

ROMANIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Romania is a constitutional republic with a democratic, multiparty, parliamentary system. The bicameral parliament (Parlament) consists of the Senate (Senat) and the Chamber of Deputies (Camera Deputatilor), both elected by popular vote. A July 29 referendum restored President Traian Basescu to office after he had been suspended on July 6. On December 9, the country held parliamentary elections that observers generally considered were without irregularities. On December 17, President Basescu reappointed Victor Ponta as prime minister. Security forces reported to civilian authorities.

Major human rights problems included police and gendarme mistreatment and harassment of detainees and Roma, including the death of three Roma at the hands of police and gendarmes. Government corruption remained a widespread problem that affected all sections of society. Threats to journalists undermined media freedom.

Other human rights problems reported during the year included poor prison conditions and a continuing lack of judicial independence and impartiality and vulnerability of the judiciary to political influence. Property restitution remained extremely slow, and the government extended compensation for another year. The government failed to take effective action to return the Greek Catholic churches confiscated by the former Communist government. A restrictive law on religion remained in effect. There were continued reports of violence and discrimination against women, as well as child abuse. There were some anti-Semitic acts and statements, and anti-Semitic articles continued to be published. Anti-Semitic, racist, xenophobic, and nationalistic views continued to be disseminated via the Internet. Government agencies provided inadequate assistance to persons with disabilities and neglected persons with disabilities in institutions. There was systematic societal discrimination against Roma. Societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons and individuals with HIV/AIDS, particularly children, remained problems. The law provides no legal basis for collective bargaining at the national level.

The government took hesitant steps to prosecute and punish officials who committed abuses, including convicting and imprisoning a former prime minister on corruption charges. Lawsuits involving alleged police abuse were repeatedly delayed and in many cases ended in acquittals.

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary or Unlawful Deprivation of Life**

On May 31, June 10, and July 28, members of the police and gendarmes in different parts of the country killed three Romani men who were suspected of theft. The May 31 case in Bucharest was under investigation by the Prosecutor's Office attached to the Bucharest Municipal Court, while the police officer involved in the July 28 case in Pusta Vale, Salaj County, was charged with first-degree murder and sent to court. The June 10 case in Agristeu, Mures County, involved a gendarme and was under investigation by military prosecutors. The investigation concluded that the gendarme acted in self-defense; as a result, he was not prosecuted. Romani CRISS, a nongovernmental organization (NGO) focusing on Romani rights, criticized the excessive use of firearms by the police and gendarmes.

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 reports from NGOs and the media that police mistreated and abused prisoners, pretrial detainees, Roma, innocent citizens, and in one case, even an undercover police officer, primarily through use of excessive force and beatings.

A report regarding the country's prisons and detention facilities released by the Council of Europe's Committee for the Prevention of Torture (CPT) in November 2011 mentioned that the CPT "received multiple allegations of mistreatment (including against minors) inflicted at the moment of intervention by law enforcement authorities, notably those involving the operations of the Directorate for Investigating Organized Crime and Terrorism (Directia de Investigare a Infractiunilor de Criminalitate Organizata si Terorism, DIICOT), as well as during initial interrogations aimed at obtaining confessions or other information." The report stated also that, "The alleged mistreatment consisted notably of punches, kicks, and blows with instruments such as police batons or clubs resembling baseball bats. The wounds were occasionally grave enough to be considered virtually acts of torture (e.g. electric shock; blows with a flexible baton when the

person was laid face down on the floor, handcuffed behind the back; blows on the sole of the foot).”

Prison and Detention Center Conditions

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

Physical conditions: According to the National Administration of Penitentiaries of the Ministry of Justice, at the end of December there were 31,816 persons, including 1,422 women and 444 minors, in prison or juvenile detention facilities in a system with a legal capacity of 27,125 prisoners. Although according to the official figures overcrowding did not represent a serious problem overall, in some prisons the standard of 43 square feet per prisoner recommended by the CPT was not observed. According to media and NGO reports, prisoners at times assaulted and abused their fellow inmates, and prison authorities tried to cover up such incidents. Prisoners had access to potable water.

The CPT delegation received credible reports regarding the excessive and indiscriminate use of force and ill treatment by wardens and members of the special intervention squad of the prison during order-keeping operations and cell searches.

At the prison for minors and young adults in Craiova, prison officials told the delegation that the rate of violence among inmates decreased following measures taken during the past two years, including a decrease in the cell occupancy rate, an improved evaluation process to determine prisoner placement in cells, and development of educational activities. However, the potential of violence was still present among inmates. The delegation received a report about a rape that had occurred shortly before the visit.

Administration: There were no reports of inadequate recordkeeping on prisoners. The law provides for alternatives to prison for nonviolent offenders, including suspended sentences, sentences executed at the workplace, or penal fines. According to human rights NGOs, authorities made some progress in implementing the four detention regimes: closed, semiclosed, semiopen, and open. Prisoners assigned to semi-open and open regimes reportedly began to benefit from placement in the type of prison appropriate to their sentence. However, the NGO Association for the Defense of Human Rights in Romania-the Helsinki Committee

(APADOR-CH) criticized the placement of some prisoners in prisons far from their hometowns. There was no independent ombudsman to handle prisoner complaints. A judge-delegate handled prisoner complaints in each prison. The prisoners had access to visitors, were permitted religious observance, and could submit complaints to judicial authorities without censorship. The regulations allow all religious groups unrestricted access to prisoners.

Monitoring: The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

Improvements: The government continued efforts, including through partnerships with NGOs, to alleviate harsh conditions; improve the condition of detention rooms; provide more daily activities, training courses, and educational programs; and deter the spread of HIV and tuberculosis. In March the vice president of the European Court of Human Rights (ECHR) gave a positive appraisal of the measures taken by the Ministry of Justice to improve detention conditions.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Ministry of Internal Affairs is responsible for the national police, the gendarmerie, the border police, the General Directorate of Intelligence and Internal Protection (DGIPI), which oversees the collection of intelligence on organized crime and corruption, and the Directorate General for Anticorruption as well as several agencies without security responsibilities. (Supervision of the DGIPI was transferred to the Prime Minister's Office at the end of the year.) The national police agency is the General Inspectorate of the Romanian Police, which is divided into functional directorates and 42 regional directorates for each county and the city of Bucharest. The Romanian Intelligence Service (SRI), the domestic security service, collects information on major organized crime, major economic crime, and corruption. Complaints of police misconduct are handled by the internal disciplinary councils where the accused officers work.

During 2010, 1,089 police officers received disciplinary sanctions as a result of internal council investigations.

Arrest Procedures and Treatment While in Detention

The law provides that only judges may issue detention and search warrants, and the government generally respected this in practice. The law requires authorities to inform detainees at the time of arrest of the charges against them and their legal rights, including that they have the right to remain silent, and the right to an attorney. Police must notify detainees of their rights in a language they understand before obtaining a statement. Detainees must be brought before a court within 24 hours of arrest. Authorities generally respected these requirements in practice. The law provides for pretrial release at the discretion of the court. A bail system also exists but was seldom used in practice. Detainees have the right to counsel and in most cases had prompt access to a lawyer of their choice. Indigent detainees were provided legal counsel at public expense. The arresting officer is also responsible for contacting the detainee's lawyer or, alternatively, the local bar association to arrange for a lawyer. The detainee has the right to meet privately with counsel before the first police interview. The lawyer may be present during the interview or interrogation. Detainees also had prompt access to their families.

The law allows police to take into custody, without a warrant, any person who endangers the public or other individuals, or disrupts public order. There were allegations that police often used this provision to hold persons for up to 24 hours. Since those held in such cases were not formally detained or arrested, authorities considered that their right to counsel did not apply. APADOR-CH criticized this provision as leaving room for abuse.

Pretrial Detention: A judge may order pretrial detention for periods of up to 30 days, depending on the status of the case. While a court may extend this period in 30-day increments, total pretrial detention may not exceed 180 days. Courts and prosecutors may be held liable for unjustifiable, illegal, or abusive measures.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence. In January amendments took effect that parliament adopted in December 2011 to strengthen judicial accountability and liability and grant more independence to the Judicial Inspection, the disciplinary investigative unit under the Superior Council of Magistrate (CSM), the judiciary's self-governing body. The CSM ruled that a series of public statements by senior politicians and government members, particularly in the summer, constituted an attack on judicial independence and credibility and amounted to pressure on

members of the judiciary. The same law allows the minister of justice or the prosecutor general to initiate disciplinary actions against judges and prosecutors; the CSM asserted that the measure increased the potential for political pressure on the judiciary.

In July the Ministry of Justice initiated disciplinary action against five judges who had issued a final conviction with jail time for a former prime minister, but discontinued the proceedings after media protests. While the High Court of Cassation and Justice (ICJ) became more proactive, there was a lack of public confidence that judges were fair, unbiased, and not subject to outside political or financial influence.

In July the European Commission published its annual report on the Cooperation and Verification Mechanism (CVM) for judicial reform and anticorruption in the country. The report stated that further work is required to complete the reform initiated by the drafting of new substantive and procedural codes. The report noted some progress in unifying jurisprudence. However it noted that, “although inconsistent jurisprudence is recognized as a major vulnerability by the Romanian authorities, there has been little attempt to map this vulnerability.”

NGOs and public officials frequently criticized the judicial system during the year. The CSM generally maintained the transparency of its operations and acted more promptly to suspend judges and prosecutors under suspicion of legal violations, including one of its own members. The speed of high-level corruption trials increased.

Trial Procedures

The constitution and the law provide a presumption of innocence until a final judgment by a court. Under the law, defendants have the right to be informed promptly and in detail of the charges against them and the right to free linguistic interpretation if necessary. Trials are open to the public. The law does not provide for trial by jury. Defendants have the right to be present at trial. The law provides for the right to counsel and the right to consult an attorney in a timely manner. The law requires that the government provide an attorney to juveniles in criminal cases; in practice, the Ministry of Justice paid local bar associations to provide attorneys to indigent clients. Defendants may confront or question witnesses against them, present witnesses and evidence on their own behalf, and have a court-appointed interpreter. Defendants and their attorneys have the right of access to all

prosecution evidence relevant to their cases. Both prosecutors and defendants have a right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Civil courts were independent and functioned in every jurisdiction. Judicial and administrative remedies were available to individuals and organizations for violations of human rights by government agencies. Plaintiffs may appeal adverse judgments involving alleged violations of human rights by the state to the European Court of Human Rights (ECHR) after they have exhausted the avenues of appeal in the domestic courts.

Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcing court orders were impractical and caused delays.

Regional Human Rights Court Decisions

During the year the ECHR issued numerous judgments against the government for violations of one or more rights under the European Convention on Human Rights. According to the European Commission's annual report on the CVM, "statistics of the ECHR show that Romania counts the second highest number of ECHR judgments among any EU Member State which are pending execution. A large number of these judgments concern difficulties with civil enforcement, the excessive length of civil proceedings, the absence of an effective remedy, and ineffective criminal investigations."

Property Restitution

Under the law, claims for property seized by the Communist-era government had to be filed with the National Restitution Agency in 2001-03. Of the 202,267 claims filed for restitution of buildings, the agency considered 123,122 (2,383 in 2011) to have been resolved as of the end of August 2011. Of the claims resolved, 44,697 were rejected; 52,426 qualified for restitution with equivalent property; 5,609 resulted in restitution in kind and compensation; 286 qualified for combined measures (i.e., restitution in kind plus compensation with other assets); 1,001 qualified for allocation of other assets and compensation; 1,893 qualified for

compensation with other assets or services; and 17,210 were resolved by return of the properties in their current condition. Under the law, houses that tenants bought in good faith cannot be restituted in kind, and the rightful owners are entitled to receive only compensation for their property. The government extended until May 15, 2013, a government decision to suspend cash payments to claimants for two years. Claimants are still eligible to receive stock in the government's publicly listed property restitution fund, although the government's shares in the property restitution fund were exhausted.

In 2011 the ECHR ruled that the government should amend the restitution legislation by July 12 to render it effective; however, the government requested and received from the ECHR a nine-month extension of the deadline. Meanwhile, the restitution process was at a standstill.

Organizations representing restitution claimants continued to assert that inertia at the local level hindered the process. In many cases local government officials delayed or refused to provide necessary documents requested by claimants. They also refused to return properties in which county or municipal governments had an interest.

There were numerous disputes over churches the Orthodox Church did not return to the Greek Catholic Church in violation of valid court orders to do so.

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

The constitution and the law prohibit such actions. However, there were credible reports that authorities engaged in electronic eavesdropping in violation of these prohibitions.

The law permits the use of electronic eavesdropping in both criminal and national security cases. Under the criminal code the investigating prosecutor must first obtain a warrant from a judge. In exceptional circumstances, when delays in getting the warrant would seriously affect a criminal investigation, prosecutors may begin interception without a judicial warrant, but they must then submit a request within 48 hours for retroactive authorization. When there is a threat to national security, the national security law permits prosecutors to 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. Some human rights NGOs noted the contradiction between the two laws with regard to the requirement for judicial approval of wiretaps.

On March 30, the ICCJ rejected an appeal by the SRI of a December 2011 Bucharest court ruling to enforce a final ruling made in February 2011 in a lawsuit by businessman Dinu Patriciu against the SRI for illegally tapping his telephones. The court ordered the SRI to pay Patriciu 50,000 lei (\$14,885) in damages.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, a largely independent judiciary, and a functioning democratic political system combined to ensure freedom of speech and press. Journalists and private citizens could criticize government authorities, including those at senior levels. However, several journalists and members of NGOs received death and other threats from unknown sources during political turmoil connected with the referendum on removal of the country's president.

Freedom of Speech: Laws restricting freedom of speech continued to cause concern among the media and NGOs. Insulting the state insignia (the coat of arms, national flag, or national anthem) is an offense punishable by imprisonment. Government coalition parliamentarians filed a criminal complaint against 15 opposition parliamentarians for defaming the country in their statements on the political crisis.

The law forbids acts of “religious defamation” and “public offense to religious symbols.” The law also prohibits public denial of the Holocaust; bans fascist, racist, and xenophobic organizations and symbols; forbids the celebration or commemoration of individuals who commit crimes against peace and mankind; and forbids the promotion of fascist, racist, and xenophobic ideologies.

Freedom of Press: While the independent media were active and expressed a wide variety of views without overt restriction, politicians and persons with close ties to politicians and political groups either owned or indirectly controlled numerous media outlets at the national and local levels. The news and editorial tone of these outlets frequently reflected the views of the owners. There were also allegations that owners suppressed stories at odds with their interests or threatened the authors of such stories.

Violence and Harassment: During the year there were instances of public officials and politicians insulting or harassing journalists.

In July Senator Dan Sova of the Social Democratic Party (PSD) pressured Radio Romania to withdraw correspondent Carmen Valica from Brussels, claiming she had misinformed EU Justice Commissioner Vivian Reding about the turbulent political situation in Romania through the questions she allegedly posed in an interview. Member of the European Parliament Norica Nicolai also threatened to take measures against state-controlled Radio Romania if it kept Valica on the job in Brussels. Several NGOs asked for Sova's resignation. Addressing the case, a European Commission spokesperson stated that the commission had no tolerance for any attempt to sanction journalists for free and independent reporting on events in Brussels. Similar pressure was exerted against other Romanian and foreign correspondents working for international outlets such as *El Pais*, the *Economist*, CNN, RFI, the *New York Times* (blog), Deutsche Welle, and *Le Monde*.

Libel Laws/National Security: In August government officials and media outlets associated with the governing coalition accused certain journalists of undermining the country's image abroad. Reporters without Borders and the Active Watch Media Monitoring Agency stated that "trying to scapegoat Romanian or foreign journalists for the current political turmoil is unacceptable. We fear that this sickening climate will deal a major setback to freedom of information."

Nongovernmental Impact: During the political crisis several journalists and NGOs, including the Group of Social Dialogue, Expert Forum and the Romanian Academic Society covering political and judicial developments, received death threats or were harassed by unknown perpetrators.

On July 11, after she published transcripts of remarks of prosecutors on the Superior Council of Magistrates regarding negotiations on key judicial positions with officials in the ruling Social Liberal Union (USL), Ondine Ghergut, head of newspaper *Romania Libera*'s investigative department, was told by an unknown caller, "you went against us...you'll be buried."

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. According to International Telecommunication Union statistics, approximately 46 percent of the country's population used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on cultural events. There were, however, instances of government restrictions on academic freedom.

On June 18, Interior Minister Ioan Rus dismissed the head of the National Archives, Dorin Dobrinu, without explanation. Dobrinu had allowed outside researchers unrestricted access to Communist Party and Communist Party Central Committee archives. Following his dismissal, historical researchers claimed that access to the archives was more limited and that the archives were open fewer hours for the public.

On June 29, acting education minister Liviu Pop dismissed members of the National Council for Verification of University Titles and Diplomas, increased the number of council members from 20 to 45, and added PSD members and supporters of the USL alliance. Critics alleged that the move was taken to suppress allegations that Prime Minister Ponta had plagiarized parts of his Ph.D. dissertation.

Several employees of the Institute for Investigating Communist Crimes issued a public letter in December addressed to the institute's management claiming they were threatened by the organization's new leaders, specifically that Division Chief Marius Oprea had issued death threats. They accused Executive Manager Andrei Dan Muraru of repeatedly shouting at employees, issuing threats, and ordering investigations at random that had no connection with current projects. The historians criticized the new management for not including police officers and prosecutors in the institute's structure, as had been previously decided, and claimed investigations of Communist crimes had become marginalized with employees forced to do additional, absurd bureaucratic work.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. The law provides that unarmed citizens may assemble peacefully but also stipulates that meetings must not interfere with other economic or social activities and may not be held near such locations 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 gathering would occur. The government generally approved requests for permits.

Freedom of Association

The constitution and the law provide for freedom of association, and the government generally respected this right in practice. However, the law prohibits fascist, communist, racist, or xenophobic ideologies, organizations, 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.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law on asylum, based on EU legislation, prohibits the expulsion, extradition, or forced return of any asylum seeker at the country's border or from within the country's territory but does not extend these protections to aliens and stateless persons who planned, facilitated, or participated in terrorist activities as defined by international instruments to which the country is a party. In 2011 amended legislation on the status of foreigners in the country brought the law into line with the EU's Schengen rules and the Dublin II regulation. The new legislation brought about positive changes, such as the release of foreigners who apply for asylum while in detention, allowing their claims to be pursued fairly; communication of

the removal decision to foreigners in a language they understand; and the provision of alternatives to detention. Of concern to the UNHCR is that provisions regarding the removal of unaccompanied minors do not make specific reference to the best interest of the child and the extension of the maximum period of detention from six to 18 months.

The government runs a 100-bed reception center in Giurgiu, a 320-bed center in Bucharest, a 250-bed center in Galati, a 100-bed center in Somcuta Mare, and a 100-bed center in Radauti. The UNHCR partners with the government to operate a 250-bed emergency transit center in Timisoara.

Safe Country of Origin/Transit: The law provides for the concept of safe countries of origin, and asylum seekers coming from such countries have their asylum applications processed in an accelerated procedure. EU member states are considered safe countries of origin, as are other countries specified by an order of the minister of interior proposed by the National Office for Refugees. Criteria defining safe countries of origin are the number of asylum applicants granted protection; observance of human rights; observance of democratic principles, political pluralism, and free elections; and the existence of operational democratic institutions to monitor human rights. However, according to the UNHCR, there were no reports of rejection of asylum applications based on these provisions.

Refoulement: The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened based on their race, religion, nationality, membership in a particular social group, or political opinion.

Access to Basic Services: While conditions improved somewhat from prior years, according to the UNHCR refugees still faced integration difficulties accessing public housing, vocational training adapted to their specific needs, counseling programs, and information for citizenship interviews. The 2011 amended legislation provided for access to the labor market for foreigners with “tolerated person” status. As a result, the aliens tolerated in the country, most of them rejected asylum seekers, have the right to work, but only for one year after the asylum application was submitted. It was difficult for asylum seekers to find a job because of the limited validity of their identification documents, which lacked the national registration number necessary for employment; poor language abilities; lack of marketable skills; and ignorance of employers regarding the legal basis for hiring asylum seekers. The asylum seekers’ right to work is limited only at their first application. The social, psychological, and medical assistance (especially for

victims of trauma and torture) for asylum seekers is still insufficient. The UNHCR expressed concern about the quality of reception conditions because of insufficient material assistance, lack of specialized services for vulnerable groups, the state of the economy, the scarcity of employment opportunities in areas where reception centers are located, and limited options for meaningful activities such as language classes, relevant cultural orientation sessions, and skills training.

Durable Solutions: A government decision stipulates the relocation of 20 persons per year in 2012 and 2013.

Stateless persons

The UNHCR has recommended that the country amend its citizenship law to bring it in line with international standards regarding the reduction of cases of statelessness. However, the law does include favorable provisions for stateless persons of Romanian origin to reacquire the Romanian citizenship. The law provides that a child born in the territory of Romania to stateless parents does not acquire Romanian citizenship but is considered a stateless child.

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 generally fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: On July 6, the parliament suspended the president, triggering a recall referendum on July 29. Although an overwhelming majority of those participating in the referendum voted to recall the president, the turnout reached only 46.24 percent of eligible voters, below the required turnout threshold of 50 percent plus one. On August 21, the Constitutional Court invalidated the referendum because the turnout threshold had not been met and ordered the president to resume his office. In August prosecutors opened investigations of electoral fraud, including allegations that officials of the governing parties had used bribery, multiple voting, and ballot-box stuffing to increase the turnout artificially. National Anticorruption Directorate (DNA) Chief Daniel Morar stated in a September interview that up to 15 percent of the votes may have been fraudulent. On October 29, the prosecutor general announced 67 criminal

investigations against polling site supervisors, 18 investigations against NGO members who were also political party members, and six investigations of forgery of signatures. There were also allegations that members of the pro-presidential opposition party in some cases physically prevented citizens from exercising their right to vote in an attempt to suppress turnout.

On December 9, the country held national parliamentary elections, which had some irregularities but were judged generally free and fair. The USL, an alliance between the Social Democratic Party (PSD), the National Liberal Party (PNL), the Conservative Party (PC), and National Union for Romania's Progress, won 58.63 percent of the popular vote, 273 seats in the 412-seat Chamber of Deputies, and 122 seats in the 176-seat Senate. The right-of-center Right Romania Alliance, made up of former governing Liberal Democratic Party and two other smaller parties, won 16.51 percent of the popular vote, or 56 seats in the Chamber of Deputies and 24 seats in the Senate. Another stand-alone party that made the 5 percent electoral threshold was the People's Party--Dan Diaconescu, which won 13.99 percent of the popular vote, 47 seats in the chamber, and 21 seats in the Senate. The Democratic Union of Hungarians in Romania also acquired parliamentary representation after winning 5.14 percent of the popular vote, 18 seats in the chamber, and nine seats in the Senate. No other party won more than 5 percent of the vote as required by law to enter parliament. Following the elections the parties that make up the USL formed a coalition government. President Basescu nominated Victor Ponta, the PSD chairperson, as prime minister. Ponta and his cabinet of ministers eventually won the confidence of parliament in a joint vote of its two chambers on December 21.

Anomalies of the current electoral system, adopted in 2008, led to the creation of an extra 118 seats as a result of the December 9 elections. Although there were only 315 uninominal electoral districts for the Chamber of Deputies and 137 for the Senate, the total number of legislators actually elected was much higher. In the first instance, any candidate with an absolute majority of votes in a given district won that seat. However, once the proportion of votes has been determined, the electoral system then allocates additional seats to candidates of the other parties qualifying for parliament, based on results at both the district level and nationwide. As a result, some uninominal districts were represented by three MPs. After the elections, both media commentators and government officials criticized the electoral system for this unexpected outcome, and a number of senior officials pledged to change the law at the earliest opportunity.

Political Parties: 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. Among these 25,000 “founding members” must be individuals from at least 18 counties, including Bucharest, with a minimum of 700 persons from each county. The party’s statutes and program must not include ideas that incite war; discrimination; hatred of a national, racist, or religious nature; or territorial separatism.

Organizations representing ethnic minorities may also field candidates in elections. If the minorities in question are “national minorities,” defined as those ethnic groups represented in the Council of National Minorities, their organizations must meet requirements similar to those for political parties. For organizations representing minorities not represented in parliament, the law sets more stringent requirements than those for minority groups already represented in parliament. They must provide the Central Electoral Bureau with a list of members equal to at least 15 percent of the total number of persons belonging to that ethnic group as determined by the most recent census. If 15 percent of the ethnic group amounts to more than 20,000 persons, the organization must submit a list with at least 20,000 names distributed among a minimum of 15 counties plus the city of Bucharest, with no fewer than 300 persons from each county.

Participation of Women and Minorities: While the law does not restrict women’s participation in government or politics, societal attitudes presented a significant barrier. There were 55 women in the 412-seat Chamber of Deputies and 12 women in the 176-seat Senate. At the end of the year, there were six women in the 28-member cabinet and four female prefects (governors appointed by the central government) for the 42 counties.

Under the constitution each recognized ethnic minority is entitled to have one representative in the Chamber of Deputies, even if the minority’s organization cannot obtain the 5 percent of the vote needed to elect a deputy outright. However, this entitlement is qualified by the requirement that the organization receive votes equal to 10 percent of the nationwide average number of votes necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision in the 2012 elections. There were 45 minority members in the 588-seat parliament, nine in the Senate and 36 in the Chamber of Deputies.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania umbrella party, were the sole ethnic minority to gain parliamentary

representation by passing the 5-percent threshold. Only one Romani organization, the Roma Party-Pro Europe, was represented in the parliament with one member. Low Romani voter turnout likely resulted from a lack of awareness, inability to demonstrate an established domicile, and/or lack of identity documents.

Section 4. Official Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, largely because of problems within the judicial branch, and officials sometimes engaged in corrupt practices with impunity. The World Bank's corruption indicators highlighted corruption as a problem. In 2007, as part of the country's agreement on accession to the EU, the European Commission established the CVM to monitor the country's progress in reforming the judicial branch and fighting corruption. In March the government adopted a National Anti-Corruption Strategy for the period 2012-15. In June the parliament committed to implementing relevant portions of the strategy, including passing legislation to amend the rules on parliamentary immunity and create more transparent campaign financing rules.

The DNA continued its investigation of medium- and high-level corruption cases at a steady pace throughout the year. Of the 803 individuals sent to trial, there were seven senior public officials, 93 managers in public agencies, 131 civil servants, 10 magistrates, 198 businesspeople, 163 others, and 203 unemployed. They included political, judicial, and administrative officials. Ultimately, courts handed down convictions that represented a 149.3 percent increase over the number of defendants convicted in 2011.

The ICCJ significantly increased the pace of high-level corruption trials compared to previous years. Verdicts in corruption offenses were often inconsistent. In June the ICCJ rejected the final appeal of a former prime minister convicted of corruption and sentenced to two years in jail. In September the ICCJ acquitted the same official in a different case. In September the parliament rejected the DNA's request to lift the parliamentary immunity of two former ministers to allow criminal investigations into their affairs. In November an MP resigned his seat after having been the first member caught in the act of receiving a bribe. The DNA subsequently requested that parliament lift his immunity. In December the parliament rejected the DNA's request to approve lifting of another member's immunity to allow for preventive arrest. The member was re-elected in the December parliamentary elections. In July the DNA opened an investigation against an ICCJ judge on charges of aiding and abetting a criminal. In October the

ICCJ sentenced one of its own judges to four years in prison on charges of influence peddling.

Police corruption contributed to citizens' lack of respect for the police and a corresponding disregard for police authority. Low salaries and the absence of incentives and bonuses led to personnel shortages and contributed to the susceptibility of individual law enforcement officials to bribery. Instances of high-level corruption were referred to the Directorate General for Anticorruption within the Ministry of Internal Affairs, which continued to publicize its anticorruption telephone hotline to generate prosecutorial leads for corruption within the police force. Cooperation between the Directorate General for Anticorruption and other law enforcers, primarily the DNA, resulted in the initiation of criminal investigations in 576 criminal cases, an 18 percent increase over the previous year.

Conflicts of interest, respect for standards of ethical conduct, and integrity in public office in general remained a concern for all three branches of government. In June a minister resigned after there was found to be conflict of interest between his cabinet position and another government appointment he held concurrently. Individual executive agencies were slow in enforcing sanctions for such cases, and agencies' own inspection bodies were generally inactive. In September parliament voted to dismiss a member the ICCJ and the National Integrity Agency had found guilty of conflict of interest. However, in October parliament voted against dismissing another member; after the Constitutional Court upheld the ICCJ final ruling, the member resigned in December. In November the National Integrity Agency found that three ministers and a state secretary were "incompatible" (they also concurrently held other positions that were in conflict with their public offices).

The law empowers the National Integrity Agency to administer and audit financial disclosure statements for all public officials and to monitor conflicts of interest. The law stipulates that the National Integrity Agency can identify "significant discrepancies" amounting to more than 10,000 euros, (\$13,214) between an official's income and his assets and allows for the seizure and forfeiture of these "unjustified assets." The mechanism for confiscation of "unjustified assets" was cumbersome.

The law provides for public access to government information related to official decision making. However, human rights NGOs and the media reported that the law was inadequately and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. Many agencies did not make

public the annual performance reports required by law. NGOs and journalists continued to sue regularly in court to gain access to official government information. A report released in December by the local Soros Foundation that monitors how the government implemented the national action plan for the Open Government Partnership, to which Romania committed in April, found that more than half of the 40 public agencies' sites that the foundation monitored did not provide complete and updated information, were hard to track by ordinary users, did not provide electronic services, and did not publish the list of public-interest information.

Although the intelligence services transferred the majority of the files of the Communist-era Securitate intelligence service to the National College for the Study of the Securitate Archives, the powers of the college remained limited because the law does not permit it to issue binding verdicts on individuals' past record as Securitate collaborators. The Institute for Investigating Communist Crimes and the Memory of the Romanian Exile, however, was given the power to initiate criminal investigations for Communist era crimes discovered through its research.

Section 5. 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 generally were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Ombudsman had limited power and no authority to protect citizens' constitutional rights in cases requiring judicial action. The office handled 5,969 complaints during the first six months of the year.

The CNCD is an independent governmental agency under parliamentary control. During the year the CNCD handled 706 public complaints of discrimination, of which 48 involved alleged discrimination on the basis of nationality, nine based on sexual orientation, and 11 on religious grounds. The CNCD received 98 complaints regarding discrimination against Roma. Romani CRISS criticized the CNCD's delays in ruling on some of its complaints.

The CNCD operated with the government's cooperation and, for the most part, without government or party interference. In July the government replaced the ombudsman, a move observers criticized as unjust. Neither the CNCD nor the Office of the Ombudsman received adequate resources, although both enjoyed public trust. The CNCD was generally regarded as effective, while most observers regarded the Office of the Ombudsman as less so. Both the CNCD and the Ombudsman's Office issued yearly activity reports.

Each chamber of the parliament has a human rights committee. Their task is to draft reports on bills that pertain to human rights. The members of these committees usually expressed the views of their political parties, rather than addressing the issues objectively.

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

The law forbids discrimination based on race, gender, disability, ethnicity, nationality, language, religion, social status, beliefs, sexual orientation, age, non-contagious chronic disease, HIV infection, or belonging to an underprivileged category. However, the government did not enforce these prohibitions effectively, and women, as well as Roma and other minorities, often were subjected to discrimination and violence.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal. The successful prosecution of rape cases was difficult because the law requires a medical certificate in rape cases and, as in all criminal cases, requires either the active cooperation of the victim or a third-party witness to the crime. Police and prosecutors cannot pursue a case on their own, even with independent physical evidence. As a result, a rapist could avoid punishment if the victim withdrew the complaint.

The law provides for three to 10 years' imprisonment for rape; the sentence increases to five to 18 years if there are aggravated circumstances. According to police statistics, during the first 11 months of the year, there were 697 reported cases of rape and 440 persons were sent to trial for this offense.

Violence against women, including spousal abuse, continued to be a serious problem, according to NGOs and other sources. The government did not effectively address it. The law prohibits domestic violence and allows police

intervention in such cases. Amendments to the domestic violence law adopted in March provide for the issuance of restraining orders upon the victim's request and for the payment by the abuser of some expenses, such as medical and trial expenses, or the cost of the victim's accommodation in a shelter. While the criminal code imposes stronger sanctions for violent offenses committed against family members than for similar offenses committed against others, the courts prosecuted very few cases of domestic abuse. Many cases were resolved before or during trial when alleged victims dropped their charges or reconciled with the alleged abusers. In cases with strong evidence of physical abuse, the court can prohibit the abusive spouse from returning home. The law also permits police to penalize spouses with fines of 100 lei to 3,000 lei (\$26.70 to \$893) for various abusive acts. During the year 1,857 persons reported being victims of domestic violence, and 440 persons were sent to trial for domestic violence.

At the end of the year, 59 government and privately run shelters for victims of abuse provided free accommodation and food, assistance, and counseling; 23 other centers provided support and counseling. The centers were too few and unevenly distributed, and some parts of the country lacked any kind of assistance. During the year the Directorate for Child Protection (DPC) in the Ministry of Labor, Family, and Social Protection, in partnership with NGOs, implemented programs to prevent and curb domestic violence and to provide better conditions for domestic violence victims.

Sexual Harassment: The law prohibits sexual harassment. Penalties vary significantly depending on whether the act is criminal or not and range from fines between 400 lei and 8,000 lei (\$119 and \$2,381) to imprisonment for three months to two years. Although the problem existed, public awareness of it continued to be low. No effective programs existed to educate the public about sexual harassment.

Reproductive Rights: Couples and individuals had the right to decide on the number, spacing, and timing of children and had the information and means to do so free from discrimination. The law provides for the right to information, education, and services for family planning without any discrimination, as well as the right to access modern family planning methods. The Ministry of Health provided free contraceptives to many women, including rural residents, students, and the unemployed. Some women, especially Roma, had difficulty accessing reproductive health services for various reasons including lack of information, ethnic discrimination, lack of health insurance, and poverty. NGOs noted the absence of national strategies regarding sexual and reproductive health and rights, the lack of sexual education in schools, and the high number of teen pregnancies.

Discrimination: Under the law women and men enjoy equal rights, including under family law, property law, and in the judicial system. In practice the government did not enforce these provisions, and authorities did not devote significant attention or resources to women's problems. Women occupied few influential positions in the private sector, and differences between the salaries of women and men continued to exist in most sectors of the economy. According to Eurostat, the salary gap between men and women was 12.5 percent in 2010.

While the law provides female employees reentering the workforce after maternity leave the right to return to their previous or a similar job, pregnant women could still suffer unacknowledged discrimination in the labor market.

Children

Birth registration: Citizenship is derived by birth from at least one citizen parent. Although birth registration is mandatory under the law, it was not universal, and some children were denied public services as a result. The most common reason that children were not registered at birth was that parents did not declare the child's birth to authorities, sometimes because the parents lacked identity documents or residence papers, or because the birth took place abroad in countries where parents were present illegally. Most such children had access to schools, and authorities assisted in obtaining birth documents for unregistered children. However, the education of unregistered children depended on the decision of school authorities. Undocumented children also faced difficulties in gaining access to health care. This was a particular problem within the Roma population, but also occurred in other communities.

Education: There were reports that Romani children were effectively segregated from non-Romani students and subject to discriminatory treatment (see section 6, National/Racial/Ethnic Minorities).

Child Abuse: Child abuse and neglect continued to be serious problems, and public awareness remained poor. The media reported several severe cases of abuse or neglect in family homes, foster care, and child welfare institutions. According to the DPC, during the first six months of the year, child welfare services identified 5,665 cases of child abuse, of which 570 involved physical abuse; 716 emotional abuse; 292 sexual abuse; 63 work exploitation; 24 sexual exploitation; 40 exploitation to commit criminal offenses; and 3,960 neglect. Of the reported cases, 2,732 were boys and 2,933 were girls. Most cases of abuse occurred in the family.

The government has not established a mechanism to identify and treat abused and neglected children and their families.

Child Marriage: The legal age of marriage is 18, although girls as young as 15 may legally marry in certain circumstances. Illegal child marriage was reportedly common within certain social groups, particularly the Roma. There were no statistical data regarding the extent of the practice, although the media occasionally reported on individual cases. There were no public policies to prevent child marriages or government institutions that dealt with the problem. In July the Euroregional Center for Public Initiatives (ECPI), the Pro-Europe League, and Romani CRISS sent a memorandum to the UN Commission on the Status of Women drawing attention to child marriages as a form of violence toward women and children in the country.

Sexual Exploitation of Children: The criminal code stipulates three- to 10-year prison sentences for sexual acts with minors under 15 years of age, the age of consent. The display, selling, dissemination, renting, distribution, and production of child pornography is punishable by five to 10 years in prison and, if coercion is used, by 15 to 20 years in prison.

Displaced Children: According to the Directorate for the Protection of Children, at the end of September there were 900 homeless children nationwide. NGOs working with homeless children believed there were actually two or three times that number.

Institutionalized Children: According to the Ministry of Labor, Family, and Social Protection, there were 63,847 children in the special protection system at the end of September. Of them 39,212 were in professional foster care, 1,878 in alternative care (with guardian), and 22,757 in public or private residential care.

There were also reports that some personnel in state institutions mistreated abandoned children with physical disabilities and subjected children in state orphanages to lengthy incarceration as punishment for misbehavior.

In the first nine months of the year, according to official statistics, parents abandoned 1,107 children in maternity wards or other hospitals. NGOs claimed that the official statistics underestimated the problem, and that many children living in state institutions were never officially recognized as abandoned.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual report on compliance at www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

According to the 2002 census, the Jewish population numbered 5,785. Acts of anti-Semitism occurred.

The law prohibits public denial of the Holocaust and includes the oppression of Roma as well as Jews in its definition of Holocaust. There were no prosecutions under the statute during the year.

Extremist organizations occasionally held high-profile public events with anti-Semitic themes and sponsored events, including religious services, symposia, and marches, commemorating leaders of the pre-World War II fascist Legionnaire Movement. Such events took place in Targu Ocna, Padurea Verde, in Timis county, and near Tancabesti forest, in Ilfov county.

The NGO Center for Monitoring Anti-Semitism in Romania (MCA Romania) repeatedly warned that anti-Semitic, racist, xenophobic, and nationalistic views were distributed via the Internet. In January Mircea Munteanu, a director in the prefect's office of Mures County, wrote *Arbeit macht frei* ("work makes [you] free"), the Nazi slogan at the entrance to the Auschwitz concentration camp, on his Facebook page. The CNCD opened an investigation and on February 22, decided that the act represented discrimination and fined the director 1,000 lei (\$297).

On March 5, PSD spokesperson Sova stated during a television program that "no Jew suffered on Romanian territory thanks to Marshal Antonescu" (Romania's pro-Nazi leader during World War II). He further stated that "historical data indicate that a total of 24 Jews were killed during the Iasi pogrom by the German army." The Elie Wiesel Institute for the Study of the Holocaust in Romania (Wiesel Institute) and the government counted 14,850 Jews killed during the Iasi pogrom. The Romanian and international Jewish community, MCA Romania, the Wiesel Institute, and Romani CRISS expressed indignation at Sova's statements. MCA Romania and Romani CRISS filed a criminal complaint against Sova with the Prosecutor's Office, arguing that his statements violated the law forbidding Holocaust denial.

PSD chairman Victor Ponta fired Sova as party spokesman and publicly ordered him to travel to the United States and meet with the US Holocaust Memorial Museum staff for “re-education.” The Wiesel Institute and relevant NGOs subsequently praised Sova for his public self-criticism and multiple public renunciations of his original statement upon his return from Washington. In addition to that, Sova endorsed and sponsored new legislation to strengthen anti-discrimination laws and to improve Holocaust education.

On August 6, Sova was appointed to the position of minister for parliamentary affairs, triggering a new wave of domestic and international criticism. Sova again apologized publicly for his original statements, stated that he was aware of the historical information confirming the Holocaust in Romania, and promised that he would actively promote stricter legislation against racism and anti-Semitism.

In April the Wiesel Institute complained about a memorial to former Legionnaire leader Corneliu Zelea Codreanu, located on a national highway near Buftea. On July 11, the Buftea prosecutor’s office decided the memorial did not violate the law.

In May the Wiesel Institute asked the Prosecutor General’s Office to consider banning the All for the Country party because of its fascist-type doctrine and its use of symbols originating from the fascist, xenophobic, and racist Legionnaire Movement.

In November Holocaust denier Ion Coja posted on his blog an anti-Semitic attack against MCA director Marco Maximilian Katz and another NGO leader who had called for the shutdown of certain Web sites disseminating fascist and anti-Semitic propaganda.

Media, embassy officials, and independent observers reported several cases of graffiti with swastikas on the walls of buildings in Bucharest.

MCA Romania criticized authorities for downplaying anti-Semitic vandalism by often attributing the acts to children, drunks, or persons with mental disorders. The NGO asserted police investigations of such acts were not thorough and criticized the lack of prosecutions that might deter future acts.

The extremist press published anti-Semitic articles. The New Right movement and similar organizations and associations promoted in the media and on the Internet

the ideas of the Iron Guard (an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country during the interwar period). Organizations with extreme right-wing views also republished inflammatory books from the interwar period.

Publications of the Greater Romania Party, headed by Corneliu Vadim Tudor, continued to carry periodic statements and articles containing strong anti-Semitic attacks, such as articles by notorious Holocaust deniers or about the Jewish-Masonic conspiracy.

The government made progress in its effort to expand education on the history of the Holocaust in the country. Holocaust history was included in the seventh, ninth, 11th, and 12th grades. The Wiesel Institute was quite active in educating the general public and training teachers. High-level officials made public statements against extremism, anti-Semitism, xenophobia, and Holocaust denial. The government and the Wiesel Institute organized training courses regarding the teaching of the Holocaust, as well as seminars on this topic.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation (without specifying air travel), access to health care, and the provision of other services. However, the government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice the country had few facilities specifically designed to accommodate persons with disabilities, and persons with disabilities could have extreme difficulty navigating city streets or gaining access to public buildings. However, the number of buildings with facilities for persons with disabilities increased during the year. In addition, the National Library was the first public institution to receive a disability access certificate in December.

The Directorate General for the Protection of Handicapped People in the Ministry of Labor, Family, and Social Protection coordinates at the central level the

activities of special protection and advocacy for the rights of persons with disabilities, drafts policies, strategies, and standards in field of rights of persons with disabilities, and follows the implementation of regulations.

There were no restrictions on the right of persons with disabilities to vote or participate in civic affairs.

According to the Ministry of Labor, Family, and Social Protection, 692,390 persons with disabilities were registered at the end of September, of whom only 28,310 were employed. According to an EU-funded survey, published in March by the government in partnership with several NGOs, 87 percent of respondents viewed discrimination as one of the major problems faced by people with disabilities.

At the end of June there were 71,851 children with disabilities registered with the DPC. Of them 20,396 attended mainstream education schools, 10,667 special education schools, 3,913 integrated special education schools, and 934 attended other forms of education programs.

According to reports in previous years by the Center for Legal Resources, a human rights NGO, the procedures for commitment, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms. According to a report drafted by the EU's Agency for Fundamental Rights (FRA), publicized in June, only 1 percent of the persons with mental disabilities had employment.

In many cases persons with disabilities faced institutional and societal discrimination. The FRA report also indicated that persons with mental disabilities in institutional settings, in particular children, were subject to various forms of bullying, harassment, and abuse.

Some minors were sent to psychiatric hospitals without the consent of their legal guardians. According to human rights NGOs, there was no system to ensure that government-run care institutions observed the rights of children with mental disabilities.

An FRA report on involuntary placement and treatment of persons with mental disabilities revealed that, despite the provisions of the law, most respondents stated that their opinion was not taken into consideration, and they were not asked to give their consent for admission and did not receive information about the procedure.

The medical staff did not “distinguish between consent to admission and consent to drug treatment,” and they were not informed of their “right to request a second medical opinion.”

National/Racial/Ethnic Minorities

Discrimination against Roma continued to be a major problem. Romani groups complained that police brutality, including beatings, and harassment were routine. Both domestic and international media and observers widely reported societal discrimination against Roma.

Observers estimated that there were between 1.8 and 2.5 million Roma in the country, constituting approximately 10 percent of the total population. However, the preliminary results of the most recent official census, taken in fall 2011, counted 619,000 Roma, or 3.2 percent of the population.

Stereotypes and discriminatory language regarding Roma were widespread. Journalists and several senior government officials made statements that were viewed as discriminatory by members of the Romani community; the CNCD fined some individuals as a result. Anti-Roma banners, chants, and songs, particularly at large televised sporting events, were prevalent and widespread.

According to media reports, evictions of Roma continued in Baia Mare, Bucharest, Sibiu, Constanta, Craiova, and other localities during the year.

On May 11 and June 1, during the local election campaign, the mayor of Baia Mare, Catalin Chereches, moved over 90 Romani families living in improvised dwellings in the Craica neighborhood to abandoned commercial buildings belonging to the defunct Cuprom chemical factory. Shortly after the move, many of the Roma, most of them children, became ill, reportedly from the chemical substances left in the building. Romani CRISS and other NGOs wrote a letter of protest, and the European Commission and two foreign embassies criticized the move in an open letter. The mayor responded in a letter sent to central government institutions, embassies, and the media, claiming that the scandal over the forced move of the Roma families had been orchestrated by "false leaders of the Romani community" who were driven by political, ethnic, and financial interests. A report by the local prefect's office indicated that the mayor did not have the required approval to use the buildings as dwellings, an appropriate environmental certificate, or other necessary authorizations. Following a complaint filed by the National Roma Agency against Chereches, the CNCD ruled on July 25 that the

mayor's actions constituted an act of discrimination. The CNCD decided to admonish the mayor for the action, ask that he renovate the buildings, and request that he obtain the required legal permits.

Despite the CNCD's action, on September 11, Mayor Chereches started to evict Romani inhabitants from the Pirita neighborhood, demolishing approximately two thirds of the 45 improvised dwellings erected by Roma there. The mayor claimed that he only evicted those Roma who had arrived in the previous few months. Many of the homes were rebuilt soon after their demolition.

NGOs reported that Roma were denied access to, or refused service in, many public places. Roma also experienced poor access to government services, a shortage of employment opportunities, high rates of school attrition, inadequate health care, and pervasive discrimination. NGOs and the media reported that discrimination by teachers and other students against Romani students was a disincentive for Romani children to complete their studies.

Despite an order by the Ministry of Education forbidding segregation of Romani students, there were anecdotal reports of Romani children being placed in the back of classrooms, teachers ignoring Romani students, and unimpeded bullying of Romani students by other schoolchildren. In some communities authorities placed Romani students in separate classrooms or even in separate schools. On February 16, Romani CRISS and the legal representatives of two Romani students filed complaints with the CNCD and the court in Caracal against the Ionita Asan High School for segregating Roma on ethnic and social class criteria in the first grade of the primary school. In December the CNCD decided that this represented discrimination and fined the high school and the Olt County School Inspectorate 2,000 lei each (\$595) and urged the latter to desegregate the students.

Romani communities were largely excluded from administrative and legal systems. According to surveys in 2007 and 2008, the latest data available on this matter, between 1.9 and 6 percent of Roma lacked identity cards, compared to 1.5 percent of non-Roma. The lack of identity documents excluded Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. Roma were disproportionately unemployed or underemployed.

NGO observers noted Romani women faced both gender and ethnic discrimination. Romani women often lacked the training, marketable skills, or relevant work experience to participate in the formal economy.

The National Agency for Roma is tasked with coordinating public policies for Roma. Romani NGOs, however, criticized the scope of this agency's responsibilities, noting that they are too broad and often overlap with the activities of other government bodies. During the year the government implemented a limited number of programs and projects as part of its National Strategy for the Inclusion of Roma. A program initiated in January 2011 aimed at enhancing the quality and efficacy of the activity of medical mediators was completed in February. A second round of a project focusing on the training of Romani school mediators, implemented in partnership with the Council of Europe, took place in April. In partnership with NGOs, the government also continued to implement a project started in 2007 and co-funded by the European Social Fund to support 50 social economy structures developed by vulnerable groups. A further project, initiated in 2009 and focusing on the social integration of Roma in the Center Region, ended in August. Romani NGOs criticized these efforts as insufficient.

To improve relations with the Romani community, police continued to use Romani mediators to facilitate communication between Roma and the authorities and to assist in crises. Within the General Inspectorate of the Romanian Police, an advisory board is responsible for managing the relationship between police and the Romani community.

According to the preliminary results of the most recent census conducted in 2011, ethnic Hungarians are the country's largest ethnic minority with a population of approximately 1.25 million.

In the region of Moldavia, the Roman Catholic, Hungarian-speaking Csango minority continued to operate government-funded Hungarian-language classes. According to the Association of Csango Hungarians in Romania (AMCM), 1,011 students in 17 schools received Hungarian-language classes during the 2011-12 academic year. In 25 localities the AMCM sponsored daily educational activities in the Hungarian language. In some other localities, requests for Hungarian-language classes were denied.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation. However, NGOs reported that police abuse and societal discrimination against LGBT persons were common and that open hostility prevented the reporting of some harassment and

discrimination. Members of the LGBT community continued to voice concerns about discrimination in public education and the health care system.

ACCEPT, an NGO fostering LGBT rights, complained of the hostile attitude of Bucharest municipal authorities towards the diversity gay pride parade. Authorities delayed the issuance of a permit until the NGO had to pay an emergency fee for its application to be processed, repeatedly refused to meet with parade organizers, and stopped traffic for a period shorter than that of the march. Despite the difficulties, the pride parade was a successful event without violence.

On the evening of November 6, the NGO Militia Spirituala organized a public event devoted to LGBT issues. After the event, seven volunteer male and female organizers were attacked on a nearby street by 10 men, some wearing hoods. The attackers reportedly asked, "So, you want to have conferences on gay issues?" After pushing the women aside, the attackers beat the male organizers, one of whom required hospitalization.

Other Societal Violence or Discrimination

Under the law HIV-infected persons have the right to confidentiality and to adequate treatment. However, discrimination against persons with HIV/AIDS impeded access to routine medical and dental care, and authorities rarely enforced laws prohibiting this form of discrimination. Breaches of confidentiality involving individuals' HIV status were common and rarely punished.

Observers noted widespread discrimination faced by children with HIV/AIDS and authorities' failure to protect them from discrimination, abuse, and neglect. Some doctors reportedly refused to treat children and youths with HIV/AIDS. Medical personnel, school officials, and government employees did not always maintain the confidentiality of information about infected children.

More than half of HIV-infected adolescents were sexually active; they frequently experienced reduced access to facilities for reproductive health care and the prevention of HIV and sexually transmitted infections. The government provided access to antiretroviral therapy; however, stigma and discrimination against persons with HIV/AIDS frequently impeded their access to education, other medical care, government services, and employment.

According to official statistics, 11, 581 patients diagnosed with HIV and AIDS were registered as of December, with 741 new cases reported between January and

December. Societal discrimination against persons with HIV/AIDS occurred, and many persons with the disease dropped out of school due to stigmatization, discrimination, or disease. In December, on International HIV Day, the National Union of Organizations of Persons with HIV/AIDS launched a campaign to increase awareness of HIV infection.

HIV-positive women reported to ECPI that they had difficulty accessing maternal health care in maternity hospitals due to discrimination by medical personnel. They asserted they experienced degrading treatment, breaches of confidentiality, segregation, and denial of cesarean sections. The ECPI noted that the medical staffs of obstetrics and gynecology units did not appear to understand and apply the Ministry of Health's clinical guidelines for the management of pregnancy in HIV-positive women. The center received information that in some hospitals pregnant women were automatically tested for HIV prior to giving birth without informed consent and prior counseling, although HIV testing is voluntary under the law.

Promotion of Acts of Discrimination

Throughout the year government officials made statements that contributed to ethnic stereotyping of Roma (see section 6, National/Racial/Ethnic Minorities).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form and join independent labor unions without prior authorization, and workers freely exercised this right. However, employees of the Ministry of National Defense, most employees of the Ministry of Administration and Interior and Ministry of Justice, and prison and intelligence personnel did not have the right to unionize. The law allows unions to conduct their activities without interference, and the government protected this right in practice.

Although the law permits strikes by most workers, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and employers are given 48 hours' notice. Strikes are only permitted in defense of workers' economic interests, and compulsory arbitration is required after 20 days. Judges, prosecutors, some justice ministry staff, and employees of the intelligence service and the ministries of national defense and interior do not have the right to strike.

The law provides for employers and unions to negotiate collective bargaining agreements at lower levels, although these levels were not defined by year's end. The law provides no legal basis for national umbrella collective labor contracts. Employers do not need to consult with unions on such issues as granting employees leave without pay or reducing the workweek due to economic reasons.

The law protects against antiunion discrimination; however, due to extensive legal loopholes, enforcement remained minimal. Under the law, union leaders may be fired for reasons related to their professional performance as an employee.

On the enforcement side, unions also complained that they must submit their grievances to government-sponsored arbitration 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.

Unions expressed concern about excessive political influence at workplaces in public institutions. The alleged interference included appointment of managers for political reasons and instances where politically connected managers received prior information about supposedly unannounced labor inspections.

In practice the right of association was generally respected and union officials stated that registration requirements stipulated by law were complicated but generally reasonable. However, unions objected to the requirement that they submit lists of prospective union members with their registration application. Since employers also had access to this list, union officials feared that this could lead to reprisals against individual unionized employees, hindering the formation of new unions.

On January 31, the ECHR ruled that a Romanian court's refusal to register an Orthodox clergy trade union in 2008 breached the right to freedom of association and ordered the government to pay the applicant damages of 10,000 euros (\$13,214).

After media reports about and extensive investigations into the wealth accumulated by certain union leaders, two union leaders received prison sentences for corruption.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. However, there were reports that such practices occurred. Persons, primarily Romanian women and children and women and children from Moldova, Colombia, and France, were forced to engage in begging and petty theft.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for most forms of employment is 16, but children may work with the consent of parents or guardians at age 15. The law prohibits minors from working in hazardous conditions, provides a basis for the elimination of hazardous work for children, includes a list of dangerous jobs, and specifies penalties for offenders. Parents whose children carry out hazardous activities are required to attend parental education programs or counseling and can be fined between 100 and 1,000 lei (\$29.70 and \$297) for failure to do so. Persons who employ children for hazardous tasks can be fined 500 to 1,500 lei (\$148 to \$446).

Minors over the age of 15 who are enrolled in school are also prohibited from performing specified activities that might endanger their health, morality, or safety. Children under the age of 16 who work have the right to continue their education, and the law obliges employers to assist in this regard. Children age 15 to 18 may only work six hours per day and no more than 30 hours per week, provided their school attendance is not affected. In practice, however, many children reportedly did not attend school while working. Minors may not work overtime or during the night and have the right to an additional three days of annual leave.

The law requires schools to notify social services immediately if children miss class to work. Social services have the responsibility to reintegrate such children into the educational system. Due to lack of funding, the government did not conduct information campaigns to raise awareness of child labor and children's rights among children, potential employers, school officials, and the general public, as it had in previous years.

The Ministry of Labor, Family, and Social Protection can impose fines and close factories where it finds exploitation of child labor. However, enforcement of all but extreme violations tended to be lax. Employers found to have violated child labor laws were generally fined, not prosecuted in court. There were no reports

during the year of anyone being charged in court with violating child labor laws, and the Ministry of Justice did not maintain such statistics. In practice judges did not consider violations of child labor law to be criminal offenses.

Child labor, including begging, selling trinkets on the street, and washing windshields, remained widespread in Romani communities, especially in urban areas. Children as young as five engaged in such activities.

The DGPC in the Ministry of Labor, Family, and Social Protection is charged with monitoring and coordinating all programs for the prevention and elimination of the worst forms of child labor.

According to statistics issued by the Child Protection Directorate, for the first six months of the year, there were 127 confirmed cases of child labor, of which 65 were in urban areas and 62 in rural ones; 50 of the cases involved girls and 77 boys; 75 of the children were below 14 years of age, and 52 were between age 14 and 18. The confirmed cases were for bonded labor (63 cases), sexual exploitation (24), and exploitation for committing criminal activities (40).

d. Acceptable Conditions of Work

Effective in January, the gross minimum wage was 700 lei (approximately \$208) for a full-time schedule of 169.333 hours per month, or approximately 4.13 lei (\$1.22) per hour. The minimum wage for skilled workers was 20 percent higher. According to Eurostat, the monthly individual income level for persons “at risk of poverty threshold” was 907 lei (\$270) in 2010. The law provides for equal pay for equal work.

The law provides for a standard workweek of 40 hours or five days. Workers are entitled to overtime pay for weekend or holiday work or work 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 law also allows employers to shorten employees’ work schedules from five to four days per week if workplace activity is reduced for economic or technical reasons with a corresponding reduction in salary. The new labor code increased salaries for night-shift employees by 25 percent under certain conditions. Excessive overtime can lead to fines on employers if workers file a complaint; however, complaints were rare. The law prohibits compulsory overtime.

The law gives employers wide discretion regarding performance-based evaluation of employees. Lengthier trial periods for new employees are permitted, and termination procedures during this probationary period have been simplified.

The labor code provides for temporary and seasonal work and sets penalties for work performed without a labor contract in either the formal or informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to 100,000 lei (\$29,769). The maximum duration of a temporary contract was extended from 24 to 36 months and was reportedly in accordance with EU law.

The Ministry of Labor, Family, and Social Protection is responsible for enforcing the law on working conditions, safety, and minimum wage rates. According to union reports, many employers paid supplemental salaries under the table to reduce both the employees' and the employers' tax burdens. This practice negatively affected employees' future pensions and their ability to obtain commercial credit.

The ministry believed it effectively enforced working time standards. However, union leaders complained that overtime violations were the main problem facing their members, since employees were often required to work more than the legal maximum number of hours, and the overtime compensation required by law was not always paid. This practice was especially prevalent in the textile, banking and finance, and construction sectors. Union officials alleged that a majority of on-the-job accidents occurred during such compulsory, uncompensated overtime. During the year the prohibition on work without a labor contract was weakly enforced, in part because of corruption within the Labor Inspectorate, and also because both employers and employees could benefit from lower taxes by working without a labor contract or receiving a supplemental salary under the table. Sanctions against employers using illegal labor under the previous law were rarely fully enforced. The country had an estimated 1,500 labor inspectors at the national level.

The ministry is responsible for establishing and enforcing safety standards for most industries but lacked trained personnel to do so effectively. Employers often ignored the ministry's recommendations, which were usually implemented only after an accident occurred.