

ROMANIA

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Country Information and Policy Unit

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1. INTRODUCTION

Scope of the Document

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

UN High Commissioner for Refugees

Location of Romania

2.1 Romania (formerly the Socialist Republic of Romania) lies in south-eastern Europe, bounded to the north and east by Ukraine, to the north-east by Moldova, to the north-west by Hungary, to the south-west by Yugoslavia (Serbia) and to the south by Bulgaria. The Black Sea washes the south-east coast. Romania's population was estimated at 22.4 million in January 2000. The capital city is Bucharest, which is situated in the south of the country close to the border with Bulgaria. The city of Bucharest has a population of over two million. Constanța on the east coast is the next largest city with an estimated population of 345,000. Romania's official language is Romanian, although minority groups speak Hungarian (Magyar), German and other languages. [1]

For more detailed information on Romanian history before 1989, please refer to the Europa World Yearbook (source [1]) or Annex A: Chronology.

3.1 Nicolae Ceau^oescu became First Secretary of the Romanian Workers Party (RWP) in 1965. In June 1965 the RWP again became the Romanian Communist Party, while Ceau^oescu's post of First Secretary was restyled as General Secretary. Whilst adopting a relatively independent foreign policy, domestically Ceau^oescu practised highly intrusive surveillance of the populous and strongly suppressed dissent. By the early 1980s the country was experiencing severe economic problems. In March 1980 the President's wife, Elena Ceau^oescu, became a First Deputy Chairman of the Council of Ministers, and

numerous other family members held government and party posts. [1]

3.2 Shortages of fuel and power led to strict energy rationing in early 1987. Public discontent became evident. Following labour unrest, Ceau^oescu announced details of a rural urbanisation programme, entailing the demolition of some 8,000 villages, and the resettlement of their residents in multi-storey housing complexes, which were to form part of new 'agro-industrial centres.' The plan attracted much domestic and international criticism, but Ceau^oescu maintained that the programme would raise living standards and ensure social equality. [1]

1989 Uprising

3.3 In December 1989 there was unrest in Timi^ooara as supporters of a Protestant clergyman (an ethnic Hungarian who had repeatedly criticised the Government's policies) marched through the town to demonstrate their opposition to his eviction from his church. A further protest, at which considerable criticism of the regime was expressed, was attended by thousands of local residents. Security forces opened fire on the crowd, reportedly killing several hundred people. There were reports of protests in other towns, and the country's borders were closed. Anti-Government demonstrations on 20 December 1989 led to clashes between protesters and members of the Securitate (the secret police force), during which many civilians were killed. The disturbances quickly spread to other parts of the country, and on the following day Ceau^oescu declared a state of emergency. However, soldiers of the regular army declared their support for the protesters. On 21 December 1989 a mass rally was organised in Bucharest, intended to demonstrate popular support for the President Ceau^oescu, however the crowd turned against him and Nicolae and Elena Ceau^oescu were forced to escape by helicopter. They were captured and after a summary trial, were executed by firing squad on 25 December. Fighting continued in Bucharest and elsewhere for several days, mainly between Securitate forces and regular soldiers. [1]

3.4 Meanwhile, a revolutionary, 145-member National Salvation Front (NSF) was formed, and a provisional Government, comprising liberal communists, intellectuals and members of the armed forces, was established. Ion Iliescu, a former Secretary of the RCP Central Committee, became interim President, while Petre Roman, an academic, was appointed Prime Minister. The new Government immediately decreed an end to the RCP's constitutional monopoly of power and cancelled the rural urbanisation programme. The RCP was banned. It was announced that free elections would be held in 1990, and the designation of the Socialist Republic was abandoned. According to official figures, 689 people were killed during the revolution. [1]

3.5 Special military tribunals were established to try Ceau^oescu's former associates. In February 1990, four senior RCP officials were found responsible for the shootings in Timi^ooara and Bucharest and were sentenced to life imprisonment. The trial of 21 Securitate agents, accused of firing upon demonstrators, opened in Timi^ooara in March 1990. Numerous other former government and RCP members, including Ceausescu's brother Andruta and the late President's son, Nicu, faced similar related charges. Andruta was sentenced to 15 years' imprisonment and Nicu Ceausescu faced a 20-year prison sentence, having been found guilty of "instigating aggravated murder." His sentence was reduced to 16 years, following a military court appeal in June 1991. He was eventually released in November 1992 on health grounds, and died in 1996 from liver problems. As with Nicu Ceausescu, none of the defendants were found guilty of the original charges of genocide. Most were found guilty of lesser offences for which they received short prison sentences, while others, to the dismay of many Romanian citizens, were acquitted. [1] [15(c)] [15(d)]

3.6 At the presidential and legislative elections, held on 20 May 1990, the NSF achieved an overwhelming victory. International observers confirmed allegations of irregularities. According to official figures, Ion Iliescu won 85.7% of the valid votes cast in the presidential poll. [1]

3.7 The mass rally in Timi^oara's Opera Square on 11 March 1990, was one of the most important demonstrations since the revolution. The "Timi^oara Proclamation", an important statement which informed the whole nation of both the sacrifices of the revolution and the hopes of those who carried it out in Timi^oara, was read to more than 15,000 participants. The Proclamation demonstrated a political maturity, and commitment to democratic values. In the run-up to the elections it became a rallying-point for Romanians dissatisfied with the conduct of the National Salvation Front, and attracted millions of signatures. [17]

3.8 Unrest continued after the elections, and in mid-June 1990, police forcibly broke up the anti-Communist protest in University Square. The brutal treatment of demonstrators provoked renewed clashes, in which the armed forces opened fire on rioters. Following an appeal for support by Iliescu, some 7,000 miners and other workers from the Jiu Valley travelled to the capital, where they swiftly seized control of the streets, attacking suspected opponents of the Government. The disturbances resulted in several deaths and hundreds of injuries, and more than 1,000 people were detained. [1]

3.9 In September 1991 miners in the Jiu Valley began a strike in support of demands for a pay increase and the resignation of the Government. Thousands of miners, led by Miron Cozma head of the Miners Union, travelled to Bucharest, attacked government offices and ransacked the parliament building. Four people were killed and hundreds injured during the violence. As a result, then Prime Minister Petre Roman and the Council of Ministers were forced to resign. [1]

3.10 A new Constitution, enshrining a multi-party system, a free market economy and guarantees of the respect of human rights, was endorsed by some 77.3% of voters in a referendum in December 1991. [1]

3.11 Presidential and Parliamentary elections were held on 3 and 17 November 1996. International observers considered these elections had been conducted freely and reasonably fairly "but with transparency still needing improvement." The centre-right Democratic Convention won the presidential elections and formed a coalition government comprising the Union of Social Democrats and the UDMR. Victor Ciorbea became Prime Minister and Emil Constantinescu, was elected President. [1] [5(o)]

3.12 The self-styled King of Roma, Ion Cioaba, died of a heart attack on 26 February 1997. He was on a visit to Bucharest to see President Constantinescu and to convince him to stop the demolition of illegally built constructions in the Sibiu Mayoralty, some of which were owned by Roma. His family asked for his body to be spared an autopsy. [5 (p)]

3.13 Despite protests from opposition parties, the Government restored citizenship to former King Michael in 1997 (who had been forced to abdicate in 1947); he visited Romania in late February 1997. On 30 December 1997, the then Prime Minister Ciorbea stated that the former king's nationality, citizenship and his right to take up residence in Romania, provided that he observed the Constitution, could not be denied. President Constantinescu declared that he would not, however, accept any attempt to put the former king back on the throne. [1] [19(b)] [19(c)]

Miners' Strikes of 1999

3.14 Thousands of miners went on strike in the Jiu Valley (Valea Jiului) in January and February 1999, in support of demands which included an increase in pay and the reversal of a government decision to close two mines. More than 90,000 miners, half Romania's total, had taken redundancy in 1998. The then Industry and Trade Minister Radu Berceanu said money could not be poured indefinitely into mines posting huge losses and he could only approve pay rises for enterprises that did not incur losses. In addition to the 35 per cent pay rises, Berceanu said miners wanted monthly payments equivalent to \$500 for those losing their jobs in a programme to close uneconomic mines - five times the national average wage. [1] [4(a)] [6(g)] [19(a)] [19(j)]

3.15 The miners launched a march, in January 1991, on Bucharest in protest. Due to previous violent miners' demonstrations in 1991 the government denied them permission to march to Bucharest. The Petrosani court ruled that the strike was illegal and ordered it to be halted, in accordance with the 1991 law regarding the settling of collective labour disputes. Radu Berceanu informed the government that the strike was illegal because the claims were radically modified from those that were the object of the labour conflict in July-September 1998. [1] [4(a)] [6(g)] [19(a)] [19(j)]

3.16 Miron Cozma, head of the Miners Union and leader during the miners protests of 1991, had been released from prison in July 1998, having served 18 months for the possession of firearms and ammunition. He defied the Governments' decision, and undertook to march with the miners. Clashes broke out in Costesti, north of Bucharest, between security forces and miners. Emergency talks led to a temporary agreement which met some of the miners' demands. The government approved a decision regarding the allotment of funds from the 1999 state budget to finance investment works in the localities of the Jiu Valley in an effort to improve the living conditions in the area. It approved additional sums of 15bn lei for Hunedoara County. The Government succeeded in restoring order and the perpetrators of the violence were arrested and tried. [1] [4(a)] [19(j)]

3.17 On 15 February 1999 the Supreme Court of Justice sentenced Cozma, in absentia, to 18 years' imprisonment for undermining state authority for his involvement in leading the violent protests in Bucharest in 1991. In response to his arrest, some 2,000 - 4,000 miners, led by Cozma, decided to travel to Bucharest, accusing the Government of failing to honour the January agreement. They were stopped by the security forces at Stone^{oti}, north of Bucharest. Cozma and several hundred miners were arrested. On 4 March 1999, Cozma was given a 22-month jail sentence on charges linked to a fight in a bar and the beating up of a journalist. [1] [6(f)]

(see also paragraph 3.31)

3.18 Disagreements between the Democratic Convention and the Social Democrats were present from the beginning of the coalition in November 1996. In four years there were three Prime Ministers and only very limited progress in economic reforms. In late September 1998, the Union of Democratic Magyars of Romania (UDMR) threatened to withdraw from the coalition government in protest at the Government's refusal to establish a Hungarian-language university. [1] [3(a)] [5(o)]

3.19 In December 1999 President Constantinescu dismissed then Prime Minister Radu Vasile, in a highly controversial exercise of his constitutional powers, and nominated Mugur Isarescu, the former Governor of the National Bank of Romania (the central bank)

as the new Prime Minister. Isarescu claimed allegiance to no political party. However, Isarescu's arrival was too late to save the government from a punishing electoral defeat in November 2000. [5(o)] [15(b)]

3.20 In April 1999 Romania approved a NATO request for unrestricted access to its airspace, following the NATO campaign of air strikes against Serb military and strategic targets in Yugoslavia. Romania was not to become militarily involved in the conflict. [1]

3.21 The parliamentary constituent parties of the DCR (the CDNRR, the NLP, the Romanian Ecological Party and the Romanian Ecological Federation - REF) signed a protocol, in February 2000, on co-operation in legislative elections due in November 2000. [1]

3.22 Military prosecutors put before the Supreme Court of Justice a file, in June 2000, accusing General Mihai Chitac, Romania's then Interior Minister, and his deputy Gheorghe Ancuta of instigation to murder during the 1989-90 violence. Three other officers were accused of killing six people. Prosecutors also started the penal investigation for the count of inhuman treatment and undermining the power of the state. The file contained investigations concerning the treatment of 1,300 people then illegally held by the authorities, as well as the hundreds of people aggressed at that time. General Chitac was released from jail by September 2000 to undergo treatment for prostate cancer. His sentence was suspended in March 2001, along with that of General Stanculescu's, for his role in quashing Ceausescu's revolt, as one of the first acts of the new General Prosecutor Tanase Joita. The sentence is being reconsidered following an appeal on 7 August by the Attorney General, who argued that formal and basic procedures were breached during hearings on the generals' decision. [23(b)] [23(d)] [23(o)] [24(b)]

Presidential and Parliamentary Elections of November 2000

3.23 Presidential and Parliamentary elections were held on 26 November and 10 December 2000. The Party of Social Democracy in Romania (PDSR) won the parliamentary elections, ousting a centre right coalition. Ion Iliescu secured 69.9 per cent of the vote in the second round vote for the presidential election. [10(b)]

(Please see Section IV. B on the November 2000 Elections)

3.24 Ion Iliescu was Romania's first elected President from 1990 -1996 following the ousting of Ceausescu. He joined the Communist Party at 14 and became Minister of Youth and First Secretary of the Party's Central Committee in 1967. In 1971, he was reassigned as a provincial party secretary following his refusal to back Ceausescu's 'cultural revolution' plans. [28]

3.25 The Democratic Convention of Romania, a grouping of centre-right parties, which was dominated by the National-Peasant Party Christian Democratic (NP-CDP), was the leading partner in the government coalition in 1996-2000. However, the Democratic Convention 2000 Alliance failed to achieve the threshold of 10 per cent of the popular vote required for an electoral coalition to win representation in the 2000-4 parliament after the National Liberal Party (NLP) decided to contest the election separately. The NLP, which won 7 per cent of the vote, became the only centre-right party in parliament. The entire leadership of the NP-CDP resigned on 27 December 2000, assuming responsibility for the party's failure to gain parliamentary representation. [16(c)] [23(m)]

3.26 The leftist minority government was approved on 28 December 2000. Adrian

Nastase, executive leader of the PDSR, was voted Prime Minister. Nastase's government was passed by parliament on the strength of accords signed by the Hungarian Democratic Union (UDMR) and the Liberal Party (PNL) with the PDSR, pledging support for the new cabinet. However, on 12 April 2001, PNL Chairman, Veleriu Stoica, announced that his party was cancelling its co-operation agreement with the ruling PDSR. He accused the PDSR of breaching the agreement by removing PNL representatives from public administration posts and by not accepting their amendments to the law on the budget. [23(h)]

Developments in 2001

3.27 Romania was officially awarded the Presidency of the 55 member Organisation for Security and Co-operation in Europe (OSCE) on 1 January 2001 for one year. The organisation aims to prevent conflicts and ensure respect for human rights. [31(c)]

3.28 The Chamber of Deputies approved the Property Restitution Law on 17 January 2001, which promises the return in kind or reparations for houses and assets to rightful owners, of private property stolen by the former communist regime. President Iliescu promulgated the law on 7 February 2001. Under the bill, present tenants of houses nationalised by communists in the late 1940s are given a five-year extension of their contracts. Tenants would then have to move from those properties when offered a suitable alternative. Where actual restitution is not possible, the rightful owners will be given cash compensation or the equivalent in shares. Before this law, only land restitution had been tackled, allowing the return of up to 50 hectares of farmland and 10 hectares of forests to residents. The lack of proper legislation on restitution generated tens of thousands of legal claims by former owners and tenants since 1990. The law brings Romania's legislation in line with demands by the EU to take a clear stand on restitution. Parliament extended the Restitution Law by three months on 29 August 2001. It has been faced with a record number of high-profile claims, including many claims from descendants of noble families, including former King Michael. The Government is concerned that the restitution of former palaces of King Michael would render national tourist sites closed to the public. [6(i)] [23(i)]

3.29 The Supreme Court jailed three army officers, in February 2001, for the massacre of almost 50 young soldiers during the December 1989 revolution, concluding a case that began in 1994. Major-General Dumitru Draghin, sentenced to eight years, retired General Grigorie Ghita, sentenced to six years and Captain Ion Zorila, sentenced to four years, have no right of appeal. They are also ordered to pay approximately \$1.4 million in damages to the relatives of the dead, part of which will be recovered by the Defence and Interior Ministries. [6(i)]

3.30 Former Jiu Valley miners met in Bucharest in January 2001 to protest against their redundancy in 1997, following the closure of the mines. The unemployed miners who went on hunger strike requested that they are re-employed in the mining units and that they are granted financial and material aid from the National Solidarity Fund or from state resources. A further strike in Bucharest by 700 miners from the Campulung area ended on 4 March 2001 following agreement of a 20 per cent pay rise. Marin Condescu, head of the Confederation of Mining Unions, said he would continue to push for a further pay rise. Industry Minister Dan Ioan Popescu said that the SNC's financial resources were not sufficient to allow anything more than a 10 per cent rise, which was immediately rejected by the miners. [19(g)] [23(o)] [31(d)]

3.31 The League of Mining Unions in the Jiu Valley (LSMVJ) asked the attorney general and President Iliescu on 30 January 2001 to pardon the former league leader, Miron

Cozma, currently in prison. On 31 August 2001, President Iliescu refused to pardon Miron Cozma on the grounds that to be pardoned, a convicted person would first have to recognise his guilt and Cozma has never done so. In addition, President Iliescu stated that there were still other pending cases against Cozma. Under Romanian law, if Cozma were to be sentenced again in another case, he would have to serve the sentence for which he was pardoned as well. He is currently serving an 18-year sentence. President Iliescu turned down Miron Cozma's personal appeal on 30 September, confirming the Ministry of the Justice's earlier decision, on 18 September 2001, to dismiss Cozma's appeal. On 2 September 2001 there were reports that a group of Cozma sympathisers, calling itself the Miron Cozma League, allegedly threatened to start protest actions if Cozma is not released. But the Jiu Valley Trade Union League reportedly dissociated itself from the call, saying that Cozma League leader Romero Beja was recently expelled from the union and calling on the authorities not to hesitate to "do their duty if Beja organises illegal actions." [6(k)] [23(j)] [24(o)] [32]

(Please see also paragraphs 3.14-3.17)

3.32 Former King Michael announced on 3 April 2001 that he would accept an invitation by President Iliescu, which he had initially declined. Michael I visited Romania in June and subsequently met with President Iliescu in Bucharest in August 2001. He has since visited Romania and been welcomed by the President and Romanian Government. During Iliescu's presidency between 1990 and 1996 Michael I, now a Swiss citizen was denied entry to Romania several times. On 11 April 2001, President Iliescu said he would not object if King Michael returned from exile to launch a political career. [6(a)] [23(i)] [23(p)]

3.33 Relations between Romania and Hungary have become strained in 2001, following Hungary's passing of a Status Law, in June 2001, that confers special work and educational rights and privileges to ethnic Hungarians in neighbouring countries. The Budapest Plan proposes granting ethnic Hungarians the right to work for three months legally in Hungary, as well as social and health care rights, free university education and training courses. Hungary sees the effort as a way to improve the status of ethnic Hungarians ahead of membership of the European Union, which Hungary expects to join early this decade, but which some neighbours with big Hungarian populations, such as Romania, might not join until several years later. President Iliescu considered in July 2001 that Hungary should have consulted Romania before the adoption of the Status Law, and that the law, due to take effect in January 2002, is discriminatory. He emphasised the fact that the Romanian government's concerns were connected to the points stipulating the laws' extraterritorial implementation in Romania. EU Enlargement Commissioner Guenter Verheugen played down the problem and urged both countries to discuss the implementation of the law. The Venice Commission endorsed Romania's view, in October 2001, that unilateral laws such as the status law should only apply within the originating country, that the law needs tightening on criteria and modalities for registration as an ethnic Hungarian, and that the law should serve only ethnic and linguistic interests, not socio-economic benefits. Discussions between the two governments had, as of end October 2001 had failed to agree a working document on the implementation of the Status Law. [5(o)] [6(h)] [6(j)] [19(h)] [31(f)]

3.34 The ruling Party of Social Democracy (PDSR) which won the November 2000 parliamentary elections, merged with the Romanian Social Democratic Party (PSDR) on 16 June 2001 to form the Social Democratic Party (Partidul Social Democrat - PSD). [14]

3.35 Sabin Gherman, a university lecturer that has long promoted decentralisation and devolution of the "national state's" centralised power, announced on 28 August 2001 that

a new political party promoting these goals would be set up. The formation, to be called Pro-Transylvania, advocates autonomy for Transylvania. Prime Minister Nastase warned against "federalist trends" in Romania. The Court of Appeal had previously ruled, on 13 November 2000, to criminalise the activities of Gherman's Pro-Transylvania Foundation, citing violation of Article 1 of the Constitution, which advocates a unitary and indivisible state. The argument of the Court of Appeal was that the main activity of the Foundation was to militate for the autonomy of Transylvania, while the Constitution of the country proclaims that there is no regional autonomy in Romania. [24(u)]

Economic History

3.36 Following the overthrow of President Ceau^oescu in 1989, a complete restructuring of Romania's economy was planned. By late 1995 Romania's economic situation appeared to have improved, but it deteriorated in 1996. From mid 1997 increasing prices and plans for closure of unprofitable state owned enterprises provoked social and labour unrest. In August 1999, Romania agreed a Stand - By Arrangement with the IMF, placing a series of tough conditions on Romania. It was reported in October 1998 that the economy was in freefall. [1] [5(o)] [15(a)]

3.37 The war in Kosovo, in the spring of 1999, had a negative effect on Romania's economy. The Romanian government declared that the port of Constan^opa had lost 50,000 US dollars per day in revenues due to the closure of the Danube, a consequence of destroyed bridges. [1] [5(o)]

3.38 Romania's gross domestic product decreased, in real terms, by an annual average of 0.6% during 1990 - 98. In August 2000, Romania's economy was finally showing signs of recovery. According to analysts, the recovery reflected the steady hand of Prime Minister Isarescu, who was a model of competence compared to his predecessors. Exports were improving over the balance of payments position and encouraging growth. [1]

3.39 The Organisation for Security and Co-operation in Europe noted that the November 2000 presidential and parliamentary elections took place in the context of severe economic hardship for a large proportion of the Romanian population. On 8 November 2000, the European Commission's regular report on Romania's progress towards accession highlighted the need for structural economic reforms, weaknesses in the legislative process and corruption. The report helped to focus the public debate on the significance of the elections for Romania's attempts to integrate into the European structures, and the need to tackle conclusively economic problems. [10(b)]

3.40 GDP dropped by 3.2% in 1999, the third year of recession, but showed a modest 1.6% growth in 2000. The rate of inflation was 40.7% in 2000. High fiscal and current account deficits along with arrears and pay increases in the public sector have delayed the conclusion of negotiations with the IMF for a new stand-by agreement. However, as of September 2001 a draft letter of intent had been agreed. [5(o)]

IV INSTRUMENTS OF THE STATE

PART 1

A. Political Affairs

B. The November 2000 Elections

- C. The Right of Citizens to change their Government
- D. The Romanian Constitution
- E. Security Services
- F. The Judiciary

PART 2

- G. Legal Rights/Detention
- H. Prisons
- I. Social Welfare
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4. INSTRUMENTS OF THE STATE

A. Political Affairs

4.1 Following President Ceaușescu's downfall in December 1989, numerous political parties were formed or re-established in preparation for the holding of free elections. Some 80 parties, electoral alliances and independent candidates contested the parliamentary seats in the 2000 elections. The financing of political parties from abroad is not permitted. [1] [10(b)]

4.2 Under the 1991 Constitution (drafted to replace that of 1965) legislative power is vested in a bicameral Parliament, comprising the 343-seat Chamber of Deputies (lower house) and the 143-seat Senate (upper house). Parliament is elected by universal adult suffrage on the basis of proportional representation for a term of four years. [1]

4.3 The Constitution provides for universal, equal, direct, secret and free suffrage for the election of the President and the Parliament. Although a presidential candidate may be nominated by a political party, "during his term of office the President may not be a member of any political party, nor may he perform any other public or private office." [10(b)]

4.4 Executive power is vested in the President of the Republic, who may serve a maximum of two four-year terms and who is directly elected by universal adult suffrage. The President appoints the Prime Minister, who in turn appoints the Government approved by Parliament. For administrative purposes, Romania comprises 41 administrative divisions (counties) and the municipality of Bucharest. [1]

(See Annex D for a list of the current Government)

B. The November 2000 Elections

4.5 Presidential and Parliamentary elections took place on 26 November and 10 December 2000. They were conducted in accordance with OSCE (Organisation for Security and Co-operation in Europe) commitments for democratic elections, as formulated in the 1990 Copenhagen Document. As in 1996, although a transfer of government power occurred, political participants and voters have accepted the outcome. The 2000 polls further demonstrated that democratic elections are firmly entrenched in Romania. [10(b)]

4.6 The PDSR (Party of Social Democracy in Romania) won the parliamentary elections with 36.61 per cent of the votes in the Chamber of Deputies, ousting a centre right coalition of Christian Democrats, Liberals, Democrats and ethnic Hungarians. The extreme nationalist Greater Romania Party won 20 per cent of the vote, making them the second largest party in Parliament. Voter turnout was down 20% on the general elections of 1996. [1] [23(c)]

4.7 The results of the parliamentary elections in the Senate and Chamber of Deputies:

Chamber of Deputies:

Party	Percentage of vote/Number of seats
PDSR - Party of Social Democracy in Romania (The 1996 PDSE, Democratic Social Party of Romania formed a coalition with PSDR - Romanian Social Democratic Party - and the PUR for the 2000 election under the new name of Social Democratic Pole of Romania, retaining PDSR acronym)	36.61% / 155
PRM - Greater Romania Party	19.48% / 84
PD - Democratic Party	7.03% / 31
PNL - National Liberal Party	6.89% / 30
UDMR -Democratic Alliance of Hungarians in Romania	6.80% / 27
Minority Parties	5.22% / 18
Others parties below 5%	17.97%

Senate:

Party	Percentage of vote/Number of seats
PDSR	37.09% / 65
PRM	21.01% / 37
PD	7.58% / 13
PNL	7.48% / 13
UDMR	6.90% / 12
Others parties below 5% (Those who do not reach the 5% threshold cannot be represented in Parliament)	19.94% / 0

[10(b)] [26(d)]

4.8 In the first round of the presidential elections, former Communist candidate Ion Iliescu of the PDSR, won 37 per cent of the vote whilst the anti-Semitic extreme nationalist, Corneliu Vadim Tudor won 28% of the vote, much to the surprise of Romania and the West. International observers, including the EU, expressed serious concerns over the sudden surge in popularity for Tudor's party, the Greater Romania Party. Tudor's weekly paper alarmed Romania's ethnic Hungarian, Gypsy and Jewish communities with his offensive accusations that they are at the root of Romania's crime and economic difficulties. [1] [23(c)]

4.9 Ion Iliescu secured 69.9 per cent of the vote, in the run off held on 10 December, to become President. A victory for Tudor had been expected to alienate Western powers

whose aid is necessary for Romania to enter the EU and other European structures. [10 (b)]

C. The Right of Citizens to change their Government

4.10 The Constitution provides citizens with the right to change their government through periodic and free elections held on the basis of universal suffrage and citizens exercise this right in practice. [4(a)]

D. The Romanian Constitution

4.11 A new Constitution was drafted which was approved in a national referendum on 8 December 1991. Under the Constitution, political power in Romania belongs to the people and is exercised according to the principles of democracy, freedom and human dignity, of inviolability and inalienability of basic human rights. [1]

E. Security Services

4.12 Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organisations are somewhat vague, and their security responsibilities overlap. All security and intelligence organisations operate under the authority of civilian leadership. The Ministry of Internal Affairs supervises the national police, which have primary responsibility for security, and the border guards. [4(a)]

4.13 Romania's former intelligence and security apparatus consisted of the Securitate and its external arm, the Directorate of External Intelligence (DIE). After December 1989 the intelligence apparatus was deliberately split up to end the all-pervading power of the Securitate. Nine services emerged, the two main ones being the SRI (internal service) and the SIE (foreign intelligence). Other services include military intelligence, military counter-intelligence, and the Intelligence Unit of the Ministry of the Interior (UMO215). [5 (l)]

4.14 From its inception in March 1990, the SRI has been tainted by links to its predecessor, the Securitate. The law on SRI, which came into effect in February 1992, prohibits the hiring of most members of the former Securitate, although it remains unclear whether those currently working for the SRI have been employed in contravention of this law. A number of ex-Securitate officers were dismissed in the re-organisation (some reports claim as many as 80%) but a corps of professional intelligence officers (mainly from the DIE) was retained. The SRI and SIE claim that they have recruited and trained a significant number of new entrants. [5(l)]

4.15 In 2000 there were no reported instances of interference with individual citizens' right to privacy. [4(a)]

4.16 The National Council for the Study of Securitate Archives (CNSAS) published its files on the investigations into the party candidates' lists, on 23 November 2000. Seventeen Romanian politicians contesting the November 2000 elections, including prominent figures, "carried out activities within the political police," according to the Council. Forty candidates were found to have collaborated with Ceausescu's Securitate. Under Romanian law, candidates were required to declare whether or not they had collaborated with the Securitate, with those filing false declarations liable to fines or prison terms. Publication of the CNSAS report came too late. Not only did the public not

have a chance to properly digest the information in the run-up to election-day on 26 November 2000, but the candidates themselves did not have enough time, under the Council's rules of procedure, to defend their records published by the Council. [10(b)] [31(e)]

4.17 On 16 August 2001, the Romanian Government approved a bill ratifying the security deal signed with NATO. The deal stipulates Romania's liabilities for the protection of NATO classified information, the exchange, transmission and use of such information, as well as the creation of the conditions for securing confidentiality of such information. The National Security Authority will ensure and monitor the implementation of the provisions of the deal. The earlier proposed Law on the Protection of Classified Information, approved by the two Chambers of Parliament in March 2001, was withdrawn following international concern. The International Helsinki Committee believed the provisions were open to controversial interpretation and that the law could negatively impact freedom of information and of expression and could limit the transparency of the activities of public authorities and access by the media and public to information. [23(e)] [24(f)] [27]

4.18 The Directors of the SRI and SIE have ministerial rank and report to the President. According to legislation passed in March 1992, the SRI's structure and operational regulations are approved by the Supreme Defence Council. Funding for its activities are stipulated in the state budget and it is accountable to a parliamentary commission first set up in 1993. In February 1996, it was announced that a new body, including members of the parliamentary Defence, Public Order and National Security Committees, would be set up to oversee SIE activities. The SIE does not, however, present annual activity reports to parliament as the SRI does, but rather forwards its reports to the Supreme Defence Council. [5(l)]

4.19 The SRI is tasked to gather intelligence (on terrorists, those involved in organised crime and hostile intelligence services) within Romania's borders on threats to Romania's national security. It is responsible for protecting the country's economic well being and has a leading role in the President's campaign against corruption. There is limited SRI/SIE co-operation, in areas such as anti-terrorism and organised crime. Both services co-operate with the police division fighting organised crime (BCCO), providing intelligence on drugs trafficking and illegal immigration. [5(l)]

4.20 The Supreme National Defence Council announced that the intelligence service known as Military Unit 0215 would be disbanded, following a meeting on 22 May 1998. The Unit was set up in 1990 and subordinated to the Ministry of Internal Affairs. The Council reported that 0215 included "people who were members of the former political police." The Council also noted that 22 per cent of staff of the Romanian Intelligence Service were employees of the former Securitate who, according to the Council, were not engaged in "political police activities" before 1989. [23(g)]

4.21 Romanians were allowed for the first time, on 29 March 2001, to see the secret files on them compiled by the Securitate under Ceausescu's regime. The Law of the Statutes of the National Council for the Study for the Securitate Secret Police Archives was adopted by the Romanian parliament in 1999. The Council had formerly been verifying the files of former MPs and candidates for the November 2000 elections. Officials said some 1,200 people had so far put forward a formal request to see their files, which reveal what the secret police knew about them. Gheorghe Onisoru, Head of the CNSAS Securitate archive, said the opening of the files was important for the country's sense of national identity. He said that the Securitate kept files on one to two million Romanians with 400,000 - 700,000 informants and each one of them gave information on two to three people. [23(h)] [24(e)] [31(e)]

4.22 Those who make requests can see their files under the supervision of technical staff, so that documents cannot be destroyed. If a person wishes to know the names of the informers who contributed to the file, they must submit another written request. It would take a long time for all the files to be viewed, Onisoru said, because the archives are so big that end-to-end they would stretch for 60 kilometres. [23(h)] [24(e)]

4.23 In June 1998, the SRI Director, Mircea Ghiordunescu, claimed that the chances of finding files relating to the informers of former members of the Communist Party were rather slim as when an informer, whose file had been classified in the archive, received Communist Party membership all the evidence was destroyed. [24(a)]

4.24 The United Kingdom is Romania's largest European donor of bilateral defence assistance under a programme which includes the secondment of UK Ministry of Defence staff to the Romanian Defence Ministry. The UK has helped in the establishment of a Romanian staff college. [5(o)]

i) Police and Human Rights

4.25 The European Commission's annual report on Romania, dated November 2000, stated that cases of inhumane and degrading treatment by the police continued to be reported in 2000. [20(b)]

4.26 The Government approved draft statutes for Romania's police forces and a bill on the organisation and running of the Romanian police on 4 April 2001. As of October 2001, the Police Bill is being considered by the Legal Committee of Parliament and had not been passed. The draft statutes are a first attempt at regulating the legal status of the police and are designed to demilitarise the police force by redefining them as a body of armed civil servants. Police officers will be divided into three categories according to their level of education: Category A will be police officers, university graduates holding first degrees. Category B will be police detectives; persons who have graduated from short-term tertiary education and Category C will be police agents who are those persons who have left secondary and post-secondary education with school leaving diplomas. The bills also provide for the creation of a National Police Corps as an autonomous, apolitical, non-profit making professional body with juridical responsibilities, which will campaign for the interests of police workers. Police forces would be subordinated to local administration authorities. [23(f)] [24(l)]

4.27 In response to concerns about the uncontrolled use of firearms, in September 2000 the Interior Minister signed the Order 122 regulating the use of fire weapons. APADOR-CH, the Romanian Helsinki Committee, remains concerned that it is stipulated that fire weapons may be used in the case of those caught in the act and attempting to escape if a serious crime is involved. They believe the risk remains high since the appreciation of the seriousness of the act is to be determined by the police officer. [21]

4.28 Amnesty International reported that in 2000 there were numerous reports of torture and ill treatment. The intimidation and harassment of victims and witnesses reportedly impeded prompt and impartial investigations. In May 2000, a police officer shot Miguel Soare, a 20-year old Roma man, as a result of which he is now paralysed. Eyewitnesses reported that Soare was unarmed, and that a police officer shot him in the back of the head at point-blank range. Witnesses were allegedly detained for 10 hours, denied water and intimidated by other police officers. [8(a)] [8(b)] [21]

4.29 Amnesty International expressed concern in 2000 about the alleged ill treatment by

officers of the Buzau County Police Inspectorate's emergency intervention sub-unit. Duties of the new sub-units include making emergency interventions and monitoring patrols around the clock to deter the commission of criminal offences. Four complaints were reportedly made in the first three months of its operation in Bazau County. It is reported that the officer appointed to command the sub-unit was previously disciplined for committing acts of ill treatment, including beating women in public. APADOR-CH, the human rights NGO which originally brought the case to the attention of Amnesty International confirmed that as of October 2000, investigations were underway in all cases and being conducted by the Office of the Military Prosecutor. APADOR-CH are continuing to monitor the situation and have not suggested that there are any grounds for concern at this stage. [5(t)] [8(c)]

4.30 The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection, but also totalitarian, racist, and anti-Semitic actions, or attempts to change the existing national borders. Security officials may enter residences without proper authorisation from a prosecutor if they deem a threat to national security "imminent." [4(a)]

4.31 The Constitution also states that the privacy of legal means of communication is inviolable; thus, the Romanian Intelligence Service (SRI) is legally prohibited from engaging in political acts (for example, wiretapping on behalf of the government for political reasons). However, the law allows security services to engage in such monitoring on national security grounds after obtaining authorisation. The law requires the SRI to obtain a warrant from the "public prosecutor specifically appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage in a wide variety of operations to determine if a situation meets the legal definition of a threat to national security or to prevent a crime. [4(a)]

ii) Employment of Police Officers

4.32 On graduation from the Police Academy, policemen sign a 9-year contract. During that period they can resign from the force, but this must be approved and they must pay back money to cover (some) training costs. Policemen take an oath, as specified in Law 26/1994, on the Organisation of the Romanian Police. It is possible to serve part of one's conscription in the police force rather than in the army. [5(c)]

4.33 The rules about a policeman leaving the country are set out in the internal regulations of the Ministry of Interior. An officer has to get approval in order to travel abroad. The severity of any jail sentence for not doing so is not fixed but rather depends on the individual case. Law 26/1994 states that "Policemen cannot be members of a political party or group." [5(c)]

iii) Corpul Gardienilor Publici (CGP)

4.34 The CGP was set up in or around 1995. It is a legally constituted body subordinated to local authorities, which provides protection services. It is a civil body and therefore not the same as the Romanian police. The police are responsible for supervising and controlling the activities of the CGP and staff must be approved by the police. Guardians have individual work contracts with the CGP, normally for two or three years. They may resign at any time but must pay compensation if they do so in their first two years of service. This compensation (for training and equipment costs) could amount to as much as £100. [5(b)]

F. The Judiciary

4.35 The European Commission concluded in November 2000 that important progress has been made in improving the functioning of the judiciary in Romania. The law on the organisation of the judiciary was amended in November 1999 creating special sections within the courts to deal with social security and labour law issues. In addition, disciplinary measures can be invoked against judges who do not deal with cases in due time. Further amendments have improved the status of staff and auditors at the National Institute of the Magistracy. [20(b)]

4.36 Initiatives in 2000 were aimed at improving the training and recruitment of the judiciary. The National Institute for the Magistracy is the only entry point for a career as a judge as from the academic year 2000-2001. The subsequent year will see a transition from a one-year training period to a two-year training period. At the same time, EC law has been given a more prominent place in the training programmes for both judges and prosecutors. [20(b)]

4.37 Romania has established a legislative framework to ensure effective judicial remedies for any person whose rights and freedoms recognised by the International Covenant on Civil and Political Rights have been violated, including cases in which the violation was committed by persons in an official capacity, under the Administrative Litigation Act (Act No. 929/1990). The large number of petitions to the courts or, where appropriate, to the administrative or other authorities empowered to deal with these matters shows that individuals are familiar with their rights and resolved to exercise them, if necessary by means of an effective remedy. [11(a)]

4.38 The Act made it possible to carry out a judicial review of orders to suspend some mayors from their duties. In cases where the complaints by the mayors were proved to be well founded, the bodies exercising primary jurisdiction have ordered the annulment of the suspension orders, and their decisions have been confirmed by the Supreme Court. Conversely, in cases where the mayor's complaint was proved ill founded, the bodies exercising primary jurisdiction and the courts of appeal have upheld the suspension ordered by the Prefect. [11(a)]

4.39 The Organisation of Justice Act (Act No. 92/1992) re-established a four-tier system. Defendants have final recourse to the Supreme Court, or for constitutional matters, to the Constitutional Court. This law was amended in 1998 to define the size of judge panels, which resulted in an acceleration of procedures. [4(a)]

4.40 The Supreme Court of Justice, which was re-organised under Law 56 of 9 July 1993, exercises control over the judicial activity of all courts. It ensures the correct and uniform application of the law. The members of the Supreme Court are appointed by the President of Romania at the proposal of the Superior Council of Magistrates. The General Prosecution Magistracy functions under Law 92 of 4 August 1992. [1]

4.41 Law 92 of 4 August 1992 established the judicial organisation of courts at the county and local levels. In each of the 40 counties of Romania there is a county court and between 3 and 6 local courts. The county courts also form 15 circuits of appeal courts, where appeals against sentences passed by local courts are heard, which are generally considered courts of first instance. [1]

4.42 Judicial cases involving military personnel and the police are tried in a military court system. Local and international human rights groups criticise this system, claiming that

military prosecutor's investigations are unnecessary lengthy and often purposefully inconclusive and that some military prosecutors sometimes block proper investigation of alleged police abuses. [4(a)]

4.43 Military Courts were re-organised through Law 54 of 9 July 1993. Generally they judge contravention of the law by service personnel at one of the two military courts in the country; the Territorial Military Court, with a right of appeal to the Appeal Military Court. There is also a military department within the Supreme Court, which judges appeals in some cases. The judges are professional lawyers and career officers. [1]

4.44 Measures to strengthen the working of the judiciary since 1997 have included a review of the organisational structure of the Public Ministry (i.e. the General Prosecutor's Office) combined with personnel changes of strategic importance. There are also increasing signs to remove unsuitable judges. In June 1998, mandates for 17 of the 37 judges on the Constitutional Court were not reconfirmed, due to their repeated infringements of existing legislation on property. In the last 10 years there has been a considerable change in the age structure of judges. About 76% of judges are now under 30 years of age. [20(a)]

4.45 In October 2000 an emergency ordinance, entered into force in January 2001, amended the Code of Civil Procedure. It introduced measures to speed up court procedures and avoid unjustified delays. The ordinance establishes a special procedure for commercial cases which involve a "substantial value." In addition, the ordinance makes the conciliation process obligatory in civil cases, simplifies the rules for execution of civil case judgements, and introduces new provisions on the organisation and functioning of judicial benefits. [20(b)]

4.46 Justice Minister, Rodica Stanoiu, stated on 19 September 2001 that Romania's magistrate schools are to introduce special courses for judges belonging to juvenile courts, initiated by the General Directorate of Penitentiaries. Law 197/2000, adopted in 2000, refers to the fight against family violence. [24(s)]

4.47 The Constitution provides for the irremovability of judges appointed by the President of Romania. The Supreme Court Act provides that judges of the Supreme Court of Justice, who under the terms of the Constitution are appointed for a period of six years and may be re-appointed, shall be "dignitaries of the State and irremovable during the period of their mandate" (art. 17). The Act also provides that they may not be prosecuted for a criminal or minor offence or committed for trial without the authorisation of the President of Romania (art. 59). The power to authorise the prosecution of assistant judges at the Supreme Court of Justice for a criminal or minor offence, or their committal for trial, lies with the President of the Court (art. 60). [11(a)]

4.48 There have been allegations of political interference in the functioning of the judiciary in Romania. In May 2001 the Chairman of the Constitutional Court, Lucian Mihai, resigned, alleging governmental interference in his work under both the present and previous administrations. In the shake-up of the Constitutional Court that followed Mihai's resignation one of the new judges appointed to the court was Serban Viorel Stanoiu, the husband of the serving Justice Minister, Rodica Stanoiu. [23(u)]

4.49 A judge can request, and the Ministry of the Interior is obliged to provide him with, protection in cases where his own and his family's lives, physical integrity or property are at risk (article 75 of the Organisation of Justice Act and article 59 of the Supreme Court Act). [11(a)]

4.50 Constitutional provisions guarantee all persons the right to life and prohibit the death penalty. Judicial practice bears witness to judges' concern to achieve a correct legal characterisation of criminal acts that have resulted in a loss of human life, so as to ensure that the penalty is commensurate with the seriousness of the acts and the evidence concerning the intent of the person who has committed the criminal act. [11(a)]

were subsequently dropped or if he was acquitted because he "had not committed the act of which he stood accused, or that act had not been committed". Full compensation for the damage caused to the person unjustly arrested "must cover the material damage, and also the moral damage, albeit with no obligation to observe any proportion between the two forms of damage". An exception to this rule is the case of a person who during the criminal proceedings or the trial has, intentionally or through serious fault, hindered or tried to hinder the establishment of the truth. [11(a)]

4.57 The right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person, recognised by the International Covenant on Civil and Political Rights, is also guaranteed by the Romanian Code of Criminal Procedure (art. 5¹). In providing for detention and the obligation not to leave the locality as alternative measures, the Code adds that, with a view to adopting the most appropriate measure, account must also be taken of "the state of health, age, personal history and other information concerning the person against which it is directed" (art. 136). On the expiry of the period of validity of the warrant, the prosecutor may again choose between the two possibilities: either to request the court to prolong the pre-trial detention, or else to oblige the accused not to leave the locality, for a maximum period of 30 days (art. 145). [11(a)]

4.58 If the person sentenced to a custodial penalty suffers from an illness making it impossible for him to serve the sentence, if a female convicted is pregnant or has a child under one year old or if, because of special circumstances, execution of the sentence would have serious consequences for the person convicted or for his or her family, the court may decide to defer it. [11(a)]

4.59 The provisions of domestic legislation requiring that the person arrested be informed promptly and in detail, in a language which he understands of the nature and cause of the charge against him are complied within Romania. Under article 6 of the Code of Criminal Procedure the right to a defence is guaranteed for the person charged or committed for trial from the outset of the criminal proceedings. [11(a)]

4.60 The first condition that must be fulfilled in order to secure the right of everyone to be tried without undue delay is continuity of the prosecution process and accomplishment by the prosecutor of all the necessary steps to gather the items of evidence, with a view to establishing the file and formulating the submissions. The only possibility of jurisdictional supervision, whereby the judge can eliminate undue delay in this first stage of the criminal proceedings, relates to the application of the statutory provisions concerning the extension of pre-trial detention. If after repeated extensions, the prosecutor should request a further 30-day extension, and if at that stage the court considers that a further 15 days would provide sufficient time in which to complete the criminal proceedings, a further request for extension of the detention after the expiry of the 15-day period is not permissible. [11(a)]

4.61 Under the law, minors detained by the police and placed under guard in a centre for the protection of minors, are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if aged between 14 and 16 they have consciously committed a crime. However, since the Penal Code does not apply to minors in these centres until their cases are referred to a prosecutor, police are permitted to question them without restrictions and may hold those suspected of criminal offences for up to 30 days in such centres. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the government to change it. [4(a)]

(Please also see Section V. C on Children)

4.62 According to APADOR-CH, the Romanian Helsinki Committee, the Romanian Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers. [4(a)]

H. Prisons

4.63 The prison system is improving slowly as efforts increase to bring prisons in line with minimum international standards. The 2000 prison budget increased by 74 percent from the 1999 budget. There are now a total of 41 penal units, 34 prisons (increased from 33 in 1999), 5 prison hospitals and 2 juvenile detention institutions. Nevertheless, overcrowding remained a serious problem in 2000, although it had improved slightly from 1999. [4(a)]

4.64 The prisons system has been considerably improved through the establishment and observance of a clear methodology for the organisation of detainees' lives and activities. The international standards relating to the prisons system have been published in brochures and distributed in all places of detention. [11(a)]

4.65 The May 1999 law providing for alternative sentences for minor offences (community service instead of detention) has helped to reduce the number of people detained. The proportion of the total prison population, made up of persons in pre-trial detention, diminished from 30 per cent in 1998, to 20 per cent in 2000. [20(b)]

4.66 Human rights organisations continued to report abuse of prisoners by other prisoners and prison authorities in 2000. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semi-official charge of other prisoners. There were attempts to ameliorate this system in some prisons by giving the inmates some input in the selection of these "cell bosses." Prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely and inmates had the right to telephone calls. Prison authorities introduced some vocational training programmes to assist inmates' future integration into society. [4(a)]

4.67 The government permits visits by human rights monitors, and several non-governmental organisations (NGO's) made such visits in 2000. There were no reports of political prisoners, nor was exile used as a means of punishment in 2000. [4(a)]

I. Social and Medical Welfare

4.68 Romania has a comprehensive state insurance scheme, premiums being paid by enterprises and institutions on behalf of wage earners. A new law on unemployment allowance was adopted in January 1991. In addition, funds are allotted to sickness benefits, children allowances, pensions and the provision of health resorts. Medical care is provided free of charge. [1]

4.69 The Romanian Health Service is predominantly public. All Romanian citizens have access to free emergency medical treatment. Ongoing treatment is only available to those Romanians who pay a percentage of their monthly income to the Romanian social health insurance fund. If this is not done, payment is expected for treatment and medicines. The following categories are entitled to free healthcare:

- Children and persons under the age of 26 (if studying or out of work)

- Pensioners (except for certain medicines and special services e.g. prosthetics)
- Close relatives of an insured person (husband/wife, children, parents) without income of their own and dependent on the insured person
- Unemployed disabled persons
- Unemployed persons whilst receiving state benefits
- War veterans and widows. **[5(u)]**

J. Education

4.70 Education is free and compulsory between the ages of six and 16 years. Children under the age of 6 years may attend crèches and kindergartens. The Education Act was adopted by Parliament in 1995. Article 5, paragraph 1 provides that "citizens of Romania have equal rights of access to all levels and forms of education, without distinction on account of social and material status, sex, race, nationality, or political or religious affiliation". The Act guarantees "the right of persons belonging to national minorities to learn their mother tongue and the right to be taught in that language" (art. 8, para 2), and also establishing a mandatory requirement to study and assimilate the Romanian language, as the official language of the State (art 8, para 3). **[1] [11(a)]**

4.71 The Education Act provides for the introduction of religion as a compulsory subject in primary education, as an optional subject in lower secondary education, and as an extra subject in upper secondary education and vocational schools. The student chooses the religion and denomination he or she wishes to study. The provisions of the Education Act also deal with the organisation, by the Ministry of Education at the request of the religious denominations recognised by the State, of specific denominational education so as to meet their needs for trained staff. The curricula are drawn up by the denominations and approved by the State Secretariat for Religious Denominations and the Ministry of Education. Article 12 of the Act provides that "the organisation and contents of the teaching may not be structured on the basis of exclusive and discriminatory criteria of an ideological, political, religious or ethnic nature. Educational units and institutions created in response to religious or linguistic needs, in which the teaching reflects the choice of the parents or legally appointed guardians of the students, shall not be regarded as being based on exclusive and discriminatory criteria". **[11(a)]**

(Please also see Section V.F on Freedom of Religion)

4.72 Academic freedom is respected in Romania. **[4(a)]**

4.73 There are 302 school establishments and sections in which teaching is conducted in German. A substantial number of students from the German minority study in schools in which the teaching takes place in Romanian, and they also have the possibility of studying, on request, the German language as a subject in school (four hours per week for years one to four and three hours per week for years five to twelve). **[11(a)]**

4.74 The school network for teaching in the national minority languages also includes establishments, sections and study groups in which the students can be taught or learn in the language of the Serbian, Ukrainian, Slovak, Czech, Bulgarian, Croatian, Turkish and Tatar, Russian, Polish, Armenian, Greek and Italian minorities. **[11(a)]**

4.75 In the framework of the State's efforts to secure fuller social integration of persons belonging to the Romany minority, in 1997 a school programme was established to provide Romany children with an opportunity to learn the Romany language. Study groups for the language have been set up in eight pre-university educational establishments and 302 pupils selected the option. Special classes for Romany language

and literature teachers were set up in 1993 in three teacher training colleges in Bucharest, Bacău and Târgu-Mureş. Students on the programme include not only young people of Roma origin, but also ethnic Romanians. [11(a)]

4.76 The Educational Publishing House has published a special textbook to facilitate the teaching of Romany, and in 1997 the Ministry of Education prepared a curriculum for years one to four. In this educational process increased importance was being attached to co-operation between the competent Romanian authorities and NGOs working in the field of Roma education and culture. [11(a)]

4.77 Article 32 of the Constitution, which established the right to free education for all, also grants the right to members of national minorities to learn their mother tongue and to be educated in this language. [5(n)]

(Please see also Sections V. J on Ethnic Minority Groups (General); and V.L. on Roma)

K. Refugees

4.78 In 1996 a refugee law was passed, implementing the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. A new refugee law entered into force on 2 November 2000. The legislation attempts to bring Romanian asylum policies and institutions in line with EU standards, providing safeguards against forcible expulsions. Provisions allowed authorities to grant humanitarian status to persons exposed to inhumane or degrading treatment or torture in their country of origin and introduced accelerated border procedures for asylum seekers entering the country. [30]

4.79 The Romanian Government co-operates with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organisations. In mid-1998 the Interior Ministry and the Labour Ministry began funding programs to assist asylum seekers and refugees. Asylum seekers unable to provide for themselves may be accommodated in a refugee reception centre. One centre in Bucharest housed 264 persons in 2000 and another with a capacity for 400 opened in 2001. An increasing number of transiting illegal migrants regard the country as a springboard to the west. [4(a)] [30]

4.80 In 2000, Romania received 1,366 applications for asylum. UNHCR estimated that about 2,100 asylum seekers and refugees were in Romania at that time. During the Kosovo crisis, Romania hosted close to 100 Kosovar refugees from FRY of Macedonia, under the joint UNHCR/IOM Humanitarian Evacuation Programme. As of July 1999, all but one had returned to Kosovo. [4(b)]

4.81 There were no reports in 2000 of the forced return of persons to a country where they feared persecution. [4(a)]

L. Europe and NATO

4.82 Romania's relations with other countries slowly improved after the overthrow of President Ceauşescu in 1989. An Association Agreement with the European Community was signed in February 1993, and in October 1993 Romania became a member of the Council of Europe. In June 1995 Romania formally applied for full membership of the European Union however in July 1997 the European Commission judged that Romania was not then ready to begin accession negotiations for EU membership. [1]

4.83 Formal negotiations to join the European Union began in March 2000. Romania's

chief negotiator with the EU concluded on 17 August 2001 that Romania is meeting the deadlines it established for opening the negotiation chapters for admission to European bodies. Of the thirty-one chapters Romania has to negotiate, it had, as of August 2001, provisionally closed eight chapters, opened another seven and issued official positions on another five the Romanian government presented to the European Union. [24(q)]

4.84 At the end of the Romanian-European Union Association Council held in Brussels on 19 March 2001, European Commissioner for Enlargement, Gunter Verheugen, reiterated that Romania has a long way to go before it can achieve political membership of the European Union. He stated that due to the political, social and cultural inheritance from the former regime, Romania has had to confront the worst situation out of the entire EU candidate states. The Association Council is satisfied that democratic institutions are established in Romania and that they are being improved constantly, while the country is making progress in other fields such as child protection, the treatment of minorities, economics and alignment with European standards. [9(a)] [24(g)]

4.85 European Integration Minister, Hildegard Puwak, presented, on 6 September 2001, an analysis of the European Parliament's Reports on Romania for 2000 and 2001. The Report for 2001 will be published in November 2001. Macroeconomic moves in 2001 have been welcomed in the report, as well as significant economic growth, the high level of exports and the substantial rise in Romania's Central Bank's hard-currency reserves. The drop in the unemployment rate has also been noted, with Romania having overcome most of the difficulties related to its meeting some of the economic criteria set at the EU summit in Copenhagen. With regards to the situation of institutionalised children, whose situation in 2000 was considered difficult, the report for 2001 firmly backs the clear position of Prime Minister Nastase. Both reports underscored the institutional and legislative efforts Romania has continued to make, as well as the progress made regarding the status of minorities. [24(v)]

4.86 On 22 August 2001, the Government approved a strategy for the adoption of European Standards, in view of Romania's integration into the European Union. The strategy stipulates that all standards are to be harmonised by the end of 2003. A total of 13,100 European documents will be adopted by Romania before 2003. Both President Ion Iliescu and Prime Minister Adrian Nastase have said that EU and NATO membership are their top priority in foreign policy. Romania wants to join NATO in 2002 and the EU by 2007 but officials in Brussels say these target dates are not realistic. [6(m)] [24(p)]

4.87 In early 1997, Romania directly appealed to all NATO member countries to support its accession into the organisation in the first wave of expansion. At NATO's Madrid Summit in July 1997 the Czech Republic, Hungary and Poland were invited to start accession talks and joined NATO in 1999. At the 1999 Washington summit allied leaders promised that these countries would not be the last new countries to join NATO and stated that the enlargement process would be reviewed in 2002. [1] [13]

4.88 Romania was the first country to sign up for Partnership for Peace immediately after the NATO summit in January 1994. They signed up for the Membership Action Plan (MAP) in 1999, which gives subsistence to NATO's commitment to keep its door open. It does not, however, guarantee future membership. MAP provides for a range of activities designed to strengthen each aspirant country's candidacy. NATO is following the progress made by each aspirant and providing political and technical advice. [1] [5(o)] [13]

4.89 The main political parties represented in Parliament signed a joint declaration on 7 March 2001 stating that joining NATO continues to be the foremost goal of Romania's

4.90 Following a four-day visit of NATO experts to Romania to assess Romania's progress in fulfilling its obligations under the Action Programme for NATO Accession, NATO Deputy Secretary-General, Edgar Buckley, announced on 9 March 2001 that Romania had made real progress in the judicial, constitutional, political and economic and security fields and in allocation of resources. Nevertheless, areas needing improvement in the future remained. A report on Romania's progress will be submitted to the NATO Command in Brussels, which will be taken into account at the Alliance's 2002 Prague Summit, at which certain decisions related to NATO expansion will be made. [19 (d)]

4.92 Officials from the Foreign Ministry, the Romanian Intelligence Service, the Romanian Foreign Intelligence, the Defence Ministry, the Interior Ministry, the Justice Ministry, the Presidential Administration and the Romanian Government analysed the national plan for NATO admission for 2001-2002, on 21 September 2001. The plan was approved by the government and formally submitted to the NATO International Secretariat in Brussels by end September 2001. [24(m)]

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- B. Women
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5. HUMAN RIGHTS

A. Actual Practice with regard to Human Rights

5.1 Romania has ratified the major human rights instruments, including the revised European Social Charter. The European Commission concluded, in November 2000, that Romania continues to respect human rights and freedoms. [20b]

5.2 The European Commission published its regular report, on 8 November 2000, on the progress of candidate countries towards meeting the Copenhagen criteria. Romania had fulfilled the Copenhagen political criteria in time for the Commissions' 1999 report; i.e. it has achieved the "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities". Areas still needing attention include the fight against corruption, the increased use of ordinances and, despite some positive developments, the situation of the Roma. [20b]

5.3 The Office of the UN High Commissioner for Refugees (UNHCR) has concluded that Romania is no longer to be characterised as a refugee-generating country and that basic standards of human rights are respected. [7(c)]

5.4 In September 2000, the Government passed Emergency Ordinance number 137 on prohibiting and sanctioning all forms of discrimination by public employees, individuals, private companies and economic operators, on the grounds of race, ethnicity, age, gender, or sexual orientation. A violation of its provisions would result in heavy fines. APADOR-CH, the Romanian Helsinki Committee, believes this is a vital instrument for the protection of national minorities and, with major effects especially on the statute of Roma. An emergency ordinance has the effect of law unless it is nullified by Parliament. [4(a)] [21]

5.5 The Ordinance provides for sanctions for petty offences for any difference, exclusion, restriction, or preference aiming to or resulting in the restriction or prevention of equal recognition, use or exercise of human rights and fundamental freedoms, in the political, economic, social, cultural or any other field of public life. It also enables human rights non-governmental organisations to become parties in court cases, in order to ensure the representation in court of discriminated persons, in case that the discriminatory act affects the community in general. The Romanian Helsinki Committee regards the application of these provisions as resulting in the increased role of civil society in Romania's transition towards democracy and ensuring the more active involvement of non-governmental organisations in the overall public life and especially human rights protection. [21]

5.6 A Government Decision adopted in December 2000 provides for the establishment of the National Council for the Elimination of Discrimination. Its' aims are to acknowledge the offences and apply the sanctions provided by Emergency Ordinance number 137. This is a specialised body of the central public administration subordinated to the Government, which is necessary for ensuring a unitary implementation of the Ordinance provisions. [21]

5.7 The United States State Department concluded that in 2000 the Romanian government generally respected the human rights of its citizens. However several serious problems remained with respect to investigations of police abuses; poor living conditions in prisons; discrimination against Roma; impoverished and homeless children; child labour; societal harassment of religious minorities and trafficking in woman and girls. Human Rights Watch reported in 2000 that human rights groups in Romania continued to work to bring attention to human rights abuses, particularly focusing on police brutality, prison conditions, and rights of minorities. [3(b)] [4(a)]

(Please see also Section IV. E.i on Police and Human Rights; Section IV.H on Prisons; and Sections V.B, V.C and V.F. on Human Rights)

5.8 The Ombudsman's Office, which was established in March 1997, became fully operational in 1999. It received 4,321 complaints between January and September 2000. The Office registered 4379 complaints in 1999, up from 2985 in 1998 and 1168 in 1997. The Office is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights, but with all facets of citizens' interaction with government. A regional pilot-office was established in 2000 with the aim of making the institution more accessible and raising the awareness of the institution at regional level. As with previous years, many complaints were rejected in 2000 because they related to problems with the judiciary and not the administration. However, there was a marked increase in the number of cases accepted; in 1999, 1,199 cases were found to be within the Ombudsman's competence as compared to only 425 complaints in 1998. The European Commission noted that in 2000, 60 per cent of the complaints were accepted which seemed to indicate a growing public awareness of the role and function of the Ombudsman. [4(a)] [20b]

5.9 Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defence of Human Rights (LADO), the Romanian Institute for Human Rights, as well as several issue-specific groups such as the Young Generation of Roma and Romani CRISS, the Centre for Crisis Intervention and Studies which is also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections of monitoring the observance of human rights. These groups as well as international human rights organisations functioned freely without government interference. [3(b)] [4(a)]

5.10 In 2000 there were no reports of politically motivated disappearances. [4(a)]

5.11 The Romanian Constitution forbids torture and inhuman or degrading punishment and, in 2000, these prohibitions were generally respected in practice. However, there were reports that police beat detainees and used excessive force. [4(a)]

(Please see also Section IV.E.ii on Complaints and Police abuses)

5.12 In 1998 more than 12,000 NGOs played an increasingly important role in society. This was also recognised by the state administration, which is intensifying its relations with civil society. An office has been established under the Prime Minister to promote relations with the NGO sector. Human Rights Watch was not aware of any attempts to hinder the work of human rights groups in 2000. [3(c)] [20(a)]

5.13 The Romanian Helsinki Committee (RHC) reported and investigated numerous reports from individuals who claimed to have been tortured or ill-treated by the police in

2000. By law, such accusations were investigated by the Military Prosecutor's Office, which also decided whether an investigation was warranted, with the burden of proof on the victim. [3(c)]

(Please see also Section IV.E.i on Police and Human Rights, and Section V.J on Ethnic Minority Groups (General))

5.14 Every faculty of law includes human rights as a fundamental component of its training of lawyers, magistrates and officials responsible for securing application of laws. Human rights are also taught at the Police Academy (which has university status) and at the National School of Administration; and are included in the primary and secondary school curriculum, in the form of courses in civic education and human rights. [11(a)]

5.15 The Government co-operates with local and international monitoring groups, although some offices are slow to respond to enquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating abuses, responds unevenly to enquiries from monitors. Romanian law provides no other remedy for victims of police abuse. Often victims are reluctant to come forward, and the Government does not provide transparency in this regard. [3(a)] [4(a)]

B. Women

5.16 The Constitution grants women and men equal rights. However, in practice the government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues. Women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. [4(a)]

5.17 No legal restrictions hinder the participation of women in government or politics; however, societal attitudes are a significant impediment, and women are underrepresented significantly in government and politics. Before the 26 November, 2000 elections there were 2 women out of 126 senators, and 25 women out of the 343 deputies in the Lower House of Parliament, or 5.6% of the total seats in Parliament. However, after the elections, this increased to 9.8 percent. The current cabinet has 5 female ministers. Women also hold 3 of the 18 seats allocated to national minorities. [4(a)] [10(b)]

5.18 Women are well represented in the judiciary, from which members of the central and constituency election bureaus are appointed. Over 60 per cent of the judicial representatives on the Central and Constituencies Election Bureaus are women. Likewise, at more than 200 polling stations visited by observers on election day (26 November 2000), over 50 per cent had women presidents while overall membership was spread evenly among men and women. [10(b)]

5.19 The European Commission's regular report on Romania's progress towards accession, dated November 2000, notes that some progress had been made in 2000 concerning equal opportunities. The Consultative Inter-Ministerial Commission on Equality of Treatment for Men and Women was set up and in March 2000, a Directorate for Equal Opportunities was established in the Ministry of Labour and Social Protection. Romania also signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. Further efforts are needed to promote the social and economic equality of women. [20b]

5.20 Violence against women, particularly rape, continues to be a serious problem. Both human rights groups and women's rights groups credibly report that domestic violence is common, and a 1999 report by the UN Children's fund (UNICEF) emphasised that violence against women in the workplace is not uncommon since their subordinate position exposes them to greater risk. Under a government pilot which began in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only 4 persons. It received 490 calls for help during 1998 on a hot line, and registered 230 walk-in victims. According to UNICEF, Romania has an average of 108 sexual incidents per 1000 women, and 41 assaults per 1000 women. Prosecution for rape remains difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. [4(a)]

C. Children

5.21 The Government administers health care and public education programmes for children, despite scarce domestic resources. International agencies and NGO's supplement government programmes in these areas. [4(a)]

5.22 There is no perceptible societal pattern of abuse against children. Nevertheless, large numbers of impoverished and apparently homeless, but not necessarily orphaned, children can be seen on the streets of the larger cities. The government does not have the statistics defining the scope of the problem. NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. These NGO's continued to seek alternative solutions, such as parole for juveniles. Because time served while awaiting trial counts as part of the prison sentence but does not count towards time to be served in a juvenile detention centre, some minors actually requested prison sentences. [4(a)]

5.23 Living conditions in all child care institutions seriously deteriorated during 1999 for financial and administrative reasons and did not improve during 2000. The European Commission's annual report of 2000 stated that the Romanian government had shown a political commitment to addressing the problems of institutionalised children and progress had been made. The Romanian Government issued a twelve-month moratorium in July 2001 on standards required for international adoption of Romanian children. This allows the government time to establish the requisite infrastructure in line with European standards. [4(a)] [20b]

5.24 In line with the recommendations of the European Commission to establish a single authority that would be responsible for setting appropriate standards for all childcare institutions, the National Agency for the Protection of Children's Rights was established in July 2000. It is directly subordinated to the Prime Minister and is responsible for the elaboration, co-ordination and monitoring of reform policies. The Agency is in charge of ensuring that agreed standards and levels of care for several childcare services have been established and agreed by the order of the President of the Agency. [20b]

5.25 For the first time in the last ten years, World Bank officials considered, in July 2001, Romania 'satisfactory' with regard to the protection of institutionalised children, the Minister of the Co-ordination of the Government's General Secretariat, Serban Milailescu reported. At the meeting of the High-level Group, which deals with Romania's children, participants reportedly commended the special efforts for special education reform and child protection. [24(n)]

5.26 The Constitution prohibits forced or compulsory child labour, and the Ministry of

Labour and Social Protection generally enforces this provision; however, trafficking in girls for the purpose of forced prostitution is a problem. The minimum age for employment is 16 years, but children as young as 14 or 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge". [4(a)]

5.27 On 4 July 2000, the Ministry of Labour and Social Protection (MMPS) launched the International Programme for Child Labour Elimination set up in co-operation with the International Labour Bureau. The project estimated that up to 600,000 dollars would be financed by the US government. A group of 1,500 children from Roma families, split families or living on the streets would be selected. Labour Minister Smaranda Dobrescu affirmed that they would be integrated in educational institutions while child labour would be eliminated progressively. The MMPS Secretary of State stated that all companies that use child labour would be suspended from operating. [6(h)]

5.28 On 4 December 1995 Government Decision No. 972 adopted the National Programme of Action for the Child, a framework document establishing the priority areas and general orientation of action to improve children's lives. The task of co-ordinating and securing the application by responsible agents of the measures taken in support of children falls to the National Committee for the Protection of the Child, an inter-ministerial body set up in 1993 to draft the Government's strategy in this area. Romania signed the optional protocol of the Convention of the Rights of the Child, concerning the Involvement of Children in Armed Forces. [3(c)] [11(a)]

(Please see also Section IV.G on Legal Rights/Detention; and Section V.A on Actual Practice with regard to Human Rights)

D. Homosexuals

5.29 Emergency Government Ordinance number 89/2001 was passed on 14 July 2001, revoking Article 200 of the Penal Code in its entirety, which criminalised same-sex relationships. On 29 August 2001, the Senate's Judicial Commission approved the abrogation of Article 200 and the Chamber of Deputies passed the Ordinance in October 2001. [23(a)] [26(g)]

5.30 The Romanian Senate adopted Ordinance 89/2001 on 6 September 2001, with 83 votes in favour, 32 against and 6 abstentions. Legal discrimination against homosexual acts is thus abolished. Homosexual and heterosexual acts will be treated equally before the law. Lawmakers regard the abrogation of the Article as justified based on the Constitution's stipulations regarding equality of all citizens under the law, respect for one's private life, and one's right to freely determine one's private life. Excepting the Greater Romania Party (PRM), no other parliamentary group opposed the Ordinance. [18] [24(g)]

5.31 The text adopted by the Senate reads that sexual perversities (Article 201 of the Penal Code) will only be punished if they are committed in a public place, or if they elicit public scandal; the punishment will be a prison term ranging from one to five years. It continues to state that sexual acts committed by persons of the same sex are not regarded as sexual perversity. [24(g)] [18]

5.32 The President of the Romanian resident delegation with the OSCE Parliamentary Assembly, MP Cristian Radulescu, said that the draft law on abolishing Article 200, originally drafted in June 2000, would harmonise the Romanian Penal Law with the Council of Europe's Resolution 1123 referring to non-discrimination against

homosexuals. [24(d)]

5.33 The Ordinance on "Preventing and Punishing all forms of Discrimination", passed on 31 August 2000, explicitly included sexual orientation as a protected state of identity. [3(c)]

5.34 The US State Department Report for 2000, released in February 2001, stated that homosexuals "reportedly have been the victims of police brutality in the past." No reports of police brutality have come to the attention of the UK Foreign and Commonwealth Office in recent years. [4(a)]

5.35 Before 1996, all consensual sexual relations between adults of the same sex were forbidden in Romania. Article 200, paragraph 1, of the 1968 Romanian Criminal Code stated: "Sexual relations between persons of the same sex are punishable by imprisonment of one to five years." [3(a)] [5(f)]

5.36 ACCEPT was formed in 1994, and officially registered in 1996, with the aim of working towards the acceptance in Romanian society of all individuals, regardless of their sexual orientation. It is the main non-governmental organisation dealing with sexual minorities' rights in Romania and issues a monthly newsletter. ACCEPT organised the annual meeting of the International Gay and Lesbian Association, in Bucharest in October 2000, at which the Romanian police offered to protect participants. There are two "gay friendly" bars in Bucharest, frequented by homosexuals without interference from the police. [3(c)] [9(b)]

5.37 Homosexuality in the armed forces would be treated in accordance with the revised Penal Code. Any legal proceedings would come under the jurisdiction of the Military Court in Bucharest. [5(f)]

(Please see also Section V.A on Actual Practice with regard to Human Rights)

E. People with Disabilities

5.38 Difficult economic conditions and serious budgetary constraints contribute to very difficult living conditions for those with physical or mental disabilities. Many disabled people cannot make use of government-provided transportation discounts because public transport does not have facilitated access. Accessibility for the disabled, to buildings and public transport, is not mandated by law. [4(a)]

5.39 The European Commission acknowledged that some progress had been made in 2000 with regards to the socially vulnerable. An emergency ordinance improved the situation for handicapped persons in 2000 by expanding the possibilities of tax holidays for economic units that hire handicapped persons. Financing of social protection is ensured by the Special Solidarity Fund for Handicapped Persons, that was established in 1999. [20b]

F. Freedom of Religion

5.40 The Constitution provides for freedom of religion; while the government generally respects this right in practice, there are some restrictions and several minority groups claimed credibly in 2001 that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytising. The Government denied the allegations. According to the United States State Department report on religious freedom, there was no overall change in the status of respect for religious freedom between October 2000

and October 2001. Government registration and recognition requirements continued to pose problems for minority religions. There are generally amicable relations among the different religious groups; however, the Romanian Orthodox Church has shown some hostility towards non-Orthodox religious churches and criticised the 'aggressive proselytising' of Protestant, Neo-Protestant and other religious groups, which the Church has repeatedly described as 'sects'. [4(c)]

5.41 The Romanian Orthodox Church, of which approximately 86% of the population is at least nominal members, is predominant, although there are several other Christian churches which practise in Romania as well as a small number of other religions such as Islam and Judaism. According to published sources, the Baha'i Faith, the Family (God's Children), the Church of Jesus Christ of Latter Day Saints (Mormons), the Unification Church, the Methodist Church, Jehovah's Witnesses, the Presbyterian Church, Transcendental Meditation, Hare Krishna, and Zen Buddhism are active denominations in Romania. [4(c)]

5.42 With regard to freedom to profess their own religion, persons belonging to national minorities benefit from the same constitutional provisions as do all other Romanian citizens. Article 6 of the Constitution provides that "the State recognises and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their [...] religious identity"; while article 29 defines the framework for the expression of freedom of conscience and religion in Romania. [11(a)]

(Please also see Section V.J on Ethnic Minority Groups (General))

5.43 Under the provisions of the 1948 decree number 177, the government recognises 15 religions; only the clergy of these recognised religions are eligible to receive state financial support. Not one religion has succeeded in receiving religion status since 1990. The State Secretariat for Religious Denominations has licensed over 622 other religious associations under Law 21 of 1924 on juridical entities, thereby entitling them to juridical status as well as to exemptions from income and customs taxes. A government decree (26 of 2000) on associations and foundations became effective on May 29 2001, abrogating Law 21 of 1924. The new law eliminates, at least in theory, the bureaucratic obstacles in the registration process, which religious groups repeatedly criticised as time-consuming. It also removes the minimum requirement of members needed to establish religious associations and foundations. The State Secretariat for Religious Denominations reported in May 2001 that 50 new religious associations received approval for registration in 200 and 3 associations were approved as of May 2001. However, there are other provisions in these regulations that could make it more difficult for minority (non-Orthodox, whether recognised or unrecognised) religious groups to get such approvals. Approval is mandatory for obtaining a permit to build a place of worship. [4(c)]

5.44 Minority religious groups asserted in 2001 that they have found central government and parliamentary officials more co-operative than local officials. They specifically reported that relations with the State Secretariat for Religious Denominations, which started to improve at the end of 1999, continued to improve until the end of the previous Governments' term in office. Most minority religious expect to redevelop positive relations with officials of the new Government and the State Secretariat of Religious Denominations. [4(c)]

5.45 The Catholic Church of the Byzantine Rite, or Greek Catholic Church, which suffered discrimination in years past from the Romanian Orthodox Church and the State Secretariat for Religious Affairs, made progress in 1998 in the restitution of some of its

former church properties. As with all property ownership disputes, little progress was made during 1999. The Greek Catholic Church was disbanded by the Communists in 1948 and forced to merge with the Romanian Orthodox Church, which received most of the former's properties, including over 2,000 churches and other facilities. Since 1990 Greek Catholics have recovered a number of their churches. However, in Bixad, Satu Mare county, despite a government decision of 1992, the Greek Catholic Church in August 1999 could not take possession of the buildings which belonged to a Greek Catholic monastery because of opposition by local residents led by Orthodox priests. [4(a)]

5.46 Article 32 of the Constitution establishes the freedom of religious education, in the following terms: "The State shall ensure freedom of religious education, in accordance with the specific requirements of each denomination. In State schools, religious education shall be organised and guaranteed by law". The State Secretariat for Religious Denominations, a central institution set up in 1992, supports all denominations on an equal basis, contributes to the development of religious education in theological colleges, and acts as a liaison between the denominations and central local public administration. Through the Secretariat, the State contributes each month to financing the wage bill of the denominations and the costs of theology courses, and allocates funds annually for the construction, restoration and preservation of places of worship and articles of the cultural heritage in the care of the religious denominations. [11(a)]

(Please also see Section IV.J on Education)

5.47 New regulations issued by the Government on 22 May 2001, for the organisation and operation of the commission in charge of granting approvals for the construction of places of worship defines these as "buildings such as churches, houses of prayer, temples, mosques, synagogues, houses of assembly etc., used by religious denominations, religious associations and foundations for their specific religious services." The new regulations therefore no longer differentiate between recognised religions and unrecognised religions in terms of what they are allowed to build as places of worship. [4(c)]

5.48 Persons belonging to national minorities are among the members of the various religious denominations recognised in Romania, such as the Roman Catholic Church, the Evangelical Church (Augsburg Confession), the Reformed Church, the Evangelical Church (Synodic-Presbyterian), the Unitarian Church, the Armenian Church, Judaism, Islam, and the Ukrainian and Serbian Orthodox vicariates. These denominations are equal among themselves and before the law and the public authorities, without privileges and without discrimination. They are free and autonomous, and freely appoint their governing bodies and clergy without interference by the State. Clergy are trained by the denominations' own schools, faculties and colleges of theology, in the light of actual needs. Denominations are free to use the mother tongue of the congregation in their worship. [11(a)]

(Please also see Section V.A on Actual Practice with regard to Human Rights)

G. Jews

5.49 Romania saw Eastern Europe's biggest post-war exodus of Jews. Its Jewish community now numbers around 14,000, all that remain of a pre-war community of 800,000. Romania's ruling of July 1997, to award pension rights to expatriates, including

thousands of Romanian Jews who have emigrated to Israel, earned praise from the international Jewish community leaders on 22 August 1997. [6(c)] [6(d)]

5.50 Forty-two properties of the Jewish community had been returned by government decrees, as of October 2001. Of these, the community had completed the paperwork for the restitution of only 15, and lawsuits were in progress for 7 of these 15 properties. [4(c)]

5.51 Most mainstream politicians have publicly condemned anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic articles in 2000. [4(a)]

5.52 Between September 2000 and September 2001, Jewish cemeteries were desecrated in six localities. The perpetrator was identified in only one case. The perpetrators in the other five cases had not been identified, but were believed to have been local youths, rather than members of an organised local anti-Semitic movement. Four synagogues were desecrated in the same period. [4(c)]

H. Jehovah's Witnesses

5.53 Jehovah's Witnesses, initially registered as a non-governmental religious association, started having problems with the Romanian authorities under the assumption that it was not an officially acknowledged religious denomination. In 1998, the Jehovah's Witnesses changed their statute from association to religious denomination, a fact ultimately acknowledged in March 2000, by the Supreme Court of Justice who issued two rulings calling for the official recognition of the status of Jehovah's Witnesses as a religious denomination. The law does not prohibit or punish assembly for peaceful religious activities. Although the Supreme Court has recognised that Jehovah's Witnesses are a religion, the State Secretariat for Cults and the Military Court refuse to do so. Jehovah's Witnesses tend to be regarded with suspicion and hostility by the population at large and by the established churches. [4(c)] [4(a)] [27(b)]

5.54 Romania offers an alternative national service to those who object to military service on religious grounds. Current alternative military service terms are implemented by Law number 462/1994 on the "Preparation of Romania's Population for Defence." They would be expected to work in the public sector doing manual labour, i.e. on railways, building sites etc. Jehovah's Witnesses are mentioned specifically in the 1991 law on alternative military service. [5(a)]

(Please see also Section IV. E on Military Service)

I. Main Religions

5.55 Romanian Orthodox Church: Romania's principal religion, with more than 19 million followers.

Roman Catholic (Latin Rite) Denomination: Over 1,250,000 followers.

Roman Catholic (Romanian Rite): 1,110,000 followers.

Reformed (Calvinist) Denomination: Over 700,000 followers.

Pentecostal Denomination: Some 350,000 followers.

Seventh Day Adventist Denomination: Over 67,000 followers. [1]

5.56 Religions formally recognised by the Romanian State (and number of adherents reported at the 1992 census):

Romanian Orthodox Church	19,762,135
Romanian Church to Rome (Greek Catholic)	228,377
Roman Catholic Church	1,144,820
Reformed Church (Calvinist)	801,577
Evangelical Church of Augustinian Order	39,552
Evangelical Church (Synodical-Presbyterian)	21,160
Unitarian Church	76,333
Armenian Church	20,000
Christian Religion of the Old Rite	32,000
Baptist Christian Church	110,000
Pentecostal Cult - God's Apostolic Church	220,000
Seventh Day Adventist Church	76,658
Christian Cult after the Evangel - Romanian Evangelical Church	50,000
Romanian Evangelical Church	not given
Jewish Faith	9,102
Muslim Faith (Sunni)	56,000
Ukrainian Orthodox Vicariate	42,000
Serbian Orthodox Vicariate	not given

[5(m)]

5.57 In May 2001, Parliament overturned government Decree 106 of August 2000. Accordingly, there is no legislation at present regarding military clergy. [4(c)]

J. Ethnic Minority Groups (General)

5.58 According to preliminary data from the 1992 census 89.5 per cent of the population were ethnic Romanians, 7.1 per cent were ethnic Hungarians and 1.8 per cent were Roma. There are also communities of Germans, Ukrainians (Ruthenians), Serbs, Croats and other Slavic peoples, Jews, Turks, Tatars, and small groups of Greeks and Armenians. [1]

5.59 The European Commission determined in November 2000 that the treatment of minorities in Romania is mixed. The lack of progress with regard to tackling discrimination against Roma has still not been adequately addressed. On the other hand a series of progressive initiatives have greatly improved the treatment of other minorities in Romania. [20b]

(Please see also Section V.L on Roma)

5.60 The Organisation for Security and Co-operation in Europe concluded in January 2001 that Romania has demonstrated a commitment to ensuring the protection of national minority rights and the participation of minorities in public life. More than 30 minority associations, representing 18 different minority groups, ran for seats in the Chamber of Deputies in the November 2000 elections. All 18 minority groups won seats, up from 15 in the outgoing Chamber. [10(b)]

5.61 Representatives of the smaller minority groups in Romania, such as the Germans, Bulgarians and Lipovans (Russians) did not express serious concerns with the electoral process following the November 2000 elections, including the electoral legislation itself, minority representation in Parliament, or minority participation in the process. In fact, they appeared to greatly appreciate provisions for minority associations and feel their concerns and issues are being adequately and effectively addressed by the current system. [10(b)]

(Please see also Section IV.J on Education; Section V.A on Actual Practice with regard to Human Rights; and Section V.F on Freedom of Religion)

5.62 Romania's Constitution, adopted in November 1991, stipulates that Romania is "a social and democratic state of law in which human dignity, the rights and liberties of citizens, the free development of the human personality, justice and political pluralism represent supreme values and are guaranteed". The Constitution further guarantees that "the state recognises and guarantees for members of the national minorities the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity... Citizens are equal before the law and public authorities, with no privileges and no discrimination". Romania has also adopted a number of international human rights treaties, including the International Covenant on Civil and Political Rights, the UN Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination. Furthermore, the Romanian Constitution states that any international treaties ratified by parliament become domestic law and makes it clear that international treaties take precedence over domestic laws if necessary. [22(a)]

5.63 Council of National Minorities was established by Government Decision No. 137/1993. It is a consultative body of the Romanian Government bringing together representatives of organisations of citizens belonging to minorities and a number of State bodies (the Ministries of Foreign Affairs, Justice, Finance, Labour and Social Protection, Public Works and Planning, and Youth and Sport, the State Secretariat for Religious Denominations, and the Government Department for Local Public Administration). The Council's powers cover prescriptive, administrative and financial aspects of the rights of persons belonging to national minorities to retain, develop and express their ethnic, cultural, linguistic and religious identity, as provided for in the Romanian Constitution and current legislation, and in the international treaties and conventions to which Romania is a party. [11(a)]

5.64 The Romanian Helsinki Committee is concerned that the first measure that the new PDSR government took, following their election victory in November 2000, was to depreciate the current Department for the Protection of National Minorities by turning it into a Department for Inter-Ethnic Relations led by the Secretary of State from the Public Information Ministry. Consequently, the Department for Inter-Ethnic Relations would no longer be able to submit legislative initiatives directly to the Government. The former Head of the Department for the Protection of National Minorities was a member of the Cabinet who could ensure representation at the highest level possible because he was equal to other Cabinet ministers. Vasile Dancu, the Minister of Public Information, asserted in January 2001 that the Department in its new format would continue to solve minorities' issues and advance minorities' rights. The body will carry out its activities on programmes drawn up together with the Department's specialists, which remain the same as before. [21] [24(j)]

5.65 The Romanian Chamber of Deputies endorsed the Local Public Administration Bill, on 13 March 2001, which President Iliescu signed into law on 26 April 2001. According to

the bill, proceedings of local council meetings will take place in the Romanian language. However, in local councils where councillors belonging to a national minority represent at least one third of the total number of councillors, the mother tongue of the minority can be used. It is the mayor's responsibility to arrange for a translation into Romanian. In administrative localities where the number of citizens belonging to a national minority exceeds 20 per cent of the total population, decisions that have a legal character must also be published in the mother tongues of the ethnic minorities in question. The Greater Romania Party (PRM) voted against this bill, claiming that it includes anti-constitutional provisions, which is turning the Hungarian language into the official second state language. Representatives of other parties and Public Administration Minister Octav Cozmanca have welcomed the bill, pointing out that by passing this normative act, Romania meets international requirements on the protection of ethnic minorities. [19(e)] [19(f)]

5.66 A key element of Romanian law is the safeguard protecting the interests of national minorities in the legislative body. Under the Constitution, Article 59 (2) stipulates that additional seats are to be allotted in the Chamber of Deputies for associations representing national minorities that fail to pass the threshold for the normal distribution of mandates. These seats are in addition to the number of seats allocated to each constituency based on population figures. Minority representatives in the Chamber of Deputies play a significant role in post-election politics. As independents with no declared party affiliation, their votes can be pivotal especially when the party winning the largest number of seats only needs a few votes to ensure a majority in the Chamber. [10(b)]

5.67 According to election Law No. 68/1992, only one representative may be elected to represent any single national minority, even if more than one association representing that minority competes in the election. Shortly after the official electoral campaign began for the November 2000 elections, an Emergency Ordinance was adopted which liberalised the opportunity to win seats through the normal distribution by allowing the different associations representing the same national minority to run a common list of candidates in any or all constituencies. [10(b)]

5.68 The Parliamentary Group of National Minorities consists of one representative from each the following minority parties since December 2000:

- Community of Lipovan Russians in Romania (CRLR)
- Democratic Forum of Germans in Romania (FDGR)
- Rromas' Party (PR)
- Union of Armenians in Romania (UAR)
- Union of Bulgarians in Romania (UBBR)
- Turkish Democratic Union of Romania (UDTR)
- Democratic Union of Slovaks and Czechs in Romania (UDSCR)
- Democratic Union of Turkish-Muslim Tartars in Romania (UDTTMR)
- Hellenic Union of Romania (UER)
- Union of Poles in Romania (UPR)
- Union of Ukrainians in Romania (UUR)
- Jew's Communities Federation in Romania (FCER)
- Cultural Union of Rutens in Romania (UCRR)
- Union of Croats in Romania (UCR)
- Slav Macedonians Associations in Romania (AMSR)
- Albanians League in Romania (LAR)
- Italian Community in Romania (CIR)
- Union of Serbs in Romania (USR)

[26(b)]

5.69 The ethnic Hungarians, represented by the UDMR, obtained parliamentary representation in November 2000 through the normal electoral process. **[4(a)]**

5.70 The State provides substantial support for the cultural life of national minorities. It is involved in financing the activities of cultural establishments (theatres, arts groups, museums, libraries, etc), and in publication of newspapers and books in minority languages and production of radio and television broadcasts in those languages. There are dozens of national and local publications in Hungarian, Turkish, German, Romany, Slovak and Czech, Serbian, Armenian, Bulgarian, Ukrainian and Russo-Lipovan. More than 20 publications in national minority languages are subsidised by the Council of National Minorities. In addition, there are daily radio and television broadcasts in Hungarian and German and weekly broadcasts in other languages on national radio, as well as weekly broadcasts from local stations. There are also twice-weekly broadcasts in Hungarian and German and broadcasts for other national minorities (the programme entitled *Convietuiri*) on the national television channels, and broadcasts from local television studios. **[11(a)]**

K. Hungarians

5.71 Ethnic Hungarians, numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR party was a coalition member of the ruling government for most of the year 2000. **[4(a)]**

5.72 The UDMR's representation in Parliament is roughly equivalent to the percentage of Hungarians in the population at large. The UDMR is registered as a political party and not an Association Representing National Minorities and has representatives in both the Chamber of Deputies and the Senate. **[10(b)]**

(Please see also Section III. On History, Developments in 2001, for information on the proposed Status Law for ethnic Hungarians outside the territory of Hungary)

5.73 On 16 September 1996, the then Hungarian Prime Minister, Gyula Horn, and the then Romanian Prime Minister Nicolae Văcaroiu, signed a basic treaty in Timișoara, which was welcomed and encouraged by the international community. The text of the treaty reflected a compromise in the area of minority rights. Both countries pledged to treat their minorities fairly, according to European standards. By 1998, many of the issues addressed in the Romanian-Hungarian treaty of 1996 had been implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. A government decree on Hungarian language minority education was enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania. **[22(a)] [4(a)]**

(Please see also Section IV.J on Education; and Section V.A on Actual Practice with regard to Human Rights)

5.74 The Romanian Government announced in January 2001 that the subprefects for the counties of Harghita and Covasna, where the ethnic Hungarians are a majority, will be ethnic Hungarians, in accordance with an understanding between the UDMR and the ruling PDSR. The Hungarian subprefects will be appointed by the PDSR, at the proposal

of the local branches of this party. [24(k)]

L. Roma

5.75 The latest census in Romania in 1992 put the number of Roma at 409,723 or 1.85% of the total population. Gauging the population accurately is difficult because many Roma report themselves Romanian or Hungarian on census forms, due to the negative connotation associated with the ethnic identity of Roma. In addition, many do not complete the forms due to high levels of illiteracy. Several sources, including the Roma community associations, put the total number of Roma at 2 or even 2.5 million, i.e. more than 10 per cent of the total population. For various reasons many Roma do not hold ID cards. [5(t)] [11(b)] [12]

5.76 In October 2000, the UNHCR stated that "whilst it is beyond dispute that Roma in Central and Eastern European countries are frequent victims of discrimination and, on occasion victims of violence, conditions do not warrant the recognition of such asylum claims of a *prima facie* basis." [7(a)]

5.77 Whilst the UN Economic and Social Council February 2000 report on racial discrimination in Romania acknowledged that some forms of racial discrimination still existed, it pointed out that this "should not detract from the numerous measures the Government has already taken to deal with the problem of discrimination against the Roma at its source, in other words, their socio-economic marginalisation." [11(b)]

5.78 The European Commission, in its' annual report on progress towards accession, concluded in November 2000 that Roma remain subject to widespread discrimination throughout Romanian society. They stated that the Romanian governments' commitment to addressing this situation remains low and there has been little substantial progress in this area since 1999. The OSCE High Commissioner for Minorities, Rolf Ekeus, met with President Iliescu in July 2001 to report that he was content with the course of reform on Romania. In the opinion of the High Commissioner there is the political will in Romania for continuing the reform and, thinking of the democratisation, decentralisation and respect for the national minorities by respecting their language and their cultural identity. [24(c)]

5.79 Government decision 430/2001 on the Strategy for the Improvement of the Roma Situation was adopted on 25 April 2001 and issued in August 2001. The strategy establishes measures for the improvement of Roma in many fields including the economic and housing situation for Roma and for fighting discrimination by means of creating specialised administrative structures. It also sets out measures for increasing civic participation of the Roma minority in public life, both at central and local level in order to facilitate access of the Roma minority to a larger number of public services (health, justice, public order, education social security and child protection) and to integrate Roma culture alongside the already established cultures in Romania. [2] [26(h)]

5.80 The adoption of the strategy was a real demonstration regarding the political commitment by the government, in making steps towards solving the Roma issue and assigning roles and responsibilities to various ministries and local public administrations. The strategy represents a new perspective for the public administration in terms of recognising and approaching the challenges of Roma minorities in Romania. The Strategy is the result of a joint effort of the Romanian Government and the representative organisations of the Roma community. The application of the programmes and projects laid down for the implementation of the strategy will be achieved in consultation with the Roma organisations' representatives. [2] [26(h)]

5.81 The Strategy reaffirms the right of any minority, implicitly the Roma, to actively participate in the elaboration, implementation and evaluation of public policies on this minority and the fact that the minorities' problem has to be taken into consideration as a national problem. [26(h)]

5.82 The Romanian Government adopted the Agreement on the implementation of the Health Mediator System in Roma Communities, on 12 September 2001. The agreement provides for provisions between the Ministry of Health and Family and the non-governmental organisation Romani CRISS, Roma Centre for Social Intervention and Studies, in order to accomplish the tasks laid down in the government strategy above. The Agreement provides for the training of health mediators through the Public Health Directors as well as analysing the conflict situations officially drawn up by the local public health authorities in order to 'respect the leading principles' of the National Strategy for the Improvement of Roma. In addition, Romani CRISS will participate as a permanent consultant with veto rights to the sessions of the Ministry Commission on Roma and the Ministry of Health and the Family. [26(i)]

5.83 MP Nicolae Paun, a member of the Romani Party (Partida Romilor), confirmed in September 2001 that he was satisfied with the progress in relations between Roma organisations and the current Nastase cabinet. The Interior Ministry had, as of 4 September 2001, issued identity cards for 3,000 Roma and the Health and Family Ministry had established a programme for the vaccination of Roma members. In addition, the Education Ministry began a project in March 2001 aiming to provide Roma schools with education in their mother tongue. In April 2001 Mr. Paun confirmed that the Romanian government had signed an agreement with the Romani Party aiming to improve the health and integration of Roma. Under the accord the Roma Party have agreed to pay the social security contributions of Roma who are unable to receive medical treatment because they are unemployed and not paying contributions, with Roma receiving cards certifying that they have the right to free medical care from doctors and public hospitals. [24(t)] [31(b)]

5.84 The OSCE High Commissioner on National Minorities, Max van der Stoep, reported in April 2000 that an unequal and discriminatory sociology was practised by health care institutions and medical staff at all levels. In September 1999 Roma without either means to pay for health services directly, or proof of state medical insurance, had been banned from the Iasi County Hospital. State health services are provided for all citizens who are employed or those who are officially registered with the State as unemployed. Many Roma in the area were not registered and therefore in the eyes of the local authorities were not eligible for state health care. Access to medical care is made difficult by the fact that a large number of Roma do not possess the necessary documents. Those who do may be resident illegally in an area other than that stated on their identity card, so their medical records are not available to health care staff. Problems concerning permanent residence coupled with a lack of income making it impossible to pay for medical insurance mean that many Roma families may not be eligible for a family doctor under the terms of the law on health and social insurance (Save the Children, 1998:15). Health mediators in Roma Communities, as agreed by the above Agreement, aim to address these concerns. [10(a)] [12] [26(i)]

(Please see also Section IV.J on Education; Section V.A on Actual Practice with regard to Human Rights and Section IV.I on Social and Medical Welfare)

5.85 Discrimination against Roma at a local government official was made visible by the attempts of the local mayor in Piatra-Neamt, in October 2001, to construct housing areas

for Roma outside the town. The mayor's plans have been condemned by politicians from most of the mainstream parties including the PSD, of which the mayor is a member. [23 (q)]

5.86 Public Information Minister, Vasile Dancu, confirmed on 18 September during the opening of the Romania-EU Joint Parliamentary Committee that local councils and town halls have started to select Roma councillors from university graduates who have specialised in social assistance, as part of the implementation of the Strategy for the improvement of the Roma situation. In addition, he stated that as many as 3,150 Roma have been issued with their first identity cards this year. [24(i)]

5.87 The Romani population continued to be subject to discrimination and instances of violent discrimination in 2000. Romani NGO's claimed that police used excessive force against Roma and also subjected them to brutal treatment and harassment. [4(a)]

5.88 Under Communism, all national minorities were guaranteed complete equality but in practice were treated with hostility. Many rural communities, including Roma ones, were destroyed as people were forced into urban tenements or collective farms. Following the fall of Ceauşescu, there were frequent occurrences of ethnic unrest and the new freedom of speech rekindled long-standing contempt for Roma, who became the national scapegoat for Romania's immense problems. In 1991 there were organised attacks on the Roma population resulting in the emigration of many of them to Germany. According to the Ombudsman's Office there were 47 reported incidents of mob violence targeted against Roma between January 1990 and January 1998. The Romanian Government and the German State contributed with financial funds to the rebuilding of destroyed Roma homes. Also in the early nineties, popular nationalist feeling led to the formation of radical nationalist organisations like Vatra Românească ("Romanian Hearth"). [1] [5(t)] [12]

5.89 The UN notes that representatives of Roma associations recognise that the police have made efforts to put an end to collective violence and to police attacks on Roma communities between 1990 and 1996, even though the perpetrators have not been brought to justice in every case. Moreover, as a result of democratic reforms, the political and cultural rights of the Roma are better protected. By co-operating with the Roma associations, the Romanian General Inspectorate of Police developed a programme in 1999 to improve relations between Roma and the police and to enhance the capacity of the police to respond effectively in situations of tensions between Roma and non-Romani communities. A hallmark of the programme is to develop regular meetings between police and representatives of Roma, as well as non-Romani communities, at both national and local level. The police are in the process of reforming the behaviour of officers who used to ill-treat and torture detainees of Roma origin and tended to stigmatise Roma in their fight against crime. [10(a)] [11(b)]

5.90 APADO, the Lawyers' Association for the Defence of Human Rights, runs a programme of juridical assistance for Roma. In July 1998 a court in Mureş sentenced 11 persons who in 1993 burned 13 Romani houses, resulting in the deaths of 3 Roma, to 3 to 7 years imprisonment. [5(t)]

5.91 The government Department for National Minorities has a National Office for Roma. Roma, as a recognised national minority, are afforded protection under the constitution and the domestic legislation adopted with national minorities in mind. They are also guaranteed rights under the international agreements signed by Romania. [12]

5.92 The Roma community's rights are represented by political parties. Numerous Roma

political organisations have been created; many reflecting tribal or occupational interests. The Roma Party (Partidul Romilor) is an association which participated in the 1996 and 2000 elections, in competition with other Roma organisations. It was able to gather enough votes to benefit from the affirmative action of the Electoral Law, and has one representative in Parliament, Nicolae Paun, following the 26 November 2000 elections. Nicolae Paun is also the President of the Standing Committee for Human Rights, Cults and National Minority Issues in the Chamber of Deputies. He is not the only representative of Roma origin in the Romanian Parliament. There are many more who were elected not on an ethnic ticket but as members of a non-ethnic political party. Unirea Romilor, the Roma' Unity Party, is an association which participated in the June 1996 elections and gained 0.58 per cent of the vote which was not sufficient to be represented in Parliament. [11(b)] [26(a)]

5.93 Roma are under-represented in Parliament because of a low Roma voter turnout and internal divisions, which worked against the consolidation of votes for one candidate, organisation, or party. In 2000, one Romani parliamentarian, the former Romani minority representative, Mădălin Voicu, joined the PDSR and sits in the legislature. He has also been elected president of the Minority Board of the PDSR. This is in addition to the one seat provided for Roma by the Constitution and electoral legislation. [4(a)] [12]

5.94 Roma organisations have obtained places in local and country councils since 1992 when they successfully won 104 seats and had 2 deputy mayors. This increased in 1996 to 173 seats and 1 mayor and in the June 2000 local elections they won 164 seats. [12]

5.95 The Democratic Union of Roma in Romania (DURR) was established in February 1990, and rapidly became an umbrella organisation for various Roma parties and organisations. The purpose of the DURR is the protection and promotion of the culture and language of Roma in Romania, and of their political freedom. To these ends it set up the Ethnic Federation of Roma, a civil rights NGO, and has been effective on establishing ties with Roma groups outside Romania. Since then, numerous additional Roma organisations have been formed throughout Romania. The Centre for Documentation and Information on Minorities in South East Europe listed some 25 political parties and associations as well as 90 cultural institutions and associations founded by Roma in Romania. They are aimed at offering educational support, expressing Roma culture and traditions, community and economic development, research and social intervention and combating prejudices and stereotypes. As most are regional, they tend to be competitive, which lessens their effectiveness and obstructs the establishment of a more united Roma front. [12]

5.96 Voter registration is a passive system in which all age-eligible citizens are added to the list based on their civil records maintained at registry offices at local, country and central levels. In spite of such liberal access to the voter registers, the Office for Democratic Institutions and Human Rights considers that many thousands of citizens, particularly among the Roma minority, may be unable to vote because they have no birth certificate, no permanent residence address and have not applied for identity documents. In the run up to the November 2000 presidential and parliamentary elections, Romani CRISS, a non-governmental organisation working on Romani social issues, identified close to 2,000 individuals in Bucharest without identity documents. They were concerned that this figure may be as high as 20,000. [10(b)]

5.97 In May 1995 Romanian Roma were reclassified as "Tsigani" or "Roma" officially in order to avoid confusion with ethnic Romanians. The change was justified as necessary to bring Romanian terminology in line with that used by organisations such as the United Nations. A Ministry of Foreign Affairs disposition changed this situation in 2000. It

stipulated that the Ministry of Foreign Affairs was not in a position to establish the denomination of the Roma minority and proposed the use of terms consecrated in international relations. [12]

5.98 In April 1998 the Ministry of Education announced a series of initiatives designed to improve Roma education. Programmes provided caravan classrooms to follow the migrant Romani population and aimed to open additional classrooms at the request of Roma in several high schools throughout the country. Romanian Roma also have eight schools teaching in the Romani language. In March 1999 the Ministry of Education adopted a decision to appoint a Roma Inspector in each of Romania's 41 counties. [10(a)]

5.99 One of the few positive developments that the government took in 2000 was an initiative by the Ministry of Education to improve the Roma's access to education by reserving a limited number of places for Roma in high schools, vocational schools, teacher training colleges and universities. [20(b)]

5.100 In July 1999 the ERRC submitted a list to the UN Human Rights Committees review of Romania's compliance with the International Covenant on Civil and Political Rights. The list cited 19 cases of police abuse of Roma that had been reported in the period 1996 - 1998. [25]

M. Germans

5.101 Ethnic Germans, now number no more than 80,000 (from 800,000 before World War II). They have education in their own language from kindergarten to university in Romania. [6(e)]

(Please see also Section IV. J on Education)

N. Ceangai

5.102 Ceangai (Csángos) are a branch of ethnic Hungarians who settled in the area of the Trotus, Bistrita and Siret Valleys of North Eastern Romania in the 15 century. Their identity is based on the Roman Catholic religion and the archaic Hungarian language spoken in the family. A Council of Europe motion of April 2000 notes that out of 200,000 Ceangais, only 60,000 to 70,000 speak the Hungarian dialect. In the area where members of this group live, the language of the school and the Church is exclusively Romanian. Consequently, almost all Ceangai are illiterate as regards their mother tongue. [5(s)] [29]

6. OTHER ISSUES

A. Freedom of Speech and the Press

6.1 Although the Constitution, and the 1992 Law on Broadcast Media, provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting "defamation of the country" and "offence to authority;" the Government respected the constitutional provisions in practice. [4(a)]

6.2 The Chamber of Deputies passed a proposal, in June 2000, to harmonise some

provisions of the Penal Code with Resolution 1123/1997 of the Parliamentary Assembly of the Council of Europe. The draft bill repealed Articles 238 (offence to authority) and 239(1) (verbal "outrage" i.e. an offence of lower-ranking officials). It ruled that insult (Article 205) is to be punished only by a fine, while defamation carries a penalty of a fine or imprisonment of 3-12 months, instead of the previous 2 to 6 years. However, the legislation failed to pass the Senate during 2000. [4(a)] [27(b)]

6.3 The Committee to Protect Journalists reported that there were a couple of violent attacks against Romanian journalists investigating cases of corruption among government officials in 2000. Elements of the Romanian press seem able to make allegations of a serious nature against public figures with impunity, without producing any evidence. [3(c)]

6.4 The independent media continued to grow in 2000 in an increasing competitive market. Several hundred daily and weekly newspapers are published in Romania and several private television stations broadcast nation-wide, with the largest reaching approximately 20% of the rural and 80% of the urban market. While Romanian State Television (RTV) and Radio Romania remained the only national broadcasters capable of reaching the bulk of the rural population, independent stations continued to enlarge their coverage throughout the country by over-the-air transmission, cable, and satellite. The 1994 law establishing a parliamentary-appointed board of directors for RTV was implemented in June 1998. [4(a)]

6.5 The Romanian media scene is characterised by pluralism and the general absence of direct State interference. Public and private broadcasting media at the national and local level and a number of privately-owned print media offer a wide range of political views and opinions, which enabled the population to make an informed choice on election day in November 2000. [10(b)]

B. Freedom of Assembly and Association

6.6 The Constitution also provides for freedom of assembly, which the Government respected in practice in 2000. Act No. 60/1991, the Public Assemblies (Organisation and Conduct) Act, regulates in detail the conditions necessary to organise meetings, demonstrations, functions, parades and any other form of assembly. The principal condition is that any public assembly must be conducted in a peaceful manner, and without any kind of weapon. [4(a)] [11(a)]

6.7 The Act provides that public assemblies to be held in public squares, on the public highways and in other open spaces may be organised only after a written notification has been deposited with the local administration, three days prior to the event, specifying the name of the organising group, the purpose, date, place, starting time and duration of the event, the arrangements for access and dispersal, the estimated number of participants, the persons entrusted with the task of organising the event and taking responsibility for it, and the services the organisers are requesting the local authorities and local police to provide. Where justified, the local authorities may, with the organisers' consent, alter some details of the preliminary notification. [11(a)]

6.8 Meetings must not be held at the same time as a scheduled public gathering and may not be held near locations such as hospitals, airports, or military installations. The law forbids participants to espouse racist, fascist or Communist ideologies or commit actions contrary to public order or national security. The authorities may forbid a public gathering by notifying the organisers in writing within 48 hours of receipt of the request. Unauthorised demonstrations or other violations are punished by imprisonment and

finer. [4(a)]

6.9 The Constitution provides for the freedom of association and the government respected this right in practice in 2000. Romania has attempted to discourage the hyper-pluralism exhibited in the early years of transition, when more than 250 political parties were registered. Legislation was enacted in April 1996 (Law No. 27/1996) requiring submission of the signatures of not less than 10,000 founding members, with no fewer than 300 from each of at least 15 constituencies, for registration as a political party. [4(a)] [10(b)]

6.10 In time for the November 2000 parliamentary elections, the electoral threshold for a seat in Parliament was raised by an Emergency Ordinance from 3 per cent to 5 per cent for political parties, independent candidates and associations. In addition, a graduated scale was adopted for political formations (coalitions and alliances) with a threshold of 8 per cent for groupings with two members, 9 per cent for those with three members and 10 per cent for those with 4 or more members. Associations may be granted legal status with only 20 founding members and over 2,000 supporting members. [10(b)]

6.11 Monarchist groups, however, are effectively prohibited from registering as political parties, as according to the new law all parties must respect the country's constitution which "defines Romania as a republic". Nevertheless, major pro-monarchy newspapers publish freely and openly pro-monarchist parties function without hindrance. [22(b)]

C. Workers' Rights

6.12 The law provides that all workers except police and military personnel have the right to associate freely, to engage in collective bargaining, and to form and join labour unions without previous authorisation. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nation-wide trade union confederations and smaller independent trade unions. Trade unions play an active role in negotiating collective labour agreements in Romania, in accordance with the statutory provisions on the matter (Act No. 13/1991, the Collective Labour Agreements Act); as well as in resolving collective labour disputes (pursuant to Act No. 15/1991). [4(a)] [11(a)]

6.13 Amendments to Romania's 1991 law on labour disputes in November 1999 brought some improvements and eliminated many restrictions. It widened the right to strike, although it continues to be difficult to hold a legal strike because of lengthy and cumbersome procedures. The law stipulates that labour unions should be free from government or political party control, a provision that the government has honoured in practice. Unions are free to engage in political activity and have done so. [4(a)]

6.14 Most wage rates are established through collective bargaining at the enterprise level. However, they are based on minimum wages for given economic sectors and categories of workers which the government sets after negotiations with industry representatives and the labour confederations. Minimum wage rates are generally observed and enforced. In 2000 the minimum monthly wage of \$30 (700,000 lei) did not keep pace with inflation and did not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating have risen dramatically. However, basic foodstuffs and pharmaceutical products are still subject to price ceilings. Housing is no longer subsidised. A proposal to raise the minimum wage to 1 million lei was approved in November 2000. [4(a)]

6.15 The Labour Code provides for a standard work-week of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the working week, although most workers receive 2 days off. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. [4(a)]

6.16 Some labour organisations pressed for healthier, safer working conditions on behalf of their members in 2000. However, neither the Government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. In 1999 a new department was established within the MLSP to conduct comprehensive safety inspections. European Union PHARE funds have assisted in building capacity within the new department. Although they have the right to refuse dangerous working assignments, workers seldom invoke this in practice, appearing to value increased pay over a safe working conditions. [4(a)]

6.17 Romania ratified International Labour Organisation (ILO) Convention No. 105, 1957, concerning the Abolition of Forced Labour, on 3 August 1998. [1]

D. Freedom of Movement within the Country and Foreign Travel

6.18 The Romanian Government places no restrictions on travel within Romania, except in the case of certain small areas used for military purposes. Citizens who wish to change their places of work or residence do not face any official barriers. The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice, Romanian citizens freely exercise these rights. [4(a)]

6.19 The right of persons lawfully within the territory of Romania to liberty of movement and freedom to choose their residence is guaranteed by article 25 of the 1991 Constitution. The tenant retains his right to the home throughout the entire period of the tenancy agreement. [11(a)]

6.20 Romanian citizens have the right to settle or to change their residence to any place in the country, in accordance with Law 105/1996 on population records and ID cards, article 24.1. Records on Romanian citizens are kept by the ministry of the Interior according to the principle of permanent residence, article 1. Those who change address must report with the following papers to the local police station within 15 days of the move; documents of the house, ID card, birth certificate. In the event of a change of address the police issue either: -

- i) a permanent permit (for those having bought property, wish to record a permanent change of address); or
- ii) a temporary permit (valid, according to circumstances, for a maximum of 12 months) which has to be renewed by the holder when it expires. [5(h)]

E. Military Service

6.21 Defending the country is a fundamental duty in Romania, according to the Constitution. Military service is compulsory for any male reaching the age of 20 years, although there are some exceptions. After military service, which lasts for 12 months in the army and air force, and 18 months in the navy, citizens may be summoned for active duty up to the age of 35. [1]

6.22 Until 1989, the refusal to complete military service under arms was considered as an infringement of the law and the person in question would be sentenced to 1-5 years' imprisonment. In 1991 the Romanian General Staff issued the order that youths who refuse to do military service under arms (approximately 1.4 per cent of the total number of conscripts, most of whom members of the sect Jehovah's' Witness) would not be recruited. [5(a)]

(Please see also Section V.H on Jehovah's Witnesses)

6.23 This law was amended as Law 46 of 5 June 1996 on "Preparing the Population for Defence" in relation to alternative military service. It stipulates that citizens who refuse to do military service under arms because of their religious beliefs shall perform the alternative utility service according to the present law. The means of performing alternative military service shall be set by government decision (article 4). The duration of alternative utility service is 12 months if the person eligible is a graduate and 24 months if a non-graduate. Military service can also be deferred for compassionate family reasons. [5(a)] [5(e)]

6.24 Law 46 also includes regulations for military service and makes provision for alternative forms of national service for citizens who cannot undertake military service because of their religious beliefs. Under Law 46 there are five groups of citizens who cannot be conscripted for military service: -

- i) the mentally ill;
- ii) those physically unfit for military service;
- iii) ordained priests of legally recognised religious denominations;
- iv) prisoners and (until the court has passed judgement) people formally accused or under arrest; and
- v) former convicts who have served five or more years imprisonment for premeditated crimes. [5(j)]

6.25 Those not covered by Law 46 who refuse to undertake military service are liable to fines of between 500,000 and 3 million lei. [5(j)]

6.26 Under the decree, people who object to armed service for reasons of conscience can complete their service by working alternatively in the health service, construction industry or in river and/or marine regulation projects, as well as environmental protection or agricultural projects. It is also possible to serve part of one's period of conscription in the police force. [5(c)] [6(b)]

6.27 Article 332 of the Penal Code (Desertion) states that unjustified absence (of any kind of military: conscripts or regular staff) from the military unit or office, lasting for more than 3 days, is punished with prison from 1 to 7 years. The penal action cannot be stated unless the commander of that specific military unit has this initiative. However, penalties depend on the circumstances and according to the Penal Code, there are various kinds of circumstances (alleviating or aggravating etc). In the case of desertion, if the absence is strongly motivated by objective reasons, this can be used to defend the accused. [5(r)]

6.28 There are no penalties that could be applied to military staff that joined a religious

cult that is not legally recognised. The only disadvantage of belonging to a religious organisation (i.e. not legally recognised) is that they will not be able to practice their religious beliefs inside their military unit; they will not be able to get any religious assistance and they will not get any free days on the occasion of their religious celebration days. [5(a)]

6.29 The organisation and performance of religious assistance activity is the responsibility of the Ministry of National Defence and of the special structures established for this purpose, and is carried out with the direct support of the (Orthodox) church and the religious cults recognised by the state. [5(r)]

(Please see also Section IV. F. on the Judiciary)

6.30 There has been no law in force prohibiting the travel of ex-military personnel since 1989. Before 1989, there was a restriction of 5 years for conscripts and 10 years for career military officers from the date of the termination of service. [5(r)]

6.31 Article 334 of the Penal Code (Insubordination) states that military employees who disobey a duty-related order, including refusing to take part in a mission, are sentenced to prison from 1 to 5 years. However, the order has to be legal. The accused is absolved if he refused to carry out an illegal order. [5(r)]

i) The Gendarmerie

6.32 The Gendarmerie are part of the military force (they are not part of the police force) although they are under the control of the Ministry of the Interior rather than National Defence. Their activities are governed by Law 40/1990, although they expect to be restructured as a rural police force in the (unspecified) future. The function of the Gendarmerie in peace time is similar to that of the police force, i.e. defence of public order, defence of fundamental rights and liberties of the citizen, and the prevention and detection of crime. They co-operate with the police, border guards, fire services, other military units and the SRI. In wartime, they have a military role to play as a kind of militia. [5(d)]

6.33 As a military unit, Gendarmes are either conscripts serving for one year, or civilian staff on open-ended contracts. They have essentially the same rules for leaving the country as the police, i.e. that they must have their commander's permission. [5(d)]

F. Organised Crime / Corruption

6.34 A new law on the prevention and punishment of acts of corruption entered into force in May 2000. This initiated a reorganisation of the bodies responsible for tackling corruption. A special Anti-corruption and Organised Crime Unit within the General Prosecutor's office was established. Other institutional changes included the reorganisation of the Squad for Countering Organised Crime and Corruption. The National Office for the Prevention and Fight against Money Laundering, which was established in 1999, has processed a significant number of cases and delivered them to the General Prosecutor's Office for further investigation. [20(b)]

6.35 The National Programme for Corruption Prevention and the National Plan for Action against Corruption were adopted on 25 October 2001 by Romania's government. The anti-corruption strategy focuses on transparency in political life by regulating the fields of political activity which could be susceptible to corruption, namely immunities, lobby activities and the financing of political parties and campaigns. Both documents will be

updated every six months. [26(w)]

6.36 In August 1999 Romania ratified the European Convention on the Transfer of Proceedings in Criminal Matters and the additional protocol to the Convention on the Transfer of Sentenced Persons. [4(b)]

6.37 In November 2000 the European Commission declared that corruption was still a widespread and systematic problem which undermines not only the functioning of the legal system but also had detrimental effects on the economy and has led to a loss of confidence in public authorities. [20(b)]

6.38 The Government adopted a decision on 1 February 2001 to dismantle the former Control Department. The replacement, the Department for Control and Anti-Corruption (DCAG), encompasses five directorates and 50 employees. The new department will signal any infringement of the laws in force, with the Government's working body, ministries, central institutions subordinated to the Government as well as with autonomous administrative authorities. DCAG will also be able to check activities and deeds which could somehow be related to organised crime and corruption and which could affect national security. [24(h)]

6.39 The Senate introduced a provision on 5 April 2001 in the Law on Ministerial Responsibility already under discussion, which would punish ministers convicted of fraud with prison terms of up to 20 years. The law has yet to be debated in the Chamber of Deputies. Ordinary citizens convicted on similar charges face between one and seven years in prison. The Justice Ministry and the Judicial Commission opposed the measure on the grounds that corruption and fraud is already provided for in the Penal Code, but the measure was passed with the support of PDSR senators who refused to toe the party line. The vote was 65 in favour and 35 against. [23(n)]

6.40 Figures released by the Ministry of Justice and the Public Ministry in February 2000 reported a 17 per cent decrease in numbers of people convicted in 1999 compared with 1998. The greatest number of crimes were those committed against people (e.g. as a result of degenerated family ties, old conflicts and excessive alcohol consumption.) 168 people were convicted of corruption, including 57 for bribe-taking and 147 for the traffic of influence. [6(n)]

(Please also see Section III. A on Recent Political History)

6.41 Trafficking in women is an under-reported but persistent problem. The law is vague and outdated and does not address trafficking directly. Those involved in trafficking can be prosecuted for such offences as prostitution and procurement, falsifying documents, assisting individuals to cross borders illegally, blackmail, forced labour or illegal deprivation of freedom. [4(a)]

ANNEX A

CHRONOLOGY OF KEY EVENTS

1881

Formerly part of Turkey's Ottoman Empire, Romania became an independent kingdom.

1939

Under the dictatorship of the fascist "Iron Guard" Romania entered the Second World War as an ally of Nazi Germany.

1944

Soviet forces entered Romania when the pro-German regime was overthrown.

1945

March: Under Soviet pressure King Michael accepted the appointment of a communist-led coalition.

1946

November: A communist-dominated bloc won 89% in elections that were widely thought to be fraudulent.

1947

December: King Michael forced to abdicate when the Romanian People's Republic was proclaimed.

1948

The Republic's first Constitution was adopted and nationalisation of the main industrial and financial institutions was begun.

1952

Following a purge of the Romanian Workers' Party (RWP) a new constitution was adopted, closer to the Soviet model.

1965

Nicolae Ceaușescu became First Secretary of the Romanian Workers' Party.

June: RWP changed its name back to the Romanian Communist Party (RCP). Ceaușescu's position became that of General Secretary.

August: The country became the Socialist Republic of Romania.

1984

October: The long running production difficulties of the country's energy sector culminated in an unprecedented crisis and a declaration of a state of emergency in the electricity power industry.

1987

Shortages of fuel and power led to strict energy rationing. The situation was exacerbated

by adverse weather conditions. Public discontent became evident.

November: Thousands of people marched through the city of Braşov and stormed the local RCP headquarters protesting against the decline in living standards and working conditions. Hundreds of arrest were made.

1988-89

Romania became increasingly isolated from the international community, largely owing to the rural urbanisation programme and continuing abuses of human rights.

1989

December 1989: There was unrest in Timișoara as supporters of a protestant ethnic Hungarian clergyman marched through the town to demonstrate their opposition to his eviction from his church. Security forces opened fire on the crowd, reportedly killing several hundred people.

21 December 1989: President Ceaușescu attended a mass rally in Bucharest, intended to demonstrate his popular support. Clashes between anti-Government demonstrations and members of the Securitate, resulted in the killing of many civilians. The disturbances quickly spread to other parts of the country, and on the following day Ceaușescu declared a state of emergency; however, soldiers of the regular army declared their support for the protestors.

25 December 1989: After a summary trial, Ceaușescu and his wife were executed by firing squad. Fighting continued in Bucharest, and elsewhere for several days, mainly between Securitate forces and regular soldiers

1990

January 1990: The army restored order and the Securitate was abolished. Special military tribunals were established to try Ceaușescu's former associates. Civil unrest in the form of anti-Communist and anti-government demonstrations accompanied the run up to the presidential elections.

March 1990: ethnic Hungarians, demonstrating to increase their cultural and linguistic autonomy, were attacked by Romanian nationalists in Târgu Mureș. Tanks and troops were deployed to quell the unrest, in which several people were killed, and a state of emergency was declared in the town.

May 1990: The NSF won a decisive victory in the first free parliamentary elections since 1937 and Ion Iliescu was elected President with over 85% of the vote.

June 1990: Unrest continued after the elections, and in mid-June 1990, after seven weeks of occupation, a protest in University Square was forcibly broken up by the police. 7,000 miners and other workers from the Jiu Valley were transported to the capital, where they seized control of the streets, attacking suspected opponents of the Government. The disturbances resulted in several deaths and hundreds of injuries, and more than 1000 people were detained.

August 1990: Anti-government demonstrations occurred over the deteriorating economic situation in Bucharest and Braşov. In the following months there was widespread strike

action.

October 1990: Prime Minister Petre Roman announced extensive economic reforms including privatisation's and the removal of price controls.

November 1990: Price increases led to demonstrations in Bucharest, including a protest march by 100,000 people, organised by a new (non-parliamentary) opposition grouping, the Civic Alliance.

1991

First reports emerge of mob attacks on Roma communities throughout Romania, resulting in emigration to Germany.

September 1991: Miners from the Jiu Valley, now opposed to President Iliescu began a strike. Thousands travelled to Bucharest where violent clashes with security forces ensued. Four people were killed and hundreds injured. The Prime Minister, Petre Roman, and the Council of Ministers were forced to resign. Roman was replaced by Theodor Stolojan.

November 1991: A new Constitution was approved by the legislature in November 1991 and this was endorsed by 77% of voters in a referendum in December.

1992

mid-1992: Ethnic tension was caused in Cluj-Napoca when the Mayor ordered the removal of Hungarian language street signs and in Covasna and Harghita when ethnic Hungarian prefects were replaced with ethnic Romanians.

27 September 1992: Legislative and presidential elections took place. DNSF, loyal to Iliescu, a moderate left wing party in favour of limited reforms became the largest party in the new parliament. Controversy occurred when the ethnic Hungarian State Secretary was removed from Government.

Germany repatriated 43,000 Romanian refugees, more than one-half of whom were Roma, having agreed to provide financial assistance for their resettlement in Romania.

October 1992: The second Ballot of the presidential elections was won by Ion Iliescu with 61% of the vote.

November 1992: Nicolae Vacaroiu became Prime Minister.

1993

February 1993: Thousands of people protested in Bucharest against rising prices, low wages and unemployment.

May 1993: Price subsidies for many basic commodities and services were abolished precipitating renewed labour unrest.

June 1993: The Government was accused of involvement in an allegedly corrupt shipping deal.

June 1993: Talks between government representatives and leaders of the ethnic Hungarian community led to an agreement on Hungarian minority rights.

July 1993: Three senior government officials implicated in another corruption scandal.

October 1993: Romania was accepted to the Council of Europe after initially being partially rejected in May.

November 1993: A protest march in Bucharest, demanding rapid economic reforms, was the largest public demonstration in the country since the overthrow of Ceausescu.

1994

February 1994: Renewed industrial unrest led to a general strike.

July 1994: Ethnic Hungarian tensions in Cluj-Napoca.

1995

April 1995: Mass demonstration held in Bucharest to protest at new legislation linking public-sector wage rises to improvements in productivity and other indices of economic efficiency.

May 1995: Romanian ratified the Council of Europe's Framework Convention on the general protection of national minorities.

June 1995: Romania formally applied for full membership of the EU.

July 1995: The European Parliament criticised the widespread discrimination against Roma communities and individuals in Romania. There were sustained protests by ethnic Hungarians in Romania against the promulgation of an education bill that specified Romanian as a sole language of tuition and examination in all universities and colleges.

August 1995: The distribution of vouchers under the Mass Privatisation Programme began.

November 1995: Iliescu approved legislation providing for the restitution of property confiscated by the communist regime in the 1940's and 1950's.

1996

July 1996: An international convention of Jehovah's Witnesses, due to be staged in Bucharest, was called off after an attack by the head of Romania's Orthodox Church.

September 1996: The Senate passed the report of mediation, modifying and completing the Penal Code and the Penal Procedures Code. This included the decriminalisation of homosexuality between consenting adults and the removal of the ban of the use of foreign flags.

September 1996: Romania and Hungary signed a treaty of friendship whereby Romania agreed to safeguard the rights of ethnic Hungarians and Hungary relinquished any claim to territory in Transylvania.

3 November 1996: Legislative and presidential elections. DCR won largest number of seats. Victor Ciorbea was nominated as Prime Minister and formed a coalition government between DCR, SDU and the Hungarian Democratic Union of Romania (HDUR). Constantinescu was elected President after second round on 17 November.

1997

January 1997: A National Council for Action Against Corruption and Organised Crime, headed by President Constantinescu, was established. Miron Cozma, the leader of the miners' demonstrations in Bucharest in June 1990 and September 1991, was charged with undermining state authority.

February 1997: The Government restored citizenship to former King Michael who visited Romania in late February.

March 1997: The Ombudsman Office is established.

June 1997: Trade unions organised marches throughout the country to protest against rising prices and the Government's socio-economic policies. A strike in the Jiu Valley by miners demanding higher pay rises prompted fears that they would march on Bucharest. Industrial action was discontinued when the Government agreed to increase its pay offer.

July 1997: The European Commission opinion (Agenda 2000) on Romania's application for membership of the EU was published. Romania's application was deferred and it was agreed that further economic reform was required.

August 1997: The announcement of plans to close 17 unprofitable state-owned enterprises prompted severe labour unrest which continued in the following months.

1998

January 1998: The IMF suspended tranches of a \$410 million (£250 million) loan to Romania during the political stalemate, which commenced in early January.

February 1998: A new coalition agreement was signed in early February, and a new Council of Ministers was subsequently formed. Social unrest continued to mount.

March 1998: Prime Minister Victor Ciorbea and his government resigned.

April 1998: Radu Vasile, secretary general of the National Peasants Party, was designated Prime Minister, with the approval of all the coalition parties.

Early July 1998: Miron Cozma was released from a Bucharest jail, where he had spent 18 months for his part in the 1991 riots, to a hero's welcome.

August 1998: An Inter-Ministerial Committee for National Minorities was established, including a Working Group of Roma Associations.

1999

January 1999: Thousands of striking miners, led by Miron Cozma, led to violent clashes with the police and the army.

February 1999: 2000 miners marched to Bucharest after Cozma was sentenced in absentia on 15 February 1999. Cozma was arrested on 17 February prompting violent clashes with riot police in Stoenesti.

March 1999: Cozma was given a concurrent 22-month jail sentence on charges linked to a bar room brawl and the beating of a journalist.

April 1999: Main party in centrist coalition government, the Christian Democrats, split into two factions.

April 1999: Romania joined NATO's Membership Action Plan, which will help Romania focus their preparations on meeting the criteria for full NATO membership.

June 1999: The release by a group of Romanian and ethnic Hungarian intellectuals of a statement calling for autonomy and self-government for Transylvania and the Banat region was immediately rejected by President Constantinescu and the government.

December 1999: The President dismissed Radu Vasile as Prime Minister, and appointed the Mugur Isaescu (the governor of the central bank) as Prime Minister. The majority of the previous Cabinet retained their positions in the new government.

2000

January 2000: The Government initiated a major financial reform programme, which aimed to reduce public expenditure, accelerate privatisation and reform the fiscal system.

30 January 2000: A cyanide spill at the Baia Mare gold mine released approximately 22 million gallons of chemicals into the Lapus river, poisoning the ecological system of the Tisza river and 2,000km of the Danube. The plant accepted full responsibility for the disaster.

February 2000: Romania began formal accession talks to join the European Union.

February 2000: PSDR formed an electoral alliance with the Romanian Humanist Party before the November 2000 elections.

March 2000: A US \$21m plan to clear the wreckage of three bridges across the Danube destroyed during NATO air strikes against Yugoslavia was announced.

April 2000: Extensive flooding in the west of the country caused seven deaths and severe damage to transport, communications, crops and some 100,000 homes; the European Commission granted 20,000 lei in aid to alleviate the crisis.

May 2000: The largest national investment fund suspended operations leading to widespread public protests.

July 2000: President Constantinescu announced that he would not stand as a candidate for a second term.

16 August 2000: Prime Minister Isaescu announced that he would stand as an independent in the 26 November 2000 presidential elections.

September 2000: Emergency Ordinance 137 was passed, which prohibits and sanctions all forms of discrimination on the grounds of race, ethnicity, age, gender, or sexual orientation.

26 November and 10 December 2000: Presidential and parliamentary elections. The PDSR won the parliamentary elections with 33.61 per cent of the vote, and Ion Iliescu won the second round of the presidential run-off against nationalist Corneliu Vadim Tudor.

28 December 2000: Adrian Nastase, of the PDSR, is approved as Prime Minister. Accords were signed with the UDMR and PNL pledging support for the new leftist minority government.

December 2000: A National Council for the Elimination of Discrimination is established.

2001

1 January 2001: Romania took over the Presidency of the Organisation for Security and Co-operation in Europe (OSCE).

7 February 2001: The Property Restitution Law was promulgated by the President.

20 February 2001: A rally, led by PRM leader Corneliu Vadim Tudor and Nationalist Mayor of Cluj Gheorghe Funar, was held in Cluj-Napoca demonstrating against the governments' proposed amendments to the public administration law.

March 2001: Romanians were allowed for the first time to see the secret files on them compiled by the Securitate.

13 March 2001: The Local Public Administration Bill was passed. Where over 20 of the population is of an ethnic minority, all documents of a legal character will be published in the ethnic minorities' mother tongue.

19 March 2001: A Romanian-European Union Association Council visit to Romania concluded that despite progress, Romania has a long way to go before it can achieve political membership of the EU.

March 2001: NATO officials announced that Romania is over a year behind in implementing NATO's accession plans.

March 2001: IMF visited Romania, but negotiations failed to reach an agreement on future loans.

18 May 2001: The Democratic Party, holding the third largest number of seats in parliament voted to replace party leader Petre Roman with Bucharest Mayor Traian Basescu.

16 June 2001: Ruling PDSR merged with PSDR to form the Social Democratic Party (PSD)

August 2001: The Strategy for the Improvement of the Roma Situation was adopted.

6 September 2001: An Emergency Ordinance revoking Article 200 in its entirety, which criminalised homosexual relations, was adopted by the Senate. No legal discrimination against homosexual acts remains in Romanian law.

ANNEX B

MAIN POLITICAL PARTIES

Following the downfall of President Ceausescu in 1989, numerous political parties were formed or re-established in preparation for the holding of free elections. By the time of the November 1996 general election there were some 90 registered political parties. The financing of political parties from abroad is not permitted.

Alliance for Romania - ApR. Founded 1997 by breakaway faction of the PDSR. Centre-left. Leader Teodor Melescanu.

Christian Democratic National Alliance - CDNA. Founded 1999 by former members of Christian Democratic National Peasants' Party of Romania. President Victor Ciorbea.

Christian Democratic National Peasants' Party of Romania - CDNPP (Partidul Național Țărănesc Creștin-Democrat din România - PNȚCD). Founded 1989 by merger of centre-right Christian Democratic Party and traditional National Peasant Party (f. 1869, banned 1947, revived December 1989; original party re-established in August 1990 by separate group); supports pluralist democracy and the restoration of peasant property; 615,000 members. Chair: Victor Ciorbea Sec. Gen. Constantin Dudu Ionescu.

Civic Alliance (Alianța Civică): Bucharest; f.1990 as alliance of opposition groupings outside legislature; voted in July 1991 to create a parallel political party, the Party of the Civic Alliance. Chair. Ana Blandiana.

Democratic Alliance Party. Sibiu. Founded 1995. Supports the rights of gypsies in Romania. Leader Cioabă.

Democratic Convention of Romania (DCR). Founded 1992; alliance of 15 centre-right parties and other organisations. President. Ion Diaconescu.

Greater Romania Party - GRP (Partidul România Mare- PRM). Nationalist. Chair. Corneliu Vadim Tudor. Sec. Gen. Gheorghe Funar.

Hungarian Democratic Union of Romania (Uniunea Democrată Maghiară din România/Romaniaii Magyar Demokrata Szövetseg - UDMR). Founded 1990; supports the rights of Hungarians in Romania. Hon. Pres. László Tókes. Pres. Béla Markó. Exec. Pres. Csaba Takács.

Liberal Monarchist Party of Romania (Partidul Liberal Monarhist din România). Founded 1990; advocates the restoration of the monarchy; Pres. Dan Cernovodeanu.

Liberal Union 'Bratianu' (Uniunea Liberală 'Bratianu'). Founded 1990 following split in National Liberal Party; Pres. Ion I. Bratianu.

National Liberal Alliance. Founded 1996; alliance of the Party of the Civic Alliance and the Liberal Party 1993; Leader Nicolae Manolescu.

National Liberal Party - NLP (Partidul Național Liberal). Founded 1869, banned 1947; merged with Socialist Liberal Party in 1990, and with Party of the Civic Alliance and Liberal Party of Romania in 1998. Advocates separation of powers in the State, restoration of democracy, freedom of expression and religion, observance of the equal rights of all minorities, the abolition of collectivisation and nationalisation in agriculture, the gradual privatisation of enterprises, trade union freedom and the right to strike; Pres. Mircea Ionescu-Quintus.

National Romanian Party - PNR. Founded 1998 as the result of a merger of the Agrarian Democratic Party and the New Romania Party. Chair Mihail Berca. Pres. Viorel Cataramă. Sec. Gen. Virgil Magureanu.

National Union of the Centre. Founded 1996; alliance of the Agrarian Democratic Party of Romania and the Romanian Humanistic Party; supports agrarian, ecological and humanitarian policies.

Patriotic Party of Reconciliation - PPR. Formed in 1998. Centre-right. Leader: Prince Paul of Romania.

Romania's Alternative Party (RAP). Pres. Varujan Vosganian. Sec.Gen. Paul Ghitu.

Romanian Communist Party. Formerly the Romanian Workers' Party; founded in 1995 and renamed in 1997. Leader Cristian Ion Niculae.

Romanian Ecological Federation - REF (Federația Ecologistă din România). Alliance includes the Romanian Ecological Movement; Leader Gugui Edward.

Romanian Ecological Movement (Mișcarea Ecologistă din România). Founded 1990; advocates protection of the environment and the pursuit of democratic, pacifist and humanist values; Chair. Toma George Maiorescu.

Romanian Ecological Party (Partidul Ecologist Român). Supports protection of the environment; Chair. Otto Weber.

Romanian Humanist Party. Formed in 1991. Pres. Dan Voiculescu.

Romanian National Unity Party - RNUP (Partidul Unității Naționale Române). Founded 1990; political wing of the nationalist Romanian movement, Vatra Românească; Pres. Valeriu Tabără.

Romanian People's Party. Founded 3 February 2000. Far right wing. Pres: Radu Vasile.

Social Democratic Party - PSD (Partidul Social Democrat). A merger in June 2001 of the ruling **Party of Social Democracy of Romania - PDSR (Partidul Democrației Sociale din România)** and the **Romanian Social Democratic Party - PDSR (Partidul Social Democrat Român).**

The PDSR was founded 1992 (as National Salvation Front - 22 December, later known

as the Democratic National Salvation Front) by supporters of Ion Iliescu, following split in the National Salvation Front (f.1989); renamed as PDSR in July 1993; social-democratic party; merged with the Democratic Co-operationist Party, the Republican Party and the; merged with the Social Solidarity Party in 1995; Pres. Ion Iliescu; First Dep. Pres. Adrian Năstase; Secretary-General Miron Mitrea.

Social Democratic Union (SDU). Founded.1996; coalition of Democratic Party - National Salvation Front and Romanian Social Democratic Party; Chair. Sergiu Cunescu. Pres. Petre Roman;

Democratic Party (DP). Founded 1993; fmrlly Democratic Party - National Salvation Front; centre-left; advocates a modern and social-democratic Romania, with a free market economy, and respect for the rights and freedoms of national minorities; Pres. Traian Basescu Sec.-Gen. Vasile Blaga.

Socialist Labour Party (SLP) (Partidul Socialist al Municipiilor - PSM). Founded 1990 by Romanian Communist Party members and left-wing Democratic Labour Party. Chair. Ilie Verdeș.

Socialist Party - SP (Partidul Socialist - PS). Leader Tudor Mohora.

Traditional Social Democratic Party of Romania (Partidul Social Democrat Tradțional din România). Founded 1991 by merger of Traditional Social Democratic Party and National Democratic Party; supports the Party of Social Democracy of Romania; centre-left; Pres. Lucian Cernescu.

Union of Right-Wing Forces (Uniunea Forțelor de Dreapta). Formed in 1999 by a merger of Romania's alternative party and the Democratic Republican Party; Pres. Varujan Vosganian; Sec-Gen: Paul Ghitu.

ANNEX C

PERSONALITIES

General Ion ANTONESCU: Wartime dictator who allied Romania to Nazi Germany. Ousted in 1944.

King CAROL II: King of Romania until September 1940, when he abdicated in favour of his young son, Mihail. However, until 1944, power was in the hands of the Prime Minister, Antonescu.

Nicolae CEAUȘESCU: Communist dictator of Romania from March 1965 until his overthrow and execution in December 1989.

Ion CIOABA: The self-styled "World-wide King of Roma" between 1992 and his death of a heart attack on 24 February 1997. His son, Florin, succeeded him as King of Roma.

Emil CONSTANTINESCU: President from November 1996 to November 2000 (he declared that he would not stand for a second term in office).

Miron COZMA: Leader of Romania's miners' union. Led violent attacks by miners and

Securitate against anti-government demonstrators in 1990 and effectively brought down Prime Minister Petre Roman in September 1991. Brought to trial in 1997 but released. Led further violent miners' protests in late December 1998, January and February 1999 until he was captured and imprisoned.

Gheorghe FUNAR: Outspoken Romanian nationalist and Mayor of Cluj. General Secretary of the Greater Romania Party since 1998. Represents extreme face of anti-Hungarian sentiment.

Gheorghe GHEORGHIU-DEJ: Dictator of Romania from 1952 to his death in 1965.

Ion ILIESCU: Succeeded Nicolae Ceaușescu as President in 1990. President between 1990 and 1996. Successfully elected as President in November 2000 elections.

Constantin 'Dudu' IONESCU: Interior Minister, appointed January 1999.

Mugur ISARESCU: Prime Minister from December 1999 - November 2000. Has returned to his former position and governor of the National Bank of Romania (NBR), and is responsible for the conduct of monetary policy and will play an important role in negotiations with the IMF.

King MIHAI (MICHAEL): Acceded to the throne for the second time in 1940. Overthrew Antonescu regime in 1944 and sued for peace with Allies. Finally removed by communists in 1947. Current monarch-in-exile.

Adrian NASTASE: Prime Minister and Party Chairman of the Party of Social Democracy in Romania following the election of Ion Iliescu as President in the 26 November 2000 elections. Previously Foreign Minister from 1990-1992, and strong advocate of integration with the EU and NATO.

Petre ROMAN: Reform-minded Prime Minister under Iliescu's early presidency. Currently Chairman of the Senate and leader of the Democratic Party.

Father László TŐKES: Ethnic Hungarian priest, whose mistreatment sparked unrest in 1989, which preceded Romania's anti-communist revolution.

CORNELIU VADIM TUDOR: Leader of extreme nationalist Greater Romania Party (GRP) which became the second largest party in parliament following the November 2000 elections. Advocates anti-Semitic and anti-Hungarian policies. He has succeeded in uniting different strands of Romanian nationalism and forging a strong nationalist party.

Radu VASILE: Prime Minister from April 1998 to December 1999.

ANNEX D

ROMANIAN GOVERNMENT (as of October 2001)

Position	Name	Party
Prime Minister	Adrian Nastase	PSD
Deputy Prime Minister, Foreign Affairs	Mircea Dan Geoana	PSD
Deputy Prime Minister, Public Finance	Mihai Nicolae Tanasescu	PSD
European Integration	Hildegard Carola Puwak	PSD
Deputy Prime Minister: Justice	Rodica Stanoiu	PSD
Interior/Public Order	Ioan Rus	PSD
Agriculture, Food and Forests	Ilie Sarbu	PSD
Chief Negotiator with the EU	Vasile Puscas	PSD
Culture and Religious Affairs	Razvan Theodorescu	
National Defence	Ioan Mircea Pascu	PSD
Education and Research	Ecaterina Antonescu	PSD
Tourism	Dan Matei-Agaton	PSD
Industry & Energy	Dan Ioan Popescu	PSD
Development and Prognosis	Gheorghe Leonard Cazan	PSD
Labour and Social Solidarity	Marian Sarbu	PSD
Health and the Family	Daniela Bartos	PSD
Small and Medium Sized Companies	Silvia Ciornei	Humanist Party
Public Works, Transport and Housing	Miron Tudor Mitrea	PSD
Youth and Sports	Georgiu Gingaras	PSD
Water and Environmental Protection	Aurel Constantin Ilie	PSD
Public Administration	Octav Cozmanca	PSD
Public Information	Vasile Dancu	
Privatisation	Ovidiu Musetescu	PSD

[16(d)] [26(e)]

PARTY AFFILIATIONS

PNTCD	Christian Democratic National Peasants Party
PNL	National Liberal Party
PD	Democratic Party
PSD	Social Democratic Party
UDMR	Democratic Union of Hungarians

[15(b)]

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- (d) "Romanian Penal Law Cleared of Discriminations against Sexual Life Style." 29.6.00
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- (e) Government of Romania, as of 22 March 2001.
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