



Convention on the Elimination  
of All Forms of Discrimination  
against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Twelfth session

SUMMARY RECORD OF THE 215th MEETING

Held at the Vienna International Centre, Vienna,  
on Thursday, 21 January 1993, at 2.30 p.m.

Chairperson: Ms. CORTI

CONTENTS

Consideration of reports submitted by States parties under article 18 of the  
Convention on the Elimination of All Forms of Discrimination against Women  
(continued)

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The meeting was called to order at 2.45 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE  
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN  
(continued)

Initial and combined second and third periodic reports of Romania (continued)  
(CEDAW/C/5/Add.45; CEDAW/C/ROM/2-3)

1. At the invitation of the Chairperson, Ms. Apateanu (Romania) took a place at the Committee table.

2. Ms. APATEANU (Romania), replying to questions raised at the Committee's 210th and 212th meetings, said that the interest shown by members would help Romania to pursue its dialogue with the Committee, prepare future reports and work towards full compliance with the Convention. Her Government was aware that the report did not entirely meet the Committee's expectations, but felt that its shortcomings could be attributed to the authorities' lack of experience in preparing such reports and to the difficult transitional period the country was going through.

3. In response to the questions concerning the basic principles of government in Romania, she referred to article 1, paragraph 3, of the new Constitution adopted in December 1991, which stated: "Romania is a democratic and social State governed by the rule of law, in which human dignity, the citizens' rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values". Concerning the separation of the executive, legislative and judicial powers, article 58 of the Constitution indicated that the sole legislative authority was vested in the bicameral Parliament. Article 101 stated that the Government exercised executive power, and article 123 that the judiciary was independent.

4. She referred members of the Committee to the core document on Romania (HRI/CORE/1/Add.13) and to a photocopied document on judicial reforms that set out the main lines of the administration of justice in Romania. Those documents would give them a better idea of how Romania was endeavouring to implement the Convention and how its Government was structured.

5. In response to a question about the proportion of women in different fields of activity, she gave the following percentages: industry - 44; telecommunications - 56; education, culture and the arts - 57.2; health, social welfare and physical education - 43.4; administration - 43.3 and scientific research - 43.7. Those data were from the year 1991; as soon as more recent information became available, she would transmit it to the Committee.

6. In answer to the question about why women played so small a part in politics, she said the problem was not unique to Romania, but prevailed in all the former socialist countries. It could not be resolved by women alone: the involvement of the entire society was necessary in order to ensure that women shared political power. She would also point out that the statistics in the report might give a deceptive impression, for while they indicated the very low numbers of women in the Government and the legislature, they did not reflect the large numbers holding positions of authority in various

professional fields, such as scientific research. Women were also actively involved in economic, social and cultural life in Romania.

7. A comment had been made that the report failed to provide sufficient information on women's actual situation as opposed to their theoretical rights. She agreed, and hoped that future reports would contain much more concrete data on practical aspects of women's lives. To that end, she would transmit the Committee's guidelines to her Government, and she would in turn invite members of the Committee to visit Romania and advise the Government on preparing its report.

8. In the context of article 3 of the Convention, one member of the Committee had asked whether any special mechanism was in place to facilitate the application of a policy for achieving equality between men and women. No such mechanism existed at present for society as a whole, but there were institutions in specific fields that performed that function: the Ministries of Education, Labour, Health and Justice among others. The numerous non-governmental organizations in the country also promoted the equality of women. The Government recognized that the lack of a single institution to advance women's rights nationwide was a drawback, but it was concerned to move away from highly centralized institutions such as those established under the former communist regime.

9. One member of the Committee had asked whether women's organizations had been consulted during the preparation of the report. Information had been requested of them, and contacts had been established to ascertain what were the real problems being faced by women. As to whether women's organizations were informed about temporary special measures, she said they were: sometimes such measures were in fact the result of the efforts of women's organizations to raise the awareness of State institutions.

10. In the context of article 4 of the Convention, an apparent contradiction had been pointed out in the report's statement that changes in social attitudes to eliminate discrimination would have to be achieved through education, yet that the State had no control over that process. What was meant was simply that it was impossible to affect attitudes directly: if they were to change, they would do so as an indirect result of action in various fields.

11. Concerning the question of what happened if international rules were in conflict with domestic legislation, she cited articles 11 and 20 of the Romanian Constitution to the effect that the State was obliged to fulfil all its obligations under the treaties to which it was a party and that the constitutional provisions concerning citizens' rights and liberties must be applied in conformity with the Universal Declaration of Human Rights and other instruments to which Romania was a party. The wording of the Constitution was a direct result of consultations with specialists on human rights from the United Nations.

12. Under article 5 of the Convention, clarification had been requested regarding the statements in the report that there was no phenomenon of violence against women, but that domestic violence did occur. As a lawyer, she was conversant with the motives given for seeking divorce, and they usually revolved around cultural, economic and social phenomena. Domestic violence did occur, but it was not directed specifically against women. As to

whether there were centres for assistance to battered women, she said that none now existed, although the idea of establishing them had recently been taken up. She could not provide figures on the number of women injured or killed as a result of domestic violence, but undertook to transmit such information at a later date. As to the frequency and facility with which women filed charges of domestic violence, she said that although they were not actively discouraged from doing so, recourse to legal action was not customary in such cases. If complaints were filed, however, the police took action in accordance with the law. As to whether women's organizations were working to combat violence against women, she said that as such situations could not be considered a general phenomenon, violence against women was not a priority concern for women's organizations. They were mainly involved in defending women's economic and social rights and promoting social welfare.

13. Regarding the prohibition of prostitution and trafficking in women mentioned in the context of article 6 of the Convention, she said the relevant law was indeed implemented, but few cases had so far been brought to court. It was her belief that trafficking in women did not exist in Romania, but with the rise of the democratic society and the attendant social freedoms, prostitution was now becoming a problem.

14. It had been asked, in connection with article 7 of the Convention, why so few women remained in top government posts, when there had been so many of them before the revolution. Many women had been placed in positions of political leadership by the totalitarian regime merely for propaganda purposes, and the upheaval of the revolution had made it difficult to recruit competent replacements for them. As to whether administrative action was taken to promote the recruitment of women, she said the relevant legislation called for the principle of professional competence to be applied. In response to the question on whether the National Women's Council had been abolished, she said that it had. It had been asked whether the small number of women in the Parliament proved that they were not really interested in politics. Women had participated actively in the revolution, had overcome their fears to participate in public demonstrations and had made major sacrifices. They might not have risen to leadership positions, but they had certainly participated in political action.

15. Concerning women's right to vote, she said that suffrage was universal after 18 years of age and that there were no restrictions based on sex, political views, religion or any other consideration. It should be noted that it was the political parties that put forward the lists of candidates; if women's names were not on them, that was no reflection on the electoral system as such.

16. As to whether the small number of women in government could be said to reflect the Government's fundamental attitude to women, she believed that it could not. Elections were by universal and direct suffrage and secret ballot, for a bicameral parliament and a president. There was no quota applied for women in government. Progress would no doubt be achieved in the future regarding the representation of women in government. They would have to begin by acquiring economic influence through business, management and trade. They would then be able to launch themselves more effectively into politics.

17. A question had been asked as to whether the legislative provisions adopted after the revolution had created the necessary conditions for the

participation of women in social and political life. It was clear that they had, since many undemocratic provisions had been abolished. Further guarantees by the State of women's involvement in political and social life could only be legal and administrative in nature: the State could do no more.

18. It had been remarked that the report had mentioned only three women's associations in Romania. The list given in the report, however, was not exhaustive. There were, for instance, associations for women university graduates, women in business and women lawyers.

19. With regard to article 10, full statistical data on women teachers in secondary schools had been given in the report (CEDAW/C/ROM/2-3, pages 13 and 14). The report also contained information regarding the absence of discrimination in education; it should also be noted that education in Romania had been compulsory and free for a long time and that coeducation had existed for 30 years. Under the new Government, many foreign students were studying in the country, education was still free, and a system of grants had been introduced, based on parents' financial circumstances. As regards measures to encourage females in the Rom minority group to stay at school, teachers from that ethnic group were currently being trained and social integration programmes were in operation.

20. Concerning article 11, it could be said that women were represented in positions of responsibility, but up to a certain level only. For example, according to the latest figures, out of the country's total of 1,550 judges, 763 were women and 787 were men, while only 69 of the 284 senior or presiding judges were women, an indication that women, although occupying posts at high professional levels, had still not attained the most senior positions. Women also participated in trade unions as members, and had even set up such bodies, but there were no female leaders of trade-union federations. Women had the same access as men to the professions and equal access to competitive examinations, in which they achieved greater success than men, which meant that women were well represented in all professional posts. Legislation had been passed in 1991, dealing with job placement on the basis of qualifications, which would ensure equality of access for women to occupations for which they were suitably qualified.

21. Working hours were the same for men and women, i.e. eight hours a day and five days a week. However, women employed in hazardous or difficult occupations worked up to two hours less per day, and women looking after children aged up to six years could work part-time. No details were available concerning the hours devoted by working women to domestic tasks or the extent to which such tasks were shared with their spouses. There could never be genuine equality in that regard. The additional domestic responsibilities assumed by working women in Romania were to some extent the result of the lack of social provision to assist women.

22. With regard to the ILO Equal Remuneration Convention, 1951 (No. 100), the right to equal pay for work of equal value was guaranteed by law, and job evaluation was ensured by the legislation governing wages, under which the same principle was applied. In the current transition to a market economy, procedures for salary negotiations were being introduced at private enterprises. Statistical data on men's and women's earnings would not be available until a system of income tax declarations was in operation.



23. As regards the link made between the regulation concerning one-year maternity leave and infant mortality, that regulation was intended to offer women the option of staying at home to care for their children and there was no intended implication of guilt attaching to women who returned to work. The careers of women who did not resume employment for several years after having a family were of course affected, but once again it was a matter of choice.

24. With regard to the request for information on women's representation in culture and the arts, a figure of 57.2 per cent had already been indicated.

25. On the question concerning women's age at retirement, the system used for calculating pensions was the same for men and women and was not affected by the fact that women retired five years earlier.

26. Turning to the question regarding the changes that had occurred in the situation of women in the workplace since 1989, the only legislative change had been the law concerning job qualifications. The Government was currently seeking ways and means of introducing a system to guarantee that it was made effective in practice. Under the terms of the unemployment law, unemployment pay was based on seniority, education and earnings. The appropriate poverty line for the country was in the process of being determined with the help of international experts. Retraining was financed from the unemployment fund and by contributions from all State and private enterprises. Retrained workers would be used to fill newly created posts as the economy recovered.

27. On the question of night work, such work was not prohibited for all women but the law laid down restrictions and specified the types of occupation that could be performed at night, as had been indicated on page 15 of the report.

28. As regards the question of the availability of day-care facilities, crèches and kindergartens still existed. They had formerly been supported by enterprises, but now received State subsidies; the conditions governing their privatization would be laid down once the education bill had been adopted. The period of maternity leave was 112 (and not 11) days. On the question of protection for women working in the private sector, that was provided for under the labour legislation, which applied to both the public and the private sectors. There were now district labour boards that recorded all private-sector employment contracts and gave opinions regarding compliance with the law. With regard to the instances of sex-based job segregation, as referred to in the initial report, they no longer existed.

29. With reference to article 12, the former law banning abortion, which could justifiably be termed barbarous, had been repealed by the very first piece of legislation passed after the revolution.

30. Immunization for babies was compulsory and free of charge. In regard to the questions on AIDS, it was well known that many children in Romania were infected with the disease. With the assistance of the United Nations and other international organizations, a programme had been developed and a hospital clinic had been set up to care for them. Unfortunately no statistics on AIDS cases in adults were available, since screening programmes were not in general operation. However, with the exception of children, the number of fatal AIDS cases in the country was small.

31. With regard to the causes of female morbidity and mortality, no precise statistical data were available. However, according to the current state of knowledge, the prime causes were cardiovascular disease and cancer, which had increased as a result of the Chernobyl nuclear accident. The incidence of tuberculosis had fallen, but stress-related and psychological illnesses had increased.

32. As to the question regarding the availability of contraceptive measures other than abortion, alternative forms of contraception did exist, but were not widely used, because people could not afford them. Public information via the mass media to promote the use of contraceptives was inadequate. Some family planning clinics existed; they were supported by non-governmental organizations because the State lacked the necessary resources at present. However, progress would most definitely be made in that area. Abortions in public and private clinics had increased considerably after the ban had been lifted.

33. Under the terms of the draft legislation relating to State benefits for children, all children without distinction would qualify for the allowance up to the age of 16. The benefit payment would not necessarily be made to the father in all cases, an improvement on the previous discriminatory situation.

34. In reply to the question as to whether medical auxiliaries possessed the necessary skills, medical training in Romania was of a high standard and the specialized non-university courses given to medical auxiliaries were highly esteemed.

35. With regard to the problem of abandoned children, the rate of abandonment had fallen. Increased child allowances, primary-school grants and the one-year maternity leave could be cited as indirect measures that discouraged the practice.

36. Concerning article 14, it had been asked whether working women in rural areas were helped by their husbands and children. It should be realized that under the previous regime, all land had been taken over by agricultural cooperatives, which paid the peasants almost nothing for their work. As a result, most of the labour force had migrated to the towns to seek better-paid jobs, and very few people, mostly older women, had remained in the country. Now that the land had been given back to the peasants, the situation was returning to normal, and whole families - men, women and children - were working the land again.

37. For rural women, schooling was compulsory up to secondary level, but they lacked opportunities for higher education and vocational training. As a result, younger women tended to move to the towns to seek jobs in industry. By a reform introduced in 1992, the pensionable age for rural women, which had formerly been 60 years, had been made the same as that for urban women, namely 57 years. A request had been made for comparative statistics for pre- and post-natal mortality and morbidity for women in urban and rural areas respectively. She could say that both now had access to the same facilities and that rural women no longer had their babies at home except in very rare cases.

38. Concerning the extent to which article 15 had been implemented in practice, she said that the Romanian Civil Code, which was based on the

Code Napoléon, had been amended 40 years earlier, so that men and women enjoyed the same civil rights. Women were no longer subject to the authority of their husbands, enjoyed full legal capacity, were entitled to conclude contracts and enter the professions, and had full freedom of movement and choice of residence. She could not provide any statistics regarding cases of discrimination brought before the courts, but there had undoubtedly been very few, since Romanian women had not yet been made fully aware of their rights and of how they could defend them. It was for the Government, and for non-governmental organizations, to educate them in that connection.

39. In reply to the question raised under article 16, she said that the Family Code gave a wife three options: she could keep her maiden name, take her husband's name, or combine the two. It had been asked whether de facto marriages were officially recognized. Such unions were not governed by any specific law, but were regulated by previous court rulings. In economic matters and questions concerning children, the Family Code applied. On the subject of divorce, no statistics were yet available, but in general divorces were more frequent among young people. Marriage without parental consent was allowed at 16 under the Family Code, but the more usual age for marriage in Romania was about 20, or even later among young people who had gone on to higher education.

40. The new Government was providing the same services for mothers and children as the previous regime, with the addition of free home visits and supplies of free milk for children up to the age of one. Under a recent Act, drugs for the treatment of diseases with high rates of morbidity, such as cardiovascular diseases and cancer, were to be supplied free of charge.

41. The Government did indeed have the political will to overcome all obstacles in achieving de facto equality between men and women: she could not agree with the comment that the report was pessimistic on that score. Romanian men, as well as women, were committed to the goal of equality, and she pointed out that the Romanian delegation to the Committee, composed of two women and one man, was an example of participatory democracy in action.

42. The CHAIRPERSON thanked the Romanian representative for her comprehensive replies. For the sake of Romanian women, she hoped that participatory democracy in the country would expand and be strengthened.

43. Ms. ABAKA said that although she agreed that women should have the right to decide whether or not to terminate a pregnancy, she had been unhappy to learn that in Romania contraceptives were scarce, while the abortion rate was rising rapidly. Abortion should not be regarded as a standard method of contraception, since frequent abortions involved serious medical hazards.

44. Ms. BRAVO NÚÑEZ DE RAMSEY noted that the phenomenon of withdrawal of women from participation in public life was common to all the former socialist countries. Were there any comparative statistics on the subject? It had been stated that the fault lay with the political parties since they selected the candidates. That implied that women were resigned to the situation, and also that women's organizations had done very little to arouse their members' interest in getting appointed to decision-making bodies and thus helping to change the situation in Romania.



45. Ms. BUSTELO GARCIA DEL REAL stressed the importance of setting up specific machinery for pressing the Government to ensure equality of opportunity between men and women. In Spain, such machinery had been set up following the transition from dictatorship to democracy in 1977, and as a result significant reforms had been introduced in both the Civil Code and Penal Code. However, it had proved difficult in practice to find the resources to implement all the reforms concerned, and she would be glad to learn of the experience of other countries in that respect.
46. Ms. AQUIJ noted that the Romanian representative had frequently stated that nothing now prevented women from availing themselves of the same opportunities as men. While that was true, it was also true that there was nothing to encourage them to do so. She would therefore urge Romania to provide that encouragement and to make women realize that they had a duty to participate actively in the development of their country.
47. Ms. GARCIA-PRINZ said that she was still concerned that both rape and violence against women in the home were frequent phenomena. She would like to see more detailed evidence in the next report of the Government's determination to investigate that situation and to encourage Romanian women to overcome their inhibitions about lodging complaints against such abuses.
48. Ms. GURDULICH DE CORREA said that it had been her country's experience that the introduction of mechanisms to encourage women to assert their rights did offer a real opportunity to have a say in the formulation of policy under a new regime. Unfortunately, the percentage of women members of parliament was still no higher than 10 to 12 per cent in most countries, and ways needed to be found of remedying that situation.
49. Ms. NIKOLAEVA said she was grateful to the Romanian representative for replying to all the questions she had raised. The information provided would be of great value for the Committee's work.
50. Ms. AYKOR said her country had recently established national machinery of the kind referred to. Although Turkish women had in theory enjoyed equal rights in all spheres since 1923, it had proved difficult to raise their level of awareness on the matter. However, with the setting up of the machinery, women had suddenly found their voice. The fact that there was now a woman minister in the Cabinet responsible for women's affairs had set an example to many who would not otherwise have had the courage to seek to participate in public life.
51. The CHAIRPERSON, speaking as a member of the Committee, said that there had always been a reluctance on the part of women to seek power. The experience of other countries showed that the way to overcome that reluctance was to seize opportunities as they arose.
52. Ms. APATEANU (Romania) said she agreed that abortion should not be practised as a standard contraceptive measure: in Romania it was seen as a first step, to be followed in due course by the use of more normal methods.
53. Concerning the withdrawal of women from participation in public life, a UNESCO Conference held in Prague in 1991 on the role of women in the former socialist countries during the period of transition had in fact concluded that the phenomenon was common to all the countries concerned. The Committee might

not realize that the reluctance of women to seek public office was due to the abuses of the old totalitarian regime, under which women appointed to positions of authority had often been totally incompetent. Attitudes were changing, but change would take time. Romania would be glad to learn from the experience of other countries in regard to the setting up of national machinery to encourage women's participation in public life.

The meeting rose at 4.40 p.m.