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Europe And Central Asia : Romania

ROMANIA

Head of state: Traian Băsescu

Head of government: Călin Popescu-Tăriceanu

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

UN Women's Convention and its Optional Protocol: ratified

Overview - Covering events from January - December 2005

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Discrimination and attacks against Roma continued. The situation in mental health institutions remained unsatisfactory. Deaths of individuals in psychiatric institutions were not investigated effectively and impartially. Members of the lesbian, gay, bisexual and transgender (LGBT) community experienced discrimination and intolerance.

Background

The European Commission noted in October that Romania had made progress towards greater respect for human rights in an attempt to meet the criteria for membership of the European Union, accession to which is scheduled for 2007. The Commission said that steps had been taken to ensure the independence of the judiciary, guarantee greater media freedom and promote the rights of the child. It said further efforts were needed to combat ill-treatment in police custody, prevent trafficking in human beings and ensure the effective integration of the Roma minority with regard to their economic and social rights.

Roma and racism

Discrimination against Roma continued despite Romania's commitment to the Decade of Roma Inclusion, a campaign to eliminate marginalization of Roma that started in 2005.

According to the Open Society Foundation, which works to promote human rights, 75 per cent of Romanians do not want to live near Roma.

In July, the European Court of Human Rights ruled on the Hădăreni case, an incident in 1993 when three Roma were killed and more than 170 others were forced to abandon their homes in the town of Hădăreni and flee after a night of racial violence. Following a row between three Roma men and another villager, in which one ethnic Romanian was killed, a crowd of Romanians and ethnic Hungarians had vandalized 14 Romani houses beyond repair. Following the attack, the concerned Roma families were forced to live in degrading conditions as the government failed to provide them with adequate remedies.

The European Court of Human Rights found Romania in violation of numerous provisions of the European Convention on Human Rights, including the right to a fair hearing, the right to respect for family and private life, and the right not to be discriminated against. The Court obliged Romania to pay compensation to the Roma affected by the 1993 attacks.

In August a court in Romania moved to comply with the ruling, ordering the seizure of property from perpetrators of the Hădăreni attacks to finance compensation for the victims. After police arrived in Hădăreni to execute the court ruling, there was an outpouring of racist speech directed at Roma by the media and politicians.

There was an increase in racist remarks in the Romanian media. The Mayor of the southern city of Craiova was fined twice by the National Council for Combating Discrimination for expressing racist views in public. Although he was made to resign as vice-president of the Social Democrats, a national political party, he remained the Mayor of Craiova.

The procedural rules for the government's National Council for Combating Discrimination, did not allow for a speedy, independent investigation of complaints that would provide effective and proportionate remedies for victims of discrimination. Public debate to change the rules to make the work of the Council more effective was ongoing.

A draft law on national minorities adopted by the government in May was rejected by parliament in October. The law aimed to prevent discrimination against all minorities in Romania, and guarantee the right to cultural autonomy, religious freedom, freedom of expression, and the right to use minority languages. The law was supported by the Hungarian and Romani minorities in Romania.

Concerns about mental health care

Following the tragedy in Poiana Mare psychiatric hospital in 2004 when 17 patients died of malnutrition and hypothermia, the prosecutor initiated criminal investigations into the events. Having found "no causal link" between the deaths and the involvement of staff, the prosecutor closed the investigations in February 2005. After campaigning by local and international human rights organizations, the investigation was reportedly reopened in August. In November the Minister of Health announced a plan to close down Poiana Mare hospital and transfer its patients to more appropriate and centrally located institutions.

In February the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health released a report on Romania. He stressed that "the enjoyment of the right to mental health care remains more of an aspiration rather than a reality for many people with mental disabilities in Romania." The Rapporteur recommended that an independent mental health commissioner be established urgently.

Inadequate investigations of ill-treatment of minors

Several cases involving ill-treatment of minors were not properly investigated or the results of investigations were not made public. They included the cases of I.G., who was beaten by the police in 2003; I.M., who was ill-treated by police in 2003; F.F., who was beaten by a policeman in 2004; C.B., who was ill-treated by police in 2004; and D.N., who was beaten by a policeman with a rubber truncheon in 2004. In many cases the authorities said that the children either inflicted the injuries on themselves or had the injuries prior to their arrest. Such claims contradicted the victims' statements.

LGBT community under attack

Although homosexuality was decriminalized in 2001, reportedly more than 40 per cent of the population continued to believe that homosexuals should be removed from the country. The GayFest parade on 28 May was opposed by the Orthodox Church and the local authorities. The municipal authorities of Bucharest, who initially agreed to provide logistical support for the march, later withdrew this offer. They said they could not provide enough cover to keep people safe and that the time of the parade was inappropriate. Authorization for the parade was finally granted after the President of Romania intervened in an emergency meeting with

the Mayor of Bucharest. The parade subsequently passed without incident.

In February the non-governmental organizations (NGOs) Accept and the Centre for Legal Resources won a case against the state-owned airline TAROM which illegally excluded a homosexual couple from a Valentine's Day sale. The National Council for Combating Discrimination declared that TAROM had been "restricting the free access, under equal conditions, to public services and places" and ordered TAROM to pay a US\$180 fine, which it did without delay. Following the decision, the NGOs filed an administrative complaint against the fine, which they believed was nominal and not sufficient to have a dissuasive effect against further such actions. Having lost the administrative appeal, the NGOs were preparing a court appeal at the end of the year.

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