

Taking Women Seriously: Equal Opportunities and Romania's Accession to the European Union

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Since 1989, the twofold transition to both market economy and liberal democracy has led to fundamental changes in Romania, affecting women in both the public and private spheres. These transformations are due to both internal and *external* pressures. As an external factor, the impact of the European Union's position on equal opportunities has led Romania to bring about changes in its legal and institutional framework. However, while undoubtedly beneficial, the influence of the European Union is also *limited* to a specific range of issues, namely those prioritised in EU legislation and policy-making (primarily employment and social policy). This is where factors *internal* to Romanian society and politics come into play. I suggest that "taking women seriously" involves addressing inequalities in both public and private spheres, in contradistinction to the overall emphasis placed by the European Commission on the public sphere alone.

As has become apparent during the past decade, inequalities between men and women in Romania are *structural* rather than merely contingent, and *pervasive* phenomena rather than temporary consequences of the transition. The public political sphere is predominantly masculine, [1] as indicated by the systematic under-representation of women in the Parliament and government, [2] as well as by "the absence of an outlook based on gender equity" from political parties. [3] The economic sphere witnesses the same phenomenon: from 1991 to 1998, rising unemployment has constantly affected women more than men, [4] while women are over-represented in the lowest wage sectors of the economy (especially agriculture, healthcare and education). [5] In the private sphere, four fifths of the total number of single-parent households in 1998 were headed by women; [6] abortion constituted the main means of birth control, with a staggering rate of over 300 abortions per 100 live births in 1990, receding to just over 100 in 1998; [7] the maternal mortality rate in 1997 was over five times the average in Europe. [8] Furthermore, both women's and men's understandings of gender roles is framed by patriarchal assumptions and practices: respondents to the 2000 *Gender Barometer* agree to an overwhelming extent that women are housekeepers and primary caretakers, while men are breadwinners for their families. Moreover, a staggering percentage of those questioned (over 80%) said that household tasks such as cleaning, cooking or ironing are performed *exclusively* by women. [9]

This summary account of the situation reveals the persistent and pervasive character of inequalities between men and women in Romania. Tackling these inequalities therefore requires a *comprehensive* approach - targeting both public and private realms. [10] In order to achieve equal opportunities, legislators and policy-makers in Romania should not overlook the complex ways in which gender inequalities are transmitted from one sphere to the other.

The view from the EU

Applying this approach, the limits of the EU's democratising influence quickly become apparent. Two of the most recent reports of the European Commission [11] locate the requirements for reform primarily in the field of Chapter 13 of the accession programme, dealing with social policy and employment. [12] These requirements concern three distinct areas: 1) legislative change (particularly the need for Romania to "transpose into national law" the nine Community Directives concerning equal pay, pregnancy and maternity, parental leave, social security and sex discrimination); 2) institutional change (developing structures to implement and enforce equal opportunities); 3) tackling "economic, social, political and cultural" inequalities. [13] Throughout the reports, overwhelming emphasis is placed on the first two

areas, while in the third, more general area, reference is made primarily to employment, political decision-making, domestic violence and trafficking in women.

With the significant exception of domestic violence, the European Commission's approach is mainly concerned with the public (political and economic) sphere. This denotes relatively little acknowledgement of the ways in which women's equal opportunities in the public sphere are affected by inequalities in the private realm, so that "the progress reports do not sufficiently address gender equality issues". [14] This is indeed a matter to be reconsidered by the European Commission, insofar as its enlargement strategy is concerned. Nevertheless, it is necessary to keep in mind that implementing equal opportunities should not be merely an instrument for furthering Romania's accession to the EU. Rather, promoting and achieving gender equality is an intrinsic part of a consolidated democracy. This is why the aim of attaining equality between men and women in Romania cannot and should not depend in its entirety on the EU's political conditionality. Therefore, the comprehensive framework suggested above entails two complementary types of transformations: 1) those required by the European Union; 2) those pertaining to *domestic initiatives*. In other words, while undoubtedly *necessary*, the changes called for by the EU are not *sufficient* for efficient implementation of equal opportunities in Romania.

What else should Romania do?

Legislative reform in the field of equal opportunities has made some, albeit insufficient, progress in Romania during the past few years. Most notably, a Governmental Ordinance against all forms of discrimination was passed in August 2000. [15] In December 2000, the government formulated a National Plan for Action for Equal Opportunities between Men and Women, [16] assigning the task of co-ordination to the Ministry of Labour and Social Protection. Most importantly, in November 2001 the Romanian Parliament passed a bill against sexual harassment in the workplace [17], undoubtedly also as a result of the pressure exerted by the EU requirements of updating Romanian legislation in line with the *acquis communautaire*.

- The general character of the ordinance against discrimination fails to assign sufficient prominence to gender inequalities. Therefore, in order "to make equal opportunities work", a specific Sex Discrimination Act needs to be introduced. Here it is worth noting that, while the recent sexual harassment act does contain the notion of sex discrimination, it presents sexual harassment as the main (and only) form of sex discrimination, thereby obliterating other, indirect forms of discrimination against women. It is necessary to pass legislation protecting women against widespread domestic violence.

Certain stipulations of the Family Code are also in need of revision, so that adultery no longer constitutes a crime and marital rape becomes a criminal offence. [18]

In the *institutional area*, a Sub-Commission for Equal Opportunities was established at the parliamentary level in 1997, and a Consultative Inter-Ministerial Commission on Equal Opportunities was set up in 1999. [19] However, these institutions have relatively few powers apart from generic support of equal opportunities. In this sense, granting these institutions the following powers will certainly increase the efficiency of implementing equal opportunities:

- to set down Codes of Practice for employers;
- to provide legal assistance in the field of employment law;
- to suggest amendments to legislation which would improve women's position in both the public and the private spheres.

At the *policy-making* level, particular attention needs to be paid to the sensitive issues of reproduction, contraception and abortion. [20] Due to Romania's experiencing one of the most drastic pronatalist policies from 1966 until 1989, there seems to be little likelihood of a

successful conservative backlash against abortion rights for the time being. However, recent trends such as very high maternal and infant mortality rates, the prevalence of abortion in family planning and widespread poverty seriously affect women's health. This entails the need to improve current awareness of contraceptive methods, complemented by some form of distributing contraception to poor women, especially in rural areas.

These suggestions are relatively ambitious. Here, it is worth noting that, perhaps rather surprisingly, two recent legislative measures of the Romanian government go beyond the narrow focus of the European Commission in at least two respects. The National Plan for Action goes as far as to articulate explicitly the need for changes in the family, including "reconsidering the concept of the family" and "social reconsidering of domestic activities" [21]. The Governmental Ordinance concerning discrimination links "the elimination of all forms of discrimination" to "the establishment of affirmative actions or special measures" for disadvantaged groups. [22]

These are laudable aims. Unfortunately, they are offset by the inadequacies of the legislative framework, weak institutions and the patriarchal context of Romanian society. At the same time the process of transition in Romania, historically unprecedented, is particularly auspicious for far-reaching, fundamental social change. Perhaps cautious optimism may be expressed that these transformations will ultimately promote equality between men and women.

Footnotes

[1] Peggy Watson uses the term "masculinism"; see "Eastern Europe's silent revolution: gender", *Sociology*, Vol. 27 No. 3 (1993), pp. 471-487, and "Politics, policy and identity: EU eastern enlargement and East-West differences", *Journal of European Public Policy* Vol.7, No.3 (2000), pp. 369-384.

[2] In 1992, 4% of MPs in the Chamber of Deputies and 2% in the Senate were women, while the corresponding percentages for 1996 were 7% and 1% respectively (Consiliul National pentru Statistica Romania si Programul Natiunilor Unite pentru Dezvoltare in Romania, *Femeile si barbatii in Romania*, Bucuresti, UNDP, 2000). In the local government, women constituted 2.74% of mayors and 6.11% of local council members in 1996 (Societatea de Analize Feministe AnA, *Raportul national cu privire la mecanismele de promovare a femeilor*, Bucuresti, Centrul AnA, 1999).

[3] International Helsinki Federation for Human Rights, Women 2000. *An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States* (Vienna: IHF, 2000), p. 358.

[4] UNDP 2000, p. 23.

[5] UNDP 2000, p. 28.

[6] UNDP 2000, p. 12.

[7] UNDP 2000, p. 9.

[8] Centrul AnA, 1999, p. 7.

[9] Fundatia pentru o Societate Deschisa si Gallup Organisation, *Barometru de gen* (Bucuresti: Fundatia pentru o Societate Deschisa, 2001).

[10] For feminist scholarship underpinning this approach, see Carole Pateman, *The Disorder of Women. Democracy, Feminism and Political Theory*, Cambridge: Polity Press, 1989, and Susan Moller Okin, "Gender, the public and the private" in Held, David (ed.) *Political Theory Today* (Cambridge: Cambridge University Press, 1991) pp. 67-90.

[11] *Annual Report on Equal Opportunities...*; The European Commission, *2000 Regular Report from the Commission on Romania's Progress towards Accession*, 8 November 2000. Available online here.

[12] See the *2000 Regular Report*, especially pp. 21-23 and 58.

[13] *Annual Report on Equal Opportunitie*, p. 27.

[14] The European Women's Lobby, *An Overview of the Main Instruments of the EU Enlargement Process* (2001), available here.

[15] Guvernul Romaniei, *Ordonanta nr. 137 din 31 August 2000*, Monitorul Oficial nr. 431 (2 septembrie 2000).

[16] Guvernul Romaniei, *Hotarare nr. 1273 din 7 decembrie 2000*, Monitorul Oficial nr. 659 (15 decembrie 2000).

[17] *Curentul* No. 263 (1234), 8 noiembrie 2001.

[18] Monica Macovei, *Unele aspecte privind discriminarea de gen in legislatia romana si in procesul de implementare* (unpublished manuscript, 1998).

[19] See Women 2000. An Investigation..., and The KARAT Coalition for Regional Action, *Regional report on Institutional Mechanisms for the Advancement of Women in the Countries of Central and Eastern Europe. The Report of NGOs* (Warsaw: February 1999).

[20] For details, see The Center for Reproductive Law and Policy, *Women of the World. Laws and Policies Affecting their Reproductive Lives. East Central Europe* (New York: CRLP, 2000).

[21] *Hotararea nr. 1273*, Art. 8 (5) c) and d) (my translation).

[21] *Ordonanta nr. 137*, Art. 2 (5) a) (my translation).