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Romania

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Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prior to the end-of-year elections, Prime Minister Mugur Isarescu was the Head of Government, and President Emil Constantinescu, who was elected directly, was the Head of State. On December 29, Adrian Nastase was sworn into office as the new Prime Minister, and Ion Iliescu was elected President on December 10. The judiciary is a separate branch of the Government; however, in practice the executive branch exercises influence over the judiciary.

Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organizations are somewhat vague, and their security responsibilities overlap. All security and intelligence organizations operate under the authority of civilian leadership. The Ministry of the Interior supervises the national police, which have primary responsibility for security, and the border police. Some police officers committed serious human rights abuses.

Romania is a middle-income, developing country in transition from a centrally planned economy to a market economy. The private sector accounted for 61.5 percent of gross domestic product (GDP) and employed 61.9 percent of the work force, primarily in agriculture, commerce, and services. Although privatization is under way, government ownership remains dominant in the industrial sector. From 1993 through October 2000, 7,108 firms were privatized; 1,162 during the year. Approximately 1,200 firms are left in the State Privatization Fund's portfolio, including several of the country's largest firms. The economy contracted 6.6 percent in 1997, 5.4 percent in 1998, and 3.2 percent in 1999. However, GDP grew 2 percent during the year. GDP per capita in 1999 was about \$1,512. Exports decreased 1.5 percent in 1998 and rose 2.4 percent in 1999. Inflation increased from 40.6 percent in 1998 to 54.8 percent in 1999. Official statistics significantly understated economic activity because of the size of the informal economy.

The Government generally respected the rights of its citizens; however, several serious problems remained. Police use of excessive force resulted in one death. Some police officers continued to beat detainees. The Government investigated police officers suspected of abuse and in some cases indicted those accused of criminal activities in military courts. However, investigations of police abuses generally are lengthy and inconclusive and rarely result in prosecution or punishment. While some progress was made in reforming the police, cases of inhuman and degrading treatment continue to be reported. The Government promised important modifications to the criminal code in 1998, but no such changes were made. Prison conditions did not meet minimum international standards, and overcrowding remained a serious problem, despite improvements made in 1999. The judiciary remained subject to executive branch influence. Violence and discrimination against women remained serious problems. There was a large number of impoverished homeless children in large cities. Societal harassment of religious minorities still remained a problem, and religious groups not officially recognized by the Government sometimes complain that they receive discriminatory treatment from the authorities. Discrimination and instances of societal violence against Roma continued. Child labor was a problem. Trafficking in women and girls for the purpose of forced prostitution was a problem.

The Ombudsman's Office, which was established in 1997, registered 3,326 complaints as of early September 2000, 4,372 complaints in 1999, 2,985 in 1998, and 1,168 in 1997. The Ombudsman's role still is not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings; however, Amnesty International and APADOR-CH, a nongovernmental organization (NGO) affiliated with the International Helsinki Federation, reported one case in which police used excessive lethal force against a member of the Romani minority.

On May 21, a police officer shot and killed Petre Letea, a Romani man, and wounded Marian Pilos in Bucharest

as they were attempting to escape in a car. Police had stopped to ask Letea what he was doing in a parked car by an apartment block. When told that he was waiting for two friends, police entered the apartment block and found two men attempting to burglarize an apartment. The men fled. One disappeared, while the other, Pilos, got into Letea's car, and Letea drove away. The police officer who had remained on the street opened fire on the car, shooting Letea in the head and killing him and wounding Pilos with a shot in the back. A 1994 law on the organization of the police force allows police to shoot in order to stop persons who are fleeing from attempts to take them into custody. The law also allows the use of firearms against persons who have escaped detention or run away from an escort.

On November 30, Sorin Moldovan, deputy chairman of the Hunedoara County branch of the Party of Social Democracy in Romania (PDSR) was killed by an unknown assailant. It was unclear whether the murder was politically motivated. Moldovan was the head of the Hunedoara customs office and had been sentenced for taking bribes in 1997; the Supreme Court later lifted his sentence.

In several cases of deaths in custody or deaths reportedly due to police brutality during 1999, investigations and trials still are dragging on. There was no progress in the investigation of the death of Aurel Uluiteanu in police custody in September 1999 in Barcanesti. There were no further developments in the case of Cristian-Venus Dumitrescu, who allegedly was beaten by police in September 1999 and died after he "threw" himself out of a third floor window en route to a police station. There was no progress in the investigation of the death of Sevastian Apostol, a Rom killed by police while trying to flee a bar where he had a serious conflict with the owner and other clients. There was no further investigation into the August 1999 case of Elinoiu Toader, who died after being beaten by police. There was no further investigation into the killing of Radu Marian, an unarmed Rom who was killed in October 1999 during a police raid on a group of cigarette smugglers.

According to the Government, the chief of police in Valcele was indicted in June 1999 for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot in the back and killed while in police custody. A lower court found the police officer not guilty, but the prosecutor's office appealed the verdict in May 1999; the superior court's decision still was pending at year's end.

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture and inhuman or degrading punishment or treatment, and these prohibitions generally were respected in practice; however, there were credible reports that police beat detainees and used excessive force.

Amnesty International cited numerous reports of torture and mistreatment. In 1999 in seeking to cover up the death of Elinoiu Toader, a witness allegedly was beaten to induce him to sign a statement that Toader had died as a result of alcohol abuse. At least two other witnesses were threatened similarly (see Section 1.a.).

Romani NGO's claimed that police used excessive force against Roma and also subjected them to brutal treatment and harassment (see Section 5). In one case excessive force reportedly resulted in death (see Section 1.a.).

On January 8, Constantin Vrabie, of Candesti, was beaten severely by police officers in Buzau County. In December 1999, Vrabie had been fined approximately \$30 (600,000 lei) for failure to produce identification and insulting the police. On the evening of January 8 Vrabie, a friend named Valentin Barbu, and two more friends were stopped by three plainclothes policemen who took Vrabie and Barbu to a van and allegedly beat them. The two men were then taken to the Buzau police station. Vrabie was reportedly fined \$10 (200,000 lei) for insulting the police and Barbu was admonished. Medical examination of Vrabie by the Buzau county hospital after he was released noted that he had massive bruises on his eye, lip, and forehead. Marks on Vrabie's lips and eye were still obvious on February 4 when he was interviewed by APADOR-CH representatives. Vrabie reportedly filed a complaint with the military prosecutor's office and challenged his fine. Barbu also reportedly filed a complaint.

On January 25, Silviu Rosioru from Buzau County became involved in an altercation with several police officers from the Buzau intervention unit in a bar. The police threw Rosioru to the floor, handcuffed him, kicked him, and beat him with their batons. Rosioru was placed into a police van and then beaten on the way to Buzau police station. Rosioru was fined \$10 (200,000 lei) for insulting the bar owner and refusing a reasonable request to provide personal identification. Rosioru claims that his signature was falsified on his police report, which claimed that he confessed to these crimes. Police officers allegedly subjected a witness to the incident to pressure and intimidation to ensure that her statement was consistent with police reports. The chief of the Buzau intervention unit was reported by local press reports to have a record of violence. As a result of this case and the Vrabie case, both involving the Buzau County intervention unit, several police officers in the unit, including the commander, were administratively sanctioned, and several were removed from the unit.

On February 14, Alexandru Botu, of Prunaru village in the county of Teleorman, was reportedly beaten seriously by police. Botu had stopped in front of the shop S.C. Dina to talk to some acquaintances. The shop

owner, the brother of Prunaru's mayor, had had an altercation with Botu's brother, beating him, in January. Botu finished his conversation and began to cross the street when he was stopped by the police chief and his deputy and led back to the shop. The shop owner closed the shop and its blinds and left. The policemen proceeded to beat Botu for about half an hour. A villager who heard Botu scream alerted Botu's wife, who rushed to the shop and took Botu home. The next day he was taken to Alexandria hospital where he was diagnosed with a series of deep bruises and two broken ribs. When interviewed by APADOR-CH representatives a month later he was still in poor physical condition.

On May 18, in Bucharest a police officer shot Mugurel Soare, a Romani man, in the head and severely injured him. Police reports claimed that Soare and his brother, Vipan Soare, were chasing their former brother-in-law, Sorin Cutea, in order to kill him. When detained by three plainclothes policeman sitting nearby in an unmarked car, who been informed of the chase by Sorin Cutea, Soare attacked one officer, allegedly injuring him with a knife, and was shot in the scuffle that followed. However, local newspapers later reported that witnesses to the incident claimed that Soare was unarmed. Soare's right side remains paralyzed, and he is unable to speak. He is reportedly unlikely to make a full recovery. The case remained under investigation.

Police reportedly abused journalists (see Section 2.a.).

In April 1998, a policeman with whom he had refused to share a pool game beat Nicolae Iloaie of Tandareni. Iloaie was hospitalized for 90 days. When he asked for a certified medical report for the forensic laboratory, the physician in charge refused to issue it. The case remained under investigation. In May 1998, a policeman shot Marian Ciulei from Brasov in the leg while he was running from a confrontation in a discotheque. The case remained under investigation.

In April 1998, the Government responded to the 1997 report of the U.N. Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Special Rapporteur received allegations of torture and mistreatment of detainees by the police. The Government in its response promised in 1998 to make modifications to the criminal code and to detention regulations, but no such modifications have been made.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive, and that some military prosecutors sometimes block proper investigation of alleged police abuses. The Government declined to provide updated information on cases of alleged police abuse from 1998 and 1997.

Prison conditions do not meet minimum international standards; however, the prison system is improving slowly as efforts increase to bring prisons in line with these requirements. The year's prison budget increased 74 percent over the 1999 budget. There are now a total of 41 penal units, 34 prisons, (an increase from 33 prisons in 1999), 5 prison hospitals, and 2 juvenile detention facilities. Nevertheless, overcrowding remains a serious problem, although it has improved slightly from 1999. On September 22, 49,540 people, including 1,571 minors, were under detention. The legal capacity of the system was 33,464.

In May 1999 a law providing for alternative sentences for minor offenses went into effect. The law provides for community service instead of a prison sentence and is aimed at reducing the prison population.

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

The Government permitted prison visits by human rights monitors, and several NGO's made such visits.

d. Arbitrary Arrest, Detention, or Exile

The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respected this provision in practice. Detention can be extended past the 30-day limit only by a court ruling. Detainees have the right to apply for bail and may ask for a hearing before a judge. Such a request must be granted within 24 hours.

However, police often appear to take advantage of Article 16, Section b in the Police Organization Law 26 of 1994, which states that persons endangering the public, other people, or social order and whose identity cannot be established, can be taken to a police station. Police often use this provision of the law to detain people for up to 24 hours at a police station.

Police often do not inform citizens of their rights. The law requires the authorities to inform arrestees of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement. However, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if aged

between 14 and 16, they have consciously committed a crime. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the Government to change it.

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

Exile was not used as a means of punishment.

e. Denial of Fair Public Trial

Under the terms of a 1992 law, the judicial branch is independent of other government branches; however, it remains subject to influence by the executive branch. Although members of the Senior Council of Magistrates, which controls the selection, promotion, transfer and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council, the Justice Minister may avoid the appointment of members he does not want by simply keeping them off the agenda.

The 1992 law reestablished a four-tier legal system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The 1992 law that reorganized the judicial system divided the Prosecutor General's Office into 16 local offices (paralleling the appeals court structure) and established an office at the Supreme Court; the law also curtailed certain powers of the Prosecutor General, including the right to overturn court decisions and bypass appeals courts by going directly to the Supreme Court.

The law provides for fair public trial and the presumption of innocence. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice the local bar association provides attorneys to the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. These provisions of the law are respected in practice. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court.

In a notable case in January 1999, a criminal appeals court ruled against miners' union leader Miron Cozma and overturned the Government's implicit deal to protect Cozma from prosecution for his role in a miner's strike.

There were no reports of political prisoners.

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

During the year there were no reported instances of interference with individual citizens' right to privacy.

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

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

Legislation that permits citizens access to secret police files kept by the Communist government was passed in 1999. Under the law, any Romanian or foreign citizen who had Romanian citizenship after 1945 is entitled to have access to his file; a council approved by Parliament reviews the files and release the information unless it was a state secret or could threaten national security. The files remain in the custody of Romania's intelligence services. This law has been criticized on the grounds that it exempts files of current employees of the intelligence services for review, and changes the definition of informer to require actual payment. Many informers were unpaid volunteers.

The NGO Romani CRISS reported that on September 26, police evicted 12 Romani families from an apartment building in Bucharest. According to the testimony of the evicted Roma, they did not receive prior notice of the evictions, nor did the police present them with warrants for eviction. During the eviction police reportedly intimidated and harassed the families. The police station chief stated that the eviction was conducted pursuant to the permission of the prosecutor's office of the Sector Three Court of Bucharest. A spokesperson for the Bucharest city government stated that the Roma were illegally occupying the building and that they were housed in a hostel after their eviction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting "defamation of the country" and "offense to authority;" the Government respected the constitutional provisions in practice.

An amended Penal Code passed by Parliament in 1996 rectified many of the shortcomings of the former, Communist-era code. However, the new version is criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. Despite official promises that jail terms would be removed from penalties for libel and calumny, Parliament has yet to amend the relevant sections of the Penal Code. Consequently, Articles 205 and 206 concerning libel and calumny and articles 238 and 239 concerning offense to authority and defamation of character are still in force.

On the recommendation of the Council of Europe, legislation that would reduce the sentence for violating Article 205 to a fine instead of a prison term, and that would decrease a violation of Article 206 to 3 to 12 months instead of the previous 2 to 6 years passed the Chamber of Deputies in June. This legislative package would have abolished Article 238, which criminalizes an offense against authority, along with Article 239, paragraph 1, which establishes a crime of verbal outrage against the authorities. However, the legislation failed to pass in the Senate during the year.

The Government failed to rescind the prohibitions on "defamation of the nation" and "defamation of public officials" used to harass and punish journalists who report governmental or bureaucratic corruption. In 1999 several journalists were arrested and tried during the year for reporting on corruption by local government officials; journalists who were investigating corruption cases were also targets of violence. There were reports of police abuse of journalists. In May police severely beat Valentin Dragin, a Constanta-based journalist, while he was trying to photograph a party hosted by Constanta County's police chief. Dragan suffered several injuries, including a broken leg. He received most of his injuries from press officer Major Marian Saragea. The Interior Ministry still was investigating the matter.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers are published. Several private television stations broadcast nationwide, with the largest reaching approximately 20 percent of the rural and 80 percent of the urban market. There are 72 private television stations and 162 private radio stations. Approximately 2.8 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. Romanian State Television (RTV) and Radio Romania remained at year's end the only national broadcasters capable of reaching the bulk of the rural population. Independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions. A French media group received a license for a private radio nationwide broadcasting operation in 1999 and is operating. Romania plans to bid licenses for another nationwide radio license in the future.

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

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counterdemonstration held at the same time as a scheduled public gathering.

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

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties gain legal status if they have at least 10,000 members. (The minimum membership required was increased in 1996 in order to reduce the number of small parties.) Associations may be granted legal status with proof of only 20 founding members and over 200 supporting members.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally does not impede the observance of religious belief. However, several denominations continued to make credible allegations that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing. The press reported several instances when adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. Members of religious communities not

officially recognized by the Government during the year again accused government officials of harassment--allegations denied by the Government. Proselytizing that involves denigrating recognized churches is perceived as provocative.

Under the provisions of a 1948 decree, the Government recognizes 14 religions. A December 1989 decree reestablished the Catholic Church of the Byzantine rite, or Greek Catholic Church, which had been merged forcibly with the Romanian Orthodox Church by the communists in 1948. Only the clergy of these 15 recognized religions are eligible to receive state financial support. The number of adherents each religion had in the last census determines the proportion of the budget each recognized religion receives. Representatives of minority religious groups dispute the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or simply assigned an affiliation in some cases even without inquiring about religious affiliation.

The Government requires religious groups to register. To be recognized as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organizational, leadership, and management diagrams, and the body of dogma and doctrines formally stated by a religion. Representatives of religious groups that sought recognition after 1990 allege that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church. They also allege that they did not receive clear instructions concerning the requirements and that often the time frame in which a decision on their application has to be made is not respected by the State Secretary of Religions. Not one religious group has succeeded in receiving religion status since 1990. For example, although the Romanian Supreme Court has recognized that Jehovah's Witnesses are a religion, the State Secretariat for Cults and the Military Court of Appeals refuse to do so.

The Government registers religious groups that it does not recognize as "independent religions" either as religious and charitable foundations or as cultural associations. This registration process was simplified, in theory, by a new law enacted on May 1. The Government currently interprets this law as forbidding religious groups registered as associations or foundations from building churches or other buildings designated as houses of worship.

The Romanian Orthodox Church, to which approximately 86 percent of the population nominally adheres, predominates. The official registration of religious associations is extremely slow because of bureaucratic delays; in this regard, smaller religious groups have criticized the State Secretariat for Religious Affairs for its obstructionist tactics in favor of the Romanian Orthodox Church. A draft bill on religious denominations proposed in September 1999, which most religious groups objected to on the grounds it would have increased state control over religious activity and made the Romanian Orthodox Church the national church, was withdrawn in February.

The Greek Catholic Church has made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. Of approximately 2,600 properties to which it has claim, only a handful have been returned. The Greek Catholics say they have received 136 churches, while the Government claims 142 churches have been returned as of this year. The Greek Catholic Church has very few places of worship. Many followers still are compelled to hold services in public places or parks (260 such cases, according to Greek Catholic reports) because most of the former Greek Catholic churches have not been returned. A joint Orthodox and Greek Catholic committee formed by government decree in 1990 has failed to resolve the issue due to Orthodox resistance, despite the scaling back of the Greek Catholic requests from 2,600 properties to 300 churches. Restitution of the existing churches is important to both sides because local residents, who prize tradition, are likely to attend their local church whether it is Greek Catholic or Orthodox. Thus the number of believers and share of the state budget allocation for religions is at stake. The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, largely have not received their property back from the Government. Out of 1,400 to 1,450 buildings claimed by the Hungarian churches, they have received about 10. The Jewish community reported in May that out of 21 properties nominally returned by the Government, it only has obtained actual possession of 5.

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

The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes. Citizens who wish to change their place of work or residence do not face any official barriers. The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice citizens freely exercise these rights.

The 1996 refugee law implemented the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. This legislation established a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Ministry received 807 applications for asylum in the first 6 months of 1999; more recent figures were unavailable.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. In mid-1998 the Interior Ministry and the Labor Ministry began funding programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) is minimal, usually not enough to cover basic needs. The Government provides temporary accommodation in only a few locations; more facilities are to open as funds are made available. Programs for integrating refugees into society are developing slowly. An increasing number of transiting illegal migrants regards the country as a springboard to the West.

There were no reports during the year of the forced return of persons to a country where they feared persecution.

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

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

In November and December the left-center Democratic Socialist Party of Romania (PDSR) won a near majority in the legislature and the PDSR candidate, Ion Iliescu, won the Romanian presidency. The PDSR planned to govern as a minority government. The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread voting fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged credible.

No legal restrictions hinder the participation of women in government or politics; however, societal attitudes are a significant impediment, and women are underrepresented significantly in government and politics. Before the November 26 elections, there were 2 women out of 143 senators, and 25 women out of the 343 deputies in the lower house of Parliament, or 5.6 percent of total seats in Parliament. However, after the November elections, the percent of women in Parliament increased to 9.8 percent. Prior to the November elections, there was one female cabinet member; the current cabinet has five female members.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright (1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. One Romani parliamentarian, the former Romani minority representative, joined the PDSR and sits in the legislature in addition to the one seat provided for Roma by the Constitution and electoral legislation.

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

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections monitoring the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

The Government cooperates with local and international monitoring groups, although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard.

The Ministry of the Interior stiffened conditions for prison visits by human rights organizations in February. The new regulations, which are authorized by internal regulations the Ministry does not release to the public, require the visit be requested by a prisoner, and be announced 3 to 4 days in advance.

With the aim of protecting citizens against abuses or capricious acts of public officers, the Ombudsman's Office envisioned under the 1991 Constitution was instituted by law in March 1997, and its first appointee, Paul Mitroi, took office in June 1997. However, due to a lack of office space, the office began working at normal capacity only at the beginning of 1998; by November it had received 4,255 cases. The office is registering these complaints and is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights but with all facets of citizens' interaction with the Government.

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

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

In September the Government issued emergency ordinance number 137 which outlaws discrimination based on a number of factors and introduces the ability to sue on the grounds of discrimination. An emergency ordinance has the effect of law unless it is nullified by the Parliament.

Women

Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence is common, and a 1999 report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace is not uncommon since their subordinate position exposes them to greater risk. According to UNICEF, the country has an average of 108 sexual incidents per 1,000 women and 41 assaults per 1,000 women. Under a government pilot project begun in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only four persons. It received 490 calls for help during 1998 on a hot line, and registered 230 walk-in victims. The prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. There is no specific legislation dealing with spousal abuse or rape, and successful prosecution of spousal rape is almost impossible. Police are often reluctant to intervene in instances of domestic violence.

In April the Romanian edition of Playboy published a satirical article that explained in graphic detail how to beat one's wife without leaving marks. International and domestic protests led to apologies by Playboy's foreign editors and local publisher, and in July the Romanian edition of Playboy published an article on the costs of domestic violence.

Trafficking in women for the purpose of forced prostitution continues to be a growing problem. Several domestic prostitution rings are active (see Section 6.f.).

The Constitution grants women and men equal rights. However, in practice the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues.

Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. In 1996 the Government created a department in the Ministry of Labor and Social Protection to advance women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled professions, and addresses the problems of single mothers, especially in rural areas. In 1998 this department organized with the U.N. Development Program a series of conferences on "promoting gender politics." An Ombudsman was created within the department for child, woman, and family protection in 1998, but the total budget for women's programs for 1999 was less than \$75,000.

Children

The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas. However, living conditions in all child care institutions very seriously deteriorated in 1999 for financial and administrative reasons and did not improve during the year. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 orphans in state institutions.

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

The prevalence of child labor in the Roma community is widespread (see Section 6.d.).

The sexual exploitation of children continued to attract press attention, and the police staged a few high-publicity arrests of foreign pedophiles. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.). Other issues, such as adequate legislation to protect children, received less attention. The law does not outlaw pedophilia expressly. Instead, pedophiles are charged with rape, corporal harm, and sexual corruption.

People with Disabilities

Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Many disabled persons cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for the disabled to buildings and public transportation. According to official statistics, there were 3,500 disabled children living in state institutions.

Religious Minorities

Most mainstream politicians publicly have criticized anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues. The Romanian Orthodox Church has attacked the "aggressive proselytism" of Protestant and neo-Protestant groups.

In October a 19th century synagogue in Timisoara was vandalized and several religious items were stolen. A Jewish cemetery was desecrated in Turnu-Severin. There was no progress in the investigations of the desecrations of Jewish cemeteries in Galati and Transylvania in 1999. On December 28, two men attacked a guard at the Jewish History Museum in Bucharest and vandalized the exhibit. No arrests had been made at year's end.

National/Racial/Ethnic Minorities

The Department for the Protection of National Minorities has the responsibility to monitor the specific problems of persons belonging to ethnic minorities, to maintain contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

Ethnic Hungarians, numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR party was a coalition member in the ruling Government for most of the year. Many of the issues addressed in the Romanian-Hungarian treaty of 1996 were implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. A government decree on Hungarian-language minority education was enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania.

The Romani population, officially estimated by the Government at 400,000, is estimated by the European Commission to number between 1.1 and 1.5 million. The European Roma Rights Center (ERRC) reported a case of ethnically motivated violence against Vasile Florica, a Rom, and his family in April. Non-Romani villagers in Palos repeatedly beat Florica and attacked his wife and children. Florica filed a complaint with the Military Prosecutor's Office against a police officer and four civilian perpetrators; the case remained under investigation. Romani groups complain of routine police brutality, prejudice, and racial harassment at the local level. Four people arrested, tried, and convicted in a 1993 incident in Hadareni, in which three Roma died in a house burning, were released in 2000 after serving their sentences. The victims are considering appealing to the European Court of Justice, arguing that the sentences given to the perpetrators were too light at 2 to 6 years.

In February Bucharest-based Roma organizations filed charges against Marcel Fluerau, a journalist for the National, for using racist language in an article. On March 21, Radio Free Europe/Radio Liberty reported that Minister of Foreign Affairs Petre Roman stated that the Government had an obligation to "protect 23 million Romanians against the few thousand Gypsies" who were damaging the country's image abroad. The NGO Romani CRISS reported a job announcement, posted in Bucharest's Third Sector Labor Force Office by a private firm called S.C. Guard, which stated, "no Roma accepted." Romani CRISS filed a complaint with the Ombudsman's Office but had not received a response as of October 10. There was no further progress on the ban on Roma in the Iasi County hospital, where Roma who cannot afford to pay for medical treatment and cannot prove that they have medical insurance provided by the State are banned from the hospital. Some steps have been taken toward establishing an institutional framework to improve the conditions of the Roma, but in practice little progress has been made. The Department for the Protection of National Minorities and a working group of Roma associations set up by the Roma community signed an agreement for drafting a strategy for the protection of the Roma minority. However, the Roma office within the GOR is still understaffed with two civil servants. Meanwhile, the Roma population continues to be subject to societal discrimination.

According to Human Rights Watch, the ERRC lodged applications against Romania with the European Court of Human Rights regarding cases of violence and destruction of property in Casinul Nou (1990) and Plaiesti de Sus (1991). These cases had been denied in Romanian courts in part because the statute of limitations had expired before they could initiate final appeals, due to the slowness of the court system. Police in both cases failed to conduct on-site investigations.

Section 6 Worker Rights

a. The Right of Association

All workers except certain public employees have the right to associate freely, engage in collective bargaining, and form and join labor unions without previous authorization. Intelligence, Ministry of Defense, and Ministry of Interior personnel are not allowed to unionize. Trade unions may acquire property, support their member's exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching and research bodies, establish commercial enterprises and banks, and borrow money. Limitations on the right to strike apply only to industries that the Government considers critical to the public interest and to other public employees. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nationwide trade union confederations and smaller independent trade unions.

The International Confederation of Free Trade Unions (ICFTU) 2000 "Annual Survey of Violations of Trade Union Rights" reported that violations of trade union rights continued in practice. The unions reported that the

Government interfered in trade union activities, collective bargaining, and strikes. The requirements to register a union were excessive.

Amendments to Romania's 1991 law on labor disputes in November 1999 brought some improvements and eliminated many restrictions. It widened the scope of the right to strike, although it continues to be difficult to hold a legal strike because of lengthy and cumbersome procedures. Union members complained that unions must submit their grievances to government-sponsored conciliation before initiating a strike, and they were frustrated with the courts' propensity to declare illegal the majority of strikes on which they have been asked to rule. Past studies indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, the financial liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices to "employees." Although the 1991 legislation supports collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Unions representing a wide range of economic sectors carried out strikes during the year, often protesting wage levels that did not keep pace with the rate of inflation. Early in the year, railway workers went on strike and only returned after a court determination that their strike was illegal. Additionally public education was suspended for several weeks until the Government awarded back wages and a pay increase to teachers. Utility company employees, lawyers, defense industry workers, textile workers, and public finance workers also carried out strikes, pressing for higher wages during the year. While most of these strikes ended with government promises to improve wages and working conditions, union leaders complain that these agreements frequently are not implemented.

The November 1991 collective labor dispute law defined the conciliation, mediation, and arbitration procedures under which strikes can be conducted. An important provision from both the labor and management perspective was the establishment of tripartite arbitration panels. The list of arbitrators must be approved by the economic and social council where trade unions and employers associations each have one-third of the membership.

In January 1999 striking coal miners from the Jiu valley launched a march on Bucharest to protest mine closures. Due to previous violent miners' demonstrations the government denied them permission to march to Bucharest. Defying the Government decision, the miners continued on and attacked law enforcement officials. However, the Government succeeded in restoring order, and the perpetrators of the violence were arrested and tried.

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

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania is affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise domestic trade unionists.

b. The Right to Organize and Bargain Collectively

Workers have the legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which are set by the Government.

Antiunion discrimination is prohibited by law.

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

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including that performed by children, and the Ministry of Labor and Social Protection generally enforces this prohibition; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

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

The minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working under dangerous or hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of from 2 months to 3 years, although there is no recent evidence of anyone being charged or convicted under this law. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law. There is no recent evidence of anyone being charged or convicted under this law. The Constitution prohibits forced and bonded child labor, and the Government generally enforces this provision; however, trafficking in girls is a problem (see Sections 5, 6.c., and 6.f.).

A department in the Office of the Prime Minister was established in 1997 responsible for child protection. Local organizations were established in the counties and city of Bucharest to enforce child labor laws. As of September, the Ministry of Labor and Social Protection confirmed that violations of the child labor laws have not been controlled.

There are no accurate statistics of the number of illegally employed children. However, there is growing recognition of the problem. The Ministry of Education reported that 500,000 children under the age of 15 left school in 1997-98, which is approximately 20 percent of the school-age population. The prevalence of child labor in the Roma community is widespread (see Section 5). As the economy continues to restructure and as the gray market grows, the incidence of child labor is expected to increase. In March the ILO and the Ministry of Labor and Social Protection agreed to form a task force to collect data and assist in organizing a national steering committee to combat child labor. The first meeting of the committee was held on July 4. The ILO is to provide \$600,000 to assist 1,500 children to return to school.

e. Acceptable Conditions of Work

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

The Labor Code of 1991 provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. The Labor Code was to be revised during the year. However, trade unions and business associations were not included in the drafting discussion. No agreement could be reached on changes and no new legislation was presented to Parliament by year's end.

Some labor organizations lobby for healthier, safer working conditions on behalf of their members. However, neither the government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them. However, it lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. In 1999 a department was established within the Ministry to conduct comprehensive safety inspections. European Union PHARE funds have assisted in building capacity within the new department. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe work environment.

f. Trafficking in Persons

Trafficking in women is an underreported but serious problem. The law is vague and outdated and does not address trafficking directly. Those involved in trafficking may be prosecuted for such offenses as prostitution and procurement, falsifying documents, assisting individuals to cross borders illegally, blackmail, forced labor, or illegal deprivation of freedom.

Romania is both a source and a transit country for trafficked women and girls. The full extent of the problem is not known, since neither the Government nor NGO's maintain statistics on this issue; however, there is evidence that the problem is growing. The International Organization for Migration (IOM) office in the country reported that during the year about 141 women and girls were repatriated from sexual slavery by December, including 7 from Cambodia and 5 from Moldova. Figures for 1999 were less than 10. The number of individuals prosecuted for prostitution and procurement has been increasing since 1997, but this phenomenon appears to be partially due to an increased awareness of the problem among law enforcement officials as well as to an increase in the activities themselves. The IOM Romania estimates that as many as 20,000 women are trafficked from Romania each year.

It is estimated that there are between 20,000 to 22,000 illegal immigrants, and that part of this total is a result of illegal trafficking. According to official statistics, 28 groups that tried to transit the country illegally were discovered in 1998. Women reportedly were trafficked to Serbia, Macedonia, Turkey, Albania, Bosnia and Herzegovina, Greece, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan and Cambodia. Romania remains a popular transit country for persons, especially women, being trafficked from the Republic of Moldova, Ukraine, and other parts of the former Soviet Union. Iasi and Timisoara are major centers. Romania is also a source country; in 1997 the Government of Turkey deported some 7,000 Romanian women. Authorities in the Netherlands broke up a trafficking ring late in 1999 that victimized some women from Romania. In May of this year, the Romanian embassy in Abu Dhabi had under its protection 3 Romanian women who alleged that they were brought to the United Arab Emirates under false pretenses and were forced to engage in prostitution. Their passports were allegedly confiscated by their traffickers. In August Cambodian police and U.N. human rights officers rescued seven women from Romania and Moldova who had been trafficked and forced into prostitution there.

Women often are recruited to work abroad by friends, relatives, or newspaper advertisements. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women are sold into prostitution by their parents or husbands or are kidnaped by trafficking rings. Ministry of Interior officials reported that trafficking rings appear to be operated primarily by Romanians. Several domestic prostitution rings are active.

No separate IOM statistics exist for children trafficked to other countries. The Romanian NGO Sanse Egale Pentru Femei (Equal Opportunities for Women) reports that cases of trafficking in children rose from 8 in 1997 to 43 in 1999. In 1998, the NGO Save the Children dealt with 101 cases of children, mostly Roma, being taken to Germany and Italy and being forced to work as beggars or petty thieves. Trafficking of girls for prostitution is also a problem. The country has an extensive system of orphanages with approximately 60,000 dependents, and many are complicit in letting girls escape into prostitution. Children forced out of orphanages between the ages of 16 and 18 often have no identity documents, very little education, and few, if any job skills. NGO's estimate that many girls from these orphanages fall victim to trafficking networks.

Legislation is generally inadequate to deal with this issue, and while the Government is beginning to recognize trafficking as a problem, it has not yet been able to mount any effective efforts to combat it. Corruption in the police force, particularly in local forces, also may contribute to the problem. Police officials often deny that Romania is a source country for trafficking; however, acceptance of the problem is slowly growing.

One problem raised by law enforcement officers is that victims transiting or leaving the country may be doing so voluntarily, under the false belief they are accepting legitimate jobs or are unaware of the exploitation they will face if they are aware that they are to be prostitutes. Victims returned to Romania in the past have been prosecuted for the crime of leaving the country illegally, reducing their willingness to return or to cooperate with law enforcement authorities. Because there is no legislation that directly addresses trafficking, victims have no way to press charges against traffickers. The law also does not ensure a woman's safety if she decides to speak out against a trafficker. Legislation for the protection of minors is similarly inadequate.

A very small number of local NGO's deal with trafficking issues. There are two shelters for victims of sexual abuse. Some NGO's expressed fear of reprisal from organized crime groups as a deterrent that prevents them from taking aggressive action against traffickers. NGO's are having some success in providing training for and working with local police forces on trafficking.

Awareness of human trafficking is low. No large-scale awareness campaigns have been launched to publicize the issue and the dangers of accepting employment abroad. The IOM, working with local NGO's, plans to start a campaign in 2001.

The Southeastern Europe Cooperation Initiative's task force on trafficking in human beings met twice during the year. As part of this initiative a seven man police unit of officers fully dedicated to combating human trafficking was established in November and December.

[End.]