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, as indicated by the systematic under-representation of women in the Parliament and government, as well as by "the absence of an outlook based on gender equity" from political parties. The economic sphere witnesses the same phenomenon: from 1991 to 1998, rising unemployment has constantly affected women more than men, while women are over-represented in the lowest wage sectors of the economy (especially agriculture, healthcare and education). In the private sphere, four fifths of the total number of single-parent households in 1998 were headed by women; 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; the maternal mortality rate in 1997 was over five times the average in Europe. 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.

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. 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 locate the requirements for reform primarily in the field of Chapter 13 of the accession programme, dealing with social policy and employment. 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. 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
dracatic 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
[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 Analyze Feministe AnA, Raportul national cu privire la mecanismele de promovare a femeilor, Bucuresti, Centrul AnA, 1999).
[21] Hotare nr. 1273, Art. 8 (5) c) and d) (my translation).