Women and Men* (CONES) was founded based on Ordinance no. 84/19.08.2004 for the modification and completion of Law no. 202/2002 regarding equal opportunities between women; it takes over the attributions of the former Inter-ministerial Consultative Commission (CODES) and ensures the coordination of district level commissions (COJES). In fact what changes is the name of the institution alone, to reflect the political will to transform it into a national institutional network. It is co-ordinated by the Ministry of Labour, Social Solidarity and Family. The meetings and activities of the Commission benefit from the attendance and participation of directors and counsellors from 25 central institutions, members of trade union confederations and NGO representatives. CONES has the following responsibilities:

- to disseminate the concept of gender mainstreaming within the structures of the central public administration; in theory, this would ultimately lead to the introduction of social equality perspectives in the development and implementation of sectoral policies, and to the elimination of gender disparities from this process;
- to assess the application and observance of the relevant legislation;
- to stimulate the development of action programmes aimed to train and raise awareness on equal opportunities for women and men;
- to elaborate recommendations and criteria able to support and offer guidance to governmental and non-governmental structures and local authority institutions in implementing gender mainstreaming policies;
- to promote the exchange of information and expertise;
- to elaborate regular reports on the status of women in Romania and on the implementation of equal opportunities policies in all sectors of activity.

Since 2004, according to Governmental Decision no. 285/2004, the Commission have grown in importance, as it had the role of tracking and monitoring all progress regarding the achievement of the objectives comprised within the National Action Plan for Equal Opportunities between Women and Men, of organising territorial structures in the decentralised public services while observing the constraints of positions and budgets granted to these institutions. No services or units with precise responsibilities in the field of equal opportunities are mentioned in the organisation chart of the 25 central institutions that take part in the activities of the Commission.

The *Ministry of Justice*, through its County (District) Courts, judges and settles the complaints regarding gender discrimination issues. Special sections for labour conflicts and for social assistance were established by Governmental Ordinance no. 179/1999 for the modification and completion of Law nr. 92/1992 regarding the organisation of the judiciary. The cases of labour conflict are judged in the first instance, rapidly, by courts composed of a judge and 2 judiciary assistants; the latter represent the employers' associations and the trade unions, respectively.

The cases of discrimination fall to the competence of the Sections for labour conflicts of the Tribunals. These cases are solved according to the labour legislation that stipulates compensations for the employee's affliction. The bearing of complaints and initiation of legal trial on cause of gender discrimination is exempt from fiscal stamp taxes.

The *Ministry of Health* controls the application of the measures adopted in order to ensure the provision of equal opportunities between women and men regarding the access to health care and health at work place.

The *Ministry of Public Administration and Internal Affairs* is responsible for applying discrimination penalties in the local public administration. The Police Inspectorates are

responsible for managing cases of domestic violence. The General Direction for Combating Organised Crime and Illegal Drugs – present both at the central level central and in territorial branches – is also responsible for implementing the legislation against human trafficking.

The *Ministry of Education and Research* controls the inclusion of measures adopted in order to ensure the provision of equal opportunities between women and men in the curricula and in the current activity of the education units.

3.3. Within the Romanian Parliament

Men dominate the Parliament and, because they constitute the parliamentary majority, women's issues are left at their goodwill. From all evidence, women MPs did not succeed to influence and mobilise their male colleagues, in order to support women's interests in a more significant measure.

The Subcommittee on Equal Opportunities was created in 1996, within the Joint Committee on European Integration of the Romanian Parliament, following the example of the European Parliament. The body was active until the Mrs. Mariana Stoica, MP became the president of the Joint Committee on European Integration. On November 7th, 2001, the activity of the sub-committee restarted after a short intermission.

Since November 2003, *Commissions for equal opportunities between women and men* were founded both in the Senate and in the Chamber of Deputies. The activities of these two permanent commissions fall under the following domains: "the elimination of all forms of gender-based discrimination and the improvement of women's condition in the society; the integration of the principle for equal opportunities between women and men in all legislative initiatives, in the policies and programmes that interest both women and men; the monitoring of the implementation of all provisions regarding equal opportunities and equal treatment between women and men from the international documents ratified by the Romanian state"²³. In conclusion, the two parliamentary commissions control the content of draft laws, in order to be gender mainstreamed, propose new laws according to the international regulations on equal opportunities and monitor the implementation of legal provisions.

3.4. The National Council for Combating Discrimination

The National Council for Combating Discrimination was instituted by Law no. 48/2002 for the Approval of the Government Ordinance no. 137/2000 on Preventing and Punishing all Forms of Discrimination and Government Decision no. 1194/2001 on the Organisation and Functioning of the National Council for Combating Discrimination.

The deliberative body in the field of identifying and sanctioning deeds of discrimination is the Steering Board, which was appointed on July 31st, 2002. The Steering Board is formed by 7 persons, four of which are women.

The main task of the Steering Board is to identify and sanction discrimination deeds, and to assist the Council's President in this field. The Council's purpose is the implementation of the principle of equality among citizens, as stipulated in the Constitution of Romania, in the internal regulations, and in the international documents to which Romania is a party. In the exercise of its function, the Council carries out its activity independently, without any restriction or influence from other public institutions or authorities. Its liabilities are cover the following actions:

- preventing discrimination;
- sanctioning the discrimination deeds;

- international co-operation.

In the exercise of its functions, the Council carries out its activity independently, without any restriction or influence from other public institutions or authorities.

3.5. Other institutions which have responsibilities regarding gender issues are:

- *The Office of the Ombudsperson.* Its Department for Children, Women and Social Protection was created at the office of the Ombudsman. It started operating in 1998 and aims to defend the rights of its beneficiaries.

- The Labour Inspection and its territorial branches with liabilities in this field, such as:controlling and implementing the legislative framework referring to working relations and conditions; it thus monitors all measures intended to guarantee the provision of equal opportunities between women and men regarding work relations and work conditions; controlling employers with respect to their observance of the employees' equal rights; sanctioning the employers who do not observe the equal rights of their employees. The Law regarding equal opportunities between women and men stipulates sanctions for all acts of gender-based discrimination via a system of control for the implementation of labour legislation by the Labour Inspection and other organs of control of the public authorities, and via a detailed conflict mediation procedure in the tripartite system. It also stipulates competence in this field for the labour conflict Sections of the Courts.

- *The Economic and Social Council (CES)* is constituted as an autonomous, tripartite body of public interest for the purpose of achieving a social dialogue between the Government, trade unions and employers, a climate of social peace (Law no. 109/1997 on the organisation and functioning of the Social and Economic Council)

- *The National House of Pensions and Other Social Insurance Rights and Benefits,* and the Territorial Houses for Pensions;

- *The National Agency for Employment and Vocational Training,* which ensures the application of the measures intended to guarantee the provision of equal opportunities for women and men in the field of providing services regarding the employment and vocational training of the labour force and also in the field of social protection for unemployed persons.

4. Effectiveness of Government's commitment to gender mainstreaming

4.1. Progress

The Romanian legislation has progressively become more favourable to women, containing more precise provisions, more detailed statements, especially with respect to the obligations of the employers and with respect to women's chance to defend their rights, with the support of trade unions.

The prevention and combating of all forms of discrimination on ground of sex, in particular harassment and sexual harassment at the workplace represents an absolute novelty for the legislation and practice of work relationships in Romania. To prevent and punish any trespassing of existing equal treatment legislation, two institutions were founded: National Council for the Preventing of Discrimination and Labour Inspection Authority.

Article 12 of the Law 202/2002 provides that it is forbidden to dismiss an employee in reaction to a complaint against discrimination. Section VI contains the provisions regarding the solving of complaints, claims, and petitions regarding discrimination on ground of sex.

Employees are able to pursue their claims by judicial process, to sections specialised in work conflicts, after possible recourse to trade union organisation or representatives of employees. Although few, there are cases when women, most frequently with the support of trade unions and various NGOs, actually go to the courts when their rights are infringed.

On the issue of pensions and other benefits, the national provisions do not contain any regulations that discriminate women, regardless their marital status, concerning the scope and the conditions of access to social security schemes, payment of contributions, other obligations or the calculation of benefits, excepting:

- the standard age of retirement (60 years old for women and 65 years of age for men). These figures will be reached progressively over a 13-year period, beginning at 57 years of age for women and at 62 years of age for men;
- the length of the full period of contributing to the social security fund, which consequently lasts only 30 years for women and 35 years for men. The minimum period of contributions is 15 years both for women and men.

Concerning the reconciling of professional and family life by developing programmes to support the individual families, several measures were put into place in order to facilitate the reconciliation of parental and professional responsibilities for working mothers, specifically:

- encouraging the equal sharing of responsibilities within the family by increasing men's access to parental leave and by stimulation the participation of men to the resolution of family issues;
- developing flexible part-time programmes;
- the expansion of childcare services, services that care for the elderly, and the multiplication of public and private services of household assistance.

According to the new Labour Code adopted in 2003, several provisions were introduced that refer to "temporary labour contracts / missions", individual part-time labour contracts (minimum 2 hours per day), employees that work at home, regulations on how to establish personalised work programmes.

With regard to maternity benefits, the benefits for a new-born child are more numerous, more varied and more substantial than before. According to the domestic legislation, the mothers as women employees have the right to a leave of absence of 126 days, divided into a maternity and a postnatal leave, and throughout the said period they receive the indemnity of maternity.

The insured employees, i.e., the parents (mother or father) are also entitled to a leave of absence and a corresponding indemnity for raising their child until the latter's second birthday, and, in the case of a handicapped child, until its third birthday. According to successive changes to the Law no. 19/2000, brought about in the spring of 2004, the monthly quantum of the indemnity for raising one's child reached 85% of the gross average wage, and it is no longer computed according to the contributing wage. Although NGOs engaged in several protests, the Government did not return to the initial provisions.

Starting in February 2004, pregnant employees or mothers who had recently given birth are entitled to a leave of absence and an indemnity for maternal risks, or working hours reduced by 1 of the time, in the conditions stipulated by law.

The existing legislation forbid the dismissal of employees on the grounds of sex, for the duration of the maternity leave, of the leave of absence for raising one's child, or of the leave of absence for caring for one's sick child.

Mothers can opt for the replacement of breast-feeding breaks by reduced working hours (a reduction of two hours every day).

Concerning the combating of violence and human trafficking, the specific legislation for the protection of women victims has been adopted and the attributions of the pertinent institutions have been determined.

A positive aspect is the fact that the local state structures have spontaneously begun to create partnerships, both among themselves, and with the civil society. These partnerships are based on unitary intervention protocols and common work methodology.

Critical points

Although from a narrow legislative point of view, Romania has achieved harmonisation with the EU standards, "this legislative undertaking is not harmonised with the reality to which it is addressed; there is a serious risk that the legislation is manifest merely at a declarative level... [For instance] a significant percentage of the population – 45% – are not aware that there exist legal and juridical instruments against domestic violence; and an alarming percentage among the victims – over 80% – never beseech the state institutions to manage a situation of domestic violence"²⁴.

The legislation and institutions that implement and monitor the observance of equality take no special interest in women's discrimination, as women are treated together with other discriminated categories (the disabled, the Roma, the homosexuals).

The Romanian Governments' attention concerning women was focused especially on labour relationships and on related domains such as social security and health insurance. Other fields – such as education, political participation, family and civil rights – were underdeveloped as regards the consideration of women's needs and interests.

Even in the labour sphere, there are many aspects insufficiently favourable to women, for instance:

- Indirect discrimination is prohibited but there are no specific provisions for action. An example of indirect discrimination regards women's pensions, which are *de facto* smaller, due to the algorithm that is used to calculate the quantum of pensions, based on the period of contributions as well as the instalments themselves, as these are correlated with the level of individual income throughout the period of contributions, and hence women's revenue starts from a lower threshold.

- In fact, even after the transposition and implementation of the European directive referring to equal pay, differences between the wages of women and men persist, due to the sectors of activity where women form the majority, and where, as a rule, the earnings are up to a third under the average wage per economy (education, health care, social assistance, commerce, hotels, textile industry).

- Indeed, if we should list the more prominent differences²⁵, in the industry, where women employees weigh a little over two fifths, their gross average wage represents only 87% of the gross average wage per industrial branch, i.e., women employees receive a net average wage that is ca. 20% smaller than men's. The wage proportion between women and men suggests a greater concentration of women in the tier of lower and small wages.

- The possibility to work half time in the case of women with children that are younger than 6 years old was annulled in the new Code of Labour.

Concerning the implementation of the Directive on maternity leave, a study entitled "Women's Access to the Labour Market"²⁶, using a sample of 78 women aged between 25 and 35 years, with a medium level of education, employed and unemployed, married and single, mothers or childless, from 8 cities throughout Romania, yields the following conclusions:

- the fact that throughout her maternity leave the employee does not enjoy wage increases or other monetary benefits, and the constant fear related to the insecurity of her workplace until she returns from her leave - constitute solid reasons why she should return early to her workplace;

- there are frequent cases of direct discrimination due to pregnancy and motherhood;

- the insecurity of one's return to the workplace is higher for the workers that are employed by the private sector, as shown by the practices of the employers;

- often the employers tend to dismiss women first, or to restructure their position during the parental leave, although they know that it is against the law and they risk penalties.

The reversal of burden of proof in sex discrimination cases has only been accepted with regard to the work relationships. The persons who deem their rights infringed have the chance to contest the assessment of their rights or the measures taken against them, before they actually go to court, both in the case of pensions and other social insurance rights, and in the case of health, unemployment, and social assistance rights but the burden of proof remains to the plaintiff.

A major critical point regards rural women: 27% of women in rural areas are registered as unemployed, and this status makes them financially dependent on the breadwinner of the family. Women who are unpaid workers or agricultural workers on their own land are very vulnerable and at a great social risk, because they are not covered by any insurance scheme and have no access to benefits, except for child benefits and family benefits, in general²⁷.

Reconciling family and work is a difficult task in nowadays Romania. The most frequent cause for the difficulties created in the process of reconciling one's professional duties with the family obligations is the underdevelopment of the social services. The network of child-care and kindergarten facilities was drastically reduced. There are several private services, but they are practically inaccessible due to the high prices they charge. The household help services are also organised with private administration. Household services (cleaning, washing, babysitting) are mainly developed in the urban environment and their cost is high, hence access to this services is reduced. There are no canteens in public schools for children. There are no services for after-school supervision of students. Although the legislation makes provisions for elderly persons, these measures were never implemented by the local councils, which are in charge with implementing the social services. The main reason invoked is the lack of financial resources. In 1999, in Romania, there were merely 19 asylums for the elderly, with a capacity of 2056 pensioners, compared to over 5.9 million retired people. The residential public services for handicapped persons are also undersized and of a poor quality, and the day care centres and other alternative solutions were founded only by the efforts of NGOs.

Consequently, women remain the "provider of services" par excellence in Romanian households, even if they work full-time outside the home. The Romanian leg-

isolation does not encourage the employers to adopt supportive measures for the employees with family obligations or persons in their care. Usually, these arrangements are informal. In Romania, women bear the main responsibility regarding housework and child care, the working week of women who are employed full time reaches 65 hours (where 40 hours are the paid job and 25 are the household chores and tending to one's children), while men's week is a mere 57 hours long²⁸.

The statute of household labour is not regulated. There is the increasingly shared idea (as documented by our interviews with trade union leaders and NGOs) of the need for a Draft Law for remunerating housework and for including housewives in the national social security system so that they enjoy certain social benefits (especially retirement benefits).

4.3. Evaluation

To evaluate with utmost objectivity the Romanian Governments' efforts regarding the implementation of gender mainstreaming, we make use of several widely accepted criteria, such as those listed in the gender mainstreaming manual, cited above²⁹.

1). A first criterion would be the presence of positive discrimination measures or affirmative action in favour of women: "For example, women-only training courses provided for women seeking entry to male-dominated occupations or professions, especially senior management. Other positive action measures seek to address 'blockages' by giving women, in effect, prescribed preferential treatment. This may be in the form of targets or indeed quotas designed to enhance women's chances of success where they are severely under-represented"³⁰.

No general quotas exist in Romania for the stimulation of women's representation in the political sphere and in governance as such. As we have previously shown, the decision-making process in Romania is very gender-unbalanced.

There are no human resources policies (in terms of recruitment, selection, promotion, formation/training etc.) that make provisions for positive action. One assumes that, if the legislation allows women to access to all forms and levels of education and in all professions and activities³¹, accession and empowerment will actually occur.

The Governments themselves are not sensitive enough to the issues raised by the Romanian women's movement, who are forced to seek support and financing elsewhere. External support is one of the most important sources for 50% of women's NGOs. Concerning the government support, Law no. 34/1998 provides the framework for subsidising NGOs from public funds, but only those NGOs providing social services.

2). Another criterion of evaluation would be the presence of adequate measures against abuse, violence, harassment, human trafficking and other degrading practices that women face especially. In these respects, although the legislative and institutional frameworks exist, few situations are reported where the laws functioned and the authorised institutions acted effectively. The Government maintains these situations in a cone of shadow, and when they do become visible, this is due to the mass-media, who usually do not reflect them in a perspective that is favourable to women, but rather as sensational subjects or tabloid material.

3). Another indicator is the existence of gender-disaggregated statistics. Very few public institutions in Romania – in particular several Ministries, such as the Ministry for Labour, Social Solidarity and the Family, the National Agency for Employment, The Ministry of Education and the Ministry of Health – actually keep and use such statistics.

More often, the studies and research reports that have been undertaken and completed to this date constitute initiatives that are financed by international organisms, such as the World Bank, UNDP, or UNICEF. These statistics are essential for monitoring the implementation of gender mainstreaming. Statistics regarding “engendering budgets [are essential]: it is legitimate to ask what proportion of public budgets are spent on men and women and indeed girls and boys respectively”³².

4). Additional clues come from the manner of accommodating physical differences between women and men. In Romania, equality is often seen as the masculinization of women, who, as a consequence, should perform heavy physical work, by the side of men. For instance, in many branches, such as the industrial chemistry, women carry heavy containers, lift weights, and work in noxious environments (situations described in an interview by F10, trade union leader). Equality means more demands upon women, because women do not know how to ask for their own rights. For instance, women carrying containers at their workplace might ask for a hoist to make their work easier.

We should note, also, the different profile of morbidity in Romania, as it is often difficult to assess a disease as being an occupational hazard. Women’s health might improve if one had compulsory specialised medical cabinets in the enterprises where most of the employees were women, granting them easier access to periodic checks. Indeed, many of the genital affections are caused by the poor working conditions (cold, humidity, weight-lifting), and almost become occupational diseases.

5). When attempting to identify gendered language used in institutions, another accepted criterion, one finds that no regulations exist in Romania regarding the introducing - in official documents and language, in the public institutions as well as the mass-media - of special terminology to the effect of diminishing male domination: women are “profesori” and not “profesoare”, “doctori” and not “docto  te”, “deputat”, “senator” etc. (there are used masculine nouns instead of feminine ones). It is particularly the higher socially-valued occupations that do not have a feminine correspondent in the “official” Romanian language, as should be natural.

To conclude, the concepts of equality and non-discrimination in Romania are becoming more widely known and implemented. The concept of gender mainstreaming is used only in certain settings - in feminist and “femocratic” environments - having not yet been truly transposed in the daily reality. The newly founded organisms only have a consultative role, even a symbolic one, because they do not influence the political decision, the formulation of laws, policies, etc. By these organisms, the government does not enact affirmative, active and positive measures to promote and fulfill women’s needs, interests and perspectives in all its policies and programmes. On the contrary, the Government’s position with respect to women is rather neutral and defensive, meaning that the laws and policies that are promulgated should not be discriminating, and such cautions are usually issued by CODES, the Direction for Equal Opportunities in the Ministry of Labour and the Parliamentary Sub-commission for Equal Opportunities. The Government thus focuses more on disparities, as effects of power relationships that had already been engrained in the favour of men. The true causes that produce and reproduce these power relations are not considered.

5. Women's perceptions on Government's commitment to gender mainstreaming

Many of our interviewees believe there is an increasing interest on women's issues, but this does not come as a request from the Romanian society, but rather following the constraints for adaptation and compliance with some European standards. This became quite evident in the promulgation of the law concerning parental leave. In the West there were extensive talks, real battles, before women earned this right, and it was duly deemed their victory. Instead, in Romania it passed quite easily, it made a few waves then, but with very few real implications [F7]. So the government initiates and the parliament legislates feminist claims, which were simply imported, which had no social impact and do not constitute a true collaboration with the feminist movement in Romania, nor a contribution of this movement in any way.

A noteworthy fact is that the institutions of the central administration have begun to request the point of view of women's NGOs regarding the contents of future laws, international reports, etc. Nevertheless, NGO activists consider that their point of view is asked in an artificial manner, only when the decisions are already taken, when they have no chance to influence or change the draft proposals. A significant exception was made in the case of the Law on Preventing and Combating Domestic Violence, which is one of the few solid results of the lobbying activities staged by the women's organisations, in collaboration with a few women parliamentarians.

Most of our respondents believe that the government is not sufficiently open to the women's issues, that it does not offer the necessary funding and that even the legislative framework is not favourable at all. By abrogating Ceaușescu's law that used to ban abortion (in the first "package" of measures taken by the new regime, in 1990), the new parties in government considered that they had done their duty towards women: "They thought that this was the crux for the condition of women and that they had settled it. [F1]" The governmental institutions have an appetite for secrecy and (with rare exceptions), despite the existing transparency laws, they hesitate or avoid conducting a dialogue with the women's movement: "Generally there is a bad relationship with the civil society and its representatives. If they do agree to consultations, these are formal ones. There have been numerous cases where the NGOs were asked after the decision had been already taken, these situations are pure propaganda. [F4]"

"The governments that succeed themselves, the relevant institutions- are all apathetic and opaque. With one hand they give and with two they take back, like in the case of the compensations for the parental leave that should have been 85% of the mother's wage and then was kept under the minimum wage. Women that earn well are thus effectively dissuaded from having children. [F8]"

Other possible explanations for this situation include:

- An insufficient quantity and quality of the human resources. Very few persons in the Romanian government are trained in the field of equal opportunities. Some ministries have one or two persons who are appointed as experts in this domain, but they remain disoriented as to the actions that need to be taken. They are part of a general inter-ministerial council, but it is not a strong institution as long as it does not benefit enough from gender-training: "What is worst is the lack of culture in this field. People do not know the meaning of equality, equality of treatment, equality between women and men, discrimination, direct and indirect discrimination... The whole queue of con-

cepts that form the science of equal opportunities is a complete mystery for most politicians, as well as for the employees from the local and central administration. [F5]"

- Inconsistency. Sometimes there are too many institutions that function separately, so they end up wanting for coherence. Both F4 and F7 believe that there was some progress during the last administration, but it was nevertheless marked by a certain lack of consistency: "On the other hand it is very clear that there has been some legislative progress under the current government, but I do not believe that it is the fruit of a coherent vision from this point of view. [F4]"

"Everywhere, including about domestic violence, I think there was recently a televised debate that shows very clearly the responsibility between the ministry and the committee, from the committee to God knows who else, and at the same time there are women who die because of the abuse. It is inadmissible. [F7]"

- The policy of forms without content. Forms without content signify that there are laws but these are not implemented, there are institutions but they do not function, and there are rights but they are not known. Our interviewees mentioned the example of the ombudsman, the anti-discrimination institutions and laws, etc. The Romanian government has yet to pass many exams and equal opportunity policy remains one of them. Nevertheless, the officials think that it is an easy task as compared with others, and recount proudly that "we" have a body in the Ministry of Labour, an inter-ministerial council, some fine equal opportunity laws, and believe that Romania can pass any review. "The policies for women are not consistent, as I mentioned before. There is a kind of detached attitude, reflected in the hasty measures they adopt but which are never transferred to women at large, so as to complete the task. The local administration and the local NGOs should be seriously implementing them. [F2]"

- Bureaucratisation and inefficiency. F2 is against a National Agency, a Ministry for Women, against centralised and bureaucratic bodies, even if they exist in other Western countries. Such institutions are not able to solve the existing problems of women. In her opinion, if a law for equal opportunities, or for combating domestic violence already exists, at the local level the existing institutions (hospital, Inspection of Work, Police office, court of law, NGOs) have to implement it. Moreover, "we" do not have to wait for an Agency to solve all the existing problems, to consume our already scarce resources on salaries, buildings, and utilities. The suitable governmental strategy would consist in financing projects at the local level, involving local actors, targeting to solve punctual issues.

Our interviews with trade union leaders also yielded the fact that relations with the governmental institutions are often tense. For instance, the Labour Code was negotiated line for line by the trade unions; there were heightened debates with the social partners (ministries, but above all with the employers).

Trade unions do not perceive the ministries and the state representatives and neutral arbiters; more often they consider them adversaries, and their relations are not those of collaboration, but of combat, because those institutions *hold the money and the resources, and they do not want to share them* [F10]. The authorities are not open enough for collaboration. They do call on the trade unions and on the NGOs, but they do so formally, out of a sense of duty. It is hard to work with a bureaucracy, especially on specific issues. At the level of principles, press declarations and common seminars, the governmental institutions are willing to show a united front, but their intentions do not go much deeper.

The opinion of the majority of respondents (regarding the nature of the relationship between women's movement and Government) is contradicted by F5. She believes that governmental policies towards women exist in Romania presently, and they are relatively consistent. They exist due to the regulations of the European Union and due to the international conventions signed by Romania before and after 1989, conventions that, once they were assumed, had to be respected and transposed in the national legislation. According to F5, the only major obstacle has nothing to do with the government's attitude, but rather with the lack of funding. The legislation is in place, but we lack the necessary financing to render these policies efficient. Also, we lack the mechanisms to put these into practice.

These differences in opinion between the interviewees with a track record within NGOs and the ones who come from the governmental sphere give credibility to the gap between the goals of the women's movement and the government's openness to these aspirations. In conclusion, the relation between the two camps appears rather tense.

6. Recommendations

Quotas

Quotas could constitute a first step in reaching gender balance in political parties and elected institutions. The introduction of quotas requires a careful assessment of the existing situation. Both the experience of the communist regime as the current experience of the European states demonstrate that the quota mechanism is completely inefficient if applied only formally, for the sake of achieving magic numbers that would demonstrate the accomplishment of one's objectives. Ideally, the introduction of quotas for representation must be decided from the grass-roots and never top-down, by the respective organisations and not by some superior agency. The substantial participation of women in government, is a necessary, but not a sufficient condition for the advancement of women and society in general. Women can continue to be marginal and forced in various ways to obey or to approve the decisions of men, even where they enjoy a more sizeable female turnout.

In our contact meetings, four women involved in decision-making, including two NGO members, a parliamentary expert and a member of the Greater Romania Party, supported the introduction of quotas, considering that a percentage of 30% is barely adequate to have any influence in the Parliament. Their argument was that, while we await the change of mentalities, we might delay solid progress on women's issues.

Cultural change

The information campaigns are formal and inefficient. A better collaboration is needed in this respect between the public authorities and the NGOs, as well as a rigorous evaluation of its impact upon the target groups, and upon the public opinion in general.

What counts is the change of cultural models and public perceptions concerning the abilities and the role of women in politics. The examples of good practice, the success stories of women must receive more publicity. Well-conceived media campaigns can play an important role. In this sense, identifying cultural barriers that impede the participation of women is crucial, as negative attitudes, damaging perceptions, and cultural stereotypes are profuse in society, and even among women:

Women should gain a winner's mentality. Now, they work quietly in NGOs, unions, parliamentary committees, the Economic and Social Council – but they do nothing spectacular. [F10]

We propose fostering a national debate, with the ultimate purpose of contributing to the change of mentalities:

- media campaigns and debates contributing to developing an awareness about gender issues, including gender discrimination and equal opportunities;
- the creation of a forum for dialogue about national policies and for sharing experiences. The end result should be a report on gender mainstreaming. The forum should be composed of relevant bodies (both governmental and non-governmental) and it should be intensively mediated;
- empowering women to take discrimination cases to court, with the possibility of obtaining significant compensation from the guilty party;
- resource centres for women at the local, regional and central levels;
- local and county offices for the equality of opportunities: bureaux of assistance and hot-line services – free-of charge, confidential counselling on all topics related to gender equality and breaches of the principle;
- the results of monitoring women's status and progress in gender mainstreaming should be more publicised and debated;
- public financing for research in the field of discrimination against women and equal opportunities.

Caring for the basic needs of women

The creation of social services for the families, which would release women from the some of the burdens of housework and caring for their families, thus increasing their time budgets and leaving them the choice to divert some of the spare time to participation in decision-making and public involvement. The main cause of the low rates of participation in the public life are due to the traditional roles, which have not been surpassed by important segments of the population (mostly the rural areas, recently urbanised segments, some ethnic groups).

Restructuring and reinforcing the relevant institutions

The introduction of gender mainstreaming, which involves the integration of gender equality considerations in all activities and policies at all levels

Governmental support for the development of the women's NGO sector, which is still marginal and less known

The development and refinement of gender statistics in the Romanian system of surveys so as to be able to collect sex-segregated data.

Strengthening cooperation and information exchange on the fundamental rights of women between the specific governmental institutions, the NGOs and the international organisations

Instruments of control and evaluation for the implementation of relevant equal opportunities legislation at the national, county and local levels:

The European directives are not fully implemented because the enforcing mechanisms are ineffective. Women don't know their rights, they are nor aware, neither involved in the process [F10].

The public authorities must be coerced to promote gender mainstreaming, including this concept in an action plan, in the annual budget and in the annual report. This obligation can be extended to all the public institutions, to the social partners, to state-owned enterprises. The monitoring of gender-mainstreaming must be publicised by the media or on a website. Other enterprises and organisations may participate on a voluntary basis.

Political parties

Political organisations function on masculine norms, values and practices. “This will have the effect of creating a democratic deficit and excluding women and women’s needs, interests and perspectives from governance”³³. Gendered institutions produce and reproduce a gendered social order³⁴. “Moreover, since those who occupy power positions come to share a common world view, the ideas they produce tend to reflect the values of the ruling elite”³⁵.

The most significant political organisations for the production and the reproduction of the gendered political order are – in our view – the political parties. They ascribe political statuses and roles, including women’s statuses and roles in politics. Thus, in the very rare circumstances when women occupy political positions in Romania, these positions are – most of the time – within certain “feminine” ministries and parliamentary committees, such as: health, education, family, social protection, human rights. There is a gendered division of labour in the Romanian politics. These positions consolidate the “caretaker” image about women.

The organisational culture of most political parties plays a key role. It structures and maintains the male-oriented distribution of power not only in these specific organisations, but also in politics as a whole. Therefore, transition itself becomes gendered, being marked by gender inequality of representation and participation in decision-making. In order to be successful in male-dominated organisations, women adopt the masculine culture, abandoning women’s interests and concerns: “... they declare themselves anti-feminist and share the gender-blind strategy”³⁶.

The gendered character of the Romanian political parties is reflected in their leadership, where women are very few. This character is also reflected in the candidate lists, where women are present in a small number and they are, usually, at the bottom of the lists, in non-eligible positions. The outcome is women’s under-representation in Romanian politics.

Political parties should finance the empowerment of women in politics (training, meeting, monitoring); they should promote women in leadership positions; their communication strategy should take gender balance into account and they should organise political campaigns for changing culture about women in politics. The candidate lists would be more gender-balanced if parties would open their leadership structures to women. They should co-operate with the specialised NGOs concerning the gender training.

Future academic research

Visibility can grow also by restructuring education in schools, beginning with the disciplines that are offered and continuing with the manner in which they are taught. The interviewees (especially F1 and F3) believe that the weight of the social sciences in the Romanian curricula is very inadequate. Also, there should be more gender studies modules in the universities.

Studies concerning women's status, the monitoring of this situation and the popularisation of the monitoring reports would also count as a solution for increasing the visibility of the women's movement. The most relevant topics may be:

- information on gender inequalities: statistics and qualitative data
- developing a set of meaningful indicators for measuring changes regarding gender equality and mainstreaming
- political elite's attitudes regarding gender equality and mainstreaming
- impact assessment of the EU equality acquis in Romania
- gendered institutions in Romania
- effectiveness of the government departments responsible for equality and enlargement
- women's political action

Certain authors³⁷ think that gender studies in Romania are concerned mostly with punctual topics – organisational studies, semiotic, media monitoring – but the general perspective is missing. In their opinion, the most important research topic should be “the causes of inequality: the political domination and the distribution of the power that are produced and reproduced in the Romanian society.”³⁸ Therefore, the policies meant to reduce inequality and discrimination are dealing with the effects, only; these policies are important but they ignore the real causes of such a situation. The academic research should approach these causes and focus on the appropriate solutions.

Notes:

1. This publication draws from a research project entitled “*Enlargement, Gender and Governance: the civic and political participation and representation of women in EU candidate countries*” (EGG). The three year (12/03-11/05), 12 country study, was funded by the EU 5th Framework Programme (HPSE-CT-2002-00115).

2. Wynn GRANT, “*Elite Interviewing: A Practical Guide*”, IGS Discussion Papers, Series no.11 / 2000, p. 10.

3. Teresa REES, “*Gender Mainstreaming: Misappropriated and Misunderstood?*”, Paper presented to the Department of Sociology in a panel on European Union's Gender Policies, University of Sweden, February 21, 2002, p. 2.

4. Gemma CARNEY, “*From Women's Rights to Gender Mainstreaming: an Examination of International Gender Norms in the Republic of Ireland*”, PSAI draft paper, Trinity College Dublin, October 2003, p. 2.

5. REESE, *art. cit.*, p. 5.

6. See for instance: *L'égalité des chances entre les femmes et les hommes dans l'Union européenne*, Office des publications officielles des Communautés Européennes, Luxembourg, 2002; and *Egalité et non-discrimination*, Office des publications officielles des Communautés Européennes, Luxembourg, 2004.

7. More on this topic in: Georgeta GHEBREA, Marina TATARAM, Ioana CRETOIU, *Implementing the EU Equality Acquis in Romania*, Nemira, Bucharest, 2005.

8. Yvonne GALLIGAN (coordinator), “*Enlargement, Gender and Governance: State of the Art Literature Review, Analysis of the Transition to Democracy, & Conceptual Framework for the EGG study*”, Discussion Paper, Queen's University Belfast, 2003, p. 30.

9. *Ibidem*.

10. Liliana POPESCU, “*Instituții europene de promovare a egalității de șanse între femei și bărbați. O perspectivă comparată*”, [European Institutions Promoting Equal

Opportunities for Women and Men. A Comparative Perspective], in Laura GRÜNBERG (editor), *Gen și Integrare Europeană [Gender and European Enlargement]*, Societatea de Analize Feministe AnA, Bucharest, 2002, p. 42.

11. *Monitorul Oficial al României*, [Romanian Official Bulletin], no. 583 / 30.11.1999, p. 14.

12. *Monitorul Oficial al României [Romanian Official Bulletin]*, no. 799 / 30.08.2004.

13. Vladimir PASTI, *Ultima inegalitate [The Last Inequality]*, Polirom, Iasi, 2003, p. 70.

14. Georgeta GHEBREA, Marina TATARAM, Ioana CRETOIU, *Enlargement, Gender and Governance: Analyzing Female Visibility in Romania*, Meridiane, Bucharest, 2004.

15. *The Status of Women in Romania During 1995-2000 – National Report serving for the preparation of the Extraordinary Session of the UN General Assembly on Women Beyond 2000: Gender Equality, Development and Peace for the XXI-st Century*, Section 1.3: “Placing the gender equality principle within the major objectives of national policies”, The Ministry for Labour and Social Protection – The Direction for Equal Opportunities, Bucharest, 2000.

16. Published in *Monitorul Oficial al României* no. 583/30.11.1999.

17. Published in *Monitorul Oficial al României* no. 236, 17.03.2004.

18. Published in *Monitorul Oficial al României* no. 799, 30.08.2004.

19. Specifically, Law no. 202/2002 for equal opportunities between women and men, published in *Monitorul Oficial al României* no. 301, 5.08.2002.

20. Interview published in *Revista de studii feministe AnALize [The Journal of Feminist Studies AnALysis]*, no. 9, 2000, p. 28.

21. Published in *Monitorul Oficial al României* no. 700/28.12.2000.

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28. Monica S. FONG, *România: problemele femeilor în perioada de tranziție [Romania: Women’s Issues in the Transition Period]*, Departamentul de Politică Socială și Sărăcie al Băncii Mondiale [World Bank, Department on Social Policy and Poverty], Bucharest, 1996, p. 25.

29. Teresa REES, “Gender Mainstreaming: Misappropriated and Misunderstood?”, Panel on the Gender Policies of the European Union, Paper presented to the Department of Sociology, University of Sweden, February 21, 2002, pp. 2-3; and 6-10.

30. *Ibidem*, p. 3.

31. Except for the profession of priest.

32. Teresa REES, *art. cit.*, p. 10.

33. Yvonne GALLIGAN (coordinator), *Enlargement, Gender and Governance: State of the Art Literature Review, Analysis of the Transition to Democracy, and Conceptual Framework for the EGG study*, Queen's University, Belfast, Discussion Paper, p. 47.

34. This theory is influenced by the organisational sciences and by a neo-Marxist perspective, reflected in Pierre BOURDIEU, Jean-Claude PASSERON, *La reproduction*, Les Editions de Minuit, Paris, 1970.

35. Margaret L. ANDERSEN, *Thinking about Women. Sociological Perspectives on Sex and Gender*, Macmillan Publishing Company, New York, 1988, p. 35.

36. Mihaela MIROIU, "Feminismul ca politică a modernizării" [*Feminism as a modernization policy*], in: Alina MUNGIU-PIPPIDI (editor), *Doctrine politice - concepte universale și realități românești*, Polirom, Iași, 1998, p. 262.

37. Vladimir PASTI: *Ultima inegalitate. Relațiile de gen în România* [*The last inequality. Gender relationships in Romania*], Polirom, Iași, 2003, p.73.

38. *Ibidem*.

APPENDIX

Composition of the sample

No	Respondent	Gender	Age	Marital status	Position
1	F1	Female	37	married	Leader of a very important women's organisation; senior lecturer at the University of Cluj; feminist writer; sociologist
2	F2	Female	35	married	Leader of a very important women's organisation, in Bucharest; English teacher
3	F3	Female	70	widow	Famous opponent to the communist regime; leader of the women's organisation of an opposition party professor
	F4	Female	60	widow	Founder of a major civic movement; manager of the electoral campaign and presidential counsellor (1996-2000); today, leader of a non-parliamentary party Professor
5	F5	Female	52	married	Head of the office for Equal Opportunities in Romanian's Ministry of Labour; ex leader of the women's organisation of a social-democrat party Construction engineer
6	F6	Female	59	married	Mayor and leader of the Women's Association; agronomist
7	F7	Female	30	married	Lecturer at the University of Bucharest (gender studies); graduate in French literature
8	F8	Female	43	married	Member of the party of an ethnic minority (and ex leader of the Youth organisation in the same party); feminist writer; linguist
9	F9	Female	50	married	Member of a left wing party, former member of the Romanian Parliament
10	F10	Female	30	married	Union leader, vice-president of the women's organisation in an important union confederation