

# Romania

## Apie

The Romanian Constitution enshrines gender equality at work and in the labour market. It establishes equal opportunities for women and men in accessing public, civil or military jobs (Article 16(3)) and equal pay (Article 41(4)). Constitutional law provisions also grant equal access to social security and social assistance, explicitly mentioning the right to paid maternity leave. The right to other leave is implicitly referenced under the right to other forms of social insurance and social assistance stipulated by law (Article 47(2)).

In Romania, the policy on equal opportunity and equal treatment between women and men was first legislated in 2002, while the main government body for equal opportunities was established as a national agency in 2005. Several changes have since taken place in both legislation and the institutional architecture of the government bodies.

During the process of accession to the European Union (EU), and particularly in the pre-accession years, the pace of implementation of gender mainstreaming was intensified and received special attention from the government.

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## Legislative and policy framework

In 2000, as a result of pressure from civil society, the government adopted a general anti-discrimination statute that addressed discrimination on multiple grounds, including on the ground of sex.

In 2002, the parliament adopted Law 202/2002 on Equal Opportunities between Women and Men, which specifically focused on gender equality (Gender Equality Law). Among other measures, the law provides for positive action promoting gender equality as 'special actions that are adopted on a temporary basis in order to accelerate the realisation in practice of equal opportunities between women and men' (Article 4(e)), but those actions are only admitted where they are 'aimed at protecting certain categories of women or men, and not women as a group in comparison with men' (Article 6(5)(b)). The Gender Equality Law thus regulates not only equal access to occupation but also to services and goods. Its Article 4(k) was further amended and supplemented by a provision on gender budgeting, defined in Law 229/2015 [1].

Recently, the 2018–2021 National Strategy for the Promotion of Equal Opportunity and Treatment between Women and Men was approved through a Government Decision. The Strategy has three general objectives (promoting universal access of girls and women to sexual and reproductive health; reconciliation of professional life with family and private life; encouraging women's participation to the decision making process) and five domains of intervention: education, health, the labour market, balanced participation in decision-making processes, and gender mainstreaming. Specific objectives and a set of directions for action are established for each intervention area [2].

The introduction of a gender mainstreaming perspective into national policy will be achieved through activities aiming to:

- Develop a unified methodology for gender mainstreaming of national policies and programmes;

- Create a national network of experts in the area of equal opportunity;

- Increase NGOs' capacities to promote and contribute to alternative solutions in the area of gender budgeting.

In 2017, the Committee on the Elimination of Discrimination against Women, in its report on the implementation of the Convention on the Elimination of All Forms of Discriminations Against Women (CEDAW), highlighted several causes of concern. The Committee noted 'The weak implementation of Act No. 202/2002 and of strategies on equal opportunities and non-discrimination, owing to limited resources' and recommended to 'further strengthen the National Agency for Equal Opportunities for Women and Men by allocating adequate human, technical, and financial resources, introducing effective monitoring and accountability mechanisms for Act No. 202/2002 at both the central and local levels, enhancing collaboration with civil society in this regard and imposing sanctions for noncompliance' [3].

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## Structures

### Government responsibilities

The highest responsibility for gender equality is vested in the National Agency for Equal Opportunities between Women and Men (Agenția Națională pentru Egalitatea de Șanse între Femei și Bărbați - ANES), established in 2002. However, its activity was suspended and its responsibility downgraded to a directorate between 2010 and 2015, during and due to the economic crisis. ANES is a permanent government body that is a special public central administration body. It is subordinate to the Ministry of Labour and Social Justice but functions as a separate unit. The Agency is headed by a State Secretary, nominated by the Prime Minister on behalf of the Minister of Labour and Social Justice. Its current four-year mandate is not combined with other equality-related mandates and does not deal with other policy fields. The Agency's legal basis is provided by Government Decision 177/2016 on the organisation and functioning of ANES [4].

Article 3(1) of Government Decision 177/2016 states that ANES exerts a function of authority that 'ensures the active and visible integration of a gender perspective in all national policies and programmes' [5]. However, the provision is not enforced by sanctions.

The Agency has the following responsibilities:

Developing and applying government strategy and policy in the area of equal opportunities

between women and men;

Ensuring the harmonisation of national legislation with EU regulations in the area of equal opportunities between women and men, and fighting domestic violence;

Developing the legal framework in accordance with international conventions and treaties;

Representing the Romanian State in the area of gender equality;

Ensuring the integration of a gender perspective in all national policies and programmes and controlling implementation and compliance with regulations within its area of responsibility.

According to its annually published reports, ANES is currently active in drafting law and government decisions, formulating points of view, proposals and observations for draft legal regulations of other institutions, and implementing projects in the area of gender equality and combating gender-based violence [6].

The National Commission for Equal Opportunities between Women and Men (Comisia națională în domeniul egalității de șanse între femei și bărbați - CONES) is an inter-ministerial body that functions under the coordination of the ANES' State Secretary. It was created in 1999 to promote the gender dimension of employment strategies. The organisation and functioning of CONES is regulated by Government Decision 933/2013 [7]. The CONES includes representatives of ministries, central public administration units, trade unions, employers' associations, and NGOs active in the field of gender equality. The CONES supports the activities of ANES and itself has an important role in promoting the gender perspective in policies and programmes. In 2017, it resumed its biannual meetings after a two-year hiatus.

## **Independent gender equality body**

The National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării) (CNCD) is an independent equality body in charge of promoting equal treatment of all persons, without discrimination on the ground of sex. The legal basis for the existence of the CNCD is provided by Government Decision No. 1194/2001 on the organisation and function of the CNCD, with subsequent modifications and completions. Several other pieces of legislation also regulate areas of its competence [8]. The CNCD's objectives and areas of intervention for current and future activity are established in the National Strategy 'Equality, inclusion and diversity for the period 2018–2022' [9].

The Council has responsibilities in the prevention, mediation, investigation and sanctioning of discriminatory actions. Its litigation and decision-making competences include legally binding decisions, legal standing to take cases on its own initiative, providing legal advice and assistance to alleged victims of discrimination, and awarding dissuasive sanctions (civil fines).

The CNCD guarantees compliance and application of the principle of non-discrimination on the grounds of race, nationality, ethnicity, language, religion, social status, beliefs, sex, sexual orientation, age, disability, non-contagious chronic disease, HIV status, and belonging to a disadvantaged group. The Council proposes draft legal acts within its area of competence, endorses draft acts on the exercise of rights and freedoms and non-discrimination, collaborates with the public authorities to amend national legislation in line with international non-discrimination regulations, enforces and ensures compliance with legal provisions on the prevention and elimination of all forms of discrimination by public authorities, legal entities and persons, develops and establishes policies to prevent discriminatory acts, and develops and implements national programmes and campaigns to prevent and combat discrimination.

## **Parliamentary bodies**

Although there is no representative elected body for gender equality, a permanent Commission for Equal Opportunities between Women and Men functions in the Chamber of Deputies. The Senate's Commission addresses equal opportunities in general, along with human rights, cults and minorities.

## **Regional structures**

Each county has a local government body, the County Commission for Equal Opportunities between Women and Men (Comisia județeană în domeniul egalității de șanse între femei și bărbați - COJES). The 40 COJES, as well as the Bucharest Municipality (COJE), are composed of representatives of local public administration, entities subordinate to the local public administration, trade unions and local NGOs. There is no legal provision indicating a specific County Commission's position in the local government. The COJES have a consultative and informative role. They regularly collect and report data in the area of equal opportunity, which are then transmitted to the CONES. The composition and function of the COJES is stipulated by law.

The County Commissions have responsibilities in the following areas: promoting integration of the equal opportunity principle in order to eliminate gender inequality and gender discrimination; including the principle of equal opportunity between women and men in the implementation of national and local policy; evaluating the implementation of equal opportunity policy at local level; making recommendations to local authorities in the field of gender equality; and reporting on the implementation of gender equality legislation and policy.

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## Methods and tools

Note: the methods and tools listed under this section were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by Romania.

Several methods and tools are applied to gender equality policy, such as gender analysis, gender awareness-raising, gender equality training, gender stakeholder consultation, and gender statistics. The tools to monitor gender mainstreaming advances are not finalised and there has been no recent national evaluation of the progress in gender mainstreaming in Romania. However, in 2018, the European Parliament provided an evaluation within the analysis of the improvements in the gender dimension of the EU Cohesion Policy [10].

## Training and awareness-raising

There is no commitment or obligation to provide gender equality training for government employees. EU-funded projects usually include training but this is not provided systematically as part of a unified approach. Training is open to all employees and its participation is, in principle, voluntary. There are no specific procedures for either the organisation or monitoring of training results or participation. No information is available on awareness-raising initiatives related to gender equality within government bodies.

## Gender statistics

Law 178/2018 states that the National Scientific Research Institute for Labour and Social Protection (coordinated by the Ministry of Labour and Social Justice) and the Development Institute of Occupational Safety (coordinated by the Ministry of Education) have specific responsibilities in promoting and ensuring equal opportunities and equal treatment between women and men in their respective areas of activity. They also have a responsibility to provide data and information necessary for the development of equal opportunities strategies and policy [11]. However, there is no legal obligation for any institution to collect sex-disaggregated data, nor is any unit specifically charged with producing such data.

The National Institute of Statistics (NIS) generates and disseminates sex-disaggregated information at national level in its Yearly Statistical Yearbook (Anuarul Statistic) on population, labour market participation by economic sector and occupation, earnings, levels of education and enrolment in education. Publications on topics relevant to gender equality issues are issued sporadically.

The ANES organisational chart includes a data analysis and research department that collects and analyses data on relevant gender equality issues. It has carried out studies on women and men in decision-making positions in the central public administration (2016), women's and men's representation in the parliamentary elections (2016), and the participation of women in companies' shareholding (2017). The results were included in the Monitoring Report on the Implementation of the National Strategy for Equal Opportunities and Treatment between Women and Men 2014–2017.

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## Good practices

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## Endnotes

[1] [Law 229/2015](#) for amending and supplementing Law 202/2002 on equal opportunities and treatment between women and men (Legea Nr. 229/2015 din 6 octombrie 2015 pentru modificarea și completarea Legii nr. 202/2002 privind egalitatea de șanse și de tratament între femei și bărbați).

[2] Romanian Government (2018). National Strategy on Equal Opportunities and Treatment of Women and Men and on Preventing and Combating Domestic Violence 2018–2021 ([Strategia națională privind promovarea egalității de șanse și de tratament între femei și bărbați și prevenirea și combaterea violenței domestice pentru perioada 2018–2021](#)).

[3] Committee on the Elimination of Discrimination against Women (2017). [Concluding observations](#). CEDAW/C/ROU/CO/7-8, p. 4.

[4] Romanian Government (2016). Government Decision No. 177/2016 regarding the organisation and functioning of ANES ([Hotărâre Nr. 177 din 23 martie 2016](#) privind organizarea și funcționarea Agenției Naționale pentru Egalitatea de Șanse între Femei și Bărbați).

[5] Romanian Government (2016). Governmental Decision No. 177/2016 regarding the organisation and functioning of ANES ([Hotărâre Nr. 177 din 23 martie 2016](#) privind organizarea și funcționarea Agenției Naționale pentru Egalitatea de Șanse între Femei și Bărbați).

[6] ANES (2018). [Activity Report 2018](#).

[7] Romanian Government (2013). Government Decision No. 933/2013 on the Regulation regarding the organisation and functioning of the National Commission for Equal Opportunity between Women and Men ([Hotărâre nr. 933 din 27 noiembrie 2013](#) pentru aprobarea Regulamentului de organizare și funcționare a Comisiei naționale în domeniul egalității de șanse între femei și bărbați (CONES)).

[8] Romanian Government (2001). Government decision nr. 1194/2001 regarding the organization and functioning of the CNCD, with subsequent modifications and completions ([Hotararea Guvernului nr. 1194/2001](#) privind organizarea si functionarea Consiliului National pentru Combaterea Discriminarii, cu modificarile si completarile ulterioare).

[9] Romanian Government (2018). National Strategy 'Equality, inclusion and diversity' for the period 2018–2022 ([Strategia naționala 'Egalitate, incluziune, diversitate' pentru perioada 2018–2022](#)).

[10] Policy Department for Structural and Cohesion Policies, Directorate- General for Internal Policies (2018). [Gender Dimension of the EU Cohesion Policy, Annex B](#). Research for REGI Committee.

[11] Law 178/2018 on amending and supplementing Law 202/2002 on equal opportunities and treatment ([Legea 178/2018](#) pentru modificarea si completarea Legii 202/2002 privind egalitatea de sanse si tratament intre femei si barbati).