

# ROMANIA 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Romania is a constitutional republic with a democratic, multiparty parliamentary system. The bicameral parliament consists of the Senate and the Chamber of Deputies, both elected by popular vote. The country held parliamentary elections in 2016 that observers generally considered to be free and fair and without irregularities. In 2014 the country held presidential elections in which electoral observers noted irregularities, including insufficient polling stations for the large diaspora community.

Civilian authorities maintained effective control over the security forces.

Human rights issues included endemic official corruption and police violence against the Roma.

The judiciary took steps to prosecute and punish officials who committed abuses, but authorities delayed proceedings involving alleged police abuse. The result was that many of the cases ended in acquittals.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

The Institute for Investigating Communist Crimes and the Memory of the Romanian Exile (IICCMRE) was authorized to submit criminal complaints related to alleged communist-era crimes. On June 25, the IICCMRE submitted a criminal complaint to the Prosecutor's Office on alleged inhumane treatment between 1980 and 1989 in the Siret Neuropsychological Pediatric Hospital that resulted in 340 deaths.

In May 2017 the trial began of former communist-era Securitate officials Marin Parvulescu, Vasile Hodis, and Tudor Postelnicu, accused of crimes against humanity before the Bucharest Court of Appeals. They were charged in the death of dissident Gheorghe Ursu, who was arrested and allegedly beaten to death by

investigators and cellmates in 1985. As of September the case was before the Bucharest Court of Appeals.

In 2016 the Military Prosecutor's Office indicted former president Ion Iliescu, former prime minister Petre Roman, former vice prime minister Gelu Voican Voiculescu, and former Romanian Intelligence Service director Virgil Magureanu for crimes against humanity. They were accused of involvement in the 1990 "miners' riot," when thousands of miners were brought to Bucharest to attack demonstrators opposed to Iliescu's rule. According to official figures, the violence resulted in hundreds of injuries, illegal arrests, and four deaths. Media estimates of the number injuries and deaths were much higher. As of September the case was pending before the High Court of Cassation and Justice.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, but there were reports from nongovernmental organizations (NGOs) and media that police and gendarmes mistreated and abused prisoners, pretrial detainees, Roma, and other vulnerable persons, including homeless persons, women, sex workers, and substance users, primarily with excessive force, including beatings. In one example, according to journalists, in September four agents of the Bucharest Sector 3 police used excessive force against two Romani teenagers caught fishing in a public park. As of September a police disciplinary committee was investigating the case.

In February prosecutors in Bucharest Sector 5 opened a case against 15 employees and the director of the Rahova Penitentiary Hospital for allegedly beating several inmates between 2015 and 2018 and falsifying medical records to cover up the abuses. As of October the investigation of 16 defendants and seven suspects was pending.

The NGO Romani Center for Social Intervention and Studies stated that in 43 cases of police brutality against Roma persons over the previous 12 years, there were no convictions at the national level, often because prosecutors did not take the cases to court. The European Court of Human Rights (ECHR) ruled in a number of cases that the justice system had failed to deliver a just outcome in cases

of police brutality, particularly against Roma, and cases involving abuses in psychiatric hospitals. The average time for a ruling in cases of alleged police abuse of Roma was nearly four years.

In 2015 the Association for the Defense of Human Rights-Helsinki Committee (ADHR-HC) reported that the Romani community in the village of Racos in Brasov County complained that police had terrorized and repeatedly beaten them over the previous three years. The Brasov prosecutor's office allegedly handled their complaints improperly. In addition, four men reportedly beat a civil activist who was advising members of the community on how to submit complaints. The prosecutor's office attached to the Brasov Tribunal sent to trial several defendants, including the chief of the Racos police, for inciting others to hit the victims and other acts of violence against the civil activist. In September 2017 and July 2018, the Rupea Court convicted the defendants to prison sentences and criminal fines for assault.

According to the United Nations, two allegations of sexual exploitation and abuse against peacekeepers from Romania reported in 2017 were pending. Both cases involve military observers deployed in UN Stabilization Mission in the Democratic Republic of Congo. One case involved the alleged sexual abuse (rape) of a minor. The peacekeeper in question was repatriated by the United Nations. The other case involved alleged sexual exploitation (transactional sex). Investigations by Romanian authorities were pending.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and overcrowded and did not meet international standards. The abuse of prisoners by authorities and other prisoners reportedly continued to be a problem.

Physical Conditions: According to official figures, overcrowding was a problem, particularly in those prisons that did not meet the standard of 43 square feet per prisoner set by the Council of Europe. Conditions remained generally poor within the prison system, and observers noted insufficient spending on repair and retrofitting. According to the Ministry of Foreign Affairs, men and women, juveniles and adults, and pretrial detainees and convicted persons were not held together.

According to media, NGO, and ombudsperson reports, guards assaulted prisoners and, at times, prisoners assaulted and abused fellow inmates. As of September, 74

complaints against penitentiary staff had been lodged with the National Penitentiary Authority (NPA) for abuses and violations of inmates' rights, acts of corruption, threats, failures in executing professional duties, mistreatment, and inappropriate behavior. Statistics on the number of complaints sent by the NPA or inmates to prosecutors were not available.

A number of prisons provided insufficient medical care, and food quality was poor and sometimes insufficient in quantity. In some prisons heating and ventilation were inadequate. Persons with mental disorder did not receive sufficient care and were frequently isolated by other inmates. The ADHR-HC stated that the actual number of persons who had mental health problems was three times higher than the number of inmates who received treatment for mental illness.

The ADHR-HC stated that most pretrial detention facilities had inadequate conditions, particularly in terms of hygiene and overcrowding. Such facilities were often located in basements and had no natural light and inadequate sanitation. In some pretrial facilities and prisons, there was no possibility for confidential meetings between detainees and their families or attorneys. The ADHR-HC also criticized the lack of adequate treatment for former drug addicts and the lack of HIV and hepatitis prevention measures.

In April 2017 the ECHR issued a pilot judgment regarding prison and detention center conditions in the country. The court had previously dealt with more than 150 complaints of overcrowding and inadequate conditions in prisons and pretrial detention facilities. It found that the applicants' situation was part of a general pattern of structural dysfunction of the system.

Administration: Independent authorities did not always investigate credible allegations of inhuman conditions.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. The ombudsperson also visited prisons as part of his mandate to monitor places of confinement.

Improvements: The law provides for reducing sentences for prisoners held in inappropriate conditions. Under its provisions, for each 30 days a prisoner has been held since 2012 in inappropriate conditions, his/her sentence is reduced by six days. Inappropriate conditions are those not meeting standards set by the Council of Europe or other conditions as defined by law, including having less than 43

square feet of living space per prisoner, dampness or mold in the walls, and lack of private toilets. Between October 2017 and June 2018, 10,957 inmates were released based on the provisions of this law.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government generally respected these prohibitions. The law provides for the right of any person to challenge the lawfulness of his or her detention.

#### **Role of the Police and Security Apparatus**

The Ministry of Internal Affairs is responsible for the General Inspectorate of the Romanian Police, gendarmerie, border police, General Directorate for Internal Protection (DGPI), and Directorate General for Anticorruption. The DGPI has responsibilities for intelligence gathering, counterintelligence, and preventing and combatting vulnerabilities and risks that could seriously disrupt public order or target Ministry of Internal Affairs operations. The prime minister appoints the head of DGPI. The Romanian Intelligence Service (SRI), the domestic security agency, investigates terrorism and national security threats. The president nominates and the parliament confirms the SRI director.

Civilian authorities maintained effective control over the SRI and the security agencies that reported to the Ministry of Internal Affairs. The government did not have effective mechanisms to investigate and punish abuse, and impunity was a problem.

More than 770 persons submitted criminal complaints concerning violent incidents during a protest on August 10 when the gendarmerie allegedly used excessive force against peaceful protesters. On August 19, the minister of interior announced the ministry's report concerning the protest was classified. On September 25, the General Prosecutor's Office stated the declassification of documents was required so that parties, suspects, and lawyers could have access to them. As of November the report had not been declassified.

Police officers were frequently exonerated in cases of alleged beatings and other cruel, inhuman, or degrading treatment. A widespread perception of police corruption contributed to citizens' lack of respect for police. Low salaries also contributed to making individual law enforcement officials susceptible to bribery.

Authorities referred cases of high-level corruption to the Directorate General for Anticorruption in the Ministry of Internal Affairs.

### **Arrest Procedures and Treatment of Detainees**

By law only judges may issue detention and search warrants, and the government generally respected this provision. Authorities must inform detainees at the time of their arrest of the charges against them and their legal rights, including the right to remain silent and the right to an attorney. Police must notify detainees of their rights in a language they understand before obtaining a statement and bring them before a court within 24 hours of arrest. Although authorities generally respected these requirements, there were some reports of abuses during the year. Pending trial, if the alleged offender does not pose any danger to conducting the trial, there is no concern of flight or commission of another crime, and the case does not present a “reasonable suspicion” that the person would have committed the offense, the investigation proceeds with the alleged offender at liberty. Depending on the circumstances of the case, the law allows home detention and pretrial investigation under judicial supervision, meaning that the person accused must report regularly to law enforcement. A bail system also exists but was seldom used. Detainees have the right to counsel and, in most cases, had prompt access to a lawyer of their choice. Authorities provided indigent detainees legal counsel at public expense. The arresting officer is also responsible for contacting the detainee’s lawyer or, alternatively, the local bar association to arrange for a lawyer. A detainee has the right to meet privately with counsel before the first police interview. A lawyer may be present during the interview or interrogation.

The law allows police to take an individual to a police station without a warrant for endangering others or disrupting public order. Police reportedly used this provision to hold persons for up to 24 hours. Since those held in such cases were not formally detained or arrested, authorities did not recognize their right to counsel. The ADHR-HC criticized this provision as leaving room for abuse.

Pretrial Detention: A judge may order pretrial detention for up to 30 days. A court may extend this period in 30-day increments up to a maximum of 180 days. Under the law detainees may hold courts and prosecutors liable for unjustifiable, illegal, or abusive measures.

### **e. Denial of Fair Public Trial**

Lack of sufficient personnel, physical space, and technology to enable the judiciary to act swiftly and efficiently continued, resulting in excessively long trials.

The constitution provides for an independent judiciary. The Superior Council of Magistrates is the country's judicial governance body and is responsible for protecting judicial independence. It generally maintained transparency of operations and acted to suspend judges and prosecutors suspected of legal violations. There were reports, however, that the Judicial Inspectorate, an autonomous disciplinary unit within the council, was subject to increasing political influence and was occasionally used to investigate magistrates prosecuting or ruling against the governing coalition's officials or allies.

The government generally respected judicial independence and impartiality, but instances of political messaging targeting courts, prosecutors, or judges increased. Some prosecutors and judges complained to the council that media outlets and politicians' statements damaged their professional reputations. The council determined some politicians' public statements infringed on judicial independence.

### **Trial Procedures**

The constitution and the law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Under the law defendants enjoy the right to the presumption of innocence, have the right to be informed promptly and in detail of the charges against them, and have the right to free linguistic interpretation as necessary from the moment charged through all appeals. Trials should take place without undue delay, but delays were common due to heavy caseloads or procedural inconsistencies. Defendants have the right to be present at trial. The law provides for the right to counsel and the right to consult an attorney in a timely manner. The law requires that the government provide an attorney to juveniles in criminal cases; the Ministry of Justice paid local bar associations to provide attorneys to indigent clients. Defendants may confront or question witnesses against them (unless the witness is an undercover agent) and present witnesses and evidence on their own behalf. The law generally provides for the right of defendants and their attorneys to view and consult case files, but prosecutors may restrict access to evidence for such reasons as protecting the victim's rights and national security. Both prosecutors and defendants have a right of appeal. Defendants may not be compelled to testify against themselves and have the right to abstain from making statements. Prosecutors may use any statements by defendants against them in court.

The law allows for home detention using electronic monitoring devices, but the government did not procure such devices, and persons were placed under home detention without them. A judge may detain a person for up to five years during a trial, which is deducted from the prison sentence if the person is convicted.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Civil courts are independent and function in every jurisdiction. Judicial and administrative remedies are available to individuals and organizations for violations of human rights by government agencies. Plaintiffs may appeal adverse judgments involving alleged violations of human rights by the state to the ECHR after exhausting the avenues of appeal in domestic courts.

Approximately 80 percent of court cases were civil cases. Caseloads were distributed unevenly, resulting in vastly different efficiency rates in different regions. A lack of both jurisprudence and a modern case management system contributed to a high number of appeals as well as lengthy trials. Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcing court orders were unwieldy and prolonged.

### **Property Restitution**

According to the National Authority for Property Restitution (ANRP), the Jewish community is entitled to receive compensation for buildings and land that belonged to the Judaic religious denomination or legal entities of the Jewish community that were confiscated between September 6, 1940, and December 22, 1989. Individuals are entitled to compensation only for real estate confiscated between 1945 and 1989. The government has laws and/or mechanisms in place to address Holocaust-era property claims, and NGOs and advocacy groups reported some progress on resolution of such claims.

The law for returning property seized by the former communist and fascist regimes includes a “points” system to compensate claimants where restitution of the original property is not possible. Claimants may use the points to bid in auctions of state-owned property or exchange them for monetary compensation. The

parliament intended the law to speed up restitution, but local authorities hindered property restitution by failing to complete a land inventory stipulated by law. The government twice extended the deadline for the inventory's completion.

There were numerous disputes over church buildings and property that the Romanian Orthodox Church failed to return to the Greek Catholic Church, despite court orders to do so. The government did not take effective action to return churches confiscated by the post-World War II communist government. There continued to be lengthy delays in processing claims related to properties owned by national minority communities. Under the law there is a presumption of abusive transfer that applies to restitution of private property but not to religious or communal property. In many cases documents attesting to the abusive transfer of such properties to state ownership no longer existed. Religious and national minorities are not entitled to compensation for nationalized buildings that were demolished.

Associations of former owners asserted that the points compensation system was ineffective and criticized the restitution law for failing to resolve cases fairly and for lengthy delays and corruption. While the pace of resolving restitution cases at the administrative level increased, the number of properties returned involving churches and national minorities was disproportionately low. As of September the government had approved the restitution of 14 properties to religious denominations, approved compensation in 28 cases, and rejected 376 other claims. In 111 cases the filers withdrew, redirected, or attached their claims to other files. The number of cases resolved each year has remained approximately constant over the past three years, (an average of 1,300), but the number of positive decisions remained extremely low. Religious communities disputing these rulings continued having to go to court and incur additional costs. As of September there were 6,617 pending requests for restitution from religious denominations.

According to advocates of the Romanian Jewish community, the disappearance of entire document repositories, combined with limited access to other archives, prevented the Jewish community from filing certain claims before the legal deadlines. The ANRP rejected most restitution claims concerning former Jewish communal properties during its administrative procedure. The Caritatea Foundation, established by the Federation of Jewish Communities in Romania and World Jewish Restitution Organization (WJRO) to claim communal properties, reported it challenged these negative ANRP decisions in court. The WJRO also reported that the restitution of heirless private Jewish properties was not completed

and that there was insufficient research concerning property that had belonged to Jewish victims of the Holocaust.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

Although the constitution and law prohibit such actions, there were accusations by NGOs, politicians, and journalists that authorities failed to respect these prohibitions.

In September an advisor to the prime minister published on his Facebook page an official document purporting to be a psychiatric diagnosis of a prominent antigovernment protester.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government partially respected this right. Independent organizations such as Media Monitoring Agency, Freedom House, and Center for Independent Journalism noted excessive politicization of the media, corrupt financing mechanisms, and editorial policies subordinated to owner interests.

Freedom of Expression: The law prohibits denying the Holocaust and promoting or using the symbols of fascist, racist, xenophobic, or Legionnaire ideologies, the latter being the nationalist, extremist, anti-Semitic interwar movement that was among the perpetrators of the Holocaust in the country.

Press and Media Freedom: While independent media were active and expressed a wide variety of views without overt restriction, politicians or persons with close ties to politicians and political groups either owned or indirectly controlled numerous media outlets at the national and local levels. The news and editorial stance of these outlets frequently reflected their owners' views and targeted criticism at political opponents and other media organizations.

Mass demonstrations in Bucharest on August 10 sharply criticized the government's performance on curbing corruption. According to watchdogs and independent reports, progovernment media played a key role in spreading misinformation during the demonstrations. Representatives of the governing party

claimed that the August 10 protests were sponsored from abroad and aimed to be a coup d'état. They presented no evidence to support these claims.

The National Audiovisual Council (CNA) and Council Fighting Discrimination (CNCD) avoided sanctioning unprofessional and unethical behavior by media outlets controlled by businessmen and politicians related to the ruling party, while sanctioning reporters criticizing the government. For example, in January the CNCD fined both Republica analyst Cristian Tudor Popescu and Digi24 TV's Cosmin Preliceanu 1,000 lei (\$250), for criticizing the hairdo of the newly appointed prime minister and for refusing to retract the remark. On June 19, the Bucharest Court of Appeals cancelled the CNCD decision on the grounds that it violated freedom of expression.

During the year media outlets, anchors, and commentators controlled by owners who were connected to the government and ruling parties criticized press outlets whose coverage was critical of the ruling parties and their proposed legal curbs on magistrates' powers.

Violence and Harassment: More than 20 civic and human rights NGOs condemned the June 20 use of violence by the gendarmerie against peaceful protesters, including the detention of a German reporter.

On August 10, at least 15 journalists suffered physical, verbal, or tear gas assaults by gendarmes while monitoring a major anticorruption, antigovernment protest taking place in Bucharest, according to Active Watch, Reporters Without Borders, the Helsinki Committee for Human Rights, and the International and the European Federations of Journalists. According to NGOs, media reports, and testimonies, the journalists abused by gendarmes included Robert Mihailescu (Hotnews.ro), Cristian Stefanescu (Deutsche Welle), Vlad Ursulean (Casa Jurnalistului), Ioana Moldovan (Documentaria.ro), Silviu Matei (Agerpres), Cristian Popa and Cristi Ban (Digi 24), and Robert Reinprecht and Ernst Gelegs (Austrian public television).

On November 8, invoking privacy legislation, the National Supervisory Authority for Personal Data Processing (ANSPCP) asked investigative media group Rise Project to disclose the sources of the information they used for the articles they published into suspected cases of fraud and corruption with public money. Reporters' articles referred to TelDrum, a company based in Teleorman County, allegedly connected to the Chamber of Deputies speaker, who is also the chair of the ruling party, PSD. ANSPCP threatened the group with an unprecedented

penalty of a 20 million euro (\$23 million) fine if it did not provide access to their databases and ongoing investigations. It was the second consecutive year that Rise Project was subject to harassment by government agencies after it started thorough investigations into the assets of the ruling party chair and his family.

Libel/Slander Laws: On May 13, Chamber of Deputies speaker Liviu Dragnea announced that he had requested authorities investigate G4Media.ro reporter Dan Tapalaga, claiming he had revealed a classified memorandum on the possible move of the country's embassy to Jerusalem. G4Media was able to show that the report was based on open sources.

Voluntari Mayor Florin Pandele sued the news outlet PressOne.ro after the magazine disclosed academic evidence that he and dozens of other officials plagiarized their Ph.D. theses, after which the granting university rescinded his degree. Pandele was claiming damages of 300,000 euros (\$339,000) for defamation. On November 20, the High Court of Cassation and Justice sent the case back to the appellate court, ruling that its previous rejection of Pandele's second appeal was "not convincing." After another appellate court ruling, the case could return to the High Court for a final ruling.

### **Internet Freedom**

The government did not systematically restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 64 percent of the population used the internet in 2017.

In January media outlets reported that police opened two criminal cases against individuals in Timisoara who were accused of "instigating" unrest in Facebook messages in connection with antigovernment protests in December 2017. The human rights NGO Societatea Timisoara reported that the police action was aimed at intimidating street protesters mobilizing for democracy.

On July 19, media and NGOs criticized the Judicial Inspection of the Superior Council of Magistrates for initiating a disciplinary investigation against prosecutor Alexandra Lancranjan for a Facebook post explaining European legislation relating to abuse of office.

National Security: On June 26, the European Court of Human Rights (ECHR) found that the arrest of journalist Marian Girleanu in 2006 was disproportionate and constituted an interference with his right to freedom of expression. The court order the state pay 4,500 euros (\$5,180) to the journalist and 3,695 euros (\$4,250) to his lawyer. Girleanu was arrested and fined in 2006 for sharing classified military information without publishing it. At the time Girleanu was working for the daily newspaper *Romania Libera*, pursuing investigations into the armed forces and police.

### **Academic Freedom and Cultural Events**

Media outlets and NGOs accused the Vrancea Popular Atheneum, a cultural events venue sponsored by the Focsani municipality, of cancelling a planned conference in February on women's empowerment and gender equality organized by high school students because one of the speakers was transgender. The Vrancea Bar Association, a county councilor, the Vrancea School Inspectorate, the "Parents for Religion Classes" Association, and the Vrancea and Buzau Archbishopric intervened to block the conference and attempted to dissuade the organizers from holding it. In a statement to media, the director of the Athenaeum asserted, "We are a public, serious-minded institution, I cannot agree with discussions about lesbianism, homosexuality, and transgender taking place in the Athenaeum." The conference was eventually held at a different location.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedom of association, but the government occasionally restricted freedom of peaceful assembly.

#### **Freedom of Peaceful Assembly**

The constitution provides for freedom of peaceful assembly, and the government partially respected it. The law provides that unarmed citizens may assemble peacefully but also stipulates that meetings must not interfere with other economic or social activities and may not take place near such locations as hospitals, airports, or military installations. In most cases organizers of public assemblies must request permits in writing three days in advance from the mayor's office of the locality where the gathering is to occur.

On October 15, the Supreme Court ruled that public gatherings, including protests, must be declared in advance when they are to be held in markets, public spaces, or

in the vicinity of institutions “of public or private interest.” The decision was mandatory. Activists opposed these restrictions, stating that by announcing the protests, those who take to the streets will be forced to take responsibility not only for themselves, but also for larger groups or for instigators to violence who may be brought there to compromise peaceful anticorruption protests. Civic organizations also warned that in Bucharest, authorities granted public spaces for longer periods to NGOs with no activity only as a pretext to refuse permits to protest to legitimate organizations.

On August 10, a major protest at Victoria Square in Bucharest attracted approximately 100,000 protesters. According to the Ministry of Interior, several hundred persons allegedly attempted to get close to the cabinet office building and threw objects at gendarmes. Media and civic groups reported that the number of violent protesters was much lower, amounting to several dozens of persons. Gendarmes used tear gas and water cannon in an indiscriminate manner, harming peaceful protesters, some of whom were children or elderly. Many bystanders were also injured. NGOs, observers, and journalists noted that gendarmes launched tear gas canisters in adjacent areas of the square against persons who did not pose a threat. Because of the large crowd, protesters did not have the opportunity to disperse when gendarmes began using tear gas grenades. Gendarmes also used violence against protesters who left the protest and were on adjacent streets. Numerous broadcast television reports showed members of the gendarmerie punching, kicking, and hitting peaceful protesters with their batons. Several protesters suffered injuries caused by shrapnel from exploding tear-gas canisters.

According to the Interior Ministry, 452 individuals needed medical care during the protest, of which 33 were gendarmes; 70 persons were taken to the hospital, including 14 gendarmes. Hundreds of protesters reported side effects from irritant agents after the protest. Four Israeli tourists and a driver who happened to be in the area were dragged out of a taxi and beaten by gendarmes. Numerous reports showed that several gendarmes had the identification numbers on their helmets covered with duct tape. Dozens of civic and human rights NGOs condemned the intervention of the gendarmerie, which they viewed as a highly disproportionate response to the actions of most protesters.

## **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected this right. The law prohibits fascist, racist, or xenophobic ideologies, organizations, and symbols.

In August the government adopted an ordinance that authorizes the Ministry of Public Finances to check whether NGOs use the funds redirected by citizens from their income tax according to the organizations' primary goals. The ADHR-HC asserted that this measure would allow the government to harass NGOs.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and law provide for the freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern, which could include irregular migrants potentially in need of international protection.

Abuse of Migrants, Refugees, and Stateless Persons: According to UNHCR, several incidents of harassment and crimes against refugees and migrants were reported throughout the year in Bucharest and other parts of the country, although many incidents were not reported because of fear, lack of information, inadequate support services, and inefficient redress mechanisms. Authorities consistently declined to investigate incidents of this kind as hate crimes.

In-country Movement: The internal movement of beneficiaries of international protection and stateless persons was generally not restricted. Asylum seekers may be subject to measures limiting their freedom of movement and to detention in specific circumstances. The law and implementing regulations provide that the General Inspectorate for Immigration may designate a specific place of residence for an applicant for asylum while authorities determine his or her eligibility or may take restrictive measures, subject to approval by the prosecutor's office, that

amount to administrative detention in “specially arranged closed areas.” According to UNHCR, as of September no cases of asylum detention were recorded during the year. Applicants who do not qualify for asylum were treated as aliens without a right to stay in the country who may be taken into custody pending deportation. According to the law, those applying for asylum while in public custody were released from detention if granted access to the ordinary procedure. Detention in public custody centers is subject to regular review and should not exceed six months unless there are specific circumstances, in which case detention may be extended for up to 18 months. Applicants for or beneficiaries of international protection in certain circumstances, particularly those declared “undesirable” for reasons of national security, may be subject to administrative detention in public custody centers.

The government may grant “tolerated status” to persons who do not meet the requirements for refugee status or subsidiary protection, but who cannot be returned for various reasons. These reasons include cases where stateless persons are not accepted by their former country of habitual residence or where the lives or well-being of returnees could be at risk. Persons with “tolerated status” have the right to work but not to benefit from any other social protection or inclusion provisions, and the government restricted their freedom of movement to a specific region of the country. According to UNHCR, 244 persons were holders of “tolerated status” as of January, of whom 141 had been granted “toleration” as an alternative to detention or following prolonged detention.

### **Protection of Refugees**

Refoulement: The law establishes exceptions to the principle of nonrefoulement and the withdrawal of the right to stay following a declaration of a person as “undesirable.” This may occur, for example, when classified information or “well founded indications” suggest that aliens (including stateless persons), applicants for asylum, or persons granted asylum intend to commit terrorist acts or favor terrorism. Applicants for protection declared “undesirable” on national security grounds were taken into custody pending the finalization of their asylum procedure and then deported. According to the Ministry of Foreign Affairs, as of the end of November, 390 persons had been subjected to refoulement.

Access to Asylum: The law provides access to asylum procedures to foreign nationals and stateless persons who express their desire for protection, which may be in the form of refugee status or temporary “subsidiary protection” status. The asylum law prohibits the expulsion, extradition, or forced return of any asylum

seeker at the country's border or from within the country's territory, but this was not without exception, particularly in cases that fell under the country's national security and terrorism laws.

UNHCR reported several allegations of denial of access to the country, pushbacks, and deviations from asylum procedures at border areas.

Safe Country of Origin/Transit: The law provides for the concept of safe countries of origin. This normally referred to EU member states but could also include other countries approved by the Internal Affairs Ministry at the recommendation of the General Inspectorate for Immigration. Procedurally, the government would normally reject applications for asylum by persons who had arrived from a safe country under accelerated procedures, except in cases where the factual situation or evidence presented by the applicant shows the existence of a well-founded fear of persecution. Between January and August, one asylum application by an EU national was rejected at the administrative level of the asylum procedure; no information regarding the legal basis for the rejection was available.

The law also refers to the concept of a safe third country. The law extends to irregular migrants who transited and were offered protection in a third country considered safe or who had the opportunity at the border or on the soil of a safe third country to contact authorities for the purpose of obtaining protection. In such cases authorities could deny access to asylum procedures if the designated safe third country agreed to readmit the applicant to its territory and grant access to asylum procedures.

Freedom of Movement: The law incorporates four "restrictive" measures under which the internal movement of applicants for asylum may be limited. The first two establish an obligation to report regularly to the General Inspectorate for Immigration or to reside at a regional reception center. A third restrictive measure allows authorities to place applicants in "specially arranged closed areas" for a maximum of 60 days, either to access the asylum procedure or if the asylum seeker is deemed to pose a danger to national security. There was no case of an asylum applicant being placed in a specially arranged closed area through September. Authorities may also place asylum applicants in administrative detention in a public custody center if they are subject to a transfer to another EU member state under the Dublin Regulations or if they have been declared "undesirable" for reasons of national security, pending their removal from the country.

Under provisions of the law to limit “abuse to the asylum procedure,” irregular migrants who submitted their first application for international protection while in custody were released from detention only if granted access to the ordinary asylum application procedure. The provisions raised concerns among UN agencies and civil society due to the ambiguity in the phrases “abuse of the asylum procedure” and “risk of absconding.”

The period of detention in a public custody center could be prolonged up to a maximum of 18 months.

Employment: Asylum seekers have the right to work starting three months after they submit their first asylum application, if the process was not completed. This period begins again if the applicant obtains access to a new asylum procedure. Even when granted permission to work, many asylum seekers faced problems finding legal work, mainly due to the limited validity of their identification documents and lack of awareness among potential employers of their right to work.

While persons granted protection have the legal right to work, job scarcity, low wages, lack of language proficiency, and lack of recognized academic degrees and other certifications often resulted in unemployment or employment without a legal contract and its related benefits and protections.

Access to Basic Services: Effective access by persons with refugee status or subsidiary protection to education, housing, lifelong learning and employment, public health care, and social security varied across the country, depending on the level of awareness of various public and private actors responsible for ensuring access to these services.

The government provides asylum seekers 16 lei (\$4) per day in financial assistance, with slightly increased allowances for vulnerable persons. The allowance was low relative to the local cost of living, and persons with special needs or vulnerabilities were particularly affected. Supplementary financial support was provided under EU-sponsored projects, but timing gaps between these projects restricted funding availability. Applicants for asylum had limited options for meaningful activities, such as language classes, cultural orientation, and skills training. Romanian language classes were no longer available for adults. State-provided social, psychological, and medical assistance for asylum applicants remained insufficient, with many dependent on NGO-implemented projects for such help. Proper identification and assistance for victims of trauma and torture was lacking.

Durable Solutions: According to UNHCR, the country had become a resettlement country, having agreed to resettle small quotas of refugees every year. For 2018-19, the quota pledged by the government was 109 Syrian refugees, to be resettled from Turkey (69) and Jordan (40) with UNHCR and IOM support. As of September no arrivals had been recorded.

UNHCR reported that, as of August, 4,072 persons benefiting from any of several forms of legal protection were residing in the country. By the end of August, 1,406 persons had submitted new or repeat asylum applications.

Beneficiaries of international protection continued to face problems with local integration, including access to vocational training adapted to their specific needs, counseling programs, and naturalization. According to UNHCR, no municipality provided targeted support services or targeted integration and inclusion programs to refugees. Access to education was problematic, and several school inspectorates refused to organize Romanian language classes. According to several reports, schools across the country, including in large cities such as Bucharest or Timisoara, refused to enroll refugee children in school for several months. Obtaining a legal work contract remained difficult for various reasons, including tax concerns and the reluctance of employers to hire refugees. Recipients of subsidiary protection complained of problems regarding their freedom of movement to other countries due to the additional visa requirements. UNHCR reported that refugees saw citizenship acquisition as a cumbersome, costly, and difficult process, with some requirements, particularly related to the applicant's financial situation, that were difficult to meet.

Temporary Protection: The government did not grant temporary protection to any individuals during the year.

### **Stateless Persons**

According to UNHCR, as of August there were 337 stateless persons with valid residence documents in the country. These included legal residents under the aliens' regime, stateless persons of Romanian origin, as well as 120 persons granted some form of international protection. Data on stateless persons, including on persons at risk of statelessness and persons of undetermined nationality, were not reliable due to the absence of a procedure to determine statelessness, the absence of a single designated authority responsible for this purpose, and the lack

of adequate identification and registration of persons with unknown or undetermined nationality.

The law includes favorable provisions for stateless persons of Romanian origin to reacquire citizenship. Nevertheless, a significant gap persisted due to the lack of safeguards against statelessness for children born in the country, who would be stateless because their parents either were themselves stateless or were foreigners unable to transmit their nationality.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and mostly fair periodic elections held by secret ballot based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The country held parliamentary elections in 2016 that were considered free and fair by international observers. In 2014 the country held presidential elections in which electoral observers noted irregularities, including insufficient polling stations for the large diaspora community.

Political Parties and Political Participation: The law requires political parties to register with the Bucharest Tribunal and to submit their statutes, program, and a roster of at least three members. Critics asserted that certain requirements undermine the right to association. These include the requirement that parties field candidates--by themselves or in alliance--in at least 75 electoral constituencies in two successive local elections or that they field a full slate of candidates in at least one county or partial slates of candidates in a minimum of three counties in two successive parliamentary elections. A party's statutes and program must not include ideas that incite war; discrimination; hatred of a national, racist, or religious nature; or territorial separatism.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Societal attitudes presented a significant barrier, and women remained underrepresented in positions of authority. For example, as of September 1, there were 68 women in the 261-seat Chamber of Deputies and 19 women in the 136-seat Senate.

Under the constitution each recognized ethnic minority is entitled to a representative in the Chamber of Deputies. An organization is required, however,

to receive votes equal to 5 percent of the national average number of votes cast by district for a deputy to be elected. The list of organizations that benefit from these provisions is limited to those that are already part of a National Council of Minorities, which consists of organizations already in parliament. The law sets more stringent requirements for minority organizations without a presence in parliament. To participate in elections, such organizations must provide the Central Electoral Bureau a membership list equal to at least 15 percent of the total number of persons belonging to that ethnic group, as determined by the most recent census. If this number amounts to more than 20,000 persons, the organization must submit a list with at least 20,000 names distributed among a minimum of 15 counties plus the city of Bucharest, with no fewer than 300 persons from each county. Some organizations and individuals, particularly Romani activists, claimed this rule was discriminatory.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania political party, were the sole ethnic minority to gain parliamentary representation by surpassing the 5 percent threshold of all valid votes cast nationally, the threshold set for political parties. One Romani organization, Roma Party-Pro Europe, had a single representative in parliament.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but despite numerous high-profile prosecutions, corrupt practices remained widespread. There were numerous reports of government corruption during the year.

Corruption remained a problem according to World Bank indicators and other expert opinion. Bribery was common in the public sector. Laws were not always implemented effectively, and officials sometimes engaged in corrupt practices with impunity.

Corruption: The National Anticorruption Directorate (DNA) continued to investigate and prosecute corruption cases involving political, judicial, and administrative officials throughout the year. In April the DNA indicted former finance minister Sebastian Vladescu for accepting bribes and trafficking in influence.

Verdicts in corruption cases were often inconsistent, with sentences varying widely for similar offenses. Enforcement of court procedures lagged mostly due to procedural and administrative problems, especially with respect to asset forfeiture.

Corruption was widespread in public procurement. A 2016 law provides for a comprehensive software mechanism to flag potential conflicts of interest in public procurement, but the law was not implemented. Bribery was common in the public sector, especially in health care. Individual executive agencies were slow in enforcing sanctions, and agencies' own inspection bodies were generally inactive. Despite the emphasis on prevention in the latest *National Anticorruption Strategy*, individual agencies and the government did not take significant action in this area.

Financial Disclosure: The law empowers the National Integrity Agency (ANI) to administer and audit financial disclosure statements for all public officials and to monitor conflicts of interest. The law stipulates that the agency may identify “significant discrepancies” between an official’s income and assets, defined as more than 45,000 lei (\$11,250), and allows for seizure and forfeiture of unjustified assets. The mechanism for confiscation of “unjustified assets” was cumbersome. Through October 13, ANI identified five cases of “significant discrepancies” totaling 6.2 million lei (\$1.6 million). Through October 13, ANI identified 139 cases of incompatibilities, 61 cases of conflicts of interest, 18 cases of criminal conflict of interest, and two other cases with strong indications of criminal or corruption offenses. During the year ANI reviewed 4,241 public procurement procedures and issued three integrity warnings.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally met with human rights NGOs and were cooperative and sometimes responsive to their views. There were some reports that government officials were reluctant to cooperate with NGOs that focused on institutionalized persons with disabilities or to accept NGO criticism of institutions for persons with disabilities. In July 2017 the Ministry of Labor and Social Justice ceased to allow representatives of the Center for Legal Resources (CLR) to visit institutions for persons with disabilities, stating that the ministry’s agreement with CLR would not be renewed. CLR is an NGO that reported on alleged abuse of institutionalized persons with disabilities.

Government Human Rights Bodies: The Office of the Ombudsperson has limited power and no authority to protect citizens’ constitutional rights in cases requiring judicial action. Although the Office of the Ombudsperson is the only institution

that may challenge emergency ordinances in the Constitutional Court, as of September it failed to challenge several controversial ordinances despite persistent calls by civil society to do so. The ombudsperson is the national preventive mechanism implementing the optional protocol to the UN Convention against Torture. This gives the ombudsperson the power to conduct monitoring visits to places where individuals are deprived of their liberty, including prisons, psychiatric hospitals, and asylum centers. As of September the ombudsperson issued 15 reports with recommendations, based mainly on visits to penitentiaries and psychiatric facilities. Some observers continued to regard the institution as ineffective.

In October 2017 the government established the Office of the Children's Ombudsperson empowered to examine human rights complaints made by children or their legal representatives. In 2016 parliament established the Council for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities. The council was authorized to make unannounced visits in centers and hospitals for persons with disabilities in order to check if the rights of these persons are respected, issue recommendations, and submit criminal complaints. As of September the council had issued 12 reports during the year with recommendations based on visits to residential centers for persons with disabilities. Some observers regarded the institution as ineffective and believed that the inspectors who drafted the reports lacked the necessary human rights expertise.

Each chamber of parliament has a human rights committee tasked with drafting reports on bills pertaining to human rights. On several occasions members of these committees expressed the views of their political parties rather than addressing problems impartially.

The National Council for Combating Discrimination (CNCD) is the government agency responsible for applying domestic and EU antidiscrimination laws. The CNCD reports to parliament. The CNCD operated with the government's cooperation and, for the most part, without government or party interference. According to the CNCD, the institution did not receive adequate resources. Observers generally regarded the CNCD as effective, but some criticized it for a lack of efficiency and political independence.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal. The law provides for three to 10 years' imprisonment for rape and two to seven years' imprisonment for sexual assault. If there are no aggravating circumstances and the attack did not lead to death, police and prosecutors may not pursue a case on their own, but they require a victim's complaint, even if there is independent physical evidence.

The criminal code classifies family violence as a separate offense and stipulates that when murder, battery, or other serious violence is committed against a family member, the penalty is increased. The code also states that, if the parties reconcile, criminal liability is removed.

Violence against women, including spousal abuse, continued to be a serious problem that the government did not effectively address. The law provides for the issuance of provisional restraining orders by police for a maximum of five days and restraining orders by a court for a maximum of six months upon the victim's request or at the request of a prosecutor, the state representative in charge of protecting victims of family violence, or, if the victim agrees, a social service provider. Violation of a restraining order is punishable by imprisonment for one month to one year. The court may also order the abuser to undergo psychological counselling. The FILIA Center for Gender Studies and Curriculum Development--an NGO that aims to promote gender equality--stated that police lacked procedures for the implementation and monitoring of restraining orders.

Courts prosecuted very few cases of domestic abuse. Many cases were resolved before or during trial when the alleged victims dropped their charges or reconciled with the alleged abuser. Anais, an NGO that assists victims of domestic violence, reported the case of a victim who, since 2013, had obtained 10 restraining orders against her former husband. In spite of the restraining order, for the past five years, the former husband had been following and abusing her both verbally and physically and threatening to kill her. The victim pressed charges on multiple occasions for the violation of the restraining order, but the Prosecutor's Office attached to Bucharest Sector 3 Court had not sent the case to trial.

Sexual Harassment: Criminal law prohibits sexual harassment, which it defines as repeatedly asking for sexual favors in a work or similar relationship. A victim complaint is necessary to initiate a criminal investigation. Penalties range from fines to imprisonment of three months to one year. The law on equal opportunities for men and women defines sexual harassment as the occurrence of unwanted behavior with a sexual connotation, which can be expressed physically, verbally,

or nonverbally and has the effect or result of damaging a person's dignity and, in particular, the creation of a hostile, intimidating, degrading, humiliating or offensive environment. Civil fines range from 3,000 to 10,000 lei (\$750 to \$2,500).

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Under the law women and men enjoy equal rights. Women experienced discrimination in marriage, divorce, child custody, employment, credit, pay, owning or managing businesses or property, education, the judicial process, and housing. The law requires equal pay for equal work, but there was a 4.5 percent gender pay gap according to EU data. Segregation by profession existed, with women overrepresented in lower-paying jobs. There were reports of discrimination in employment.

## **Children**

Birth Registration: Children derive citizenship by birth from at least one citizen parent. Although birth registration is mandatory by law, it was not universal, and authorities denied some children public services as a result. Most unregistered children had access to schools, and authorities assisted in obtaining birth documents for unregistered children, but the education of unregistered children depended on the decision of school authorities. The law provides simplified birth registration for children whose mothers do not have proper documentation to register their children.

Child Abuse: Child abuse, including emotional, physical, and psychological violence and neglect, continued to be serious problems. Media reported several severe cases of abuse or neglect in family homes, foster care, and child welfare institutions. The government had not established a mechanism to identify and treat abused and neglected children and their families.

Early and Forced Marriage: The legal age of marriage is 18 for both men and women, but the law permits minors as young as 16 to marry under certain circumstances. Illegal child marriage was reportedly common in certain social groups, particularly among some Romani communities. Child protection authorities did not always intervene in such cases. There were no public policies to discourage child marriage.

Sexual Exploitation of Children: The law provides one- to 10-year prison sentences for persons convicted of sexual acts with minors, depending on the circumstances and the child's age. Sexual intercourse with a minor who is 13 to 15 years of age is punishable by a one- to five-year prison sentence. Sexual intercourse with a person under the age of 13 is punishable by a two- to seven-year prison sentence and deprivation of some rights. The law also criminalizes sexual corruption of minors (which includes subjecting minors to sexual acts other than intercourse or forcing minors to perform such acts), luring minors for sexual purposes or child prostitution, and trafficking in minors. Pimping and pandering that involve minors increase sentences by one-half. The Ministry of Labor confirmed that authorities did not maintain a registry of individuals who had committed sexual offenses against children.

Child pornography is a separate offense and carries a sentence, depending on the circumstances, of up to seven years' imprisonment, which may be increased by one-third if the perpetrator was a family member or someone in whose care the child was trusted or if the life of the child victim was endangered.

Institutionalized Children: During the year there were several media reports of abuses in placement centers for institutionalized children, including sexual abuse, physical violence by colleagues or staff, and trafficking in persons. Numerous reports noted a lack of adequate food, clothing, medical treatment, and counselling services. According to an investigation by *Newsweek Romania*, at least 362 children from placement centers and schools for persons with special needs died between 2013 and 2017, mostly because of accidents, suicide, or health problems. The investigation showed that the Authority for the Protection of Children's Rights and Adoptions did not centralize data on the causes of these deaths. In June media outlets reported that two mentally challenged children from a placement center in Peris, Ilfov County, were sexually abused by an older child in the center. According to a media investigation, the director of the center knew about the abuse but did not notify authorities. In 2016 prosecutors indicted members of an organized crime network who were recruiting girls from orphanages in Iasi for sexual exploitation. In December 2017 the Iasi Tribunal convicted the defendants to prison sentences ranging from three to seven years for trafficking in minors. The defendants appealed the ruling, and as of December the case was pending before the Iasi Court of Appeal.

By law unaccompanied migrant children are housed in placement centers, where they have access to education and benefits other children receive. The detention of

families with children is allowed by law, with preservation of family unity used as justification. Several such cases were recorded during the year.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

According to the 2011 census, the Jewish population numbered 3,271. Acts of anti-Semitism occurred during the year.

The law prohibits public denial of the Holocaust and fascist, racist, anti-Semitic and xenophobic language and symbols, including organizations and symbols associated with the indigenous Legionnaire interwar fascist movement. The oppression of Roma as well as Jews is included in the definition of the Holocaust.

Streets, organizations, schools, or libraries continued to be named after persons convicted for war crimes or crimes against humanity, according to the Elie Wiesel Institute for the Study of the Holocaust in Romania. For example, Radu Gyr was a commander and anti-Semitic ideologist of the fascist Legionnaire movement convicted of war crimes. The Wiesel Institute requested the renaming of Radu Gyr street in Cluj-Napoca. As of September the local government had not changed the name of the street.

Material promoting anti-Semitic views and glorifying legionnaires also appeared in media, including on the internet, while several government officials made trivializing comments about the Holocaust. In July Agriculture Minister Petre Daea stated on the Antena 3 news channel that the incineration of pigs in response to a swine flu outbreak was similar to what happened at Auschwitz.

During the night of August 3, anti-Semitic and other offensive messages were painted on the childhood home of Auschwitz survivor and Nobel laureate Elie Wiesel in Sighetu Marmatiei. The local office of the national police started an investigation of the incident and identified one suspect.

In April 2017 vandals destroyed 10 tombstones in a Jewish cemetery in Bucharest. Police identified three underage persons who were allegedly responsible for the

crime and stated they had acted without any specific reason. As of September the case was pending before the Prosecutor's Office.

In June 2017 the Jewish community in Cluj-Napoca notified police of anti-Semitic and Holocaust denial messages painted on the exterior wall of the Memorial Temple of Deported Jews synagogue in the city. According to the Ministry of Foreign Affairs, as of September the case was pending before the prosecutor's office attached to the court in Cluj-Napoca.

While not explicitly anti-Semitic, verbal attacks during the year holding a foreign Jewish philanthropist responsible for domestic problems had anti-Semitic connotations. Politicians and the media ascribed negative actions to him, such as controlling a "network of influencers" and paying for activities of opposition parties and antigovernment protesters.

The government continued to implement the recommendations of the 2004 *International Commission on the Holocaust in Romania* report. On October 9, National Holocaust Remembrance Day, the president honored several Holocaust survivors and condemned anti-Semitic hatred and legislation in the country during the Holocaust, stating they were "inconceivable for a society strongly attached to democratic principles and the rule of law." On the same occasion, the prime minister pledged that the government would support initiatives "to counter anti-Semitism and xenophobia." The Wiesel Institute continued to organize training courses for teachers and other professionals on the history of the Holocaust.

The Education Ministry did not include a mandatory class on the country's Holocaust history as part of the general history curricula in force. The high school course *History of the Jews--The Holocaust* was optional. During the 2016-17 school year, 2,894 pupils from 75 schools took the course.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

The law mandates that buildings and public transportation be accessible for persons with disabilities. The country continued to have an insufficient number of facilities specifically designed to accommodate persons with disabilities who could have extreme difficulty navigating city streets or gaining access to public buildings. Persons with disabilities reported a lack of access ramps, adapted public transportation, and adapted toilets in major buildings.

Discrimination against children with disabilities in education was a widespread problem due to lack of adequate teacher training on inclusion of children with disabilities and lack of investment to make schools accessible. Most children with disabilities were either placed in special schools or not placed in school at all. According to the NGO the European Center for the Rights of Children with Disabilities (ECRCDD), abuses against children in special schools, including violence by staff, occurred frequently. Several reports by the ECRCDD indicated that children with disabilities placed in regular schools faced abuse and discrimination from classmates and staff.

The Center for Legal Resources identified a series of problems in centers for persons with disabilities or psychiatric sections, including verbal and physical abuse of children, sedation, excessive use of physical restraints, lack of hygiene, inadequate living conditions, and lack of adequate medical care.

The National Authority for the Protection of Persons with Disabilities, under the labor ministry, coordinated services for persons with disabilities and drafted policies, strategies, and standards in the field of disabilities rights.

### **National/Racial/Ethnic Minorities**

Discrimination against Roma continued to be a major problem. Romani groups complained that police harassment and brutality, including beatings, were routine. Both domestic and international media and observers reported societal discrimination against Roma. NGOs reported that Roma were denied access to, or refused service in, many public places. Roma also experienced poor access to government services, a shortage of employment opportunities, high rates of school attrition, and inadequate health care. A lack of identity documents excluded many Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. Roma had a higher unemployment rate and a lower life expectancy than non-

Roma. Negative stereotypes and discriminatory language regarding Roma were widespread.

Despite an order by the Ministry of Education forbidding segregation of Romani students, several NGOs continued to report that segregation along ethnic lines persisted in schools. In 2016 a house, annex, outbuildings, and agricultural storage belonging to Roma were burned and destroyed in the city of Gheorgheni. Media reported that, prior to the arson, police noticed mobs moving towards the area and observed several groups shouting anti-Roma statements. Following the incident the Gheorgheni mayor blamed Roma for triggering the attack. As of September an investigation was pending before the prosecutor's office attached to the Harghita Tribunal.

Researchers and activists reported that a significant number of the remaining Romani Holocaust survivors who applied for a pension were denied because of unreasonable administrative barriers raised by the pension offices, problematic standards, lack of knowledge about the Holocaust, and burdensome requirements. According to researchers, despite historical evidence, in hundreds of cases authorities considered that Roma were resettled and not deported, and consequently granted them smaller pensions.

Ethnic Hungarians continued to report discrimination related mainly to the use of the Hungarian language. There were continued reports that local authorities did not enforce the law, which states that in localities where a minority constitutes at least 20 percent of the population, road signs must be bilingual. On January 11, Prime Minister Mihai Tudose stated on national television that if anyone raised the Szekler (Hungarian) flag on a public building, they would "wave beside it themselves" (a phrase in Romanian that implies hanging). The CNCD sanctioned Tudose with a warning. In April, during a soccer match in the city of Voluntari between teams from Bucharest and Sfantu Gheorghe, a city inhabited mostly by ethnic Hungarians, a song played through the loudspeakers included xenophobic expressions that incited violence against the Hungarian community. The Romanian Football Federation fined the host team 10,000 lei (\$2,500).

Several politicians and government officials made derogatory remarks about ethnic Germans and equated German ethnicity with National Socialism and the Holocaust. On September 2, an advisor to Prime Minister Darius Valcov posted a video clip on his Facebook page that depicted the German Democrat Forum, an organization of ethnic Germans in the country, as a National Socialist organization and compared the country's president, Klaus Iohannis, to Adolf Hitler. The ethnic

German and Jewish communities, the Elie Wiesel Institute, several NGOs, and opposition political figures condemned Valcov's behavior, and some of them called for his resignation. On August 23, Senator Liviu Pop stated during a television program that President Iohannis, a former chair of the German Democrat Forum, was the head of a successor group to a Nazi organization. After Iohannis condemned the excessive use of force by the gendarmerie against protesters on August 10, Labor Minister Lia Olguța Vasilescu criticized him with the comment, "Cheeky, as a German, to speak of attacking [people] with gas."

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation. NGOs reported that societal discrimination against LGBTI persons was common, and there were some reports of violence against them.

Discrimination in employment occurred against LGBTI persons. On June 9, a pride parade with more than 5,000 participants took place without incident in Bucharest. Before the event approximately 100 persons took part in a counterprotest.

On June 5, the European Court of Justice ruled that those EU states that do not permit same-sex marriage may nevertheless not obstruct the freedom of residence of an EU citizen by refusing to grant his/her same-sex spouse, even if he/she is a not an EU national, a derived right of residence in their territory. The ruling was issued in the case of Romanian citizen and a non-EU foreign citizen who were married in Belgium in 2010 and denied the right of permanent residence in Romania.

The law governing legal gender recognition for transgender persons was vague and incomplete. In some cases authorities refused legal gender recognition unless an individual had first undergone sex reassignment surgery. Access to adequate psychological services was also limited because some psychologists refused to accept transgender patients.

### **HIV and AIDS Social Stigma**

Although the law provides that HIV-infected persons have the right to confidentiality and adequate treatment, authorities rarely enforced it. Authorities did not adopt regulations that were necessary to provide confidentiality and fair

treatment, and discrimination against persons with HIV/AIDS impeded access to routine medical and dental care.

### **Promotion of Acts of Discrimination**

Public figures, politicians, supporters of the Coalition for Family, and representatives of several religious denominations made discriminatory remarks concerning the LGBTI community. In July Vice-President of the Romanian Academy Razvan Theodorescu stated in an interview for *Evenimentul Zilei* newspaper that “all this fuss about homosexuals and lesbians is an aberration and we don’t need it. These are pathological aspects, certain people are sick.” In October, during the campaign for the revision of the constitutional definition of family, flyers distributed in Bucharest and Craiova by several supporters of the referendum referred to alleged cases of children sexually and emotionally abused by gay couples. Some members of parliament made offending or discriminatory comments about women.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of workers to form and join independent labor unions, bargain collectively, and conduct legal strikes. Unions can affiliate with regional, national, or EU union federations, but may affiliate with only one national organization. The law prohibits antiunion discrimination and allows workers fired for union activity to challenge in court for reinstatement. The law provides for protection of freedom of association and collective bargaining, but unions complained there was little enforcement to protect against violations of these rights.

Civil servants generally have the right to establish and join unions. Employees of the Ministry of National Defense, certain categories of civilian employees of the Ministries of Interior and Justice, judges, prosecutors, intelligence personnel, and senior public servants, including the president, parliamentarians, mayors, prime minister, ministers, employees involved in security-related activities, and president of the Supreme Court, however, do not have the right to unionize. Unions complained about the requirement that they submit lists of union members with their registration application. Since employers also had access to the list, union officials feared this could lead to reprisals against individual unionized employees, particularly dismissals, hindering the formation of new unions.

Unions may strike only if they give employers 48 hours' notice, and employers can challenge the right in court, effectively suspending a strike for months. Military personnel and certain categories of staff within the Ministry of Internal Affairs, such as medical personnel, are not permitted to strike. Although not compulsory, unions and employers can seek arbitration and mediation from the Ministry of Labor's Office for Mediation and Arbitration. Companies may claim damages from strike organizers if a court deems a strike illegal. The law permits strikes only in defense of workers' economic, social, and professional interests and not for the modification or change of a law. As a result, workers may not challenge any condition of work established by law, such as salaries for public servants, limiting the effectiveness of unions in the public sector.

Unions complained that the legal requirement for representativeness, which states that the right to collective bargaining and to strike can be asserted only by a union that represents 50 percent plus one of the workers in an enterprise, is overly burdensome and limits the rights of workers to participate in collective bargaining and to strike. In the absence of this clear majority, an employer can appoint a worker representative of its choosing to negotiate the agreement. Unions also complained that some companies created separate legal entities to which they transferred employees, thereby preventing them from reaching the threshold for representation.

The law requires employers with more than 21 employees to negotiate a collective labor agreement but provides no basis for national collective labor agreements. Employers refusing to initiate negotiation of a collective bargaining agreement can receive fines. The law permits, but does not impose, collective labor agreements for groups of employers or sectors of activity. The law requires employers to consult with unions on such topics as imposing leave without pay or reducing the workweek due to economic reasons.

Unions complained that the government's general prohibition on union engagement in political activities was intended to prohibit unions from entering unofficial agreements to support political parties. The law provides for this control due to past abuses by union officials. Unions also complained that authorities could exercise excessive control over union finances, although the government asserts that national fiscal laws apply to all organizations. The International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations identified fiscal laws as an area of concern.

Union representatives alleged that official reports of incidents of antiunion discrimination remained minimal, as it was difficult to prove legally that employers laid off employees in retaliation for union activities. The CNCD fines employers for antiunion discrimination, although it lacked the power to order reinstatement or other penalties. In 2017 the CNCD issued fines in 18 cases involving access to employment and profession, which includes antiunion discrimination and collective bargaining agreement infringement. The law prohibits public authorities, employers, or organizations from interfering, limiting, or preventing unions from organizing, developing internal regulations, and selecting representatives. Possible fines range from 15,000 to 20,000 lei (\$3,800 to \$5,000), but in recent years the Labor Inspectorate, which also has jurisdiction over discrimination claims, had not applied such sanctions. The potential fines were insufficient to deter violations, and employees must usually seek judicial remedies to order reinstatement.

The government and employers generally respected the right of association and collective bargaining, and union officials stated that registration requirements stipulated by law were complicated but generally reasonable.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Nevertheless, there were reports that such practices continued to occur, often involving Roma, disabled persons, and children. The government did not effectively enforce the law and took limited measures to prevent forced or compulsory labor. The law criminalizes forced labor with penalties ranging from one to three years' imprisonment, exploitation for beggary with penalties ranging from six months' to five years' imprisonment, and enslavement with penalties of imprisonment for three to 10 years. These penalties were insufficient to deter violations.

According to the Ministry of Internal Affairs, 79 of the 662 victims of trafficking officially identified in 2017 were exploited specifically for labor purposes. Of these, 42 were trafficked for agricultural work. Appeals courts in Arges County affirmed the convictions of seven defendants sentenced to between four and eight years in prison for their roles in a forced labor case in Berevoiesti. In 2016 the Directorate for Investigating Organized Crime and Terrorism (DIICOT) uncovered a human trafficking ring that had forced its kidnapped victims, including children, into beggary, slavery, and other forms of forced labor. The captors allegedly kept the victims locked and chained, beat them, and forced them to work.

In October 2017 DIICOT uncovered a group of three citizens who had exploited minors and vulnerable adults for work at a mountain sheep hold on three separate occasions. The victims suffered abuse and assault and had their cell phones taken away. One victim escaped by walking nearly 18 miles back to his hometown.

Men, women, and children were subjected to labor trafficking in agriculture, construction, domestic service, hotels, and manufacturing. Organized rings, often involving family members, forced persons, including significant numbers of Romani women and children, to engage in begging and petty theft (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for most forms of employment is 16. Children may work with the consent of parents or guardians at age 15 if the activities do not endanger their health, morality, or safety. The law prohibits persons younger than age 18 from working in hazardous conditions, includes a list of dangerous jobs, and specifies penalties for offenders. Some examples of hazardous jobs for children include those posing a high risk of accident or damage to health, exposure to psychological or sexual risk, night shifts, exposure to harmful temperatures, and those requiring use of hazardous equipment. Parents whose children carry out hazardous activities are required to attend parental education programs or counseling and may be fined between 100 and 1,000 lei (\$25 and \$250) if they fail to do so. Persons or companies who employ children for hazardous tasks may be fined 500 to 1,500 lei (\$125 to \$375).

Minors who work have the right to continue their education, and the law obliges employers to assist in this regard. Minors between the ages of 15 and 18 may work a maximum of six hours per day and no more than 30 hours per week, provided their school attendance is not affected. Businesses that impose tasks incommensurate with minors' physical abilities or fail to respect restrictions on minors' working hours can face fines of up to 6,000 lei (\$1,500). Many minors reportedly did not attend school while working. Minors have the right to an additional three days of annual leave.

The law requires schools to notify social services immediately if children miss class to work, but schools often did not comply. Social welfare services have the responsibility to reintegrate such children into the educational system.

Penalties for violation of child labor laws include sentences ranging from one to two years' imprisonment or fines. Violations were rarely prosecuted, and penalties were not sufficient to deter violations. The Ministry of Labor may impose fines and close businesses where it finds exploitation of child labor. The National Authority for the Protection of the Rights of the Child and Adoption (ANPFDC) in the Labor Ministry has responsibility for investigating reports of child labor abuse, but enforcement of child labor laws tended to be lax, especially in rural areas with many agricultural households and where social welfare services lacked personnel and capacity to address child labor violations.

The ANPFDC is responsible for monitoring and coordinating all programs for the prevention and elimination of child labor. Government efforts focused on reacting to reported cases, and the ANPFDC dedicated limited resources to prevention programs. According to the ANPFDC, 356 children were subject to child labor in 2017. The incidence of child labor was widely believed to be much higher than official statistics reflected. Child labor, including begging, selling trinkets on the street, and washing windshields, remained widespread in Romani communities, especially in urban areas. Children as young as five engaged in such activities, and cases were usually documented only when police became involved. Of the 356 documented cases of child labor in 2017, authorities prosecuted only 14 alleged perpetrators.

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination with respect to employment and occupation because of race, sex, gender, age, religion, disability, language, sexual orientation or gender identity, HIV-positive or other communicable disease status, social status, or refugee or stateless status. The government did not enforce these laws effectively, reacting to claims of discrimination rather than adequately engaging in programs to prevent discrimination. Although the CNCD and the Labor Inspectorate investigated reported cases of discrimination, penalties were insufficient to deter violations. The penalties for discrimination include fines of between 1,000 and 30,000 lei (\$250 and \$7,500) for discrimination against an individual, or between 2,000 and 100,000 lei (\$500 and \$25,000) for discrimination targeting a group of individuals or a community.

Discrimination in employment or occupation occurred with respect to gender, disability, and HIV status. Discrimination against Roma and migrant workers also occurred. In 2017 the CNCD processed 273 discrimination cases with respect to employment. The CNCD addressed cases in both the public and private sectors.

According to Eurostat, the pay gap between men and women in the country was 5.2 percent in 2016. While the law provides female employees re-entering the workforce after maternity leave the right to return to their previous or a similar job, pregnant women and other women of childbearing age could still suffer unacknowledged discrimination in the labor market.

Although systematic discrimination against persons with disabilities did not exist, the public at large had a bias against those with disabilities. NGOs worked actively to change attitudes and assist persons with disabilities to gain skills and employment, but the government lacked adequate programs to prevent discrimination. A government ordinance that took effect in September 2017 includes a provision requiring companies or institutions with more than 50 employees to employ workers with disabilities for at least 4 percent of their workforce or pay a fine for lack of compliance. Before the ordinance was adopted, the law allowed companies not in compliance with the quota to fulfill their legal obligation by buying products from NGOs or firms, known as “sheltered units,” where large numbers of disabled persons were employed. NGOs reported that sheltered units lost an important source of income as a result.

In 2016 the LGBTI rights group ACCEPT received reports of eight cases of employment discrimination against LGBTI persons and guided the complainants in possible courses of action. One case was resolved after the complainant filed an internal complaint with the employer in June; three other individuals refused to appeal to the CNCD or the courts due to concerns about further harassment, preferring settlements with their employers.

#### **e. Acceptable Conditions of Work**

The law provides for a national minimum wage that is greater than the official estimate for the poverty income level. The minimum wage more than doubled in nominal terms since 2012, rising from 700 lei (\$186) to 1,900 lei (\$505) during the year. Authorities enforced wage laws adequately, although a significant informal economy existed. According to Eurostat data, in 2017 more than a third of the population (35.7 percent) was at risk of poverty or social exclusion. Despite

minimum wage increases, nearly one in five employed Romanians (18.9 percent) was at risk of poverty.

The law provides for a standard workweek of 40 hours or five days. Workers are entitled to overtime pay for weekend or holiday work or work of more than 40 hours. An employee's workweek may not exceed 48 hours per week on average over a four-month reference period, although certain exceptions are allowed for certain sectors or professions. The law requires a 48-hour rest period in the workweek, although most workers received two days off per week. During reductions in workplace activity for economic or technical reasons, the law allows employers to shorten an employee's workweek and reduce the associated salary. Excessive overtime may lead to fines for employers if workers file a complaint, but complaints were rare. The law prohibits compulsory overtime.

The law gives employers wide discretion regarding the performance-based evaluation of employees. The law permits 90-day probationary periods for new employees and simplifies termination procedures during this period.

The law provides for temporary and seasonal work and sets penalties for work performed without a labor contract in either the formal or the informal economy. The fine for employers using undeclared workers is 20,000 lei (\$5,000) for each individual working without a labor contract, up to a maximum of 200,000 lei (\$50,000). The maximum duration of a temporary contract 36 months, in accordance with EU regulations.

The Ministry of Labor, through the Labor Inspectorate, is responsible for enforcing the law on working conditions, health and safety, and minimum wage rates. The inspectorate was understaffed and inspectors underpaid; consequently, the inspectorate had high turnover and limited capacity. Minimum wage, hours of work, and occupational safety and health standards were not effectively enforced in all sectors. The construction, agriculture, and small manufacturers sectors were particularly problematic sectors for both labor underreporting and neglecting health and safety standards. The Labor Inspectorate identified 5,609 undeclared workers in 2017 and fined employers 45.7 million lei (\$11.5 million). Through June the Labor Inspectorate identified 4,940 undeclared workers and fined employers 64.6 million lei (\$16.2 million).

According to trade union reports, many employers paid supplemental salaries under the table to reduce both employees' and employers' tax burdens. To address underreported labor, in 2017 the government increased the minimum required

payroll taxes that employers must pay for their part-time employees to equal those of a full-time employee earning minimum wage. In addition the Labor Inspectorate collaborated with the National Authority for Fiscal Administration to conduct joint operations to check employers in sectors prone to underreported labor, including the textile, construction, security, cleaning, food preparation, transportation, and storage industries. These investigations often focused on underpayment of taxes rather than workers' rights.

The government did not effectively enforce overtime standards. Union leaders complained that overtime violations were the main problem facing their members, since employers often required employees to work longer than the legal maximum without always receiving mandatory overtime compensation. This practice was especially prevalent in the textile, banking and finance, and construction sectors. In August employees in a wiring and cable factory in Arges County complained about work conditions and practices, including insufficient breaks and mistreatment by management. Penalties for violating overtime standards ranged from 5,000 lei (\$1,250) to 10,000 lei (\$2,500). Fines of 20,000 lei (\$5,000) were imposed for not respecting provisions regarding special compensation or leave for national holidays.

The Ministry of Labor is responsible for establishing occupational health and safety standards, and the Labor Inspectorate inspects employers for compliance with regulations. The high number of violations suggested that the penalties did not deter abuses. In 2017 inspectors focusing on workplace safety conducted 56,629 inspections, imposed 76,154 fines, and applied sanctions ranging from remedial recommendations to workplace or equipment suspension. Workers could remove themselves from situations they deemed dangerous to their health or safety without jeopardy to their employment. Not all workplace accidents are investigated by labor inspectors. Companies investigated minor incidents, while labor inspectors investigated more severe ones, typically those that resulted in fatalities or in multiple injuries. If appropriate, incidents may be referred for criminal investigation. Union leaders stated that labor inspectors only superficially investigated workplace accidents, including ones involving fatalities, and inspectors often wrongly concluded that the victims were at fault in most fatal accidents.