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

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**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Romania**

Combined initial and combined second and third periodic reports

144. The Committee considered the initial and combined second and third periodic reports of Romania (CEDAW/C/5/Add.45 and CEDAW/C/ROM/2-3) at its 209th, 210th and 215th meetings, on 18, 19 and 21 January (see CEDAW/C/SR.209, 210 and 215).

145. In introducing the reports, the representative of Romania stated that the first part of the combined second and third periodic reports gave information on the changes in the political life of the country after the revolution of December 1989 and on the new laws referring to the rights of women. She said that, after the revolution, the country had reverted to a State based on respect for the rights and freedoms of all human beings; restrictive legal provisions had been repealed and new laws adopted in accordance with the international obligations that Romania had assumed. Political pluralism was accepted as well as the right of association and the freedom to form trade unions and federations of trade unions. At the same time, Romania had become a party to several international human rights instruments. In order to respond to its obligations under those international instruments, Romania had amended many laws and put into force a new Constitution on 8 December 1991.

146. The representative said however that the actual situation did not match the legal one. There should be measures to guarantee women the right to participate equally in political life. A first step in the process of equal opportunity should be economic independence; however, the economic means were still inadequate to bring women into political life on an equal footing with men. She pointed out the important role being played by trade unions and said that no women had, as yet, been elected to a position of leadership in the trade-union movement. The increased unemployment was in part caused by privatization in certain former State enterprises. On 15 December 1992, more women than men were unemployed and, among them, there were more women in the worker and semi-skilled categories than in the highly skilled professions. Many problems existed in the private sector with regard to the enforcement of social legislation.

147. The representative stated that in Romania, in the case of divergence between human rights and domestic legislation, international regulations took precedence

over domestic ones. Women were represented in institutions of the new democracy, such as the judiciary. She said that non-governmental organizations played an increasingly important role and their objectives were to improve the status of women in society and to influence political factors. In the second part of her presentation, the representative enumerated all the legislative provisions in force corresponding to the substantive articles of the Convention and drew attention to the prevailing difficulties and problems.

General observations

148. Members of the Committee expressed their positive appreciation for the fact that Romania had sent a representative to present the reports to the Committee, because it had been waiting for them to be presented for a long time. They welcomed the country's transition to democracy, showed understanding of the difficulties involved in dealing with women's issues in times of governmental change and hoped that Romanian women would soon become aware of democracy and the importance of their political participation. They were concerned, however, that the Government had complied with neither the time-frame nor the format required for preparing and presenting periodic reports. One member said that after the political change had taken place in Romania, the initial report should have been withdrawn.

149. Concerning questions about the executive and legislative powers, forms of ownership and underlying principles of Romania, the representative referred to the "Basic document concerning Romania" and another document on judicial reform in Romania (both of which were given to the Secretariat), which gave an overview of the structure and principles of the country. She stated that, pursuant to article 1 of its Constitution, Romania was a republic and a social and democratic legal State, in which human dignity and the free development of the individual were the guaranteed supreme values. It was a pluralistic State with the twin chambers of Parliament exercising the only legislative power and independent judicial power.

150. In answer to a question on the extent to which women were part of the technical intelligentsia, the representative gave the following data from 1991: women held 44 per cent of jobs in industry; 56 per cent in telecommunications; 57.2 per cent in education and culture; 44.4 per cent in the health and social sector; 43.3 per cent in administration; and 43.7 per cent in scientific research.

151. Asked why there was so much passivity on the part of women, the representative said that all of the former socialist States had experienced a similar regressive movement of women. Although women were allowed to participate in all economic and social sectors, they were absent from the leading political positions. It was not so much a question of passivity on the part of women but rather the need for society as a whole to become used to the idea of political

power-sharing. One could speak of real participation only if women shared political power equally.

152. In response to the remarks by members that the reports did not contain sufficient information about the status of women in practice, the representative replied that subsequent reports would contain more data about the de facto situation. Members pointed out that Governments that were experiencing difficulties in preparing their reports could ask the Secretariat for assistance.

153. Referring to the question whether a discrepancy existed between domestic legislation and international regulations, the representative said that, pursuant to its Constitution, Romania was obliged to implement in good faith the provisions of international treaties, that international treaties became part of the domestic legislation and that national laws should be interpreted in accordance with the stipulations in international treaties.

Questions related to specific articles

Article 3

154. Referring to the question whether the mechanism specified by the Committee in its general recommendation 6 (seventh session) 13/ had been set up to facilitate the implementation of a policy of equal opportunity for women and men and, if so, how it worked, the representative replied that no such central coordinating mechanism existed although several bodies and non-governmental organizations were dealing with gender equality in various fields. The representative noted that, while the need for such a national machinery was recognized, there was concern that it should take a form appropriate to the new political order and not simply adopt the ways of the past.

155. Regarding the preparation of the reports, the representative said that State organs as well as women's organizations were involved in their preparation and many contacts were established in order to identify the problems faced by women.

156. In additional comments, several members of the Committee reported on the experiences of their countries in, and after, establishing national machinery for the advancement of women, as a focal point where the voices of women and non-governmental organizations could be heard and all governmental efforts for the elimination of discrimination could be concentrated.

Article 4

157. The representative said that the statements in the reports to the effect that temporary special measures did not seem necessary, while achieving de facto equality required the fostering of social attitudes to eliminate discrimination, were

in no way contradictory. The adoption of temporary special measures would indeed be desirable, especially in order to eliminate social prejudices and to change attitudes. Women's organizations were demanding the adoption of such measures and some special measures had already been introduced in response to actions taken by non-governmental organizations.

Article 5

158. In reply to queries raised concerning violence against women, and the somewhat contradictory statements, in the combined second and third periodic reports, "one cannot say that there is a phenomenon of violence against women" and "domestic violence does occur, particularly in the impoverished social sectors", the representative said that violence was just one of many crimes, but it did not constitute a major national problem. Similarly, domestic violence was not a typical occurrence in Romania although it did exist for some very subtle, cultural reasons. No data on its incidence existed nor on the number of women who had been injured or who had died as a result of violence. So far, there were no shelters for battered women.

159. Asked about the number of complaints about cases of violence, the type of measures taken by the Government of Romania to combat violence against women and the attitude of the police, the representative replied that women were certainly not discouraged from lodging a complaint. Although there was no tradition in such matters, complaints were being lodged. The police intervened only in response to a complaint by the injured party. No statistics were available on the number of complaints that had been received.

160. Asked whether women's organizations had made the elimination of violence against women one of their concerns, the representative stated that the priorities of women's organizations were mainly the social and economic rights of women and not the issue of violence.

161. In additional comments, members showed concern over the issue of domestic violence and expressed the hope that the subsequent report would give more exhaustive information on the Government's interest in the issue and on the measures being taken to combat the problem.

Article 6

162. Asked whether the laws prohibiting traffic in women and the exploitation of the prostitution of women had led to a reduction in, or the elimination of, those offences, the representative said that the laws were being enforced. As a result of the changes in Romania, prostitution had started in spite of its prohibition; however, no statistics were available on its incidence or on the number of offenders that had been taken to court.

Article 7

163. Referring to the question why the number of women reported to be in top positions was much lower in the combined second and third reports than it had been in the initial report, in particular in the Cabinet and Parliament - whether it was because of fewer suitable candidates, a changed attitude on the part of the Government, a reduced interest of women in politics or the result of the new norms and policies - the representative said that the initial report had been prepared under the totalitarian regime and contained figures imposed by it. Women were, indeed, interested in politics: they had participated in the revolution. The Government had not adopted a new attitude towards the political participation of women nor had the conditions been changed, but they could no longer be imposed. The only measures that the State could take to encourage more women to be interested in politics would be juridical and administrative ones. There was no real explanation why women did not hold leading positions, but it was to be hoped that, after the achievement of economic power, the desired changes would follow at the political level.

164. The electoral system was universal and by secret ballot without any discrimination as to sex, race or religion. It was the same for the parliamentary and the presidential elections. There was no quota regulation for women.

165. Questions were asked about the rate of voting for women and men and the percentage of women and men in the electoral lists at the most recent elections.

166. The representative said that whether women candidates appeared on the electoral lists depended on the political parties, not on the electoral system. The National Women's Council had been abolished and a new, similar body, but in an improved form, was being created. The three women's associations listed in the report did not constitute an exhaustive list; there were many more women's organizations in different fields.

167. Replying to an additional request by a Committee member for comparative statistics on the withdrawal of women from political life in the former socialist countries, the representative referred to a meeting that the United Nations Educational, Scientific and Cultural Organization (UNESCO) had held at Prague in 1991, during which that common phenomenon had been noted. Other members stated that women ought to be made aware of the importance of playing an active role in the political life of their country. The representative explained that their current reticence was a reaction to the fact that, under the former regime, women had been forced to occupy certain positions.

Article 10

168. Asked about the number of women who worked as teachers in secondary schools and about the difficulties that the Government was experiencing in the process of setting up an educational system that eliminated discrimination, the representative referred to the information given in the combined second and third reports. She said that the new Government maintained the same positive attitude as the former one regarding education. Schooling was free of charge at all levels, and scholarships were available.

169. Regarding the question why within one minority group, the Roma, the drop-out rate from school was the highest and whether any programmes existed for their benefit, the representative said that the State was giving much support, training teachers and carrying out programmes for their overall integration into society; however, it was more a matter of trying to reorient the way of thinking of that group.

Article 11

170. Regarding questions relating to the equal access of women to professional posts, their representation in positions of responsibility at all levels and the proportion of women workers in decision-making positions in labour unions, the representative explained that women did, indeed, have equal and egalitarian access to professional posts. They were strongly represented at the expert level and were members of trade unions. Yet in no field had they achieved positions of power or leadership. As examples, the representative cited research jobs or the judiciary, where women constituted almost 50 per cent of the employees.

171. Working hours for both women and men were eight hours a day, five days a week. Women who worked under difficult conditions were allowed to work for only six hours a day, and mothers of children below the age of six could opt for part-time work.

172. In reply to requests for statistics on the number of hours a day that women doing paid work outside the house dedicated to domestic tasks, and the extent of men's sharing of the domestic burden with women, the representative said no such data were available. Women certainly worked longer hours and were also burdened by the lack of adequate social assistance.

173. The law in Romania stipulated the principle of equal pay for work of equal value. During the transition period to a market economy, salary negotiations were being held with private enterprises. Asked about the existence of a system for assessing the value of different jobs, statistics on the wages of women and men in similar jobs, the income levels of women in general and the participation rate of

women in the labour force, the representative promised that such data would be included in the subsequent report.

174. When members pointed out that the connection between extended maternity leave and the reduction of infant mortality would seem to make women who preferred to continue working and not take a long maternity leave solely responsible for infant mortality, the representative said that that was not the case. It was the women's choice to take extended maternity leave or not. While taking extended maternity leave and working shorter hours did affect the careers of mothers of children below the age of six, no figures were provided on the extent to which women availed themselves of those possibilities. In order to reduce infant mortality, the State had been providing health and social welfare measures. The representative made clear that maternity leave amounted to 112 days, not 11.

175. The representative said that women were very well represented in professions related to the arts, where they constituted 57.2 per cent of the employees.

176. In spite of the different retirement ages for men and women, women had the same pension entitlements as men. Regarding statistics on the unemployment rate of men and women, the representative referred to the data provided during the presentation of the report. Unemployment benefits depended on the age of the person, the professional sector and the number of years that he or she had worked. Currently, an appropriate level was being worked out that should allow women to maintain a minimum standard of living. The training of women for new jobs was one of the means to reduce unemployment, for which appropriate funds were earmarked in the unemployment fund, which received contributions from State and private enterprises.

177. Asked whether the situation of women in the workforce had changed in law or in practice after the revolution of 1989, the representative said that there were sufficient laws from the time before the political change. The only new law dealt with professional competence. However, the Government was trying to find adequate resources for putting the laws into practice.

178. Dealing with questions regarding a ban on night work for pregnant women and nursing mothers, or for women in general, and possible negative consequences for women's careers, the representative said that there was no such general interdiction and that specific jobs could be performed at night.

179. Referring to the good network of crèches and kindergartens for both urban and rural women that had existed formerly, the representative stated that it still existed, but it was undergoing a transformation because of a change in its financing system.

180. The representative explained that women working in the private sector benefited from the same employment legislation as women working in the public sector, and the former discriminatory system under which certain jobs were earmarked for women or for men had been abolished.

Article 12

181. Replying to a request for an explanation of the "barbarous means" by which women were forced to give birth, the representative said that the former law banning abortion was barbarous as some women had preferred to die rather than bring their babies to full term. The law repealing the ban on abortion had been put into force immediately after the revolution, which had made the number of abortions rise sharply. Asked whether women had access to contraceptive methods other than abortion, the representative stated that contraceptive means existed, but they were too scarce and fairly expensive. She referred to the mass media as the main source of education on the use of contraceptives. Some family planning units existed, but they were run mainly by non-governmental organizations. Statistical data on the incidence of abortions in public and in private clinics would be submitted in the subsequent report.

182. The representative explained that the former pro-natalistic policy had been abandoned for appropriate economic measures, including a draft bill on the allocation of State subsidies for children. The new allocation for children was no longer paid automatically to the father; it could be paid for all children, without any differentiation, to the mother until the child had attained the age of 16. She said that the number of abandoned children was decreasing, and that there were plans to increase child allowances and scholarships.

183. The immunization of babies was obligatory and free of charge.

184. The representative stated that general statistics on the number of cases of HIV/AIDS were not available. Data on the numbers of children affected by HIV/AIDS would be included in the subsequent report. Asked what preventive and educational measures existed for dealing with the problem of AIDS, she said that programmes had been set up with the help of the United Nations, and special AIDS clinics had been created.

185. The major causes of female mortality and morbidity were cancer (on account of the Chernobyl accident) and cardiovascular and other stress-related diseases; tuberculosis was decreasing. Statistical data would be included in the subsequent report.

186. Asked whether medical assistants had the necessary medical knowledge to care for their patients, the representative replied that the medical training system was extremely good and provided specialized training for medical personnel.

187. In a subsequent remark, concern was expressed by one of the Committee members about the scarcity of contraceptive means. The scarcity of contraceptives might lead to repeated abortions, which usually involved health hazards for women.

Article 14

188. Explaining why it had been stated in the initial report that women were doing most of the rural work, the representative said that under the old regime there had been agricultural cooperatives in rural areas. As practically nothing had been paid for the work done, the men had migrated to jobs in industry, whereas women had stayed behind to work on the land. Currently, the land was being given back to the former owners so that the whole family, women, men and children, was again sharing agricultural and domestic work.

189. In rural areas also, schooling was compulsory up to the end of secondary school; however, youths in rural areas received no higher-level training. Young women emigrated mainly to industrialized areas. As far as retirement benefits were concerned, urban women were discriminated against as rural women could retire at the age of 57 and, unlike urban women, widowed women in rural areas were entitled to the retirement benefits of their late husbands.

190. Regarding the value of the participation of rural women in the national economy, the representative said that rural women contributed by working the land and supplying agricultural produce, as in other market economies.

191. Asked for comparative data on the current mortality rate of urban and rural women, the percentage of recipients of pre- and post-natal services and the enrolment figures for primary and secondary schools, the representative explained that health measures were identical for rural and urban women.

Article 15

192. The representative said that the rights set out in article 15 of the Convention were implemented not only by law but also in practice.

193. Regarding questions on the number of cases of discrimination that had been brought to the courts, the representative said that no exact data were available, but that the number was very small because women were not sufficiently educated to defend their rights.

Article 16

194. Asked for a clarification of the current legal situation and about the practice regarding the choice of family name, the representative explained that each spouse

could either keep his or her own name or the couple could decide on a common name, either that of the husband or of the wife.

195. Regarding de facto unions, the representative stated that they were not governed by law but that, under a ruling of the court, the children of such unions had equal rights to those of the children of registered marriages.

196. No statistical data were available on the age at which divorce was most frequent, but it was said that divorce was more frequent among couples who had married at a very young age. Under the Family Code, the normal marriageable age was 16 years without parental consent. However, the usual age for marriage was 20 years.

197. The representative said that the social welfare services for mothers and children implemented under the former regime were being maintained and amplified by some new services, such as compulsory doctor's visits for children under one year of age, which were free of charge, and the supply of certain free medicines.

Concluding observations

198. Members of the Committee commended the representative of Romania for her exhaustive replies. The representative welcomed the sharing by members of their experiences in setting up national machinery and emphasized the Government's firm will and commitment to the implementation of the provisions of the Convention with the help of all women and men.