

EUROPEAN UNION AND ROMANIAN POLICIES ON WOMEN'S SOCIAL EXCLUSION AFTER THE LISBON TREATY

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Abstract

The Lisbon Treaty marked many important changes in European Union's institutional make-up and policy-making. One particularly important field of inquiry, especially in light of the current financial crisis, is European policy-making regarding social exclusion in general and women's social exclusion in particular.

First, through my paper I aim to answer three interconnected questions: 1) Has the Lisbon Treaty influenced policy-making regarding social exclusion, in the context of the current financial crisis? 2) What were the specific changes ensued? 3) IF/How is the European trend translated in Romanian national policies concerning women's social exclusion? Second I aim to sketch several recommendations for addressing women's social exclusion in light of the Lisbon Treaty.

Since social exclusion is a vast domain I will limit myself in discussing primarily issues connected to women's participation in the labour market, as well as participation in decision-making. In this sense I will use policy documents, available data and academic papers concerning the changes brought on by the Lisbon treaty, the main theoretical contributions in the field of women's social exclusion and recent data obtained through a series of conferences on the Lisbon Treaty and Romania's Role in the Process of Deepening European Integration 2010. The conferences, where I was a key speaker for one of the panels, were developed by the Romanian Government- the Department for European Affairs, The National School of Political and Administrative Studies and the Academic Club of European Studies and provided an opportunity for conducting a small pilot-research providing data on the response of various social groups to the changes brought on by the Lisbon Treaty.

Both the theme and the analysis of the paper are relevant and current, focusing on the interplay between the EU and Romanian policies after the Lisbon Treaty in the context of the present financial crisis.

Keywords: *Lisbon Treaty; women's social exclusion; participation; financial crisis*

Introduction

The Lisbon Treaty marked many important changes in the European Union's institutional make-up and policy-making. One particularly important field of inquiry, especially in light of the current financial crisis, is European policy-making regarding social exclusion in general and women's social exclusion in particular.

First, I aim to answer three interconnected questions: 1) Has the Lisbon Treaty influenced policy-making regarding social exclusion, in the context of the current financial crisis in Romania? 2) What were the specific changes ensued ? 3) IF/How is the European trend translated in Romanian national policies concerning women's social exclusion? Second, I aim to sketch several recommendations for addressing social exclusion, particularly women's social exclusion in light of the Lisbon Treaty.

Since social exclusion is a vast domain I will limit myself in discussing primarily issues connected to women's participation in the labour market and income, as well as participation in decision-making. My approach focuses on two main aspects of social exclusion. Jane Millar proposed that a distinction needs to be made between two avenues of research: one focusing on *becoming socially excluded* and one on *being socially excluded*. The first approach underscores the processes of social exclusion, the way people, social networks and institutions respond to social exclusion. The second approach is focused on identifying specific indicators and dimensions of

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social exclusion¹. While limited to only two dimensions, my accounts seeks to identify and discuss both the specific dimensions with their correlating indicators, as well highlight the processes of exclusion, particularly in a Romanian context. While numbers and indicators are useful in determining women's particular reality of social exclusion, Romanian institutions' response to this reality, in the context of changes within the European Union emerging after the Lisbon Treaty is just as relevant.

1. At a glance: Social Exclusion and the Lisbon Treaty

1.1. A Brief History of a Complicated Journey: the emergence of Social Exclusion on the EU policy stage and its General Meaning

Social policy started to become a part of the EU's working agenda with the introduction of the principle of equal treatment for men and women in social security and in labor law and with start of the European Communities anti-poverty programs (1975-1980, 1986-1989 and 1990-1994). By the beginning of the third one, a multidimensional approach to poverty was adopted and social exclusion became the key policy term. The Community Charter of the Fundamental Social Rights of Workers used the term social exclusion in 1989 and the European Observatory for Combating Social Exclusion was set up².

The significant shift was made from a social policy oriented towards the poor to a policy oriented towards the excluded, and this entailed "a change in perspective: from a static to a dynamic approach, from a one-dimensional to a multidimensional perspective, and also from a distributional to a relational focus"³

Social exclusion's recent emergence on the EU public policy scene has roots in different national contexts and debates⁴. The French context⁵ proved particularly relevant, since the term's "social exclusion" initial appearance on the policy and political theory stage is usually traced to *Les exclus: Un français sur dix*, written by Rene Lenoir, then the Secretary of State for Social Action in the Chirac government, in 1974. According to the author the excluded were not only the "traditional" poor, but also people from a wide range of groups⁶.

¹ Jane Millar "Social Exclusion and Social Policy Research: Defining Exclusion" , in *Multidisciplinary Handbook of Social Exclusion Research* edited by Abrams, Dominic; Christian, Julie; Gordon, David, John (Wiley&Sons, Ltd: England, 2007), 4

² Schulte, Bernd "A European Definition of Poverty: The Fight Against Poverty and Social Exclusion in the Member States of the European Union". In *World Poverty. New Policies to Defeat an Old Enemy*, edited by Peter Townsend and David Gordon, (Bristol: The Policy Press, 2002), 120; Daly, Mary and Saraceno, Chiara. "Social Exclusion and Gender Relations". In *Contested Concepts in Gender and Social Politics*, edited by Barbara Hobson, Jane Lewis, Birte Siim, (Cheltenham: Edward Elgar Publishing, 2002), 86.

³ Saraceno, Chiara. Social Exclusion. Cultural Roots and Diversities of a Popular Concept. 2002 <http://www.childpolicyintl.org/publications/Saraceno.pdf>, 2.

⁴ This is only meant as a brief introduction to the subject matter. The current presentation is based on a more detailed account and interpretation of the history and understanding of social exclusion within the European Union : see. Alice Iancu *A Conceptual Approach to Social Exclusion*, PhD. Thesis, Bucharest, National School of Political and Administrative Studies, 2010 (unpublished)

⁵ Social exclusion did not reach the mainstream of European and Anglo-Saxon Political public discourse until the late 90's and was fully established within the European Union's policies after 2000. See 2. Haan, Arjan de. 1999: Social Exclusion: Towards a Holistic Understanding of Deprivation, <http://webarchive.nationalarchives.gov.uk/+http://www.dfid.gov.uk/Documents/publications/sdd9socex.pdf>, 55-56

⁶ The concept of social exclusion encompassed " the mentally and physically handicapped, suicidal people, aged invalids, abused children, drug addicts, delinquents, single parents, multi-problem households, marginal, asocial persons and other "social misfits" that Lenoir estimated made for a tenth of the French population at the time. During the 1970's the term seemed to depart from (explicit) political discourse as it divided into objective and subjective exclusion. Subjective exclusion "referred to alienation and the loss of personal autonomy under advanced capitalism".

Social exclusion was not a term widely used in France until when it became apparent, during the late 1970's, that some were not benefiting from the economic growth. France was confronted with a series of social and economic crisis the 1980's. The Socialist Government in the mid-80's, as response to criticism, adopted the language of solidarity and inclusion. By this time we can begin to attribute to the concept of social exclusion a multi-dimensional character. New dimensions were addressed and "There were not only material, but also spiritual and symbolic aspects to this phenomenon"⁷. New groups of individuals were enlisted as vulnerable. Political discourse centered on the need to include or insert these groups into society. By the late 1980's the inclusion discourse had made its way on the political agenda of both the French Left and Right and by this route entered European Union's policy discourse⁸.

At the European Union Level social exclusion was related initially to social groups being outside the social protection system and exposed to different types of risks. In time some groups remained within the social exclusion discourse while others became the target of specific policies- such as abused children- and others were added- such as young people and the long-term unemployed⁹. At the present, there still is a strong connection between social inclusion and social protection, and the two domains are reported on through annual Joint Reports on Social Inclusion and Social Protection¹⁰.

The European Union published within its 2004 Joint report the following definition of social exclusion: "Social exclusion is a process whereby certain individuals are pushed to the edge of society and prevented from participating fully by virtue of their poverty, or lack of basic competencies and lifelong learning opportunities, or as a result of discrimination. *This distances them from job, income*¹¹ and education opportunities, as well as social and community networks and activities. *They have little access to power and decision-making bodies*¹² and thus often feeling powerless and unable to take control over the decisions that affect their day today lives."¹³

Social inclusion policies show an overarching approach, comprising of three interconnected strands: social inclusion, pensions and health care.¹⁴ The European Union established a set of overarching objectives and a list of objectives for each strand: In 2008 the overarching objectives set in 2006 were re-stated: (a) social cohesion, *equality between men and women and equal opportunities for all*¹⁵ through adequate, accessible, financially sustainable, adaptable and efficient social protection systems and social inclusion policies; (b) effective and mutual interaction between the Lisbon objectives of greater economic growth, *more and better jobs*¹⁶ and greater social

See Silver, Hilary. "Social Exclusion and Social Solidarity: Three Paradigms". *International Labour Review* 133, (1994/5-6), 532.

⁷ Silver, Hilary. "Social Exclusion and Social Solidarity: Three Paradigms". *International Labour Review* 133, (1994/5-6), 533

⁸ Silver, Hilary. "Social Exclusion and Social Solidarity: Three Paradigms". *International Labour Review* 133, (1994/5-6), 532-535

⁹ Daly, Mary and Saraceno, Chiara. "Social Exclusion and Gender Relations" in *Contested Concepts in Gender and Social Politics*, edited by Barbara Hobson, Jane Lewis, Birte Siim, (Cheltenham: Edward Elgar Publishing, 2002), 85-86

¹⁰ As the 2005-2008 Joint Reports indicate

¹¹ My emphasis

¹² My emphasis

¹³ European Commission, "Joint Report on Social Protection and Social Inclusion", 2004 http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/final_joint_inclusion_report_2003_en.pdf, 10

¹⁴ European Commission Employment, Social Affairs and Equal Opportunities DG, *Portfolio of overarching indicators and streamlined social inclusion, pensions and health portfolios*, April 2008 Update, http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/indicators_update2008_en.pdf, 1

¹⁵ My emphasis

¹⁶ My emphasis

cohesion, and with the EU's Sustainable Development Strategy; (c) good governance, transparency and *the involvement of stakeholders in the design, implementation and monitoring of policy*^{17, 18}

Under these overarching objectives each strand: social exclusion, pensions and healthcare, have three specific objectives. There are three objectives and indicators stated under the eradicating poverty and social exclusion strand “(d) access for all to the resources, rights¹⁹ and services needed for participation in society, preventing and addressing exclusion, and fighting all forms of discrimination leading to exclusion; (e) the active social inclusion of all, both by promoting participation in the labour market and by fighting poverty and exclusion; (f) that social inclusion policies are well-coordinated and involve all levels of government and relevant actors, including people experiencing poverty.”²⁰ In the same time it is clear that, both at the level of objectives concerning pensions and those concerning healthcare there is an inclusion/exclusion axis to be considered. The objectives set for the pensions strand clearly state the necessity to assure that retirement be accessible to all (both through public or private pension schemes), that it provides a decent life standard and that it is transparent and available²¹. The first objective of the health strand is addressing “accessibility and health inequalities”²², along with issues related to the quality and sustainability of healthcare systems. Thus the three strands are to be taken into account as interconnected.

In terms of methodology and measurement, social inclusion was a policy area subject to specific methods and indicators. The member states all were encouraged to work together in combating social exclusion through the Open Method of Coordination, which entailed agreeing to common objectives, a set of common indicators, preparing national strategic reports and evaluating these strategies jointly with the European Commission and the Member States²³

The social indicators were initially agreed on at the Laeken Council in 2001 and they have been considerably updated since then. Three levels of indicators have been established: primary indicators, secondary indicators and third-level indicators. The primary and secondary indicators were commonly agreed on and thus allow for a European-wide analysis, while the third-level indicators are to be established by each member state, to better reveal its own national context²⁴.

The evolution in the understanding of the complexity of social exclusion indicators is reflected through the differences between the 2001 report, the 2006 one and the 2008 update²⁵. The 2001 report on indicators in the field of poverty and social exclusion reflects the beginning of an attempt to keep up with the requirements of the Lisbon Agenda, measuring the only dimension of

¹⁷ My emphasis

¹⁸ European Commission Employment, Social Affairs and Equal Opportunities DG, *Portfolio of overarching indicators and streamlined social inclusion, pensions and health portfolios*, April 2008 Update, http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/indicators_update2008_en.pdf, 4

¹⁹ The named rights are those defined in the *Charter of the Fundamental Rights of the European Union*. See: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

²⁰ European Commission Employment, Social Affairs and Equal Opportunities DG, *Portfolio of overarching indicators and streamlined social inclusion, pensions and health portfolios*, April 2008 Update, p. 15 http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/indicators_update2008_en.pdf

²¹ European Commission Employment, Social Affairs and Equal Opportunities DG, *Portfolio of overarching indicators and streamlined social inclusion, pensions and health portfolios*, April 2008 Update, http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/indicators_update2008_en.pdf, 29-38

²² European Commission Employment, Social Affairs and Equal Opportunities DG, *Portfolio of overarching indicators and streamlined social inclusion, pensions and health portfolios*, April 2008 Update, http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/indicators_update2008_en.pdf, 40

²³ For more details see the official EU site: <http://ec.europa.eu/social/main.jsp?langId=en&catId=750>

²⁴ Atkinson, Anthony B.; Marlier, Eric; Nolan, Brian “Indicators and Targets for Social Inclusion in the European Union”, *JCMS* 42, No.1. (2004), 52.

²⁵ European Commission Employment, Social Affairs and Equal Opportunities DG, *Portfolio of overarching indicators and streamlined social inclusion, pensions and health portfolios*, April 2008 Update. http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/indicators_update2008_en.pdf

social exclusion, at that time: access to labor market. And while in 2002 the indicators were addressed in terms of financial poverty seen as multidimensional and cumulating deprivation, financial or otherwise by 2004 the concept used was social inclusion²⁶. The 2006 report on indicators covers three dimensions of social exclusion, therefore it has three portfolios: on social inclusion, on pensions and on health. Thus social exclusion is a relative flexible field in European policy-making, having been modified many times over the years, sometimes substantively. The Lisbon Treaty is another new context with great potential for impacting the domain of social inclusion.

1.2. The Lisbon Treaty: a Brief History of Revisioned Objectives

The Lisbon Treaty was seen by many as a sign of surprising recovery for the European Union. After the failure of the attempt for a European Constitution it proved hard for many to imagine that a new treaty, and one so similar to that Constitution, would be in place only a few years later.²⁷ The negative outcome of the referendums in France and the Netherlands in May–June 2005 was expected to precipitate the European Union into one of the most serious crises of its 50- year history. Its predicted lethal effects, however, failed to materialize²⁷. The new treaty, called the Lisbon Treaty, maintained most of the provisions of the old rejected one and side-by-side comparisons reveal how the bulk of the articles have endured, albeit modified to less or greater extent.

What was lost were the “constitutional and statist references”²⁸, what was left provided the European Union with a framework for many substantial changes. The separation between what was lost and what was to be retained became an important issue fairly quickly after the rejection crisis: “In terms of the search for a solution to the ‘constitutional crisis’ in Europe during this period, what soon emerged was a perceived need to separate the symbolic (and therefore constitutional) elements of the Constitutional Treaty from the substantive reforms to the institutional structure and decision-making processes”²⁹

The Lisbon Treaty or “Reform treaty” subsequently shifted the focus on three documents: the *Treaty on European Union*, the *Treaty on the Functioning of the European Union* and *The Charter of Fundamental Rights of the European Union*. One could argue that one of the most potentially momentous changes was the positioning of the Charter as a central EU document: “The protection of citizens’ rights is being expanded, with the Charter of Fundamental Rights, adopted at the Nice European Council in 2000 merely as a ‘solemn proclamation’, becoming *legally binding*”³⁰ with the Lisbon Treaty”³¹

Of the many modifications the treaty entails for the EU status quo, mostly issues pertaining to participation and democratization became some of the most discussed, especially in light of the “democratic deficit” attributed to the European Union³². A brief presentation³³ of these issues will be

²⁶ Atkinson, Tony; Cantillon, Bea; Marlier, Eric; Nolan, Brian “Social Indicators. The EU and Social Inclusion” (Oxford: Oxford University Press, 2002), p. 79

²⁷ Carbone, Maurizio “Introduction: understanding the domestic politics of treaty reform” in *National Politics and European Integration From the Constitution to the Lisbon Treaty*, edited by Maurizio Carbone (Cheltenham: Edward Elgar Publishing Limited, 2010), 1

²⁸ Carbone, Maurizio “Introduction: understanding the domestic politics of treaty reform” in *National Politics and European Integration From the Constitution to the Lisbon Treaty*, edited by Maurizio Carbone (Cheltenham: Edward Elgar Publishing Limited, 2010), 1

²⁹ Christiansen, Thomas “The EU reform process: from the European Constitution to the Lisbon Treaty” in *National Politics and European Integration From the Constitution to the Lisbon Treaty*, edited by Maurizio Carbone (Cheltenham: Edward Elgar Publishing Limited, 2010), 24

³⁰ My Emphasis

³¹ Christiansen, Thomas “The EU reform process: from the European Constitution to the Lisbon Treaty” in *National Politics and European Integration From the Constitution to the Lisbon Treaty*, edited by Maurizio Carbone (Cheltenham: Edward Elgar Publishing Limited, 2010), 27

³² Some researchers stress the many ways in which the democratic deficit works on several different levels and is not to be understood as a general overall distancing of the EU vis a vis its citizens: “the democratic deficit of the EU

useful for understanding the overall purpose of the Lisbon Treaty. The Treaty clearly states in a most inclusive article “Every national of a Member State shall be a citizen of the Union” (Lisbon, art. 8, TFUE, art. 20). In terms of democracy Article 8 of the treaty established three important principles ensuring “democratic equality, representative democracy and participatory democracy”³⁴

One way of insuring the inclusion to decision-making of all citizens was by increasing the role of their representative institutions. Thus both the European Parliament and national Parliaments saw their powers increased (through the extension of the co-decision method) and overall a greater status was attributed to national representative bodies (such as the European Council).

The EU-citizens dyad should not be however read in terms of it being a one way street. What was sought ever since 2006 was the practice of an active citizenship, through a visible “citizens’ agenda” that could gain new visibility and importance³⁵. The Treaty insures through its provisions that European Citizens can actively participate in policy-making. The widest discussed and perhaps controversial provision regards the “Citizens’ initiative” through which a million citizens from several European states could in fact propose issues for the Commission to Consider (Lisbon, art. 8B.4; TEU 11.4). Any citizen, NGO or other forms of association pertain the right to petition the European Parliament, to access the documents of EU institutions or to question European institutions regarding a particular issue (Charter, art. 42, art.43, art. 44).

In terms of social inclusion and four main issues are central to the Lisbon Treaty: acknowledging the Charter rights (Lisbon art. 6.1; TEU, art. 6), stating the equality of all citizens (TEU, art. 9), setting the EU to function as a truly representative democracy (TEU, art. 10) and ensuring the interactions between the EU and its citizens (TEU, art. 11). All these under the principles established in Art. 8 mentioned previously³⁶.

However, while democratization is linked to social inclusion in terms of access to decision making by citizens, social inclusion remains a distinct domain and it connected rather to issues such as access to the labour market, social protection, healthcare and the pensions system. Before moving to a more detailed analysis of how the social dimension is addressed in the Lisbon Treaty, one should note, as part of a general presentation, that among the goals of the Treaty a wide encompassing social

can be summarized in four aspects: The constitutional architecture of the EU, which has evolved from a series of Treaties agreed by the Member States and constitutionalised by the European Court of Justice (ECJ), points out a system lacking constitutional clarity, since the consent of citizens at national level has not been taken at national level. In the institutional design of the EU, which is based on a set of common institutions at EU level, the decisions evolve from intense bargaining within and across the policy-making institutions, operating within a delicate institutional balance. In this institutional design, there is no doubt that Europe’s citizens have difficulty in identifying “who governs” in the Union and cannot exercise their own prerogative to dismiss them at elections.” See Nevra Esentürk “Democracy in the European Union and the Treaty of Lisbon” in *Alternatives: Turkish Journal of International Relations*, Vol. 8, No. 4, (Winter 2009), 4.

³³ For a more extended presentation see *Strategy and Policy Study: Adapting the legislation, institutions and policies to the functioning of the European Union, after the entry into force of the Treaty of Lisbon* (coauthors: Iordan Gheorghe Băbulescu, Alice Iancu, Oana-Andreea Ion and Nicolae Toderaş). IER – The European Institute of Romania.

³⁴ Nevra Esentürk “Democracy in the European Union and the Treaty of Lisbon” in *Alternatives: Turkish Journal of International Relations*, Vol. 8, No. 4, (Winter 2009), 4.

³⁵ European Commission “Delivering Results for Europe: Commission calls for a Citizen’s agenda”, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/595&format=HTML&aged=0&language=EN&guiLanguage=en>

³⁶ I aim to offer only a brief presentation of the democratization issue. The implications of the Treaty for democratization of the EU are many and some researchers review the ensuing changes as positive: “In the first place, the Treaty of Lisbon has strengthened the role of the EP as a co-legislator through extension of the coverage of co-decision procedure discussed above and the national parliaments are more involved in the decision-making process. Secondly, the lack of the Council’s control by the national governments due to secret deliberation and voting in this institution, is partly removed by the Treaty of Lisbon and the vacuum of the control of European government is filled with the European citizens’ initiative, which is an important development in line with Preface of the Treaty, stating to make the Union closer to its citizens.” (Esenturk, 2009, p. 16)

objective is present: the “well-being of all its people” (Art 3.1 TEU). This well-being is explicitly linked to social inclusion and related issues: “It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall promote economic, social and territorial cohesion, and solidarity among Member States.” (Art.3.3 TEU). This approach, as researchers have noted, is a premiere for EU treaties.³⁷

2. Social Inclusion European Policies in the Lisbon Treaty Aftermath: Preliminary intersections

While much attention has been given to the democratization aspect of the Lisbon Treaty, social inclusion and Social Europe in general have been secondary. However new momentum is gained in questioning the impact of the Lisbon Treaty for social policies. One provision with great potential impact ensures a mainstreaming of social policy “In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health”. (TFEU Article 9). This provision became known as the horizontal “the social clause”³⁸.

One key aspect to be mentioned is that in terms of actual EU competences in the field, they remain secondary to those of the national member states³⁹. The enrichment of objectives, the clarification of competencies and instruments (OMC) are clear positive signs of an enrichment of social policies after the Lisbon Treaty. However, the limitations on the EU competencies and the maintaining of the member states as key actors for such policies allowed for some researchers to conclude “From a social policy perspective, the assessment of the Lisbon Treaty is rather ambivalent”⁴⁰. However, in light of the horizontal social clause and of the clarification of the role of social dialogue, a new dynamic of social policy could ensue. Thus sub-national actors and supra-national actors might prove to become important actors in social policy and their role could prove fundamental-with trade unions and employer associations as the most prominent⁴¹.

Other specific provisions give a fuller picture of the Treaty’s social aspects: It specifically mentions social partners as key to social policies⁴² and it re-affirms the place of social dialogue⁴³,

³⁷ Andreas J. Obermaier “Common objectives at the EU Level. Social policy” in *EU Policies in the Treaty of Lisbon. A Comparative Analysis*, edited by Gerda Falkner, Institute for European Integration Research, Working papers series no.3/2008, 14

³⁸ Andreas J. Obermaier “Common objectives at the EU Level. Social policy” in *EU Policies in the Treaty of Lisbon. A Comparative Analysis*, edited by Gerda Falkner, Institute for European Integration Research, Working papers series no.3/2008, 14

³⁹ Andreas J. Obermaier “EU Competencies in the Field. Social policy” in *EU Policies in the Treaty of Lisbon. A Comparative Analysis*, edited by Gerda Falkner, Institute for European Integration Research, Working papers series no.3/2008, 27

⁴⁰ Andreas J. Obermaier “The importance of the Lisbon Treaty from a Policy Perspective. Social policy” in *EU Policies in the Treaty of Lisbon. A Comparative Analysis*, edited by Gerda Falkner, Institute for European Integration Research, Working papers series no.3/2008, 61

⁴¹ Brian Bercusson “The Lisbon Treaty and Social Europe”, Academy of European Law, 2009, <http://www.springerlink.com/content/7u92hp2u51n06062/fulltext.pdf>, 88

⁴² Andreas J. Obermaier “Common objectives at the EU Level. Social policy” in *EU Policies in the Treaty of Lisbon. A Comparative Analysis*, edited by Gerda Falkner, Institute for European Integration Research, Working papers series no.3/2008, 14

⁴³ Andreas J. Obermaier “The importance of the Lisbon Treaty from a Policy Perspective. Social policy” in *EU Policies in the Treaty of Lisbon. A Comparative Analysis*, edited by Gerda Falkner, Institute for European Integration Research, Working papers series no.3/2008, 61

which could potentially have great impact in the future. The Tripartite Social Summit for Growth and Employment and its role are benefited from their mention to the treaty.⁴⁴

At a general level, apart from taking the well-being of all as an overall objective and setting a horizontal social clause, the Lisbon Treaty contains many premiere provisions in terms of social policies and consolidates other previous trends. The validation of *The Charter of Fundamental Rights of the European Union*, containing many social rights, remains “widely interpreted” and explicitly avoided in some cases⁴⁵. Some researchers believe that the European Court of Justice could become a pivotal actor for social policies: “In two cases decided by the European Court of Justice at the end of 2007: the Viking case, referred by the English Court of Appeal and the Laval case, referred by the Swedish Labour Court, the issue raised was whether EU law includes a fundamental right to take collective action, including strike action, as declared in Article 28 of the EU Charter of Fundamental Rights. The decision of the Court as to the fundamental right of workers and trade unions to take transnational collective action may have a catalytic effect on the future of Social Europe”⁴⁶. However, since through the Lisbon Treaty the Charter is given the same weight as the treaties (implying it is not to be extended) and since it lacks reference to fundamental rights (as the Constitutional Treaty maintained), the effects might, from a European Court of Justice perspective, prove to be actually damaging⁴⁷.

3. Methodological considerations A modest feminist proposal

Gender equality is present at the level of overarching objectives in the field of social exclusion, and this should be put in the larger context of the European Union’s commitment to equal opportunities between men and women. The instrument for achieving this is gender mainstreaming, meaning “the integration of the gender perspective into every stage of the policy process – design, implementation, monitoring and evaluation – with a view to promoting equality between women and men. Gender mainstreaming is **not** a goal in itself but a means to achieving equality.”⁴⁸ As an example the social indicators that have an explicit gender dimension are the result of gender mainstreaming at the level of measuring social exclusion.

The Lisbon Treaty clearly affirms as its core values non-discrimination and equality between women and men (Art 1.a TEU), also understood as key instruments in combating social exclusion (Art.2 TEU). While at a principle level the gender dimension is vindicated, some researchers have noted that the actual instruments provided by the Treaty (Including the strengthening of the Charter’s position) are rather weak ” in fact, the right to a decent employment does not exist, and some rights referring especially to women, such as the right to contraception and or legal abortion, are not mentioned at all”⁴⁹. Also the vagueness of the provisions regarding decent employment affect primarily groups vulnerable to exclusion and discrimination in the market⁵⁰.

⁴⁴ Brian Bercusson “The Lisbon Treaty and Social Europe”, Academy of European Law, 2009, <http://www.springerlink.com/content/7u92hp2u51n06062/fulltext.pdf>, 99

⁴⁵ Poland and the UK have chosen not to acknowledge this particular provision. See Andreas J. Obermaier “Available Policy Instruments. Social policy” in *EU Policies in the Treaty of Lisbon. A Comparative Analysis*, edited by Gerda Falkner, Institute for European Integration Research, Working papers series no.3/2008, 37-38

⁴⁶ Brian Bercusson “The Lisbon Treaty and Social Europe”, Academy of European Law, 2009, <http://www.springerlink.com/content/7u92hp2u51n06062/fulltext.pdf>, 88

⁴⁷ Brian Bercusson “The Lisbon Treaty and Social Europe”, Academy of European Law, 2009, <http://www.springerlink.com/content/7u92hp2u51n06062/fulltext.pdf>, 93-94

⁴⁸ European Commission Employment, Social Affairs and Equal Opportunities DG, “Manual for gender mainstreaming. Social inclusion and social protection policies” http://www.imagendermainstreaming.at/cms/imag/attachments/9/0/1/CH0133/CMS1181910131400/man_gma_si+spp.pdf, p. 3

⁴⁹ Laura Bisio and Alessandra Cataldi *The Treaty of Lisbon from a gender perspective: Changes and challenges*, (Brussels: WIDE, 2008), 12

⁵⁰ Laura Bisio and Alessandra Cataldi *The Treaty of Lisbon from a gender perspective: Changes and challenges*, (Brussels: WIDE, 2008), 14-15

As mentioned earlier, my approach focuses on *becoming socially excluded* and on *being socially excluded*. Estivill offers one definition of social exclusion as a process that is representative of this specific approach: “Social exclusion may therefore be understood as an accumulation of confluent processes with successive ruptures arising from the heart of the economy, politics and society, which gradually distances and places persons, groups, communities and territories in a position of inferiority in relation to centres of power, resources and prevailing values”⁵¹. Focusing on social exclusion as a process puts agency at the center of the analysis. Agency is correlated with both spectrums of social exclusion: the excluded and those doing the excluding. At one end, the focus is on how people respond to social exclusion and the resources they have at their disposal in reacting to it. At the other end the analysis addresses the ways in which individuals, communities or states act to exclude certain groups or individuals⁵². While limited to only two dimensions, my accounts seeks to identify and discuss both the specific dimensions with their correlating indicators, as well highlight the processes of exclusion, particularly in a Romanian context. While numbers and indicators are useful to determining women’s particular reality of social exclusion, Romanian institutions’ response to this reality, in the context of changes within the European Union emerging after the Lisbon treaty is just as important. In this sense “being socially excluded” is treated here as the basis for addressing questions about “becoming socially excluded” as a woman in present day Romania.

If one were to categorize feminist research on social exclusion by its scope two categories would unravel. The first category is one that adds gender to the analysis working within present dimensions. The second category addresses the need for new dimensions of social exclusion for a more adequate account of social exclusion to be reached. The first one is a minimalist approach, while the second seeks to maximize feminist theoretical insights.

Minimalist approaches focus particularly on measuring and operationalizing of women’s life experiences and specific forms of exclusion. Such studies focus on the exclusion of women from a variety of rights and services: social protection schemes, political participation, the labour market and social networks⁵³. While such analysis is valuable, it remains limited in terms of impact of the overall theoretical frame of one domain⁵⁴.

Maximalist approaches focus not only on indicators or measurement, but also on how a concept itself and our theoretical understanding of it is gendered. In the case of social exclusion what such approaches would provide are in fact new dimensions to be added to the analysis. For example, they focus not (only) on how women fare in the labour market, but also on related dimensions highly relevant from a gendered perspective, such as care or reconciliation between work, career and private life. The resulting gendered account of social exclusion has thus, at least from a feminist theoretical standpoint, one additional dimension and it is one dimension I will address here. My approach could in this sense be considered maximalist, in that it introduces new variables into the analysis. However, while care work has significant impact on a variety of women’s experiences in Romania relating to social exclusion and social protection (such as healthcare or pensions), I will focus here only on how it impacts employment. Also, while taking care into account entails analysis of a variety of factors (the valorization of care through an ethics of care, the cultural factors favoring women’s unpaid care work, the conception of the welfare state encompassing or not care) I will not go into such details

⁵¹ Jordi Estivill *Concepts and Strategies for Combating Social Exclusion. An Overview*, International Labour Organization, 2003 http://www.ilo.org/public/libdoc/ilo/2003/103B09_267_engl.pdf, 19

⁵² Jane Millar “Social Exclusion and Social Policy Research: Defining Exclusion”, in *Multidisciplinary Handbook of Social Exclusion Research* edited by Abrams, Dominic; Christian, Julie; Gordon, David, John (Wiley&Sons, Ltd: England, 2007), 7

⁵³ An example of such an analysis is Houston, Diane “Women’s Social Exclusion”, in *Multidisciplinary Handbook of Social Exclusion Research*, edited by Dominic Abrams, Julie Christian and David Gordon, (West Sussex: John Wiley&Sons, 2007), 17-28

⁵⁴ For a minimalist approach to women’s social exclusion in Romania see Iancu, Alice 2007: “The Gender Dimension of Social Exclusion” (Dimensiunea de gen a excluziunii sociale) in *Equal Partners, Equal Competitors (Parteneri egali, Competitori egali)*, coordinated by Băluță, Oana, Maiko Publishing, Bucharest, 2007

here⁵⁵. In this sense, my analysis is modest in scope: my purpose is not an analysis of the entirety of dimensions of social exclusion.

Finally, a note on the two selected main variables: the labour market and decision-making. Choosing to focus on the labour market is in sync with current European and Romanian policy priorities in the field of social inclusion. In 2006 the concept of active inclusion was introduced and it stressed the importance of participation to the market and the importance of assuring both a sufficient income and of improved services needed for a better participation in society (in the market). The concept " is based on three main pillars, namely: (i) a link to the labour market through job opportunities or vocational training; (ii) income support at a level that is sufficient for people to have a dignified life; and (iii) better access to services that may help some individuals and their families in entering mainstream society, supporting their re-insertion into employment"⁵⁶. Even if during the public consultation it became apparent that the focus on the labour market as means of inclusion raises several objections, this remains *the* priority area within the EU ⁵⁷. Also, as I will show in the next section, it remains the central focus within Romanian policy-making concerning social exclusion.

As far as decision-making is concerned, while the official European definition of the socially excluded does mention that "*They have little access to power and decision-making bodies*⁵⁸ and thus often feeling powerless and unable to take control over the decisions that affect their day today lives."⁵⁹, there has been little focus on this particular dimension in European social policy, explicitly connecting it to social exclusion. In the aftermath of the Lisbon Treaty, since much attention was given to its democratization provisions, such a link appears fitting. Thus the next section will address how relevant actors (Romanian state institutions and policy-makers) and women themselves act and think in relation to those two dimensions.

4. Romanian policies on women's social exclusion after the Lisbon treaty

The Romanian context is one particularly favorable to assessing the Lisbon treaty's impact on social policy, especially when one considers the overall public opinion regarding the EU. The latest Eurobarometer on public opinion indicates a positive attitude of Romanians regarding the EU: "Six months into a year officially declared as one of global economic crisis, Romanians have kept their optimism and traditionally positive image of the EU. Around two thirds of the population aged 15 years and over has a positive image about the EU (62%), expresses its optimism about the Union's future (67%), believes that Romania's membership is a good thing (66%) and that Romania benefits from being an EU Member State (63%)."⁶⁰ Women are more skeptical than men in their view of the EU, as well as older people and people with a lower level of education. However, this optimism needs to be treated with caution, as it is often accompanied by a low level of knowledge on the actual

⁵⁵ For my own detailed account of feminist theories regarding care in relation to the Romanian context see Alice Iancu *The Politics of Care in a State of Crisis: the Romanian case*, LESIJ NO. XVII, VOL. 2/2010, 224-241.

⁵⁶ It was highlighted that focusing on the labour market neglects other types of exclusion, some social categories might never be integrated in the market and thus would remain excluded should the definition of social exclusion (and the policies it entails) become equated with exclusion from the labor market. See *Public consultation on active inclusion. Synthesis report by the Commission Services*, p.1

http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/active_inclusion/synthesis_en.pdf

⁵⁷ *Public consultation on active inclusion. Synthesis report by the Commission Services*, p. 2

http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/active_inclusion/synthesis_en.pdf

⁵⁸ My emphasis

⁵⁹ European Commission, *Joint Report on Social Protection and Social Inclusion, 2004*, http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/final_joint_inclusion_report_2003_en.pdf, 10

⁶⁰ *Eurobarometer 71 Public Opinion in the European Union, 2009*, http://ec.europa.eu/public_opinion/archives/eb/eb71/eb71_ro_en_exec.pdf, 3

functioning of the EU⁶¹. This overall positive attitude was also reflected in how Romania related to the Lisbon Treaty. It is important to note that “Romania has been one of the first member states to ratify the reform document in parliament, on the 4th of February 2008, with a striking majority, where only one vote stood against the treaty. In fact, there have been no significant voices advocating a rejection of the legislative act in public debates⁶².”

In 2010 a series of conferences was conducted named *Lisbon Treaty and Romania's Role in the Deepening of European Integration*. The Conferences were organized by the Romanian Government's Department for European Affairs, The National School of Political and Administrative Studies, the Commission for European Affairs of the Romanian Parliament, with the support of the Academic Club of European Studies. With this occasion a small pilot-research was conducted among the participants⁶³ entitled *The Lisbon Treaty and its Implications for Romania*. This research showed that 60% of respondents believed the Lisbon Treaty would help diminish the distance between the EU and its citizens. Based on all these numbers one could presume an overall positive attitude among the policy-makers and among the Romanian population. However our pilot-research indicated that respondents did not feel confident in significant poverty reduction by 2020. They also believed that the portion of the European budget for social cohesion is too small and that European funding has done little to address this problem. What remains to be seen is how exactly and if the Lisbon Treaty has actually had an impact on Romanian policies regarding social exclusion.

Romanian policies regarding women's social exclusion: Has anything changed?

This section of the paper will address the Romanian context of women's social exclusion by following three distinct coordinates: 1. the actual reality on the ground regarding women's access to the labour market and decision-making 2. the official social inclusion reports and their analysis in relation to the Lisbon Treaty, as well as 3. relevant policies adopted by the Romanian Government.

At a general level, even if the Lisbon Treaty acknowledges gender equality as one of the EU core values, news of this has apparently not reached Bucharest policy makers. In terms of overall policy approach to gender equality the Romanian Government *disbanded* in 2010 both the National Agency for Equal Opportunities for Women and Men (responsible for the promotion and implementation of equal opportunities policies) and the National Agency for Family Protection (responsible, among others, with gathering data and managing domestic violence).

4.1. Women, Poverty and the Romanian Labour Market

Romania, like all European states, has been affected by the financial crisis. In 2009 there was great trust among Romanians in their government and the EU in terms of leadership for combating the current financial crisis⁶⁴. In 2010 however data provided by the The Research Institute for Quality of Life showed that 74% of Romanians believed their quality of life and overall living conditions has worsened in the past year. Even more, the researchers asserted that “ In many aspects of material

⁶¹ *Romanians Trust the EU- Similar to Trust in the Church* (Increderea in UE la romani - dupa modelul increderii in biserica) http://www.euractiv.ro/uniuneauropeana/articlesdisplayArticle/articleID_14138/Increderea-in-UE-la-romani-dupa-modelul-increderii-in-biserica.html

⁶² Adrian Corpădean, *The Lisbon Treaty from the Perspective of the 27 Member States*, in Proceedings of the International Conference “*European Integration between Tradition and Modernity*”, nr. 3, (Târgu-Mureş: “Petru Maior” University Publishing, 2009), p. 1176

⁶³ There were 300 de respondents, representatives of the public administration, non-profit sector, the media and the education system. For more details see Bărbulescu et al, *Strategy and Policy Study: Adapting the legislation, institutions and policies to the functioning of the European Union, after the entry into force of the Treaty of Lisbon* (IER – The European Institute of Romania, 2011- forthcoming).

⁶⁴ *Eurobarometer 71 Public Opinion in the European Union*, 2009, http://ec.europa.eu/public_opinion/archives/eb/eb71/eb71_ro_en_exec.pdf, 5

living conditions in 2010 we had a return of conditions from 1999, another moment of socio-economical crisis”⁶⁵

The Romanian social exclusion policies focus on the labor market. The institution with most attributions in the area of social inclusion is the Ministry of Labor. In terms of priorities, the first priority for increasing social inclusion is “general improvement of the population’s standard of living and stimulation of income gained from work by means of ensuring employment and promoting inclusive policies.”⁶⁶

The Romania Joint Inclusion Report 2010 named as some the poorest social groups elderly women, single parent families and young people. The 2010 Report only explicitly names women when referring to the elderly. However single-parent families are overwhelmingly run by women. Young women also have higher poverty rates their male counterparts, something acknowledged within the National Strategic Report on social Protection and Social Inclusion 2008-2010⁶⁷. Approximately 30% of women within these three categories fall beneath the poverty threshold, in a country where overall women are poorer than men⁶⁸ and the overall population has *the lowest incomes* in the European Union⁶⁹. In this sense one could argue that one in three women of these categories are the poorest of the poor in the European Union.

Income is directly connected to both access in the labour market and women’s position within it. In terms of employment the overall numbers show a decrease in employment, with women less present on the labour market than men (52%)⁷⁰. The Romanian market place is affected by both horizontal and vertical segregation, with negative consequences for women’s income. This mirrors the overall situation at the European level, since “the gender pay gap, labour market segregation, work–life balance and the unfair distribution of reproductive and care work are still major challenges”⁷¹. In Romania nothing has been done in the last year to address such issues and the only state Agency who actually had a National Strategy for addressing such issues, the National Agency for Equal Opportunities for Women and Men, was disbanded.

Research also highlights the connection between care and employment or income, where dependents in the household are, lacking necessary politics, one of the obstacles faced by women in accessing the labour market⁷². This is also supported by European Union official documents⁷³.

In Romania the numbers are significant: 61% of women living in household with dependants declared that they do not have their own income; in households with no dependents only 38% of

⁶⁵The Research Institute for Quality of Life (Institutul de cercetare a calității vieții) *Quality of Life in Romania 2010* (Calitatea vieții în România 2010), <http://www.iccv.ro/node/190>, 6

⁶⁶Ministry of Labour, Family and Social Protection, *National Strategic Report on social Protection and Social Inclusion 2008-2010*, 11

⁶⁷ Ministry of Labour, Family and Social Protection, *National Strategic Report on social Protection and Social Inclusion 2008-2010*, 6

⁶⁸ Ministry of Labour, Family and Social Protection, *National Strategic Report on social Protection and Social Inclusion 2008-2010*, 6

⁶⁹ The Research Institute for Quality of Life (Institutul de cercetare a calității vieții) *Quality of Life in Romania 2010* (Calitatea vieții în România 2010), <http://www.iccv.ro/node/190>, 11

⁷⁰ The Research Institute for Quality of Life (Institutul de cercetare a calității vieții) *Quality of Life in Romania 2010* (Calitatea vieții în România 2010), <http://www.iccv.ro/node/190>, 31

⁷¹ Laura Bisio and Alessandra Cataldi *The Treaty of Lisbon from a gender perspective: Changes and challenges*, (Brussels: WIDE, 2008), 15

⁷² Mary Daly and Katherine Rake, *Gender and the Welfare States*. (Cambridge: Polity Press, 2003), 59

⁷³ The European Economic and Social Committee and the Committee of Regions *Report from the Commission to the Council, The European Parliament Equality between women and men— 2009*, Brussels, 27.2.2009, 4.

women declared the same thing⁷⁴. From 1991 to 2006 the number of state-funded kinder gardens reduced dramatically⁷⁵. In 2008 National Strategic Report on social Protection and Social Inclusion named as its second priority the insurance of access to rights and services, including those related to child-care. The report stated that “measures shall be taken with regard to the consolidation of equal opportunities on the labour market between men and women and to enabling the harmonization of the professional life and the family life.”⁷⁶. The same document clearly showed both the acknowledgement of a link between the labor market and care and expressed commitments to address it “During 2008 – 2010, the development of family policies shall focus on promoting measures to encourage women’s participation on the labour market by developing child care facilities and developing day-care centers to ensure the return of mothers to their jobs”⁷⁷. In a Romanian setting however it is necessary that other categories of dependents be included in reconciliation policies: most people with disabilities in Romania are taken care of within the family (read: by women within the family), for example. This is addressed in 2009 in terms of access to proper care for people with disabilities, but the gender dimension of their care-takers escapes unnoticed by policy-makers⁷⁸.

This brief presentation of Romanian key policy-papers indicates a rather gender-blind understanding of social inclusion. *Some policy documents on social inclusion fail to even mention women at least once*⁷⁹. Some of the policies undertaken by the Government in 2010 showed the true extent of this gender blindness.

Policies for child-care facilities were never put into place, however the Government tampered with child-care leave period and benefits as it saw fit, invoking that such measures had been requested by the International Monetary Fund⁸⁰. Child support policies were changed throughout the year. Child support was slashed in June 2010 and the Government announced its intention to reduce child-care leave to one year. In December the Government finally came up with a new law regulating child leave. The new law Emergency Ordinance 111/2010 gives women the option of choosing for a one-year or two-year leaves, with different monetary benefits (the maximum threshold is higher for a one-year child-care leave option). What was apparent throughout the year was that the overall Romanian political debate simply ignored the lack of child care facilities. A one-year mandatory leave would have put women in very difficult situations, since losing child-support in a country with so few care facilities would have impacted greatly on their unemployment and poverty risks. It is still difficult to ascertain the future impact of the present policy, however the year 2010 clearly indicated how gender-(in)sensitive Romanian policy makers are.

Social policy is not something Romanians automatically link to the EU. As far as the Eurobarometer indicated, most respondents’ own representation of the European Union, in terms of

⁷⁴ The data was obtained through a national-representative survey conducted as part of the CNCSIS (National Centre for Scientific Research in Higher Education) Project No.964, coord. Prof. Dr. Mihaela Miroiu, *Gender, political interests and European insertion*, developed by the National School of Political Studies and Public Administration.

⁷⁵ Băluță, Oana *The Gender Dimension of Reconciliation Between Work, Family and Private Life in Equal Partners. Equal Competitors*, coordinated by Oana Băluță, Bucuresti: Maiko, 2007, 114-116

⁷⁶ Ministry of Labour, Family and Social Protection, *National Strategic Report on social Protection and Social Inclusion 2008-2010*, 20

⁷⁷ Ministry of Labour, Family and Social Protection, *National Strategic Report on social Protection and Social Inclusion 2008-2010*, 26

⁷⁸ România *Joint Report on Social Protection and Social Inclusion* (Raport comun privind protecția socială și incluziunea socială), 2009, p.9

⁷⁹ *Report on the activity of the Ministry of Labour, Family and Social Protection in the field of social inclusion, January-September 2010*, <http://www.mmuncii.ro/ro/articole/2010-12-10/raport-privind-activitatea-ministerului-muncii-familiei-si-protectiei-sociale-in-domeniul-incluziunii-sociale-in-perioada-1-ianuarie--30-septembrie2010-2001-articol.html>

⁸⁰ Mediafax *IMF Asks Romanian Govt To Reduce Maternity Leave To One Year*, <http://www.mediafax.ro/english/imf-asks/romanian-govt-to-reduce-maternity-leave-to-one-yr-sources-7771972>

values indicates that a direct connection to social protection decreased from 23% to 17%⁸¹. However Romanian state institutions have an obligation to take EU social policies into account, including the social clause of the Lisbon Treaty. Budget cuts undertaken by the Government in 2010 show that such a clause was not taken into consideration. In 2010 salaries in public sectors were cut by 25%, affecting mostly public workers, those working in healthcare and those working within the public education system. *Something that was never addressed in Romanian public and political discourse was that the vast majority of the workers in these sectors are women.*

In short, 2010 proved to be a year when policy-makers, far from taking into account women as a vulnerable group to poverty and social exclusion, actually worsened their situation. The main budget cuts aimed at feminized sectors. Any policies or measures to combat non-discrimination in the labour market and to promote equal opportunities were disturbed by the disappearance of the National Agency for Equal Opportunities for Women and Men. Also, Romanian mothers faced a deeply insecure year and were vulnerable to changes in child support and child-care leave.

Women in decision-making

The sense of insecurity and anger felt by Romanian mothers in 2010 led to a premiere event in Romanian post-communist transition: Romanian mothers organized public protests against the Government's policies. Two separate protests were held in Bucharest, one in front of the Ministry of Labour, Family and Social Protection and one in front of the Government building and similar protests were organized in other cities. While these were not big protests, they were a first in Romanian politics. More remarkably, they were organized at a grassroots level, by mothers, through the internet. These protests were supported publicly and at the protest (through actual participation) by one NGO and a handful of women politicians⁸².

This rare instance of Romanian women public protests serves to underline their absence in decision-making bodies. Women hold 5.3% of the seats in the Senate and 11,3% of the seats in the Chamber of Deputies. In county councils women make up 12,6% of the total seats, in local councils 10,8%, 3,4% as mayors and 4,7% as prefects⁸³. Only two women are ministers in the Romanian Government. These numbers are exceptionally low. When Romanian mothers protested they found that they had few other women in decision-making positions to count on. This was partly due to politicians' own positions, but also had a great deal to do with the fact that there are scarcely any women in Romanian decision-making representative bodies. The only state Agency that would have at least had a public position on the matter, the National Agency for Equal Opportunities for Women and Men, was already functioning with great difficulty and practically disappeared by the end of the year.

In terms of social partners, women's presence in decision-making bodies is not better. While the Lisbon Treaty does explicitly support Social Dialogue this is primarily concerned with tripartite dialogue between political representatives, employers' associations and unions. Romania has steadily sought to increase social dialogue in recent years and several institutions and mechanisms were put in

⁸¹ Eurobarometer 71 Public Opinion in the European Union, 2009, http://ec.europa.eu/public_opinion/archives/eb/eb71/eb71_ro_en_exec.pdf, 9

⁸² Cotidianul Newspaper *Desperate parents yell at Basescu and his supporters: We want rights, not charity!* http://old.cotidianul.ro/vrem_drepturi_nu_pomeni-114694.html

⁸³ National Agency for Equal Opportunities for Women and Men *Analysis on the Degree of Participation of Women and Men in the Decision-Making Process at the Central and Local Administration Level* (Analiză privind gradul de participare a femeilor și bărbaților în procesul decizional de la nivelul administrației publice centrale și locale), accessed in May 2010. The presentation was available at the Agency's website, however the site is now inactive since the Agency no longer functions.

place in the field before Romania's ascension to the EU⁸⁴. The Economic and Social Council of Romania (CES) is the organization that should be central to social dialogue. Within our research *The Lisbon Treaty and its Implications for Romania*, 61% of respondents believed its policy assessments should be mandatorily taken into consideration, while 53% believed it should have legislative initiatives. Applying a gender lens in looking at social partners in Romania the absence of women becomes apparent. Of the 45 members of the Economic and Social Council of Romania (CES) only four are women in 2011⁸⁵ (one being vice-president). No available data exists on the numbers of women present at the level of unions or employers' associations, although some unions have their own women's organizations. Several active women's NGO's do exist in Romania, however NGO's are not usually a part of sustained social dialogue. As far as individual women's participation to NGO and association life in Romania, I could find no recent data. In this particular instance analysis of the consequences of the Lisbon Treaty, for example to what extent the "citizens initiative" would be used by women in Romania, would be highly speculative.

In one particular area the Lisbon Treaty could in fact have a mixed effect on women's representation. First, the increase of the role of the European Parliament is positive, since more women are elected to the European Parliament than to national parliaments (for Romania 36.36% of MEP's were women, with only 11, 38 % representation in the national parliament⁸⁶). However the increase of the role of national representative bodies is ambivalent. Theoretically the Treaty's provisions would lead to better representation of national interests, in practice in Romania there is no significant representation for women's interests and needs. Gender-wise the increased role of national parliaments could in fact prove detrimental.

Conclusion and recommendations

As a social group women in Romania are vulnerable to social exclusion and lack adequate representation in decision-making bodies. In 2010 women's risks of social exclusion and poverty were only deepened by state policies. They had few voices or avenues to contest or even address the gender dimension of such policies at the decision-making level.

In keeping with The Lisbon Treaty's affirmation of the values of non-discrimination and equality between women and men (Art 1.a TEU), Romanian state policies should reflect a similar commitment. The National Agency for Equal Opportunities for Women and Men, with an adequate budgeting and clear strategies, needs to be reinstated.

Gender needs to be truly mainstreamed in Romania's Reports on Social Exclusion. This means that gender has to be taken into account in relation to a multitude of variables and consistently included into the analysis. The recommendations of the National Strategic Report on social Protection and Social Inclusion 2008-2010 regarding child-care facilities, social benefits and family support needs to be put into action. The foreseeable financial and social consequences of the current policies on women's income and access to the labour market are yet to be measured. All signs however point to a deepening of women's socio-economical vulnerabilities.

In terms of the presence of women in decision-making bodies several measures need to be undertaken. First national databases should be compiled detailing the presence of women at the social partners' level. Second, women's presence in political representative bodies should be encouraged by

⁸⁴ For more details see Bărbulescu et al, *Strategy and Policy Study: Adapting the legislation, institutions and policies to the functioning of the European Union, after the entry into force of the Treaty of Lisbon* (IER – The European Institute of Romania, 2011- forthcoming).

⁸⁵ *List of Members the Economic and Social Council of Romania 2011* (Componenta Consiliului Economic si Social 2011) ces ro/newlib/DOC/Componenta-Plenului-CES.doc

⁸⁶ Cristina Chiva, *Women in the European Parliament: The Case of the Post-Communist Member States*, CRCEES Working Papers, WP2010/02, <http://assessingaccession.eu/Documents/Chiva%20CRCEES.pdf>, 5

enforcing quotas on party lists of candidates. The under-representation of women in Romanian politics is a long-standing continuous reality. In 2010 this lack of representation emerged clearly, with state policies hitting women hard and with gender not even being taken into account at a legislative or Government level. In this sense the effects of the Lisbon Treaty should be subject to further gendered analysis.

My account unveils a (still incomplete) image of a social group of women, the women of Romania, vulnerable to poverty and social exclusion, vulnerable to state policies and without having a significant voice in the decision-making process affecting them. In short, the brief presentation in this article and the data and indicators available at this time point to the social exclusion of a significant part of the Romanian population, on account of gender.

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