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GENDER EQUALITY AND WOMEN'S EMPOWERMENT IN PUBLIC ADMINISTRATION



ROMANIA CASE STUDY



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KEY FACTS

HUMAN DEVELOPMENT INDEX RANKING	50 out of in 187 countries 2011 ¹
GENDER INEQUALITY INDEX	0.33, rank 55 out of 146 countries in 2011 ²
TRANSPARENCY INTERNATIONAL RANKING	75 out of 182 countries in 2011 in Corruption Perceptions Index 2011 ³
% WOMEN AND MEN IN CENTRAL GOVERNMENT	64% women, 36% men (2011) in the public administration 12% women, 88% men in high-ranking (senior civil service) positions ⁴
AFFIRMATIVE ACTION	No
NEED TO KNOW	The European Union and Millennium Development Goals are driving forces in legislative reform

1 Romania Country Profile (2011), UNDP. <http://hdrstats.undp.org/en/countries/profiles/ROU.html>

2 Human Development Report (2011), UNDP. http://hdr.undp.org/en/media/HDR_2011_EN_Table4.pdf

3 Corruption Perceptions Index (2011), Transparency International. <http://cpi.transparency.org/cpi2011/results/>

4 Data provided on request by NAPS (July 2011).



EXECUTIVE SUMMARY

Romania was selected as a case study for the global UNDP initiative 'Gender Equality in Public Administration' (GEPA) study for a range of reasons, including its relatively good gender balance in the public administration.⁵ There is a higher concentration of women in traditional health, education and social services with less power, prestige and financial resources – although this segregation is less marked than in many other European countries. At the time of writing, it seems that a number of factors may need to be addressed in order to ensure that the present gender balance does not slip. This case study focuses on understanding these factors and on identifying entry points for future public administration (PA) support programmes and projects.

The public administration is undergoing extensive transformation following Romania's accession to the European Union (EU). A key issue during the integration process was the ensuring the independence of public administration from political or party influence, but the public administration is generally still held to be highly influenced by politics. The intrusion of politics in public administration negatively impacts the management of resources and effective public management.⁶ Political parties continue to influence the civil service, including recruitment, and this situation also fosters corruption.⁷ In the public administration, there is a difference between policy and practice that does not always favour gender equality or good governance.

5 See Annex 1: Number of employees at 31 December (2000-2009).

6 Political migration in local public administration one year after the 2000 election (Migrația politică în administrația locală la un an de la alegerile locale 2000) (2001) The Institute for Public Policies (Institutul pentru Politici Publice), <http://partide.resurse-pentru-democratie.org/migratia.pdf>

7 See analysis and reports elaborated by Pro Democracy and Transparency International Romania on integrity, transparency and good governance in Public Administration in Romania. Pro Democracy and Transparency International Romania conducted focus groups (December 2006 - January 2007) with key actors from local public administration (elected officials and civil servants), businesses, civil society and mass-media, concluding there is political interference in the public administration and the activities civil servants: "[T]here is political pressure on civil servants in city halls that opens doors for a growing solidarity between civil servants and elected officials, finally impinging on the integrity of both groups". See: Transparency as means towards integrity. Improving integrity in local public administration (Prin transparență spre integritate. Îmbunătățirea integrității la nivelul administrației publice locale) (2008) Pro Democracy and Transparency International Romania (pp. 14-15). In 2011, a national report on corruption was presented by Transparency International Romania. See Victor Alistar, Iulia Coșpănar (May 2011) National Report on Corruption (Raport Național asupra Corupției) (October 2009 - February 2011) Bucharest, Transparency International Romania. This report draws attention to the costs links between politics and PA: "[P]ublic funds are used for private interests" (p. 30). Moreover, the report underlines two additional sides of corruption when such links are identified: "[O]n one hand political parties are tempted to occupy public administration and use public resources to satisfy the interests of the party or of groups, and on the other hand the leaders of political parties or their protégé may be rewarded with positions in public administration, so through corruptive means they use public funds to satisfy their private interests" (p. 30).



Gender equality policies have fluctuated over a short period of time, influenced both by EU integration and the recent economic crisis. Prior to integration, civil society actors (women's organizations and feminist NGOs) were pushing for legislative change in favour of women as well as equal opportunities for women and men. However, the role of the EU as a driving force for gender equality policies at the level of national states is changing, possibly due to a focus on economic issues. In Romania, the cultural context is dominated by conservative discourses supporting traditional gender roles and stereotypes, coming both from political and important public figures.

Policies and programmes to support work-life balance need strengthening as current provisions are holding back improvements in the gender balance in the public administration and more widely, especially in decision-making positions. Unfortunately, work-life balance policies have been among the first policies affected by the economic and financial crisis, impacting negatively on parents and children, amongst others. Work-life policies do not currently encourage equitable sharing of private and family responsibilities between women and men. Gender roles performed in the private sphere by women are translated into the workplace in the public administration - more women work in 'feminine sectors' such as health and education, which generally enjoy less power, less prestige and less pay.

The transfer of gender equality expertise from civil society to politics and the limited state capacity to enforce gender anti-discrimination legal provisions and gender equality policies need to be supported.⁸ Other measures to support a gender balance in the public administration should be identified, learning from other national experiences.

⁸ Analysis identified a powerful dialogue on gender equality between academia and NGOs during transition. There was almost no bridge between the two and politics in regards to gender equality. (Miroiu, 2004, p. 243).



METHODOLOGY

The case study draws on the literature and national policy documents on the development of national gender equality policies and mechanisms. It was carried out by desk research and consultative meetings (semi-structured interviews) with key respondents (see Annex 2: List of Key Respondents and Suggested Questions).

The interviews focused on:

- Legislative and administrative changes in the public administration
- Gender equality policies and institutions
- Roles and mandate of institutions
- Advancing factors and obstacles to women's equal participation.

The interviews were conducted over a period of two weeks from 11 to 21 July 2011. Interviews were recorded with the permission of the respondent. The UNDP and author are extremely grateful to the support of the participating and facilitating organizations and persons.



CONTEXT

SOCIO-ECONOMIC CONTEXT

Romania, alongside other East and Central European countries, started a slow process of democratization after the collapse of communism. The transition process triggered economic, social and political transformations with varying outcomes in terms of gender equality.⁹ The processes of democratization and decentralization brought with them changes in gender relations. In 2007, Romania joined the European Union, which had an important impact on gender equality and stimulated increasing *de jure* equality in terms of legislation. Important developments during and after the integration process included establishing equal opportunities for women and men, combating discrimination including sex-based discrimination, and legislation on domestic violence.

During this transition, Romania's economic and employment structure shifted from one based on industry and agriculture towards one relying more on services.¹⁰ The year 2009 marked the beginning of a financial and economic crisis accompanied by financial assistance packages from the International Monetary Fund (IMF), the World Bank, the European Commission and the European Bank for Reconstruction and Development (EBRD). Austerity measures negatively impacted on the development of gender equality, both institutionally and in terms of legislative provisions. The national gender equality machinery (National Agency for Equal Opportunities between Women and Men) was dissolved in July 2010 for financial reasons, together with a number of other state agencies. It was redesigned as a Directorate under the Ministry of Labour, which gave it with power. Continuous changes in legislative provisions impacting on work-life balance have raised questions on the predictability of laws and affected the life plans of individuals and families.

In July 2009, there were 51.3 percent women and 48.7 percent men in the population of Romania.¹¹ According to Eurostat, between 2008 and 2010 the unemployment rate increased by 1.2 percent for men (from 6.7 percent to 7.9 percent) and by 1.8 percent for women (from 4.7 percent to 6.5 percent). The unemployment rate of women and men should be analyzed in the broader context of participation in the labour market, which is also more favourable to men. The Eurostat Yearbook 2010 shows that in 2008 there more men (65.7 percent) than women (52.5 percent) women in the labour market. Participation in the labour market is further influenced by the presence of young children within the household. The higher the number of young children, the lower the presence of women in the labour market. As the age of children increases, the percentage of women in the labour market also increases as well. See table 1 below.

9 Discussions on gender equality policies began in 1997; however, they were consolidated around 2002 when the EU integration process accelerated (Miroiu, 2004).

10 Millennium Development Goals: ROMANIA (2010) Bucharest, p. 4.

11 Romania in Numbers (2010) National Institute of Statistics, p. 10.



Table 1: Employment rate for persons aged between 25-49 years with and without children ^{12 13}

YEAR	WITHOUT CHILDREN		ONE CHILD < 6 YEARS OLD		TWO CHILDREN < 6 YEARS OLD		ONE CHILD 6 -11 YEARS OLD	
	Men	Women	Men	Women	Men	Women	Men	Women
2006	78.7	73.6	87.7	73.7	85.1	66.0	85.4	73.0
2007	79.0	74.6	87.0	72.5	84.9	63.0	85.0	73.8
2008	79.2	73.5	88.3	73.3	87.6	64.3	86.0	74.4
2009	78.2	71.4	87.8	70.9	86.3	64.4	85.2	73.4
2010	79.5	71.8	87.3	69.9	86.1	64.0	86.5	71.2

Source: Eurostat 2010.

The implication is that work-life balance policies are very important role with regard to women’s participation in the labour market including the public administration.¹⁴

A challenge for carrying out contextual analysis is the lack of systematic data on the representation of women numbers in the public administration, especially at local level – this means that it is hard to identify patterns and trends, or to compare different approaches. Work-life balance needs strengthening, as a lack of effective measures is widely held to hold back gender balance in decision making.

The representation of women in top government (in other words, elected women who have been appointed a cabinet position) has fluctuated in the last 20 years. Overall their numbers have been small, and they have appeared in traditionally feminized socio-cultural areas such as health, education and sports.¹⁵ Between 1989 and 1996, there were no women present in the Romanian cabinet. The situation changed in 1996, with one woman as Health Minister and in 2000, Nastase’s government broke the gender record, with five women holding a ministerial portfolio. However, government restructuring following EU integration resulted in an all-male cabinet.¹⁶

It is important to set this apparently relatively positive picture of women’s representation in the top levels of public administration against the background of women’s political participation. After the

12 The average age of women when giving birth to the first child is 25. See: <http://www.oecd.org/dataoecd/62/49/41919586.pdf>; see also Childbearing Preferences and Family Issues in Europe (2006) http://ec.europa.eu/public_opinion/archives/ebs/ebs_253_en.pdf.

13 Data included in Băluță, Oana (2011) (coord.) The Impact of the Economic Crisis on Women, Maiko Publishing House, Bucharest, (in print).

14 Băluță, Oana (2011) (coord.) The Impact of the Economic Crisis on Women, Maiko Publishing House, Bucharest,

15 More Women in Senior Positions: Key to economic stability and growth (2010) European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities.

16 Calin Popescu Tariceanu was the Prime Minister.



change of political regime, the 1990s saw a decrease in the number of women in politics.¹⁷ The poor levels of women in parliament is all the more a concern, as the legislature has a key role in terms of passing laws impacting on the gender balance in the public administration. Parliament also has an important oversight function. In 1992, women made up only 4 percent of the Romanian Parliament and they continue to be poorly represented. In comparison with previous elections, in 2004 the number of women more than doubled in the Romanian Parliament, but was still only 11 percent in the Chamber of Deputies and 9.5 percent in the Senate.¹⁸

This gender gap needs to be addressed, as highlighted by NGOs and international observers. A better gender balance in politics may help to make the legislative framework more supportive of gender equality generally, as well as in the public administration. However, in the present legislature, the gender balance has not changed significantly and women's numbers remain small (see below). The proportion of seats held by women in the national parliament is a national MDG target that is not being met by Romania, yet this goal has not been transposed into a national target.¹⁹

Table 2: Proportion of women and men in national parliament

YEAR	CHAMBER OF DEPUTIES				SENATE			
	NUMBER		%		NUMBER		%	
	Women	Men	Women	Men	Women	Men	Women	Men
1990	22	375	5.5	94.5	1	118	0.8	99.2
1992	13	326	4	96	3	140	2	98
1996	25	315	7	93	2	141	1	99
2000	38	307	11	89	12	128	8.5	91.5
2004	37	295	11.1	88.9	13	124	9.5	90.5
2008	38	296	11.38	88.62	8	129	5.84	94.16

Source: Desk research conducted with Masters students from National School of Political Science and Public Administration (March-April 2011).

Women are also under-represented at the local level and 2010 data show a gender gap in the local administration for elected officials. For example, out of the 42 presidents of County Councils, only one

17 Before 1989, the number of women in politics increased because the Communist Party supported quotas for women. With the collapse of communism, various analyses point to a rejection of women in politics during the first years of transition.

18 Turcu, Anca (2009) Women, Political Participation and Electoral Quotas in Romania.

19 See, Millennium Development Goals: Romania (2010) Bucharest, p. 6.



is a woman and out of 3,184 mayors, only 114 are women.²⁰ This lack of visibility of women in decision-making at local level may also translate to other areas such as the public administration.

Women's political under-representation has often been emphasized in empirical research and theoretical analysis of gendered interests in relation to the educational system, the labour market, work-life balance, social inclusion and domestic violence.^{21 22} An important assumption is that having more women in politics leads to more gender-responsive political representation, although the right of women to have equal representation is an important outcome in itself. Following a series of political roundtables and consultations, representatives of civil society and academia, supported by the UN and the Commission on Equal Opportunities within the Chamber of Deputies, have begun to prepare a dedicated law on women's empowerment in decision-making. This 'Parity Law' will introduce, amongst other provisions, quotas for each gender for all party candidates for parliamentary elections.²³ Despite the widely acknowledged need for such a law, prospects for its eventual adoption are rather negative, given the political climate.

Various social, economic and political factors influence women's under-representation in politics in Romania and it is interesting to reflect to what extent women in the public administration face the same obstacles, such as traditional gender roles reinforced by the media and other public figures.²⁴

Gender stereotypes and their impact in public administration

In Romania, there is a resurrection of conservative discourses and a backlash against women in politics after 1989. There is a negative reaction to the word 'quota', as quotas were applied to reinforce existing power structures in the Soviet era. The cultural context is again dominated by discourses supporting traditional gender roles and stereotypes, which are reinforced by important public figures.²⁵ This resurrection of gender stereotypes is a common feature of former communist countries and new national states formed after the disintegration of the Soviet Union.²⁶ The disintegration of the communist

20 Data provided by the Commission on Equal Opportunities for Women and Men, Chamber of Deputies (June 2011).

21 See: Pasti, Vladimir (2003) *The Last Inequality (Ultima inegalitate)*; Miroiu, Mihaela (2004) *The Road towards Autonomy (Drumul catre autonomie)*; Baluta, Oana; Dragolea, Alina; Iancu, Alice (2007) *Gender and Political Interests (Gen si interese politice)*.

22 *Gender Barometer (Barometrul de gen)* (2000) Open Society Foundation; *Survey on Violence against Women in Bucharest (May 2003)* Gallup Organization Romania; *National Research on Violence within Family and at Work-place (Cercetarea națională privind violența în familie și la locul de muncă)* (2003) Centre Partnership for Equality.

Gender, Political Interests and European Insertion (Gen, interese politice și inserție europeană) (2006-2008), Project coordinated by Mihaela Miroiu.

23 Introducing quotas for women through Parity Law includes the following steps: a gradual introduction of parity targets (2012 – 30 percent of the underrepresented sex; 2016 – 40 percent, 2020 – 50 percent).

24 See: Shvedova, Nadezhda (2005) *Obstacles to Women's Participation in Parliament* in Julie Ballington, Azza Karam, *Women in Parliament: Beyond Numbers* (revised edition), International IDEA; Caul, Miki (2010) *Women's Representation in Parliament: The role of political parties*, Krook, Mona Lena; Childs, Sarah, *Women, Gender and Politics. A Reader*, Oxford University Press, New York.

25 Pasti, Vladimir (2003) *The Last Inequality (Ultima inegalitate)*, Polirom Publishing House, p. 157.

26 See, for example, *National Mechanisms for Gender Equality in South-East and Eastern Europe, Caucasus and Central Asia Regional Study* (2010) United Nations Economic Commission for Europe.



rhetoric and the imposition of religious discourses created a favourable context for a resurrection of conservative discourses.

The labour market segregation described above is closely linked with an educational system that transmits traditional gender roles through handbooks and teachers.²⁷ Despite the fact that there are more female university graduates, their higher educational attainment is not reflected in terms of their access to the labour market in terms of position and wages. In the case of the public administration, despite the fact that there is a high number of women graduating in relevant subjects and therefore a sufficient 'talent pool' of qualified women, this is not yet translating into equal representation at the decision-making levels and especially in professional and senior positions.

Family life in Romania also reflects and reinforces traditional gender roles and work-life policies do not currently encourage a more equitable sharing of private and family responsibilities between women and men. As some key respondents explained, characteristics associated with women's roles in the family life are replicated in the public administration. The Romanian media reinforces these gender stereotypes - the last major study examining male and female stereotypes in the media provided important information for media interventions to support gender equality and combat gender stereotypes.^{28 29} NGOs have conducted a few short-term training courses for journalists, but these have had limited impact since they could not reach media gatekeepers such as editors.

Gender relations in Romania, often based on gender stereotypes where women have primary care responsibilities at home, lead to a number of negative consequences for women's participation in public administration. Some of these have been discussed above:

- work-life imbalance and lack of time to pursue careers compared to men
- gender segregation in occupations, with women more concentrated in administrative support functions and traditionally feminized sectors.

Consultations for this case study also revealed some gender stereotypes in favour of women. For example, many key respondents referred to some 'feminine qualities' that enable women to perform well in the public administration, and that are implicitly requested within the public administration. Responsibility in exercising the public function is another important value that women seem to have, according to key respondents. Positive stereotypes regarding 'feminine qualities' also seem to be present with regard to women in the public administration.

"I might be subjective, however I believe - with no intention to generalize- that women are more careful with details than men". (National Agency of Public Servants key respondent interview, May 2011).

27 Ștefănescu, Doina Olga; Miroiu, Mihaela (2001) *Gender and Educational Policies (Gen și Politici educaționale)*, Bucharest.

28 Grunberg, Laura (ed.) (2005) *Mass-Media on the Sexes (Mass-media despre sexe)*, Tritonic Publishing House.

29 Women are mostly portrayed as domestic beings with domestic preoccupations and expertise. If outdoor activities are shown, these consist mainly of shopping - mostly shopping for the house and the family (detergents, food, appliances) or cosmetics. When not portrayed as household caretakers, women are beautiful objects to be conquered and obtained by men. If men and women appear together in an ad, most often women are subordinated - they serve and assist the men. See, Miroiu, Mihaela (2005) in Grunberg, Laura (ed.) (2005) *Mass-Media on the Sexes (Mass-media despre sexe)*, Tritonic Publishing House, p. 221-222.



A key issue is that there is a need for more sensitization on basic gender concepts in the public administration. For example, consultations with NAPS highlighted confusion between gender equality, equal opportunities for women and men and discrimination based on sex. According to national Law No. 202/2002, 'by equal opportunities between women and men is understood the consideration of abilities, needs and goals of women and men and their equal treatment.' (Art. 2). The UNDP in its Gender Equality Strategy 2008-2011 puts forward a more encompassing concept that focuses on outcomes as well as equal opportunities.³⁰ According to the European Commission's Strategy for Equality between Women and Men (2010-2015), gender equality 'is the result of the absence of discrimination on the basis of a person's sex in opportunities and the allocation of resources or benefits or in access to services.'³¹

It is the opinion of the author that these different definitions may result in slightly different gender equality policies based in Romania. Thus, some gender approaches may be preferred while others are not. For example, breastfeeding facilities will probably not be implemented – but there could be more focus on working arrangements for women to take time for breastfeeding outside the workplace. There are qualitative degrees in gender equality – eliminating discrimination is one step, which should be accompanied by a focus on the specific needs of women and men to ensure that they not only enjoy equal opportunities but equal outcomes.³²

PUBLIC ADMINISTRATION CONTEXT

Public administration restructuring and gender balance

The economic crisis and austerity measures have led to the government and the ruling political party to put administrative restructuring on the political and public agenda, including reducing the number of public employees.³³ Thus, another major issue is the restructuring of the public administration. Gender equality concerns in this restructuring appear not to be a government priority, and indeed these changes have negatively affected gender equality and the high-ranking civil service.³⁴ The evaluation stage for this public administration restructuring was expected to end in September 2011, and to provide clear recommendations for the future. It is likely that a large number of civil servants will be affected.

As seen below, this restructuring should be closely monitored for possible impacts on gender balance and on the vulnerable, including parents of young children. This is because the performance evaluation system effectively discriminates against people taking time out, and performance ratings will be a factor in determining redundancy cases. In addition, public sector wages (including in the public

30 Gender Equality Strategy 2008-2011, UNDP.

31 Strategy for Equality between Women and Men 2010-2015, European Commission, p. 38.

32 See also Operational Framework for Gender Equality in Gender Equality Strategy 2008-2011, UNDP, p. 41.

33 It should be noted that study by A.T.Kearney warned that the "major problem in the Romanian public sector is not the number of staff" and that "[d]ownsizing staff exclusively on the basis of budget constraints or political criteria and not based on a serious analysis will slow down the process of streamlining public administration and will result in lower service quality, which would be painful in the context of the current economic crisis." See article by Agerpres (28 August 2009) <http://www.doingbusiness.ro/en/business-news/13238/aides-advise-govt-against-randomly-downsizing-public-staff>

34 See also the Romania entry in the useful publication: Public Employment in European Union Member States (2010), Ministry of the Presidency. Technical Secretariat-General.



administration) have been reduced by 25 percent, raising 'questions of survival', as many women work in feminine sectors (health, education), which have lower wages to begin with.

Lack of transparency in the civil service

"The public function must be freed from political influence, however now neo-liberal policies trigger the risk of generally diminishing the importance of the public function".³⁵ (Key respondent interview, July 2011)

"High-ranking civil servants have a special status since their role is extremely important within the public administration. High-ranking civil servants include the secretary general and deputy within ministries and in the central public administration... They represent a filter between political and technical areas." (National Agency of Public Servants interview for case study, July 2011).

High-ranking civil servants have a key role in the public administration. The representative of the National Agency of Public Servants (NAPS) emphasized that these positions are extremely important within an institution since they are a 'buffer zone' between the political and the technical positions. However, most key respondents emphasized that in practice, politics often intruded into the structure and performance of the civil service, including performance evaluations and recruitment.

The influence of political parties on the public administration merits close monitoring in many countries, including Romania. Among the issues raised in the Romanian context are questions of corruption. During the European integration process, the influence of political parties on the civil servants was a key priority in reforming the public administration. The Governing Programme (2001-2004) included specific provisions to diminish the interference of political parties in public administration.³⁶ However, today the influence of political parties continues to be a sensitive topic on the public agenda.

In 2011, a national report on corruption presented by Transparency International Romania drew attention to the costs of the linkage between politics and the public administration: '[P]ublic funds are used for private interests' (p. 30). The report also underlined two additional sides of corruption when such linkages are present: '[O]n one hand political parties are tempted to occupy public administration and use public resources to satisfy the interests of the party or of groups, and on the other hand the leaders of political parties or their protégés may be rewarded with positions in public administration, so through corrupt means they use public funds to satisfy their private interests'.³⁷ In general, when there is a change in government, and newly elected representatives are appointed as heads of ministries and local administrations, a change in direction and policy is not unexpected and can even bring benefits and refreshment. However, when a change of government results in an extensive change of civil service staff, a problem arises.

35 The relationship between neo-liberal ideology and political parties have been consolidated during recent years, and neo-liberal policies are advocated by the ruling party, The Democratic Liberal Party.

36 See, The Governing Programme (2001-2004), Chapter IX, Diminishing the Intrusions of Politics in Public Administration and Elimination of Political Clientele, p. 153.

37 Victor Alistar, Iulia Coșpănar (May 2011) National Report on Corruption (Raport Național asupra Corupției), October 2009 - February 2011, Bucharest, Transparency International Romania <http://www.transparency.org.ro/RNC2011.pdf>



WOMEN'S PARTICIPATION IN THE ROMANIAN PUBLIC ADMINISTRATION

WOMEN'S PARTICIPATION IN THE ROMANIAN PUBLIC ADMINISTRATION

The public administration system is a major employer for women and this section looks at the main patterns in representation.

In 2011, there were two women present in the Romanian cabinet, in the areas of Transportation and Development. In September, another woman took the Labour portfolio (there were 16 men and three women in Romanian cabinet). The picture of gender equality in ministerial appointments is also indicative of the situation within the wider public administration. The data for the last 20 years shows a fluctuation in the government's gender composition of governments.

In 2006, the former Agency for Equal Opportunities between Women and Men collected data on women in decision-making, mainly in politics but also including some information on the public administration. Even if the number and names of the ministries have been changed during the last five years, it is possible to draw some conclusions regarding gender balance in the public administration:

- Women employees are well represented in Ministries
- Some sectors are dominated by women (justice, health, labour)
- Even for feminized sectors, where women outnumber men overall including in decision-making positions – all the Secretaries of State were men.³⁸

When looking at the picture of women in the wider civil service, the figures below shows that Romania has a reasonably high number of women civil servants.

Table 3: Distribution of women in the civil service as a whole in 2011

TOTAL	WOMEN		MEN	
	Number	Percentage	Number	Percentage
128,910	81,682	64%	47,228	36%

Source: Data provided on request by NAPS (July 2011).

Pyramid effect

Although the percentage of women in the public administration as a whole is high, at decision-making level the number of women decreases proportionally as we move up the hierarchy. In other words, the higher the position, the smaller the proportion of women. As the table below shows, even though well over 50 percent of women are civil servants, their presence in high-ranking civil servants decreases considerably. The percentage of women civil servants in executive positions is higher than that of men.

³⁸ RESpublica - Review of Equal Opportunities, National Agency on Equal Opportunities for Women and Men (2006) p. 20.

WOMEN'S PARTICIPATION IN THE ROMANIAN PUBLIC ADMINISTRATION



Table 4: Distribution by rank of women in the civil service in 2011

	TOTAL	WOMEN		MEN	
		Number	Percentage	Number	Percentage
	128,910				
Executive Civil Servants	114,538	73,707	64%	40,831	36%
Decision-making Civil Servants	14,239	7,959	56%	6,280	44%
High Ranking Civil Servants (Senior Civil Servants)	133	16	12%	117	88%

Source: Data provided on request by NAPS (July 2011).

The table below shows the first and second levels of decision making within ministries, and the 'pyramid' effect even between these two levels.

Table 5: Gender balance in the first and second levels of decision making within ministries

DECISION-MAKING LEVEL	WOMEN		MEN	
	Number	Percentage	Number	Percentage
First level (Secretary-General, Deputy Secretary-General*, High Ranking Civil Servant, Director General*)	5	25%	15	75%
Second level (Deputy Secretary-General*, Deputy Secretary, Director General *, Director)	36	46.2%	42	53.8%

*According to the organizational chart, Deputy Secretary General and Director General may represent either the first or the second level of decision making.

Source: Data provided on request by NAPS (July 2011).



WOMEN'S PARTICIPATION IN THE ROMANIAN PUBLIC ADMINISTRATION

Gender segregation by occupation

The table below shows that the distribution of women amongst senior civil servants (top two levels) by BEIS type in 2009 is similar to that of other countries, with a greater proportion of high-ranking women senior civil servants in socio-cultural functions. However, it should be noted that in Romania the segregation by sector is still much less marked at this level than in many other countries.

<i>B = Basic functions</i>	<i>E = Economy</i>	<i>I = Infrastructure</i>	<i>S = Socio-cultural functions</i>
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Table 6: Sector segregation in Romania and other EU countries

	TOTAL	B	E	I	S
SLOVENIA	53	43	57	45	68
BULGARIA	51	25	56	50	67
LITHUANIA	45	50	43	38	60
LATVIA	44	63	37	25	40
SLOVAKIA	44	42	33	33	60
SWEDEN	44	41	39	64	51
POLAND	40	22	43	60	51
ROMANIA	40	40	35	37	50

Source: More women in senior positions: Key to economic stability and growth, EC (2010).

As we see, the civil service in general has a high representation of women generally, and even at the decision-making level. However, top positions at high-ranking levels are still dominated by men. Although the public administration is an important employer of women, with numbers of women civil servants already at 'critical mass' level of at least 30 percent for both for decision-making and executive positions, in Romania one finds that the higher the position, the smaller the number of women. BEIS typology, explained above, is important when recruiting and it appears that traditionally 'masculine' public sectors are, as one might expect, not as attractive to women.



“There is a feminization of administrative positions, while men’s access to decision-making is almost natural in a patriarchal society. Starting at the very moment when women gained access to education and positions, women were ‘naturally’ guided towards administrative jobs perceived as complementary to women’s traditional roles. These are jobs in education, health and public administration sectors. In the public administration, many positions are administrative ones with lower salaries, power and prestige”. (Key respondent interview, July 2011)

Defining civil servants

One key respondent made a useful distinction between two meanings that can be associated with civil servants. On the one hand there is a broader understanding of civil servants as public servants working in public services (education, health services for example). There is also a narrower definition of civil servants. It is the former that appears to be the most common meaning for citizens and the media. However, it is the latter that is regulated by the Statute of the Civil Servants (Law no. 188/1999). The overlapping definition appears to be a political instrument, detrimental to both civil servants and other employees of the wider public sector, as frequently emphasized by interlocutors during consultations.



POLICY AND IMPLEMENTATION REVIEW

This section looks at some of the key policy and legislative provisions, key actors and issues impacting on women's equal participation in the Romanian public administration. Most of the policies in Romania's public administration and relating to it can be seen as 'gender-neutral'. In other words, although they comply with EU and international minimum standards in eliminating direct discrimination, they do not take into account the differences between men and women that determine how far they can actually benefit from equal opportunities. Furthermore, there are no 'special measures' as set out in international instruments, which specifically promote equal representation in public administration decision-making and provide for measures to achieve this.³⁹ These special measures are recognized as being necessary to tackle historical imbalances and inequalities between men and women.

Influence of the European Union

Legislative and policy changes in gender equality came hand in hand with the process of European integration, which is a key driver of policy change generally in Romania. However, various key respondents felt that the role of the European Union (EU) in terms of gender equality has started to decrease, despite negotiations leading to legislative harmonization of national legislation with the *acquis communautaire*.⁴⁰ The EU introduced important indicators of progress in gender equality during a 1999 review of the implementation of the Beijing Platform for Action by member states – see box below.⁴¹

Box : Indicators of progress in gender equality

Indicator 7: Proportion of the highest-ranking women civil servants

Proportion of women civil servants in the two highest-ranking positions (after the Minister) of the ministries (appointed, elected or nominated, central government) and the respective levels in the European institutions.

Indicator 8: The distribution of the highest-ranking women civil servants in different fields of action

The proportion of women civil servants at the two highest levels in the EU Member States in the different fields of action of the ministries and the proportion of high-level female civil servants at the two highest levels (at the two highest levels A1 and A2) of the European institutions in the different fields of action of Directorate Generals.

Source: Review of the Implementation by Member States and the European Institutions of the Beijing Platform for Action, Council of the European Union (1999).

39 Notably, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979).

40 The *acquis communautaire* represents rules and regulations guiding the EU institutions, actions and policies, including provisions of treaties, legislation to enforce the provisions of the Treaties (regulations, directives, decisions, recommendations), jurisprudence of the European Court of Justice, etc.

41 Review of the Implementation by the Member States and the European Institutions of the Beijing Platform for Action, Council of the European Union, (11829/1/99) (1999).



These indicators aimed to track representation of women in the civil service, especially in top positions. The EU Strategy for Equality between Women and Men (2010-2015) addresses decision making, but not in politics or in the public administration. The Strategy instead focuses on women in decision-making positions in research and the private sector.

NATIONAL CONSTITUTION

The Constitution adopted in 2003 includes the fundamental principles of the Universal Declaration of Human Rights, with provisions on equal rights and non-discrimination. Article 16 provides that:

1. Citizens are equal before the law and public authorities, without any privilege or discrimination.
2. No one is above the law.
3. Access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities.⁴²

There are no positive measures to support equal or representative decision-making, despite the fact that the Constitution was drafted after important international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 and the Beijing Platform for Action (BPFA) in 1995.⁴³ Both of these clearly state women's equal participation in decision-making as a goal and set out a range of provisions.

In 2006, the CEDAW Committee noted as a concern the low representation of women in public life and decision-making, including in the public administration, and made the following recommendations:

- to take effective measures to accelerate and increase the representation of women in elected and appointed bodies
- use of incentives or sanctions for fulfillment of the obligation of local and central public authorities to reach 'equitable and balanced representation of women and men' as proclaimed in the Law on Equal Opportunities Between Women and Men
- utilize temporary special measures including establishment of benchmarks, quotas, numerical goals and timetables, to accelerate women's full and equal participation in elected and appointed bodies
- increase efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns about the importance of women's participation in public life and at decision-making levels, as a democratic requirement.⁴⁴

We will see that these recommendations have only partly been acted upon in Romania.

42 Romanian Constitution, (1991), revised 2003.

43 Romania ratified CEDAW in 1982, see full text at: <http://www2.ohchr.org/english/law/cedaw.htm>.

44 Committee on the Elimination of Discrimination against Women Thirty-fifth session 15 May – 2 June 2006, Excerpted from: Supplement No. 38 (A/61/38), Concluding comments of the Committee on the Elimination of Discrimination against Women: Romania.



PUBLIC ADMINISTRATION POLICIES

Career pathways in Romania's public administration

The consultations highlighted that non-discrimination, including sex-based discrimination, is a value embedded within the recruitment process. Given the complexity of the civil service system, a short description of public functions is necessary in order to understand the gender balance in the civil service. According to Law No. 188/1999 on the Statute of Civil Servants, a civil servant is a person who occupies a public function. (Art.2). There are a variety of public functions that can be occupied by public servants (Art. 7, Art. 8):

- General and specific public functions;
- Class I, II and III of public functions, depending on the educational level (a higher education diploma is needed for Class I or II; a high school diploma is needed for Class III).

On the basis of their attributions, there are three types of public functions (Art. 9):

- Public functions that correspond to high-ranking civil servants
- Public functions that correspond to decision-making civil servants
- Public functions that correspond to executive civil servants.

Civil servants that belong to Class II and III may occupy only executive positions but special laws may allow exceptions (Art. 9). A vacant public function can be occupied by promotion, transfer, redistribution and competition (Art. 5).

Romania has been moving towards contract-based civil servants but has a career-based system in place for most of its civil service. In this system, civil servants are recruited and work their way up in rank. There is a competition-based formal recruitment procedure aimed at recruiting the best candidates for a career in the civil service. As a 2008 study explains, this is good for promoting a coherent civil service with executives who share the same culture, which makes working together and communication across government organizations easier and also favours internal mobility.⁴⁵

The implication of this in terms of addressing the gender balance is that attention needs to be paid to recruiting an adequate number of women with leadership potential in the first place. This in turn implies that working in the public administration must appeal sufficiently to young women. The implication is also that a policy and strategy response must specifically address the needs of women at different points in their careers, including the early stages, as that is when women may need to make a choice between working and starting a family.

Romania employs slightly different selection procedures for its high-ranking civil servants, which have been introduced in order to ensure the most experienced and effective staff in these positions as well as refresh institutional culture. Like some other EU countries, Romania now recruits externally for some high-ranking positions. Recruitment of high-ranking civil servants is done by an independent Commission,

45 EIPA (2008).



composed of seven people in the public administration and with selections approved by the Prime Minister.⁴⁶ Law No. 188/1999 provides for equal opportunities (Art.4). This is an important provision.

Promotion

Law No. 188/1999 stipulates that the promotion of civil servants is based on examination or competition (Art. 56). A person can be promoted either in an executive or decision-making position, and for each level specific criteria must be met.

“There are no restrictions in promoting women to decision-making and I believe NAPS may be considered a positive example, since the majority of decision-making positions within the Agency are held by women, even if the top level of decision-making - namely President, Vice-president, Secretary General - is male”. (NAPS key respondent interview, July 2011)

There are no positive measures in place, as had been recommended by the CEDAW Committee in 2006.

Performance evaluations and their impact on gender balance

Assessment takes place annually for individual performance appraisals and bi-annually for a general evaluation of the professional knowledge, abilities and aptitudes necessary to occupy a high-ranking civil service position. Evaluation is an important element in competing for an executive position since the civil servant need to have scored ‘very good’ in the last two years at the annual evaluations. According to NAPS, the evaluation is usually done between 3 to 31 January for the previous year (1 January to 31 December).

The NAPS key respondent explained that cases of persons on parental leave are clearly regulated by the Statute of Civil Servants. During parental leave, work relations are suspended and individual performance evaluations are done only when the public function is exercised. So, when work relations are suspended, the activity cannot be evaluated.

This is a concern given that the restructuring of the public administration looks at performance evaluations in order to determine redundancies. The evaluation stage for this public administration restructuring was expected to end in September 2011 it is highly possible that a large number of civil servants will be affected. Given the performance evaluation system above, women on family related leave may be more vulnerable. Consultations for this case study highlighted that most victims of gender-based discrimination are pregnant women. Thus, pregnant women and women, who have come back from parental leave appear to be two especially vulnerable groups.

“Their return to work is problematic [...] since they are confronted with rejection within the company, followed by an immediate evaluation process, and thus they are released from their jobs due to loss of necessary skills and competences.” (Key respondent interview, July 2011)

Provisions to prioritize women returning from maternity leave for training opportunities exist in other national public administrations (e.g. Kyrgyzstan), but not in Romania.

46 Career Management of the High-ranking Civil Servants in Romania, NAPS (undated presentation) at [http://www.funzionepubblica.gov.it/media/499360/presentation_romanian_case\(1\).pdf](http://www.funzionepubblica.gov.it/media/499360/presentation_romanian_case(1).pdf)



One key respondent specifically emphasized this issue when discussing statistics. The respondent cautioned that regardless of the provisions on parental leave and evaluation of civil servants, women and men who have just returned from maternity or parental leave should be closely monitored and protected from dismissal and discrimination. When considering civil servant redundancies, gender balance should be considered alongside the individual performance and history of the person (whether she or he has recently come back from maternity or parental leave). The key respondent emphasized that the restructuring may have a more negative impact at the local level, where women may face a higher rate of dismissal. This may be because women at local levels have less access to support networks.

The evaluation model may also negatively impact on the age profile of the public administration - assuming that a good balance is desirable, including a strong complement of younger staff as part of a public administration that is representative of the public it needs to serve. In other words, if a large number of parents with young children are made redundant due to the evaluation model, then this will also reduce the younger age cohort in the public administration.

Work-life balance

Work-life balance has not been a priority area for national policy makers, even if such measures and interventions are widely acknowledged as vital for gender equality and women's empowerment. Romania has provisions for various types of leaves, but a critical gap is the lack of adequate childcare services/facilities. One aspect that should be addressed is that current policies impacting on work-life balance are women-centred, with no incentives for men. The lack of incentives must be understood within the broader socio-political context, which has seen a revival of traditional gender roles. This is in contrast with some other countries, where the government supports greater co-responsibility in the home along with greater participation of women in the workplace.

A positive aspect is that fathers have the right to paternity leave and that there is also provision for parental leave, which either parent can access. The EU was an important stimulus for national government to bring about these provisions to enhance gender equality, which may otherwise not have been possible. Although the financial benefits are small, the principle is important. Policies that help families to access childcare are a vital instrument for gender equality in the public administration as well as more widely. This is because they increase women's participation and help to mitigate gender segregation in the labour market, and therefore also help to reduce the gender gap in terms of pay.

Maternity, paternity, parental and related leave and allowances

The basic provisions are as follows.

Maternity leave provisions included:

- 120 days, women only. Can be divided: 63 days before and after the birth of the child. 42 days are mandatory after the birth of the child
- Paid leave for employees only: 85 percent of the last six months' average earnings.⁴⁷

⁴⁷ Your Social Security Rights in Romania, European Union (2011). http://ec.europa.eu/employment_social/empl_portal/SSRinEU/Your%20social%20security%20rights%20in%20Romania_en.pdf.



According to the Statute of the Civil Servants (Law No. 188/1999), work relations are suspended for civil servants during maternity leave and parental leave until the child reaches the age of two (Art. 81, j; Art. 82, a).

Provisions for paternity leave includes the following:

- Is for biological fathers only, maximum two weeks taken in the first eight weeks after the birth of the child (five days minimum, or, in case the father receives a special certificate from the family's doctor, pediatrician on 'childcare skills', 10 days more, total period of paternity leave maximum 15 days). The certificate is obtained only after attending a course on infant care: 'the course consists in theoretical and practical information on childcare in order to support the participation of fathers in the care of their own child' (Art. 7). This provision assumes that biological characteristics of individuals influence the practice of care.
- Paid leave: fully paid, employees only.
- Parental leave taken by either the mother or father, for natural or adopted children (cannot be divided between the two parents)
- Two years maximum, or three years for children with disabilities
- Paid employees only (provided they have worked the last 12 months before the birth of the child).⁴⁸

Parental leave reflects recent legislative changes between 2010 and 2011 due to the economic and financial crisis. Cuts were introduced from December 2010, and were implemented from January 2011. The government brought in these reductions as part of necessary austerity measures. The 2010-2011 budgetary cuts negatively affected parental leave provisions in terms of financial compensation and length. These policies impact differently on men and women's lives and careers, and tend to disadvantage women more than men, given their care role.

In the case of executive positions, an interesting issue arose during the consultations, where the maternity model acts as an obstacle to women reaching decision-making positions. The two or three years of parental leave have long-term consequences on women's professional experience and incomes, and also negatively impact their retirement benefits. Despite parental leave being available, it is mainly women who opt to take this. Social expectations attached to women's roles, a lack of gender equality in educational policies and a lack of facilities to support work-life balance all help to perpetuate the model.

"[I]t is this model that takes women out of the competition and pressures them not to assume decision-making roles, but executive positions". (Key respondent interview, July 2011)

In the case of availability of facilities for breastfeeding mothers:

"There is no specific legislative provision to impose such a measure on public institutions. There is no specific provision for civil servants, however there is also no interdiction. So, such a space can be accommodated within any institution to facilitate access to labour market for nursing women". (NAPS key respondent interview, July 2011)

⁴⁸ Governmental Decision No. 244/2000 on Methodological Norms to Implement the Law on Paternal Leave.



The state provides for modest additional income-related support for low-income families and one-parent families. There is also a small monthly allowance for childcare for children 0 to two years old, or 0 to 3 years old in case of disabled children.

Childcare

A lack of child-care services further increases women's social vulnerability. Employment rates for 25- to 49-year-olds with and without children (2006) are different for women and men. There is already a gender gap in the employment rate for 25- to 40-year-olds without children (73.6 percent to 78.7 percent), but this gap increases considerably when women have children (69.6 percent in comparison to 83.5 percent).⁴⁹

Parental leave covers the first two years after birth, but children can only be enrolled at kindergarten when they are three years old. There is therefore a gap of one year when the family is entirely responsible for childcare. Families therefore rely on informal care from grandparents, other relatives or on baby-sitters, if income permits. The number of state-funded care facilities is decreasing dramatically. From 1991 to 2006 the number of state-funded kindergartens was more than halved and the situation is more dramatic for families in rural areas, where there is a desperate shortage of care facilities.⁵⁰ In terms of progress, Romania is far from meeting Barcelona targets on child coverage.⁵¹ There is therefore a critical gap between state supply of childcare services and demand, especially from women.

Equal pay

The remuneration system for all civil servants falls under the special law of the unitary system of payment. Two specific laws have provisions on the remuneration of civil servants (Law No. 284 and Law No. 285 from December 2010). Salary is not negotiable.

Flexible working options

A public position has restrictions as regards part-time work. It is only possible for people who work during their maternity/paternity leave, in case they are released from the public position, if they find another job, or on health grounds. Working at home (tele-working) is not normally possible for the senior civil service (SCS), but SCS superiors can approve flexi-time schemes for SCS, as they can for any civil servants. However, consultations for this case study revealed little use of flexi-time schemes in practice.

In society more generally, part-time and other flexible working arrangements (tele-working, job-sharing etc.) are also not widespread practices. Between 2002 and 2005 the number of women and men part-time workers decreased, but especially women - in 2002, 12.8 percent of women were part-time workers and 10.6 percent of men. However, in 2004 numbers had started to decrease slowly (11.2 percent

49 Reconciliation of Work, Private and Family Life in the European Union, European Foundation for the Improvement of Living and Working Conditions (2011) p. 4.

50 Baluta, Oana (coord.), (2007) Equal Partners, Equal Competitors, Maiko Publishing House.

51 According to Barcelona targets, 90 percent of the children between three years old and mandatory school age and 33 percent of children between zero and three years old must be covered by care facilities. Presidency Conclusions, Barcelona European Council, 15 and 16 March 2002. http://www.fondazionecru.it/eracareers/documents/research_policy/Barcelona%20EUCouncil%202002.pdf



women, and 10.1 percent men), and this trend continued in 2005 (10.5 percent women and, 9.9 percent men).⁵² Part-time working does not seem to be an option for women and men without children, or with children younger than six years old. This trend makes it even more necessary for governments to ensure availability of childcare services and a more flexible parental leave model also becomes important.

Table 7: Part-time employees (25-49 years) without children and with one child

YEAR	WITHOUT CHILDREN			ONE CHILD < 6 YEARS OLD		
	Total	Men	Women	Total	Men	Women
2005	6.8	7.9	5.3	5.5	5.1	6.2
2006	6.7	7.9	4.9	5.0	5.2	4.8
2007	6.0	7.1	4.6	4.7	5.5	3.7
2008	5.9	6.9	4.6	4.8	4.7	4.9
2009	6.1	6.9	4.9	5.6	5.5	5.7
2010	7.6	8.7	5.9	6.4	6.5	6.2

Source: Eurostat/ The Impact of the economic crisis on women, Băluță (2011).

There are some provisions for flexible working conditions (shorter working hours than the mandatory eight hours per day). Pregnant women due to medical constraints and mothers who have returned from maternity leave can request shorter working hours (six hours). However, in practice:

“It is very difficult to manage the extension of such rules on public functions because the responsibilities that cannot be fulfilled during the working day by that person must be passed to some other public servants; taking into account that the present legislation does not allow to cumulate functions, the result can actually be a bending of legal working norms, which is the least desired outcome.”⁵³ (NAPS key respondent interview, July 2011)

It would be useful to study to what extent parents exercise their rights and, if there is limited use made of the flexible working option, the reason. For example, it might be the refusal of superiors to approve requests or a fear of requesting flexible working in the first place.

⁵² Work- Life Partnership, National Institute of Statistics, 2006, p. 41.

⁵³ According to national legislation, ‘cumulating functions’ refer to the possibility of a person to have two or more individual working contracts.



Mobility

Previous studies show that mobility affects women's careers, especially when there are parental responsibilities. In addition, pregnancy may not always be compatible with mobility.

The Statute of Civil Servants has specific provisions on delegation and temporarily transfers for pregnant women and for single parents, where pregnant women and single parents may refuse delegation or transfer (Art 76, Art. 77).⁵⁴ The public servant can also refuse a temporary transfer if she or he is the only breadwinner of the family (Art. 77, e).⁵⁵ Work relations may be suspended on request by the civil servant in case of leave to take care sick children until she/he reaches the age of seven or, in case of a disabled child, until the age of 18 (Art, 82, b). High-ranking civil servants are subject to mobility in the public interest and can be moved on such grounds, but no more than once a year. Refusal is allowed in specific cases. They can also benefit from mobility in the interest of their employer or in their own interest e.g. for career development purposes.

Capacity building

More action is needed in this area to comply with the recommendations of the CEDAW Committee.

From 2009, the National Agency of Public Servants (NAPS) took over the National Institute of Administration (NIA) as part of the administrative restructuring process. NAPS is directly responsible for the training of civil servants and programmes target the three types of public functions (administrative, decision-making, high ranking civil servants). From the consultations, NAPS appears to collaborate with academia, although the respondent from NAPS was not aware of any specific training on gender equality. Nevertheless, other key respondents mentioned that when NIA had been in charge of coordinating the training programme, it had introduced a module on gender equality and anti-discrimination. According to a key respondent, the module was a direct request coming from a member of the NIA Board. The Board member is a university professor with knowledge of gender equality and developments in academia and NGOs – an indication of how gender-sensitive leadership by both men and women can have important impacts.

GENDER EQUALITY LEGISLATION AND POLICIES

Ordinance No. 137/2000 of the Government on Prevention and Sanctioning Discrimination

This includes provisions on direct and indirect discrimination including sex-based discrimination, victimization, harassment, discrimination on multiple grounds, the right to personal dignity, and affirmative actions. According to this Ordinance, any measure taken by public authorities in favour of a person, group or community to support de facto equal opportunities is not considered discrimination.

54 Law No. 188/1999 regarding the Statute of Civil Servants (republished with subsequent amendments).

55 No data is available on the number of women and single parents that may have refused delegation or transfer, or on persons who may have refused a temporarily transfer because she or he is the only breadwinner of the family.



Law No. 202/2002 on Equal Opportunities between Women and Men

This is the key legislative tool and stipulates the following areas as priorities:

- Equality of opportunities and treatment for women and men in the labour market
- Equality of opportunities and treatment for women and men in access to education, health care, culture and information
- Equality of opportunities and treatment for women and men in decision-making.⁵⁶

The first and the last provisions relating to the labour market and to decision-making are directly relevant and appear to be supportive of the issue of an improved gender balance in the public administration, especially in decision-making positions.

Law No. 202/2002 also has an important provision on incentive measures to foster gender equality. Article 4, paragraph e says: 'by incentive measures or positive discrimination it is understood those special measures adopted for a temporary period in order to accelerate de facto achievement of equal opportunity between women and men and which are not considered discriminatory actions...'

This law also provides the legal basis for the country's Gender Equality Mechanism, which is effectively the National Agency for Equal Opportunities, but it is currently under revision to also reflect changes at the national and local levels.

During the restructuring of the public administration, the National Agency for Equal Opportunities between Women and Men was dissolved in July 2010 for financial reasons, together with a number of other state agencies. It was redesigned with considerably less power as a Directorate under the Ministry of Labour. Only a central structure was maintained, and the local structures were dissolved.

The previous Agency was an implementing and monitoring mechanism for gender equality and developed two Strategies on Gender Equality. The first Strategy (2006-2009) included specific measures for public administration institutions, but implementation was poor due to a lack of adequate financial resources. Due to the changes described above, it is likely that the second Strategy (2010-2012) will not be implemented.

Law No. 217/2003 on the Prevention and Sanctioning of Domestic Violence

This law provided the legal basis for the National Agency for Family Protection, which was also dissolved for financial reasons in 2010, then merged with the National Authority for the Protection of Children, and finally redesigned as a Directorate for Children's Protection under the Ministry of Labour.

Both of these above legal provisions are important instruments, but require updating in order to fulfill their potential for making gender equality in the public administration a reality. For example, the section on sanctions for non-implementation of provisions on participation in decision-making could be strengthened. (see box below). Also, the law should clarify and quantify 'balanced participation' in order to reduce ambiguity. If this is done, provisions in other countries should be examined and adapted for the Romanian content.

⁵⁶ Law No. 202/2002 on Equal Opportunities Between Women and Men - English translation included in Annex to Romanian report on Beijing +15, Romania Review and Appraisal in the Commission on the Status of Women in 2009.



Box: Law No. 202/2002 on Equal Opportunities between Women and Men

Art. 22.

(1) Local and central public authorities, social and trading companies, as well as political parties and other non-profit organizations, carrying out their respective activities on the basis of their own regulations, shall promote and support the balanced participation [emphasis added] of women and men in the management and the decision-making process.

(2) The provisions of paragraph (1) apply also to the appointment of members and/or participants to any council, group of experts and other managerial and/or consultative lucrative structures.

Art. 23. In order to accelerate the achievement of equal opportunities between women and men, central and local public authorities shall adopt incentive measures [emphasis added] to afford fair and balanced representation of social partners within decision-making authorities, observing competency criteria.

Source: Law No. 202/2002 on Equal Opportunities between Women and Men

Gender-responsive budgeting

This is not practiced in Romania and it was not a focus area in either the National Strategy on Equal Opportunities between Women and Men (2006-2009) or the Plan of Action for the implementation of the National Strategy on Equal Opportunities between Women and Men (2006-2009). Budgets allocated to feminized work sectors have always been smaller compared to 'masculine ones'. NGOs, together with the Commission on Equal Opportunities for Women and Men in the Chamber of Deputies, have emphasized the necessity for gender budgeting and the benefits that it could bring.

National budgets are not gender-neutral, but often reproduce inequalities, and the same is true in Romania. Women and men have specific interests based on their role within political, social, economic and family life, but national budgets often ignore these. Transfers such as childcare and maternity benefits will impact women more than men due to different gender roles. Taxation is also not gender neutral, and an increase in value added tax (VAT) affects low-income earners disproportionately. Women are over-represented in this group.⁵⁷ The European Women's Lobby' (2004) highlighted that "gender-targeted expenditure... concerns the particular needs of women (or men), i.e. women's health programs, domestic violence counselling, special programs for women with young children or special education projects for girls."⁵⁸

Gender mainstreaming

There is no policy or practice of gender mainstreaming, so that an important entry point available in some countries is missing.

57 Gender Budgeting: An overview of the European Women's Lobby (February 2004) <http://www.ifuw.org/uwe/docs/ewl-genderbudgeting-en.pdf>.

58 Gender Budgeting: An overview of the European Women's Lobby (February 2004) p. 12.



POLICY OVERSIGHT

There are various bodies responsible for the oversight function in terms of gender equality, and a major challenge is limited state capacity to enforce anti-discrimination legal provisions concerning gender equality. Consultations revealed that financial resources alone cannot address gender equality and that a key aspect is political will.

The National Agency of Public Servants (NAPS)

This is a key body and carries out an important self-monitoring function within the civil service itself, which is extremely important, especially given that there are gaps in the rest of the oversight machinery relating to this topic. The representative of NAPS provided an interesting example of recruitment conditions, which would have discriminated against women if it had been approved by NAPS.

Box: Gender equality, a core value of the recruitment process

Interviewer: Is gender equality included in the recruitment process of civil servants?

Key Respondent: "NAPS has been aiming to establish a gender balance during the last 11 years, since we have begun to discuss public functions. [...] regarding decision-making positions, the percentage of women is important, but it is close enough to that of men. Of course, when we coordinate the competition for public functions, we establish the conditions for participation in order to exclude discrimination. In terms of sex, the exclusion of sex-based discrimination is a basic principle for occupying a public function, a principle regulated by the Statute of Civil Servants... And I can offer you a clear example to emphasize our close monitoring of the recruitment process, and not only of high-ranking Civil Servants. We came across institutions that requested the completion of military service as a condition to access a public function. This condition would have excluded women from the competition. We did not agree with the provision. [...]; specific requests concerning the positions of secretary general, deputy secretary general can be made by the relevant minister, however these requests refer only to the educational background and expertise, not to sex, ethnicity etc."

Source: NAPS key respondent interview (July 2011).

This is a good example of the need to apply gender-sensitive criteria throughout the recruitment and appoint processes.

137/2000 Ordinance of the Government on Prevention and Sanctioning Discrimination

This law includes provisions regarding direct and indirect discrimination including sex-based discrimination, victimization, harassment, discrimination on multiple grounds, the right to personal dignity, and affirmative actions. According to this Ordinance, any measure taken by public authorities in favour of a person, group or community to support de facto equal opportunities is not considered discrimination.



This Ordinance also provides the legal basis for the country's mechanism for combating discrimination - the National Council Combating Discrimination (NCCD) - and specifies instruments for litigation, either directly petitioning the NCCD or addressing the Court of Justice.

According to the Ordinance, NGOs can also petition the NCCD in case of discrimination against their target beneficiaries. The NCCD has responsibilities in the areas of prevention, mediation, investigation, sanctioning and monitoring and is an institution under Parliamentary control. NCCD elaborates and implements public policies in the anti-discrimination field and can facilitate consultations with public authorities, NGOs, trade unions interested in combating discriminations and protecting human rights. The consultation process is important and the gender equality expertise of NGOs and academia is an important resource for government when elaborating and implementing gender equality policies. Unless the decisions of NCCD are contested in court, sanctions with regard to discrimination cases are mandatory.

However, few women petition NCCD to claim their rights:

"Last year, we received 15 to 20 complaints. This doesn't mean women are not discriminated against. Women do not know how to use the legal instruments or do not have the courage to petition NCCD or go to court or they do not have the support of trade unions or NGOs". (NCCD key respondent interview, July 2011)

According to the NCCD, gender is not a major criterion for deciding whom to make redundant in the public sector, and most of the changes are politically determined. However, as other key respondents emphasized, the NCCD should closely monitor the evaluation process of civil servants and identify whether parental leave has negative outcomes on women during the process of evaluation.

The gender balance within the NCCD itself was also discussed in the interview and the following confirms findings above:

- Even if gender balance was not a policy in recruitment, most of the employees are women and five offices out of four are headed by women
- Their educational background is in the humanities (law, sociology, management and economics, psychology, political science, philosophy)
- Three out of nine board members are women
- All board members are appointed by Parliament with a five-year mandate, with no possibility to remove them.⁵⁹

The key respondent believes that in the public sector, women are more protected by the law, especially in the case of civil servants, who are fall under a specific law. However, gender and the type of public sector can be factors since it appears 'masculine' public sector agencies tend to have lower participation of women. For example, when discussing the position of women on the basis of BEIS typology a key respondent stated, "some jobs are better suited to men than women"; for example, the Police Academy had restricted the number of women until 2005 but when equal access was granted, women

⁵⁹ NCCD key respondent interview (July 2011).



were rapidly transferred to administration positions, and yet physical strength was still also a necessary entry qualification...I do not see a problem in recruiting more men than women in the case of some particular jobs.”⁶⁰

The NCCD has not developed any special programme to promote gender equality in the public administration to date.

On the issue of sexual harassment, Article 2, paragraph 5 of Ordinance No. 137/2000 on Prevention and Sanctioning Discrimination (see above) defines harassment and Law No. 202/2002 on Equal Opportunities between Women and Men also defines the concept of sexual harassment in particular: ‘by sexual harassment it is understood any undesirable sexual-related behaviour – verbal, nonverbal or physical – which is intended to negatively affect the dignity of person and/or to create a degrading, intimidating, hostile, humiliating or offensive environment.’⁶¹

The Department for Equal Opportunities between Women and Men

The Department is in the Ministry of Labour and was established in 2010 after the National Agency on Equal Opportunities between Women and Men was restructured. The development, implementation and monitoring processes of gender equality policies have been negatively affected by the transformation, according to consultations for this case study. The Department does not have enough resources because its structure does not allow any management of financial resources. The Department tries to develop working groups on relevant themes (labour market, violence, work-life balance) with an unofficial distribution of work. However, it is powerless in terms of implementation and oversight of gender equality. It also has no representation at local level, and there are 11 people in total within the Department - one person has a background in gender studies and another has graduated in law, but has no previous practical experience.

Ombudsman

The Ombudsman has under its mandate the protection of citizens’ rights and liberties in their interactions with public authorities. The Ombudsman protects citizens against the actions of public institutions, and also covers equal opportunities for women and men. However, according to its annual reports, in 2010 no petition on gender equality was received.

Labour Inspectorate

The Inspectorate is responsible for monitoring that access to the labour market is without discrimination and that work provisions for youth and women are respected. The Inspection oversees the enforcement of Law No. 202/2002 in the field of labour relations and occupational safety and health, in both in the public and private sectors. According to Law No. 202/2002 on Equal Opportunities between Women and Men, ‘the Labour Inspection ensures the control of implementation of measures aiming at the observance of equal opportunities and treatment between women and men in the field of labour relations and occupational safety and health’. (Art. 33, paragraph c). A recent institutional diagnosis

60 Key respondent interviews (July 2011).

61 Law No. 202/2002 on Equal Opportunities between Women and Men, Art. 4, paragraph d.



concluded that Labour Inspection 'is the most important implementing, monitoring and control institution for equal opportunities and non-discrimination in work-relations'.⁶² Labour Inspection also has regional representation, called Work Regions Inspectorates.

Parliamentary Commission on Equal Opportunities for Women and Men, Chamber of Deputies

This was established in 2003, with a focus on gender equality and sex- based discrimination. Its mandate is comprehensive – to eliminate all types of sex-based discrimination, integrate gender equality into legislative initiatives, policies and programmes and monitor the national implementation of provisions on equal opportunities and treatment of international documents ratified by Romania.⁶³

Parliamentary Commission on Equal Opportunities, Senate

This also exists and appears to have a much wider mandate focusing on the elimination of all types of discrimination based on sex, race, nationality, ethnicity, etc. It also addresses gender equality, improvement of women's status within society, integration of equal opportunity principles in legislative proposals, policies and national programmes, gender balance in public and political life, gender equality and treatment in the work place as well as the elimination of stereotypes of men's and women's roles.

Even if there are two Commissions on Equal Opportunities within the Parliament - one in each Chamber - the Commission on Equal Opportunities for Women and Men within the Chamber of Deputies has been more active in the gender equality field. It is an important gender equality mechanism with the power to integrate gender equality into legislative initiatives, and national policies and programmes. It offers expertise on to what extent draft laws and amendments comply with gender equality in line with the national Constitution, or contain discriminatory provisions. The Commission has oversight functions, especially with regards to gender equality international conventions ratified by Romania (such as CEDAW). Regardless of the mandate, opinions expressed by academia and activists indicate that the activity of the Commission depends on MPs' interests and knowledge of gender equality policies, rather than any institutionalized approach.

The Commission's mandate is important for gender equality in the public administration and it could play a key in the introduction of positive measures. Members of Parliament can address questions to Ministries and their written answer is mandatory. In the short term, this instrument may be used to access reliable data. Based on previous interactions with the Commission, the author notes that staff have expertise in gender equality. The dialogue already developed between Commission members and NGOs is also an important potential instrument for future initiatives to improve gender balance in the public administration. During the mandate of the former President of the Commission, NGOs, trade unions and other interested parties were invited to consultations – a positive and participatory process.

62 Pascu, Georgiana; Niță, Delia (2010) *Diagnosis Analysis of Equal Opportunity and Gender in Romania: Problems, needs, European solutions*, Centre for Juridical Resources, p. 30.

63 Regulations of the Chamber of Deputies, Government of Romania, Article 59. Source: Website of Chamber of Deputies.



National Audio-Visual Council

This is an independent public institution under Parliamentary control, led by a Council whose members are proposed by the Senate (3), Chamber of Deputies (2), President (2) and Government (3), and appointed by the Parliament. This Council safeguards the public interest in audio-visual communication. Audiovisual Law No. 504/2002 stipulates that oversight can also be enforced when NGOs, specialized in the protection of women's and children's rights, petition the Council (Art. 89, paragraph d). In 2010 the Council exercised its powers. For example, it banned the broadcasting of a commercial denigrating women's dignity after it had been petitioned.⁶⁴ It can sanction audio-visual operators if they communicate discriminating messages, as well as develop public campaigns to advocate respect for equal opportunities and non-discrimination principles. Nevertheless, initiatives to support strengthening of institutional capacity of the Council are to be recommended.⁶⁵ Given the focus of this case study, this could include promoting role models of women in decision-making roles and men exercising their right to parental leave.

There are also three main informal channels for oversight and monitoring of gender equality, outlined below.

- The **Romanian Women's Lobby (ROWL)** is a coalition of NGOs affiliated with the European Women's Lobby; however, they have yet not started to work as a genuine national lobby. The NGOs members of the ROWL develop individual projects. At present, ROWL is in a process of capacity building, and it has not yet been able to function as a powerful coalition. However, the coalition does include some very active women and feminist NGOs.
- The **National Anti-Discrimination Informal Coalition** is an active coalition that monitors discrimination based on different criteria and implementation of anti-discrimination policies. Two NGOs active in gender equality issues are members of the coalition. An important part of its activity is monitoring the activity of the NCCD.
- **Civil Society and NGOs** have collaborated with the former national Agency on Equal Opportunity between Women and Men to build their capacity. However, the Agency and its local departments were restructured in 2010. Unlike the present Department, the former Agency had the power to manage financial resources.

During consultations for this case study, a controversial issue arose regarding the role of a specialized body to coordinate gender equality policies. The former Agency for Equal Opportunities between Women and Men had such a mandate and this type of body triggered opposing beliefs with different outcomes in gender equality. However, it seems that the political mood is not in favour of such a specialized body. Cost-effectiveness is the main rationale.

⁶⁴ The President of the Commission on Equal Opportunities for Women and Men, Chamber of Deputies and the Agency on Equal Opportunities between Women and Men petitioned the Council at the beginning of 2010, arguing that the advertisement defines women on their physical appearance only, and supports beauty based on plastic surgery.

⁶⁵ Georgiana; Niță, Delia (2010) Diagnosis Analysis of Equal Opportunity and Gender in Romania: Problems, needs, European solutions, Centre for Juridical Resources, p. 30.



This new vision of gender equality has consequences in terms of data collection to report on international conventions ratified by Romania. For example, until 2009, the National Agency for Family Protection collected data that allowed comparative approaches between different sectors, and therefore the identification of possible patterns and linkages. Now various institutions collect different data, depending on their role in combating domestic violence.

“We are the institution that reports on the Convention. By now we should have reported, but we did not. [...] As an Agency we used to report, now as a Department, I do not know what we can do. We had more power and influence on the decision-making within the Ministry as an Agency. It is different now that we are a Department; we are responsible since we have to carry on the policies on gender issues, but the decision to elaborate the report depends on the Ministry, who decides which Department will be involved. Probably we will be the members of the team who will present the Report. [...] We said that it is high time we reported; it seems there are other priorities. It is not only the Ministry of Labour, but other ministries are involved as well.” (Key respondent interview, July 2011)

DE JURE AND DE FACTO GAPS

Previous analyses of gender policies in Romania have already identified important gaps between gender equality legislation and policies, and their implementation. This missing link is related to how gender or equal opportunities for women and men were integrated into national policy and oversight, with the EU as the key actor to bring about desired change. In the case of gender equality in the public administration, it is also a question of how well gender equality principles are embedded into public administration policy and oversight. Underlying all of this is the extent, to which there is political will to address gender balance in general and specifically within the public administration. This section explores the extent to which policy is implemented. However, there was not sufficient time to carry out a thorough study of any particular area, so issues raised by key respondents should be further investigated.

Weak state capacity for policy oversight

Strategic, even structural, weaknesses in gender equality policies and in the national machinery came out during consultations. At present, we notice a retrenchment of the state from gender equality policies, with the result that the executive gender equality body and other complementary mechanisms were restructured and their power (mandate, financial resources, personnel) considerably diminished. This process to diminish the public function started in 2009 and reached a low point in 2010.

“The present reform of the state has seriously damaged its capacity. The reform has a simplistic approach; it aims to diminish the public function and the budgetary expenses of public administrations. (...) Education and health are profoundly affected by reforms.” (Key respondent interview, July 2011)

“[U]nder the present mandate of the conservative government, gender equality is no longer a priority since the Department in the Ministry of Labour is maintained due to international constraints.” (Key respondent interview, July 2011)

During the consultations, an interesting opinion was expressed in terms of subordination and independence of a dedicated gender equality body: “An independent institution cannot enforce public policies.



There must be such a dedicated institution, but it should be under the Prime Minister in order to impose its policies. Once positioned under a Ministry, the institution will be marginalized. No one can refuse a priority set by the Prime Minister.” (Key respondent interview, July 2011)

Limited dialogue between civil society and government

The dialogue between civil society and Romanian authorities is limited on women’s issues and gender equality. Thus, there is a poor transfer of knowledge from NGOs and academia to politics and public decision making.

Lack of data

A major challenge is the lack of systematic data on women’s numbers in public administration, especially at local level. Even if some data is available, it is rather patchy and does not allow comparative approaches and the identification of patterns. Researchers have mainly focused on the representation of women, even if the public administration is a very important domain when one considers the role of civil servants in delivering policies.

This is possibly due to the fact that major international agencies have also focused more on this and stimulated this area through grants and other research support. This in turn may be due to the fact that data for this is easier to access, as well as the fact that impact is easier to measure in timeframes that are more aligned to those of such international agencies. Improving the gender balance in the public administration – that is, amongst career civil servants as well as at the top politically appointed levels – requires a long-term and multi-faceted approach. Such an approach is often beyond even the longer internationally supported programmes and is also too long-term to interest many politicians, who have an interest in more immediate benefits in terms of votes. However, this gap, once acknowledged, may become an important entry points for international agencies, civil society and public institutions to look at public administration through a gender lens.

Gendered analysis of corruption

UNIFEM in 2009 analysed data from Transparency International’s Global Corruption Barometer and presented ‘quantitative evidence that women are more likely than men to perceive high levels of corruption and to feel that their lives are affected by it.’⁶⁶ Perhaps even more relevant for gender balance in the gender balance is the finding that corruption tends to be fostered in institutions where *either* sex dominates.⁶⁷ A recent publication states that: ‘unaccountable, corrupt and predominantly male networks shape decisions around recruitment and promotion within bureaucracies. Corruption in recruitment processes for public service positions may also take the form of sexual extortion where women candidates are promised positions in return for sexual favours. Where corrupt practices are embedded within bureaucracies, women public officials may find promotions or job security elusive.’⁶⁸

66 Farzana Nawaz (2009,) U4 Helpdesk, Transparency International, with special gratitude to Hanny Cueva Beteta, Dr. Celestine Nyamu Musembi and Dr. Naomi Hossain at UNIFEM and UNDP, p. 2; Progress of the World’s Women Report ‘Who Answers to Women? Gender and Accountability (2008), UNIFEM.

67 Primers in Gender And Democratic Governance #5, Corruption, Accountability and Gender: Understanding the Connections (2010) UNDP and UNIFEM.

68 Ibid.



The consultations also confirmed that when it comes to public administration, political intrusion comes hand in hand with corruption. One key respondent argued that gender is an important factor in public administration and was in favour of women's presence in public administration, as it had positive outcomes in terms of reducing corruption. A strategic recommendation would be to focus more on gender within studies on corruption in Romania as this may provide more understanding of the relationship between the presence of women in the public administration, especially in top positions, and corruption. The comment below provides an interesting insight into this relationship.

"Women have not been protected by corruption. Still, one good example is the feminization of work force within Police. There are no public cases of corruption among women police officers. All the data I have prove they do not respond to bribes. It is far more difficult for a woman to build her career in comparison with men. They are constrained to more attention and ethical conduct. It is not a 'natural' feature women have, but a strategy for social success. [...] In the public administration, in education for example, the important cases of corruption are related with bad financial management of public funds; as far as I know, most of the directors are men". (Key respondent interview, July 2011)

Comparing policy implementation in public administration and the private sector

Despite the gaps mentioned above, in the public administration there seems to be a slightly better enforcement of the rule of law, especially for pregnant women or women with young children. The discussion with the President of the NCCD revealed there are cases of discrimination against pregnant women in the private sector. It would be useful to study this in greater depth in order to understand whether this genuinely means a greater rule of law, or whether women simply are not reporting infringements.

If there is genuinely better implementation of the law in Romania's public administration, it is especially significant given that the public administration is an important employer of women:

"Public administration is the place where the rule of law is more functional since Romania lacks a powerful public administration to impose the rule of law on the private sector as well". (Key respondent interview, July 2011)

ROLE OF UNDP AND INTERNATIONAL AGENCIES

The UNDP has played an important role in coordinating, convening and financing national actors to improve in gender equality outcomes in Romania. It is hoped that this case study on Gender Equality in Public Administration will stimulate further support and specifically to improve women's representation in public administrations. The consultations for this case study indicated interest amongst national partners, some of whom were considering this issue for the first time.

In 2003-2004, the UNDP supported a project 'An Integrated Approach to Gender Balanced Political Empowerment and Participation', whose results included a report on the capacity of central and local public administration to mainstream gender in public policies.⁶⁹ Gender balance was not the objective of the report but the findings could be a basis for follow-up research and programming at subnational level.

⁶⁹ <http://europeandcis.undp.org/poverty/show/B8BAD306-F203-1EE9-BE4A7FF69D6FC98A>



UNDP has also produced practical guide on how to mainstream equal opportunities in public policies in Romania. The project was also supported by the Governments of Canada, Switzerland, and Israel. However, the report and guidelines need updating in the light of recent administrative changes. Any update should explicitly address the issue of gender balance in representation.

UNDP's Gender Equality Strategy 2008-2011 is a powerful tool and explicitly supports the issue as a focus area through its Democratic Governance focus area: '... governance structures which do not result in the equal participation of men and women, or their equal enjoyment of benefits from state interventions, is by definition neither inclusive nor democratic.'⁷⁰ In the context of gender equality policies in Romania and the recent findings on public administration, fostering inclusive participation and strengthening accountable and responsive governing institutions are two important objectives.⁷¹

At the time of writing, another case study on gender equality in the public administration in the ECIS region was being developed on Kyrgyzstan, and the UNDP was organizing a regional conference on related topics in Mongolia.

The Embassy of The Netherlands has been an important donor and supporter of gender equality, and its MATRA KAP Programme offered financial support to projects targeting equal opportunities for women and men.

As mentioned above, in the light of the economic crisis in Romania and elsewhere, the World Bank, IMF, EBRD and other financial institutions supporting public administrative reform have an important role to play in ensuring that women and children as well as the elderly, disabled and other vulnerable groups are protected during austerity measures.

70 Gender Equality Strategy 2008-2011, UNDP, p. 22.

71 Gender Equality Strategy 2008-2011, UNDP, p. 22-23.



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The recommendations consider:

- Short-, medium- and long-term policy objectives
- Implementation and oversight capacities of institutions
- The economic and financial crisis, along with scarcity of resources
- Political will.

It is important to recognize that longer-term and sustainable change must also take into account traditional gender roles and cultural factors, which also impact on the self-confidence of women themselves and on their opportunities in the labour market.

Recommendation 1: Strengthen gender equality in public institutions

A national strategy for gender equality is necessary. It should have clear objectives, outline the role of public institutions, and establish monitoring indicators as well as public reporting mechanisms. Given the constraints of the present national gender machinery, other mechanisms targeting the institutional level directly should be supported.

Each public institution should design its own specific gender equality short-, medium- and long-term policy objectives and plan, including baseline data and gender equality targets. The NAPS would be a key agency to support this, together with appropriate gender equality technical inputs. Annual reporting by public institutions to the Prime Minister should be formalized, and NAPS could coordinate a sector-wide response and analysis. These reports should be publicly available on the websites of relevant institutions. The Commission on Equal Opportunities for Women and Men in the Chamber of Deputies should also call for a public hearing at an appropriate point in time in the future, that would give enough time for implementation to begin and yet maintains momentum.

An important entry point for international agencies is the support of implementation, specifically the institutionalization of policy through processes and expertise. This is likely to require working with some pilot ministries and local governments to set up and work through at least a cycle of basic processes, such as gender equality plans, whilst supporting oversight bodies to evaluate progress and suggest actions. The role of sector coordination bodies such as Romania's NAPS is also important, and they should be supported to oversee the public administration, including gender equality outcomes. This will also help to free up Parliamentary commissions, who could then have a longer-term and strategic role.

Finally, the private sector could be key partners in the delivery of services such as kindergartens, especially where the state does not and is not likely to have this capacity. However, this requires support in setting up public private partnerships and again, a very effective oversight and regulatory function.

Recommendation 2: Monitor impact of civil servants' evaluation system on women or vulnerable groups

The consultations revealed some urgency in terms of recommendations and short-term objectives. The National Council for Combating Discrimination (NCCD) should monitor the present evaluation system



and its impacts on parents, amongst others, in the civil service. This monitoring should look at both local and central public administrations, and special attention is recommended especially in the case of women or men who have just returned from maternity or parental leave - they already are a vulnerable group on the private labour market and have the potential to become one in the public sector as well. This group of women must be protected from dismissal and discrimination.

Since it is highly probable that some civil servants will be made redundant due to public administration reforms, sex-disaggregated statistics are a key instrument. This kind of data should be examined by the NCCD and civil society to monitor whether women and/ or parents recently back from maternity or parental leave comprise a disproportionate number of redundancies. Given that key respondents emphasized that public administration restructuring may impact more negatively at the local level, this 'working hypothesis' also needs to be monitored.

Recommendation 3: Re-introduce training on gender equality and anti-discrimination

The National Agency of Public Servants should again introduce training modules on gender equality and anti-discrimination and develop partnerships with NGOs and academia in order to support the transfer of gender equality knowledge. The Ministry of Labour's Gender Equality Department and the NCCD should be included in the training, both as participants and subsequently in the design of the training.

This training will strengthen policy and planning capacity as well as support the development of responsive policies. It will also help to mobilize legislative and institutional know-how regarding how to address cases of discrimination. The training should reflect the provisions of CEDAW and the BPFA and aim to address the CEDAW recommendations.

Recommendation 4: Support management and leadership skills training

One of our key respondents emphasized that policies to train women for decision making in health, education and public functions should be recommended. This kind of training is important for women in order to support their career potential and develop the language, skills and confidence to compete for management opportunities on the same basis as men. It is also likely to encourage informal networks between women for mutual support, which could be especially important for women in senior positions – these women may be scattered across departments and have few opportunities to network with their peers during the normal course of their work, compared to men. In addition, such training could help women to consider and renegotiate traditional gender roles imported from the domestic domain to the workplace.

For all these reasons, strategies to facilitate women's access to training should also be developed, starting with a training needs analysis of high-potential women. This should be preceded by an analysis of how many, and which types of high-ranking civil service and other senior positions are likely to become available over the short, medium and long terms. This analysis could then form the basis of a targeted 'fast-track' scheme as in other countries where high-potential women with the ambition to progress are given the support to do so. Selection for such a scheme needs careful consideration and possibly a promotional campaign in order to overcome the 'self-selection' associated with women, who may



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rule themselves out as potential candidates. This could be supported by a careful advocacy campaign, emphasizing the prestigious nature of such a scheme. One factor to bear in mind is that, in order to have a critical mass of women in top positions, the public administration needs an adequate talent pool of women further down.

Recommendation 5: Monitor occupational segregation between sexes

The NAPS and NCCD should monitor the recruitment of civil servants and of employees especially in predominantly masculine sectors. Although less marked than in other European countries, occupational segregation does exist, and a deepening of the present gender segregation is not desirable because it may hinder the capacities and skills of both women and men.

Recommendation 6: Support a women civil servants' network

This kind of network could initially be an informal one in each ministry and local government administration, and activities could be a simple lunch or other meeting every month or so. Such networks can be low-cost and provide a forum for sharing experience and mutual support for women civil servants – this could be especially important in 'masculine' sectors. They could also support qualitative research as recommended above in the 'data collection' section. Finally, they could work complementarily with higher-level networks of senior officials and provide bottom-up knowledge of needs and ideas for solutions.

Recommendation 7: Support the adoption of the Parity Law and include gender equality in public administration

A Parity Law is on the working agendas of NGOs and academia. However, despite the need for such a law, there are poor chances for its immediate adoption. Negotiations and advocacy are very important. On the basis of this report, the public administration should be addressed/included in this law:

- Provisions to support women in decision-making, especially outside of highly feminized sectors.
- Improved gender balance including top levels of decision-making - for example, most civil servants in the NAPS are women and women also occupy decision-making positions, but the top level of (namely President, Vice-president, Secretary General) is masculine.

Recommendation 8: Clarify the role of the Department for Gender Equality in the Ministry of Labour

At the time of writing, the role and mandate of the Gender Equality Department under the Ministry of Labour was not fully clear. However, it should have a clear mandate since the former Agency was monitoring the implementation of the Strategy on Equal Opportunities for Women and Men (2010-2012). The mandate should be written and publicized.

Recommendation 9: Increase advocacy for equal representation in public administration

It is important to gain the support of women and men in key positions in politics and the media, in order to place this issue on the political agenda. This could be approached via the public administration reform agenda, for example as part of an anti-corruption drive. This could also be done as part of a wide gender equality agenda, which for the moment focuses more on women's participation in politics.



If the 8th March is recognized and celebrated in Romania, it may serve as a focus for some of the above recommendations and a report could even be submitted to the Prime Minister. An informal network of women journalists is recommended to put on the public agenda the issue of gender in the public administration as part of a wider gender equality campaign. One immediate focus could be the release or discussion around this case study, and the full report with other national case studies.

The issue of sexual harassment is also important, and advocacy efforts aimed at both men and women in the public administration, with key messages on the basic provisions of the law, would be a good starting point.

Media support and visible role models, who help to challenge gender stereotypes in the workplace are also key. For the public administration specifically, given the slow pace of change (and therefore news-worthy achievements) in the gender balance amongst career-based civil servants, awards to celebrate 'women of the year' or similar could be one approach. Awards should also be open to men, who advance the cause of gender equality. These have the advantage that they can be relatively low-cost to run.

Recommendation 10: Strengthen oversight functions and organizations

This is especially important in view of a lighter national gender machinery. The NAPS is a key body and could be supported to support gender balance and gender equality within the public administration. Parliamentary Commissions should call for public hearings from:

- The NCCD on the evaluation of the civil servants as discussed above
- Ministries, especially the Ministry of Labour, on work-life balance issues, sexual harassment and violence against women
- Ministries on the implementation of provisions in gender equality in decision-making in Law No. 202/2002 on Equal Opportunities between Women And Men (Art. 22, paragraph 1 and 2; Art. 23).

NGOs active in gender equality and anti-discrimination should also be involved in drafting specific agendas for public hearings.

Recommendation 11: Support work-life balance for women and men

More policy and practical support is needed to strengthen work-life balance. This should address the gaps in childcare identified above, as well as support more flexible working options.

Recommendation 12: Collect and analyze data about equal participation in public administration

This recommendation is aimed at the Department of Gender Equality in the Ministry of Labour, NGOs and the National Institute of Statistics. The European Institute for Gender Equality could also be an important regional partner. Appropriate data is important in order to understand the situation of women and men in the public administration, ideally in relationship to other countries. More precision is needed when collecting data on central and local public administration. For example, studies on women's presence in decision making blend together elected and appointed officials in the broad category of 'decision making'. Accuracy is needed in order to strategically plan and support measures, as



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elected, appointed and other types of positions may require different approaches. In a climate of scarce public financial resources, this baseline data and a comparative approach would enable the identification of particularly urgent and/or successful areas and therefore targeting of precious resources.

Recommendation 13: Collect more in-depth data on work-life balance

More information is also needed on work-life balance; for example, the proportion of women and men taking parental leave in the public administration.

Recommendation 14: Carry out further qualitative research to understand issues and potential solutions

Further research is needed with women in the public administration themselves, especially since this case study draws more on information from key respondents. This will contribute to a better understanding of the challenges faced by civil servants. The research could also help to mobilize ideas for solutions, including lower-cost solutions, from target beneficiaries themselves.

Recommendation 15: UNDP should convene a strategic partnership in gender equality and public administration

Given UNDP experience and mandate in both areas, the UNDP should consider building on this cross-sector initiative at national level. A formal or informal partnership should be developed between UNDP, NGOs and the key parts of the gender machinery, specifically the Commission on Equal Opportunities for Women and Men, Chamber of Deputies and also trade unions. Establishing such a partnership should be feasible and could bring together the main stakeholders. The partnership could support better oversight. For example, parliamentary commissions could be supported to develop questions to Ministries and the partnership could also support those providing the answers with appropriate technical support.

Recommendation 16: Mobilize funds to support such initiatives

At present, EU structural funds are an important financial resource, but, even if gender equality NGOs can access these structural funds, in practice there are complex administrative burdens associated with them. NGOs are usually not very formalized in terms of logistics and financial resources. In addition, they function on a voluntary basis, so that, even if active and committed, their members face serious time constraints. The UNDP could work with civil society to implement projects on this issue, for example, and the previous recommendation on qualitative research may be the objective of one such project. These partnerships could help build the capacity of civil society and, if carried out on a multi-country basis, could foster new international / global alliances.

Recommendation 17: Mainstream gender into public administration reform projects

UNDP and other donors should set an example and mainstream gender into public administration reform projects. This mainstreaming should also address the gender balance as an enabling element, as well as a goal in itself.



Recommendation 18: Ensure public administration reforms protect vulnerable sectors of society

The need for austerity measures and reform of the public administration is clear. Nevertheless, the EU, World Bank and others can play a major role in supporting austerity measures that minimize negative impact on the vulnerable.

Recommendation 19: Consider including gender equality in public administration as a priority in current EU strategy

Given the powerful influence of the EU in Romania and other countries, it should consider this measure.



CONCLUSIONS

In Romania, there is a strong correlation between the extent to which public institutions support equal opportunities and equal outcomes for women and men, and the status of gender equality as a whole. Government employment and promotion practices have the potential to lead by example to other employers and show how provisions should be implemented and democratic values supported. Political support is a key factor underpinning this, and the EU and other agencies are in a key position to press for progress and support it with technical and financial resources.

Women's participation in decision making in the public administration should be addressed by public institutions as it is both a goal and indicator of gender equality, and can help to improve the gender responsiveness of public services. Improving women's representation at the top levels of the public administration will require capacity building to support all relevant actors. It will also be important to advocate for the importance of gender equality in the public administration, both because it is the right thing to do in a democracy, but also because of the benefits in good governance and responsive public policy that equal participation at all levels can bring.

Some characteristics of gender equality in Romania's PA that may be useful for other countries to consider follow below.

Quotas and targets – the importance of terminology

This rejection of the past in former communist countries embraces policies and terminology such as quotas, which carry negative associations, but have been used successfully in other countries. This requires careful consideration and perhaps the use of less provocative terms and approaches. These could include 'targets' rather than quotas, where targets imply a measure of flexibility, or provisions for both sexes rather than only for women, which may seem discriminatory.

Different entry points for countries in transition

Support for gender equality and the approaches adopted will vary depending on the national development context. In Romania, we see a smaller national gender machinery. This means that a critical entry point will be to support oversight mechanisms – both formal (Parliamentary Commissions, NCCD, NAPS) and informal (NGOs, academia, media), all underpinned by good data.



ANNEX 1: NUMBER OF EMPLOYEES (2000-2005)

	NUMBER OF EMPLOYEES AS OF 31 DECEMBER		
	TOTAL	WOMEN	MEN
	2000		
TOTAL Romania:	4,646,287	2,204,758	2,441,529
Public administration	146,744	85,853	60,891
Education	410,143	279,685	130,458
Health and social security	308,712	240,888	67,824
	2001		
TOTAL Romania:	4,613,051	2,214,256	2,398,795
Public administration	142,618	84,281	58,337
Education	409,586	280,455	129,131
Health and social security	312,144	247,869	64,275
	2002		
TOTAL Romania:	4,614,720	2,203,092	2,411,628
Public administration	148,086	86,999	61,087
Education	394,122	271,090	123,032
Health and social security	321,016	252,150	68,866
	2003		
TOTAL Romania:	4,655,000	2,169,456	2,485,544
Public administration	154,830	90,889	63,941
Education	396,998	273,304	123,694
Health and social security	315,685	241,981	73,704



ANNEX 1

	NUMBER OF EMPLOYEES AS OF 31 DECEMBER		
	TOTAL	WOMEN	MEN
	2004		
TOTAL Romania:	4,652,704	2,226,238	2,426,466
Public administration ³⁾	159,371	94,452	64,919
Education	403,057	278,371	124,686
Health and social security	322,533	252,565	69,968
	2005		
TOTAL Romania:	4,790,431	2,280,707	2,509,724
Public administration	173,232	101,018	72,214
Education	402,994	276,515	126,479
Health and social security	340,074	268,284	71,790

Source: Andrea Paul-Vass, State Counselor (under Prime Minister Emil Boc), on the basis of data collected by the National Institute of Statistics, during interview for Romania GEPA case study, July 2011.



ANNEX 2: KEY RESPONDENTS AND KEY QUESTIONS

<p>Asztalos Csaba, President, National Council for Combating Discrimination (NCCD)</p>	<p>Key Questions</p>
<p>Legislative and oversight role</p>	<p>Could you explain the role of the National Council in terms of discrimination based on sex? Do you play a role in promoting a gender balance in the PA at national and subnational levels, either directly or indirectly?</p> <p>Do you have an oversight role in terms of monitoring implementation of laws against discrimination based on sex in the PA?</p> <p>If yes, do you look more at processes or results or both?</p> <p>Do you produce reports and are they public?</p> <p>To what extent are line ministries and other PA bodies required to follow your recommendations or feedback?</p> <p>Can individuals bring complaints to you directly? If yes, please explain what happens.</p> <p>In your opinion, or based on any research, do women and men feel able to report discrimination?</p> <p>Have you implemented any specific programmes aimed at improving the gender balance in the PA or gender equality more broadly? Do you have any future plans to do so?</p> <p>Are you aware of any particular challenges in improving the gender balance in the PA, in line ministries or in local government?</p> <p>Are you aware of any particular success stories or interesting initiatives in improving the gender balance in the PA, for example by line ministries or in local government?</p> <p>In the civil service, statistics point to 30 percent women in leadership – in your opinion, are there any causes of such impressive data?</p>



<p>Andra Croitoru, Department on Equal Opportunities for Women and Men, Ministry of Labour</p>	<p>Key Questions</p>
<p>Gender Equality Body</p>	<p>What are the key influences on gender equality policy in Romania? (for example, MDGs/ Beijing PFA, EU legal framework and gender equality strategy, socio-economic development goals?)</p> <p>Please describe the activity of the Department of Equal Opportunities for Women and Men, especially in comparison with that of the former Agency? (Personnel, budget, plan of activity, etc.)</p> <p>Do you believe that a dedicated gender equality body is necessary for the implementation of gender equality policies?</p> <p>Is the issue of gender balance a policy priority in the same way that an improved gender balance in parliament is a topical issue and subject to a special report in the MDG progress report?</p> <p>If yes, please explain why (for example, is it seen to be important in itself?). Or is a good gender balance considered to be important in delivering better public services through a more representative civil service? Or is it considered a mandatory European request?</p> <p>What was the impact on the gender balance of the legislative and administrative changes from 2009-2010? Do these changes reflect a certain approach of Gender Equality in Romania?</p> <p>Have you implemented/do you plan any specific programmes to support increased representation of women, especially in leadership, in central or local administration?</p> <p>In the civil service, statistics point to 30 percent women in leadership – in your opinion, are there any causes for such impressive data?</p> <p>Are you aware of any particular challenges in improving the gender balance in the PA, for example, for line ministries or in local government?</p> <p>Are you aware of any particular success stories or interesting initiatives in improving the gender balance in the PA, for example, by line ministries or in local government?</p>



<p>Lucia Lepadatu, Commission on Equal Opportunities for Women and Men, Chamber of Deputies, Romanian Parliament</p>	<p>Key Questions</p>
<p>Legislative and oversight role</p>	<p>What is the role of the Commission and how does it promote Gender Equality?</p> <p>Is the issue of a gender balance in the PA a priority for this Commission? (Why? Why not?)</p> <p>Has the Commission initiated any legislative changes to promote a greater gender balance in the public administration, which could indirectly support it (for example, flexible working, parental leave provisions, child care etc.)?</p> <p>What other types of political interventions (political declarations, questions, special hearings on certain topics) did you have that targeted greater gender balance in the public administration?</p> <p>Is there a women's parliamentary caucus or other form of network of women in parliament? Is the issue of gender balance in the national and local PA a priority for them?</p> <p>Has the Commission received any legislative proposals from MPs that target greater gender balance in the public administration? If yes, what was the position of the Commission on the issue?</p> <p>Many countries have successfully improved the gender balance in elected positions through the introduction of a quota – for example, Rwanda has now overtaken Sweden in the percentage of women in Parliament. In Romania, we also had a target for women in the civil service and we now have one of the highest participation rates of women in the top civil service in Europe. What is the Commission's position on compulsory quotas or more flexible targets as a way to improve the gender balance?</p>



<p>Andrea Paul Vass, Adviser of the Prime Minister</p>	<p>Key Questions</p>
<p>Cabinet of the Prime Minister</p>	<p>What was the impact on Gender Equality of the legislative and administrative changes from 2009-2010? Do these changes reflect a certain approach of Gender Equality in Romania?</p> <p>What was your position as Advisor of the Prime Minister on the issue of administrative changes in 2009-2010?</p> <p>Do you consider that a dedicated gender equality body is necessary for the implementation of gender equality policies?</p> <p>Is the issue of gender balance in the PA a national policy priority for the PM? If yes, please explain why (for example, is it seen to be important in itself?). Or is a good gender balance considered to be important in delivering better public services through a more representative civil service?</p> <p>Many countries have successfully improved the gender balance in elected positions through the introduction of a quota – for example, Rwanda has now overtaken Sweden in the percentage of women in Parliament. In Romania, we also had a target for women in the civil service and we now have one of the highest participation rates of women in the top civil service in Europe. What is your position on compulsory quotas or more flexible targets as a way to improve the gender balance?</p>
<p>Mihaela Miroiu, university prof., Head of Policies, Gender and Minorities MA National School of Political Science and Public Administration</p>	<p>Key Questions</p>



What was the impact on Gender Equality of the legislative and administrative changes from 2009-2010?

Do these changes reflect a certain approach of Gender Equality in Romania?

Central Administration (CA)

What is the role of the public administration in supporting Gender Equality?

What instruments can be used to foster gender balance in decision making?

Taking into account the present data, how can the CA be convinced to support Gender Equality in policy making?

Local Administration (LA)

What is the role of the local administration in supporting Gender Equality?

What instruments can be used to foster gender balance in decision making?

How can the LA be convinced to support Gender Equality in policy making?

Quota

Are you aware of quota mechanisms within the CA or LA?

Should there be such a quota mechanism in the Romanian PA?

In civil service, statistics point to 30 percent women. Are there any causes of such impressive data?

Please name some obstacles in achieving greater gender balance in the central and local administration.

Please name some obstacles in achieving greater gender equality in policy making.

Does the National School attract a gender balance in terms of its students of, for example, PA and related subjects? In other words, is there an adequate pool of qualified male and female graduates for the PA system to draw on?

Are there any special measures to make studies more accessible such as flexible learning, online modules, childcare? Do such initiatives also exist to support women and men in the National School's management and/or academic staff?

Are there any formal or informal targets in terms of a gender balance for either students or lecturers/management?



<p>Ionela Baluta, lecturer Faculty of Political Science, University of Bucharest</p>	<p>Key Themes</p>
	<p>Feminization of Public Administration (rationale & outcomes on GE and women's empowerment) Work-life balance (policies & impact on GE and women's empowerment)</p>
<p>National Agency of Public Servants</p>	<p>Leading Questions</p>
<p>Responsible for coordinating the PA</p>	<p>Is the issue of gender balance in the PA a priority? If yes, please explain why (for example, is it seen to be important in itself? Or is a good gender balance considered to be important in delivering better public services through a more representative civil service? Is there any policy on this?)</p> <p>Do you have statistics on the gender balance in the civil service at different levels for national and subnational PA? Is this regularly monitored?</p> <p>Has there been any related research on obstacles against women/men entering and being promoted in the PA?</p> <p>Many countries have successfully improved the gender balance in elected positions through the introduction of a quota – for example, Rwanda has now overtaken Sweden in the percentage of women in Parliament. In Romania we also had a target for women in the civil service and we now have one of the highest participation rates of women in the top civil service in Europe. What is your position on compulsory quotas or more flexible targets as a way to improve the gender balance?</p> <p>What is the legal basis that regulates regulate the general status of the legal relations between the civil servants and the public authorities and institutions of the central and public administration?</p> <p>Who has civil servant status?</p> <p>What groups of public employees are covered by the same civil service legislation as civilian central government employees?</p> <p>Does the code of conduct for public servants/public administration include specific provisions to ensure gender equality?</p> <p>How can recruitment be contested?</p>



<p>Cristian Pirvulescu, President of Pro Democratia NGO</p>	<p>Leading Questions</p> <p>What was the impact on the gender balance of the legislative and administrative changes from 2009-2010? Do these changes reflect a certain approach of Gender Equality in Romania?</p> <p>In the civil service, statistics point to 30% women in leadership – in your opinion, are there any causes for such impressive data?</p> <p>Are you aware of any particular challenges in improving the gender balance in the PA , for example for line ministries or in local government?</p> <p>Are you aware of any particular success stories or interesting initiatives in improving the gender balance in the PA, for example by line ministries or in local government?</p> <p>Feminization of Public Administration (rationale & outcomes on GE and women's empowerment)</p> <p>Who has civil servant status?</p> <p>Corruption in the PA.</p> <p>Political Intervention.</p>
<p>Sabina Fati, Chief Deputy Editor Roma- nia Libera newspaper</p>	<p>Leading Questions</p> <p>Feminization of the PA (rationale & outcomes on GE and women's empowerment)</p> <p>Work-life balance (policies & impact on gender equality and women's empowerment)</p> <p>Corruption in the PA</p>



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ANNEX 4: ABBREVIATIONS AND ACRONYMS

BEIS	Basic Functions, Economy, Infrastructure, Socio-cultural Functions
BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
EBRD	European Bank for Reconstruction and Development
ECIS	
EIPA	European Institute of Public Administration
EU	European Union
GE	gender equality
GEPA	Gender Equality in the Public Administration
IMF	International Monetary Fund
NAPS	National Agency of Public Servants
NIA	National Institute of Administration
NCCD	National Council for Combating Discrimination
NGO	Non-governmental organization
PA	Public Administration
ROWL	Romanian Women's Lobby
SCS	Senior Civil Service
UNIFEM	United Nations Development Fund for Women (now UN Women)
UNDP	United Nations Development Programme
VAT	Value Added Tax





NOTES



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United Nations Development Programme

Bureau for Development Policy

One United Nations Plaza

New York, NY, 10017 USA

Tel: +1 212 906 5081

For more information: www.undp.org/

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