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SHADOW REPORT

**To the UN Committee on Elimination of Discrimination
against Women**
*On the occasion of Report of Romania
Bucharest, March 2006*

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Chapter 1: Overview of the Situation of Women Rights in Romania

Women belonging to the Roma minority face multiple discrimination, particularly in fields like education, health, employment or participation to public and political life. There is a strong concern regarding the lack of efficient solutions addressing the situation of Roma women and children. In the same time, the fact that gender equality is far from being addressed by Roma women activists should constitute a matter of concern.

The employment rate among Roma population in Romania is much lower than in case of majority population at national level (47% in comparison to 61,7%). There are four times more Roma housewives than in the case of majority women, which indicate the low participation on labour market of the Roma Women.

The Roma men are professionally qualified in a higher percentage than the women as there are 37,1% Roma women without a professional occupation and 15,3% men.²

Another recently published study of the UNDP, "Faces of Poverty, Faces of Hope", shows that 35% of the Roma women in Romania, aged between 25-54, are unemployed, therefore a four times higher percentage than the majority women.

These differences are the result of low level of education, lack or poor professional training and discrimination by the employers.

On the other hand, Roma women have not been yet explicitly put on the agenda of national and even international institutions, mainstream political parties, although Social Democrat Party referred to the improvement of health status of Roma population and "Dreptate si Adevar" ("Justice and Truth") Alliance included in their electoral offer programs on health, education, employment.

In the present government, there are only three female ministers and just 13.3% of the secretaries and deputy secretaries of state are women; there are no Roma ministers in the Romanian government and only one male Roma Member of the Parliament³. In 2005, a Roma woman has been appointed Secretary of State as the President of the new established National Agency for Roma.

There are 12 Roma women out of 41 local experts, appointed by the Roma Party in year 2003 in the Prefectures. within the Roma County Offices

The Romani women representation seems to mainstream other fields of actions such as: health, education, and local administrations.

There are approximately 180 Roma health mediators, all of which are Romani women who mainly assist the Roma population in obtaining the status of medical insurance.

² Indicators on Roma community in Romania 0 ICCV 2002.

³ For further details, see www.gov.ro.

Representatives of Roma political parties hold 189 seats as local councillors. Romani women's political participation as voters, party members, candidates and elected candidates is much poorer than among the majority. They tend not to vote, and if they do they are often caught in the so called "family voting".

The electoral law still doesn't include any quota system for women participation on candidates' lists although 2004 municipal elections few mainstream parties have included a greater number of women on their lists. The Conservative Party (Former Romanian Humanist Party) included 40% women on their candidates lists. Compared with the previous elections, there has been more public debate on women's participation to politics.

Chapter 2: Legal Framework on Gender Equality

In Romania, the legal framework concerning the promotion of equal opportunities for women and men has been significantly improved over the past three years.

Gender discrimination is addressed both by anti-discrimination and equal opportunities laws. Law 202/2002 has firstly the role of sending a political signal regarding the seriousness to which this issue is acknowledged and addressed.

The legal framework on equal treatment between women and men is currently under revision. In 2004, the Government of Romania passed the Government Ordinance no. 84, which modifies the 202/2002 law, on equal opportunities for women and men. In February 2005, a revised version of the Equal Opportunities Law was published, transposing more coherently the EU Directives provisions⁴.

This year, law 202/2002 is to be amended, but still there are *important* gaps:

- the proposed law maintains the Agency for Equal Opportunities under the coordination of the Ministry of Labour which doesn't meet the requirements for independency or for a distinct independent budget
- the lack of an impact of such legal instrument in the absence of resources that support the provisions' implementation
- the Law refers only to equal opportunities between women and men without considering opportunities for women from disadvantaged groups and minority women
- the law does not promote or support, for instance, balanced participation of women belonging to different groups.

⁴ For details, see (See: http://www.mmssf.ro/domenii/asistentia/1501_04.htm).

The structure of the Agency for Equal Opportunities, as foreseen by the Law, doesn't promote diversity and women's multiple identity in the Romanian society and doesn't take into consideration the involvement of women from minorities, disadvantaged women group.

The G.O. no. 137/2000 on preventing and sanctioning all forms of discrimination⁵ has been subsequently modified three times. The discrimination deeds covered by the antidiscrimination legislation are only those of administrative nature; for the criminal offences there are separate legal provisions.

The antidiscrimination legislation envisages and sanctions direct and indirect discrimination and victimization on 14 grounds, **including gender**, exerted in all fields of public life.

According to its 2005 Activity Report⁶, the NCCD has received a number of 382 cases, out of which it has ruled decisions in 360. Out of the 360 resolved cases, there have been imposed administrative sanctions (warning or fine) in 60 cases and 22 cases have been mediated.

24 (9 complains received from victims and 15 complains self-noticed by NNCD) out of the total of 360 cases have been related to discrimination on the basis of gender.

At the moment, the roles of both structures in terms of ascertaining and sanctioning the acts of discrimination on gender criterion are unclear.

Chapter 3: Matters of Concern in the field of Health with respect to Romani Women in Romania

Roma exclusion from public health-care services is caused, firstly, by the inequitable geographic distribution of health-care units, by the malfunctions of the health-care system and by discrimination on ethnic criteria.

The health status of Roma is generally weak in Romania, and there is little information about the health needs and interests of Romani women.

The level of training of Roma on health is rising. In communities where health mediators work there are training sessions organised on regular basis, on different topics that raise

⁵ Governmental Ordinance no. 137 of 31 August 2000 on preventing and sanctioning all forms of discrimination, approved by law 48/2002, modified by Governmental Ordinance no. 77/2002 and approved by law 24/2004.

⁶ 2005 National Council for Combating Discrimination Activity Report, page 5-6. The full version of the report is available at www.cncd.org.ro.

awareness of Roma women in the field of health. The institution of the health mediator has a significant impact on promoting women participation in matters pertaining to their own health.

Many Roma women use contraceptive methods that contribute to the improvement of the health condition and to the decrease of abortion rate. According to “The health status of Roma population and their access to health care services” study⁷, 48% of Roma have heard of at least one method of contraception (51,4% of the male subjects and 42,9% of the female subjects).

On the other hand, according to data sent by the health mediators, the contraceptive methods most often used in Roma communities are the DIU and the injectable contraceptive.

The distribution of free hormonal injections in Roma communities, not in the presence of a specialised physician (gynaecologist) that should prescribe these injections, constitutes a matter of concern raised by the researcher Maria Mailat in an independent evaluation report at the end of 2005.

The Roma women choose these contraceptive methods because these are free in many of the occasions (through the national programs implemented by the Ministry of Health); from their point of view these methods are safer and do not require much effort. For instance *“it’s much better to go to the doctor and have an injection instead of going through the pain of abortions. It gives me headaches, but there is nothing else I can do. The injection is free and it’s better for me if I stay and think of my situation.”* - declaration of a Roma woman.

The interviews of researcher Maria Mailat with the specialist physicians led to the conclusion that the use of injectable contraception for a longer period of time put the Roma woman at risk of not getting pregnant anymore. The risk of getting sterile is peculiarly encountered in case of young Roma women aged 18-35 who use this contraceptive method and do not know or are not aware of the consequences of this.

A significant problem faced by the Roma woman in relation to the medical personnel is discrimination. There are cases of Roma women hospitalised in “special” rooms of the hospital. Only Roma women are placed in these rooms, especially in the case of maternities.

Romani CRISS findings in March 2006:

In the last months, a practice of segregating Roma women in different rooms has been encountered in the Obstetrics - Gynaecology ward of County Hospital Constanta. At the

⁷ Sorin Cace and Cristian Vladescu, 2004

7th floor of the hospital, in the above mentioned ward, the Roma women are placed in two rooms (7113 and 7114). Besides the fact that Roma women are separated by the rest of the non-Roma patients, the medical and extra-medical services (hygienic services, changing of sheets, etc) are not appropriate, according to the patients' declarations. They are not satisfied with the fact they are placed in special rooms and that the medical services are visible different, in quality, in their wards, given that all patients there benefit of medical insurance from the National Health Insurance House.

The practice can be proved by the fact that Roma women are being systematically placed in these wards. In terms of duration of this practice, our information show it started about one year ago.

From the legal point of view, it's violation of GO 137/2000, with subsequent amendments and modifications.

Romani CRISS identified similar cases in other counties too, and it will continue monitoring them thoroughly and addressing complaint to competent bodies, including to the court of justice.

Chapter 4: Recommendations for Government Action

- To integrate the Romani women issues in the national policies of the Government and on the agenda of the Gender Equality bodies, Commissions in Romania

Health

- To initiate and implement programmes and projects in the field of health for Roma, mainly women and children, bearing in mind their status of disadvantage due the extreme poverty and low level of education, as well as the inadaptability of the formal public health system to the cultural differences; (as recommended by 57th CERD session, 2000- "General recommendation XXVII on discrimination against Roma")
- To involve Roma associations and communities and their representatives, mainly women, in designing and implementing health programmes and projects concerning Roma groups. (as recommended by 57th CERD session, 2000- "General recommendation XXVII on discrimination against Roma")
- To design programs in order to increase the degree of tolerance and acceptance of the doctors, the suppliers of medical services in general, and to change the attitude and specific behaviour of Roma patients.
- The decade for Roma Inclusion gave a particular emphasis on the need for governments to create Health Action Plans. To include the gender component in the process of implementation of the Decade Health Action Plans at local level.

Participation to Political and Public life

- To consider the possibility of amending the actual electoral legislation by including a quota system for women and minorities
- To include on the political agenda of the Government, political parties the issue of Romani women
- To include in Romanian regular reports, in an appropriate form, data about the Roma communities, including statistical data about Roma participation in political life and about their economic, social and cultural situation, including from a gender perspective (as recommended by CERD 57th session, 2000- “General recommendation XXVII on discrimination against Roma”)

Labour and employment

- To create programs that would provide employment opportunities and increase the quality of life for Romani women