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Romania

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Romania, a country of approximately 22.3 million persons, is a constitutional democracy with a multiparty, bicameral parliamentary system. Traian Basescu was elected president in December 2004 in elections characterized by irregularities, but which were judged generally free and fair. The civilian authorities generally maintained effective control of the security forces.

The government made increasing attempts to address human rights issues during the year; however, human rights abuses continued to occur. The following human rights problems were reported:

- police abuse and harassment of detainees and Roma
- poor conditions in prisons and detention centers
- political influence over the judiciary
- restrictions on freedom of religion
- failure to restitute property to the Greek Catholic Church and other denominations
- incidents of intimidation and harassment of journalists
- widespread corruption
- violence and discrimination against women
- significant lapses in protecting children's rights
- trafficking in persons
- neglect of and inadequate assistance for persons with disabilities
- violence and discrimination against the Roma and homosexuals
- discrimination against persons living with HIV/AIDS
- lack of enforcement of labor laws

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 politically motivated killings by the government or its agents, although there were allegations that three extrajudicial killings had occurred.

Nongovernmental organizations (NGOs) reported suspicious circumstances surrounding the January 11 death in Buzau of 50-year-old Dumitru Ciobu, who had been taken into custody after neighbors complained that he was disturbing public order. Ciobu reported feeling ill and died in police custody en route to the hospital. According to the forensic report, he died of a hemorrhage resulting from pancreatic cancer, but NGOs questioned the rapid progression of the disease and called for an investigation into the matter to determine if the death resulted from possible police abuse. No investigation had been initiated by year's end.

On August 6, railway transportation police shot and killed a 34-year-old man, Gheorghe Cazanciuc, while he was allegedly stealing copper wires. The police reported that Cazanciuc attempted to flee the scene. Human rights NGOs asserted that the use of a firearm by police was excessive and illegal under the law, given the nature of the crime. Police did not open an investigation.

On August 8, four police officers in Constanta beat a drunk man, Viorel Gionea, who went into a coma and died 10 days later. The forensic report attributed Gionea's death to a head injury he sustained from a fall at his workplace the day before the beating. The police discipline commission fired all four police officers and placed two of them under criminal investigation for abusive behavior and inflicting serious physical injuries. The commander of Constanta police

was also dismissed.

In October police and prosecutors in Calarasi county transferred to another precinct the police officer who shot and killed 31-year-old Nicusor Serban in Jegalia in May 2004 when he resisted arrest.

In April authorities released from prison on medical grounds one of two former security agents found responsible in 2003 for the 1985 beating death of former dissident Gheorghe Ursu. The other agent remained in prison. The two had been sentenced to 10 years in prison. A new forensic report, requested in an appeal by the two agents, was issued in November. The new report attributed Ursu's death to a lack of medical care, a finding which contradicted a 1993 coroner's report attributing the death to the beatings. Human rights NGOs questioned the accuracy of the November report, which--although legally acceptable in a court--was carried out nearly 20 years after the crime.

In July the Association for the Defence of Human Rights in Romania-the Helsinki Committee (APADOR-CH) reported the death of prisoner Victor Garcea in suspicious circumstances in the prison in Giurgiu. Garcea had acute head and body injuries when he was taken to Bagdasar hospital, and he died five days later. Authorities declared that his injuries were due to an accident, and the case was closed. However, human rights NGOs noted that the circumstances of his death indicated possible foul play, since Garcea had allegedly formally complained before his death that his family had been denied visitation rights.

NGOs reported a case in which 24-year-old Ionut-Cristinel Maftei, who was serving a 5-year prison term for theft in Iasi, entered a coma and died in June 2004 following a serious head injury received in his jail cell in unclear circumstances. Suspecting the involvement of the cell supervisor, in July 2004 Maftei's family filed a complaint against the supervisor with the military prosecutor's office in Iasi. The case was forwarded to the prosecutor's office of the territorial military tribunal, which decided in January that there was insufficient evidence to open a criminal investigation. Maftei's father appealed the decision three times to successively higher military courts, and each of the appeals was rejected.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, there were numerous credible reports of police torture and mistreatment of detainees and Roma, primarily through excessive force and beatings by police.

In August the media reported that two men from Buzau were beaten by a police officer who was escorting them to the local precinct after the two were engaged in an altercation at a restaurant. The officer was under investigation at year's end.

In October a student from Bucharest, Razvan Vasile Muraru, stated that he had been beaten by three police officers in Tulcea county after allegedly having been taken without grounds to the police station. Muraru filed a complaint with the prosecutor's office, and police initiated an internal investigation which remained open at year's end.

In December two police officers in Tibana in Iasi county allegedly beat four minors with clubs and forced them to admit to committing an alleged theft. Two of the minors had to be hospitalized for their injuries. The officers were dismissed and remained under criminal investigation at year's end.

According to human rights NGOs, on February 2, the general prosecutor's office decided not to prosecute an unspecified number of members of the Bucharest fourteenth police precinct and the rapid intervention police squad for allegedly physically assaulting Cristian Bujor, a 15-year-old bystander who was walking by a fight between the police and a group of taxi drivers in March 2004. Bujor's relatives alleged that police pressured the hospital to release him after less than 48 hours to prevent doctors from issuing a medical certificate. The prosecutor's office cited Bujor's failure to provide medical documentation of his injuries and his family's decision not to take the case to court as factors influencing its decision.

Romani NGOs continued to claim that police used excessive force against Roma and subjected them to brutal treatment and harassment. On April 12, a police officer in Moreni allegedly beat a Romani individual in a bar without cause, resulting in injuries that required six days of hospitalization. The case remained under investigation at year's end.

On two separate occasions in November, police searched Romani neighborhoods during an eviction operation and physically assaulted several Roma (see section 1.f.).

There were no developments in the January 2004 case in which Bucharest police shot and wounded Marius Silviu

Mitran.

In August a court in Simleul Silvaniei dismissed a case against local police in which the head of a local police station and three civilians reportedly subjected a Roma couple, Stela and Sofron Varga, to verbal and physical violence in Banisor in January 2004. One of the three civilians accepted responsibility in court for the violence against the Romani couple and in December, the court gave him a five-month suspended sentence.

A police officer accused of physically assaulting a 12-year-old boy in Fetesti in June 2004 was acquitted of criminal charges but ordered by the court to pay the defendant \$65 (ROL 2 million) and court expenses of \$165 (ROL 5 million). The charges were reduced by the court, which determined that the officer had not been on duty at the time of the beating. The police officer has reportedly not paid the defendant or the court and remained employed as a police officer at year's end.

The lawsuit involving two members of the Service for Protection and Guard, who in August 2004 physically assaulted Serban Pretor, state secretary on the national audiovisual council (CNA), continued without resolution at year's end. The trial date was repeatedly postponed during the year.

In 2004 a county-level council of discipline of the police inspectorate found a plainclothes officer innocent in the 2003 beating of Mihai Dumitru during a raid in Tulcea. The ministry of the administration and interior (MOAI) initially acknowledged the officer's guilt and proposed that the council of discipline punish him according to the police officers' status law. The prosecutor's office referred the case to court for criminal prosecution in 2004, but the victim withdrew his complaint after reaching an out-of-court settlement with the police officer.

Lesbian and gay rights NGOs complained that police singled out members of this community for violence and harassment and noted that few victims pursued charges due to fear of harassment from the local community and police or the belief that authorities would not carry out unbiased investigations (see section 5).

Prison and Detention Center Conditions

Prison conditions remained harsh and did not meet international standards. Overcrowding remained a serious problem, although there was a slight improvement over 2004 in respecting prisoners' rights, such as visitation privileges. At the end of the year, 36,682 persons, including 858 minors, were in prison or juvenile detention facilities in a system with a capacity of 37,393. Overcrowding resulted from a high concentration of inmates in a few facilities; for example, the prison in Bacau operated at 300 percent of its capacity, and the facility at Margineni had 60 cells for 1,500 prisoners, with many cells housing 40 to 50 prisoners each.

Media and human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. There were reports that at the prison in Jilava, prisoners with few or no visitors were often the victims of physical and sexual abuse by other prisoners, due to the inability of the victims to obtain outside support, including through filing complaints.

Sanitation and hygiene in prisons did not meet international standards. Medical facilities were not sufficient to care for all prisoners and detainees. Heating and hot water were not available in several facilities. At the prison at Jilava, prisoners complained of mold on cell walls, rust in the tap water, poor heating, and cold showers. Because the facility was built on swampland, sludge periodically flooded the cells, bringing rats and mice. Many prisoners had lice and scabies, and reported the insufficient provision of many medications.

NGOs stated that the lack of daily activities for prisoners was a major problem. NGOs also reported that prison meals did not provide the minimum necessary calories and that prisoner access to health care was inhibited by the lack of doctors dedicated to prisoners.

The government continued limited efforts, including partnerships with NGOs, to alleviate harsh conditions and to deter the spread of HIV and tuberculosis. With funding from the European Union (EU), the government upgraded five prison hospitals, equipping them to detect infections more rapidly. The government also provided segregated cells for self-declared homosexual prisoners at the maximum security penitentiary in Adjud to better ensure their safety, and offered higher education courses for prisoners to continue their studies.

Because of overcrowding in certain prisons, detainees awaiting trial were sometimes held in the same facilities and treated in the same manner as convicted prisoners.

The government permitted prison visits by human rights observers and media representatives. The national administration of penitentiaries reported that there were 5,688 individual or group visits by media and domestic and foreign NGOs to penitentiaries during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The MOAI is responsible for the national police and the gendarmerie, as well as the border police, alien authority, national office for refugees, the general directorate of information and internal protection (DGPII) (which oversees the collection of intelligence on organized crime and corruption), the special protection and intervention group, and the special aviation unit. The national police agency is the inspectorate general of Romanian police, which is divided into a number of specialized directorates and has 42 regional directorates for counties and the city of Bucharest. The internal intelligence service (SRI) also collects intelligence on major organized crime, major economic crimes, and corruption. Both SRI and DGPII turn over the intelligence they gather on criminal activity to the prosecutor's office for criminal investigation.

While the police generally followed the law and internal procedures, corruption was a continuing problem which remained a main cause of citizens' lack of respect for the police and contributed to a corresponding lack of police authority. Extremely low salaries (which were sometimes not paid on time) contributed to the susceptibility of individual law enforcement officials to bribes. According to human rights NGOs, forensic reports are frequently unreliable, often erring in favor of police and other officials.

Police impunity was a problem. Complaints of police misconduct are handled by the internal disciplinary council of the unit where the reported officer works. During the year 107 cases were investigated for alleged violations of human rights. Officers were found innocent in 65 cases and to have had no involvement in 10 cases. The outcome of one case was withheld from the public. Thirteen officers were disciplined, and three were sanctioned administratively. Fifteen of the 107 cases remained under investigation at year's end, and the disciplinary council was also continuing to investigate 15 additional cases of corruption, a category separate from human rights violations.

Police reform continued during the year. The government, with support from law enforcement agencies from other countries, offered police training workshops on topics such as human rights and the proper treatment of criminal suspects.

On August 25, the government adopted a new police code of ethics that establishes rules for police conduct in special circumstances and when working with the public.

Arrest and Detention

The law provides that only judges may issue arrest and search warrants, and the government generally respected this provision in practice. The law requires authorities to inform detainees at the time of arrest of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement. Detainees must be brought before a court within 24 hours of arrest. The law provides for pretrial release at the discretion of the court. A bail system also exists; however, it was seldom used in practice. Detainees have a right to access to counsel, and generally had prompt access to counsel and their families. Indigent detainees were provided with legal counsel at public expense.

The law allows police to take any person who endangers the public, other persons, or the social order to a police station. There were allegations that police often used this provision to detain persons up to 24 hours. The confidentiality of discussions between detainees and their lawyers was generally respected in practice.

In May Rompetrol chief executive Dinu Patriciu alleged that prosecutors detained him for longer than the 24 hours allowed by law. The general prosecutor's office (GPO) refuted the allegation, claiming that Patriciu had appeared before prosecutors voluntarily for questioning, albeit in response to a request. The GPO asserted that the initial phase of questioning could not therefore be considered a period of detention.

There were no reports of political detainees.

A judge may order pretrial detention for periods of 10 or 30 days, depending upon the status of the case. The court may extend these time periods; however, pretrial detention may not exceed 180 days. Courts and prosecutors may be held liable for unjustifiable, illegal, or abusive measures.

Pretrial detainees represented approximately 7.5 percent of the prison population.

Amnesty

In July President Basescu pardoned on humanitarian grounds a 26-year-old woman sentenced in 1998 to two years in prison for a theft committed as a minor.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, judges continued to be subject to political pressure.

In order to comply with requirements for EU accession in June, the parliament passed a new judicial reform law to increase the independence and professionalism of judges and prosecutors. Human rights and democracy NGOs widely supported the legislation. The law, which became effective in July, provides the minister of justice the authority to propose to the president the removal of senior management within the GPO and the national anticorruption prosecutor's office (PNA), with the superior council of magistrates (CSM) retaining only an advisory role. The law also establishes rules to prevent conflicts of interest among judges and prosecutors and to prevent members of the Communist-era security services from entering the judiciary.

There was a widespread perception of corruption within the judiciary, which the government took steps to fight. These efforts included the implementation of random case assignment for judges, and new provisions to limit the ability of supervising prosecutors to reassign criminal investigations or to influence the conclusions of the prosecutor assigned to the case.

There was no parliamentary action in response to a December 2004 complaint by the association of Romanian magistrates asserting that the two positions on the CSM reserved for independent civil society individuals had been filled by the previous government with political partisans. The complaint claimed that the two received the nomination due to their loyalty to the then governing Social Democratic Party (PSD) and in spite of their lack of background, experience, and requisite moral stature.

The law establishes a four-tier legal system, beginning with the lower court (*judecatorie*), followed by the intermediate court (tribunal), the appellate court, and the high court of cassation and justice. A separate constitutional court validates electoral results and makes decisions regarding the constitutionality of laws, treaties, ordinances, and internal rules of the parliament. A prosecutor's office is associated with each court. The court having original jurisdiction over a case is determined by the nature of the offense and by the position a defendant may hold in public service.

Trial Procedures

Trials are open to the public. The law does not provide for trial by jury. The law provides for a right to counsel and a presumption of innocence until a final judgment by a court. The law requires the government to provide an attorney to juveniles in criminal cases; in practice, local bar associations provided attorneys to the indigent and were compensated by the ministry of justice. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, to confront or question witnesses against them, and to present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Both plaintiffs and defendants have a right of appeal.

The law provides for the investigation by civilian prosecutors of crimes by the national police. Military prosecutors continued to try cases that involve "state security". Crimes by the gendarmerie continued to fall under military jurisdiction. Local and international human rights groups criticized the handling of cases by military courts, claiming that military prosecutors' investigations were unnecessarily lengthy and often inconclusive.

Political Prisoners

There were no reports of political prisoners.

Property Restitution

In July the government passed legislation to improve the process of property restitution, which has moved slowly since the end of communism. The legislation clarified the procedures for restitution and established new application deadlines and fines for officials who hindered the process; and created a property fund of \$4 billion (ROL 120 trillion) for the compensation of owners with properties that cannot be returned in kind. Although the large majority of restitution cases remained unresolved, the pace of restitution increased at year's end as a result of the legislation. Organizations of former owners seeking return of their property also reported that personnel changes in and expansion of the national authority for property restitution (ANRP) increased the pace of processing cases.

Former owners organizations, however, asserted that property restitution remained hindered by inertia at the local level. In many cases, local government officials delayed or refused to provide necessary documents to former owners filing claims. In many cases they also refused to turn over restituted properties in which county or municipal governments had an interest. Former owners stated that the central government, represented at the local level by prefects, did not uniformly apply fines or other sanctions against local governments that failed to provide requested documents or to turn over restituted properties. The ANRP fined 62 mayors between July and year's end for failing to abide by laws on restitution; however, former owners claimed that the actual number of mayors who disobeyed the law

was much higher. Former owners also complained of a lack of transparency in the creation of the property fund.

The number of restitution claims submitted increased greatly as a result of the new law. ANRP announced that the government received an additional 600 thousand applications by the close of a November 30 deadline for claims. Of the 210 thousand claims filed before the legislation, ANRP reported that some 60 thousand were resolved by year's end.

There were several high profile properties restituted during the year. In December the government restituted to the Evangelical Church of German Language the buildings of the well-known Bruckenthal Museum in Sibiu county together with its art collections (see section 2.c.).

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

The law permits the use of electronic interception both in criminal cases and for national security purposes. In exceptional circumstances (when there is a clear and present danger to national security), government institutions may begin interception without a warrant issued by the judiciary. Following this, however, a request for authorization must be submitted within 48 hours.

On two separate occasions in early November, police and security forces conducted raids in a Romani community on the outskirts of Cluj-Napoca. Under the pretext of a search for stolen goods and criminal suspects, police reportedly confiscated private property, physically assaulted several Roma, evicted residents by force, detained men at the police precinct for six hours, and eventually burned all of the Romani dwellings. In December NGO Romani CRISS filed a complaint against the police officers for abuse and property destruction at the prosecutor's office in Cluj. The case was under investigation at year's end.

In May, 40 Romani families were evicted in Tulcea although the local court of first instance had not yet ruled on an appeal of the eviction. Eviction of Roma also occurred in Bucharest, Zalau, and other towns. In January eviction proceedings in Bucharest's sector one were cancelled following the intervention of government officials. Approximately 250 Roma evicted in Zalau in February and March were moved to areas with poor or no water supply, heating, electric power, or sewage system. To implement a city plan to renovate Bucharest's historic Lipscani district, the authorities evicted Roma living in the area, providing minimal financial aid and compensation. Although the authorities in many cases offered alternative housing to those evicted, Romani NGOs found the offers inadequate for several reasons: proximity to industrial areas; poor living conditions; or the likelihood of de facto segregation from mainstream society.

According to Romani CRISS, the number of evictions increased during the year, although no official statistics were published.

In August the national council for combating discrimination (CNCD) fined the mayor's office in Miercurea Ciuc approximately \$1,350 (ROL 40 million) for the May 2004 forced eviction of about 140 Roma and their relocation to a hazardous area near a wastewater treatment facility. The Roma lacked alternative housing and continued to reside in that area.

The government took no further steps to resolve other eviction cases that took place in 2004--such as those in Buzau, Galati, and Tulcea--or the 2003 eviction of several dozen Roma squatting on the outskirts of Bucharest's Militari district.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, certain legal prohibitions against "defamation of the country" and "offense to authority" potentially limited these rights, and journalists continued to be prosecuted and convicted for their articles and public statements. Media watchdog groups reported that the media environment improved significantly during the year. Journalists and private citizens could generally criticize the government authorities, including those at senior levels. Violence and threats against journalists dropped substantially, although investigations of incidents from previous years moved slowly.

There were isolated cases of authorities intimidating, censoring, or attacking journalists, though this occurred less frequently than in previous years.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. The offense of insulting authorities is punishable with a fine. In December the government approved an amendment to the law that would

eliminate libel as a criminal offense; at year's end the new law had not been enacted by parliament.

In June Marian Oprisan, president of the opposition party PSD's local council, sued journalist Sebastian Oancea of *Ziarul de Vrancea* for libel for an article he wrote about how Oprisan spent public funds. A lower court ordered the journalist to pay \$330 (ROL 10 million), but a higher court rejected this ruling on appeal.

The government collaborated with media and NGO representatives to make the allocation of government-funded advertising more transparent, resulting in legal changes and the creation of a web site dedicated to public advertising. These negotiations followed an October 2004 ruling by the Bucharest appellate court that the government must provide information regarding advertising contracts to the NGO Center for Independent Journalism (CIJ).

The independent media were more active than in previous years, and expressed a wide variety of views without restriction.

Parliamentarians and their political allies owned numerous media outlets in the provinces, and the news and editorial tone of these outlets frequently reflected the views of the owners.

Unlike in previous years, there were no reports that job contracts at some private television stations prohibited journalists from speaking freely about political pressures in news reporting or commentary.

The media reported several cases of journalists who, while videotaping or covering various official events, were assaulted by those being filmed. Such incidents occurred in public places, and the media reported that gendarmes and police frequently did not intervene.

In February a cameraman with Alpha TV in Cluj was attacked by Bodocan Vasile, the mayor of Bontida, while trying to film an interview. The mayor destroyed film equipment worth \$1,200 (ROL 36 million).

In July the mayor of Sighisoara city, Ioan Dorin Danesan, physically and verbally attacked the editor of a local publication during a local city council meeting. Danesan also confiscated the editor's camera and refused to return it. After the event, the editor filed a complaint with the local police but the police failed to follow up on the case.

The NGO Media Monitoring Agency reported that in June several journalists and writers working for *Curierul de Botosani* in Botosani county were threatened by local members of the extreme nationalist Greater Romania Party (PRM). Valentin Guraliuc, PRM representative in the local council, reportedly threatened a journalist's mother with harm to her son if he continued to write about Guraliuc. Another journalist received similar threats by telephone from a man claiming to be associated with Guraliuc.

During the year there were no developments in cases from previous years of violence against journalists.

In October broadcaster Romedia criticized the national audiovisual council (CNA) for banning a television advertisement that featured President Basescu urging people to help raise money for flood victims by buying a bracelet from a local store. CNA justified the ban on the grounds that the commercial gave free publicity to the store where the bracelet could be purchased. CNA's president stated, however, that the president should not receive free political publicity. Romedia asserted that CNA's decision was an abuse of power that constituted a form of censorship. The CNA did not change its decision, and the advertisement was taken off the air.

Although the media climate and perceived level of freedom of expression substantially improved during the year, courts continued to fine journalists in isolated instances for libel. Some authorities banned journalists' access to public information (see section 3).

In February an appeals court in Targu Mures withdrew the accreditation of a *Romania Libera* correspondent in response to stories he wrote criticizing the Targu Mures courts. Following protest from several media organizations citing violations of the right to access public information, the court reversed its decision.

In August the mayor of Ploiesti city, Emil Calota, withdrew the accreditation of a journalist at *Informatia Prahovei* after a city hall press conference during which the journalist voiced dissatisfaction with the mayor. The mayor claimed that the journalist had disturbed the activities of the office.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. The law provides that unarmed citizens can assemble peacefully, 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 public assemblies must request permits in writing, three days in advance, from the mayor's office of the locality where the assembly will take place.

In May the mayor's office in Bucharest initially turned down a request by ACCEPT, an NGO advocate of lesbian, gay, bisexual, and transgender (LGBT) rights, to hold a "march of diversity," asserting that the city hall could not provide the security necessary for the public assembly. The march was eventually approved after several public figures, including the president and the justice minister, declared that doing otherwise would constitute a human rights violation.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice. The law prohibits fascist, Communist, racist, or xenophobic ideologies, organization, and symbols (such as statues of war criminals on public land). Political parties are required to have at least 25 thousand members to have legal status, a number that some NGOs criticized as being excessively high.

In December seven prominent NGOs, including the Foundation for Open Society and Transparency International, began a campaign against the draft bill on political migration, which would penalize mayors and local officials who change their political party affiliations after being elected. The NGOs asserted that the proposed legislation would violate the constitution and people's fundamental right to choose.

c. Freedom of Religion

The law 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 government officials and Romanian Orthodox clergy impeded their proselytizing and interfered with other religious activities.

The government requires religious groups to register; however, there is no clear registration procedure, which made it almost impossible for groups to receive legal status.

The government gives official religious status to 18 religions. Only these recognized religions are eligible to receive state financial support. Recognized religions have the right to establish schools, receive state funds to build churches, pay clergy salaries, subsidize clergy housing, broadcast religious programs on radio and television, apply for broadcasting licenses for denominational frequencies, offer religion classes in public schools, and enjoy tax-exempt status. The government also registered religious groups either as religious and charitable foundations or nonprofit cultural associations.

In January the local council of the village of Pesceana illegally forbade the registration of a Greek Catholic parish and the activity of the Greek Catholic Church in the locality. The police did not react to the Greek Catholics' complaints of verbal and physical abuse by Orthodox villagers and their priest. Eventually, the local police chief was fired. Following a complaint by a group of NGOs, the CNCD decided that the local council's decisions were discriminatory and reprimanded it at the end of August.

The law provides for peaceful religious assembly; however, several minority religious groups again 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 Seventh-day Adventist Church reported difficulties obtaining approval to use public halls for religious activities following pressure by Orthodox priests. In some cases, Orthodox priests incited the local population against activities by the Seventh-day Adventist Church, the Greek Catholic Church, and members of Jehovah's Witnesses. The press continued to report instances of Romanian Orthodox clergy harassing members of other faiths, such as pressuring non-Orthodox school children to attend Orthodox religion classes or not allowing members of religious groups to proselytize near Orthodox churches.

Although most minority religious groups reported that they had received permits to build places of worship without difficulty, some continued to complain that permits were unduly delayed by local authorities.

Several religious groups made credible complaints that, in some instances, local police and administrative authorities tacitly supported sometimes violent societal campaigns against proselytizing. On January 8, several residents in the town of Dofteana physically assaulted a group of visiting Jehovah's Witnesses. When the victims filed a complaint with the local police, the police took no action and told them not to return to the town. On March 23, a similar incident occurred in Dofteana, and the local police explicitly told the Jehovah's Witnesses members that they were not there to protect their rights. Between March and May in the town of Pesceana, members of the Greek Catholic Church and their priest were subjected to repeated harassment by local residents, a private security firm, and the local police. In some localities, the activities of religious groups, such as charitable programs in children's homes and shelters, were perceived as being directed at adherents of the Orthodox Church, and conflicts occurred. Members of the Greek

Catholic Church, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints, and the Seventh-day Adventist Church continued to report such cases.

A Roman Catholic Csango community repeatedly complained that they were unable to hold religious services in the community in their mother tongue because of the opposition of the Roman Catholic Bishopric of Iasi. In August the Csango community filed a complaint with the CNCD, which decided on October 27 that the act of denying religious services in the maternal language is a restriction on religious freedom. In December the Bishopric challenged the CNCD decision in court. The case had not been resolved by year's end.

Orthodox priests reportedly denied permission to Greek Catholic and Seventh-day Adventist churches to bury members in either religious or secular cemeteries.

Representatives of denominations other than the Orthodox Church were required to ask the permission of the chief chaplain in the ministry of justice to have access to penitentiaries. Some NGOs reported that prisoners were pressured and intimidated to prevent them from changing their religions. In August, in response to a complaint by the NGO APADOR-CH, the CNCD concluded that both the legal provisions on military clergy and the agreement between the ministry of justice and the Orthodox Church regarding religious assistance in penitentiaries are discriminatory. The CNCD recommended that the ministry of justice eliminate the discriminatory provisions from the law as well as the protocol. These provisions had not been eliminated by year's end. In addition, both public and private organizations often permitted only Orthodox priests to provide religious guidance in the hospitals, children's homes, and shelters for the elderly operated by the groups.

In April the CNCD reprimanded school authorities and the mayor of Mizil for harassing and discriminating against a Jehovah's Witnesses teacher who was also told by the school director he would be dismissed. The mayor alleged that the teacher was proselytizing in school, and two school inspectors asked him to choose between his faith and his job. In April the CNCD also fined the Mizil city hall \$200 (ROL 6 million) for publishing discriminatory articles against Jehovah's Witnesses in the city hall's monthly publication. The city hall and the two inspectors challenged the CNCD decisions, and on November 16, the Mizil court of first instance ruled in their favor based on a procedural flaw and eliminated the fine.

Only officially recognized religions have the right to teach religion in public schools. Attendance in such classes is optional; however, the Baptist Church reported cases of children who were pressured to attend Orthodox religion classes.

The restitution law passed in July permits religious minorities to receive back from the government previously confiscated properties which house school, hospitals, or cultural institutions.

Property restitution was particularly important for the Greek Catholic Church, all of whose properties, including churches, were confiscated during the Communist regime. Most of the Greek Catholic Churches were given to the Romanian Orthodox Church after their forced merger in 1948. The Romanian Orthodox Church resisted their return after the fall of communism. The most recent restitution legislation passed in July failed to address the issue of the Greek Catholic churches. During the year the government made slow progress in restoring these properties. Since 2003 the government restituted to the church only 78 out of 2,207 claims under the law to restore confiscated church property. Twenty-three of the 78 were restored during the year.

In June the parliament passed into law an August 2004 decree permitting the Greek Catholic Church to resort to court action whenever the bilateral dialogue regarding the restitution of churches with the Orthodox Church fails.

On November 20, the Orthodox Church returned a cathedral in Oradea to the Greek Catholic Church after direct pressure exerted by a top official in the government. In general, however, the Greek Catholic Church made very limited progress in recovering properties taken by the Romanian Orthodox Church. To date, the Orthodox Church had returned only a few of the approximately 2,600 Greek Catholic churches and monasteries. A Greek Catholic-Orthodox commission, which had long been ineffective in resolving the problem of the restitution of Greek Catholic churches, almost ceased operation during the year.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, have received several significant properties. The Hungarian churches have received 508 properties since 2003, 170 of which were resolved during the year. Over 1,450 cases were still pending at year's end.

In Oradea, the Reformed Church, municipal office, and the Orthodox Church remained embroiled in a conflict over possession of land used for a playground adjoining the Reformed Church high school. The municipality granted the land to a neighboring Orthodox Church without consideration for the functioning of the school, a move that ethnic Hungarians claimed was deliberately discriminatory against the church. Ethnic Hungarians also claimed the local Orthodox parish intensified the conflict by locking up the playground during the summer and restricting all access.

The new legislation regarding the restitution of both religious and ethnic communal property provided for a broader scope of claimable properties and compensation for demolished buildings. This legislation was beneficial to the Jewish community, which has 1,744 claims outstanding, including many with demolished buildings. By separate government decrees through 2003, the Jewish community received 42 buildings, but is in full or partial possession of only 32 of those. Since 2003 the community received an additional 67 buildings under the law restituting church property, of which 19 were restituted during the year.

Societal Abuses and Discrimination

According to the most recent census in 2002, the Jewish population numbered 5,785 persons. Acts of anti-Semitism, including vandalism against Jewish sites, continued.

In February four Torah scrolls were stolen from a synagogue in Iasi. The police found them in an antique store and returned them to the Jewish community. In April unidentified persons vandalized the headquarters of the Jewish community in Focsani. In May nine graves were desecrated in a Jewish cemetery in Ploiesti. On May 17, Torah scrolls were vandalized in a synagogue in Radauti. In July unidentified persons stole the iron fences of 50 graves and the metallic doors of 2 burial vaults in Barlad. In August a swastika was found on the walls of an old synagogue in Cluj. In November the doors of two synagogues in Dorohoi were damaged by putative vandals. The Federation of Jewish Communities notified the authorities in all these cases, but the perpetrators were not identified. An NGO, the Center for Monitoring Anti-Semitism, stated that authorities tended to downplay such incidents, often attributing the acts of vandalism without proof to children, drunkards, or persons with mental disorders.

In October police began an investigation into the dissemination of fascist and xenophobic symbols by one adult and three juveniles. The juveniles had allegedly drawn Nazi symbols on the walls of a synagogue in Targu Mures at the end of September. The police halted the investigation after the suicide of the adult, who had been the primary suspect.

In November swastikas and anti-Semitic slogans were found on the walls of a vocational school and a neighboring bloc of apartments in Suceava. The police identified the perpetrators and their prosecution began the same month.

The extremist 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. In February an Iron Guard monthly *Obiectiv Legionar* (Legionnaire Focus), which began publication in 2003 and is distributed by the state-owned press distribution company, was disseminated by group members in the upper chamber of the parliament.

During the year anti-Semitic views and attitudes were expressed during the talk shows of private television stations such as DDTV and Pro-TV.

Extremists made repeated attempts to deny that the Holocaust occurred in the country or in Romanian-administered territory with direct participation by the country's World War II regime. Religious services for dead *legionnaire* leaders continued to be held in individual Orthodox churches. The annual march commemorating the founder of the *legionnaire* movement, Corneliu Zelea Codreanu, took place in Tancabesti in November.

In March Corvin Lupu, a university professor in Sibiu, published an article denying the Holocaust. In August the Federation of Jewish Communities, MCA Romania, and the Association of Romania's Jewish Victims of the Holocaust filed a complaint with the prosecutor's office in Sibiu against Lupu for denying the Holocaust in the country, citing his violation of a 2002 decree forbidding such actions. In October the prosecutor's office decided against prosecuting Lupu on the grounds that his action could not be interpreted as a crime as defined by the government decree. An appeal filed by the organizations was also rejected in November.

In November a university professor and Holocaust denier published an anti-Semitic article in a magazine belonging to the extreme nationalist Greater Romania Party, *Romania Mare* (Greater Romania). The article claimed that the country was the target of a Jewish invasion. In reaction the Federation of Jewish Communities issued a statement urging the relevant government institutions to take concrete measures to eradicate anti-Semitism and xenophobia, stating that current governmental actions were insufficient.

In September unidentified individuals removed the covering hiding a bust of Romanian World War II dictator Ion Antonescu located in an Orthodox church courtyard in Bucharest. Antonescu was responsible for widespread atrocities against Romanian Jews during World War II. The covering was eventually put back in place following complaints from the local Jewish community.

The government made some progress in its effort to expand education on the true history of the Holocaust in the country. In October the government launched the first standardized textbook on the Holocaust and the history of Jews in the country, which was used in an elective course offered throughout the country during the school year. The government failed to implement any plans, however, to make the course mandatory for all public high schools. The elective course was offered for the first time at two hundred high schools in the 2004-05 school year, but without any standardized textbooks.

On various occasions during the year, the president and other high-level officials made public statements against extremism, anti-Semitism, and xenophobia, and criticized the denial of the Holocaust. The president also pointed out during a speech the need for an accurate rendering of the Romanian Holocaust in school curricula.

In August the government established a national institute for the study of the Holocaust in Romania, which opened on October 10. On October 9 and 10, the country commemorated its second Holocaust remembrance day with events in several cities that were attended by key dignitaries including the president, prime minister, and foreign minister.

In October the president vetoed and sent back to parliament a 2002 emergency provision that strictly bans fascist, racist, and xenophobic organizations, and punishes the denial of the Holocaust. Because the provision passed parliament as an emergency decree in 2002, the president must sign the decree for it to become a permanent part of the code. The president said he objected to language in the bill that did not include Roma among the acknowledged victims of the Holocaust, since approximately 14 thousand Roma were killed in the country during that period. He asked parliament to amend the bill to include language explicitly including the Roma.

For a more detailed discussion, see the [2005 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.

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

In July the government temporarily implemented a policy of passport confiscation for citizens discovered upon reentering the country to have exceeded their permitted length of stay in an EU Schengen country. Human rights NGOs and the media protested that the rule effectively curbed a citizen's right to travel freely outside the country. The government rescinded the decision four days later. However, in the interim it had revoked the passports of 65 thousand citizens; the passports had not been reissued by year's end.

Internally Displaced Persons (IDPs)

Beginning in late April, thousands of homes were destroyed, and approximately 12,500 persons were displaced by 6 periods of heavy rain that caused severe localized flooding in 34 of 42 counties, covering approximately 80 percent of the country. Most displaced families found temporary shelter with relatives and friends. For others, local authorities offered housing in public buildings such as schools or community centers. The government allocated resources for reconstruction in most affected areas. At year's end, an estimated 1,300 displaced persons continued to live in container-houses.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution; however, the Office of the UN High Commissioner for Refugees (UNHCR) considered the time limits provided by the law for submitting appeal applications and court procedures too short.

The government did not provide temporary protection to individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol.

Conditional humanitarian protection was granted in court to six persons during the year. Two of the three Sudanese Christian refugees who had entered the country in 2001 but were denied refugee status several times were granted refugee status in January and June. The third Sudanese refugee was presumed to have left the country.

In July the government agreed to allow on a temporary basis 439 Uzbek refugees from Kyrgyzstan to enter the country without a visa for humanitarian reasons. The government signed an agreement with the UNHCR and the International Organization for Migration (IOM) to permit the refugees to stay at a suitable facility in Timisoara for up to six months (with the possibility of an extension, if necessary).

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR stated that government-sponsored programs for integrating refugees continued to improve following the 2004 refugee integration law. A new agency within the national refugee office, which is subordinated to the ministry of interior, was established to help refugees integrate and seek employment in their communities. The MOAI and the ministry of labor, social solidarity, and family also funded programs to assist asylees and refugees.

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

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

Elections and Political Participation

The country held national elections for parliament in November 2004, and for the presidency in December 2004. The parliamentary and first round of presidential elections were characterized by widespread irregularities, precipitated primarily by the previous government's decision to abandon the use of previously issued electoral identification cards and to allow citizens outside their home districts to vote at any polling location in the country. There were widespread reports of individuals voting in multiple locations, which political parties occasionally facilitated. Observers also reported the abuse of the so-called mobile ballot boxes that were transported to elderly or infirm voters; the prolonged presence of elected officials in polling places in contravention of the law; and the illegal placement of campaign posters near polling centers. Civil society organizations and opposition parties also claimed that the central electoral bureau allowed fraud to take place at a national level during the electronic tabulation of votes, although subsequent inquiries into these allegations were inconclusive.

In the second round of presidential elections in December 2004, the government limited the locations where voters outside of their home districts could vote, thereby reducing the possibility for multiple voting. However, both the lack of sufficient alternate locations and the closure of existing locations while many would-be voters were still waiting in line resulted in the disenfranchisement of hundreds and perhaps thousands of citizens, particularly in major cities. Members of the center-right Liberal-Democratic (PNL-PD) Alliance accused the then governing PSD of intentionally restricting the vote in this manner. In some precincts local officials or partisan election monitors instructed citizens on how to vote, and campaign posters were placed too close to polls.

Political parties must register with the Bucharest tribunal. The law requires a political party to submit to the Bucharest tribunal its statutes and program, and a roster of at least 25 thousand signatures. These 25 thousand "founding members" must be from at least 18 counties, including Bucharest, with a minimum of 700 people from each of these counties. The party statutes and program may not include ideas that incite war; discrimination; hatred of a national, racist, or religious nature; or territorial separatism. Organizations of ethnic minorities can also field candidates in elections if they meet requirements similar to those for political parties. Organizations must submit to the central electoral bureau a list of members numbering at least 15 percent of the total number of persons belonging to that ethnic group, according to the most recent census. If 15 percent represents more than 25 thousand persons, then at least 25 thousand names from at least 15 counties, but not fewer than 300 persons from each county, must be submitted. Human rights NGOs criticized these requirements as discriminatory and overly demanding, and argued that the stringent requirements eliminated any competition against the mainstream organizations representing Hungarians and Roma, namely the Democratic Alliance of Hungarians in Romania (UDMR) and the Romani Party (Partida Romilor). The tribunal barred an ethnic Hungarian group from participating in the 2004 elections when irregularities were found in many of the 25 thousand signatures it submitted in order to field candidates.

While the law does not restrict women's participation in government or politics, societal attitudes presented a significant barrier. In parliament 37 of 332 deputies and 13 of 137 senators were women. There were 3 female ministers in the 24-member cabinet. Three of the prefects (governors) of the 42 counties were women.

The law grants each recognized ethnic minority one representative in the chamber of deputies if the minority's political organization cannot obtain the 5 percent of the votes needed to elect a deputy outright. Organizations representing 18 minority groups received deputies under this provision. There were 50 members of minorities in the 469-seat parliament. There were four members of minorities in the 24-member cabinet; all were ethnic Hungarians. There were no minorities on the high court.

Ethnic minority groups reported encountering difficulties in meeting the criteria to be allowed to field candidates, although there were no specific laws or policies prohibiting such groups from registering. In March 2004 parliament passed a law on local elections that potentially discriminated against some minority organizations by defining "national minorities" as only the ethnic groups represented in the council of national minorities and by requiring that these organizations meet requirements to participate in local government that are more stringent than those of minority groups already represented in parliament. The law adopted in September 2004 for national elections included a similar provision.

The Romani population was underrepresented since only one ethnic Romani organization, the Romani Party, was represented in parliament, and its number of members was small. Internal politics within the ethnic Romani community was fragmented because of the large number of Romani organizations whose individual efforts prevented the consolidation of votes for any single candidate, organization, or party. There were several hundred Romani organizations. Low Romani voter turnout due to lack of awareness, means, or identity cards further exacerbated the situation.

Ethnic Hungarians, represented by the UDMR party, attained parliamentary representation through the normal electoral process, having obtained over 5 percent of the total votes. Other ethnic Hungarian associations have alleged that their attempts to register as opposing ethnic Hungarian parties were unfairly blocked by the more influential

existing party.

Government Corruption and Transparency

Reports of corruption and the government response to corruption remained a focus of public discussion, political debate, and media scrutiny. The government took steps to address the problem of corruption. In March the government adopted and began implementing a new strategy to combat corruption, which included steps to increase transparency in public procurement, ensure oversight of government spending, and enforce new laws and procedures to combat money laundering and tax evasion. However, NGOs and the media continued to point out that no major case of high-level corruption had been prosecuted to date.

The institution responsible for investigating and prosecuting high-level corruption cases was the PNA, whose name was changed by legislation passed in August to the national anticorruption prosecutor's department (DNA). The same legislation also placed the DNA under the nominal authority of the prosecutor general's office, although it remained operationally independent. This change was made to ensure the office would have clear constitutional authority to prosecute cases against members of parliament. The legislation also amended the DNA's jurisdictional limits to cases involving bribes of more than 10 thousand euros or damages over 200 thousand euros, or to certain designated officials whose rank is too high to be prosecuted by the GPO. Ministry of justice officials noted that this amendment would improve the DNA's performance by focusing its efforts on the most serious cases of corruption, while leaving minor cases under the purview of the general prosecutor's office.

In July PNA general prosecutor Ioan Amarie resigned under pressure from the minister of justice, and 10 other senior anticorruption prosecutors either resigned or were removed. The minister of justice accused the departing officials of inefficiency in carrying out their mandates and appointed Daniel Morar as Amarie's replacement in August. The minister also appointed other new senior level prosecutors to the office.

Although the PNA/DNA produced no indictments against former or current officials at the most senior levels of government, the office did successfully prosecute cases against mayors, judges, police, customs officers, and other officials at the local level and in the middle ranks of the bureaucracy. During the year the PNA/DNA initiated 1,104 investigations, which resulted in 110 indictments against 742 individuals. The office obtained 169 convictions, including 75 that cannot be further appealed.

The PNA/DNA was authorized to prosecute corruption without regard to the political affiliation of the accused. Opposition politicians, however, alleged that investigations of high officials tended to focus on members of former administrations, contributing to questions about the office's impartiality.

On November 25, the department for the fight against fraud (DLAF) officially opened an investigation into the fraudulent use of EU funds. During the first month of the investigation, DLAF sent 17 cases to the DNA that involved the misuse of EU funds by members of the government.

Part of the government's new strategy to combat corruption included strengthening asset disclosure requirements for public officials. New legislation created templates for public officials to use to disclose their assets. However, only 4 percent of public officials submitted asset declarations. At year's end, the ministry of justice was continuing to work on legislation to create a monitoring authority to ensure officials submit accurate asset declarations.

The law provides for access to government information related to official decision-making; however, human rights NGOs and the media reported that the law was poorly and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. On numerous occasions NGOs and journalists took cases to court to obtain information.

There were also reports that local authorities occasionally made it difficult for journalists to access public information. In at least one instance, a polling institution was reportedly coerced by government officials to limit the public release of information that reflected negatively on certain political groups or goals.

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. Government officials were generally cooperative and responsive to their views; however, there were a few reports of government officials harassing and intimidating members of the NGO community.

At times police intimidated and harassed NGO workers. For example, in June and July a Romani representative of the NGO Roma Center for Social Intervention and Studies (Romani CRISS) allegedly was repeatedly harassed by police and city hall officials as he monitored an ongoing eviction case against Roma in Zalau (see section 1.f.). The representative received repeated threatening phone calls, was visited by police at his home, and was informed falsely

of criminal charges against him. Romani CRISS asserted that the harassment was clearly intended to intimidate the representative and prevent him from further monitoring the case.

Following its publication of a report on the expenditures of members of parliament, the institute for public policies (IPP) stated in August that it received threatening letters from the secretary general of the chamber of deputies, as well as from members of parliament, who threatened to take legal action against the IPP.

An ombudsman's office existed to protect citizens' constitutional rights but it has limited power and independence from the government. Numerous media reports characterized the office as ineffective. During the year the office received 5,465 complaints, some of which it refused because they required judicial action, an authority the ombudsman's office does not possess.

Both chambers of parliament have a human rights committee that focuses on legislation regarding human rights, religious issues, and minorities. However, since these committees were comprised of party representatives, the recommendations of the committees often simply reflected the parties' views on these issues.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination based on race, gender, disability, ethnicity, language, or social status, among other categories; however, in practice, the government did not enforce these provisions effectively in some circumstances, and women, Roma, and other minorities were often subject to discrimination and violence.

Women

Violence against women, including spousal abuse, continued to be a serious problem, and the government did not effectively address it.

The law prohibits domestic violence and allows police intervention in such cases, but no specific law addresses spousal abuse. NGOs reported that domestic violence was common. According to a 2002 UN survey, 45 percent of women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. The law does not provide sentencing guidelines for domestic violence convictions. According to police statistics, domestic violence during the year resulted in over 30 deaths. Although there was no evidence that the police or the judicial system was reluctant to act on domestic abuse cases, very few cases were prosecuted in the courts. Many cases were resolved before or during trial when victims dropped their charges or reconciled with the aggressors. In cases with strong evidence of physical abuse, the court can ban the abusive spouse from returning home. The law also permits police to fine the abusive spouse for disturbing public order. During the year there were over 380 convictions for domestic violence.

During the year the National Domestic Violence Coalition, composed of more than 30 NGOs, organized a number of campaigns to raise awareness of domestic violence. The government funded 26 public institutions that provided counseling and support to domestic abuse victims. In addition, 52 NGOs from all regions worked on domestic violence. There were several shelters dedicated strictly to domestic abuse victims, but many of them were forced to close due to insufficient funding. The government distributed funds to NGOs operating shelters for domestic violence victims in Cluj, Timisoara, and Baia Mare.

Rape, but not spousal rape, is illegal. The prosecution of rape cases was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment by marrying the victim. The successful prosecution of spousal rape cases was essentially impossible. The law provides for 3 to 10 years' imprisonment for rape; the sentence can increase to 5 to 18 years if there are aggravated circumstances. There were 327 rape convictions during the year. NGOs provided counseling and shelters for rape victims.

Prostitution is illegal, but was common. Police implicitly tolerated most reported or investigated cases by limiting their intervention to fining prostitutes for loitering or disturbing the peace. NGOs and the media reported that sex tourism existed in Bucharest and other major cities.

There were reports of trafficking in women (see section 5, Trafficking).

The law prohibits any act of gender discrimination, including sexual harassment. Although there were no reported cases of sexual harassment during the year, human rights NGOs attributed this to low public awareness of the problem. The government enforced existing prohibitions, but there were no effective programs in place to educate the public about sexual harassment.

The law grants women and men equal rights, including under family law, property law, and in the judicial system; however, in practice, the government did not enforce these provisions, nor did authorities focus attention or resources on women's issues. Women had a higher rate of unemployment than men and occupied few influential positions in the

private sector. An EU report published in August indicated that a man's average salary was 18 percent higher than that of a woman.

The national agency for family protection, within the ministry of labor, social solidarity, and family, is responsible for advancing women's concerns and family policies, including organizing programs for women, proposing new laws, monitoring legislation for sexual bias, targeting resources to train women for skilled professions, and addressing the problems of single mothers. During the year the agency completed its strategy and action plan and developed a training curriculum for social workers. In collaboration with a private pharmacy chain, the agency conducted an awareness campaign on domestic violence in November.

Children

The government was committed to children's rights and welfare, but competing priorities, bureaucratic inefficiency, and poorly allocated resources prevented this commitment from being fulfilled in practice.

Public education was free and compulsory through the tenth grade or age 14. After the tenth grade, schools charged fees for books, which discouraged attendance for lower-income children, particularly Roma. The UN Children's Fund (UNICEF) reported that approximately 90 percent of primary school-age children attended school.

The highest level of education achieved by most children was secondary school, although Romani students had lower rates of attendance at all levels of education.

Romani children were segregated from other students in some schools, including those in Cehei (Salaj county), Targu Frumos (Iasi county), Geoagiu (Hunedoara county), Ardasat (Maramures county), and Targu Jiu (Gorj county). In April 2004 following complaints by several NGOs that monitored such situations, the ministry of education nominally prohibited segregation in schools in a notification that was not legally binding; Romani NGOs unsuccessfully tried to press for an order to this effect. Only some of these cases were solved, such as the one in Cehei, in which the CNCD fined the school authorities who subsequently renounced the segregation decision. In September in Macin (Tulcea county), the prefect intervened after a local advocate for the Roma submitted a complaint and threatened to fine all teachers who tried to segregate Romani children at the beginning of the school year.

A general health insurance plan covers all children until age 18 or graduation from college. All schools have medical units which supply first aid and carry out vaccination campaigns and dental care. Boys and girls had equal access to medical care in schools. All medical costs for children are waived, and most drugs are provided at little or no cost. Of the 11,035 persons living with HIV/AIDS, approximately 75 percent are children between the ages of 15 to 19 years of age who were infected in the late 1980s and early 1990s through unsafe blood transfusions and other medical procedures.

Child abuse and neglect were serious problems, and public awareness of the issue remained poor. Laws to protect children from abuse and neglect existed, but the government did not effectively enforce them. In July 2004 the National Authority for Child Protection and Adoption issued standards for services for abused and neglected children. Still, there was no functioning mechanism for identifying and treating abused and neglected children and their families. While there are criminal penalties, there was no consistent policy or procedure for reporting child abuse and neglect and no system for rehabilitating families who abuse their children. In 2004 police reported that 1,331 cases of abused and neglected children were registered, including 832 cases of rape, 284 cases of sexual intercourse with a minor, 114 cases of sexual perversion, and 101 cases of sexual corruption. At year's end there were 39 hot lines to receive and assess reports of child abuse and neglect and 22 specialized counseling services for child victims and their families. In the first four months of the year, the hot lines received 1,766 calls reporting child abuse and neglect. The legal prohibition on foreign adoption and a constant rate of child abandonment in hospitals strained government resources. During the year UNICEF reported that the number of children abandoned annually in hospitals was approximately five thousand.

The abandonment of children in maternity hospitals remained a problem. The national authority for the protection of children's rights in coordination with the ministry of health made some progress in discouraging child abandonment through prenatal counseling and training of hospital personnel. However, children's rights NGOs and local child welfare officials reported that these efforts were insufficient to resolve the continued high number of abandonment cases, resulting in many children being kept in hospitals despite not needing medical treatment because family reintegration or foster placement was not available.

On January 1, the country implemented new child protection legislation that included extensive measures intended to address corruption in the child welfare system and to encourage the reunification of abandoned and orphaned children with their biological families. However, NGOs and child protection authorities reported that judges, police, and social workers severely lacked the training and resources necessary to implement the legislation. As a result, thousands of children remained institutionalized or in foster care rather than reunited with biological families or legally approved for adoption when family reunification was not possible. There were credible reports of attempts to force family reunification for abandoned or orphaned children in cases in which biological family members explicitly stated they did not want the children or in which there was a high risk of child abuse in the new situation.

The public child welfare system tracked approximately 106 thousand children. More than half of these children lived with extended families or in foster care, and approximately 32 thousand lived in public and private institutions. Living conditions have improved in most childcare institutions in recent years, including in institutions for children with severe disabilities, which were the last group to be included in the reform process. Nonetheless, NGOs and local child welfare officials reported that, despite the improvements in conditions in institutions, the new child welfare law relegated many children to prolonged institutionalization or foster care rather than placement in permanent families. There was no systematic provision of labor market information, skills training, or job placement services for children in residential care, and there was a high probability that they would gravitate to the streets, vulnerable to sexual exploitation and crime.

The legal age of marriage is 18 years of age, but girls as young as 15 may marry in certain circumstances. Illegal child marriage was common within certain social groups, particularly the Roma. There were no government programs to address child marriages.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking). There also were isolated cases of children involved in prostitution for survival without third party involvement.

A law that became effective in January requires the national agency for employment to provide up to 75 percent of the median national salary to employers for hiring persons between 16 and 25 years who are at risk of social exclusion, a category which includes youth reintegrating into society after time spent in state-care facilities or prison; young single or married parents; and other categories of youth at risk. The new law provides that youth leaving the state institutional system may receive state assistance for an additional two years, during which they receive skills training for independent living. However, fewer than one thousand youth directly benefited from this program during the year.

The abandonment of disabled children decreased steadily in recent years, as specialized rehabilitation services for children with disabilities became slightly more available. There were approximately 70 thousand children with disabilities, of which 15 thousand were in state care.

Child labor was a problem (see sections 5, Trafficking, and 6.d.).

While the government did not have official statistics on the scope of homeless children living on the streets, police, social workers, and NGOs estimated that between three thousand and five thousand children lived on the streets, depending on the season. According to a UNICEF report, issued in November in conjunction with the ministry of health and the former national authority for child protection, about nine thousand children were abandoned every year, with most going to institutions and foster homes.

In March the government approved six national programs for the protection of children's rights, as stipulated by the national strategy on child rights protection. The programs focused on the social and professional integration of youth leaving the state care system; the development of day services; the reintegration and support of repatriated and trafficked children; the prevention of child labor; the establishment of professional maternal assistance; and the creation and development of community social services to support family cohesion. NGOs implemented these programs with governmental funding from the national budget.

Trafficking in Persons

The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. Border police were involved in border-related offenses that could support trafficking activities. The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive persons for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, being a subject in pornography, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

In July the law was amended to provide for 5 to 15 years' imprisonment for trafficking in minors or for multiple victims; if a victim suffers serious bodily harm or health problems; or if the trafficking is done by a public servant during his or her official duties. A sentence of 5 to 25 years is mandated for trafficking that leads to the death or suicide of the victim. These penalties are increased by two to three years if the trafficker belongs to an organized crime group and by five years if coercion is applied against minors.

The government increased its efforts against trafficking, and police officers continued to pursue cases via the human trafficking task force. They continued to expand interagency and local resources assigned to trafficking, and the government participated in regional law enforcement cooperation. In December the government created the national antitrafficking agency (ANAT) to replace the functions of the national office for the prevention of trafficking in persons and monitoring the protection of victims. Created to coordinate antitrafficking measures, the ANAT was not yet operational at year's end. During the year the organized crime police reported identifying 1,444 victims of trafficking offenses, and the border police referred 104 cases to prosecutors; these cases involved 212 traffickers and 287 victims. According to statistics compiled by the national office for the prevention of trafficking in persons and monitoring the protection of victims, the courts rendered final decisions in 96 trafficking cases, and 183 defendants

were sentenced for trafficking-related offenses during the first nine months of the year.

The country was an origin and transit point for trafficked women and girls from Moldova, Ukraine, and other parts of the former Soviet Union who were trafficked for the purpose of sexual exploitation to third countries including Bosnia-Herzegovina, Serbia and Montenegro (including Kosovo), Macedonia, Turkey, Albania, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, Spain the United Arab Emirates, Japan, and South Korea. Due to changing trafficking patterns, IOM noted that it was not possible to estimate accurately the number of trafficked women. Recent trends indicated that traffickers rented private apartments, rather than using public bars and brothels, to conduct their illicit activities. Clandestine locations complicated the already difficult task of finding the victims and allowed traffickers to operate with less concern of discovery by local authorities. In 2003 and 2004 fewer victims were trafficked to the former Yugoslavia and a higher number of victims were trafficked to Western Europe. However, trafficking routes generally ran from the border with Moldova to all Balkan countries. Iasi and Timisoara remained major transit centers. While victims were primarily women and girls trafficked for sexual exploitation, there were reports that men were trafficked to Greece for agricultural labor.

Government officials reported that trafficking rings appeared to be operated primarily by citizens; several domestic prostitution rings were also known to be active in trafficking victims into, through, and from the country.

The IOM reported assisting 100 trafficking victims, of whom all were female and 26 were minors. A number of NGOs believed that many girls from orphanages were at particular risk of being trafficked because they lacked the job skills and training necessary to support themselves independently. Most victims were women trafficked for sexual exploitation who had been recruited by persons they knew or by newspaper advertisements. A friend or relative made the initial offer, often telling the victim that she would obtain a job as a baby sitter or waitress. According to IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women was sold into prostitution by parents or husbands or kidnapped by trafficking rings. There were reports of young Romani women and girls being sold into marriage, a traditional custom in Romani communities.

Trafficking victims endured poor, cramped living conditions. Traffickers ensured the victims' compliance through threats, violence, and the confiscation of travel documents.

In November police in Targoviste charged a 50-year-old man and his 24-year-old female accomplice with trafficking following an 8-month police investigation prompted by the report of a female victim who managed to escape.

Corruption in the police, particularly the local forces, was a problem that contributed to trafficking in persons. There were frequent allegations that border police and customs agency officials accepted bribes to ignore cases of trafficking. After three months of undercover investigations, a policeman and two accomplices from Cluj county were arrested in June for the organized trafficking of children to rings in Italy. Several notaries were also reportedly involved with the creation of false documents used for crossing borders.

The law requires the government to protect trafficking victims, but does not stipulate what forms this protection must take. Reports of law enforcement officials losing contact with identified victims were common. Other identified victims reportedly chose not to press charges to avoid bureaucratic judicial procedures. Although the government trained border police to encourage victims to step forward, few victims were willing to do so. There were reports that repatriated victims faced social discrimination in their attempts to reintegrate into society.

The government made attempts to assist repatriated victims. As of June seven governmental shelters for trafficking victims out of the nine required by law were opened; even so, the shelters were underutilized, in part because no standardized system for referring victims was mandated. Only 60 victims were assisted by these shelters during the year. Although the law obligates law enforcement officials to inform victims of the services available at government-operated shelters, many victims chose to decline these services.

During the year the government worked to build public awareness of trafficking issues and to improve and expand the services offered to victims. The government cosponsored with domestic and international NGOs numerous programs to raise awareness of trafficking. Public officials, including the president, made public statements during the year about the trafficking problem.

The national authority for the protection of children's rights, together with the antidrug national agency and territorial general directorates for social assistance and children's protection, created a mechanism to monitor child labor that was operational in several cities at year's end. The project focused on setting up a system of services for the protection, rehabilitation, and social reintegration of child victims of domestic and international trafficking. Since August 60 children vulnerable to human trafficking and 140 children involved in the worst forms of child labor were referred to social services and monitored.

Persons with Disabilities

The law prohibits discrimination on the basis of "handicap"; however, the extent to which this provision protected all

persons with mental and physical disabilities was unclear, and the government did not effectively enforce this provision in practice. The law does not mandate accessibility for persons with disabilities to buildings and public transportation. In practice, the country had few facilities specifically designed for persons with disabilities.

There were approximately 20 thousand persons with disabilities in 150 specialized institutions throughout the country.

An Amnesty International (AI) report released in March expressed concern that the placement, living conditions, and treatment of patients in several psychiatric wards and hospitals violated international human rights standards. The report condemned the government for the inhumane living conditions in its overcrowded psychiatric institutions and urged the government to reform the psychiatric health system. In October AI published another report that highlighted the continued lack of protection against abuse of mentally disabled persons. The UN special rapporteur on the right to health and the European Parliament also expressed concerns about the inadequate resources devoted to the care and protection of persons with disabilities.

Following appeals and interventions by international organizations, conditions at the Poiana Mare hospital improved, and heating was fully restored to the buildings. However, the NGO Center for Legal Resources (CLR) issued several reports indicating that government measures to improve psychiatric wards were still insufficient. The placement, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and fell below professional norms. Most psychiatric hospitals had poor hygiene, insufficient heating, and insufficient food rations. They were also overcrowded, with up to 60 persons in a room, and lacked a mechanism for complaints in cases of abuse.

The ministry of health adopted a mental health action plan, which included provisions regarding persons with mental disabilities. NGOs, however, asserted that the plan was not sufficient to protect persons with mental disabilities. The creation of community-based mental health care services remained inadequate.

In January Dolj county prosecutors closed an investigation into the February 2004 malnutrition and hypothermia deaths of 18 psychiatric patients in a Poiana Mare hospital. No officials were held responsible for the deaths. CRJ challenged the prosecutors' decision in court, and the lawsuit was ongoing at year's end. In November the ministry of health announced plans to close the hospital, but delayed full closure due to protests by hospital employees afraid of losing their jobs.

According to a report released by the Open Society Institute in September, only 28 percent of the approximately 52 thousand children with mental disabilities received any form of education because most remedial schools did not accept children with serious mental disabilities. The report also cited a lack of job opportunities for persons with disabilities.

In July 2004 parliament amended the existing legislation on special protection and employment of persons with disabilities. During the year the government increased benefits for blind persons and for persons with serious disabilities. In June the government organized a job fair that reportedly offered 6,800 jobs for persons with disabilities, 795 of which required higher education.

National/Racial/Ethnic Minorities

The CNCD is an independent governmental agency that reports directly to the prime minister's office. The CNCD received 382 public complaints of discrimination during the year, of which 280 were resolved. In 74 cases, CNCD acted without a complaint having been submitted; 48 were resolved by year's end. Approximately 158 of the cases involved alleged discrimination on the basis of nationality and ethnicity; 14 complaints reported discrimination on religious grounds.

The CNCD gained visibility following the appointment of a new president in February, becoming more active in several awareness campaigns and in the investigation of a wide variety of discrimination cases. In February the council initiated a long-term institutional capacity-building project, and in August it participated in a high-profile campaign to paint over discriminatory graffiti on the walls of buildings in Bucharest. In October it launched a campaign to prevent and counter prejudice against Roma. Throughout the year it played a leading role, along with four NGOs, in drafting language for the proposed antidiscrimination law. However, several NGOs expressed concern that the government had allocated insufficient resources for the CNCD to carry out its mandate, particularly in areas outside of Bucharest.

Ethnic Hungarians are the largest minority, comprising 1.4 million persons according to the 2002 census. There are also approximately 60 thousand ethnic Ukrainians, 60 thousand ethnic Germans, and other minorities in smaller numbers. In the Moldova region where the Roman Catholic Csango minority resides, the community has operated government-funded Hungarian-language school groups since 2002; 725 students in 13 localities were instructed in Hungarian during the academic year. Students also participated in extracurricular courses in Hungarian, and 93 students received fellowships to study in Hungarian in other localities.

A 2004 European Commission report estimated that the Romani population numbered between 1.8 and 2.5 million

persons, although the official 2002 census reported the significantly lower number of 535 thousand. In October Amnesty International published a report that highlighted as a major problem the racially motivated violence perpetrated by both individuals and law enforcement authorities against the Romani population. Romani groups complained that police brutality, including beatings and harassment, was routine (see section 1.c.). In November police forcibly beat and evicted Roma from their homes (see sections 1.c. and 1.f.). Societal violence and discrimination against Roma remained a pervasive problem.

According to an analysis of the 2002 census by the Romani NGO Impreuna (Together), approximately 35 percent of the Romani population had not graduated from primary school. Illiteracy among Roma was 25.6 percent, and approximately 60 percent were unemployed. Romani children were segregated from other students in some schools (see section 5, Children).

In November a court ruled in favor of the Steaua soccer team, which had appealed an earlier court decision that the team had encouraged the use of anti-Roma hate language during an April 13 game. The CNCD had originally fined the team approximately \$1,350 (ROL 40 million) after its fans chanted anti-Roma slogans and carried anti-Roma banners against the Rapid team, which has many Romani fans. Separately, the CNCD also fined the stadium announcer approximately \$670 (ROL 20 million) for making racist comments during the same game.

In August tensions escalated in Hadareni--a locality in Transylvania that was the site of deadly violence in 1993 between Roma and ethnic Romanian and Hungarian villagers--following a court ruling in a domestic lawsuit and two ECHR decisions. Four people (three Roma and a Romanian) died in the incident, and 13 Romani houses were burned down by an angry mob following the fatal stabbing of a young Romanian by a Romani man. The lawsuit in this case dragged on for years, and the victims eventually complained to the ECHR. In May a domestic relations court decided that the Romani victims should receive approximately \$68 thousand (ROL 2 billion) from the perpetrators, while the ECHR ruled on July 5 and 12, that the Romanian state should pay \$600 thousand (500 thousand euros) to victims. A decision to seize the property of those who had to pay the \$68 thousand compensation generated tensions in the village and villagers appealed. The court postponed the ruling many times and had not made a decision at year's end.

Romani CRISS continued to monitor cases of alleged human rights violations in 10 counties and Bucharest. During the first 9 months of the year, human rights monitors identified 19 cases of violence or abuse against Roma, including police abuse and segregation in schools.

In July the government appointed a new president to the national agency for Roma, which hired an additional dozen staff members. Observers reported that the agency had been largely inactive during the first half of the year and that its budget of approximately \$1.1 million (ROL 32 billion) was insufficient. In July the government made the agency responsible for spearheading and organizing programs related to Roma issues. The agency also drafted a community development plan to improve the prospects of the Roma in Hadareni. In August the national agency for Roma collaborated with the national job agency to set up a "job caravan" that traveled to different Romani communities and offered job opportunities. The agency also offered training to Romani representatives working in its regional offices and promoted a discussion of the national strategy to improve the circumstances of the Romani community.

Romani CRISS also renewed its partnership with the MOAI to help Roma obtain official identification documents and expanded the program to five counties. Lacking identification documents significantly hindered Roma from gaining access to employment, education, and health care, and made voting and buying property prohibitively difficult.

In November construction companies contracted to rebuild houses in a poor Romani neighborhood in Ibanesti reportedly refused to work in that community. The minister of public works intervened and requested that officials in Galati county find a construction company willing to undertake the project.

In August the CNCD fined the mayor of Miercurea Ciuc, Robert Raduly, approximately \$165 (ROL 5 million) for setting the Hungarian language as a requirement for the people seeking to be employed in some positions at the city hall.

Other Societal Abuses and Discrimination

NGOs reported that police abuse and societal discrimination against homosexuals was common (see section 1.c.) and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community also voiced concerns about discrimination in public education and health care systems, and about the possibility that young LGBT persons were being involuntarily referred to psychiatric institutions based on their parents' decisions.

During the "march of diversity" gay parade held in Bucharest on May 29, an unidentified person assaulted an actor who was filming for his weekly show, mistaking him for a participant in the event. The New Right (Noua Dreapta), an organization with extremist and xenophobic views, sponsored an authorized demonstration during the parade, carrying anti-gay banners and chanting deprecatory slogans. Some members of the New Right also physically assaulted participants in the parade. The police arrested and fined the New Right leader, Tudor Ionescu, and the other

assailants approximately \$1 thousand (ROL 30 million).

The law prohibits discrimination against persons living with HIV/AIDS. The national union of the organizations of persons affected by HIV/AIDS (UNOPA) issued two monitoring reports for the year based on interviews with persons living with HIV/AIDS. For the period between January and March, UNOPA reported that 438 out of approximately 1,000 individuals interviewed had encountered human rights violations; this figure included 156 cases of denied access to medical care on the pretext of medicine shortages at the hospital level, 269 cases of delays in the provision of subsidized food and social welfare allowances, and 8 cases of breach of confidentiality. For the period between April and September, UNOPA reported that 795 out of 2,407 individuals interviewed had encountered human rights violations.

During the year the government cooperated with international organizations to implement a national AIDS strategy by conducting conferences and disseminating brochures to raise public awareness of the disease.

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, and they freely exercised this right. Ministry of defense, MOAI, and intelligence personnel are not allowed to unionize. The majority of workers were members of 1 of approximately 18 national trade union confederations and smaller independent trade unions. Approximately 55 to 60 percent of the workforce was unionized, according to union officials.

The right to form unions generally was respected in practice, and many employers have created enterprise-friendly unions. Many unions claimed that the government interfered in labor negotiations, trade union activities, collective bargaining, and strikes, and complained that the union registration requirements stipulated by law were excessive.

The law has specific provisions against union discrimination, which were generally respected.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides workers the right to bargain collectively, but government control of many industrial enterprises and the absence of independent management representatives at these entities hindered collective bargaining. Approximately 80 percent of the total workforce was covered by collective labor contracts at the branch and unit levels. Contracts resulting from collective bargaining were not consistently enforced. The wages of public employees are guided by a minimum wage stipulated by law and a pay scale specific to each ministry that is based on that ministry's annual budget.

While the law permits strikes by all workers except judges, prosecutors, related ministry of justice staff, ministry of defense, MOAI, and intelligence service employees, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and if employers have been given 48 hours' notice. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare strikes illegal. In June, for the first time, the courts declared a strike legal. Companies may claim damages from strike organizers if a court deems a strike illegal.

There are no exemptions from regular labor laws in the country's 6 free trade zones and 31 disadvantaged zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a problem. Although a 2004 law to protect children from exploitation went into effect January 1, the government did not consistently enforce the measure in practice.

The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in hazardous conditions. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. In practice, however, many children were reported to occasionally forego attending school while working on family farms, especially in rural areas and in Romani communities. Children aged

15 to 18 may work no more than 6 hours per day, provided that their school attendance is not affected. An employer may hire minors only between 2pm and 6pm. Parents violating child labor law may be punished with either monetary fines of up to \$200 (ROL 6 million) or imprisonment of 2 months to 7 years. However, the government did not consistently apply these provisions, claiming that the punishment would further harm children in certain cases. During the year the government imposed fines on only 52 sets of parents and sentenced none to prison. Factories were implicated in most cases of child labor exploitation and were also fined.

During the year inspections identified 135 children between 15 and 18 years of age and 12 children under age 15 working without legal documents.

On January 1, the protection and promotion of the rights of the child law went into force following its 2004 passage. The law includes a full section on the protection of children against economic exploitation. The law requires schools to immediately notify social services of children missing classes to go to work. Social services are authorized to work with schools to reintegrate the child into the educational system. The government also promoted awareness-raising and information campaigns to target children, potential employers, and the general public.

In January the government established the national authority for protection of children's rights under the ministry of labor, social solidarity, and family. The national authority can impose fines and close factories for child labor exploitation, but enforcement tended to be lax except in extreme cases, most notably those that attracted media attention. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted during the year under any of the child labor laws.

Children were trafficked for the purpose of sexual exploitation (see section 5).

An international report released in November estimated that 3.9 million of the 5.6 million children in the country were "economically active." Over 300 thousand (approximately 7 percent) were "child laborers," working without any contractual arrangements in agriculture or low-skilled jobs, while 900 thousand (19 percent) worked in their own households, especially in rural areas. Approximately 300 thousand (6 percent) were engaged in physically demanding work, while 70 thousand (approximately 1 percent) were victims of the "worst forms of child labor," including hazardous work, sexual exploitation, forced labor, trafficking, or criminal activity. This last category included more than 3 thousand "street children," the majority of whom lived in Bucharest. Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in Romani communities; children engaged in such activities could be as young as five years old. There was official recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor. The ANPDC was in the process of establishing a coordination center with a hot line in Bucharest to address the number of street children.

During the year the government allocated \$430 thousand (ROL 12.7 billion) to NGOs to implement two national interest programs to combat trafficking in children and child labor.

e. Acceptable Conditions of Work

The minimum monthly wage of approximately \$105 (ROL 3.1 million) did not provide a decent standard of living for a worker and family. Minimum wage rates generally were observed and enforced by the ministry of labor, social solidarity, and family.

The law provides for a standard workweek of 40 hours or 5 days, with overtime paid for weekend or holiday work, or work in excess of 40 hours, which may not exceed 48 hours per week averaged over one month. The law requires a 24-hour rest period in the workweek, although most workers received 2 days off per week. The ministry of labor, social solidarity, and family effectively enforced these standards.

On June 5, a new law increased the penalties for work performed without a labor contract in an attempt to protect employees and institute controls in both the formal and informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to \$34 thousand (ROL 1 billion).

Neither the government nor industry improved workplace health and safety conditions. The ministry of labor, social solidarity, and family had the authority to establish and enforce safety standards for most industries, but its lack of trained personnel inhibited its enforcement efforts. Employers often ignored the ministry's recommendations, which were usually only applied after an accident occurred. Workers have the right to refuse dangerous work assignments but seldom invoked it in practice.



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