

IMPLEMENTATION OF ACQUIS IN THE FIELD OF GENDER EQUALITY AFTER ROMANIA'S INTEGRATION IN THE EUROPEAN UNION¹

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Abstract

This study contains analysis of the stage and level of implementation in Romania, the provisions of the aquis communautaire concerning gender equality. We have also emphasized Romania's directions to go in implementing European legislation and all the concepts and definitions on gender discrimination.

The process of harmonizing national legislation with the EU is a permanent approach. Currently, in Romania, a series of laws conform to European law. However, this study reveals the need for further correlation and implementation of adopted laws with the provisions of European Parliament and Council Directives. The ultimate aim is complete compliance with the principle of equal treatment between men and women in Romania.

Key words: *women, communitar aquis, discrimination, implementation, legislation.*

JEL Classification: [K31]

When it started its route of integration in the European Community, Romania joined the efforts raised at a European level for the implementation of the fair opportunities principle.

Romania has taken the necessary measures for adopting the legal background that can ensure the fair treatment of its citizens. From the survey made nationally resulted that there are difference of treatment between men and women, these affecting women in their work, social, political and cultural life in a negative way.

This way, „on the work market there still are professional segregation on sexes, meaning that in some domains of economical activity women are mainly involved (health, education, public administration etc.), while other fields are dominated by men (hard industry, army etc.). These phenomenon leads to some remuneration differences between men and women, taking into consideration that these domains accessed by women are worse paid than man-prevailing domains.”²

The effort made in this direction should be carried on in the public and private sector adopting measures and promoting common politics by which women should be represented adequately in institutions and administrative boards of companies.

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² The Government of Romania, Ordinance of Government no. 237, regarding the approval of National Strategy for equality of chances between men and women for the period 2010-2012 and the General plan of actions for implementing the national strategy for equality of chances between men and women for the period 2010-2012, published in Official Gazette, part I, no.242 from April 25 2010, Bucharest.

Adopting Government Ordinance no. 137/2000, regarding the prevention and sanction of all forms of discrimination, marked the first relevant step in this domain, having the State as a guarantee, through The National Council for Combating Discrimination. The new institution was established in order to ensure the equality between citizens, excepting the privileges and discriminations in exercising the rights and fundamental liberties.

The national plan of action for fair opportunities between men and women, having the role of being the “expression of political commitment of assurance and guarantee of equality of all citizens and marks the opening and efforts made by the Government of Romania in the direction of eliminating any type of discrimination based on race, nationality, ethnical origin, language, religion, opinion, political affiliation, fortune or social origin, compliant with article 4, paragraph (2) from the Constitution of Romania 4 article”³ and was approved at the end of the year 2000 by Government Ordinance no. 1273.

Taking into consideration that after the approval of the Government Ordinance no 1.273/2000 and the adoption of the Law no. 202/2002 there haven't been significant results in implementing the National plan, it has been decided the approval of Ordinance no. 285 from March 4th, 2004 regarding the application of the National plan for the equal opportunities between men and women, the accomplishment of these measures represent an obligation for all public authorities and institutions. Thus, it was formed the Inter-ministry Consulting Committee in the domain of equal opportunities between men and women (CODES) which tracks and monitors the progresses regarding the measures of achieving the objectives of the Plan.

The structures which were formed to develop activities in the domain of equal opportunities between men and women had attributions: “evaluating the progress of application and respecting the legislation regarding the equal opportunities between men and women, analyzing and proposing towards elimination of all elements generating discriminations from the normative acts which are relevant in respect of the equal opportunities between men and women and respectively, elimination of all sex discriminations, elaboration of recommendations and criteria regarding the equal opportunities, elaboration of periodical reports regarding the respect of recommendations and criteria, elaboration of annual reports regarding men and women representing the decision-making jobs in public authorities and institutions and the structures which coordinate and/or subordinate, elaboration of programs regarding the professional training of staff from its own environment and the structures which coordinate or subordinate, regarding the equal opportunities between men and women and elimination of any discriminations on sex criteria , for the domain of responsibility of public authority or public institutions, organizing annual events of professional information about the law regarding the respect of equal

³ The Government of Romania, Government Ordinance no. 1237, regarding the approval of National Plan of actions for equality of chances between men and women, published in The Official Gazette, part I, no. 659 from December 15 2000, Bucharest.

opportunities between men and women, improving the control mechanisms regarding the measures of eliminating the discriminating behavior by sex criteria.”⁴

In the negotiation process of Romania adhering to European Union, it was agreed a new institutional construction which can assure elaboration,, promotion of the public politics in the domain of equality of chances and the respect of legal provisions in the domain.

Thus, by the Government Ordinance no. 84⁵ from 19 august 2004 for the amendment and completion of Law no. 202/2002 regarding the equal opportunities between men and women, the National Agency, for the equal opportunities between men and women (ANES) was formed as a specialty body of central public administration, with legal personality, under the Ministry of Work, Social Solidarity and Family.

The role of the agency is that to promote the principle of equal opportunities and fair treatment between men and women and to ensure the active integration of gender perspective in all policies and national programs.

The priority of the Agency was to elaborate the National Strategy for the Equal opportunities between men and women which was adopted by the Government Ordinance no. 319/2006 regarding the approval of national Strategy for equal opportunities between men and women for the period 2006-2009 and the general plan of actions for the implementation of the National Strategy for the equal opportunities between men and women between 2006-2009.

This explains the fact that for the women in Romania there are a series of discriminations meaning there are women prevailing domains of economy or man prevailing domains. This fact leads to segregation on sexes of jobs, noticing that the feminized ones are worse paid. In spite of registered progresses, especially in the domain of education and occupation, women still have a lot of obstacles to reach a real equality including the one regarding the conciliation between family and professional life.

The main principles of the National Strategy were:

- Improving the information about women situation on the labor market.
- Supporting equal access of men and women on the labor market.
- Conciliating family life and professional life, men and women in professional promotion.
- Facilitating the insertion on the labor market of women facing the risk of being marginalized.
- Promoting the equal participation of women and men in the community and family.

⁴ The Government of Romania, Art. 5, Government Ordinance no. 285, regarding the application of the National plan of action for the equality of chances between men and women published in the Official Gazette no. 236 from 17 march 2004, Bucharest.

⁵ The Government of Romania, published in the Official Gazette, Part I, no. 799 from 30 august 2004, Bucharest.

- Men involvement in promoting the principle of equal opportunities between men and women.
- Supporting the measures of prevention and combating women traffic, gender violence and sexual harassment.
- Regulating the equal participation of men and women in decision-making process.

In order to reach these objectives, ANES developed a lot of activities between 2006-2009 a series of activities meant to promote the equal opportunities between men and women in all domains of activity.

“One of the most important actions developed by ANES is the organization of the campaign Take a decision. The objective of the campaign was to make the public opinion aware of the equal participation of men and women at the decision-making process.

Another event organized by ANES was the launch of the magazine R.E.S. Publica – The magazine of equality opportunities, as a way of making sensitive the public opinion regarding the gender problem. The magazine was issued in 2 numbers and the public presentations were held in Bucharest, Târgu Jiu and Cluj-Napoca.

ANES was awarded in 2007 the national Organism of implementing the campaign *The European Year of equality of chances for all – year 2007*.

The activities that took place in this ‘European year’ concentrated on the problems regarding the ethnical origin, religion, age, sex, sexual orientation and disabilities. One of the positive results of these pan-European campaigns in Romania was to place our country on the 7th place of all the 27 countries participant, for informing the citizens regarding the activities developed in this ‘European Year’, according to the Euro-barometer in what concerns the discrimination for the year 2008 made by the European Committee at the end of campaign.”⁶

In order to make the real equality come true, it’s necessary not only to improve the legislation to integrate the principle of equality but also “to change the attitudes and behaviors, lifestyles and social statuses that prevent women from developing their personality freely and their active participation in all life domains: economy, culture, politics etc.”⁷

For sure the areas where the discrimination can manifest are diverse, that’s way we want to approach this phenomenon from the perspective of work reports in general and independently.

The provisions of article 5, paragraph 1 from the Code of Work decides clearly the fact that within work relationships there is equal treatment towards all employees

⁶ The Government of Romania, Annex 1, Government Ordinance no. 237, regarding the approval of National Strategy for the equality of chances between men and women in 2010-2012 and the General plan of Actions for implementation of the National Strategy for the equality of chances between women and men for the period 2010-2012, published in the Official Gazette, Part I, no. 242 from 15 April 2010, Bucharest. Government Ordinance no. 237 from 15 April 2010 until 8th December when are replaced with Government ordinance no. 1050/2014.

⁷ National Strategy for the equality of chances between men and women for the period 2006-2009, Bucharest.

and employers. And also, according to paragraph. 2 of article 5 “any direct or indirect discrimination towards one of the employees based on criteria of sex, sexual orientation, genetic characteristics, age, origin, race, political option, social origin, disability, family situation or responsibility, union adherence is prohibited.”⁸

In paragraphs (3) and (4) of article 5 there are established the following:

”- It is called direct discrimination acts and facts of exclusion, difference, restriction or preference, founded on one or more criteria stipulated in paragraph(2) which have as a purpose or effect non- granting, restriction or not recognizing the use or exercise of rights provided in the work legislation.

- It is called indirect discrimination acts and facts founded apparently on other criteria than those provided in article (2), but have effects of direct discrimination.”⁹

In article 6, it is mentioned that any employee that performs a work benefits of adequate work conditions, social protection, security and work health, as well as respecting the dignity and their conscious, without any discrimination.

In article 8 there are regulated two of the fundamental principles of work rapport such as: “work rappers are based on the principle of co sensuality and good faith.”¹⁰

⁸ The Parliament of Romania, Law no. 53/2003 - Work Code, republished under art V from Law no. 40/2011 for amendments and additions of Law no. 53/2003 - Work Code, published in the Official Gazette, Part I, no. 225 from 31 March 2011, giving texts other numbers. Law no. 53/2003 - Work Code was published in the Official Gazette, Part I, no. 72 from 5 February 2003 and it was amended and completed by: Law no.480/2003 for the amendment of letter e) of art. 50 from Law 53/2003 - Work Code published in the Official Gazette, Part I, no.814 from 18 November 2003; Law no. 541/2003 for the modification of some dispositions of Law no. 53/2003 - Work Code, published in the Official Gazette, Part I, no. 913 from 19 December 2003, Emergency Ordinance of Government no. 65/2005. Regarding the amendment and completion of Law no.53/2003 - Work Code, published in the Official Gazette of Romania, Part I, no. 576 from 5 July 2005, approved with amendments and completions under Law no. 371/2005, published in the Official Gazette, Part I, no.1147 from 19 December 2005; Law no. 241/2005 for the prevention and fight against fiscal evasion, published in the Official Gazette, Part I, no. 672 from 27 July 2005 with subsequent amendments: Emergency Ordinance of Government no. 55/2006 for the amendment and completion of Law no.53/2003 - Work Code , published in the Official Gazette of Romania, Part I, NO.788 from 18 September 2006 approved with amendments under Law no. 94/2007, published in the Official Gazette, Part, no. 264 from 19 April 2007; Law no. 237/2007 regarding the amendment paragraph (1)of art. 269 from Law no. 53/2003 - Work Code published in the Official Gazette, Part I no. 497 from 25 July 2007; Law no. 202/2007 regarding the amendment paragraph(1)of art.134 from Law no.53/2003-Work Code published in the Official Gazette, Part I, no.728 from 28 October 2008; Emergency Ordinance no. 148/2008 regarding the amendment Law no. 53/2003 - Work Code published in the Official Gazette, Part I, no. 765 from 13 November 2008 approved under Law no. 167/2009, published in the Official Gazette, Part I, no.321 from 14 May 2009; Law no. 331/2009 regarding the amendment of letter e) of par.(1) of art. 276 of Law 53/2003 - Work Code, published in the Official Gazette of Romania, Part I, no. 779 from 13 November ; Law no. 49./2010 regarding some work measures and social assurances published in the Official Gazette of Romania, Part I, no.195 from 29 March 2010, Bucharest.

⁹ *Ibidem.*

¹⁰ *Ibidem.*

We don't have to omit the fact that Law no. 202 from 12 April 2002 regarding the equality of chances between men and women, in article 4 are mentioned definitions of different forms of discrimination and harassment such as:

“a) by direct discrimination we understand that situation in which a person is treated less favorable, on sex criteria, than is or was another person in a comparable situation;

b) by indirect discrimination we understand the situation in which a disposition, a criterion or practice, apparently neuter, can create a disadvantage towards some people, especially people of a certain type of sex compared with the people of another type of sex, excepting the case in which this disposition, criterion or practice is objectively justified by a legitimate purpose and the ways of reaching this purpose are appropriate and necessary;

c) by harassment we understand the situation in which it's manifested an unwanted behavior with sexual connotation, expressed physically, verbally and nonverbally, having as an object or effect the injury of a person's dignity and the creation of an intimidating, hostile, infamous, degrading, humiliating and embarrassing environment;

d) by sexual harassment we understand the situation in which an unwanted behavior with sexual connotation is manifested, expressed physically, verbally and nonverbally, having as an object or effect the injury of a person's dignity and especially, the creation of an intimidating, hostile, humiliating and embarrassing environment;

e) by positive actions we understand those special actions which are temporarily taken in order to achieve faster the equal opportunities between men and women and which are not considered discrimination actions;

f) by work of an equal value we understand a remunerated activity and which compared, according to the same indicators and the same measure units, with another activity, reflects the use of some similar or equal knowledge and professional skills and an equal or similar intellectual or physical effort;

g) by discrimination on a sexual basis we understand the direct and indirect discrimination, harassment and sexual harassment of a person by another person at the workplace or any other place in which this person works, or any treatment less favorable caused by the rejection of such behavior of that certain person or its obedience towards this behavior;

h) by multiple discrimination we understand any discrimination based on two or more criteria of discrimination.”¹¹

¹¹ The Parliament of Romania, Law no. 202 from 19 April 2002, republished regarding the equality of chances and treatment between men and women. Republished under art III from the Emergency Ordinance of Government no. 56/2006 for the amendment and completion of law no.202/2002 regarding the equality of chances between men and women, published in the Official Gazette of Romania, Part I, no. 768 from 8 September 2006, approved with amendments and completions under law no.507/2006, published in the Official Gazette of Romania, Part I, no. 10 from 8 January 2007, giving texts other numbers, Bucharest. Law no. 202/2002 was republished in the Official Gazette of Romania, Part I, no.135 from 14 February 2005, and subsequently amended under law no. 340/2006

The legislator introduced at art. 8 from Law 202 a series of provisions meant to prevent and eliminate any type of behavior, defined as discrimination based on the criterion of sex, establishing for the employer the following obligations:

“a) to ensure the equal opportunities and fair treatment for the employees, men and women, within the work relationships of any type, including the introductions of some dispositions to forbid the discriminations based on sex in the organization and working regulation and in the interior regulations of the units;

b) to provide disciplinary sanctions in the internal regulations, under the conditions complying with the law, for the employees that break other employees' personal dignity creating degrading, intimidating, hostile, humiliating and offending environments, through intimidating actions, as they are defined in art. 4 letter a)-e) and art. 11;

c) to inform employees permanently, including posters in public places on the rights they have regarding the equal opportunities and fair treatment between men and women within work relationships;

d) to inform immediately after it was noticed the public authorities authorized to apply and check the legislation regarding the equal opportunities and fair treatment between men and women.”¹²

The emergency Ordinance of the Government no. 67¹³ from 27 June 2007, regarding the application of the principle of equal treatment between men and women within the professional schemes of social security, was elaborated with the purpose of reproducing the Directive of the Council no. 86/378/CEE from 24 July 1986 regarding the application of the principle of equal treatment between men and women in the professional regimes of social security. This fact was necessary, taking into consideration Romania's member quality of the European Union, because complying with the community legislation; our country had the obligation to implement the community *acquis* entirely and to ensure the development of a democratic and tolerant society.

for the amendment and completion of law no. 202/2002 regarding the equality of chances between men and women, published in the Official Gazette of Romania, Part I, no 642 from 25 July 2006, Bucharest.

¹² The Parliament of Romania, Law no. 202 from 19 April 2002, republished regarding the equality of chances and treatment between men and women. Republished under art. III from the Emergency Ordinance of Government no. 56/2006 for the amendment and completion of law no. 202/2002 regarding the equality of chances between men and women, published in the Official Gazette of Romania, Part I, no. 768 from 8 September 2006, approved with amendments and completions under law no. 507/2006, published in the Official Gazette of Romania, Part I, no. 10 from 8 January 2007, giving texts other numbers, Bucharest.

Law no. 202/2002 was republished in the Official Gazette of Romania, Part I, no. 135 from 14 February 2005, and subsequently amended under Law no. 340/2006 for the amendment and completion of Law no. 202/2002 regarding the equality of chances between men and women, published in the Official Gazette of Romania, Part I, no. 642 from 25 July 2006, Bucharest.

¹³ The Government of Romania, published in the Official Gazette of Romania, Part I, no. 443 from 29 June 2007, Bucharest

This was published in the Official Journal of the European Community (JOCE) no. L 225 from 12 August 1986, including subsequent amendments and additions brought by Directive of Council 96/97/CE from 20 December 1996, published in the Official Journal of the European Communities (JOCE) no. L 46 from 17 February 1997 and which is applied to the “active population, including people who are freelancers, people whose activity is interrupted by disease, maternity.”¹⁴

The principle of equality of treatment within the professional schemes of social security implies the absence of any direct and indirect discrimination on the criterion of sex, with the reference to marital status or family, especially regarding the domain of application of professional schemes of social security and access conditions, the obligation to contribute and the contributions calculation, performance calculation, including the additional performance due to a spouse or dependents, as well as the conditions that regard the duration and maintenance of the right to these performances.

Subsequently, through the Letter of formal notice no. C (2008) 382 from 28 January 2008, The European Committee warned the Romanian authorities against the non-communication of the reproduction measures of Directive of Council 2004/113/CE from 13 December 2004 regarding the implementation of the principle of equal treatment between men and women regarding the access to goods and services and the supply of goods and services, published in the Official Journal of European Communities (JOCE) no. L373/37 from 21 December 2004, developing, regarding Romania, the action of not fulfilling the obligations as a state member.

This fact determined the Government of Romania to issue the Emergency Ordinance no. 61 from 14 May 2008 regarding the implementation of the principle of equal treatment between men and women in what concerns the access to goods and services and the supply of goods and services which is applicable “to all natural persons and companies from the public and private sector, including public bodies which supply goods and services available for the public, independent of that certain person in the public and private sector and which are offered outside the private and family life and concerns only the transactions that are developed within this system.”¹⁵

Women involvement in the decision-making process in the family life and community, in the rural and urban area, was the subject of an analysis done by ANES in 2008. The results of the study confirmed the necessity of some actions taken in order to promote the role of women in the society.

¹⁴ The Government of Romania, Art. 4, Emergency Ordinance of Government no. 67 from 27 July 2007 regarding the application of equality of treatment between men and women within the professional schemes of social security, published in the Official Gazette of Romania, Part I, no. 443 from 29 June 2007, Bucharest.

¹⁵ The Government of Romania, Art. 3, Emergency Ordinance no. 61 from 14 May 2008 regarding the implementation of the principle of the equality of treatment between men and women, in what concerns the access to goods and services and supply of goods and services, in the Official Gazette of Romania, Part I, no. 385 from 21 May 2008, Bucharest.

In order to have an efficient dialogue with the other institutions with attributions in the domain of equal opportunities, non-discriminations and in the domain of occupations, ANES signed a series of collaborations protocols, the most important being the ones signed with the National Agency for the Occupation of Labor Force (ANOFM) and the National Agency of Roma People (ANR).

The finality of these approaches was that to organize job grants having as an objective the equal opportunities between men and women on the labor market, with the purpose of informing the number of jobs available in the district, the worker rights, and not least, the modalities of preventing discrimination.

The problems of women of Roma ethnic were quantified within the program “*Equality for all*”, in order to develop projects and insertion programs on the labor market.

In order to ensure the continuity of politics in the domain of equal opportunities, in the year 2010 was approved the Government Ordinance no. 237 regarding the approval of National Strategy for the equal opportunities between men and women for the period 2010-2012 and the General Plan of actions to implement the National Strategy for the equal opportunities between men and women for the period 2010-2012.

The specific objective of this strategy was mainly:

- “the introduction of gender perspective in formal and non-formal education, preventing the gender stereotypes in educational system;
- reducing gender differences regarding salaries;
- improving the conciliation between family life and professional life;
- promoting gender perspective in social life;
- to make mass-media more sensitive regarding the principle of equality of chances between men and women;
- encouraging the equal participation of men and women to all decision-making levels;
- implementation and monitoring of developed indicators according to the Platform of action in Beijing”¹⁶

Even though all the objectives and measures stipulated in the normative acts listed above were ambitious, and European directives in the domain of equal opportunities were, generally, reproduced in the internal legislation, yet, in practice there were not important results that led to the collapse of the Agency, crisis and public budget reduction. Thus, it got back to its initial stage of organization, respectively to the establishment of Direction of equal opportunities within the Ministry of Work.

¹⁶ The Government of Romania, Government Ordinance no. 237 regarding the approval of National Strategy for equal opportunities and fair treatment between men and women for 2010-2012 and the General plan of actions for the implementation of the National Strategy for equal opportunities and fair treatment between men and women for 2010-2012, published in the Official Gazette, part. I, no. 242 from 15 April 2010, Bucharest.

This fact didn't stop to pursue the objectives proposed in the Strategy, so that in 2012 "a guide of good practices in the domain of equal opportunities" was elaborated in partnership with Media One, Pestalozzi Foundation di Perugia, within a project co-funded by the Social European Fund."¹⁷

Important examples would be the projects that took into consideration "social and professional insertion of homeless people from Bucharest, raising job occupation among unemployed people, young people, people looking for a job and inactive population from the district Covasna, with a specific emphasis on ethnic minorities, diminishing the risk of separating mothers and children in emergency situations, access to professional training and support services for young people in detention and their integration on the labor force, during the punishment period and after, eliminating discrimination practices on gender criterion on the labor force, changing the way Roma ethnics are perceived in Romania."¹⁸

Another legislative step consisted of "passage of Emergency Ordinance no. 83¹⁹ for amending the Law no. 202/2002 for equal opportunities and fair treatment between men and women which partially transposed Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) and Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC. By this normative act, it regulated the measures for promotion of equal opportunities and equal treatment of men and women, for the elimination of all forms of discrimination, and the Ministry of Labour, Family and Social Protection, by the Department of Equal Opportunities of Men and Women, had the responsibility to assure the observance and to exert control over the application of legal provisions in its field of activity, by the subordinate institutions under its authority or coordination, institutions which were responsible for the application of these measures."²⁰

Although over the last years, in Romania, the indicators and especially the concerns regarding the equal opportunities have improved, it was also felt the need that the Government Program 2013 – 2016 proposes several directions of action

¹⁷ Project S.A.N.S.A (chance, acceptance, need, security, work access)

¹⁸ Study cases regarding equal opportunities integrating approaches and successful projects, implementation within the structural instruments of Romania' –Brochure made within the contract' Evaluation the way in which the provisions from the domain of equal opportunities were transposed in the background of the structural Instruments of Romania.

²⁰ The Government of Romania, published in the Official Gazette, part I, no.116 from 15 February 2012, Bucharest.

²¹ A Cordoș, *Importance of application of gender equality principle at institutional level*, work published within the project "PECAFROM – Promotion of equal opportunities in university and academic career for women in Romania" POSDRU/144/6.3/S/127928, co-funded by the European Union and the Government of Romania from the European Social Fund through the Sectoral Operational Programme Development of Human Resources 2007-2013.

regarding the support of equal opportunities, including the elimination of salary differences between men and women on the workforce market and the inclusion of principles of social cohesion and gender equality in all public policies. Such an example would be the program "*Second Chance by Education*" which targets the elimination of illiteracy and integration on workforce market and takes into consideration the guarantee of equal opportunities and elimination of any forms of discrimination.

For the stimulation of activity and materialization of actions of National Commission in the field of equal opportunities of men and women (CONES) at the end of the year 2013 the Government Decision no. 933/2013 was published for the approval of the Regulation for organization and functioning of this commission.

CONES have the main following assignments:

- "promotion of integrated approach of equal opportunities principle between men and women for the elimination of gender inequalities and discrimination based on gender criteria;
- inclusion of equal opportunities principle between men and women in the elaboration and application of sectorial policies through the institutions represented in CONES;
- evaluation of the stage of application and observance of legislation in the field at central level and elaboration of recommendations for the central public administration authorities in view of applying the policies and specific programs for promotion of equal opportunities of men and women;
- evaluation of harmonization process of national legislation with EU regulations in the field of equal opportunities between men and women and elaboration of recommendations for the authorities of central public administration in view of accomplishing the harmonization;
- promotion of exchange of experience and information on the actions carried out in the field;
- granting of advisory approval for the National Strategy in the field of equal opportunities between men and women and the general plan of actions for the implementation of Strategy and participation in the implementation of the Strategy;
- elaboration of reports regarding the concrete method of application in different activity sectors of the policy equal opportunities between men and women, etc.²¹

The concern of Government for implementation of equal opportunities principle is proven also by foundation in 2014 of the Department for equal opportunities within the Romanian Ministry of Labour, Family, and Social Protection, by Government Emergency Ordinance no. 11/2014 for the adoption of reorganization measures at the level of central public administration and for the amendment and supplementation of

²² The Government of Romania, Art.3, Government Decision no. 933/2013 for the approval of Regulation for organization and functioning of National Commission in the field of equal opportunities between men and women, published in Official Gazette Part I no. 747 of 3 December 2013, Bucharest.

normative acts. This department mainly exercises the following positions: strategy, regulation, representation of Government of Romanian on internal and external level in its field of activity and authority in the field of equal opportunities between men and women.

By Law no. 229/2015 of 6 October 2015 for the amendment and supplementation of Law no. 202/2002 for equal opportunities and fair treatment between men and women, the National Agency for Equal opportunities between Men and Women (ANES) was re-founded.

The National Agency for Equal opportunities between Men and Women was re-founded as specialized body of the central public administration, with legal personality, subordinated to the Romanian Ministry of Labour, Family and Social Protection.

ANES has the first mission of promotion of equal opportunities and fair treatment between men and women principle for elimination of all discrimination forms based on gender criterion in all national policies and programs.

For the fulfillment of this mission, ANES must elaborate and apply the strategy and policies of Government in the field of equal opportunities and fair treatment between men and women. It also has to harmonize the legislative framework with the EU regulations concomitantly with the integration of gender perspective in all policies and programs implemented. Another role of ANES is to control the application and observance of regulations in the field.

When it resumed its activity ANES took over both the staff of Department for Equal opportunities between Men and Women (DESF) and its patrimony.

In Romania, the steps for observance of gender equality principles were connected in general with the alignment of legislation and national policies to the European policies, essential requirement initially for the integration of Romania in EU and less on their implementation by concrete and quantifiable measures before and after the accession of Romania to EU.

However, according to the communications of Ministry of Labour, Family and Social Protection and the Ministry of Foreign Affairs, the European Commission has not communicated so far vices, inconsistencies, inaccuracies of transposal of European normative acts in the field into the Romanian legislation.

It is noteworthy that there is a low degree of information among citizens regarding the legal mechanisms which can be initiated in cases of discrimination, which requires the need to carry out large campaigns and informative programs, especially among persons with a low level of education.

The decisions and actions which envisage the increase of equal chances must be taken based on studies and evaluations made at national and local level, which reflect the real situation of gender relationships in our country.

During the investigation resulted the need of promoting a number of 5 legislative proposals.

The legislative proposals resulted are:

- Draft law on elaboration of a code in the field of equal opportunities.

- Draft law on the supplementation of Law no. 1 – National Education Law by introduction in the curricula of a subject related to gender equality.
- Draft law on the foundation of counselor profession for equal opportunities and its registration in the Romanian Code of Occupations.
- Draft law regarding the supplementary remuneration of women who resume their activity before the expiry of the legal deadline for the child raising maternity leave.
- Draft law regarding the moral harassment at workplace, necessary for the integration of moral harassment phenomenon in the current legislation and to establish and fight against the professional vulnerabilities which can generate this form of harassment.

Instead of final conclusion, this research shows that the joint action must not only focus on legislative harmonization, but more on the coordination and control of application of legislation in force and the programs concerning gender equality, on the identification of financing sources and the permanent evaluation of progress made.

With all the efforts made on European and national level we continue to see the maintenance of inequalities between men and women and the violation of their fundamental rights. As it is stipulated in many European documents “the consolidation of equality between men and women can result in both economic and commercial benefits.”²²

It is also observed that “for the fulfillment of objectives of Europe 2020 strategy, which is a smart, sustainable growth favorable to inclusion, it is necessary that the potential and talent of women are used more and more efficiently.”²³

As such, for the near future, it is necessary to adopt a new strategy and a plan of measures which lead to the reduction of current disparities between men and women in social, economic, professional and political life. Equal economic independence, equal remuneration for the same work and provision of an equivalent work, equality in decision-making, dignity, integrity and cessation of gender-based violence are only a few objectives included in the European Strategy for equal opportunities between men and women 2010-2015, objectives which must be envisaged by the Romanian state in the elaboration of new strategies.

For the transposal into practice of the legal provisions in the field of gender equality to be efficient, it takes the active involvement of European Parliament and Council, but also the national Parliaments of member states and institutions and national bodies involved in the assurance of human rights and observance of gender equality.

²² Conclusions of Council on equal opportunities between men and women: consolidation of growth and occupation of workforce, the 2980th reunion of EPSCO Council, 30.11.2009.

²³ Communication of European Commission to European Parliament, European Council, European Economic and Social Committee and Committee of Regions of 21 September 2010, Strategy for equality between men and women 2010-2015 [COM(2010) 491].

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