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U.S. Department of State

Romania Country Report on Human Rights Practices for 1998

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ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system, a head of government (Prime Minister Radu Vasile), a directly elected head of state (President Emil Constantinescu), and a separate judiciary. Although the judiciary is a separate branch of the government, in practice the executive branch exercises influence over the judiciary.

Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organizations are somewhat vague, and their security responsibilities overlap. All security and intelligence organizations operate under the authority of civilian leadership. The Ministry of Internal Affairs supervises the national police, which have primary responsibility for security, and the border guards. Some police officers committed serious human rights abuses.

Romania is a middle-income developing country in transition from a centrally planned to a market economy. The private sector accounted for about 60 percent of gross domestic product (GDP) and employed 56.6 percent of the work force in 1998, primarily in agriculture and services. Although privatization is under way, government ownership remains dominant in heavy industry. The economy grew slowly before a contraction of 6.6 percent in 1997. GDP in 1997 was \$34.842 billion (or about \$1,547 per capita), and 1998 GDP was expected to drop 5.5 percent. Exports rose 4.2 percent from 1996 to 1997 and increased 3.5 percent in 1998. Inflation reached 151 percent in 1997 as the marketplace rather than the Government began to determine the price of goods. In 1998 inflation fell to 41 percent. Official statistics significantly understated economic activity because of the size of the informal

economy.

The Government generally respected the rights of its citizens; however, several serious problems remained. Some police officers continued to beat detainees. The Government investigated police officers suspected of abuse and in some cases indicted those accused of criminal activities in military courts. However, investigations of police abuses are generally lengthy and inconclusive and rarely result in prosecution or punishment. The Government improved the poor living conditions in prisons and implemented vocational training programs. The judiciary remains subject to executive branch influence but is becoming increasingly independent. In September key members in the general prosecutor's office were replaced, and an effort was made to improve the professionalism of prosecutors. Violence and discrimination against women remained serious problems. A large number of impoverished and apparently homeless children are visible in large cities. Societal harassment of religious minorities was a problem and religious groups not officially recognized by the Government sometimes complain that they receive discriminatory treatment from the authorities. Discrimination and violence against Roma continued.

In May the Government established the Ombudsman's Office provided for in the 1991 Constitution, and it began to register complaints.

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 or other extrajudicial killings.

In 1997 Amnesty International issued a report questioning the use of firearms by police against unarmed petty criminal suspects in 11 incidents between 1995 and 1997. Fatalities resulted in three cases, and only two police officers were indicted.

In 1996 Gabriel Carabulea died after 3 days in police custody, during which he reportedly was beaten severely. After initially ruling that there were no grounds for an indictment of the police, the military prosecutor's office reopened its investigation; however, in March the prosecutor's office dropped the case based on allegedly insufficient evidence.

According to the Government, the chief of police in Valcele was indicted in June for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot and killed while in police custody. A lower court found the police not guilty, but the prosecutor's office appealed the verdict in May; the superior court's decision was pending at year's end. The military prosecutor's office during the year reopened the investigation into the case of Istvan Kiss, an ethnic Hungarian allegedly beaten to death by police in 1995. In June the prosecutor's office found the death to be accidental and did not file charges.

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. Nevertheless, there were credible reports that police beat detainees and improperly used firearms.

APADOR--Helsinki Watch/Romania, a nongovernmental organization (NGO) affiliated with the Helsinki Committee, reported several cases of police brutality and beatings. On April 13, a policeman with whom he had refused to share a pool game beat Nicolae Iloaiei of Tandareni. Iloaiei was hospitalized for 90 days. When he asked for a certified medical report for the forensic laboratory, the physician in charge refused to issue it. The case is under investigation. On August 24, Fitzeg Sebastian, a student at the Catholic Theological College in Bucharest and his older friend were arrested as burglars while inquiring in an unfamiliar neighborhood about a distant relative. The boys were not informed of their rights nor allowed to explain their presence in the neighborhood. They were taken to the police precinct where they were beaten and forced to give a statement. The case was closed after the police reached a financial settlement with the family. On May 24, Marian Ciulei from Brasov was shot in the leg by a policeman while he was running from a confrontation in a discotheque. The case is under investigation.

In April the Government responded to the 1997 report of the United Nations Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment. The Special Rapporteur received allegations of torture and mistreatment of detainees by the police. The Government in its response promised to make modifications to the Criminal Code and to detention regulations, but no such modifications had been made by year's end.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive and that the military courts sometimes block proper investigation of alleged police abuses. The Government declined to provide updated information on cases of alleged police abuse from 1997 and 1996.

The prison system is improving slowly as efforts increase to bring prisons in line with minimum international standards. The 1998 prison budget increased 25 percent over 1997. Living conditions reportedly improved. A modern penitentiary opened in January in Bucuresti-Rahova that houses 1,400 inmates. Each 8-person cell is equipped with a shower, toilet, and two basins. Medical facilities were modernized in some prisons, and inmates were allowed to exercise outside their cells. By July 31, six civilian magistrates were appointed as prison directors, replacing military officers.

Human rights organizations continued to report the abuse of prisoners by other prisoners and prison authorities. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners. However, prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely, and inmates had the right to telephone calls. Prison authorities introduced some vocational training programs to assist inmates' future integration into society. A probation pilot program financed by the Open Society Foundation opened in Iasi at year's end to provide such assistance to minors and other young first offenders. Other training programs were sponsored by the Netherlands Helsinki Committee.

The Government permitted visits by human rights monitors, and several NGO's made such visits.

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. Authorities generally respect this provision in practice. 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. However, in the absence of a request, 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 Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. 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.

There were no political detainees during 1998, although a number of officials associated with the former government, who were investigated on charges of corruption or treason, publicly complained that they had been targeted on political grounds.

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, it is subject to influence by the executive branch. A 1997 revision of the law provided that members of the Superior Council of the Magistrature, which controls the selection, promotion, transfer, and sanctioning of judges, be appointed by the justice minister. However, the judiciary is becoming increasingly independent.

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. The 1992 law that reorganized the judicial system divided the Prosecutor General's Office into 16 local offices (paralleling the appeals court structure) and established an office at the Supreme Court; the law also curtailed certain powers of the Prosecutor General, including the right to overturn court decisions and bypass appeals courts by going directly to the Supreme Court.

The law provides for fair public trial and the presumption of innocence. The Penal 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 the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a 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.

A court in Isai sentenced two journalists to a year in prison each and a large fine for reporting that a police inspector would lose his job. The inspector's wife, daughter, and son-in-law were employees of the court (see Section 2.a.).

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 states that the privacy of legal means of communication is inviolable; thus, the Romanian intelligence Service (SRI) is prohibited legally from engaging in political acts (for example, wiretapping on behalf of the government for political reasons). However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage legally in a wide variety of operations to determine if a situation meets the legal definition of a threat to national security.

During the year there were no reported instances of interference with individual citizens' right to privacy.

Legislation that would permit access to secret police files kept by the Communist Government was passed by the Senate in June and at year's end awaited action in the Chamber of Deputies.

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." The Government respected the constitutional provisions in practice. An amended Penal Code passed by Parliament in 1996 rectified many of the shortcomings of the former, Communist-era code. However, the new version is criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. In the spring, an attempt by Parliament to amend the Penal Code and remove jail terms from among penalties for libel failed because of disputes over an unrelated matter. Consequently, Articles 205 and 206 concerning libel and Articles 237 and 238, concerning offense to authority and defamation of the country are still in force.

Many libel suits were brought against journalists during the year under these provisions. In August the lower courts in the northeast found four journalists of the Monitorul press group guilty of libel and sentenced them to fines and jail terms. A court in the city of Iasi in August sentenced two journalists from the independent daily Monitorul de Iasi to a year in prison and \$165,000 "moral damages" to be paid to the plaintiffs. The case prompted criticism due to the fact that the plaintiff's wife, daughter, and son-in-law were employees of the Iasi court that indicted the journalists. The Supreme Court refused to move the trial to another jurisdiction. The case is being appealed. In April a journalist from the Cluj-based daily Ziua de Nord-Est was the first person convicted under Article 206 (concerning calumny).

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 20 percent of the rural and 80 percent of the urban market. As of September, 72 private television stations and 162 private radio stations were broadcasting. Approximately 2.8 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. While Romanian State Television (RTV) and Radio Romania remained the only national broadcasters capable of reaching the bulk of the rural population, independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions.

The 1994 law establishing a parliamentary appointed board of directors for RTV was implemented in June. The new chairman of the board, Christian Hagi-Culea, was elected by Parliament in October.

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 respected that right in practice. The law on public assembly provides for the right of 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 event. 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. Unauthorized demonstrations or other violations are punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties gain legal status if they have at least 10,000 members. (The minimum membership required was increased in 1996 in order to reduce the number of small parties.) Associations may be granted legal status with proof of only 251 members.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally does not impede the observance of religious belief. However, several denominations continued to make credible allegations that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing. Members of religious communities not officially recognized by the Government during the year again accused government officials of harassment--allegations denied by the Government. Proselytizing that involves denigrating established churches is perceived as provocative.

Under the provisions of a 1948 decree, the Government recognizes 15 religions; only the clergy of these recognized religions are eligible to receive state financial support. The State Secretariat for Religious Affairs has licensed 385 other faiths, organizations, and foundations as religious associations under 2 1924 laws on juridical entities, thereby entitling them to juridical status as well as to exemptions from income and customs taxes. However, religious associations may not build churches or other buildings designated as houses of worship 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 religious associations is extremely slow because of bureaucratic delays; in this regard, smaller religious groups have criticized the State Secretariat for Religious Affairs for its obstructionist tactics in favor of the Romanian Orthodox Church. Members of some religious minorities complain that the revised law on cults, if enacted, would not recognize their status as religious groups.

The Catholic Church of the Byzantine Rite, or Greek Catholic Church, which suffered discrimination in years past from the Romanian Orthodox Church and the State Secretariat for Religious Affairs, made progress in 1998 in recovering some of its former properties. The Greek Catholic Church was disbanded by the Communists in 1948 and forced to merge with the Romanian Orthodox Church. The latter received most of its properties, including over 2,000 churches and other facilities. Since 1990 Greek Catholics have recovered a number of their churches. In the Banat region some of the churches were returned to the Uniate Church by the Orthodox Archbishop of Timisoara. In several counties in Transylvania local Orthodox leaders voluntarily have given up smaller country churches. The Episcopal seat in Cluj was returned to the Greek Catholic Church by a court order on March 13. In August the Government adopted an ordinance on returning buildings belonging to ethnic minorities, such as Jewish schools in Bacau and Cluj, and the Presbyterian Theology Institute in Cluj.

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

The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes. Citizens who wish to change their place 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 1996 a refugee law was passed, implementing the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. This legislation established a refugee office in the Interior Ministry to receive, process, and house asylum seekers.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. Beginning in mid-1998 the Interior Ministry and the Labor Ministry began funding programs to assist asylum seekers and refugees. The Government provides temporary accommodation in only a few locations; more facilities are to open as funds are made available. Programs for integrating refugees into society are developing slowly. The issue of first asylum did not arise in 1998. An increasing number of transiting illegal migrants regard the country as a springboard to the West.

Between January 1 and August 31, a total of 1,247 refugees were registered in the country. Of these, 724 depended on the UNHCR for their subsistence, including food, accommodation, clothing, medical assistance, and language or vocational training.

There were no reports of the forced return of persons to a country where they feared persecution.

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.

In the wake of the 1996 democratic general elections, the government coalition formed by the Romanian Democratic Convention (CDR) and the Union of Social Democrats (USD) joined forces with the

Hungarian Democratic Union of Romania (UDMR). These parties, along with a number of smaller constituent parties, make up the governing coalition.

The Government respects legislation passed in 1996 that 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.

No legal restrictions hinder the participation of women in government or politics, but societal attitudes are a significant impediment. Women hold only 5.9 percent of the seats in Parliament and one ministerial position.

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 (1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. They have not increased their parliamentary representation beyond the one seat provided 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 NGO. Other groups, such as political parties and trade unions, continued to maintain sections monitoring the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

The Government cooperates with local and international monitoring groups, although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard.

With the aim of protecting citizens against abuses or capricious acts of public officers, the Ombudsman's office envisioned under the 1991 Constitution was instituted by law in March 1997, and its first appointee, Paul Mitroi, took office in June 1997. However, due to a lack of office space, the office began working at normal capacity only at the beginning of 1998: by the end of August, it had received 2,700 complaints. The Office is registering these complaints and is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights but with all facets of citizens' interaction with the government.

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. However, in practice the Government

does not enforce these provisions effectively, and women, Roma, and other minorities are subject to various forms of extralegal discrimination. Homosexuals are reportedly the victims of widespread police brutality.

Women

Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence is common. Under a government pilot project begun in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only four persons. It received 490 calls for help during the year on a hot line, and registered 230 walk-in victims. According to government statistics, 967 rapes were reported during the first half of the year. Prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. There is no specific legislation dealing with spousal abuse or rape, and successful prosecution of spousal rape is almost impossible. Police are often reluctant to intervene in instances of domestic violence.

Trafficking in women appears to be an underreported but growing problem. Several domestic prostitution rings are active.

The Constitution grants women and men equal rights. However, in practice the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues.

Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. In 1996 the Government created a department in the Ministry of Labor and Social Protection to advance women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled professions, and addresses the problems of single mothers, especially in rural areas. In 1998 this department organized with the United Nations Development Program a series of conferences on "promoting gender politics."

Children

The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas.

There was no perceptible societal pattern of abuse against children. Nevertheless, large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. The Government does not have statistics defining the scope of the problem. NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. These NGO's continued to seek 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 continued to attract press attention, and the police staged a few high-publicity arrests of foreign pedophiles. Other issues, such as adequate legislation to protect children, received less attention. The law does not expressly outlaw pedophilia; instead, pedophiles are charged with rape, corporal harm, and sexual corruption.

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. The law does not mandate accessibility for the disabled to buildings and public transportation.

Religious Minorities

Most mainstream politicians publicly have condemned anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues. The Romanian Orthodox Church has attacked the "aggressive proselytism" of Protestant and neo-Protestant groups. In April a group of Baptist missionaries was attacked by a mob in Cornereva until their van was rescued by the police and escorted out of the area.

National/Racial/Ethnic Minorities

The Government created a Consultative Council for National Minorities in 1993 to monitor the 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 to investigate complaints. This council was upgraded to a government department with ministerial status after the November 1996 general elections and renamed the Department for the Protection of National Minorities (DPNM).

Ethnic Hungarians, numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR Party holds 36 seats in the Parliament. Many of the issues addressed in the Romanian-Hungarian treaty of 1996 were implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. A government decree on Hungarian-language minority education was ruled unconstitutional in December, after which each house of Parliament passed a different version of a new minority education law, leaving the issue unresolved at year's end.

The Romani population, estimated at approximately 2 million persons, continues to be subject to societal discrimination. The Minister of Education announced in April a series of initiatives designed to improve Roma education. New programs will provide caravan classrooms to follow the migrant Romani population and will open additional classrooms at the request of Roma in several high schools throughout the country. Credible reports of anti-Roma violence continued, as did the harassment of Roma. In July a court in Mures sentenced 11 persons who in 1993 burned 13 Romani houses--resulting in the deaths of 3 Roma--to 3 to 7, years' imprisonment. Other cases dating to 1993 involving Romani deaths and property destruction still are under investigation by prosecutors or under review by the courts.

Section 6 Worker Rights

a. The Right of Association

All workers except public employees have the right to associate freely, engage in collective bargaining, and form and join labor unions without previous authorization. Limitations on the right to strike apply only to industries that the Government considers critical to the public interest and to other public employees. 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 their grievances to government-sponsored conciliation before initiating a strike, and they are frustrated with the courts' propensity to declare illegal the majority of strikes on which they have been asked to rule. Past studies indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, and the financial liability of strike organizers. Although the 1991 legislation supports 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 in 1998, often protesting wage indexation levels that did not match the rate of inflation. A strike by health care workers suspended services at state-run hospitals for all but emergency cases, but the result was a much smaller pay hike than the workers demanded. Miners struck several times for short periods over delays in paying back wages.

The Government has not followed up on a 1995 ILO recommendation to the previous government to rescind all measures taken against suspended union leaders involved in a 1993 strike by railway locomotive engineers. Only 2 of the 10 engineers fired in 1993 were offered their old jobs back; most of the others were offered retirement pensions. The union leaders, who defied a Supreme Court ruling to suspend the strike for 170 days, were fired by the national railway company when the strike ended.

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

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania 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 legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of 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 government (see Section 6.e.).

Antiunion discrimination is prohibited by law.

Labor legislation is applied uniformly throughout the country, including in the four free trade zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including that performed by children. The Ministry of Labor and Social Protection generally enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment

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 Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law, which it enforces effectively. The Constitution prohibits forced and bonded child labor, and the Government generally enforces this provision (see Section 6.c.).

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 specific economic sectors and categories of workers that the Government sets after negotiations with industry representatives and the labor confederations. Minimum wage rates are generally observed and enforced. In 1998 the minimum monthly wage of \$40.00 (Lei 360,000) did not keep pace with inflation and did not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating have risen dramatically. However, basic foodstuffs and pharmaceutical products are still subject to price ceilings. Housing is no longer subsidized.

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 lobby for healthier, safer working conditions on behalf of their members. The Ministry of Labor and Social Protection 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 often 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 work environment. Neither the Government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace.

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