



## U.S. DEPARTMENT of STATE

### Romania

#### Country Reports on Human Rights Practices - [2006](#)

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Romania, a country of approximately 21.7 million persons, is a constitutional democracy with a multiparty, bicameral parliamentary system. The December 2004 election of Traian Basescu had a few irregularities, but generally was judged free and fair. Civilian authorities generally maintained effective control of the security forces.

The government made increasing attempts to address human rights issues during the year; however, human rights abuses continued to occur. There were continued reports of police and gendarme harassment of detainees and Roma. Although slightly improved over previous years, prison conditions remained poor. The judiciary exercised its independence, but lacked the public's trust in its ability to impartially apply the law. Restrictions on freedom of religion became a greater concern, in particular after the adoption of a restrictive, discriminatory religion law. While the government made some progress with property restitution, it failed to return property to the Greek Catholic Church and other religious denominations. Widespread corruption remained a problem. There were continued reports of violence and discrimination against women, along with significant lapses in the protection of children's rights. Persons, mainly women and children, were trafficked for sexual exploitation, but also for labor and forced begging. The neglect of and inadequate assistance for persons with disabilities was a problem. Societal violence and discrimination against the Roma was pervasive. Homosexuals continued to suffer societal discrimination. Discrimination against persons, particularly children, living with HIV/AIDS was a serious problem.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there were reports of at least one possibly arbitrary or unlawful killing. On September 19, a police officer shot and killed a 22-year old Romani man, Adrian Cobzaru, who, together with a second person, was stealing goods from a truck in Bucharest and tried to run from the scene disregarding the police orders to stop. A commission of the Bucharest police began an investigation regarding the circumstances under which the officer used his weapon, and that investigation continued at year's end. The family of the victim filed a separate complaint with the prosecutor's office. The Roma Center for Social Intervention and Studies (Romani CRISS), a nongovernmental organization (NGO) that monitors the observance of Roma rights, contacted a lawyer to help in the lawsuit.

There were no new developments in the 2005 death of Dumitru Ciobu in police custody. Police did not investigate to determine whether his treatment in police custody played a role in his death.

Police did not open an investigation in the death of 34-year-old Gheorghe Cazanciuc, who was shot dead in August 2005 by railway transportation police while he was allegedly stealing copper wire. The police reported that Cazanciuc attempted to flee the scene. Human rights NGOs asserted that the use of a firearm by police was excessive, given the nature of the crime.

On January 30, the High Court of Cassation and Justice rejected an appeal, filed in 2005 by two former militia colonels, Tudor Stanica and Creanga Mihail, to reconsider the 10-year prison sentences; the two were convicted in 2003 of the 1985 beating death of former dissident Gheorghe Ursu. The appeal was based on a new forensic report attributing Ursu's death to a lack of medical care and not to the beating itself, thereby contradicting the original 1993 forensic report. The court's decision was final. On August 9, the High Court for Cassation and Justice rejected an appeal filed by Ursu's family against the authorities' decision to release Stanica from prison on medical grounds in April 2005. The other convict remained in prison.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were numerous credible reports of police torture and mistreatment of detainees and Roma, primarily through excessive force and beatings by police. There were also reports of mistreatment of physically disabled abandoned children in state institutions and of prolonged incarceration for misbehavior within state orphanages.

On July 27, police in Bucharest responded to a dispute between an elderly couple, Maria and Lucian Tamaris, and one of their neighbors over an alleged property trespass. When police arrived on the scene, they allegedly handcuffed the couple, told them to lie on the ground, and kicked them. One of the officers claimed that Maria Tamaris attacked and injured him. The couple subsequently filed a criminal complaint against the police for abusive behavior. In early August, one of the officers involved was fired for damaging the image of the police by violating police procedures. Five other police officers involved in the incident were admonished for failing to observe appropriate police procedures.

Media reported that on the morning of August 14, two community policemen beat Bucharest student Alexandru Ungureanu while he was walking in the park with a group of friends. Ungureanu claimed that the police took his identification documents and wallet. Following the student's complaint, the police initiated an internal investigation.

No further updates were available on the investigations into the following alleged police beatings in 2005: the beating of a Romani man in a bar in Moreni in April; the beating of two men in Buzau in August; and the beating of Bucharest student Razvan Vasile Muraru in Tulcea county in October.

In December 2005 police officers Viorel Buzenschi and Ioan Tibuleac in Tibana, Iasi county, allegedly beat four persons, two of them minors, with clubs and forced them to admit to committing an alleged theft. The minors were hospitalized for their injuries, and the officers were dismissed. In May Tibuleac initiated a lawsuit against the police chiefs, arguing that he did not use unlawful force against the four, and asking to be reinstated. The suit remained pending at year's end.

Romani CRISS and other NGOs continued to claim that police used excessive force against Roma and subjected them to brutal treatment and harassment.

According to Romani CRISS, on the morning of May 9, police forces, the special intervention squad, and representatives of the electric power company entered a Roma community in the village of Gepiu, Bihor county, allegedly to stop electric power theft. Police allegedly forced their way into Romani homes without showing warrants and physically abused five Romani individuals during the search and at the police headquarters. In response to complaints of abuse filed by Romani CRISS and the alleged victims, police stated that an internal investigation revealed no abuse by police. The alleged victims filed a criminal complaint with the prosecutor's office, and the case remained under investigation.

On August 3, police and gendarmes entered a Roma community in the village of Bontida, Cluj county, and detained five Romani men and boys who were then taken to the police precinct. According to Romani CRISS, three individuals were physically abused in the gendarmes' van, and the other two were abused in the police precinct. Two of the five detainees were minors; their parents were initially denied access to the police precinct. The chief of the police precinct stated that the gendarmes' official report denied that the five men were subjected to abuse. The alleged victims filed complaints against the gendarmes for abusive behavior.

In August, according to Romani CRISS, police searched Romani neighborhoods in Cluj during an eviction operation and physically assaulted several Roma. This raid followed two similar raids on the same neighborhood in November 2005, after which residents also accused police of abusive behavior toward Romani residents (see section 1.f.).

According to NGOs, a police officer fined for the 2004 physical assault of a 12-year-old boy in Fetesti continued to refuse to pay the fine but remained employed as a police officer at year's end.

On September 7, a police squad entered a Romani community in Apalina, Mures county, reportedly to deliver subpoenas to two Romani persons who were under criminal investigation. The Roma accused police of using extreme violence when they came to the community; however, the officers involved in the incident claimed that they were physically assaulted by the Roma and used force only in reaction to the attack. Romani CRISS and the Pro-Europa League, a human rights NGO based in Targu Mures, identified 37 victims of the incident, 36 of whom were Roma. In reply to two letters sent by Romani CRISS, the general police inspectorate initiated an investigation and concluded that the incident was "inappropriately managed" by the police officers in charge, which led to measures violating legal provisions and internal police regulations. On October 12, the inspectorate began a preliminary investigation of senior police officer Valer Ujica and police officers Alexandru Moldovan and Petru Gora. Forty-nine Roma filed criminal complaints and the case was under investigation by the prosecutor's office in Targu Mures at year's end.

On June 28, after a lengthy trial, a Constanta court issued four- and six-month suspended prison sentences to two members of the Service for Protection and Guard, Daniel Bogdan Mihalcea and Teodor Chirica, who in August 2004 physically assaulted Serban Pretor, a state secretary on the National Audiovisual Council. In October, the Constanta court ruled on the appeals, filed by both Pretor and the two defendants in July, acquitting the two and reducing the moral compensation to be paid by the defendants to the victim from \$1,560 to \$780 (4,000 to 2,000 new lei). Chirica also received a penal fine of \$195 (500 new lei).

On January 24, the European Roma Rights Center (ERRC) filed an application with the European Court of Human Rights (ECHR) against the government, alleging the excessive and unjustified use of force by the police against a Romani family in 2003. The application further alleged that authorities failed to conduct an effective investigation of the incident. In August 2003 four members of the Pandeles family publicly protested a municipal decision to deny renewal of their lease of space for a fruit and vegetable stand in the Targu Frumos food market. Police allegedly responded to the protest by beating the family members with bats, truncheons, and boots. The family was taken to the police station, where further abuse and threats allegedly took place. The Pandeles were fined for disturbing the peace and released, but alleged that they were subjected to continued harassment from the municipal government since the incident.

On July 14, the prosecutor's office in Craiova decided to cease criminal prosecution of a police officer accused of having tortured an 18-year-

old Romani man, Nelu Balasoiu, who died in Jilava prison after his 2002 transfer from a penitentiary in Targu Jiu. The victim's family appealed the decision.

Lesbian and gay rights NGOs complained that police singled out members of the lesbian, gay, bisexual, and transgender community for violence and harassment (see section 5).

#### Prison and Detention Center Conditions

Prison conditions remained harsh and generally did not meet international standards.

Overcrowding remained a serious problem, although there was a slight improvement over 2005 in respecting prisoners' rights, such as the provision of religious assistance and the investigation of incidents in prisons. At the end of November, 34,542 persons, including 767 minors, were in prison or juvenile detention facilities in a system with a capacity of 37,925. Overcrowding resulted from a high concentration of inmates in a few facilities; for example, on November 28, the prison in Bacau held 985 prisoners while its capacity was only 453. The prison in Galati held 1,081 prisoners while its capacity was only 821. In the penitentiaries in Margineni and Slobozia, the number of prisoners in some cells was higher than the number of beds.

In October a new law on the execution of prison terms came into effect, which, according to some NGOs, was a necessary step toward improving prison conditions and enhancing protection of prisoners' rights. However, its enforcement was delayed due to the government's failure to adopt implementing regulations for the law. The law stipulates four categories of detention status for prisoners serving terms: maximum security, closed, semi-open, and open. The law expressly allows the transfer of prisoners from one category to another based on their conduct.

Media and human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. Prisoners from the penitentiaries in Craiova, Turnu Severin, Jilava, Bistrita, Slobozia, Tulcea, Braila, Deva, Colibasi, and Arad complained to human rights NGOs that prison staff beat and punished them with up to seven days of solitary confinement for minor infractions. For example, the Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH) reported on the case of a prisoner in Slobozia penitentiary, who was physically abused by four prison guards, Emil Dinca, Laurentiu Marian Diamandopol, Valentin Dumitru Musat, and Adrian Tomescu, for refusing to wear a prison uniform when he was taken to court, on the grounds that the uniform was dirty. The prisoner was hospitalized for six days and subsequently punished with 10 days of solitary confinement and placed in the category of "highly dangerous" prisoners. The prosecutor's office decided not to indict the four, and an appeal of the decision filed by APADOR-CH was rejected on November 6.

According to APADOR-CH, the practice of labeling prisoners as "dangerous" remained a problem, due to a lack of clear standards for classifying prisoners. "Dangerous" inmates were often held in smaller rooms with additional bars on windows and handcuffed when taken out of their cells, including during exercise or medical treatment. Because the prisons administration considered this labeling an administrative matter rather than a disciplinary sanction, prisoners labeled "dangerous" had no right to challenge that determination. NGOs further criticized the practice of subjecting prisoners to multiple punishments for a single act of indiscipline. There were continued reports during the year that at the prison in Jilava, prisoners with few or no visitors were often the victims of physical and sexual abuse by other prisoners, due to the inability of the victims to obtain outside support.

Sanitation and hygiene in prisons did not meet international standards. Medical facilities were not sufficient to care for all prisoners and detainees. Heating and hot water were not available in several facilities. At the prison at Jilava, prisoners complained of mold on cell walls, rust in the tap water, poor heating, and cold showers. Because the facility was built on swampland, sludge periodically flooded the cells, bringing rats and mice. Many prisoners had lice and scabies, and reported the insufficient provision of many medications.

NGOs reported that prison meals did not provide the minimum necessary calories and that prisoner access to health care was inhibited by the lack of doctors. APADOR-CH criticized the common practice of prison doctors serving as the family doctors for prison staff, their family members, and retired staff, which further reduced the time available for inmate care. NGOs also stated that insufficient daily activities and limited educational programs for prisoners continued to be major problems; the rate of inmate participation in such activities remained at 10 to 20 percent.

Many prisons and police detention facilities did not provide for the confidentiality of discussions between prisoners or detainees and their lawyers.

On December 7, the prisoners in the Codlea penitentiary began protesting parliament's rejection of a bill on the collective pardoning of some categories of prisoners and against prison conditions. Over the next few days, the protests expanded to 26 penitentiaries, with 6,353 prisoners going on hunger strike. The protests slowly died out, and the strikes had all ended by mid-December. According to APADOR-CH, the prisoners' actions were a justified response to chronic overcrowding and the presence of large numbers of prisoners serving terms for minor crimes.

The government continued limited efforts, including partnerships with NGOs, to alleviate harsh conditions and to deter the spread of HIV and tuberculosis.

Due to overcrowding in some prisons, pretrial detainees were sometimes held in the same facilities and treated in the same manner as convicted prisoners. Juveniles were sometimes kept in cells with adults. An NGO criticized that minors incarcerated in several penitentiaries after the beginning of the school year were not admitted to educational courses organized in prison.

In February the government adopted new regulations for religious assistance in prisons, which allow unrestricted access of all religious groups to prisons (see section 2.c.).

In November the national administration of penitentiaries, in cooperation with foreign governments, launched a program to improve the national prison system through implementation of a new management structure, to increase safety and psycho-social activities for high-risk prisoners, and to provide training for staff who work with high-risk prisoners.

The government permitted prison visits by human rights observers, foreign government officials, and media representatives. In Arad, the local probation office sponsored two visits for foreign officials during the year to a newly constructed prison facility. The observers noted that the facility appeared new, and living conditions appeared clean. Inmates were allowed to receive televisions from their families and to keep those in their cells. There was an outdoor exercise area with a soccer field. The prison had a library, classrooms, chapel, and meeting areas. The kitchen was large and clean. The prison staff welcomed questions and seemed open in their responses. The staff freely admitted that not all of the prisons operated on the standards of this newly constructed facility.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

The Ministry of Administration and Interior is responsible for the national police and the gendarmerie, as well as the border police; alien authority; national office for refugees; the general directorate of information and internal protection (DGIPI), which oversees the collection of intelligence on organized crime and corruption; the general anticorruption directorate; the special protection and intervention group; and the special aviation unit. The national police agency is the inspectorate general of police, which is divided into specialized directorates and has 42 regional directorates for counties and the city of Bucharest. The internal intelligence service (SRI) also collects intelligence on major organized crime, major economic crimes, and corruption. Both SRI and DGIPI turn over the intelligence they gather on criminal activity to the prosecutor's office for criminal investigation. However, the SRI lacks the legal authority to conduct criminal investigations or to collect intelligence on organized crime.

While police generally followed the law and internal procedures, corruption was a continuing problem which remained a main cause of citizens' lack of respect for the police and contributed to a corresponding lack of police authority. Extremely low salaries, which were sometimes not paid on time, contributed to the susceptibility of individual law enforcement officials to bribes. According to human rights NGOs, forensic reports were frequently unreliable, often erring in favor of police and other officials. The ministry's general anticorruption directorate publicized its anticorruption telephone hotline to generate prosecutorial leads for corruption within the police. Instances of high-level corruption were referred to the national anticorruption directorate.

Police impunity was a problem. Complaints of police misconduct were handled by the internal disciplinary council of the units where the reported officers worked. During the year, the Human Rights and Humanitarian Law Department in the General Police Inspectorate investigated nine cases of alleged violations of human rights by 18 officers. Of those 18 officers, three officers' cases were dropped because there was no evidence that an officer was involved, four officers were found innocent, seven officers received some form of administrative punishment and four officers were fired. Separately, 61 corruption cases (15 police officers and 46 security agents) were identified during the year. Of these cases, five were in custody awaiting trial and one was convicted. The General Anti-corruption Directorate of the Ministry of the Administration and Interior also investigated 996 cases of corruption among its employees, a category separate from human rights violations.

Police reform continued during the year. The government, with support from law enforcement agencies from other countries, offered police training workshops on topics such as human rights and the proper treatment of criminal suspects. The police increased hiring of women and minorities. In February the first ever Romani woman was hired as a police officer. According to the police, 8.4 percent of police employees were women. During the first nine months of the year, the police hired 43 members of national minorities: 25 Hungarians, 15 Roma, two Germans, and one Slovak. There were 176 Romani police officers specializing in the management of conflicts in Roma communities and the prevention of discrimination.

#### Arrest and Detention

The law provides that only judges may issue detention and search warrants, and the government generally respected this provision in practice. The law requires authorities to inform detainees at the time of arrest of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement. Detainees must be brought before a court within 24 hours of arrest. The law provides for pretrial release at the discretion of the court. A bail system also exists; however, it was seldom used in practice. The law requires that the government provide an attorney to all detained individuals. Detainees have a right to access to counsel and generally had prompt access to counsel and their families. Indigent detainees were provided with legal counsel at public expense.

The law allows police to take any person who endangers the public, other persons, or the social order to a police station. There were allegations that police often used this provision to detain persons up to 24 hours of their detention. The law provides criteria for pretrial release at the discretion of the court. Human rights NGOs complained that authorities were frequently able to listen to discussions between detainees and their lawyers. Such listening occurred most frequently in prisons, but also was reported at other police facilities.

A judge may order pretrial detention for periods of up to 30 days, depending upon the status of the case. The court may extend these time periods; however, pretrial detention may not exceed 180 days. Courts and prosecutors may be held liable for unjustifiable, illegal, or abusive measures.

## Amnesty

On April 20, June 20, July 10, and November 6, President Basescu issued a total of 12 pardons on humanitarian grounds to five women and seven men, most of whom were convicted for minor offenses. Five of these persons were pardoned because of old age and/or precarious health conditions; three of the women received pardons because they had four or five minor children; and one prisoner was pardoned for good behavior after serving 10 months of a three-year sentence for theft.

### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary and judges exercised this independence. The judiciary, however, lacked the public's trust that its judges were accountable and did not serve political interests.

There was a widespread perception of corruption within the judiciary. Some observers noted improvements due to the government's random assignment of cases to judges, but they also pointed out that there remained many ways of influencing judges. The Superior Council of Magistracy (CSM), the judiciary's independent oversight body which is responsible for the promotion and discipline of judges and prosecutors, publicly opposed the government's anticorruption programs, including its public awareness campaign depicting justice as a pillar of society shaken by acts of corruption. The government emphasized the importance of the judiciary's independence, but also urged the CSM to more effectively discipline its members to enhance the management of cases, raise ethical standards, and effectively address misconduct. Some NGOs criticized the unexpectedly secret elections for the management of the CSM as lacking transparency. The ability of CSM members to retain local positions, such as presidents of courts of appeal, also presented apparent conflicts of interests and limited full-time activity to just six of the 19 members.

The law establishes a four-tier legal system, beginning with the lower court (*judecatorie*), followed by the intermediate court (tribunal), the appellate court, and the High Court of Cassation and Justice. A separate Constitutional Court validates electoral results and makes decisions regarding the constitutionality of laws, treaties, ordinances, and internal rules of the parliament. A prosecutor's office is associated with each court. The court having original jurisdiction over a case is determined by the nature of the offense and by the position a defendant may hold in public service.

## Trial Procedures

Trials are open to the public. The law does not provide for trial by jury. The law provides for a right to counsel and a presumption of innocence until a final judgment by a court. The law requires that the government provide an attorney to juveniles in criminal cases; in practice local bar associations provided attorneys to the indigent and were compensated by the Ministry of Justice. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, to confront or question witnesses against them, and to present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Both plaintiffs and defendants have a right of appeal.

The law provides for the investigation by civilian prosecutors of crimes by the national police. Military prosecutors continued to try cases that involved "state security" in military cases. Other cases involving "state security" but not military issues were tried by civilian prosecutors. Crimes by the gendarmerie continued to fall under military jurisdiction. Local and international human rights groups criticized the handling of cases by military courts, claiming that military prosecutors' investigations were unnecessarily lengthy, biased, and often inconclusive. Some lawyers claimed such lengthy investigations only served to discredit the reputations of their clients rather than hold them accountable for any actual wrongdoing.

## Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Following the end of Communism, no law was ever passed to annul the sentences of political prisoners who had served prison terms during the Communist era; individuals had to go through a lengthy appeals process to have their Communist-era criminal records expunged.

## Civil Judicial Procedures and Remedies

Civil courts functioned in every jurisdiction of the country. Civil courts do not use a jury and function in a similar fashion as the criminal courts. Crime victims can assert civil remedies in either civil courts or criminal courts if they choose. This can result in a combined civil/criminal trial to resolve all issues arising from the criminal case. Civil courts are administered by the Ministry of Justice and the magistrates themselves are overseen by the CSM. Civil courts operated with the same degree of judicial independence as the criminal courts.

Problems with the civil court system stemmed primarily from their lack of efficiency. Litigants sometimes also encountered difficulties enforcing civil verdicts, because the procedures for enforcement of judgment orders were impractical and caused delays.

Administrative and judicial remedies were available for violations of civil rights by government agencies.

## Property Restitution

In July 2005 the government passed legislation to improve the process of property restitution, which has moved slowly since the end of communism. The legislation clarifies the procedures for restitution and establish new application deadlines and fines for officials who

hindered the process; and creates a property fund worth approximately \$5 billion (14 billion new lei) for the compensation in stock of owners with properties that cannot be returned in kind. However, the fund has not yet been listed on the stock exchange. Although the large majority of restitution cases remained unresolved, the pace of restitution increased slightly during the year.

Former owners' organizations, however, continued to assert that inertia hindered property restitution at the local level. In some cases, local government officials continued to delay or refuse to provide necessary documents to former owners filing claims. They also refused to turn over restituted properties in which county or municipal governments had an interest. Former owners stated that the central government, represented at the local level by prefects, did not uniformly apply fines or other sanctions against local governments that failed to provide requested documents or to turn over restituted properties. During the year new legislation was adopted to give increased powers to the National Agency for Property Restitution (ANRP). Although the ANRP fined local authorities in 23 of the 42 counties for failing to abide by laws on restitution, former owners claimed that the actual number of mayors who disobeyed the law was much higher. About 7 percent of the mayors were fined for not implementing the restitution law. The fines levied during the year amounted to approximately \$974,000 (2,500,000 new lei).

The number of restitution claims submitted increased greatly as a result of the 2005 law. ANRP announced that the government received an additional 600,000 applications by the close of a November 2005 deadline for claims. Of the 210,000 claims filed before the legislation, ANRP reported that some 88,000 claims were resolved by year's end, approximately 35,000 of which were rejected.

During the year the government did not encourage the Romanian Orthodox Church to return Greek Catholic churches and church properties confiscated by the communist state, and given to the Romanian Orthodox Church (see section 2.c.).

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

The law permits the use of electronic interception both in criminal cases and for national security purposes. In exceptional circumstances (when there is a clear and present danger to national security), government institutions may begin interception without a judicial warrant. Following this, however, a request for authorization must be submitted within 48 hours. Although the penal procedure code provides that warrants may be issued only by judges, under the law on national security, a prosecutor may authorize the issuance of a warrant for an initial period of six months, which can be extended indefinitely in three-month increments without judicial approval. There were reports of electronic interception used outside of these legal parameters.

According to Romani CRISS, evictions of members of the Roma community continued to occur both in Bucharest and in other localities during the year.

On January 24, the community police of Bucharest Sector 1, accompanied by a special intervention team, allegedly acting without prior written notification, demolished seven houses belonging to Roma in Chitila, a suburb of Bucharest. Three Roma were physically abused in the process, two of whom required medical treatment at the hospital. Approximately 50 of the evicted Roma were not allowed to take their belongings. The demolition took place at a temperature of five degrees Fahrenheit, leaving many adults and children outside in freezing cold. According to the mayor's office, the operation's goal was to demolish structures that had been illegally erected on public land by Romani families. Romani CRISS assisted the victims in filing criminal complaints, which remained pending at year's end.

On August 2, police executed a raid in a Romani community located on the outskirts of Cluj-Napoca, in which 10 Roma dwellings were set on fire. The community was reportedly also subject to two prior raids in November 2005. During one of these raids, police were alleged to have physically assaulted three women. Under the pretext of a search for stolen goods and criminal suspects, police reportedly confiscated private property, physically assaulted several Roma, evicted residents by force, detained men at the police precinct for six hours, and eventually burned all the Roma dwellings. In December 2005 Romani CRISS filed a complaint against the police officers for abuse and property destruction stemming from the November 2005 incidents at the prosecutor's office in Cluj. The case remained under criminal investigation by the prosecutor's office. Romani CRISS complained that neither the victims nor the witnesses had yet been called for their testimony.

According to Romani CRISS, on August 7, the mayor's office in Piatra Neamt, working in conjunction with the police, gendarmes, and local community police, evicted 35 Romani families totaling approximately 250 individuals from a bloc of apartments. According to police the evictions were necessary in order to repair the building. During the eviction, a member of the community police reportedly physically assaulted an elderly woman. The authorities did not offer alternative housing for the evicted families.

Most of the 40 Romani families evicted in Tulcea in May 2005 continued to live either in the open, with relatives, or in a decaying building on the site while an appeal of the eviction decision was pending in a local court. Another lawsuit challenging the eviction was in progress. Approximately 250 Roma evicted in Zalau in February and March 2005 were moved to areas with poor conditions, including lack of access to water supply, heating, electric power, or a sewer system. In March, following talks with representatives of a Roma NGO, local authorities announced a plan to move the evicted Roma either to a former poultry farm outside of town or to a disused power station. Due to pressure by Romani CRISS, the plan was not implemented.

In 2005, to implement a city plan to renovate Bucharest's historic Lipscani district, authorities evicted Roma living in the area, providing minimal financial aid and compensation. Although authorities in some cases offered alternative housing to those evicted, the offers were considered inadequate because of their proximity to industrial areas; poor living conditions; or the likelihood of de facto segregation from mainstream society.

In August 2005 the National Council for Combating Discrimination (CNCD) fined the mayor's office in Miercurea Ciuc, Harghita county, approximately \$1,560 (4,000 new lei) for the 2004 forced eviction of approximately 140 Roma and their relocation to a hazardous area near a wastewater treatment facility. The Roma lacked alternative housing and continued to reside in that area. A lawsuit filed by Romani CRISS against the vice mayor of Miercurea Ciuc for restriction of rights was in progress. Following a further complaint by Romani CRISS to county officials, the Harghita county health directorate determined that living in that area represented a health hazard for the Roma.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Journalists and private citizens could generally criticize government authorities, including those at senior levels. Violence and threats against journalists dropped substantially, although investigations of incidents from previous years moved slowly.

There were isolated cases of authorities intimidating, censoring, or attacking journalists, although this occurred less frequently than in previous years.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. The offense of insulting authorities was punishable with a fine but amendments to the criminal code, which became effective August 11, decriminalized libel, insult, and defamation of the country.

The government collaborated with media and NGO representatives to make the allocation of government-funded advertising more transparent, resulting in legal changes and the creation of a Web site dedicated to public advertising. These negotiations followed a 2004 ruling by the Bucharest appellate court that the government must provide information regarding advertising contracts to the NGO Center for Independent Journalism.

The independent media were more active than in previous years, and expressed a wide variety of views without restriction.

Parliamentarians and their political allies owned numerous media outlets in the provinces, and the news and editorial tone of these outlets frequently reflected the views of the owners.

In previous years the media reported several cases of journalists who, while videotaping or covering various official events, were assaulted by those being filmed. Such incidents occurred in public places, and the media reported that gendarmes and police frequently did not intervene. According to a Media Monitoring Agency report issued in January, the number of direct and brutal attacks against journalists in the country diminished compared to previous years. However, public authorities and politicians were still responsible for many cases of harassment, although there were fewer reports of threats than in previous years.

In February unknown persons set fire to the front door of the home of Ileana Firtulescu, editor in chief of *Informatia* weekly in Petrosani. Firtulescu and her family also reported receiving death threats. The NGO Media Monitoring Agency asked the police to investigate the case, but police were unable to identify any suspects. Firtulescu was investigating organized crime, as well as a corrupt former policeman, when the threats were received.

In March police in Targu Mures confiscated the Hungarian language publication *Europai Ido* for its articles in support of regional autonomy. Police claimed that the publication harmed national security, but media activists charged it was an act of censorship.

In July media NGOs protested phone threats issued by Vasile Paun, a deputy director of the Army Intelligence Service against Doru Dragomir, a reporter for the daily *Ziua*. Paun, who was taped by the journalist, threatened to destroy the journalist and said the journalist would pay for his reports.

In August a crew from television network Antena 1 was filming an investigation of so-called "local barons" in the southern town of Giurgiu. While filming on public property outside a ranch allegedly belonging to Giurgiu mayor Lucian Iliescu, the mayor's wife, Smaranda Iliescu, assaulted the journalists and attempted to grab the tape from their camera. Mayor Lucian Iliescu, a member of the Democratic Party in the coalition government, told the press that the whole event was meant to ruin his image.

There were cases in which media representatives were arrested or interviewed by authorities for using leaked classified information.

On February 17, Marian Garleanu, the local correspondent of *Romania Libera* in Vrancea was arrested with regard to leaked information from the defense ministry. He was released in two days after the appellate court admitted a motion by his lawyer, but charges against him remained pending at year's end. Other journalists also were investigated in the case.

On February 22, local prosecutors in Focsani indicted journalist Sebastian Oancea of the newspaper *Ziua* for his alleged possession of the same classified military documents possessed by Marian Garleanu, which Oancea also did not publish. Charges against Oancea remained pending at year's end.

On March 28, journalists and media activists protested the legal investigation into the leaked information case and the fines levied by authorities against four of the journalists involved. Two appealed the fine and won their case, while the other two had to pay the fine of

approximately \$500 each (1,500 new lei).

During the year there were no relevant developments in cases from previous years of violence against journalists. However, police in Hunedoara said that they had discovered the assailants of two journalists in Petrosani who had reported on corruption in the mining sector; the police investigation lasted three years. The case was in the courts at year's end.

In August, journalist Brindusa Armanca won a lawsuit against her former employer, public television station TVR, following a two-year legal battle. Armanca was fired from the station after she publicly stated that the station's regulations for its employees violated the constitution and European Convention on Human Rights. TVR management claimed that Armanca violated internal policy by making critical statements about her employer. However, Armanca argued that the TVR rules violated her right to free expression. Following the incident, media watchdog groups protested and called upon state-owned television to reconsider its policies which "restrict the right to free expression of their employees," and interfere with the public character of the institution. The appeals court in Timisoara ordered TVR to re-hire Armanca and to pay her damages of over \$38,000 (100,000 new lei). Armanca asked for the money to be paid not from the TVR budget, but by the station management who fired her. This was the fifth court case that arose out of Armanca's firing.

In February an appeals court acquitted a contributor to one of the Legionnaire magazines, the Timisoara-based *Gazeta de Vest* (Western Gazette) after a lengthy trial. In 2003 he had been sentenced to 30 months imprisonment for the dissemination of nationalist-chauvinistic propaganda and fascist symbols. The appeals court based its acquittal on freedom of speech and freedom of association, reasoning that it is not forbidden to voice opinions or beliefs about the legionnaire doctrine or movement. At the trial, the leader of the Legionnaire Movement came dressed in legionnaire attire to testify on behalf of the defendant.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. The Internet was widely available in the country, and individuals had access to both dial-up and broadband connections. Some smaller communities and rural areas lacked the requisite infrastructure to support Internet access, but this was relatively rare. The primary hurdle to Internet access for many was the cost of in-home Internet connections, although costs were decreasing through competition. Internet cafes were widely available in towns and cities throughout the country.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. The law provides that unarmed citizens can assemble peacefully, 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 public assemblies must request permits in writing, three days in advance, from the mayor's office of the locality where the assembly will take place.

##### Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice. The law prohibits fascist, Communist, racist, or xenophobic ideologies, organization, and symbols (such as statues of war criminals on public land). Political parties are required to have at least 25,000 members to have legal status, a number some NGOs criticized as being excessively high.

In February, parliament passed a law stipulating that mayors and local officials who change their political party affiliations after being elected will lose their elected position. The law entered into effect in August. The Pro Democracy Association and several other prominent NGOs strongly opposed the law, asserting that it violates both freedom of association and citizens' fundamental right to choose their leaders.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that government officials and Romanian Orthodox clergy impeded their proselytizing and interfered with other religious activities.

The government requires religious groups to register; however, there was no clear registration procedure, which made it almost impossible for groups to receive legal status.

The government gives official religious status to 18 religions. Only these recognized religions are eligible to receive state financial support. Recognized religions have the right to establish schools, receive state funds to build churches, pay clergy salaries, subsidize clergy housing, broadcast religious programs on radio and television, apply for broadcasting licenses for denominational frequencies, offer religion classes in public schools, and enjoy tax-exempt status. The government also registered religious groups either as religious and charitable foundations or nonprofit cultural associations.

On December 14, parliament adopted a new law on religions, despite strong domestic and international criticism of the proposed legislation. The law discriminates against smaller religious minorities and creates impediments for many such groups to obtain official recognition as religions. The new law requires a high numerical threshold of 0.1 percent of the population--approximately 22,000 people--to qualify for "religion" status. In addition, minority religions must undergo a 12-year waiting period to qualify for official status. Civil society organizations recommended the elimination of both requirements. The parliament concurrently adopted an amendment that forbids acts of "religious defamation" and "public offense to religious symbols." NGOs and the National Anti-Discrimination Council expressed concern that this provision might infringe on freedom of speech and conscience. Despite all criticisms, the president signed the law at the end of December.

Tensions between the Greek Catholic Church and the municipality of Pesceana, Valcea county, continued during the year. In January 2005 the village council prohibited the registration of a Greek Catholic parish and the activity of the Greek Catholic Church in the locality. Following a complaint by a group of NGOs, the CNCD decided that the council's decisions were discriminatory and reprimanded it at the end of August 2005. Subsequently, the Greek Catholic priest and the church's members were repeatedly denied access to the local cemetery. On January 19, a court ruled that the Greek Catholic priest should be allowed access to the cemetery. The Romanian Orthodox Church subsequently appealed this decision, and that appeal was pending at year's end. In April and May, the mayor's office of Pesceana refused to issue a construction permit for a Greek Catholic church, asking the Greek Catholic parish to meet the legal requirements from the communist era, which technically remained in force, but in practice were nullified by the constitution and other subsequent laws. The Greek Catholic Church also complained about the hostile attitude of the Valcea county prefect toward the Greek Catholic congregation in Pesceana and the illegal transfer by the local council of two communal cemeteries to the Romanian Orthodox Church.

The law does not prohibit or punish assembly for peaceful religious activities; however, several minority religious groups continued to complain that, on various occasions, local authorities and Orthodox priests prevented religious activities from taking place, even when their organizers had been issued permits. The Seventh-day Adventist Church and the Baptist Church reported difficulties obtaining approval to use public halls for religious activities following pressure by Orthodox priests. In some cases, Orthodox priests incited the local population against activities by the Seventh-day Adventist Church, the Baptist Church, the Greek Catholic Church, and Jehovah's Witnesses. The press and minority religious groups continued to report instances of Romanian Orthodox clergy harassing members of other faiths, such as pressuring non-Orthodox school children to attend Orthodox religion classes or not allowing members of religious groups to proselytize near Orthodox churches.

Although most minority religious groups reported that they had received permits to build places of worship without difficulty, Jehovah's Witnesses, the Baptist Church the Seventh-day Adventist Church, and the Greek Catholic Church reported that permits were delayed by local authorities.

Several religious groups made credible complaints that, in some instances, local police and administrative authorities tacitly supported sometimes violent societal campaigns against proselytizing. In January and March 2005, members of Jehovah's Witnesses were reportedly physically assaulted by residents of Dofteana, and the police failed to protect them. On February 4, two members of the Jehovah's Witnesses were assaulted by an Orthodox priest in the same town. When they filed a complaint with the local police, police officers allegedly warned them to not return to Dofteana.

During the year the Greek Catholic Church was prevented from building a church on its own land in Certeze, Satu Mare county, due to obstruction and harassment by the Romanian Orthodox Church and local authorities. Following the intervention of a Romanian Orthodox priest, the local council refused the Greek Catholic request for a construction permit for a new church. The refusal came after the Greek Catholic Church renounced, to defuse local tensions, a restitution claim for a local church that had been its property before the communist period.

In some localities, the activities of religious groups, such as charitable programs in children's homes and shelters, were perceived as being directed at adherents of the Romanian Orthodox Church, and conflicts occurred. Members of the Greek Catholic Church, Jehovah's Witnesses, the Baptist Church, the Church of Jesus Christ of Latter-day Saints, and the Seventh-day Adventist Church continued to report such cases.

On July 11, the ECHR took note of an agreement concluded between the government and the Jehovah's Witnesses organization and 14 members of Jehovah's Witnesses who had submitted complaints to the ECHR against the government. Under the agreement, the government would pay approximately \$15,000 (39,000 new lei) to the Jehovah's Witnesses organization. The group had alleged that although the Supreme Court of Justice recognized the Jehovah's Witnesses' status as a religion in 2000, the government refused to abide by the court's judgment until 2003. The 14 claimants alleged that the government refused to exempt them from military service as conscientious objectors. As part of the settlement, the government agreed to withdraw all appeals of decisions in national courts that had been favorable to the claimants.

Members of the Roman Catholic Csango community, who speak a Hungarian dialect, repeatedly complained that they were unable to hold community religious services in Hungarian because of the opposition of the Roman Catholic Bishopric of Iasi. In August 2005 the Csango community filed a complaint with the CNCD, which decided in October 2005 that the act of denying religious services in Hungarian is a restriction on religious freedom. Although the Bishopric abandoned its initial intention to challenge the CNCD decision in court, the Csango community still lacked religious services in Hungarian.

Romanian Orthodox priests reportedly denied permission to the Greek Catholic Church, the Seventh-day Adventist Church, and the Church of Jesus Christ of Latter-day Saints, to bury their members in either religious or secular cemeteries. Such denials were reported during the year in numerous communities around the country.

Prior to February only recognized religions were entitled to give religious assistance to prisoners; regulations on religious assistance in penitentiaries also prohibited proselytizing. The prison priest, who was always a member of the Romanian Orthodox Church, was

responsible for coordinating religious assistance in prisons. Some NGOs reported that prisoners were pressured against changing their religions, and that in many cases Orthodox priests attended meetings between representatives of other religions and prisoners. Recognized minority religious groups, including Jehovah's Witnesses and the Seventh-day Adventist Church, asserted that Orthodox priests denied them access to some penitentiaries. For example, the Orthodox prison priests in Gherla, Cluj county, and in Aiud, Alba county denied the Seventh-day Adventist Church access to their penitentiaries.

In August 2005 the CNCD determined that some provisions of the military clergy law, which entitles recognized religions to have military clergy trained to render religious assistance to conscripts, and of the agreement between the Ministry of Justice and the Romanian Orthodox Church regarding religious assistance in penitentiaries discriminated against minority religions, and the CNCD recommended their elimination. On February 17, the Ministry of Justice changed the regulations for religious assistance in detention places. The new regulations provide for unrestricted access of recognized religions and religious associations to any place of detention, even if their assistance is not specifically requested. The regulations also provide that prison representatives in charge of religious assistance should not be priests or representatives of any faith.

Both public and private organizations often permitted only Orthodox priests to provide religious guidance in the hospitals, children's homes, and shelters for the elderly that they operated.

Only officially recognized religious groups have the right to teach religion in public schools. However, a number of recognized minority religious groups, including the Seventh-day Adventist Church, the Greek Catholic Church, the Baptist Church, and Jehovah's Witnesses complained that they were unable to have classes on their faith offered in public schools. Attendance in religion classes is optional; however, the Baptist and the Greek Catholic Churches reported cases of children who were pressured to attend Orthodox religion classes.

In November the CNCD, in answer to a complaint filed by a Buzau-based NGO, asked the Ministry of Education to remove religious symbols from schools, with the exception of classrooms where religious classes were taught. On December 12, the Ministry of Education decided that parents, local communities, and school management should have decision-making power on the presence or absence of icons in the classroom.

The restitution law passed in July 2005 permits religious denominations to reclaim previously nationalized properties that housed schools, hospitals, or cultural institutions. Although the implementation of this law remained a problem during the year, some progress was made, particularly with regard to the restitution of religious property. During the year, the ANRP restituted over 500 properties to religious denominations, as compared with approximately 1,000 restituted between March 2003 and December 2005. The ANRP handled over 1,200 claims of religious denominations during the year.

Property restitution was particularly important for the Greek Catholic Church, whose properties, including churches, were confiscated during the Communist regime. Most Greek Catholic Churches were given to the Romanian Orthodox Church after their forced merger in 1948, and many other Greek Catholic Church properties were taken over by the government. During the year the government made slow progress in restoring state-controlled church properties. Since 2003 the government returned 151 out of 6,723 total properties claimed by the Greek Catholic Church.

The Romanian Orthodox Church continued to resist the return of properties it had acquired when the Greek Catholic Church was forcibly merged into the Romanian Orthodox Church in 1948. While the restitution legislation only addressed restitution of properties under state control, a June 2005 law permits the Greek Catholic Church to take court action whenever bilateral dialogue between the Greek Catholic Church and Romanian Orthodox Church over church restitution fails. Although this law was invoked and some cases were resolved in favor of the Greek Catholic Church, such lawsuits routinely dragged on in courts for lengthy periods.

In November 2005 the Romanian Orthodox Church returned a cathedral in Oradea to the Greek Catholic Church after direct pressure was exerted by top government officials. On February 17, in Satu Mare, following 16 years of lawsuits and delays, authorities enforced a ruling returning a cathedral to the Greek Catholic Church. In December the Orthodox Church restituted a major Greek Catholic Church in Bucharest, after a 16-year long lawsuit that ended with a final court ruling in favor of the Greek Catholic Church. In general, however, the Greek Catholic Church made very limited progress in recovering properties from the Romanian Orthodox Church. To date, the Romanian Orthodox Church returned less than 200 of the approximately 2,600 Greek Catholic churches and monasteries it had obtained through the 1948 forced merger. With the exception of the hierarchs of the Orthodox Metropolitanate of Banat, all the other Romanian Orthodox Church representatives opposed the restitution of Greek Catholic churches, and refused to return properties, even when ordered to do so by a court. In Bogdan Voda, Maramures county, the Orthodox priest instigated the local population to physically oppose the restitution of a church that the Greek Catholic Church won in court in 2000. In February the Greek Catholic Church filed a complaint with the Ministry of Justice due to its inability to get the court ruling enforced because of the Orthodox priest's opposition. The Ministry of Justice rejected the complaint as outside its competence and asked the Orthodox Patriarchate to investigate its own alleged illegal conduct and provide an answer to the Greek Catholic Church.

A Greek Catholic-Romanian Orthodox commission, which had long been ineffective in resolving the problem of the restitution of Greek Catholic churches, remained dormant since 2004. In July the Greek Catholic hierarchs refused a government initiative to organize a Greek Catholic-Romanian Orthodox meeting, pointing to the absence of concrete results of bilateral dialogue over many years. On July 5, the Holy Synod of the Orthodox Metropolitanate of Cluj, Alba, Crisana, and Maramures issued a communique that criticized alleged intensified anti-Orthodox proselytizing actions by the Greek Catholic Church and called for a law to resolve the Romanian Orthodox-Greek Catholic dispute over churches and church property. The Romanian Orthodox Church reportedly collected signatures in support of such a draft law that would take into consideration the number of each denomination's believers in determining what properties should be returned to the Greek Catholic Church.

On July 19, the Greek Catholic Church reiterated that the government was obliged to adopt a law to restore formerly Greek Catholic

churches and properties to the Greek Catholic Church. In October, the Holy Synod of the Greek Catholic Church addressed a letter to President Basescu, repeating its request for the restitution of a number of cathedrals and the former Greek Catholic churches in localities where the Romanian Orthodox Church is operating two churches, and provision for alternative religious service in localities with only one church. They also requested the restitution of all Greek Catholic Church properties presently controlled by the state. President Basescu had not responded to the letter by year's end.

The Romanian Orthodox Church continued to demolish Greek Catholic church buildings under various pretexts and also attempted other methods to shield churches from return. On May 9, a work crew acting on the instructions of the Romanian Orthodox Church demolished a Greek Catholic parish church in Taga, Cluj county, despite a government injunction forbidding its demolition or the construction of a new church. The Orthodox Church had originally attempted to build a new church around the old Greek Catholic church to avoid restitution of the property to the Greek Catholic church. A similar such occurrence was reported in Ungheni.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, have reclaimed several significant properties. Since 2003 Hungarian churches received 534 of the approximately 2,700 properties they claimed under the law on return of religious property.

In Oradea, the Hungarian Reformed Church, the municipal office, and the Romanian Orthodox Church continued their dispute over possession of land used for a playground adjoining the Reformed Church high school. The municipality granted the land to a neighboring Orthodox Church without taking the school into consideration, a move that ethnic Hungarians claimed deliberately discriminated against the church. Ethnic Hungarians also claimed the local Orthodox parish intensified the conflict by locking up the playground during the summer of 2005 and restricting all access.

The 2005 law amending the law on the restitution of religious and communal property provided for a broader scope of claimable properties and compensation for demolished buildings. This law was potentially beneficial to the Jewish community, which claimed over 3,700 properties.

#### Societal Abuses and Discrimination

According to the 2002 census, the Jewish population numbered 5,785 persons. Acts of anti-Semitism, including vandalism against Jewish sites, continued. In many such cases, the Federation of Jewish Communities notified the authorities, but the perpetrators were often not identified. The Center for Monitoring Anti-Semitism, an NGO, noted that authorities tended to downplay such incidents, often attributing the acts of vandalism without proof to children, drunkards, or persons with mental disorders.

On January 20, police arrested a 20-year-old for throwing stones at the window of the Jewish Theatre in Bucharest. According to police reports, the man was apparently mentally ill and was hospitalized in a specialized clinic.

On March 24, unidentified individuals vandalized 20 tombs in the Jewish cemetery in Resita, causing approximately \$45,000 (115,000 new lei) in damage. The Federation of Jewish Communities notified authorities, but the perpetrators were not identified.

During the night of May 5, two minors drew two swastikas on the walls of the Lutheran church in Cluj. The police fined the two minors, and the Lutheran Church also filed a criminal complaint, claiming that the perpetrators offended a religious denomination. Lutheran Church officials speculated that the act was linked to the government of Israel's recognition in 2005 of one of the parish's pastors who hid Jews in the church during Nazi occupation. The case remained pending.

In May swastikas and anti-Semitic graffiti appeared on the walls of a house in Bucharest. Perpetrators were not identified.

On June 17 and 18, newly painted swastikas were found on several buildings in downtown Cluj, mostly on ethnic Hungarian-related buildings, including a church and the Hungarian-language Bathory Istvan High School.

In November 2005 swastikas and anti-Semitic slogans were found on tombstones in two cemeteries, the walls of a vocational school and a neighboring bloc of apartments in Suceava. The police carried out an investigation, and began their prosecution of four alleged perpetrators in December for having vandalized the cemeteries; two of whom were also charged with dissemination of fascist, racist, and xenophobic symbols.

The extremist press continued to publish anti-Semitic articles. The Legionnaires (Iron Guard), an extreme nationalist, anti-Semitic, pro-Nazi group, continued to republish inflammatory books from the interwar period. In February, an appeals court acquitted a contributor to a legionnaire magazine of charges for disseminating propaganda and fascist symbols (see section 2.a.).

During the year anti-Semitic views and attitudes were expressed during the talk shows of private television stations such as Antena 1, National TV, DTV, and Pro-TV.

Extremists continued to publicly deny that the Holocaust occurred in the country or that the country's leader during World War II participated in Holocaust atrocities in Romanian-administered territory. Religious services for dead Legionnaire leaders continued to be held in individual Orthodox churches. The annual march commemorating the founder of the Legionnaire movement, Corneliu Zelea Codreanu, took place in Tancabesti on November 25.

On June 1, three nationalist organizations and parties, *Vatra Romaneasca* (Romanian Hearth Union), the Marshal Antonescu League, and

the Party of the United Left sponsored a public religious service to commemorate the 60th anniversary of Ion Antonescu's death. Antonescu was the Romanian dictator during World War II and was responsible for widespread atrocities against Romanian Jews during the war. The Federation of Jewish Communities filed a complaint against the three sponsors of the event, based on the law which forbids racist, xenophobic, and pro-Nazi propaganda and which bans organizations that disseminate such ideas. The police sent the complaint to the prosecutor's office of the High Court of Cassation and Justice, and no further action was reported by year's end.

In September 2005 unidentified individuals removed the covering hiding a bust of Antonescu located in an Orthodox church courtyard in Bucharest. The covering was eventually put back in place following complaints from the local Jewish community. In July the church priest removed the bust, reportedly in response to pressure from government officials.

The government continued to make progress in its effort to expand education on the true history of the Holocaust in the country. However, it failed to implement any plans to make the course on the Holocaust mandatory for all public high schools. The elective course was offered for the first time at 200 high schools in the 2004-05 school year, but without any standardized textbooks.

In March the Ministry of Education made available on its Web site a teaching guide to assist the 327 teachers nationwide who instruct courses on the Holocaust. The Ministry of Education continued to sponsor international seminars on the Holocaust and the teaching of its history. The government also earmarked \$95,000 (245,000 new lei) to sponsor a June conference in Iasi organized by the National Institute for the Study of the Holocaust to commemorate the 1941 Iasi pogrom.

On various occasions during the year, the president and other high-level officials continued to make public statements against extremism, anti-Semitism, and xenophobia, and criticized the denial of the Holocaust. During a January 23 conference to commemorate the 1941 Bucharest pogrom, President Basescu highlighted the necessity "to present the realities of that time to the young generation."

On January 23, the government launched a design contest for a Holocaust memorial in Bucharest, and the winning project was selected on August 23. The cornerstone of the memorial was laid on October 9, the National Holocaust Day.

In April the government enacted a law to combat anti-Semitism and prohibit fascist, racist, and xenophobic organizations. The law includes the persecution of Roma in addition to Jews in its definition of the Holocaust, since approximately 14,000 Roma were killed in the country during that period. However, authorities failed to enforce the law against participants in an anti-gay parade on June 3, who used symbols and slogans of the Iron Guard (see section 5).

In April the Simon Wiesenthal Center, in its annual report on the investigation and prosecution of Nazi War Criminals, categorized the government as a "total failure" for refusing in principle to prosecute suspected Nazi war criminals, despite clear evidence that such individuals were residents within the country's borders.

The country also commemorated the third National Holocaust Day on October 9 with events in several cities that were attended by key dignitaries including the president, prime minister, and foreign minister. The President laid the cornerstone for a Holocaust memorial to be built in Bucharest. In his address, the president stated that Romanians still largely lacked remorse for their country's role in exterminating up to 380,000 Jews during the Second World War. Roma also staged a march on October 9 to insist that their wartime plight also be included in new teaching materials on the Holocaust.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

In July 2005 the government temporarily implemented a policy of passport confiscation for citizens discovered upon reentering the country to have exceeded their permitted length of stay in an EU Schengen country. Human rights NGOs and the media protested that the rule effectively curbed a citizen's right to travel freely outside the country. The government stopped implementing the policy four days later, and the restriction was abandoned entirely when a new law on passports entered into effect in January.

#### Internally Displaced Persons (IDPs)

The Danube river floods in April produced extensive damage and displaced 16,366 persons, mostly from Dolj and Calarasi counties. The government allocated approximately \$76 million (196 million new lei) for home reconstruction. In November the government also allocated an additional \$30 million (76 million new lei) for flood protection works in high-risk localities. However, at the end of the year, an estimated 596 people continued to be displaced and were living in container-houses.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In August a new law on asylum entered into force that prohibits the expulsion, extradition, or forced return of any asylum seeker at the country's border or from within the

country's territory. However, the law denies protection to people who participated in terrorist acts, crimes against humanity, or other serious offenses.

In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution; however, the Office of the UN High Commissioner for Refugees (UNHCR) considered the time limits provided by the law for submitting appeal applications and court procedures to be too short.

The government did not provide temporary protection to individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol. During the year the government received 464 applications for refugee status and granted humanitarian protection to nine persons.

In July 2005 the government agreed to allow on a temporary basis 439 Uzbek refugees from Kyrgyzstan to enter the country without a visa for humanitarian reasons. The government signed an agreement with the UNHCR and the International Organization for Migration (IOM) to permit the refugees to stay at a suitable facility in Timisoara for up to six months; the agreement was subsequently extended for an additional six months. In July all remaining Uzbek refugees were successfully transferred to third countries for permanent resettlement.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR stated that government-sponsored programs for integrating refugees continued to improve following the 2004 refugee integration law. An agency within the national refugee office, which is subordinated to the Ministry of Administration and Interior, was established to help refugees integrate and seek employment in their communities. The Ministry of Administration and Interior and the Ministry of Labor, Social Solidarity, and Family also funded programs to assist asylees and refugees.

Refugees who received "tolerated" status under the old law on asylum complained that this status does not give them permission to work and restricts their movement. Under the new law, this status no longer exists and foreigners may receive refugee status, subsidiary protection (for people who are exposed to risks if returned to the country of origin), or temporary humanitarian protection (for people who come from armed conflict areas).

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

The country held national elections for parliament in November 2004 and for the presidency in December 2004. The parliamentary and first round of presidential elections were characterized by widespread irregularities, precipitated primarily by the previous government's decision to abandon the use of electoral identification cards and to allow citizens outside their home districts to vote at any polling location in the country. There were widespread reports of individuals voting in multiple locations, which political parties occasionally facilitated. Observers also reported the abuse of "mobile ballot boxes" that were transported to elderly or infirm voters; the prolonged presence of elected officials in polling places in contravention of the law; and the illegal placement of campaign posters near polling centers. Civil society organizations and opposition parties also claimed that the central electoral bureau allowed fraud at a national level during the electronic tabulation of votes, although subsequent inquiries into these allegations were inconclusive.

In the second round of presidential elections in December 2004, the government limited the locations where voters outside of their home districts could vote, thereby reducing the possibility for multiple voting. However, both the lack of sufficient alternate locations and the closure of existing locations while many voters were waiting in line resulted in the disenfranchisement of hundreds and perhaps thousands of citizens, particularly in major cities. Members of the center-right Liberal-Democratic Alliance accused the then governing Social Democratic Party (PSD) of intentionally restricting the vote in this manner. In some precincts local officials or partisan election monitors instructed citizens how to vote, and campaign posters were placed too close to polls.

The law requires political parties to register with the Bucharest tribunal and to submit their statutes, program, and a roster of at least 25,000 signatures. These 25,000 "founding members" must be from at least 18 counties, including Bucharest, with a minimum of 700 people from each county. The party statutes and program must not include ideas that incite war; discrimination; hatred of a national, racist, or religious nature; or territorial separatism.

Organizations of ethnic minorities can also field candidates in elections if they meet requirements similar to those for political parties. Organizations must submit to the central electoral bureau a list of members numbering at least 15 percent of the total number of persons belonging to that ethnic group, according to the most recent census. If 15 percent represents more than 25,000 persons, then at least 25,000 names from at least 15 counties, but not fewer than 300 persons from each county, must be submitted. Human rights NGOs criticized these requirements as discriminatory and overly burdensome, and maintained that they eliminated any competition against the mainstream organizations representing Hungarians and Roma, namely the Democratic Alliance of Hungarians in Romania and the Social Democratic Roma Party in Romania. The Bucharest tribunal barred an ethnic Hungarian group from participating in the 2004 elections when irregularities were found in many of the 25,000 signatures on its members list.

While the law does not restrict women's participation in government or politics, societal attitudes presented a significant barrier. In parliament 38 of 331 deputies and 14 of 137 senators were women. There were three female ministers in the 24-member cabinet. Three of the prefects (governors) of the 42 counties were women.

The law grants each recognized ethnic minority one representative in the chamber of deputies if the minority's political organization cannot

obtain the 5 percent of the votes needed to elect a deputy outright. Organizations representing 18 minority groups received deputies under this provision. There were 50 members of minorities in the 468-seat parliament. There were four members of minorities in the 24-member cabinet; all were ethnic Hungarians. There were no members of minorities on the high court.

Ethnic minority groups reported encountering difficulties in meeting the criteria to be allowed to field candidates, although there were no specific laws or policies prohibiting such groups from registering. The laws on national and local elections potentially discriminate against some minority organizations by defining "national minorities" as only the ethnic groups represented in the council of national minorities and by requiring that these organizations meet requirements to participate in government that are more stringent than those of minority groups already represented in parliament.

The Romani population was heavily underrepresented in parliament. Internal politics within the Romani community was fragmented, as several different Romani organizations vied for public support, and the individual efforts of these groups prevented the consolidation of votes for any single candidate, organization, or party. As a result, there was only one Romani organization represented in parliament, the Roma Party-Pro Europe. Low Romani voter turnout due to lack of awareness, means, or identity cards further exacerbated the situation.

Ethnic Hungarians, represented by the Democratic Alliance of Hungarians in Romania party, were the only ethnic minority to have attained parliamentary representation through the electoral process, having obtained over 5 percent of the total votes. Other ethnic Hungarian associations have alleged that their attempts to register as opposing ethnic Hungarian parties were unfairly blocked by the more influential existing party.

### Government Corruption and Transparency

Reports of corruption and the government response to corruption remained a focus of public discussion, political debate, and media scrutiny. The government continued to implement its March 2005 Anticorruption Strategy, which included steps to increase transparency in public procurement, ensure oversight of government spending, and enforce new laws and procedures to combat money laundering and tax evasion. The National Anticorruption Directorate (DNA) prosecuted two officials for offenses alleged to have been committed while they occupied some of the highest positions in government. Prosecutors also investigated other high-level officials, including a state secretary, two mayors, a county council president and vice president, two judges, a chief prosecutor, and various officials from customs, police, and other government ministries.

NGOs and the media continued to note that no major case of high-level corruption had yet resulted in judgments involving prison sentences. On the contrary, one businessman held in pretrial custody on high-profile corruption and terrorism charges was released on medical grounds and escaped from the country due to the lack of a sufficient monitoring system. There were, however, some convictions of lower level officials for corruption.

The institution responsible for investigating and prosecuting high-level corruption cases remained the DNA. In January the government upheld the DNA's exclusive and unrestricted competence to fight high-level corruption, including in cases involving members of parliament and government officials. The parliament approved the government's emergency order reorganizing the DNA under the nominal authority of the prosecutor general's office, while retaining its distinct budget and requiring its prosecutors to continue to operate under the exclusive authority of the DNA Chief Prosecutor.

Although the DNA produced few indictments against former or current officials at the most senior levels of government, the office did successfully prosecute cases against mayors, judges, police, customs officers, and other officials at the local level and in the middle ranks of the bureaucracy.

The DNA was authorized to prosecute corruption without regard to the political affiliation of the accused. Opposition politicians, however, continued to allege that investigations of high-level officials tended to focus on members of former administrations, contributing to questions about the office's impartiality. Various members of parliament noted that the only political party in the coalition government whose members had not been subjected to prosecutorial investigations were those from President Basescu's Democratic Party.

The DNA enhanced its coordination with anti-fraud units set up within various ministries, accepting leads from their investigators and requesting further details from them. The Ministry of Interior established an Anticorruption General Directorate (DGA) to investigate allegations of corruption within the ministry. The DGA set up and publicized its anticorruption telephone hotline and began receiving confidential tips regarding corrupt officers from the general public. The Antifraud Department attached to the Prime Minister's Office continued to investigate cases involving the misuse of EU funds. The Ministry of Defense also created its own antifraud section and forwarded the results of its first investigation of a top-ranking military official to the DNA for further action.

During the year there were continuous political disagreements both within the ruling coalition and within the opposition regarding transferring authority to appoint the head of the DNA from the Ministry of Justice to the CSM.

In January the Ministry of Justice disbanded its General Directorate for Protection and Anticorruption, which had been in operation since 2001. According to the justice minister, the organization was being dissolved because it had been engaged in the wiretapping of judges and gathering of information for unknown purposes.

Part of the government's strategy to combat corruption included strengthening asset disclosure requirements for public officials. Asset declaration forms requested extensive information from officials, but no monitoring authority existed to ensure forms were filed or to check their accuracy. The creation of such an authority was a major part of the Anticorruption Strategy, but the government did not create a proposed National Integrity Agency that could monitor conflicts of interests and unjustifiable wealth of public officials while in office.

The law provides for access to government information related to official decision-making; however, human rights NGOs and the media

reported that the law was poorly and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. On numerous occasions NGOs and journalists took cases to court to obtain information.

The government ordered the intelligence services to release the files of the Communist-era Securitate intelligence service, but many observers claimed the review of individual files of officials by the National College for the Study of Securitate Archives (CNSAS) served primarily political purposes. There were also complaints that the CNSAS would not release to individuals, including former political prisoners of the Communist regime, the files the Securitate had kept on them. There was much debate as to why access to the Securitate's files remained limited and the contents only reached the public sporadically, and there was broad speculation that the continued presence of former Securitate members in the intelligence services hindered release of these files. In the second half of the year, after the intelligence services began handing the former Securitate archives over to the CNSAS, the CNSAS increased the pace of exposing former Securitate officers and informants who had been involved in political police activities. However, a lack of cooperation from the intelligence services prevented CNSAS from issuing similar findings on other officers and collaborators whose files indicated involvement in political police activities. There was significant debate over whether efforts to reveal persons involved with political police activities would uncover the many former Securitate agents and collaborators who remained active in politics and business.

There also were continued reports that local authorities occasionally made it difficult for journalists, NGOs and the general public to access public information. In at least one instance, a polling institution was reportedly coerced by government officials to limit the public release of information that reflected negatively on certain political groups or goals.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, there were a few reports of government officials harassing and intimidating members of the NGO community.

At times police intimidated and harassed NGO workers. Romani CRISS continued to complain that police and local authorities attempted to harass and intimidate its local human rights monitors.

An ombudsman's office existed to protect citizens' constitutional rights, but it had limited power and independence from the government. Numerous media reports characterized the office as ineffective. During the first nine months of the year, the office handled 4,718 complaints. The office did not have authority in cases requiring judicial action.

The CNCD is an independent governmental agency that reported directly to the prime minister's office until July. During the year the CNCD received 432 public complaints of discrimination, most of which were resolved. Approximately 80 of the cases involved alleged discrimination on the basis of nationality and ethnicity; eight complaints reported discrimination on religious grounds. This body continued to be understaffed and had an insufficient budget.

In 2005 the CNCD played a leading role, along with four NGOs, in drafting language for a new antidiscrimination law, which was adopted by parliament in June and signed into law by the president on July 14. The new law defines the CNCD as an independent body and places it under parliamentary control instead of the prime minister's office and stipulates increased fines for discriminatory attitudes: \$156 to \$1,560 (400 to 4,000 new lei) for discrimination against individual and approximately \$230 to \$3,120 (600 to 8,000 new lei) for discrimination against groups of persons or communities. However, the CNCD budget for the year was still insufficient.

Both chambers of parliament have a human rights committee that focuses on legislation regarding human rights, religious issues, and minorities. However, since these committees were made up of party representatives, their recommendations often simply reflected the parties' views.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination based on race, gender, disability, ethnicity, language, or social status, among other categories. However, in practice, the government did not enforce these provisions effectively in some circumstances, and women, Roma, and other minorities were often subject to discrimination and violence.

##### Women

Violence against women, including spousal abuse, continued to be a serious problem, and the government did not effectively address it.

The law prohibits domestic violence and allows police intervention in such cases; however, there is no specific law that addresses spousal abuse. NGOs reported that domestic violence was common. According to a 2002 UN survey, 45 percent of women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. The law does not provide sentencing guidelines for domestic violence convictions.

Although there was no evidence of police or judicial reluctance to act on domestic abuse cases, very few cases were prosecuted in the courts. Many cases were resolved before or during trial when victims dropped their charges or reconciled with the accused abuser. In cases with strong evidence of physical abuse, the court can prohibit the abusive spouse from returning home. The law also permits police to fine the abusive spouse for disturbing public order. During the year there were approximately 400 convictions for domestic violence.

During the year the National Domestic Violence Coalition, composed of more than 30 NGOs, organized a number of campaigns to raise awareness of domestic violence. The government funded 26 public institutions that provided counseling and support to domestic abuse victims. In addition, 52 NGOs from all regions of the country worked on domestic violence. There were several shelters dedicated to domestic abuse victims, but many of them were forced to close due to insufficient funding. The government distributed funds to NGOs operating shelters for domestic violence victims in Cluj, Timisoara, and Baia Mare.

According to NGOs, rates of domestic violence against women in Romani households were significantly higher than the domestic abuse rates in the general population.

Rape, including spousal rape, is illegal. The prosecution of rape cases was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment by marrying the victim. The successful prosecution of spousal rape cases was even more difficult because the law requires the victim to personally file a criminal complaint against the abusive spouse and does not allow others to file the complaint on the victim's behalf. The law provides for three to 10 years' imprisonment for rape; the sentence increases to five to 18 years if there are aggravated circumstances. There were 254 rape convictions during the first half of the year. NGOs provided counseling and shelters for rape victims.

Prostitution is illegal, but was prevalent. Police implicitly tolerated most cases by limiting their intervention to fining prostitutes for loitering or disturbing the peace. NGOs and the media reported that sex tourism existed in Bucharest and other major cities. No laws exist to punish clients of prostitution, unless the prostitute was a minor and the client admitted knowing that fact before the act.

There were reports of trafficking in women and children (see section 5, Trafficking).

The law prohibits any act of gender discrimination, including sexual harassment. Although there were no reported cases of sexual harassment during the year, human rights NGOs attributed this to low public awareness of the problem. The government enforced existing prohibitions, but there were no effective programs in place to educate the public about sexual harassment.

The law grants women and men equal rights, including under family law, property law, and in the judicial system. In practice, the government did not enforce these provisions, nor did authorities focus attention or resources on women's issues. Women had a higher rate of unemployment than men and occupied few influential positions in the private sector. An EU report published in August 2005 indicated that a man's average salary was 18 percent higher than that of a woman.

Romani culture strongly discouraged women from working outside the home, especially in the formal economy. Romani women often lacked training, marketable skills, or relevant work experience. According to an Open Society Institute (OSI) report released during the year, only 26 percent of Romani women interviewed were part of the workforce as employees, day laborers, or freelancers. A 2005 survey by the United Nations Development Program (UNDP) found that the unemployment rate of Romani women between ages 25 and 54 was four times higher than that of non-Romani women in the country. Romani women also were three times as likely to be unemployed compared to Romani men. The average monthly income of women surveyed by OSI was \$41 (106 new lei).

The national agency for family protection, within the Ministry of Labor, Social Solidarity, and Family, is responsible for advancing women's concerns and family policies, including organizing programs for women, proposing new laws, monitoring legislation for sexual bias, targeting resources to train women for skilled professions, and addressing the problems of single mothers.

The law on equal opportunities for men and women was amended in July to extend protections to public employees as well as private sector employees. The amended law gives a female employee returning from maternity leave the right to return to her previous or similar position and to benefit from any improvements in working conditions that occurred during her absence.

## Children

The government was committed to children's rights and welfare, but competing priorities, bureaucratic inefficiency, and poorly allocated resources prevented this commitment from being fulfilled in practice.

Public education was free and compulsory through the 10th grade or age 16. After the 10th grade, schools charged fees for books, which discouraged lower-income children, particularly Roma, from attending. The UN Children's Fund (UNICEF) reported that approximately 90 percent of primary school-age children attended school.

The highest level of education achieved by most children was secondary school, although Romani students had lower rates of attendance at all education levels (see section 5, Minorities).

A general health insurance plan covers all children until age 18 or graduation from secondary school. All schools have medical units which supply first aid and carry out vaccination campaigns. Boys and girls had equal access to medical care in schools. All medical costs for children are waived, and most drugs are provided at little or no cost. Of the 11,352 persons with HIV/AIDS, approximately 75 percent are children between the ages of 15 to 19 who were infected in the late 1980s and early 1990s through contaminated blood transfusions and other medical procedures.

Child abuse and neglect continued to be serious problems, and public awareness of the issue remained poor. Media reported several severe cases both in families and in child welfare institutions. Abuse observed within state institutions included children tied to cribs with bed sheets and prolonged incarceration for misbehavior. While the law protects children from abuse and neglect, the government has not established a

mechanism to identify and treat abused and neglected children and their families. In 2004 police reported that 1,221 cases of abused and neglected children were registered, including 832 cases of rape, 284 cases of sexual intercourse with a minor, 114 cases of sexual perversion, and 101 cases of sexual corruption. Officials believed the number of unreported cases was much higher. At year's end there were 39 hotlines to receive and assess reports of child abuse and neglect and 22 specialized counseling services for centers for abused, neglected, and trafficked children. During the year hotline operators received approximately 5,400 calls reporting child abuse and neglect. During the year the government funded the creation of services for child victims of abuse and neglect as a national interest program; however, implementation was delayed due to the fact that no NGOs bid to provide services under this program.

The abandonment of children in maternity hospitals remained a problem with over 2,580 children left in hospitals by their parents during 2005. Between January and August 1,654 children were abandoned in hospitals.

The National Authority for the Protection of Children's Rights (ANPDC) in coordination with the Ministry of Health made some progress in discouraging child abandonment through prenatal counseling and training of hospital personnel. However, children's rights NGOs and local child welfare officials reported that these efforts were insufficient to resolve the continued high number of abandonment cases, resulting in many essentially healthy children being kept in hospitals because family reintegration or foster placement was unavailable. According to the Children's High Level Group study on the prevention of child abandonment, 60 percent of children abandoned by their parents were left in hospitals, while the remaining 40 percent were abandoned in other places, including on the street.

The 2005 child welfare law and its implementation continued to create confusion among entities responsible for child welfare and to prolong the time that a child spent in the child welfare system before being reunited with biological parents or being adopted. NGOs and child protection authorities continued to report that judges, police, and social workers generally lacked clear instructions from the central government, training, and the resources necessary to implement the legislation. As a result, thousands of children remained institutionalized or in foster care rather than reunited with biological families or legally approved for adoption when family reunification was not possible. There were credible reports of attempts to force family reunification for abandoned children in cases where biological family members explicitly stated they did not want the children or in which there was a high risk of child abuse or child labor.

There were many reports of abandoned children being forced to wait for several years in institutions or foster care while authorities searched for their biological parents to formalize their abandonment in court. The adoptions office announced that 1,136 children were adopted during 2005 and 1,067 were adopted through November. The government claimed there were only 883 children available for adoption in the country in December, and over 1,680 families that wanted to adopt children. However, the number of children available for adoption represented only a fraction of the estimated 9,000 children abandoned each year. These low figures were due to the state's non-recognition of the physical abandonment of children. There was no time limit on parents' absence from children for the children to be legally recognized as abandoned. Instead, government policy aimed to reintegrate children into biological families even years after physical abandonment. Many citizens wishing to adopt the children whom they already cared for as foster parents were forced to wait for the abandoning parents' statement of abandonment in court before the children could be declared legally adoptable. Many expressed fears that the foster children who had spent years in their care could be taken back by the biological parent or relatives and forced into begging on the street.

The public child welfare system tracked approximately 95,000 children. More than half of these lived with extended families or in foster care, and approximately 32,000 lived in public and private institutions. The government continued to build smaller, family-type residential units for children in need of protection, including children with disabilities. The number of children in institutions continued to drop, from 31,000 in 2005 to 27,000 during the year, while the foster care system expanded to care for 19,300 children during the year compared with 16,800 children in 2005. Abandoned children under two years of age were only allowed to be placed in foster care, not released for adoption, if reunification with biological parents failed. Roma children, who were disproportionately represented among abandoned children, continued to suffer racial discrimination and were rarely adopted by Romanian families. Child welfare authorities did not have a system for providing labor market information, skills training, or job placement services for older children in residential care, and there was a high probability that they would gravitate to the streets, where they would be vulnerable to sexual exploitation and crime.

The legal age of marriage is 18, but girls as young as 15 may marry in certain circumstances. Illegal child marriage was common within certain social groups, particularly the Roma. While there were limited statistics available on the extent of the problem, a recent UNDP survey found that 35 percent of Romani girls were married before reaching the age of 16. There were no government programs to address the problem of child marriages.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking). There also were isolated cases of children involved in prostitution for survival without third-party involvement, and some instances of boys as victims of trafficking.

The country has a mechanism for the repatriation of unaccompanied Romanian children and for ensuring special measures for their protection. In 2005 approximately 3,250 children and their families benefited from protection and assistance in 12 transit centers in the country.

The national agency for employment is legally required to provide up to 75 percent of the median national salary to employers for hiring persons between 16 and 25 years who are at risk of social exclusion, a group that includes youth reintegrating into society after spending time in state-care facilities or prison; young parents; and other categories of at-risk youth. The law provides that youth leaving the state institutional system may receive state assistance for an additional two years, during which they receive skills training for independent living. However, fewer than 1,000 youth benefited directly from this program during the year.

During the year the NGO Mental Disability Rights International (MDRI) reported that doctors in some hospitals were still encouraging parents to give up children born with disabilities. The abandonment of children with disabilities decreased steadily in recent years, as specialized rehabilitation services for such children became slightly more available. There were approximately 75,000 children with disabilities, of which 12,000 were in state care. The MDRI report detailed the physical and mental disabling of abandoned children due to the conditions they were

subjected to in state institutions. Several reports detailed the inhumane conditions children with physical and mental disabilities were subjected to in state institutions, including being bound, malnourished, and abused. In one instance, authorities sought to cover up repetitive sexual abuse within a state institution by denying those who revealed the problem further access to the institution. No attempt was made to separate the abuser from the abused until well after the issue appeared in the press.

Child labor was a problem (see sections 5, Trafficking, and 6.d.).

An official complete list of hazardous child labor activities still did not exist by year's end. A draft list was submitted by the National Steering Committee to the Ministry of Labor, Social Solidarity and Family, in February. At year's end, the Directorate for EU Integration was analyzing the document.

A National Statistics Institute survey released in 2003 on children's activities--the only nationwide survey to document the extent of child labor--found that between 40,000 and 80,000 children were involved in activities identified as the worst forms of child labor, including begging, drug dealing, stealing, prostitution, or were victims of child trafficking. Over 90 percent of these children were from rural areas. Street children, children in urban areas, and Romani children were the most vulnerable to labor and sexual exploitation.

While the government did not maintain official estimates on the number of homeless children living on the streets, police, social workers, and NGOs estimated that between 3,000 and 5,000 children lived on the streets, depending on the season.

During the year the government continued to administer six national programs for the protection of children's rights. The programs focused on closing large state-run institutions for children; developing services for children with disabilities; creating services for children victims of child abuse, neglect, and exploitation; implementing the national professional standards of child welfare services and monitoring children's rights; improving the foster care network; and creating and developing community social services to support family cohesion. NGOs implemented these programs with governmental funding from the national budget.

#### Trafficking in Persons

The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive persons for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, being a subject in pornography, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

The country was a point of both origin and transit for trafficking in persons. While the majority of trafficking cases involved international trafficking between the country and Western Europe, cases of domestic trafficking were also reported. Victims--primarily women and children--were trafficked for purposes of sexual exploitation, labor exploitation, and forced begging. In 2005 the government identified 2,250 victims of trafficking. Recent trends indicated that traffickers rented private apartments, rather than using public bars and brothels, to conduct their illicit activities. The use of clandestine locations complicated the already difficult task of locating victims and allowed traffickers to operate with less concern of discovery by local authorities.

According to the government, many of the child victims originated in the eastern and northern areas of the country. Boys were targeted for forced labor, petty theft activities, and solicitation. Girls were targeted for sexual exploitation and solicitation. Adult victims generally originated in the southern part of the country, and were recruited by traffickers with the promise of jobs abroad.

During the year authorities noticed an increase in cases of forced labor involving victims between the ages of 30 and 40. Women between the ages of 18 and 25 were more likely to become victims of trafficking for sexual purposes than any other age group or gender. Children were more likely to become victims of trafficking if they came from orphanages, single parent homes and/or lived in a dysfunctional family environment (e.g. families with financial difficulties, abuse, or alcoholism).

Trafficking victims endured poor, cramped living conditions. Traffickers ensured the victims' compliance through threats, violence, and the confiscation of travel documents.

Government officials reported that small groups of Romanian citizens were the most common operators of trafficking rings; several domestic prostitution rings were also known to be active in trafficking victims into, through, and from the country. In recent years the number of women and minors involved in trafficking has increased; most of these individuals acted as recruiters.

Most victims were trafficked through or out of the country under seemingly legal means. Traffickers used employment agencies and travel companies as fronts for their activities. It was not difficult for traffickers to obtain legal work papers for the victims they intended to traffic. It was relatively easy for young women to legally secure visas for work as waitresses or domestics in destination countries; however, once out of the country and removed from any support structure, such women were extremely vulnerable to becoming trafficking victims. Most women trafficked for sexual exploitation were recruited by persons they knew or by newspaper advertisements. A friend or relative frequently made the initial offer, often telling the victim that she would obtain a job as a baby sitter or waitress. The crimes commonly associated with human trafficking, such as rape and false imprisonment, rarely occurred within the country's borders; rather, such abuses began when the victim who had been deceived about the nature of the work, arrived in the destination country.

The law provides for five to 15 years' imprisonment for trafficking in minors or for multiple victims; if a victim suffers serious bodily harm or health problems; or if the trafficking is done by a public servant during his or her official duties. A sentence of five to 25 years is mandated for trafficking that leads to the death or suicide of the victim. These penalties are increased by two to three years if the trafficker belongs to an organized crime group and by five years if coercion is applied against minors.

Under 2005 revisions to the law, victims of trafficking who are arrested for prostitution or begging cannot be prosecuted for these offenses. In practice, however, victims were frequently not recognized as victims of trafficking upon arrest and were therefore treated as criminals. Only after a period of investigation were they typically declared "victims."

Corruption in the police, particularly the local forces, contributed to trafficking. There were frequent allegations that border police and customs agency officials accepted bribes to ignore cases of trafficking.

The National Antitrafficking Agency (ANITP), created in December 2005, is responsible for collecting all information related to trafficking in persons and coordinating the efforts of the government to combat trafficking and treat trafficking victims. During the year ANITP focused on hiring staff and worked to become operational. The government approved a new national strategy against trafficking in November, and plans for implementation of that strategy continued at year's end.

During the first six months of 2005 ANITP provided assistance to 109 trafficking victims, four of whom were under the age of 13, 22 were between ages 14 and 17, 61 were between 18 and 25, and 22 were over age 25. According to statistics provided by ANITP, 146 traffickers were convicted in 2005. During the year the IOM assisted 129 victims, of whom 121 were female, and 19 were minors. In January the government extradited one trafficker wanted by the Greek authorities to Greece.

The law requires the government to protect trafficking victims, but implementation of the law remained weak and uneven. Reports of law enforcement officials losing contact with identified victims were common. Some identified victims reportedly chose not to press charges to avoid bureaucratic judicial procedures. Although the government trained border police to encourage victims to identify themselves, few victims were willing to do so. There were reports that repatriated victims faced social discrimination in their home countries.

The government made attempts to assist repatriated victims. According to government reports, the government opened twelve shelters for trafficking victims required by law. The shelters were underutilized, in part because the law did not mandate a standardized system for referring victims. Although the law obligates law enforcement officials to inform victims of the services available at government-operated shelters, many victims chose to decline them.

In 2005 ANPDC established a technical secretariat charged with implementing a national action plan to fight child trafficking and exploitation. The secretariat carried out activities related to repatriation, protection, and social reintegration of unaccompanied Romanian children in difficulty in other countries, regardless of whether such children were victims or offenders. As a result, between January and March 59 children were repatriated from European countries including Italy, Spain, France, the United Kingdom, Germany, and Ireland.

During the year the government worked with domestic and international NGOs to build public awareness of trafficking risks and to improve and expand the services offered to victims. Public officials, including the president, made public statements during the year about the trafficking problem.

The ANDPC, the antidrug national agency, and territorial general directorates for social assistance and children's protection created a program to monitor child labor that was operational in several cities. The project set up a system of services for the protection, rehabilitation, and social reintegration of child victims of domestic and international trafficking. In 2005 60 children vulnerable to human trafficking and 140 children involved in the worst forms of child labor were referred to social services and monitored.

#### Persons with Disabilities

In addition to the antidiscrimination law, which prohibits discrimination against all persons in employment, education, access to health care, or the provision of other services, a new law regarding the rights of persons with disabilities became effective in December. However, the government did not fully implement the law, and discrimination against persons with disabilities remained a problem during the year.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice, the country had few facilities specifically designed for persons with disabilities. During the first half of the year, the national agency for persons with disabilities inspected 325 important local state institutions, such as prefecture buildings, county council buildings, and museums, and found that 73 percent of these structures lacked adequate facilities for persons with disabilities. During the year, however, an increasing number of public and private facilities voluntarily installed accessible features.

As of March 31, the government reported that approximately 405,000 adults and 55,000 children were registered as persons with disabilities. Of this number, almost 18,000 adults and 354 children were receiving special care in residential institutions. The country had 149 residential institutions for adults with disabilities. NGOs estimated that there were some 300,000 persons with intellectual disabilities in the country, and close to three million persons with disabilities overall.

An Amnesty International (AI) report released in May criticized the conditions in psychiatric hospitals, which continued to fall below international standards. The country had 38 psychiatric hospitals, four of which were considered secure facilities for convicted criminals, and 66 outpatient mental health facilities, most of which were not in operation.

According to reports by human rights NGOs, the placement, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms. Most psychiatric hospitals had poor hygiene, insufficient heating, and insufficient food rations. Some hospitals lacked running water, were heavily overcrowded, lacked a sufficient number of beds, and had no mechanism for complaints in cases of abuse. Patients were in many cases secluded in rooms with metal bars on the windows based on arbitrary decisions of the staff. Conditions in psychiatric wards did not improve during the year.

On August 1, the Ministry of Health established a national center for mental health which was tasked with drafting a national strategy for the psychiatric sector. During the year the center began conducting an inventory of mental health institutions nationwide.

The Ministry of Health adopted a mental health action plan in 2005 that included provisions for persons with mental disabilities. However, NGOs asserted that the plan failed to improve conditions in psychiatric institutions; most aspects of this plan remained unimplemented by year's end. The provision of community-based mental health care services remained inadequate.

In January 162 psychiatric patients who were convicted criminals were transferred from a Poiana Mare hospital, where 18 patients died from malnutrition and hypothermia in 2004, to a psychiatric hospital in Sapoca. Upon their admission to the hospital in Sapoca, most of those transferred were diagnosed with tuberculosis and syphilis. Although the Ministry of Health ordered the closure of the Poiana Mare hospital in November 2005 it continued to function as an institution for chronic psychiatric patients, although convicted criminal patients were no longer held there. According to media reports, the government did not close the hospital because of protests by hospital employees who feared the loss of their jobs.

In May MDRI released a report that harshly criticized the government for its treatment of children with mental disabilities and alleged that the country was in serious violation of its obligations under both the UN Convention on the Rights of the Child and the European Convention on Human Rights. MDRI found that children were being detained in adult facilities, some children were kept in permanent restraints, and abuse and neglect were commonplace throughout the country's mental institutions and healthcare facilities.

The Center for Legal Resources, a local NGO, reported that minors with mental disabilities were routinely mistreated in state care institutions. These children were subjected to both verbal and physical abuse, including being tied to their beds, beaten, and threatened that they would be sent to psychiatric hospitals. Some minors were sent to psychiatric hospitals without the consent of the minors' legal guardians. According to human rights NGOs, there was no system to ensure that the rights of children with mental disabilities were observed in state care institutions. There were also reports that children without any mental disability were placed in centers for children with mental disabilities because they were HIV/AIDS-positive.

According to a report released by the Open Society Institute in September 2005, only 28 percent of the approximately 52,000 children with mental disabilities received any form of education because most remedial schools did not accept children with serious mental disabilities. The report also cited a lack of job opportunities for persons with disabilities.

An August Human Rights Watch report noted widespread discrimination faced by children with HIV/AIDS and authorities' failure to protect children from discrimination, abuse, and neglect. According to the report, less than 60 percent of the approximately 7,200 children and youths with HIV/AIDS attended any form of schooling. Doctors often refused to treat children and youths with HIV/AIDS, who obtained medication only with difficulty and delays. Medical personnel, school officials, and government employees did not keep the confidentiality of information about the children, which caused the children and families to be denied services such as schooling. In addition, in some situations the children and their parents were threatened by parents of other children to keep them out of school.

#### National/Racial/Ethnic Minorities

According to a government survey, national minorities in approximately 13 percent of the country's localities do not have any rights regarding the use of their language. The survey also indicated that laws on the use of minority languages with regard to education, culture, and administration were enforced in 80 percent of localities with national minority communities. In 20 percent of localities surveyed, bilingual signs were not installed as required by law.

In November the government released a survey on interethnic relations, which revealed that Romanians continued to harbor preconceived ideas and stereotypes about ethnic minorities including Hungarians, Roma, and Jews. According to the survey, although 45 percent of respondents viewed Roma as one of the most underprivileged social and ethnic groups, over 60 percent agreed with the statement, "If I were an employer, I would not hire Roma because most of them are lazy and steal." Forty-eight percent of respondents believed that only ethnic Romanians should be hired in positions of responsibility in the state or society, such as judges or police.

Discrimination against Roma remained a serious problem. NGOs reported that throughout the country, Roma were denied access to, or refused service in, shops, restaurants, discotheques, and other places of public accommodation.

An AI report published in May highlighted as a major problem the racially motivated violence perpetrated by both individuals and law enforcement authorities against the Romani population. Romani groups complained that police brutality, including beatings and harassment, was routine (see section 1.c.). In January and August police forcibly beat and evicted Roma from their homes (see sections 1.c. and 1.f.).

The results of a December 2005 nationwide survey regarding discrimination and tolerance, conducted by the Center for Urban and Regional Sociology at the request of the CNCD, indicated that 81 percent of respondents thought that most Roma broke the law; 61 percent shared the opinion that Roma were a disgrace for Romania; and 52 percent favored the idea that Roma should not be allowed to travel abroad.

Persistent poverty among the Roma remained one of the country's most prominent social problems. Roma faced the greatest hardship of any minority, with poor access to government services, few employment opportunities, high rates of school attrition, inadequate health care, and pervasive discrimination. Human rights NGOs characterized the persistent cyclical poverty confronting the country's Roma as an issue that had barely been addressed since the fall of communism. Although some government initiatives have shown positive results, an emerging group of Roma activists viewed many programs implemented to date as replacing Roma culture with a deepening culture of dependence.

A 2004 European Commission report estimated that the Roma population numbered between 1.8 and 2.5 million persons, although the most recent official census of 2002 reported the significantly lower number of 535,000. NGOs pointed out that government figures were low because many Roma did not reveal their ethnicity to authorities, and many Roma lacked identity cards or other forms of identification.

According to an analysis of the 2002 census by the Romani NGO Impreuna (Together), approximately 35 percent of the Romani population had not graduated from primary school. Illiteracy among Roma was 25.6 percent.

There were reports of pervasive discrimination by teachers and other students against Romani students. NGOs and the media reported that such discrimination served as an additional disincentive for Romani children to complete their studies. During the year there were reports of Romani children being placed in the back of classrooms due to their ethnicity, of teachers ignoring Romani students, and of unimpeded bullying of Romani students by other schoolchildren. In some communities, authorities placed Romani students in separate classrooms from other students and even in separate schools. At the end of the 2005-06 school year, Romani NGOs identified cases of Romani children segregated from other students in schools in Moreni, Neamt county; Munteni, Neamt county; Roman, Neamt county; Baluseni Noi, Botosani county; Targu Frumos, Iasi county; Pecica, Arad county; Santana, Arad county; Curtici, Arad county; Jibou, Salaj county; Polovragi, Gorj county; Constanta; Turda, Cluj county; Ineu de Cris, Bihor county; and Bogei, Bihor county. In 2004, following complaints by several NGOs, the Ministry of Education nominally prohibited segregation in schools in a nonbinding notification; Romani NGOs continued to press unsuccessfully for a binding order.

According to OSI, ethnic Roma were five times as likely as members of the majority population to live below the poverty line. OSI also estimated that approximately 60 percent of Roma lived segregated from the majority population in communities with substandard housing and without basic governmental services such as schools, adequate healthcare, running water, electricity, and waste disposal.

Roma were also disproportionately unemployed and underemployed. According to Impreuna, 67 percent of Romani households surveyed had no employed member, and the overall Roma unemployment rate was approximately 60 percent.

Although the CNCD fined the Steaua soccer team for fans' use of anti-Roma hate language during a match in April 2005 and a stadium announcer for making racist comments during the same game, similar incidents involving the Steaua and other teams occurred repeatedly during the year. The Union of European Football Associations and the Federation Internationale de Football Association also imposed fines on several Romanian soccer teams.

On April 4, the Civic Alliance of Roma, an NGO supporting Roma rights, the CNCD, and the Romanian Soccer Federation organized a soccer game to protest racism in stadiums. In addition, at the end of October, the CNCD and the Romanian Soccer Federation organized a three-day campaign against racism.

In September the CNCD fined the New Right (Noua Dreapta), an organization with extremist and xenophobic views, and three of its leaders for authoring and posting discriminatory articles against the Roma on the organization's Web site.

In November the Roma Party-Pro Europe and the Police signed a protocol of partnership aimed at initiating activities to prevent marginalization of Roma communities.

On April 26, after repeatedly postponing its ruling, a court in Ludus decided not to enforce the seizure of perpetrators' property to compensate Romani victims of mob violence in the village of Hadareni in 1993 that resulted in the deaths of four persons and the burning of 13 Romani houses. In May Romani victims and their families appealed the ruling, and their suit remained pending at year's end.

In answer to a complaint filed by the ERRC, the CNCD decided on January 17 that an anti-Romani speech made by Corneliu Vadim Tudor, the leader of the extreme right Greater Romania Party, was in breach of the antidiscrimination law. However, the CNCD could not sanction Tudor because of his parliamentary immunity. In his speech, referring to the Hadareni case, Tudor had used derogatory terms regarding Roma.

In September-October 2005 the National Agency for Roma (ANR), and nongovernmental experts drafted a community development plan to improve the prospects of the Roma in Hadareni. In January human rights NGOs criticized the government for failing to take concrete steps toward implementing the plan. On April 19, the government approved an updated two-year community development plan for Hadareni for the improvement of the situation of Roma. However, implementation of the updated program for Hadareni was further delayed by the government's failure to publish implementing regulations before August. NGOs complained that, although the strategy included positive steps, implementation would be very difficult at the local level. During the final months of the year, several ANR-funded programs began in Hadareni. Between September 21 and December 15, several Romani and human rights NGOs partnered with local authorities on a project to build confidence and respect among the Romani and ethnic Romanian citizens of Hadareni. In November Hadareni authorities launched a campaign aimed at improving Roma access to public health care.

Based on a 2003 CNCD ruling that the owner of a public bar committed a discriminatory act by posting a note denying access to Roma and ordering the bartender not to sell drinks to three young Roma, the victims filed a complaint, and a court in Botosani ruled that the defendant should provide access to Roma to the bar and pay moral damages amounting to \$230 (600 new lei) to the plaintiffs.

Romani CRISS continued to monitor cases of alleged human rights violations, increasing the number of counties it monitored from 10 to 15, plus Bucharest. By mid-October human rights monitors identified 59 cases of violence or abuse against Roma in 12 counties.

Romani CRISS continued its partnership with the Ministry of Administration and Interior to help Roma obtain official identification documents. The lack of identification documents significantly hindered Roma from gaining access to employment, education, and health care, and made

voting and buying property prohibitively difficult.

Ethnic Hungarians were considered by the government to be the largest ethnic minority, comprising 1.4 million persons according to the 2002 census. There are also approximately 60,000 ethnic Ukrainians, 60,000 ethnic Germans, and other minorities in smaller numbers. In the Moldova region where the Roman Catholic Csango minority resided, the community continued to operate government-funded Hungarian-language school groups; 982 students in 16 localities were instructed in Hungarian during the academic year that commenced in September. An additional 360 students participated in extracurricular courses in Hungarian, but 7,900 students lacked access to Hungarian language classes.

The Bolyai Initiative Group, a group of young professors from the Cluj-based Babes-Bolyai University (UBB) who supported the reopening of the Hungarian-language state-owned Bolyai University, and the Hungarian Civic Union (UCM) complained of discrimination against ethnic minorities in the teaching of the Romanian language in schools. They argued that national minorities were required to learn Romanian based on the same curricula and textbooks as ethnic Romanians who speak it as their mother tongue. In March and June the UCM filed a complaint on this issue with the CNCD. The Bolyai Initiative Group further complained that there were no bilingual signs in the UBB and that ethnic Hungarian students were not allowed to use the Hungarian language when interacting with university management. On November 22, two UBB faculty members who were also members of the Bolyai Initiative Group installed Hungarian-language "no-smoking" signs around the UBB campus. UBB security guards removed the signs on the same day. The UBB's governing body subsequently dismissed the two faculty members involved in the incident. The Ministry of Education conducted an investigation into UBB's decision and concluded that the two were dismissed because they violated the code of conduct and not because of their attempt to install the Hungarian-language signs and that their dismissal had nothing to do with their ethnic Hungarian origin.

#### Other Societal Abuses and Discrimination

NGOs reported that police abuse and societal discrimination against homosexuals was common (see section 1.c.) and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community also continued to voice concerns about discrimination in public education and health care systems, and about the possibility that young lesbian, gay, bisexual, and transgender persons were being involuntarily referred to psychiatric institutions based on their parents' decisions.

The second "march of diversity" gay pride parade was held in Bucharest on June 3 and included hundreds of participants. The parade was marred by violent physical and verbal attacks by onlookers against the marchers. Roving groups of men shouted abuse and hurled bottles, food, and buckets of water at the parade participants. The attackers were encouraged in their behavior by some onlookers, including Romanian Orthodox priests and seminarians. The Romanian Orthodox Church and 20 other organizations had called for a ban on the gay parade. The police were reportedly alerted in advance to the planned attacks and dispatched a highly organized force to protect the marchers. The force included hundreds of uniformed officers, units of horse-mounted police, and armored personnel transport carriers.

After the "march of diversity," six participants (four Romanians and two foreigners) were assaulted on the subway by a group of youths making homophobic statements. Although the police were cooperative and called the victims to look at video recordings and pictures, no perpetrators had been identified by year's end.

Earlier in the day on June 3, the New Right sponsored a march against homosexuality. The participants displayed symbols and chanted slogans and songs of the Iron Guard and wore t-shirts with the portrait of Legionnaire leader Codreanu.

ACCEPT, an NGO promoting lesbian, gay, bisexual, and transgender rights, reported that it received complaints from people who were harassed and subjected to degrading treatment in prisons because of their sexual orientation. Few victims pursued charges due to fear of harassment from the local community and police or the belief that authorities would not carry out unbiased investigations. The NGO mentioned the case of a man who, beginning in April, was subjected to harassment at his workplace due to his alleged sexual orientation. After ACCEPT filed a petition on his behalf with the CNCD, the man was transferred to another location and demoted.

A survey released by the government in November revealed that 53 percent of respondents did not want homosexual neighbors, 50 percent did not want to work with homosexuals, 60 percent did not want homosexual friends, and 67.8 percent would not want homosexual in-laws.

The law prohibits discrimination against persons with HIV/AIDS. For the period between January and March 2005, the National Union of the Organizations of Persons Affected by HIV/AIDS (UNOPA) reported that 438 out of approximately 1,000 individuals interviewed had encountered human rights violations; this figure included 156 cases of denied access to medical care on the pretext of medicine shortages at the hospital level, 269 cases of delays in the provision of subsidized food and social welfare allowances, and eight cases of breach of confidentiality. For the period between April and September 2005, UNOPA reported that 795 out of 2,407 individuals interviewed had encountered discrimination.

In June Human Rights Watch issued a report on the country's "failure to protect and support children and youth living with HIV." The report was based on field research conducted in Bacau, Constanta, Giurgiu, and Ifov counties and in Bucharest. The report found that, although the country was the first in Eastern Europe to provide universal access to antiretroviral therapy, stigma and discrimination against persons with HIV/AIDS frequently impeded their access to education, medical care, government services, and employment. The government lacked a strategy to manage the transition of HIV-positive children living in institutions or foster care after they turned 18. Less than 60 percent of HIV-positive children and adolescents attended some form of schooling. Moreover, those who did attend school sometimes faced ostracism, abuse, and possible expulsion if their HIV status became known.

Discrimination against persons with HIV/AIDS impeded access to routine medical and dental care. Breaches of confidentiality involving individuals' HIV status were common and rarely punished; medical staff, teachers, social workers, and municipal staff were common sources

of leaked information.

Children had no legal right to learn of their HIV status without parental consent, and adolescents often lacked the ability to make informed decisions on medical treatment, education, and employment. Over half of HIV-infected adolescents were sexually active; they frequently experienced reduced access to facilities for reproductive healthcare and the prevention of HIV and sexually transmitted infections.

The authorities rarely enforced laws prohibiting discrimination against persons with HIV. The law set penalties for knowingly transmitting HIV.

During the year the government cooperated with international organizations to implement a national AIDS strategy by conducting conferences and disseminating brochures to raise public awareness of the disease.

## Section 6 Worker Rights

### a. The Right of Association

All workers, except certain public employees, have the constitutional right to associate freely and to form and join labor unions without previous authorization, and they freely exercised this right. However, Ministry of Defense, Ministry of Administration and Interior, and intelligence personnel were not allowed to unionize. The majority of workers belonged to one of approximately 18 national trade union confederations and smaller independent trade unions. Approximately 55 to 60 percent of the workforce was unionized, according to union officials.

The right to form unions generally was respected in practice, and many employers created enterprise-friendly unions. Many unions claimed that the government interfered in labor negotiations, trade union activities, collective bargaining, and strikes, and complained that the union registration requirements stipulated by law were excessive.

The law has specific provisions against union discrimination, which were generally respected.

### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides workers the right to bargain collectively, but government control of many industrial enterprises and the absence of independent management representatives at these entities hindered collective bargaining. Approximately 80 percent of the total workforce was covered by collective labor contracts at the branch and unit levels. A national collective labor contract for 2005-06 was concluded in March among the main employers' associations, trade unions, and the government. Contracts resulting from collective bargaining were not consistently enforced. The wages of public employees were guided by a minimum wage stipulated by law and a pay scale specific to each ministry that was based on that ministry's annual budget.

While the law permits strikes by all workers except judges, prosecutors, related Ministry of Justice staff, and employees of the ministries of defense, internal affairs, and the intelligence service, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and if employers have been given 48 hours' notice. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare strikes illegal. Companies may claim damages from strike organizers if a court deems a strike illegal.

There are no exemptions from regular labor laws in the country's six free trade zones and 31 disadvantaged zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a problem. Although a law to protect children from exploitation went into effect January 2005, the government did not consistently enforce the measure in practice.

The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in hazardous conditions. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. In practice, however, many children were reported to occasionally forego attending school while working on family farms, especially in rural areas and in Romani communities. Children age 15 to 18 may work no more than six hours per day and no more than 30 hours per week, provided that their school attendance is not affected. An employer may hire minors only between 2:00pm and 6:00pm. Parents violating child labor law may be punished with either monetary fines of up to \$200 (500 new lei) or imprisonment of two months to seven years. However, the government did not consistently apply these provisions, claiming that the punishment would further harm children in certain cases. During the year the government imposed fines on 52 sets of parents and sentenced none to prison. Factories were implicated in most cases of child labor exploitation and also were fined.

The labor inspectorate within the Ministry of Labor provided the following information: in 2005, the labor inspectorates carried out inspections on 74,109 employers. Of 4,405 working youths encountered during the inspections, 135 of those aged 15 to 18 had no legal employment documents; 17 children under age 15 were found working with no legal employment documents. During the first quarter of the year inspections were carried out on 21,805 employers and identified 461 working young people aged 15 to 18, of whom 21 had no legal employment documents. Fourteen employers were given fines exceeding \$12,900 (33,100 new lei).

In January 2005 the protection and promotion of the rights of the child law went into force. The law requires schools to immediately notify social services of children missing classes to work. Social services are authorized to work with schools to reintegrate such children into the educational system. The government also conducted information campaigns to raise awareness among children, potential employers, and the general public.

In January 2005 the government established the national authority for protection of children's rights under the Ministry of Labor, Social Solidarity, and Family. The national authority can impose fines and close factories for child labor exploitation, but enforcement tended to be lax except in extreme cases, most notably those that attracted media attention. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted during the year under any of the child labor laws.

Children were trafficked for the purpose of sexual exploitation (see section 5).

An international report released in 2004 estimated that 3.9 million of the 5.6 million children in the country were "economically active." Over 300,000 (approximately 7 percent) were "child laborers," working without any contractual arrangements in agriculture or low-skilled jobs, while 900,000 (19 percent) worked in their own households, especially in rural areas. Approximately 300,000 (6 percent) were engaged in physically demanding work, while 70,000 (approximately 1 percent) were victims of the "worst forms of child labor," including hazardous work, sexual exploitation, forced labor, trafficking, or criminal activity. This last category included more than 3,000 "street children," the majority of whom lived in Bucharest. Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in Romani communities; children engaged in such activities could be as young as five years old. There was official recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor.

During the year the government allocated \$490,000 (1.27 million new lei) to NGOs to implement two national interest programs to combat trafficking in children and child labor.

#### e. Acceptable Conditions of Work

The latest collective labor contract published in May stipulated a gross minimum monthly wage of \$144.00 (370 new lei) for a full time schedule of 170 hours per month, which translated into approximately \$0.85 (2.18 new lei) per hour. The minimum monthly wage of approximately \$144 (370 new lei) did not provide a decent standard of living for a worker and family. Minimum wage rates generally were observed and enforced by the Ministry of Labor, Social Solidarity, and Family.

The law provides for a standard workweek of 40 hours or five days, with overtime paid for weekend or holiday work, or work in excess of 40 hours, which may not exceed 48 hours per week averaged over one month. The law requires a 24-hour rest period in the workweek, although most workers received two days off per week. The Ministry of Labor, Social Solidarity, and Family effectively enforced these standards.

On August 30, the government approved amendments to the labor code regarding collective layoffs and part-time contracts that bring the law into line with EU directives. Rules governing contracts for part-time or temporary workers were made more flexible and allow contracts for any period of time. The amendments also modify rules for collective layoffs, including mandatory union consultation.

The law provides penalties for work performed without a labor contract in both the formal and informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to \$38,000 (100,000 new lei).

The Ministry of Labor, Social Solidarity, and Family has authority to establish and enforce safety standards for most industries, but lacked of trained personnel to enforce them. Employers often ignored the ministry's recommendations, which were usually only applied after an accident occurred. Workers have the right to refuse dangerous work assignments but seldom invoked it in practice.