

## **The Influence of European Law Concerning Gender Discrimination in Romanian Labor Market: Some Aspects of Women's Migration in the EU**

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**Abstract.** Discrimination in employment is one of the problems that have not lost its actuality and discrimination of women, as a species of this principle is a problem that has interesting aspects in Romania. This paper proposes a series of conceptual approach, an attempt to define discrimination against women in employment, a content analysis, including issues of harassment and discrimination. An important part involves the attempt to highlight the sources of discrimination, as well as underlining the paradox that this category of people is not a minority. We want to underline the equality principle reflected by international law, European law, and Romanian legislation and several problems related to gender specificity on the labor market. We have analyzed the international legal framework, the European one (with the multitude of EU directives) and the Romanian legislation on this area and I drew a number of conclusions on a few misconceptions of Romanian collective mind, regarded as sources of discrimination.

**Keywords:** *gender policy, discrimination, labor market, equality principle*

### **Introduction**

The issue of discrimination is always complex and its approach has some risks, including, of course, the subjectivity one. Any woman author of a study on gender discrimination, even on an issue of labor market discrimination cannot detach herself from her own history, her own social-cultural experience. For this reason we bell the cat to confront this issue in terms of experience and a particular culture but we also try to use an external perspective due to the numerous discussions on this subject with people from other European countries or outside and, of course, statistical data, obtained from institutions specializing in public opinion polling.

We would be tempted to believe that the perception of women in Romania is contaminated by structural patterns related to a particular cultural tradition of the Romanian way of life and that her representations of bursting their grievances or his entourage, the social group to which it belongs. It is therefore interesting to see how perceptions of people from other cultures can bring new things to the group members were not even aware

### **Terms and Definitions**

Discrimination means differential treatment of a person under its affiliation, real or supposed, in a particular social group.

Although discrimination is usually an individual action, if members of the same group are systematically treated similarly, is a social model of aggregate behavior (Banton, 1998). This is what social scientists call prejudicial treatment because it includes the idea of a negative effect on the person.

It follows that the most general sense, discrimination involves charging a distinction, differentiation, and thus a different treatment. The first question arises here. Should or shouldn't we apply here the Aristotelian principle of justice, setting a rule that the similar cases should be treated similarly, while the different cases should be treated differently? Justice is therefore in the Aristotelian sense of equal treatment of unequal treatment of equals and unequal and discrimination violates the first part of the principle of justice because it treats differently persons whose qualities taken as a basis of this treatment is not really relevant criteria of differentiation (Miller, 2006, 170-171). Criteria used for discrimination, and in our approach is the criterion of gender, are often innate and therefore not attributable to individuals. There is neither guilt nor merit to be born as male or female. The most common types of discrimination aimed at sex, race or national affiliation, and individuals belonging to these groups are subject to an inferior treatment or are given fewer opportunities in the light of given criteria which are beyond the control and irrelevant.

Discrimination is often based on prejudices transmitted through education, social or otherwise acquired as a stereotype. Prejudice as a basis for discriminatory behavior, negative opinion is erroneous to an individual who belongs to a group, as it stigmatizes. So we have three other discrimination correlated concepts: prejudice, stereotype and stigma.

Prejudice is a seemingly harmless concept, with a dose of moral neutrality, but when it becomes a basis for discrimination its morality became ambiguous. In English you can use two words in order to understand this notion: preconception and prejudice. Preconceived ideas are ideas that are under the sign of a rushed and the provisional, groundless, conceived without mature consideration. Prejudices bring something new to the concept through its relationship with injury, damage term<sup>1</sup>. Prejudice is a hasty trial harmful. It produces an evil to people they hastily include upon a category intended unfavorable treatment. Preconceived ideas in this category are such as "women are not suited to perform certain types of work" or "women are less capable than men", "women do not resist the effort and stress", or even "women are not as intelligent as men". Such prejudices are seriously disadvantage women in the labor market.

On the other hand stereotype set in the collective mental a particular type of reproductive and repetitive beliefs. Gender<sup>2</sup> stereotypes play an important role in the collective consciousness.

Cultural gender stereotypes, include images, spread through all means of which a culture use to serve, image where men play productive main roles (leaders, history makers, scientists, culture creators), while women play reproductive roles, secondary, mainly within the family (giving birth to children, growing, educating and protecting children, they are householders and similar). These models created by society and handled by the school, church ("man is the head!"), mass-media, family, etc., tend to be internalized, gains the audience, so men and women from Romania are persuaded very early that they have defined roles discriminated by gender. So personal stereotypes are formed and they are nothing else than an image of a male pattern characterized by force, rationality, domination, even aggression, independence, capacity management, analysis, creation and his own personal fulfillment is in the area of society. This pattern is situating man in competitive situations which allow them to exploit and capitalize on the above qualities, while the woman gains a self-image where prevails weakness, dependence on men and the need to be protected, sensibility and sensitivity, seen

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<sup>1</sup> From roman right *praeiudicium, malum*, meaning damage, harm, loss.

<sup>2</sup> Cultural approach should be mentioned, which, in the '70s, replaced the term sex with gender, as a category mainly socio-cultural, to the detriment of a preponderant biological connotation of the term sex. Gender brings a set of new rules that society imposes on women and men differently, and the idea of gender roles, gender needs, an entire cultural construct involving relationships assigned upon that center point.

as a limit to pursuit some particular activities etc.

How come to perceive themselves, men and women, causes them to focus with predilection for certain activities of different work and if there is no clear prohibition of violation of boundaries between the two categories of activities, there is certainly an implicit one, which includes the negative stereotype side, putting one group in a position of inferiority.

Some examples are relevant:

- *Husband's place is to lead and women's place is in the kitchen.*
- *Woe to the house where the hen sings!*
- *She needs to know along the nose!*
- *Woman is to be whipped. Because... she knows why.*

The last example leads to enslavement where one finds anecdotal justification of domestic violence which, although exceeding the scope of this work, is nevertheless one of the serious problems facing women in Romania.

But what are the risks posed by these stereotypes on the labor market?

First they create a false representation of the roles that men and women can play on this market. They will require a conservative perspective, to maintain traditional roles on the labor market, discouraging the learning of new roles and accountability by making its potential underestimated by the stereotype.

Second, stereotypes create complex: the superiority of men who come to believe themselves more competent and skilled areas such as military, police, politics, transportation, confiscating both the professions which, in their vision require more courage, strength of character, rationality, qualities which they believe they possess but not the women does and management functions, positions of power in the state and politics where, again, the presence of women, despite the democratic image which is required in our times, they are underrepresented.

This comes as gender to be considered a stigma for women. High social positions are less accessible for women. In Romania, the idea that a woman must work twice as much as a man in order that her work should be equally appealing, is gaining ground. As we shall see below we are assisting in discouraging access to positions of leadership and power on the principle of stigma: offensive statements, including the biological point of view as a sign of contempt and for disqualification etc.

## **The paradox of the majority in Romania**

Generally, discrimination is to minorities: ethnic, sexual, religious. The idea of a minority makes it possible unfair treatment and behavior of most unfavorable (fewer it is easier to dominate). But if gender discrimination we are dealing with a situation more special. Women are underrepresented, but the majority in Romania and all they receive discriminatory treatment in employment, the distribution of money and power in society. Why pay attention to the place of women in the labor market? In fact both, political participation and material contribution to family life and society, makes us citizens. We are citizens as far as us earning money<sup>3</sup>. An important aspect in structuring their civic identity and integrity is the woman's ability to act and the labor market. Women have long been dependent on domestic economic and their work has not been properly assessed.

Thus, although women make up about 51.3% of the total population in Romania their labor market access and especially their access to powerful places where decision are to be taken and is lower comparing to male access. According to official statistical data and institutions with concerns in this area (EUROSTAT, National Institute of Statistics, National Agency for Equal Opportunities - ANES, etc.) unemployment rate among women in Romania recorded values of 6.8% in 2009 and 6 0.5 to 6, 6% in 2010, while only 65.2% of women had jobs in 2009 (EUROSTAT).

ANES cautions that, in 2008, the employment rate of women in the 15-24 age group was lower than the employment rate of men regardless of region, showing the difference between the two rates ranged between 19.2 percentage points in South-East region and 5.3 percentage points in North-Eastern region of Romania.

Regarding participation in government decisions, ANES show that, while in other European countries the gender ratio in governments is 3-1 (three men - one woman), in Romania in 2007, at the first level of decision minister (secretary of state, secretary general) - 27.8% of positions were occupied by women; at decision

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3 "This vision of economic independence, to "earn" for themselves as ethical basis of democratic citizenship, has maintained its strong appeal. We are citizens as far as "earning". ""- Judith Shklar, *American Citizenship: The Quest for inclusion*, Cambridge, MA: Harvard University Press, 1991, p.6, apud. Uma Narayan, „Către o viziune feministă asupra cetățeniei. Reconsiderarea conceptelor de demnitate, participare politică și naționalitate”, în Mary Lyndon Shanley și Uma Narayan (coord), *Reconstrucția teoriei politice*, traducere de Mihaela Barbă, Editura Polirom, Iași, 2001, p.81.

making level 2 (the position of director) - 41.9%, positions occupied by women. In 2008 no women minister in 2009 - 4 and after the reshuffle and change remains only a single portfolio was obtained by a woman and now, in 2010, we have two women-minister.

It may be noted that, according to ANES survey, the percentage of positions filled by women increases with decreasing levels of decision: in 2009 the level I (general secretary senior civil servant, general manager) the decision was taken at a rate of 5% of women, level II (Deputy General Secretary, Deputy Secretary, Director) already had 36% women.

Within local authorities, according ANES, we have the following situation: the county council level - 12.6% of positions occupied by women (178 of 1402 councilors). However, there are counties with very low representation: Neamț (0%), Brașov (2.8%), Caraș-Severin (3.3%). At local council level positions filled by women 10.8% (4011 of 36,825 local councilors are women). The counties with the lowest representation are Bistrița Năsăud (6.5%), Suceava (6.9%). In the Prefectures - 4.7% of women hold positions of prefect (two women - at 42 positions) and 10.7% women hold positions of sub-prefect (9 females of 84 positions).

At the last local elections only 114 women (3.5%) were able to secure a position as mayor in 3184 elected mayors. In the three cities and towns in 41 counties and in Bucharest this position is held exclusively men. Women have won the mayoral only in rural areas. There is at these level counties where no woman was elected mayor: Brașov, Bistrița-Năsăud, Covasna, Mehedinți, Olt and Bucharest.

Practices of gender discrimination in the labor market in Romania includes situations in which women are paid less than men doing the same work and having the same experience or are affected by the bonus system, occupational pensions, incentives etc. Low valuation of women results from the fact that predominantly female occupations (economic sectors with high employment of women) are poorly paid.

ANES talks about segregation of the labor market in Romania and found that women's income in our country are on average 82% of income earned by men. Nearly 40% of women work in the health sector, education sector or in public administration, as opposed to just 20% of men. In addition, women employed as administrative assistants or selling low-skilled and unskilled workers, these

occupations accounting for almost half of the female workforce. By contrast, the EU companies, only one third of counterpart staff are women.

European Commission, in turn, finds the 2007 annual report that the gender differences in salary in Romania up to 15%, while the Europeans want more women in leadership positions and in the European Parliament (source - Euro barometer).

A special case for Romania is the traditional distribution of roles within the family. Thus the woman in Romania continues to be regarded as responsible for most cases exclusively housekeeping, raising and educating children, which often forces it to accept part time jobs.

Parental leave is sought mainly by woman even that this law facility to care for newborns is even if the legislation provides that a child care facility to men equally.

The conclusion that upholds ANES is that "Romania is still a patriarchal society, firmly rooted in traditionalism and misogynistic." That is a concern for Romania and requires a series of measures, first in terms of gender policies, appropriate legislation to EU legislation and international law in general, but also a collective attempt to change attitudes, of how women are perceived, which can be achieved mainly through a proper education.

### **The principle of equal treatment: aspects on migration issues**

Regarding the issue of searching for a job abroad, traditionally the highest proportion recorded is in the male emigration; they go abroad in order to search of a better paid job and in order to obtain the means of financing family, while women stay home and take on family responsibilities. In European policy in the field of female migration is mainly perceived as family reasons, is considered a side effect of family reunification process.

But it also noted an increasing trend of female migration from new member states of the European Union, supported by the existing opportunities in the European labor market sectors like health care or services, on the one hand and poor remuneration work in similar sectors in Romania. Among the new groups of immigrants can notice the following categories of women with a certain degree of social skills training: women from rural areas following their husbands overseas, women with lower qualifications coming from urban and chose to emigrate as a

result of uncertain family status (divorce) or poor living conditions, women with high qualifications which are motivated by career opportunities and lack of affirmation in the country of origin. All these changes indicate that the structure of migration on the labor market and new developments are due to assume new roles by family members, regardless of sex, in the process to ensure vital needs. These developments are noted especially young couples, reluctant conservative and traditional attitudes.

Given all these trends on labor market mobility, is necessary to establish key reference points of international law and European law on equal opportunities.

First we have to notice *The Universal Statement of Human Rights* adopted as a Resolution on 10th of December, 1948 during the 3rd Session of the U.N.O. General Assembly. Article 1, point 3, of the UN Charter proclaimed goals of the organization: "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". Universal Declaration of Human Rights has opened the door to a multitude of documents on human rights under the UN or other international bodies (Duculescu, 2008).

*Convention on the Political Rights of Women*, initiated by the UN Resolution of 20 December 1952 and entered into force on July 7, 1954, statement taking and reinforces the idea that access to the government of a country should be equal for all citizens without gender discrimination<sup>4</sup>.

Another milestone in the evolution of the United Nations was the adoption of two international human rights pacts: International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights adopted in 1966 and entered into force in January, March 1976. International Covenant on Economic, Social and Cultural Rights provides for the exercise of these rights without any discrimination based on race, color, sex, language, religion, public opinion or other opinion, national or social origin, property, birth or other status. Here are devoted to work and issues concerning: the right of everyone to

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4 Article 1: Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article 2: Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article 3: Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.



enjoy just and favorable working conditions, providing a particularly fair wages and equal remuneration for work of equal value, the law it has any person to promote and preserve its economic interests, to form together with other trade unions, right to social security etc.<sup>5</sup> (Duculescu, 2008, p.58).

An important note regarding the requirement for equal treatment in wages appears in Article 7 of the Covenant: “(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work”.

The second pact, the International Covenant on Civil and Political Rights entered a wide range of duties, fixed and confirmed in our area of interest right to found a family, the right to take part in the government, to choose and to be elected to have access to the general conditions of equality, to public service in his country etc<sup>6</sup>.

An important role was played by the International Labor Organization (ILO) in promoting equality between men and women treated, the labor market: *Equal Remuneration Convention no. 100/1951* and *Convention concerning Discrimination in Respect of Employment and Occupation no. 111/1958*. The organization has set mandatory standards for the signatory countries and to define key terms<sup>7</sup> (pay,

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5 Article 2. (2)The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3 The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

6 Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

7 Convention 100/1951 Article 1: (a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;(b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.

equal pay, etc.). ILO decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value. Article 2 of Convention No. 100 requires all signatory states to use the most suitable ways and means (laws, regulations, collective agreements, etc.) to fix wage rates in accordance with the principle of equal remuneration for men and women for equal work. Article 1 of the Convention No. 111 defines discrimination as any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation” or “such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.”

At European level, the centrality of human rights legal framework it has adopted the European Convention on Human Rights in 1950 and annexed Protocols. Compared with the protection of human rights carried out in the UN, the European system "offers a vision of a more integrated system" (Duculescu, 2008, p.79), including through judicial means available to those whose rights have been violated and have through the European Court of Human Rights (ECHR), the possibility of repair.

I find non-discrimination principle to derive from the general principle of equality of all human beings. Article 14 of the ECHR states that their rights guaranteed by the Convention must be respected without any particular distinction based on sex, race, color, language, religion, political or other opinion, national or social origin, association with a minority, property, birth or other status.

In European law there is no single general rule and to enshrine the principle of non-discrimination in all areas. For this reason the European Court of Justice has substantiated this and expressed the need to introduce the meaning of the Community texts. Thus we find references to that effect in the Treaty of Amsterdam ("The Council will take action to combat discrimination based on sex, race, ethnicity, religion or belief, disability, age and sexual orientation"). EC Treaty also makes several references to non-discrimination principle. Any discrimination is prohibited unless it is legitimate, that is based on objective and reasonable

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justification, using the original Aristotelian formula that we used too at the beginning of this paper and appeal the Court of Justice: different treatment of comparable situations identical treatment of different situations and are prohibited.

Similarly, the *Revised European Social Charter*, states that “the Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international” several rights and principles as: “All workers have the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.”

The *Treaty Establishing the European Community* (ROME, 25 March 1957), under Article 119 includes principle of equal pay for equal work between men and woman<sup>8</sup>. Under Article 119 of the Treaty of Rome, there are an entire series of European Directives dealing with this problem:

*1. Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women* 1. Council Directive 75/117/EEC of 10 February 1975 on the harmonization of Member States relating to the principle of equal pay for women and men. It also refers to social action program established by Council Resolution of 21 January 1974 referring to a series of actions to be undertaken on behalf of women as regards access to employment, training and promotion and working conditions, including pay. Directive adds the idea that systems of job classification should be based on common criteria for both men and women (Article 1) and also required Member States to introduce into their legal systems to those affected the opportunity to bring their cases to the courts (Article 2), etc.

*2. Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions* and

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<sup>8</sup> Article 119: “Each Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work. For the purpose of this Article, ‘pay’ means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer.

Equal pay without discrimination based on sex means:

(a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;

(b) that pay for work at time rates shall be the same for the same job.”

Directive 2002/73/EC of 23 September 2002 amending Directive 76/207/EEC defining and redefining terms (art2. - "the principle of equal treatment implies the absence of any discrimination based on sex related, directly or indirectly, particular to marital or family, - *direct discrimination*: where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation, *indirect discrimination*: where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary, *harassment*: where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment, *sexual harassment*: where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.)

3. *Council Directive 79/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security and Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes*

4. *Council Directive of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (86/378/EEC)*

5. *Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood*

6. *Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)*

7. *Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.*

8. *Council Directive 2000/78/EC of 27 November 2000 establishing a*

*general framework for equal treatment in employment and occupation*

9. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

Not ultimately, one of the European Lisbon Strategy objectives in 2000 for employment and increase jobs, one is just reducing the pay gap. The European document "Roadmap for equality between women and men for 2006 - 2010" is noted that the pay gap between women and men persist despite the implementation of gender policy in Europe.

### **Romanian legislation on gender discrimination**

Romania has ratified international conventions on gender discrimination and is a member of the European Union which is why it has adapted its laws and regulations and international community. The principle of equality between men and women is reflected both in Article 4<sup>9</sup> paragraph 2 and in Article 16<sup>10</sup>, paragraph (1) of the Romanian revised Constitution and in Article 5, paragraphs 2, 3 and 4 of the Labor Code<sup>11</sup>.

The principle of equal treatment irrespective of gender in the labor market is reflected in the Government Emergency Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination, modified and republished, Law no.210/1999 on paternity leave, Law no. 202/2002 on equal opportunities between women and men and finally the Government Emergency Ordinance no. 96/2003 on

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9 Romanian revised Constitution, Article 4: (1) The State foundation is laid on the unity of the Romanian people and the solidarity of its citizens. (2) Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.

10 Romanian revised Constitution, Article 16: (1) Citizens are equal before the law and public authorities, without any privilege or discrimination.

11 Labour Code, Art.5(2): Any direct or indirect discrimination against an employee based on gender, sexual orientation, genetic features, age, national affiliation, race, color, ethnicity, religion, political option, social origin, disability, family situation or responsibility, trade union membership or activity is prohibited.

(3) is called direct discrimination acts and acts of exclusion, distinction, restriction or preference based on one or more of the criteria under par. (2), which have the purpose or effect of granting, restriction or removal of recognition, use or exercise rights under labor law. (4) is called indirect discrimination acts and deeds apparently based on criteria other than those provided in par. (2), but having any direct effects.

maternity protection at work.

From this perspective we can say that Romania has taken measures to align its own law, and to eliminate discrimination but nevertheless, as we have seen the perception of the role and place of women in society is still poor, and labor market women enjoy equal opportunities postulated by law. Social policies and gender policies are constant targets improve this situation.

An important role plays and bodies established to implement the principle of equal opportunities. Thus, Law no.202/2002 led to the establishment of National Agency for Equal Opportunities between Women and Men (ANES), as a specialized body of central public administration, whose main task to promote the principle of equality between women and men in all national policies and programs. This organism has developed a strategic document in 2006 which was adopted by Government Decision no. 319/2006 approving the National Strategy for equality between women and men for the period 2006 - 2009 and Action Plan for implementing the National Strategy for equality between women and men for the period 2006-2009.

Given the Lisbon strategy on the issue of equal opportunities in employment, Romania has brought its own national strategy embodied in the Government Decision no. 237 of 24 March 2010 approving the National Strategy for equality between women and men for the period 2010-2012 and Action Plan for implementing the National Strategy for equality between women and men for the period 2010-2012.

From this strategy we can draw a number of areas of intervention, which correspond to a series of objectives. Key areas of intervention: legal framework, institutional capacity, economic life, social life, participation in decision-making, gender roles and stereotypes, Monitoring and Evaluation Plan of Action for implementing the Strategy for equality between women and men. The main objectives are: harmonization of national legislation with international and, in particular with the European one in the field of equality between women and men, strengthening the institutional capacity of the ANES, supporting equal access for women and men in the labor market, balancing family life professional life, to facilitate insertion of women in the labor market situation or risk marginalization, promoting equal participation of women and men in the community, family and decision making, supporting measures to prevent and combat trafficking gender violence, sexual harassment, fighting roles and gender stereotypes in education,

culture and media and not least the mainstreaming of gender perspective in planning, developing, implementing and evaluating all public policies.

There is thus both a series of public policies and a number of bodies dealing with gender politics and problems of discrimination in Romania as well: ANES National Agency for Equal Opportunities between Women and Men, NCCD National Council for Combating Discrimination, ESC Committee on Equal Opportunities between Women and Men, CONES National Commission for Equal Opportunities between Women and Men, etc.. But there are many problems caused by the perception that these problems not only enjoy a legal approach are predominant, in a move desirable in European and international requirements, or a treatment mainly theoretical, academic. There have been a full amount of factors that impede the progress in gender issues (Grunberg, 2006): implementation of laws, legal compliance, promote the (lack) of the concept of equal opportunities in Romania, slow process of changing the attitudes and stereotypes, heavy punishment mechanisms in cases of discrimination, lower access to information for women in Romania (women can not recognize a case of discrimination, they do not know where they can go in case they have been victims of discrimination, poor representation in the territory institutions should promote equal opportunities in Romania, quite tolerance of the Romanian society to the cases of discrimination against women, etc.

For these reasons it is extremely important that national research on gender issues in Romania, "showing the real interests of women will be reported to the European agenda of existing problems" (Munteanu, 2007, p.235). Until then, things remain in an area of uncertainty, in an anecdotic space and women themselves tend not to take seriously the problem of their own situation and to transform stigma in a work-tool<sup>12</sup>.

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<sup>12</sup>It is also amazing and relevant the story that Mihaela Miroiu told in her *Sensual Romania*, about a woman- local councilor who could not promote her legislative projects but drawing attentions to its feminine charms (Miroiu, 2007, pp.236-238).

<http://www.anasaf.ro/ro/docs/Cartea%20neagra%20a%20egalitatii%20de%20sanse%20intre%20femei%20si%20barbati%20in%20Romania%20%5Bcomplet%5D.pdf>

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