

## Legal Protection of Woman's rights. The principle of Non discrimination, the Fundamental Principle of Rights

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### **Abstract:**

*The need for legal protection and chance equality between men and women is an essential element of harmonious human development. In the legal protection of one's rights aspect, the human being exposes the deepest and most personal features, tendencies, one accomplishes one's deepest wishes, all of them enlightening one's true personality. Legal protection thus ensures a total of rights and obligations, expresses a number of features and qualities of human personality, has an influence on a person's health and sanity and therefore it is the reason for which the majority of states have included this value amongst the ones that must be taken into consideration even by instrumental implementation of criminal law.*

**Keyword:** *equality of chances between men and women, fundamental human rights, EU rights, Romanian constitution, morals, religion, culture and civilization.*

### **1. Argument:**

The Necessity of Legal Protection for Women's rights: The recent publishing in Romania's Official Monitor of the law regarding the claiming of the date - 08th of May as the day of Chance Equalization between men and women having as an objective promoting chance equality between genders as an integrative part of social politics, offers me a need for reflection exposure related to the need for legal protection of women's rights, especially with an attention to the non discriminatory principle [1]. The need for legal right protection is an essential element of harmonious human evolution. Within the legal protection of one's rights, the human being may manifest one's profoundest and most personal features, tendencies, one may make true one's most hidden wishes all revealing the true personality. Legal protection may thus ensure an integrity of rights and obligation, gives expression to features and manifestations of human personality, has an influence on one's health and sanity and thus it is the reason for which most states have included this value through those which deserve being protected even through Criminal Law.

There are interests in most cases which are very realistic to cross the appearances with which some people surround themselves either willingly or unwillingly

in order to satisfy social conventions, and the possible damages caused by an inhumane approach of one's rights could most often be more extreme than other material or moral prejudice, they could even attract deep insane states which could generate depression and even suicide. Likewise, the extreme diminishing in the sphere of protected rights caused by aggressions to one's life can cause a dangerous isolation of an individual and even the intervention of mental illnesses. They can cause fear stages and nightmare generators. There might also exist situations in which one accepts the diminishing of legal protection. This consensus occurs mostly by given obligation of some conditions and if they are not respected then the one in central zone should be sanctioned, and a lot of the hurtful aggressions regarding personal rights including equality of chance and equal treatment, could also attract a legal response in any of its shapes.

Legal protection of human rights does not solely respect a psychological objective of ensuring an individual that society takes care of one's cognition and courage in action according to the law with the social duties, but the certainty of such a kind of care contributes to the development of an individual, to the human and humanitarian spiritual progress.

At times, in personal evolution every individual has to submit to ambiental environmental influences, assaulted by various information, incoming a variety of pressures, some of them benefic and others dangerous, and one's voluntary retreat is essential for a clear reflection on all influences and a choice between the diversity of pressures and information amount. The need for protection, in our case of women's rights and the insurance of chance equality between men and women as an integrative part of social politics is determined as well by the lack of ordinary resources, extra criminal, of individual defense; as women's protection in such ways may be inefficient against some outrageous violations of their rights in chance and treatment equality, then it is up to society to interfere in order to protect with the help of Criminal Law against the tangibility brought to these rights. These short introductory considerations would not be enough for the true painting of a satisfactory picture without a short historical incursion regarding sexual discrimination. Why is it that only in 2015, the Romanian Lawful

Authority decided to propose the 8th May the Day of Chance Equality between men and women?

## **2. On the origins of Sexual Discrimination**

### *2.1. Preliminary discussions*

How comes it that after more than two thousand years the world is still infected with the virus of racial and sexual discrimination ? Grosso modo, mysoginism and racism are beliefs that justify the domination of one sex or race above others. The use of this terminology does not reflect the suggestion that men and women are identical. Or that racial differences are insignificant. There is though a great difference between admitting human diversity and building or tolerating opressory systems based on such diversity. Unfortunately, humanity has proved a great sense of greed and inventivity in justifying opression. Many kinds of theoretical aproaches have been ellaborated involving everything from cognition to art from economics to law in order to rationally point out the malfeasance shown towards women and minority groups. In the new current society, all of us are members of minority groups. If we do not admit to this fact, at both a personal and public level we might find ourselves cought in our own hateful future. Regarding myself I am an unconditional feminist partisan, as regarding mysoginism, I cannot even remember any moment of my own passing to a mature state in which I have not considered women to be equal with men, in all viewpoints that mater today: knowledge, courage, energy, humour, creativity, responsability and persevverence not to mention the so called feminine qualities: warmth, empathy and good wil for care and protection. I thought thus especially while I was writing the article with the two women in my family, my wife and daughter as my mother recently passed away. Through time I had no divergences with organized feminism regarding various requests or tactics however the general fight for women's rights had always seemed just to me as a pressuring factor towards a more decent and humane future for both sexes, as restrictions on women have always given an ability to implement more correspondent restrictions thow maybe less observable towards men themselves. Historically speaking, with some concrete exceptions, women through all cultural backgrounds had been dominated, oppressed, violated or at least controlled by their men and we are not willing to end the debate while atributing the masculin domination- to God or genetics.

We live in a culture where masculin domination in one way or another can be observed on a daily basis. Most boys gain notions on their superiority even since childhood.

In my case things have changed a little though the job of weaponry to which I took since a very young age is thought to be an exclusively male job and it could have brought me to a different perspective, my feminist attitude is atypical determined by my personal experience with four remarkable women. In my first years of age I was living with my grandparents in a normally considered family for that age. My grandmother, a simple woman from Muscel lived for close to a hundred years and she was strong enough to combat the hostilities of that society which she faced for a while without my grandfather, her husband. She was very brave. My mother was kind and obedient but so intellectually curious that after ending her senior school studies and became a tutor she dedicated herself in full to her profession and for nearly fifty years the village people, her ex. students called her Teacher till the end of her life.

Then for years and years, the woman most close to me and from whom I learned quite a lot is my wife - my partner, redacting technician, my colleague and criticist.

She is a nurse. She can understand a medical text, she can fix a cattle, she can knitt a jumper, climb on a stage and talk about the syndical gathering she can cook an impressive meal, fix hair, to take care of a series of houses, gather apples as well as understand medical legislation. Now I have the pleasure of looking at a fifth woman- my daughter growing to a mature state. I cannot forget the fact that in my life there were some powerful men as well, my grandfather, my father and my uncles. None of them had any timidity they were role models for me and I respected their word. They thought me anything a man has to know: military work, football, woodwork, how to fix a door etc. They made me get into politics, encouraged me to read the paper and gifted me with plenty of things. But now however, talking about women no one may ever convince me of them being inferior and I have not been made believe in the absolute supremacy of the male and the normality of a sexual division in workforce.

## *2.2. On the Origins of Sexual Discrimination*

Even today we face proof of mysoginism in sexual discrimination regarding workforce, in legal codes, in credit practices, in tendentious jokes on blonde women. We see them in the stereotype of racial, national or ethnic groups, and then, sectioning

these, we find a hypothesis of masculine superiority. Where does the male supreme system come from? Maybe from the fascinating anthropological speculations. And when claiming that male supremacy is not genetic we do not say we have to ignore biology. It seems normal to suppose that since women give birth to children in the first human societal forms they acted in condition to an incorporated disadvantage regarding men. When we passed on from simple food gathering to hunting, it is clearly thought that men could go on faster, they could stay away from home for a longer time, they had more complex muscles so it was more or less normal that men had to hunt and women just to gather. Hunting in its own self might have promoted these features of prey animals and coercitive capacities which offered men a huger social empowering above women. Along with these we might also add the idea that men have more reasons than women to ask for a greater number of children and the greater the pregnancy rate the less occasions do women have to go on a power conquest. Both men and women were in need of children to take care of them at an old age when they were unable to survive on their own. Obviously, children were linked to their mothers. However they being closer to their mothers, the old men in the tribe stayed vulnerable and thus they manipulated the boys to stay away from their motherly link and become in a rather more male way of acting. This thing helps us explain a lot of puberty rituals related to boys, the passing initiation, secret rituals between men etc belonging to a lot of primitive communities however they are only speculations which do not answer to the question of how did the male supremacy start and how comes it that it is still up to date.

Our scientific research objective is not based on the reason for which misogynism has not yet disappeared even if we are facing important changes in technology, culture and more other domains however it consist in the ensuring of legal woman right protection judging the times of industrial revolution which still kept a reference to biological identity still offered a new feature to the relation between men and women and the role of men and women were redefined in a deep way, predicting the future feminist movement.

### *2.3. Feminist Movement and its link to Female Emancipation*

Feminist movement had a starting point on the Female Mysticity [2] and it contributed to a start of a modern movement which soon alike all successful movements

had spread in new shapes of which initially no one thought. Thus a nucleus of full generations of intelligent women way too energetic and ambitious to only sit at home and do knitting with an ended college studies mostly aged over thirty had formed a significant part of the movement, mothers whose children were growing up into school students.

These women thought to be equal with men and started attacking the fundamental structure of society roles as a hole. Therefore the modern feminist movement engaged in a fight for change in definitions and known roles promoted by the industrial revolutions is part of the huge historical movement till beyond the traditional industrialism and just as all social movements it had its dose of courage, tactic errors, extreme demands and confusion. As all social movements it had to either decade or change state. But just like the act for human rights it became part of a massive human criticism as a result to industrial revolution and it helped clarifying the social problems fulfilling thus, the complex female problem revealed by religion which started indicating the way towards a more increased legal protection of women in a more amplified situation as we shall further see.

### *3. Female Issue in Religion*

Religion offered rights and privileges to women which she would have never enjoyed in other constitutional systems. This subject may only be understood when the issue is holistically studied in a comparative way more than in a partial one. The rights and responsibilities of women are equal with those of men, but not necessarily identical for equality and simily are two different things. This different issue is to be understood as man and women are not identical but created to be equal. It is nearly impossible to ever find two identical men or women [3]. The different aspect of equality and simily has a great importance for equality has to be righteous but not such as simily. People have not been created identical but equal. Thus, we cannot imagine a woman to be inferior to a man. There is no reason for which we may suppose that she is less important than he is just because her rights are not those of him. If her status were identical to his she would have only been his duplicate, which she is not. The fact that religion gives her equal but not identical rights, proves that to her is given the deserved importance and she also benefits of admission of her independent personality.

*4. The woman's status in a religious concept does not stand as a problem and the attitude of believers shows that a woman is at least as essential to life as a man is and that she is not inferior to him*

Religion does not take a woman as the seed of evil or a man as her dominating master and to whom she has to surrender with no other option. Furthermore religion had never doubted the fact that a woman has a soul or not. No believer had ever doubted the humane status of a woman and the fact that she has pure spiritual qualities. Even in comparison to democratic nations in which we find that women are not in such a pleasant state. She does not have a status to die for. The woman has to work hard in order to survive, and at times she may have the same job as a man, but gets less paid. She has a privilege of enjoying a specific type of liberty which in some cases may lead to libertinism. In order to reach the place that she occupies nowadays, the women had to fight hard for decades and centuries. In order to win the rights to education and work women had to undergo a lot of painful sacrifices and give up their natural rights. Still, despite all ill sacrifices and painful fights, they did not get what God stated in his rules.

Women's rights in modern times have not been given in a voluntary or faithful way. Alas she managed to own her status by force and not by natural consentment. She had to force things and different circumstances were of help. The deficit in male workforce through war, economic pressures and demands of industrialization had forced her to leave her home in order to work, study, fight for her life and seem equal to the man as well as compete with him in a battle for life. She was forced by existing situations and in exchange she herself forced to defeat barriers gaining her current status.

What religion stated for a woman is what is suitable for her nature, offers her security and protects her from embarrassing and unsafe situations. We shall not develop the subject of the nowadays status of women and the risk which they take to make a living and not to analyse the hard struggle and the failures through which we have as a result of the so-called legal woman rights even if they are arranged in a righteous lawful protection established with the aid of legal instruments with an international regional or national objective, and the invented gender concept has major

difficulties of the interlinguistic equivalence due to the fact that each word belonging to a language is resulted by a number of experiences shared by a community. Likewise while showing the semantic informational structure there should be taken into consideration a multitude of elements of which we may remind the context of situation in which we expose the process of communication, wordly formation and the derived meanings from the same root, also relating to the specific conotation of the given word for each language, nation era or even the individual. May it be therefore observed that semantic spheres of equivaled words at dictionary level do not always coincide. Likely, a difficult problem states for the polisemantic legal vocabulary and the special categorising of these ones represented by contrary meaningful words as in semantic polarity or contextual oppositional capacity such as antonimes - that appear quite often in the common- law system thus being traps for the interpreter. If the propper meaning may at times show a difficulty in transfer, the conotation is even harder to show. These being said, it is important to point out that the legal meanings can only be legally defined, and the difficulties we find in attempts of transposing them into a different linguistical community language is owned to the fact that the latter did not go through likewise legal experiences with the ones of the community which made that particular text and which would have ultimately taken to the creation of nearby correspondencies.

In the Romanian language, the legal words will unavoidably be carrying specific conotations, thus some keywords for the defining of equality in chance as a system such as gender, are equivalent in translation with words that have known meanings in the national legal system. These pairs of words- established according to translations- thow having common meaningful features, which allowed, actually their equivaling have meanings that are differently expressed in connotation, being mostly the object of compensatory explanations of the unavoidable loss in transfer. That is why we shall study the gender concept in link to other close concept from a legal perspective only.

#### **4. Gender concept in link to other related concepts**

In legal doctrine it is righteously stated that the correct explanation of the meaning regarding gender concept it is in order to help for a better implementation and deffence of the right to equal chances which may be possible inclusively by incriminating and punishing facts which bring tangeability to this value. It is known that

each individual has an own representation on non discrimination according to the features and particularities of a concrete being, as well as according to the rules, traditions and regulations which exist in a society at a given time and which an individual choses to respect. Beyond the individual particularities of a person the gender concept also features some general claims which make it different than other related concepts. Under this aspect in special doctrines we may distinguish between gender and other notions such as equal chances and treatments, nondiscrimination, differences which show a major interest for a full understanding of the gender conceptual content in relation to other concepts which it oftenly faces. Thus a being has firstly as a subject to social relations a social life making one capable of developing social activities including respecting the responsibilities which one has for such an activity. Social life is made of a system of relations which place individuals in a diverse and uncombative contact with their fellows and likewise it demands a way to way interaction of individuals and collective groups. Social life, in its'complexity means both existing rules which disciplin social relations obliging a human being to have a compatible behavior according to general interests in one's social life development. Likewish from the sphere of social life we may also take into thought cultural sport religious professional and cooperation relations etc. A normal development of social life is the base to social order which means the lack of disorder ( disturbances, manifestations, social vindicative or contesting movements) social order would not be anything according to some authors appart from a state of balance, managed with the settling of all elements, which enter in their own place while making social lifestyle [4].

Regarding social life, a human being may also have a private life which includes all kinds of domestic actions ( eating, dressing, sleeping having spare time activities) as well as relations with close people and friends with which links are only happenings.

Gender also refers to family relations within one's family and between known families. A part of chance equality is also reflected in professional preparing activities in specializing, training etc and it demands everything in which an individual may be interested including physical and moral integrity. It also stands as a right so that one may establish and develop relationships with the ones close by, the right to protect and reveal a formed image and to be in a healthy environment, the pshychological freedom

of one being, the guarding of healthy secrets above all over the personal concepts opinions and beliefs as well as regarding the way of evaluating another attitude. The gender concept also includes the business relational domain, professional to one subject, meaning everything regarding an individual only apart from community and state. This concept also includes family relations, as well as those related to home life as they had not been included in the sphere of previously analysed concepts.

For the EU Court judges, chance and treatment equality is a broad concept with no exhaustive meaning. This concept is especially broader than the one of non discrimination rights and it refers to a sphere in which every person may freely develop one's personality. These social values mainly are cared for through extralegal ways or even legal manners extra criminal, however they might as well be defended by the add of criminal law if the violation of such rights would be a casualty which may not be efficiently combating through other legal rules. The chance equality between men and women may be a multitude of personal manifestation, even if it is seen as a distinct individuality, different then all others , and even if it is regarded as a part of fundamental relations with others and it may as well be reflected to other main and spiritual activities of a being when they are controlled by the person in self, meaning developed by the subject with no external influence, and without any social interest. The gender sphere also links to the developed activities for health care and physical development, meaning those activities which contribute to personal development and fulfillment.

It is known that human spiritual progress stands as an inner incursion, a deep reflection in which a human being feels the need of peacefully thinking how to freely choose between the acting impulses and deliberating over the reasons for and against any decision, to evaluate the various influences of the surrounding environment as well as filtering through ration the information of reality. Under this aspect, chance equality between men and women appears as an internal zone in which social environmental pressures and individual reactions combine and it presumes to be including a whole of activities affecting a righteous owner of affect his relations with a third part. This right refers to human actions which belong in their natural way both to the intimate sphere limited by the private one as well as to the social sphere. In order to make the continuous profe of the non discrimination right, a beneficiary has to be financially

independent towards anyone who could be interesting in stopping this right. Such a condition is not realized if one asks for a loan or a job, condition in which one may not be allowed for a sexual discriminatory reason. These examples show proof that when there is lack of material resources, the right to equality, with its sides cannot be functional in a complete and absolute way and if they are insufficient, its content is drawn to such lessure that it loses the quality of a fundamental right, conditioned by its own accessibility for every member of society. There is a logical question to mind if the unappearance of material conditions favorable to the claim of a right to equality does not ruin the right itself and if it is fully applicable if there is a material existence deficit. Definitions of various authors to the gender concept have been influenced by technology as well as feminist movements.

Regarding the social sphere, multiculturalism just as the diversity of lifestyles have brought together in the same public space populations and groups with practices and sensitively different options. As modern individualism has mantained or even amplified its grounds, all these processes have multiplied the problems linked to gender concept and they have revived the rows in which we refer to the way that the rights to equal chances between men and women should be understood. That is why the sphere of non discrimination has different approaches not taking control in culture and mentality watched by aspects belonging to social particular groups as an individual status of one single person. Which would be the criteria that has an objective of evaluating a manifestation as belonging to the gender sphere? A first criteria would be the place, the territory in which various actions take place. If these were in a strictly intimate place, someone's residence, without the participation of other witnesses apart from family friends there may be thought that it was a particular manifestation. According to this criteria referring to place various other manifestations would be excluded from the gender sphere: talks, activities which took place in public areas like the street or in the park, although they should not be niglected in a strict way if a talk takes place in a park however the participants whisper the words. Social scientists saw that what is typical for a German citizen is the fact that he prefers more discrete places and to have residences either surrounded by high fence or placed where no one may see them whereas on the

other side the French citizen would like to talk in public spaces, prefers coffee shops, restaurants and parks.

A second criteria may be represented by an individual and social status. Even if everyone has a right to equal chances, the equality sphere is proportionally related to the individual's range of celebrity. People who benefit from being famous allow to be known even through publicity regarding their private view on life ( actors, sportsmen, politicians and singers ) unlike the non public persons. If in case of a specific category of population the right to non discrimination is becoming more uncertain in other places it becomes more believable. Thus we may not talk about pretending to have a hidden rather than a public life. Thus the sphere of equality in chance rights is less broad.

A third criteria would be related to the type of manifestation no matter the place where it happened. Regarding this criteria there must be proof that the manifestation in a way had a so called defined character implementation which is rather more hard to prove with regard to a public manifestation, in this case the objective may easily be sued especially if confidentiality does not appear as evidence. Into evaluating the proposed objective there has to be taken into consideration the cultural degree as well as the particularities of each population because it could be that an action in one social group can be perceived as an usual manifest and in another group something seen as intimate and personal or the other way round. Evaluation differences alike may exist even linking to a national mentality, thus, as it had previously been said the German nation is assigned to moral stability which may not be likely found in the definition of French, Italian or other nations which may also damage the correct judgement in chance equality. The gender concept according to a consequent jurisdictionality of the EU Human Rights Court also extends to personal identity, the physical and psychological condition of a person and mostly, towards the development without external interventions of the personalities linked to each individual in relation to other human beings. The sphere of equal chances between men and women in the European legal conception refers to the physical and moral non discrimination of a human being and in a specific way one's right to establish and develop relations with the ones close by without discrimination. Thus there is no principal ration which may lead to concluding in exclusion of professional gender activities because the majority of humans have the

possibility that they may fix social interhuman relationships at work. It is also admitted that there is a non discrimination law, a common European fundamental right, being assigned to the disposition of the EU conventional charter and admitted by the constitutional traditions of member states. Although according to the convention in an ideal way, all citizens of the EU are equal, still on the other hand the conventional key being unity in diversity it is to be admitted that the conventional disposition are not a complete harmonization factor but only a closure of care and guardianship standards of common fundamental and European rights. This closure allows the existence of a diversity in jurisdictional solutions of member states. If the fundamental right as the right to equal chances between men and women is stated in the EU Human Rights convention, the concrete aspects will be taken care of by the EU human rights court which decisions are a responsibility for member states to respect in a true guardianship modality.

### **5. Care for the Equality of chances between Men and Women methods**

Mainly the care for chance equality between men and women is ensured through moral conventions, through polite acts as well as social rules. We could as well imagine a such type of care with the aid of Criminal Law for non discrimination? We do think so obviously considering the unrighteous facts which would violate the wish of women to be equal with men and not to undergo discrimination, a violation which may not be efficiently oppressed by extralegal methods. In specific literature there had been discussins both concerning the legal nature of the right for chance equality, a right known to have a jurisdictional origin. In an opinion it is stated that it is an extrapatrimonial right, which may add to a category of rights different from real and credential rights while another opinion states this right to be regarded as a subjective and nonpatrimonial right ( without economic content, without being financially considered). Paul Roubier stated that this is a subjective and patrimonial right because only patrimonial rights may be qualified as subjective [5]. In another opinion which could be embraced and would be in deep link to jurisdictionalism it is shown that this right behaves with attribution both in a moral and intelectual way, as well as in a patrimonial circumstance. Also this right from a historical viewpoint, has been born with an

extrapatrimonial meaning, in order to progress towards market economics thus having patrimonial elements added.

Social order cannot be done only by applying collective rules as necessary and benefic for social cohabitance. There is also a need for a justice to evaluate human behaviors in the light of these rules and to decide which rules have been respected and which not, and in this last hypothesis it may decide which kind of attitude does the social group have to assume regarding hostile members. The social cohabitance rules are rules of behavior, normal and elementary as part of everyday life and they refer to the relations between humans in their development in relation to the morals and principles of society. Many of the moral rules by being intaken by lawful reglementationn become legal rules, which are ensured to be respected more than by the force of public opinion by also the constraining force of criminal rules [6].

Humanity had always felt the need of establishing behavioral rules and regulations which may establish the relations between social group member relationships. These rules and customs had established human behaviors in society, in their families, with their neighbours, with their friends being generated by social existence and the necessity of peaceful relations and cooperation between group social members which was an absolute need for an isolated individual may not face the hardship of social life. Regarding historical needs starting at one point some of the cohabitance rules also became legal laws as their violation had been resulting with a sanction and were stated by an authority more independent to society with the competency of adding constraint for the understanding of rules. The determined attitude against various manifestations which brought a touch to the gender sphere of an individual had represented a moral obligation of every citizen, a position manifested by the disapproval of such acts, which slowly contributed to the shaping and developing of new human behavioral features, to the uplifting of their need understanding level towards woman dignity guardianship [7].

If in a first instance, gender protection was taken to moral rules, slowly as the demands of social groups grew there had been reached a point of extra criminal lawful protection which later on lead to legal constraint. Thus if there was a time when the legal protection of women's rights was ensured by polite moral or educational rules

which asked the ones taking part not to impose their presence in any way had one not desired for that with the consequence of excluding the hostile members from the groups of friends or relatives, slowly society felt the need to use legal rules in order to ensure an individual the respecting of a right for equal chances between men and women. Firstly extracriminal rules had been implemented which lead to the attributing of criminal constraint.

About the extracriminal legal protection of chance equality we may firstly cite the disposition of the EU Human Rights convention as well as the dispositions of [8]Article 16 of the Romanian Constitution with the side name of rights equality.

Thus the Romanian Constitution cares for chance equality between men and women as it was stated *expressis verbis* of this principle in the sixteenth article and the second paragraph of the Constitution. The fundamental Law under great humane principles also reflects care towards humans and their needs, guarding in both ways women as well as men. The responsibility of public authorities obviously refers not only to Romanian citizens but also to foreigners and residents in our country. Likewise in article 28 paragraph 1 the Constitution refers to legal ways to social economic and cultural methods through which our state ensures the manifestation and development of human personality understood in the way of unconditional and unlimited respect for one's life as well as physical, psychological and moral integrity. Not taken into respect these responsibilities may attract applying implemented rules of the Civil or Criminal code. Civil law protects personal freedom including the great number of rules regarding repairing prejudicial acts if it thus follows. Therefore according to the Civil code article 61 with the side name of guarantying the rights of human beings it is stated that: "Life, health and physical or psychological integrity of every person are guaranteed and likewise equally protected by law, the interest for human goodwilling life development has to be primordial over the unique interest for rights of science or society".

In specialized literature there has clearly been mentioned that the right to non discrimination is a subjective right which by simple violation may lead to an action in which there might be a request for material fixation even if there is no apparent damage. Non discrimination as a fundamental right it is also recognized by the general UN gathering which adopted the Universal Declaration of Human Rights in which content

there may be found the Fundamental Human Rights, explicitly being stated that no one may be part of a discriminatory act. The need for lawful fulfillment for chance equality is also pointed through other normative documents such as the International Pact regarding Economical Social and Cultural rights, as well as in the content of the International Pact related to civil and political rights (art. 6-16 and 23-24). Likewise the International Declaration of Human Rights, the EU convention of Fundamental Rights and Liberties.

Another document which explicitly points out the protection of rights for private life, next to the mentioned regulations also to be found in the Lisbon Treaty. Once the treaty entered in function by 1st of December 2009, the Fundamental EU charter gained compulsory legal force not only for institutions and actors of the EU, but also for member states of the EU, when applying EU law.

According to Art. 6 of the EU Treaty paragraph 1, the EU recognizes the rights, liberties and principles stated in the EU charter of Fundamental Rights. In the second title of the charter content there are stated the liberties of which EU citizens benefit. Thus in article 1 a. it is explicitly stated there has to be a right of equal chances between men and women.

There may also be stated that Criminal law is and has to be the last resource (*extrema ratio*) used in an adequate manner by the protection of chance equality. The social need which imposes such protection has to be, therefore, more deep profound and constraining, obliging thus the authority to appeal to combating ways more sharp and with a more strong influential degree of the citizen behaviorism, susceptible of ensuring a more efficient care for individuals and society. The ways of stronger influencing such as the Criminal ones are used by the lawful authority both in order to ensure a more drastic sanctioning of behavioral rule violation in different other domains of social relationing, but also in order to punish deep violations against some values which are not protected by anything other than Criminal law; in all cases Criminal law is not used in any way apart from as an exception or a last case solution, there and then when other methods prove themselves useless. The existing incriminations in Criminal Law regarding facts which bring a touch to the principle of non discrimination is to seriously stop the ongoing of these facts and to thus reveal a powerful general

preventory action. Thus our Criminal Law stands as an important and efficient instrument for the protection of women's rights, its specific methods contributing to combating these facts which hurt the chance equality attempt. However the intervention of Criminal Law has not a main objective more as a helpful side tool. Criminal law interferes against the touch of women's rights when such facts present a degree of social danger, which is related to the nature of infractical behaviors, the actual hurting or the stage of creating danger attributed to the places and condition in which the fact had been committed thus as it has previously been stated, the lack of other methods for such combat justifies the application of specific Criminal Lawful constraint [9].

The facts directed against chance equality through their degree of deep damage and the consequences cannot be differently considered apart as negative actions stating a social danger and wounding or endangering the exposure of an individual woman's dignity through the incriminated actions. These facts through their degree of damage and manifestation bring a touch not only to the private life of a person taken solely but also to the relations regarding to peaceful interhuman cohabitation because such facts also damage the existing legal order. Thus in ensuring Criminal Protection for chance equality the lawful authority shall also concentrate on everyone for there is a need for security, a need which obliges each individual to find a refuge in which to feel safe from any aggression. Incriminations which protect women's dignity correspond to the tasks of our Criminal law of protecting this gender sphere of people. Under this aspect it is to be taken into attention that stating a punishment does therefore show a powerful act of general prevention regarding refracting or doubtful elements capable of committing such crimes. Moreover the general preventory action can also be realized by effectively applying punishment over the persons who committed crimes, because this too will amplify the influence of preventive education regarding those who are doubtful in their own condition. The special act of prevention states for an effective and concrete showing of punishment regarding those persons who stay insensitive to the act of general preventing and had committed such a crime and thus sanctions have to lead to the once again education and integration of those who had done wrong. In order to make the influence true there has to be established for a proportional punishment in

link to the danger shown by the fact and the criminal for only thus, the one sentenced will be determined not to futurely commit such a crime. Under the efficient aspect of special prevention punnishing has to be looked at under two aspects : punishment is only a tool of special prevention for it determined the sentenced one not to commit another crime in fear of consequences which one should suffer, which is equal to a strictly lawful equivalence and on the other hand it determines the sentenced not to commit other criminal facts of the own will in respect towards the law, in this situation special prevention is the expression of moral good will as proof to a deep change in the consciousness of the sentenced. Even if the special preventory action is more oftenly based on fear of punishment more than a transfiguration of the criminal's conscious values, society is satisfied if statal laws are respected at least by fear of punnishment and may restrain from such facts.

#### **6. Instead of adding conclusions: Which may be the future of equal chances between men and women?**

Which is the possible future of men to women relations? The new civilization which fractures and restructurates the social order in a more differential way will oblige us to witness only one dominant configuration of relations between men and women or will it be a diversity of divergences of roleplays - with a lot of different communities each of them with its own values and role structures. Instead of having a country in which people are more or less forced to integrate in the family nucleus and belonging to a culture in which words like old girl or bachelor have a negative connotation, or in which the lack of children is an equivalent of infertility- I forsee the movement to a period of time in which we will see a flourishing and acceptancy of various different family structure. No matter the fact that we are talking about the electronic villa in which mome dad and the children work alltogether or about a family with two chareers or a mono parental structure, a common or a number of other specific shapes, people will live in such structures which shows a more amplified variety between men and women and their relationships compared to what we see nowadays and this diversity will also include mysoginist behaviors [10].

Therefore we might imagine the survival of communities devoted solely to male values- Mormon communities for example, and other religious traditionalist societies. I

do not suppose they might ever disappear. However do we also believe that we shall see communities in which relationships between the two sexes will be frighteningly traditionalist. If the theory of diminishing masses is correct, then we have no chances of looking at only one dominating model. Despite the obstacles encountered in an overwill to succeed on the workforce market, with hostile governments regarding women's rights, with disorganised and unsure feminist movements there are reasons for a perspective in an optimistic way. Firstly, at the moment we are decisively tearing apart from an economy based only on physical force, towards one which is fundamented on mental power- which eliminates a crucial disadvantage of women. Then there is a possibility that women shall have more control on birthrate-programming pregnancies and their numbers- more than ever in history. And moreover we are restarting to add work at home so that even home staying women who willingly or unwillingly are at home may if they like, take part as well in exchanged economics working directly from home. Likewise the western young women of the new generation at least and even the most conservatory ones, think they have a guaranteed area of places that are choosable which were never in the benefit of their mothers and grandmothers. They are more independent and this phenomenon may also be observed amongst younger men- of whom at least a small part rebel against the old sexual roles which offered men the dominant title, however they exiled him in the position of moneybringer and had taken away the pleasure of emotional links with their children in their growth and development. Thus, we nowadays see young fathers taking care of their children and babies. Some of them make this in a permanent way so as to allow their wives to maintain a job or to create a professional career. Thus, I will end with such opinions: even if I do not expect future society to throw away mysoginism and to stop cultural features which survived for thousands of years in only a few decades; eventhough I may foresee male dominance in hi- tech societies even thus I believe that the fundamental will of actual changes favours a rather more valuable equality between sexes. Both men and women had changed. New values appear in sight together with technology and changes in economics. I might be too optimistic. But I think that now for the first time we foresee a new civilization which acts in order to historically free the women and not to ground them [11].

Regarding mysoginism the new civilization will propose a new set of social attitudes and relations instead of the ones which persisted amongst all the technoeconomical waves of change so that ethnic discriminations as well as religious and of other natures are lastly rooted in the need of individual evolution of finding in one way or another a group identity. Groups which managed to create a degree of cohesion had survived, probably way better than the ones that did not especially as we have to expect a greater variety of groups and identifications. Moreover in the rhythm of current social and cultural change citizens intake or outthrow componences of their identities in a more faster timing and everything implements in the older and mor profoundly fixed stratifications of rasial and ethnic identity. Therefore because of all these reasons, towards the above mentioned we think we are not wrong when stating there will be a change in quality in this case, the oldest of them male dominance will turn to female dominance. Are us men able to accept at least in only an idea that women will rule us just as we said in our very funny jokes that us men are the head but the neck which controls the movements is the woman?

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 Art. 16 Equal Rights  
 1. Citizens are equal in front of the Law and Public Authorities without privileges and discrimination.  
 2. No one is above law the public functions and dignities be them either civil or military may be occupied in lawful conditions by persons with Romanian citizenship and stable residence within the country. The

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*[9] For details check, Valentin-Stelian Bădescu, Umanizarea dreptului umaitar, Editura CHBeck, București, 2007, pp. 167-173.*

*[10] For details check, Alvin Toffler, Previsions and Premises by Antet Bucharest 1996 pages 123-139.*

*[11] Ibidem.*