

Domnule Președinte
Propun aprobarea
Către Mihai
27.12.2006



Parlamentul României Camera Deputaților

DIRECȚIA GENERALĂ AFACERI EXTERNE
DIRECȚIA DE RELAȚII CU ADUNĂRI PARLAMENTARE INTERNAȚIONALE

Nr.58/2/ 1494

26 decembrie 2006

MEMORANDUM INTERN

Către: Mihai Unghianu, secretar general adjunct al Camerei Deputaților

Tema: Raportul periodic al României referitor la aplicarea Convenției privind eliminarea tuturor formelor de discriminare a femeilor

Uniunea Interparlamentară a transmis concluziile Comisiei ONU de eliminare a discriminării femeilor privind cel de-al 6-lea Raport periodic al României referitor la punerea în aplicare a Convenției privind eliminarea tuturor formelor de discriminare a femeilor. Raportul a fost dezbătut la cea de-a 35-a reuniune a Comisiei, ce a avut loc la New York, în perioada 26 mai-2 iunie 2006.

Ni se recomandă ca aceste concluzii și recomandări să fie puse la dispoziția parlamentarilor, în vederea promovării unei dezbateri pe această temă în parlament, pentru ca prevederile Convenției să fie aplicate în proporție cât mai mare. De asemenea, Uniunea Interparlamentară este deschisă oricăror inițiative rezultate din aceste concluzii și îndeamnă parlamentul să informeze UIP și Comisia ONU cu privire la eventualele demersuri pe această temă.

Propunem:

- să se înainteze Comisiei pentru egalitatea de șanse între femei și bărbați concluziile Comisiei ONU de eliminare a discriminării femeilor în vederea formulării unui răspuns la acest document, care să fie transmis Uniunii Interparlamentare.

APROBAT

În ședința Biroului permanent al
Camerei Deputaților

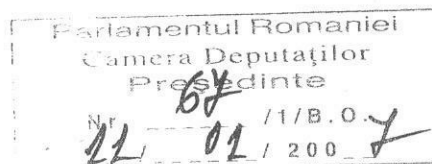
din data de 5.02.2007

Red. Cristina Sava

Nr. 24



Director,
Nadia Ionescu



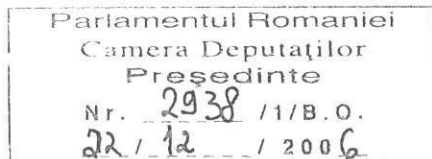
UNION INTERPARLEMENTAIRE



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Geneva, 15 December 2006

Dear Mr. President,

I am pleased to write regarding the review of your country's latest periodic report on measures taken to give effect to the Convention on the Elimination of All Forms of Discrimination against Women. As you know, this report was considered during the thirty-fifth session of the United Nations Committee on the Elimination of Discrimination against Women (New York, 15 May to 2 June 2006).

The Committee has recently published its concluding comments and recommendations. For ease of reference, you will find attached a copy of this document, which is also available at the following link of the CEDAW website: <http://www.un.org/womenwatch/daw/cedaw/35sess.htm>. I would like to encourage you to take the necessary steps to make the Committee's concluding comments and recommendations available to members of your parliament and to promote a debate in Parliament in order to ensure adequate parliamentary follow-up.

I would be very pleased to hear of any initiatives you may have taken as a result of this letter, and shall not fail to keep the Committee and the IPU membership informed of any developments in this regard.

Yours sincerely,

Anders B. Johnsson
Secretary General

Mr. Bogdan Olteanu
President of the Chamber of Deputies
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cc: Mrs. Georgeta Elisabeta Ionescu, Secretary General of the Chamber of Deputies

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**Committee on the Elimination of Discrimination
against Women**
Thirty-fifth session
15 May-2 June 2006

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

Romania

1. The Committee considered the sixth periodic report of Romania (CEDAW/C/ROM/6) at its 735th and 736th meetings, on 26 May 2006 (see CEDAW/C/SR.735 and 736). The Committee's list of issues and questions is contained in CEDAW/C/ROM/Q/6, and Romania's responses are contained in CEDAW/C/ROM/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its sixth period report, which followed the Committee's guidelines for the preparation of reports, while regretting that it provided insufficient statistical data disaggregated by sex and did not state whether the Committee's general recommendations had been taken into account. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation that provided further insights about recent legislative changes and the situation of women in Romania, and for the responses to the questions posed orally by the Committee.

3. The Committee commends the State party for having sent a delegation headed by the President of the National Agency for Equal Opportunities between women and men, and which included a balanced number of women and men representatives from ministries with responsibility for implementation of measures in the areas covered by the Convention, including representatives of the National Agency for Preventing Trafficking in Persons and Monitoring Assistance Provided to the Victims of the Trafficking in Persons, the National Council for Combating Discrimination (NCCD), the National Anti-Drug Agency and the National Agency for Roma. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.



4. The Committee commends the State party for having ratified the Optional Protocol in August 2003.

Positive aspects

5. The Committee commends the State party on the range of recent laws, strategies and action plans aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the obligations under the Convention. In particular, it welcomes the adoption of Law 202/2002 on equal opportunities between women and men and its subsequent amendments, Ordinance 137/2000 on preventing and sanctioning all forms of discrimination and its subsequent amendments, Law 217/2003 on preventing and combating domestic violence, and Law 678/2001 on preventing and combating trafficking in persons.

6. The Committee congratulates the State party on the establishment, in 2005, of the National Agency for Equal Opportunities between Women and Men (NAEO) and welcomes the proposed establishment of branches of the national machinery at county level. The Committee also welcomes the creation of specialized institutions such as the National Agency for Family Protection established in 2004, the National Agency for Roma established in 2005, and the establishment of the National Agency for preventing trafficking in persons and monitoring assistance provided to the victims of the trafficking in persons in 2005.

7. The Committee commends the State party on the adoption of the National Strategy for Equal Opportunities between Women and Men for the period 2006-2009, the General Action Plan for the implementation of the Strategy as well as the development of county-based plans of action; the National Strategy for preventing and combating domestic violence and its related Action Plan for 2005-2007, and the National Strategy against Trafficking in Persons for 2006-2010.

8. The Committee notes that the draft Civil Code currently before Parliament will raise the minimum age of marriage for young women to 18 on an equal basis with young men, in compliance with the Convention, and the Convention on the Rights of the Child.

Principal areas of concern and recommendations

9. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

10. The Committee regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in regard to all areas covered by the Convention.

11. The Committee calls upon the State party to enhance its data collection in all areas covered by the Convention so as to assess the actual situation of women and their enjoyment of their human rights, disaggregated by sex, as well as by ethnicity, age, and by urban and rural areas as applicable, and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and evaluate progress achieved towards realization of women's de facto equality. The Committee requests the State party to include in its next report such statistical data and analysis.

12. While commending the State party for the extensive legal and policy framework developed in recent years for the promotion of equality between women and men and the elimination of discrimination against women, the Committee is concerned that it may not be sufficiently known by the general population. It is concerned that women themselves might not be aware of their rights, or lack the capacity to claim them as indicated in the low number of cases related to discrimination against women investigated by the National Council for Combating Discrimination since its creation in 2003.

13. The Committee encourages the State party to implement sensitization and awareness-raising campaigns about the new laws and policies aimed at preventing and eliminating discrimination against women and at enhancing women's access to justice. Such efforts should be targeted specifically at women so that they can avail themselves of remedies for violations of their rights under the Convention and domestic legislation, as well as at the general public so as to create an environment that is conducive to the realization of gender equality.

14. While noting with satisfaction the inclusion of training modules on international legal instruments on combating discrimination in the curriculum of the National Institute for Magistracy, the Committee is concerned about the insufficient awareness about the Convention and its Optional Protocol among the legal profession and the judiciary indicated by the absence of any court decisions that referred to the Convention.

15. The Committee calls upon the State party to enhance knowledge about the Convention and the procedures under the Optional Protocol among the judiciary and the legal profession, including through awareness-raising.

16. While welcoming the establishment, in 2005, of the National Agency for Equal Opportunities between Women and Men under the Ministry of Labour, Social Solidarity and Family as the national machinery for the advancement of women, the Committee is concerned that the national machinery may not have sufficient visibility, decision-making power or human and financial resources to effectively promote the advancement of women and gender equality across all branches and sectors of Government as well as at the national and local level.

17. The Committee recommends that the State party strengthen the existing national machinery by enhancing its visibility, decision-making power and human and financial resources so that it can effectively implement its mandate, strengthen its effectiveness at local level and enhance coordination among all relevant mechanisms and entities at the national and local level.

18. The Committee expresses concern about the persistent low representation of women in elected and appointed bodies, especially at high and decision-making

levels, including in Parliament, in the executive bodies of the Government, and in local government, and the lack of effective measures to accelerate the advancement of women in this respect.

19. The Committee urges the State party to take effective measures to accelerate and increase the representation of women in elected and appointed bodies, including through a possible change in the election law or the use of incentives or sanctions for fulfilment of the obligation of local and central public authorities to reach "equitable and balanced representation of women and men" as proclaimed in the Law on Equal Opportunities Between Women and Men. It also recommends that the State party further utilize temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendations 25, on temporary special measures, and 23, on women in public life, including establishment of benchmarks, quotas, numerical goals and timetables, to accelerate women's full and equal participation in elected and appointed bodies. The Committee also recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in public and political life and at decision-making levels, as democratic requirement.

20. While welcoming the legislative and other measures taken by the State party to prevent and eliminate domestic violence, including the introduction, by the Ministry of Justice, of a statistical indicator to monitor cases of domestic violence pending before the courts, the Committee expresses concern about the insufficient implementation of those measures, including limited availability of protection and support services for victims, in particular in rural areas. The Committee is concerned that the State party was able to provide only limited information about the prevalence of domestic violence, and that Law 217/2003 does not address other forms of violence against women.

21. The Committee urges the State party to enhance the effective enforcement of its domestic violence legislation so as to ensure that all women who are victims of violence, including those living in rural areas, have access to immediate means of redress and protection, including protection orders, access to a sufficient number of safe shelters funded by the Government within a sufficiently wide geographical distribution, and to legal aid. The Committee calls upon the State party to provide adequate funding for such efforts, as well as for the establishment of a free hotline operating 24 hours a day/7 days a week. The Committee also recommends that the State party enhance its action beyond domestic violence to all forms of violence against women, in the light of the Committee's general recommendation 19.

22. While commending the efforts undertaken by the State party to address the issue of human trafficking, the Committee remains concerned about the magnitude of this phenomenon in Romania, which remains a country of origin, transit, and destination for trafficked women and girls.

23. The Committee calls on the State party to increase its efforts to prevent human trafficking by addressing its root causes, in particular women's economic insecurity. It recommends that the State party enhance measures aimed at improving women's social and economic situation, in particular in rural areas, so as to eliminate their vulnerability to traffickers and to put in

place services for the rehabilitation and reintegration of victims of trafficking. The Committee also encourages the State party to intensify international, regional and bilateral cooperation with countries of origin, transit and destination for trafficked women and girls to further curb this phenomenon.

24. The Committee expresses concern that the rates of abortions and maternal mortality still remain high, although noting their decrease since the beginning of the 1990s as a result of Government efforts.

25. The Committee encourages the State party to intensify implementation of programmes and policies aimed at providing effective access for women to health-care information and services, and to expand sexual and reproductive health education programmes. The Committee recommends that the State party use its general recommendation 24 on women and health in the implementation of Law 95/2006 reforming the health care system.

26. The Committee is concerned at the situation of Roma women and girls who face multiple and intersecting forms of discrimination based on sex, ethnic or cultural background and socio-economic status. The Committee notes with concern that Roma women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, housing, employment, official identity documents and participation in political and public life. While noting efforts such as "The Second Chance" Programme and the school mediator and the health mediator schemes, the Committee is particularly concerned about the gaps in Roma women's formal education, their high rates of illiteracy, and the high rate of school dropouts among Roma girls.

27. The Committee urges the State party to take a holistic approach to eliminating the multiple and intersecting forms of discrimination that Roma women face and to accelerate achievement of their de facto equality through the coordination of all agencies working on Roma, non-discrimination and gender equality issues. It urges the State party to implement targeted measures, within specific timetables, in all areas, and to monitor their implementation. The Committee encourages the Government to approve without delay the budget for the implementation of the Action Plan for the Decade of Roma Inclusion 2005-2015. The Committee urges the State party to take concrete measures to overcome stereotypical attitudes towards Roma people, and in particular Roma women and girls. It also recommends the expansion of "The Second Chance" Programme to all counties of Romania, and to increase the number and role of school and health mediators. It encourages the National Agency for Roma to organize training programmes for the police on Roma culture. The Committee calls on the State party to issue without delay identity documents to Roma people, including Roma women, who lack such documents, and to monitor progress in the completion of this effort. The Committee also recommends that the State party address the high rate of unemployment among Roma women, and to adopt measures to enhance their participation in public life at all levels. The Committee recommends that the State party collect and make available statistical information pertaining to education, health, employment and the social, economic and political status of Roma women and girls with a view to further developing specific policies to respond to their needs. The Committee requests the State party to report on the results achieved in its next periodic report.

28. The Committee expresses concern about the situation of women in the labour market, which remains characterized by the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors.

29. The Committee urges the State party to intensify its efforts to ensure that all job-creation programmes are gender-sensitive. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increase in female dominated sectors.

30. The Committee is concerned about the situation of rural women, who are disproportionately affected by poverty and have limited access to education, employment, and health-care services. The Committee is concerned that, in practice, women living in rural areas may not benefit fully and equally from the State party's extensive recent legislative and policy framework for the promotion of gender equality. The Committee is also concerned about the absence of development programmes for rural women to assist them in obtaining the skills and resources necessary to become competitive in the labour market.

31. The Committee urges the State party to give full attention to the needs of rural women and ensure that all policies and programmes aimed at promoting gender equality, including those in regard to health, education, employment and elimination of violence against women, reach the rural areas and are fully implemented at county level. In particular, it recommends that clear benchmarks and timetables be set and the implementation of the measures targeting rural women in the National Strategy for Equal Opportunities between women and men for the period 2006-2009 be effectively monitored. The Committee recommends that in its next report the Government provide information on the measures undertaken to empower rural women.

32. The Committee requests that information be provided in the next report about the situation of older women and women with disabilities.

33. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

34. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

35. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

36. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Romania to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

37. The Committee requests that the State party widely disseminate the present concluding comments in order to make the people, including governmental officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

38. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in February 2007, and its eighth periodic report, due in February 2011, in a combined report in 2011.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Discrimination against Women, the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.