Punct de vedere ANES cu privire la aplicarea prevederilor

Rezoluției Consiliului Drepturilor Omului A/HRC/RES/30/15

**1. General consideration**

Discrimination and gender inequality continues to manifests on all levels, and more likely in fields such as labour. Therefore, it is important to have measures in promoting gender equality as a key factor in combating poverty and reducing the gender pay gap.

In order to have the same opportunities as men, women have to overcome some specific obstacles such as family responsibilities which, in most cases, are theirs to deal with since the traditional role of women in most societies is more as genitor and services provider for the benefit of their families. There is a need for self-development regarding unjustified fears connected to the gender stereotypes promoted in the society and in families.

From the public policies perspective in the gender equality field, the economic autonomy of women means the adoption of such measures in order to combat the gender pay gap and to encourage women entrepreneurship. The self-employed situation also represents an important way for raising women participation on labour market, although women confront serious obstacles such as: access to financing resources, the perpetuation of gender stereotypes which affects the relations established with the competent authorities and institutions, the administration of time dedicated to the business (especially for women with at least one child) and even the lack of role models.

**2. Legislation**

In Romania, the principle of equal opportunities and treatment for women and men is a fundamental one in view of human rights, implemented both in the legislative level as in the public policies one. This principle is established both in the Labour Code (Law no. 53/2003) and in **Law no. 202/2002 on equal opportunities and treatment for women and men, republished,** which regulates the measures to promote equal opportunities and treatment for women and men in all spheres of public life in Romania.

Law no. 202 defines the specific terms in the field, such as: equal opportunities for women and men, gender discrimination, direct, indirect discrimination, harassment and sexual harassment, equal pay for work of equal value, positive actions, and multiple discrimination.

Also, the law includes distinct chapters in which are presented the measures regarding the compliance with the equality of opportunities and treatment for women and men in the labour market, participation in decision-making, education, culture and information, the elimination of gender roles and stereotypes.

Equal opportunities and treatment between women and men in labour relations means non-discriminatory access to: choice or free exercise of a profession or activity; employment on all positions and vacancies at all levels of professional hierarchy; equal incomes for equal work; occupational information and consultations, initiation, qualification, improvement, specialization and retraining programmes, including apprenticeship; promotion at any hierarchical and professional level; employment and working conditions which comply with the regulations on health and safety at work, according to the legal provisions in force, including dismissal; benefits other than wage, as well as those deriving from public and private social security systems; employer organizations, trade unions and professional bodies as well as benefits granted by them; social benefits and services granted in accordance with the legislation in force. For all of these mentioned before, all workers benefit, including those performing a freelance activity, as well as the wives/husbands of self-employed persons which are not employed or associated in the undertaking if such persons participated on a regular basis to the activity of the self-employed persons and perform either the same tasks or complementary tasks, under the conditions provided for by the domestic law.

The national machinery in the field of gender equality is **The National Agency for Equal Opportunities between Women and Men** (NAEOWM), subordinated to the Ministry of Labour, Family, Social Protection and Elderly Person (established by the Law no. 229/2015, regarding the amending of Law no. 202 from 2002).

The role of the NAEOWM is to promote the principal of equality between women and men in all public policies and national strategies adopted by the Government, to implement gender mainstreaming at all levels and to ensure the implementation of the previsions of Law no. 202/2002.

**3. Public policies**

In order to implement the Government public policy in the field of equal opportunities and treatment for women and men, since 2006 three strategic documents were implemented:

* **The National Strategy for Equal Opportunities for women and men for the period 2006-2009** (approved by the GD no 319/8 March 2006). This strategic document aimed to establish a series of specific measures designed to eliminate any form of direct or indirect discrimination on grounds of gender and to allow the exercise of citizen’s freedom and its fundamental rights, whether man or woman.
* **The National Strategy for Equal Opportunities for women and men for the period 2010-2012** (adopted by the GD no. 237 of 24.03.2010). As the previous strategic document, the Strategy aimed to respond through effective measures and actions to the problematic situations that have been identified in certain specific areas of intervention such as education, labour market, social life, gender roles and stereotypes, participation in the decision making.

The current one, **The National Strategy in the field of equal opportunities between women and men for the 2014-2017** and the General Plan of Action for its implementation was adopted by Government Decision no. 1050/2014, in late November. This strategic document aims to continue the policies in the field of equality between women and men developed so far and to promote on national level the values and principles of non-discrimination based on gender, through concrete measures and actions on different specific areas of intervention. The main objectives of the Strategy are:

* Promoting a gender perspective in the educational process, combating gender stereotypes in the educational system;
* Promoting a gender perspective in the employment policies, raising awareness among the labour inspectors regarding the legal provisions in the field of equal opportunities for women and men, raising awareness regarding the wage gap between women and men;
* Encouraging labour market inclusion of women vulnerable to discrimination;
* Raising awareness regarding the importance of the conciliation between working life and family life and regarding the gender balance in the family, by informing and raising awareness among men on the importance of their active involvement in the family care;
* Combating the acts of harassment and sexual harassment at the workplace, combating gender violence;
* Monitoring the balanced participation of women and men in decision-making, conducting surveys/analyses regarding the balanced participation of women and men in the economic, political, social and cultural decision-making process.

The main measures of intervention taken regarding the Labour Market are:

a) Gender mainstreaming in occupational, mobility and migration of labour force policies;

b) Raising awareness regarding the legal provisions in the field of equal opportunities between women and men;

c) Raising awareness regarding the gender pay gap;

d) Raising awareness regarding balancing professional, private and family life;

e) Supporting the insertion on the labour market of women vulnerable to discrimination.

**4. Other programmes and measures**

The National Strategy for employment 2014-2020 developed by the Ministry of Labour, established as a priority goal the increase of women’s participation in the labour market, including support measures to reconcile work and family. This course of action provides the support for women to return in the labour market and their professional reintegration, including the promotion of entrepreneurship and programmes like **“Second chance”** to acquire the skills and qualifications required by the labour market. The Strategy also aims to further actions of stimulating women’s participation in the labour market, such as: the development of infrastructure to ensure childcare facilities and support services for the care of dependent family members, raising awareness activities regarding the flexibility of the working schedule and the wage difference between women and men, combating gender stereotypes.