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U.S. Department of State

Romania Country Report on Human Rights Practices for 1997

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ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system, a head of government (prime minister), a directly elected head of state (president), and a separate judiciary. Despite a recent reorganization of the judicial system, the executive branch exercises influence over the judiciary.

The Ministry of Internal Affairs supervises the police. The national police have primary responsibility for security, but the Government may call on the army and border guard to assist the police to maintain internal order. The Romanian Intelligence Service (SRI) carries out internal intelligence functions. Elected civilian authorities exercise full control over the security forces, many of whose senior officials were replaced by the Government in 1997. Some police officers committed serious human rights abuses.

Romania is a middle-income developing country in transition from a centrally planned to a market economy. In 1996 the private sector accounted for about 52 percent of gross domestic product (GDP) and employed 53.5 percent of the work force, primarily in agriculture and services. Although privatization is under way, heavy industry still consists largely of state-owned enterprises. The economy is expected to contract by 2 to 3 percent in 1997. The GDP for 1997 is projected to be about \$1,500 per capita. Exports rose over 56 percent from 1993 to 1996 but were expected to show minimal growth this year. Inflation was down to 56.9 percent in 1996 but rose to about 130 percent by year's end as the marketplace rather than the Government began to determine the price of goods.

The Government generally respected the human rights of its citizens; however, several serious problems remained. Police continued to beat detainees. The Government investigated police officers suspected of abuse and indicted officers accused of criminal activities in military courts. However, investigations of police abuses are generally lengthy and indeterminate, and rarely result in prosecutions or punishment. Poor prison conditions led to hunger strikes and violent protests in February. The judiciary remains subject to executive branch influence, although it was reorganized and is increasingly independent. Discrimination and violence against women remained serious problems. A large number of impoverished and apparently homeless children continued to roam the streets of large cities. Government and societal harassment of religious minorities was a problem. Discrimination and violence against Roma continued.

RESPECT FOR HUMAN RIGHTS

Section 1

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

a.

Political and Other

Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

In March Amnesty International issued a report questioning the use of firearms by police against unarmed petty criminal suspects in 11 incidents between 1995 and 1997. Three fatalities resulted, and only two police officers have been indicted.

In 1996 Gabriel Carabulea died after 3 days in police custody, during which he reportedly was severely beaten. After initially ruling that there were no grounds for an indictment of the police, the military prosecutor's office reopened its investigation, which is ongoing.

According to the Government, the chief of police in Valcele was indicted in June for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot and killed while in police custody. A trial was pending at year's end. The Military Prosecutor's Office during the year reopened the investigation into the case of Istvan Kiss, an ethnic Hungarian allegedly beaten to death by police in 1995.

In several earlier cases of deaths in custody or deaths reportedly due to police brutality, investigations and trials are still dragging on, years later.

b. *Disappearance*

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture and inhuman or degrading punishment or treatment, and these prohibitions were generally respected in practice. Nevertheless, there were credible reports that police continued to beat detainees.

In Piatra Neamt in February police reportedly beat Ion Bursuc. In Berceni police arrested and allegedly beat Ioana Enuta in May. These cases remain under investigation.

In January the United Nations Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment reported that he had received allegations of torture and mistreatment during detention, usually at police stations. Police officers allegedly often used force during interrogations to obtain confessions.

Adrian Sarbu and Mihai Alexandrescu complained that they were beaten by a group of nine policemen on December 11, 1996, after a verbal dispute. Two policemen were identified and arrest warrants were sworn out against them. The 1996 beatings of engineer Apostolescu and his nephew, Mihai Damian, and Constantin Balasa are also under investigation but have not yet been resolved.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive and that the military courts sometime block proper investigation of alleged police abuses.

Prison conditions are poor, facilities are overcrowded and unhealthy, and medical assistance is meager. Human rights organizations continued to report abuse of prisoners by other prisoners and prison authorities. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners. In February, following hunger strikes and other—sometimes violent—protest actions started by inmates in nine cities to publicize their plight, both private and public television stations

covered the state of prison conditions: overcrowding, lice, and bedbugs, visible particulate matter in the drinking water (at Jilava Prison), and inadequate shower and toilet facilities. In another instance, prisoners became ill after eating food that had been contaminated with rat feces. The single penitentiary hospital suffers from overcrowding and too few doctors. The Government responded to the hunger strikes and protests by granting early parole to elderly, pregnant, juvenile, and first-time or minor offenders and accelerating construction of new prisons to relieve overcrowding.

The Government permits visits by human rights monitors, and several nongovernmental organizations (NGO's) made such visits.

d.

Arbitrary Arrest, Detention, or Exile

The law forbids the detention of anyone for more than 24 hours without an arrest order from a prosecutor, who may order detention for up to 30 days. Authorities generally respected this provision in practice. Detainees have the right to apply for bail and may ask for a hearing before a judge. Such a request must be granted within 24 hours. In the absence of a request, however, the authorities may hold a person for up to 65 days without a court order.

Police often do not inform citizens of their rights. The law requires the authorities to inform arrestees 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, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a Center for the Protection of Minors are not considered by judicial authorities to be in detention or under arrest. Since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restrictions and may hold those suspected of criminal offenses in such centers for up to 30 days. 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.

There were no political detainees in 1997, although a number of officials associated with the former government who were investigated on charges of corruption publicly complained that they had been targeted on political grounds.

Exile was not used as a means of punishment.

e.

Denial of Fair Public Trial

Under the terms of a 1992 law, the judicial branch is independent of other government branches. A 1997 revision of this law provides that members of the Superior Council of the Magistrature, which controls the selection, promotion, transfer, and sanctioning of judges, be appointed by the justice minister.

The 1992 law reestablished a four-tier legal system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court established in 1992. A new law reorganizing the judicial system has divided the Prosecutor General's Office into 16 local offices paralleling the appeals court structure and established one office at the Supreme Court; the law also curtailed certain powers of the prosecutor general, including the right to overturn court decisions and move cases over intervening appeals courts to the Supreme Court.

The law provides for fair public trial and a presumption of innocence. 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 provides attorneys to indigents and is compensated by the Ministry of Justice. Either a plaintiff or defendant may appeal. These provisions of the law are respected in practice. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court.

With the aim of protecting citizens against abuses or capricious acts of public officials, a law establishing an Ombudsman's Office was promulgated in March.

There were no reports of political prisoners.

f. **Arbitrary Interference With**
Privacy, Family, Home, or Correspondence

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 authorization from a prosecutor if they deem a threat to national security to be "imminent."

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Intelligence Service 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 authorization.

Similarly, although the law requires the SRI to obtain a warrant from a prosecutor to carry out intelligence activities involving "threats to national security," it may engage in a wide variety of operations, including "technical operations," to determine if a situation meets the legal definition of a threat to national security.

In 1997 there were no confirmed instances of interference with individual citizens' right to privacy by the authorities. Mail continued to be opened, but the authorities place the blame for this on postal workers and freight handlers looking for money or other valuables. Protestant church groups also continued to complain of opened correspondence, although there were no reports of telephone tapping.

Section 2 Respect for Civil Liberties, Including:

a. **Freedom of Speech and Press**

Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting "defamation of the country." The Government respected the constitutional provisions in practice. An updated Penal Code passed by Parliament in 1996 rectified many of the shortcomings of the former Communist-era code. However, the new version has been criticized by human

rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists.

In March an appeals court overturned a lower court's conviction of journalists Tana Ardeleanu and Sorin Rosca Stanescu for seditious libel. The two were convicted in 1996 for alleging in the daily Ziua that former President Ion Iliescu had ties to the Soviet KGB intelligence service. Several lesser-known cases involving journalists and penal code provisions for libel were also tried.

The independent media continued to grow. Several hundred daily and weekly newspapers are published. Several private television stations broadcast nationwide, with the largest reaching approximately 20 percent of the rural and 80 percent of the urban market. As of September, 59 private television stations and 140 private radio stations were broadcasting. A sizable number of households are wired for cable, giving significant portions of the population access to both private and foreign broadcasts. 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 had not been implemented by year's end, and RTV continued to be run by an interim director. Opposition politicians charged that the Government has illegally appointed senior RTV officials sympathetic to government views, ignoring regulations that did not permit such nominations to take place without parliamentary consent.

Foreign news publications may be imported and distributed freely, but high costs limit their circulation.

Academic freedom is respected.

b.

Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government respected this 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 counterdemonstration held at the same time as a scheduled public gathering.

The law forbids public gatherings to espouse Communist, racist, or Fascist ideologies, or to commit actions contrary to public order or national security. It punishes unauthorized demonstrations or other violations by imprisonment and fines.

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties obtain legal status if they have at least 10,000 members. (The minimum membership required was increased in 1996 in order to reduce the number of small parties.) Associations may obtain legal status with proof of only 251 members.

c.

Freedom of Religion

The Constitution provides for religious freedom, and the Government generally does not impede the observance of religious belief. However, several Protestant denominations, Jehovah's Witnesses the most prominent among them, continued to make credible allegations that low-level government officials and Romanian Orthodox clergy harassed them and impeded their efforts at proselytizing and worship.

Under the provisions of 1948 and 1989 decrees, the Government recognizes 15 religions; only the clergy of these recognized religions are eligible to receive state financial support. The State Secretariat for Religious Affairs has licensed 385 other faiths, organizations, and foundations as religious associations under two 1924 laws on juridical entities, thereby entitling them to juridical status as well as to exemptions from income and customs taxes. However, religious associations may not build churches or other buildings designated as houses of worship and are not permitted to perform rites of baptism, marriage or burial. The Romanian Orthodox Church, to which approximately 86 percent of the population nominally adheres, predominates. The official registration of religious associations is extremely slow because of bureaucratic delays; in this regard, the State Secretariat for Religious Affairs has been criticized by smaller religious groups for its obstructionist tactics in favor of the Romanian Orthodox Church.

The Catholic Church of the Byzantine Rite, or Greek Catholic Church, also encountered difficulties with the Romanian Orthodox Church and the State Secretariat for Religious Affairs. The Greek Catholic Church was illegally disbanded by the Communists in 1948 and forced to merge with the Romanian Orthodox Church. The latter received most of the former's properties, including over 2,000 churches and other facilities. In 1997 Greek Catholics continued their struggle to regain their former properties, but a bill passed in the Senate that would have restored some Greek Catholic churches to their original owners was defeated in the Chamber of Deputies due to strong opposition from the Orthodox Church. The Secretary of State for Religious Affairs spoke on behalf of the Orthodox Church before the Senate, despite the nonpartisan government position he occupies.

In May the Government restored to the Jewish community six properties that had been seized under the Communist regime.

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

The Government places no restrictions on travel within the country, except in the case of certain small areas reserved for military purposes. Citizens who wish to change their place 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, citizens freely exercise these rights.

In 1991 Romania signed the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and in 1996 a refugee law was passed, providing implementing legislation. The new law established a Refugee Office in the Interior Ministry to receive, process, and house asylum seekers.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees but was providing temporary accommodations to only seven asylum seekers as of June 30. The issue of first asylum did not arise in 1997.

As of August 31, a total of 900 refugees and asylum seekers depended on the UNHCR for their subsistence, including food, accommodations, clothing, medical assistance, and language or vocational training.

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 through periodic and free elections held on the basis of universal suffrage.

The Government respected legislation passed in 1996 that prohibited government-appointed prefects from dismissing elected mayors and local council members for alleged abuses of authority prior to a binding legal ruling on the charges.

In the wake of the democratic general elections of November 1996, the government coalition formed by the Romanian Democratic Convention (CDR) and the Union of Social Democrats (USD) joined forces with the Hungarian Democratic Union of Romania (UDMR). These parties, along with a number of smaller constituent parties make up the governing coalition.

There are no legal restrictions on the participation of women in government or politics, but societal attitudes are a significant impediment. Women hold only 5.9 percent of the seats in Parliament and no ministerial positions.

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 (1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. They have not increased their parliamentary representation beyond the one seat provided through the Constitution and electoral legislation.

Section 4 Governmental Attitude Regarding

International and Nongovernmental Investigation of Alleged Violations of

Human Rights

Domestic human rights monitoring groups include the Romanian Helsinki Committee (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 monitoring the observance of human rights.

These groups, as well as international human rights organizations, functioned freely without government interference. However, local NGO's have experienced uneven cooperation from the General Inspectorate of Police, which is responsible for investigating police abuses.

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

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth, or social background. In practice, however, the Government does not effectively enforce these provisions, and women, Roma, and other minorities are subject to various forms of extralegal discrimination. Homosexuals are reportedly the victims of widespread police brutality.

Women

Violence against women, including rape, continued to be a serious problem. Both human rights groups and women's rights organizations credibly reported that domestic violence is common. There are no support facilities for victims, and media coverage is virtually nonexistent. According to government statistics, 1,372 rapes were reported during the year (613 were reported for the first 6 months of 1996). Prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist will not be punished if he marries the victim. There is no specific legislation dealing with spousal abuse or rape, and successful prose-

cution of spousal rape is almost impossible. Police are often reluctant to intervene in instances of domestic violence.

Both the Constitution and international conventions signed by Romania grant women and men equal rights. In practice, however, the Government does not adequately enforce these provisions, nor do the authorities focus attention or resources on women's issues.

Few resources are available for women experiencing economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower average wages. In 1996 the Government created a department in the Ministry of Labor and Social Protection to advance women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, and targets resources to train women for skilled professions—especially in rural areas—and to address problems of single mothers. However, the Department has had little impact to date.

Children

The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas.

There was no perceptible pattern of abuse against children. Nevertheless, large numbers of impoverished and apparently homeless, but not necessarily orphaned, children roamed the streets of the larger cities. The Government does not have 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 center, some minors actually requested prison sentences.

The sexual exploitation of children continued to attract press attention, and the police staged a few high-publicity arrests of foreign pedophiles, but other issues, such as adequate legislation to protect children, received less attention. The law does not expressly outlaw pedophilia; instead, pedophiles are charged with rape, corporal harm, and sexual corruption.

People With Disabilities

Difficult economic conditions and serious budgetary constraints contributed 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 transportation is not mandated by law.

Religious Minorities

Most mainstream politicians have publicly condemned anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues.

The Romanian Orthodox Church has attacked the "aggressive proselytism" of Protestant and neo-Protestant groups and harassed members of such religious minorities. Ten Baptists were beaten on March 9 by a crowd led by Romanian Orthodox priests in the village of Ruginoasa. The Romanian Orthodox Church expressed its disapproval of the Orthodox priests' violent behavior and the Baptists' proselytism, but took no serious disciplinary action against its priests. Local police did not intervene.

National/Racial/Ethnic Minorities

The Government created a Consultative Council for National Minorities in 1993 to monitor specific problems of persons belonging to ethnic minorities, to establish contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints. This Council was upgraded to a government department with ministerial status after the November 1996 general elections and renamed the Department for the Protection of National Minorities (DPNM). The new minister is an ethnic Hungarian parliamentarian from the UDMR.

Ethnic Hungarians, numbering more than 1.6 million, constitute the largest and most vocal minority, and the UDMR holds 36 seats in the Parliament. There was no violence in 1997 associated with ethnic Hungarian issues, despite the vitriolic response of nationalist politicians to the opening of a Hungarian consulate in the Transylvanian city of Cluj in July. Many of the issues addressed in the Romanian-Hungarian Treaty of 1996 were implemented. There has also been progress on economic issues, the mutual acceptance of degrees, the scheduling of high-level visits, and infrastructure improvements such as border crossings.

In June the Government issued an ordinance modifying the 1995 Education Law. Students may now take all university entry exams in the language in which they were taught at school and may pursue vocational studies through the post-high school level in their maternal language. In July the Government amended the 1995 education law with a decree that expanded minority-language education in a number of areas. The amendment met with strong opposition from within parties in the governing coalition, as well as from opposition nationalist parties. The Senate voted in December to curtail the provisions of the decree, but the Chamber of Deputies did not act on the change by year's end.

The Romani population, estimated at approximately 2 million persons, continues to be subject to societal discrimination, harassment, beatings, and violence. In January following a dispute in a bar in the village of Tanganu, villagers ransacked the houses of several Romani families. In January 3 men suspected of leading a mob that murdered 3 Roma men and destroyed 17 Romani homes in September 1993 were arrested. This case and others involving Romani deaths and destruction of Romani property were still under investigation by prosecutors or review by the courts at the end of August.

Section 6

Worker Rights

a.

The Right of Association

All workers except public employees have the right to associate freely, engage in collective bargaining, and form and join labor unions without previous authorization. Limitations on the right to strike apply only to industries that the Government considers critical to the public interest. 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 nationwide trade union confederations and smaller independent trade unions.

Union members complain that unions must submit grievances to government-sponsored conciliation before initiating a strike and are frustrated with the courts' propensity to declare illegal the majority of strikes on which they have been asked to rule. Past studies have indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including free election of union representatives, binding arbitration, and financial liability of strike organizers. Although the 1991 legislation is supportive of collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner.

Unions representing divergent sectors of the economy carried out strikes in 1997. The new Government has not followed up on a 1995 ILO recommendation to the previous government to rescind all measures taken

against suspended union leaders involved in a 1993 strike by railway locomotive engineers. Only 2 of 10 engineers fired in 1993 were offered their jobs back; most of the others were offered retirement pensions. The union leaders, who defied a Supreme Court ruling to suspend the strike for 170 days, were fired by the national railway company when the strike ended.

The 1991 legislation stipulates that labor unions should be free from government or political party control, a provision that the Government has honored in practice. Unions are free to engage in political activity and have done so.

In the spring, the Government issued a decree providing stipends for those laid off as a result of economic restructuring. In August Prime Minister Ciorbea ordered the closure of a number of loss-making, state-owned enterprises, which employed roughly 30,000 workers. At the same time, the Government increased benefits under the decree, providing for payments worth up to 20 months' salary, depending upon a worker's seniority and what he proposed to do with the payment. It also provided for the retraining of laid-off workers.

Labor unions may freely 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 is affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise Romanian trade unionists.

b. The Right to
Organize and Bargain Collectively

Workers have the right to bargain collectively under the 1991 legislation, but collective bargaining efforts are complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the State (see Section 6.e. below).

Labor legislation is applied uniformly throughout the country, including in the four free trade zones.

c. Prohibition of Forced or
Compulsory Labor

The Constitution prohibits forced or compulsory labor, including that performed by children. The Ministry of Labor and Social Protection generally enforces this prohibition.

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

The Constitution prohibits forced and bonded child labor, and the Government generally enforces this provision (see Section 6.c.). The minimum age for employment is 15 years, but children as young as age 14 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." 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, which it enforces effectively.

e. Acceptable Conditions of
Work

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 that the government sets after negotiations with industry representatives and the labor confederations. Minimum wage rates are generally observed and enforced. In 1997 the minimum monthly wage of \$30.00 (250,000 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 were fully liberalized in February, leading to dramatic increases in the cost of water and heating. However, lists of basic foodstuffs and pharmaceuticals are still subject to price ceilings. Housing is 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. 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.

Some labor organizations press for healthier, safer working conditions on behalf of their members. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them. However, it lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe work environment. 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.

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