

# National Action Plan

---

## UNOFFICIAL TRANSLATION

---

*To cite this National Action Plan, please include the URL and the following information in the citation: Unofficial translation, funded by ARC DP160100212 (CI Shepherd).*

This National Action Plan was translated into English as part of a research project investigating the formation and implementation of the Women, Peace and Security agenda. This is not an official translation.

This research was funded by the Australian Research Council Discovery Project Scheme (grant identifier DP160100212), and managed partly by UNSW Sydney (the University of New South Wales) and partly by the University of Sydney.

The project's chief investigator is Laura J. Shepherd, who is Professor of International Relations at the University of Sydney and Visiting Senior Fellow at the LSE Centre for Women, Peace and Security. If you have questions about the research, please direct queries by email to [laura.shepherd@sydney.edu.au](mailto:laura.shepherd@sydney.edu.au).

***Ministry of National Defense plan for the implementation of the "Women, Peace and Security" UN Security Council Resolution 1325 (UNSCR 1325) and of the related resolutions as well as of the complementary documents approved by various international organizations of which Romania is a member - 2014-2024***

*"We must support women and face victimization if we want to successfully approach the security challenges of the 21st century. This is not only a mission for NATO, but a challenge to which the Alliance, the European Union and the civil society actors have to approach together" - Anders Fogh Rasmussen, Secretary General of NATO, during the European Commission conference of 27 January 2010 on women, peace and security*

## **I. General on UN Resolution no. 1325/2000**

### **I.1. Introduction**

The issue of equal opportunities between men and women is highly topical, both at international level, within UN, EU, NATO, OSCE structures, and at national level.

Thus, more and more international organizations and national representatives of different states focus on the implementation of the provisions of the *UNSCR Resolution no. 1325/2000* on increasing the representation and participation of female military personnel in UN missions, in international missions, on creating a favorable climate for the participation of female military personnel in theaters of operations, etc.

*UNSCR Resolution no.1325* on the impact of war on women and female contribution to conflict resolution and the achievement of stable peace was adopted by the United Nations Security Council on 31 October 2000, following the principles and objectives of the United Nations Charter, thus expressing concern for the civilians, especially women and children, who represent the great majority of those affected by armed conflicts, reaffirming the importance of women's role in conflict prevention and resolution in the peace building process and emphasizing the need for equal participation and full involvement in all efforts to preserve and promote peace and security, and the need to increase their role in the decision-making process on conflict prevention and resolution.

The adoption of the *UNSCR Resolution no.1325/2000* recognizes the disproportionate effect of conflicts on women and emphasizes their vital role in conflict prevention, post-conflict and reconstruction efforts.

In order to achieve the proposed objectives, *UNSCR Resolution no.1325/2000* relates to the 4 pillars:

**Participation:** it refers to ensuring that women's participation in the decision-making process is increased at national and regional level, as well as within international institutions and mechanisms for conflict prevention, management and resolution, in peacekeeping operations, in particular among military observers, military and civilians and UN Security Council representatives.

**Protection:** it refers to the parties in an armed conflict taking special measures to protect women and girls against gender-based violence and observe the civilian and humanitarian character of refugee settlements and camps.

**Prevention:** it refers to special measures to be taken to prevent violence against women by prosecuting those who violate international legislation and supporting women's initiatives in peace making and conflict resolution processes.

**Rehabilitation:** it refers to all parties involved in an armed conflict observing the civil and humanitarian character of refugee settlements and camps and taking into account the particular needs of women and girls.

## **I.2. Legislative landmarks**

Art. 4 paragraph (2) of the *Romanian Constitution* stipulates the equality among citizens, namely "Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin", while Art. 16 states "The Romanian State shall guarantee equal opportunities for men and women to occupy public, civil, or military positions or dignities".

Pursuant to Art. 11 and Art.20 of the *Constitution*, "The Romanian State pledges to fulfill as such and in good faith its obligations as deriving from the treaties it is a party to. Treaties ratified by Parliament, according to the law, are part of national law", and the constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is a party to. Where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions."

At the same time, Art.148 and 149 of the *Constitution* stipulate that "the provisions of the constituent treaties of the European Union, as well as the other mandatory community regulations shall take precedence over the opposite provisions of the national laws, in compliance with the provisions of the accession act".

Consequently, Romania, as a member of both the United Nations and the EU and NATO, aims to integrate gender considerations into all aspects of security and also to increase the representation of women at all levels of the decision making process, both nationally and regionally, or at international institutions level, as well as in consultations with women's groups at local or international level.

The international and national normative acts detailing these fundamental principles are presented in Annex no.1.

## **I.3.Expression of the organizational will of the Ministry of National Defense to apply the Resolution in its military actions**

The Ministry of National Defense contains *Order of the Minister of National Defense no. M.57 / 2003 for the approval of "M.R.U.-9, Measures for the implementation of the national action plan for equal opportunities for women and men within the activity of the Ministry of National Defense"* containing specific measures to ensure equal opportunities and treatment between men and women within work related and professional activities, to promote and support the fair and balanced participation of women and men in leadership and execution activities, in accordance with the competence criteria.

As per *Order of the Minister of Defense no. M.57 / 2003*, the annual headquarter preparation plans of each military structure include a gender equality topic, while the curriculum in the military education institutions for the training of professional military staff contains information / training courses on equal opportunities between men and women, in which gender equality legislation and the laws on the prevention and sanction of all forms of discrimination are presented and debated.

The Order promotes and supports the fair and balanced participation of women and men in leadership and execution activities, in accordance with the competence criteria, which leads to the presence of female military personnel and female civilian executives, as well as female leaders at every hierarchical level.

In addition, all members of staff of the Ministry of National Defense participating in missions outside the national territory are educated to improve their training and knowledge before being deployed in theaters of operations, gender equality training being a requirement.

Also, a series of *Textbooks* for the training of military personnel on international humanitarian law are produced, textbooks which are part of the military personnel training process and which also represent a source of documentation for the educational institutions for the individual training of each member of the military personnel, for the preparation for career courses or in-depth understanding in the case of personnel participating in international missions.

Domestic regulations are in line with *Bi-SC Directive 40-1 "Integrating UNSCR 1325 and gender perspectives in the NATO Command Structure, including measures for protection during armed conflict."*

The key concepts included in the *Bi-SC Directive 40-1* are:

- expanding the role of women in operations and missions at all levels;
- taking into account the needs of women during operational planning (e.g. medical, accommodation or supply);
- the provision of the units with training material, while preparing and conducting military actions (textbooks, guides, instructions, operating procedures, etc.) for all personnel members, on: 1. the protection, the rights and the needs of women; 2. the importance of involving women in operations and missions; 3. cultural awareness in national and deployment training programs to ensure adequate understanding of the gender context in the area of operations;
- increasing the representation of women in NATO's new command structure and crisis commands;
- inclusion in the pre-deployment training programs of measures to observe international law on women's and children's rights, especially civilians', during armed conflicts, as well as NATO's Behavioral Standards.

Thus, an adequate organizational framework was provided for the integration of the provisions of the law on armed conflicts into the process of training the personnel of the armed forces and in the domestic and international military operations, mainly *Geneva Conventions of 1949* and *Additional Protocols* of 1977, with special attention being paid to capitalizing on the experience gained through the participation of Romania in such missions, materialized in the form of "lessons learned".

#### **I.4. Resolutions related and complementary to UNSCR Resolution no. 1325/2000**

In order to provide support for the implementation of the *UNSCR Resolution no.1325/2000*, for concrete areas, related and complementary resolutions were adopted, namely: *Resolution no.1820* (2008), *Resolution no.1888* (2009), *Resolution no.1889* (2009), *Resolution no.1960* (2010), *Resolution no.2106* (2013), presented in Annex no.2, which are also applied at Ministry of National Defense level.

### **II. The Purpose of the plan for the implementation of UNSCR Resolution no. 1325/2000**

The Implementation Plan is the instrument by which the indicators for the implementation of *UNSCR Resolution no.1325 on "Women, Peace and Security"* at Ministry of National Defense level as well as at national level are set, by including it in a National Action Plan and promoting gender equality.

The purpose of the Implementation Plan is to express the organizational will of the Ministry of National Defense regarding the implementation and application of UNSCR 1325 mandates and related and complementary resolutions within military operations and missions. This will be done by setting priorities, directions and modalities of action to make the implementation of these mandates and of the general framework more effective, in order to further promote at national and international level the actions of the Ministry of National Defense in that sense.

### **III. Objectives of the Implementation Plan**

The "gender perspective" notion should not only be seen as an objective in itself but also as a criterion that will support the achievement of effectiveness in missions and operations and it should be taken into account at all stages of the planning, execution and evaluation processes of a mission.

The objectives of the Implementation Plan aim to:

**-increase the number of women in military operations outside the national territory;**

A first analysis shows both an increase in the number of female soldiers engaged in various theaters of operations and their role in peacekeeping operations, especially in post-conflict reconstruction, in relation to all armed forces. Thus, examining the situation of the Romanian troops in the international peacekeeping missions it participated to in Bosnia, Afghanistan, Iraq, as well as individual UN missions, we find a voluntary participation of women at 2.5% of the total number of military personnel sent out to missions.

We hereby emphasize that *Law no.53/2011* enhanced the *Status of military staff*, in the sense that it introduced the obligation to participate in such missions, which will, in time, lead to an increase in the number of female participants.

**-increase the involvement of women in the decision-making process;**

There are members of both female military staff and female civilian personnel, with executive and leadership attributions at all hierarchical levels. Thus, women can occupy any of the military or, where appropriate, civilian positions, subject to meeting the competence criteria, in all military sectors / occupational specialties, with no legislative restrictions.

**-increase inter-ministerial cooperation with non-governmental organizations and civil society**

It is necessary to increase the degree of cooperation on the implementation of the mandates of *UNSCR Resolution 1325* and related and complementary resolutions between the Ministry of National Defense and other ministries, non-governmental organizations and civil society, thus ensuring the visibility of the actions of the Ministry of National Defense at national and international level in implementing the provisions of *UNSCR Resolution 1325*.

In order to achieve the proposed objectives, the following measures are taken for the implementation of the *UNSCR Resolution 1325* at Ministry of National Defense level:

a) setting up a working group to carry out the Plan for the implementation of *UNSCR Resolution 1325* and for its periodic updating, a group made up of representatives of the Department for Defense Policy and Planning, of the Human Resources Management Department, of the Personnel and Mobilization Department, of the Military Intelligence Department, of the Operations Department, of the Strategic Planning Department, of the Training and Doctrine Department, of the Information and Public Relations Department and experts of 1st CIMIC Battalion;

b) ensuring equal opportunities and treatment between women and men during concrete work and professional activities through: non-discriminatory access to choose and pursue a profession or activity; employment in all vacancies at all hierarchical levels; equal income for equal work; training, development, professional training and ongoing education; promotion to any hierarchical and professional level;

c) promoting and supporting the fair and balanced participation of women and men in leadership and execution activities, in compliance with competence criteria;

d) prohibiting discrimination within working relationships between women and men, regardless of status, respectively military staff members, soldiers and different rank professionals, civil contract staff or civil servants;

e) strictly enforcing domestic legislative mechanisms for harassment and sexual discrimination reporting, and supporting victims to report such harassment categories;

f) providing the educational curriculum of military training institutions for the training of military personnel with information / courses on gender equality; providing the annual military command plan of each military structure with gender equality themes, methods to prevent and combat gender discrimination; training all staff of the ministry participating in missions outside the national territory on gender equality;

g) the complementing of the *Status of military staff* with the obligation to participate in missions outside the national territory has increased the number of female soldiers engaged in various theaters of operations and their role in peacekeeping operations and post-conflict reconstruction;

h) specialized training for placing Female Engagement Teams within the CIMIC, PsyOps, military information structures, made up exclusively of military women, which are intended to execute specific actions related to the local female population in theaters of operations;

i) ensuring equal opportunities and non-discriminatory access to the personnel selection process for the assignment of positions within the Romanian contingents intended to participate in missions and operations outside the territory of the Romanian state as well as the structures made available to NATO, EU or coalition of forces.

#### IV Methods to achieve the objectives

<b>OBJECTIVE 1: Increase the number of women involved in the entire area of activities carried out at Ministry of National Defense level.</b>			
<b>TASKS</b>	<b>RESPONSIBLE OFFICER</b>	<b>INDICATORS</b>	<b>PERIOD</b>
	<b>COOPERATION</b>	<b>ASSESSMENT</b>	
1. Increase the participation and involvement of women in specific activities of the Ministry of National Defense, at all hierarchical levels and in all areas of expertise, including in the decision-making process and in the peacekeeping missions.	Human Resources Management Department  Personnel and Mobilization Department  Operations Department  Strategic Planning Department  Training and Doctrine Department	Number and percentage of women  The number and percentage of women involved in decision-making and peacekeeping missions should increase compared to 2013.	01.01.2014-01.01.2024
2. Evaluation of the quality of life of female personnel in the army.	Human Resources Management Department	The level of integration of female personnel into military structures  The level of satisfaction with interpersonal relationships  Satisfaction with work The presence / absence of violence, harassment and verbal aggression  Consideration, etc	01.01.2014-01.01.2019
	All structures of the Ministry of National Defense	Carry out a sociological survey on a representative sample every three years	
3. Inclusion of gender dimension in other sociological surveys.	Human Resources Management Department	-	01.01.2014-01.01.2019
	All structures of the Ministry of National Defense	The research studies will be carried out on representative samples for both gender categories.	

#### **OBJECTIVE 2: Promote the importance of implementing UNSCR Resolution 1325 within the Ministry of National Defense.**

<b>TASKS</b>	<b>RESPONSIBLE OFFICER</b>	<b>INDICATORS</b>	<b>PERIOD</b>
	<b>COOPERATION</b>	<b>ASSESSMENT</b>	
1. Introduction in the curriculum of military education institutions, for specific humanitarian law courses, of gender equality topics, promotion of equal opportunities, tolerance and discrimination, prohibition of sexual harassment and gender-based violence.	Training and Doctrine Department  Military educational institutions and units  Human Resources Management Department	Knowledge of the requirements of UNSCR Resolution 1325 and Bi-SC Directive 40-1, as a minimum.  Individual course project, depending on the level of education and duration of schooling time.  Topics and sessions: -training on the protection, rights and particular needs of women; - the importance of women's involvement in peacekeeping and peace-building missions; -becoming aware of cultural differences in training programs for deployment; - training for awareness of the HIV / AIDS threat. -training forces to categorically ban all forms of sexual violence against civilians.	Upon preparation by the military educational institutions of each educational plan, analytical program, discipline sheet
2. Appoint a gender adviser (GENAD) within the Ministry of National Defense.	Minister of National Defense  Central structures of the Ministry of National Defense	Inclusion of the position in the organization chart of the ministry  Positive reviews of leadership factors both in the country and abroad	Permanent

3. Appointment at all levels, up to battalion level inclusive, of a commander's gender adviser, preferably within the unit command, by including in the job description of tasks that contribute to the implementation of UNSCR Resolution 1325 in the planning process of operations.	Commanders	Complementing job descriptions with specific attributions related to the respective issue	Permanent
	Operations structures	Inclusion of gender topics, on a half-yearly basis, in the commanders' work sessions Inclusion of requirements of UNSCR1325 in the planning of operations processes	
4. Conduct within the headquarters of seminars, conferences and training programs on the promotion of equal opportunities between women and men in order to raise the level of awareness of the importance of women's participation in the actions of the Romanian armed forces	UNAp, academies of armed forces categories, central structures of the Ministry of National Defense and armed forces categories	At least 50 national participants and at least 2 international participants	Yearly
	Structures of the National Defense System Similar structures in partner countries	Promoting the event on media Promoting the event and its results within the structures of the National Defense System	
5. The introduction of the gender topic on the agenda of the training programs performed by the Romanian military staff in the pre-deployment period.	Training and Doctrine Department	Knowledge of the main requirements of UNSCR Resolution 1325 and Bi-SC Directive 40-1, respectively the following: gender perspective, tolerance, respect for the special needs of women in certain regions of the world, recognition of signs indicating human trafficking, sexually transmitted diseases, sexual violence against women, special needs of military women participating in peacekeeping missions.	Upon mission preparation
	Structures participating or represented in peacekeeping missions	Integrate women's issues into planning documents and tactical situations	
6. Stressing the importance of implementing UNSCR Resolution 1325 at Romanian Armed Forces level by facilitating cooperation and encouraging the exchange of experience on gender issues with specialists from other NATO or non-NATO foreign armies (case studies, lessons learned).	Gender adviser of the Minister of National Defense	Designation of the structure led by the adviser as an International Activities Holder (IAH).	Yearly
	Structures of the Ministry of National Defense	At least 2 international activities yearly	

**OBJECTIVE NO. 3 Promoting the importance of implementing UNSCR Resolution 1325 in the Ministry of National Defense in the Romanian media.**

TASKS	RESPONSIBLE OFFICER	INDICATORS	PERIOD
	COOPERATION	ASSESSMENT	
1. Further promotion on military and civilian media and online of military women who occupy leading positions or positions / expert positions mainly occupied by male soldiers, as well as the role	Information and Public Relations Department	Women's Leadership Women's contribution to the efficient functioning of the military institution The professionalism of military women and their influence on the specific activity environment Military women's social involvement	Whenever there are events, media opportunities and press requests (e.g., March 8, October 25,

assumed by military women in theaters of operations		Female Engagement Team - FETs in theaters of operations The number of unique visitors and the number of hits on articles posted on the Facebook page of the MApN (as well as on the other social networks), respectively on the Facebook pages of the military structures active online	November, 25 etc.).
	Structures of the Ministry of National Defense	Mass-media take over of gender related topics Increase the number of unique visitors and the number of hits on articles posted on the Facebook page of the Ministry of National Defense, of the military structures active online (as well as on other social networks).	
2. Initiating, maintaining and developing the cooperation between the military organization and the Romanian civil society in order to harmonize the means of helping the female population with specific needs.	Department for Defense Policy and Planning/Information and Public Relations Department	Number of cooperation agreements Military women's social involvement	During missions, whenever there are opportunities for cooperation with specialized NGOs and media opportunities to promote these actions
	Non-governmental organizations such as Save the Children, Red Cross, Doctors Without Borders, etc.	In cooperation with non-governmental organizations, the Ministry of National Defense can support women's underprivileged population and other vulnerable groups in a theater of operations.	

**OBJECTIVE NO. 4 Promote the importance of implementing UNSCR Resolution 1325 in the Ministry of National Defense, in theaters of operations and in allied and / or host countries mass-media.**

TASKS	RESPONSIBLE OFFICER	INDICATORS	PERIOD
	COOPERATION	ASSESSMENT	
1. Further promotion of female leaders in the Romanian Armed Forces units deployed in theaters of operations, of their professionalism and their involvement in the social activities carried out in the area of responsibility by the Romanian military staff, via Romanian media in English, via printed and online publications of the organization in charge of the mission, as well as on the MApN Facebook page in English, respectively, on the Facebook pages of the organization in charge of the mission and of the host nation (if in that country there are online means of communication)	Information and Public Relations Department	Romanian military female leadership in operational theaters Military women's professionalism in Romanian contingents and their involvement in helping the local population Women's contribution to the successful accomplishment of missions The attitude of the allies and the local population towards the Romanian military personnel	During peacekeeping missions
	Structures participating in peacekeeping missions	Mass-media in the allied and host countries take over of the gender issues initiated by the Ministry of National Defense. Very good relationships between the Romanian military staff and the population in the area of operations The number of unique visitors and the number of hits on posted articles The positive attitude of the allies and the local population towards the Romanian military personnel	
2. Initiating, maintaining and developing cooperation between the military organization and international, governmental, non-governmental and private volunteer organizations present in the field of operations in order to harmonize the means to	Structures participating in peacekeeping missions	Number of agreements / conventions / protocols / contracts signed by military structures and those organizations.	
	Non-governmental organizations operating in the area of operations as well as national organizations with which	In cooperation with non-governmental organizations, the Ministry of National Defense can support women's underprivileged population and other vulnerable groups in the area of operations	

help the female population with specific needs.	agreements are already in place	Very good relationships between the Romanian military staff and the allied armed forces, respectively the population in the area of operations	
3. Creation and improvement of educational, health and psychosocial support programs implemented through the specialized structures of the Romanian armed forces participating in peacekeeping operations, with direct impact on women and children, victims of armed conflicts, and with the purpose of minimizing the impact of military actions on the civilian environment.	Structures participating in peacekeeping missions	Number of programs implemented	
	Non-governmental organizations operating in the area of operations as well as national organizations with which agreements are already in place	Very good relationships between the Romanian military staff and the population in the area of operations	

**OBJECTIVE NO. 5 Evaluating and reporting on the implementation of UNSCR Resolution 1325 in the Ministry of National Defense**

TASKS	RESPONSIBLE OFFICER	INDICATORS	PERIOD
	COOPERATION	ASSESSMENT	
1. Centralizing, evaluating, analyzing and reporting data related to the implementation of UNSCR Resolution 1325 in the Ministry of National Defense <sup>1</sup> .	Gender Advisor (GENAD) within the Ministry of National Defense.	Policies on gender issues The presence of female personnel in the Romanian armed forces Gender issues in operations Women's Leadership Gender related training and education within the Ministry of National Defense.	Yearly at Ministry of National Defense level. Whenever there are requests from international organizations.
	Commanders' gender advisers within all structures	Questionnaire, as per data requested nationally or by UN, NATO, OSCE, EU.	
2. Identification and reporting of situations of gender discrimination and other special events on gender issues	Gender adviser (GENAD) at the Ministry of National Defense level.	Situations of gender discrimination and other special events on gender issues	Any time situations of gender discrimination and other special events on gender issues arise
	Commanders' gender advisers within all structures	Number and severity of situations and events of gender discrimination	

<sup>1</sup> A country report is presented once a year at the annual conference of the Committee on Women in the NATO Forces.

The Ministry of National Defense will regularly report via the Ministry of Foreign Affairs on the state of implementation of the Action Plan at structure level, on the progress made and the measures taken to further support gender equality, as well as on the implementation of resolutions related and complementary to Resolution no.1325.

The reporting activity within the Ministry of National Defense is conducted in accordance with the NATO reporting system. The reporting should take into account the fact that the reports must contain measurable data related to the implementation of UNSCR Resolution 1325 and to the related and complementary resolutions.

The main reporting tool is the Periodic Mission Review, but gender issues should also be included in other standardized reporting mechanisms.

The Ministry of National Defense will take all necessary measures to ensure that the Periodic Mission Review is submitted within the set deadlines. **In addition, all structures of the Ministry of National Defense should be ready to report, following a request, on any necessary data on gender issues.**

## V Conclusions and recommendations

The process of women's integration into the Ministry of National Defense is irreversible and proves to be a success. However, this process is not fully complete and sustained efforts are needed to pursue policies and actions to support gender equality. Promoting women, especially in leadership positions, is a challenge and a proof of a mature democracy all over the world.

It is necessary to set up a Gender adviser (GENAD) position at Ministry of National Defense level and to appoint Commanders'Gender Advisers in all structures.

In order to attract a large number of female candidates to the military system, it is necessary to maintain active cooperation with the civil education institutions (schools, high-schools) and the media, so that during thematic TV programs, interviews, documentary programs, the public gets to know in detail the work and role of the army and, implicitly, the role and contribution of women in military work, peacekeeping operations and post-conflict reconstruction.

It is also recommended to increase the number of events like "Doors Open Day" and "Romanian Army in Schools" and the participation in education fairs and the engagement of female soldiers to answer questions about training and profession in general and about the challenges of this profession .

When determining the number of places for female candidates in the military educational institutions, specialty-based criteria are considered. The percentage allocated to female candidates should be monitored to determine the acceptance threshold, and awareness should be raised in relation to the selection process, in terms of gender equality.

It is necessary to increase the number of women and their contribution to the operations and missions under the auspices of the United Nations, the European Union, NATO and the OSCE, especially among military observers and humanitarian personnel, and to support the participation of women in peace negotiations.

Particular attention should be paid to the specific training of staff to be sent out to international missions on gender issues, policies on equality in the armed forces, knowledge of the local female population situation, its proximity and support.

In this respect it is necessary that the lessons learned volume includes case studies relevant to the implementation and application of the provisions of *UNSCR Resolution no. 1325/2000* and that training materials containing the essential aspects related to gender issues are created: guides, techniques, tactics and procedures (TTP), textbooks, codes of conduct, etc. with the purpose of being used by the Romanian military staff for the training and execution of specific missions.

The introduction of a gender criterion in the evaluation of missions and the setting up, as appropriate, of a specific gender adviser position for the operations are other measures recommended for the implementation of *UNSCR Resolution 1325/2000*, while the inclusion of appropriate gender expertise and of a specific position for a much better interaction with local women could be one of the keys to setting up a course of action for successful missions.

In order to raise awareness on the importance of implementing *UNSCR Resolution 1325/2000* and its related and complementary resolutions, we hereby propose that October 31 (the day when the Resolution was adopted) be marked at Ministry of National Defense level as the "Day of Protection of Women and Children in Armed Conflict Areas".

## International and national normative acts

### I. International legislation

#### Geneva Convention IV. Protocol I. Art. 76,77

##### **Chapter 2 Measures in favor of women and children**

###### **"Article 76 Protection of women**

1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.

2. Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority.

3. To the maximum extent feasible, the Parties to the conflict shall endeavor to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants, for an offense related to the armed conflict. The death penalty for such offenses shall not be executed on such women."

###### **"Article 77 Child protection**

1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.

2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavor to give priority to those who are oldest.

3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.

4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.

5. The death penalty for an offense related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time the offense was committed."

#### **CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women**

Romania signed the Convention on 4 September 1980 and ratified it on 7 January 1982. The ratification of the Convention established the social, economic and political rights of women and constituted a first step in the effective promotion of equal opportunities for women and men in all areas of activity, as the states pledged to develop new legislation and to apply special measures and actions to change the social and cultural structures that perpetuate forms of discrimination.

By setting international norms and standards, CEDAW promotes women's protection during armed conflicts and their participation in peacekeeping and decision-making processes. Both CEDAW and UNSCR 1325 are basic tools for addressing gender issues in both conflict and post-conflict situations. Resolution 1325 helps to achieve the CEDAW goal, as it emphasizes its importance for all parties involved, both during conflict and peacetime. In turn, CEDAW provides concrete strategic guidance for the actions stipulated by UNSC 1325.

## **Bijing Declaration and Platform for Action**

It is based on the provisions of the United Nations Charter, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Declaration on the Elimination of Violence Against Women and the Declaration on the Right to Development.

It ensures full implementation of the human rights of women and of girl-children as an inalienable, integral and indivisible part of universal human rights.

Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centered sustainable development.

## **MDG – Millennium Development Goals**

Millennium Development Goals (MDGs) - is the most successful global engine in the fight for poverty eradication.

Under the MDG Objective no. 3 "Promoting Gender Equality and Empowering Women", set out in the latest UN report on the state of implementation of the MDG in 2013, the main inequalities that arise between women and men are the direct result of the differentiated exploitation of resources (whether financial, material, educational, etc.), as a consequence of the non-harmonization of laws and norms regulating equal opportunities.

## **Bi-SC Directive 40-1 on "Integrating UNSCR 1325 and gender perspectives in the NATO Command Structure, including measures for protection during armed conflict"**

## **II. National legislation**

### **The Romanian Constitution**

#### **Article 4, paragraph 2 Unity of the people and equality among citizens**

"(2) Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin."

#### **Article 11 paragraph (1) and (2) International law and national law**

"(1) The Romanian State pledges to fulfill as such and in good faith its obligations as deriving from the treaties it is a party to.

(2) Treaties ratified by Parliament, according to the law, are part of national law."

#### **Article 16 Equality of rights**

"(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.

(4) After Romania's accession to the European Union, the Union's citizens who comply with the requirements of the organic law have the right to elect and be elected to the local public administration bodies."

#### **Article 20 International treaties on human rights**

"(1) Constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is a party to.

(2) Where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favorable provisions."

#### **Article 41 paragraphs (2) and (4) Labor and social protection of labor**

"(2) All employees have the right to measures of social protection. These concern employees' safety and health, working conditions for women and young people, the setting up of a minimum gross salary per economy, weekends, paid rest leave, work performed under difficult and special conditions, as well as other specific conditions, as stipulated by the law.

(4) On equal work with men, women shall get equal wages."

#### **Article 148 paragraph (2) Integration into the European Union**

"(2) As a result of accession, the provisions of the constituent treaties of the European Union, as well as the other binding Community regulations, shall prevail over the conflicting provisions of the national laws, in compliance with the provisions of the accession act".

#### **Law no. 202/2002 for equality of opportunities between women and men**

It regulates measures to promote gender equality in order to eliminate direct and indirect gender discrimination in all spheres of public life in Romania.

#### **Government Decision No. 1273/2000 on the approval of the National Action Plan for equal opportunities between women and men**

#### **Government Ordinance no.137 / 2000 on the prevention and sanctioning of all forms of discrimination**

It prevents and sanctions all forms of discrimination, including gender discrimination when exercising the right to work, the free choice of an occupation, equal pay for equal work, education and professional training.

#### **Order of the Minister of National Defense no. M.57 / 2003 for the approval of "M.R.U.- 9. Measures for the Application of the National Action Plan for Equal Opportunities for Women and Men in the Ministry of National Defense activity".**

## **Resolutions related and complementary to UNSCR Resolution no. 1325/2000**

### **1. UN Resolution 1820 of 2008 on Sexual Violence in Armed Conflicts and Post-Conflict Times**

The content of the resolution is based on the provisions of *UNSCR Resolution 1325/2000*, but the issues of sexual violence against women in conflict or post-conflict situations are dealt with in detail, with particular emphasis on the importance of preventing such actions and punishing the culprits.

Thus, issues related to sexual violence in armed conflicts are given a special status, as they fit into the security issue, thanks to its vital importance in the sustainable building of peace and reconciliation.

As a result, rape and other forms of sexual violence have been referred to as war crimes and crimes against humanity.

### **2. UN Resolution 1888 of 2009 "Protecting Girls and Women against Sexual Violence during Armed Conflict"**

It uses the content of *UN Resolution 1820/2008* to outline specific means for implementing *Resolution 1820* itself. Among the provisions of *Resolution 1888*, there are the appointment of a representative of the UN General Secretariat for gender related issues, the formation of expert teams to oversee the implementation of the Resolution, the appointment of women as protection consultants during peacekeeping missions, with the purpose of increasing the number of women participating in such missions, the provision of training modules on ensuring the protection of women against sexual violence, with a focus on the need to sanction this type of actions.

### **3. UN Resolution 1889 of 2009 on the "Protection of Women and Girls in Post-Conflict Situations"**

It calls for an increased women's participation in peace negotiation and peace mediation processes, highlighting the key role of education in promoting women's involvement in decision-making processes in post-conflict societies.

In this respect, it is necessary to create clear strategies, directed towards the systematic collection of data and analyzes, as well as the definition of global indicators that contribute to the efficiency of the reporting in the field and to the provision of the specialized education in line with the implementation of the *UNSCR Resolution no.1325 / 2000*.

### **4. UN Resolution 67/48 of 2012 on "Women, Disarmament, Non-Proliferation and Control of Armaments"**

The resolution addresses mainly the prevention and reduction of armed conflicts, the prevention, combating and eradication of illicit arms trafficking and arms control.

### **5. UN Resolution 1960 of 2010 and UN Resolution 2106 of 2013 on "Preventing and Combating Sexual Violence in Armed Conflict and Post-Conflict Situations"**

A mechanism has been put in place to collect data and record details of those who commit actions of sexual violence in situations of armed conflict.

Compared to other previous resolutions, Resolution 2106 added new operational details on sexual violence in armed conflict and reaffirmed the need of efforts to implement the provisions of these resolutions to be made not only by the UN Security Council and by the parties directly involved in conflict, but also by other state and non-state entities.