



Assemblée générale

Distr. générale
20 avril 2021
Français
Original : anglais

Conseil des droits de l'homme

Quarante-septième session

21 juin-9 juillet 2021

Point 3 de l'ordre du jour

Promotion et protection de tous les droits de l'homme, civils, politiques, économiques, sociaux et culturels, y compris le droit au développement

Visite en Roumanie

Rapport du Groupe de travail sur la discrimination à l'égard des femmes et des filles*

Résumé

Le Groupe de travail sur la discrimination à l'égard des femmes et des filles s'est rendu en Roumanie du 24 février au 6 mars 2020. Dans le présent rapport, il fait le point de la situation des droits humains des femmes dans ce pays, en mettant en évidence les progrès accomplis et les difficultés qui subsistent. Il examine les cadres législatif et institutionnel et les politiques visant à promouvoir l'égalité des sexes ainsi que la participation des femmes à la vie familiale, économique, sociale, politique et publique et leur autonomisation dans tous ces contextes, en s'intéressant en particulier aux femmes qui subissent des formes de discrimination croisée. Enfin, le Groupe de travail formule des recommandations tendant à ce que de nouveaux progrès soient réalisés dans la lutte contre la discrimination et la promotion de l'égalité.

* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit, joint en annexe, est distribué dans la langue originale seulement.



Annex

Report of the Working Group on discrimination against women and girls on its visit to Romania

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I. Introduction

A. Visit

1. The experts of the Working Group on discrimination against women and girls, Meskerem Geset Techane and Ivana Radačić, visited Romania from 24 February to 6 March 2020 at the invitation of the Government. In accordance with the mandate of the Working Group, the objective was to gain first-hand understanding of the issues relating to eliminating discrimination against women and girls, including of efforts made, promising practices and remaining challenges. The Working Group expresses its appreciation to the Government for its cooperation before and during the visit.

2. The experts met with the representatives of central and local authorities, women's and girls' rights organizations and women and girls in Bucharest, Mizil, Valea Seaca, Slobozia Bradului, Cluj-Napoca and Sibiu. In Bucharest, the experts met with representatives of the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Labour and Social Protection, the Ministry of Education and Research, the Ministry of Justice, the Ministry of Internal Affairs, the National Agency for Equal Opportunities between Women and Men, the National Agency against Trafficking in Persons, the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, the National Agency for Employment, the National Agency for Payments and Social Inspection, the National Administration of Penitentiaries, and the National Agency for Roma, with magistrates from the Constitutional Court and the High Court of Cassation and Justice, with members of the Commission for Human Rights, Gender Equality, Religious Denominations and Minorities, of the Senate, and with the members of the Commission for Equal Opportunities for Women and Men in the Chamber of Deputies. The experts also met with representatives of the National Council for Combating Discrimination, of the Ombudsperson, of the Romanian Institute for Human Rights and of the United Nations, and with academics. In Mizil, Valea Seaca, Slobozia Bradului and Sibiu, the experts held meetings with the mayors and council members, as well as with women's organizations and with women and girls from the communities. The experts also visited the maternity hospital in Cluj-Napoca, the women's prison in Targisorul Nou, a school in Valea Seaca, a shelter for victims/survivors of domestic violence in Sibiu and a shelter for victims/survivors of trafficking in Bucharest. The Working Group expresses its sincere appreciation to all its interlocutors for their engagement and valuable inputs.

B. Context

3. Romania has experienced significant economic growth and poverty reduction in recent years.¹ However, strong regional disparities persist and are among the highest in the European Union.² Population groups in vulnerable situations, particularly Roma (who constitute around 8 per cent of the country's population),³ continue to be exposed to poverty and social exclusion. The situation has worsened due to the impact of the coronavirus disease (COVID-19) pandemic. A high number of Romanians have emigrated; a significant number of children have one or both parents living abroad (around 159,000 children in 2019).⁴ Children left behind are vulnerable to all kinds of abuses, including trafficking.

¹ In July 2020 it was redefined as a high-income country. However, the situation has been shifting due to the impact of the coronavirus disease (COVID-19) pandemic. See the World Bank Group's poverty and equity brief on Romania, available at https://databank.worldbank.org/data/download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972D68AFE/Global_POVEQ_ROU.pdf.

² Poverty rates in rural areas were more than four times higher than in cities in 2017, and more than twice as high as in towns and suburbs.

³ See https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/roma-and-eu/roma-integration-eu-country/roma-integration-romania_en.

⁴ See <https://balkaninsight.com/2019/07/24/home-alone-romanian-children-left-by-migrant-parents/>.

4. Although Romania has been taking legislative and other measures to secure women's rights, the political instability of the past years and recurrent changes of government have hindered the continuity and implementation of laws, public policies and institutional reforms. Additionally, Romania was heavily impacted by the 2008 global economic crisis and tough austerity measures and economic restructuring reforms were introduced. The score for Romania on the Gender Equality Index is 13.5 points below the European Union average.⁵

II. Legal, policy and institutional frameworks

A. Ratification of international instruments and cooperation with human rights mechanisms

5. Romania has a good record of ratification of international human rights instruments, having ratified seven out of nine core United Nations human rights treaties. It has also ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). It has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance or the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

B. Constitutional, legal and policy framework

6. The Romanian Constitution (adopted in 1991 and amended in 2003) provides for equality of all citizens before the law without discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin (arts. 4 and 16). It also guarantees women and men equal opportunities to access public, civil or military positions (art. 16 (3)), as well as the right to equal pay for women and men and the right to social protection (art. 41), including paid maternity leave (art. 47 (2)).

7. In 2000, the Government adopted a general anti-discrimination statute, which also prohibited sex discrimination. In 2002, this statute – Ordinance 137/2000 on Preventing and Sanctioning All Forms of Discrimination – was approved and amended by Law 48/2002 on Preventing and Sanctioning All Forms of Discrimination. Law 48/2002 covers a wide range of grounds of discrimination, including sex, and has a wide scope of application.

8. Also in 2002, Law 202/2002 on Equal Opportunities and Treatment between Women and Men was adopted, and has been amended four times since. It prohibits discrimination based on sex in the spheres of employment, education, health care, culture, access to information, and participation in decision-making processes, and has important provisions on incentive measures to foster gender equality. Law 202/2002 provides the legal basis for the gender equality mechanism – the National Agency for Equal Opportunities between Women and Men.

9. In 2018, Romania adopted the National Strategy for the Promotion of Equal Opportunities and Treatment between Women and Men and Preventing and Combating Domestic Violence, for the period 2018–2021, and its operational plan. The Strategy's areas of priority are the promotion of universal access by women and girls to sexual and reproductive health care, reconciliation of professional life with family and private life, women's participation in decision-making processes, and combating domestic violence. Its domains of intervention are education, health care, the labour market, participation in decision-making processes, and gender mainstreaming.⁶

⁵ Gender Equality Index 2020: Romania: <https://eige.europa.eu/publications/gender-equality-index-2020-romania>.

⁶ See <https://eige.europa.eu/gender-mainstreaming/countries/romania>.

10. Other national strategies have been adopted in specific areas, including the National Strategy on Preventing Early Leaving from Education and Training (in 2019), the National Strategy against Trafficking in Persons (2018–2022), the National Strategy on Employment (2014–2020), the National Strategy on Health for Wealth (2014–2020) which contains a specific chapter on women’s health, and the National Strategy for the Inclusion of Romanian Citizens belonging to the Roma Minority (2012–2020).

11. While the Working Group commends the adoption of all these laws and policies, further specific measures should be introduced, taking into account specific needs of the different groups of women concerned. The limited understanding of equality as equal treatment and the lack of explicit focus on addressing women’s disadvantage in society, which the experts observed during their visit, undermine the potential for developing targeted gender equality measures, including temporary special measures.

C. Institutional framework

12. The National Agency for Equal Opportunities between Women and Men is an institution under the Ministry of Labour and Social Protection which is mandated to coordinate the implementation of government policies and strategies in the field of equal opportunities between women and men and for preventing and combating domestic violence. It can propose legal amendments and national plans of action and is in charge of ensuring their implementation and their harmonization with international human rights law. It also collects statistical data and conducts surveys and analyses, and the Working Group was pleased to hear about its agreement with the Institute of Statistics on sex-segregated data collection. The Working Group commends the Government for re-establishing the Agency in 2015 after it had been dissolved in 2010 due to budgetary cuts, but maintains that it could be further strengthened, as it lacks monitoring functions and sanctioning power and there are no subordinated territorial structures at the county level. Moreover, there is no specific budgetary allocation for the implementation of the National Strategy for the Promotion of Equal Opportunities and Treatment between Women and Men and Preventing and Combating Domestic Violence and its operational plan.

13. The National Commission for Equal Opportunities between Women and Men is an interministerial body that operates under the coordination of the National Agency for Equal Opportunities between Women and Men, which supports its activities. The National Commission includes representatives of the relevant ministries, central public administration units, trade unions, employers’ associations, and non-governmental organizations (NGOs) active in the field of gender equality. The Working Group is pleased to hear that the National Commission has resumed its biannual meetings, which were stalled for two years.

14. County commissions on equal opportunities between women and men (established by Law 202/2002) are consultative and informative organs which report to the National Commission for Equal Opportunities between Women and Men, and are composed of representatives of the local public administration, entities subordinate to the local public administration, trade unions and local NGOs. They have yet to be made operational in all counties. The Working Group is pleased to have witnessed a positive example of a functioning commission in the county of Sibiu.

15. In 2018, amendment 178/2018 to Law 202/2002 introduced the possibility for public and private institutions with more than 50 employees to hire an “equal opportunities expert” or designate an employee to be in charge of gender equality, who is tasked with making recommendations for implementing the principle of equal treatment between women and men. However, only a few institutions have appointed them.

16. In addition, there are other relevant State mechanisms for protection of the rights of disadvantaged groups of women and girls, including the National Agency for Roma which works for the social inclusion of the Roma minority. The experts were pleased to hear about the Agency’s activities on women’s rights, such as promoting entrepreneurship and education for Roma women, conducting surveys on the use of contraceptives and collaborating with Roma women’s civil society organizations.

17. The National Council for Combating Discrimination is a central mechanism for combating discrimination and is a tribunal-like equality body. In addition to its competence to initiate bills to harmonize legal provisions with gender equality principles, it formulates decisions on cases and legally binding recommendations, and also sends legal opinion to the courts in specific cases. The institution is known for taking a strong stance against discrimination, including in cases involving high-level politicians. The appointment of the members of its steering board by Parliament, as a guarantee of institutional independence, has in practice proved to be an obstacle, and the institution has been affected by the budget cuts.⁷ Moreover, it does not have a presence at the county level.

18. The Ombudsperson, designated by Parliament as the national human rights institution, has an important role in advancing the rights of women, for example by reporting to Parliament, proposing legislative amendments and reviewing complaints. Given that substantially fewer women than men have submitted complaints, women's access to this mechanism could be improved.⁸ It could also be granted more resources.

19. The Romanian Institute for Human Rights has an essentially promotional mandate. The experts were pleased to hear that a partnership with the National Agency for Equal Opportunities between Women and Men to promote and protect women's rights was being discussed at the time of their visit. They observe that the recommendation made in 2017 by the Committee on the Elimination of Discrimination against Women to ensure that the Institute is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular with regard to its mandate to protect women's rights and promote gender equality, is yet to be implemented.⁹ The relevant draft law remains pending.

20. There are two relevant parliamentary commissions: the Commission for Equal Opportunities for Women and Men, in the Chamber of Deputies, and the Commission for Human Rights, Gender Equality, Religious Denominations and Minorities, which take certain legislative and other initiatives on women's rights and gender equality. Their continued and strengthened engagement with relevant institutions and women's and girls' organizations would further contribute to promoting women's and girls' rights.

21. The Working Group commends the establishment of all these institutions, which have a key role to play in protecting and promoting women's and girls' rights. It encourages increased cooperation among the different States and independent authorities and NGOs, and securing sufficient funding of the institutions and programmes through gender-sensitive budgeting.

III. Public and political life

A. Political participation and representation in public institutions

22. While women's representation in Parliament has increased since the 2012 elections, when only 11.4 per cent of those elected were women, it is still one of the lowest in Europe. Women represent 18.5 per cent of the Chamber of Deputies and 18.4 per cent of the Senate, whereas the European average is 30.4 per cent for both chambers combined.¹⁰ These figures rank Romania in 124th place out of 188 countries worldwide.¹¹ The Working Group is

⁷ European Network of Legal Experts in Gender Equality and Non-Discrimination, 2020 country report on Romania, available at www.equalitylaw.eu/downloads/5229-romania-country-report-non-discrimination-2020-1-56-mb.

⁸ According to information provided on 28 February 2020 by the Office of the Ombudsperson, in 2019 there were 2,307 complaints by women and 5,141 complaints by men. The same ratio had also been seen in previous years.

⁹ See CEDAW/C/ROU/CO/7-8.

¹⁰ Inter-Parliamentary Union, Monthly ranking of women in national parliaments, January 2021, available at <https://data.ipu.org/women-ranking?month=1&year=2021>.

¹¹ Inter-Parliamentary Union, Global and regional averages of women in national parliaments, January 2021, available at <https://data.ipu.org/women-averages>.

concerned that no appropriate steps have been taken in terms of institutionalizing measures to increase women's representation in Parliament.

23. At the time of the visit, there were three women ministers, out of a total of 17: the Deputy Prime Minister, the Minister of Education and Research and the Minister of Labour and Social Protection. Currently, the latter is the only ministry led by a woman.¹²

24. Women's representation at the county and municipal levels is also low. The national average of women elected as mayor is only 4.55 per cent, (145 out of 3,187).¹³ Women are also underrepresented on county and city councils,¹⁴ with some exceptions, such as the County Council of Sibiu, which is a positive example, not only in terms of women's representation but also as regards the participation of women and different vulnerable groups in the creation of local policies.

25. Generally, women in Romania are well represented in the different public institutions but their representation in senior positions is mostly low.¹⁵ For example, although women hold 52 per cent of the management positions at the Central Administration of the Ministry of Foreign Affairs, only 27 per cent of the diplomatic missions and consular offices of Romania abroad are headed by women.¹⁶ With regard to the police, women represent 32 per cent of police officers and the police is currently headed by a woman.¹⁷

26. The Working Group finds it encouraging that 73 per cent of judges are women (3,491 out of 4,753).¹⁸ At the High Court of Cassation, the president of which is a woman, the rate is similarly high, with over 73 per cent of women magistrates. However, at the Constitutional Court, only three out of nine judges are women. Women are also the majority of prosecutors (1,338 women out of 2,572, i.e. 52 per cent).¹⁹

27. Further measures are needed to ensure the equal participation of women in all spheres of public and political life, in particular to increase the participation of women who face significant challenges in occupying elected or appointed positions, such as Roma women, women with disabilities, LGBTIQ+ women, and women living in rural areas. The Working Group has found that the most significant increase in the number of women in national parliaments over the years has been witnessed in countries where special measures, such as gender quotas, have been effectively implemented.²⁰

B. Women and girls human rights defenders

28. Women's and girls' organizations and groups in Romania play a key role in the fight against gender discrimination, often taking on a leading role in securing the rights of women and girls or complementing the Government's initiatives. Their activities include awareness-raising, education and training on gender equality and gender-based violence, providing shelter and support, rehabilitation and reintegration services for victims/survivors of gender-based violence, and for migrant and refugee women, and providing services for poor women and girls.

¹² See <https://gov.ro/en/government/the-cabinet-of-ministers> (as accessed on 29 January 2021).

¹³ Information provided by the National Agency for Equal Opportunities between Women and Men on 17 August 2020.

¹⁴ Aksel Sundstrom, "Women's local political representation within 30 European countries", available at core.ac.uk/download/pdf/43558835.pdf.

¹⁵ United Nations Development Programme, *Gender Equality and Women's Empowerment in Public Administration: Romania Case Study* (2012), available at [www.undp.org/content/dam/undp/library/Democratic Governance/Women-s Empowerment/RomaniaFinal - HiRes.pdf](http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Women-s%20Empowerment/RomaniaFinal%20-%20HiRes.pdf).

¹⁶ Information provided by the Ministry of Foreign Affairs on 5 May 2020.

¹⁷ Information provided by the Ministry of Internal Affairs on 5 May 2020.

¹⁸ Information provided by the Ministry of Justice on 28 February 2020.

¹⁹ Ibid.

²⁰ See A/HRC/23/50.

29. The use of their expertise and knowledge of local contexts by the Government and local bodies is highly beneficial. The Working Group welcomes the fact that in some municipalities, such as Mizil, local authorities have been cooperating with grass-roots organizations of women and girls of Roma communities, which has positively impacted on the living conditions of the communities. Such collaborations should be encouraged as a good practice throughout the country.

30. Girls' organizing and participation has been on the rise in the country. In light of the key role that women's and girls' organizations and networks play in protecting human rights, these should be granted adequate public resources and be included in policymaking. A nurturing environment for their participation needs to be ensured and any harassment of activists must be prevented and sanctioned.

IV. Economic and social life

A. Adequate standard of living

31. Access to an adequate standard of living is a challenge in poverty-affected rural areas in Romania, where social goods and services are generally of low quality. This has a severe impact on women and girls in vulnerable situations – mainly Roma women, who generally have limited access to opportunities and resources – affecting their health and safety. In some rural areas largely inhabited by Roma, lack of water, clean toilet facilities, sewage and electricity has persisted for years. The dire poverty in some rural areas, the poor income levels of local governments and the need for more financial support (from the central Government) for child protection and social services constitute barriers to ensuring an adequate standard of living for all Romanians.

32. While a social housing scheme is generally available, priority given on the basis of education or domicile hurts poor and vulnerable women, who typically lack education and often do not have the necessary (residency) registration papers, leaving their households trapped in a cycle of deprivation.²¹ Furthermore, in Law 114/1996 on Housing, there is no reference to marginalized or vulnerable women as regards the allocation of social houses. Testimonies received during the visit also revealed stories of women who faced forced evictions and were at risk of homelessness, which is part of a structural problem faced by certain women due to the intersection of gender, ethnicity, economic status, and geographic or rural background. The Working Group welcomes the discussion on the bill on the allocation of social housing for vulnerable populations and hopes that it will be adopted into law without undue delay.

33. The Working Group welcomes the range of available social benefits that are put in place to improve the living conditions of people in vulnerable situations and reach an array of beneficiary groups, such as the subsidies for single parents and for low-income families. It is encouraged by the ongoing efforts to implement integrated community services to combat poverty and social exclusion – such as the training of 139 social workers in rural areas – in order to integrate marginalized communities into the formal work sector, through different projects funded by the European Union. More than half of the social service providers are located in urban areas with more than 100,000 inhabitants, and only 11.4 per cent are located in rural areas.²² Specific programmes addressing social exclusion and poverty are needed.

34. Further targeted policies and programmes should be put in place to facilitate access to social goods and services by low-income rural and Roma women who live in municipalities with limited budgets. From the testimonies that the experts received in the rural communities visited, the threshold set for accessing social services does not correlate with the low income level of the rural population. Moreover, it would be beneficial to integrate a gender and an

²¹ World Bank, *Housing in Romania*, available at <http://documents1.worldbank.org/curated/en/552171468585744221/pdf/106856-REVISED-WP-RomaniaHousingRASOutputFinalHousingAssessment-PUBLIC.pdf>.

²² Information received from the Ministry of Labour and Social Protection on 3 March 2020.

intersectional perspective into the national housing and social protection programmes, in order to meet the particular needs of specific groups of highly vulnerable women.

B. Women's participation in the labour force and economic leadership

35. The Labour Code prohibits any discrimination on the grounds of sex (art. 5), among other grounds, which was considered by many governmental interlocutors to constitute sufficient protection against discrimination. However, in practice women face many barriers to accessing decent jobs and frequently suffer discrimination in the workplace, stemming, inter alia, from the unequal division of family responsibilities and the disproportionate burden of unpaid care work. While the 2019 guidelines on the implementation of Law 202/2002 on Equal Opportunities and Treatment between Women and Men envisage the setting up of a complaint mechanism for sexual harassment in the workplace, the experts learned that these had not been put into place, even where the know-how of the relevant NGOs had been offered.

36. The rate of women's participation in the labour force – 45 per cent – is lower than that of men. In January 2019, the employment rate was recorded at 56.2 per cent for women and 74.5 per cent for men.²³ The experts were unable to identify any mandatory or voluntary special measures targeted at increasing women's participation in the labour force, or any gender audit requirements.

37. The Working Group is pleased to note that Romania has a relatively low gender pay gap – the lowest in the European Union in 2018 (at 3.0 per cent) and almost three times lower than the European Union average (of 14.8 per cent).²⁴ Nevertheless, continued efforts should be made to fully close the gap. The strategy developed by the National Agency for Equal Opportunities between Women and Men to promote the representation of women in decision-making positions and advance policies to reduce employment inequalities and the gender pay gap is a positive step.

38. The Working Group acknowledges that the registered unemployment rate in December 2020 for women (4.6 per cent) was lower than the rate for men (5.1 per cent) and significantly lower than the European Union average (7.9 per cent).²⁵ However, the high unemployment rate among certain groups of women, especially Roma women and women living in rural areas, remains a concern, as it is inextricably linked to the wider context of systemic exclusion that they face.

39. The Working Group welcomes the introduction of legal and policy measures designed to increase access to employment for individuals in precarious situations through a range of interventions such as professional information and counselling, vocational training, labour mediation, education, and certification of vocational skills. The introduction of specific measures for women from vulnerable groups, such as Roma, rural, and migrant women, is desirable.

40. During the visit, the experts noted that women belonging to minorities, such as Roma women, were working in the informal sector and were excluded from the guarantees provided by the employment law, finding themselves in a precarious situation. The situation of workers in the informal economy requires proper attention by the Government. The formalization of such work would be necessary in order to ensure legal and social protection for women workers in the sector.

²³ European Employment Services (EURES) labour market information, available at <https://ec.europa.eu/eures/main.jsp?catId=9545&countryId=RO&acro=lmi&lang=en®ionId=RO0&nuts2Code=%20&nuts3Code=®ionName=National%20Level>.

²⁴ Eurostat, "Gender pay gap statistics", available at https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics.

²⁵ See <https://countryeconomy.com/unemployment/romania>, and the Eurostat unemployment statistics available at https://ec.europa.eu/eurostat/statistics-explained/index.php/Unemployment_statistics#Unemployment_by_gender.

41. The experts also noted that working women in Romania still performed a significant level of unpaid tasks, such as household work and caring for children or relatives, on a far larger scale than working men. This, together with the limited and overcrowded childcare facilities,²⁶ the lack of after-school programmes for children and lack of flexible working time, had negative consequences on their participation in paid work and their earnings.

42. The Working Group welcomes the actions taken by the Government to develop childcare facilities, such as the preparation of a relevant legislative and policy framework, and programmes to encourage the participation of children from disadvantaged families, such as Tickets to Kindergarten. Further measures, including awareness-raising activities to ensure a more balanced division of work and family responsibilities between women and men, and encouraging more fathers to use parental entitlements, are needed. Moreover, provision of support to women-headed households, in addition to allowances for raising children, would be highly beneficial.

C. Education

43. The Working Group is encouraged by girls' and young women's participation in education at all levels, including in secondary education (57.8 per cent) and at the university level (19.7 per cent).²⁷ The female-male ratio is quite similar across all fields of study, including science and mathematics, where, stereotypically, girls are perceived to be less inclined to perform.²⁸

44. The Working Group commends Romania for, notably, closing the gender gap in education enrolment at the primary school level (22.5 per cent for girls and 19.5 per cent for boys).²⁹ The level of school dropout (for both boys and girls) has also decreased (from 19.1 per cent in 2016 to 15.3 per cent in 2019), but has not reached the national target for 2020 of 11.3 per cent and remains among the highest in the European Union (whose average is 10.2 per cent).³⁰ Factors contributing to girls leaving school early include teenage pregnancy, early marriage, taking care of siblings in cases where parents have gone abroad, and poverty.³¹ School dropout is particularly high in rural areas and among Roma.

45. The urban-rural divide is also apparent in the quality of education, with a severe impact on both the educational and the economic attainment of rural girls and women, who face multiple barriers. Only 24 per cent of students enrolled in higher education come from rural areas, even though 45 per cent of all Romanian schoolchildren live in rural areas.³² The literacy rate of girls is also lower in rural areas.

²⁶ According to the Systems Approach for Better Education Results (SABER) Early Childhood Development country report on Romania and statistics from Eurostat in 2019, there were only 351 crèches in the country, enrolling only 1 per cent of children in early education. In Bucharest, there were only 19 facilities, providing 3,890 spaces, even though the population of children under 3 years of age in the city was 50,000. See http://wbfiles.worldbank.org/documents/hdn/ed/saber/supporting_doc/CountryReports/ECD/SABER_ECD_Romania_CountryReport2019.pdf.

²⁷ Eurostat, Education and training overview, Education levels, 2019, available at <https://ec.europa.eu/eurostat/cache/infographs/womenmen/bloc-2a.html?lang=en>.

²⁸ Information provided by the Ministry of Education and Research on 5 March 2020.

²⁹ Eurostat, Statistics explained, Early leavers from education and training, available at https://ec.europa.eu/eurostat/statistics-explained/index.php/Early_leavers_from_education_and_training#Analysis_by_sex.

³⁰ Ibid.

³¹ Ibid.

³² World Bank, "Romania: systematic country diagnostic", available at <http://documents1.worldbank.org/curated/en/763281530905054127/pdf/128056-SCD-PUBLIC-P160439-RomaniaSCDBackgroundNoteEducation.pdf>.

46. More Roma girls are illiterate than boys of the same community and the school dropout rate is significant in Roma communities.³³ In 2014, among the Roma population, school attendance at the primary education level was 67 per cent.³⁴ In addition, Roma inclusion in education remains a major challenge.

47. The Working Group welcomes the strategies adopted to address early school leaving, such as the Second Chance Programme, the allocation of grants to low-performing high schools, and measures to support vulnerable categories of students. There are also encouraging positive initiatives to address particular challenges that Roma students face, such as the appointment of school mediators, who are responsible for promoting the integration and participation of Roma students in the education system in order to avoid dropping out of school or any type of marginalization in the school system, and scholarships for tertiary education. Further attention is required in order to respond to the underlying complex socioeconomic and cultural context. Accurate statistical data and targeted measures are required in order to improve the performance of schools in rural areas and ensure an equal distribution of education outcomes across the country among girls (and women) and boys (and men).

48. Many interlocutors, both civil servants and representatives of civil society, expressed the view that the Romanian education system was falling short in the area of sexuality education, which is crucial for securing women's and girls' sexual and reproductive health. Sexuality education is an optional subject, which reaches only a small minority of school pupils. The experts were informed about the limited opportunities to discuss issues of sexual and reproductive health at school, while impressive community conversation initiatives were being run by NGOs. As one girl said, "I wish we learned in school things we talk about here, in the community centre ...".

49. Although civic education is part of the school curriculum, interlocutors assessed it as insufficient as far as gender equality and violence against women and girls were concerned. It is crucial to integrate human rights education at all levels of education and to specifically address gender equality issues. It is also important to ensure that the school environment, curricula and textbooks are free from gender stereotypes – a problem noted specifically by our interlocutors, who said they wanted to hear about the values of women. The school environment should be child-friendly, supportive of girls and free of sexual harassment and bullying.

50. The experts were pleased to hear about the cooperation between some schools and women's rights NGOs in covering the topics of gender equality and respectful relationships between boys and girls. Moreover, two existing postgraduate university programmes in gender studies are a good example for the Eastern European region, as they are particularly important in increasing knowledge about gender issues.

V. Health

A. Access to health care

51. Romania provides a rather comprehensive universal health benefit package, which includes prenatal care and gynaecologist services; certain groups of people in vulnerable situations benefit from it regardless of their employment status. In practice, several barriers affect women's and girls' access to health care. Interlocutors reported that informal payments were often required in order to access health services that should be free of charge according to the law. In rural areas, health services, including maternal health-care services, are not sufficiently available or accessible due to distance and costs.

³³ European Union Agency for Fundamental Rights, *Education: The Situation of Roma in 11 EU Member States*, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-roma-survey-dif-education-1_en.pdf.

³⁴ Ibid.

52. Romania has one of the widest ethnic gaps in the European Union as regards health insurance access between Roma and non-Roma, with a difference of almost 30 per cent.³⁵ Access to services is deterred by, among other factors, territorial segregation of Roma communities, which also means greater physical distances to and from services, lack of financial resources, and lack of education and information. Practices that reflect institutionalized discrimination also come into play. The experts heard testimonies of denial of services, or services being offered in segregated settings, including during childbirth. The Working Group notes the important role of health mediators for the marginalized Roma communities and encourages an increase of their numbers.

53. Women and girls with disabilities also face barriers to accessing quality health services, particularly those living in institutions.³⁶ Moreover, it was brought to the attention of the experts that institutionalized women and girls with intellectual and psychosocial disabilities are sometimes pushed to take contraceptives to prevent unplanned pregnancy, even if not sexually active.

54. The experts were also alerted to the lack of specialized services for women and girls living with HIV/AIDS, and some cases of denial of services, as well as the limited availability of psychological and psychiatric services for women victims/survivors of sexual violence, and a lack of specialized services, such as hormone therapy, for transgender persons. Furthermore, there are no targeted programmes for persons who use drugs, including women engaged in prostitution/sex work.

55. Targeted measures – including further training of medical personnel on the health needs of women from vulnerable groups, and addressing prejudices and insensitivity to their needs – are required.

B. Sexual and reproductive health

56. Romania lacks a comprehensive national strategy on sexual and reproductive health, despite the fact that it has one of the highest teenage pregnancy rates in Europe.³⁷ Teenage pregnancy is particularly common in rural areas, due to a combination of various factors including lack of sexuality education and difficulties for adolescents in accessing sexual and reproductive health services.

57. Romania also has one of the highest maternal mortality rates in Europe (19 per 100,000 live births compared to the European Union average of 6 per 100,000 live births in 2017),³⁸ as well as one of the highest infant mortality rates (7 per 1,000 live births in 2018, compared to 11 per 1,000 live births in 2008),³⁹ resulting from unattended pregnancies. The maternal mortality rate of Roma women is 15 times higher than the rate for non-Roma women.⁴⁰

58. There is also a problem of overmedicalization of birth, including a high rate of caesarean sections (around 34 per cent).⁴¹ Moreover, according to some interlocutors, women's rights at childbirth in medical facilities are not fully respected, including as regards

³⁵ *Roma Health Report* (2014), available at https://ec.europa.eu/health/sites/health/files/social_determinants/docs/2014_roma_health_report_en.pdf.

³⁶ According to the submission provided to the Working Group by the Center for Legal Resources, 8,446 adult women with disabilities live in residential institutions in Romania.

³⁷ Eurostat, "Young and older mothers in the EU", available at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190801-1>.

³⁸ World Bank, "Maternal mortality ratio", available at <https://data.worldbank.org/indicator/SH.STA.MMRT?locations=RO-EU>.

³⁹ United Nations Children's Fund (UNICEF), "Romania: key demographic indicators", available at <https://data.unicef.org/country/rou/>.

⁴⁰ *Roma Health Report* (2014), available at https://ec.europa.eu/health/sites/health/files/social_determinants/docs/2014_roma_health_report_en.pdf.

⁴¹ Anca Simonescu and Erika Marin, "Caesarean birth in Romania: safe motherhood between ethical, medical and statistical arguments", *Maedica*, vol. 12, No. 1, January 2017, available at www.ncbi.nlm.nih.gov/pmc/articles/PMC5574073/.

being able to have a birth companion present. As home birth is not regulated, women who choose to give birth at home cannot benefit from medical assistance.

59. According to the Government, there are programmes of free distribution of contraceptives to certain categories of girls and women in need, such as those with no income, and young women. However, such beneficiaries whom the experts met reported that they were not aware of these programmes and that, in practice, free access was not ensured. They also spoke of barriers, such as costs and the lack of availability of family planning services in the country, particularly in rural areas.

60. Termination of pregnancy in Romania is permitted upon request during the first 14 weeks, and thereafter for therapeutic reasons. However, the experts were informed that in some hospitals, in both rural and urban areas, access to abortion services is compromised due to the exercise of conscientious objection. Illegal and unsafe abortion still exists in Romania, putting women's and girls' health and lives at risk.⁴²

61. Access to feminine hygiene products and sanitary facilities is also an issue for some women and girls, especially those living in poverty, and is a source of stigma and discrimination.

VI. Family and culture

62. According to interlocutors, women in Romanian society are still predominantly assigned traditional gender roles. Although attitudes have been changing, particularly in urban areas, women's primary responsibility is seen as bearing children and taking care of the household, which contributes to women's lower level of participation in the political, social and economic spheres.

63. Gender stereotypes, compounded by those based on race, and on other grounds such as class, disability and age, persist in Romanian society, including in schools and in the media, as well as in law enforcement and judicial institutions. Roma women and girls, in particular, face intersecting and multiple forms of discrimination and are often portrayed stereotypically in the media. Anti-Roma sentiment exists in the country: during the visit, the experts heard of episodes of racist and sexist treatment of Roma women and girls.⁴³

64. Moreover, testimonies received during the visit raised the problem of the high tolerance of domestic violence, including by the victims, as well as the existence of victim-blaming attitudes in society and institutions. This leads not only to the underreporting of gender-based violence, but also to the relevant authorities minimizing its seriousness.

65. According to the experts' discussions with young girls and other interlocutors, sexuality remains a taboo topic, particularly in conservative communities. The worldwide phenomenon of backlash against women's rights driven by conservative cultural, political and religious movements in recent years can be observed in Romania too, particularly with regard to sexual and reproductive rights.

66. Backlash is also observed in relation to the rights of lesbian, gay, bisexual, transgender, intersex and queer persons. In Romania, same-sex civil partnership is not recognized in law. Transgender persons face problems with legal recognition of their assumed identity, in many cases being obliged to undergo full medical transition, including sterilization: this requirement is incompatible with human rights standards.

67. Measures are needed to ensure that the culture of Romanian society is inclusive of all its inhabitants, and values the contributions of all people, including women and girls of ethnic minority backgrounds, and of diverse sexualities and gender identities, as well as women and girls with disabilities.

⁴² Euroregional Center for Public Initiatives and the FILIA Center, "Research report: restrictive access to abortions in Romania, 2019".

⁴³ On Anti-Roma hate speech, see National Council for Combating Discrimination decision No. 92, *Pană v. Bănescu*, 23 May 2007.

VII. Gender-based violence against women and girls

68. Gender-based violence, including domestic violence, sexual violence, trafficking of women and girls, and early marriage, is a problem.⁴⁴ Certain categories of women and girls are particularly vulnerable – such as girls whose parents work abroad; girls and women with disabilities, particularly those who live in State institutions; Roma girls; and women and girls who live on the streets, or work in the streets, including in prostitution/sex work. Women engaged in street prostitution frequently face police abuse and mistreatment, which is facilitated by the legal framework which defines soliciting for prostitution as a misdemeanour offence (breach of public order). Moreover, new forms of gender-based violence, such as revenge pornography and cyberviolence, are becoming a growing concern, particularly for girls and young women.

A. Domestic violence

69. Domestic violence is a widespread but underreported phenomenon, though in recent years a positive trend of increased reporting has been noted.⁴⁵ Romania has taken different measures to ensure effective implementation of the Istanbul Convention, including in 2018 through amendment 178/2018 to Law 202/2002 on Equal Opportunities and Treatment between Women and Men and its adoption of the relevant national strategy for 2018–2021. Moreover, it has taken measures to implement directive 2012/29/EU of the European Parliament and the Council of the European Union establishing minimum standards in the matter of rights, support and protection of crime victims. It has also established an Interministerial Committee for Preventing and Combating Domestic Violence, in 2016, as the body in charge of supporting the coordinated implementation of the Istanbul Convention.

70. The Working Group is pleased to note that the amended law – Law 217/2003 on Preventing and Combating Domestic Violence – contains a wide definition of violence and includes a broad category of protected persons in line with the Istanbul Convention. It regulates social services, safe houses for victims, assistance centres for perpetrators, and hotline services, and introduces temporary protection orders, in addition to protection orders, which are all welcome developments. Temporary protection orders were assessed as being a useful mechanism, by all interlocutors, police included, and the experts heard that they had been widely used since their introduction.

71. The amended law also provides for the establishment of specialized intersectional county teams to prevent and combat violence against children and domestic violence. Such teams are to be set up by county councils and local councils of the Bucharest district, and are to be made up of representatives from the general departments for social assistance and child protection, the police, the gendarmeries, the health, education and labour inspection sectors, and NGOs.

72. However, challenges remain in the implementation of the law, including with regard to data collection and allocating adequate resources, the monitoring of protection orders, and ensuring the full availability of relevant services for victims/survivors. The Working Group is pleased to hear that the European Union-funded project aimed at improving services for victims has enabled the creation of more centres, as, at the time of the visit, the experts heard that in some places public shelters were lacking and observed that in some places NGO-run centres (such as the one in Sibiu – the only one operational in the city at the time of the visit) struggled with limited resources. Moreover, the Working Group welcomes the Government's plans to introduce electronic monitoring of protection orders, and the measures to ensure the

⁴⁴ European Union Agency for Fundamental Rights, *Violence against Women: An EU-wide Survey*, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf.

⁴⁵ According to the data provided by the National Agency for Equal Opportunities between Women and Men, in 2017 there were 36,245 registered complaints, in 2018 there were 38,445 and in 2019 there were 44,094.

presence of qualified personnel throughout the country, as well as awareness-raising and training activities by the State authorities.

73. In addition, further measures are needed to ensure victims'/survivors' integration in society, such as priority in housing and employment. Moreover, the prevention activities by the different government agencies (such as police training, educational activities and national campaigns) should continuously be strengthened and the gender-sensitive prosecution of crimes should be ensured. Domestic violence should also be taken into account in cases concerning implementation of the Hague Convention on the Civil Aspects of International Child Abduction, as has been stated by the European Court of Human Rights.⁴⁶

B. Sexual violence

74. During the visit, interlocutors indicated that sexual violence was of concern and was seriously underreported, partly due to the lack of trust in the criminal justice system. Indeed, criminal justice mechanisms for combating sexual violence face some shortcomings. The Criminal Code does not define the crime of rape by lack of consent, but by coercive circumstances,⁴⁷ which may lead to an overreliance on physical resistance to characterize the offence. Additionally, there are cases of sexual intercourse with a minor below 14 years of age where consent was discussed, as these types of acts seem not to be automatically considered non-consensual and therefore rape. One such case concerning an 11-year-old girl who had been sexually abused by multiple perpetrators, some of whom were significantly older (even five times older) than her, was the subject of critique by the European Court of Human Rights.⁴⁸ Moreover, cases of non-consensual sexual intercourse with girls and women with disabilities are sometimes defined as consensual.⁴⁹

75. This reveals the existence of gender stereotyping in the determination of what constitutes sexual offences. Such stereotypes include the idea that lack of consent should be expressed by physical resistance, and that women and girls provoke sexual violence, by their behaviour or attire, for example. Efforts should be made to ensure that all instances of non-consensual sex are prosecuted as rape and that rape is treated in practice as a serious offence – including through training, and accountability of the judiciary.

76. In addition, integrated services for victims/survivors are lacking. The first crisis centre was established in 2018 within the University Emergency Hospital in Bucharest. The Working Group welcomes the envisioning of further centres, which should be made operational without undue delay.

C. Early marriage

77. Romania has one of the highest numbers of early marriages in Europe, primarily occurring in rural Roma communities as unregistered unions,⁵⁰ a phenomenon that is linked to the high number of teenage pregnancies. Authorities are generally reluctant to intervene in these cases, often on the basis of cultural justification of the practice. While the problem cannot be addressed through criminal sanctions only, further improvements are needed in prosecuting relevant cases; these include criminalizing forced marriage, and utilizing other relevant provisions such as those against trafficking or unlawful deprivation of liberty. Training of law enforcement agents and other relevant officials also needs to be conducted. Moreover, educational, socioeconomic and other measures should be taken to reach girls and

⁴⁶ *O.C.I. and others v. Romania* (application No. 49450/17), judgment of 21 May 2019.

⁴⁷ From art. 218 of the Criminal Code: “Sexual intercourse, oral or anal intercourse with a person, perpetrated by constraint, by rendering the person in question unable to defend him/herself or to express his/her will or by taking advantage of such state.”

⁴⁸ *M.G.C. v. Romania* (application No. 61495/11), judgment of 15 March 2016.

⁴⁹ European Court of Human Rights cases *I.C. v. Romania* (application No. 36934/08), judgment of 24 May 2016; and *E.B. v. Romania* (application No. 49089/10), judgment of 19 March 2019.

⁵⁰ Eurostat, “Young and older mothers in the EU”, available at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190801-1>.

communities where this practice persists, in collaboration with local leaders, including religious leaders, and NGOs.

D. Trafficking in women and girls

78. Trafficking in women and girls, primarily for the purposes of sexual exploitation and begging, is a major concern in Romania. Romania is primarily a source country and has the highest number of victims/survivors of trafficking and traffickers in the European Union.⁵¹ Girls constitute 31 per cent of the victims/survivors.⁵² The main drivers behind human trafficking are poverty, lack of education, child sexual abuse, lack of protection for children left behind by their parents working abroad, and corruption, alongside discrimination.

79. In 2012, Romania ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It has taken a number of legislative measures to tackle the phenomenon, including passing Law 678/2001 on Preventing and Combating Trafficking in Persons, Law 211/2004 on Protection of the Victims of Crimes, and Law 272/2004 on the Protection and Promotion of Children's Rights. The National Agency against Trafficking in Persons was set up in 2011. It coordinates, evaluates and monitors the implementation of anti-trafficking policies, drafts annual reports, is responsible for maintaining the Integrated System for Monitoring and Evaluation of Victims of Trafficking and plays a key role in a referral mechanism. A specialized police force was also set up, and the national strategy for 2018–2022 is currently in operation.

80. Despite these positive developments, there are significant challenges in combating trafficking, including police corruption and the involvement of public officials, particularly affecting girls living in State-run institutions.⁵³ There are also issues with impunity and inadequate application of the criminal law in certain cases (sometimes cases are defined as pandering), as well as insufficient support services (particularly for medical and psychological assistance) and an insufficient number of well-equipped specialized centres.⁵⁴ In such a situation, many of the services have been provided by NGOs, which have limited funding.

81. All centres for victims/survivors of trafficking need to be operational and allocated sufficient resources, and the availability of high-quality services for victims/survivors, aimed at their reintegration, taking into account the particular needs of minors and other vulnerable victims/survivors, should be secured. While the establishment of the specialized police units and the provision of specialized training for relevant personnel is a positive step, further efforts should also be undertaken to secure efficient prosecution of crimes.

E. Access to justice for victims/survivors

82. During the visit, the experts observed the need for a greater understanding of women's barriers to accessing justice. In order to ensure women's effective access to justice, there is a need to address the inequalities and biases that exist at the legal and sociocultural level.⁵⁵ In

⁵¹ Salvation Army and Freedom House Romania, "Transnational cooperation between EU and non-EU countries on combating trafficking in human beings", available at https://s3.amazonaws.com/cache.salvationarmy.org/8c7c2503-8404-44ec-829f-daf0791d4a8a_2.2a+rapport+transnational+cooperation_DEF_web.pdf; and Embassy of the United States of America in Romania, "2020 trafficking in persons report", available at <https://ro.usembassy.gov/2020-trafficking-in-persons-report-for-romania/>.

⁵² European Parliament, "Backlash in gender equality and women's and girls' rights" – Romania, available at [www.europarl.europa.eu/RegData/etudes/STUD/2018/604955/IPOL_STU\(2018\)604955_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604955/IPOL_STU(2018)604955_EN.pdf).

⁵³ Embassy of the United States of America in Romania, "2020 trafficking in persons report", available at <https://ro.usembassy.gov/2020-trafficking-in-persons-report-for-romania/>.

⁵⁴ Ibid.

⁵⁵ According to the Committee on the Elimination of Discrimination against Women general recommendation No. 33 (2015), these include discriminatory or insensitive legal provisions, the

particular, measures should be taken to build victims'/survivors' trust in the system and to enhance their security and economic independence, as well as to sensitize relevant authorities by means of gender-sensitive training programmes. Furthermore, investigative efforts must be focused on all relevant evidence, as interlocutors indicated that witnesses were often required for cases of domestic violence, and evidence of physical injury for cases of rape.

83. In addition, the authorities' coordination and cooperation with NGOs could be improved. The Working Group witnessed first-hand the impact that NGOs' work can have on preventing violence against women and assisting victims'/survivors' access to justice and reintegration into society, particularly in the closed-off rural communities visited. However, it is essentially the State's obligation to prevent and combat violence against women and to ensure that gender-based violence is investigated and perpetrators are sanctioned.

84. Further efforts aimed at ensuring access to justice are particularly needed in Roma communities, as the experts were repeatedly informed about the reluctance of authorities to intervene in cases of gender-based violence against Roma women and girls, considering them as the part of "Roma culture", thus "ethnicizing" violence. A good approach for the Government could be collaborating with and sensitizing community leaders and relevant NGOs in order to reach vulnerable social groups. Further efforts should also be made in the areas of research and data collection, including on women in particularly vulnerable situations.

VIII. Conclusions and recommendations

A. Conclusions

85. Romania has developed a solid legal, policy and institutional framework on gender equality and women's rights. It has also taken numerous positive measures to advance women's rights through awareness-raising and training, as well as by introducing programmes to enhance access to education, health care, employment and social services, and to combat gender-based violence. However, implementation of these measures is hampered due to different factors, of a political, socioeconomic and cultural nature. At the political level, the barriers include frequent changes of government, insufficient coordination between the different relevant authorities, and with NGOs, and limited resources of the authorities in charge of gender equality. At the socioeconomic level, the country faces a high level of poverty and a significant rural-urban divide. At the cultural level, conservative views about women, related to gender stereotypes, are still prevalent, and the concept of (substantive) equality is not fully understood. There is also a limited understanding of the structural problems that different groups of women and girls face in the enjoyment of their human rights. The implementation of an increased range of targeted measures, as well as measures to address barriers to equality, is necessary.

86. These factors affect women's participation in public, political, social and economic life. Women's participation in politics is low, and there seems to be no clear strategy to address the problem. On the other hand, women are relatively well represented in public administration, but efforts should be made to address the problem of the glass ceiling and targets should be set to achieve gender parity.

87. Access to an adequate standard of living is a challenge in poverty-affected rural Romania, as social services, housing and other infrastructures are often of low quality, disproportionately affecting rural Roma women and girls. Adequate gender-sensitive investment in social goods and services should be prioritized. While there is an improvement in women's access to employment and the gender pay gap is significantly lower than the European Union average, gender inequality in the labour market still exists and access to quality jobs for women needs to be improved, particularly for

existence of gender stereotypes in society and the judiciary, women's economic dependence and responsibility for children, and gender bias in the system.

women facing multiple and intersectional forms of discrimination. Moreover, further measures are needed to reduce women's heavy load of care and domestic work and to protect women in the informal labour market.

88. Even though Romania provides generous universal health coverage, access to quality health care is an issue across the country, and this is hampered by frequent requirements for "informal payments", which significantly affect women living in poverty. Roma women and girls also often encounter racial prejudice when accessing health-care and other public services, and there is a lack of targeted services for women and girls with disabilities and for other groups of women and girls in vulnerable situations. It is also important to improve access to sexual and reproductive health services, including through greater accessibility of family planning, availability of contraception and legal abortion services, and securing human rights at childbirth.

89. Despite the high rate of early marriages, and the consequent high level of school dropout for girls, sexuality education is very limited and urgently needs to be introduced. Moreover, although there is civic education, further efforts in securing education about gender equality, the elimination of gender stereotypes, and creating gender-sensitive environments in schools, are needed. Moreover, further measures to address dropping out of school, to improve access to secondary and tertiary education for girls from marginalized communities, and to ensure quality education (particularly in rural areas), are encouraged.

90. Gender-based violence against women is also a challenge, Romania having a high rate of trafficking, in particular. The Government has been taking actions to combat violence against women and girls, including the adoption of solid legislative and policy frameworks. However, lack of sufficient resources, the persistence of gender stereotypes in public institutions, corruption, insufficient availability of comprehensive services for victims/survivors, and insufficient availability of gender-sensitized qualified personnel, remain challenges.

91. Civil society has stepped in to address many of these problems and has developed significant expertise that should be utilized, by increasing the participation of NGOs in decision-making. The Working Group witnessed first-hand the positive impact of their work, particularly in marginalized communities.

B. Recommendations

92. With regard to legal, policy and institutional frameworks, the Working Group recommends that the Government of Romania:

(a) Ratify remaining key international human rights treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the ILO Domestic Workers Convention, 2011 (No. 189);

(b) Ensure effective implementation of relevant laws, policies and strategies, and introduce further measures that are focused on achieving substantive equality and addressing the specific needs of women facing multiple and intersecting forms of discrimination, such as Roma women and girls, and women with disabilities;

(c) Ensure participation of women at all levels in the design and implementation of such laws and policies;

(d) Ensure that all relevant institutions collect gender-segregated data, and ensure gender-responsive budgeting at all levels;

(e) Strengthen the institutional architecture for equality, in particular by:

(i) Strengthening the role of the National Agency for Equal Opportunities between Women and Men vis-à-vis other State bodies, including by conferring upon it the power of sanction against institutions in case of non-observance of

the laws on gender equality; creating subordinated territorial structures at the county levels; and allocating specific funds for the implementation of measures set out in the National Strategy for the Promotion of Equal Opportunities and Treatment between Women and Men and Preventing and Combating Domestic Violence, for the period 2018–2021;

(ii) Ensuring that mechanisms envisaged under the amended Law 202/2002 on Equal Opportunities and Treatment between Women and Men, such as the county commissions and gender experts, become fully functional, with sufficient resources and competent staff;

(iii) Strengthening human rights institutions – the Ombudsperson, the National Council for Combating Discrimination and the Romanian Institute for Human Rights – by ensuring their independence and allocating sufficient resources to them.

93. With regard to public and political life, the Working Group recommends that the Government:

(a) Increase the representation of women at all levels of government, including the municipal, county and State levels, particularly in managerial positions, with a view to achieving gender parity;

(b) Increase women's participation in elected positions, through the introduction of temporary special measures and measures to support the empowerment of women candidates;

(c) Encourage the participation of women and girls from different groups in society, in particular women with disabilities, LGBTIQ+ women, and Roma women, in public and political life;

(d) Allocate public funding to support the work of women's rights organizations and girls' networks and establish effective mechanisms for cooperation by central and local authorities with them throughout the country;

(e) Consult young generations of women, particularly high school and university students, to ensure their concerns are taken into account in the design of policies and strategies that concern them and ensure a nurturing environment for girls' activism and collective action.

94. With regard to economic and social life, the Working Group recommends that the Government:

(a) Put in place policies and programmes to facilitate access to social goods and services and social benefits by women from low-income rural communities and Roma women and girls;

(b) Define and implement targeted measures to close the urban-rural divide with respect to access to housing, water and clean toilet facilities;

(c) Integrate a gender-sensitive, intersectional perspective into the national housing and social protection programmes, with a view to meeting the particular needs of specific groups of women living in conditions of high vulnerability;

(d) Study the situation of workers in the informal economy (such as domestic and care workers), collect gender-desegregated data, and take measures towards formalizing the informal sector;

(e) Introduce targeted intersectional and gender-sensitive measures to create more opportunities for women to gain access to formal employment, especially in rural areas, and to integrate women from marginalized communities (such as Roma women and migrant and refugee women) into the labour market;

(f) Introduce additional and targeted measures to ensure a work-life balance for women, especially for single mothers who are primary care givers – including introducing flexible working conditions, ensuring access to childcare facilities, and

undertaking awareness-raising activities to encourage the use of parental leave by fathers;

(g) Adopt and implement further policies and strategies protecting women from harassment in the workplace, and ratify the ILO Violence and Harassment Convention, 2019 (No. 190);

(h) Take measures to address school dropout, including by strengthening the roles of school mediators;

(i) Implement targeted measures in order to improve the quality and performance of schools in rural areas and ensure an equal distribution of education outcomes across the country among girls (and women) and boys (and men);

(j) Adopt and implement strategies to address segregated education as well as the gap in educational attainment for Roma children, particularly girls;

(k) Promote and facilitate access to secondary and tertiary education for marginalized groups of girls;

(l) Guarantee comprehensive, scientific, human rights-based and age-appropriate sexuality education for all children;

(m) Integrate human rights education at all levels of education, addressing specifically women's and girls' rights and gender equality issues, including violence against girls;

(n) Ensure that the school environment is safe and gender-sensitive, and that curricula and textbooks are free from gender stereotypes;

(o) Support research in the area of gender equality and violence against women, and the university courses and specialized degrees and programmes on these issues.

95. With regard to health, the Working Group recommends that the Government:

(a) Ensure full access to quality health-care services to all women and girls, by taking into account the needs of women and girls facing intersectional discrimination, such as Roma women and girls, women and girls with disabilities, migrant and refugee women and girls, women and girls living with HIV/AIDS, women engaged in prostitution/sex work, and LGBTIQ+ women;

(b) Take all appropriate legislative and educational measures to end discrimination against Roma women and girls in access to health care, such as training health professionals, creating accessible complaint mechanisms, sanctioning discriminatory practices, and increasing the number of Roma health mediators;

(c) Ensure human rights at childbirth, including respect for women's choices, notably with regard to the presence of a birth companion;

(d) Take measures to address overmedicalization of birth and to regulate home births;

(e) Ensure full access to reproductive health services, including contraceptive information and services, to all women and girls, including adolescents;

(f) Ensure that legal abortion is accessible in practice by removing existing barriers, including through the proper monitoring and regulation of the practice of conscientious objection;

(g) Ensure the accessibility of hygiene products by reducing the rates of value added tax on such products or subsidizing them and providing them for free to those in need.

96. With regard to family and cultural life, the Working Group recommends that the Government:

(a) Take measures, including legislative and educational, to ensure that the culture of Romanian society is inclusive and values the contributions of all its

inhabitants, including women and girls of ethnic minority backgrounds, and of diverse sexual orientations and gender identities, as well as women and girls with disabilities;

(b) Undertake educational and awareness-raising campaigns aimed at eliminating harmful gender stereotypes and involve the family, the media, and community and religious leaders in the creation of a culture of gender equality and respect for human rights.

97. With regard to gender-based violence, the Working Group recommends that the Government:

(a) Collect further data and conduct studies on gender-based violence;

(b) Allocate sufficient funds to enable relevant institutions to implement preventative and protective measures on violence against women, especially in rural areas. Funds from local budgets should also be allocated for services to support victims/survivors of violence and their communities;

(c) Provide ongoing specialized training of all relevant authorities on gender-based violence (including the police, health services, social services and the judiciary);

(d) Improve services for victims/survivors of gender-based violence – including psychological and psychiatric services, and access to a shelter for the period needed, in particular for women in vulnerable situations, such as Roma women, older women, women and girls with disabilities, and migrant women;

(e) Address violence against women engaged in sex work/prostitution, by, inter alia, repealing its status as a misdemeanour offence;

(f) Eliminate gender bias in the police and the judiciary and ensure that a gender-sensitive perspective is applied in the investigation and prosecution of cases of violence against women;

(g) Ensure effective implementation of the law on preventing and combating domestic violence, including adequate implementation and monitoring of protection orders;

(h) Put in place specialized services for victims/survivors of domestic violence, in all counties, including specialized intersectoral intervention teams, and fully operational and accessible shelters or centres for victims/survivors;

(i) Provide education, counselling and therapy programmes for aggressors in each county;

(j) Ensure victims'/survivors' integration in society, through, for example, preferential access to municipal housing assistance and to employment;

(k) Take gender-based violence against women into account in child custody proceedings, as well as in cases concerning implementation of the Hague Convention on the Civil Aspects of International Child Abduction;

(l) Undertake further efforts to address the practice of early marriage, including by reviewing legislation on early marriage, providing training to relevant officials, and undertaking educational and other activities, in collaboration with local leaders and NGOs;

(m) Review legislation on sexual violence to ensure that all non-consensual sexual relations are adequately prosecuted, and that girls, and women with disabilities, are adequately protected;

(n) Set up integrated emergency centres for victims/survivors of sexual violence;

(o) Undertake efforts to strengthen the implementation of legislation, policies and strategies to effectively combat the trafficking of women and girls;

- (p) Provide gender-sensitive training to all relevant personnel to support access by survivors of trafficking to justice, and to challenge the negative perceptions that such personnel may hold, particularly of survivors of sexual exploitation;
- (q) Address the problem of impunity and corruption and ensure adequate application of the criminal law in trafficking cases;
- (r) Ensure that all centres for victims/survivors of trafficking are operational and have sufficient resources, and that high-quality services are available for the victims/survivors, aimed at their reintegration, taking into account the particular needs of minors and other vulnerable victims/survivors;
- (s) Strengthen the ongoing awareness-raising activities on trafficking, with a focus on education, in cooperation with all relevant actors, including NGOs and community leaders;
- (t) Take measures, including legislative and educational, to prevent and address sexual harassment in the education system and public institutions, revenge pornography and online sexual abuse against girls, in cooperation with NGOs and girls' networks;
- (u) Address violence against women engaged in sex work/prostitution, including by decriminalizing sex work/prostitution;
- (v) Address the barriers to women and girls accessing justice, particularly Roma girls and women and other women and girls in situations of vulnerability.
