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Romania

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Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Adrian Nastase is the Head of Government and President Ion Iliescu is the Head of State. Nastase's Social Democratic Party (PSD) and Iliescu won elections in November and December 2000 that were judged to be generally free and fair. Under the law the judiciary is to be independent of other government branches; however, in practice the executive branch exercises influence over the judiciary.

The National Police were primarily responsible for law enforcement, the gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of the Interior supervises these organizations. Protection against external threats was the primary responsibility of the military. An internal intelligence service assesses threats to national security but had no law enforcement powers. All security and intelligence organizations operated under the authority of civilian leadership. Some police officers committed serious human rights abuses.

The country was a middle-income, developing country in transition from a centrally planned economy to a market economy. Its population was approximately 21.7 million. The private sector accounted for 67.1 percent of gross domestic product (GDP) and employed 62.8 percent of the work force, primarily in agriculture, commerce, and services. During 2001 121 firms were privatized, and an additional 118 were privatized in the first half of the year. Approximately 1,200 firms were left in the State Privatization Fund's portfolio, including several of the country's largest firms. GDP grew 5.3 percent in 2001 and officially estimated GDP growth during the year was 4.5 percent. Inflation decreased from 40.7 percent in 2000 to 30.3 percent in 2001 and was estimated at 20 percent for the year. Official statistics significantly understated economic activity because of the size of the informal economy.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police use of excessive force resulted in three deaths. Police officers continued to beat detainees and reportedly harassed and used excessive force against Roma. The Government investigated some police officers suspected of abuse and suspended them from duty or indicted those accused of criminal activities in military courts. However, investigations of police abuses generally were lengthy and inconclusive and rarely resulted in prosecution or punishment. The Parliament enacted legislation that transferred jurisdiction over prosecution of police abuses to the civilian court system; however, the rest of the security forces, including the Border Police and the gendarmerie, remained part of the military court system. While some progress was made in reforming the police, cases of inhuman and degrading treatment continued to be reported. Prison conditions remained harsh and overcrowding remained a serious problem; however, conditions slightly improved. At times authorities violated the prohibition against arbitrary arrest and detention. The executive branch continued to influence the judiciary, and widespread corruption remained a problem.

The Government at times restricted freedom of speech and of the press. Religious groups not officially recognized by the Government complained that they received discriminatory treatment from the authorities. Societal harassment of religious minorities, violence and discrimination against

women, and restitution of property confiscated during the Communist regime remained problems. There were large numbers of impoverished homeless children in large cities. Discrimination and instances of societal violence against Roma continued. Child labor abuses continued. There were reports of government interference in trade union activity. Trafficking in women and girls for the purpose of prostitution was a problem which the Government took steps to address. Romania was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, police at times used excessive force that led to the deaths of citizens.

On March 21, Mihai Iorga died in Bucharest due to the beatings he sustained from trustees and police officers in prison. These beatings took place on March 12 and March 16, and included beating him on the head with a hammer, inducing a coma. He was taken to the hospital twice but received no treatment. Police stated that Iorga's death was due to an "alcoholic coma," but a March 25 autopsy established that Iorga had been beaten to death.

During the year, two officers were demoted and charged with criminal acts in the July 2001 beating death of a detainee in Cugir, allegedly from beating by the officers attempting to obtain a confession. The case remained pending at year's end. The Supreme Court acquitted a police officer indicted in 1999 for illegal use of a weapon in the 1996 killing of a Rom from Cermani, Mircea Muresul Mosor, who was shot in the back while in police custody. A court ruled that the police officer was justified in his use of lethal force against Radu Marian, an unarmed Rom killed during a police raid on a group of cigarette smugglers.

In June the nongovernmental organization (NGO), Romani CRISS, reported that 18-year-old Nelu Balasoiu, a Rom, was found dead in Jilava prison near Bucharest. Balasoiu's family maintained that he was healthy before he entered prison and alleged that his death resulted from his detention. Romani CRISS was continuing the investigation into Balasoiu's death at year's end.

A military tribunal launched a penal investigation regarding the abusive conduct of two police officers in the beating death in July 2001 of Dumitru Grigoras while in custody in Bacau County. One of the officers was suspended from his job and arrested in October 2001. The other remained under investigation at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices; however, there were credible reports that police beat detainees and used excessive force. Human rights organizations cited numerous reports of torture and mistreatment by police.

On June 19, Chief of Police Florin Sandu acknowledged the existence of instances in which police officers committed abuses. Sandu stated that in 2001, 5,000 police officers had been sanctioned in violation of labor rules, and 434 of those cases were pursued in court. Of the 434 cases, 173 were found to be "abuse of force" cases.

A new Police Organization Law, which entered into force on May 9, allows the use of firearms

against those fleeing police arrest or detention. In the view of many observers, this violated the widely accepted principle that deadly force may be used only against individuals who represent an imminent threat of death, or of grievous injury to others.

Romani NGOs claimed that police used excessive force against Roma and also subjected Roma to brutal treatment and harassment. On February 5, gendarmes beat a 14-year-old Romani child, Calin Sterica, in a Galati schoolyard. The gendarmes were called in because of a disturbance; despite not being involved, Sterica was beaten with fists and clubs. His mother, who had come to see what was going on, was fined \$120 (4 million lei) for "disturbance of the public order." According to the Romanian Helsinki Committee (APADOR-CH), the Roma County Bureau discouraged the mother from filing a complaint.

On March 12, police beat Severius Tanase in Sacele, in Brasov County, just outside of the police station. Tanase was then taken into the station, where he allegedly was beaten again. Tanase was then urged to sign a report admitting he committed a petty offense. An investigation into this case was initiated, but no further action was taken by year's end.

In the Silaghi beating case from April 2001, in which police beat a 15-year-old girl, officials indicated their intention to take disciplinary action by year's end against the police officer involved in the beating. The Mugurel Soare case brought about an investigation, and the case went to the Military court system, where the police officer was found to have been justified in his use of force against Soare. The courts exonerated police in a case involving police harassment of a gay individual, Adrian Georgescu. A final appeal to the European Court for Human Rights was underway at year's end.

In December 2001, plainclothes police officers shot Fanica Dumitrache while he was trying to steal gas from a car. The two police officers told him not to run, or they would shoot. Dumitrache, who claimed he did not know the two were police officers, began to run. One of the officers, Iulian Cristea, shot Dumitrache. The police officers then took Dumitrache to the hospital.

Judicial cases involving military personnel and the police were tried in military courts for most of the year (see Section 1.e.). At times some military prosecutors blocked proper investigation of alleged police abuses, or courts passed extremely light sentences. Under the Police Officer's Status Law, which entered into force on June 24, police officers will be investigated for crimes by civilian prosecutors. Military prosecutors will continue to try cases that involve "state security," and the gendarmerie and Border Police continue to fall under military jurisdiction.

Prison conditions were harsh; however, efforts to improve the prison system led to some gradual and positive changes. There are a total of 44 penal units (an increase from 43 in 2001), 35 prisons (an increase from 34 in 2001), 5 prison hospitals, and 3 juvenile detention facilities. Overcrowding remained a serious problem. As of August 2001, 50,549 persons, including 1,050 minors, were in detention, while the legal capacity of the system is 33,246. The law provides alternative sentences, such as community service, for minor offenses, and is aimed at reducing the prison population. It has been moderately successful. Men and women, adults and juveniles, and pretrial detainees and convicted criminals were held separately in the prison system.

Human rights organizations reported that the abuse of prisoners by other prisoners and prison authorities continued to be a problem. Prisons continued to use the "cell boss" system, in which some prisoners were designated to be in semiofficial charge of other prisoners in places where there were 10 or more prisoners in the same room. There were attempts to ameliorate this system by giving the inmates the right to select these "cell bosses" by vote, which improved the situation slightly. Prison authorities introduced some vocational training programs to assist inmates' future integration into society, which also led to some improvement.

The Government permitted prison visits by human rights observers; however, authorities imposed more restrictive conditions for prison visits. The new conditions, which are based on internal regulations that the Ministry does not release to the public, require that the visit be requested by a prisoner and be announced 3 to 4 days in advance. The authorities gave access to the prisons to 809 representatives of 274 newspapers and local or national TV stations during the first six months

of the year. Prison units and minors' detention centers were visited by 2,495 persons, including 251 foreign citizens, representing 239 NGOs during the same period. Some NGOs, such as the International Committee of the Red Cross (ICRC), obtained approval to meet weekly, monthly, or bimonthly with prisoners without the presence of third parties.

Visits to several penitentiaries by human rights organizations highlighted the problem of overcrowding. For example, Ploiesti penitentiary held 1,150 detainees in a space designed for 760. According to APADOR-CH, overcrowding has become less of a problem in other institutions. In a May 23 visit to Bistrita penitentiary, APADOR-CH found that there were 948 beds for 1,033 detainees, an improvement over previous years. In a similar visit on March 14 to Giurgiu Penitentiary, built in 1994, APADOR-CH found the number of detainees only slightly exceeded the capacity of 1,000.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, at times the authorities did not respect this right in practice. The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respected this provision in practice. Detention can be extended past the 30-day limit only by a court ruling; however, courts and prosecutors often extended pretrial detention, to several years in some cases. Pretrial detention counts towards sentence time if a detainee is convicted. One out of every three individuals in the prison system in 1995 was a pretrial detainee, compared with one in five in 2000. The law requires the authorities to inform those arrested of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement; however, police often did not inform citizens of their rights. In addition, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest. Detainees have the right to apply for bail, but in practice bail rarely was granted. Detainees may also ask for a hearing before a judge. Such a request must be granted within 24 hours.

Police often took advantage of a Police Organization Law provision, which states that persons endangering the public, other persons, or social order and whose identity cannot be established, may be taken to a police station. Police used this provision of the law to detain persons for up to 24 hours at police stations. The new Police Organization Law appears to extend this provision. In April the Supreme Court ruled that such detention was not arbitrary. Roma were disproportionately affected by this detention provision and often were viewed suspiciously by police. They often lacked appropriate identity documents, which made it easier for police to apply this article.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if they are older than 16, or, if between the ages of 14 and 16, if they have committed a crime consciously. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police were permitted to question them without restriction and could hold those suspected of criminal offenses for up to 30 days in such centers. Local and international human rights groups called on the Government to change this law, which appears to be in conflict with the Constitution.

According to APADOR-CH, the Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers; this law was respected in practice.

The Government detained asylum seekers indefinitely in some cases (see Section 2.d.).

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

e. Denial of Fair Public Trial

Under the law, the judicial branch is independent of other government branches; however, it

remained subject to influence by the executive branch. Members of the Senior Council of Magistrates (CSM), which controls the selection, promotion, transfer, and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council. However, the Justice Minister chairs the CSM as a nonvoting member, provides much of the staff work for the CSM, and controls its agenda. The Justice Minister also supervises by law the prosecutors who make up a significant portion of the CSM. The judicial system was widely regarded as weak, inefficient, and suffering from systemic corruption, although the Ministry of Justice continued to investigate and bring prosecutions against corrupt judges and officers. In June Parliament enacted a September 2001 emergency ordinance establishing a National Anti-Corruption Prosecutor's Office. This body is authorized to investigate charges of corruption by high officials and instances of corruption that have generated more than \$100,000 (3.3 billion lei) in damage or seriously disturbed the activity of public authorities.

The law establishes a four-tier legal system, including appellate courts. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The judicial system establishes a prosecutor's office associated with each court.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups have criticized this system, claiming that the military prosecutor's investigations were unnecessarily lengthy and often purposefully inconclusive (see Section 1.c.). As a result of the Police Organization Law, which took effect in May, civilian courts and prosecutors began to try cases involving the National Police but not other law enforcement bodies.

The law provides for the right to a fair trial; however, the judiciary suffered from systemic corruption. Defendants are presumed innocent. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice the local bar association provided attorneys to the indigent and was compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting confessions through beating occurred occasionally (see Section 1.c.). Due to a lack of a plea bargaining, the judicial system tended to be inefficient and slow. An average case took four and a half years to complete.

There were no reports of political prisoners.

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

The law prohibits such actions; however, there were some restrictions. The Constitution provides for protection against the search of a residence without a warrant; however, this protection is subordinate to "national security or public order." The 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 have the authority to enter residences without authorization from a prosecutor if they deem a threat to national security to be "imminent;" however, such actions were rare.

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Internal Intelligence Service (SRI) is prohibited legally from engaging in political acts (for example, wiretapping on behalf of the Government for political reasons). However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage legally in a wide variety of operations such as surveillance; requesting official documents or information; or consulting with technical experts, to determine if a situation meets the legal definition of a threat to national security or to prevent a crime.

The law permits citizens access to secret police files kept by the Communist Government. Under the law, any individual who held Romanian citizenship after 1945 is entitled to have access to his

file; a council approved by Parliament reviews the files and releases the information unless it was a state secret or could threaten national security. The files remain in the custody of the intelligence services. This law has been criticized for exempting files of current employees of the intelligence services from review and for restricting the definition of an informer to an individual who received actual payment for services.

In March 2001, Parliament passed legislation requiring individual citizens to report foreign guests to the police if the guest remained in the country for more than 2 weeks; this legislation was criticized by human rights groups as infringing on privacy rights. Some minority groups, including ethnic Hungarians and Germans, also expressed concern over the law, since they often have family visitors for extended periods of time.

Twenty Roma living in tents in the Vacaresti Lake area of Bucharest were given notice to leave by May 15. When they failed to do so, city hall representatives pulled down their tents, citing the lack of sanitary living conditions as the reason for eviction. Observers disputed the legal basis for this act and alleged it was prompted by anti-Roma prejudice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and of the press, and the Government generally respected these rights in practice; however, the prohibitions against "defamation of the country" and "offense to authority" limited these rights.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers were published. Foreign news publications may be imported and distributed freely, but high costs, compared to domestic publications, limited their circulation.

Several private television stations broadcast nationwide, with the largest reaching approximately 45 percent of the rural and 85 percent of the urban market. There were 117 private television stations and 260 private radio stations. Approximately 3.4 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. State Television (RTV), Radio Romania, and the Europa FM radio network remained the only national broadcasters capable of reaching the bulk of the rural population at year's end. Independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions.

Press and television coverage generally reflected the political viewpoints of owners, which covered most of the political spectrum. State-owned television and radio coverage tended to be biased in favor of the Government. In December 2001, on a party line vote, the ruling party forced out the governing board of the state owned radio network, which had been appointed by a previous Government. The new radio leadership reflected the ruling party's views in its coverage. Media accuracy was not high but has been improving gradually.

The Penal Code has been criticized by human rights organizations and journalists for including jail terms for those convicted of libel or calumny. In May the Chamber of Deputies replaced the prison term for insult with a fine. However, the Government retained a prison term (2 to 24 months) for libel. The sentence was increased to 3 to 36 months for libel directed at government officials. The move was widely criticized by press and human rights organizations. Although President Iliescu stated that insult and calumny must be penalized in some form, in October he returned the ordinance to Parliament, asking that the prison penalty for calumny be dropped. The issue was still pending at year's end.

Article 168 of the Penal Code provides criminal penalties for spreading false information aimed at attacking the country's national security. Using this article, in January the Government briefly detained two individuals suspected of publicizing information over the Internet about alleged corruption involving the Prime Minister. The Government also instituted proceedings against opposition ultra-nationalist politician Corneliu Vadim Tudor under article 168 after he asserted,

shortly after September 11, 2001, that the Government had trained Hamas terrorists in the mid-1990s. The Government, responding that they had trained Palestinian Authority security officers, stripped Tudor of his Parliamentary immunity and continued to prosecute him during the year on the grounds that he had disseminated false information which endangered state security or the country's international relations.

NGOs defending freedom of the press and the media reported that journalists of the local Ziarul de Vrancea newspaper were victims of various types of pressure and harassment allegedly orchestrated by the President of the Vrancea County Council, a member of the ruling PSD party. Financial regulators repeatedly harassed journalists who were critical of the local government, demolished the newspaper's kiosks, and evicted them from their offices, even though the rent had been paid in advance.

Local officials, including the Vrancea Prefect, also filed numerous court cases against Ziarul de Vrancea journalists.

Access to the Internet was not restricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counter demonstration held at the same time as a scheduled public gathering. A law passed in March forbids fascist, communist, racist, or xenophobic symbols (statues of war criminals are not permitted on public land), ideologies, or organizations. Unauthorized demonstrations or other violations were punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties gain legal status if they have at least 10,000 members.

c. Freedom of Religion

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

The press reported several instances when adherents of minority religions were prevented from practicing their faith, and local law enforcement authorities did not protect them. The Romanian Orthodox Church predominates; approximately 86 percent of the population nominally adheres to it.

The Government officially recognizes 15 religions; only the clergy of these 15 recognized religions are eligible to receive state financial support. Recognized religions have the right to establish schools, receive funds to build churches, pay clergy salaries with state funds, subsidize clergy's housing expenses, broadcast religious programming on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status.

The number of adherents each religion had in the 1992 census determines the proportion of the budget that each recognized religion receives. Representatives of minority religious groups disputed the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or assigned an affiliation even without inquiring about religious

affiliation. A new census was conducted in March, but its final results will not be published until 2003. Religious and ethnic groups complained that census takers undercounted their numbers or misidentified their members as being in the ethnic Romanian Orthodox majority during the census.

The Government requires religious groups to register, and government registration and recognition requirements posed obstacles to minority religions. Representatives of religious groups that sought recognition after 1990 alleged that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church. They also complained that they did not receive clear instructions concerning the requirements, and that often the State Secretary on Religions did not respect the time frame in which they had to make a decision on their application. During the year, the Government failed to comply with a Supreme Court order to give Jehovah's Witnesses status as a religion. The Government has not granted any religious group status as a religion since 1990.

The Government registered religious groups that it did not recognize either as religious and charitable foundations or as non-profit cultural associations. A May 2000 law simplified this registration process and removed the minimum number of members required to set up religious associations and foundations.

The law does not prohibit or punish assembly for peaceful religious activities; however, several minority religious groups complained that on various occasions local authorities and Orthodox priests prevented religious activities from taking place, even when their organizers had been issued permits. The Evangelical Alliance reported difficulties in obtaining approval to use public halls for religious activities following negative press campaigns that described neo-Protestant religions as "sects." Orthodox priests incited the local population against activities sponsored by the Adventist Church in Probata-Iasi County, where the situation stabilized only when the local authorities intervened.

New regulations regarding building permits for "places of worship," issued by the Government in May 2001, no longer differentiated between recognized and unrecognized religions in terms of what they are allowed to build as places of worship. Prior to this, unrecognized religions received building permits for "halls of prayer" only and not for "places of worship." Although most minority religious groups declared that they had received permits to build places of worship without any difficulty, some of them made credible complaints that these regulations generated delays in the process.

Although protected by law, several minority religious groups, which include both recognized and unrecognized religions, made credible complaints that low-level government officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the year. In some instances, local police and administrative authorities tacitly supported societal campaigns against proselytizing that at times were violent. While there is no law against proselytizing, in some localities proselytizing was perceived as being directed at adherents of established churches, and conflicts occurred.

Recognized religions also have the right to teach religion in public schools; however, a number of religious groups, including the Baptists, reported that they had been unable to have classes offered in their faiths in public schools because of the influence of the Orthodox Clergy. In at least one instance, a child who was a member of Jehovah's Witnesses was threatened with not graduating unless she attended the Orthodox religious classes.

Previously, a small number of religious and communal properties confiscated under the Communist regime were restituted by government decrees in lieu of a restitution law. In June Parliament passed a law restituting large numbers of religious properties confiscated by the Communist regime. In many cases religious minorities did not succeed in regaining actual possession of the properties despite the restitution by these decrees. Many properties returned by decree house state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by current possessors delayed restitution of the property to the rightful owners.

The Greek Catholic, or Uniate, Church made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. The return of places of worship was specifically excluded from the provisions of the June law. This exclusion primarily affects the

Greek Catholics; churches of other faiths generally were not seized by the Communists. Of the approximately 2,600 properties to which the Greek Catholic Church has claim, only a handful have been returned. The Greek Catholic Church had very few places of worship. Many followers still were compelled to hold services in public places or parks (289 such cases, according to Greek Catholic reports). In order to avoid restitution, the Orthodox Church demolished many Greek Catholic churches under various pretexts, including that the buildings were structurally unsafe. In February the Orthodox Patriarch, in a letter to the Minister of Justice, described court rulings in favor of the Greek Catholic Church as "illegal" and "abusive" and stated that decisions on such cases should be made only by the joint Orthodox-Greek Catholic committee. The Minister of Justice distributed the letter to all Courts of Appeal.

On the night of March 15, a group of Orthodox followers, led by an Orthodox priest, occupied a recently restituted Greek-Catholic church in Ocna Mures, Alba County. Greek Catholic witnesses say that armed police forces did nothing and even assisted with the occupation. The church was returned to the Greek Catholic church by court ruling at the end of the year.

Restitution of the existing churches was a critical factor to both sides, because local residents were likely to attend their local church whether it was Greek Catholic or Orthodox; thus the number of believers and share of the state budget allocation for religions is at stake. The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, have received only a small number of their properties back from the Government. Out of 1,791 buildings claimed by the Hungarian churches, 113 were restituted by government decrees; however, the churches involved were permitted to take actual possession of fewer than 20. Following discussions between the ruling PSD and the Democratic Union of Hungarians (UDMR) at the beginning of May, small steps were made toward speeding up the actual restitution of 13 buildings (9 of them belonging to the Hungarian churches) returned by previous decrees. The Jewish community has received 42 buildings by government decree but has obtained actual possession of less than half of them.

In June 2001, members of the "New Right" (Noua Dreapta) organization (a small, extreme-right group with nationalistic, xenophobic views) beat four Mormon missionaries who were riding on a streetcar in Bucharest. No measures were taken against the group.

Many representatives of minority religions credibly complained that private and governmental organizations operating hospitals, children's homes, and shelters for the elderly often permitted only Orthodox priests to grant religious assistance in them. Charitable activities carried out by other churches in children's homes and shelters often have been interpreted as proselytizing. According to the Seventh-Day Adventist Church, Orthodox priests have not allowed Adventist ministers to conduct burial rituals in localities, primarily in rural areas, where the number of Adventist members was small.

Members of Jehovah's Witnesses complain that the number of cases in which their ministers have been abused verbally and physically by persons incited by Orthodox priests (who often took an active part in these actions) increased. Such cases were reported in Sutesti and Dragasani (Valcea County) and Budesti (Bistrita Nasaud County).

The far-right press continued to publish anti-Semitic articles. The Legionnaires (Iron Guard), an extreme nationalist, anti-Semitic, pro-Nazi group, continued to republish inflammatory books from the interwar period. Extremist publicists made repeated attempts to deny that Holocaust activities occurred in Romania or in Romanian administered territory. At the end of June, the local police confiscated 2,000 copies of an anti-Semitic book published in Arad by a foreign-based Iron Guard member. Religious services to commemorate legionnaire leaders continued to be held in Orthodox churches. During the year, Jewish cemeteries were desecrated in four localities. Two synagogues were desecrated during the same period; the perpetrators were not identified. No progress was made on investigations into the desecration of Jewish synagogues and cemeteries in 2001, 2000, and 1999.

Most mainstream politicians publicly criticized anti-Semitism, racism, and xenophobia as well as attempts to deny the Holocaust and to rehabilitate World War II dictator Marshal Ion Antonescu. In

March a course in the history of the Holocaust was included among subjects to be studied at the National War College (directly subordinated to the Ministry of Defense). During the same month, the Government issued two emergency ordinances against fascist, racist, and xenophobic organizations; against the cult of war criminals (which refers to attempts to rehabilitate Antonescu, who was executed in 1946 as a war criminal); and for the protection of Jewish cemeteries and synagogues. In accordance with the first ordinance, six statues of Marshal Antonescu (in Piatra Neamt, Slobozia, Letcani, Jilava, Calarasi, and Sarvas) were taken down. A Marshal Ion Antonescu square in Piatra Neamt was renamed at the end of April.

According to the Baha'i Faith, a group of youths disrupted a show and an exhibit sponsored by their association in Herestrau Park in Bucharest in July 2000. The youths called the Baha'is a "sect," used a Nazi greeting, shouted "long live the Orthodox Church," and destroyed all the exhibit materials. The police cooperated with the Baha'is in investigating the incident, but it had not been resolved by year's end, and there was no sign that the investigation was continuing.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

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

In July the mayor's office in Bucharest worked with the "Roma Party of Sector 6" (a district of the city) to convince Roma illegally living on public land in Sector 6 to return to their original homes. When the Roma Party and the mayor's office failed to convince the Roma to leave the public land and return to their homes voluntarily within 72 hours, the Roma were removed by force and returned to their localities of origin.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum. According to the National Refugee Office, between January and June, 532 individuals submitted applications for asylum, and 41 were approved. There were no voluntary repatriations. The law establishes a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Interior Ministry and the Labor Ministry funded programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) was minimal; it usually was not enough to cover basic needs. The Government provided temporary accommodation in a few locations; however, the facility in Bucharest operated well below its capacity. Programs for integrating refugees into society developed slowly. An increasing number of transiting illegal migrants regarded the country as a springboard to other countries.

There were no reports during the year of the forced return of persons to a country where they feared persecution. The UNHCR expressed some concern over cases in which the Government reversed an initial acceptance of an asylum claim on undefined "national security" grounds.

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

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

In November and December 2000, in elections that were judged to be generally free and fair, the center-left PSD won a near majority in the legislature and the PSD candidate, Ion Iliescu, won the presidency. The PSD governed as a minority Government, with support from the Democratic Union of Hungarians in Romania (UDMR). The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread voting fraud from the losing PRM candidate, Corneliu Vadim Tudor, were not judged to be credible.

No legal restrictions hindered the participation of women in government or politics but societal attitudes were a significant impediment. The Parliament was composed of 10.3 percent women, with 12 Senators and 38 Deputies. Women ministers constituted 20 percent of the cabinet, holding five ministerial posts. Women in general voted in the same proportion as men. None of the 41 county prefects, an appointed position to represent the central Government at the county level, were women.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright. Organizations representing 18 minority groups elected deputies under this provision in 2000. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma were underrepresented in Parliament; low Roma voter turnout and internal divisions worked against the consolidation of votes for one candidate, organization, or party. There were two Romani parliamentarians; the former Romani minority representative joined the PSD and sat in the legislature, and the Constitution and electoral legislation provide for one seat for Roma. During the year, the PSD signed protocols of cooperation with Hungarian, German, and Roma minority parties.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Domestic human rights monitoring groups included APADOR-CH, the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups, such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections to monitor the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

Government officials were generally cooperative and responsive to NGOs, although some offices were slow to respond to inquiries. Local human rights monitoring agencies found it difficult to obtain statistics concerning police abuses. The Ministry of the Interior, which is responsible for investigating such abuses, responded unevenly to inquiries from monitors. Often victims were reluctant to come forward, and the Government did not promote transparency in this regard.

In February 2000, the Ministry of the Interior tightened conditions for prison visits by human rights organizations (see Section 1.c.).

An Ombudsman's Office worked to protect citizens against abuses by public officers. In 2001 the office received 6,887 complaints; of these only 1,671 were accepted as falling under the Ombudsman's jurisdiction. By May 31, 2,509 complaints had been addressed to the Ombudsman's office, only 457 of them were in its jurisdiction. More than half of them--1,828--related to social, economic, and cultural rights. The office registered these complaints and was obliged by law to provide an initial response within a year of the date that they were recorded. The Ombudsman was moderately effective; however, the lack of executive powers limited the Ombudsman's authority. The office dealt not only with human rights but with all facets of citizens' interaction with the Government. The Ombudsman's role still was not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, sex, opinion and political allegiance, wealth, or social background. However, in practice the Government did not enforce these provisions effectively, and women, Roma, and other minorities were subject to various forms of discrimination.

In January Parliament ratified a September 2000 emergency ordinance that outlaws discrimination based on a number of factors and introduces the ability to sue on the grounds of discrimination. However, the major tool—the National Council on Combating Discrimination—was not established until July 31. At the end of April, a large number of NGOs active in combating discrimination protested the Government's non-transparent manner of nominating the members of the Council's board and its failure to consult human rights NGOs on this issue.

According to UNOPA, the principle of confidentiality and the right to work were sometimes disregarded. For example, employees were hired and fired in certain situations according to their HIV status, although this violated the country's labor rights legislation.

Women

Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence was common, and a 1999 report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace was common. According to a U.N. population survey conducted in the fall, 45 percent of Romanian women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. A complicated criminal process discouraged domestic violence victims from pressing charges against perpetrators. Police often were reluctant to intervene in instances of domestic violence. There was no specific legislation dealing with spousal abuse or spousal rape. The prosecution of rape was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment if he married the victim. The successful prosecution of spousal rape was almost impossible. A law passed in January mandated the same penalties for rape and sexual abuse irrespective of the victim's gender.

There were reports of trafficking of women (see Section 6.f.).

The Constitution grants women and men equal rights; however, in practice the Government did not enforce these provisions, nor did the authorities focus attention or resources on women's issues. On May 8, the Government passed Law 202, Equality for both Women and Men, prohibiting any act of gender discrimination, including sexual harassment.

Few resources were available for women who experienced economic discrimination. Despite existing laws and educational equality, women had a higher rate of unemployment than men, occupied few influential positions in the private sector, and earned lower wages. A department in the Ministry of Labor and Social Protection advanced women's concerns and family policies. This department organized programs for women, proposed new laws, monitored legislation for sexual bias, targeted resources to train women for skilled professions, and addressed the problems of single mothers, especially in rural areas. There is an Ombudsman within the department for child, woman, and family protection to resolve complaints of discrimination.

Children

The Government administers health care and public education programs for children, despite scarce domestic resources which limited the availability of these services. International agencies and NGOs supplemented government programs in these areas.

Education was free and compulsory through the eighth grade. After the eighth grade, schools charged fees for schoolbooks, which discouraged attendance for lower income children, particularly Roma children. During the 2001-2002 school year, 3,951,572 children (approximately 96 percent of primary school-age children) attended school, including kindergarten. Boys and girls generally received the same treatment in schools. The Ministry of Education reported that the dropout rate in the 2000-2001 school year, calculated by the National Institute for Statistics, was approximately 0.6 percent. This figure represented a significant decrease in the dropout rate since 1997-98, when 20 percent of children under 15 left school.

Living conditions in all child care institutions seriously deteriorated in 1999 and have not improved

substantially since that time. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equal in all institutions, the general situation was unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 children in state institutions.

Repeated treatment interruptions for AIDS patients, mostly children, were reported by the National Union of Organization of the Persons Affected by HIV/AIDS (UNOPA). The unnecessary discontinuity of treatment was more harmful than non-treatment and increased the potential of drug resistance development.

Large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. A 1998-1999 study by UNICEF and Save the Children estimated that there were 2,500 children living on the streets of the capital in the summer when the number generally peaks, but the Government did not have statistics defining the scope of the problem nationwide. A significant percentage had left large institutions with no skills and employment and no ability to earn a living or obtain housing. There was no systematic provision of labor market information, skills training, or job placement services for these young persons, and there was a high probability that they would gravitate to the streets, engaging in prostitution or trafficking. Although the Government took some initiatives, including the creation of emergency receiving facilities to address these problems, there has been no systematic effort to prevent new children from joining the street population or to integrate children living on the streets. In November 2001 the Social Assistance Law took effect; it targets more assistance to children in poverty.

Legal provisions to protect children from abuse and neglect were inadequate. While there are criminal penalties, there was no consistent policy and procedure for reporting child abuse and neglect and no system to provide treatment to families who abuse their children. The National Authority for Child Protection and Adoption monitored abuse cases. As of the end of the year, a task force coordinated by the National Authority for Child Protection and Adoption was developing standards, training, policies, and procedures for child abuse and neglect.

There was no perceptible societal pattern of abuse against children; however, a survey by a local polling firm conducted in 2001 found that 41 percent of women and 59 percent of men reported that they had experienced physical or verbal abuse as children.

NGOs working with children remained particularly concerned about the number of minors detained in jail and prison (see Section 1.c.). These NGOs continued to seek alternative solutions to sending juveniles to prison, such as parole. Because time served while awaiting trial counts as part of the prison sentence but does not count towards the time to be served in a juvenile detention center, some minors actually requested prison sentences.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

Persons with Disabilities

Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities were almost nonexistent. Many persons with disabilities could not make use of government-provided transportation discounts because public transport did not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation. According to official statistics, there were 3,500 children with disabilities living in state institutions; conditions in these institutions ranged from adequate to harsh.

National/Racial/Ethnic Minorities

After the 2000 election, the Government reorganized the Department for the Protection of Minorities into an Office for Interethnic Relations and a National Office for Roma and placed them under the Ministry of Public Information. These offices are responsible for monitoring the specific problems of

persons belonging to ethnic minorities, to maintain contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

The largest and most vocal minority community consisted of ethnic Hungarians, who officially numbered more than 1.4 million according to preliminary results from the 2002 census. Their UDMR party was in de facto political alliance with the ruling minority PSD Government during the year after signing a new protocol of cooperation with the PSD in January. Although the local public administration act of 2001 requires bilingual signs in areas where a national minority represents more than 20 percent of the population, such signs have never been installed in Cluj because of the mayor's continual opposition. During the year, he used the preliminary results of the population census as grounds for his refusal to install the signs.

A government 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 the country. In the Moldavia region, some in the Roman Catholic Csango community who speak an archaic form of Hungarian complained that there was no schooling available in their language. The Csango community, estimated by some to number several tens of thousands, was fractured, with a majority of Csangos considering themselves ethnic Romanian and a minority ethnic Hungarian.

According to the preliminary results of the March census, the Romani population numbered approximately 535,000; however, some observers, including the European Commission, estimated that the Roma population was between 1.1 and 1.5 million. Romani groups complained that police brutality—including beatings, prejudice, and racial harassment at the local level—was routine (see Section 1.c.). Under a government program, Roma living illegally in Bucharest on public lands were forced to relocate to their counties of origin (see Section 1.f.). According to the Government, only 27 percent of Roma had steady jobs, and only half of those jobs were considered skilled. Illiteracy among Roma older than 45 years of age was approximately 30 percent.

On June 13, a Protocol between the ruling PSD party and the Roma party was signed between Prime Minister Nastase and Roma party leader Nicolae Păun. The Protocol calls for the continued monitoring of the Roma situation, the promotion of higher education among the Roma, and programs aimed at educating the public about racism and discrimination. The National Council on Combating Discrimination was established on July 31. During the year, all necessary structures were established to implement the National Strategy for the Improvement of the Situation of the Roma (adopted in April 2001), except for those at the local level and in the National Council on Combating Discrimination. Under this National Strategy, 399 Roma experts and councilors were appointed in ministries, prefect's offices, and in some mayor's offices. Ministerial committees for Roma, subordinated to a joint committee to monitor the implementation of the strategy, and joint working groups (made up of Roma experts in the prefect's office, NGOs, and elected representatives of the Roma communities) at the local level have been set up. Training programs for Roma councilors, experts, and medical-social mediators have been developed by the Government in cooperation with Roma NGOs. The National Office for Roma established a database to store information regarding the living conditions and needs of the Roma community. Given the large amount of work, the office was understaffed. In addition, funding for the implementation of the strategy continued to be a problem, since the state budget did not include any amounts for this purpose.

The Roma population continued to be subject to societal discrimination. Roma often were denied access to shops, restaurants, and other places. A complaint filed by the NGO, Romani CRISS, in February 2001 against the owner of a bar in Pitesti, where two Roma had been denied access, was rejected on procedural grounds.

A partnership protocol, signed by the Minister of Health and the representative for Roma in the Parliament in April 2001, sets forth cooperative measures between the Health Ministry and the Roma Party in order to ensure that Roma have access to health care. This protocol helped resolve most complaints of discrimination against Roma in the health system and sponsored several vaccination campaigns for Roma children. Romani CRISS started a training program (with private

funding) in cooperation with the Ministry of Health for Roma medical-social mediators.

On June 7, the Project on Ethnic Relations (sponsored by several Roma rights NGOs) held a conference on how Roma are portrayed in the media. A report done by Romani CRISS, presented at the conference, stated that the print media usually was most discriminatory and found that 54 percent of articles about Roma were negative. The study was done on 12 national newspapers and found that the several of these articles still referred to Roma as "gypsies," a term Romani CRISS regarded as pejorative.

In May the Bucharest city hall fined the daily Romania Libera and its publishing company for having published a discriminatory job announcement, which said, "no Roma accepted."

Four persons who were arrested, tried, and convicted in a 1993 incident in Hadareni, in which three Roma died in a house burning, were released in 2000 after serving their sentences. The victims appealed to the European Court of Justice, arguing that the sentences of 2 to 6 years were too light. The case was pending before the European Court at year's end. According to Human Rights Watch, the European Roma Rights Center (ERRC) lodged applications against the country with the European Court of Human Rights regarding cases of violence against Roma and destruction of Romani property in Casinul Nou (1990) and Plaiesii de Sus (1991). These cases had been rejected in Romanian courts in part because the statute of limitations had expired before the ERRC could initiate final appeals. Police in both cases failed to conduct onsite investigations. These cases were pending with the European Court of Human Rights at year's end.

Section 6 Worker Rights

a. The Right of Association

All workers except certain public employees have the legal right to associate freely and to form and join labor unions without previous authorization; however, there were reports that the Government restricted this right. Ministry of Defense, Ministry of Interior, and intelligence personnel are not allowed to unionize. The majority of workers were members of approximately 18 nationwide trade union confederations and smaller independent trade unions. Trade unions may acquire property, support their members' exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching, and research bodies, establish commercial enterprises and banks, and borrow money. Workers may not be forced to join or withdraw from unions, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation.

The right to form trade unions was generally respected in practice. However, some employers created enterprise-friendly "yellow unions" in order to avoid the pressures of independent trade unions. Antiunion employers--usually foreign companies--made employment conditional upon the worker agreeing not to create or join a union. The unions reported that the Government interfered in trade union activities, collective bargaining, and strikes, and alleged that the requirements to register a union were excessive.

Past studies indicated that labor legislation adopted in 1991 fell short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, the financial liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices to "employees."

The law stipulates that labor unions should be free from government or political party control, a provision that the Government generally respected in practice. Unions were free to engage in political activity and did so.

Antiunion discrimination is prohibited by law, and the Government generally respected this prohibition in practice.

Labor unions may form or join federations and affiliate with international bodies. The National

Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania and Cartel Alfa are affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visited and advised domestic trade unionists.

b. The Right to Organize and Bargain Collectively

Workers have the legal right to bargain collectively, but collective bargaining efforts were complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Although the law supports collective bargaining as an institution, the contracts that result were not always enforceable in a consistent manner. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which were set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions violated labor agreements.

The collective labor dispute law defines the conciliation, mediation, and arbitration procedures under which strikes can be conducted. The law established tripartite arbitration panels, and the list of arbitrators must be approved by the economic and social council where trade unions and employers associations each have one-third of the membership; however, mediation capability has not developed fully. Local panels were poorly trained, and unions continued to take their cases directly to the Government for dispute resolution.

Amendments to the labor law in 1999 broadened the scope of the right to strike, although lengthy and cumbersome procedures continued to make the holding of legal strikes difficult. Strikes may be held only if all means of possible conciliation have failed. The employer must be given 48 hours warning. Strikes can only be held to defend the economic interest of the workers and may not be used for political reasons. The labor code permits companies to claim damages from strike initiators if the strike is deemed illegal by a court. Union members complained that unions must submit their grievances to government-sponsored conciliation before initiating a strike and that the courts had a propensity to declare illegal the majority of strikes on which they had been asked to rule. Judges, prosecutors, and related Ministry of Justice staff are forbidden to strike, along with Ministry of Defense, Ministry of Interior, and intelligence service employees. In contrast to the previous year, there were fewer strikes over the privatization of enterprises. As in the past, strikes were motivated by fear of future job losses. The Government worked with the trade unions, considering their concerns when devising the privatization strategy or contract. Labor unrest continued at the Resita steel plant, with no foreseeable outcome at year's end.

Labor legislation was applied uniformly throughout the country, including in the 6 free trade zones and the 31 disadvantaged zones. There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children. The Ministry of Labor and Social Protection is responsible for enforcing the prohibition against forced labor. The prevalence of child labor, including begging, selling trinkets on the streets, or washing car windshields, remained widespread in the Roma community; these children may be up to 18 years of age.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in dangerous or hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years; however, despite the prevalence of child labor, there was no evidence of anyone being charged or convicted under this law. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry

of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law. There were no reports of anyone being charged or convicted under this law.

A department in the Office of the Prime Minister is responsible for child protection. Local organizations were established in the counties and the city of Bucharest to enforce child welfare legislation. The roles and responsibilities of the several agencies that enforce child labor laws remained ill defined, and these laws often were not enforced.

There were no accurate statistics on illegally employed children; however, there was recognition of the problem.

e. Acceptable Conditions of Work

Most wage rates were established through collective bargaining at the enterprise level; however, they were based on minimum wages for specific economic sectors and categories of workers that the Government set after negotiations with industry representatives and the labor confederations. Minimum wage rates generally were observed and enforced. During the year, the minimum monthly wage was raised from approximately \$48 (1.4 million lei) to approximately \$53 (1,750,000 lei); the minimum monthly wage did not provide a decent standard of living for a worker and family. Prices for utilities continued to rise; however, basic food and pharmaceutical products still were subject to price ceilings. Housing was no longer subsidized.

The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off per week. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations.

During the year, discussions including unions and employers to revise the Labor Code continued. New legislation was under debate in Parliament at year's end.

Some labor organizations lobbied for healthier, safer, working conditions on behalf of their members. However, neither the Government nor industry, which is still mostly state owned, had the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them; however, it lacked sufficient trained personnel for inspection and enforcement, and employers often ignored its recommendations. In 1999 a department was established with European Union (EU) assistance, within the Ministry to conduct comprehensive safety inspections. Although they have the right to refuse dangerous work assignments, workers seldom invoked it in practice.

After an explosion killed 10 workers in the port of Constanta in June 2001, workers at the shipyard protested against the lack of safety equipment and violations of safety procedures by management. A government delegation led by Privatization Minister Musatescu mediated talks between workers and management. The situation remained unresolved at year's end.

f. Trafficking in Persons

A law passed in November 2001 prohibits trafficking; however, the Government had not issued regulations for implementation by the end of the year. Trafficking in women and children continued to be an underreported but serious problem.

The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive humans for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, performance in pornographic films, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

A law enacted in November 2001 provides for sentences for traffickers of 3 to 12 years' imprisonment, including for trafficking in minors between 15 and 18 years of age. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. There are increased penalties of 3 years if the trafficker is a member of an organized crime group and 2 years in the case of minors if the trafficker uses coercion. Consent of a trafficked person does not exempt the trafficker from liability.

The Government in 2001 assigned two generals as National coordinators of efforts against trafficking through a Human Trafficking Task Force. It assigned a number of personnel to investigate trafficking and began to expand interagency and local resources assigned to human trafficking. During the year, police identified 41 human trafficking networks. A total of 420 individuals were under investigation for suspected human trafficking, and as of December 1, the police had arrested 164 suspects. For example, on July 23, police cracked down on a Chinese-run trafficking ring in Iasi after a female victim filed a claim with police in Bucharest, using the SECI Regional Anti-Crime Center. The authorities also sought to increase regional cooperation against trafficking. In May seven Romanian victims testified in court in Skopje, Macedonia, against Macedonian traffickers who were subsequently convicted. Overall, 625 cases of prostitution and pimping were investigated (an increase of 84.4 percent over 2001) and 100 individuals were arrested. There were also 507 cases of illegal migration (an increase of 106 percent over 2001), and 446 individuals investigated (an increase of 53.7 percent over 2001).

In November 2001, one full-time prosecutor was assigned to assist the task force. A number of prosecutors also began to work trafficking cases at the regional level in 2001. A handful of prosecutions occurred for pimping offenses; prosecutions based on indictments under the new trafficking law began during the year.

In the course of its efforts, the Government recognized that corruption in the police force—particularly in local forces—may have contributed to the problem. As a result of both training and personnel changes within the police, police began to acknowledge that Romania was a country of origin for trafficked victims, and they became more aware of the problem. Police developed a system for investigating suspected trafficking cases that came up during border crossing checks. Victims were first questioned by Border Police in an effort to identify traffickers. Subsequently, they were questioned by officers from the Police's Organized Crime Directorate assigned to investigate human trafficking.

The country was both a country of origin and a transit country for trafficked women and girls. The full extent of the problem remained unclear, since neither the Government nor NGOs maintained statistics on this problem; however, there was evidence that the problem was growing. The International Organization for Migration (IOM) reported that from December 1999 to November 2002, 615 victims had been directly assisted, while fewer than 10 victims were assisted in 1999. The IOM office in the country estimated that as many as 20,000 women are trafficked from the country each year. Women reportedly were trafficked for prostitution to Yugoslavia (including Kosovo), Macedonia, Turkey, Albania, Bosnia and Herzegovina, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan, and Cambodia. Women were trafficked through Macedonia and Bulgaria to reach Greece and other countries. The country also remained a frequently used country of transit for persons, especially women, being trafficked from Moldova, Ukraine, and other parts of the former Soviet Union. Iasi and Timisoara remained major transit centers. Trafficking patterns within the country generally went from its border with Moldova to the countries bordering Serbia, and there was anecdotal evidence of some internal victims of trafficking as well. There also was anecdotal evidence that the country was a minor destination country. Trafficking victims were primarily women and girls trafficked for prostitution; however, there were also reports that men were trafficked to Greece for agricultural labor.

Often women were recruited to work abroad by friends or relatives, or by newspaper advertisements. Often a friend or relative would make the initial offer, usually telling the victim that she would obtain a job such as a baby sitter or waitress. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women were sold into prostitution by their parents or husbands or were kidnaped by trafficking rings. Ministry of Interior

officials reported that trafficking rings appeared to be operated primarily by Romanians; several domestic prostitution rings were active.

No separate Government or IOM statistics were available for children trafficked to other countries. The NGO Sanse Egale Pentru Femei (Equal Opportunities for Women) reported that cases of trafficking in children that it dealt with rose from 8 in 1997 to 43 in 1999. In 1998 the NGO Save the Children dealt with 101 cases of children, mostly Roma, who were taken to Germany and Italy and forced to work as beggars or petty thieves; there were reports in July that trafficking rings gathered 200 Roma and sent them to France to work as beggars. The trafficking of humans to serve as beggars in Western Europe and the United States was a problem. On July 22, the national media reported that 19 Romanians were stopped at the Sinnicolau Mare customs point (on the Serbian-Hungarian border) by Border Police. The group, which included eight children with a variety of physical disabilities, were going to Italy to beg. The ringleader, Radu Samir, was fined approximately \$1,800 (60 million lei). In June a citizen was arrested in Cluj for trafficking elderly residents to the United States to beg. Border Police reported that such instances were becoming more frequent.

The country has an extensive system of orphanages with approximately 60,000 dependents, and many orphanages were complicit in letting girls escape into prostitution. Children and young persons forced out of orphanages between the ages of 16 and 18 often had no identity documents, very little education, and few, if any job skills. NGOs believed that many girls from these orphanages fell victim to trafficking networks. A study by the IOM's office in the country found that in 2000 38 percent of girls between 15 and 18 years of age in orphanages were ready to "emigrate to a foreign job," putting them at risk of being trafficked. The same study found that 38 percent of single women and girls aged 15 to 25 and 20 percent of women and girls who lived with their parents were ready to emigrate to a foreign job.

In the past, victims returned to Romania were prosecuted for the crime of leaving the country illegally, which had reduced their willingness to return to the country or to cooperate with law enforcement authorities. Law 678 requires the Ministry of the Interior to provide protection for victims of trafficking, and undercover operations and electronic surveillance are authorized against traffickers. This law also eliminates criminal penalties for prostitution if the victim turns in traffickers, or cooperates in investigations against traffickers. However, trafficking victims who cooperated with authorities continued to be sentenced for crimes such as illegal emigration.

The Government provided little aid to repatriated victims. In October 2001, IOM opened a short-term shelter for victims in Bucharest in cooperation with the Government and an NGO, the Estuar Foundation. The Ministry of Interior provided law enforcement personnel to investigate trafficking. The Border Police, who report to the Ministry of Interior, processed repatriated victims when they returned from abroad. The Ministry of Foreign Affairs provided documentation for victim repatriation. The Border Police, in order to combat the problem of trafficking, also received training from abroad. In a June training seminar in Madrid, organized by the EU, Border Police officers learned how to coordinate law enforcement work better on the borders and work more efficiently with international law enforcement; they also received sensitivity training in dealing with human trafficking.

A small number of local NGOs dealt with trafficking issues. There were two shelters for victims of sexual abuse, and besides the Bucharest center, there was another shelter for trafficking victims in Pitesti. A small number of other shelters operated in Transylvania. Some NGOs stated that fear of reprisal from organized crime groups deterred them from taking aggressive action against traffickers. NGOs had some success in providing training for and working with local police forces on trafficking. Nevertheless, awareness of human trafficking was low, and while victims were not treated as criminals, they were regarded as social outcasts. During the year awareness was raised by numerous media stories on the problem, and by antitrafficking advertisements on government-sponsored television. The IOM, with some additional support from foreign governments, continued its campaign to increase awareness of the problem with the public, but they had no formal projects and had limited funding.

