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1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

ROMANIA

Romania is a Constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Radu Vasile is the Head of Government, and President Emil Constantinescu, who was elected directly, is the Head of State. The judiciary is a separate branch of the Government; however, in practice the executive branch exercises influence over the judiciary, although there were signs of increasing judicial independence during the year.

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 economy 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, primarily in agriculture and services. Although privatization is under way government ownership remains dominant in heavy industry. From 1997-98, 2,571 companies were privatized; 3,626 were included on the privatization list for 1999, and about half of those were privatized by year's end. The economy grew slowly before a contraction of 6.6 percent in 1997. GDP per capita in 1998 was about \$1,682. GDP for the first half of 1999 was down 3 percent compared with the same period in 1998. Exports rose 4.2 percent from 1996 to 1997 and dropped in 1998 1.6 percent from 1997. Inflation decreased from 151.4 percent in 1997 to 40.6 percent in 1998. The inflation rate for 1999 was approximately 56 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; and in several cases such beatings reportedly led to deaths. 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. While some progress has been made in reforming the police, cases of inhuman and degrading treatment continue to be reported. The Government promised important modifications to the Criminal Code, but no such changes were made by year's end. The Government improved the poor living conditions in prisons and implemented vocational training programs; however, overcrowding remains a serious problem. The judiciary remains subject to executive branch influence, although there were signs of increasing influence during the year. Violence and discrimination against women remained serious problems. There is a large number of impoverished and apparently homeless children in large cities. Societal harassment of religious minorities still remains a problem and religious groups not officially recognized by the Government sometimes complain that they receive discriminatory treatment from the authorities. Discrimination against Roma continued. Trafficking in women and girls for the purpose of forced prostitution was a problem.

The Ombudsman's Office, which was established in 1997, consolidated its activities and is now fully operational with a staff of 70 persons. The Office registered 4,372 complaints by year's end, up from 2,985 in 1998 and 1,168 in 1997. The Ombudsman's role is not fully clear to the public yet. Many complaints were rejected because they related to problems with the judiciary and not the administration.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

APADOR-CH, a nongovernmental organization (NGO) affiliated with the International Helsinki Federation, reported several cases of police brutality and beatings, including several leading to death.

On September 24, Aurel Uluiteanu of Barcanesti, County Ialomita, was taken to the Urziceni court because several villagers had accused him of disturbing the public order. Uluiteanu succeeded in escaping from the court and returned home. The following morning the deputy chief of police went to Uluiteanu's house, found him hiding, and led him to the police station. In the afternoon, Uluiteanu's parents were informed that their son had died at the police station. Uluiteanu's father later found out that the deputy police chief and several young men in the village had "turned the police station into a pub" on September 25 and tortured and beaten his son to death. The case is under investigation; meanwhile, a policeman and a civilian involved in the case were arrested.

On September 9, a police officer took Cristian-Venus Dumitrescu and his sister, Gianina, from their home in Craiova and drove to the Dolj county police inspectorate. The police officer did not show them any document to justify the arrest. At the station, the police told Dumitrescu that he was charged with having robbed a Korean citizen in complicity with three other young men. Dumitrescu's sister said that she saw her brother several hours after he was interrogated and that he was very red in the face. He told his sister that he

was threatened with 15 years in jail and that if he could no longer take what was happening to him, he would commit suicide. Later in the day, he complained to his girlfriend that he was kicked in the liver; his face also was swollen. En route to the police lockup, followed by his alleged accomplices, Dumitrescu threw himself out of a third floor window onto the paved alley below, resulting in his death. The police did nothing to prevent this event. The case is under investigation.

On July 23, the police in Bucharest shot and killed Sevastian Apostol, a Rom who was trying to flee a bar where he had a serious conflict with the owner and other clients. While in the getaway taxi, police shot at the car and killed Apostol, shooting him in the back. The case is under investigation.

In its 1999 annual report, Amnesty International cited numerous reports of torture and mistreatment. In one case, a man died of suspicious circumstances, apparently as a result of mistreatment. In August, Elinoiu Toader was assaulted by a police officer in front of a store in Nereju, Vrancea county. The officer then reportedly instructed the storeowner to take Toader behind the building and to beat him all over his body. The following morning, Toader died in his sister's house. In the course of the investigation, a witness allegedly was beaten to induce him to sign a statement that Toader had died as a result of alcohol abuse. At least two other witnesses were similarly threatened. An autopsy stated that Toader had suffered three fractured ribs.

A Bucharest newspaper reported that a police officer shot and killed an unarmed Rom on October 27, during a police raid on a group of cigarette smugglers.

In 1996 Gabriel Carabuelea 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 officer 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 still are dragging on, years later.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture and inhuman or degrading punishment or treatment, and

these prohibitions generally were respected in practice; however, there were credible reports that police beat detainees and improperly used firearms.

APADOR-CH, an NGO affiliated with the International Helsinki Federation, reported several cases of police brutality and beatings, including several leading to death (see Section 1.a.).

In its 1999 annual report, Amnesty International cited numerous reports of torture and mistreatment, including one case that resulted in death. Also, in seeking to cover up the death of Elinoiu Toader, a witness allegedly was beaten to induce him to sign a statement that Toader had died as a result of alcohol abuse. At least two other witnesses were similarly threatened (see Section 1.a.).

Roma NGO's claimed that police used excessive force against them. In one case such force reportedly resulted in death (see Section 1.a.).

On April 30, Constantin Buzatu of Craiova reportedly was assaulted by a number of individuals, all but one of whom were plainclothes policemen. Buzatu's efforts to lodge a complaint were rejected, and he was told that he could bring a civil complaint against the one assailant who was not a police officer.

In April 1998, a policeman with whom he had refused to share a pool game beat Nicolae Iloaie 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. In August 1998, 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. In May 1998, 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 1998, the Government responded to the 1997 report of the U.N. 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 in 1998 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 some military prosecutors sometimes block proper investigation of alleged police abuses. The Government declined to provide updated information on cases of alleged police abuse from 1998 and 1997.

The prison system is improving slowly as efforts increase to bring prisons in line with minimum international standards. The 1999 prison budget increased 24 percent over 1998; however, a supplementary \$160 (3 million lei) request in the 1999 budget for prison

administration was rejected by Parliament. There are now 33 detention institutions. Nevertheless, overcrowding remained a serious problem. As of June, in the units subordinated to the Directorate General of Prisons Administration there were 53,125 persons, almost 20,000 over the legal capacity of 33,272 persons. A modern penitentiary opened in January in Bucuresti-Rahova that houses 1,400 inmates. Each eight-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.

In May a law providing for alternative sentences for minor offenses went into effect. The law provides for community service instead of a prison sentence and is aimed at reducing the prison population.

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 the end of 1998 to provide such assistance to minors and other young first offenders. Two additional probation centers began operations during the year in Gaesti and Tichilesti.

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 warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respect this provision in practice. Detention can be extended past the 30-day limit only by a court ruling. 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.

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 considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if aged between 14 and 16, they have consciously committed a crime. However, 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.

According to APADOR-CH, the Interior Ministry issued new instructions on detention in

August that would, among other things, provide for the confidentiality of discussions between detainees and their lawyers.

There were no political detainees during the year.

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 remains subject to influence by the executive branch, but there were increasing signs of judicial independence during the year. Although members of the Senior Council of Magistrates, which controls the selection, promotion, transfer and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council, the Justice Minister may avoid the appointment of members he does not want by simply keeping them off the agenda.

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.

In a notable case in January, a criminal appeals court ruled against miners' union leader Miron Cozma and overturned the Government's implicit deal to protect Cozma from prosecution for his role in a miner's strike.

There were no reports of political prisoners.

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

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

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, or to prevent a crime.

Legislation that would permit citizens access to secret police files kept by the Communist government was passed by the lower chamber of Parliament in early October. Under the law, any Romanian or foreign citizen who had Romanian citizenship after 1945 is entitled to access his file. As subsequently resolved by the mediation committee, Securitate files (the Communist-era secret police) are to remain in custody of the intelligence service (SRI), which is to decide whether to grant access to files based upon the justification given by the requester. The bill was passed by the Senate and signed into law by President Constantinescu in the fall.

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" and "offense to authority;" 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. Despite official promises that jail terms would be removed from penalties for libel and calumny, Parliament has yet to amend the relevant sections of the Penal Code. Consequently, Articles 205 and 206 concerning libel and calumny and Articles 237 and 238 concerning offense to authority and defamation of character are still in force.

Many libel suits continued to be brought against journalists under these provisions. In January a Bucharest court suspended a jail sentence passed on two journalists from the independent daily Monitorul de Iasi by a lower court in Iasi in 1998. However, the Bucharest court upheld the hefty "moral damages" awarded to the plaintiffs, to be paid by the Monitorul group. The General Prosecutor appealed the sentence with the Supreme Court. In a separate case in late September, the European Court of Human Rights made a groundbreaking ruling in favor of a journalist convicted to a suspended jail sentence for calumny in 1994. The European Human Rights Court found that the decisions of the Romanian court violated Article 10 of the Human Rights Convention concerning freedom of speech. Domestic media supported the ruling and defined it as precedent-setting for the many libel and calumny suits.

The Government failed to rescind the prohibitions on "defamation of the nation" and "defamation of public officials" used to harass and punish journalists who report governmental or bureaucratic corruption. Several journalists were arrested and tried during the year for reporting on corruption by local government officials. Journalists who were investigating corruption cases were also targets of violence. Marian Tudor, a journalist for the *Journalul de Constanta*, was attacked and thrown from a moving train on September 23 as he was traveling to deliver to the printer the draft of an article that described an illicit business deal. The assailants took the draft.

Independent media continued to grow in an increasingly competitive market. 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. There are 72 private television stations and 162 private radio stations. 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 at year's end 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. In mid-July the National Audiovisual Council (CAN) awarded a French media group a license for a private radio nationwide broadcasting operation. If established, such an operation would break Radio Romania's monopoly as the only national radio station.

The 1994 law establishing a Parliament-appointed Board of Directors for RTV was implemented in June 1995.

Foreign news publications may be imported and distributed freely, but high costs, relative to domestic publications, 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 20 founding members and over 200 supporting 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. The press reported several instances when adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. 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 recognized churches is perceived as provocative.

Under the provisions of a 1948 decree, the Government recognizes 14 religions; only the clergy of these recognized religions are eligible to receive state financial support. The number of adherents each religion had in the last census determines the proportion of the budget each recognized religion receives. Representatives of minority religious groups dispute the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or simply assigned an affiliation in some cases even without inquiring about religious affiliation.

The Romanian Orthodox Church, to which approximately 86 percent of the population nominally adhere, 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 Government requires religious groups to register and establishes the criteria for registration. In order to be recognized as a religion, groups must register with the State Secretariat for Religious Affairs and present a list with the names, age, identity card numbers, addresses, and signatures of their followers. The State Secretary of Religions and the President must approve all registration applications. Representatives of religious groups that sought to register after 1990 allege that the registration process is arbitrary, changeable, and unduly influenced by the Romanian Orthodox Church. Applicants assert that they do not receive clear instructions concerning the requirements and allege that often the time frame in which a decision on their application has to be made is not respected by the State Secretary of Religions.

The Government registers religious groups that it does not recognize as "independent religions" either as religious and charitable foundations or as cultural associations.

In July an Orthodox priest in Bihor obtained from the superior court in Bihor an order to stop the construction of a Baptist church, claiming that the its proximity to an Orthodox cemetery was "hurting the faithful's traditional Orthodox feelings."

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. Little progress was made with regard to the restitution of church properties during 1999. 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. However, in Bixad, Satu Mare county, despite a government decision of 1992, the Greek Catholic Church in August could not take possession of the buildings which belonged to a Greek Catholic monastery because of opposition by local residents led by Orthodox priests. A similar incident took place in July in Sercaia, Brasov county, when Greek Catholics were driven out of a Greek Catholic church, usually kept locked by the Orthodox Church, by Orthodox priests aided by local police. In Ardud, Satu Mare county, where the Orthodox priest and a large number of believers had switched to the Greek Catholic Church, Orthodox officials did not allow Greek Catholics to enter the church despite a protocol providing for joint use of the facility and two court rulings upholding their right to use the church. The congregation was holding services in the open air from August until year's end.

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.

The 1996 refugee law implemented 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. 807 applications for asylum were received in the first 6 months of the year.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. In mid-1998, the Interior ministry and the Labor Ministry began funding programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) is minimal, usually not enough to cover basic needs. 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. An increasing number of transiting illegal migrants regard the country as a springboard to the West.

There were no reports during the year 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, and citizens exercise this right in practice.

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.

No legal restrictions hinder the participation of women in government or politics, but societal attitudes are a significant impediment, and women are underrepresented significantly in government and politics. Women hold only 5.9 percent of the seats in Parliament. There is one female cabinet member.

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 1999, it had received over 2,000 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 reportedly have been the victims of 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, and a September report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace is not uncommon as their subordinate position exposes them to greater risk. According to UNICEF, the country has an average of 108 sexual incidents per 1,000 women and 41 assaults per 1,000 women. 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 1998 on a hot line, and registered 230 walk-in victims. 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 for the purpose of forced prostitution continues to be a growing problem. Several domestic prostitution rings are active (see Section 6.f.).

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 U.N. Development Program a series of conferences on "promoting gender politics." An ombudsman was created within the department for child, woman and family protection in 1998, but the total budget for women's programs for the year was less than \$75,000 (1.4 billion lei).

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. However, living conditions in all child care

institutions very seriously deteriorated during the year for financial and administrative reasons. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were 33,000 orphans in state institutions, and the number of institutionalized children reportedly has increased by 20 percent since 1989.

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. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.). Other issues, such as adequate legislation to protect children, received less attention. The law does not outlaw pedophilia expressly. 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 persons 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. According to official statistics, there were 98,000 disabled children living in state institutions.

Religious Minorities

Most mainstream politicians publicly have criticized 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 October a court sentence, Mihai Bogdan Antonescu, editor of the weekly *Atac la persoana*, to a 2-year suspended sentence for publishing articles that were intended to spread intolerance toward Jews.

On September 13, Romanian Television reported that unknown perpetrators recently desecrated two tombstones in the Galati Jewish cemetery. In early November, vandals destroyed more than 50 tombstones in 2 Jewish cemeteries in Transylvania.

National/Racial/Ethnic Minorities

The Department for the Protection of National Minorities has the responsibility 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.

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 enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania.

The Romani population, officially estimated by the Government at approximately 400,000, is estimated by the European Commission to number between 1.1 and 1.5 million. No cases of ethnically-motivated violence against Roma people were reported. However, Romani groups complain of routine police brutality, prejudice, and racial harassment at the local level. Although those who were involved in 1993 incidents in Hadareni, in which three Romani persons died in a house burning, were sentenced to terms in prison in 1998, the court rulings have not become final as yet because of appeals. The Romanian daily Ziaua reported on September 7 that the Office for the Fund for Social Security and Health in Iasi banned from the Iasi county hospital Roma who cannot afford to pay for their medical treatment and cannot prove that they have medical insurance provided by the State. An NGO, Liga Pro Europa, sent a letter expressing concern to the Department for the Protection of National Minorities on September 2. In response, the Department opened an investigation on October 7 and requested the Ministry of Health to do the same. As of November 29, the ban on Roma had not been withdrawn. Some steps have been taken toward establishing an institutional framework to improve the conditions of the Roma, but in practice little progress has been made. The Department for the Protection of National Minorities and a working group of Roma associations set up by the Roma community signed an agreement for drafting a strategy for the protection of the Roma minority. Meanwhile, the Romani population continues to be subject to societal discrimination.

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 a wide range of economic sectors carried out strikes during the year, often protesting wage levels that did not keep pace with the rate of inflation. While most of these strikes ended with government promises to improve wages and working conditions, union leaders complain that these agreements frequently are not implemented. In January striking coal miners from the Jiu Valley launched a march on Bucharest to protest mine closures. Due to previous violent miners' demonstrations the Government denied them permission to march to Bucharest. Defying the government decision, the miners continued on and attacked law enforcement officials. However, the Government succeeded in restoring order, and the perpetrators of the violence were arrested and tried.

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 domestic 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; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

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; however, trafficking in girls is a problem (see Sections 6.c. and 6.f.).

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 generally are observed and enforced. Again during the year, the minimum monthly wage, an equivalent of about \$60.00 (1.1 million lei), 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. However, 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. 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.

f. Trafficking in Persons

Trafficking in women is an underreported but persistent problem. The law is vague and outdated and does not address trafficking directly. Those involved in trafficking may be prosecuted for such offenses as prostitution and procurement, falsifying documents,

assisting individuals to cross borders illegally, blackmail, forced labor, or illegal deprivation of freedom.

Romania is both a source and a transit country for trafficked women and girls. The full extent of the problem is not known, since neither the Government nor NGO's maintain statistics on this issue. The only official data are for the number of individuals prosecuted for prostitution and procurement. The number has been increasing since 1997, but this phenomenon seems to be due to an increased awareness of the problem among law enforcement officials rather than an increase in the activities themselves. NGO's that work with women's issues agree that several thousand women are trafficked to other countries each year. International Organization for Migration representatives in Bucharest report that they process two cases a month involving women trafficked to other countries who wish to return home. No separate statistics exist for children trafficked to other countries.

It is estimated that there are between 20,000 to 22,000 illegal immigrants, and that part of this total is a result of illegal trafficking. According to official statistics, 28 groups who tried to illegally transit the country were discovered in 1998. Women reportedly were trafficked to Turkey, the Netherlands, and other West European countries, as well as other former Communist countries, like Poland. In 1997 the Government of Turkey deported some 7,000 Romanian women. Authorities in the Netherlands broke up a trafficking ring late in the year that victimized some women from Romania.

In May police in Braila reportedly summoned women suspected of traveling to Turkey to engage in prostitution and threatened them with arrest and public exposure of their activities if they refused to surrender their passports. Police then confiscated their passports, and prevented the women from leaving the country. Several domestic prostitution rings are active.

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