

ROMANIA

1. Discriminatory family code

Following amendments to the Civil Code in 2007, the **legal minimum age of marriage** for both women and men is now 18.¹ Minors who have 16 years old can be married based on medical advice, with parent's approval and with authorization of the Guardianship Court on.² There are no specific provisions criminalising forced marriage.³

Only marriages performed and registered at a state registry office are legally recognised in Romania.⁴

The European Roma Rights Centre (ERRC) notes high rates of **early marriage** among Roma in Romania which are conducted informally and are not registered. The ERRC reports that child protection authorities often do not see early marriage as a child protection issue, and are reluctant to intervene in cases of early marriage because they do not want to interfere with a Roma 'cultural custom'.^{5, 6}

Under the Family Code, women and men have equal **parental authority** over children during marriage, and following a **divorce**.⁷

The principle of equality between spouses in regard to all decisions related to the family would indicate that both women and men can be considered the head of the household under Romanian law.^{8, 9}

Customary and religious law are not considered valid sources of law under the constitution, in regard to parental authority or any other matters.¹⁰

Some reports note that stereotypes regarding acceptable gender roles are very strong in Romania, presumably also affecting relations within the household.¹¹

Women enjoy equal **inheritance** rights in Romania as wives and daughters, under the country's revised Civil Code.¹²

¹American Bar Association (2013)

² Law 287/2009 – article on marriage - Chapter II, section I, art. 272

³ European Roma , p. 32

⁴ ERRC (2011), p. 38

⁵ ERRC (2011), p. 4

⁶ ERRC (2011), p. 32

⁷ CEDAW (2006) p. 38-39

⁸ CEDAW (2006) p. 38-39

⁹ International Bank for Reconstruction and Development/The World Bank (2011), p. 124

¹⁰ International Bank for Reconstruction and Development/The World Bank (2011), p. 124

¹¹ Ciocoiu, Paul (2011)

¹² Law 287/2009 – Chapter III Legal Inheritance, section 2 Descendants of the defunct, art 975 – Right of inheritance of the descendants

Customary and religious law are not considered valid sources of law under the constitution, in regard to inheritance or any other matters.¹³

More

Both spouses have the **rights to initiate divorce** by law (this is specified by article 373 of the Romanian Civil Code)¹⁴.

2. Restricted physical integrity

Romania has neither signed nor ratified the Council of Europe 'Convention on preventing and combating violence against women and domestic violence'.¹⁵

In 2000, amendments to the Criminal Code introduced family relationship as an admissible aggravating factor in cases of violent assault.¹⁶ Further, 2003 saw the adoption of Law no. 217 on Preventing and Combating **Domestic Violence**.^{17, 18} The 2003 law defines domestic violence as 'any physical or verbal act committed intentionally by a family [member] that causes physical, psychological, or sexual suffering, or material damages. Domestic violence also includes preventing women from using their fundamental rights and freedoms.'¹⁹ Amendments to the 2003 law in 2012 introduced restraining orders.²⁰

Law no. 217 on Preventing and Combating Domestic Violence addresses the role of social workers, prevention measures, mediation, shelters, protection measures and sanctions in regard to domestic violence.²¹ An official statement by the government of Romania notes that in 2010, a national-level campaign of activities raising awareness of domestic violence took place, and that in 2011, a special website was set up to provide information on domestic violence and its prevention.²² However, the Women Against Violence Europe (WAVE) network notes that there is no national action plan to address violence against women in Romania, and the US Department of State reports that the government does little to address domestic violence.^{23, 24}

According to WAVE, in 2009 there were 12,088 cases of 'family violence' reported to the police (data not segregated by gender or type of violence). WAVE also report that the 2003 law on protective measures for victims of domestic violence is not effectively implemented.²⁵

¹³ International Bank for Reconstruction and Development/The World Bank (2011), p. 124

¹⁴ IMPOWR (2013)

¹⁵ Council of Europe Treaty Office (2013)

¹⁶ Law no. 197, adopted by the Parliament in November 2000, modifying the Penal Code on Articles 75, 112, 118, 149, 180, 181, 197, 198, 202, 305, 306, 314

¹⁷ CEDAW (2006), p. 27

¹⁸ Advocates for Human Rights (2008)

¹⁹ United Nations (n.d.)

²⁰ Government of Romania (n.d.)

²¹ Advocates for Human Rights (2008)

²² Government of Romania (n.d.)

²³ WAVE (2011)

²⁴ US Department of State (2013)

²⁵ WAVE (2011)

According to a report by the Council of Europe, domestic violence is still seen by many police officers as a 'family matter', and they are reluctant to intervene.²⁶

Rape is a criminal offence under Article 218 of the Criminal Code.²⁷ Spousal rape is not specifically criminalised under Romanian law.²⁸

Clauses regulating 'reparatory marriage' in cases of rape (i.e., allowing the perpetrator to escape prosecution by marrying the victim) were removed from the Criminal Code in 2000.²⁹

According to the United Nations Office on Drugs and Crime, in 2009, there were 1007 cases of rape registered with the police.³⁰ In 2012, there were 895 cases of rape.³¹

Women are reluctant to report incidents of sexual violence, according to a report by the Council of Europe.³² It is apparently difficult to prosecute rape cases because prosecution requires medical evidence and witnesses, and / or the active cooperation of the victim. Most rapists avoid imprisonment because their victims do not report the rape, or withdraw their complaint.^{33, 34}

Regarding the conviction rates, the Ministry of Justice published several reports (in accordance with annual statistics of rape cases convicted between 2006 and 2011). For example, there were 416 convictions in 2008, 387 in 2009, 643 in 2010 and 283 in 2011.³⁵

While there is no specific law addressing **sexual harassment**, sexual harassment in the workplace is addressed under Law 202/2002 on Equal Opportunities and Treatment for Women and Men. The offence is also included under the Criminal Code, in regard to the exploitation of a position of authority in the workplace to obtain sexual favours.^{36, 37, 38}

Law 202/2002 lays out the responsibilities of employers in regard to protecting employees from sexual harassment, and stipulates penalties and disciplinary sanctions.³⁹ The "Say No to Sexual harassment!" campaign ran in 2006-2007, raising awareness of sexual harassment in the workplace and providing guidance to employers.⁴⁰ It does not appear that there have been any similar campaigns since.⁴¹

The US Department of State notes that public awareness of sexual harassment is low.⁴² Research carried out prior to the "Say No to Sexual harassment!" campaign found that very few women were aware of legal protections available to them in regard to sexual harassment, or could identify when

²⁶ Council of Europe (2009), p. 71

²⁷ Council of Europe (2009), p. 67

²⁸ Advocates for Human Rights (2008); Report of European Women's Lobby (2013)

²⁹ Council of Europe (2009), p. 68

³⁰ United Nations Office on Drugs and Crime (2010)

³¹ Romanian Police http://www.politiaromana.ro/date_statistice_2012.htm (accessed 30/04/2014)

³² Council of Europe (2009), p. 71

³³ Advocates for Human Rights (2008)

³⁴ US Department of State (2013)

³⁵ National Statistics Bureau

³⁶ Council of Europe (2009), pp. 69-70

³⁷ CEDAW (2006), p. 11

³⁸ Equal Rights Trust (n.d.)

³⁹ Council of Europe (2009), p. 69

⁴⁰ 'Violence against women at work' Project (n.d.)

⁴¹ US Department of State (2013)

⁴² US Department of State (2013)

sexual harassment had taken place. While one out of nine respondents to the survey felt that they had experienced sexual harassment, very few had made an official complaint.⁴³

More

Abortion is available on demand in Romania.⁴⁴

3. Son bias

For 2013-2014, the male/female **sex ratio** for the working age population (15-64) in Romania was 1.0 while the sex ratio at birth was 1.06.⁴⁵

More

Gross enrolment ratios at both the primary and secondary levels are equal. According to a 2014 report by UNICEF, gross primary school enrolment ratios (females as a % of males) were 99% at the primary level and 99% at the secondary level.⁴⁶

4. Restricted resources and assets

Women and men have the same rights to own and **access land and property other than land** in Romania. These rights are protected under the Constitution (Article 44) and the Civil Code.⁴⁷

Under the Civil Code, all property obtained prior to marriage remains under the ownership of the individual spouse. The default property regime is 'community of goods', i.e., any assets acquired during the marriage are the joint property of both spouses and can only be sold with their joint consent. However, couples can opt for an alternative property regime when they marry, if they wish.⁴⁸

Customary and religious law are not considered valid sources of law under the constitution, in regard to land and property rights or any other matters.⁴⁹

According to the UN Food and Agricultural Organization (FAO), 29.8% of agricultural holdings are owned by women in Romania.⁵⁰

It appears that land grabbing (i.e. the effective compulsory purchase of land at below-market rates for development by foreign companies) is becoming an increasing problem in Romania.⁵¹

Women and men have equal rights to apply for **credit and bank loans**, under the Civil Code (Articles 37, 38), Antidiscrimination Act (2000) and the Law on Equal Opportunities and Treatment for Women and Men. There are no reports of women experiencing discrimination in accessing credit.⁵² However, it is

⁴³ 'Violence against women at work' Project (n.d.)

⁴⁴ United Nations Department of Economic and Social Affairs, Population Division (2013)

⁴⁵ CIA (2013)

⁴⁶ UNICEF (2014), p. 73

⁴⁷ American Bar Association (2013)

⁴⁸ American Bar Association (2013)

⁴⁹ International Bank for Reconstruction and Development / World Bank (2011), p. 124

⁵⁰ FAO (n.d.)

⁵¹ Transnational Institute (TNI) for European Coordination Via Campesina and Hands off the Land network (2013), p. 14

⁵² American Bar Association (2013)

reported that it is difficult for people on low incomes to obtain credit because of the high interest rates charged by banks.⁵³

According to data held by the World Bank, 41% of adult women in Romania had a bank account in 2011, compared to 49% of men.⁵⁴

The 2006 CEDAW report includes information on government programmes to provide credit to Roma women to start or support small businesses.⁵⁵

According to the Microfinance Information Exchange, women accounted for 14.14% of recipients of micro-credit in 2012.⁵⁶

5. Restricted civil liberties

There are no legal restrictions on women's free **access to public space** in Romania. The Constitution and the Civil Code guarantee freedom of movement, and the right to choose one's place of residence.⁵⁷

As members of the wider Roma population, Roma women face de facto restrictions on where they can live. Roma communities have been forcibly evicted to segregated areas with inadequate infrastructure, according to Amnesty International and Human Rights Watch.^{58, 59} Roma girls also face discrimination in access to education.⁶⁰

Discrimination and violence against members of the lesbian, gay, bisexual, transgender, and intersex community negatively impacts on the free access to public space of lesbian, bisexual, transgender, and intersex women. Lesbian women quoted in one report spoke of experiencing physical assault following disclosure of their sexual orientation, or stated that they were reluctant to participate in public events (such as gay pride) for fear of experiencing violence.⁶¹

There have also been reports of women living with HIV being denied access to health care services.⁶²

There are currently no **quotas** in place to promote women's political participation, at national or sub-national level.⁶³

At the international level, the Mediterranean Institute of Gender Studies is coordinating a new programme entitled "European Campaign For Parity Democracy and Active European Citizenship: No Modern European Democracy without Gender Equality". This project is led in partnership with the European Women's Lobby (EWL) and its European wide 50/50 campaign and the Women Employment Information Centre (Lithuania), the Forum 50% (Czech Republic) and the Romanian Women's Lobby

⁵³ EBRD (2010)

⁵⁴ World Bank (n.d.)

⁵⁵ CEDAW (2006), p. 26

⁵⁶ Microfinance Information Exchange (2013)

⁵⁷ IMPWR (2013)

⁵⁸ Amnesty International (2013)

⁵⁹ Human Rights Watch (2013), p. 438

⁶⁰ (ERRC) (2011), p. 32

⁶¹ European Union Agency for Fundamental Rights (2013), p. 22, 26

⁶² Human Rights Council (2012), p. 4

⁶³ quotaProject (2013)

(Romania). The project is funded by the European Commission Fundamental Rights and Citizenship 2012 programme.⁶⁴

More

Media monitoring carried out in Romania in 2010 found that women were the subject of news items in 32% of cases, across all media forms. Women were underrepresented as experts and commentators in most subject areas of current affairs, with the exception of items on celebrities, sport, and arts and culture. In broadcast media, women were the majority of presenters (69%) and reporters (59%).⁶⁵

Concerning **workplace rights**, discrimination in employment on the basis of gender is prohibited under Article 5 of the Labour Code.⁶⁶

Pregnant women are entitled to take up to 126 days of paid **maternity leave**. While on maternity leave, women receive 85% of their salary. Maternity leave is financed through the state health insurance budget.⁶⁷

⁶⁴ European Parity Democracy

⁶⁵ Global Media Monitoring Project (2010), p. 67, 69, 73-74

⁶⁶ American Bar Association (2013)

⁶⁷ Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities, Articles 1, 2, 23, 24, 25.; ILO (2011)

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