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U.S. Department of State

Romania Country Report on Human Rights Practices for 1996

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ROMANIA

Romania is a constitutional republic with a multiparty system and a directly elected president as chief of state. In the November election, opposition candidate Emil Constantinescu was elected President, and a new government headed by Victor Ciorbea was installed in December. The judicial system has been subject to executive branch influence, although it is increasingly independent.

The Ministry of Internal Affairs supervises the police. The national police have primary responsibility for security, but in times of national disorder the Government may call on the army and the border guard to assist the police. Sporadic reports of human rights abuse by the police continued.

Romania is a middle-income developing country in transition from socialism to a market economy. In 1995 the private sector accounted for about 45 percent of gross domestic product (GDP) and employed 49.1 percent of the work force, primarily in agriculture and services. Although privatization is well under way, government ownership remains dominant in industry, where about 86 percent of output is produced by state-owned enterprises. Major industries include steel and metal products, automobiles, shipbuilding, textiles and apparel, electrical machinery, and energy production. Following a severe contraction in 1989-92 (when GDP fell by nearly one-quarter), the economy has continued to grow, increasing 6.9 percent in 1995 and a forecast 3.5 percent in 1996. Projected GDP is about \$37 billion in 1996 (or about \$1,635 per capita). Exports have risen over 20 percent in the past 2 years, although they fell \$400 million for the first 6 months of 1996 compared with the same period in 1995. Inflation, at 62 percent in 1994, was down to 27.8 percent in 1995 and is expected to be about 40 percent in 1996.

The Government generally respected the rights of its citizens. However, several serious problems remained. Although the police have become more cognizant of human rights, reports of their abuse of detainees continued, and the Government does not take effective action to punish abusers. Prison conditions remained poor. The judicial system has been subject to executive branch influence, although it is increasingly independent. There were reports of occasional infringements on citizens' right to privacy. New legislation is designed to ensure that the widespread dismissal of democratically elected mayors by government-appointed prefects that occurred in 1995 can no longer take place without due legal process. Discrimination and violence against Roma continued, and discrimination and violence against women remained serious problems. A growing number of impoverished and apparently homeless children continued to roam the streets of large cities.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings.

In April Gabriel Carabulea died after 3 days in police custody during which he reportedly was severely beaten. After initially ruling that there were no grounds for an indictment of the police, the military prosecutor's office reopened its investigation at the urging of the Romanian Helsinki Committee and the deceased's relatives.

According to Human Rights Watch, Mircea-Muresul Mosor, a Rom from Comani, was shot and killed May while in police custody in Valcele.

The case of Istvan Kiss, an ethnic Hungarian allegedly beaten to death by police in 1995, is still being investigated by a military prosecutor.

In several earlier cases of deaths in custody or deaths reportedly due to police brutality, investigations and trials are still dragging on, years later.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and inhuman or degrading punishment or treatment, and these prohibitions were generally respected in practice.

There were, nevertheless, reports that police continued to beat detainees, especially Roma. For example, Amnesty International reported that in July police officers in Targu-Mures mistreated three Romani minors, Gheorghe Notar Jr., Ioan Otvos, and Rupi Stoica, who were held for 5 days in a Center for the Protection of Minors on suspicion of theft of a watch. A representative of a local human rights organization observed bruises on the youths' arms and legs, which he said "appeared very similar, as if they resulted from beatings with the same object." Nonetheless, requests for medical treatment were rejected.

Judicial cases involving military personnel and the police (who fall under the jurisdiction of the military prosecutor) are tried in a military court system. Local and international human rights groups criticize this system, especially investigations conducted by the military prosecutor's office of police personnel accused of abuses. These critics claim that the investigations are unnecessarily lengthy and often purposefully inconclusive, that the military courts sometimes block proper investigation of police abuses, and that these mechanisms inhibit prosecution or discipline of police misconduct.

Prison conditions are poor, facilities are overcrowded and unhealthy, and medical assistance is meager. Several human rights organizations credibly reported that abuses occurred in prisons. Prisons continued to use the "cell boss" system in which some prisoners are designated to be in semiofficial charge of other prisoners. During four visits in 1996, members of the Romanian Helsinki Committee observed overcrowding and precarious hygienic conditions. The single penitentiary hospital also suffers from overcrowding and too few doctors. Prisoners who are pregnant generally are not transferred to the penitentiary hospital until the sixth month of pregnancy, and they suffer from an inadequate diet.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law forbids the detention of anyone for more than 24 hours without an arrest order from a prosecutor, who may order detention for up to 30 days. Detainees have the right to apply for bail and may ask for a hearing before a judge. Such a request must be granted within 24 hours. In the absence of a request, however, the authorities may hold a person for up to 65 days without a court order.

Police often do not inform citizens of their rights. The law requires the authorities to inform arrestees of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement. However, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a Center for the Protection of Minors are not considered by judicial authorities to be "in detention or under arrest." Since the provisions of the Penal Code do not apply to minors in these centers until their cases have been referred to a prosecutor, police are permitted to question them without restrictions and may hold those suspected of criminal offenses in such centers for up to 30 days. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the Government to change it.

Exile was not used as a means of punishment.

e. Denial of Fair Public Trial

Under the terms of a 1992 law, the judicial branch is independent of other government branches. However, 5 of the 15 members of the Superior Council of the Magistrature, which controls the selection, promotion, transfer, and sanctioning of judges, are prosecutors subordinate to a presidentially appointed Prosecutor General, and all Council members are nominated by Parliament. Certain labor unions have alleged that the courts side with the Government in ruling on the legality of strikes and other labor actions. The courts have ruled in favor of the workers in a labor action against a government entity only once. Although the judicial system was at times subject to executive branch influence, it demonstrated increasing independence.

The 1992 law reestablished a four-tier legal system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court established in 1992.

The law provides for fair public trial, and defendants benefit from a presumption of innocence. The Criminal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice, the local bar association provides attorneys to indigents and is compensated by the Ministry of Justice. Either a plaintiff or defendant may appeal. These provisions of the law are respected in practice. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection, but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. Security officials may enter residences without proper authorization from a prosecutor if they deem a threat to national security "imminent."

The Constitution further states that the privacy of legal means of communication is inviolable; thus, the Romanian Intelligence Service (SRI) is legally prohibited from engaging in political acts (for example, monitoring the communications of a political party). However, the law allows security services to engage in such monitoring on national security grounds.

Similarly, although the law requires the SRI to obtain a warrant from a prosecutor to carry out intelligence activities involving "threats to national security," it may engage in a wide variety of operations, including "technical operations," to determine if a situation meets the legal definition of a threat to national security.

In 1996 there were occasional instances of interference with individual citizens' right to privacy. A number of citizens and diplomats from two foreign countries credibly reported opened mail or baggage, personal surveillance, and harassment. Protestant church groups also continued to allege that current or former government intelligence services' agents entered their members' homes and offices, opened their mail, and tapped their telephones.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting "defamation of the country." An updated Penal Code passed by Parliament in September rectified many of the shortcomings of the former Communist-era code, although the new version was criticized in some quarters because it retains jail terms for those convicted of libel or slander.

Journalists Tana Ardeleanu and Sorin Rosca-Stanescu of Ziua, a then-pro-opposition daily, were convicted of seditious libel and sentenced to serve prison terms. The charges were filed in connection

with an article that claimed former President Ion Iliescu was recruited by the Soviet KGB intelligence service when he was a student in Moscow. Free press advocates were concerned that the outcome may set a precedent, since the Ziuva journalists were the first well-known reporters convicted for defamation of the authorities.

Radu Mazare and Constantin Cumpăna, two journalists who published an article in the Constanta daily Telegraf about an illegal contract in the city council, were sentenced for libeling local elected authorities, one of whom, a member of an opposition party, brought a private criminal suit against the journalists. They lost their appeal and received 7-month sentences. Prior to leaving office, President Iliescu pardoned them. Lesser-known cases involving journalists and Penal Code provisions for libel were also active before the November elections.

The independent media continued to grow. Several hundred daily and weekly newspapers are published. Several private television stations broadcast nationwide, with the largest reaching approximately 46 percent of the country and 72 percent of the urban market. As of September, 53 private television stations and 110 radio stations were broadcasting. A sizable number of households are wired for cable, giving significant portions of the population access to both private and foreign broadcasts. However, Romanian State Television (RTV) and Radio Romania remained the only national broadcasters capable of reaching the bulk of the rural population.

The ability to broadcast nationwide by satellite allowed stations to make a significant impact on the June local elections; electoral campaigns were conducted in a diverse and competitive media market. The media's new role in nationwide election campaigns made them the target of some heated debates and public complaints regarding biased reporting from politicians on both sides.

The 1994 law that established a board of directors for RTV, appointed by Parliament, was still not fully implemented by year's end. In 1995 and 1996, Parliament, led by the opposition, refused to approve one of RTV's two candidates for the board, and new elections to choose another nominee failed to attract the necessary number of voters. The board cannot convene to choose a director for RTV until all 13 of its members have been confirmed by Parliament; at present the board lacks the 1 aforementioned RTV representative. The new Government, with Parliamentary approval, has appointed an interim director, who began his tenure by replacing a number of department heads and news directors. Prior to the November elections, studies indicated that state newscasts covered the President, the Government, and the ruling party significantly more than the opposition parties, leaving state broadcasters open to criticism.

Foreign news publications may be imported and distributed freely, but high costs limit their circulation.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected that right in practice. The law on public assembly provides for the right for citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the events. The authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counterdemonstration held at the same time as a scheduled public gathering.

The law forbids public gatherings to espouse Communist, racist, or Fascist ideologies or to commit actions contrary to public order or national security. It punishes unauthorized demonstrations or other violations by imprisonment and fines. Constitutional provisions and laws on free assembly were generally respected in 1996.

To reduce the number of small political parties, a new law approved by Parliament raised the number of members a party needs to obtain legal status from 251 to 10,000. Associations may still obtain legal status with proof of only 251 members.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government does not generally impede the observance of religious belief. However, several Protestant denominations, including Jehovah's Witnesses, made credible allegations that low-level government officials harassed them and impeded their efforts at proselytizing and worship. In particular, foreign missionaries often experienced delays in obtaining long-term visas. An international conference of Jehovah's Witnesses, scheduled for June in Bucharest, was banned by the Government following public attacks by the Romanian Orthodox Church; a national conference later took place without incident in Cluj.

Under the provisions of a 1948 decree, the Government recognizes 15 religions whose clergy may receive state financial support. The State Secretariat for Religious Affairs has licensed 385 other faiths, organizations, and foundations as religious associations under two 1924 laws on juridical entities, entitling them to juridical status as well as to exemptions from income and customs taxes. But religious associations may not found churches and are not permitted to perform rites of baptism, marriage, or burial. The Romanian Orthodox Church, to which approximately 86 percent of the population nominally adheres, predominates. The official registration of faiths and organizations is extremely slow because of bureaucratic delays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government places no restrictions on travel within the country, except in the case of certain small areas used for military purposes. Citizens who wish to change their places of work or residence do not face any official barriers. The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice, citizens freely exercise these rights.

In 1991 Romania signed the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and in March a Refugee Law was passed, providing implementing legislation. The new Law established a refugee office within the General Directorate of Border Police, Passports, Aliens, and Migration Issues to determine eligibility for refugee status. The Ministry of the Interior, in which the refugee office is found, was also assigned responsibility for providing accommodations for asylum seekers and refugees.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees but does not provide any direct monetary or physical support for them. The issue of first asylum did not arise in 1996. There was one report of forced return of persons to a country where they feared persecution: In March a Syrian citizen was forced to return to Syria, where Amnesty International had reported that he was previously imprisoned for political reasons.

As of July 31, a total of 887 refugees and asylum seekers depended on the UNHCR for their subsistence, including food, accommodation, clothing, medical assistance, and language or vocational training.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government through periodic and free elections held on the basis of universal suffrage.

Legislation passed in June prohibits government-appointed prefects from dismissing elected mayors and local council members for alleged abuses of authority prior to a binding legal ruling on the charges. (In recent years, government-appointed prefects had dismissed from office for various alleged abuses 133 freely elected mayors, 116 of whom were politically independent or from opposition parties.)

The general elections in November saw the first genuinely democratic transfer of power since 1928 and resulted in a victory for the two main allied opposition coalitions, the Romanian Democratic Convention (CDR) and the Union of Social Democrats (USD). Out of 343 seats in the Chamber of Deputies and 143 in the Senate, the two opposition coalitions together won 175 and 76, respectively. The two coalitions also have the support of the Hungarian Democratic Union of Romania (UDMR), which controls 25 seats in the Chamber and 11 in the Senate. The local elections in June also gave the former opposition greater representation in city halls and county councils. Both elections were generally free and fair.

There are no legal restrictions on the participation of women in government or politics, but societal attitudes constitute a significant impediment. Women hold only 5.9 percent of the seats in Parliament and no ministerial positions.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright (only some 1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. The ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament, due to a low turnout of Roma at the polls and internal divisions that worked against the consolidation of votes for one Romani candidate, organization, or party. They have not increased their parliamentary representation beyond the one seat provided them through the Constitution and electoral legislation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani nongovernmental organization (NGO). Other groups, such as political parties and trade unions, continued to have sections monitoring the observance of human rights.

These groups, as well as international human rights organizations, functioned freely without government interference and visited prisoners and detainees. However, the authorities have not been cooperative with all human rights groups. The General Inspectorate of the police in the Ministry of Interior has refused to cooperate with the Romanian Helsinki Committee since January 1994, when RTV aired a prime-time 2-hour documentary prepared by the Committee.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth, or social background. In practice, however, the Government does not effectively enforce these provisions, and women, Roma, and other minorities are subject to various forms of extralegal discrimination.

Women

Violence against women, particularly rape, continued to be a serious problem. Both human rights groups and women's rights groups credibly reported that domestic violence also is common. There are no support facilities for victims, and media coverage is virtually nonexistent. According to government statistics, 613 women were raped during the first 6 months of 1996. Prosecution of rape is difficult because it requires both a medical certificate and a witness. A rapist will not be punished if he marries the victim.

Both the Constitution and international conventions that Romania has signed grant women and men equal rights. In practice, however, the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues.

Few recourses are available for women experiencing economic discrimination. The Government acknowledged in 1995 that despite existing laws women have experienced a higher rate of unemployment than men and have earned lower average wages since 1989, despite educational equality. Women occupy few influential positions in the private sector. In 1996, to address these concerns, the Government created a department in the Ministry of Labor and Social Protection (MOLSP) to advance women's concerns and family policies. The department organizes programs for women, proposes new laws, and monitors legislation for sexual bias. It also targets resources to train women for skilled professions, especially in rural areas, and to address problems of single mothers.

Children

The Government administers health care and public education programs for children, despite scarce domestic resources. Most resources for children still flow mainly from international agencies and NGO's.

There was no perceptible societal pattern of abuse against children. Nevertheless, large numbers of impoverished and apparently homeless but not necessarily orphaned children roamed the streets of the larger cities--2,000 to 2,500 in Bucharest alone. The Government does not have statistics defining the scope of the problem, but some NGO's remain acutely concerned that deteriorating economic conditions contribute to increased juvenile delinquency and vandalism. NGO's working with children continued to cite special concern about the number of minors detained in jail and prison and were seeking alternative solutions, such as parole for juveniles. Because time served while awaiting trial counts as part of the prison sentence but does not count towards time to be served in a juvenile detention center, some minors actually requested prison sentences. The sexual exploitation of children, for example, child pornography and child prostitution, has attracted domestic press attention, and the police reported 676 cases of sexual abuse involving minors through the end of August. The law does not expressly outlaw pedophilia; instead pedophiles are charged with rape, corporal harm, and sexual corruption. Due to the minimal punishment given to pedophiles, police have little incentive to investigate cases of child prostitution or child pornography.

People with Disabilities

Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Many disabled people cannot make use of government-provided transportation discounts because public transport does not have facilitated access. Accessibility for the disabled to buildings and public transportation is not mandated by law.

Religious Minorities

After the signing of the Romanian-Hungarian bilateral treaty in September, the extreme wing of the nationalist press focused its attention on the Hungarian minority. However, the fringe press continued to publish anti-Semitic harangues, to the discomfiture of the small Jewish community (numbering less than 15,000). Former President Iliescu and most mainstream politicians have publicly condemned anti-Semitism, other types of racism, and xenophobia.

National/Racial/Ethnic Minorities

The Government created a Consultative Council for National Minorities in 1993 to monitor specific problems of persons belonging to ethnic minorities, to establish contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities and the Government, and to investigate complaints. Many minorities and other observers have claimed that the Government seldom acted on the Council's recommendations. There was no action by year's end on a bill restoring nationalized, nonreligious communal property to minority communities, since the authorities had not yet received a catalog of the properties in question from these communities. The new Government has promoted the director of the Council to ministerial status: the new Minister National Minorities is an ethnic Hungarian parliamentarian from the UDMR.

The 1.6 million ethnic Hungarians constitute the largest and most vocal minority, and the UDMR holds 36 seats in the Parliament. There was no violence in 1996 associated with ethnic Hungarian issues, despite the usual extremist rhetoric from the Party of Romanian National Unity (PUNR) and the signing of the Romanian-Hungarian Treaty, an act that was unpopular with the extremist political parties. The treaty ended 5 years of negotiations and included commitments on observance of the Helsinki Final Act and the status of Romania's ethnic Hungarians. Hungary dropped demands for ethnic autonomy for Romania's Hungarian minority, in exchange for provisions that provide for national minorities to be educated in their native language at all levels (according to local needs), to use the minority language with administrative and judicial authorities, to display road and street signs in the minority language in areas where the minority constitutes a substantial number of the local population (percentage undefined), and respect for the rights of national minorities in conformity with pertinent international documents.

A 1995 Law on Education deals with the right of the Hungarian ethnic minority to be educated in their own language. Although the law was deemed by the Organization for Security and Cooperations's High Commissioner for National Minorities to be in line with European and international standards, it rescinded the rights of Hungarians to take university entrance examinations in Hungarian for those subjects not taught in Hungarian. It also dictated that certain vocational schools use only Romanian, which some Hungarians charge would disadvantage ethnic Hungarians who work in these areas. However, implementation of the law has been postponed until 1997, and the Government has accepted OSCE review of the implementation process.

Roma continued to be subjected to discrimination, harassment, beatings, and violence. The cases of those responsible for the burning of 11 Romani homes in May 1994 and the beating of Roma and burning of 3 Romani houses in January 1995 are still being reviewed by the courts.

Section 6 Worker Rights

a. The Right of Association

All workers except public employees have the right to associate freely, to engage in collective bargaining, and to form and join labor unions without previous authorization. Limitations on the right to strike apply only in industries that the Government considers critical to the public interest. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nationwide trade union confederations and smaller independent trade unions.

Union members complain that unions must submit grievances to government-sponsored conciliation before initiating a strike and are frustrated with the courts' propensity to declare illegal the majority of strikes on which they have been asked to rule. Past studies have indicated that the labor legislation adopted in 1991 falls short of International Labor Organization standards in several areas, including free election of union representatives, binding arbitration, and financial liability of strike organizers. Although the 1991 legislation is supportive of collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Unions representing divergent sectors of the economy carried out strikes, or threatened to strike, throughout 1996. The Vacaroiu Government did not follow up on the 1995 ILO recommendation that the Government take steps to rescind all measures taken against suspended union leaders involved in a 1993 strike by railway locomotive engineers. The union leaders, who had initially defied a Supreme Court ruling to suspend the strike for 170 days, were fired by the national railway company when the strike ended.

The 1991 legislation stipulates that labor unions should be free from government or political party control, and the Government has honored this in practice. Unions are free to engage in political activity and have done so.

Labor unions may freely form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia (CNSLR-Fratia) and the National Union Bloc (BNS) are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Union of Romania (CSDR) is affiliated with the European Trade Union Confederation. Alfa cartel is affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise Romanian trade unionists.

b. The Right to Organize and Bargain Collectively

Workers have the right to bargain collectively under the 1991 legislation, but collective bargaining efforts are complicated by continued state control over most industrial enterprises and the absence of independent management representatives. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the State (see Section 6.e.).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor. The MOLSP effectively enforces this prohibition.

d. Minimum Age for Employment of Children

The minimum age for employment is 16 years, but children as young as the ages of 14 or 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The MOLSP has the authority to impose fines and close sections of factories to ensure compliance with the law, which it enforces effectively.

e. Acceptable Conditions of Work

Most wage rates are established through collective bargaining at the enterprise level. However, they are based on minimum wages for given economic sectors and categories of workers which the Government sets after negotiations with industry representatives and the labor confederations. Minimum wage rates are generally observed and enforced. In 1996 the minimum monthly wage of \$28 did not keep pace with inflation and did not provide a decent standard of living for a worker and family. However, the Government still partly subsidizes basic necessities such as housing and medical care. The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations.

Some labor organizations press for healthier, safer working conditions on behalf of their members. The MOLSP has established safety standards for most industries and is responsible for enforcing them. However, it lacks sufficient trained personnel for inspection and enforcement, and employers generally ignore its recommendations. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe and healthful work environment. Neither the Government nor industry, still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace.

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