

NGO Shadow report complementing the Romanian Government's report to the CEDAW

Introduction

This shadow report is a joint effort of E-Romnja Association, the Coalition for Gender Equality and the Network for Preventing and Combating Violence Against Women . The report covers the period 2009 - 2016.

This preliminary report intends to show the lack of legislative measures undertaken by the Romanian Government on the gender equality measures with a special focus on Roma women. The report is structured according to the CEDAW articles but should not be regarded as exhaustive. Different issues related to LGBTQI, disabled women or other vulnerable groups of women are not covered by this current report.

The report was submitted by the following members of the organizations. For information about the submitting organizations please see Annex 1

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List of issues raised within the report:

- ❖ Gender roles and stereotypes both in the public area and especially in the private (family) context, which prevent women from occupying highly paid jobs or highly-ranked positions in the decision making process.
- ❖ Trafficking in persons in Romania, with the aim to be sexually abused in other European countries – 74% of the trafficked persons in 2014 were women and 68% of them were sexually exploited – but the most serious issue is that girls represent the majority of the trafficked group of women.

- ❖ Presence of women in elected and appointed bodies, Romania has one of the lowest percentage in Europe - 19 % in the national parliament
- ❖ Education - In Romania, in 2011, 1,36 % is the rate of illiteracy and more than a half is made-up of women (1,74%). The illiteracy rate is 3 times higher in rural areas and Roma women represent the most vulnerable group (more than 40,000 women).
- ❖ Labor market The employment rates of men and women still show a 15,4 % difference in favor of men in 2014 but the unemployment rate is higher for men than for women by 0,8 %.
- ❖ Health system in Romania. The discrimination within the health system that limits access for women from vulnerable groups, such as women from rural areas, Roma women, women with disabilities, women living with HIV.
- ❖ Multiple discrimination – as intersectional discrimination, occurs when discrimination is based on more than one ground. The lack of cases based on multiple ground, lack of awareness on multiple discrimination in statistics, the impossibility of developing the concept in legal cases and lack of acknowledgment of the issue within the work of courts and legal institutions are some of them.
- ❖ Roma Women – disadvantage women within the policies for Roma and gender issues: Women’s rights are neglected among the ethnic group as well as among the majority of population defining them, as one of the most vulnerable groups is Romania.

Stereotypes and harmful practices

In a recent study¹ linking religion to social norms, Romania is a vivid example on how the orthodox Church has a broader influence, on the social life and even on the political spectrum, with politicians promoting conservative ideas (like voting the Constitution amendment, fully promoted by the Orthodox Church, that marriage is the union between a man and a woman, thus eliminating the rights of single-parents or LGBTQI community). The study reveals the following:

¹ Pew Research Center: [Religious Belief and National Belonging in Central and Eastern Europe](#)

- 85% of Romanians declare that homosexuality should not be accepted by society and only 26% favor allowing gay and lesbian to marry legally
- 58% of Romanians say that abortion should be legal in most cases, but 60% consider abortion to be morally wrong
- 81% of Romanians agree that women have a responsibility to society to bear children
- 65% of Romanians consider that men should have more rights to a job than women, when jobs are scarce.
- 72% of Romanians say that a wife must always obey her husband
- 41% consider premarital sex as morally wrong, as well as 24% for the use of contraceptives

In such a conservative and traditional context, the role of the State to prevent and correct such social views is primordial. But on the educational side, no measures have been taken. At the beginning of 2017, The Ministry of Education made public the curricula proposal for the secondary education. The Coalition for Gender Equality, along with other NGO's, made public their discontent that the latest curricula didn't include any notion regarding human rights, gender equality, gender stereotypes, discrimination, women's rights, LGBTQI rights, sexual and reproductive rights. This is a great disappointment, since a reform in this area is long-awaited.

Textbooks have the same fate as the educational system: no reform in sight. A study made by the Bucharest University in 2015² shows the gender stereotypes are prevalent in all textbooks. Moreover, the only image representing Roma women in the school manual is highly stereotypical and hindering the image of Roma minority and Roma women: an image of Roma women in front of an expensive car for the lesson on Holocaust. There are no other mentions on Roma women.

Recommendations:

1. Until the start of the school year in September 2018, a strong reform of school textbooks and the inclusion of gender equality, anti-discrimination and

² *Alice in Textbook Land*, <https://www.scribd.com/document/270405416/Raportul-Integral-Alice-in-Tara-Manualelor>

- human rights issues. A commission from the Ministry of Education should reject any textbook that doesn't respect a minimum set of standards.
2. Until the start of the school year in September 2018, the school curricula should include specific Gender Equality and anti-Discrimination courses, mandatory for all schools.
 3. The National Council against Discrimination should create immediately more awareness-raising campaigns and should have increased powers to punish misconduct regarding discrimination and stereotyping.
 4. The National Audiovisual Council should actively monitor the media and the advertising industry in order to promote anti-discrimination and gender equality (we see on a daily-basis all-male panel TV talk-shows, the tabloidization of violence against women, the hypersexualization of women). Such monitoring reports for the Council should be made public on a monthly basis

Violence against women and sexual violence

The facts ascertained are:

- Only the juridical courts can issue a protection order, after the victim completed a standard request and provided evidence like forensic medical certificate, penal complaint registered to the police and two witnesses that are not related with the victim. Courts demands are not coherent all over the country.
- From October the 1st 2013 to September the 30th 2014, 3.088 requests for protection orders were registered in the courts and 40% of them were admitted. Also, women made 91% of the requests (Transcena, 2015).
- 27% of the murders registered in 2015 happened in the family (Public Ministry, 2016);
- The national average duration of a trial for obtaining a protection order was of **33 days** (this count starts from the registration of the request at The Court, not from

the moment of the aggression), but there were particular cases where the protection order was issued after **175 days from the registration of the request**, so the emergency principle stated in the legislation was not respected (Transcena, 2014).

- The victim do not benefit of immediate protection against the aggressor after an abuse. If she cannot go to a shelter or a relative, she has to continue to live with the aggressor. In June 2013 there were **14 counties out of 42 administrative units (41 counties and Bucharest) without any shelter for victims of family violence**.
- If the victim withdraws her complaint from the police, the police investigation stops. There were no investigations registered that we know of made by prosecutors *ex officio*.
- The violence in the family is not a crime in Romania. In the new Criminal Code family violence is only an aggravating circumstance.
- General Police procedures concerning public order are secret in Romania. While we can understand why a part of these procedures must be classified, the general public must have an easy accessible document to know what are the obligations and the rights of the citizens in relationship with the law enforcement officers.
- In some cases, the representatives of responsible authorities operate with racist, sexist and classist prejudices and stereotypes and there is a lack of intervention in cases of violence against Roma women and a tendency to culturalize violence against women and to apply double standards in access to justice (Bragă, Neaga, Nica, 2017).
- Access to the state-run shelters is limited to victims of family violence and requires identification papers and forensic proofs of the violence suffered;
- Responsibility to fund specialized services is limited to family violence, is placed with the local authorities and is not mandatory under the law;

While almost a third of Romanian women (28.5%) are victims of physical and/or sexual violence throughout their lives³, adequate specialized services are profoundly underdeveloped. Victims of sexual violence need to pass through costly,

³ European Union Agency for Fundamental Rights, Violence against Women. An EU-wide survey, 2014, available at: http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

burdening procedures, they are denied access to shelters or protection orders, which is guaranteed only to women who are victims of domestic violence and are rarely provided with free psychological assistance and legal counseling and only if a criminal complaint has been filed. Moreover, **according to a EU survey from 2016⁴, 55% of Romanians believe that rape is justified in some cases.** Because victims are often treated with disbelief, including by the police or are blamed for the aggression they had suffered, they avoid filing a complaint.

Recommendations:

1. Immediately harmonizing the legislation with the provisions of the Istanbul Convention that entered into force in Romania on 1st of September 2016;
2. Design a national strategy on gender-based violence and appoint a central authority tasked to coordinate it, including the implementation of collaboration protocols (e.g. the police, forensic institutions, social assistance, NGOs, etc.) and most importantly, immediately allocate adequate resources to services for victims, as well as integrate a gender dimension to the state and local budgets, using specific indicators for gender equality and introduce an intersectional approach in the process of elaboration and implementation of public policies for preventing and combating violence against women;
3. Introduction in the legislation of a temporary protection order that could be issued by a police officer immediately after the incident of violence against women, including for cases where the act of violence is happening outside the family;
4. At least one specialized shelter for victims of gender-based violence in each county, adequately funded by the national state budget;
5. Crisis centers for victims of sexual violence;
6. Immediately increase access to justice by providing free legal aid to victims of violence against women, by allocating funds to programs providing legal aid and counseling to women, as well as by explicitly encouraging pro bono lawyering, as an instrument to promote and protect women's rights. Ensure that information about

⁴<http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2115>

protection order and services for victims are translated in maternal languages of national minorities, but also in other languages for immigrant and refugee women; and that information is accessible for visually and hearing impaired women.

Trafficking and exploitation of prostitution

Prostitution is illegal in Romania. Starting with February 2014, the penal law changed and it is not considered or punished as a crime. Sex workers receive a fine that they have to pay with money or public work. Clients are not punished.

Romania continues to be mainly a country of origin for victims of trafficking in human beings.

The majority of the registered victims in the EU come from Romania and Bulgaria and, in the last years, a tendency for the number of underage victims to increase was reported. The Romanian minor victims are present in high percentages, representing up to 40% of the victims of sexual exploitation (data reflected in reports of the National Agency against Trafficking in Persons from 2009 to 2015), these being much higher than in the case of the European average (14% of registered victims of sexual exploitation in Europe, EUROSTAT, 2015). In 2015, the percentage of girls subjected to sexual exploitation amounted 31%, with the remaining risk age range (14 to 17 years old).

Thus there are provisions within legislation these are rarely put into practice.

There is a great need for services in areas where they are not available; furthermore, one must ensure minimum standards as regards assistance. The changes in funding availability led to fluctuations in the quality of assistance services. Old services disappear, new services emerge, or the staff in various institutions changes. Under these circumstances, a permanent flow of qualified personnel is essential.

The biggest challenges are the complex, long-term assistance needs for the victims, and providing the required budget. For example: if the victim doesn't have any papers or degrees, their recovery takes months, and the victim does not benefit from free public services during this time. Reducing initial vulnerability and treating the consequence

of trafficking require a complex and costly intervention.

Source: Trafficking for sexual exploitation of Romanian women. A qualitative research in Romania, Italy and Spain, CPE, 2016

Recommendations:

1. Reinforcing legislation by reducing the time of prosecution and trial to avoid light punishments applied to traffickers
2. Provide more services at local /regional level where there are currently inefficient due to lack of funds or specialized human resource
3. Provide trainings for police officers and social workers on the topics of trafficking due to personnel fluctuation which makes intervention and services less appropriate.
4. The State should elaborate multidimensional prevention programs, targeting not only the potential victims, but also their caregivers, as well as the consumers of sex services.

Participation in political and public life

Women's representation in the Parliament has been one of the lowest in Europe: 9,8% in 2008 elections⁵, 11,5% in 2012 elections⁶. Both elections were organized using a mixed compensatory electoral system (MMP). Women candidates numbers were also low: 13% for 2008 elections and 14% for 2012 elections.

The elections in December 2016 marked the return to the proportional voting system using party- lists, which is more favorable for women being proposed as candidates and women being elected. Along with other factors, this marked the growth of women percentage to the National Parliament up to **19%**.

At a local level also, women were poorly represented, under 15% for local and county

⁵ Central Electoral Bureau 2008:

<http://www.becparlamentare2008.ro/statis/Defalcare%20candidati%20pe%20partide%20si%20sexe.pdf>

⁶ Report from the Ministry of Labour http://www.mmuncii.ro/j33/images/Documente/Familie/ESFB-StudiiAnalizaRapoarte-2012/Reprezentarea_femeilor_si_a_barbatilor_in_alegerile_parlamentare_din_decembrie_2012.doc

councils in 2008, 2012⁷ și 2016⁸. For mayor office, the percentage is very low: 4.5% in 2016 elections⁹ and **only 2 big cities – Craiova and Bucharest, are run by women mayor after 2016 elections.**

A better representation for women is in the European Parliament, where over a third of the seats were won by women (36% after 2009 elections and 31% after 2014 elections).

During the Parliamentary elections in 2016, The Coalition for Gender Equality made a public letter accusing the electoral offices of not respecting the electoral law: political parties were allowed to register electoral lists with 100% men¹⁰, although the law states that both sexes should be represented on the lists, with the exception of a single-candidate submission. The Central Electoral Office admitted the law was broken, but placed the responsibility on the regional offices¹¹. Also, The Central Electoral Office amended their candidates' database to include gender criteria only after the Coalition for Gender Equality publicly asked for this.

There is no information for Roma women representation in local or general elections. For the Parliament, there are reserved seats for the Roma minority¹² – in 2008, 2012 and 2016 elections, these seats were occupied only by male politicians.

Recommendations:

1. For all types of elections (Local, Parliamentarian, European Parliament), the Electoral Offices should immediately publish gender data for all candidates, and to include gender in their present criteria (party, age, location, occupation).
2. Local electoral offices must ensure that parties respect both sexes representation on their official lists. An evaluation instrument should allow electoral offices not to validate such lists that don't include women.

⁷ Report from ANES - The National Agency for Equal Chance " Analysis on the participation of women and men in the decision-making process from local and central public administration"

<http://anes.gov.ro/cs/groups/public/documents/document/c2ly/mdaw/~edisp/webcenter11sir000217.pdf>

⁸ ANES data presented at the event „Women's representation in Parliament and the general elections in 2016"

https://www.dcnews.ro/anes-solicitare-catre-partidele-politice-inainte-de-alegerile-parlamentare_518460.html

⁹ Ibidem

¹⁰ Report of the Coalition for Gender Equality: "Women candidates for the Parliamentary elections in December 2016"

<http://ongen.ro/raport-femeile-candidate-in-alegerile-parlamentare-din-11-decembrie-2016/>

¹¹ The Central Electoral Bureau makes public the percentages for women's representation in the last elections and admits that the existing electoral law was not respected. <http://ongen.ro/bec-face-publica-situatia-reprezentarii-femeilor-in-alegeri-si-admite-ca-in-unele-circumscripții-legea-electorală-nu-a-fost-respectată/>

¹² The Deputy Chamber has reserved places for national minorities representatives.

3. Gender quota should be encouraged, both legally, by immediately voting the existing law proposals in the Parliament, and voluntary, by each political party. A special attention should be given to organizing candidates lists in order to make sure that women have a chance to be elected (the zipper system).
4. Immediately include gender data on central and local administration websites regarding women's representation in their respective institutions. Romanian Parliament should immediately publish an updated list with women Parliamentarians, in total and by political party.

Education

In the Gender Gap Index 2014 published by the World Economic Forum, Romania ranks 63 out of 142 countries concerning Education. The score for Educational attainment between women and men is 0.994, where 1 is the score for perfect equality.

Although the general numbers for school enrolment in Romania are still low, especially for tertiary education, we can see that women rank higher than men for the secondary and tertiary education. This is an European trend - among students studying for Master's degrees women were in the majority in all of the EU Member State.

For Roma population, the primary education completion rate is 50% and the youth literacy rate is 84%. (Source: UNESCO, Global Education Monitoring Report). The differences with the majority of the population are notable, and testify to the systemic discrimination that Roma still face in education and equal opportunities.

Reading the UNESCO report on Learning Achievement, we can notice that the biggest gaps are not among female-male achievement, but among rural/urban and rich/poor. Romania is still not capable of ensuring equal opportunities and equal access to education regardless of income and location. As a general conclusion, the level 4 achievement for all areas of study is still very low, showing the long path of improvement that our country has to face.

The female-male ratio is quite similar, for all areas, including science and maths, where, stereotypically, girls are perceived less inclined to perform. In some cases, female

ratio is even better than the male one, especially for reading skills. This can be seen as a result of another stereotype, that boys are less inclined to humanities and more inclined towards science.

Recommendations:

1. The government must propose a long-term strategy to decrease the gap between rural/urban and rich/poor access to education and learning achievements, with accent on the Roma youth and other marginalized groups (institutionalized children, children with disabilities).
2. The government should immediately propose a program for Women in Science, in order to fight the gap between men and women on the labour market for all science field related jobs.
3. The Ministry of Education must tackle the stereotypes that schools are transmitting regarding gender roles and norms. An evaluation of teachers' behaviour and school books should be immediately made.
4. A course for Gender Equality should be immediately included as mandatory in the school curricula.

Education

- (e) The integration of age-appropriate sexual and reproductive health and rights education in the curricula at all levels of education;

Present situation. Sexuality Education is not mandatory in Romania. Lessons on human sexuality are part of an optional course within the formal school curricula titled Health Education. This course is used in public schools according to the decision of the school (labeled as “curriculum upon school decision”). According to the Ministry of Education in the 2014/2015 school year, this course was reaching 6% of the total school population. Moreover, a recent study using SERAT assessment tool found the content of the Health Education course addresses sexuality in a limiting way - not child friendly, not empowering

but rather coercive, lacking references to all contraceptive methods available, not responsive to the needs of sexual minorities and lacking a gender sensitive perspective.

Teaching standards. There are minimum standards set by the Ministry of Education and a guide created for the teachers, which hasn't been updated for ten years. The standards follow the existing curriculum for health education, but the sexuality notions are not that present. Teachers are not properly prepared to offer comprehensive and correct notions and information, without putting pressure on students or without presenting their own stereotypes. Since the Ministry of Education puts no evaluation system in place, we have no way of knowing the quality standards of the teaching act.

However, there are NGO's actively involved in the SRE issue that provided an analysis using the Serat tool for formal curricula. Here are the conclusion of SECS Romania study:

- The sexuality education module as part of the optional Health Education does not lead to or stand for comprehensive sexuality education
- Around 6% of students took the Health Education optional subject during the 2014-2015 school year
- There is no evaluation of the quality of the teaching act
- Training for teaching sexuality education is not mandatory for all teachers
- Teachers have not internalized notions regarding diversity values in society
- Gender based violence is not present in the curricula
- Children do not learn about ways to prevent/identify sexual abuse and violence
- Traditional family models and stereotypes surrounding traditional gender roles are abundant
- Notions about HIV discrimination and stigma are not included

Opposition. Some conservative groups have access in schools and teach about abstinence as contraception and other moralizing and prejudicial approaches. These conservative groups receive great support from the Orthodox Church. During some of our Coalition meetings with the Ministry of Education and Ministry of Health representatives, they acknowledged their "fear" of the Church reaction if they implement mandatory

sexuality education in schools. The institutional resistance of the Ministry of Education to promote any school reforms and the lack of any political will to change this status-quo, have a devastating effect on the educational system.

There is no fight back from the Government to bust these myths and to properly inform the public on the social and health benefits of comprehensive sexual education in schools.

Recommendations:

1. The government and the Ministry of Education must immediately apply a law in Romania (Law 272/2004 republished in 2014 regarding the protection and promotion of children's rights, which states that sexuality education should be systematically taught in schools as a means of prevention) and the international conventions that Romania signed (e.g.: UN International Conference on Population and Development Program of Action)
2. The government should immediately propose a strategic plan in order to include notions about sexual education in the school curricula, that should be systematically taught to all pupils, in all schools, as a mandatory course, so as to ensure universal access.
3. Collaboration between the government and NGOs is needed in order to ensure proper training of the teachers and consultations regarding the schools books on sexuality education and the school curricula. It is imperative that these also include: notions about sexual violence and gender violence; equality between women and men; stereotypes and gender roles; sexual and reproductive rights; identification of sexual abuse; discrimination against LGBTQI and HIV-positive; social, emotional, cultural and legal aspects of sexuality and consent.
4. The government should immediately implement a strategy to counteract Romania's top place in Europe in teenage pregnancies and STIs.

Employment and economic empowerment

The employment rate of women was 58.5% in 2016, compared with 76.8% for men. The gender gap for employment was 17.6% in 2015.

The gender pay gap stands at 4.5% in Romania, the lowest in Europe, the figure being almost four times lower than the 16.7% average registered [in the EU](#) in 2016. The gender overall earnings gap, meaning the difference between the average annual earnings between women and men, stands at 26.9% in Romania, which is also lower than the EU average of 39.8%. **One of the factors that contribute to the gender pay gap in Romania is that men hold most of the management and supervisory positions.** Within each sector men are more often promoted than women, and paid better as a consequence. This trend culminates at the very top, where **less than 4% of the CEOs are women**. Women also take care of important unpaid tasks, such as household work and caring for children or relatives on a far larger scale than men do. Working men spend an average of nine hours per week on unpaid care and household activities while working women spend 26 hours. In the labor market, this means that 1 in 3 women reduce their paid hours to part-time, compared to only 1 in 10 men. The pay discrimination, although illegal, also continues to contribute to the gender pay gap.

Women in managerial positions in Romania earn 5% less on average than men, this being [the lowest gender pay gap](#) in managerial positions in the European Union. The share of women among managerial positions is 41% for Romania. However, statistics show that Romania ranks among the last in Europe when it comes to the percentage of [women on the boards of the top listed companies](#). **Only 12% of the board members of the top 10 listed companies on the Bucharest Stock Exchange were women in 2014**, compared to a 20% EU average.

Also, work-life balance is still the main issue in Romania, with [kindergartens number](#) dropping in alarming numbers: 15 times lower in 2014 than in 1999 (a drop from 12.831

institutions in 1999 to only 1.205 in 2014), more dramatically in the rural areas, 100 times lower (a drop from 9.574 kindergartens in 1999 to only 94 in 2014), knowing that 40% of Romanian population still lives in rural areas. Only 30% of the working mothers [declare](#) to have found a balance between their jobs and their family life, and 1 in 3 mothers would like an after-school option for their children, for a better time-management.

Recommendations:

1. Immediate governmental strategy for increasing the number of care-facilities (kindergartens, after-schools, retirement homes for the elderly, care institutions for the disabled), either state-owned or from the private sector, with state tax facilities, with focus on the rural areas.
2. Immediate governmental strategy for increasing employment rates for women, with focus on women in rural areas, single mothers, survivors of domestic violence, poor women, Roma women, disabled women.
3. State owned companies and private companies should be encouraged to make public the wage gap between women and men within their structures.
4. The government should immediately present a strategy to reduce the pay gap for the public sector salaries in feminized areas (education, health) compared with areas where men are the majority employees (defense, police).
5. Anti-discrimination strategy in the labor market, with focus on pregnant women and mothers, and also a clear and strong position against sexual harassment in the workplace. The Romanian state should immediately respond to why there is not a single case of jail prosecution for a sexual harassment act, although the legislation is punishing this offence.

Health

The Health system in Romania. There are many aspects that have to be taken into consideration: there is the access to health care, which has become less and less available, due to the disbandment of many local hospitals in the last 5 years. There are scarce prevention programs, which never manage to cater to all requirements and are underfinanced. Health care is a huge issue in itself, due to poor equipment, especially in local hospitals and clinics, unsanitary conditions, lack of necessary medicines and [low numbers of staff and specialists](#).

Moreover, there is discrimination within the health system that limits access for women from vulnerable groups, such as women from rural areas, roma women, women with disabilities, women living with HIV. Sexual and reproductive health and rights of women are not properly dealt with by public authorities and women in Romania have limited access to contraceptives and abortion (there is a low number of doctors that perform this kind of intervention in the free public healthcare system and, at the local level, some counties do not provide this intervention or refuse to perform them due to religious issues). On the other hand, there are abuses reported within the system, related to women with disabilities or ageing women. **Romania has the highest teenage pregnancy rate in the EU**, three times bigger than the EU average, and ranks second in the EU as far as the teenage birth rate is concerned.

A [study](#) made by the World Health Organization shows the slow progress and the remaining work that the Government has to do for maternal and women's health. **Infant and maternal mortality rates are the highest among EU Member States** – 8.8 per 100 000 compared to the EU average of 3.8 for infant mortality, and 13 per 100 000 compared to 4.9 for maternal mortality. Following political transition in the early 1990s, Romania recorded a steep decline in maternal mortality, linked to the liberation of legislation on the termination of pregnancy after the fall of the communist regime, from a high of 169.4 deaths per 100 000 live births in 1989 to 13.0 in 2014. Although the abortion rate has since decreased (423 per 1000 live births in 2014), it is still very high and is almost twice that of

the EU average of 203. This indicates that family planning and health education programs, introduced since the mid-1990s, have not yet achieved the expected results and that **abortions have continued to be used instead of contraception.**

Recommendations:

1. The State should introduce programs on family planning and health education programs with a special focus at rural/local level.
2. The State should address teen pregnancy through programs and school curricula, but should also provide services to support them during pregnancy
3. The State should start an evaluation within the health system to identify and reduce all forms of discrimination against women from different groups such as: Roma and segregation in hospitals, women living with HIV/AIDS, disability, sexual workers, drug consumption, poor women, etc.

Roma women - Disadvantaged groups of women

Background

According to 2011 census in Romania,¹³ there are 62.1573 Roma which represents 3,3% from Romanian population but the unofficial dates from Council of Europe or World Bank estimates between 1,5 mil to 2 mill Roma. Roma are affected by discrimination and social exclusion. Historically they face discrimination, intolerance, racism and social exclusion affecting their daily life, opportunities and access to many areas.

Women's rights are neglected among the ethnic group as well as among the majority of population defining them, as one of the most vulnerable groups is Romania. When analyzing the situation of Roma, roma women are missing from both strategies: the gender equality strategy and the national strategy for Roma inclusion. **Within the national strategy for Roma, there are no specific measures towards achieving gender equality, whereas the national strategy for gender equality is immune to issues related to women from ethnic groups, disabled or LGBTQI.**

¹³ <http://www.recensamantromania.ro/rezultate-2/>

There is a lack of data at the government level due to the lack of interest in collecting and providing data and the only data available for the civil society are those collected by them or by different international bodies such as Fundamental Rights Agency or World Bank. Even in the national policies for Roma, the collection based on gender does not exist and therefore the government does not have the obligation to collect data segregated on gender.

More than 80% of Roma live in poverty risk thresholds¹⁴ in poor housing conditions, without tap water or electricity which make the level of vulnerability even higher. 41% of Roma in Europe felt discriminated in their daily life when accessing social services, education, a job or in health care services.

Education

According to report issued by FRA Roma survey – data in focus (2014)¹⁵ one of the biggest issue concerning Roma women is the level of literacy, therefore **64% Roma women in Romania declared they can read and write compared with 76% men**. The reports states that one of the cause may be early marriages, around Europe 2% of Roma girls aged between 10-15 are “traditionally married” or living with a partner and around 16% of Roma (men and women) between 16-17 years are married or live with a partner. Only 6% of those women 16-17 years married still attend school compared with 36% women from this group who are not married. At the national level we don’t have such data.

	Level of education among Roma	Superior	Post high school	High school	Primary education	No literacy

¹⁴ See World Bank study base for the national strategy for social inclusion and poverty reduction 2015-2020, Emil Tesliuc, Vlad Grigoras and Manuela Stanculescu

¹⁵ See report Roma Survey – data in focus. Discrimination against and living conditions of Roma women in 11 Member states in 2014

Total Roma	477715	3175	994	23259	170465	96511
Male	242209	1528	521	13238	90023	41404
Female	235506	1647	473	10021	80442	55107

Source: INS, Romanian census data from 2011

Recommendations:

1. Collection data in education segregated on gender and ethnicity especially for affirmative measures undertaken at all levels (from kindergarten to university)
2. Development of educational practices to prevent school dropout when there are suspicions of early marriages (example case: E-Romnja is piloting a collaborative work between school, child protection and police to prevent cases of dropout school in primary education) .
3. The State should cooperate with NGO's on women's rights to support a new curricula more inclusive towards women, ethnics, representations etc.

Gender based violence against Roma women

When dealing with violence against women there were many challenges at local level/community, at national level, at institutional level ¹⁶:

- At the community level, violence against women is a phenomenon seen with normality. Many cases (reported to E-Romnja but without going further) where women that have appealed to the authorities but they did nothing.
- The pressure from the community and family to stay in the abusive relationship and the traditionalistic norms from the society that domestic violence is a private problem were other challenges that we face in our work.

¹⁶ See reports *Phenja – violence against Roma women has no colour* (2016) Vrabiescu Ioana and *They all knew*, Neaga Diana, Braga Andreea and Nica Anca (2017)

- The lack of authorities interest in ensuring women's access to services and justice in cases of domestic violence was another obstacle that we have to face.
- The lack of local services at local level (such as shelters, police officers prepared to act and free access to justice) is another aspect to be mentioned. We had situations where the women had to leave her home and move to Bucharest in order to protect herself and her two children because at county level she was not safe due to the shelters who are not anonymous and aggressors can easily find victims.
- The lack of interest at institutional level proved by the lack of measures undertaken to prevent violence continues to be another aspect we have to fight for. At declarative level they all want to fight against violence but when setting collaborations they are often reluctant to work.

Another important aspect that needs to be highlighted is the slowdown legislative process who influences our work at local level.

Recommendations:

1. State should develop a unified database on all forms of violence against women which would also include a custom-made methodology of data collection. Also ensure its implementation in practice by organizing training sessions on the methodology in institutions that provide protection from violence.
2. State should provide continuous support for the activities of NGOs in providing assistance and support to women victims of violence, notably through regular planning and allocation of funds from public budgets at the entity, priority intervention programs, activities to provide free legal and psychosocial assistance to women victims of violence
3. State should work with NGO's to provide trainings on specific issues related to Roma women (how to address, interact, support when illiteracy occurs and women can't read/write their declarations etc).
4. State should reinforce legislation on child protection, sexual violence by creating emergency intervention and prepare police officers including women and Roma women to work specifically with victims of sexual violence
5. State should provide trainings to a number of specialists from police force to

address this specific topic of “cultural argument” when it comes to forced marriages

Multiple discrimination

As intersectional discrimination, multiple discrimination occurs when discrimination is based on more than one ground/criteria. Critics towards multiple discrimination show that there are problems within the legal framework that makes almost impossible to address and prove a discrimination case based on more than one ground. The lack of cases based on multiple ground, lack of awareness on multiple discrimination in statistics, the impossibility of developing the concept in legal cases and lack of acknowledgment of the issue within the work of courts and legal institutions are some of them. Since discrimination on more than one ground has a stronger effect of exclusion than discrimination based on one ground it is highly important that the national legislation should develop instruments, juridical practice and acknowledgments of multiple/intersectional discrimination as an aggravated form which can also bring higher sanctions which currently are not strong enough to combat the phenomenon.

Moreover even if the multiple discrimination is defined by Romanian legislation in Law 202/2002 with subsequent changes, the legislation does not offer any regulations/methodologies towards the phenomenon and therefore it is not used by lawyers and practitioners. Thus Government Emergency Ordinance 137/ 2000 with subsequent changes (2007) makes references to the multiple character of discrimination at art2. alin.6) by specifying that two or more criteria of discrimination (such as gender, ethnicity, race, religion, disability, LGBTQI etc) reflects an increased discrimination which needs to be treated with more accuracy¹⁷.

But even in such situation, the National Council for Combating Discrimination treats discrimination from a simplistic perspective, analyzing each case of discrimination from single criteria. [E-Romnja Association](#) along with members of the [Coalition for Gender Equality](#) has filed a complaint against a local politician from Alba Iulia who had public

¹⁷ See more on <http://www.antidiscriminare.ro/discriminarea-multipla>

declarations in a second row against Roma women, poor and educated saying that he is in favor of sterilizing them. When filing the complaint we argued that three different criteria intersected that clearly make Roma women more vulnerable and determined his statements: the gender criteria, the ethnic, the social class. The National Council for Combating Discrimination not only that did not analyzed the three criteria interconnected as it should but it only gave a warning without any financial sanctions due to the repeated offence.

Recommendations:

1. State should increase women's access to justice by providing compensations and remedies on multiple grounds considering their multiple vulnerabilities
2. The state should increase awareness within the justice system towards human rights, multiple discrimination against Roma, women and other groups through trainings for lawyers, judges etc
3. The state should establish advisory centers within courts to increase access to justice for Roma women and other groups